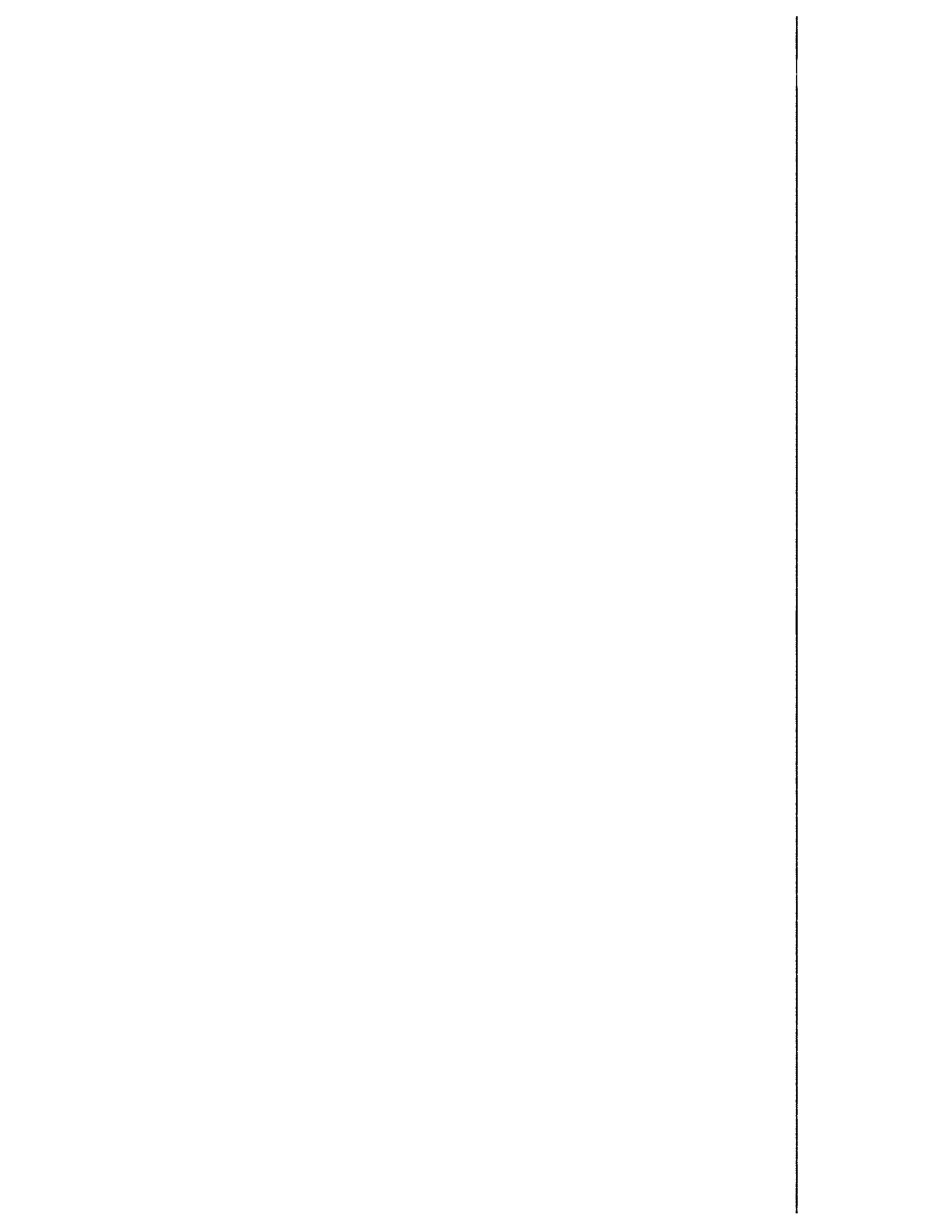


TOWN OF SANDY COVE MUNICIPAL PLAN

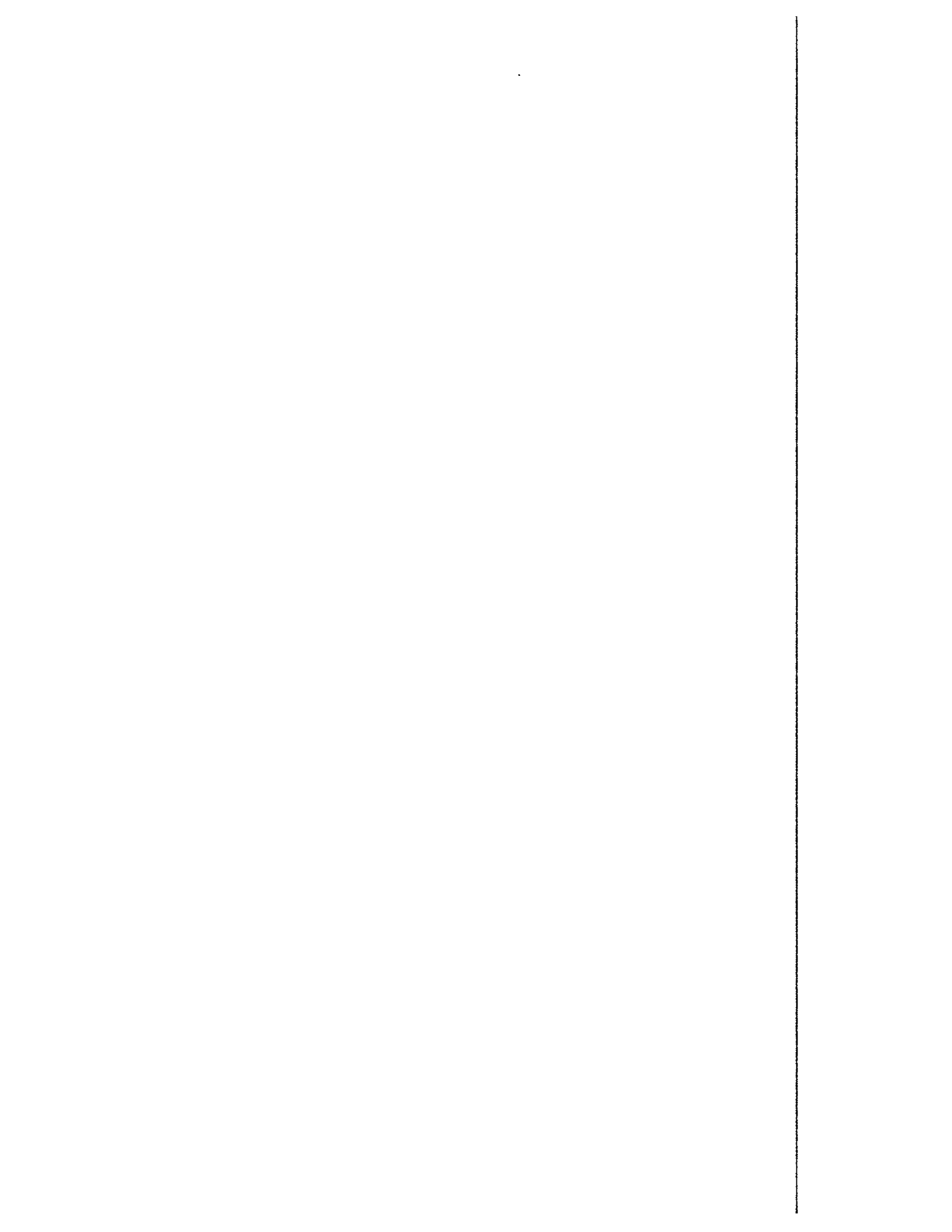
IMPORTANT: To see if there were any changes to this plan since it came into effect, please refer to:

List of Municipal Plan Amendments



TOWN OF SANDY COVE

**MUNICIPAL PLAN
2009 – 2019**



URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE

TOWN OF SANDY COVE MUNICIPAL PLAN 2009-19

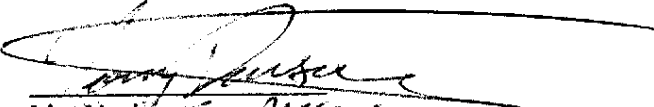
Under the authority of section 16, section 17 and section 18 of the Urban and Rural Planning Act, 2000, the Town Council of Sandy Cove

- a) adopted the Sandy Cove Municipal Plan 2009-19 on the 14 day of September, 2009,
- b) gave notice of the adoption of the Sandy Cove Municipal Plan 2009-19 by advertisement inserted on the 29 day and the 5 day of Oct + Nov, 2009 in the Gander Beacon newspaper.
- c) set the 17 day of Nov at 7:30 p.m. at the Town Hall, Sandy Cove 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 Sandy Cove approves the Sandy Cove Municipal Plan 2009-19 as adopted.

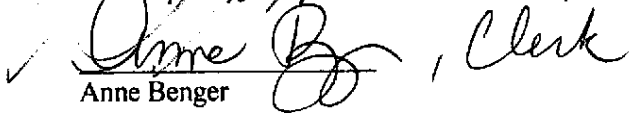
SIGNED AND SEALED this 7 day of Dec, 2009

Mayor:

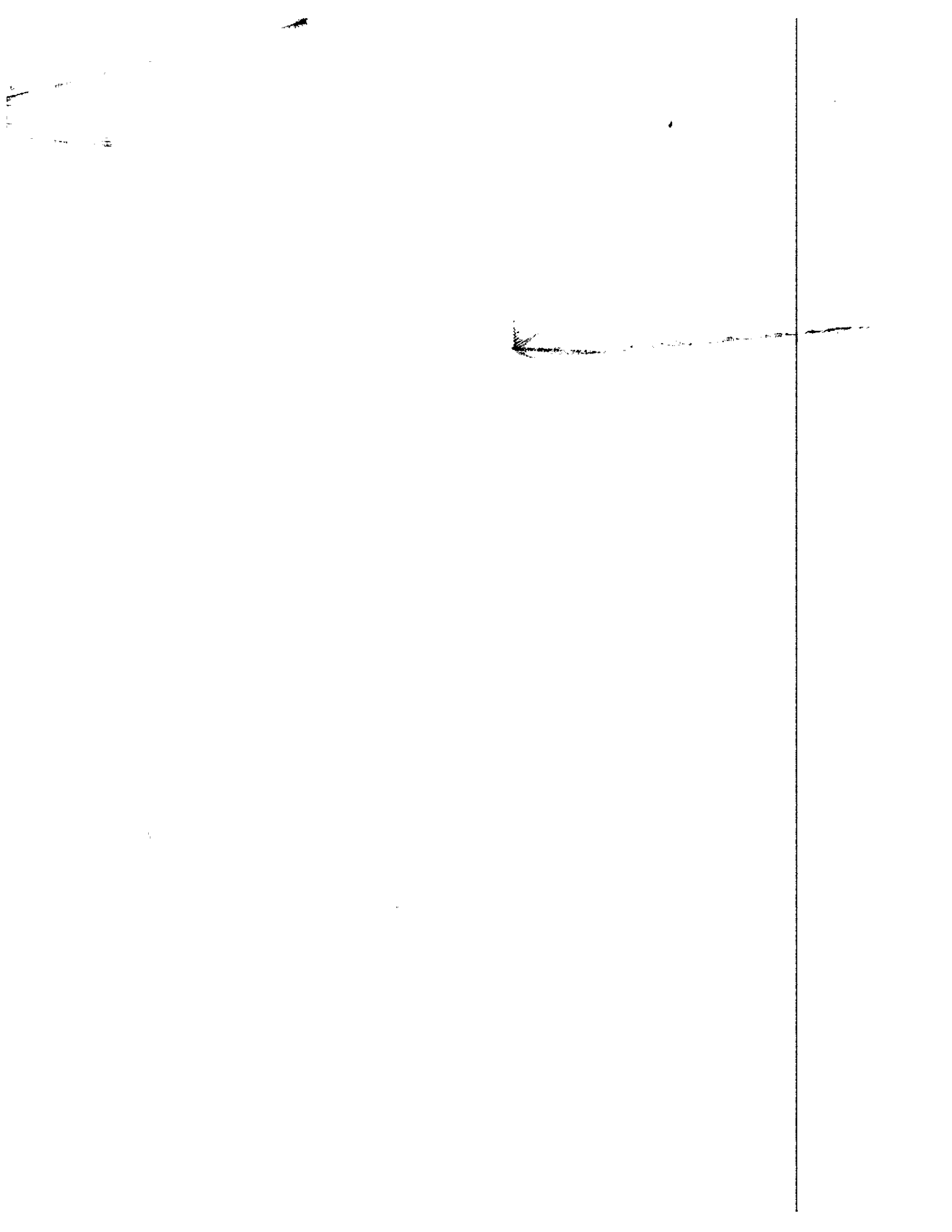

~~Lisa Napier~~ TONY PARSONS

(Council Seal)

Clerk:


Anne Bengier, Clerk

Municipal Plan/Amendment	
REGISTERED	
Number	<u>4515-2010-001</u>
Date	<u>April 12, 2010</u>
Signature	<u>[Signature]</u>



URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

TOWN OF SANDY COVE MUNICIPAL PLAN 2009-19

Under the authority of Section 16 of the Urban and Rural Planning Act, 2000, the Town Council of Sandy Cove adopts the Sandy Cove Municipal Plan 2009-19.

Adopted by the Town Council of Sandy Cove on the 14 day of September, 2009.

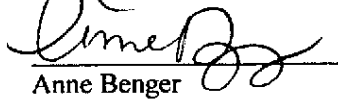
Signed and sealed this 14 day of September, 2009.

Mayor:


Lisa Napier

(Council Seal)

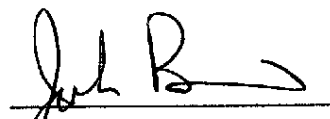
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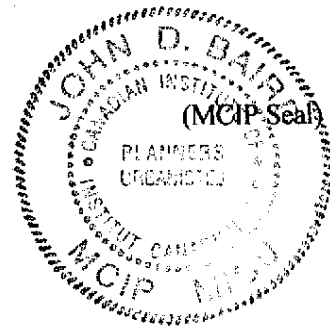

Anne Bengier

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Sandy Cove Municipal Plan 2009-19 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2009.

MCIP:


John Baird



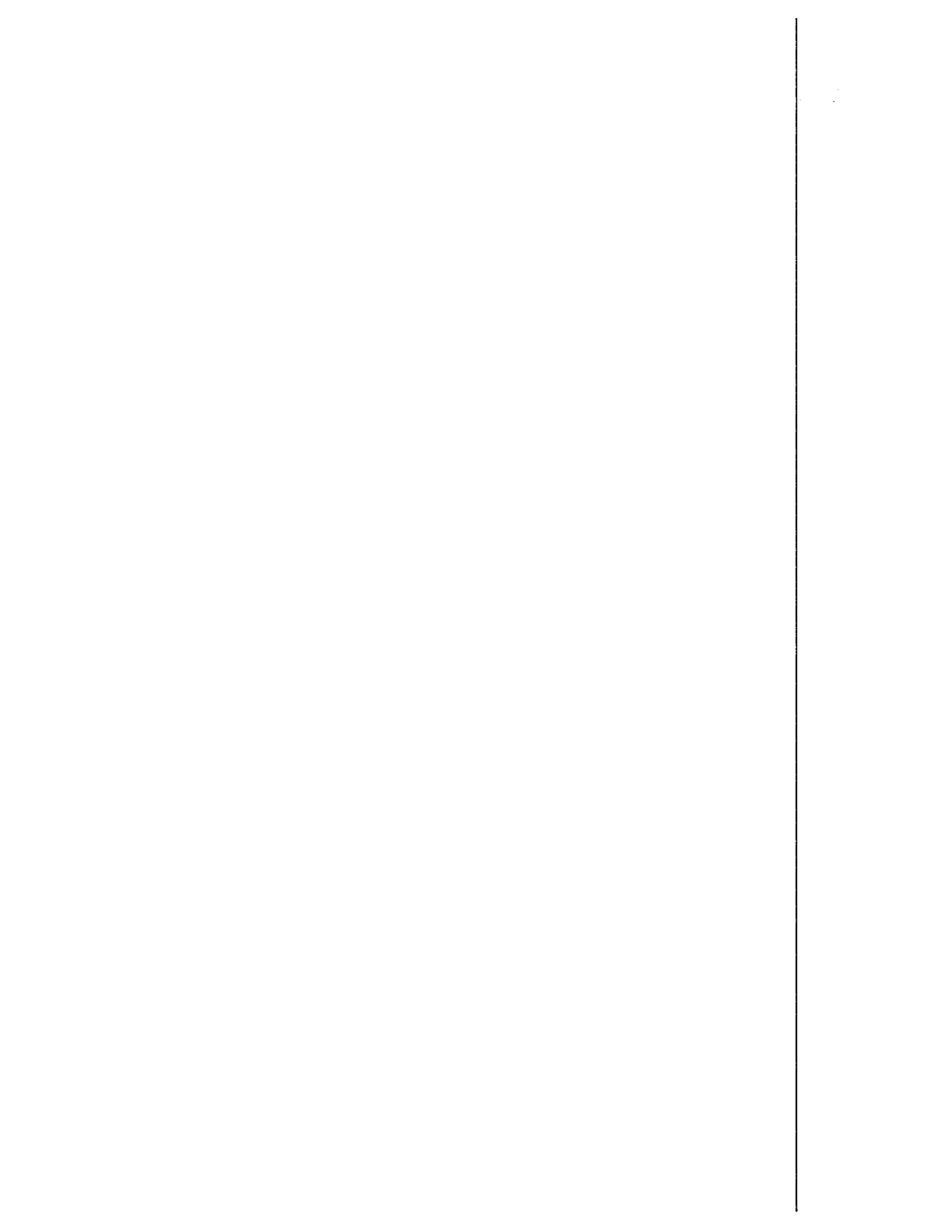
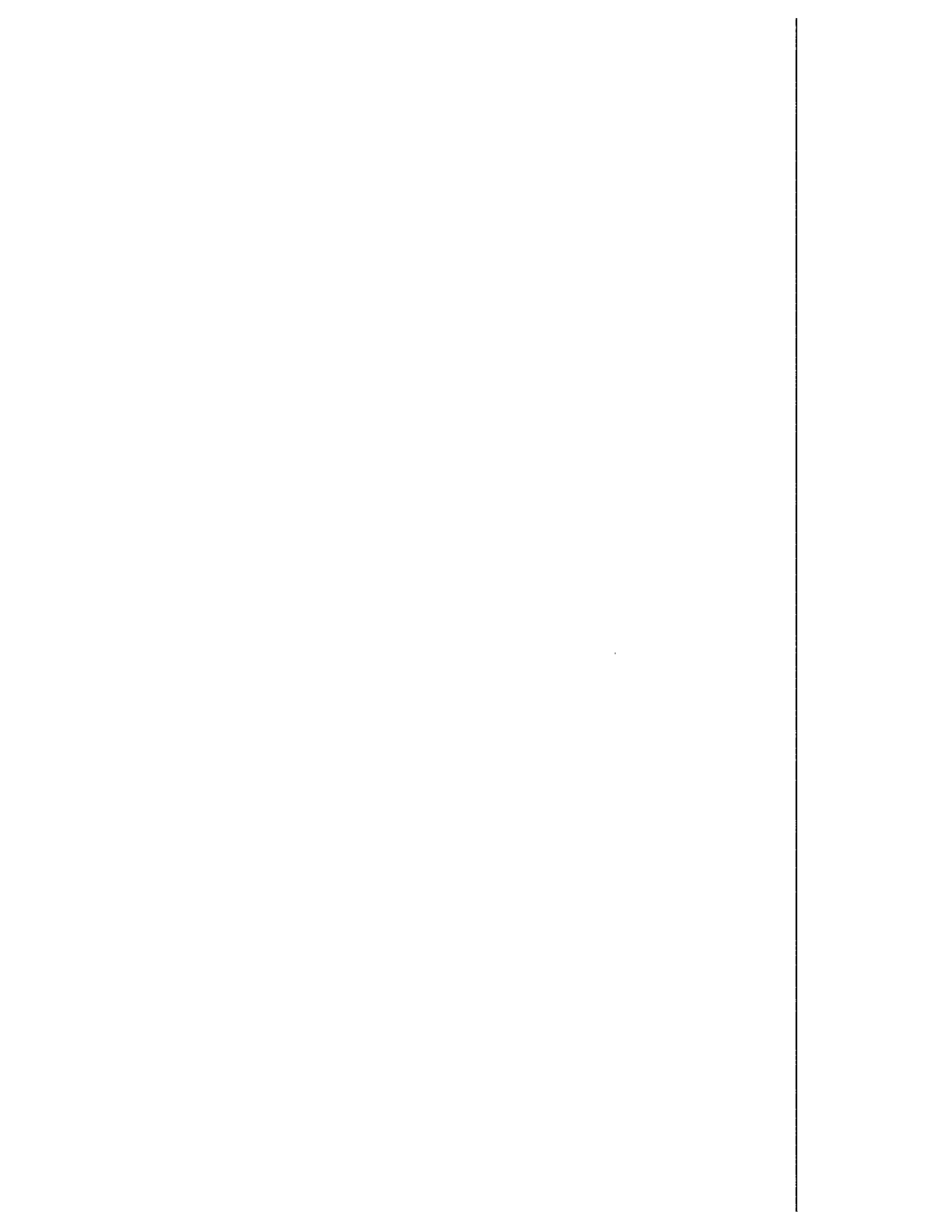


TABLE OF CONTENTS

1.	INTRODUCTION.....	1
1.1	Foreword	1
1.1.1	Contents of the Sandy Cove Municipal Plan	1
1.1.2	Bringing the Municipal Plan into Effect	2
1.1.3	Administering the Municipal Plan	2
1.2	Background Review	3
1.2.1	Sandy Cove Planning Area and Municipal Area	3
1.2.2	Economy and Population	3
1.2.3	Land Use Issues	8
1.2.4	Municipal Services.....	10
2.	GOALS AND OBJECTIVES.....	11
2.1	Community Structure and Character	11
2.2	Economy	12
2.3	Commercial and Industrial Development	12
2.4	Housing	13
2.5	Culture, Recreation and Open Space	13
2.6	Transportation	14
2.7	Environment.....	14
2.8	Municipal Finances.....	15
3.	LAND USE POLICIES	16
3.1	General Policies	16
3.1.1	General Land Use	16
3.1.2	General Environmental Policies	23
3.2	Environmental Protection	25
3.3	Residential.....	27
3.4	Rural.....	31
3.5	Transportation	33
3.5.1	Roads.....	33
3.5.2	Provision for the Disabled	35
3.6	Municipal Services.....	35
4.	IMPLEMENTATION	37
4.1	Municipal Plan Administration.....	37
4.2	Public Works Program	41
4.3	Development Regulations.....	42
4.4	Development Control.....	42
4.5	Procedure for Amending the Municipal Plan	44



1 INTRODUCTION

1.1 Foreword

The Sandy Cove Municipal Plan establishes land use designations and policies for the future development of the Municipality by setting out a 10-year land use strategy. The Municipal Plan incorporates lands included within the Sandy Cove Municipal Boundary and Planning Area Boundary. The intent of the Municipal Plan is to provide for a safe, healthy, and prosperous community while conserving the financial and material resources of the Town Council and residents of the town. The Sandy Cove Municipal Area is the same as the designated Planning Area.

The Municipal Plan was prepared according to Section 13 of the Urban and Rural Planning Act. It guides the physical improvement and future growth of the Town by identifying locations for, and issues and opportunities associated with, various types of land use and development. The Municipal Plan provides the basis for the Development Regulations (land use, zoning, subdivision and advertisement regulations), which Council will administer through development and subdivision permits.

1.1.1 Contents of the Sandy Cove Municipal Plan

The Sandy Cove Municipal Plan, comprising this report and its accompanying maps, is a legal document when adopted by Council and registered under the Urban and Rural Planning Act. It contains:

- The aims of Council (goals, objectives, and land use policies).
- The land use plan for future development.
- The timing and cost of recommended capital works over the next five years.

The Background Review, presented in Section 1.2 of this report, describes the conditions existing when the Sandy Cove Municipal Plan was prepared (2007/08) and provides the

rationale for the land use policies of the Plan. The Background Review does not form part of the legal document.

1.1.2 Bringing the Municipal Plan into Effect

The Urban and Rural Planning Act sets out the process for bringing the Sandy Cove Municipal Plan into effect. Upon completion of the Municipal Plan, Council submits all relevant documents and maps to the Department of Municipal Affairs to review the document for conformity to the Act and as it pertains to Provincial interests. Council may then adopt the Municipal Plan and provide public notice for a Public Hearing to hear representations and objections. The hearing is chaired by a commissioner appointed by the Town who records the proceedings and submits a report with recommendations to Council. At this time, Council may choose to approve the plan, amended or otherwise, and submit it to the Minister of Municipal Affairs along with the commissioner's report. When a satisfactory review has been completed by the Minister, the plan is registered with the Department of Municipal Affairs and Council is notified. Notice of registration of the Municipal Plan is then published in the Newfoundland Gazette. This date is considered the date of the coming into force of the plan and regulations that are the subject of the notice.

1.1.3 Administering the Municipal Plan

When notice of Ministerial approval of the Sandy Cove Municipal Plan is published in the Newfoundland Gazette, the plan becomes legally binding on the Town Council and on all persons, corporations and organizations.

The Sandy Cove Town Council administers the Sandy Cove Municipal Plan by implementing its policies. This is done in several ways:

- By preparing land use zoning, subdivision and Development Regulations.

- By issuing development permits to people who wish to build, to change the use of a building or to subdivide land.

- By undertaking the capital works and development schemes outlined in the Sandy Cove Municipal Plan when the financial resources are available.

Five years after the Town of Sandy Cove Municipal Plan is approved, Council will review it and make any necessary revisions to provide for the next 10-year planning period in accordance with Section 28 of the Urban and Rural Planning Act. Amendments to the Municipal Plan may be made by Council at any time and brought into effect by the same process described above.

1.2 Background Review

This section presents the analysis carried out to prepare the Town of Sandy Cove Municipal Plan.

1.2.1 Sandy Cove Planning Area and Municipal Area

The Sandy Cove Planning Area is shown on **Maps 1 and 2**. It shares borders with the Towns of Eastport to the northwest, Happy Adventure to the west and an eastern border with the municipality of Salvage. Much of the Planning Area is bordered by the Atlantic Ocean to the south.

1.2.2 Economy and Population

This section presents an overview of the community and population forecast, based upon data from the 2006 Census of Canada.

The population profile of the Town is presented in Exhibit 1. Over the period from 1996 to 2006, Sandy Cove's population of the Town declined from 152 to 133, or by 12.5%. Over the same five-year period, the population of Newfoundland and Labrador also declined by 7.0%. While the drop in population has been relatively the same for the Town and the Province, there are important differences that are acknowledged in the Municipal Plan. In 2006, the median age of the provincial population was 41.3 years

while the median for Sandy Cove residents was 56.3 years. Only 3.8% of Sandy Cove's population was younger than 15 years, compared to 15.4% of the provincial population. The result is a considerably older population of permanent residents compared to the province as a whole.

There were 55 households in the town in 2006. Thirty of these, or 54.5%, were made up of couples without children and another ten, or 18.2%, were single-person households. Only 15 households, or 27.3%, were families with children. The average household/family size was 2.4.

Of the total 55 private dwellings occupied by year-round residents, 81.8% were owner occupied and the remainder are rented dwellings. The average value of a private dwelling in 2006 was \$86,397.

Another planning-related feature of the population is mobility. Over the period from 2001 to 2006, only 11.5% of Sandy Cove's permanent population had moved from a different address outside the community. The remainder, 88.5%, had lived in Sandy Cove five years earlier.

Sandy Cove's population of permanent residents has been declining at a rate not much different than the region of which it is a part. Between 1996 and 2006, the number of permanent residents declined by 16.9% (from 160 to 133), whereas the regional population (i.e. Kittiwake Economic Zone) declined by 14.2%.

The Municipal Plan assumes that that the permanent population will decline over the next ten years, but at a slower rate than in the recent past. The population of the Kittiwake Economic Zone is projected to decline at a rate of between 5.6% and 8.9% between 2006 and 2016 (<http://www.economics.gov.ni.ca/population/default.asp>). If Sandy Cove's population changes at the same rate, the year-round population can be expected to decline by less than a dozen people by 2016.

From a land use needs perspective, this gradual decline in permanent population is likely to be negated by a continuing trend to smaller households, which is expected to drop

from an average of 2.4 persons per household in 2006 to 2.1 by 2016. As a result, new household formation is expected to create a demand for 3 new units by 2016 as presented in Exhibit 2.

Census based population data for Sandy Cove is not adequate for assessing future residential land use needs. This is because the Census does not attempt to capture seasonal population numbers, which are significant relative to the number of permanent residents. A more reliable indicator is the Census figure on total private dwellings compared to the number occupied by usual residents. In the 2006 Census, Sandy Cove had a total of 86 private dwellings of which only 55, or 64.0% were occupied by what the census defines as "usual" residents. It must be assumed therefore that the remaining 30 dwellings are inhabited by seasonal residents. Assuming that the average number of occupants in seasonal dwellings is the same as in year-round dwellings, then the total of both permanent and seasonal residents is estimated to be at least 50% higher than the Census population of 133. Therefore, in terms of estimating future land needs for housing growth, it can be argued that the base population of the Town is more likely to be in the vicinity of 200 residents.

Exhibit 1				
Population Profile and Comparisons 2006				
Age Characteristic	Town of Sandy Cove		Province of Newfoundland and Labrador	
	Total	%	Total	%
0-4 Years	0	0.0%	22,865	4.5%
5-9	0	0.0%	25,905	5.1%
10-14 Years	5	3.8%	29,455	5.8%
15-19 Years	10	7.7%	34,105	6.7%
20-24 Years	5	3.8%	31,190	6.2%
25-34	5	3.8%	58,365	11.5%
35-44 Years	10	7.7%	78,205	15.5%
45-54 Years	25	19.3%	85,575	16.9%
55-64 Years	25	19.3%	69,530	13.8%
65-74 Years	30	23.1%	39,560	7.9%
75-84 Years	10	7.7%	22,930	4.5%
85 And Over	5	3.8%	7650	1.7%
Total	130	100.0%	505,470	100.0%
Median Age	56.3		41.7	
Pop'n aged 15+	96.2%		84.9%	
Source: Statistics Canada, 2006 Community Profiles				

Exhibit 2			
10 Year Population Forecasts			
	2006	2011	2016
Population	133	128	123
Average Size Per Household	2.4	2.2	2.1
Total Dwelling Units	55	58	58
Source: SGE Acres estimates based upon Statistics Canada, 2006 Community Profiles			

Exhibit 3 shows the 2006 industry and occupation profile of the town. As these data show, the dominant activities are resource industries, manufacturing and construction, and health, education and social services.

Exhibit 3		
Economic Base Profile – 2006		
	Number	Percent of Total
Labour Force by Industry		
Agricultural & Other Resource Industries	15	21.4%
Manufacturing & Construction Industries	10	14.3%
Wholesale & Retail Trade	0	0.0%
Finance & Real Estate	0	0.0%
Health, Education & Social Services	30	42.9%
Business Services	0	0.0%
Other Services	0	0.0%
Unspecified	15	21.4%
Total	70	100.0%
Labour Force by Occupation		
Managerial	10	14.3%
Business, Finance & Administration	10	14.3%
Natural & Applied Sciences & Related	0	
Health	0	0.0%
Social Sciences, Education, Government Services & Religion	0	0.0%
Art, Culture, Recreation & Sport	0	0.0%
Sales & Services	10	14.3%
Trade, Transport and Equipment	25	35.7%
Primary Industries	0	0.0%
Processing, Manufacturing & Utilities	10	14.3%
Unspecified	5	7.1%
Total	70	100.0%
Source: Statistics Canada, 2006 Community Profile		

1.2.3 Land Use Issues

Residential

The Sandy Cove Municipal Plan recognizes that future housing demand driven by population growth of permanent residents will most likely be minimal. Recent years have seen a trend toward development of housing owned by seasonal residents. The popularity of the Eastport Peninsula as a summer destination will be a more significant factor influencing demand for residential lots if this pattern continues. Overall, however, demand pressure on the supply of land in the municipality should be relatively low with modest growth expected in the near future.

The Town's development pattern is overwhelmingly residential with some home-based businesses mostly in the area of Sandy Cove Road. The Town exists largely within its original development form. No new roads or subdivisions have been built in the recent past. Long term expansion should be undertaken within existing servicing boundaries to capitalize on existing infrastructure and maintain a compact and walkable town. New development can most easily be accommodated in backland areas along Sandy Cove Road. There are limited opportunities for new development in areas overlooking Newman Sound.

Commercial

Sandy Cove lacks significant commercial activity although many tourists are attracted by Sandy Cove Beach and the community's tremendous scenery. Existing businesses include a tourist cottage establishment and a number of home based businesses. Residents generally rely on outlets in neighbouring Eastport for basic goods and services.

Environmentally Sensitive Areas

The steep backshore embankment overlooking Sandy Cove Beach consists of unconsolidated sand and gravel that is susceptible to erosion. Residential housing has

long existed adjacent to the top of the embankment, and a number of new houses have been built in recent years. The Town expressed concern about the vulnerability of this area to land development. Geological studies have found that coastal erosion is common in similar areas due to the destabilization of coastal cliffs by storm waves and by adjacent land development that changes surface runoff and groundwater movements.

According to long-term local residents, noticeable erosion of land has been occurred along the Sandy Cove embankment over several decades. While this may be attributed in part to natural forces, they believe that the rate of erosion has been exacerbated by the development of houses near the top of the bank. Under natural conditions, the loose gravel underlying the surface tends to be protected from the erosive effects of surface water infiltration by a hard subsurface crust of conglomerate material, known locally as "iron mine". When this crust is penetrated to construct housing foundations or even to dig fence holes, a pathway is created for water infiltration into the underlying sand and gravel. The subsequent underground water seepage gradually carries off sediments creating further instability and erosion of the fragile embankment.

This Plan contains policies and zoning measures to restrict and limit the form of development in the vicinity of these fragile embankments.

Other environmentally sensitive areas in Sandy Cove include watercourses, wetlands, and steep slopes. Policies and zoning measures are included in the Plan to help protect these vulnerable areas from harmful land use activities.

Other Land Uses

Sandy Cove Beach is the main recreational attraction in the community. It is used heavily by both local residents and visitors, especially during the tourist season. At the east end of the beach is a public park area that includes a hiking route up to a look-off point overlooking the entire town and Newman Sound. Unofficial hiking trails exist throughout

much of the undeveloped areas of the town. The Town has expressed a desire to extend the existing beach park area to include Sandy Cove Pond and Greenings Point. As well it has a long-term desire to develop a link with the regional trail system through neighboring municipalities and into Terra Nova National Park.

1.2.4 Municipal Services

Ditching and culverts located throughout the Town are the only provisions for existing storm water control. This system functions quite adequately. To ensure that the storm water control system remains adequate, continuous monitoring and assessment of the components (ditches and culverts) within the Town's storm water system is critical to ensure that it is free of debris and obstructions. This is particularly essential during the spring season as high spring run-off could cause damage to infrastructure.

Until 2003, Sandy Cove acquired its water supply from a small pond located on the hill east of the built-up area. Due to high evaporation this water source became unreliable for good quality drinking during the summer months. As a result, Sandy Cove collaborated with the Town of Eastport to upgrade Eastport's groundwater drinking supply source and connected its water mains to the Eastport system. The water main to the former water supply was capped off.

2 GOALS AND OBJECTIVES

This section outlines the goals and objectives of the Sandy Cove Municipal Plan for the period between 2006 and 2016. Each goal is a desired state which reflects the long-range intent of Council. Each objective is a short-range step towards achieving a specific goal. It is concrete, realistic, action-oriented and attainable within a period of three to five years.

2.1 Community Structure and Character

Goals: Promote orderly development, the economical use of municipal services, compatibility between adjacent land uses, and environmental conservation.

Objectives:

- Encourage continued infilling along existing public roads, thus making better use of municipal infrastructure.
- Encourage new development in areas that can be economically connected to the Town's municipal water system.
- Restrict the types of development that will be permitted in areas that cannot be economically provided with municipal services.
- Accommodate unserviced development only in designated areas and only insofar as it meets environmental standards and will not interfere with the optimal future use of adjacent lands.
- Guide new development in a fashion that is compatible with surrounding land uses.

- Protect environmentally important and sensitive areas such as coastal shorelines, beaches, ponds, rivers, streams, and wetlands, by designating them as conservation areas as deemed necessary.

2.2 Economy

Goal: Encourage diversified economic growth in order to generate more employment and build up a favourable base for municipal assessment.

Objectives:

- Diversify the local economy by supporting local entrepreneurs and attracting new businesses and industries.
- Encourage the development of additional commercial uses to serve local and new residents.
- Support the development of facilities and attractions that will enhance tourism, e.g., parks, water recreation, and hiking trails.

2.3 Commercial and Industrial Development

Goal: Allow for development an appropriate mix of commercial facilities to serve residents and visitors to the Town and surrounding region.

Objectives:

- Encourage home-based businesses along Sandy Cove Road.
- Prevent development in inappropriate locations of offensive trades and nuisances that may be detrimental to the Town as an attractive place to live and visit.

2.4 Housing

Goal: Provide land for an adequate quantity and mix of housing to serve the needs of the population.

Objectives:

- Maintain a high standard of housing.
- Encourage new housing in areas accessible to municipal services.
- Encourage an adequate supply of housing for all socio-economic groups.

2.5 Culture, Recreation and Open Space

Goal: Meet the needs of the community for cultural and recreational opportunities.

Objectives:

- Locate sufficient open space and recreational facilities conveniently accessible to residential areas.
- Preserve areas and features of natural, scenic, environmental and historical significance.
- Support the provision of cultural and recreational facilities and services which are accessible to people of different abilities and ages.

- Develop an adequate trail system for a variety of recreational users and to protect these trails from incompatible development.
- Ensure a high proportion of coastal areas are maintained for public access and enjoyment.

2.6 Transportation

Goal: Provide a safe and efficient transportation network to serve the Town of Sandy Cove.

Objectives:

- Maintain existing public roads through a regular program of maintenance and improvement.
- Provide efficient means of access to public areas for disabled and elderly persons.
- Establish a network of trails in and adjacent to the Town.

2.7 Environment

Goals: Provide for the health, safety, welfare and enjoyment of the general public.

Preserve and protect important aspects of the natural environment.

Objectives:

- Recognize the existing natural constraints to development, and to protect in its natural state land which is unsuitable for development.

- Provide municipal services at environmentally acceptable standards.
- Protect environmentally sensitive areas such as rivers, streams, wetlands, ponds, steep slopes, and beaches.

2.8 Municipal Finances

Goal: Achieve long-term financial stability by managing expenditures on municipal services while broadening the assessment base for municipal revenues.

Objectives:

- Manage the expenditures on municipal services and achieve the most efficient use of existing services.
- Manage municipal debt, considering the Town's ability to meet its expenditures in the long term.
- Diversify the local economy through the growth of existing businesses and the establishment of new ones, so as to generate more municipal revenues.

3 LAND USE POLICIES

3.1 GENERAL POLICIES

The following policies can be categorized as general in scope in that they can be applied to all areas of the Town of Sandy Cove. All land use development must conform to the general land use policies.

3.1.1 General Land Use Policies

Policies

1. General Layout of the Town

- (1) New development will be encouraged to locate in areas that can be serviced economically by municipal water services.
- (2) New development will generally be limited to areas that can be serviced economically by municipal water services. Development will be phased so that areas connected to water/sewer will be largely developed before an extension of services is carried out.
- (3) At Council's discretion, proposals for unserviced development will be considered only in areas where municipal services are not likely to be installed before this Plan's statutory five-year review.
- (4) All unserviced development will be subject to efficient use of land, high environmental standards, Department of Health approval of on-site sewage services, and provision for future land use intensification if and when water and sewer services are extended.

2. Subdivision Development

(1) Subdivision Proposal Evaluations

All proposed subdivisions of land will be subject to an evaluation by Council. The comprehensiveness of each evaluation will depend on the scale of the proposed development, the environmental sensitivity of the area, and the nature of any public or neighbourhood concerns that are identified. Evaluations will address:

- Opportunities and constraints represented by the physical features of the site,
- How the proposed development will integrate with existing developments, roads, and municipal services,
- Potential effects of the development on environmentally sensitive resources,
- How the proposed development will affect future access to undeveloped lands in the area,
- The degree of compatibility or conflict the subdivision is likely to have with nearby existing and future land uses, and
- The developer's proposal for roads and water servicing, and the costs to Council of providing and maintaining this infrastructure,

(2) Serviced Areas

In areas that require full municipal services, subdivision applications shall provide information on road location, lot layout, property ownership, nearby watercourses and wetlands, provision for open space, municipal water servicing, connections to existing roads, and other information that Council may request. The subdivision plan shall conform to the development standards of the applicable zone as identified in the Sandy Cove Development Regulations.

(3) Unserviced Areas

In areas remote from existing municipal services, residential development applications shall provide information on proposed road location, lot layout, property ownership, nearby watercourses and wetlands, provision for open space, on-site well and septic services, and other information that Council may request. The subdivision plan shall conform to the development standards of the applicable zone as outlined in the Sandy Cove Development Regulations.

(4) Public Input

At its discretion, Council may seek input from neighbouring landowners when reviewing subdivision development proposals.

(5) Council Decision

Council will review each subdivision application on a case by case basis and may:

- Approve the development as proposed,
- Approve the development subject to certain terms or conditions,
- Defer a decision subject to more detailed information, or
- Not approve the development if it finds that the development is unsuitable for the location or will create problems that cannot be sufficiently corrected or mitigated.

(6) Open Space Dedications

For each subdivision approval, the developer will be required to provide to the Town land for open space equal to 10% of the gross area of the land to be developed. Alternatively, in lieu of land dedication, Council may decide to accept a sum of money equal to 10 percent of the fair market value of the land to be developed.

3. Municipal and Public Works and Easements

- (1) Municipal and public utility works will be permitted in all land use designations provided that no adverse effects on adjacent land uses or the environment will result. Buffering may be required in the form of a suitably landscaped area between any such works and adjacent land uses.
- (2) Where land is required for utility easements or emergency access, such land may be obtained for the appropriate utility or agency in the course of approving a subdivision or other development applications.

4. Conveyance to Council of Privately Developed Streets

- (1) All privately developed roadways intended for subdivision development and public access to adjoining properties will be designated as public streets to be owned and maintained by the Town
- (2) All privately developed streets must be constructed to a standard satisfactory to the Town before Council assumes ownership and maintenance responsibility. Each new street shall have a legal land survey and a Deed of Conveyance approved by the Town's solicitor before Council assumes ownership.

5. Soils and Drainage

- (1) Development shall only be permitted on lands with soil and drainage conditions that are suitable for the proposed uses.

6. Building Setbacks from Roads

- (1) Building setbacks from roads will be sufficient to preserve the road right-of-way allowances specified in the Sandy Cove Development Regulations, and allow for appropriate landscaping and vehicle parking space clear of the road allowance.

7. Access to a Public Road

- (1) All development must have access to a publicly maintained road unless otherwise authorized by Council.

8. Backlot Development

- (1) At its discretion, Council may permit the creation of backland lots insofar as the development uses land efficiently, is economical for the delivery of piped water and other municipal services, preserves the Town's natural and historic character, and does not isolate nearby parcels of land in a way that would preclude them from being developed in the future.
- (2) Landowners in backland areas will be encouraged to cooperate with each other to prepare subdivision plans that facilitate orderly and efficient use of land and municipal services, and adhere to the policies outlined in this Municipal Plan for the protection of environmental resources.
- (3) Subdivision proposals for backland areas must show the relationship of the proposed lot/s with existing streets and adjacent parcels of land.
- (4) Proposed backland lots will not be approved if the development would isolate nearby properties from potential street access, or would otherwise preclude these properties from future development.
- (5) A subdivision application for one or more backland lots must address all needs pertinent to orderly development of the area, including:
 - (a) A description of the proposed lot/s and surrounding properties,
 - (b) A description of how the lot/s will be connected to the existing street network,
 - (c) A description of how the lot/s will connected with piped municipal water, and

(d) Consideration of Council's aim to prevent the isolation of other developable backlands.

(6) When considering a backland development proposal, Council may suggest alternative development configurations that it considers more appropriate for the area.

9. Archaeological Resources

(1) Any proposed development to be located near a known archeological site will be subject to the approval and conditions of the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation.

(2) Council will report any proposed developments that will involve major land use or ground disturbance to the Provincial Archaeology Office during the planning stages so that necessary measures can be taken to ensure that potential historic resources are not disturbed or destroyed.

(3) Council will report the discovery of archaeological sites or artifacts to the Provincial Archaeology Office as soon as it becomes aware of the discovery.

10. Provincial and Federal Acts and Regulations

(1) All development approvals under this Municipal Plan will take into consideration applicable Provincial and Federal acts and regulations, in particular those administered by the Departments of Health and Community Services, Environment and Conservation, Government Services, Transportation and Works, and Fisheries and Oceans Canada.

11. Development Criteria for Non-Residential Sites

- (1) All non-residential development will conform to the following criteria:
 - (a) Each site will have direct access to a public road.
 - (b) Development will be located and designed in a manner that ensures traffic, noise, lighting, odour, signage, and aesthetic impacts on adjacent residential areas will be kept at reasonable levels.
 - (c) Where Council deems necessary, screening deemed may be required through the provision of banks, landscaping or fencing.
 - (d) Properties will be designed to a high standard with regard to safety, design and appearance, and suitability within the community.
 - (e) Access points to a public road will be limited in number and designed for maximum safety of pedestrians and vehicles.
 - (f) Each lot will contain adequate space to meet the needs of the proposed development for off-road parking and loading.
 - (g) Each proposed development must have adequate municipal services for its needs unless suitable alternative arrangements are approved by Council.

12. Mineral and Petroleum Exploration

- (1) Mineral and petroleum exploration may be permitted at the discretion of Council.
- (2) Mineral and petroleum exploration will be only undertaken in a manner that will have minimal impact on surrounding land uses and sensitive environmental resources and habitat.

13. Compatibility between Livestock Facilities and Residential Uses

- (1) Council will minimize the potential for land use conflicts arising as a result of livestock or poultry facilities being developed close to existing non-farm land uses, and conversely, as a result of non-farm land uses being developed close to existing livestock or poultry facilities.

- (2) The keeping of livestock near residential properties will be subject to specific limitations set out in the Development Regulations such as the maximum number of animal units, minimum lot sizes, and minimum setbacks of livestock facilities from lot boundaries.
- (3) A non-conforming livestock or poultry facility located near an existing residential area will be permitted to continue, but will not be permitted to expand unless it can be determined that this will not adversely affect the residential area. Council will consult with neighbours prior to taking a decision on a proposed expansion.

3.1.2 General Environmental Policies

Policies

1. General Environment

- (1) Land and natural resources that are environmentally sensitive, including streams, riparian areas, wetlands, steep slopes, and geologically unstable areas, will be protected from potentially damaging forms of development.
- (2) The potential environmental effects of proposed land uses will be considered when reviewing development applications. At the discretion of Council, or in accordance with other statutory requirements, proposals may be referred to the Departments of Environment and Conservation, Government Services, Fisheries and Oceans Canada, or other relevant agencies for advice and/or regulatory approval.

2. Watercourses and Wetlands

- (1) Conservation buffers will be maintained to protect streams, ponds, riparian areas, and wetlands from stormwater discharges, erosion, sedimentation, and other adverse effects of development.

3. Unstable Geology and Soils

- (1) Development in areas that are environmentally sensitive or hazardous for development due to unstable soils or geology may be restricted or subjected to terms and conditions to minimize potential impacts.

4. Coastal Lands

- (1) Conservation and other preventative measures will be required to protect environmentally sensitive coastal features from the impacts of development.
- (2) Preventative measures will be required to protect housing and infrastructure in coastal areas from potential damage due to bank and shore erosion, rising ocean levels, and storm surges.

6. Storm Drainage

- (1) All development, including buildings, driveways, parking areas, grading of land, and excavation of drainage ditches, will be carried out in a manner that does not cause an excessive increase of stormwater runoff into watercourses, areas sensitive to erosion, or adjacent properties.
- (2) Development will not be permitted on any site where it would otherwise be permitted when in the opinion of Council, the development will create or aggravate significant stormwater impacts, for example, excessive runoff onto adjacent properties, flooding, soil erosion, or siltation or scouring of streams.
- (3) In order to minimize stormwater impacts, Council, at its discretion, may require land development to adhere to the following guidelines:
 - Minimize runoff increases from natural levels as existed prior to development.

- Maintain a vegetated buffer between stormwater drainage outlets and watercourses to minimize direct discharges into the watercourses. Plant additional trees and vegetation if existing vegetation is not adequate to promote soil infiltration and capture sediments.
- Minimize impervious surfaces by reducing pavement, using porous paving materials, etc.
- Contain rainwater through measures such capturing roof drainage in rain barrels and channeling surface runoff to gardens and other vegetated areas.
- Take advantage of the topography to maintain natural drainage. For example, natural depressions should be retained to accumulate runoff and promote soil infiltration.
- Re-establish vegetative cover as rapidly as possible in drainage ditches and other areas disturbed by construction activity to reduce erosion.

3.2 ENVIRONMENTAL PROTECTION

The following policies apply to areas designated as **Environmental Protection** on the **Future Land Use Maps**. All development in this designation must conform to the policies of this section, to the general land use policies in Section 3.1, and to all applicable government regulations.

Policies

1. General Intent

- (1) This Municipal Plan assigns high priority to the protection of sensitive areas from the potential adverse impacts of development. The following policies apply to areas designated as Environmental Protection on the Future Land Use Map.

- (2) The Environmental Protection designation is intended to protect and conserve environmentally sensitive lands and natural resources from the adverse effects of development.

2. Location

- (1) The Environmental Protection designation includes areas identified as environmentally sensitive, including wetlands, watercourses, riparian areas, coastal shorelines and beaches, steep slopes, and areas of unstable soils and geology.

3. Land Use

- (1) Developments associated with conservation will be permitted.
- (2) At Council's discretion, proposed developments affecting watercourses and coastal areas, for example, road crossings, culverts, wharves, and fisheries infrastructure, may be permitted in limited circumstances if it is clearly shown that impacts will be minimized. Any such proposed development will be referred for review and approval to the Department of Environment and Conservation, the Department of Fisheries and Oceans Canada, and other relevant agencies.
- (3) At Council's discretion, passive recreation uses such as walking trails and boardwalks may be permitted. Before approving such developments, it must be clearly demonstrated to Council that any adverse effects on the site or adjacent waterways will be minimal.

4. Protection of Sandy Cove Beach Embankment

- (1) Council will establish a protective buffer along the top edge of the Sandy Cove Beach embankment to reduce the effects of development on the erosion of this of this geologically fragile area.

3.3 RESIDENTIAL

The following policies apply to areas designated as **Residential** on the **Future Land Use Maps**. All development must conform to these policies, to the general land use policies in Section 3.1, and to all applicable government regulations.

Policies

1. Intent

- (1) Areas are designated Residential to accommodate short to medium term housing needs (i.e. ten years) and preserve the amenity and character of existing residential areas.
- (2) It is envisioned that the accommodation of housing needs in these areas can occur through infilling along serviced roads as well as small subdivision developments on adjacent backlands.
- (3) It is Council's intention to create a more compact development form within these areas in order to optimize the utilization of existing roads and piped water services, provide easy access to amenities, and limit the spread of unserviced, low density development.

2. Location

- (1) The Residential designation includes most of the built-up areas of Sandy Cove, as well as adjacent undeveloped land that can be readily connected to existing water mains. Undeveloped backland on the east and west sides of Sandy Cove Road are also designated for future development.

3. Residential Uses

(1) Single Detached Housing

The predominant use of land in areas designated Residential shall be single detached housing although other forms may be allowed.

(2) Multiple Dwelling Units

At Council's discretion, multiple dwelling units such as semi-detached houses and townhouses may be permitted.

These types of developments, where they are permitted, will be integrated with single detached housing in a way that ensures compatibility with surrounding residential areas.

Development permits will not be issued until the design, scale, site layout and overall appearance has been approved by Council.

4. Priority Areas for Residential Development

(1) Infill Development

A priority for new residential development will be infill of vacant land fronting onto existing roads. Council will take into account the utilization levels of existing serviced land in an area when considering proposals for new residential roads or subdivisions.

Site plans and building designs for infill development must meet the approval of Council. It must be compatible with existing neighbourhood character and in accordance with the development standards of the zone.

(2) Backland Lots

At Council's discretion, the creation of single or multiple residential lots may be permitted in backland areas east and west of Sandy Cove Road as long as safe and efficient access is provided, it does not generate significant increases in municipal servicing costs, and it does not isolate adjacent properties from future development.

5. Serviced and Unserviced Residential Development

- (1) In areas near existing municipal services, new residential development will be required to be fully connected to piped water services.
- (2) In areas remote from existing municipal services, Council will consider proposals for unserviced residential development on a case by case basis.

6. Non-Residential Uses

(1) Conservation and Open Space

Conservation and open space land uses are considered compatible in Residential areas.

(2) Home Occupations

Home occupations will be permitted only if they are contained inside the residence or an accessory building on the same lot, are clearly subsidiary to the residential use, and do not adversely affect the residential quality of the area through excessive traffic, noise, lighting, odour, signage, unsightly premises or similar considerations.

Auto repair and autobody repair will not be permitted as home-based businesses.

(3) Bed-and-Breakfast Operations

Bed-and-breakfast operations must not adversely affect the residential quality of the neighbourhood as a result of excessive traffic, noise, parking, lighting, odour, or signage.

(4) Public and Commercial Uses

At Council's discretion, certain types of public uses and commercial uses may be permitted if Council determines that the proposed use will not unacceptably affect surrounding residential areas or the community as a

whole. Council will consult with residents prior to taking a decision on the proposed development of a public or commercial use.

7. Agricultural Uses

(1) Non-Conforming Use

Existing commercial agriculture is considered a legal non-conforming use in the Residential designation.

(2) Commercial Horticultural Operations

At Council's discretion, and in accordance with Section 108 of the *Urban and Rural Planning Act, 2000*, expansions of vegetable farms and greenhouses may be permitted to if it is determined that the expansion will not generate unacceptable impacts on existing residential uses or interfere with future residential development. Council will consult with neighbours prior to taking a decision on a proposed expansion.

(3) Livestock and Poultry Facilities

Expansion of existing livestock and poultry operations will not be permitted within the Residential designation.

(4) Hobby Farming

Permitted hobby agricultural uses will be limited to vegetable plots, small livestock facilities, and small greenhouses that are clearly subsidiary to residential use.

8. Protection of Sensitive Areas

Where Council suspects that a proposed residential development has potential to create erosion, siltation, or contamination problems due to its proximity to a pond, stream, steep slope, or geologically unstable area, at its discretion, it may decline to approve the development or may enact special conditions and/or restrictions to prevent or minimize the problems.

3.4 RURAL

The following policies apply to areas designated as **Rural** on the **Future Land Use Maps**. All development must conform to these policies, the general land use policies in Section 3.1, and all applicable government regulations.

Policies

1. General Intent

- (1) Designated Rural lands will be preserved and protected to ensure the viability and future development potential of resource activities such as agriculture, forestry, aggregate extraction, hunting, fishing, and berry picking.
- (2) Natural resource lands will be preserved and protected to reduce the loss and fragmentation of fish and wildlife habitat.

2. Land Uses

- (1) The highest priority for development in the Rural designation will be the management and use of natural resources and land uses directly related to these activities.
- (2) Agriculture, forestry, and other renewable uses of land and natural resources will be permitted.
- (3) Land uses associated with the conservation of soil, water, wildlife and fish will be permitted.
- (4) At Council's discretion, certain non-renewable resource use activities such as gravel pits may be permitted, where such uses would not significantly affect the existing character and environmental integrity of the area.

- (5) At Council's discretion, limited types of commercial developments may be permitted, where such uses are complementary to permitted uses and would not significantly affect the existing character and environmental integrity of the area.

3. Forestlands

- (1) It will be a priority of Council to preserve and protect productive forestland for the production and harvesting of trees as well as for important non-timber values such as fish and wildlife habitat, water quality, biodiversity, and outdoor recreation and tourism.
- (2) It will be a priority of Council to reduce the loss and fragmentation of forestland.

4. Aggregate Resources and Extraction

- (1) At Council's discretion, pits and quarries may be developed in appropriate areas subject to standards and conditions to address:
 - potential environmental and aesthetic impacts,
 - operational impacts on adjacent areas such as public safety, noise, truck traffic, and dust, and
 - site rehabilitation.
- (2) Existing aggregate extraction areas, as well as undeveloped areas with high quality aggregate resources, will be protected from incompatible development that could potentially impede extraction activities.
- (3) Council will work with the Province to ensure a coordinated review of all new applications and renewal applications for quarry development.

- (4) Pit and quarry development permits will be subject to terms and conditions for the proper operation and progressive rehabilitation of the site. At its discretion, Council may require developers to post a performance bond with the Town, which will be forfeited if the conditions are not met.

5. Sustainable Resource Development

- (1) The development and utilization of natural resources, including forestry, agriculture, aggregate extraction, mining, mineral and petroleum exploration, and associated land development, will be carried out in a way that is consistent with principles of sustainability.
- (2) Natural resource uses will conserve and protect the environmental integrity of soil, wildlife, fish, water resources, and other natural components of the ecosystem.

3.5 TRANSPORTATION

3.5.1 Roads

The municipal road system shown on the **Future Land Use Map** exists to facilitate the safe and efficient movement of people and goods.

Policies

1. Minor Collectors

- (1) Minor Collectors are roads that distribute traffic within different parts of the Town and connect to major collectors. Sandy cove Road is the only existing Minor Collector road in Sandy Cove.

- (2) Access to side streets from Minor Collector roads will not be restricted but intersections must be located and designed to ensure efficient traffic flow and vehicular and pedestrian safety.
- (3) Access to properties on Minor Collector roads will not be restricted unless they create a concern in terms of safety and efficient traffic flow.

2. Local Roads

- (1) The remaining streets in Sandy Cove are referred to as Local Roads. They are used by traffic to approach abutting properties or adjoining streets.
- (2) Accesses from Local Streets to adjoining streets will not be restricted but intersections must be located and designed to ensure efficient traffic flow and vehicular and pedestrian safety.
- (3) Accesses to adjoining streets from Local Roads will not be restricted.

3. Publicly Used Roads to be Owned by the Town

- (1) All new roads intended for public use will be owned and maintained by the Town of Sandy Cove or the Province.

4. Public Road Design and Construction Standards

- (1) All new public roads must meet the design and construction specifications stipulated by Council. The Town will not assume ownership and maintenance responsibility of a privately developed road until it has been developed to these minimum standards.

3.5.2 Provision for the Disabled

Policies

1. Design Guidelines

- (1) It is a policy to encourage roadways, public walkways, and accesses to public buildings to be designed to facilitate easy access and mobility by disabled persons.

2. Recreational Trails

- (1) It is a policy that portions of recreational trails may be constructed to facilitate mobility for the disabled. This may include paved sections, boardwalks and/or railings in specially designated areas.

3.6 MUNICIPAL SERVICES

Most buildings in Sandy Cove's built-up area are connected to piped water services. Sandy Cove does not have a municipal sewer system. Sandy Cove's water supply comes from the Town of Eastport.

Policies

1. Water System

- (1) All new development in the built-up area will be hooked into the Town's water supply system unless otherwise permitted by Council. Responsibility for installation will lie with private developers. Development standards must meet the specifications of the Town and the Department of Municipal Affairs.

2. Stormwater Management

Stormwater runoff in Sandy Cove is managed through a network of open ditches and culverts. This system has performed adequately, and no need is foreseen for underground storm sewer facilities.

(1) Protection of Watercourses and Fish Habitat

It is a policy to design and manage stormwater drainage systems in a manner that protects streams, ponds, and fish habitat from excessive direct discharges of stormwater.

(2) Maintenance of Storm Drainage System

Ditches and culverts within the Town's storm drainage system will be regularly monitored to ensure that it remains free of debris and obstructions. This is essential during the spring season as high spring run-off can cause further damage to other infrastructure such as road asphalt.

4 IMPLEMENTATION

The Sandy Cove Municipal Plan will be implemented over a 10-year period through the decisions of the Town Council. The following factors are of particular importance to Council:

- Effective administration of the Sandy Cove Municipal Plan;
- The annual adoption of five-year municipal capital works budgets;
- Land use zoning, subdivision, and advertisement regulations (referred to as Development Regulations);
- The basis of development control; and
- The procedure for considering amendments to the plan.

These points are dealt with in turn below.

4.1 MUNICIPAL PLAN ADMINISTRATION

The Sandy Cove Municipal Plan is comprised of goals and objectives (Section 2 of this document), land use policies (Section 3), and a program of implementation (Section 4). The Background Summary, presented in Section 1 of this document, provides information but does not form part of the legally binding Sandy Cove Municipal Plan.

1. Map Interpretation

- (1) For the purpose of administering the plan, the **Future Land Use Map (Maps 1 and 2)** shall be read only in conjunction with the goals, objectives and land use policies of the plan.
- (2) The boundaries of the land use designations shown on the **Future Land Use Map** are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define

exact limits. No amendment to the Sandy Cove Municipal Plan shall be required to allow minor adjustments of the land use boundaries. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the plan.

2. Development Applications

- (1) Every person or corporation wishing to develop land for any purpose within the Sandy Cove Municipal Planning Area must apply to Council for permission through the established procedure. Council shall require that all development applications conform fully to the Eastport Municipal Plan before proceeding. Council may refuse or approve the application and may set conditions on approval. The decision of Council may be appealed to the appropriate appeal board.
- (2) Once conformity to the Municipal Plan has been established, Council shall ensure that each development proposal is given an evaluation.
- (3) If Council suspects that a Provincial or Federal policy or statute may come into effect, it will refer the development proposal to the relevant government department or agency for approval or comments.
- (4) Council's final decision on an application will be based on the desire to guide the development of the Sandy Cove in the best long-term interest of residents.

3. Subdivision Proposals and Agreements

- (1) Evaluations of proposed subdivisions of land for development will include the following:
 - (a) An investigation of the physical conditions and features of the site and the opportunities for and constraints on development.

- (b) A demonstration of how the proposed subdivision will join with existing roads, how it will affect existing developments, and whether it will provide future access to undeveloped lands in the area.
- (c) A demonstration that the proposed subdivision will be compatible with surrounding land uses, both existing and future.
- (d) An examination of proposed municipal services and the long-term public costs of providing and maintaining these services.

- (2) Before major land developments are approved in the Sandy Cove Municipal Planning Area, Council may require the developer to enter into a development agreement with the Town. The agreement shall establish the conditions under which development will proceed and shall be binding on both parties. Any conditions governing the development will be enforced by attaching them to the development permit.

4. Non-Conforming Uses

- (1) A building, structure, or other development that does not conform with the intent and permitted land uses of this Municipal Plan, but which legally existed before the registration date of the Plan, will be permitted to continue as a “non-conforming use” subject to the provisions of Section 108 of the *Urban and Rural Planning Act, 2000*.
- (2) Notwithstanding subsection (1), if a non-conforming use is discontinued for a consecutive period of six months, or such further period as Council considers fit, it shall not be recommenced and any further use of the land or building shall conform with the intent of this Plan and its Development Regulations.

- (3) A non-conforming use under this Municipal Plan:
- (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by Council;
 - (b) shall not be structurally modified except as required for the safety of the building, structure or development;
 - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
 - (d) may have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion more compatible with this Municipal Plan and its Development Regulations;
 - (e) may have the existing building extended where, in Council's opinion, that extension is not more than 50% of the existing building;
 - (f) where the non-conformance is with respect to the standards included in the Development Regulations, shall not be expanded if the expansion would increase the non-conformity; and
 - (g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with this Municipal Plan and its Development Regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.

4.2 PUBLIC WORKS PROGRAM

A municipal public works program shall be adopted annually and implemented by Council. This shall include a program of work to be undertaken, which outlines proposed capital works to be undertaken by Council over a five year period, subject to the availability of funds.

The public works program for the Town appears below. The scheduled completion of this work is dependent on the receipt of adequate capital works funding.

Public Works Program

Activity #		Priority	Projected Cost
1.	Construction of a new 705,000 L storage tank		Completed. Cost of \$403,250 shared with Eastport
2.	Install a 250 mm dia. water main from storage tank to Main Street along Penny's Road		Completed. Cost of \$355,977 shared with Eastport.
3.	Connect 250 mm dia. Water main in (2) to end of council placement		Completed. Cost of \$222,802 shared with Eastport.
22.	Eliminate water mains near chlorination building in Sandy Cove and install a fire hydrant at end of water main		Completed. Cost of \$5,000.
4.	Improvements to well transmission main	1	To be developed in 2008. Cost of \$130,000 to be shared with Eastport.
11.	Replace existing 150 mm diameter water main along Church Street from the intersection of Main Street and Church Street to the intersection of Sampson's Road.	1	Cost of \$374,169 to be shared with Eastport.
16.	Improvements to well collector system	1	Cost of \$300,000 to be shared with Eastport.
23.	Replace existing 150 mm dia. water main along Main Street between Senior's Complex and intersection of Main Street and Church Street	1	Cost of \$164,225 to be shared with Eastport.
6.	Complete loop along Barbour Avenue	1	\$32,500
7.	Complete loop along Sandy Cove Road	1	\$22,500
5.	Extend water main along Barbour Avenue to the southwest with a 150 mm dia. Water main	2	\$175,000
8.	Eliminate dead-end in Sandy Cove by tying into the main line near Yetman's Road	2	\$65,000
9.	Pigging of water mains in Sandy Cove	2	\$101,000
13.	Connect end of water main on Sandy Cove Road to Eastport at intersection of Lane's Road and Sandy Cove Road with a 200 mm diameter water main	3	Cost of \$ \$110,000 to be shared with Eastport...
17.	Check for and repair leaks throughout Sandy Cove and Eastport	3	Cost of \$150,000 to be shared with Eastport...

The identification of public works project priorities were based on the following criteria:

- Priority 1:** Improvements required to provide those people on the existing system with an adequate supply of domestic water, but not necessarily fire protection in accordance with established standards.
- Priority 2:** Extending water mains to unserved areas.
- Priority 3:** Upgrade of existing water mains to provide improved domestic supply and fire flows, and to eliminate leakage in old deteriorated mains and services.

4.3 DEVELOPMENT REGULATIONS

To implement this Municipal Plan, Council prepared and adopted the Sandy Cove Land Use Zoning, Subdivision, and Advertisement Regulations (referred to as the Development Regulations). These Development Regulations set out the administrative procedures for dealing with applications and will provide municipal-wide standards and requirements for land use development and zoning. All land within the Planning Area is covered by land use zones which set out detailed standards such as lot size, lot coverage, building setbacks and parking standards.

4.4 DEVELOPMENT CONTROL

- 1. Municipal Plan is Binding**
 - (1) The Sandy Cove Municipal Plan is a legal document which is binding upon all persons and organizations, including the Council.

2. Council Control

- (1) Council shall exercise appropriate control over development in the Sandy Cove Planning Area in accordance with the Municipal Plan and the Development (Land Use Zoning, Subdivision, and Advertisement) Regulations.

3. Development Applications and Approvals

(1) Application Requirements

All persons wishing to develop land for any purpose within the Planning Area shall apply to Council for permission on the prescribed applications forms and shall submit a detailed drawing of the proposal indicating the location and dimensions of the land and the development.

(2) Council Response

Council will examine the application on the basis of the Development Regulations, which reflect the policy of this Municipal Plan. Council may approve the application, approve it with conditions, or refuse it.

(3) Applicant's Right of Appeal

An applicant who receives a refusal decision from Council on a development application may appeal that decision to the Appeal Board.

(4) Government Referrals

If Council forms an opinion that a proposed development may be affected by the regulations of a Provincial or Federal department, the application will be referred to the concerned department for review and comments before an approval is granted.

4.5 PROCEDURE FOR AMENDING THE MUNICIPAL PLAN

This Municipal Plan has been prepared on the basis of existing and expected future conditions. The intention is that no amendment shall be required within the first five years of the Plan's registration, after which it will be reviewed. Conditions and policies may change in unforeseen ways during the planning period.

1. Amendment Procedure

- (1) If Council decides to proceed with an amendment to the Municipal Plan, the amendment shall be adopted, evaluated through a public hearing process, and approved in the same manner as the Municipal Plan. An evaluation of the proposed amendment will be compiled in a background report.