

Municipal Plan 2022-2032



Town of Baie Verte

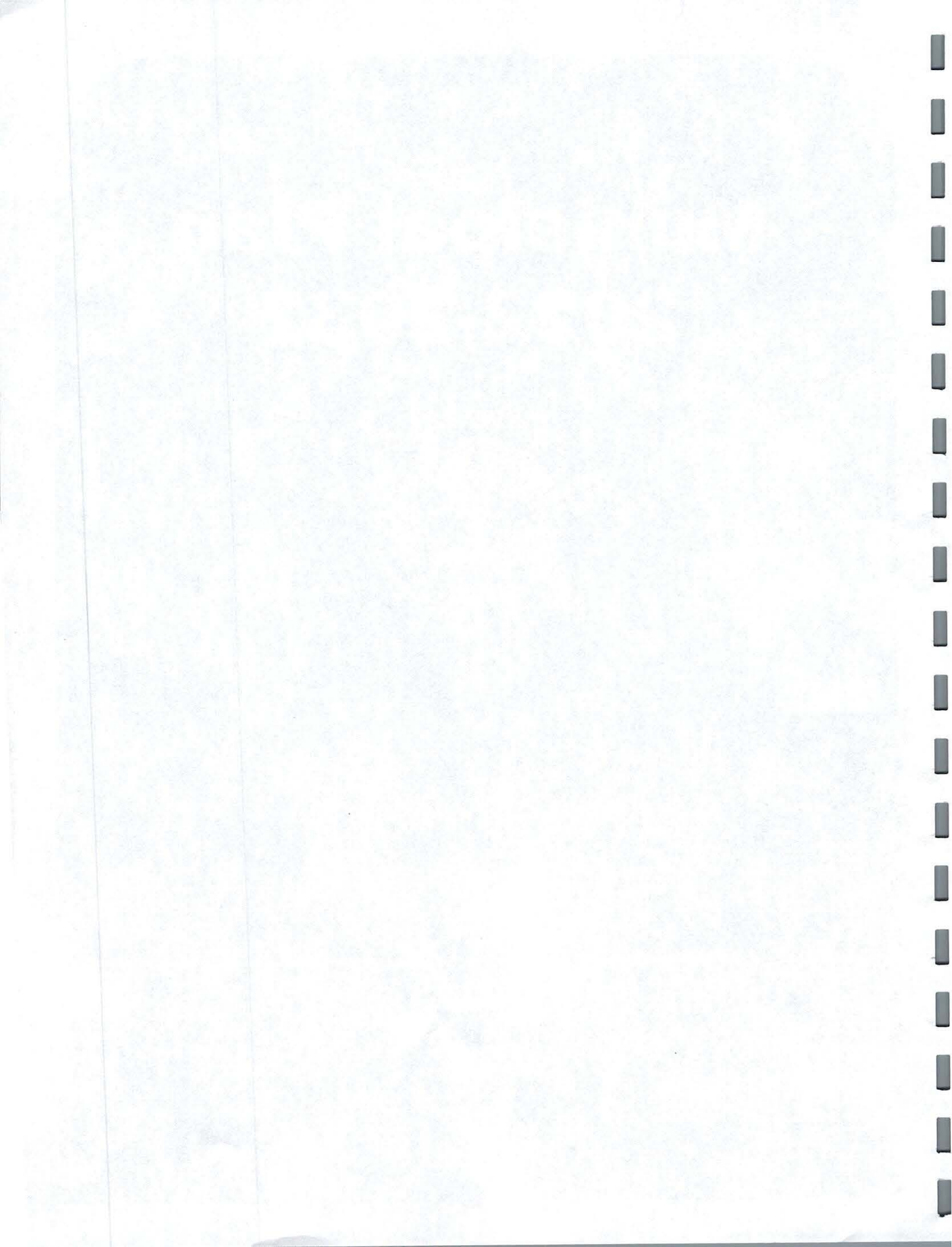
TRACT

CONTACT INFORMATION

100 LeMarchant Road, St. John's, NL A1C 2H2

P. 709.738.2500 F. 709.738.2499

tractconsulting.com



TOWN OF BAIE VERTE
RESOLUTION TO APPROVE
MUNICIPAL PLAN, 2022-2032

Under the authority of Section 16, Section 17 and Section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Baie Verte:

- a) Adopted the Town of Baie Verte Municipal Plan, 2022-2032 on the 8th day of September 8, 2022;
- b) Gave notice of a public hearing by advertising with a poster on Town webpage (September 12), Facebook page (September 12, 21 and 24 and October 14) and the poster was put up at the Town Hall, Post Office, Coop and Copperstop stores, setting the date of October 21st, 2022 for the submissions for the Public Hearing Commissioner as per the Department of Municipal and Provincial Affairs directive regarding non-physical public hearings during COVID-19.
- c) Scheduled the 21th day October, 2022 for the submissions for the Public Hearing Commissioner as per the Department of Municipal and Provincial Affairs directive regarding non-physical public hearings during COVID-19.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Baie Verte approves the Municipal Plan, 2022-2032.

SIGNED AND SEALED this 21 day of Dec., 2022.

Mayor:

Alex Bowers

Town Clerk:

G. Noble

Municipal Plan/Amendment
REGISTERED

Number 0170 - 2023 - 0000

Date 27 MARCH 2023

Signature [Signature]



(Council Seal)

STATE OF NEW YORK
IN SENATE
January 12, 1911.

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE
ON JANUARY 10, 1910.

ALBANY: JAMES BROWN PUBLISHER, 1911.

The following is a list of the lands owned by the State of New York, as of January 1, 1911, and the amount of the taxes thereon, as reported by the several counties and cities, towns and villages, and the amount of the taxes actually paid thereon, as reported by the several counties and cities, towns and villages, and the amount of the taxes actually paid thereon, as reported by the several counties and cities, towns and villages.

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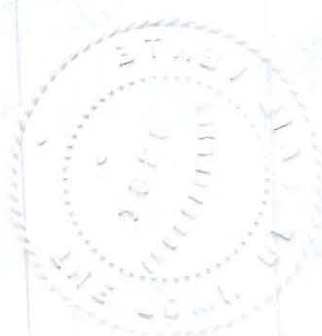
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TOWN OF BAIE VERTE

RESOLUTION TO ADOPT

DEVELOPMENT REGULATIONS, 2022-2032

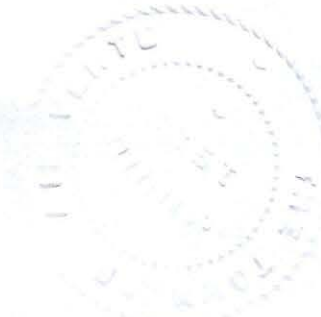
Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Baie Verte adopts the Baie Verte Development Regulations (2022-2032).

The Development Regulations (2022-2032) were adopted by the Town Council of Baie Verte on the 8th day of September, 2022.

Signed and sealed this 21 day of December, 2022.

Mayor: Eric Bensen

Town Clerk: Dhoble



Town of Baie Verte seal

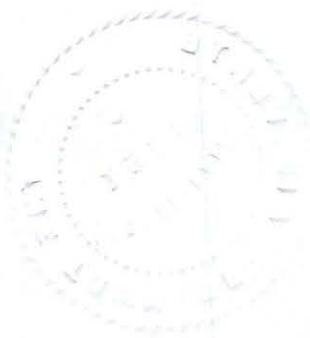
CANADIAN INSTITUTE OF PLANNERS (CIP) CERTIFICATION

I certify that the Town of Baie Verte Development Regulations, 2022-2032 have been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000* of the Province of Newfoundland and Labrador.

Amey

Member of Canadian Institute of Planners (MCIP)





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1.0 INTRODUCTION

1.1 The Purpose of the Municipal Plan

The purpose of the Municipal Plan, 2022-2032 is to enable the community to pursue sustainable choices to meet the needs of the Town for the next 10 years. This updated Municipal Plan will replace the current Municipal Plan, 1984-1994 which was gazetted on November 1, 1985 (which replaced the previous 1977 plan).

This updated plan provides an up to date, comprehensive policy framework to influence, manage, and regulate future growth and change in the Town of Baie Verte.

1.2 Authority

The Municipal Plan and Development Regulations are legal documents created under the authority of the *Urban and Rural Planning Act, 2000*. They apply throughout the Municipal Planning Area which is established under the *Urban and Rural Planning Act, 2000*; note that the Municipal Planning Area boundary is the same as the Municipal Area boundary under the *Municipalities Act, 1999*.

The policies and development requirements contained in the documents and mapping are binding upon the Town Council, residents and on any person undertaking a development within the Municipal Planning Area boundary (Section 12 of the *Urban and Rural Planning Act, 2000*).

The Municipal Plan guides the future growth and physical improvement of the Town by identifying locations and setting out policies for various types of land use development. These locations are shown as land use designations on the Future Land Use map found in the appendices.

The Municipal Plan authorizes Council to prevent the undertaking of any development that contravenes a policy stated in the Municipal Plan.

The *Urban and Rural Planning Act, 2000* requires the preparation of Development Regulations to ensure that land is controlled and used in compliance with the Plan (Section 35); these form a separate companion document to the plan. The Development Regulations enable the Council to administer the policies of the Municipal Plan. The Municipal Plan provides the basis for the Development Regulations which provide more refined zoning within the land use designations indicating permitted and discretionary uses in each zone, development standards and conditions, and criteria for the evaluation of subdivision and development applications. The land use designation and zones apply on both public and private land.

The Municipal Plan 2022-2032 that comes into legal effect upon publication of the notice of registration in the Newfoundland and Labrador Gazette, and at that point the Municipal Plan, 1984-1994, is repealed and replaced by the new Municipal Plan, 2022-2032.

1.3 The Municipal Planning Process

The process for preparing a plan is set out in Part III of the *Urban and Rural Planning Act, 2000* (Sections 14 – 25) and it can only be undertaken by a certified planner in good standing with the Canadian Institute of Planners.

A Background Report was prepared to inform the Municipal Plan review. It provides the key findings of statistical research, community site visits and discussions with the Town staff and Council, a questionnaire to elicit resident preferences and concerns, information gleaned from Provincial agencies and community representatives, including public consultation.

The Background Report contains a review of land use, development and infrastructure servicing issues, and a socio-economic profile of the Town of Baie Verte. As well, an analysis was undertaken of the 1984 planning documents and mapping. The Background Report provides the foundation for preparation of the plan update. It can be found in the appendices.

As part of the planning process, the Local Governance and Land Use Planning Division circulates the proposed planning documents and mapping to other government agencies through the Interdepartmental Land Use Committee (ILUC). These specific requirements are also integrated into the planning documents. As this ILUC report is an internal government document, it cannot be reproduced in the Municipal Plan.

An important part of this process is the public consultation requirements which ensure that residents and stakeholders have adequate access to information regarding land use and development regulation proposals including an adequate opportunity to respond to these proposals. There are a minimum of three key opportunities for public participation:

1. at the outset of the plan review project to solicit ideas and concerns of residents, stakeholders, business owners, Council and Town staff (Community survey-195 responses; Public Consultation session on September 16, 2020; Meetings with Council, staff and community representatives;
2. when the draft proposed planning documents and maps are ready for provincial review under Section 15 (Public consultation session with presentation-June 15, 2021); and,
3. the Public Hearing, where an independent Commissioner can hear objections or submissions regarding the planning documents and maps released from the Section 15 review and adopted by Council.

The Municipal Plan must address the future land use and development of the Municipal Planning Area for a 10-year period. The Municipal Plan must be reviewed every five years (Section 28), and reviewed comprehensively again at 10 years' time as the scope of the plan is required to anticipate the needs of the Town of Baie Verte for a 10-year period.

Amendments can be made to the Municipal Plan and Development Regulations at any time. Amendments must follow the procedure (Sections 14-25) set out in the *Urban and Rural Planning Act, 2000* (Section 25).

Note that a *Resolution of Council alone* cannot amend (or circumvent) a requirement contained in the Municipal Plan or Development Regulations.

1.4 Organization of the Plan

The Municipal Plan is organized into five chapters:

- Chapter 1 sets the legal context of the planning process;
- Chapter 2 sets out the Objectives for of the Town of Baie Verte that apply generally throughout the community to achieve sustainability;
- Chapter 3 sets out the Land Use Policies, by land use classification (as required under Section 13 of the *Urban and Rural Planning Act, 2000*); and,
- Chapter 4 sets out the policies related to the General regulations to be addressed in the Development Regulations and specific Provincial Government requirements that were highlighted in the Interdepartmental Land Use Committee report that apply throughout the Municipal Planning Area as relevant to development in any land use designation or zone; and,
- Chapter 5 sets out the approach to the implementation of the Municipal Plan.

Specific provincial policies that were referenced in the Interdepartmental Land Use Committee requirements are provided in the appendices; as well as, the Future Land Use Map.

2.0 Community Vision and Objectives

The community vision articulates the overarching goal of the Municipal Plan reflecting the aspirations and needs of the residents of the Town of Baie Verte.

These are implemented through the policies set out in Chapter 3 which will provide a sustainable framework for the land use and development policies that will be administered through the Development Regulations.

2.1 Community Vision

The Town of Baie Verte Municipal Plan Review process is mindful of the Community Vision as set out the Town's Integrated Community Sustainability Plan:

"Baie Verte has a long history of being a true community catering to the needs of industrial workers for the fishing, lumbering, and mining industries. It wishes to continue and to enhance that role by providing a clean, safe, economically viable environment for all its citizens, from youth to seniors, while promoting health and wellness, and protecting the environment".

2.2 Community Objectives

- The objectives for a clean and safe sustainable healthy community include:
 - (1) To provide a pleasant, healthy, and safe living and working environment in the Town of Baie Verte;
 - (2) Manage future growth in an orderly manner that:
 - a. ensures that land uses are allocated in a manner that minimizes conflicts between non-compatible uses;
 - b. creates a balanced and attractive community by considering its topography and rural character; and,
 - c. ensures the economic use of municipal services.
 - (3) To create a healthy community by using healthy community principles in the Development Regulations regarding the evaluation of development applications and infrastructure renewal:
 - a. 'People First' design – Encourage development to emphasize human-scale and quality-of-life features such as 'walkability' (active transportation) to recreation, parks and trails, and shopping services.
 - b. Foster varied urban environment that is laid out to make social engagement easy recognizing that mentally, emotionally and socially healthy people require full lives of rich and dynamic engagement;

- c. Keep Nature in the built-up urban areas: Green design, parks, open space and landscaping enhances everyday life (biophilic design);
 - d. Promote reduction of auto dependency and consider 'complete street' concepts that incorporate active living and landscaping in street management and design;
 - e. Minimize hard surfaces in development by use of non-porous materials in lanes, streets, parking lots;
 - f. Develop paths, walkways and trails to connect different neighbourhoods, commercial and recreation areas to encourage walking, cycling and any other form of active transportation;
 - g. Encourage public participation in the planning of recreational open space lands and encourage events such as festivals, sporting events, and other attractions.
- The objectives for economic viability and sustainability include:
 - (1) To enable employment-generating activities, such as, commercial (including tourism-related initiatives) and industrial development by protecting expansion potential of existing businesses and making land available to attract new ventures to Baie Verte;
 - (2) To encourage home businesses by including provisions regarding home business opportunities in the regulations that will help residents augment their income and also provide products for seasonal tourism without detriment to the primary permitted use;
 - (3) To ensure compatibility of non-residential and residential development through buffers such as physical or natural structures or separation distances;
 - The objectives for protecting the environment include:
 - (1) To protect naturally significant areas, such as:
 - a. water bodies including buffers around ponds, shorelines, and wetlands, and flood plain lands,
 - b. lands recognized by Council as having natural significance;
 - c. lands that contribute to important ecological functions; and,
 - d. lands containing other natural physical features which are desirable for open space use or preservation in a natural state.

2.3 Municipal Governance

The objectives for sustainable municipal governance include:

- (1) To provide municipal administration and services effectively, efficiently, and equitably to all residents, in a transparent manner and within the fiscal capacity of the Town;
- (2) To encourage public interest and participation in Municipal governing processes, including Council elections, committee activities, and public participation in decision-making by increasing community awareness;
- (3) To collaborate with other municipalities in the region, government and community organizations, and the business community to facilitate opportunities to improve local governance and municipal services.
- (4) To manage municipal expenditures and revenues in order to provide necessary municipal services within a framework of long-term municipal financial stability.
- (5) To provide the quality-of-life amenities and infrastructure services to promote a vibrant economy and secure future for the community;
- (6) To facilitate timely decision-making and implementation, including enforcement.
- (7) To undertake regular review of Municipal Plan and Development Regulations to ensure a clear and effective planning process;

2.4 Municipal Services

The objectives for providing sustainable municipal services include:

- (1) To provide, where possible, a full range of municipal services to Baie Verte to residents and businesses in the most economical fashion.
- (2) To ensure that on site services meet the standards of the Service NL;

3.0 LAND USE CLASSES AND POLICIES

The following sections outline objectives of the Municipal Plan for the Town of Baie Verte Municipal Planning area (as required by Section 12 (2) (a) of the *Urban and Rural Planning Act, 2000*).

3.1 Interpretation

3.1.1 Land Use Classes

In accordance with Section 13 (2) (c) of the *Urban and Rural Planning Act, 2000* the land in the Municipal Planning Area of the Town of Baie Verte is divided into land use classes as set out in Section 3.2.

Within each Land Use Class, the Municipal Plan establishes the Land Use designations that are mapped on the Future Land Use Map. The policies in each class of land use reflect the vision (goals) and objectives of the community. The policies establish the land use zones to be found in each land use designation and sets out the permitted, discretionary and prohibited uses.

3.1.2 Permitted, Discretionary and prohibited uses

The objectives of the Municipal Plan as articulated in Chapter 2 are implemented by the policies for each Land use designation in the Baie Verte Municipal Planning area.

Based on the overall goals and objectives of the Municipal Plan, the land use policies shall:

- 1) Set out Permitted Uses in each zone;
- 2) Set out Discretionary Uses in each zone. The following considerations must be taken into consideration when reviewing a Discretionary use, whether the proposed use:
 - a. is appropriate for the site and the immediate surrounding area;
 - b. is consistent with the policies of the Municipal Plan as it pertains to the Town in general and as they pertain to the designation shown on the Future Land Use Maps in which the use is located.
 - c. has any potential impacts on adjacent properties or services and whether, after consulting with the public and possible affected parties, it is possible to mitigate these by attaching conditions to the approval of the proposed Discretionary use;
- 3) Set out the uses that are permitted in all designations: environmental protection; open space; parks and trails uses, accessory uses and accessory development, including wharf/boathouse/slipways/breakwater; mineral exploration that is not a development; and public utilities.
- 4) Set out the scope of regulations and standards to be included in the Development Regulations (see Section 4.1), including the requirements of Section 35 of the *Urban and Rural Planning Act, 2000*.

Council may add or revise the uses, standards and conditions for development in any land use zone by an amendment to the Development Regulations, provided the changes are consistent with the policies of this Plan.

3.1.3 Accessory Uses & Buildings and Home Businesses

The policies regarding regulations for Accessory uses and buildings and Home Businesses are:

- 1) To ensure that Accessory uses and buildings and Home Businesses are a subsidiary and complementary to the principal use on the site;
- 2) To set standards in the Development Regulations regarding size or footprint on the lot and external structural or containment measures to address exterior appearance or visual or potential nuisance issues;
- 3) To facilitate the ability of residents to augment their income through home businesses that are compatible with the character of the neighbourhood in which they occur; and, to set out which home businesses may be considered as permitted uses and which may be considered as discretionary uses;

3.1.4 Future Land Use Map

The Future Land Use Designations are illustrated on the Future Land Use Map, which can be found in the appendices. The following table indicates the Land Use classes addressed in the Municipal Plan and Development Regulations, the Land Use Designations, and the Land Use zones within each designation.

LAND USE CLASS	DESIGNATIONS	ZONES
Residential	RESIDENTIAL	1. Residential Low Density
		2. Residential Medium Density
		3. Residential Compact
		4. Residential Comprehensive Development Area
Mixed Use	MIXED USE	5. Mixed
Public/Institutional	PUBLIC/INSTITUTIONAL	6. Public/Institutional
Commercial	COMMERCIAL	7. Commercial General
		8. Town Centre
Industrial	INDUSTRIAL	9. Industrial General
		10. Industrial-Mining
		11. Waterfront
Rural	RURAL	12. Rural
		13. Urban/Rural Buffer
Conservation	CONSERVATION	14. Open Space, Parks & Trails
		15. Environmental Protection
		16. Protected Water Supply

The boundaries between land uses classes are meant to be general, except where they coincide prominent physical features, where they are intended to define the exact limits. The boundaries of the designations overlap water bodies; and where a boundary is along a road, the boundary on each side of the road is intended to meet in the centre of the road.

Legal version of map: Note that the paper copy of the Future Land Use map is version with the signed registration stamp is the legal version. One copy of the registered map is kept at the Council Office, Town of Baie Verte, and a second copy is in the Minister's Registry with the Local Governance and Land Use Planning Division.

3.2 Land Use Classes

3.2.1 Residential Land Use Class

Objectives

The objectives of the residential land use class are:

- A. To provide an adequate amount of serviced land to accommodate future residential development within the municipality over the 10-year timespan of the plan;
- B. Accommodate housing needs for current and future residents for a range of age, income, abilities, and family status with a range of housing types in the residential zones by encouraging new subdivision development to accommodate an appropriate mix of housing types to meet socio-demographic needs of residents; such as innovative housing forms and other efficient and uses of land that are financially accessible to a range of household types and income groups including first-time home owners, young families, seniors and those with disability needs.
- C. Build livable neighbourhoods by preserving and enhancing the amenity of existing residential areas in terms of landscaping and open space, parks and trails which will protect quality of life and property values;
- D. To provide controls for urban agriculture in the urban core of the community to ensure public health and compatibility with adjacent uses;

Policies

It is the policy of Council to:

- 1) Provide for a Residential Land Use designation on the Future Land Use mapping;
- 2) Within the Residential Future Land Use designation, provide for the following zones in order to provide a range of housing options to meet the needs and desires of all residents:
 - a. **Residential Low Density (RLD)** zone which will have the following
 - i. Permitted Uses: Single detached dwelling, Semi-detached (double) dwelling, Subsidiary apartment, and Home businesses as set out below
 - Professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer;
 - Artisan and other home crafts;
 - Telephone and mail order business;
 - Any business applying for only a phone/fax/internet service is permitted;
 - ii. Discretionary uses: Apartment Building, Townhouse, Assisted Living-Residential; Supportive housing, Convenience store; Urban agriculture; Energy generating facility – residential only: Home business, as set out below:
 - Food preparation for catering services and baking;

- Music and dance lessons, and educational tutoring
 - Personal service that do not disrupt the residential character of the neighbourhood, such as a hairdressing, tailor, photographer, pet groomer, caterer's establishment, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;
 - Care services, such as child care, or home-care; and similar occupations or businesses.
 - Art gallery and framing shop;
 - Pet grooming services;
 - Bed and Breakfasts;
 - Boarding house
 - Day care-residential
 - Home care-residential
 - Furniture repair and upholstery;
 - Sale of bedding plants and trees grown on the same lot;
- iii. The RLD zone will generally be applied to the 'New Town' area of the community and grandfather existing homes in an area which has been developed (without appropriate plan amendments). This is the prime area for residential expansion.
- b. **Residential Medium Density (RMD)** zone which will have the following:
- i. Permitted Uses: Single detached dwelling; Semi-detached (double) dwelling; Subsidiary apartment; and Home businesses, as set out below:
 - Professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer;
 - Artisan and other home crafts;
 - Telephone and mail order business;
 - Any business applying for only a phone/fax/internet service is permitted;
 - ii. Discretionary uses: Townhouse, Mini-home (not mobile homes), Apartment building, Assisted Living-Residential, Non-profit housing, Supportive Housing, Transitional housing, Convenience store; Urban agriculture, Public Gathering Places-Indoor, Energy generating facility – residential only; Home business-as set out below:
 - Food preparation for catering services and baking;
 - Music and dance lessons, and educational tutoring
 - Personal service that do not disrupt the residential character of the neighbourhood, such as a hairdressing, tailor, photographer, pet groomer, caterer's establishment, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;
 - Care services, such as child care, or home-care; and similar occupations or businesses.
 - Art gallery and framing shop;
 - Pet grooming services;
 - Bed and Breakfasts;
 - Boarding house

- Day care-residential
 - Home care-residential
 - Furniture repair and upholstery;
 - Sale of bedding plants and trees grown on the same lot;
- iii. The RMD zone will be applied to the 'Old Town' area of the community and grandfather existing homes in the area;
- c. **Residential Compact (RC) zone** which will have the following
- i. Permitted Uses: Mobile Home; Mini Home; Home business-as set out below:
 - Professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer;
 - Artisan and other home crafts;
 - Telephone and mail order business;
 - Any business applying for only a phone/fax/internet service is permitted;
 - ii. Discretionary uses: Tiny home, Convenience store; Urban agriculture; Home business-as set out below:
 - Food preparation for catering services and baking;
 - Music and dance lessons, and educational tutoring
 - Personal service that do not disrupt the residential character of the neighbourhood, such as a hairdressing, tailor, photographer, pet groomer, caterer's establishment, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;
 - Care services, such as child care, or home-care; and similar occupations or businesses.
 - Art gallery and framing shop;
 - Pet grooming services;
 - Home care-residential
 - Furniture repair and upholstery;
 - Sale of bedding plants and trees grown on the same lot;
 - iii. The RC zone will be applied to the previously zoned Residential Mobile Home zone area; the name is changed in order to indicate that a greater variety of compact housing types will be considered in this area provided that they are consistent with the character of the neighbourhood;
- d. **Residential Comprehensive Development Area (RCDA)**, subject to the following:
- i. The RCDA is for the purpose of Residential development; the RCDA zone ensures that no ad hoc development will occur that would compromise future residential use or compromise access to these lands;
 - ii. The Development Regulations will allow existing uses to continue in an area designated as a Residential Comprehensive Development Area as existing non-conforming uses; and Uses permitted in all zones as set out in 3.1.2.(3);
 - iii. The area designated as RCDA will consist of areas suitable for residential development to the south and east of the RLD and RC zones; however, these areas need more

comprehensive planning to ensure a road network and lot layout that meets the subdivision requirements and maximizes use of the limited residential land base in the community.

- iv. A Planned Unit Development application must be prepared in order to ensure orderly development and maximize use of land and address the requirements for subdivision development (as appropriate);
- v. The RCDA shall be developed with consideration of the principles from the 'Smart Growth', 'Complete Community' and 'Healthy Community' planning concepts, as appropriate, such as:
 - Mix of land uses;
 - Take advantage of compact building design.
 - Create walkable neighbourhoods and a range of housing opportunities and choices;
 - Foster distinctive, attractive communities with a strong sense of place;
 - Preserve open space, farmland, natural beauty, and critical environmental areas;
 - Strengthen and direct development towards existing communities;
 - Make development decisions sustainable, predictable, fair, and cost effective.
 - Manage residential development in a manner that preserves and protects sensitive environments and natural areas by requiring areas to be zoned appropriately for conservation purposes, 'environmental protection' or 'open space, parks and trails' in new developments;

General residential policies

It is the policy of Council to:

- 3) Provide for open space, parks and trails in the residential zones to increase community amenity;
- 4) Increase the lot coverage in order to allow for more built form on the lot which reduces the amount of land needed per home and allows for larger accessory buildings for storage;
- 5) Include provisions regarding tiny homes and tiny home subdivision development;
- 6) Apply the following criteria when reviewing for non-residential development applications adjacent to residential development: Evaluate the impact of the bulk and scale of the proposed non-commercial uses adjacent to residential designations to ensure that development does not adversely affect the residential character and amenity of the area; and the provision of adequate space for on-site parking, loading, and buffering;
- 7) Ensure that landscaping requirements for residential use are set out in the Development Regulations to preserve the scenic quality of the neighbourhood.
- 8) To allow subsidiary apartments in single detached dwellings as an accessory use.

- 9) Set out provisions regarding alternative energy within a built-up residential area which will be limited to a single energy-generation unit that serves an individual property;
- 10) Require conformance to the Development Regulations for (1) Individual Lot layouts and the siting of buildings, (2) Subdivision Plans, including development standards of the Town's Development Regulations, engineering site plans, landscape plans and building designs must meet the approval of Council;
- 11) Define urban agriculture in the Development Regulations, provide standards and conditions ,and indicate that it is a Discretionary use in the Residential land use designation within the Residential Low Density, Residential Medium Density, and Residential Compact zones.

Subdivisions

- 12) For subdivision development with 5 lots or more, a Subdivision Plan must be submitted to Council which addresses all issues related to the development of the site including but not limited to:
 - a. Conformity to the goals, objectives, and policies of this Municipal Plan;
 - b. Conformity to a Residential zone in which it occurs, Planned unit Development plan or a Development Scheme as approved by Council, which accounts for the development of lands abutting the site;
 - c. A description of the subject lands;
 - d. Consideration of land ownership as it will affect the layout of streets and the optimal use of land and municipal services;
 - e. Access to the site from existing roads and internal road layout;
 - f. Extension and development of municipal piped services for new subdivision;
 - g. Demonstration of the long-term viability of any proposed on-site servicing system through a site assessment which shall accurately depict the conditions of the site;
 - h. Provision for lot layout scheme including the phasing of development;
 - i. Provision for 10% public lands or alternative measures if requested by Council;

3.2.2 Mixed Use Land Use Class Policies

The objective of the mixed land use class is:

- A. Create opportunities for a mix of residential development interspersed with attractive commercial buildings that have doors and windows facing streets and parking areas which encourage interconnected, walkable streets to create a sense of community;

Policies

It is the policy of Council to:

- 1) Provide for a mixed-use designation in the mixed-use Future Land Use map
- 2) Within the Mixed Use designation, provide a Mixed zone on the Land Use Zoning map in the Development Regulations; The Mixed Use zone will have:
 - a. Permitted uses include: Amusement establishment/use; Business support service, Club and Lodge; Convenience store; General Service/repair; Medical or Dental Clinic; Personal Service; Offices; Restaurant – full service; Retail; Public Gathering Place-indoor;

- b. Discretionary Uses include: Bar; Townhouse; Apartment building; Transitional housing; Non-Profit housing; Supportive housing; Emergency Shelter; Hostel; Home Business;
 - c. The Mixed use zone will be applied to the previously zoned Mixed Development which is adjacent to the Town Centre zone; and it is expanded to include an area to the east of the Town Centre in order to advance healthy community development that has higher density residential uses located close to commercial, recreation, civic, and other services to encourage a more active and healthy community.
- 3) Ensure that the non-residential uses allowed in this zone are compatible with the residential uses with due attention to hours of operations, noise levels, traffic levels, and other nuisance factors.

3.2.3 Public/Institutional Land Use Class Policies

The objectives of the public institutional land use class are:

- A. Ensure that there is sufficient land for Public/Institutional uses and developments that provide services (such as health, recreation or other government) to the general public and have a community-wide or regional catchment area to serve the present and future needs of the community. Generally, these uses represent a significant investment by local, provincial or federal governments, as well.
- B. Protect existing Public/Institutional developments and adjacent lands by the PI designation to ensure potential future expansion;
- C. Encourage Public/Institutional land uses be located on arterial and collector roads that can accommodate the traffic generated by such uses;
- D. Provide suitable locations to accommodate the level of pedestrian and vehicular traffic and activities associated with public and institutional uses in a safe, efficient manner with appropriate buffers to reduce potential impacts on adjacent land uses;
- E. Provide recreation spaces, facilities and programming to appropriately address the recreational and social needs for all age groups in the Town;

Policies

It is the policy of Council to:

- 1) Provide for a Public Institutional Future Land Use designation on the Future Land Use mapping;
- 2) Within the Public/ Institutional land use designation, provide for Public Institutional zone on the Land Use Zoning map for the Development Regulations In the Public Institutional zone,
 - a. Permitted Uses include: Institutional Public Uses – ALL EXCEPT Crematoria (discretionary use associated with funeral home) including but not limited to: hospitals, government offices, educational facilities, convention centres or major cultural centres, such as Provincial arts and culture centres, recreation complex, such as an arena, multi-use sports and entertainment centres, swimming pools; and, personal care facilities (larger than

residential home), such as nursing or senior's homes, family and group care centres; Assisted Living-Residential; Non-profit housing, Supportive housing; Emergency shelter; Transitional housing, Hostel;

- b. Discretionary Uses include: Club and lodge; Outdoor Market;
 - c. As the determination of the need for these services (i.e., school boards, hospitals boards, provincial government) and land selection process is controlled by the agencies having jurisdiction, existing Public Institutional uses were grandfathered. (formerly called Community and Social Service). No new future sites have been identified as these will be reviewed on their own merit on a site-specific basis and possibly subject to a Municipal plan amendment; however, land has been identified for expansion wherever possible.
- 3) Provide development standards in the Development Regulations to maximize use of the land and accommodate efficient provision of services, and appropriate buffers, fences, and separation distances to avoid conflict;
 - 4) Ensure that Public/Institutional uses are compatible with surrounding development in terms of size, scale and layout of buildings;
 - 5) Ensure that development and operation of recreational facilities shall not impose adverse effects on adjacent residential and other uses in terms of noise, traffic and hours of operation through appropriate conditions to development approval;
 - 6) Determine the need for and implement appropriate buffers, fences or separation distances, and appropriate signage;
 - 7) Require that all Public Institutional applications provide information regarding access/egress and onsite parking and loading details; depending upon scope of the development, a planned unit development application may be required.

3.2.4 Commercial Land Use Class Policies

Objectives

The objective of the commercial land use class includes

- A. To provide for an adequate quality, quantity and mix of commercial land to serve the present and future needs of the community;
- B. To encourage diversified and balanced economic growth, promote development and diversify the local employment base; and,
- C. To protect existing businesses and to ensure their continued operation.

Policies

It is the policy of Council to:

- 1) Provide for a commercial land use designation with a Commercial General designation on the Future Land Use mapping;

- 2) Within the Commercial land use designation, provide for the following Commercial zone on the Land Use Zoning map of the Development Regulations:
- 3) **Commercial General (CG)** zone where:
 - a. Permitted Uses include: Commercial Land Use Class: All Uses, EXCEPT Amusement Park/Attraction, Campgrounds, Resort; Institutional Public Land Use Class-All Uses EXCEPT Cemetery; and,
 - b. Discretionary Uses include: Apartment building with commercial on main floor; Assisted Living-Residential; Supportive housing; Emergency shelter; Transitional housing, Hostel; Public Gathering – Indoor, Outdoor Storage; Light Industrial.
- 4) **Town Centre (TC)** zone where:
 - a. Permitted Uses include: Amusement Establishment use; Bar/licenced Liquor establishment; Business support service; Club and Lodge; Custom manufacturing service and sales; Garage/public parking/taxi stand; General service/repair shop; Hotel or Inn; Medical or Dental clinic/office; Outdoor commercial patio; Personal service; Office; Restaurants; Retail; Mobile Street vendor (non-food); Public Gathering-Indoor; Public Gathering-Outdoor limited to Civic purposes only;
 - b. Discretionary Uses include: Protective and Emergency services; Apartment (with commercial on lower ground level); Outdoor market;
- 5) Commercial use development standards will be set out in the Development Regulation;
- 6) Ensure that lands within areas identified for commercial use are developed in a manner that maximizes the use of land by encouraging development of multi-storey buildings with a high percentage of lot coverage and to locate around key intersections and along major thoroughfares or collector streets;
- 7) Outdoor storage shall not be permitted in the front and may only be a discretionary use in a side yard of a commercial property. Property owners will be required to keep their premises well maintained and tidy.
- 8) To prevent or minimize the adverse effects of any commercial development on adjacent residential uses, proper site layout and buffering shall be required, including measures such as separation distances, fencing, landscaping or any combination of these.
- 9) To promote an aesthetically pleasing form and better pedestrian connectivity of commercial development by:
 - a. allowing buildings to be located close to the street;
 - b. providing sidewalks, landscaping and streetscape amenities.

3.2.5 Industrial Land Use Class Policies

The objectives for Industrial land use designations are:

- A. Provide for an adequate quality, quantity and mix of industrial land to serve the present and future needs of the community;
- B. Provide for buffers such as separation distance standards between residential and non-residential uses, fences, landscaping and other means in order to minimize the negative effects of nuisance or unsightly development and land use activities.

Policy

It is the policy of Council to:

- 1) Provide for an Industrial Future Land Use designation on the Future Land Use mapping;
- 2) Within the Industrial land use designation, provide for the following industrial zones on the Land Use Zoning map of the Development Regulations:
 - a. Industrial General;
 - b. Mineral Working for the mining sites within the Municipal Planning area;
 - c. Waterfront
- 3) In the **Industrial General (IG)** zone, the uses shall be:
 - a. Permitted Uses include: Industrial-General; Natural Resource-related Industries; Contractor-General; Composting Facility; Protective and Emergency Services; Industrial Light;
 - b. Discretionary Uses include: Energy Generation Facilities; Wind Turbine Generator; Industrial-Heavy and Hazardous; Solid Waste Recycling/Disposal/Composting Site; Salvage/Scrap yard; ; Crematorium; Energy Generation Facilities; Retail-only related to primary use in a minor capacity; Mineral Exploration-'development'.
 - c. Limit non-industrial discretionary uses in industrial areas to those that directly support the industrial area in order to reduce potential conflict between incompatible developments and maximize land set aside for industrial use to be used for that purpose;
 - d. Select locations for General Industrial that are links to main transportation routes to facilitate industry activities and minimize conflict with non-industrial traffic.
 - e. Ensure development standards that maximize use of the land and also minimize conflicts between adjacent developments;
 - f. Ameliorate incompatible contiguous land uses: Property owners with unsightly uses will be required to store their materials in the rear yard. Scrap yards and similar uses will be screened from view of the road by high fences or some other form of buffer as required by Council. Screening and buffering using fences or trees may be required in order to preserve an attractive

appearance. Proper site layout and buffering shall be used to prevent or minimize the adverse effects of any proposed development on adjacent residential uses.

- g. A Planned unit development application may be required by Council;
- h. Minimize the impact of commercial traffic on adjacent land uses and, on the traffic, carrying capacity of adjacent roads by allowing Council to require a statement regarding traffic impact as part of the development application and review;
- i. Promote redevelopment of vacant and underutilized industrial sites.
- j. Consider commercial uses in industrial zones as Discretionary Uses;

4) In the Industrial-Mining (IM) zone, the uses shall be:

- a. Permitted Uses: Industrial General; Industrial Heavy/Hazardous; Mineral Working; Mining; Natural Resource-Related Use; Onsite Temporary Worker Residence(s); Mineral exploration- 'development';
- b. Discretionary Uses: Energy generation facilities;

5) In the **Waterfront** zone, the uses shall be:

- a. Permitted Uses: Fishery use; Industrial-General; Marina;
- b. Discretionary Uses: Wharves, boats and slips may be developed according to the Water Resource Management Division Policy: Policy for Development in Shore Water Zones;
- a. To preserve the lands along the shoreline historically used for a variety of marine uses including industrial and recreational purposes and allowing for future development of these lands;
- b. To ensure that proposed land uses are consistent with Provincial Government requirements regarding the Water Resources Management Division policies regarding Shore Water zones and Infilling Bodies of Water and the 15 m Crown land reservation administered under the *Lands Act, 1990*.

3.2.6 Rural Land Use Class Policies

The objectives for the Rural Use designation are to:

- A. To preserve the Town's natural rural lands outside the urban core for rural uses, such as agriculture, forestry, mineral resources, outdoor recreation and protect the rural character of the community;
- B. Retain the present rural character of the rural zone by setting out the permitted and discretionary uses in a manner that maximizes the resource potential and protects the rural setting of the community;

- C. To allow specific general industrial uses that would not be compatible with the urban community provided they do not detract from the primary resource related uses of the rural area;
- D. Ensure responsible management of natural resources, such as, forestry, mineral resources, wildlife and fish, water, and agriculture by participating in the development of management plans by the various government agencies mandated to prepared such plans;
- E. To control development on rural lands adjacent to the residential Comprehensive Development Area and to prevent future land use conflict, an Urban/Rural buffer designation zone will be created. The Urban/Rural Buffer designation will ensure that uses allowed in the rural zone will not occur too close to the Residential Comprehensive Development Area.

Policies

It is the policy of Council to:

- 1) Provide for a Rural designation on the Future Land Use mapping;
- 2) Within the Rural designation, establish a Rural zone that will allow the following uses:
 - a. Permitted Uses include: Commercial Agriculture, Hobby Farm, Forestry Activities, Mineral Working, Natural Resource-related industries; Contractor-General, Domestic Sawmill, Protective and Emergency Services, Resort; Mineral exploration-development;
 - b. Discretionary Uses include: Veterinary Clinic; Outdoor Market; Cemetery; Campground; Cottage; Public Gathering – Indoor; Public Gathering – Outdoor; Amusement Park/Attraction; Service Station; Kennel; Marina; Solid waste recycling/disposal and composting; residences are only allowed as a subsidiary use in situations where a farm or forestry in the primary use;
 - c. The lands for the Rural zone will include large areas outside the urban community core, including a large area previously zoned environmental protection which is no longer needed as the Town now has a defined Protected Water Supply under the *Water Resources Act, 1990* (see 3.8);
 - d. Cottage subdivision development is subject to the Groundwater assessment requirements of the Water Resources Management Division in the same manner rural residential development with on-site services;
- 3) Establish an Urban/Rural Buffer designation on the Future Land Use map
- 4) In the Urban/Rural Buffer designation, establish a corresponding Urban/Rural Buffer zone on the Land Use Zoning map that will allow for the following Permitted uses: Forestry Activities-domestic harvesting only;
- 5) Council will consult with the natural resource agencies regarding applications and management plans; Provincial government agencies, such as the Land Resource Stewardship Division, Forestry Resources Division, and the Mineral Lands Division each have jurisdiction under legislation to plan and control these resources. It is the objective of this plan to ensure that the Town is adequately consulted by these agencies, and that permits are secured from the Town;

- 6) Cottage developments or subdivisions are permitted in the Rural zone, as well, individual remote cottages will be allowed. Sites shall be carefully considered with regard to access and potential future demand for Municipal services or conversion to permanent homes.
- 7) In the Rural zone a 30 m buffer on waterbodies is encouraged as natural green belts along wetlands and waterbodies (ponds, rivers, creeks etc.). A 30 m minimum undisturbed natural vegetated green belt could be a standard requirement when dealing with any type of land use activity; wider green belts are suggested when bordering land uses include for example agricultural practices.
- 8) For developments requiring vegetative removal, Council will consider measures to maintain landscape connectivity, green belts should be connected to forested areas or other habitat patches to create travel corridors for various wildlife species.
- 9) Council will encourage vegetation clearing to be done outside the May 01 to July 31 period (note that some raptors start breeding in March) as disturbance can be most detrimental during that sensitive breeding/ young rearing period.
- 10) Ensure that development of rural lands does not block future access for other future opportunities for land use and development;
- 11) Protect and enhance agricultural enterprises in consultation with the Land Stewardship Division and ensure compatible adjacent development in order to minimize potential conflicts;
- 12) Comply with Provincial government authority regarding mineral exploration and mineral lands development opportunities and ensure the procedures are in place to ensure that:
 - i. the Council is consulted by the Mineral Lands Division on all proposed developments associated with these activities;
 - ii. that appropriate environmental, public health and safety and fencing/landscaping measures are provided to avoid land use conflict; and,
 - iii. parties comply with the requirements of the Mineral Lands Division regarding the Mineral Working buffer which will be identified as an overlay on the Future Land Use and Land Use Zoning mapping and regulations regarding buffers are to be included in the text of the Development Regulations.

3.2.7 Conservation Land Use Class Policies

The objectives for the Conservation Land Use designation are to:

- A. To set out Open Space, Parks and Trails zoning in the Development Regulations that will provide the appropriate level of protection and limitations on use in order to preserve the integral value of these natural resources;
- B. To set Environmental Protection zoning to protect natural areas which by reason of their intrinsic character, are sensitive, vulnerable, or ecologically significant, or have geophysical features that would be a hazard to development such as steep slopes or areas susceptible to flooding.

- C. To set out a Protected Water Supply zone to ensure that the Town of Baie Verte has a secure clean and safe water supply.

Policies:

It is the policy of Council to:

- 1) Provide for a Conservation Future Land Use designation on the Future Land Use mapping;
- 2) Within the Conservation designation, the following zones will be shown on the Land Use Zoning map in the Development Regulations:
 - a. Environmental Protection;
 - b. Open Space, Parks & Trails;
 - c. Protected Water Supply.
- 3) In the **Environmental Protection** zone, it is the policy of Council to:
 - a. Provide for the following uses:
 - Permitted Uses include: Environmental Protection; Municipal wastewater (sewer) treatment facility;
 - Discretionary Uses include: Uses as permitted under the provincial policy W. R. 97-1 by the Water Resources Management Division: marinas, boathouses, jetties, wharves, moorings and other docking facilities and the extension and upgrading of existing buildings; Open Space, Recreation and Trails uses and campground; Mineral exploration-‘development’; Forest activities-domestic harvest only;
 - b. To protect natural environment from degradation including water, air, soils, wetlands and waterbodies by restricting development in environmentally sensitive areas, such as, steep slopes, areas prone to landslides and rockfall and lands having drainage and flooding conditions;
 - c. Promote a regular community ‘clean-up’ program;
 - d. Apply the Environmental Protection zone in areas where development must be restricted, such as vulnerable shorelines, waterbodies, steep slopes, and development is unsuitable and environmentally unsustainable;
 - e. Reduce the potential for property damage and loss of life due to flooding, by restricting development on lands known to flood, such as flood plain lands to conservation and non-building uses;
 - f. Require that development of passive recreation facilities such as walking or nature trails, and associated interpretation programs do not have an adverse impact on the natural environment and any adjacent developed properties;
 - g. The Town may require that any development near a designated trail or water course be reviewed by the Town to ensure that development does not negatively impact such trail or watercourse. Where deemed necessary, the Town may require that the separation distance or visual buffer be provided by the developer.

- 4) In the **Open Space, Parks and Trails** zone, it is the policy of Council to:
- a. Provide for the following uses:
 - Permitted Uses include: Conservation – All uses;
 - Discretionary Uses include: Public gathering places-outdoor, Restaurant – Mobile Take Out, Street Vendor only, and Outdoor Market.
 - b. Allow the above Conservation uses in all zones throughout the community in order to create a network of Open space, Parks and Trails throughout the Town;
 - c. Enhance to rural character and attractiveness of the community by protecting open spaces and parks from development by zoning them for this purpose.
- 5) In the **Protected Water Supply** zone, it is the policy of Council to:
- a. Provide for the following uses:
 - Permitted Uses which must be consistent with the 'Policy Directive on Land and Water Development in Protected Public Water Supply Areas' by the Water Resource Management Division (Refer to appendices): cottage; forestry; commercial agriculture; resort; and
 - Discretionary uses: Mineral working and Mineral exploration-development;
 - b. To ensure that land use and development within the Protected Water Supply does not compromise the watershed as a source of potable water for the Town of Baie Verte;
 - c. To use the boundaries defined by the Water Resources Management Division under the *Water Resources Act, 2002* as the boundaries for the Protected Water Supply zone.

4.0 GENERAL DEVELOPMENT POLICIES & PROVINCIAL & FEDERAL INTERESTS

4.1 General Development Policies

The following policies provide the enabling context for the Development Regulations for the implementation of the Municipal Plan. These apply throughout the Baie Verte Municipal Planning area. These meet the requirements of Section 13 (2) 2 of the *Urban and Rural Planning Act, 2000*.

It is Council policy to:

Administration of the Development Regulations

- 1) Establish a Municipal Plan which applies to the Town of Baie Verte Municipal Planning area for a period of 10 years as required by Section 13 (2) (g) of the *Urban and Rural Planning Act, 2000*;
- 2) Establish a transparent application review process that enables Council to more comprehensively evaluate proposed development, involve the public, and consider alternatives during the review process of development proposals. The Development Regulations will address: when a permit is required and information requirements for all applications, discretionary use applications and planned unit development applications, and the obligations of the applicant and Town in the application process for all applications.
- 3) Set out provisions in the Development Regulations for: variances, non-conforming use (Section 108 of the *Urban and Rural Planning Act, 2000*; and Sections 12 and 13 of the *Ministers Development Regulations 3/01*), and the amendment process for the Municipal Plan and/or Development Regulations as per the *Urban and Rural Planning Act, 2000* and *Minister's Development Regulations 3/01*.
- 4) Address, in the Development Regulations, the special conditions for development, including planned unit developments, Development Agreements, Planning Impact Analysis, as well as service levies (under the *Municipalities Act, 1999*(Part VI).
- 5) Set out the application decision-making process in the Development Regulations including, but not limited to, the decision-making authority of Council, including premature development, written reasons for refusal, and the responsibility to inform applicants of the appeal process (Refer to Part VI of the *Urban and Rural Planning Act, 2000* and Sections 5-14 of the *Ministers Development Regulations 3/01*).
- 6) In considering an application for a permit to carry out development, take into account the policies expressed in the Municipal Plan and any further scheme, plan or Development Regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of the Development Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in the Development Regulations, approve with conditions, or refuse the application;
- 7) Undertake regular review of Municipal Plan and Development Regulations as required under the *Urban and Rural Planning Act, 2000*;

Planned Unit Development

- 8) Establish development application requirements for planned unit development (PUD) in the Development Regulations. A PUD may include a residential, public institutional, commercial or industrial development containing one or more single or individual developments (i.e., condominium or townhouses which can be sold as separate units or a shopping complex containing separate retail units which are leased as individual spaces) which may be treated as a single development and where services are to be provided and maintained privately and internally. It must front on a publicly maintained road; Infrastructure must meet the Town standards for roads and servicing. Where Municipal services are not feasible, the provision of on-site services must meet requirement of the Town and Provincial agencies, in particular, Water Resource Management Division and Service NL.
- 9) Uses in the PUD must comply with the uses in the applicable use zone table.
- 10) In a Planned Unit Development, Council may also, at its discretion, approve the erection of buildings which are designed to form part of a zero lot line development which allows structures to share a common fire-resistant outside wall, provided that the buildings are designed to provide both privacy and reasonable access to natural daylight, meet fire safety requirements, meet sideyard requirements with adjacent lots and the overall density conforms to standard set out in the Use Zone Table.

Planning Impact Analysis

- 11) Where an application for development or an application for an amendment to the Municipal Plan and/or Development Regulations is considered by Council to potentially have a significant effect on the community, Council may require that a Planning Impact Analysis be undertaken to address Council concerns;

Compliance with federal and provincial regulations

- 12) The Development Regulations shall state the responsibilities with regard to compliance of land use and development within the Municipal Planning Area boundary with the policies and land use designations of the Municipal Plan and Future Land Use Map, and the conditions and standards set out in the Development Regulations, subject to all relevant Federal and Provincial legislation, regulations, policies and guidelines. State in the Development Regulations that the Town of Baie Verte is subject to all relevant Federal and Provincial legislation, regulations, policies and guidelines.
- 13) Notwithstanding (12) above, the Development Regulations will incorporate specific provincial and federal interests in the Municipal Plan and Development Regulations (Refer to 4.2);

Existing Non-Conforming Use

- 14) Nothing in the Plan shall affect the continuation of a development which was legally existing on the day that this Plan is registered by the Minister of Municipal and Provincial Affairs as outlined in Section 108 of the *Urban and Rural Planning Act, 2000* regarding discontinuance and resumption of use, alterations, repair; and Sections 14 -17 in the *Minister's Development Regulations 3/01*.
- 15) As per Section 108 (2) of the *Urban and Rural Planning Act, 2000*, if a non-conforming development or land use is discontinued after these Regulations came into legal effect, a right to resume a discontinued non-conforming use of land shall not exceed two years after the discontinuance occurred.

Development to Front onto a Publicly Maintained Road

- 16) Require that all development fronts on to a publicly maintained road (Provincial or Municipal) and have independent, approved access. Exceptions include: (1) a development within a Planned Unit Development where there may be an internal road plan (which will be set out in the Development Regulations); however, the PUB must front onto a publicly maintained road; and (2) natural resource uses and associated industries, i.e., agriculture, forestry, mineral working, etc. and cottage development accessible by resource roads in the Rural designation and Rural zone.

- 17) A Planned Unit Development must front on to a publicly maintained road, but within the Planned Unit Development, the following types of development may be allowed on lots that front on to a private road provided that arrangements are made for the maintenance of the on-site road, but that the road is not maintained by a Council at public expense:
 - a. commercial rental cottages;
 - b. seasonal commercial uses related to tourism;
 - c. resort developments;
 - d. campgrounds;
 - e. seasonal cottage developments not intended for permanent residential use; and,
 - f. vacant land condominium subdivisions.

Site requirements and buffers/separation of uses

- 18) Establish standards and conditions regarding buildings, lot siting, landscaping, buffers, nuisance and unsightly development in the Development Regulations.

- 19) Buffers and separation distances between residential and non-residential uses and between non-residential uses are set out as follows and described further in the Development Regulations:

Separation Between NON-RESIDENTIAL Uses and RESIDENTIAL Uses (m=metres)		
Non-residential uses:	Buffer (m)	Mandatory (M) or Recommended ((R)
Agriculture – farm operation for livestock	600	M
Amusement establishment	45	R
Auto body; and Automotive repair	20	R
Bar, club, lodge,	100	R
Commercial	3	R
Crematorium	70	R
Garage	20	R
Industrial – general and hazardous	100	R
Industrial – light	10	R
Kennel - > 4 dog runs	215	R
Kennel – four or fewer dog runs	100	R
Mineral working- referral buffer (no blasting)	300	M
Mineral working- referral buffer (blasting)	1000	M
Outdoor Commercial Patio	30	R
Public institutional	3	R
Restaurant – drive through	3	R
Solid waste recycling/disposal & composting sites	300	R
Separation Between NON-RESIDENTIAL Uses and other NON-RESIDENTIAL Uses		
Uses	Separation distance in metres (m)	Mandatory (M) or Recommended (R)
Commercial Agriculture	45 from Centerline of Street	M
Cottage	30 m from Watercourse	M
Mineral working	150 m from proposed development	M
	90 m from Designated Protected Road	M
	50 m from Local public roads	M
	50 m Commercial, public & institutional uses	M
Salvage/scrap yard	100 m from existing/future commercial	R
	25 m public highway or street	M
	50 m from Watercourse/water body	M
Solid waste recycling/disposal and composting	150 m from potential development areas	R
	50 m from Watercourse/ water body	M
	90 m Class I and II Protected Roads	M

Character of town and compatible development

- 20) Require that non-residential land uses located near and/or within residential areas will be laid out and designed in a manner that is:
 - a. compatible with the neighbourhood; and,
 - b. minimizes potential nuisance factors.

Signs

- 21) Establish standards and conditions in the Development Regulations pertaining to advertisements and signage that will promote the amenities, natural and cultural resources and businesses of the community;
- 22) Incorporate the requirements of the *Highway Sign Regulations, 1999* into the Development Regulations; a permit may be required from Service NL; A permit is required for any sign erected within designated control lines of a highway.

Future Development

- 23) Allocate land for future development as a comprehensive development area on the basis of its best use considering its physical characteristics and location;
- 24) Priorize new subdivision development in areas that can be easily and economically connected to municipal services provided that the existing service have sufficient capacity;
- 25) Require that, within serviced areas, development shall be connected to municipal water and sewer services unless the connection is unfeasible, in which case, subject to the approval of the Service NL;
- 26) Require groundwater assessments as per the process set out by the Water Resource Management Division for areas where more than 5 residential or cottage lots are developed using private water supply and/or sewage disposal systems;
- 27) Prevent premature development that would create unreasonable servicing demands or costs; therefore, un-serviced development that may in the future demand servicing at the expense of the Town will not be allowed and development requiring services that will place an unsustainable maintenance burden on the Town will not be allowed;
- 28) Establish requirements for the subdivision of land and the standards of development, including a development standards, provision for development agreements in the Development Regulations;

Access to streets, Roads, Parking, and Off-Street Loading

- 29) Set out standards in the Development Regulations regarding access to the public street in order to keep the street safe and efficient for both vehicles and pedestrians. Ensure that the local transportation system adequately and safely provides access to meet the needs of residents and businesses;
- 30) Require a proper road system with connecting streets by ensuring that cul-de-sacs do not exceed a maximum length before providing a second access for emergency access purposes;

- 31) Include requirements for adequate off-street parking, loading and safe access to the street in the Town's Development Regulations.

Require Land Conveyed for Public Work Purpose

- 32) Require, for a development not involving a subdivision, a portion of the land to be developed to be conveyed to the Town for a public purpose where public works are required to accommodate the proposed development.

Open Space/Recreation

- 33) The requirements of Section 37 of the *Urban and Rural Planning Act* must be incorporated into the Development Regulations: This section requires up to 10% of the subdivision or land to be developed shall be dedicated to the Town as public open space. Council may accept from the developer in lieu of such area of land, payment of a sum of money equal to the market value of the land which would otherwise be required to be dedicated.

Slopes

- 34) Restrict development in areas with slopes greater than 15 percent, recognizing that development in such areas may result in environmental damage and higher costs for servicing and maintenance and set out conditions for exceptions; a report from a qualified geotechnical engineer is required for lots which have slopes of greater than 15%;

Municipal Service standards

- 35) Require compliance regarding site services meet the standards of the Service NL and the Water Resources Management Division;
- 36) No on-site sewerage disposal system shall be closer than 30 metres from a waterbody or watercourse;
- 37) Require that municipal services and utilities, telecommunications, pollution control and electric utilities, are permitted uses in all use designations, provided no adverse effect on adjacent land uses is created. In this regard, the size and appearance of such works must be in keeping with adjacent uses and provision shall be made for buffering in the form of landscaped areas between uses;
- 38) NL Hydro will be consulted with regard to development adjacent to NL Hydro easements.
- 39) Protect the Snowmobile Trail through the Baie Verte Municipal Planning area by indicating the location on the Future Land Use and Land Use Zoning maps and an Overlay; Council shall take into consideration to protect the integrity of the trail and public safety when considering development applications within 15 metres of either side of the trail;

4.2 Provincial and Federal Interests

In preparation for the Municipal Plan Review, the Local Governance and Planning Division referred the Town of Baie Verte review notice to the Interdepartmental Land Use Committee (ILUC). ILUC consists of about 16 government departments and agencies with land use and development jurisdiction.

Notwithstanding the general compliance policy regarding all federal and provincial statutes, regulations, policies and guidelines, it is the policy of Council to:

- 1) **Climate Change:** Take into consideration available data regarding provincial climate change projections for the nearest regional sites when considering land for future developments that are in close proximity to a river, floodplain or coastline. These projections suggest that extreme precipitation events will become more intense, by about 25%. Climate change is expected to result in more precipitation and more frequent extreme weather events that may result in increased flooding, sea surge and coastal erosion. These factors should be considered when allocating land for future developments that are in close proximity to a river, floodplain or coastline;
- 2) **Archaeology:** Any public works project or major land development that results in ground disturbance must be sent to Provincial Archaeology Office (PAO) for review. As well, any accidental discoveries of historic resources should also be reported to the PAO. Before approval is granted for a major development such as a subdivision or a new commercial or public building, the application shall be referred to the Provincial Archaeology Office for comments.
- 3) **GIS & Mapping:** Inform the GIS & Mapping Division when a proposed development is proposed in the vicinity of a Survey Control Monument. There are 18 survey monuments in the Municipal Planning Area. The locations of the survey control markers can be viewed at: <https://arcg.is/1rWnSC> and they are set out on the Future Land Use and Land Use zoning maps. Any development applications occurring in the vicinity of these markers must be referred to the GIS & Mapping Division;
- 4) **Agriculture:** Consult with the Land Resource Stewardship Division regarding commercial agricultural development applications; Set out the Agricultural Development Area (ADA) on the Future Land Use and Land Use zoning maps and require that all applications within the ADA be referred to the Land Resources Stewardship Division for comment.
- 5) **Mineral Resource Lands:**
 - a. **300 Quarry buffer:** Map this referral buffer as an overlay on the Future Land Use map and the Land Use Zoning map and require all proposed development applications within the 300 metre buffer to be referred to the Mineral Lands Division for approval;
 - b. Indicate that mineral exploration that is not a development is allowed as a permitted use in all zones and that mineral exploration that is a development is indicated as a discretionary use; and development requirements regarding potential mining should be incorporated into the regulations;
 - c. Include the Mineral Lands Division definitions for Mineral Exploration, Mineral Working and Mining in the Development Regulations;

- 6) Digital Government and Service NL: Ensure that applicants for a development or building permit from the Town are aware of Service NL requirements (which can be researched through Bizpal website);
- 7) Water bodies
 - a. Protect rivers, streams, ponds, wetlands, riparian areas, and shorelines by ensuring conformance with requirements of the Water Resources Management Division of the Provincial government under the *Water Resources Act, 2002* and the *Environmental Protection Act, 2002* including Policy Directives:
 - i. Infilling Bodies of Water;
 - ii. Development in Shore Water Zones;
 - iii. Development in Wetlands;
 - iv. Land and Water Related Developments in Protected Public Water Supply Areas;
 - v. the Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses; and,
 - vi. *Environmental Control Water and Sewage Regulations, 2003* for any effluent or runoff from a site.
 - b. The installation of any water or sewer mains requires approval of ENVC under Sections 36 and 37 of the *Water Resources Act, 2002*. Water and sewer shall be designed according to the NL Guidelines for the Design, Construction and Operation of Water and Sewerage Systems.
 - c. Where fish habitat is affected, requiring appropriate approvals from Fisheries and Oceans Canada;
 - d. Maintaining, where possible, existing vegetation along banks and shorelines for protection of riparian habitat;
- 8) Forestry
 - a. Forestry activities are:
 - i. a permitted use in the Rural zone, including domestic harvesting;
 - ii. a discretionary use in the Environmental Protection and,
 - iii. subject to the policy in 7 (a) (iv) as a discretionary use in the Protected Water Supply zone.
- 9) NL Hydro
 - a. Provide a definition of easements for public utilities will be set out in the Development Regulations and:
 - i. no development, including quarrying, will be allowed in these easements; and,
 - ii. Access by service providers will be protected.
 - b. As part of the application review process, refer new development applications to NL Hydro and approval must be received prior to construction commencing;
- 10) Wildlife
 - a. Consider the services of staff involved with in the Wildlife Division who work with the Eastern Habitat Joint Venture to discuss the incorporation of wildlife and conservation values in municipal plans and associated development regulations.

- b. Address general wildlife habitat and landscape connectivity during application review, with the following standards:
 - i. a riparian buffer of 30 m minimum undisturbed natural vegetated along wetlands and waterbodies (ponds, rivers, creeks etc.) or more for riparian areas near agricultural areas.
 - ii. green belts connected to forested areas or other habitat patches to create wildlife travel corridors;
 - iii. incorporate a minimum percentage of forests to be maintained during lot clearing, for example. Vegetation clearing should always be done outside the May 01 to July 31 period (note that some raptors start breeding in March) to minimize disturbance during that sensitive breeding/ young rearing;

11) Environmental Assessment Division

- a. Protect Baie Verte River, as a scheduled salmon river, by requiring development applications within 200 metres of the high water mark of a scheduled salmon river be registered with the Environmental Assessment Division, as required by Section 28 of the Environmental Protection Regulations, 2002.

12) Transportation and Infrastructure

Ensure that the provincial Building Near Highways Regulation are complied with along any provincial highway, within the Municipal Planning area.

13) Federal Interest: Department of Fisheries and Oceans Canada:

- a. Provide a 50-metre buffer along Baie Verte River which is a scheduled salmon river where all development applications will be referred to the Department of Fisheries and Oceans for comment;
- b. Ensure that applicants undertaking work in or near water be referred to the Department of Fisheries and Oceans website <http://www.dfohttp://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html> to ensure compliance with the *Fisheries Act, 1985*. In cases where impacts to fish and fish habitat cannot be avoided, a request for review should be submitted to Newfoundland and Labrador Region – Fish and Fish Habitat Protection Program at FPP-NL@dfo-mpo.gc.ca. A contact number for this agency is (709) 772-4140.

5.0 IMPLEMENTATION

5.1 Development Regulations

In order for the Town of Baie Verte to achieve the Vision, Objectives and Policies articulated in their Municipal Plan, the Council will need to:

- Adopt Development Regulations as a tool for administration and implementation;
- Issue development permits for new development, change of use, or to subdivide land, in accordance with the Development Regulations;
- Implement a Capital Works program consistent with the Municipal Plan policies;
- Ensure a clear and efficient approach to the development review, decision-making, and appeal processes; and,
- Undertake to conduct research to inform decision-making in Plan implementation.

Development Regulations are one of the main vehicles through which Plans are implemented. The Town will review, revise and adopt Development Regulations pursuant to Section 35 of the *Urban and Rural Planning Act, 2000*.

5.2 Amendments to the Plan

Council may consider amendments to the Municipal Plan when:

1. There have been significant changes to the community since the preparation of the Background Report that provided the factual basis for the policies in this Municipal Plan;
2. Studies have been undertaken by the Town or the Provincial or Federal governments which contain recommendations or policies which should be incorporated into the Municipal Plan;
3. A development proposal is submitted to Council which provides sufficient information and rationale to support a change in the Municipal Plan;

In considering any proposed amendment to the Plan, the Council should evaluate the proposal for consistency with the strategy for growth of the Town, as established in the goals, objectives and policies of the Municipal Plan. An associated amendment may be required to the Development Regulations. As per Section 25 of the *Urban and Rural Planning Act, 2000*, an amendment to the Municipal Plan (and an amendment to the Municipal Plan and Development Regulations) must follow the process set out in Sections 14 -25 of the *Urban and Rural Planning Act, 2000*. Council is not bound to make an amendment and this decision is not appealable under Part VI of the *Urban and Rural Planning Act, 2000*.

A person may request to have the zoning of a parcel of land changed in order to accommodate a use or development not permitted under its' current zoning. This might only require an amendment to the Development Regulations without amendment to the Municipal Plan. Alternatively, a Development Regulations amendment may consist of a change to the text of the regulations. In considering requests for Development Regulation amendments, Council shall consider:

- all appropriate policies set out in this Plan;
- the provision of road, water and sanitary and storm sewer services and the impact on existing infrastructure;
- the fiscal impact of the development on the Town;

- community/neighbourhood context for the proposed development;
- environmental considerations, emissions, effluents, nuisance effects; and,
- site suitability: slope, groundwater, location of watercourses and wetlands.

The procedure for an amendment to the Development Regulations only is set out in the Development Regulations.

5.3 Review of the Plan

The Council for the Town of Baie Verte will undertake a review of the Municipal Plan every five years in accordance with the requirements of Section 28 of the *Urban and Rural Planning Act, 2000*. This review may be comprehensive or it may consist of an audit of progress that confirms that the Plan is still relevant. The review process is valuable to the Council and residents to ensure that the administration of the community achieves the objectives of its residents.

APPENDIX A: BACKGROUND REPORT

Municipal Plan & Development Regulations Review

TOWN OF BAIE VERTE



BACKGROUND REPORT

September, 2020



Contact Information:

Neil Dawe, Tract Consulting Inc.
100 LeMarchant Road, St. John's, NL A1C 2H2
P. 709.738.2500 F. 709.738.2499
ndawe@tractconsulting.com
www.tractconsulting.com

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1.0 Introduction

1.1 Town of Baie Verte Municipal Planning Area

The Town of Baie Verte, with a population of approximately 1,315, is located on the Baie Verte Peninsula in the Central North Coast Area of the province, approximately 45 km from the Trans-Canada Highway #1. Baie Verte is approximately 160 km from the Town of Deer Lake where there is a regional airport, 270 km from the Town of Gander where there is an international airport. The town is 425 km to Port aux Basque for the ferry service to the mainland. There is also a port nearby, Point Rousse facility, which services the mining operations.

The Town was incorporated as a town in 1958. The Baie Verte Municipal Planning area borders the major mining operation at the Pine Cove open pit mine, Mill and tailings facility, the Stog'er Tight and Argyle deposits (and approximately 5,800 hectares of prospective gold-bearing property) which are operated by Anaconda Mining, a TSX-listed gold mining company.

The town serves as a regional service centre for towns on the northern tip of the Baie Verte peninsula.



The Baie Verte Municipal Planning Area established under the *Urban and Rural Planning Act, 2000* and providing land use planning authority is the same as the Town's Municipal Area

established under the *Municipalities Act, 1990* which provides taxation authority amongst many other municipal powers.

The current Municipal Plan and Development Regulations, 1984-1994 was prepared by the Land Use Planning Division of the Department of Municipal and Provincial Affairs. Needless to say, after 36 years, the Town is in need of an updated plan and regulations to help Council meet the needs of the community.

1.2 History and Geography

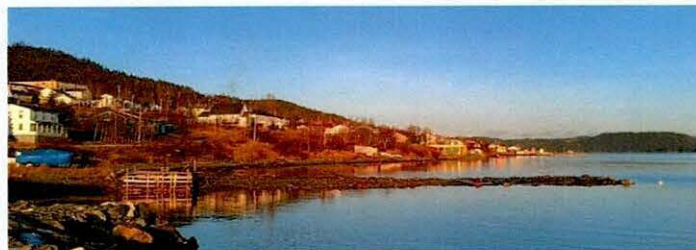
Baie Verte's history goes back to the days of the 'French Shore' when French fishermen went there to cut wood. The French named the area for its greenness, "green bay." Although the French controlled the area until 1904, English families were fishing and farming there as early as the 1879's.

A copper and sulphur mine, Terra Nova Mine, opened near Baie Verte in the 1850s, and mining and lumbering were the main occupations of the community until the mine closed in about 1915. By the turn of the century fishing had been generally abandoned by the residents as the effort involved in getting to the fishing grounds was too great. Around 1938, the forestry company, Bowater Pulp and Paper Company, commenced harvesting in the area and forestry became the economic mainstay and 1961 there were over 900 residents in the Town

Mining again became important in 1963 when Advocate Mines Ltd began asbestos operations, and shortly afterwards Consolidated Rambler began mining copper again. By the late 1970s half the labour force was employed in mining, and the town populations was over 2500 in 1976. The mine closed in 1982 (but was open sporadically between 1995-98. Consolidated Rambler then briefly ran the Nugget Pond gold mine from 1997-2001.

In the late 2000s, Anaconda opened the Pine Cove gold mine (2008) and reopened the former Nugget Pond mine to process gold-bearing ore from Greenland (2007). Forestry industries continued to offer some employment.

Meanwhile, the Town of Baie Verte remained the main service centre on the peninsula. It also became the home to a campus of College of the North Atlantic. Tourism increased in importance as part of the Dorset Trail and the Miners' Museum (which features a mining tunnel). Other attractions in the area include the Dorset Soapstone Quarry at Fleur de Lys, 29 km north of Baie Verte and hiking trails with beaches and lighthouses in the region.





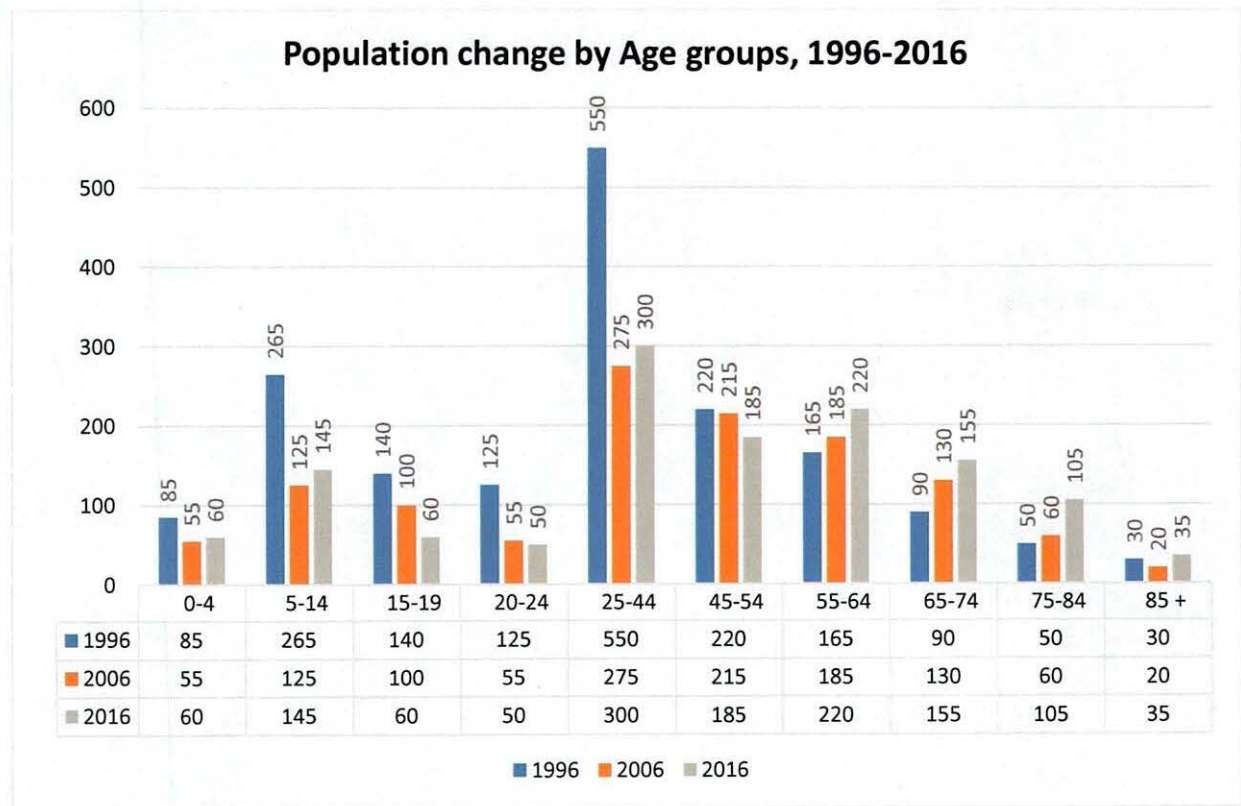
2.0 Demographics and Economy

2.1 The People

In 2016, the population of Baie Verte was 1,315, about a 50% decrease since the first municipal plan was prepared in the mid-1980's when the 1981 population was 2,692. However, lifestyles and expectations regarding community services and amenities have changed dramatically in the past 36 years.

The changes to the Municipal Plan need to reflect the changes in the demographic profile of the community. To look at this more closely, the population of the town was examined by age groups over the past 20 years, as shown on the figure below. By this time, the change in population from 1996 of 1,620 residents to 1,315 residents in 2016 represents a decrease of 24%. It should be noted that the decrease between 1996-2006 was greater, but that the overall

population actually grew from 1,275 in 2006 to the 1,315 in 2016. The question is whether this constitutes a trend for the future? Which age groups are growing and what services do they need? Are the amenities of 2006 sufficient or suitable to deal with the needs of 2016?



First of all, in these 30 years, the greatest drop in the number of residents occurred between 1996 and 2006, and secondly, the population actually increased between 2006 to 2016. This pattern is strongly evident for the 25-44-year-olds who represent the prime younger work force, and in the 0-4 and 5-14-year-olds who would be their children.

Consistent with the overall aging population of the province as a whole, the Town of Baie Verte is also experiencing growth for all age groups over 55 years of age since 2016.

What was interesting between 2006 and 2016 was that children aged 0-4 and 5-14 increased slightly, while teenagers (15-19) decreased dramatically while 20-24-year-olds (post-secondary) remained stable.

This would indicate that the Town needs to assess whether the community amenities for children continue to meet their needs and whether there are more amenities needed by seniors that can be provided by the Town.

For more detailed household analysis, only the past 10-year period was used wherever Statistics Canada categories were clearly the same (data collection definitions change from one census to the next).

The 2016 Census indicates that the average household size is 2.3 persons, down from 2.7 in 2006 even though the population increased during this time. This is reflected in the Table below regarding number of people in households.

In 2016, 22% of the households are only 1-person households (as compared to 16% in 2006) and 45% are 2-person households.

Private households by household size	2006	2011	2016
• Total	480	535	545
• 1 person	75	90	120
• 2 persons	-	245	245
• 3 persons	-	100	90
• 4 persons	-	85	70
• 5 or more persons	-	20	15

In order to understand the housing demand in the Town of Baie Verte, it is helpful to understand the household composition and associated housing needs. The 2016 Census provides information about the household types using census family information. A census family is defined as a married couple and the children, if any, of either and/or both spouses; a couple living common law and the children, if any, of either and/or both partners; or a lone parent of any marital status with at least one child living in the same dwelling and that child or those children.

Private households by household type	2011	2016
❖ One-census-family households	435	415
➤ Without children in a census family	200	215
➤ With children in a census family	165	200
❖ Multiple-census-family households	20	0
❖ Non-census-family households	105	125
➤ One-person households	90	120
➤ Two-or-more person non-census-family households	10	10
Total private households		540

- 23% of the households are not census families;
- 77% are one-census family households and of these, 52% of the one-census families do not have children;

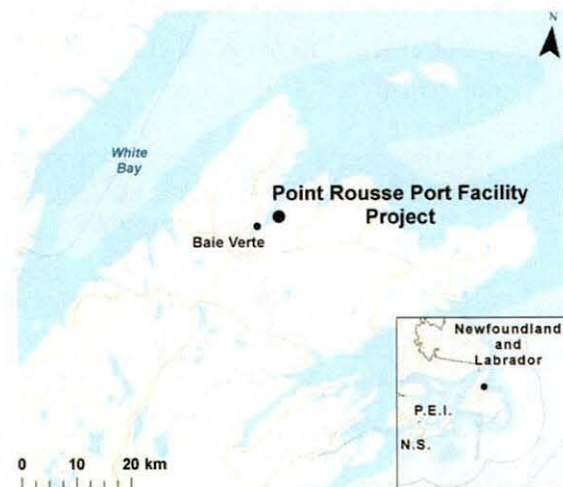
From these statistics, it would appear that the Town of Baie Verte is a family-oriented community. The growing number of single person households could be attributed to the growing aging population rather than the 20-24-year-old age group which has remained stable during the same time period. Therefore, family-oriented services and amenities would need to be provided as well as services suitable for single seniors.

The educational level in the community has improved as the percentage of individuals with higher education has doubled (see the Table below) and the percentage with no high school certificate, college diploma and university degree dropped from 36% to 14% of the total population. The level and type of education reflects the type of employment opportunities offered in the community.

Education Level:	2006	2016
Total population	1060	695
• No certificate; diploma or degree	385	95
• High school certificate or equivalent	155	135
• Apprenticeship or trades certificate or diploma	215	110
• College; CEGEP or other non-university certificate or diploma	185	235
• University certificate or diploma below the bachelor level	25	10
• University certificate; diploma or degree	100	110

2.2 The Economy, Labour and Income

The Town's economy is dominated by the Rambler and Anaconda mining operations. Anaconda Mining Inc. constructed and is operating a marine dock and loading facility adjacent to its existing Pine Cove Gold Mine. The Point Rouse Port Facility is located on the Point Rouse Peninsula, along the northern portion of the Baie Verte Peninsula, approximately three kilometres northeast of Baie Verte. The project includes a new access road, a crusher and crushed rock stockpile laydown area, a conveyor loading system, shoreline and cribbed mooring bollards, rockfill approaches, and a temporary barge.



The Town acts as a regional service centre for the top of the Baie Verte Peninsula. There are at least 10 communities on roads that must pass through the Town of Baie Verte with a 2016 population of 2,797 people who would likely seek services in the Town of Baie Verte before travelling the additional hour to Springdale or beyond. While both the population of Baie Verte and the outlying communities are declining, it should be noted that the Town of Baie Verte actually increased in population between 2006-2016. One question is whether there are seniors from the catchment area who are retiring into old age homes in Baie Verte? Are younger families from the region moving into Baie Verte for more programs and facilities for their children? Or are the two trends completely unrelated?

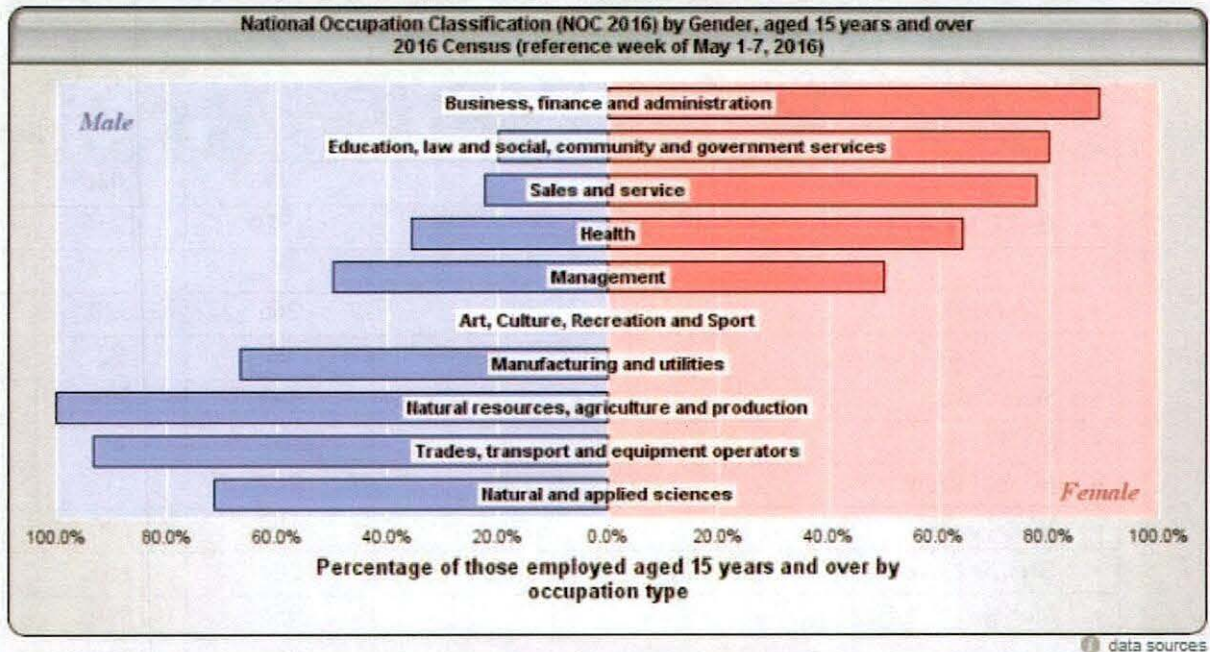
Baie Verte and Catchment area
Population change: 1996, 2006, 2016

	1996	2006	2016
• BAIE VERTE (Decrease of 405 people – 23.5% loss)	1720	1220	1315
• Fleur de Lys	265	320	244
• Coachman’s Cove	93	92	105
• Seal Cove	331	304	303
• Wild Cove	88	66	49
• Ming’s Bight	347	333	319
• Woodstock	199	190	190
• Brent’s Cove	204	181	157
• La Scie	955	899	872
• Shoe Cove, Snooks Arm, Round Harbour	353	330	309
• Pacquet	210	184	164
• Nipper’s Harbour	151	128	85
CATCHMENT AREA	3196	3027	2797
(Decrease of 399 people (-12% loss))			

In terms of employment, the participation rate for Baie Verte is 55.7%, slightly lower than the rest of the province (58.7%). The employment rate is 45.7%, also slightly less than the province (49.5%) and the unemployment rate is similar to the province at 17.9%. Of the total employable population (1055), 37% did not work, 28% worked full-time for the full year (300) and 34 % worked part of the year/part-time (360).

The median commuting duration for those in Baie Verte was 7.3 minutes.

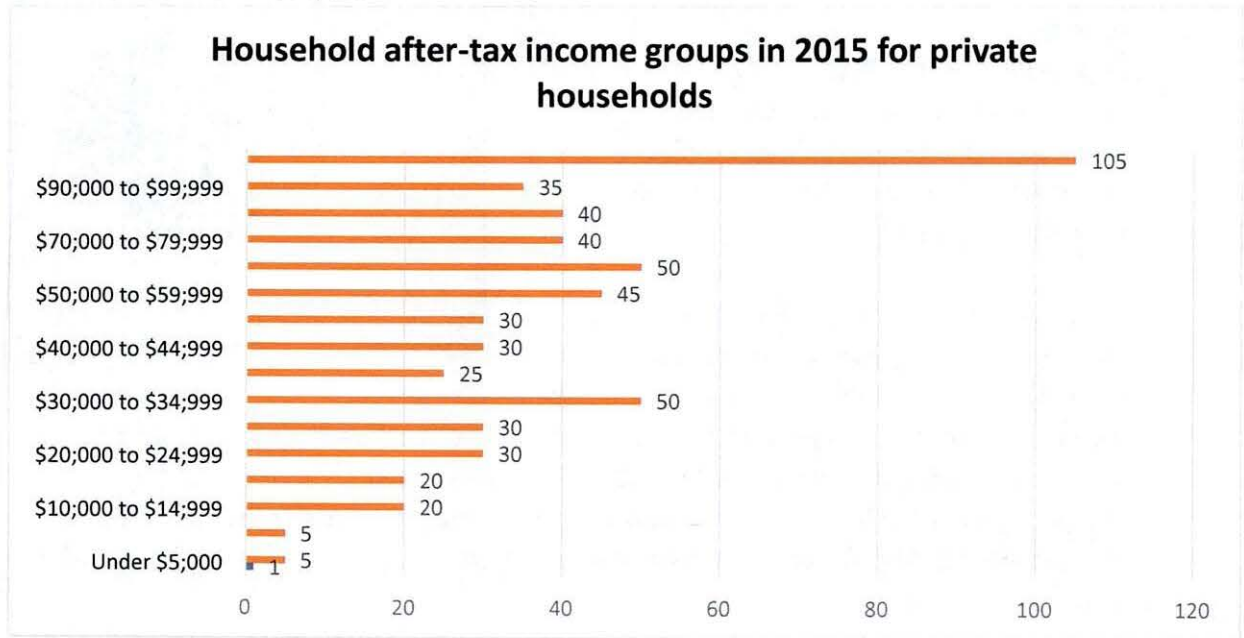
The following figure and table were developed by the Community Accounts, Government of Newfoundland and Labrador using Census Canada, 2016 statistics; it indicates a clear distinction in the types of employment and gender participation.



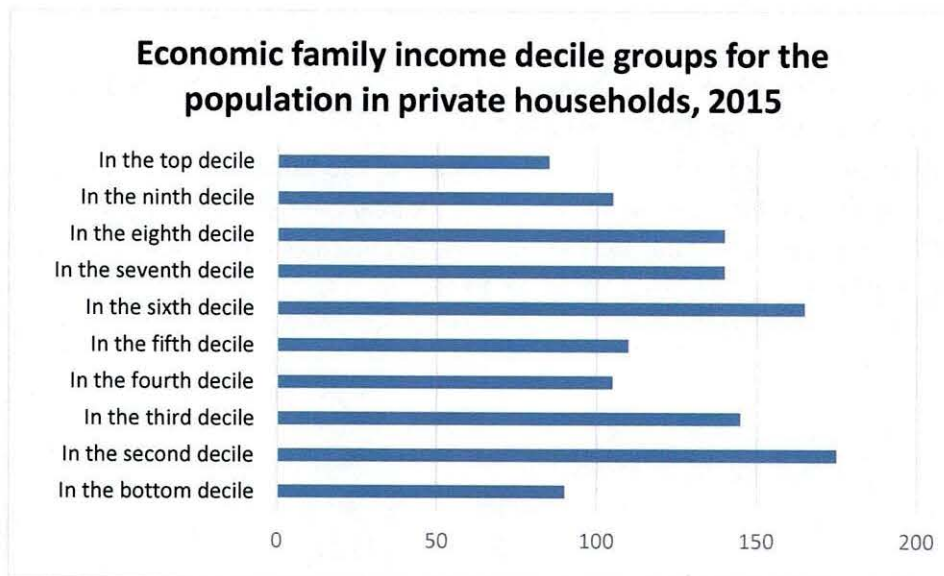
Supporting table:

Occupation	Males (Employed)	Females (Employed)	Males (% of Total)	Females (% of Total)
Business, finance and administration	..	40	..	88.9%
Education, law and social, community and government services	10	40	20.0%	80.0%
Sales and service	20	70	22.2%	77.8%
Health	25	45	35.7%	64.3%
Management	20	20	50.0%	50.0%
Manufacturing and utilities	10	..	66.7%	..
Natural resources, agriculture and production	35	..	~100.0%	..
Trades, transport and equipment operators	70	..	93.3%	..
Natural and applied sciences	25	..	71.4%	..

Generally, household income indicates that residents are well off with 42% over \$70,000; of which 20% make over \$90,000.

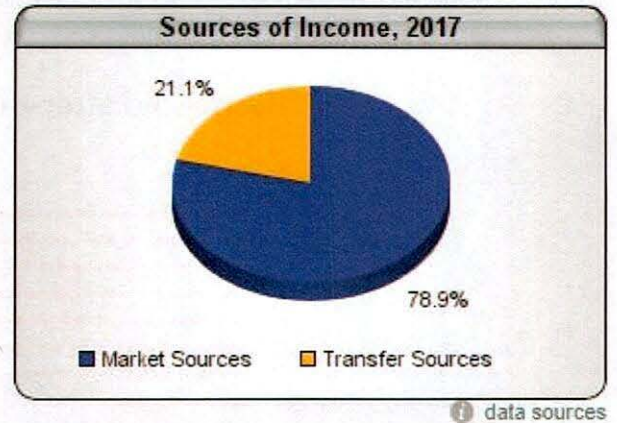


Census Canada provides a way to compare the income levels within a community by organizing income into ten equal categories or deciles. In Baie Verte, 50% of the population are in the bottom deciles (which helps to explain why 19% of households spend more than 30% of income on shelter) and 50% are in the top deciles. This is similar to the rest of the province.



From the Government of Newfoundland and Labrador, Community Accounts website, the following information was excerpted.

The 2017 self-reliance ratio for Baie Verte was 78.9%. This is a measure of the community's dependency on government transfers such as: Canada Pension, Old Age Security, Employment Insurance, Income Support Assistance, etc. A higher self-reliance ratio indicates a lower dependency. The self-reliance ratio in the province was 79.9%



The number of individuals in Baie Verte who received Income Support Assistance at some point in 2019 was 70. For 1991, the figure was 245. The total number of children ages 0 to 17 in Baie Verte who were in families receiving Income Support Assistance in 2019 was 20. For 1991, the figure was 100.

The average benefits for those people collecting Income Support Assistance in Baie Verte in 2019 was \$9,300. The average benefits in 1991 was \$2,700. Provincially the average benefits were \$9,400 in 2019.

The average duration or the average number of months people were collecting Income Support Assistance in Baie Verte in 2019 was 10.0 months. The average duration in 1992 was 6.2 months. The provincial average was 9.9 months of the year in 2019.

5.5% of the population received Income Support Assistance at some point during the year 2019. In 1992, 15.2% of the population received Income Support Assistance at some point in the year. At the provincial level, 7.6% received Income Support Assistance at some point during the year 2019.

Employment Insurance

The number of individuals in Baie Verte who collected Employment Insurance at some point in the year 2019 was 220. The 1992 figure was 575.

The employment insurance incidence, the percentage of the labour force in Baie Verte who collected Employment Insurance at some point in the year 2019 was 30.3%. The 1992 figure was 56.9%. For the province, the percentage of the labour force who collected Employment Insurance at some point in the year 2019 was 29.7%.

2.3 Housing

Not surprisingly, the dominant housing form is the single detached home, as shown on the table below.

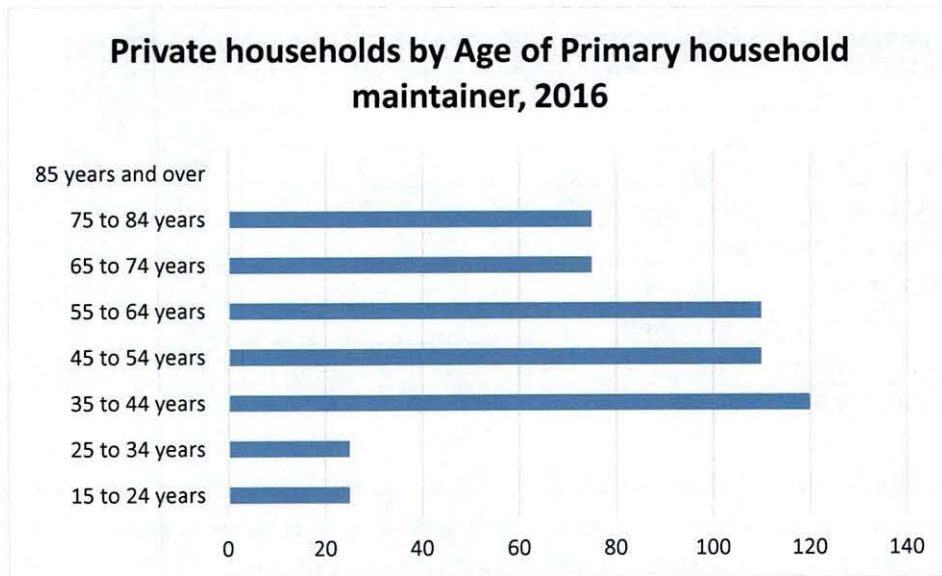
Occupied private dwellings by structural type of dwelling, 2016		
	2006	2016
Total	480	545
• Single-detached house	390	440
• Other attached dwelling	0	105
• Semi-detached house	15	10
• Row house	15	40
• Apartment or flat in a duplex	10*	0
• Apartment in a building that has fewer than five storeys	55	50

*apartments/duplex

Most of the dwellings are over 36 years old (62%) and 8% are 26 – 35 years old and 12% are 16-26-years old. The census data indicated that most housing (93%) only required regular maintenance and that all was considered suitable housing by the occupants.



According to the 2016 census, the median value of dwellings was \$125,141 and the average value was \$150,343, which is more affordable than home ownership in the Northeast Avalon at median value of \$341,566 and average value of \$348,519.



With regard to seniors housing, currently there are There are 2 seniors housing complexes: 1. White Bay Retirement Living Complex (opened in 2019) and Riverside Cottages (opened in 2017).

3.0 Existing Land Use

The original Town core was located west of Rattling Brook, behind the harbourfront. As the need for more residential land grew, the area at the head of the bay was developed, called 'Newtown'. Ribbon development naturally happened along Route 410.

The total size of the community is 390 km²; of this, about 2.5 km² consists of the urban core (see map below). For this reason, the previous plan prepared in 1989 cautioned that, due to a lack of developable land, great care must be taken with all remaining usable land.



3.1

Residential Land Use

In the 1960's, Advocate Mines recognized the corporate advantages of creating a "nice" Town for their employees and thus was instrumental in providing both housing and recreation facilities. This involvement of the largest employer in the Town, coupled with the semi-insolation location, promoted the feeling of 'Community' and led to pride in the Town at that time. Residents had community amenities that were provided by the company and not by municipal government. This is no longer the case.

The old Town is primarily Residential Medium Density (RMD) which takes in existing residential development and areas of infill opportunity. There are not many empty lots; however, some of these were turned into unorganized parking lots by the landowners. Also, infill development would not meet current RMD standards. The old town is surrounded by steep terrain that is not suitable for extending the RMD zone.



There is a large area of land identified for RMD in the Newtown area, shown in the map below. However, there has been no development in the area to date and any future development should require a comprehensive plan to be submitted to ensure proper layout of roads and services. This area would be better to be identified as a Comprehensive Development Area-Residential. Note that at the end of the road the Town will be developing a municipal facility



The 'New Town' area has a Residential Low Density (RLD) area and homes have already been built into the adjacent Comprehensive Development Area. On Southshore Drive there is an established mobile home zone that is well-taken care of; however, there is limited opportunity for expansion.





The Comprehensive Development Area in 'New Town' neighbourhood

Note that residential development is also permitted in the Mixed

Zone.

There are 2 Senior Citizens accommodation facilities: White Bay Retirement Living which is located in a Commercial General zone along the Provincial Highway Route 410 and Riverside Cottages for seniors which is also located in a Commercial General Zone (towards the college).



3.2 Employment-Generating Land Uses

3.2.1 Commercial Land Use

Currently there are two general locations identified for the 'Commercial General' zone, both sides of Route 410 and two sites within the 'New Town' neighbourhood. Both are not fully utilized.



The other commercial zone is 'Downtown Commercial' located on a local road off Route 410 in the 'old town' neighbourhood (shown in red on the map below). A town park with a Memorial monument is at the heart of the area. This is landscaped with benches and a small walkway. In the winter, the Christmas parade also convenes at this location. During both Remembrance Day and Christmas events, residents either walk to the site or park in a communal parking area or in front of homes. The Town has not received any complaints regarding parking.

One of the main commercial buildings is actually located by the waterfront in the 'Industrial and Marine Fishing' zone (shown in pink in the map below). The area is mostly built up but has potential vacant lands for future development as well as potential for streetscape beautification. Unfortunately, the best waterfront property is owned by Irving Oil. This land is under remediation. Until the remediation is completed, the site cannot be developed or used by the community as a public gathering space.



3.2.2 Mixed Land Use

The 'Mixed Development' zone is located on a local road leading into the 'Downtown Commercial' zone and essentially represents an extension of that zone, but allows single dwelling residential use as well. The types of uses need to be reviewed, in particular, the residential density uses.

As well, this zone could be used in other locations within the community to allow for better use of viewsapes or other geographic features.

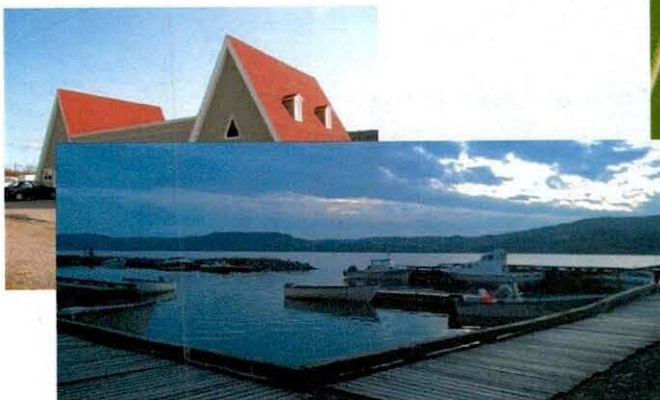
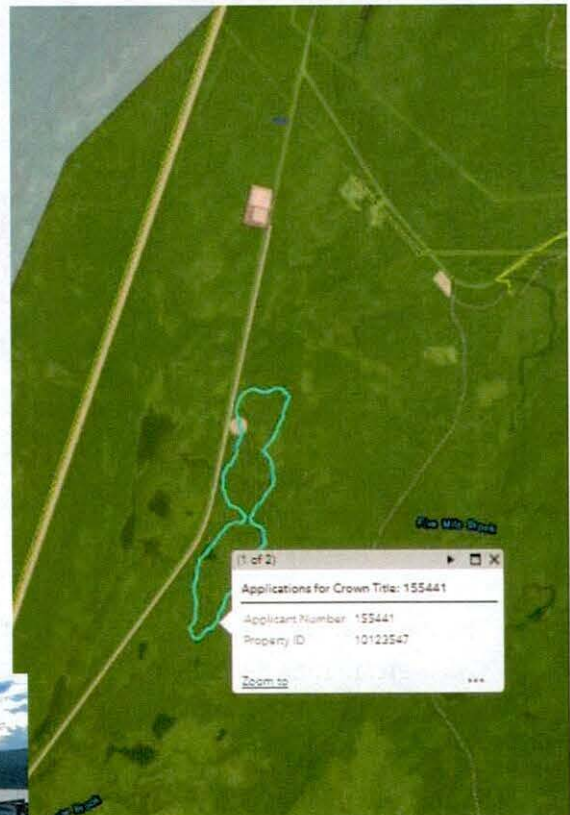


3.2.3 Tourism-oriented Land Use

The Town has only one tourism-related attraction, the Miner's Museum. There is a trail along the Conservation zone on the east side of Route 410 between the recreation facilities and the Rattling Brook park parking lot. There is a hike to a waterfall from this parking lot with views over the community and across the bay.

Other initiatives include:

- Bay Verte Marina Project (no Harbour Authority)
- Waterfront Beautification project (harbourfront)
- Spruce Trail Cross-country Trails (see map)



3.2.4 Industrial Land Use

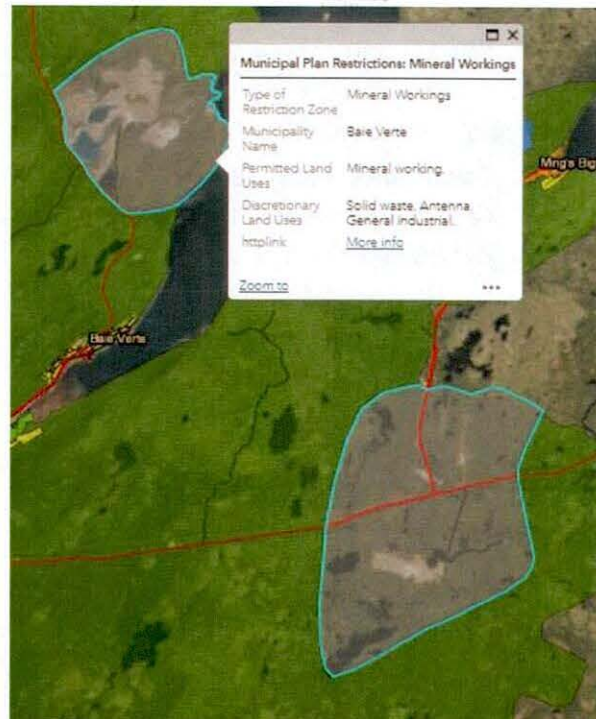
Within the urban area of the Town, there is a Light Industrial zone applied to two locations which currently do not contain light industrial uses.

Unlike many of the smaller surrounding communities, Baie Verte is not a fishery-based community. The Town has an

active fish plant (owned by the Quinlan Brothers) and a Town marina (both located on Water Street). There are private wharves and stages scattered around the community.



The other industrial-type zone is 'Mineral Workings' which is applied to the former asbestos mine site and the Rambler site.



3.3 Public/Institutional Land Use

The Town of Baie Verte has infrastructure and activities required for most every recreational activity, whether inside or out, winter or summer. Additionally, the town of Baie Verte holds an annual 3-day festival, 'Spree by The Sea' to celebrate its civic holiday. This event is held on the 2nd weekend of August.

Recreation Facilities & Activities:

- Centennial Park & Playground
- Outdoor Swimming Pool – currently closed (Town is seeking funding to repair)
- Soccer Field
- Softball Field
- Tommy Rickets Arena
- Sea Cadet Corps
- Sparks & Brownies
- Field Games
- Tennis Courts and Playgrounds
- Walking Trail: Sam Blagdon Memorial Trail - offers 1 km trail with boardwalks, resting benches, picnic tables, lookouts and bridges

Additional attractions include:

- Rattling Brook Park - offers a beautiful view of the Rattling Brook Falls
- Sandy Point Marina
- Snowmobile Trails
- Cross Country Skiing/snowshoe Trails

Other public/institutional facilities include:

- **Town Office**, Public Library & Volunteer Fire Department
- **Federal Government Departments**
 - RCMP Detachment
 - Fisheries & Oceans
 - Human Resources & Employment

- **Provincial Government Departments**
 - Transportation and Infrastructure
 - Forestry & Wildlife Divisions
- **Baie Verte Peninsula Health Centre**
 - Dental Clinic
 - Acute Care
 - Chronic Care
 - X-Ray and Ultrasound Dept.
 - Physiotherapist clinic
 - Outpatient Clinic
 - Public Health Nursing
- **Education Facilities**
 - Copper Ridge Academy (Grades K-12)
 - College of the North Atlantic (Post-Secondary)



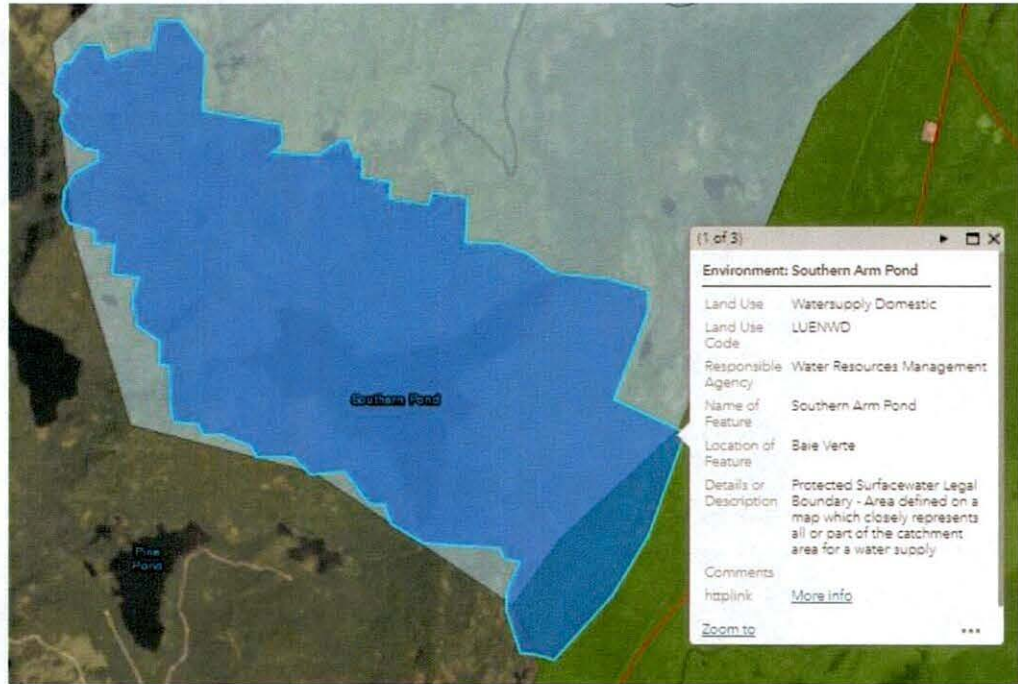
The map below shows the current 'Community and Social Services' (CSS) zoning for review. Some of the former public buildings will be re-purposed and zoning will be changed to facilitate these initiatives, for example, the empty school on High Street is proposed for the location of the new Community Centre; therefore, the public use and parking area requires appropriate zoning.

Other CSS locations identified in the past plan will be reviewed for future validity. As well, the uses permitted in the zone will be clarified. In some cases, it is not necessary to 'spot' zone for specific uses. For example, to accommodate a trend across the province, in other municipal plans, a church could be made a discretionary use in RMD and CG zones which would allow the denominations to re-purpose the building in the future without the cost of rezoning the property should this be necessary.

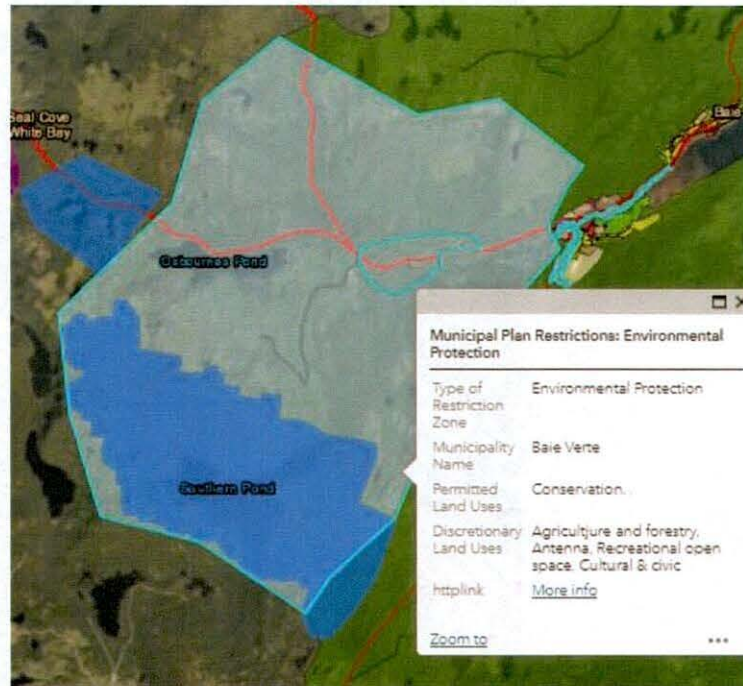


3.4 Environmental Protection Land Uses

The major environmental issue concerning the Town of Baie Verte is the protection of Southern Pond as a water supply source for future use. Currently it is in a 'Conservation' zone; however, it is proposed that the designated area by zoned 'Watershed Protection' and that the land uses are subject to the Water Resource Management Division policies.



Now that the water supply area is protected under the *Water Resources Act, 1990*, there remains the question regarding whether the previous 'Environmental Protection' zone is required for such a large area of the Town.





Other 'Environmental Protection' designations occur along water bodies, the Baie Verte River and South River.

Consideration should be given to defining this zone for protection of geophysical resources and habitat, as well as areas with geological hazards (steep slopes) or susceptible to climate change effects (flooding).

The Open Space-Park-Recreation zone is applied throughout the community in a variety of ways. These locations need to be reviewed for current relevance and the use of this zone might be re-purposed to protect areas where natural areas need protection for recreational use focused on nature appreciation, such as trails, picnic areas, and viewsapes.



3.5 Rural Land Use

The Rural zone encompasses the largest area of the Town and accommodates a range of natural resource uses, such as forestry and agriculture. The zone is also used for discretionary uses that are not compatible with the uses in the urban core. These will be reviewed to ensure that definitions are clear and as much as possible, the range of uses are appropriate for Baie Verte hinterland.

3.6 Provincial Land Uses and Regulations

The updated Municipal Plan and Development Regulations must reflect the land use designations and regulations of various provincial government agencies. At the time of the preparation of the Background Report, the comments from the Interdepartmental Land Use Committee had not been completed; however, the Land Use Atlas maintained by that department had been used to prepare the draft mapping showing updated locations for provincial concerns.

4.0 Public Services

4.1 Services

The Town is responsible for municipal services including

- Fire Department
- Water & Sewer
- Garbage Collection
- Snow Clearing
- Library (Town provides space for free)
- road maintenance
- street lighting

The provincial highway, Route 410 is the main road through the community and those 64 km are maintained by the provincial government. As provincial highways, a highway access permit is required.

The modern growth era of Baie Verte began with the establishment of the asbestos mine (Advocate Mines) by Johns-Manville, in the early 1960's. Much of the Town's infrastructure, such as roads, and water and sewer systems, was constructed at that time. All buildings are fully serviced with water and sewer.

The local road network is maintained by Council, which consists of about 18 km of paved streets. Most local roads have pavement but hardly any sidewalks, some curbs and occasional

ditches for drainage. The condition of the roads overall is poor. All roads have visible signage for public safety. The town is responsible for snow clearing. The volunteer fire Dept is very active and efforts to regionalize fire services with some neighbouring communities are currently underway

4.2 Governance

Council is comprised of six Councilors and a Mayor. The Council holds regular monthly meetings and if situations dictate, more frequently. As well, Council can and may continue to hold special meetings and privileged meetings as situations may demand.

The Council operates within a set of Rules of Procedure to demonstrate order, sensibility and accountability at all meetings. Accountability for decisions is demonstrated in the Minutes of Meetings where all decisions of Council are documented using standard parliamentary procedures.

The Councils' budget is prepared in accordance with the policy of the Provincial Government's Department of Municipal and Provincial Affairs. The preparatory work is completed by a Finance Committee and presented to Council, ratified by Council and submitted to the Department of Municipal and Provincial Affairs within the time lines established by the *Municipalities Act, 1990*. The budget normally receives tentative approval, final approval depending on receipt of the financial statements and audit reports for that previous budget year.

The Council has the following Committees:

- Recreation and Community Services
- Finance and Policy
- Planning and Development
- Public Works

The Town has a balanced budget of over \$2M (2019) and a debt ratio of 6%.

Town staff include a Chief Administrative Officer, Financial Officer/Town Clerk, Superintendent of Public Works, a Financial Clerk and an Administrative Assistant plus outside municipal workers.

5.0 Consultations

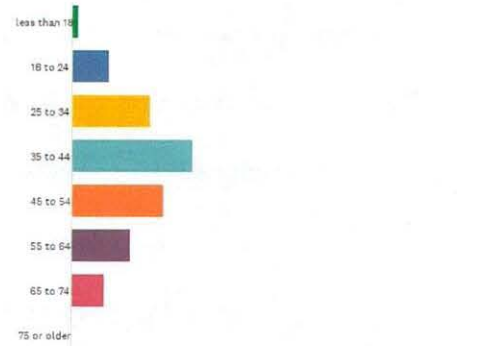
5.1 Community Survey

A community survey was circulated via Facebook and the Town website in order to reach out to residents before hosting the public consultation session. There were 195 responses over a period of about 2 months. The results of the community survey are summarized below.

Question 1: What is your age?

Most respondents were between the ages of 35-44 (28%) bookmarked by the 45-54-year-old group at 21.5% and the 25- to 34-year-old group at 18.5%.

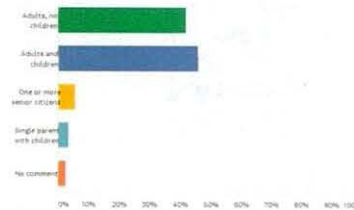
Q1 What is your age?



Question 2: What best describes your household?

There were more households described as 'adults & children' (89%) followed closely by 'Adults, no children' (81%) and only 11 households classified as 'one or more senior citizens and 7 as 'single parent with children'.

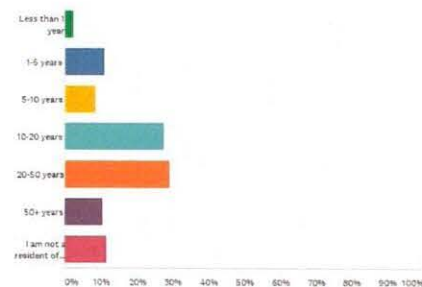
Q2 What best describes your household?



Question 3: How long have you lived in Baie Verte?

The respondents were generally long-time residents with 29% having lived in Baie Verte between 20-50 years and 28% for 10-20 years. Only 12% under 5 years, 1% 5-10 years and 10% 50+ years and 11% not a resident of Baie Verte.

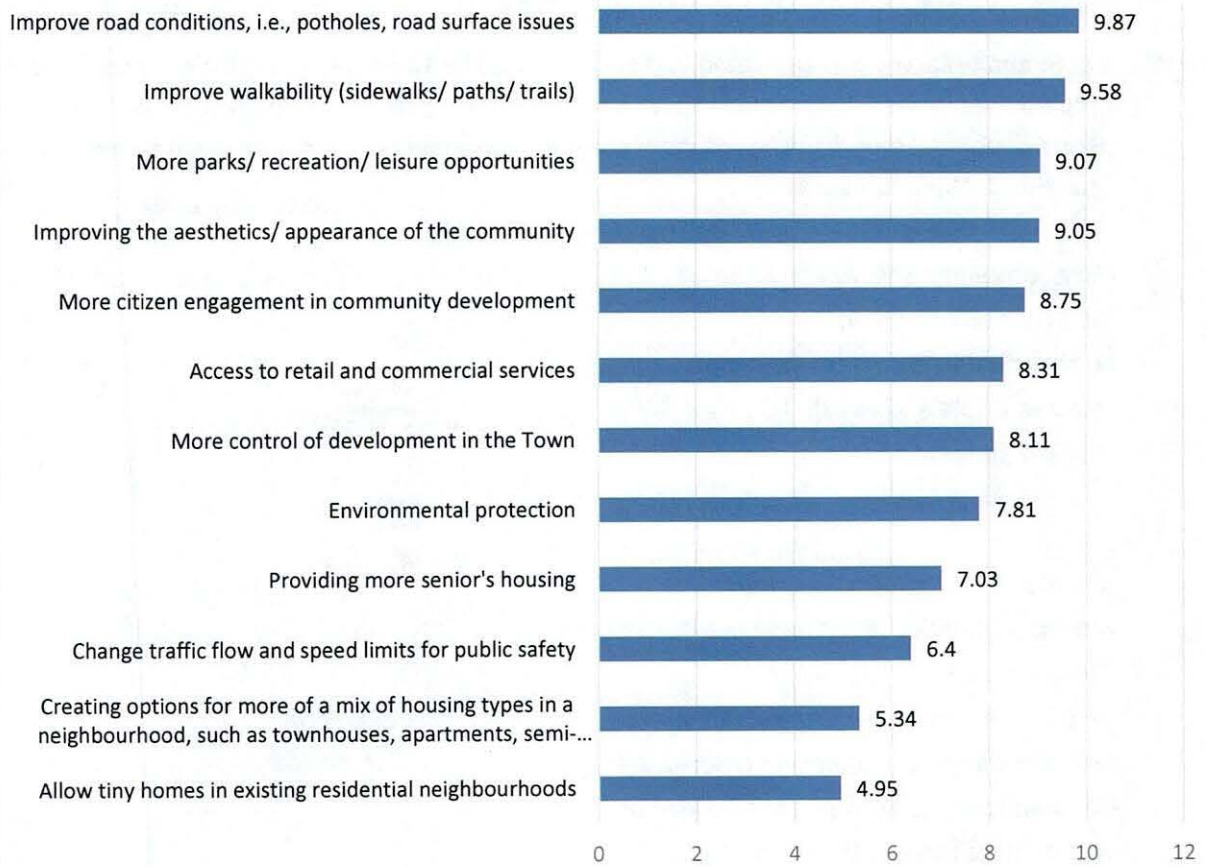
Q3 How long have you lived in Baie Verte?



Q4. How important are the following factors in improving your community?

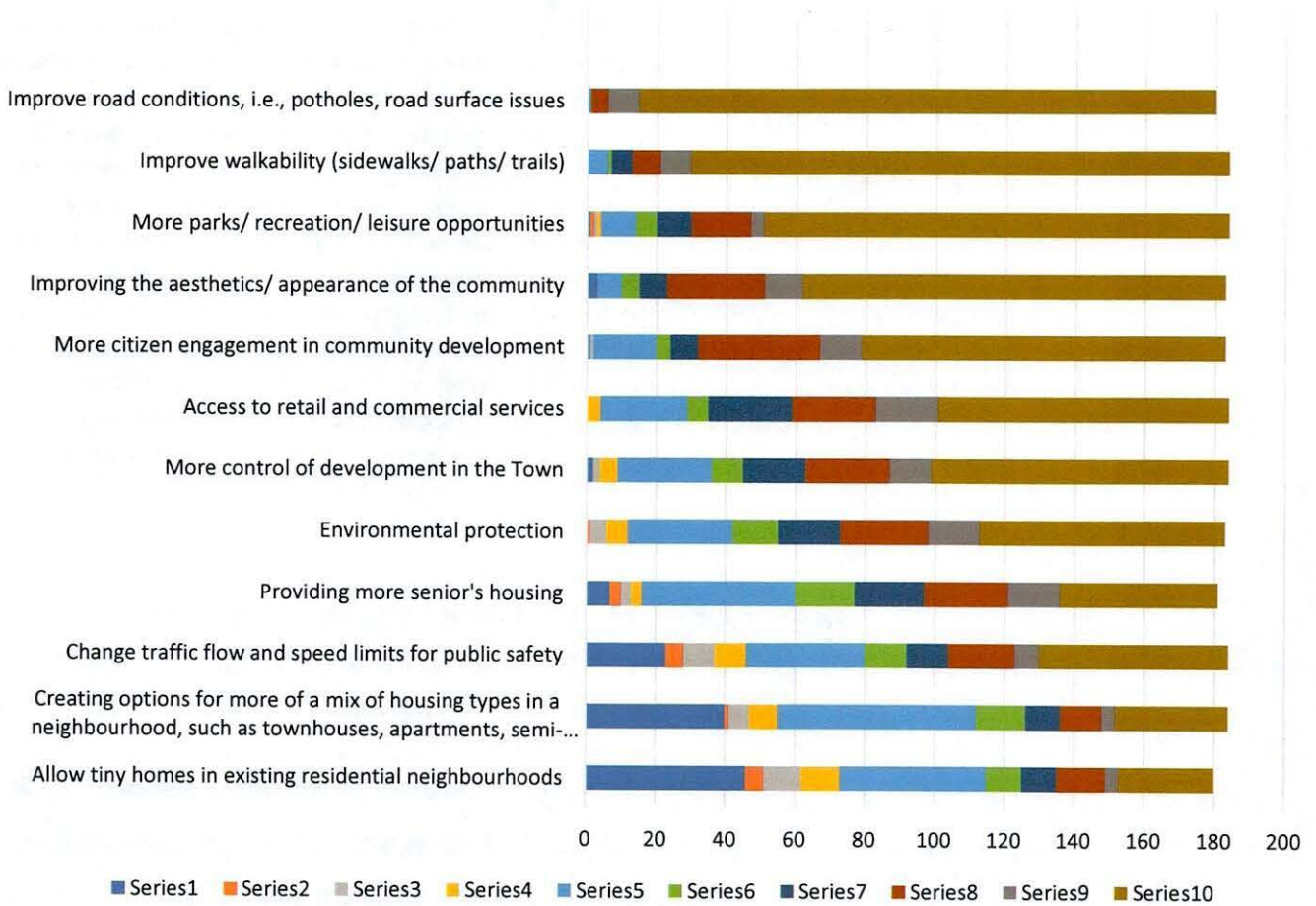
Note: 1=Not Important; 5=Somewhat Important; 10=Very Important;

Q4. How important are the following factors in improving your community? By Weighted Average

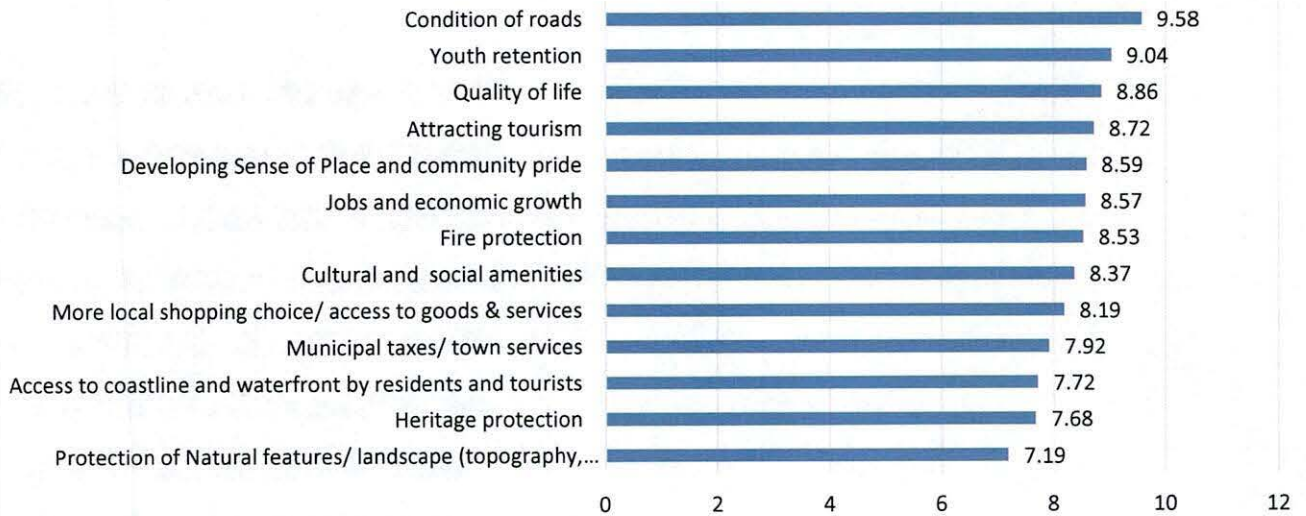


The more detailed presentation below indicates that respondents show some indecision regarding the housing questions.

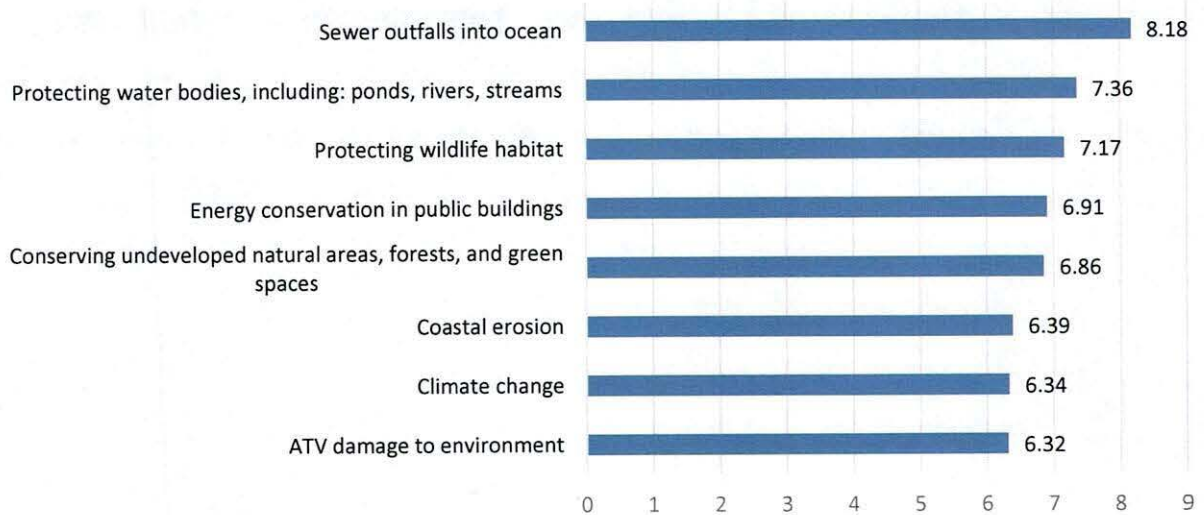
Q4. How important are the following factors in improving your community?



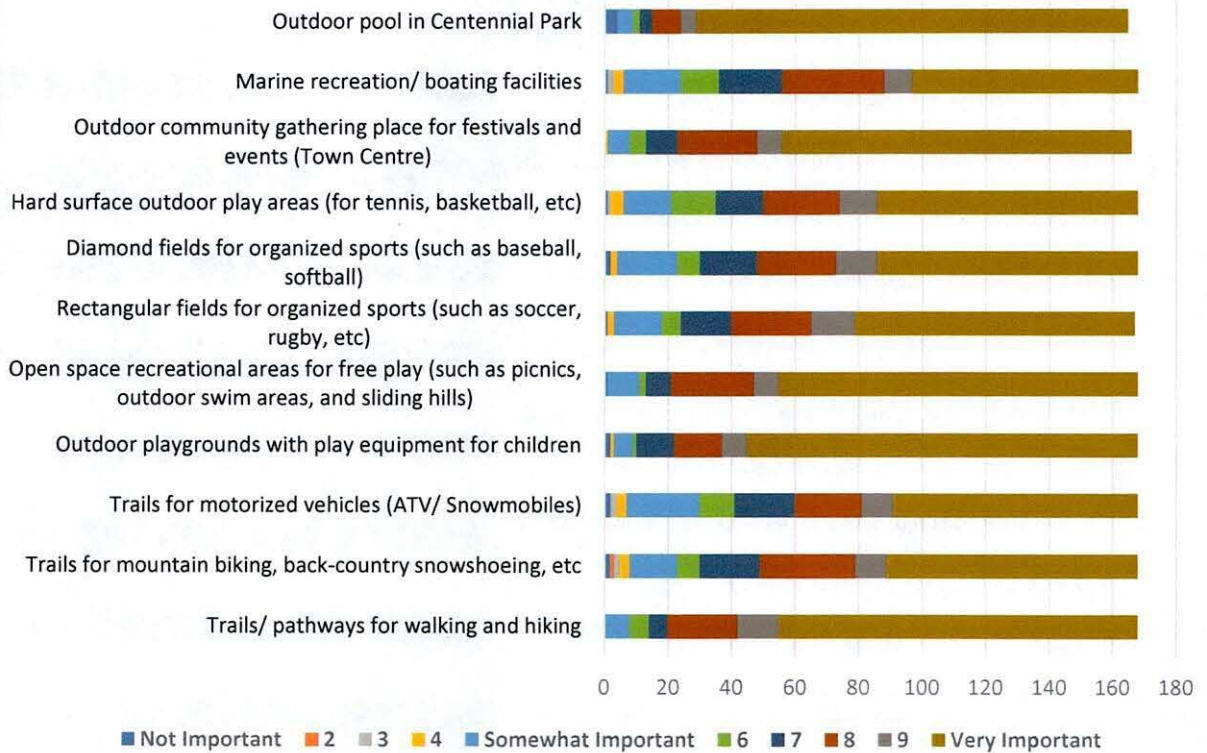
Q5. What do you think are the most relevant issues facing the Town of Baie Verte in the next 10 years? By Weighted Average



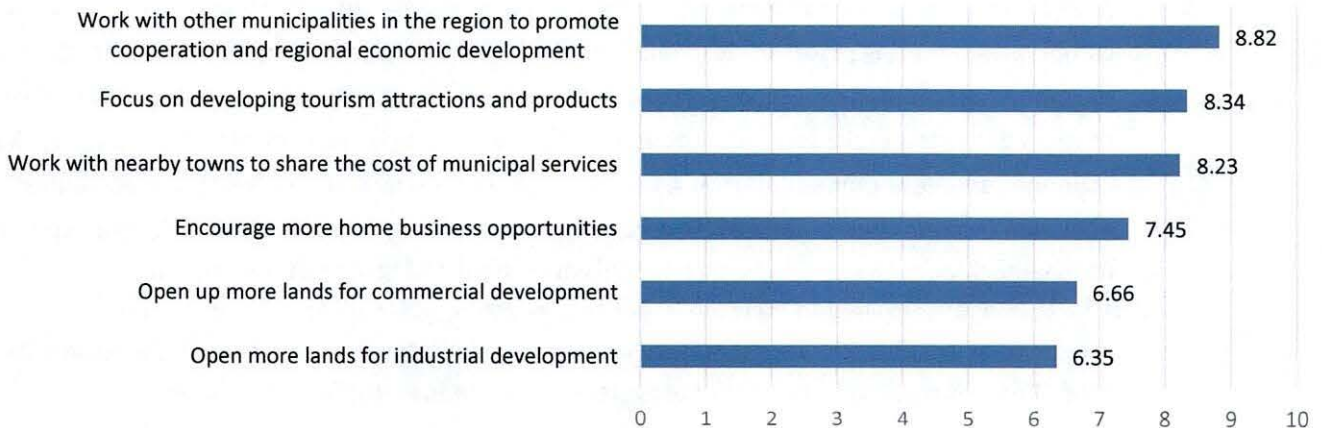
Q6. In your opinion, what are the most important environmental issues that should be addressed in the Town's Municipal Plan? By Weighted Average



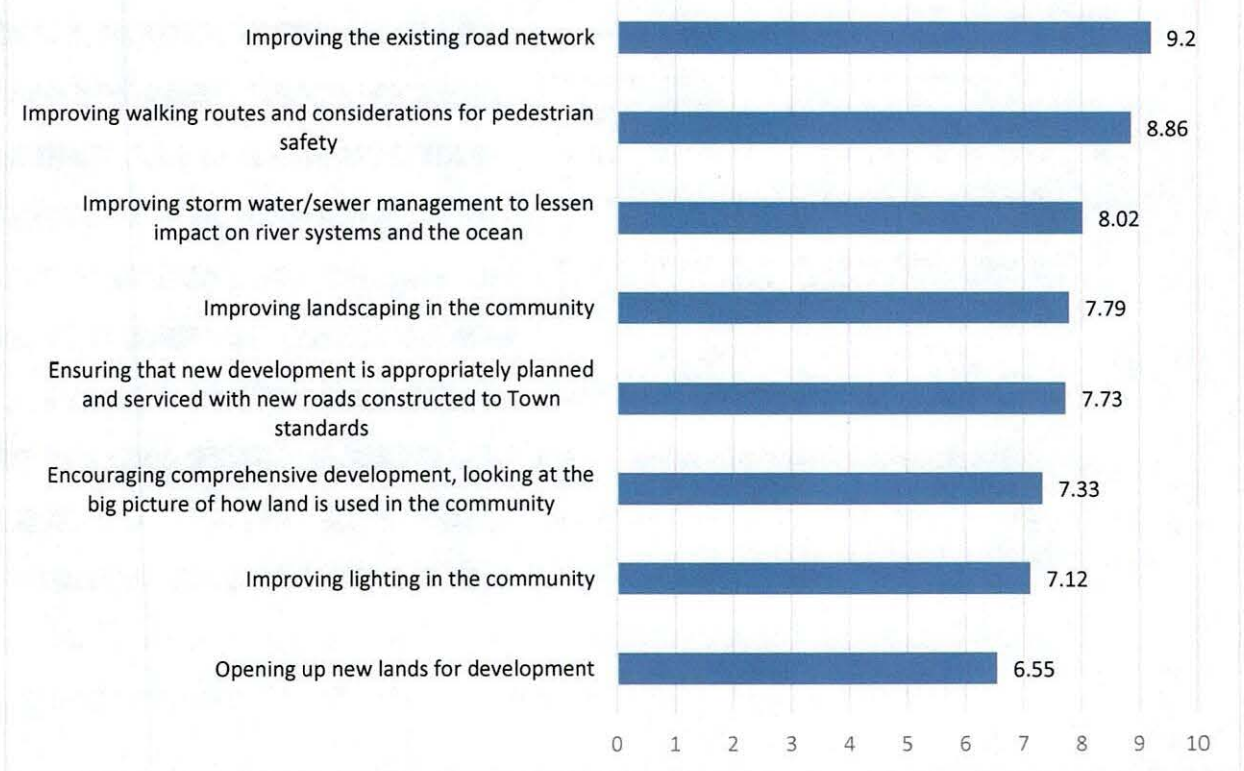
Q7. In your opinion, how important is it to have access to the following recreational amenities in Baie Verte?



Q8. In your opinion, what are the most important business and economic development issues to be addressed by the Town in the Municipal Plan? By Weighted Average



Q9. In your opinion, what are the most important municipal infrastructure and servicing issues the for the Town of Baie Verte? By Weighted Average



At a high-level summary, residents strongly indicated the need for Improving roads and walkability (sidewalks) of the community. In terms of more parks/recreation/leisure opportunities, their preferences were for: an outdoor pool in Centennial Park, outdoor playgrounds with play equipment for children, Trails/pathways for walking and hiking, outdoor community gathering places for festivals & events. There was support for improving aesthetics, by improving landscaping. There was also a desire for more citizen engagement, greater access to retail and commercial services and more control of development in the Town. In terms of key economic and development priorities: Regional cooperation and tourism were most favoured. There was no real concern expressed regarding housing preferences for seniors or other special needs individuals. As well, there was no real concern regarding land development. The respondents tended to focus on issues that affected their daily quality of life and recreational facilities. Environmental issues tended to have lower scores overall than community amenities, although most recreational preferences were for out-of-door facilities.

5.2 Public Consultation

Community consultations were held during the day and the evening of September 16, 2020. The evening public consultation was attended by several members of the public, Council's Planning and Development Committee and the Chief Administrative Officer). To update the community goals, the work of the previous Town Council which prepared a comprehensive Integrated Community Sustainability Plan in 2011 has been brought forward for renewal. Public consultation #2 was conducted on June 15, 2021.

5.3 Previous consultations

A comprehensive public consultation was undertaken in preparation of the Town's Integrated Community Sustainability Plan (ICSP) in 2011, as a requirement under the federal Gas Tax Agreement. The framework for the ICSP was the five pillars of sustainability. A summary of the results of the 2011 questionnaires reveals the following public opinions:

- Most important pillar of sustainability: Economic - 63.6% of respondents
- Least important pillar of Sustainability: Cultural - 68.8% of respondents
- Is Council doing enough to meet sustainability objectives
 - Environmental - No- 54.6%
 - Cultural - Yes 47%
 - Social - Yes 50%
 - Economic - No 43.8%
 - Governance - Yes 40.6%
- Is more infrastructure needed in these areas:
 - Basic Water & Sewer - Yes 81.8%
 - Enhanced Water & Sewer Treatment - Yes 87.8%
 - Upgraded Roadways - Yes 97%
 - Recreation Facilities - Yes 62.5%
 - Social, Culture Facilities - Yes 42.4%
 - Tourism Infrastructure - Yes 60.6%

Other comments raised a number of concerns & issues involving the following:

- Beautification of Main Street and Waterfront
- Need for more crown land to be made available to the Town to allow it to expand.
- Improved and expanded walking trail system and sidewalks.
- Better and expanded recycling program.
- Education to encourage public not to litter
- Need for an Industrial Park to promote economic development
- Need for a recreation center catering to all age groups
- Need for more housing developments
- Programs to promote health and well-being
- Need for a clean, safe, and friendly Town

- Encourage business development with tax incentives for new business
- New projects to promote tourism including a Marina, re-activated ski-hill, snowmobile trails, landscaping program (trees, shrubs, benches, etc.).
- Need for a day-care centre.
- General clean-up campaign.
- Comprehensive social program for seniors.
- More shopping facilities.
- Develop building regulations to improve appearance of Town and build civic pride , Need to keep public informed of Council plans.

Recurring themes of this input appear to be the need for:

- Municipal Infrastructure (Water/Sewer/Roads) Upgrading
- Clean-up and Beautification
- Recreation Facilities
- Creation of a Town that is clean, safe and friendly.

The ICSP Vision Statement for the Town of Baie Verte was stated as follows:

“Baie Verte has a long history of being a true community catering to the needs of industrial workers for the fishing, lumbering, and mining industries. It wishes to continue and to enhance that role by providing a clean, safe, economically viable environment for all its citizens, from youth to seniors, while promoting health and wellness, and protecting the environment”.

The following **ACTION ITEMS** were also included in the Town of Baie Verte Integrated Community Sustainability Plan in 2011. There are still valid projects in the list; however, the list requires an update to make it relevant to the current Council and the challenges they face.



SUSTAINABILITY PILLAR: GOVERNANCE			
GOAL	PROJECT	COST	CONTRIBUTION TO SUSTAINABILITY
1. Administer municipality efficiently, effectively and fiscally responsibly following all applicable rules of procedure.	1. Promote Economic Development to broaden tax base.	0	Ensures economic viability.
	2. Ensure staffing needs are met.	0	Ensures efficiency of operations.
	3. Review/update committee structure.	0	Ensures effective Government.
2. Foster an environment of Community service and volunteerism to encourage public participation in Town Affairs.	1. Lead by example.	0	Ensures future viability of Council.
	2. Seek Volunteers to assist Council.	0	
	3. Work with children's groups(schools/churches) to foster volunteerism.	0	
3. Work with local groups and businesses to advance mutual goals.	1. Appoint public to appropriate Council Committees.	0	Ensures fresh ideas. Ensures fresh ideas.
	2. Liaise with community groups.	0	
4. Keep public informed of Council plans.	1. Publish regular newsletter.	0	An informed public will keep Council efficient and effective.

SUSTAINABILITY PILLAR: ECONOMIC			
GOAL	PROJECT	COST	CONTRIBUTION TO SUSTAINABILITY
1. Encourage economic development to create job opportunities.	1. Establish an ED committee of Council with members from Business Community. 2. Research ED programs and initiates. 3. Develop an ED plan of action.		Ensures economic viability. Ensures economic viability. Ensures economic viability.
2. Ensure Council remains fiscally responsible.	1. Have finance committee continually monitor financial status 2. Complete gravity water system. 3. Develop multi-year street upgrading program.	\$1.2 M \$3.0 M	Ensures financial responsibility. Reduce Operating Costs. Reduce Maintenance Costs.
3. Promote Baie Verte as a Tourist Destination.	1. Improve and expand walking trails. 2. Develop snowmobile trails and staging area. 3. Work towards re-activation of ski hill. 4. Develop Marina.	\$30,000 \$50,000 (Very Long Term)	Increases business revenue.

SUSTAINABILITY PILLAR: SOCIAL

GOAL	PROJECT	COST	CONTRIBUTION TO SUSTAINABILITY
1. Promote community health and well-being by providing social and recreation opportunities to all age groups.	<ol style="list-style-type: none"> 1. Encourage development of a good housing mix. 2. Encourage development of a day care centre. 3. Ensure continued viability of school and hospital. 4. Construct a community centre/fire hall. 5. Upgrade Tennis Courts/Swimming Pool. 	<p align="center">3.5 M</p> <p align="center">300,000</p>	<p>Aids interaction between age groups.</p> <p>Encourages young families to live in Baie Verte.</p> <p>Keeps people in Baie Verte. Encourages social interaction and well-being.</p> <p>Encourages health and well-being.</p>
2. Work with volunteer groups.	<ol style="list-style-type: none"> 1. Encourage volunteerism. 2. Reward volunteers. 3. Encourage youth to volunteer 		Encourages well-being and willingness to help others.
3. Involve the public in social activities such as carnivals, festivals, sports events.	<ol style="list-style-type: none"> 1. Promote carnivals, festivals. 2. Organize sports events. 3. Promote regional sports tournaments. 		Social interaction.

SUSTAINABILITY PILLAR: CULTURAL			
GOAL	PROJECT	COST	CONTRIBUTION TO SUSTAINABILITY
1. Develop and showcase Baie Verte's cultural history.	1. Upgrade existing museum with new interpretive information. 2. Develop interpretive panel system for trails and town. 3. Promote local culture in schools. 4. Promote and expand "Spree by the Sea" festival		Educates and shows respect for the past.



SUSTAINABILITY PILLAR: ENVIRONMENTAL			
GOAL	PROJECT	COST	CONTRIBUTION TO SUSTAINABILITY
1. Develop comprehensive recycling program.	<ol style="list-style-type: none"> 1. Explore ways to reduce waste flow. 2. Explore ways to recycle. 		Sustains Environment
2. Conserve and protect environmental resources.	<ol style="list-style-type: none"> 1. Replace Newtown Sewage Treatment Plant. 2. Treat sewage from old Town core. 3. Protect water resources and sensitive areas. 4. Reduce water consumption. 5. Stop illegal dumping. 		Sustains and protects environment.
3. Provide attractive green space, scenic viewpoints	<ol style="list-style-type: none"> 1. Enhance and expand walking trails. 2. Develop clean-up campaign. 3. Build viewpoints, lookouts. 		Showcases the Natural Environment.
4. Educate public on environmental issues.	<ol style="list-style-type: none"> 1. Create public awareness campaign. 2. Participate in school programs. 		Gets people in tune with protection of environment.
5. Promote and encourage environmental conservation and greenhouse gas reduction.	<ol style="list-style-type: none"> 1. Create public awareness. 2. Complete gravity water system. 		Will lead to good practices. Reduces greenhouse gases.



APPENDIX B: WATER RESOURCE MANAGEMENT DIVISION POLICIES

NOTE all land around waterbodies are subject to the shoreline reservation under the *Lands Act, 1990.*; therefore, any proposed development must meet the Water Resource Management Division policy requirements before Crown lands will issue a permit for use of the shoreline.

**POLICY FOR LAND AND WATER RELATED DEVELOPMENTS
IN PROTECTED PUBLIC WATER SUPPLY AREAS**

POLICY DIRECTIVE

Division:	Water Resources Management	P.D.	W.R. 95-01
Prepared By:	Haseen Khan, P.Eng.	Issue Date:	April 7, 1995
Approved By:	Wasi Ullah, Director	Re-Issue Date:	March 10, 1999
Approved By:	David Jeans, ADM	Review Date:	
Authorized By:	John M. Fleming, DM	Superseded:	
Kevin Aylward	Minister	Cancelled:	
Subject:			

Policy guidelines for land and water related developments in protected public water supply areas.

1.0 OBJECTIVES

The policy will establish a mechanism for issuing a certificate of environmental approval under Section 39 of the Water Resources Act, SNL 2002 cW-4.01 for all development activities in a designated water supply area. The implementation of the policy guidelines will ensure sustainable development of natural resources without adversely affecting water quality.

2.0 LEGISLATION

Water Resources Act, SNL 2002 cW-4.01, Section 39

3.0 POLICY

The existing and proposed development activities in protected water supply areas will be subject to the following policy guidelines established under Section 39 of the Act.

4.0 DEFINITIONS

“Act” means the Water Resources Act, SNL 2002 cW-4.01.

“Development” means the carrying out of an activity or operation on, over, or under land or water for social or economic benefits, or the making of any change in the use of the intensity of use of any land, water, building or premises.

All other definitions appearing in the Act shall equally apply to this policy when employed herein.

5.0 APPLICATION OF THE POLICY

5.1 This policy shall apply to public water supply areas designated under Section 39 of the Act.

5.2 Existing resource development and other activities will be allowed to continue unless it is established that these are impairing water quality or have potential to impair water quality.

5.3 If it is established that a particular activity is a source of pollution, then appropriate measures as outlined in Sections 11, 12 and 13 of this policy directives will apply.

5.4 The Minister may require proponents of existing activities, which have potential to impair water quality, to obtain his/her approval.

5.5 No development shall be carried out in a designated area except in accordance with this policy.

5.6 No person shall carry out any development in a designated area without obtaining prior approval in writing from the Minister.

6.0 ACTIVITIES NOT PERMITTED IN A DESIGNATED AREA

- 6.1 Placing, depositing or discharging or permitting the placing, depositing or discharging into a body of water and sewage, refuse, chemicals, municipal and industrial wastes or any other material which impairs or has potential to impair water quality.
- 6.2 Using an intake pond, lake or specified buffer zone for any activity detrimental to water quality and not permitted in the Act.
- 6.3 Using ice covered water body for transporting logs, riding skidoos/motor vehicles/all-terrain vehicles, leading of animals, or any other activity which impairs or has potential to impair water quality.
- 6.4 Using or operating existing facilities in such a manner which impairs or has potential to impair water quality.
- 6.5 Residential development (a sub-division of four or more lots), vehicle maintenance facilities, warehouses, service stations, industries, and chemicals and salt storage depots.
- 6.6 Storage and disposal of pesticides and manure, application of manure and chemicals in specified buffer zones, extensive land clearing, and peat land drainage without adequate treatment.
- 6.7 Clear cutting of forest in sensitive areas, establishment of camps and camp facilities, storage of chemicals, application of pesticides, drainage of peat land for afforestation, and application of toxic fire retardants.
- 6.8 Resorts, hotels/motels, and golf courses.
- 6.9 Activities, operations or facilities associated with aggregate extraction and mineral exploration such as work camps, vehicle parking and maintenance facilities, washing of aggregates, asphalt plants, discharge or deposit of waste material into a body of water, and significant disturbance to land for mineral exploration purposes.
- 6.10 Application of herbicides in the right-of-way, and use of chemically treated utility poles and other related structures.
- 6.11 Aquaculture development and associated activities having potential to impair water quality.
- 6.12 Processing and manufacturing plants having potential to impair water quality.
- 6.13 Cemetery, waste disposal facilities, and any other storage or disposal facilities that the Minister considers environmentally unacceptable.

7.0 ACTIVITIES REGULATED IN A DESIGNATED AREA

In a designated area, no person shall undertake any of the following activities without obtaining prior written approval from the Minister:

- 7.1 Expansion and upgrading of the existing activities, operations or facilities.
- 7.2 Construction of residential, commercial, industrial and institutional facilities or any other related activity including land clearing or drainage, construction of access roads, servicing of lands for subsequent use, or extension and upgrading of existing buildings or facilities.
- 7.3 Development of farm lands for crop production, forage production, vegetable production, and blueberry and other fruit production.
- 7.4 Forest logging, resource road construction and use, stream crossing for controlled access, preparation of skid trails and landing areas, silvicultural activities, tree farming, and other environmentally acceptable forestry operations.

7.5 Recreational activities or facilities including cottage development, fishing, swimming, boating, hiking, camp grounds, or canoe routes, vacation or other camps, or recreational facilities.

7.6 Mineral exploration related activities and aggregate extraction, or any other construction activity incidental to mining and quarrying including access roads, stream crossings, land drainage with adequate treatment, land clearing and excavation.

7.7 Installation of storm or sanitary sewer pipelines, pipelines for transmission of water for hydroelectric generation, agriculture uses, or any other purposes.

7.8 Construction of roads, bridges, culverts, and other stream crossings, and installation of power and telecommunication transmission lines.

7.9 Modification to intake structures, pumphouse, reservoir, etc. will require approval under Section 37 of Act.

7.10 Any other development or activity which, in the opinion of the Minister, has caused impairment or has potential to impair water quality.

8.0 APPROVAL PROCESS

8.1 The proponent shall submit a detailed development plan along with maps, drawings and specifications and other information as required by the Minister for approval.

8.2 The Minister may, on the recommendation of his/her officials, issue a certificate of approval for the proposed development on such terms and conditions as the Minister considers necessary to protect water quality.

8.3 The proponent shall obtain separate approvals from the Minister under Section 48 of the Act, for all permanent or temporary stream crossings or for alteration to bodies of water that may be necessary to carry out the approved development.

8.4 The proponent shall also obtain licences, permits or approvals under other acts and regulations as required prior to commencing the approved work.

8.5 The proponent of the approved development shall notify the municipal authority or the person responsible for the operation and maintenance of the waterworks by providing a copy of the approval issued under this policy before commencing the work.

8.6 The proponent shall maintain adequate liaison and consultation with the person or authority responsible for the operation and maintenance of the waterworks during the implementation and operation of the approved work.

8.7 The Minister may require the inspection of the approved development from time to time by his/her officials to ensure that the development is carried out in an environmentally acceptable manner and the proponent is complying with the terms and conditions of the approval.

8.8 The Minister may require a proponent to monitor water quality according to a monitoring program approved by the Minister in order to evaluate the impact of the approved development on public water supply.

8.9 The Minister encourages the departments and agencies responsible for resource management and affected by this policy to develop environmental protection guidelines for resource utilization in protected water supply areas, for compliance by proponents or developers.

9.0 BUFFER ZONES

9.1 The proponents shall provide the following widths of buffer zones along and around water bodies from the high water mark in a designated area:

Water Body	Width of Buffer Zones
Intake pond or lake	a minimum of 150 metres
River intake	a minimum of 150 metres for a distance of one km upstream and 100 m downstream
Main river channel	a minimum of 75 metres
Major tributaries, lakes or ponds	a minimum of 50 metres
Other water bodies	a minimum of 30 metres

9.2 No development activity shall be permitted in buffer zones except those which are intended to promote vegetation.

10.0 RESPONSIBILITIES OF MUNICIPAL AUTHORITY

The municipal authority or person responsible for the operation and maintenance of a waterworks shall:

10.1 Ensure that no development activities are undertaken in a designated area without approval from the Minister.

10.2 Ensure that approved development activities are undertaken in strict compliance with the terms and conditions of the approval.

10.3 Where an approval or this policy is violated, serve a stopping order on the violator after obtaining prior approval from the Minister for stopping any work or operation either permanently or temporarily which is not carried out according to the terms and conditions of the approval and has impaired or has potential to impair water quality.

10.4 Request the Minister for the appointment of a Watershed Monitoring Committee and the development of a watershed management plan, if the designated area is under increasing pressure for multiple development activities.

11.0 CORRECTION OF HARMFUL CONDITIONS

If the quality of water has been impaired by any activity, practice, or action taken deliberately, negligently or accidentally, the Minister may order the proponent

- to provide alternate water supply for the affected community for as long as is necessary to restore the existing water supply system;
- to restore the water quality to its original condition; or
- to take necessary measures including the removal of facilities, undertakings, cabins, etc. and to rehabilitate the affected area at his/her expense in order to rectify the water pollution related problems.
-

12.0 CERTAIN POWERS OF THE MINISTER

(A) Cancellation of Approval

The Minister may revoke an approval:

12.1 For failure of the proponent of any development or activity to comply with the terms and conditions stipulated in the approval.

12.2 Where the approval was issued in error on the basis of incorrect or incomplete information.

12.3 Where the approved activities or operations are causing or have potential to cause impairment of water quality for reasons not anticipated at the time the approval was issued.

(B) Changing Boundaries

The Minister may change the boundaries of a designated area either to enlarge or reduce its size.

13.0 OFFENCE

A person who undertakes any development or activity in a designated area without prior written approval from the Minister is guilty of an offence under the Act.

POLICY FOR DEVELOPMENT IN SHORE WATER ZONESⁱ

POLICY DIRECTIVE

Division:	Water Resources Management	P.D.	W.R. 97-1
Prepared By:	Anil Beersing	Issue Date:	June 3, 1997
Approved By:	Martin Goebel, Director	Re-Issue Date:	Jan 17, 2001
Approved By:	Ken Dominie, ADM	Review Date:	
Authorized By:	Paul L. Dean, DM	Superseded:	
Oliver Langdon	Minister	Cancelled:	

Subject:

Development in Shore Water Zones

1.0 INTRODUCTION

The shore water zone is the interface between land and water, and includes the land along the edge of an ocean, or a fresh water body. The shore water zone owes its unique ecological attributes to the area encompassing both the land draining into the water body and the water body itself. Unplanned and imprudent development on shore water zones, including infilling and waste disposal, may have detrimental effects on water quality, water quantity, and on terrestrial and aquatic life and habitat. Human impacts on salt water shore zones, caused by, for example, untreated sewage disposal, surface runoff from urban and industrial sites, etc., has led to closures of bays to aquaculture and shellfish harvesting. The economic impacts of environmental damage of fresh water shore zones include loss of recreational opportunities, depreciation of land values, etc. Shore water zones are also areas that are subject to flooding, with possible adverse impacts on life and property along the zones.

2.0 OBJECTIVES

This policy will establish the criteria for issuing a permit under Section 48 of the Water Resources Act, SNL 2002 cW-4.01, for all development activities in and affecting shore water zones. The objective of the policy is to permit developments of shore water zones such that potential economic losses and impacts on water quantity, water quality, and terrestrial and aquatic habitats and life are minimized.

3.0 LEGISLATION

Water Resources Act, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and 64

4.0 DEFINITIONS

Body of Water (Statutory definition from the Act) "body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water

Shore Water Zone "Shore Water Zone" means the land that is intermittently occupied by water as a result of the naturally fluctuating surface water level in a body of water which can be either a fresh or salt water body and, in either case, the low water mark and high water mark of the water body defining the edges of the shore water zone.

Development “Development” means the carrying out of an activity or operation which includes construction of wharves, moorings, jetties, other docking facilities, marinas, boathouses, etc., mechanical disturbance of the land, infilling, drainage, dredging, channelization, erosion control works, and removal of vegetation on shore water zones for social or economic benefits, or any change in the use or the intensity of use of any shore water zone.

5.0 POLICIES

5.1 High Water Level of a Water Body

The high water level of a water body is taken to be the 1:100 year return period water level. For a fresh water body, this level includes water levels caused strictly by storm runoff or hydraulic effects of ice or both. In marine situations, the level must include maximum waves, wind setup, storm surge, and ultimate mean sea levels under current global climatic forecasts for a 1:100 year design.

5.2 Developments Not Permitted

5.2.1 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which could aggravate flooding problems will not be permitted.

5.2.2 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which have unmitigable adverse water quality impacts on the shore water zones will not be permitted.

5.2.3 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which have significant impacts on water circulation patterns within the shore water zones or on sediment deposition or accretion or removal rates along the shore water zones will not be permitted.

5.2.4 Placing, depositing or discharging into shore water zones of any raw sewage, refuse, municipal and industrial wastes, fuel or fuel containers, pesticides, herbicides or other chemicals or their containers, or any other material which impairs or has the potential to impair the water quality of the shore water zones will not be permitted.

5.2.5 Construction of extensive paved surfaces along a shore water zone which changes the intrinsic character of the shore water zone will not be permitted.

5.3 Developments Requiring Written Permission

The following developments on or along shore water zones will be permitted subject to the prior written permission of the Minister of Environment and Climate Change (the “Minister”) in accordance with the Act:

5.3.1 Limited removal of surface vegetation cover for the construction of marinas, boathouses, jetties, wharves, moorings, and other docking facilities.

5.3.2 Construction of marinas, boathouses, jetties, wharves, moorings and other docking facilities which would require only minor disturbances to water circulation patterns within the shore water zone and which have limited impacts on sediment deposition or accretion rates along the shore water zone.

5.3.3 Extension and upgrading of existing buildings, structures and facilities within shore water zone areas.

5.3.4 Development related to recreational activities including the setting up of camp grounds, permanent and semi-permanent facilities, etc., along shore water zones.

5.4 Implementation of Mitigative Measures

All developments which are permitted within shore water zones and which could result in potentially adverse changes to water quantity or water quality of the shore water zone will require the implementation of mitigative measures to be specified in the terms and conditions for the environmental approval.

5.5 Restoration Measures

The terms and conditions of the environmental approval will specify the restoration measures to be implemented upon cessation of activities or abandonment of facilities on shore water zones.

POLICY FOR DEVELOPMENT IN WETLANDS

POLICY DIRECTIVE

Division:	Water Resources Management	P.D.	W.R. 97-2
Prepared By:	Anil Beersing	Issue Date:	June 2, 1997
Approved By:	Martin Goebel, Director	Re-Issue Date:	Jan 17, 2001
Approved By:	Ken Dominie, ADM	Review Date:	
Authorized By:	Paul L. Dean, DM	Superseded:	
Oliver Langdon	Minister	Cancelled:	

Subject: Development in Wetlands

1.0 INTRODUCTION

Wetlands, which include bogs, fens, marsh, swamps, and shallow water, collect and store runoff, moderate and attenuate downstream flood flows, reduce downstream flooding and erosion, clean and purify water, recharge groundwater zones, and provide unique habitat for plants and animals. The wetlands of Newfoundland and Labrador are increasingly being altered from their natural state to support alternative land uses such as agriculture, urbanization, industrial development, and recreation. Unplanned and imprudent development of wetlands, including drainage, infilling, and channelization, have detrimental effects on the wetlands' and downstream water quality and water quantity, and on terrestrial and aquatic habitat, life, flora and fauna. The potential consequences of impacts on water resources include structural damage to bridges and culverts from increased flood flows; river bed erosion causing siltation; and detrimental impacts on fish resources, drinking water quality and recreational uses of water bodies.

The problem facing wetland management is that the ecological and socio-economic benefits of these ecosystems are usually not directly measurable and in many instances are not recognized until it is too late. The extensive nature of wetlands, peatlands in particular, in this province means that there is room for more developments to occur to meet social and economic needs, as long as hydrologic and environmental impacts are minimized.

2.0 OBJECTIVES

This policy will establish the criteria for issuing a permit under Section 48 of the Water Resources Act, SNL 2002 cW-4.011, for all development activities in and affecting wetlands. The objective of the policy is to permit developments in wetlands which do not adversely affect the water quantity, water quality, hydrologic characteristics or functions, and terrestrial and aquatic habitats of the wetlands.

3.0 LEGISLATION

Water Resources Act, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and 64

4.0 DEFINITIONS

Body of Water: (Statutory definition from the Act) “body of water” means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water

Wetland: (Statutory definition from the Act) “wetland” means land that has the water table at, near or above the land surface and includes bogs, fens, marshes, swamps and other shallow open water areas

Wetland development: “Wetland development” means the carrying out of an activity or operation which includes the construction of ditches, mechanical disturbance of the ground, alteration of normal water level fluctuations, infilling, drainage, dredging, channelization, and removal of vegetation cover and/or organic matter on a wetland for social or economic benefits, or the making of any change in the use or the intensity of use of any wetland which affects its hydrologic characteristics or functions.

5.0 POLICIES

5.1 Developments Not Permitted

5.5.1 Infilling, drainage, dredging, channelization, removal of vegetation cover or removal of soil or organic cover of wetlands which could aggravate flooding problems or have unmitigable adverse water quality or water quantity or hydrologic impacts will not be permitted.

5.5.2 Developments of wetlands which are located within the recharge zones of domestic, municipal or private groundwater wells will not be permitted.

5.5.3 Placing, depositing or discharging any raw sewage, refuse, municipal and industrial wastes, fuel or fuel containers, pesticides, herbicides or other chemicals or their containers, or any other material which impairs or has the potential to impair the water quality of wetlands will not be permitted.

5.2 Developments Requiring Written Permission

The following developments affecting wetlands will be permitted subject to the prior written permission of the Minister of Environment and Climate Change (the “Minister”) in accordance with the Act:

5.2.1 Removal of the surface vegetation cover of wetlands for extraction of peat, or for preparing the area for agricultural or forestry activities.

5.2.2 Construction of ditches, tile fields and other types of flow conveyances to drain wetlands for extraction of peat, or for preparing the area for agricultural or forestry operations.

5.2.3 Removal of the top soil or organic cover of wetlands for use as horticultural or fuel peat, or for preparing the area for agricultural or forestry activities.

5.2.4 Infilling, dredging, or any other disturbance of wetlands for the construction of permanent or temporary roads, bridges, culverts, trails, power and telecommunication transmission lines, pipelines, etc., through wetlands which would necessitate only minor disturbances to the vegetation and organic cover, the flow drainage pattern of the area and ground slope.

5.2.5 Infilling, dredging or other disturbance of wetlands for the construction of residential, commercial, industrial and institutional facilities or extension and upgrading of existing buildings and facilities within wetland areas.

5.2.6 Development related to recreational activities including the setting up of camp grounds, permanent and semi-permanent facilities, etc., on wetland areas.

5.2.7 Construction of flow control structures to alter the normal water level fluctuations of wetlands for the purposes of enhancing the quality or quantity of fish and other wildlife habitat.

5.3 Implementation of Mitigative Measures

All uses and developments of wetlands resulting in potentially adverse changes to water quantity or water quality or hydrologic characteristics or functions of the wetlands will require the implementation of mitigative measures to be specified in the terms and conditions for the environmental approval.

5.4 Restoration Measures

The terms and conditions of the environmental approval will specify the restoration measures to be implemented upon cessation of activities or abandonment of facilities on wetland areas.

POLICY FOR INFILLING BODIES OF WATER

POLICY DIRECTIVE

Division:	Water Resources Management	P.D.	W.R. 91-1
Prepared By:	Martin Goebel, P.Eng.	Issue Date:	April 1, 1991
Approved By:	Martin Goebel, Director	Re-Issue Date:	Jan 17, 2001
Approved By:	Ken Dominie, ADM	Review Date:	
Authorized By:	Paul L. Dean, DM	Superseded:	
Oliver Langdon	Minister	Cancelled:	

Subject:

Infilling Bodies of Water.

1.0 OBJECTIVE

To adopt a consistent approach to development proposals involving infilling bodies of water in order to protect the water resource, the adjacent lands and the development itself.

2.0 LEGISLATION

Water Resources Act, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and 64

3.0 INTRODUCTION

A recent trend has been observed by the Water Resources Management Division for various developers and proponents to request environmental approval for infilling bodies of water. The purpose of most of such requests is to make new land for property development for a variety of uses. Granting of approvals without reasonable justification gives a mistaken impression that this department is not consistently and adequately protecting the water resources of this province as required under the Act.

Proponents can be classified into several categories:

- private individuals
- municipalities or community councils
- voluntary or service organizations
- commercial developers

Infilling projects affect the natural environment in terms of the ecology, hydrology, hydraulics and aesthetics of flood plains, ponds and lakes as well as coastal marine areas. Such infilling often does not give due recognition to the value of the water resource involved nor does it recognize common hazards such as flooding and erosion.

The proximity of water to such developments is creating an additional future liability for the province. Should there be flooding or erosion of the filled area, will the province be obliged to undertake emergency rescue or protection of occupants and property? Would the province be obliged to provide compensation for damage. If flood protection measures are implemented in the future, will the province be forced to expropriate the owners in order to gain access to the body of water?

Current literature on the topic of climate change indicates that global warming may cause increases in sea levels. In a report by Environment Canada entitled "Socio-Economic Assessment of the Physical and Ecological Impacts of Climate Change on the Marine Environment of the Atlantic Region of Canada – Phase 1" the impact on coastal infrastructure based on a one metre rise in mean sea level over the next 50 years is projected to cost in the billions of dollars. Losses include urban waterfront land, buildings with a life expectancy of 50-75 years, breakwaters, bridges and causeways, roads and railways. It can be safely assumed that areas presently prone to flooding will be prone to more severe and more frequent flooding in the future.

4.0 POLICY

4.1 The highwater level is taken to be the 1:100 year return period water level. For freshwater this level includes water levels caused strictly by storm runoff or hydraulic effects of ice or both. In marine situations the level must include maximum tides, waves, wind setup, storm surge and ultimate mean sea levels under current global climatic forecasts for a 1:100 year design.

4.2 Any proposed infilling within fifteen (15) metres of a body of water measured horizontally inland perpendicular to the shoreline at the highwater level of that body of water as defined in the Act will be subject to Section 48 of the Act.

4.3 Any request for approval involving infilling within a minimum of fifteen (15) metres of the highwater level of a body of water may only be permitted in exceptional circumstances where no other reasonable alternative exists. The onus will be upon the proponent to show that land more suitable for the intended purposes cannot be obtained in or near the community or area.

4.4 Infilling required in connection with marine related development such as fishing facilities, wharves, fish plants, boathouses, marinas and such developments, which of necessity must be located on riparian or coastal lands, may be permitted subject to Section 48 of the Act.

4.5 Infilling to permit municipal or public sector projects which are essential to the public good such as infilling to permit the placement of roads, bridges, hydro lines, sewer and water facilities or similar undertakings, may be permitted subject to Section 48 provided that no other reasonable alternatives are available and that the land will remain public property.

4.6 Infilling to permit industrial expansion as for instance in mining, oil development, power development or any other beneficial undertaking may be permitted subject to Section 48 of the Act provided that the project has been registered and released from all further requirements under the Environmental Assessment Act and that the registration and any subsequent Environmental Preview Reports or Impact Statement clearly discussed all infilling requirements.

4.7 Infilling of very small ponds or freshets that do not appear on 1:50,000 scale Newfoundland topographic maps and where the land is better utilized for agricultural or other purposes may be permitted subject to Section 48 of the Act.

4.8 Infilling to permit improvements to the environment may be permitted subject to Section 48 provided that the land and facilities will remain public property. Examples of such projects may

include community recreation areas, playgrounds, nature areas, public beaches, breakwaters, and other similar land uses.

4.9 Any land created by approved infilling must not be vulnerable to flooding and related effects such as erosion. Furthermore, permitted infilling may in no way impact on or increase any risk of flooding or alter the drainage of any adjacent property.

4.10 Applicants for Crown Lands will be advised that their application will not be considered for approval unless the proposed use(s) will meet the requirements of this policy directive.

APPENDIX C: FUTURE LAND USE MAP

