

**ST. JOHN'S URBAN REGION REGIONAL PLAN, 1976
AMENDMENT #4, 2020**

Witless Bay:

**Map compliance amendment to correspond to the
Town of Witless Bay Municipal Plan and Development Regulations, 2016**

September 2020

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE

ST. JOHN'S URBAN REGION REGIONAL PLAN AMENDMENT No. 4, 2020

Under the authority of section 16, 17 and 18 of the *Urban and Rural Planning Act 2000*, the Minister of Environment, Climate Change, and Municipalities:

- a) adopted the St. John's Urban Region Regional Plan Amendment No. 4, 2020 on the 9th day of April, 2021. _____,
- b) gave notice of the adoption of the St. John's Urban Region Regional Plan Amendment No. 4, 2020 by advertisement inserted on the __ day of _____, 20__ in *The Telegram* newspaper, and on the __ day of _____, 20__ in *The Telegram* newspaper; and
- c) set the __ day of _____, 20__, at _____ pm, at _____ 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 Minister of Environment, Climate Change, and Municipalities hereby approves the St. John's Urban Region Regional Plan Amendment No. 4, 2020, as adopted on the 9th day of April, 2021.

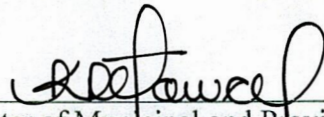
Minister of Municipal and Provincial Affairs

Signed and sealed before me at St. John's, Newfoundland and Labrador
this __ day of _____, 20__.

Witness

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO ADOPT
ST. JOHN'S URBAN REGION REGIONAL PLAN AMENDMENT 4, 2020

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Minister of Municipal and Provincial Affairs hereby adopts St. John's Urban Region Regional Plan, 1976 Amendment No. 4, 2020.



Minister of Municipal and Provincial Affairs

Signed and sealed before me at St. John's, Newfoundland and Labrador

this 9 day of April, 2021.

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached St. John's Urban Region Regional Plan, 1976 Amendment 4, 2020 was prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.



ST. JOHN'S URBAN REGION REGIONAL PLAN, 1976
AMENDMENT 4, 2020

BACKGROUND

As a higher-level provincial plan, the St. John's Urban Region Regional Plan (the "Regional Plan") sets out a framework for growth and development within the St. John's Urban Region. Municipal Plans prepared by municipalities in the St. John's Urban Region must be consistent with the Regional Plan.

Several years ago, the Town of Witless Bay undertook a comprehensive review of its Municipal Plan and Development Regulations. A standard part of that statutory process is to conduct a compliance review between the Municipal Plan and the Regional Plan and, if needed, to prepare an associated Regional Plan amendment to accommodate the Municipal Plan review. As our records indicate that this process was incomplete, the intent of this amendment is to achieve compliance with that process completed in June 2016.

At the time of the Witless Bay plan review and compliance check, the Department was undertaking a comprehensive mapping amendment to modernize and digitize the Regional Plan map, and to ensure conformance within the region for municipal future land use designations and zones. Records indicate that it was intended that the Witless Bay town plan review (changes to its future land use map and land use zoning map) be accommodated in that overall Regional Plan map digitization exercise. The overall Regional Plan digital mapping amendment included a public consultation process and an opportunity for input by all the municipalities in the resulting Regional Plan map, which was completed and brought into effect in April 2015.

Complex and unanticipated issues arose in completing the Town of Witless Bay Municipal Plan Review. Two different plans were submitted by the Town in close succession. A plebiscite determined which version of the Town Plan was preferred by the residents and property owners in the community, and a public hearing was held by an independent commissioner. The Witless Bay Municipal Plan and Development Regulations, 2016, was approved by Minister Joyce, in keeping with the outcome of the plebiscite vote, and to reflect the report and recommendations by the commissioner in his consideration of submissions and objections related to the plan review: <https://www.gov.nl.ca/eccm/files/registry-community-witless-bay-files-mp.pdf>. At the time the comprehensive plan review for the Town of Witless Bay was brought into legal effect (June 24, 2016), over a year had passed since the overall Regional Plan map amendment (SJURRPA 3, 2014) was complete and the new digital Regional Plan map was in legal effect (April, 2015).

When it was later discovered that there were inconsistencies between the mapping for the Municipal Plan and the Regional Plan, it was determined that, unlike the normal process, a specific amendment to the Regional Plan mapping to correspond with the future land use designations and zoning of the Witless Bay Municipal Plan and Development Regulations was not simultaneously processed or completed to accommodate the Town's plan review.

This Regional Plan mapping amendment is now being prepared with the intent to rectify this oversight. This amendment affects the Regional Plan map only with no affect on policies, and in no way changes the Municipal Plan that was brought into legal effect in 2016.

In accordance with the Regional Plan policies, urban development patterns such as residential subdivision areas are directed to the "Urban Development" designation of the Regional Plan. Historically, in the Town of Witless Bay, the "Urban Development" designation was limited to the built-up part of the community, mostly in close proximity to the harbour. From the perspective of regional land use designations, lands in Witless Bay were otherwise mostly designated as "Rural", with some lands designated as "Restricted Development".

The changes to the Regional Plan mapping largely involve the re-designation of lands to the "Urban Development" designation, and the re-designation of lands to and from the "Restricted Development" designation, to correspond with the currently enacted Witless Bay Plan, 2016.

To accommodate existing and future development, a number of areas are identified to be re-designated from "Rural" to "Urban Development", in keeping with the registered maps for future land use designations and zones in the Town's municipal plan and development regulations. This would include four large tracts of land that were zoned 'Rural Residential' in the Town's plan review, to accommodate future development of larger estate lots, and a portion of land that was zoned 'Residential' in the Gallows Cove - Ragged Beach area.

While the "Urban Development" designation is most typically used to accommodate residential development, it can accommodate a range of other urban-type development, such as commercial, mixed development, or light industrial of a local nature. The Regional Plan allows for large scale more intensive general industrial development with two designations: "Regional Industrial" and "Major Industrial". In the context of the Regional Plan map, a couple of site specific areas in Witless Bay were attributed the "Regional Industrial" designation. This amendment re-designates these sites to "Urban Development" which more appropriately aligns with the Town's Plan policies. In addition, a small parcel of "Regional Industrial" land located near the northern boundary of the Town is being re-designated to "Rural", to more accurately reflect actual property boundaries.

The 1976 Regional Plan identified and designated lands as "Restricted Development". In the Regional Plan policies, the intent of the "Restricted" designation is to keep lands free of development due to physical constraints, such as the topography of the area, soil conditions, steep slopes, watercourses, environmental hazards, etc. In the digitized Regional Plan map of 2015, the "Restricted" designation was applied to some large tracts of land, and was removed from some historically designated restricted lands. This compliance amendment reflects the historical restricted lands and removes "Restricted" to coincide with municipal designations of the town plan. Wherein there are tracts of land located in the "Restricted" designation of the Regional Plan, these are largely designated "Rural" in the municipal plan. While intended for preservation and conservation of the natural environment, the "Restricted" policies of the Regional Plan may allow for consideration to amend the designation where such lands are privately held. If, in the future, there are ever proposals to contemplate changing the "Restricted" designation, these would require closer consideration.

In the overall Regional Plan digitized map (SJURRPA 3, 2014), the lands municipally zoned and designated for "Conservation" were captured in the "Restricted Development" designation. At the local level, there is municipal discretion to apply conservation zoning where appropriate; nothing in the Regional Plan framework would prevent a municipality from applying the "Conservation" zone within the permissive Urban Development designation of the Regional Plan. For consistency, a couple of parcels were identified from the Town's inventory of "Conservation" lands, and are now included as "Restricted". As well, the "Restricted" designation was applied to the Holy Cross Cemetery which is locally zoned 'Conservation' and extended eastward to encompass a larger area

of land than what was ultimately zoned 'Conservation' in the final registered version of the town plan. Adjustments are made in this area so that the Regional Plan maps reflect the Municipal Plan.

This background description generally summarizes the broad changes to the Regional Plan map to correspond with the Witless Bay Municipal Plan and Development Regulations, 2016 that is currently in legal effect. The areas depicted reflect the appropriate regional designations to correspond with the Town's land use zones and designations. The attached Regional Plan map amendment, SJURRPA #4, 2020, illustrates the lands to be re-designated with coloured hatching to depict only the areas being changed. The second map attachment illustrates the context of the land use designations within which the re-designated areas are highlighted. The third map attachment illustrates the proposed land use designations once amended by SJURRPA #4, 2020.

PUBLIC CONSULTATION

During the preparation of this amendment, a public consultation process was undertaken to seek comments or representations from the public on the proposed Municipal Plan Review. While the intent would be to prepare an associated amendment to the Regional Plan to accommodate the Town's plan, the consultations did not explicitly address the Regional Plan. To correct this error, a consultation opportunity to the public, by way of public advertisement in the *Telegram* on December 5, 2020 and on the Departmental website, and by direct mail out to the other municipalities in the Northeast Avalon that are subject to the St. John's Urban Region Regional Plan. Two written representations were received in response to this public notice. Both representations focused on the Gallow's Cove/Ragged Beach area.

ST. JOHN'S REGION REGIONAL PLAN, 1976 AMENDMENT NO. 4, 2020

The St. John's Urban Region Regional Plan is amended by re-designating lands, as shown on the attached map, as follows:

- from "Rural" to "Urban Development",
- from "Rural" to "Restricted Development",
- from "Urban Development" to "Rural",
- from "Urban Development" to "Restricted Development",
- from "Restricted Development" to "Rural",
- from "Restricted Development" to "Urban Development",
- from "Regional Industrial" to "Urban Development", and
- from "Regional Industrial" to "Rural".

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached St. John's Urban Region Regional Plan Amendment No. 4, 2020 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.



