

**TOWN OF
CHANNEL – PORT AUX BASQUES
MUNICIPAL PLAN**

**IMPORTANT: To see if there were any changes to
this plan since it came into effect, please refer to:**

List of Municipal Plan Amendments

TOWN OF CHANNEL - PORT AUX BASQUES
MUNICIPAL PLAN 2010

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF CHANNEL - PORT AUX BASQUES
MUNICIPAL PLAN 2010**

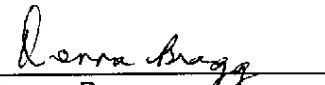
Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Channel - Port Aux Basques:

- a) adopted the Channel - Port Aux Basques Municipal Plan 2010 on the 7th day of September, 2010.
- b) gave notice of the adoption of the Channel - Port Aux Basques Municipal Plan 2010 by advertisement inserted on the 13th day of September 2010 and the 20th day of September, 2010 in the Gulf News newspaper.
- c) set the 6th day of October, 2010 at 7:30 p.m. at the Town Hall, Channel - Port Aux Basques for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Channel - Port Aux Basques on the 2nd day of November, 2010 approves the Channel - Port Aux Basques Municipal Plan 2010.

Signed and sealed this 9th day of November, 2010

Mayor: 
Brian Button

Clerk: 
Donna Bragg

Municipal Plan/Amendment REGISTERED	
Number	<u>1025-2011-002</u>
Date	<u>January 14 2011</u>
Signature	<u>[Signature]</u>

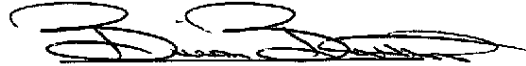
**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF CHANNEL - PORT AUX BASQUES MUNICIPAL PLAN 2010**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Channel - Port Aux Basques adopts the Channel - Port Aux Basques Municipal Plan 2010.

Adopted by the Town Council of Channel - Port Aux Basques on the 17th day of September, 2010.

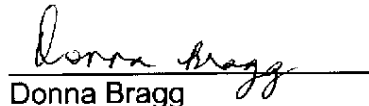
Signed and sealed this 9th day of November, 2010.

Mayor:



Brian Button

Clerk:



Donna Bragg

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Municipal Plan has been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*.

MCIP:

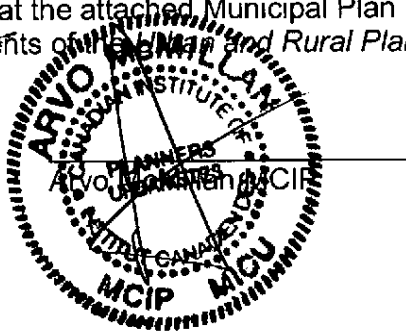




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1 INTRODUCTION

1.1 *The Plan*

This document, called the Channel - Port Aux Basques Municipal Plan 2010, is a review of the Channel - Port Aux Basques Municipal Plan 1986 – 1996 approved in 1996. Prepared pursuant to the Urban and Rural Planning Act 2000, the Channel - Port Aux Basques Municipal Plan contains policy statements and maps approved by Council and registered by the Minister of Municipal Affairs to guide community growth and development for the next 10 years.

The Municipal Plan is binding upon the Town and upon all other persons, corporations and organizations. The Plan must be reviewed by the Town every five years and, if necessary, revised to take account of development that cannot be foreseen during the next ten year period.

When a Municipal Plan comes into effect, Council is required to develop regulations for the control of the use of land, in strict conformity with the Municipal Plan, in the form of Land Use Zoning, Subdivision and Advertisement Regulations. These are also known as the Development Regulations. These are prepared at the same time as the Municipal Plan, and like the Plan, may be amended at any time to include new land uses and specific regulations. The Development Regulations shall deal with matters relating to development and buildings as defined under the Urban and Rural Planning Act 2000, which include in addition to permitted and discretionary land uses, matters such as non-conforming uses, advertisements, subdivisions and permitting requirements.

Development Regulations must comply with the requirements of the Urban and Rural Planning Act 2000, regulations under the Urban and Rural Planning Act 2000 and any other pertinent rules and regulations enacted by the Province, including, the Municipalities Act, and as well, legislation relating to environment, health and safety, agriculture, mines and mineral workings, highways, and forestry.

Development schemes (amendment to the Municipal Plan), design concepts, comprehensive plans, subdivision agreements and concept plans, further implement the Municipal Plan and Development Regulations with more detailed designs, design strategies and policies for roads and other facilities and development.

The Town may reserve land for future acquisition as the site of any public roadway, service or building, or for a school, park or other open space, and may make such agreement with owners of the land as well permit its acquisition and use of these purposes. The Town may also specify the manner in which any particular area of land is to be used subdivided or developed, and may regulate

the construction of buildings which would interfere with the carrying out of any development project.

1.2 Channel - Port Aux Basques and the Municipal Planning Area

The Channel - Port Aux Basques Municipal Planning Area is the area set out under the Urban and Rural Planning Act for planning and regulatory purposes, which along with the Town of Channel - Port Aux Basques, includes the bulk of the Town's water supply area.

The Town takes in an area of approximately 40 square kilometres, while the Planning Area includes an area of approximately 95 square kilometres.

Although the Town has experienced population decline – from 4,637 in 2001 to 4,319 in 2006 (Statistics Canada), the Town of Channel – Port Aux Basques is experiencing some residential growth pressure after a period of relative quiet. Most of the new housing is occurring in the Tavernor Subdivision Area (capacity – 350 single dwelling lots) lying north of Grand Bay West Road (in the last few years about ten homes a year have been built in this subdivision) – an area which had been identified in the 1986 Municipal Plan for residential expansion. This development can be attributed to a strong economic base centred on Marine Atlantic, public services and facilities – hospital, seniors' care, schools, government offices, and so forth and along with the general buoyancy of the Provincial economy, people retiring with good incomes and returning home after a stint out west and the offshore.

Grand Bay East and Grand Bay West are the growth areas of the community, since the traditional communities around the Peninsula and Mouse Island are almost fully built up

More detailed Information about Channel – Port Aux Basques and its Planning Area is contained in the Community Profile.

1.3 Sustainability

Sustainability is woven into the fabric of this Municipal Plan and the implementing Development Regulations.

Sustainability matters – a cornerstone of good planning practice. Section 13 of the Urban and Rural Planning Act 2000 includes environmental and sustainability issues in the catalogue of requirements for a sound municipal plan.

Channel – Port Aux Basques engages sustainability by:

- a) Prudently managing its finances by systematically reducing its debt load and targeting expenditures where they are likely to do improve the health and well-being of the community while attracting new development – through systematic investment in basic services and recreational facilities

- and the Town has initiated a program of treating the waste that goes into Grand Bay;
- b) Ensuring an adequate housing supply through the development of the Tavernor Subdivision as a Town sponsored subdivision and providing options for different housing types and lifestyles throughout the community;
 - c) Protecting and developing trails for recreational use and a healthier lifestyle;
 - d) Preserving the built heritage, supporting heritage initiatives (eg. The Railway Museum), and facilitating the adaptive reuse of existing structures which help to sustain the cultural fabric of the community, and, reduce waste as well adding to the overall appeal of the Town and its quality of life;
 - e) Being conservators in partnership with the Province of the Municipal Stewardship Area and extending the protection to include all major waterways and wetlands, hazard areas and significant natural features – shorelines vulnerable to storm surges and flooding and the height of land between Mouse Island and Grand Bay that is accessed by the Hardy Arterial;
 - f) Upgrading its emergency management procedures and having policies which control development in areas subject to major storm surges – pursuant to the Town's involvement with Exercise Dolphin, the operational part of a study, "Emergency Response to Climate Change on Atlantic Communities", commissioned by Health Canada 2006;
 - g) Completing a Strategic Economic Plan which has had extensive community involvement and is tied to the Integrated Community Sustainability Plan;
 - h) Maximizing the development potential of the port through the adaptive reuse of existing buildings and facilities, and, through a partnership with Marine Atlantic in pursuing options which will increase the capacity of the port for the Marine Atlantic Gulf Ferry service and other port users.

THE MUNICIPAL PLAN – GOALS AND POLICIES

2 GENERAL GOALS AND DEVELOPMENT POLICIES

GOALS

- (1) Accommodate and encourage constructive change that will foster the community and region's economic and social development while adhering to basic principles of economically sound and environmentally appropriate urban and rural development within the Municipal Planning Area and the Town of Channel - Port Aux Basques.
- (2) Achieve a more sustainable community that within the regional and provincial context provides and increases opportunities for residing, working and recreation within the Town and conserves and enhances the marine and terrestrial resources of the community.
- (3) Maintain and strengthen Channel – Port Aux Basques as the Gateway to Newfoundland and Labrador.

DEVELOPMENT POLICIES

All development within the Channel - Port Aux Basques Planning Area shall be managed in accordance with the general land use policies and designations set out in the ensuing sections. These designations are shown on the Future Land Use Maps.

2.1 Future Land Use Designations and General Policies

To identify land for the future development needs of Channel - Port Aux Basques, the following land use designations are established in the Plan and designated on Future Land Use Maps:

Residential
Mixed Development
Town
Public
Open Space
Commercial
Industrial
Rural
Environmental Protection
Environmental Protection Management Unit
Protected Public Water Supply
Highway.

The boundaries between the land use designations set out on the Future Land Use maps are general only and, except in the case of roads or other physical barriers, are not intended to define exact limits. Therefore, minor adjustments may be made to these boundaries for the purpose of implementing the Plan. Unless otherwise designated, small islands are deemed to be designated Environmental Protection.

2.2 General Development Policy

- (1) In addition to any other considerations under this Municipal Plan, the Town may refuse permission for a development where in its opinion services are inadequate or it is uneconomical to provide and maintain these services.
- (2) In order to ensure that development occurs in an orderly manner and that appropriate development opportunities are maximized, subdivisions and other major developments shall be co-ordinated with other existing and proposed developments and the Planning Area's road system and services. These developments may be required to provide for public access to adjacent undeveloped lands. Furthermore, the Town may require that a comprehensive plan of development be prepared and adopted before any development is permitted in a given area.

2.3 Conditions – All Development

- (1) Services and Access – Services and Access must be appropriate to the type and scale of development.

The Town shall ensure that new development makes efficient use of existing roads and infrastructure. The Town shall further ensure that new development will not create unreasonable servicing demands or costs. Wherever deemed necessary by the Town, development shall be connected to the Town's municipal water and sewer system.

Development lacking municipal water and/or municipal sewer services shall be approved by the Department of Government Services before a permit is issued by the Town.

Except for properties within a comprehensive development and uses such as wharves and docks, remote cottages, barns, and so forth which do not front on a public road, all development shall front on a publicly owned and maintained road.

- (2) Uses Generally Allowed In All Designations – Accessory buildings and uses, conservation, public services and public utilities, recreational open space and trails and certain uses requiring access to a body of water (wharves and docks – classed 'transportation uses') are generally allowed in all designations as either permitted or discretionary uses.

- (3) Compatibility of Uses, Buffers and Screening – The Town shall ensure as much as possible that new development will not negatively affect existing and proposed land uses by creating a hazard or nuisance such as noise, dust, odour or unsightly appearance. The Town may require a developer to provide appropriate screening and to undertake other measures to minimize negative effects.
- (4) Non-Conforming Uses – In accordance with the Urban and Rural Planning Act 2000 non-conforming uses legally present at the time of the gazetting of the Municipal Plan and Development Regulations shall be allowed to continue within any designation under the Plan or zone under the Development Regulations. Specific provisions concerning legal non-conforming uses shall be set out in the Development Regulations.

2.4 Agriculture

Higher intensity livestock and related agricultural uses shall be separated by an adequate buffer between existing and proposed residential developments. These agricultural uses shall conform to Provincial Government policies and guidelines with respect to such operations.

Agricultural operations shall be approved by the Agrifoods Development Branch of the Department of Natural Resources.

2.5 Archaeological and Heritage Resources

The Town shall conserve and develop its heritage resources. It shall encourage the preservation of buildings and sites of historic interest in within the Town and Planning Area and by regulation and other suitable means including the designation of selected buildings and sites, and the development of a trail network that links heritage sites and landscapes.

Archaeological sites and discoveries are protected under the *Historic Resources Act, 1985*. If such a site is discovered, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Also, if any major development is proposed, the Provincial Archaeology Office shall be advised before an approval is granted by the Town. This is to ensure that the necessary research is carried out before construction begins.

2.6 Building Near Highways Regulation and Protected Road Zoning Plan

Development along certain Provincial highways and roads is subject to the Building Near Highways Regulation 1997 under the Works, Services and Transportation Act and the Protected Road Zoning Regulations under the Urban and Rural Planning Act 2000.

Development along the Trans Canada Highway up to the Grand Bay Bridge is regulated under the Protected Road Zoning Regulations pursuant to the Urban and Rural Planning Act 2000. However, the Municipal Plan designations and policies override the Protected Road Zoning Regulations, even though a permit is required from the Government Service Centre.

2.7 Comprehensive Development

In order to achieve a higher quality of development than would otherwise be achieved under the standard requirements and/or that would allow for the development of a property which has unusual site constraints – such as steep slopes, rock outcrops and wetlands, the Town of Channel - Port Aux Basques can permit a fully serviced comprehensive development on a large parcel of land that except for overall density and use classes does not otherwise comply with the lot size, frontage, and minimum front, rear and side yard requirements of the zone in which it is located.

The development should provide a higher quantity and quality of open space and environmental protection than is otherwise achievable under the standard requirements. Also, the Town can use this provision to protect heritage sites and culturally significant landscapes while still accommodating development.

The development must be compatible with adjacent development.

The Town shall require that a comprehensive development be connected to municipal water and sewer services.

2.8 Discretionary Uses and Powers

- (1) Unless it is specifically set out as a permitted or discretionary use in the Municipal Plan, the Town may decide that a use should be set out as a discretionary use under the Development Regulations, where:
 - a) it determines that the use could negatively affect the predominant uses of the zone and that in order to mitigate this impact it is desirable to consult with the public and possible affected parties prior to issuing, issuing subject to conditions, or refusing, an approval in principle or permit;
 - b) it is necessary to attach conditions to an approval that differ from the standard conditions under the Development Regulations to ensure that the discretionary use is compatible with nearby uses and the predominant uses of the zone.
- (2) In addition to any other discretionary powers and considerations in the issuance of a permit, the Town in its discretion may refuse to issue a permit or issue it subject to conditions where:

- a) the development is deemed to lack adequate access and services;
- b) the development could or would create a nuisance to nearby properties in the form of noise, odour, traffic or pollution;
- c) it is necessary to ensure that the development conforms to a scheme or plan adopted or approved by the Town;
- d) it is necessary to ensure that the development conforms to applicable provincial and/or federal policies and guidelines.

2.9 Environment

In reviewing an application for a permit, the impact of a development on the land, marine and air environment of the Planning Area shall be considered and Provincial policies on the environment adhered to.

A number of these issues are addressed under separate sections of the Municipal Plan.

2.10 Flooding and Storm Surges

A major storm surge in January 2000 caused significant damage to the south easterly facing portions of the community – Channel and Mouse Island. This storm surge is part of an ongoing pattern of sea level rise and increased storm frequencies in the south west region of Newfoundland.

It seems that most of the damage occurred up to the 8 metre elevation, with some damage occurring as high as the 12 metre elevation above mean sea level.

Not all areas of the Town and Planning Area are equally affected by storm surges. Areas that are well protected by extended beaches and islands such as off Grand Bay are less likely to be affected.

While the general trends in terms of the impacts of climate change are fairly well known, the likelihood of specific events occurring is still relatively unknown. Despite this uncertainty, prudent planning dictates that measures must be taken to locate emergency services and structures housing large numbers of people or structures housing vulnerable populations away from areas that are likely to be affected by flooding and/or storm surges.

- The Town of Channel – Port Aux Basques will seek the assistance of the province in developing a plan that will provide better quality data about sea level rise and storm activity in the community, and which will lead to policies for public and private development in areas most vulnerable to storm activity.
- Unless required for port improvement or other public purpose, natural features, such as beaches, barrier islands, and shoreline vegetation that can mitigate the impacts of storms shall be maintained and protected.

2.11 Forest Resources and Trees

Forestry activities are regulated by the Department of Natural Resources, Forestry Services Branch, and the Town. The Town also has the authority under the Act to protect existing trees and tree stands insofar tree-cutting is technically "development" under the Act.

Tree cover is important in that it helps to smooth out water flows, reduce siltation and pollution of water bodies, maintain water quality and fish habitat, and provide wildlife habitat and opportunities for recreation.

2.12 Mineral Exploration

(1) Subject to the other provisions of this Municipal Plan, mineral exploration which is not classed as development by virtue of drilling, appreciable ground disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.

(2) Mineral exploration which is classed as development can or may be permitted in various designations, provided that adequate provision is made for site reinstatement or landscaping, buffering/and or other mitigations of impacts of mineral exploration on existing or future urban residential, commercial, industrial, institutional and recreational areas and provided that all necessary approvals are obtained.

2.13 Mineral Workings

The Town may provide for mineral workings in areas where there are known aggregate supplies and where there is less likely to be conflict between mineral workings and other uses. Mineral workings can be accommodated in selected portions of the Planning Area, subject to controls that will minimize environmental damage and conflict with other land uses.

2.14 Municipal Stewardship Program

This section of the Municipal Plan treats the matter of the Municipal Stewardship Program which flows out of the Stewardship Agreement. It is to be noted that in the Agreement it refers to "a range of wetland types" which takes in "bogs, ponds, streams, salt marshes, and barachois"

The area covered under this program is designated Environmental Protection – Management Unit.

(1) Under the Stewardship Agreement of August 20, 2003 the Town and its residents became stewards of the wetlands (waterways and other

environmentally sensitive areas) within the Stewardship Zone. When deciding whether or how to allow a new development or endeavour in the Stewardship Zone, the Town shall take into account the value and vulnerability of the potentially affected wetlands (waterways and other environmentally sensitive areas). The Town commits to eliminate or minimize the effects of human activity on wetlands within the Stewardship Zone.

(2) For areas within the Stewardship Zone the Eastern Habitat Joint Venture will provide consultation on wetland habitat enhancement, wetland interpretation, impact assessment and mitigation of wetland development, alternatives to wetland development.

(3) Management Units

- a) Management Units are those waterways and wetlands defined in consultation with the Eastern Habitat Joint Venture as critical to waterfowl.
- b) Since the Management Units are areas on which waterfowl depend for nesting, brood rearing or staging, they require more protection than the Stewardship Zone.
- c) Under the Municipal Plan and Development Regulations these areas are designated and zoned Environmental Protection - Management Units and development and access by motorized vehicles via trails is carefully controlled or in some instances prohibited.
- d) Lands designated Environmental Protection which are also Management Units are shown on the Future Land Use Maps as Environmental Protection - Management Unit to signify that additional restrictions on access and development may be required in sensitive areas, including a restrictions on the use of all terrain vehicles (ATVs) in particularly sensitive areas.
- e) Non-consumptive and non-destructive human activities, like hiking, canoeing and bird-watching are permitted within Management Units.

2.15 Recreational Trails and Walkways

The Town and Municipal Planning Area contain numerous well-known trails, including the T'Railway which are used for motorized and non-motorized recreational purposes.

Most of these trails and the T'Railway are protected under the Plan and Development Regulations to ensure that they continue to play an important role in the recreation, health and sustainability of the community.

The Town may require that any development within a specified distance of a significant well established and clearly demarcated trail and the T'Railway to be reviewed to ensure that development does not negatively impact such trail. Where deemed necessary, the Town may require that a buffer be provided by

the developer. Wherever possible, this buffer shall extend at least 15 metres from either side of the trail for a corridor width of 30 metres.

2.16 Site Development and Subdivisions

- (1) When reviewing a development proposal, the Town shall consider the suitability of a site in terms of steepness of grades, soils and geology, location of waterways and wetlands and shall, when considering approval, ensure that the development has minimal or no negative effects on other properties and bodies of water. Furthermore the Town shall review all development proposals for properties near the marine coast line in accordance with Section 2.10 of this municipal plan.
- (2) If in its opinion, the development of the site having certain characteristics, such as steep or unstable slopes, poor drainage, high water table and so forth, could create problems for the development of the site or nearby properties, the Town can require the submission of a review of the development proposal by a certified engineer, landscape architect or similar professional.

Among other matters, the review shall evaluate the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent properties and bodies of water.

- (3) When a subdivision or any major development is being approved a portion of the development site may be set aside for drainage control and this may include retention ponds, swales and similar facilities. These drainage control facilities shall not be included in the calculation of open space as set out under Section 37 of the Urban and Rural Planning Act 2000.
- (4) The Town may require that a plan of an entire area be approved before a subdivision or development occupying a portion of the area is approved.

2.17 Utilities – Alternate Energy Sources

Within the Planning Area there may be opportunities for public and private groups and individuals to develop alternate energy sources and to reduce demands on the Province's public utility based electrical system.

Wind mills, wind turbines, wind farms and other energy forms, including solar based and small hydro generating facilities – "Utilities" in Schedule B – and associated facilities and services are subject to the approval of the Town and the conditions set out below.

Utilities are subject to the approval of or exemption by relevant provincial and federal departments and agencies and public utilities, including the Mines and Energy Division of the Department of Natural Resources, NALCOR and

Transport Canada. The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment and archaeological resources within the Planning Area, along with other matters that the Town may deem to be significant. Windmills utilities within the built-up areas are limited to single windmills or wind turbines designed to serve particular properties.

To prevent damage to persons and properties due to the failure of a windmill or any of its components or the shedding of ice, the Town shall ensure that there is adequate separation distance between the windmill and nearby structures and properties.

Unless specifically exempted by the relevant agencies, the design, construction and location of a utility shall be certified by a professional engineer who has consulted with the required agencies.

2.18 Waterways and Wetlands

Sound environmental and engineering practice and protection of the Town's amenities make it the general policy of the Town to protect all waterways and wetlands of the Channel - Port Aux Basques Municipal Planning Area.

A protective buffer of undisturbed soil and vegetation shall be preserved along the shoreline of all waterways and wetlands, except very minor ones. Insofar possible the buffer shall be sufficient to prevent erosion, retain natural drainage features, prevent siltation, preserve public access and protect fish habitat.

- (1) Trails and accessory uses and uses, including transportation and marine related industrial uses and certain other uses requiring direct access or proximity to a body of water can be permitted in these buffer areas subject to the approval of the Department of Environment and Conservation and other relevant agencies. Where there are concentrations of such uses, as around the main port, then this is reflected in the designation and zone.
- (2) Where there is existing development within the buffer area development shall be allowed to continue as a legal non-conforming use.
- (3) The matter of adequate and usable legal public access to the waterway may be used as a consideration in the review of an application for a structure within a buffer and/or waterway.
- (4) Any activity that has the potential to affect fish habitat shall be forwarded to Fisheries and Oceans Canada for review.
- (5) The minimum width of a buffer along a waterway or wetland shall be 15 metres from the highwater mark, or 1 in 100 year flood zone, of the stream, river, pond or other body of water or wetland. This 15 metre buffer shall be expanded to 30 metres along the marine coast line and estuaries.

- (6) If the toe of an embankment with an average slope of 30% or more lies within 15 or 30 metres of the highwater mark, or 1 in 100 year flood zone of the waterway, then the buffer shall be measured from the top of the embankment.
- (7) Minor waterways and wetlands which for example are used as drainage courses or are intermittent can be developed or relocated. If a site is to be developed, alternatives to covering over or eliminating such waterways and wetlands shall be explored, including relocation of the waterway or wetland and/or redesign of the development.
- (8) Where a waterway or wetland is designated Environmental Protection, then the water body buffer shall be the Environmental Protection Designation.

3 DESIGNATIONS

3.1 Residential

The Residential Designation is applied to serviced and unserviced and semi-serviced areas that are suitable for residential development, and where it is expected that the predominant land uses will remain or become residential in the future.

Permitted and Discretionary Uses include various types of dwellings, together with residential and non-residential uses that are compatible with the predominant dwelling types. Non-residential uses that can be considered for approval include but are not limited to various types of businesses, medical and personal care facilities, places of worship, education and transportation.

Non-residential uses shall generally be compatible in use, scale and appearance with the surrounding area. Such a use shall not impose a nuisance or hazard on adjacent residential properties. The Town may require a non-residential use to be suitably buffered or screened so as to minimize its impact on nearby residential properties and the character of the residential area.

Section 2.3 (2) uses are permitted, including accessory wharves and docks (transportation use class).

Unserviced and Semi-Serviced Development – The Town may in its sole discretion refuse to issue a permit for an unserviced or semi-serviced development where in its opinion the development is capable of being serviced by municipal water and/or sewer, there are concerns about possible pollution or adequacy of the private water supply and/or the Town is of the opinion that such development could necessitate the provision of any public service beyond what is already being provided in an area. In addition to an approval by the Town, any development on a private water and/or waste disposal system shall require the approval of the Department of Government Services.

3.2 Mixed Development

The large Mixed Development Designation takes in largely built-up areas outside the core Port Aux Basques and Channel which contain a mix of residential, retail and service as well as small marine oriented businesses and activities.

Permitted and Discretionary Uses under this designation include, but are not limited to residential, mercantile, institutional, business and personal services, industrial and transportation uses. However, hazardous industry, scrap yard and solid waste are not permitted in this designation.

Non-residential uses, except where there is already a concentration of commercial or other uses, shall be compatible with nearby residential development.

Section 2.3 (2) uses are permitted, including accessory wharves and docks.

A significant transportation use (such as a large marine structure, marina, marine service centre, etc.) may only be permitted as a discretionary use provided that the use is appropriate for the area and the access and services available to the site.

Municipal Services – All development in this designation shall be connected to the Town's water and sewer system.

3.3 Town

The Town Designation takes in the commercial and residential centre of Channel - Port Aux Basques. It is designed to provide for the conservation and development of the historic core of Channel - Port Aux Basques – 'the Peninsula'.

The unique pattern of streets and streetscapes strongly defines the character of this area and land use policies for this core area reflect its historic character and wide variety of commercial, industrial, port-side, public and residential uses.

The Town shall encourage the restoration, renovation and adaptive re-use of existing buildings and encourage appropriate infill development and as part of this process may pursue the preparation of a development scheme that includes an archaeological survey, an inventory of historic buildings, and streetscape design and improvements.

Before issuing a permit for any development, regardless of whether it is a permitted or a discretionary use, the Town shall consider its impact on nearby uses and the character of the surrounding area and issue a permit, issue a permit subject to conditions, or refuse to issue the permit.

Permitted and Discretionary Uses under this designation include, but are not limited to assembly, residential, mercantile, public, business and personal services, industrial and transportation uses. However, hazardous industry, scrap yard and solid waste are not permitted in this designation.

Non-residential uses, except where there is already a concentration of commercial or other uses, shall be compatible with nearby residential development.

Section 2.3 (2) uses are permitted, including accessory wharves and docks.

A significant transportation use (such as a large marine structure, marina, marine service centre, etc.) may only be permitted as a discretionary use provided that the use is appropriate for the area and the access and services available to the site.

Municipal Services – All development in this designation shall be connected to the Town's water and sewer system.

3.4 Public

The Public designation is applied to sites where there are significant concentrations of public and institutional uses.

Permitted and Discretionary Uses – Within the Public designation the following and uses similar to or compatible with the following uses can be allowed as permitted or discretionary uses, apartment building, child care, club and lodge, collective residential, cultural and civic, educational, funeral home, general assembly, indoor assembly, medical and professional, medical treatment and special care, office, outdoor assembly, passenger assembly, place of worship, protection, row dwelling, theatre and transportation.

Apartment building, collective residential and row dwelling are discretionary uses.

Section 2.3 (2) uses are permitted, including accessory wharves and docks.

A significant transportation use (such as a large marine structure, marina, marine service centre, etc.) may only be permitted as a discretionary use provided that the use is appropriate for the area and the access and services available to the site.

Municipal Services – All development in this designation shall be connected to the Town's water and sewer system.

3.5 Open Space

The Open Space Designation is applied to sites where there are major public recreational open spaces and cemeteries. This designation also takes in the Visitor Information Centre near Grand Bay.

Permitted and Discretionary Uses – Within the Open Space Designation including Section 2.3 (2) uses, the following uses are permitted: cemetery, recreational open space and transportation. Discretionary uses are: antenna, campground, cultural and civic, indoor assembly, outdoor assembly, and theatre.

A significant transportation use (such as a large marine structure, marina, marine service centre, etc.) may only be permitted as a discretionary use provided that the use is appropriate for the area and the access and services available to the site.

Municipal Services – Development in this designation is not required to be connected to the Town's water and sewer system.

3.6 Commercial

The Commercial Designation is applied to major commercial sites, particularly those requiring access and/or visibility from a major road or highway.

Permitted and Discretionary Uses – Within the Commercial designation the following and uses similar to or compatible with the following uses can be

allowed as either permitted or discretionary uses: amusement, antenna, catering, civic and cultural, commercial-residential, fire station, funeral home, general assembly, general garage, general industry, general service, indoor assembly, light industry, office, outdoor assembly, outdoor market, passenger assembly, personal service, police station, service station, shop, shopping centre, take-out food service and taxi stand.

Section 2.3(2) uses are permitted.

A significant transportation use (such as a large marine structure, marina, marine service centre, etc.) may only be permitted as a discretionary use provided that the use is appropriate for the area and the access and services available to the site.

Municipal Services – Development in this designation shall be connected to the Town's water and sewer system.

3.7 Industrial

The Industrial designation is applied to major industrial areas, including the Marine Atlantic facilities.

Permitted and Discretionary Uses – Within the Industrial designation the following and uses similar to or compatible with the following uses are permitted: antenna, catering, communications, general industry, general service, indoor market, light industry, office, outdoor market, passenger assembly, service station, shop, transportation and other uses that form part of the Marine Atlantic Ferry service and other port related activities.

Discretionary uses are hazardous industry, mineral exploration, mineral working and scrap yard.

Section 2.3 (2) uses are permitted except where they may interfere with the development of property for industrial development. Major transportation uses may be regulated as a discretionary use and approval may only be given after a review of the impact of the development on the environment and the Town's infrastructure.

Municipal Services – Development in this designation may be connected to the Town's water and sewer system.

3.8 Rural

The Rural Designation is applied to rural areas, which are appropriate for resource based uses, and certain uses which are not desired in a built-up urban area.

Permitted and Discretionary Uses – The following uses are permitted: agriculture, antenna, conservation, forestry, mineral exploration and recreational open space.

The following uses are discretionary: animal, campground, catering, cemetery, communications, cultural and civic, general industry related to a resource based industry, mineral working, outdoor assembly, scrap yard, accessory single dwelling, solid waste disposal, transportation and veterinary.

Section 2.3(2) uses are permitted, including accessory wharves and docks.

A significant transportation use (such as a large marine structure, marina, marine service centre, etc.) may only be permitted as a discretionary use provided that the use is appropriate for the area and the access and services available to the site.

Municipal Services – Development in this designation is not required to be connected to the Town's water and sewer system.

3.9 Environmental Protection

All development under the Environmental Protection designation is subject to the approval of the Minister of Environment and Conservation before a permit is issued by the Town.

The Environmental Protection designation is designed to protect:

- a) environmentally sensitive areas, including sand dunes, major wetlands and waterways and areas that could be affected by storm surges and flooding;
- b) areas of unusual scenic and/or cultural value;
- c) areas that are unsuitable and/or hazardous for development by virtue of steep slopes and other factors.

Permitted and Discretionary Uses – The only permitted use in the Environmental Protection designation is conservation. Discretionary uses in the Environmental Protection designation are agriculture, mineral working, recreational open space and minor, water access related transportation uses as fishing stages and wharves and slipways.

Agriculture is limited to low impact uses.

New mineral workings are restricted to sites for which mineral workings leases or permits had been granted and which had lapsed. This provision enables these leases and permits to be renewed.

3.10 Environmental Protection Management Unit

All development under the Environmental Protection Management Unit designation is subject to the approval of the Minister of Environment and Conservation before a permit is issued by the Town.

Permitted and Discretionary Uses – The only permitted use in the Environmental Protection Management Unit designation is conservation. The discretionary use in the Environmental Protection Management Unit designation is recreational

open space provided that such a development does not affect sensitive plant and animal habitats.

Notwithstanding Section 2.3 (2) transportation is not permitted in this designation, and public services and public utilities, including roads, may only be permitted at the discretion of the Town.

Where necessary to protect wild-fowl habitat, trails for motorized vehicles can be limited or even prohibited within the Environmental Protection - Management Unit as described under this Municipal Plan.

3.11 Protected Public Water Supply

The Town of Channel - Port Aux Basques obtains its municipal water supply from the Gulf and Wilcox Ponds Protected Public Water Supply Area, which is entirely contained within the Planning Area.

The public water supplies are also designated and protected under the Water Resources Act administered by the Department of Environment and Conservation. All development within the Protected Public Water Supply must be approved by the Minister of Environment and Conservation

The objective is to protect the integrity of the water supply systems so that water quality and volumes can meet the Town's needs over the foreseeable future, and the quality of the water meets the provincial standards.

The uses that can be approved include conservation, appropriate public works and recreational open space and trails.

3.12 Highway

The Highway designation is applied to the Trans Canada Highway 90 metre wide corridor extending from the Planning Area boundary to the Grand Bay causeway. No development, including access, to the Trans Canada Highway is permitted within this corridor unless approved by the Department of Transportation and Works.

March 28 2010

**TOWN OF CHANNEL - PORT AUX BASQUES
MUNICIPAL PLAN 2010
COMMUNITY PROFILE**

TOWN OF CHANNEL – PORT AUX BASQUES MUNICIPAL PLAN 2010 COMMUNITY PROFILE

General

The Town of Channel-Port Aux Basques ("Port Aux Basques") is a community of 4,319 persons (2006 Census) at the south western extremity of the island of Newfoundland. It is the main port of entry for the Marine Atlantic "Gulf" Ferry Service which operates all year around between North Sydney and Channel-Port Aux Basques. Channel – Port Aux Basques is the Gateway to Newfoundland, and despite many attempts to counter its pre-eminent role it continues to play this function. It is the closest port to the mainland and carries a very significant volume of truck traffic – over ninety percent of the perishables come in through this port.

The catchment area of the Town extends from the Codroy Valley to Rose Blanche and contains approximately 8,940 in 2006 down from 9,670 people in 2006.

The closest major communities are the Town of Stephenville (6,588 persons 2006) and the City of Corner Brook (population 20,083 in 2006), located 166 kilometres and 218 kilometres away from Port Aux Basques. The closest airport is located in Stephenville. The airport closest to Corner Brook is the Deer Lake Airport, 51 kilometres east of Corner Brook. Both airports provide daily service to St. John's and other communities.

With service provided by Marine Atlantic Channel, Port Aux Basques is the site of the principal passenger and cargo ferry service between Newfoundland and the mainland. Marine Atlantic also provides service from Argentia and Lewisporte, with the Lewisporte ferry serving Labrador.

Stephenville and in particular, Corner Brook, which is served by the Oceanex container line twice a week, have ports capable of handling large cargo vessels. However, much of the traffic carrying provisions and goods necessary to the island of Newfoundland enter through Channel Port Aux Basques on tractor trailers which fan out along the Trans Canada Highway.

Population

In 1991, the Town's population was 5644, then it fell to 5,243 in 1996 (a decline of 7.1%) and then dropped to 4,635 in 2001 – a decline of 11.6% and in 2006 stood at 4,319 – a further decline of 6.9%.

The number of persons four and under is 200 (185 2006) and the number of persons 65 and over is 755 (695 – 2006). The total population aged 20 to 34 is 590 (715 – 2006), with females outnumbering males 320 to 260. The population of persons aged 35 to 44 is 725 (800 – 2006), with the number of females being 335 and males being 295.

The median age of the population is 46.1, compared to 41.7 for the Province as a whole. This contrasts with median ages of 42.4 and 38.1 in 2006 for the Town and Province respectively.

The total number of dwellings in Port Aux Basques is 1,800 (2006), with 450 of these being rented private occupied dwellings.

Economy

The economy of Channel-Port Aux Basques is in large measure tied to the Marine Atlantic Ferry. In addition to the more obvious direct employment with Marine Atlantic and business generated by passenger and commercial vehicles and travelers (gas, accommodation, meals, etc.) the Marine Atlantic service creates a need for enhanced medical services, marine safety and surveillance (Coast Guard) service, highway maintenance and other public and private services that would be much reduced if the Ferry service were to be sharply curtailed. The Terms of Union prevent its withdrawal.

The major employers in Port Aux Basques are Marine Atlantic followed by service employees in the Provincial and Federal Governments – health, education, administration and in the private sector.

According to Statistics Canada 2006 Community Profile, the industry break down out of an experienced labour force of 1,865 (1,955 – 2001):

- Agriculture and other resource-based industries – 90 persons
- Manufacturing and construction – 225
- Wholesale and retail trade – 335
- Finance and real estate – 70
- Health and Education – 250
- Business services – 470
- Other services – 430.

The 2006 occupational break down of the 1,865 person experienced labour force is as follows:

- Management occupations – 130
- Business, finance and administration – 195
- Natural and applied sciences and related – 125
- Health occupations – 85
- Social science, education, government service and religion – 90
- Art, culture, recreation and sport – 10
- Sales and service – 650
- Trades, transport and equipment operators and related – 440
- Occupations unique to primary industry – 50
- Occupations unique to processing, manufacturing and utilities – 85.

Land Use and Access

The underlying geology is metamorphosed Cambrian or Ordovician sedimentary rocks.

With the exception of the Industrial Park, the built up areas of the of Port Basques lie south of the causeway that carries the Trans Canada Highway across Grand Bay. The Trans Canada Highway (Highway 1) provides the only access to the rest of the Island.

There is another causeway which crosses the mouth of Grand Bay providing access to the industrial Park, the Trans Canada Highway and Grand Bay East and West. This other major road and causeway is the Grand Bay West Road.

Hardy's Arterial provides a direct connection from Grand Bay East to Mouse Island. The Town's two schools and Bruce II Sports Complex (arena) are located along Hardy's Arterial in Grand Bay East. Also located in Grand Bay East are the hospital and the Grand Bay Shopping Mall. The RCMP detachment is located off the Trans Canada Highway close to the Grand Bay West Road.

The traditional centre of Channel Port Aux Basques, located on a rocky peninsula (Figure 2 - called "the Peninsula" in this report) and centred on the east side of the Channel, is heavily built up with narrow streets. This traditional and charming downtown contains the Town Office, the Town Works Depot, Fire Station, the Post Office, Court House, numerous stores including supermarkets, banks and several building supplies outlets, the Western Region Health and Community Services offices and the Port Aux Basques Clinic and Pharmacy. It also has a park next on the shore of Motherlake Bay.

St. Christopher's Hotel is located immediately adjacent the downtown and is included within the downtown.

There are at least 44 apartments in five apartment buildings on the Peninsula in and around Water Street East next to the Channel and back of the Channel on Legallais and Currie Streets. Also there are two major churches and church halls and the Legion located on the Peninsula or what used to be known as the Town of Channel.

The Port

The Marine Atlantic Ferry Terminal is located at the head of the Channel and directly accesses to the Trans Canada Highway. The Terminal property contains fuel and other hazardous liquids storage tanks. The Coast Guard facility is located at the end of Stadium Road next to the main harbour on the Peninsula.

The Channel Port Aux Basques Port Authority manages a section of the Port which is not operated by Marine Atlantic. This facility serves fishing and recreational vessels. It is a popular destination for yachts visiting Newfoundland. The attractiveness and accessibility of the Port have been improved to capitalize on the tourism industry and for the more traditional users of the Port, including, the Gateway Village a cluster of small buildings aligned along a boardwalk designed to be used by businesses during the tourist season.

Fire Protection Services

A thirty person volunteer fire department serves Channel Port Aux Basques. Formerly the fire department used to assist nearby communities, but this role has been reduced since a number of these communities have acquired their own fire fighting services. The fire station is located in the downtown next to the Port.

Water and Waste Disposal Systems

The Town has a municipal water supply system serves the entire community. This system is supplied from the Gulf and Wilcox Ponds Protected Water Supply Area (Figure 1).

Water quality is regularly tested by the Department of Environment and Conservation and has been found to acceptable, albeit with some discoloration. This water supply is designated a Protected Water Supply under Provincial legislation and the Town's own Municipal Plan and Development Regulations.

The Town's water supply is vulnerable to power outages and when that happens Town personnel have to reach the water treatment plant to get the plant operating under emergency power. It may not be possible for staff to reach the plant during a major snowstorm and thus water supply can be cut off.

The Town is served by a municipal sewer system. With the permission of the Provincial Government, sewage is collected and pumped into the surrounding ocean waters. In the older areas many of the homes and businesses in Channel Port Aux Basques have private outfalls into the sea.

The Town of Channel-Port Aux Basques disposes of its solid waste at regional incinerator and landfill site located about nine kilometres from the Grand Bay Bridge towards the Wreck House area. This incinerator is shown on Figure 1.

Environmentally Sensitive Areas - Municipal Stewardship Area

On August 20, 2003 the Government of Newfoundland and Labrador announced the signing of a Municipal Stewardship Agreement with the Town of Channel – Port Aux Basques. This agreement covers the Grand Bay West Area (Figures 1 and 2) for reasons outlined in citations from the Minister of Tourism, Culture and Recreation's press release below.

“Channel-Port aux Basques contains a wide range of wetland types on which waterfowl depend,” said Minister Bettney. “Its bogs, ponds, streams, salt marshes, and barachois are used by ducks and geese for staging, wintering, nesting and brood rearing. It is important that we work cooperatively to ensure these wetlands remain environmentally healthy and biodiverse.”

The endangered species, the piping plover, nests in the Grand Bay West Beach area within the boundaries of Channel-Port aux Basques. This beach also hosts some of the best remaining examples of sand dunes on the island portion of the

province. Furthermore, the area also contains an excellent habitat for a number of bird and waterfowl species, as well as significant salt marshes.

The Eastern Habitat Joint Venture will provide Channel-Port aux Basques with consultation on wetland habitat enhancement; wetland interpretation; impact assessment and mitigation of wetland development; and alternatives to wetland development. The town will also receive a habitat inventory and management plan for the zone.”

The Stewardship Area is indicated on Figure 1.

Critical Facilities

Figure 2 sets out the major critical facilities and groups of services.

Critical facilities include the hospital, medical clinic, seniors' complexes (2), day care centres (1), apartment buildings (5) schools and colleges (3 - St. James Elementary School, St. James High School and College of the North Atlantic), arenas (1 – Bruce II Memorial Arena), Churches, Town Hall, Fire Station, Works Depot, RCMP office, Marine Atlantic, hotels (2 – Hotel Port Aux Basques and St. Christopher's Hotel) and principal centres of activity – namely Grand Bay East, the Downtown and the Industrial Park – which contains a major propane storage facility (retail propane can be obtained from Canadian Tire, Home Hardware and various services stations and other locations).

The major critical facility shown on Figure 1 is the Protected Water Supply, and the access to that treatment Plant.

Municipal Governance – Planning and Land Use Controls

The Town of Channel-Port Aux Basques is a municipality under the Municipalities Act of Newfoundland and Labrador. The Town exercises planning controls under the the Urban and Rural Planning Act both within the Town proper, some 41.4 square kilometres in area, and in the Municipal Planning Area which more than double the size of the Town at approximately 95.5 square kilometres. The Town cannot levy municipal taxes outside the Town boundaries.

Channel-Port Aux Basques has a municipal plan and development regulations (“zoning bylaw”) which it enforces throughout the Municipal Planning Area. It is well known that proper planning can in the longer term reduce the effect of storms and other natural disasters on life and property and eco-systems.

Scenario Impact Areas

Figure 2 shows the 8 metre elevation contour, and then in the presumed impact areas also shows the 4 metre contour. The report by Paul Clay of Seacom Limited sets out the reasoning for the impact areas and the 4 metre elevation. The 8 metre elevation is shown because it seems that the storm surge of January 2000 had its maximum effect in certain built-areas up to this elevation.

The impact areas and the 4 and 8 metre elevations are only shown for exercise purposes and not meant to represent actual or potential impact areas during a major storm.

SOURCES

This Community Profile is a slightly edited and updated version of a report prepared by Arvo McMillan, MCIP for a project that was carried out by Virtual Planning Inc. in association with the Institute of Advancement of Public Policy, Inc. (Colleen Hanrahan), Seacom Inc. (Paul Clay) and Arvo McMillan, Planning Consultant for Health Canada, titled "Emergency Response to Climate Change Impact on Atlantic Communities" in 2006. One of the outcomes of work was an emergency simulation exercise – Project Dolphin – by Seacom Inc.

The primary sources for the original document was data supplied by Colleen Hanrahan and Paul Clay – facilities, scenarios and so forth, Eastern Habitat Joint Venture (Jason Foster), Department of Environment and Conservation (Martin Goebel and Robert Picco for initial information about the January 2000 storm and the Protected Water Supply), Town, Hospital and other web pages for information about the Port and facilities in Stephenville and Corner Brook, mapping and aerial photography supplied by the Mapping and Surveys Division of the Department of Environment and Conservation, a field survey with Paul Clay and his associate on April 10th and 11th 2006 and, Mel Keeping, Town Manager and Barry Spencer, Town Works Superintendent of Channel Port Aux Basques, together with Aneitha Sheaves, former mayor of Channel-Port Aux Basques.

Gerry Musseau, Assistant Manager, Marine Atlantic provided some information about the movement of cargo through the Port. It appears that data is hard to come by on this issue.

FIGURES

