

# **TOWN OF COME BY CHANCE 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**



**Urban and Rural Planning Act**  
**Resolution to Adopt**  
**Town of Come By Chance**  
**Municipal Plan**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Come By Chance adopts the Come By Chance Municipal Plan.

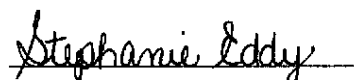
Adopted by the Town Council of Come By Chance on the 02 day of October , 2001.

Signed and sealed this 02 day of October , 2001.

Mayor:




Clerk:



**Canadian Institute of Planners Certification**

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

  
M. Bishop, M.C.I.P.



**Urban and Rural Planning Act**  
**Resolution to Approve**  
**Town of Come By Chance**  
**Municipal Plan**

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Come By Chance

- a) adopted the Come By Chance Municipal Plan on the 02 day of Oct. , 2001.
- b) gave notice of the adoption of the Come By Chance Municipal Plan by advertisement inserted on the 22<sup>nd</sup> day and the 29<sup>th</sup> day of October, 2001 in the Packet newspaper.
- c) set the 8<sup>th</sup> day of Nov. at 7:00 p.m. at the Town Hall, Come By Chance, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Come By Chance approves the Come By Chance Municipal Plan as adopted.

**SIGNED AND SEALED** this 02 day of October , 2001.

Mayor: A. Coffey  
Clerk: Stephanie Eddy

Municipal Plan/Amendment	
<b>REGISTERED</b>	
Number	<u>1135-2002-04</u>
Date	<u>23 Oct 02</u>
Signature	<u>J. [unclear]</u>



# Table of Contents

1.0 Introduction	1
1.1 Purpose of the Plan	1
1.2 Plan Approval	1
1.3 The Effect and Variation of the Municipal Plan	3
1.4 Municipal Plan Implementation	3
1.5 Other Plans for Development	3
1.6 Interpretation	4
1.7 Municipal Planning Area	4
2.0 Planning Context	5
2.1 Population and Employment	5
2.2 Commercial and Industrial Expansion	5
2.3 Environment	6
2.4 Municipal Finance	6
2.5 Land Use Issues	6
2.6 Community Consultation	7
3.0 Policies for Growth and Development	8
3.1 Community Goals	8
3.2 Land Use Objectives	8
3.3 Land Use Policies	9
3.3.1 General Development Policies	9
3.3.2 Residential	10
3.3.3 Urban Reserve	11
3.3.4 Mixed Development	12
3.3.5 Highway Commercial	13
3.3.6 Industrial	14
3.3.7 Rural and Resource Uses	15
3.3.8 Conservation	16
3.3.9 Watershed Protection	20
3.3.10 T'Railway Recreation Corridor	21
3.4 Roads and Services	22
5.0 Implementation	23
5.1 Administration of the Plan	23
5.2 Municipal Budget and Capital Works Program	24
5.3 Development Regulations	24
5.3.1 Considerations for Rezoning	24
5.3.2 Criteria to be Considered	25
5.4 Development Schemes	25
5.5 Municipal Land Assembly	25
5.6 Amending and Reviewing the Municipal Plan	26
5.7 Professional Advice	26
Appendix 1. Come By Chance Municipal Plan Review Background Report	27
Future Land Use Maps 1&2	31





# 1.0 Introduction

---

## 1.1 Purpose of the Plan

The Come By Chance Municipal Plan is Council's comprehensive policy document for the management of growth within the municipal planning area over the ten-year planning period 2001-2011.

The Plan has been drafted following a review of the 1991-2001 Plan and all other land use planning documents pertaining to the Town. Relevant planning issues have been reviewed including a survey and study of land use, population growth, economic base of the Town, transportation, communication, and public services. The results of the work conducted for the review are presented in Appendix 1, ***Come By Chance Municipal Plan Review: Background Report***.

The Plan contains goals, objectives and policies of Council regarding development of the municipal planning area for the next ten years. It is Council's aim, through the Municipal Plan, to promote the health, safety and economic well-being of the community and efficiently utilize land, water, and other resources. The Come By Chance Municipal Plan consists of written text and Future Land Use Maps 1 and 2.

## 1.2 Plan Approval

When the Municipal Plan is formally adopted by resolution of Council under Section 16 (1) of the *Urban and Rural Planning Act*, Council gives notice of a public hearing. At the public hearing a commissioner, appointed by the Council, will hear objections and representations regarding the Municipal Plan, then write a report to Council together with copies of all submissions taken at the hearing.

After the commissioner's report has been submitted, Council consider's the recommendations and may approve the Plan, or approve it with changes that may be recommended by the Commissioner. Council then submits the Municipal Plan and accompanying Development Regulations to the Minister of Municipal and Provincial Affairs to be registered in a planning registry that the Minister shall establish in the Department. The Plan comes into effect on the date notice of its registration is published in the *Newfoundland Gazette*.

### **1.3 The Effect and Variation of the Municipal Plan**

When the Municipal Plan comes into effect it is binding upon Council and upon all other persons, corporations and organizations. The Plan must be reviewed by Council every five years from the date on which it comes into effect and, if necessary, revised to take account of developments which can be foreseen during the next ten-year period.

### **1.4 Municipal Plan Implementation**

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 "Development Regulations" are prepared and approved 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.

Day-to-day administration of the Municipal Plan and Development Regulations will be conducted by staff members authorized by Council, who issue permits for developments approved by Council. Staff will also make recommendations to Council on matters pertaining to development in accordance with the Municipal Plan, and enforce the regulations.

### **1.5 Other Plans for Development**

At any time after the adoption of the Municipal Plan, Council can prepare and adopt development schemes under Section 29 of the *Urban and Rural Planning Act* for the purpose of carrying out specific proposals of the Municipal Plan.

Council may also prepare a development scheme for the acquisition, assembly, consolidation, subdivision, and sale or lease by the municipality, of land and buildings which are necessary to carry out provisions of the Plan.

Council 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 will permit its acquisition and use. Council 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.

## 1.6 Interpretation

In this Municipal Plan:

- “Council” shall mean the Council of the Town of Come By Chance.
- “Development Regulations” shall mean the Come By Chance Land Use Zoning, Subdivision and Advertisement Regulations.
- “Municipal Planning Area” shall mean the Come By Chance Municipal Planning Area.
- “Town” shall mean the Town of Come By Chance.

The boundaries between the different land uses designated in the Municipal Plan are meant to be general, except in the case of roads or other prominent physical features where they are intended to define the exact limits of each category of land use.

Nothing in the Plan shall affect the continuance of land uses which are lawfully established on the date that this Plan comes into effect.

## 1.7 Municipal Planning Area

The Come by Chance Municipal Planning Area was first defined in 1970 and later revised in 1990, is coincidental with the Municipal boundary. The Planning Area is shown in Figure 1.

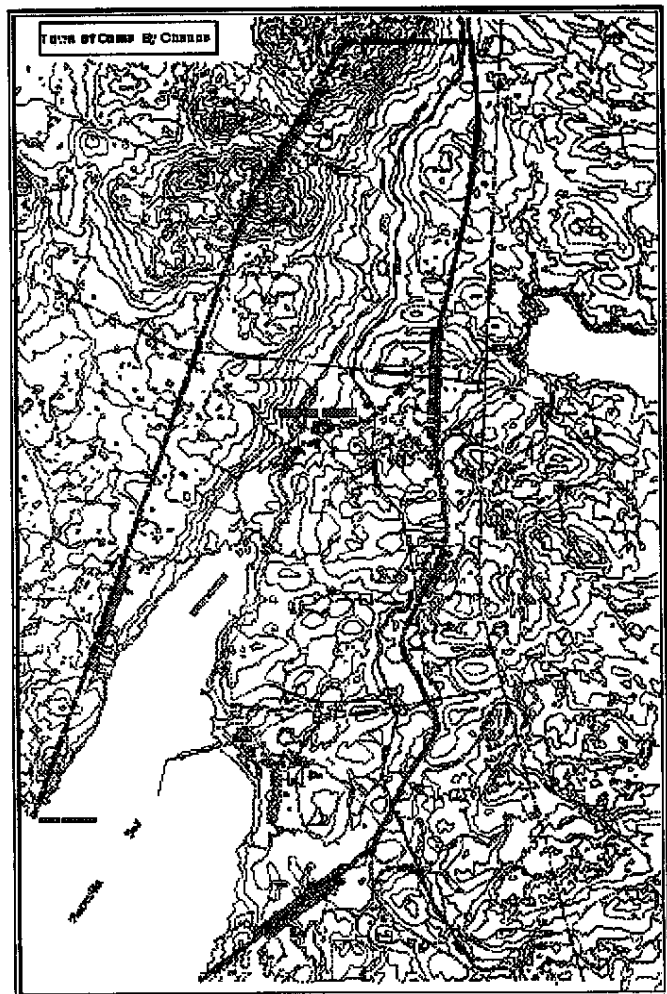


Figure 1 Come By Chance Municipal Planning Area

## **2.0 Planning Context**

---

### **2.1 Population and Employment**

The Town of Come By Chance has maintained a stable population over the planning period, despite expectations of rapid growth pressures from oil and gas development in the region. New development has occurred in the residential sector with infilling along the Main Road and in existing subdivisions. Over the planning period, it is estimated that there will be a need for approximately 50 new residential building lots. With the completion of a piped water and sewer system, the town can now accommodate growth on a fully serviced basis.

Development pressures are evident in a demand for rental accommodations, primarily to house workers at the Bull Arm fabrication yard which no longer has its own worker accommodations camp.

The transient and uncertain nature of industrial employment in the area will result in continuing demand for temporary rental accommodations. Should conditions change to a more stable workforce, movement of families into the town could be expected, generating a need for new residential building lots and retail services. There is currently adequate land set aside for urban development to accommodate new residential growth over the planning period.

### **2.2 Commercial and Industrial Expansion**

While there have been pressures for various kinds of commercial development along the Trans Canada Highway, very little new commercial development has actually occurred within the town.

As the province's oil and natural gas industry grows, it is likely that expansion will occur at the Whiffen Head Transshipment Terminal and the refinery, and may result in other spinoff oil-related industrial development.

Rural uses have been limited primarily to aggregate extraction and some forestry activities at a few sites within areas designated in the Plan for Rural land uses.

## 2.3 Environment

Environmental issues are a growing concern in the town. Air quality issues associated with the Come By Chance Oil Refinery, the protection of the Come By Chance River which is a scheduled salmon river, and various areas of waterfowl habitat throughout the town are of interest to residents. Results of a resident questionnaire indicated that people value and desire the available natural open space within the community and are looking for opportunities for passive recreational activities.

## 2.4 Municipal Finance

With an increased industrial tax base, the town has been able to invest in infrastructure improvements, including improvements to the water and sewer system and the road network. Firefighting services have also been upgraded with the construction of a new fire hall and purchase of equipment. Further residential infilling along the existing main road and in the residential subdivision have also improved the tax base of the town.

## 2.5 Land Use Issues

Development in the Town of Come By Chance has proceeded in an orderly fashion over the planning period. The extent and level of development is not expected change significantly over the next planning period, and there are no significant issues facing the town in terms of land use.

***Future residential development*** - With growth of the community over the planning period, existing lands which have been available for residential development have been taken up. Additional lands are now needed to accommodate growth over the next planning period. With the provision of municipal services new development can proceed on a serviced basis.

***Mix of residential uses*** - Employment at the Bull Arm fabrication yard creates a cyclical demand for worker accommodations in the isthmus region. This need is currently being met by accommodations provided within existing dwellings. However, there have been requests to house workers in work camps, in mobile homes or other types of accommodations.

***Industrial expansion*** - The Whiffen Head Transshipment Terminal, may see some future expansion. The town wishes to take advantage of this possibility by expanding its industrial area south to its boundary with Arnold's Cove to accommodate any oil-related development at Whiffen Head and its expansion northward.

**Open Space** - Residents of the town have indicated a need for the preservation of open spaces for passive recreational pursuits. Land at the mouth of the Come By Chance River, provides a popular recreational area for walking, fishing and nature viewing. This area, and others within the town have also been identified as important habitat for waterfowl.

**Newfoundland T'Railway Park** runs through the community, providing an opportunity for recreational activities. This recreational park must be recognized in the Plan and policies put in place to encourage its development as a linear park.

## 2.6 Community Consultation

During the course of the review of the Come By Chance Municipal Plan, a Public Consultation Process was undertaken to obtain input from residents and various provincial agencies. The Public Consultation Process involved the following:

- A referral to government agencies for comment on provincial interests within the Town;
- A Community Survey;
- Meetings with government agencies where issues had been identified;
- A Community Newsletter summarizing the content of the Municipal Plan; and
- A Public Open House to present background information and the proposed Plan and Development Regulations.

The results of these consultations have been used in the preparation of the Municipal Plan and Development Regulations.

## 3.0 Policies for Growth and Development

---

### 3.1 Community Goals

The following goals have been prepared to guide the growth of Come By Chance over the planning period.

1. **Land Use** - To manage growth in the Town in a manner which ensures orderly development, economic use of municipal services and compatibility between land uses.
2. **Industrial Development** - Provide an adequate supply of industrial lands to respond to rapid and temporary growth arising out of oil-related activities in the Isthmus area.
3. **Housing** - To provide for an adequate quality, quantity and mix of housing to serve the needs of the community, as well as providing housing options for transient industrial workers.
4. **Environment** - To enhance and encourage the preservation of the community's special natural areas and characteristics, such as the scenic coastline, Come By Chance River and other sensitive waterfowl areas.
5. **Recreation** - To provide convenient opportunities for recreational facilities which meet the leisure needs of all age groups.

### 3.2 Land Use Objectives

The Town will work towards the following land use objectives:

- Increase the land available for residential development to meet expected demand over the planning period.
- Encourage local commercial uses and their development along the Main Street of the town.
- Enhance the town for residents and visitors by designating lands to protect public drinking water supplies, environmentally sensitive areas and preservation of waterfowl habitat.
- Encourage further oil-related industrial development.

### 3.3 Land Use Policies

Future Land Use Maps 1 and 2, identify the major land use categories for the town of Come By Chance. The following sections outline the Town's land use policies which will guide development over the planning period.

#### 3.3.1 General Development Policies

The following policies shall apply throughout the Municipality of Come By Chance:

1. **Growth Management** - Residential growth will continue to be concentrated in the existing built up area of the town. Commercial uses will be encouraged within the built up area along the Main Road. Industrial growth will be encouraged to the south, near the oil refinery along Refinery Road and south to the Come By Chance municipal boundary.
2. **Subdivision of Lands** - Proposed subdivision of lands for residential, commercial and industrial development will be subjected to evaluation for conformity with the goals, objectives and policies of this Plan and the requirements of the Development Regulations.
3. **Development Agreements** - It shall be a policy of the Town to enter into agreements for new developments involving the subdivision and/or consolidation of lands for development. Such agreement will be negotiated between the developer and the Municipality for financing and development of services provided to the site, constructed to municipal standards and consistent with the policies of this Plan and the Development Regulations.
4. **Building Design and Character** - The Town will consider the aesthetic character of site and building design in the approval of site plans within all land use designations.
5. **Non-conforming Uses** - Nothing in this Plan shall affect the continuation of a use which was legally established on the day that this Plan comes into effect. Where a building or use exists which does not comply with the intent of the Plan and the designated use, it shall not be substantially expanded. Minor extensions may be approved provided there will be no adverse effects on surrounding properties or the environment and a change from one non-conforming use to another more acceptable use may be permitted.



6. **Road Frontage and Access** - New dwellings shall front on local roads or provincial highways. All non-residential uses shall have direct frontage on streets which are publicly- maintained, either by the Town or by the Department of Works, Services and Transportation. Council shall ensure that all development within the town has suitable road access.
7. **Public Open Space and Parks** - It shall be a policy of Council that public parks, playgrounds and conservation areas may be established in any land use designation in the Planning Area provided that they are not located in areas which may be hazardous to their use.

### 3.3.2 Residential

Residents of the Town of Come By Chance appreciate the low density, rural form of development in the built up area of the town. Over the previous planning period, the town has improved and upgraded its municipal water and sewer system, and can accommodate new development on a serviced basis. The following objectives for residential development in the town are:

- To ensure a high quality in residential subdivision design by encouraging comprehensive development, open space amenities and efficient road networks.
- To encourage new residential subdivision developments in designated backland areas close to the built up area of the community, and in newly serviced areas along the Main Road of the community.
- To provide opportunities for a variety of housing forms within the community.

1. **Residential Land Use Designation** - Lands for residential development are designated on the Future Land Use Maps. Within this land use designation the principal house style will continue to be single detached and double dwellings. However, other housing types such as boarding houses, mobile/mini homes and apartments may also be permitted.
2. **Mobile/Mini Homes** - Within the Residential Land use designation, mobile homes may be sited on standard-sized lots. However, such lots shall not be clustered, except where they may be located in an approved Mobile/Mini Home Park or subdivision. Mobile/Mini Home Parks shall be a minimum of 1.5 hectares in area with a minimum of 15 residential lots. Council shall implement standards for the development of such parks and will consider factors such as site access, parking, street layout, provision of open space, servicing and the aesthetic character of the development.

3. **Non-Residential Uses** - Within the areas designated for Residential development, non-residential service, retail, and light industrial uses may also be permitted in the form of a **home occupation**. These non-residential uses shall be compatible and complementary to the primarily residential character of the area, and the site and service levels shall be suitable for the proposed use. Churches, schools and small-scale agriculture may be permitted, as well as open space recreational uses in the form of parks and playgrounds.

### 3.3.3 Urban Reserve

The original Municipal Plan for the Town of Come By Chance identified a number of areas where future urban development could occur. These areas remained relatively undeveloped over the previous planning period. This Plan retains this land use designation as a means of meeting the following objective:

- To identify and provide lands for the future urban development of the community over the planning period and beyond.

The Future Land Use Map identifies the areas for future urban growth of the community and the following policies have been adopted to implement this objective:

1. **Development** - Lands designated Urban Reserve shall be developed in a phased, comprehensive and economical fashion. Prior to development an amendment to this Plan is required to designate the lands to an appropriate land use. Until required for urban development, these lands shall be retained in a natural state. Rural resource uses, antenna and utilities may be permitted where such uses would not prevent future urban development.
2. **Subdivision Plans Required** - Council will require a development scheme and detailed subdivision plans to be prepared before development can take place.
3. **Servicing** - Lands within the Urban Reserve Land Use designation which are proposed for development shall be designed and phased on a fully serviced basis, with connection to the Town's piped water and sewer system.
4. **Environmental Considerations** - All development shall be sited and carried out in a manner that provides for proper site drainage, avoids erosion at levels below the site and disturbance of large wet areas, and does not contribute to pollution of existing wet areas and bogs. Development on lands with slopes greater than 15 percent shall be reviewed by an engineer or similar professional to ensure that the development will not cause any impacts on adjoining properties due to erosion or drainage.

### 3.3.4 Mixed Development

The town of Come By Chance has no identified commercial centre. With a small resident population, and the proximity of the town to larger commercial centres such as Clarenville, there is limited demand for local commercial uses such stores and personal services. However, as the community grows, there will be a need for commercial uses which cater to the needs of local residents.

Lands fronting on and adjacent to the Main Road contain a mix of residential, limited commercial and recreational uses. The following objectives for development in this area are:

- To provide opportunities for commercial development to serve the local community
- To integrate a mix of residential, commercial and recreational open space development within the built up area of the community.

To implement these objectives, Council adopts the following policies:

1. **Mixed Development Land Use Designation** - The area within the built up section of the community along the Main Road, is designated on the Future Land Use Map for Mixed Development. This area is intended to accommodate a mix of residential, commercial and recreational uses. Residential uses in the form of single and double dwellings, and non-residential uses such as childcare, business and government offices and other professional service uses shall be permitted in the Mixed Use designation. A wider range of non-residential and higher density residential uses may also be considered appropriate, where such uses are determined to be compatible with the existing rural - residential nature of the community. Examples of such uses include retail and service outlets, recreational facilities, churches and schools, tourist accommodations, medical care and treatment facilities, theatres, agriculture, service stations, antenna, utilities, limited industry (as home occupations) and assembly uses.
2. **Commercial Development** - In considering applications for non-residential development in the Mixed Development Land use designation, Council shall give consideration to:
  - (a) The adequacy of vehicle access and off-street parking;
  - (b) Whether the development will create excessive noise or pollution;
  - (c) Whether the development is compatible with adjoining dwellings. Council may require separation from adjoining dwellings in the form of sideyards, screening, or landscaping as a buffer, and other requirements such as off-street parking.

### 3.3.5 Highway Commercial

The Trans Canada Highway forms the eastern boundary of the Town of Come By Chance. Development at the Bull Arm Construction site and its access to the highway has provided the town with an opportunity to encourage the development of commercial uses which would service travellers to the site or the travelling public generally. The objective for highway commercial areas is to

- Provide sites which are suitable for services to the travelling public.

1. **Highway Commercial Land Use Designation** - One site along the Trans Canada Highway is identified on the Future Land Use Map for development of uses catering to the travelling public. Examples of highway and tourist commercial uses include hotels, motels, gas stations, and restaurants. Utilities and recreational uses in the form of camping parks, may be permitted where they are located to the rear of other highway commercial uses with permanent structures.
2. **Highway Function** - For sites fronting on the Trans Canada Highway or its intersections, the safety and efficiency of the Highway shall be the prime consideration in evaluating highway commercial proposals. Except where highway design can accommodate direct access to a site, vehicle access shall be from an intersecting road not from the Trans Canada Highway.
3. **Development Considerations** - Council will establish guidelines and standards to protect highway commercial uses from traffic noise where appropriate, to separate incompatible highway and tourist commercial uses, and to protect the visual amenity of the highway.
4. **Trans Canada Highway** - See Policy 6. Building Control Line, Section 3.4 Roads and Services.

### 3.3.6 Industrial

Industrial lands in the community are located south of the built up area of the town around the oil refinery. The town supports the continued operation of the refinery, and wishes to encourage other related industrial development adjacent to it. The following objectives have been established for the development of industrial lands in the Town:

- To recognize the operations on, and development potential of lands suitable for heavy industry.
- To ensure industrial development is conducted in an environmentally safe and responsible manner.

The following policies shall be used to implement these objectives:

1. **Industrial Land Use Designation** - Lands to the north and south of the refinery area are designated for industrial uses. This area will be reserved for general and light industrial uses and associated transportation and resource extraction activities. Hazardous industrial uses, solid waste storage, treatment and disposal in the form of recycling plants, may also be permitted provided such uses are developed to minimize environmental impacts on the community and other surrounding land uses. Educational uses in the form of industrial training schools may also be permitted in the Industrial land use designation.
2. **Non-Industrial Uses** - Uses which are typically associated with or necessary to the development of an industrial use or area are considered acceptable in the Industrial land use designation. Such uses include an apartment, accommodation, or office space for use by employees of the industrial use. Other uses, such as a retail sales outlet or restaurant may also be permitted where these uses cater to industrial area, or where the type of use supplies products of an industrial nature.
3. **Environmental Protection** - The town will continue to work with North Atlantic Petroleum Limited to ensure that emissions and other environmental issues are addressed, and that environmental protection measures are implemented to reduce negative impacts on the environment.

### 3.3.7 Rural and Resource Uses

Lands not designated for other purposes are considered rural, and are primarily used for limited forestry and aggregate extraction uses. Over the planning period, the objectives for rural areas of the town are:

- To provide lands for the development of natural resources
- To encourage natural resource development in a manner which is environmentally acceptable and compatible with the rural residential nature of the town.

Council has adopted the following policies to implement these objectives:

1. **Rural Land Use Designation** - Lands to be used for rural and resource uses are shown on the Future Land Use Map. Within the Rural land use designation, rural resource uses such as agriculture, forestry and conservation uses will be permitted. Other uses, such as cemeteries, certain general industries, mineral workings, recreational open space and outdoor assembly uses, communications antennae and public utilities may also be permitted.
2. **Industrial Activities** - Industrial uses within the Rural areas identified on the Future Land Use Map, shall be of the type related to a permitted resource use. Other industrial uses may be permitted where it can be shown that the use cannot reasonably be accommodated in the Industrial Land Use designation. No warehousing or wholesale and retail sales activities shall be permitted.
3. **Travel Trailer Park** - Rural land may be used for a rural-type seasonal travel trailer or recreational vehicle park. Such parks shall meet the requirements of the Tourist Establishment Regulations for "trailer establishments" and may be operated during such periods as Council shall determine, with appropriate development standards and abandonment and site rehabilitation requirements.
4. **Development Standards** - All uses except agriculture, forestry and public utilities shall be screened from public roads, residential and commercial areas, and, if appropriate, from other rural uses. Resources, rural amenities and sensitive natural environments shall be afforded protection from adverse impacts. Accesses to roads and highways shall be limited in number and safely located, and uses shall not be permitted which would generate truck or a high volume of traffic through urban areas. Council may require that uses described in this section be operated on a temporary basis and in conformity with prescribed abandonment and site rehabilitation conditions backed by financial guarantees.

5. **Hydro Transmission Lines** - Are identified on the Future Land Use Map. Council will consult with Newfoundland and Labrador Hydro regarding any proposed development within the limits shown on the Future Land Use Map east of the Come by Chance River and within 60 metres of the existing central transmission line (TL202) west of the River.
6. **Sunnyside Waste Disposal Site Buffer** - A portion of the area designated for Rural uses on the Future Land Use Map is located within the Town of Sunnyside waste disposal site buffer area. Development within 1.6 km of the Sunnyside Waste Disposal Site shall be consistent with provincial policy established by the Department of Environment.
7. **Mineral Workings** - mineral working activities shall be carried out in a manner which minimizes disturbance to the natural environment and in particular, protects the visual environment of public roads and areas designated for urban uses.

Council shall establish regulations to control the location and manner in which mineral working activities may be carried out and the degree and manner of the restoration required after removal or permanent termination of such activities.

### 3.3.8 Conservation

Several sensitive environmental areas exist within the town. Land along the Come By Chance River and around ponds identified as important for waterfowl habitat require protection. The following objectives have been established for the protection of sensitive lands in the Town:

- To identify and protect areas of important fish or waterfowl habitat.
- To prevent development in environmentally sensitive areas.
- To encourage the use of natural areas for passive recreation and outdoor education.

The following policies shall be used to implement these objectives:

1. **Open Space/Conservation Land Use Designation** - Lands which are environmentally sensitive or which have been identified as important for wildlife habitat have been designated for Open Space/Conservation. Such areas are to be left in a relatively natural state for scenic purposes, to prevent development

on steep slopes, the protection of wetlands, waterfowl habitat, waterways and coastal areas, or the need to provide buffers between potentially incompatible land uses. Within this designation, recreation uses such as nature trails and nature interpretation are considered acceptable uses. Nature parks, and uses related to recreational marine uses such as wharves and docks may be considered where such uses will not have a negative effect on the environment. Utilities and antenna may also be permitted.

2. **Come By Chance River Nature Park** - the area at the mouth of the Come By Chance River is an important recreational area for residents and visitors. It is also an environmentally sensitive area - the river is a Scheduled Salmon River and the estuary has been identified as providing important habitat for waterfowl. It is the town's intention to develop this area as a nature park, and implement measures to control vehicle access onto sensitive lands at the mouth of the river.
3. **River Protection** - Council will consult Fisheries and Oceans Canada and the Department of Environment regarding buffer protection for any proposed development within 100 m of the **Come By Chance River** and its tributaries.

Council intends that as far as possible the natural features such as topography, beaches and sand spits, tree cover and rock formations shall be retained as a dominant backdrop to the community and the River. The area around the River between the hydro lines north of the community and the sand bars at the mouth of the River are of particular importance.

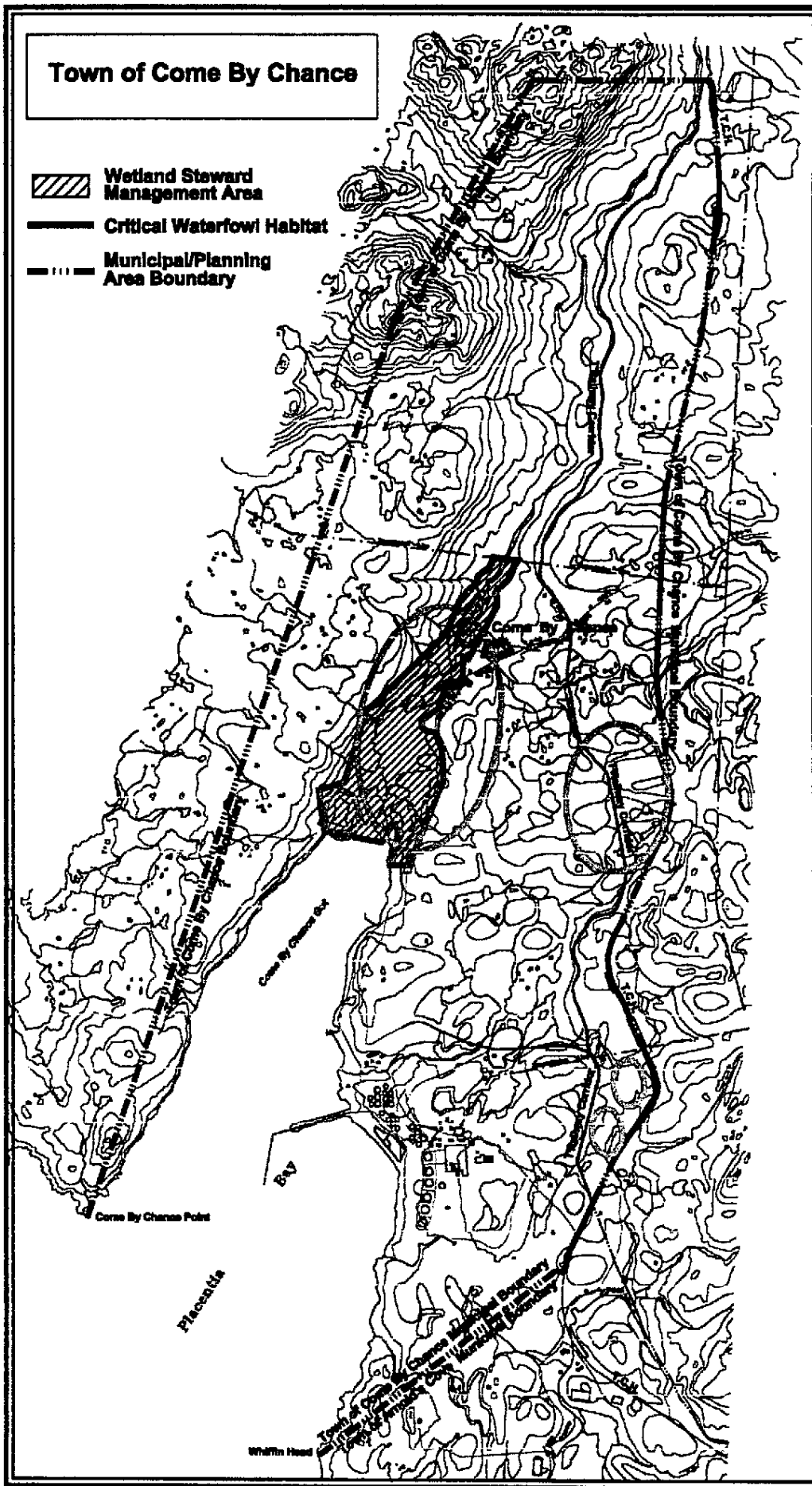
Council intends to continue to liaise with the Department of Forest Resources and Agrifoods for advice on the feasibility and effects of proposals for forestry activity in the River Valley, and with the Department of Mines and Energy regarding aggregate extraction proposals.

3. **Archaeological Resources** - Council shall consult with the Historic Resources Division, Department of Tourism, Culture and Recreation before undertaking any municipal works or considering any applications for development within the area designated as Open Space Conservation along the Come By Chance River.



4. **Wetland Stewardship Agreement Area** - It is the policy of this Plan to protect areas within the town which are part of the Municipal (Wetland) Stewardship Agreement between the Town of Come By Chance and the Department of Forest Resources and Agrifoods. Figure 2 shows the area at the mouth of the Come By Chance River which is included in the Wetland Stewardship Management Area. It shall be the policy of the town to designate the majority of lands within the Management Area (particularly on the east side of the Come By Chance River) for open space and conservation uses.
  
5. **Critical Waterfowl Habitat Areas** - It shall be the policy of Council to protect from development, lands (Shown generally in Figure 2) which have been identified by the Eastern Habitat Joint Venture as containing critical waterfowl habitat. Council will work with the Eastern Habitat Joint Venture to develop a management plan for these areas.

Figure 2.



### 3.3.9 Watershed Protection

There are two Protected Water Supply Areas within the Town of Come By Chance planning area. These are the watershed for the Town's supply of drinking water, and the other, a larger area to the south which supplies water to the oil refinery. Both sources of water are important to the town and should continue to be protected. The following objectives have been established for the protection of these water supplies:

- To ensure a long term supply of good quality, potable water for the town.
- To ensure a continued supply of water for industrial uses in the town.

The following policies shall be used to implement these objectives:

1. **Watershed (Domestic)** - The Town's Protected Water Supply Area is shown on the Future Land Use Map. Within the watershed, uses which support the conservation of the watershed and the protection of water quality will be permitted. Non-polluting public utilities uses may be permitted, provided they do not adversely affect the quantity and quality of water flowing into the intake areas.

Council will monitor the water quality in the watershed and ensure that no development is permitted which would negatively affect water quality.

2. **Watershed (Refinery)** - The Refinery Protected Water Supply Area is also identified on the Future Land Use Map. The area shall remain in its natural state, however, rural land uses such as forestry, agriculture, mineral workings and recreational open space may be permitted provided water quality is maintained at levels necessary for continued use in industrial processes and potable supplies. General industry uses shall be permitted within the Refinery watershed, but limited to sites that front on Refinery Road.
3. **Consultation** - Council will consult the Department of Environment regarding proposed activity likely to affect or lying within the **Watershed (Domestic)** areas. Council will consult with the refinery operator and any other water supply users regarding proposals within the **Watershed (Refinery)** area.

### 3.3.10 T'Railway Recreation Corridor

The Newfoundland Trailway Park is shown on the Future Land Use Map as a linear trail corridor. The T'Railway passes through the protected water supply areas, and center of the built up area of the town. It is Council's intention to encourage the development of this section of the T'Railway for the enjoyment of residents and visitors. The following objectives apply to development of the T'Railway Park:

- To encourage the development of the T'Railway Park as an important feature of the Town's recreational assets
  - To ensure that development does not have a negative impact on the attraction of the park, or the functioning of the park as a linear trail system.
1. **T'Railway Park** - Within the trail right-of-way, uses associated with trail improvement, natural heritage interpretation, rest stops and other facilities and services which would enhance the function and safety of the T'Railway Park are considered acceptable. It shall be a priority of Council to improve and maintain the integrity of this trail, and to work with the Province and various groups and organizations to enhance the trail network.
  2. **Protected Water Supply Area** - The T'Railway Park right-of-way passes through the town's protected water supply area. It shall be the policy of Council to ensure that development of the T'Railway Park will not impair the quality or quantity of water within the water supply area. Within the watershed area, no buildings or structures will be permitted other than those associated with the maintenance of the trail bed, or signs which notify users of the watershed area.

### 3.4 Roads and Services

The Town of Come By Chance has a limited network of streets. The Main Road through the town, and the Trans Canada Highway, are owned and maintained by the province. All other streets in the community are local roads. The Town shall

- Provide for a safe and convenient road network.

To achieve this objective, the town has adopted the following policies:

1. **Road Standards and Functions** - Council will adopt road design standards appropriate to road function, and all road development in the settled area shall conform to the adopted standards.
2. **Municipal Street Network** - The main road from the Trans Canada Highway westwards through the settled area to the end of urban development shall be designated as a collector street. With the exception of the Trans Canada Highway, all other publicly maintained roads in the settled area, outside the Industrial designation, shall be deemed local streets.
3. **Future Access Points** - Council will preserve free of development the access points and future road as shown conceptually on Map 2, in order to ensure that lands for future development are accessible.
4. **Vehicle Access and Parking** - Council will ensure that commercial and other high-traffic- volume uses have properly designed and located vehicular access and adequate on-site parking and loading space.
5. **Trans Canada Highway** - Council will ensure that the Trans Canada Highway remains a limited access highway. Access shall be limited to existing intersecting roads, approved access roads related to the Industrial area and resource development, and any private access which may be approved by the Department of Works, Services and Transportation and the Department of Government Services and Lands.
6. **Building Control Line** - Development within the Building Control Line shown on the Future Land Use Map shall be consistent with provincial policy for Protected Roads.

## 5.0 Implementation

---

The Come By Chance Municipal Plan serves as the blueprint for the community's future development. Municipal services, regulations, and expenditures are a means to encourage the extent and form of new development.

Successful implementation of the Plan involves:

- effective administration of the Plan,
- the adoption of annual municipal and 5-year capital works budgets,
- adoption of land use zoning, subdivision and advertisement regulations,
- preparation and adoption of development schemes,
- preparation and implementation of recommended studies, and
- a consistent procedure for considering amendments to the Plan

### 5.1 Administration of the Plan

For the purposes of administering this Plan, the Future Land Use Maps shall be read in conjunction with the Goals, Objectives and Policies outlined in this document.

Where possible, land use designations coincide with roads, fence or property lines or other prominent physical features, or as a specified offset from physical features. It is intended that no amendment of this Plan shall be required to permit minor adjustments to these boundaries where required.

All development approved within the Planning Area must conform with the policies of this Plan. Council will ensure that development proposals are given a comprehensive review, including circulation to affected public departments and agencies where required.

All development within the Come By Chance Municipal Planning Area requires the approval of Council. Council may refuse or approve applications, with or without conditions. Decisions of Council made according to the provisions of this Plan and the accompanying Development Regulations may be appealed to the appropriate Appeal Board established under the *Urban and Rural Planning Act*.

Council may require that a **Development Agreement** for major land developments within the Planning Area be agreed to and signed by the developer and Council. This agreement shall establish the conditions under which development may proceed and shall be binding on both parties.

## 5.2 Municipal Budget and Capital Works Program

Like most businesses, the Town has a budget which directs annual expenditures. Where and how the Town chooses to spend funds each year can have a significant impact on the future development of Come By Chance.

A public works program will be adopted annually and implemented by Council. This will include a three-year program of work to be undertaken as required by the *Municipalities Act*.

Over the next planning period, the Town intends to undertake a limited number of capital works projects. Those that will be undertaken include road upgrading and development of an The following projects are seen as necessary to be undertaken during the Planning Period. These projects consist of road improvements.

## 5.3 Development Regulations

Once this Municipal Plan has been adopted, Council will adopt Development Regulations pursuant to Section 35 of the *Urban and Rural Planning Act*. The Development Regulations will implement the goals, objectives and policies of the Municipal Plan.

All land within the municipal planning area will be covered by land use zones which provide detailed requirements such as lot size, frontage, building setbacks, and parking standards.

### 5.3.1 Considerations for Rezoning

In order for consideration of any proposals for an amendment to the Development Regulations (i.e. a rezoning), Council shall require a clear proposal to be submitted. Such a proposal must clearly show

- a) The location of the subject property, to scale, showing lot dimensions, area, street frontages;
- b) The means by which the site is/will be serviced;
- c) The proposed location of all driveways and parking areas;
- d) Areas which are to be landscaped and/or buffered;
- e) The proposed location of all buildings on the site.

### 5.3.2 Criteria to be Considered

In its review of proposals for amendments to the Development Regulations, Council shall consider all appropriate policies set out in this Plan and have regard for the following:

- a) The financial ability of the Town to absorb any costs relating to the development;
- b) The adequacy of municipal water and sewer services, or where on-site services are proposed, the adequacy of the physical site conditions to accommodate it;
- c) The adequacy and proximity of schools, recreation and community facilities;
- d) The adequacy of the road network in, adjacent to, or leading to the development;
- e) The potential for the contamination or sedimentation of watercourses or for erosion;
- f) Environmental impacts such as air, water and soil pollution and noise impacts;
- g) Previous uses of the site which may have caused soil or groundwater contamination;
- h) Suitability of the site in terms of grades, soil and bedrock conditions, location of watercourses, marshes, swamps, or bogs;
- i) Compatibility of the development in terms of height, scale, lot coverage and bulk with adjacent properties; and
- j) That the proposal is in conformance with the intent of this Plan and with the requirements of all other Town by-laws and regulations.

## 5.4 Development Schemes

Development Schemes may be prepared during the planning period for areas specified in Section 3.3.3. Development schemes become part of the Municipal Plan, brought into effect in the same way as the Plan, and approved by the Minister as established in Section 30 of the *Urban and Rural Planning Act*.

## 5.5 Municipal Land Assembly

Municipalities are empowered by the Municipalities Act, to acquire lands for municipal works or economic development purposes. Such projects generally entail the Town acquiring parcels of land from private owners or other levels of government for a variety of reasons including:



- a) To facilitate new growth and development in an area which is actively being revitalized or redeveloped where such land assemblies cannot by virtue of time or money be assembled privately;
- b) To facilitate the development of municipal parks, recreation and conservation areas;
- c) To facilitate the development of municipal parking lots;
- d) To encourage or make available lands which by virtue of ownership are not available for development but which are necessary for logical and contiguous growth of the community; and
- e) To facilitate redevelopment of a major non-conforming use where the redevelopment is either a conforming use or is consistent with the Municipal Plan.

During the planning period, Council may undertake land assembly projects and land transactions which are consistent with the objectives of this strategy.

## **5.6 Amending and Reviewing the Municipal Plan**

Since conditions in the Town may change during the planning period, amendments to the Municipal Plan may be adopted by Council from time to time. Council may consider amendments to the Municipal Plan when:

- a) There is an apparent need to change policy due to changing circumstances,
- b) Studies have been undertaken which contain recommendations or policies which should be incorporated into the Municipal Plan,
- c) A Provincial Land Use Policy has been released that requires a change in policy by the Town,
- d) There is a development proposal which provides sufficient information and rationale to support a change in the Municipal Plan.

After five years from the date on which this Plan comes into effect, Council shall review the Plan and revise it if necessary. Revisions will take account of development which can be foreseen during the following ten years. Amendment and review of the Plan shall be carried out in the same manner as this Plan was brought into effect.

## **5.7 Professional Advice**

Council may obtain its own professional advice in regard to any proposed amendment to this Plan, Development Regulations, evaluation of development proposals should circumstances warrant such professional advice.

## Appendix 1.

---

# Come By Chance Municipal Plan Review Background Report

### Population and Households

The population of Come By Chance has remained stable over the planning period. In 1996, the most recent year for which data is available, the population was 300. In the period since 1996, between five and ten building permits for new residential construction have been issued each year.

A young population, 45% of residents in the community are under age 45. Relatively stable employment in the region - at the fish plant in Arnold's Cove, at the oil refinery, and in service industries in Clarendville - support the population and the formation of new families. Building lots in the Shaheen subdivision - formerly a mobile home park, have been converted to single family residential lots. Several new lots have recently been created along one of the residential streets in the subdivision, but the development is almost fully developed. Other infilling lots have been created along the town's Main Road.

Over the planning period, new lots will be needed to accommodate growth. Based on current development trends, as many as 50 new lots could be required over the planning period. With the availability of servicing along the Main Road, and lands currently designated for residential development, there is no shortage of land available to support increased residential development in the community.

Come Bye Chance has a relatively high percentage of rental accommodation. In 1996, there were 95 dwellings in the town, of which 15 % were rental units. Construction employment at the Bull Arm construction site has generated demand for rental accommodations. This demand is currently being met through the creation of accommodations - basement apartments, board and lodging - in existing single dwellings. It is expected that this demand will continue, although it is expected to fluctuate with changes in employment at the fabrication yard..

## **Economic Base**

Employment is expected to remain steady in the isthmus area over the planning period. Expansion of the Transshipment terminal may occur, and the oil refinery will continue to be a significant employer in the community. The Bull Arm fabrication yard, while not a significant employer of long term residents of the town, does have an indirect impact of the town's economy in the demand it creates for rental accommodation.

Fourteen percent of the population of the town are employed in resource industries - primarily the fishery. Several inshore fishers operate out of the wharf at Come By Chance, and a number of residents work in the fish plant at Arnold's Cove.

## **Commercial and Community Service Uses**

Commercial outlets and service establishments are located on scattered sites along the main road east of the community centre. Similarly, the Town Hall, outpatient clinic, post office, new fire hall, church and community centre are also on or near the main road.

Commercial, small-scale industrial, and community service uses will continue to locate on the main road or nearby, along with housing. There will be some demand for sites on the Trans Canada Highway to provide highway commercial uses.

Recreational facilities have been developed in the central area of the town. A ball field has been constructed and there are plans for an arena in the same area. The T'Railway Provincial Park also runs through the town from north to south, intersecting the built up area of the town. This important recreational corridor provides opportunities for hiking, cross country skiing and snowmobiling, for residents and visitors alike. The Plan will need to contain policies to address the presence of the T'Railway corridor and the type of development that should be permitted along it.

## **Industrial Uses**

The Come By Chance oil refinery is the most significant industrial use in the town. It occupies a significant land area in the south of the town, and over the planning period has undergone significant upgrading to improve its environmental performance and to reduce emissions. Other small industrial uses also have located in the south of the town near the intersection of the main road and the Trans Canada Highway. The southern portion of the town will continue to be a significant industrial area, separated from the built up area of the town by two protected water supply areas - one used by the oil refinery, the other by the town.

## Services

Over the previous planning period, the town has undertaken the installation of piped water and sewer services and today, residential development in the town is completely serviced.

The town water supply is now developed, with a local stream (between community centre and new fire hall) and associated ponds as the water source. A storage reservoir has been developed at the east end of the community.

Sewage collection and disposal includes an outfall outside the sandbanks at the mouth of the Come by Chance River. This was recently upgraded to extend the outfall further into Come By Chance Bay.

The refinery relies on an extensive watershed for its water supply. The watershed lies between the built up area of the town and the refinery site.

## Rural Area and Natural Resources

The extensive rural parts of the Planning Area lying beyond the community and the refinery have been used for limited resource development. Limited forestry, agriculture and aggregate extraction activities have occurred throughout the planning area over the past decade. However, such activities are limited. One aggregate extraction site exists in the town south of the built up area of the community.

The Come By Chance River is a scheduled salmon stream with wide sand bars at the mouth. The valley is a scenic backdrop to the community, and recreation trails have been developed there and along the abandoned rail line.

The area at the mouth of the Come By Chance River has also been identified as important habitat for supporting waterfowl populations, both at the mouth of the river, and around several ponds in the planning area. The town has signed a Wetland Stewardship Agreement with the Department of Forest Resources and Agrifoods agreeing to protect these areas, and a management plan has been prepared to assist the town in preserving and enhancing and the area for waterfowl populations. The Municipal Plan should identify these areas and include policy statements in accordance with the Stewardship Agreement.

South of the community the more barren areas contain the refinery watershed and the Town water supply.

## **Community Survey**

As part of the Plan review process, a Community Survey was conducted. The questionnaire was mailed to all households in the town. Of the 120 households, 13 responded to the questionnaire. However, the responses indicated the following:

1. Residents enjoy the quiet, rural atmosphere of the town.
2. There is support for more opportunities for recreation within the town
3. Upgrading of public streets should be a priority for Council
4. Residents support the accommodation of workers at the Bull Arm Construction Site in the town, primarily in existing homes, rather than in worker accommodations
5. Mobile homes are acceptable forms of housing, but residents want them to be kept in good condition.
6. Residents welcome opportunities to voice their opinions and appreciated Council's efforts to consult them.



## **Future Land Use Maps 1&2**

