

Town of Conception Bay South
Municipal Plan Amendment No. 21, 2022

512 Conception Bay Highway

Town of Conception Bay South

September, 2022

**Urban and Rural Planning Act, 2000
Resolution to Adopt
Town of Conception Bay South
Municipal Plan Amendment No. 21, 2022**

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000* the Town Council of Conception Bay South adopts the Conception Bay South Municipal Plan Amendment No. 21, 2022.

Adopted by the Town Council of Conception Bay South on the 14th day of June, 2022.



Signed and sealed this 19th day of September 2022.

Mayor: 

Clerk: 

Canadian Institute of Planners Certification

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


Corrie Davis, MCIP 

Urban and Rural Planning Act, 2000
Resolution to Approve
Town of Conception Bay South
Municipal Plan Amendment No. 21, 2022

Under the authority of Sections 16, 17 and 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Conception Bay South

- a) Adopted the Conception Bay South Municipal Plan Amendment No. 21, 2022 on June 14, 2022.
- b) Gave notice of the adoption of the Conception Bay South Municipal Plan Amendment No. 21, 2022 by advertisement in the Shoreline News on June 24 and June 30, 2022.
- c) Held a public hearing to consider objections and submissions on July 25, 2022.

Now under the authority of Section 23 of the *Urban and Rural Planning Act, 2000* the Town Council of Conception Bay South approves the Conception Bay South Municipal Plan Amendment No. 21, 2022 as adopted.

SIGNED AND SEALED this 19th day of September 2022.

Mayor: _____

Clerk: _____

Municipal Plan/Amendment	
REGISTERED	
Number	<u>1145-2022-015</u>
Date	<u>Oct 31 / 2022</u>
Signature	<u>[Signature]</u>

This amendment is intended to apply a land use designation to the property that can accommodate a proposed development on the property. The owner proposes to develop a portion of the property with a storage business.

Assessment

The property is located in the Foxtrap area of the Town and immediately abuts existing residential development to east, and south. The property is adjacent to a commercial property and several residential properties to the immediate west. The T'Railway runs along the northern property boundary.

The property has been traditionally used to accommodate residential and agricultural uses including growing produce along with keeping and butchering livestock.

This amendment is intended to allow consideration of a development proposal for a storage business by changing the Municipal Plan designation at the property. Although the development proposal is only at the concept phase, the Town determined that a commercial storage use is not within the range of uses listed in the Municipal Plan polices for the Residential Medium Density and Open Space Conservation designations.

The Town determined that the portion of the property within the Residential Medium Density designation is unlikely to be developed for residential purposes unless it were consolidated with adjacent lands.

The Town also considered the context of the Open Space designation that applies to portions of the property; the Open Space Conservation designation is applied to areas within the Town to achieve the goal and objectives set out in section 5.8 of the Municipal Plan. The Town determined that the Open Space Conservation designation in this area relates the T'Railway and an adjacent waterway. The portion of the property where the Open Space Conservation designation reflects the T'Railway (north east corner) extends beyond the T'Railway right of way and changing the designated in that area does not contravene the intent of the Municipal Plan in that regard.

The portion of the property where the Open Space Conservation designation abuts a waterway extends beyond the minimum buffer to the high-water mark of that stream. Therefore, the Town determined that changing that portion of the designation beyond that buffer does not contravene the intent of the Municipal Plan. The proposed amendment aligns the boundary between the Commercial and Open Space Conservation designations with the eastern limit of the water way buffer that is identified in the Town's geographic information system. Portions of the property that are within the buffer to the high-water mark of the adjacent waterway will not be altered by this amendment.

Municipal Plan Policy 5.4.3(7) relates to lands within the Commercial designation. That policy notes that land along Conception Bay Highway in existing commercial areas are intended to accommodate a mix of commercial uses and may include light industry uses. The front portion of

the property subject to this amendment is already within the Commercial designation. This amendment would extend the Commercial designation to the rear of the property which would be a continuation of the Commercial designation for the majority of the property. This amendment does not create a spot zone for commercial activity.

The Development Regulations amendment that accompanies this Municipal Plan amendment would re-zone the property to "Commercial General (C-2)" which is consistent with the Commercial designation. Upon completion of the amendments, the proposed storage business could be permitted at the discretion of Council. Detailed compliance with requirements articulated in the Municipal Plan and Development Regulations regarding the proposed development would be completed upon submission of a development application to the Town upon implementation of this amendment.

Municipal Plan policy 4.3.14 was also considered in the context of this amendment. Portions of the property are within the Moderate Geological Hazard Vulnerability area identified in the "Report on Vulnerability to Geological Hazards in the Town of Conception Bay South" (Batterson and Stapleton, GNL, 2011). The municipal plan policy states that commercial development within the moderate hazard area may be subject to completion of a site-specific study to evaluate the level of hazard risk. The proposed amendment is not impacted by Municipal Plan Policy 4.3.14. Decisions about a site-specific study to further assess the hazard at this site in context of the proposed use would be considered at the development application stage which would follow the completion of this amendment.

St. John's Urban Region Regional Plan

The St. John's Urban Region Regional Plan identifies Conception Bay South as a sub-regional centre. Upon installation of municipal services, the Regional Plan encourages a wide range of residential densities, a variety of commercial operations, parks and recreational facilities and other uses that are characteristic and appropriate for a sub-regional centre.

The Regional Plan designates the subject property as "Urban Development" which allows for a range of urban uses connected to municipal water and sewer services. The proposed use is consistent with the intent of the St. John's Urban Region Regional Plan.

Consultation

A notice outlining the proposed amendments was distributed to all property owners within 100 metres of the subject property. In addition, notices were published in the February 17 and 24, 2022 editions of *The Shoreline* newspaper. The notice was also posted on the Town's website and social media channels (Facebook and Twitter). Written submissions were requested by March 3, 2022.

As a result of the consultation process, the Town received three submissions. The submissions expressed concern with potential development in close proximity to the Foxtrap River that runs parallel to the property; potential loss of wetland areas and increased potential for flooding as a result of the proposed development.

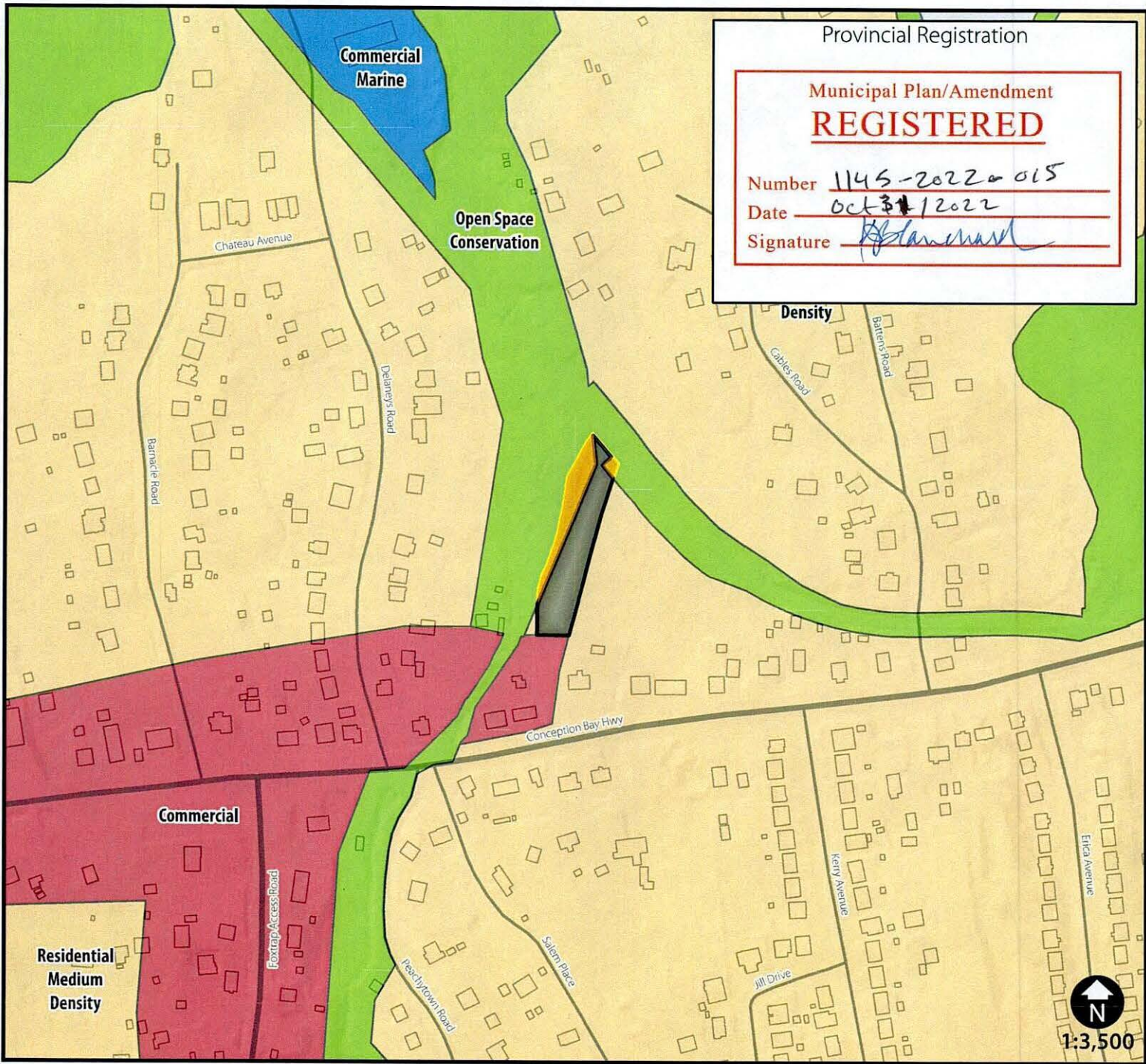
The land in question is adjacent to a waterway (the Foxtrap River) and the Open Space Conservation designation and zoning is intended to protect the integrity of that waterway. Council considered the submissions and determined that the Open Space Conservation designation and zoning extend beyond the 15m buffer of the highwater mark for the stream. As noted above, adjusting the designation and zoning beyond the buffer to the high-water mark of the stream does not contravene the policies of the Municipal Plan or requirements of the Development Regulations that are meant to protect the integrity of the waterway.

The Town also consulted with the provincial Department of Tourism, Culture, Art and Recreation (TCAR), Parks Division who own and lease the T'Railway to the Town of Conception Bay South. TCAR advise that they have no concerns with the proposed amendments.

Amendment

The Conception Bay South Municipal Plan Future Land Use Map shall be amended as follows:

1. The Future Land Use Map is amended as shown on the attached plan.



Provincial Registration

Municipal Plan/Amendment
REGISTERED

Number 1145-2022-015
 Date Oct 31 2022
 Signature [Signature]

Town of Conception Bay South
 Municipal Plan
 Amendment No. 21, 2022
 Future Land Use



Signed and sealed at the Town of Conception Bay South, NL
 This 19th day of September, 2022

[Signature]
 Mayor

[Signature]
 Town Clerk

CORRIE DAVIS
 CANADIAN INSTITUTE OF PLANNERS
 URBANISTES
 INSTITUT CANADIEN DES PLANNERS
 URBANISTES

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

-  From: Open Space Conservation
To: Commercial
-  From: Residential Medium Density
To: Commercial