



**Integrated Municipal Sustainability Plan 2012**

**Municipal Plan Amendment No. MP19-02**

**August, 2019**

**Prepared by:**



**URBAN AND RURAL PLANNING ACT, 2000**  
**RESOLUTION TO APPROVE**  
**CITY OF CORNER BROOK**  
**MUNICIPAL PLAN AMENDMENT MP19-02**

Under the authority of Sections 16, 17, and 18 of the *Urban and Rural Planning Act, 2000*, the City Council of Corner Brook:

- a) Adopted Municipal Plan Amendment MP19-02 on the 15<sup>th</sup> day of July, 2019;
- b) Gave notice of the adoption of Municipal Plan Amendment MP19-02 by advertisement inserted on the 24<sup>th</sup> day of July, 2019 and the 7<sup>th</sup> day of August, 2019 in the Western Star newspaper; and
- c) Set the 19<sup>th</sup> day of August, 2019 at 7:00 p.m. at the Corner Brook City Hall for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act, 2000*, the City Council of Corner Brook **approves** Municipal Plan Amendment MP19-02, as adopted, this 26<sup>th</sup> day of August, 2019.

SIGNED AND SEALED this 29 day of Aug, 2019.

Mayor: \_\_\_\_\_

Clerk: \_\_\_\_\_



(Council Seal)

<b>Municipal Plan/Amendment</b>	
<b>REGISTERED</b>	
Number	<u>1200 - 2019 - 018</u>
Date	<u>September 17, 2019</u>
Signature	<u>Mary O'Leary</u>

**URBAN AND RURAL PLANNING ACT, 2000**  
**RESOLUTION TO ADOPT**  
**MUNICIPAL PLAN AMENDMENT NO. MP19-02**

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the City of Corner Brook adopts Municipal Plan Amendment No. MP19-02 to the City of Corner Brook's Integrated Municipal Sustainability Plan 2012.

Adopted by the City Council of Corner Brook on the 15<sup>th</sup> day of July, 2019.

SIGNED AND SEALED this 29 day of August, 2019.

Mayor: 

City Clerk: 



**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

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



## Contents

1. Type .....	1
2. Purpose .....	1
3. Public Consultation .....	3
4. Provincial Release .....	3
5. Adoption by Council and Public Hearing .....	3
6. Approval by Council .....	3
7. Statement .....	3

### 1. Type

Municipal Plan Amendment No. MP19-02 to the City of Corner Brook's Integrated Municipal Sustainability Plan 2012 (henceforth the "Amendment") is a text amendment.

### 2. Purpose

The principal purpose of the Amendment is to allow Council to consider the approval of uses under the 'solid waste' use class in the 'Rural (R)' designation (also see associated Development Regulations Amendment DR19-02). As the Integrated Municipal Plan 2012 (henceforth "Municipal Plan") is currently structured, said uses are limited to the 'Solid Waste / Scrap Yard (SW/SY)' designation.

The 'Rural (R)' designation currently allows Council to consider uses of a similar nature and land use impact, as stipulated under policy 08.:

*08. Scrap yards, including associated recycling operations, mineral workings, and rural industries may be permitted at suitable locations within the Rural area subject to a Land Use Assessment Report. If the operation is deemed appropriate, the Authority shall impose conditions to ensure provisions are made for environmental protection, buffering, site maintenance, any aesthetic or view plane considerations, and proper site access. [Emphasis added]*



The Amendment proposes to add solid waste uses to policy 08. of the 'Rural (R)' designation, in effect allowing Council to consider said uses as discretionary in the associated 'Rural (R)' use zone of the Development Regulations.

Further, there are currently conflicting policies in the Municipal Plan pertaining to scrap yard uses.

Policy 08. of the 'Rural (R)' designation reads:

*08. **Scrap yards**, including associated recycling operations, mineral workings, and rural industries **may be permitted at suitable locations within the Rural area** subject to a Land Use Assessment Report. If the operation is deemed appropriate, the Authority shall impose conditions to ensure provisions are made for environmental protection, buffering, site maintenance, any aesthetic or view plane considerations, and proper site access. [Emphasis added]*

Policy 03. of the 'Solid Waste / Scrap Yard (SW/SY)' designation reads:

*03. **Scrap yards shall only be located in Solid Waste/Scrap Yard zones** and any new scrap yard locations shall be defined on the Development Regulation maps. Scrap yards may also include recycling operations and activities. [Emphasis added]*

This amendment thus also provides the opportunity to perform housekeeping changes to rectify this conflict.

The Municipal Plan was initially structured to confine solid waste uses to the 'Solid Waste / Scrap Yard (SW/SY)' designation and associated use zone. This Amendment also proposes to amend the policies of this designation to afford the flexibility of considering solid waste uses in other areas of the City that are appropriately designated and zoned under the Municipal Plan and Development Regulations, respectively (e.g. 'Rural (R)' designation and zone).

### **3. Public Consultation**

In accordance with section 14 of the Act, City staff conducted public consultation by advertising the Amendment on the City's website on April 12, 2019. City staff provided the public with opportunity to inspect and provide comments on the Amendment. No concerns or objections were raised during the public consultation stage of the proposed amendment.

### **4. Provincial Release**

In accordance with section 15 of the Act, City staff forwarded the Amendment to the provincial Department of Municipal Affairs and Environment for review. Where no agency or departmental interests were identified, the Amendment was released from the Local Governance and Land Use Planning Division on June 18, 2019.

### **5. Adoption by Council and Public Hearing**

In accordance with section 16 of the Act, Council adopted the Amendment on July 15, 2019. In accordance with section 17 of the Act, notice of adoption and tentative public hearing date (August 19, 2019) was published in a locally circulated newspaper (Western Star) on July 24, 2019 and August 7, 2019.

Where no objections were received two (2) days before the tentative public hearing date (7:00 p.m., August 19, 2019), Council cancelled the public hearing in accordance with section 20 and subsection 21(1) of the Act.

### **6. Approval by Council**

In accordance with section 23 of the Act, Council approved the Amendment (as adopted) on August 26, 2019.

### **7. Statement**

The City of Corner Brook's Integrated Municipal Sustainability Plan 2012 is amended by:

(A) Repealing the entirety of text under subsection '4.10 RURAL' and replacing with the following text:

#### 4.10 RURAL

##### 4.10.1 Context

*The Rural designation serves to protect the natural environment by only permitting land use activities that are compatible while still retaining the qualities of a rural setting. The primary uses of agriculture, forestry, recreational open space, solid waste, scrap yard, and limited rural industries which do not create a demand for municipal services nor encourage ribbon development along the road network are appropriate for these areas.*

*It is recognized that rural land suitable for agriculture is often also preferred by developers for residential subdivision and other large scale development because of more gentle topography and less challenging soil conditions; however, due to the limited regions of fertile, agricultural conditions in the province, Rural lands identified as suitable agricultural land by the Government of Newfoundland and Labrador shall be protected from non-agricultural uses*

*The Authority acknowledges that in some Rural Zones, older houses, or in some cases entire streets, are located in areas designated as Rural. Normally, the intent is that these uses would be considered as a non-conforming use and should not increase in intensity while these deficiencies exist or that the use would discontinue entirely in some cases. An exception to this is with respect to single dwellings that have been developed or are proposed to be developed in association with an agricultural or forestry operation in accordance with the requirements for that use.*

*Within the City of Corner Brook, there are houses located in Rural Zones that have not been developed in association with an agricultural or forestry operation but exist as a result of the historical or natural growth of the city. Factors such as amalgamation of the four original communities which make up the present day City of Corner Brook; municipal and planning area boundary expansions; development which occurred prior to formal planning processes; remote areas where municipal services are absent altogether or the where current municipal services, conditions or road standards are not able to be met, have resulted in dwellings that may be*



*considered as a separate classification of use and can be assessed as a Discretionary Use of the Zone.*

#### *4.10.2 Objectives*

*01. To protect the rural nature of those lands occurring outside of the Municipal Service Area Boundary.*

*02. To prevent ribbon development and municipal services from extending into Rural Areas.*

*03. To permit select land use activities that may be accommodated on the periphery of the City's development area which do not negatively impact the natural environment or create a demand for municipal or other city services.*

*04. To protect agricultural lands occurring in the Rural Designation.*

*05. To permit the replacement, repair, renovation or extension of existing dwellings in the Rural Zone with a single dwelling which will not negatively affect the natural environment, will not have a detrimental or prejudicial impact on other permitted or discretionary uses of the zone, are not located in an area subject to environmental hazard, nor create a demand for municipal or other services.*

#### *4.10.3 Policies*

*01. Any building activity in the Rural areas shall be undertaken in a manner which is in keeping with the qualities of the surrounding landscape and will mitigate adverse environmental impacts on the amenities of the area.*

*02. Development permitted in Rural areas shall include non-intensive uses such as agriculture and forestry that do not create a demand for municipal services nor encourage ribbon development along the road network.*

*03. Wherever and whenever possible, the reforestation of rural land which is not suitable for agricultural purposes will be encouraged.*



04. Forestry and agricultural operations in close proximity to the urban areas will be restricted to those which will not constitute a hazard or disturbance to existing or proposed development.

05. Future cemetery sites shall be limited to an expansion of Mount Patricia Cemetery. This will serve to eliminate an unnecessary land use within the urban serviced area and to meet additional requirements for this purpose. Cemeteries within this context are understood to refer to human cemeteries.

06. Pet cemeteries may be located within the Rural areas at suitable locations which do not require water and sewer services nor create additional traffic or need for other municipal services such as fire protection or road maintenance/snow clearing.

07. Pet cemeteries operated as private facilities will be required, at the time of application, to prepare operating plans that identify and make provision for the removal or disposal of animal remains in the event of closure of the facility or as a result of a change of use at the site.

08. Scrap yards, including associated recycling operations, mineral workings, uses under the solid waste use class, and rural industries may be permitted at suitable locations within the Rural area subject to a Land Use Assessment Report. If the operation is deemed appropriate, the Authority shall impose conditions to ensure provisions are made for environmental protection, buffering, site maintenance, any aesthetic or view plane considerations, and proper site access.

09. The area of Tower Road, south of Lewin Parkway, has come under increasing development pressure and in order to consider development in this area, a Land Use Assessment Report will be required for all development proposals.

10. Development in the Watson's Pond area shall be confined to non-intensive uses such as agriculture and forestry and other uses that do not require water and sewer services until such time as a determination has been made whether to extend industrial development in the area or to permit more recreational use in the area. In this regard, a thorough review of water supply requirements must be conducted by the Engineering Services Division and the Fire Department.

11. *Outdoor assembly, outdoor market, veterinary, animal, and service station uses may be permitted at appropriate locations within Rural areas where the operation is deemed appropriate and where a system of water and sewer services and fire protection services, acceptable to the Authority, can be made available.*

12. *Transportation uses including airfields and dock facilities may only be developed at appropriate locations within Rural areas where their development and use will not create a demand for municipal services nor upgrading and maintenance of existing or proposed access roads. More intensive dockyard and transportation facilities are to be located in approved industrial or otherwise suitable locations which are serviced with municipal water and sewer.*

13. *Large scale development proposals which are sufficiently comprehensive and will occupy a minimum area of 1 hectare (10,000 m<sup>2</sup>) may require a change in land use and zoning in order to conform to the proper land use designation of the Municipal Plan.*

14. *In an effort to provide increased rights to residents living in Rural land use designations to be able to: (1) extensively renovate; (2) expand the existing dwelling to a maximum of 50% of the original total floor area; or (3) replace the existing dwelling to a maximum of 150% of the original total floor area, by choice and not as a result of fire or other damage, existing dwellings will be recognized as discretionary uses, provided that the location of the dwelling does not conflict with any plan, scheme or other intention of Council to develop the area for other purposes or if it will not have detrimental impact or prejudice the development of existing or other permitted or discretionary uses of the zone. Applications for the replacement, extensive renovation, repair or extension of existing residential dwellings will be subject to a public notification process and Council approval, in accordance with the requirements for Discretionary Use. Houses accidentally damaged or destroyed by fire, flood or other causes may also be repaired or replaced in accordance with these standards.*

(B) Repealing the entirety of text under subsection '4.12 SOLID WASTE/SCRAPYARD' and replacing with the following text:

#### 4.12 SOLID WASTE/SCRAPYARD

##### 4.12.1 Context



*The sanitary landfill site at Wild Cove is the location for solid waste disposal for the City of Corner Brook. The disposal method consists of compaction and a covering layer of soil or other acceptable substance with hazardous materials being stored and disposed of separately from other non-toxic waste materials.*

*Scrap yards are an intrusive feature upon the landscape and require specific screening and careful consideration prior to their location. As well, because of some of the materials which may be present at scrap yard locations and the volume of scrap material, the buffering from water bodies and other land uses must be adequate.*

#### *4.12.2 Objective*

*To guide and shape the development of solid/waste scrap yards in such a way that adverse impacts to the natural landscape, physical environment and citizens of Corner Brook are minimized.*

#### *4.12.3 Policies*

*01. The land fill site at Wild Cove is the City's designated sanitary landfill site and shall remain in place for the time of the present Municipal Plan or until such time as a new sanitary landfill site may be designated and it shall be monitored as to the possible environmental and social impacts of the facility as the City develops.*

*01.A. Despite policy 01., Council may consider the approval of other uses under the solid waste use class in other areas of the City that are appropriately designated and zoned under the Municipal Plan and Development Regulations respectively. This may include, for example, considering the approval of private solid waste operations where market demand exists for such business operations.*

*02. Recycling operations may be considered at the Wild Cove landfill site when the operation can be carried out effectively from the site and when the material required for the activity forms part of the normally disposed of substances at the landfill site and when the operation will not require or create a demand for municipal water and sewer services.*



03. Scrap yards may be located in Solid Waste/Scrap Yard zones. Scrap yards may also include recycling operations and activities.

04. No scrap yard will be permitted to cause the pollution of any watercourse. Adequate vegetation or other buffering must be in place prior to the operation of the scrap yard.

05. Any scrap yard operations within the Municipal Planning Area shall be conducted so that no nuisance or danger is caused to the general public and the scenic beauty of the surrounding area is preserved. In order to preserve the scenic beauty and amenity of the area, operations will generally be restricted to areas not exposed to public view.

06. Upon the cessation of any scrap yard use, the area shall be cleaned of any debris and hazardous/toxic materials and the site rehabilitated and returned as much as possible to its original state or left in a condition where other compatible development may be accommodated on the site.

07. Approval of a development application for a scrap yard must include a rehabilitation plan which would take effect when it has been determined to the satisfaction of the Authority that the operation has ceased to exist. A Land Use Assessment Report may also be required.