

Town of Elliston

Municipal Plan 2018-2028

Prepared for

The Town of Elliston

Prepared by

Baird Planning Associates

December 2018

Urban and Rural Planning Act 2000 Resolution to Adopt

Town of Elliston Municipal Plan 2018 - 2028

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Elliston adopts the Elliston Municipal Plan.

Adopted by the Town Council of Elliston on the 12th day of September 2018.

Signed and sealed this 19th day of December 2018

Mayor:


Derek Martin

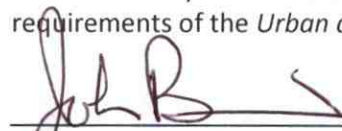
(Council Seal)

Clerk:


Donna Chaulk

Canadian Institute of Planners Certification

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



John Baird, MCIP



Urban and Rural Planning Act 2000 Resolution to Approve

Town of Elliston Municipal Plan 2018 - 2028

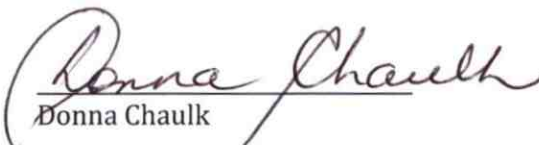
Under the authority of Section 16, Section 17, and Section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Elliston

- (a) adopted by the Elliston Municipal Plan on the 12th day of September 2018.
- (b) gave notice of the adoption of the Elliston Municipal Plan by advertisement inserted on the 13th day and the 20th day of September 2018 in the Packet newspaper.
- (c) set the 1st day of October 2018 at the Town Hall, Elliston 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 Town Council of Elliston approves the Elliston Municipal Plan as adopted.

SIGNED AND SEALED this 19th day of December 2018.

Mayor: 
Derek Martin

Clerk: 
Donna Chaulk

(Council Seal)

Municipal Plan/Amendment	
REGISTERED	
Number	1510 - 2019 - 001
Date	Feb. 28, 2019
Signature	Molly O'Leary

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1.0 INTRODUCTION

1.1 Purpose of the Municipal Plan

The Elliston Municipal Plan is a comprehensive policy document to manage development and growth within the Elliston municipal planning area over the ten-year planning period 2018-28. The Plan repeals and replaces the Elliston Municipal Plan 1992-2002. This document has been prepared in compliance with the *Urban and Rural Planning Act 2000*, (also referred to as the *Act*).

The Plan was drafted following a comprehensive review of the former Municipal Plan and Development Regulations and consultations with Council, residents, and appropriate government agencies. Relevant planning issues have been reviewed as required under the *Act*, including a study of land use, population change, economic and social issues, transportation, municipal services, and environmental issues.

1.2 Plan Preparation

This Municipal Plan reflects the review of land use, environmental, demographic, social, and economic issues, consultations with Town Councillors and staff, and public comments received through the community participation process.

The Plan guides future growth and physical improvement of the Town by identifying locations and policies for various types of land use development. The Municipal Plan provides the basis for the Land Use, Zoning, and Subdivision Regulations (generally referred to as the Development Regulations), which Council will administer through subdivision approvals and development permits. The Municipal Plan authorizes Council to prevent the undertaking of any development that contravenes a policy stated in the Municipal Plan.

1.3 Contents of the Municipal Plan

The Municipal Plan, comprising this document and the accompanying Future Land Use Maps, constitutes a legal document pursuant to the *Urban and Rural Planning Act 2000*. It contains:

- The aims of Council (goals and objectives).
- Land use policies for future development.
- Future Land Use maps, which allocate land for future development, environmental protection, and natural resource uses.

The Background Report in Section 2.0 describes conditions in the town at the time the Municipal Plan was prepared and summarizes input received in the public consultations. The Background Report does not form part of the legal document.

1.4 Municipal Plan Administration

After Ministerial approval of the Elliston Municipal Plan was published in the Newfoundland and Labrador Gazette, the Plan became binding upon Council and all other persons, corporations and organizations. Council administers the Municipal Plan by carrying out the Plan's policies. This is done in several ways:

- By preparing and implementing the Development Regulations,
- By issuing development permits to applicants wishing to subdivide land, erect or architecturally alter a building or structure, or change the use of a building or land, or conversely, refusing to issue permits for developments that are not in accordance with the Plan,
- By issuing demolition permits to applicants wishing to remove buildings or structures, or conversely, refusing to issue permits for demolitions that are not in accordance with the Plan,
- By adopting or approving development schemes, concept plans, comprehensive plans, and so forth.

In accordance with Section 25 of the *Act*, Council may make amendments to this Plan and Development Regulations at any time. Amendments will be brought into effect by the same process used to bring the Municipal Plan into effect. Sections 14 to 25 apply to an amendment to the plan and development regulations.

1.5 Interpretation

In this Municipal Plan:

- "Council" means the Council of the Town of Elliston.
- "Development Regulations" mean the Elliston Land Use Zoning and Subdivision Regulations.
- "Municipal Planning Area" means the Elliston Municipal Planning Area.
- "Town" means the Town of Elliston.

The boundaries between the different land use designations in the Municipal Plan are meant to be general except where a boundary is delineated by a road or other prominent feature, in which case it defines the exact limits between each designation.

Nothing in the Plan will affect the continuance of land uses that were lawfully established on the date that this Plan came into effect.

2.0 BACKGROUND REPORT

2.1 Geographical Setting

The built-up area of the Town of Elliston includes the traditional communities of Elliston and Maberly as well as all lands in between. As shown in Exhibit 2.1 the Town is located on the Trinity Bay side of the Bonavista Peninsula, lying approximately 8 kilometres southeast of Cape Bonavista. The Elliston Municipal Planning Area borders the Town of Bonavista to the north and the Town of Trinity Bay North to the south. Access to the Town is provided by Route 238, which is divided into two sections – Catalina Road, which connects to the Bonavista Peninsula Highway (Route 238) south of Bonavista and Bonavista Road, which connects directly to the Town of Bonavista. By road Elliston lies 4.5 kilometres east of the built-up area of Bonavista, 14 kilometres north of Catalina, and 110 kilometres north of the Trans Canada Highway.

Exhibit 2.1 Regional Setting

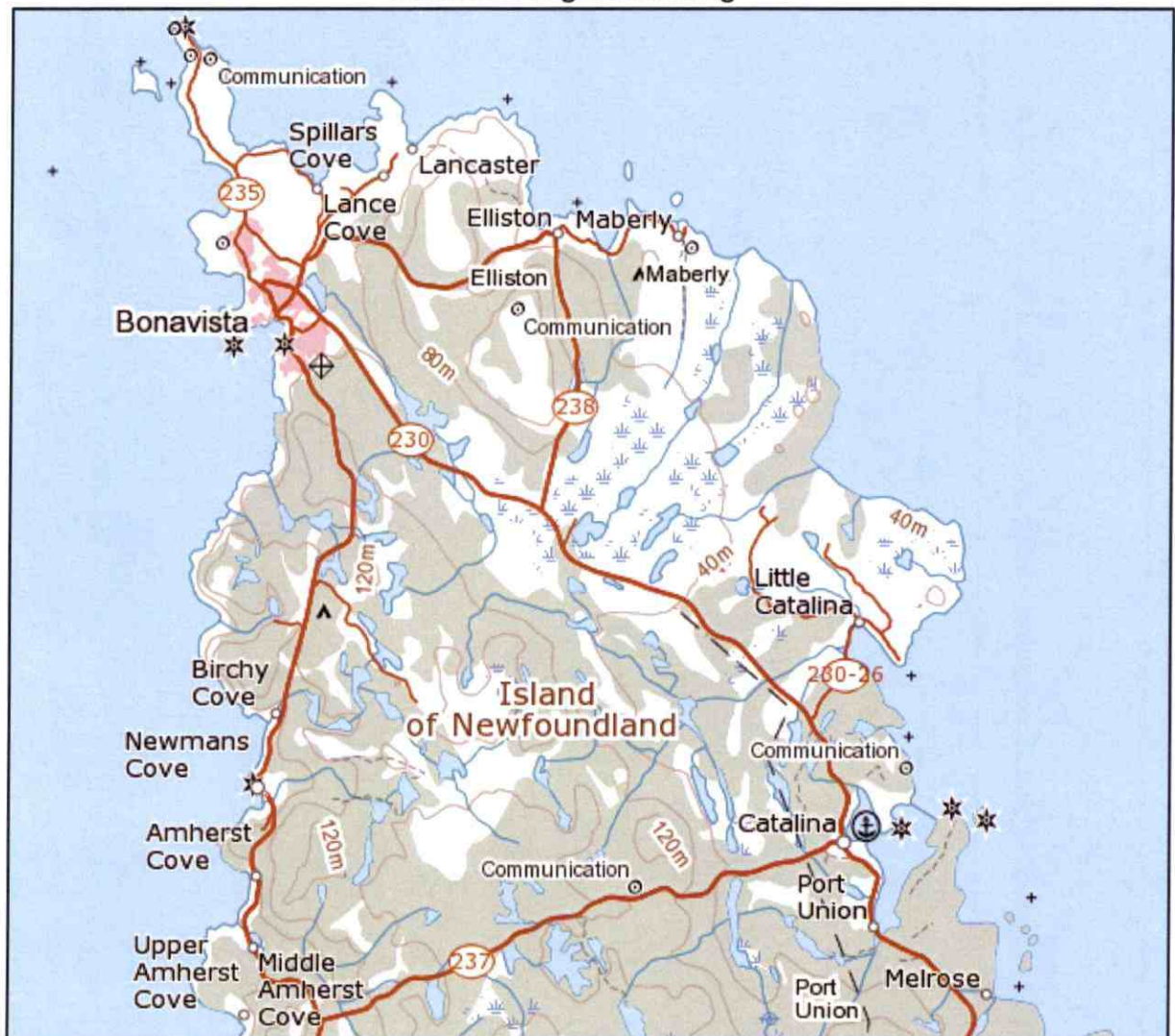
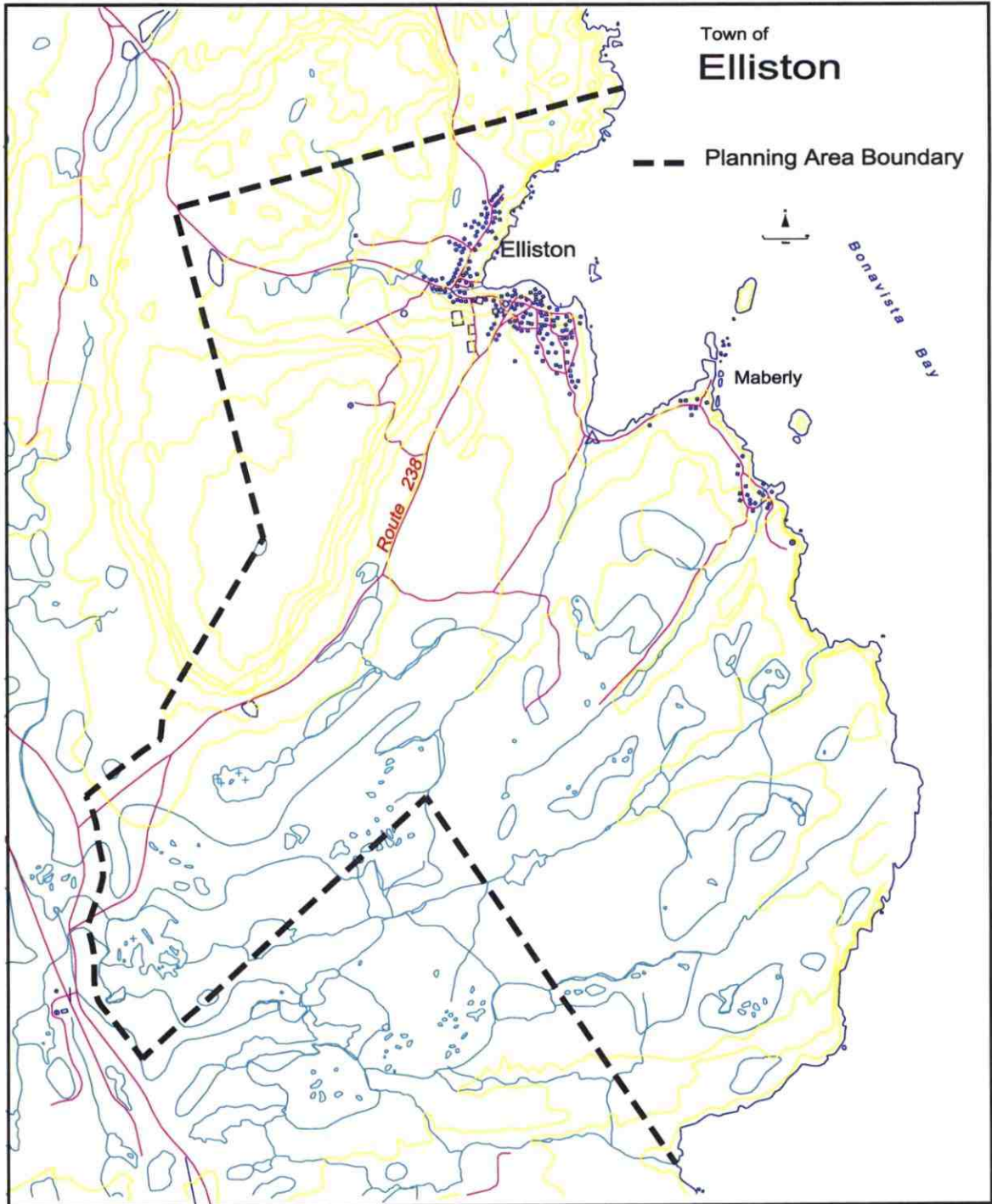


Exhibit 2.2 shows the limits of the Elliston Municipal Planning Area. The Town's built-up lands (Elliston to Maberly) abut the coastline in the northern portion of the Planning Area. The much larger undeveloped areas lie west and south of the built-up town.

Exhibit 2.2 – Elliston Municipal Planning Area



2.2 Population

Exhibit 2.3 compares Elliston’s population change from 1996 to 2016 with Census Division No. 7, of which Elliston is a part, and the province as a whole. Census Division No. 7 includes the Bonavista Peninsula and extends from Random Island in the east to Cape Freels in Bonavista North in the west. Over the 20-year period Elliston’s population declined from 461 to 308 residents, a drop of 33.2%, which compares to a decline of 17.9% in the Census Division as a whole and a decline of 5.8% in the province.

Exhibit 2.3 - Population Characteristics (Source: Census Profiles)			
	Elliston	Census Division 7	NL
Census Population			
1996	461	41,534	551,792
2001	360	37,335	512,980
2006	306	35,501	505,470
2011	337	34,686	514,536
2016	308	34,092	519,716
5-Year Population Change			
1996-01	-21.9%	-10.1%	-7.0%
2001-06	-15.0%	-4.9%	-1.5%
2006-11	+10.1%	-2.3%	1.8%
2011-16	-8.6%	-1.7%	1.0%
20-Year Change	-33.2%	-17.9%	-5.8%

A town’s population changes as a result of natural change (i.e. births minus deaths) plus net migration into or out of the community. Exhibit 2.4 shows the components of Elliston’s population change in the years 2009-2014. Over the period, of the total drop of 20 residents ten were lost through natural change and another ten through out-migration. The net out-migration of 3.0% compares to a net-in-migration of 2.7% in the province over the same period.

Exhibit 2.4 – Components of Population Change (Source: Community Accounts – Tax Filer Indicators)								
	Elliston							NL
	Pop’n Start	Pop’n End	Births	Deaths	Natural Change	Net Migration		Net Migration
						Number	Percent	
2009	350	350	5	5	0	0	0.0%	0.4%
2010	350	340	0	0	0	0	0.0%	0.1%
2011	340	330	0	5	-5	-5	-1.5%	0.5%
2012	330	330	0	5	-5	-5	-1.5%	0.2%
2013	330	320	5	5	0	0	-0.0%	0.4%
2014	320	330	0	0	0	0	-0.0%	0.4%
Total			10	20	-10	-10	-3.0%	2.7%

2.3 Age Structure

Exhibit 2.5 profiles the median age of Elliston’s population from 2001 to 2016 and draws a comparison with the surrounding Census region, the province, and Canada as a whole. As with all the benchmarks, Elliston’s population is getting older. This is happening at a similar rate as the Census Division, somewhat faster than the province, and quite a bit faster than the country. Its median age increased by a margin of 10.6 years over the period (from 41.8 in 2001 to 52.4 in 2016). This compared to a margin of 10.3 years in the Census region, 7.6 years in the province, and 3.6 years in Canada. As of 2016 Elliston’s median age was 1.3 years older than the region, 6.4 years older than the province, and 11.2 years older than the country.

Exhibit 2.5 - Median Age, Elliston & Benchmarks				
(Source: Census Profiles)				
Median Age of Population				
	Elliston	Census Div. 7	NL	Canada
2001	41.8	40.8	38.4	37.6
2006	47.6	45.1	41.7	39.5
2011	50.9	50.9	44.0	40.6
2016	52.4	51.1	46.0	41.2

Exhibits 2.6 and 2.7 illustrate changes in Elliston’s age structure from 1991 to 2016. While overall the population decreased by 225 residents or 70.0%, there was wide variation by age group. While the 0-19 and 20-44 age groups decreased by 120 and 130 respectively, the 45-64 age group increased by 45, and the 65+ age group decreased by 20. Exhibit 2.7 illustrates how each age group has changed proportionately over the 25-year period. The 0-19 group declined from 31.8% of the total to 16.1% while the 20-44 group declined from 36.4% to 21.0%. In contrast the 45-64 group climbed from 14.0% of the total to 38.7% and the 65+ group climbed from 17.8% to 24.2%.

Exhibit 2.6 - Elliston Age Distribution, 1991-2016						
(Source: Census Profiles & NL Community Accounts)						
Age Group	1991	1996	2001	2006	2011	2016
0-19	170 31.8%	110 24.7%	80 21.3%	65 19.4%	55 15.7%	50 16.1%
20-44	195 36.4%	165 37.1%	120 32.0%	95 28.4%	85 24.3%	65 21.0%
45-64	75 14.0%	80 18.0%	100 26.7%	115 34.3%	145 41.4%	120 38.7%
65+	95 17.8%	90 20.2%	75 20.0%	60 17.9%	65 18.6%	75 24.2%
Total	535 100.0%	445 100.0%	375 100.0%	335 100.0%	350 100.0%	310 100.0%

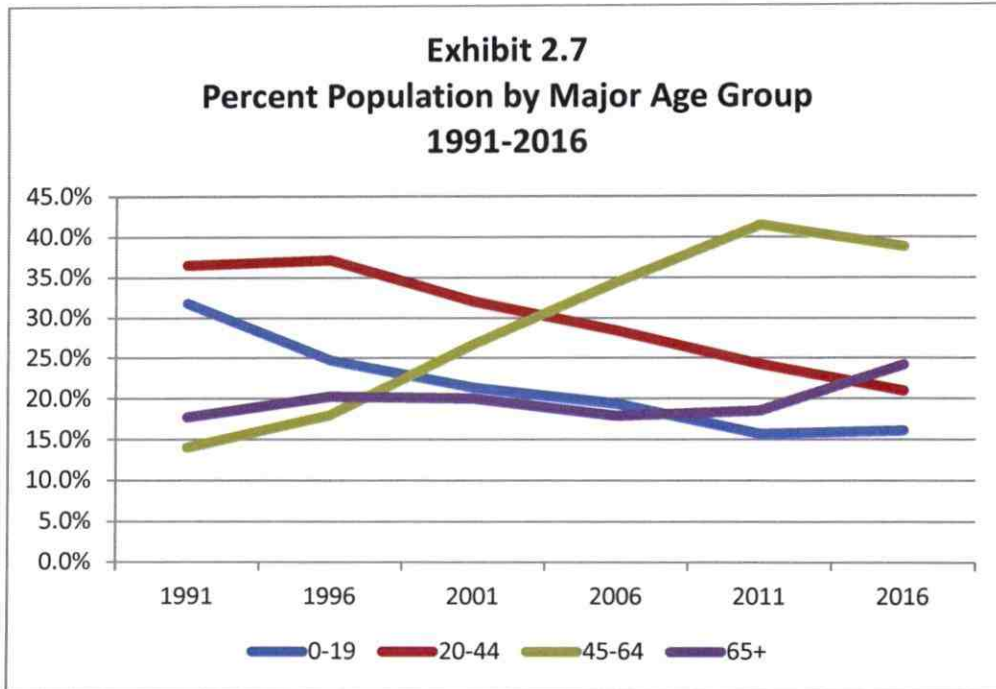


Exhibit 2.8 provides a population forecast for Elliston derived from Provincial government projections for Economic Zone 15 and the province. It assumes that the rate of population change in Elliston will be similar Zone 15. If this holds true, the population can be expected to decrease from 308 in 2016 to 267 by 2031, a drop of 13.3%.

Exhibit 2.8 - Population Forecast (derived from Department of Finance Population Projections) (www.economics.gov.nl.ca/pop-projections.asp)									
Year	Province			Zone 15			Elliston		
	Pop'n	5-Year Change		Pop'n	5-Year Change		Percent	5-Year Change	
		Number	Percent		Number	Percent		Number	Pop'n
	Actual			Actual			Actual		
1996	551,792			34,118					
2001	512,980	-38,812	-7.0%	30,420	-3,698	-10.8%	360		
2006	505,470	-7,510	-1.5%	28,563	-1,857	-6.1%	306	-54	-15.0%
2011	514,536	+7,066	1.8%	28,413	-150	-0.5%	337	+31	+10.1%
2016	519,716	+5,180	1.0%	27,495	-918	-3.2%	308	-29	-8.6%
20-Year Change		-32,076	-5.8%		-6,623	-19.4%		-52	-14.4%
	Projected			Projected			Projected*		
2021	507,449	-12,267	-2.4%	26,003	-1,492	-5.4%	291	-17	-5.4%
2026	496,859	-10,590	-0.2%	24,792	-1,211	-4.7%	277	-14	-4.7%
2031	502,398	+5,539	1.1%	23,895	-897	-3.6%	267	-10	-3.6%

Source: Projections for Province and Zone 15 are from NL Population Forecast – Medium Scenario. Elliston projection assumes a rate of change equal to Economic Zone 15.

2.4 Households and Housing

Exhibit 2.9 compares household and housing characteristics in Elliston with the surrounding census region and the province as a whole. Between 2001 and 2016 the number of households in Elliston remained virtually unchanged while the average number of residents per household dropped from 2.6 to 2.1. In 2016 Elliston’s average household size of 2.1 residents compared to 2.3 in both the region and the province.

Exhibit 2.9 - Household Characteristics (Community Accounts - Housing)			
	Elliston	Census Div. 7	NL
All Private Households 2001-11			
2001	140	13,815	189,045
2006	130	14,010	197,185
2011	144	14,290	208,842
2016	142	14,571	218,675
Change 2001-16	+1.4%	+5.5%	+15.7%
Average Household Size (Census Profiles)			
Persons/Household 2001	2.6	2.7	2.7
Persons/Household 2006	2.4	2.5	2.6
Persons/Household 2011	2.3	2.4	2.4
Persons/Household 2016	2.1	2.3	2.3

Exhibit 2.10 compares Elliston’s occupied housing stock with the other benchmark areas. Occupied dwellings include all dwellings that are permanently occupied, but exclude dwellings that are not occupied on a full-time basis.

Elliston’s occupied housing stock is made up exclusively single detached dwellings, similar to the surrounding region at 90.6%, but in contrast to the province as a whole, where detached dwellings comprise a much lower 73.4%.

Exhibit 2.10 – Dwelling Types, 2016 (Source: 2016 Census Profile)				
	Elliston		Div. No. 7	NL
Detached house	145	100.0%	90.6%	73.3%
Apartments	0		5.5%	17.2%
Other	0		3.9%	9.5%
Total	145	100.0%	100.0%	100.0%

Exhibit 2.11 provides data on the age and condition of housing in Elliston and the benchmarks. In 2016 83.9% of the town’s housing stock was more than 25 years old compared to 72.3% in the surrounding region and 68.0% in the province as a whole. It also shows that housing conditions in the town are similar to the regional and provincial benchmarks with 6.7% of houses requiring major repairs compared to 7.0% in the region and 7.4% in the province.

Exhibit 2.11 - Housing Age and Condition (Source: 2016 Census Profile)			
Period of Construction			
	Elliston	Div. No. 7	NL
Before 1961	38.7%	22.6%	19.8%
1961-1980	19.4%	31.3%	32.6%
1981-1990	25.8%	18.4%	15.6%
1991-2000	0.0%	11.2%	11.6%
2001-2010	9.7%	9.8%	13.0%
2011-2016	6.4%	6.7%	7.4%
	100.0%	100.0%	100.0%
Condition of Dwellings			
Needs regular maintenance	93.3%	93.0%	93.5%
Needs major repairs	6.7%	7.0%	6.5%

An interesting aspect community housing inventories is the number of dwellings that are unoccupied. An unoccupied dwelling can include a house that is fully vacant or a house that is not occupied by permanent residents. Seasonal vacation homes are the most common type of unoccupied dwelling. Exhibit 2.12 calculates the number of unoccupied dwellings as the difference between total private dwellings and occupied dwellings as identified in the Elliston Census Profiles. Unoccupied dwellings over the period increased from 49 in 2001 to 59 in 2016, and generally ranged from twenty-five to thirty percent of total dwellings in each Census period.

Exhibit 2.12 - Estimate of Unoccupied Dwellings (derived from Census Profiles)			
	Total Dwellings	Occupied Dwellings	Unoccupied Dwellings
2001	189	140	49
2006	180	130	50
2011	207	144	63
2016	201	142	59

2.5 Agency Comments

This section includes comments from agencies and government departments on general or specific land use issues relevant to the Municipal Plan Review. It includes a consolidation of comments received through the Province’s ILUC (Inter-Departmental Land Use Committee) process.

Comments were received from Service NL, the Department of Tourism, the Office of Climate Change, the Provincial Archaeology Office, the Wildlife Division, the Water Resources Management Division, Crown Lands, Agricultural Lands Management, and the NL Geological Survey,

The Pollution Prevention Division, Nalcor, NL Hydro, and the Parks Division responded that they had no concerns, No responses were received from Forestry, Fisheries and Aquaculture, Transportation, Energy, or Environmental Assessment.

2.5.1 SERVICE NL

Development in these areas may require permits and/or approvals from the Government Service Centre. Prior to the start of any development, the proponent must contact the Regional Office of the Government Service Centre, Clarenville, to discuss permits and/or approvals that may be required.

2.5.2 TOURISM BRANCH

The Town of Elliston is a strategically important community from a tourism and culture perspective. The town is rich in tourism products, experiences and heritage assets. The Department of Tourism, Culture, Industry and Innovation request that the following tourism and heritage assets be recognized and protected in the towns municipal plan review.

Interpretation Centre/Visitor Services

- Home from the Sea Sealers Interpretation Centre
- Home from the Sea Sealers Monument
- Ryan Shop/Visitor Information Centre
- Tourism Elliston Main Office

Other sites/points of interest

- Bird Island Puffin viewing site (receives approximately 12,000 visitors per summer)
- Bird Islands viewing site and picnic area
- Root cellars scattered throughout the community from Coles' Gulch to Maberly
- Series of story boards interpreting the subsistence living theme on which the town has built its tourism product: placed in various locations from Coles' Gulch to Maberly
- Coles' Gulch
- Sandy Cove beach

Parks/Campgrounds

- Municipal Park at Sandy Cove

Accommodations (private sector)

- Bird Island Inn B&B
- The Meem's B&B
- Anchor House accommodation
- Coles Vacation Home
- Island View Cabin
- Mountain Ridge Cabin

Hiking Trails

- Klondike Walking Trail from Elliston to Spillar's Cove
- Maberly to Little Catalina Hiking Trail

Festivals and Events

- Puffin Festival (10 days in July)
- Roots, Rants and Roars Festival (mid-September)

These items are significant travel generators for the region (Bonavista Peninsula)

Provincially recognized and registered heritage structures:

- James Ryan Shop Registered Heritage Structure - 016-022 Main Street
- St. Mary's Anglican Church Registered Heritage Structure - 063-069 Main Street
- Elliston Salvation Army Citadel Registered Heritage Structure - Coles Road
- Elliston United Church Municipal Heritage Site - 066 Main Street
- Band of Hope Loyal Orange Lodge #1402 Municipal Heritage Site - Main Street
- Dan Goodland Downstairs Root Cellar Municipal Heritage Site - Cow Calf Hill, Main Road, Maberly
- Jim Goodland Upstairs Root Cellar Municipal Heritage Site - Cow Calf Hill, Main Road, Maberly
- George Pearce Root Cellar Municipal Heritage Site - Circular Road, Maberly
- Tom Porter Root Cellar Municipal Heritage Site - Old Shore Road, Porter's Point
- Robert Tilley House Registered Heritage Structure - 011-015 Pier Road

2.5.3 OFFICE OF CLIMATE CHANGE

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.

The Office suggests that provincial climate change projections for Gander Airport (the nearest regional site) be considered in development stages. These projections suggest that extreme precipitation events will become more intense. For example:

- On a 24-hour basis, a 1-in-100 year storm is expected to bring 141.9 mm of precipitation by mid-century, an increase from the current climate's 119.8 mm (18.4% growth); and
- On a 12-hour basis, a 1-in-100 year storm is expected to bring between 103.6 mm of precipitation by mid-century, an increase from the current climate's 88 mm (17.7% growth).

More information on climate data can be provided by contacting Trina Caines (729-1485) or at the following link: http://www.exec.gov.nl.ca/exec/ccee/publications/idf_curve_2015.pdf on pages C-56 (current climate) and D-6 (projected climate).

The Office would also like to draw the Town of Elliston's attention to recent updates (Section 9.36) of the National Building Code, which now include energy efficiency requirements for new buildings. The Town must comply with these new energy efficiency requirements for new developments in the municipality.

2.5.4 PROVINCIAL ARCHAEOLOGY OFFICE

There is always the possibility for archaeological resources to be discovered within the Municipal Planning Area. In the event that such resources are encountered contact should be made with the PAO immediately for further direction.

2.5.5 WILDLIFE DIVISION

The Wildlife Division, through its involvement in the Eastern Habitat Joint Venture, seeks to work with municipalities in the development of municipal plans or municipal plan updates and would be pleased to meet with council/staff/consultants to discuss the incorporation of wildlife and conservation values in municipal plans and associated development regulations. Please contact Jonathan Sharpe at 637-2013 or jonathansharpe@gov.nl.ca for more information.

Discussions have been initiated between the Town of Elliston, the Stewardship Association of Municipalities, and the Wildlife Division to consider general wildlife habitat and landscape connectivity issues in the Town's municipal review plan.

This could include

- (a) Maintaining appropriate riparian buffers, which are natural green belts along wetlands and waterbodies (ponds, rivers, creeks etc.). A 30m 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.
- (b) Maintaining landscape connectivity, green belts should be connected to forested areas or other habitat patches to create travel corridors for various wildlife species. Development Regulations could 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 (some raptors start breeding in March) as disturbance can be most detrimental during that sensitive breeding/ young rearing period.

2.5.6 WATER RESOURCES DIVISION

Under the authority of the Water Resources Act, SNL2002 cW-4.01 <http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm>, the Water Resources Management Division (WRMD) <http://www.env.gov.nl.ca/env/waterres/index.html> is responsible for the management of water resources in Newfoundland and Labrador. The WRMD has programs to protect, enhance, conserve, develop, control, and effectively utilize the province's water resources.

General for All Responses

Any effluent or runoff leaving the site will be required to conform to the requirements of the Environmental Control Water and Sewage Regulations, 2003 <http://assembly.nl.ca/Legislation/sr/regulations/rc030065.htm>.

Application forms for permits and licences, fee schedules, and guidelines are available at: <http://www.env.gov.nl.ca/env/waterres/regulations/appforms/index.html>.

Work near or in a Body of Water

Prior to the start of construction, the proponent must apply for and obtain a permit under the Water Resources Act, 2002, specifically Section 48 <http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm> for any work near or in any body of water (including wetland).

Contact: Manager, Water Rights, Investigations, and Modeling Section- (709) 729-2295

Wharf/Boathouse/Slipway/Breakwater

A permit under Section 48 of the Water Resources Act is no longer required for some marine structures. However, any proponent wishing to undertake such works must follow the new guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses as found here, on the Government of NL website:

www.mae.gov.nl.ca/waterres/regulations/appforms/Guidelines_for_Wharves.pdf

Please note a permit will be required under Section 48 of the Water Resources Act for any infilling or dredging work associated with these structures or other works in a body of water Contact: Manager, Water Rights, Investigations, and Modeling Section- (709) 729-2295

Development Adjacent to or Within Protected Public Water Supply Area

Prior to the start of construction, the proponent must apply for and obtain a permit under the Water Resources Act, 2002, specifically Section 39 <http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm> for any proposed development adjacent to or within the Big Pond Protected Public Water Supply Area servicing the Community of Elliston. Also, any work adjacent to or within this designated Protected Public Water Supply Area must comply with this Department's Policy for Land and Water Related Developments in Protected Public Water Supply Areas.

www.env.gov.nl.ca/env/waterres/regulations/policies/water_related.html.

Contact: Manager, Drinking Water & Wastewater Section - (709) 729-4048

Unserviced Subdivisions

In the event of development of greater than four residential or cabin lots on individual well and septic the proponent will be required to complete a Level I Groundwater Assessment as per the Department of Environment and Climate Change's Guidelines: Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells http://www.env.gov.nl.ca/env/waterres/regulations/appforms/unserviced_subdivision_gw_assessment_guidelines_dwh_revisions.pdf under the Water Resources Act, 2002, specifically Section 62 <http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm>. These guidelines require a Level II Groundwater Assessment in the event of known water quality issues. A completed report must be submitted, reviewed and approved by this Department prior to any permitting by Service NL for waste disposal or septic systems within the proposed subdivision.

Contact: Manager, Groundwater Section - (709) 729-2539

Constructing a Non-Domestic Well

In the event of commercial or non-domestic development serviced by well and septic the proponent must apply for and obtain a Permit for Constructing a Non-Domestic Well under the Water Resources Act, 2002, specifically Section 58

<http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm> for drilled well(s) along with following necessary groundwater monitoring requirements prior to the start of construction. Contact: Manager, Groundwater Section - (709) 729-2539

Other Comments

- A portion of the protected water supply area for the Town of Bonavista (Long Pond) appears to be located within the proposed Municipal Boundary and Municipal Planning area. Contact: Manager, Drinking Water & Wastewater Section - (709) 729-4048

- The Water Resources Management Division, Department of Environment and Conservation no longer requires permits under Section 48 of the Water Resources Act for some works within 15 meters of water bodies (including wetland). This does not apply to Flood Risk Areas or work IN a body of water. The Regional Crown Lands office should be consulted to determine if work is being completed within a Crown Lands reservation (may be around waterbodies, streams, lakes, ponds, coastal areas, etc.)
- The Water Resources Management Division generally does not recommend approval for the construction of commercial or residential (single dwelling or subdivision) properties, especially if un-serviced, within wetland areas. There is a risk that adjacent properties could have water quality or quantity issues from these developments. As well, the Water Resources Management Division does not recommend approval for the infilling of water bodies, nor the diversion of streams to accommodate residential development. Contact: Manager, Hydrologic Modeling Section - (709) 729-2295

2.5.7 CROWN LANDS

Crown land applications within the area will require a referral being sent to the Town. There are numerous existing titles and sites under application for Crown lands within the planning area – proposed plans should take this into account as well as to giving consideration to some possible future land uses.

2.5.8 AGRICULTURAL LANDS SECTION

The Section's mandate includes protecting existing and future agricultural activity, small or large scale. Land and soil for agricultural development is limited within this province and its protection is vital. We are satisfied with the current plan provided the following amendments are made. In addition, existing agriculture properties and development must not be negatively impacted and allowed to expand where permissible. This includes properties not identified on the attached map such as small-scale home gardens. Some areas to highlight:

Part II, 40 of Development Regulations:

- In point 40(b) it states "The structure shall be at least 60 metres from the boundary of the property on which it is to be erected". We are satisfied with the 60 metres however it should be noted that Provincial Guidelines recommend 45 metres.

Agriculture Properties:

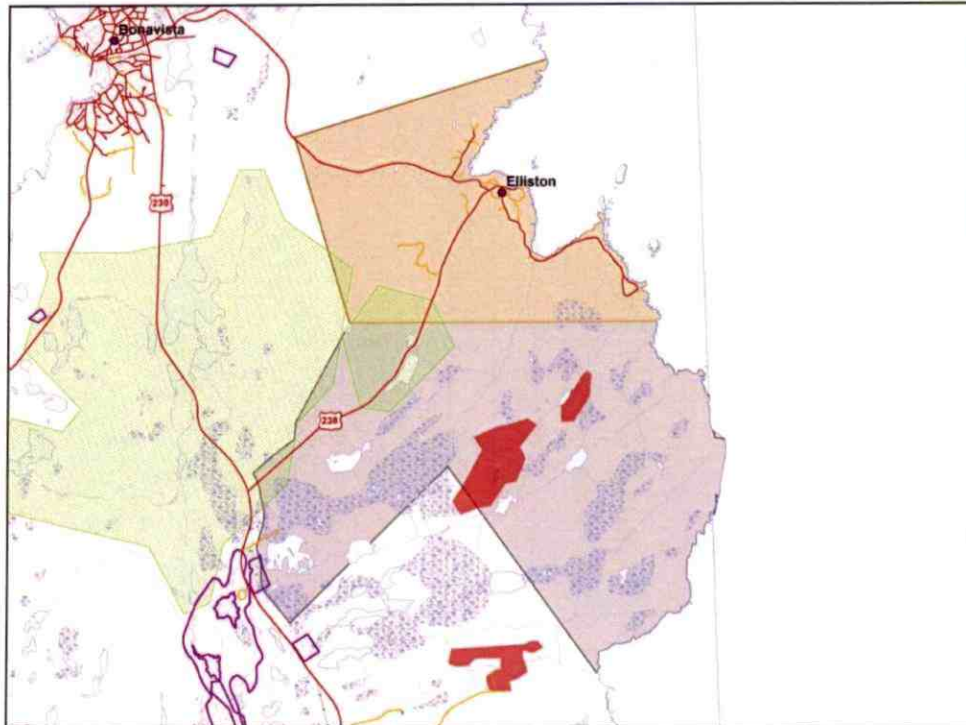
- As shown on the attached map there are several agriculture properties within the Proposed Municipal Planning Area. Agriculture must be a permitted use in these areas.

Schedule A – Definitions:

The definition for "Animal Unit" within the town plan is inconsistent with provincial guidelines and recognized definitions. The Section requires that it be changed to reflect the definitions indicated in the attached documents from the Environmental Farm Practices Guidelines for Livestock and Poultry Producers in Newfoundland & Labrador.

If changes are made to the Municipal Plan, the Section would like to review/provide input on it prior to implementation. Should you have any questions or if you would like to discuss, please do

not hesitate to contact Coolene Brake, Land Management Specialist at 637-2896 or cbrake@gov.nl.ca.



**ILUC # 1661
Agricultural Land Use
Town of Elliston, NL**

Agriculture Land Use

- Agriculture Property
- Blueberry Management Units
- Agricultural Areas Of Interest

Designed for Statistical Purposes ONLY

General Map Legend

- Paved Road
- Unpaved Road
- Farm Road
- Streams
- Transmission Lines
- Water
- Wetland
- Water Supply
- Municipal Boundary
- Planning Area Boundary

Scale 1:40,000

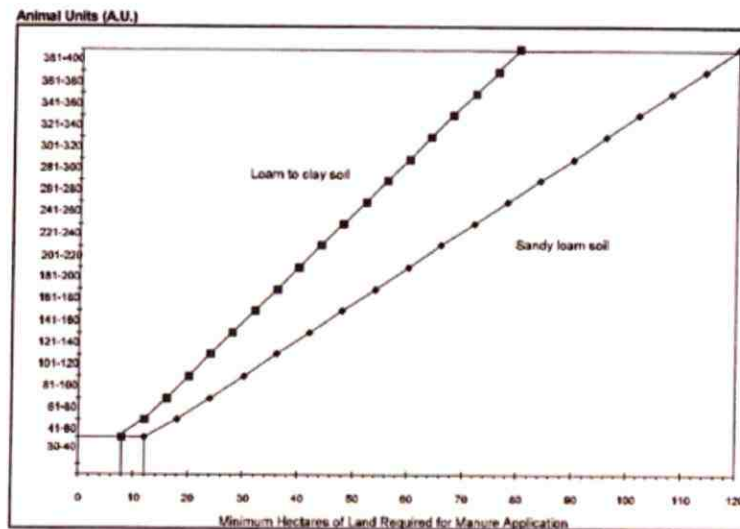
© 2007 Town and
Unincorporated Portions
Zone 21

Key Map

Department of Fisheries and Land Resources
Agricultural and Land Services
Land Management Division
1996-2007

APPENDIX C

Recommended Minimum Land Area for Manure Applications



Note: For example, a 10,000 hen layer operation (equal to 40 animal units (AU) since 10,000 ÷ 252 hens/animal unit from Table D.1) would require a minimum of 8 hectares of loam soil or 12 hectares of sandy loam soil. This is calculated by extending a horizontal line from the 30-40 AU point on the vertical axis over to the two heavy lines and then drawing another line downwards to the horizontal axis to 8 and 12 hectares, respectively. This same process can be repeated for any sized operation once the AUs have been determined from Table C.1.

TABLE C.1 - Animal Unit Equivalentents (A.U.) (C)

Type of Livestock	Avg. Weight per Animal	Number of Livestock = 1 AU	Number of AU per Livestock
Laying Hens	1.8	252	0.00396
Broilers	0.9	500	0.0019
Pullets	1.3	350	0.0029
Broiler Turkey	6.5	70	0.0143
Heavy Turkey	7.5	60	0.0165
Heavy Toms	12.0	40	0.0264
Dairy Cows	545.0-640.0	1	1.20-1.41
Heifers	300.0	2	1.30 (0.66 each)
Veal	91.0	5	1.0 (0.20 each)
Bulls	545.0	1	1.20
Beef Cattle	360.0	2	1.60 (0.79 each)
Sows (F to F)	454.0	1	1.0
Sows	150.0	3	1.0 (0.33 each)
Hogs	75.0	6	1.0 (0.165 each)
Boars	150.0	3	1.0 (0.33 each)
Sheep (Ewe)	54.0	8	1.0 (0.119 each)
Sheep (Lamb)	27.0	16	1.0 (0.059 each)
Goats	64.0	7	1.0 (0.141 each)
Foxes (w/Litter)	11.35	40	1.0 (0.025 each)
Mink	3.0	150	1.0 (0.007 each)
Rabbits	2.27	200	1.0 (0.005 each)

Note: One animal unit is equivalent to 454 kg (1,000 lb.) live weight

Source: NL Department of Forest Resources and Agrifoods

2.5.9 MINES BRANCH

The Mines Branch, Department of Natural Resources, regulates quarrying, mineral exploration, and mining within the province. Quarrying (generally referred to 'mineral workings' in municipal and planning documents) and mineral exploration are widespread activities throughout the province. Two permitted quarry sites are located within the Town of Elliston Municipal Planning Area (MPA), one due west of Elliston, the other on the inland side of Burnt Ridge. The Town of Elliston MPA has seen no documented past mineral exploration activity.

The Mines Branch offers the following general advice to consider when drafting or revising a Municipal Plan and Development Regulations:

1. Mineral exploration and mineral workings should be defined separately. Mineral workings refer to quarrying whereas mineral exploration refers to the search for mineral deposits. Mineral exploration ranges from hobby prospecting to advanced techniques such as trenching and diamond drilling. Mineral exploration generally has a much lower environmental impact than mineral workings and should not be subject to the same set of municipal regulations and zoning restrictions. Quarrying and mineral exploration are highly regulated activities and the permitting process for each involves the municipality when the proposed activity is located within a municipal planning area. We ask that municipalities take this into account when developing their municipal plans and development regulations. The following are summaries of how quarrying and mineral exploration are regulated.

- (a) The Mineral Lands Division, Mines Branch, Department of Natural Resources, administers the Quarry Materials Act, 1998, under which quarrying may be approved by the issuance of either a quarry permit or lease. Quarry permits are issued for no longer than one year and are not subject to renewal, though the holder of a quarry permit one year gets the first opportunity to apply for a quarry permit covering the same area next year. Once a quarried area is no longer covered by a quarry permit, then the most recent quarry permit holder is required as a condition of that permit to rehabilitate the site by re-sloping pit sides and placing stockpiled organic materials back over the site. Quarry leases are issued instead of quarry permits where a longer term need has been demonstrated, are issued for a period no longer than 20 years, and require a development and reclamation plan and the posting of financial assurance with the Department of Natural Resources in an amount sufficient to complete the reclamation work outlined in the plan should the company be unable to. Development and closure plans and the amount of financial assurance are reviewed and approved by the department and are required to be kept up to date. All applications for quarry permits and leases for areas located within a municipal planning area are referred to the municipality, in addition to other government agencies, and terms and conditions are drafted to address any specific concerns raised during the referral process. The Mineral Lands Division has three regional quarry compliance officers who carry out inspections year-round to ensure that the terms and conditions of quarry permits and quarry leases are adhered to, including that rehabilitation, once due, is completed as required. Should a town have concerns about any quarrying activity, whether before or after the issuance of a quarry permit or lease, the town should contact the Mines Branch, Mineral Lands Division in order to have the concerns addressed.
- (b) The Mineral Lands Division, Mines Branch, Department of Natural Resources, administers the Mineral Act under which mineral licences are issued and within the bounds of which mineral exploration may be approved by the issuance of an "exploration approval". Exploration approvals are generally issued for no longer than one year. Applications for exploration approval involving areas within a municipal planning area and where the activities proposed may involve ground disturbance, wildlife disturbance, water quality impairments, or foreseeable land use conflict, are referred to the municipality (in addition to other government agencies), and terms and conditions are drafted to address any specific concerns raised during the referral process. That being said, basic environmental requirements for mineral exploration are already set out in the Mineral Regulations under the Mineral Act, for example, that all excavated, stripped, and grubbed sites be rehabilitated by backfilling or re-contouring, as appropriate, and then placing stockpiled organic materials back over the site. The Mineral Lands Division conducts inspections year-round to ensure that the Mineral Regulations and the terms and conditions of exploration approvals are adhered to, including that rehabilitation, once due, is completed as required. Should a town have concerns about any mineral exploration activity, whether before or after the issuance of an exploration approval from the Department of Natural Resources to conduct the work, the town should contact the Mines Branch, Mineral Lands Division in order to have the concerns addressed. Mineral exploration activities may include traditional prospecting, geochemical sampling, airborne and ground-based geophysical surveys, line cutting, test pitting, stripping of bedrock, trenching, and diamond drilling, and may be accompanied by the creation of new (temporary) access trails, equipment laydown areas, campsites, or, less commonly, constructed access roads. Exploration for quarry materials (e.g. sand, gravel) is permitted

using the same procedure and typically involves the excavation of test pits followed by their immediate rehabilitation.

For the purposes of municipal planning, exploration for quarry materials (e.g. sand, gravel) should be considered a form of mineral exploration and included in the definition of mineral exploration.

2. The current Development Regulations only define 'mineral workings'. A distinction should be made between mineral exploration that is classed as development and not classed as development. Mineral exploration that is not classed as development by virtue of little or no visible impact (e.g. prospecting, ground-based geophysical surveys, geochemical sampling surveys) should be allowed anywhere in the planning area. Mineral exploration that is classed as development should be at least a discretionary use in all zones, provided that the work is subject to conditions appropriate to the use zone and which address any other concerns specific to the location.
3. Mineral exploration associated with mineral licences (or mining leases or impost lands) whose issuance date is earlier than a zoning or other planning decision, which restricts or disallows mineral exploration should be considered a non-conforming use as per section 108 of the Urban and Rural Planning Act, and allowed to continue accordingly.
4. Mineral workings (quarrying) at quarry sites established before a zoning or other planning decision, which restricts or disallows mineral workings should be considered a non-conforming use as per section 108 of the Urban and Rural Planning Act, and allowed to continue accordingly.
5. Mineral workings should be a permitted use in areas zoned Rural and at least discretionary in other relatively undeveloped zones in order to ensure that there is adequate space for quarrying within the Planning Area to meet present and future demand for construction aggregate and fill in the town. The Town should take the presence of recognized aggregate resources into consideration when making planning decisions affecting these areas. The cost of construction aggregate and fill increases significantly with transportation distance, and this is why it may not be prudent for municipalities to rely on more distant quarries to meet local demand.
6. Development Regulations typically establish minimum separation distances or buffers between mineral workings and adjacent uses (condition 2.2 for the Mineral Workings zone in the current Development regulations). Development Regulations should also contain a statement to the effect that, where a minimum required distance was originally observed when choosing the location of the quarry, quarrying should not be discontinued or impeded where the buffer is reduced to less than the required distance due to encroachment of development towards the quarry.

7. Quarry materials produced as a by-product of an approved development may be removed from the development site provided that royalties are paid to the province as required by the Quarry Materials Act, 1998. For example, site preparation to construct a building involves removing topsoil, overburden, and possibly rock from the footprint area; these materials may be retained or re-used on the development site (no royalties due) or removed from the site (royalties due). In order to ensure that royalties due the province are paid, it is necessary that the Department of Natural Resources be made aware of approved developments where the removal of quarry materials is taking place or may take place. The Development Regulations should contain a statement to the effect that "For approved developments where the extraction of quarry materials is occurring or may be expected occur, the Town shall send a copy of the development permit to the Mineral Lands Division, Department of Natural Resources. Note that quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat."
8. In the Table of Use Classes, mineral workings, mineral exploration, and mining should each be listed as their own, distinct Use Class. The same applies to petroleum exploration and extraction. In the Table of Use Classes in the current Development Regulations, 'oil wells' and 'mines' are listed as examples of the Mineral Working use class, which they should not be.

Questions about any aspect of quarrying or mineral exploration or the above comments should be directed to Stephen Hinchey, Land Use and Exploration Monitoring Geologist, Mineral Lands Division, Mines Branch, Department of Natural Resources, at 729-5748 or stephenhinchey@gov.nl.ca.

2.5.10 Geological Survey - General Comments on Municipal Plan Reviews

The following comments are provided as a general statement from the Geological Survey of Newfoundland and Labrador, Department of Natural Resources, as part of the municipal plan review process. Some of the areas of discussion may not apply to the community under review. More details can be provided by contacting:

Martin Batterson
Director Geological Survey of Newfoundland and Labrador
Phone (709) 729-3419
Email: martinbatterson@gov.nl.ca

Newfoundland and Labrador has a long history of geological disasters with over 290 incidences of geologically related impacts having been recorded from 150 communities in the province over a 223-year period. There are likely numerous unrecorded events that have occurred in areas currently within municipal boundaries at a time when there was no impact on infrastructure. With community expansion and the pressure for development, these areas may be considered for residential or commercial uses. To assist the municipal planning process in identifying areas of geological hazard, the Geological Survey has begun a project to identify areas at risk of geologically related events (landslide, rockfall, avalanche, coastal erosion, flooding) within municipalities in the Province (<http://www.nr.gov.nl.ca/mines&en/geosurvey/disasters/>)

The sections below on flooding, landslide and rockfalls, coastal erosion and climate change should be considered in planning decisions:

1. Flooding

Flooding affects both inland and coastal areas. River flood plains are those areas adjacent to modern rivers that overflow their banks during storm events or as a result of ice jams. Low-lying coastal areas may be inundated by the sea during storm surge events, especially if coastal protection (including beaches) is breached. Areas at river mouths are particularly vulnerable during river flooding during periods of unusually high tide or storm events. Flood risk maps for many areas of the Province have been released by Environment Canada and the Newfoundland Department of Environment and Conservation. These maps indicate historical events and show areas of potential threat from 1:100 year flood events. The responsibility for flooding related issue lies with the Water Resources Division, Department of Environment and Conservation, and they should be consulted on this subject. Historical flood events have been compiled in the Geological Survey's database of geological disasters (<http://www.nr.gov.nl.ca/mines&en/geosurvey/disasters/>).

2. Landslide and rockfall

Rockfall and landslide are common in Newfoundland. They are commonly triggered by heavy rainfall on steep slopes. Any development at the base of a steep slope should consider rockfall potential.

These are slope processes that involve the downslope movement of material (unconsolidated sediment, bedrock and snow) in response to gravity. The slope angle and sediment characteristics are important factors that influence slope stability. Rockfalls are the downslope movement of boulders, either by free fall, rolling or sliding. These boulders may be dislodged by freeze-thaw activity, erosion beneath the boulder, bedding plane failure or through human activity. Rockfall may also impact a slope below and trigger a landslide. Rockfalls tend to occur repeatedly, forming a talus cone of boulders at the foot of a steep slope. For single-block rock falls, the concept of a 'shadow angle' is well established. The shadow angle is defined by the angle below horizontal formed by the line lying between the apex of the slope subject to rock fall and the extreme position of rock fall debris (boulders). Numerous studies have shown this to be between 22° and 30°.

Landslides involve the downslope movement of unconsolidated material under the influence of gravity, and are capable of producing widespread damage. In Newfoundland and Labrador landslides are commonly triggered by heavy rain or snowmelt, which introduce large quantities of water to the slope. Sediment becomes saturated beyond its shear strength, at which point, movement occurs. This movement may be rapid (e.g., debris flows) or slow (e.g., creep). Historical landslide events have been compiled in the Geological Survey's database of geological disasters (<http://www.nr.gov.nl.ca/mines&en/geosurvey/disasters/>).

3. Avalanches

Avalanches are another rapid form of slope movement. They generally consist of a combination of snow and ice, but may include sediment, rock, and vegetation. To occur, they require heavy snowfall (either introduced by precipitation or wind), and a steep (30°-50°) slope. The trigger for avalanche is commonly heavy snowfall over a smooth surface, produced from either a rapid fall in temperature in the days preceding the snowfall or from a period of freezing rain or burial of a

weak layer in the snow. Alternatively, high winds blowing over a slope may create a cornice, which may break off, falling to the slope below and triggering an avalanche. Historical avalanche events have been compiled in the Geological Survey's database of geological disasters (<http://www.nr.gov.nl.ca/mines&en/geosurvey/disasters/>).

4. Coastal Erosion

Large parts of the coastline of Newfoundland and Labrador are composed of cliffs of unconsolidated (non-rock) material. These areas are stable if covered by vegetation, but may erode quickly where exposed to waves. Rates of coastal recession up to 1m per year have been recorded in the province. Bedrock cliffs also erode, albeit at a slower rate.

Although there are Provincial regulations regarding development in relation to the high water mark, in areas of unconsolidated material forming coastal cliffs or unconsolidated sediment on bedrock however, set back from the cliff edge is, in our opinion, a more appropriate measure. Based on an average recession rate of 15 cm per year and a 100-year life span for a structure, **we recommend a setback of at least 30m (twice the average erosion rate times 100 years) from the cliff top to any planned residential or commercial development.** A longer limit should be considered in those areas where more active recession is noted.

The Geological Survey has recently initiated a coastal monitoring program that will provide data on rates of coastal erosion for the Province. For more information on coastal vulnerability contact Melanie Irvine at the Geological Survey (709-729-3489 or melanieirvine@gov.nl.ca).

5. Climate Change

Wave magnitude and the frequency of extreme wave events (including storm surge) may be expected to increase if predictions of global climate change and associated global sea level rise occur. In Newfoundland and Labrador, the crust continues to move, albeit slowly, in response to the last glacial period. Most of the Island of Newfoundland is currently experiencing rising sea level, which will exacerbate the sea level rise as a result of climate change. Over the next century sea level is expected to rise by over 1 metre in eastern Newfoundland, 80-90cm in western and southern Newfoundland, and less than 70 cm in Labrador; sea-level rise will continue beyond 2099.

(http://www.nr.gov.nl.ca/nr/mines/geoscience/publications/currentresearch/2010/batterson_liverman.pdf).

Rising sea level will increasingly threaten our coastline and thus planning should restrict development in low-lying areas or those adjacent to cliff edges that may experience enhanced erosion. The increased risk of coastal erosion may be accentuated by increasing pressures on the coast for residential development. **Based on the potential future impact of sea level rise and storm surge, areas below the present 2 m contour are considered to be highly vulnerable to coastal flooding.** Development within this area should be restricted to ensure that appropriate mitigation measures are employed. These could include coastal protection measures or enhanced engineering standards, although communities may choose to remove these areas from development. Areas above the present 2 m contour may also be at risk from coastal flooding, including storm surge.

The Government of Newfoundland and Labrador (Office of Climate Change and Energy Efficiency) commissioned a study of the projected impacts of climate change in the province for the period 2038-2070. The 2013 report, prepared by Dr. Joel Finnis of Memorial University, incorporated data from 7 regional climate model (RCM) simulations provided by the North American Regional Climate Change Assessment Project (NARCCAP). Model projections were compared against observations collected by Environment Canada (EC) climate stations in the province. With regards to predicted changes in temperature and precipitation the report highlights that the climate will become warmer (especially winter temperatures) and wetter (both intensity and duration) and that an increase in rain-on-snow events is likely. The latter could lead to an increased potential for flooding and landslides/ avalanches. Details of the climate change projections report can be found at:

http://www.turnbackthetide.ca/whatsnew/2013/nl_climate_change_projections_summary.pdf

The Geological Survey is introducing a hazard mapping program for the province. Initial work will focus on the north-east Avalon Peninsula (e.g., http://www.nr.gov.nl.ca/nr/mines/geoscience/publications/openfiles/OF_001N-0884.pdf). Maps will be released as they are completed, and mapping will extend to other areas of the province in due course.

As always the Geological Survey is available for discussions on all geologically-related hazard issues, including the potential impacts of, and adaptations to, climate change.

2.6 Public Consultations

2.6.1 First Open House – June 13, 2017

The first public consultation session for the Plan Review took place on June 13, 2017 at the Elliston Town Hall. The session included an Open House from 2:00 pm to 5:00 pm and again from 6:30 PM to 8:30 pm. Overall attendance included approximately 25 residents as well as Council representatives.

The main planning issues raised during the session included the following:

- Protection of cultural and historical resources, trails, and coastal scenery.
- Controlling the types of development in historic and scenic areas.
- Preserving and protecting root cellars.
- Keeping of juvenile livestock in built-up areas.

2.6.2 Tourism Elliston Submission

The following is a summary of a proposed heritage by-law submitted by Tourism Elliston for consideration in preparing policies and regulations for the Municipal Plan. The full document, entitled Elliston Heritage By-Law, is available from the Town.

These Regulations are recommended to protect the Heritage Resources of the Town and to improve the economic base through tourism development.

PURPOSE

- Preserve coastline in pristine setting in certain areas and maintain viewsapes
- Establish an Elliston Heritage District area.
- Preserve all root cellars and other structures that define the agricultural landscape.
- Preserve the exterior heritage appearance of structures and settings
- Support tourism potential by retaining the character of Heritage Areas.
- Support plan to use ecomuseum approach to tell Elliston's story of history and culture.

DESIGNATION

- Designate an area around the crossroad of Route 238 with Main Street, to the Sealers Memorial at Shore Road); the North Side including Coles Gulch, the Neck and Maberly as Elliston Heritage District.

COMPLIANCE WITH REGULATIONS

- Within the Heritage District, proposed developments, including the erection, extension, repair, relocation or demolition of buildings, should be in accordance with the guidelines set out in these Regulations.
- Set conditions so development will not detract from heritage values.

HERITAGE ADVISORY COMMITTEE

- Appoint a Heritage Advisory Committee to advise Council on matters relating to the Heritage District and promote public interest in heritage preservation.

ELLISTON HERITAGE BY-LAW

- Designate other areas in the town as "Heritage Areas."
- Designate buildings, structures, root cellars, and landscape features as "Heritage Properties".
- The Advisory Committee should advise Council on the designation of "Heritage Areas" and "Historic Properties."
- Council should refer applications affecting heritage areas and heritage properties, including those for fences and signs, to the Heritage Advisory Committee for recommendations.
- The Heritage Advisory Committee to maintain a register of buildings of architectural or historic interest and submit this to Council. Also to determine criteria for designating heritage properties and making recommendations to Council.
- Council to designate buildings in the said list as Heritage Properties and notify owners.
- Except under a permit from Council, prohibit the alteration, removal, or demolition of any Designated Heritage Property or root cellar, whether located within a designated area or not.
- Heritage Advisory Committee to use the guidelines and principles established below as a guide when considering applications to alter the exterior of any designated Heritage Property.
- Owners aggrieved by a Council decision may appeal the decision to the Municipal Appeal Board.

RECOMMENDED GUIDELINES

GENERAL PRINCIPLES

- Designate certain coastal areas for no development.
- Retain the original appearance of building exteriors visible from public roads.
- Make efforts to provide compatible uses for heritage properties.
- Preserve the distinguishing qualities of heritage buildings, structures and sites
- Avoid the removal or alteration of historic materials, distinctive agricultural features, and examples of skilled craftsmanship.
- Repair, rather than replace, original architectural features that have deteriorated.
- Recognize all buildings, structures and sites as products of their own period of construction.
- Allow for contemporary designs of alterations and additions to existing properties so long as significant historical, architectural or cultural material is not destroyed.
- Ensure new buildings are visibly compatible with the size, scale, colour, material, texture and character of nearby existing structures and the heritage character of surrounding areas.

HEIGHT (Heritage Areas)

- The height of building alterations, new buildings, and exposed foundations should be compatible with the style and character of the structure and with adjacent buildings.

WINDOWS AND DOORS (Heritage Areas)

- The number, size, shape, orientation and style of windows and exterior doors should have or approximate the appearance as the original building and existing buildings in the area.

ROOFS (Heritage Areas)

- The direction, slope, architectural style, finish materials, and arrangement of the roof must match that of the original at the time the building was constructed, where possible.

FINISH MATERIALS AND DETAIL (Heritage Areas)

- Exterior siding should be visually compatible with the historic character of the area and surrounding buildings.

FENCES and WALLS (Heritage Areas)

- Fences should be constructed in the traditional style of vertical wood pickets or stone.
- Stonewalls should not be removed or replaced with incompatible materials.

ACCESSORY BUILDINGS (Heritage Areas)

- Small sheds, garages, and greenhouses should be permitted in association with permitted uses. However, accessory buildings should be of similar construction as the main building and placed in rear or side yards, except where front yard placement would be desirable by topography or preservation of views.

SIGNS AND ADVERTISEMENTS

- Signs and advertisements should be of materials and design compatible with the building to which it relates and the surrounding environment.

2.6.3 Second Open House – May 16, 2018

The second public consultation session for the Plan Review took place on May 16, 2017 at the Elliston Town Hall. The session included an Open House from 2:00 pm to 5:00 pm and again from 6:30 PM to 8:30 pm. Fourteen residents attended along with the Mayor, two Councillors and the Town Clerk. One resident who could not attend emailed in written comments and questions.

The main planning issues raised during the session included the following:

- Role of a heritage advisory committee with respect to advising Council on development applications
- Boundaries of proposed habitat management units for protection of waterfowl and seabirds
- Regulations regarding abandoned vehicles
- Keeping of juvenile livestock in built-up areas
- Extent and location of Residential zone boundaries

2.6.4 Subsequent Consultation

After the period for public consultation had passed, Mr. Neal Tucker, President of Discovery Shooting Range Incorporated, came forward regarding an existing shooting range and the organization's plan to expand the shooting range. This was new information that had not been provided earlier. Resulting changes to the final Municipal Plan and Development Regulations include:

- "Target shooting range" was added as a discretionary use to the Rural designation in the Municipal Plan and the Rural zone in the Development Regulations.
- On Future Land Use Map 1 and Land Use Zoning Map 1, in the vicinity of Island Pond, the boundary between the Rural zone and the Environmental Protection zone was relocated approximately 250 metres farther west to accommodate a proposed future expansion of the shooting range. This involved a change of approximately 20 hectares of land from Environmental Protection to Rural.

3.0 GOALS AND OBJECTIVES

This section outlines the Town's planning goals and objectives for the 2018-2028 period. A goal is a desired state, which reflects the long-term intent of Council and relates to a major area of interest or concern. An objective is a short-range step towards achieving the goal. In this context, an objective is an outcome or output desired by Council in less than 10-years.

3.1 Community Structure and Character

Goals: Ensure orderly and efficient land development and use of municipal services, compatibility between land uses, avoidance of sprawl, and retention of the Town's attractive natural and built features.

Objectives: Encourage and facilitate new development through infilling along existing serviced streets, as well as through new streets built in close proximity to existing streets and infrastructure.

Preserve and protect environmentally important and sensitive areas including water supply areas, coastal and freshwater resources, steep slopes, and visually significant features.

Preserve and maintain cultural and historic areas and buildings.

Encourage land development that is efficient in the use of municipal infrastructure and sensitive to the existing physical form and historic character of the community.

Encourage preservation and maintenance of heritage areas and buildings.

Improve land and building accessibility standards to facilitate better mobility by disabled and elderly residents.

3.2 Economic Growth and Development

Goal: Encourage diversified and balanced economic development that fosters employment opportunities, promotes a high quality of life, contributes financially to the municipality, and protects the environment.

Objectives: Support resources and activities that enhance tourism such as cultural and natural heritage, preservation and development of trails, coastal shorelines, and visitor services and facilities.

Build on Elliston's economic strengths and opportunities, particularly with respect to its unique and significant place in Newfoundland and Labrador history and culture.

Allow for compatible mixed development of residential, commercial, tourism, recreational, open space, and heritage uses.

Promote Elliston as an attractive place to live year-round and seasonally, drawing on its spectacular scenery, waterfront access, cultural heritage, and recreational amenities.

Encourage creative enterprises and home occupations that fit with the neighbourhood character and do not impinge on the reasonable enjoyment of neighbouring properties and the Town's historical landscape.

3.3 Heritage Protection and Enhancement

Goal: Develop and protect the town's cultural and natural heritage.

Objectives: Strengthen Elliston's unique and significant place in Newfoundland and Labrador history and culture.

Preserve and enhance the Town's historic townscape and buildings.

Support efforts to showcase Elliston's history and culture.

Conserve and protect historic sites, buildings, and structures for their potential to grow local tourism and the economy.

Encourage new development and building alterations that are sensitive in scale, appearance, and placement to the fabric of the historic townscape.

Foster development that enhances the usability of historic sites and buildings.

Create a Heritage Area designation with effective heritage protection and enhancement policies.

3.4 Environment

Goal: Conserve, protect, and enhance biodiversity and important and sensitive environmental resources.

Objectives: Provide municipal services at environmentally acceptable standards.

Minimize the adverse effects of development on ecosystem biodiversity.

Conserve, protect, and enhance important and sensitive environmental resources, including coastal areas, lakes, streams, estuaries, wetlands, riparian areas, steep slopes, wildlife habitat, and scenic vistas.

Protect the Elliston drinking water supply from land uses and activities that could adversely affect water quality and quantity.

Reduce stormwater flows, erosion, and impacts on receiving waters by improving how runoff is managed in developed and developing areas.

3.5 Health and Social Well-Being

Goal: Provide for the welfare of all Elliston residents by addressing basic human needs, community services, and quality of life.

Objectives: Promote opportunities to meet the needs of residents for food, shelter, health care, education, employment, income, and safety.

Promote access to childcare, youth and seniors programs, and family services.

Facilitate the housing needs of residents of all ages, income levels, and physical and mental abilities (also see Section 3.6).

Enhance Elliston as an accessible and age-friendly community by improving development standards for the mobility needs of disabled and elderly residents.

Promote opportunities for inclusion of low-income and disadvantaged residents into all aspects of community life.

3.6 Housing

Goal: Promote and facilitate adequate housing for all residents regardless of age, income, abilities, and family status.

Ensure development proceeds in a way that maintains a pleasant residential environment.

Objectives: Allocate sufficient residential land to meet anticipated requirements for the next ten years.

Protect residential quality of life and property values.

Accommodate a range of housing types to satisfy market needs and ensure housing is affordable for residents of different income levels, age groups, family structures, and abilities.

Manage residential development in a manner that preserves and protects sensitive environments, heritage areas, and public open space.

Encourage development of single, double, and multi-unit housing in appropriate locations through infilling along existing streets and adaptive reuse of existing buildings.

3.7 Transportation

Goal: Maintain an efficient transportation network to serve motorized and non-motorized transportation needs in Elliston.

Objectives: Maintain safe and efficient access to all residential developments, commercial establishments, and recreational areas.

Ensure the needs of disabled and elderly residents are appropriately addressed in the planning and design of streets, sidewalks, crosswalks, parking areas, and trail systems.

3.8 Open Space and Recreation

Goals: Maintain built facilities and natural areas to accommodate active and passive recreational needs of Elliston residents.

Objectives: Encourage public participation in the planning of open space and conservation lands.

Encourage and support community organizations in organizing sports, recreation, and festival activities and events.

Protect and enhance public access to the town's coastal and freshwater shorelines.

3.9 Capital Works

Goal: Provide an acceptable and consistent level of water, sewer, and road services.

As much as possible, utilize existing capacity prior to investing in new streets and municipal infrastructure.

Objectives: Maintain a water system within the Town capable of providing clean drinking water to all feasible areas.

Provide a system of sanitary sewer trunk mains and local service lines capable of accommodating existing and future sewage flows.

3.10 Governance

Goal: Provide municipal services and administration effectively, efficiently, and equitably to all residents within the fiscal capacity of the Town.

Collaborate with other levels of government, community organizations, and the business community to facilitate opportunities to improve local governance, municipal services, and economic development.

Objectives: Encourage public interest and participation in municipal governing processes, including Council elections, committee activities, and public participation in decision-making.

Deliver municipal administration and services effectively, efficiently, openly, and within the Town's fiscal capacity.

Ensure the Town is governed in compliance with relevant legislation such as the *Municipalities Act* and the *Urban and Rural Planning Act 2000*.

3.11 Municipal Finance

Goal: Manage municipal expenditures and revenues so as to provide municipal services within a framework of long-term financial stability.

Objectives: Manage municipal expenditures and debt burdens in a prudent manner and according to the Town's ability to pay.

Encourage an enlarged economic base in the Town in order to generate more tax revenues.

Ensure that growth-related capital costs for new developments do not place an undue burden on residents' ability to pay.

4.0 COMMUNITY WIDE POLICIES

4.1 Policy Framework

This section provides the policy framework for the planning of Elliston as expressed in the Goals and Objectives outlined in Section 3.0.

The overriding thrust of the Municipal Plan is to ensure the continuance of an efficient and sustainable community, to maintain the town's attractive character based on a compatible mix of built-up land uses and green space, and optimize economic development opportunities particularly in relation to cultural and historic tourism. This is important in order to provide continuity with the past, achieve the Town's development vision, maintain its distinct identity, preserve heritage values, and contribute to environmental, economic, social, and financial sustainability.

To accomplish the overall intent of the Plan, the following policy initiatives are put forward:

- i) Areas that can be developed and serviced at the most reasonable long-term costs to the Town will be given priority for future growth. Highest priority is placed on the infilling of vacant land along serviced streets. Second priority is placed on areas that are affordably close to existing streets and piped services. Development will be restricted in areas that would entail prohibitive or unnecessary costs to develop and maintain new infrastructure and provide services.
- ii) Prominent features that help to preserve community character, such as historic sites and architecture, heights of land, coastal features, open space, and scenic vistas will be preserved.
- iii) A high standard will be maintained for both the built and natural environments, particularly the protection of historic buildings, structures, and sites, environmentally sensitive resources such as coastal shorelines, wetlands, steep slopes, and vulnerable terrestrial and marine habitat.
- iv) Capital works will be undertaken in an efficient, financially prudent, and environmentally responsible manner.

4.2 General Land Use Policies

4.2.1 General Layout of the Town

- (1) Council will encourage the consolidation of development in areas that are economical to connect to existing roads and service with water and sewer.
- (2) Council will give priority to infilling vacant serviced land over the development of new streets and infrastructure.

- (3) Council may refuse proposed developments in locations where municipal services are inadequate or it would be uneconomic to provide and maintain municipal services.
- (4) Council will require land developments to include reasonable measures to reduce stormwater runoff from the site, including as necessary the setting-aside of green areas for stormwater control and infiltration.
- (5) Council may refuse proposed new developments, building alterations, and demolitions that would undermine conservation and preservation of the Town's historical character and coastal scenery.

4.2.2 Compatibility of Uses

- (1) As much as possible, Council will ensure that new developments will not negatively affect existing land uses through the creation of hazards or nuisances such as noise, dust, odour, congestion, or unsightly appearance.
- (2) As much as possible, Council will ensure that new developments, including removal and alterations of buildings and structures, will not negatively affect the character of heritage areas and existing heritage buildings and structures.

4.2.3 Non-Conforming Uses

In accordance with the *Urban and Rural Planning Act 2000*, a use of land that legally existed on the date of the registration of this Municipal Plan shall be allowed to continue irrespective of its conformity to the Plan or Development Regulations. Specific provisions concerning legal non-conforming uses are set out in the Development Regulations.

4.2.4 Land Development Proposals

1. Site Environmental Suitability

When reviewing a proposed development or subdivision of land, Council will consider the site's suitability in terms of soils, geology, location of watercourses and wetlands, steepness of grades, and overall environmental sensitivity. When considering approval, Council will ensure that the development will have minimal negative effects on water resources, surrounding properties, and nearby heritage sites and buildings.

2. Land Needed for Environmental Protection

When approving a development, Council may require portions of the proposed site to be set aside from development or vegetation clearing in order to reduce and control stormwater drainage and erosion. Council's authority to require land to be set aside for environmental purposes derives from Section 13(3) of the *Urban and Rural Planning Act 2000*. Land needed for such purposes will not be included in the calculation of land for public use as set out in Section 37(1) of the *Act*.

3. Land for Public Use

In accordance with Section 37 of the *Act*, for each subdivision approval, Council shall require the developer to convey an area of land to the Town for open space

or other public use. This conveyance would be equal to up to ten per cent of the gross area of the land to be developed. Land to be set aside must be high quality land suitable for the purpose.

Alternatively, in lieu of land dedication, Council may accept a sum of money that is equivalent to the value of the land that would have been conveyed.

4. Coordination with Surrounding Development

New developments will be coordinated with surrounding existing developments, the street network, and municipal infrastructure. New developments may be required to provide for access to adjacent undeveloped lands.

5. Municipal Services and Access

The scale of new development must be appropriate with the provision of municipal services and street access. Council will ensure that a new development will make efficient use of existing streets and infrastructure and will not create unreasonable servicing demands or costs. If Council deems that a proposed development cannot be efficiently connected to or serviced by existing infrastructure, it will refuse the development.

6. Public Input

Council may seek input from nearby residents and landowners when reviewing development proposals.

7. Council Decision

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

- (a) Approve the application as proposed,
- (b) Approve the application subject to certain terms or conditions,
- (c) Defer a decision subject to more detailed information or requested modifications to the proposal, or
- (d) Refuse the application if it deems that the development:
 - (i) would be unsuitable for the location,
 - (ii) would be prohibitively expensive to service or maintain,
 - (iii) would create environmental or other problems that cannot be sufficiently corrected or mitigated, or
 - (iv) would negatively affect important heritage properties and/or values.

4.2.5 Consolidation and Infill of Serviced Areas

- (1) Council will encourage moderate intensification of development in areas that are accessible to piped water and sewer services. This can occur through infilling of vacant land along existing roads and keeping new street development in close proximity to existing infrastructure.
- (2) Site plans for infill development must meet the approval of Council. Developments must be compatible with the existing neighbourhood character, heritage sites in particular, and in accordance with Council's development standards with respect to lot size, frontages, installation of municipal services,

environmental protection, retention of open space, and matters concerning current or future public works.

4.2.6 Adaptive Re-use of Existing Buildings and Properties

- (1) Council will encourage the adaptive reuse of existing buildings and properties for land uses that are permitted within the designation and would be compatible with nearby heritage resources and other existing land uses.

4.2.7 Discretionary Uses

Council may decide that a land use should be set out as a discretionary use in a particular zone in the Development Regulations, where:

- (a) the suitability of the use is not clear and may depend on the land use characteristics and circumstances of individual locations within the zone,
- (b) Council determines that the use could negatively affect the predominant uses of the zone and, in order to prevent or mitigate this impact, it would be desirable to consult with the public prior to issuing a development permit, issuing a development permit subject to conditions, or refusing a development permit,
- (c) Council determines that the use could negatively affect nearby heritage buildings or sites, the general heritage character of an area, or an important coastal or other scenic resource and, in order to prevent or mitigate this impact, it would be desirable to consult with the public prior to issuing a development permit, issuing a development permit subject to conditions, or refusing a development permit,
- (d) it is necessary to attach conditions to an approval to ensure that the use is developed in a way that is compatible with nearby uses, heritage sites, and buildings, and other predominant uses of the zone.

4.2.8 Mineral and Petroleum Exploration

- (1) Subject to other provisions of this Municipal Plan, mineral and petroleum exploration that is not classed as a development (by virtue of drilling, appreciable ground disturbance, or construction of access roads) may be permitted anywhere in the Planning Area, provided that the Town is given previous notice.
- (2) In accordance with Sections 12 and 13 of the *Mineral Act*, no exploration of any type will be permitted on privately owned land without the consent of the landowner.
- (3) Mineral and petroleum exploration that is classed as a development may be permitted in certain designations, provided that adequate provision is made for environmental protection, site reinstatement, landscaping, buffering, or mitigations of impacts on residential, commercial, industrial, institutional and recreational areas.
- (4) Mineral and petroleum exploration will be permitted only if all necessary Provincial approvals have been obtained.

4.2.9 Mineral Working

- (1) Mineral working operations, where permitted, will be subject to terms and conditions to minimize impacts on environmentally sensitive areas and nearby existing development.
- (2) Mineral working operations will take measures to minimize negative impacts on water resources and other sensitive environmental resources.

4.2.10 Forest Resources and Trees

- (1) Forests will be preserved and protected for the production of timber-based products as well as the realization of important non-timber values such as fish and wildlife habitat, water quantity and quality, biodiversity, scenery, recreation and tourism.
- (2) Harvesting of forests and trees will respect the Town's objectives for environmental protection, preservation of scenery, outdoor recreation, stormwater control, and drinking water protection.
- (3) In order to preserve a site's natural characteristics and attractiveness for development, Council may restrict, or set conditions on, tree removal in areas planned for future residential development.

4.2.11 Utilities**1. Utility Easements and Facilities**

Utility facilities, such as transmission lines, communication towers, stormwater drains, water and sewer pipes and treatment facilities, energy generation facilities, and pollution control, may be permitted in all land use designations subject to conditions set by Council. Council may restrict, or place conditions on, the development of certain utilities within the Environmental Protection and Coastal designations.

2. Alternative Energy Facilities

Wind, small hydro, and solar energy generation facilities may be permitted in any land use designation subject to conditions set by Council, including the following:

- (a) The location and design of such utilities shall take into consideration potential impacts on nearby land uses, persons, and the natural environment.
- (b) Wind generators permitted within built-up areas will be limited to single turbines designed to serve individual properties.
- (c) To provide for adequate safety and comfort of persons and properties, Council will ensure that there is an adequate separation distance between any type of wind generator and nearby buildings and structures.
- (d) Energy utilities are subject to required approvals by relevant provincial and federal departments.

4.2.12 Archaeological and Palaeontological Resources

Archaeological and palaeontological sites are protected under the *Historic Resources Act*. If such a site is discovered, development will stop and no further development will occur

until the Provincial Archaeology Office has been notified and provided directions on how the development should best proceed.

4.2.13 Provision for the Disabled and Elderly

Council will consider the mobility needs of disabled and elderly residents in the planning and design of municipal streets, recreational facilities, and when approving commercial, public, and large residential buildings and facilities.

4.3 General Heritage Policies

Council places high priority on preserving and strengthening Elliston's unique place in Newfoundland and Labrador history and culture. Protecting and enhancing the Town's built and natural heritage is fundamental to this goal and to the importance of tourism in the local economy.

Land use decisions by Council will duly consider how heritage area and properties and scenic viewsheds will be affected.

4.3.1 Heritage Protection and Enhancement

- (1) Council will protect sites, buildings, structures, and viewscapes that are important for preserving Elliston's cultural and natural heritage. This heritage includes interpretive sites, historic areas, traditional architecture, the Town's famous root cellars, its spectacular coastal scenes, and seabird and waterfowl colonies.
- (2) When reviewing a development or demolition application or proposed subdivision of land, Council will consider the potential effects on the Town's heritage areas and scenic landscapes. Irrespective of other policies or regulations in this Municipal Plan and the Elliston Development Regulations, Council, at its discretion, may refuse any application that it deems will be detrimental to important heritage properties and scenic viewsheds.
- (3) In reviewing a development, demolition, or building alteration application, Council will ensure that the activity will not significantly detract from important heritage values, scenic viewsheds, and sensitive bird and marine habitat.
- (4) Council will cooperate with landowners to identify new or enhanced uses for historic buildings and make owners aware of public programs aimed at helping to preserve built-heritage.

4.3.2 Designated Heritage Properties

1. Designated Provincial Heritage Properties

Council will cooperate with Provincial authorities to ensure existing and future registered provincial historic sites and buildings are protected in accordance the *Historic Resources Act (RSNL1990 CHAPTER H-4)*.

2. Designated Municipal Heritage Properties

Under authority of Section 200 of the *Municipalities Act 1999*, Council may designate additional sites, buildings and structures as "Municipal Heritage Properties."

4.3.3 Required Permits for Heritage Properties and Root Cellars

1. Development on Heritage Properties

No designated heritage property will be built upon or otherwise developed except under a development permit issued by Council and in accordance with terms and conditions specified in the permit.

2. Demolition of Heritage Buildings and Structures

No designated heritage building or structure will be demolished except under a demolition permit issued by Council and in accordance with terms and conditions specified in the permit.

3. Alteration of Heritage Buildings and Structures

No exterior of a designated heritage building or structure will be altered except under a permit issued by Council and in accordance with terms and conditions specified in the permit.

4. Demolition or Alteration of Root Cellars

No root cellar, whether designated as a heritage property or not, will be demolished or altered except under a permit issued by Council and in accordance with terms and conditions specified in the permit.

4.3.4 Heritage Area Future Land Use Designation

In addition to general heritage policies that apply to the entire Planning Area, Council will create a Heritage Area land use designation with policies and provisions that apply specifically to lands located within that designation.

4.3.5 Heritage Advisory Committee

- (1) Council will appoint a Heritage Advisory Committee to promote public interest in heritage preservation and enhancement and to make recommendations on development applications affecting heritage areas and properties.
- (2) The Heritage Advisory Committee will provide advice and recommendations to Council with respect to:
 - Protection and restoration of heritage sites, buildings, and structures.
 - Protection of cultural and scenic views.
 - Municipal and provincial designation of heritage properties.
 - Proposed developments, demolitions, and alterations affecting heritage sites, buildings and structures.
- (3) Council will refer development and demolition applications that it deems may affect a heritage area, designated heritage property, or root cellar to the Heritage Advisory Committee for advice and recommendations related to potential effects on heritage values.

- (4) When receiving an application referral from Council, the Heritage Advisory Committee will be guided by the Elliston Heritage Regulations in making a recommendation on whether the application should be approved, approved with conditions, deferred for amendment or additional information, or refused.
- (5) Council will expect the Heritage Advisory Committee to respond to referrals on a timely basis. If no response on a referral is forthcoming within a specified period, Council will proceed in taking a decision without input from the Committee.

4.3.6 Adaptive Re-use of Heritage Properties

Council will encourage the adaptive reuse of heritage buildings and properties for land uses and activities that would help to facilitate the preservation, restoration, and enhancement of their heritage values. This may include business, residential, and institutional activities that would contribute to the economic viability of preserving the building or property.

4.3.7 Use of Discretionary Authority

Council may exercise its discretionary authority to:

- (a) approve a proposed development that, in its opinion, would contribute to the preservation or improvement of a heritage property or scenic viewshed, and
- (b) prohibit or set conditions on a proposed development that, in its opinion, the might detract from the heritage values of a heritage property or scenic viewshed.

4.4 General Environmental Policies

Conservation values are intrinsic to this Municipal Plan. High priority is given to protecting sensitive areas and habitat. Council will protect freshwater resources, particularly the Town's water supply area, with a focus on minimizing stormwater impacts, soil erosion, and watercourse sedimentation. Land use decisions will duly consider environmental sustainability and biodiversity objectives.

4.4.1 General Environment

1. Biodiversity

Maintaining biodiversity will be of foremost consideration in the planning and approval of future development in the Municipal Planning Area.

2. Protection of Sensitive Areas

Environmentally sensitive lands, including the water supply area, watercourses, riparian areas, wetlands, steep slopes, wet and unstable soils, sensitive coastal features, and terrestrial and marine habitat, will be protected from potentially damaging development.

3. Consideration of Environmental Impacts

Potential environmental effects will be considered when reviewing development applications. At its discretion, and in accordance with other statutory requirements, Council may refer development proposals for advice and/or regulatory approval to Provincial and Federal departments and non-government agencies such as Municipal Affairs and Environment, Service Newfoundland and Labrador, Health and Community

Services, Fisheries and Oceans Canada, Environment Canada, and the Stewardship Association of Municipalities.

4.4.2 Avian Habitat

1. Seabird Habitat Conservation

Elliston has coastal areas that contain important habitat for puffins and other seabirds. Council will not permit development that it deems may adversely affect seabird habitat. Council intends to enter into an agreement with the Province to set aside land for the conservation of seabird habitat.

2. Waterfowl Habitat Conservation

Elliston has inland areas that contain important habitat for waterfowl species such as ducks and geese. Council intends to enter into an agreement with the Province to set aside land for the conservation of waterfowl habitat.

4.4.3 Soils and Drainage

- (1) Development shall be permitted only on lands with soil and drainage conditions that, in the opinion of Council, are suitable for the proposed use.
- (2) Development in areas that are environmentally sensitive or hazardous due to wet or unstable soils, a high water table, or unstable geological conditions, may be restricted or subjected to terms and conditions to reduce potential impacts.

4.4.4 Watercourse and Wetland Protection

- (1) Development in the vicinity of a watercourse or wetland will be carried out in a manner that minimizes the potential for environmental impacts, protects natural drainage, and preserves existing public access to the water.
- (2) Conservation buffers will be established to protect watercourses from stormwater discharges, erosion, sedimentation, and pollution.
- (3) Where it believes that a proposed development may affect a wetland, at its discretion, Council may:
 - (a) require the developer to have the wetland delineated by a qualified consultant,
 - (b) establish a sufficient buffer from the edge of the wetland in which development may not be permitted,
 - (c) require such other conditions or restrictions to protect the wetland, and/or
 - (d) refuse to approve the development if it believes that identified impacts cannot be sufficiently minimized or mitigated.

4.4.5 Freshwater and Coastal Shorelines

Development in the vicinity of freshwater and coastal shorelines shall be carried out in a manner that minimizes environmental impacts, protects natural features, and preserves existing public accesses to and along the shoreline.

4.4.6 Steep and Unstable Slopes

Steep and unstable slopes may be subject to development restrictions or other conservation measures designed to minimize environmental impacts and hazards to humans and properties resulting from development.

4.4.7 Storm Drainage

- (1) Development will not be permitted in a manner that may cause excessive increases in stormwater runoff such that it could be detrimental to adjacent properties, steep or unstable slopes, nearby watercourses, coastal shorelines, and other sensitive areas.
- (2) In areas where there is concern that development may contribute to increased surface or sub-surface drainage, Council may require developers and landowners to:
 - (a) Set aside undeveloped land where stormwater can be discharged to naturally infiltrate into the soil.
 - (b) Maintain vegetated buffers between stormwater drainage outlets and watercourses to minimize direct discharges into watercourses.
 - (c) Preserve existing trees or plant additional trees and shrubs to promote soil infiltration and capture sediments.
 - (d) Channel runoff to gardens and low-lying areas on the development site and on individual lots.
 - (e) Take advantage of the topography to reduce storm drainage, for example, retain natural depressions in the landscape to accumulate runoff and promote soil infiltration.
 - (f) Re-establish vegetative cover immediately on gravel surfaces, banks, drainage ditches, and other areas disturbed by construction activity.

4.4.8 Use of Discretionary Authority

Council may exercise its discretionary authority to prohibit or set conditions on a development when, in its opinion, the development might result in undesirable environmental impacts, for example, excessive drainage onto adjacent properties, flooding, soil erosion, or scouring and siltation of streams.

4.5 Infrastructure Policies

4.5.1 Water Supply System

- (1) Council will maintain its water supply system, including intake, treatment plant, and distribution system, in good working order to ensure the availability of an adequate quantity and quality of water for residents, businesses, and public facilities.
- (2) Adequate fire flows will be maintained in all areas served by municipal water.

4.5.2 Sanitary Sewer System

Council will maintain the town's sanitary sewer system in good working order.

4.5.3 Stormwater Management

Council will maintain storm drainage ditches and facilities in good working order.

4.5.4 Water and Sewer Requirements for New Development

- (1) All water and sewer infrastructure associated with new land development must meet the minimum standards of the Town.
- (2) The costs of installing water and sewer services and connecting new lots to the municipal system will be the sole responsibility of the developer.

5.0 LAND USE DESIGNATIONS

In addition to general policies that apply throughout the Planning Area, The Town's growth and development will be managed by designating lands to broad land use categories. These designations are shown on Future Land Use Maps 1, 2, and 3. Policies outlined in this section specify Council's intent related to land use and forms of development in each of the following land use designations.

Future Land Use Designations	Zones	
Environmental Protection	Environmental Protection	EP
Protected Watershed	Protected Watershed	PW
Coastal	Coastal	CO
Heritage Area	Elliston Heritage Area Maberly Heritage Area	EHA MHA
Residential	Residential Residential Seasonal	RES RS
Tourism Resource	Tourism Resource	TR
Open Space	Open Space	OS
Rural	Rural	RU

5.1 Environmental Protection

Land is designated Environmental Protection to protect environmentally sensitive and important lands and natural resources including surface water resources, wetlands, steep slopes, important seabird and waterfowl habitat, and other such sensitive lands.

5.1.1 Environmental Protection Zone

1. Land Use

- (1) Conservation uses are permitted.
- (2) At its discretion, Council may permit open space uses such as walking trails and boardwalks in appropriate locations.
- (3) At its discretion, Council may permit communications, water utility and transportation uses. Transportation uses such as road crossings of streams, bridges, culverts, and drainage ditches may be permitted only if alternative locations are not feasible and Council considers the proposed development to be in the public interest. Council may consult with the Department of Municipal Affairs and Environment, Fisheries and Oceans Canada, the Department of Natural Resources and other relevant agencies before approving any such development.
- (4) Excavation and infilling of land and water will not be permitted unless it is to redirect stormwater or is a public work that has been approved by the Water Resources Division of the Department of Municipal Affairs and Environment.

5.2 Protected Watershed

The Protected Watershed designation is established to protect source water for the Elliston municipal water supply. The designation also includes small sections of the Bonavista water supply area for its protection. Highest priority of this designation is to ensure land uses and development will not negatively affect surface water and recharge areas for these water supplies.

5.2.1 Protected Watershed Zone

Elliston's drinking water supply area is located within the Big Pond Water Supply Area, which is designated under the *Water Resources Act* (Regulation 13/02). Within this water supply area, the Protected Watershed is combined with the Environmental Protection zone to protect the quality of source water for the Town of Elliston. Small sections of the Long Pond Water Supply Area for the Town of Bonavista are also included in the Protected Watershed zone.

1. Land Use

- (1) Conservation and open space uses are permitted.
- (2) Discretionary uses may include communications, forestry, mineral and petroleum exploration, transportation, and recreational open space only in the form of multi-use trails.

2. Department of Municipal Affairs and Environment

No development will be permitted in designated Protected Watershed areas without the approval and guidance of the Water Resources Branch of the Department of Environment and Conservation.

3. Watershed Monitoring and Enforcement

- (1) Council will monitor land uses and activities in the Protected Watershed designation to ensure they are being carried out in a manner that will not harm water quantity and quality.
- (2) Uses or activities that are found to be taking place in a manner deleterious to the water supply will be subject to an immediate stop-work order.

5.3 Coastal

The purpose of the Coastal designation is to protect sensitive coastal features while allowing certain infrastructure, commercial, and recreational uses that are coastal location essential.

5.3.1 Coastal Zone

In the Coastal zone priority is given to protecting sensitive coastal features and scenery, and to accommodating community and marine activities that have a bona fide need for shoreline access.

1. Land Use

- (1) Permitted uses of land in this zone will include conservation and open space uses such as walking trails, lookouts, and picnic areas.

- (2) At its discretion, Council may permit fisheries, marine, and marina facilities and personal-use docks and slipways as long as they are deemed to be coastal-location essential and compatible with protection of coastal features, scenic viewsheds, and heritage values.
- (3) No residential development will be permitted in the Coastal zone except on a lot that existed on the date that this Municipal Plan came into effect, and only if there is no opportunity on the lot to erect the dwelling outside the Coastal designation. In such a circumstance, Council may require the proponent to have an engineering study completed to determine if the proposed site is safe for development.
- (4) Council may consult with the Department of Municipal Affairs and Environment, Fisheries and Oceans Canada, and other relevant agencies before approving a proposed development in the Coastal zone.

5.4 Heritage Area

Land is designated Heritage Area in order to preserve important built features and sites that showcase Elliston's history and culture. The Heritage Area designation includes:

- Lands taking in the historic sites near the intersection of Route 238 with Main Street, extending to the Sealer's Memorial at Porter's Point, and generally taking lands between Trickem Road and Point Road.
- All of the North Side including Coles Gulch.
- Lands abutting the west side of Maberly Road from the Puffin Ecological Site to Maberly.

This designation recognizes the existing mix of commercial, residential, and public uses that has evolved in Elliston over time as well as opportunities for economic development derived from the Town's spectacular natural attractions and viewsheds and its unique cultural history related to the cod and seal fisheries and traditional subsistence agriculture. It is the goal of Council to protect and enhance the mixed use character of these historic areas through reuse and redevelopment of vacant and underused buildings and properties.

5.4.1 General Intent

- (1) Council will carefully manage new development in this designation to maintain and enhance Elliston's historic areas. Land uses and design approaches will be promoted that preserve and enhance the traditional character of these areas.
- (2) Council will encourage the revitalization of its Heritage Areas that have suffered from economic decline by promoting and facilitating adaptive re-use and redevelopment of vacant and underused buildings and properties.
- (3) The Heritage Area designation will accommodate a compatible mix of land uses to attract new residents and facilitate tourism opportunities.

5.4.2 Compatibility of Uses

- (1) In evaluating development proposals, Council will pay particular attention to the compatibility of uses, particularly between residential and non-residential uses.
- (2) Where an area within the Heritage Area designation is predominantly residential in character, proposed non-residential uses will not be approved if they are deemed to be incompatible with existing uses and the residential character of the area.
- (3) Before permitting any non-residential development, Council will be satisfied that its requirements with respect to building setbacks, buffering between uses, off-street parking, outdoor storage, and other site related matters can be met.
- (4) Council may impose conditions to require a commercial or light industrial use to maintain an attractive appearance and minimize adverse impacts on existing uses, including proper site layout, buffering, screening, and control or restriction of potentially noxious activities.

5.4.3 Guiding Principles

The following principles will be pursued within the Heritage Area designation:

- (a) Adaptive reuse and redevelopment of vacant and underused properties and buildings will be encouraged to the extent that the reuse or redevelopment will be compatible with heritage values and will contribute to the revitalization of the area.
- (b) Preservation and enhancement of buildings and structures of architectural and historic interest will be encouraged.
- (c) The traditional community form will be maintained.
- (d) The appearance, scale, siting, and use of new buildings, as well as expansions and alterations to existing buildings, will have regard for the heritage character of the surrounding area.
- (e) Restoration and reuse of dilapidated buildings, structures and sites that contribute to the historical legacy and visual character of the area will be encouraged.
- (f) Public rights-of-way, trails, open spaces, and scenic viewsheds will be preserved.

5.4.4 Use of Discretionary Authority

If Council deems that a proposed development in the Heritage Area designation will adversely affect the character or heritage of the area, it may exercise its discretionary authority to set terms and conditions on the development or to refuse the application.

5.4.5 Land Use Zones

The Development Regulations will establish two zones within the Heritage Area designation.

Heritage Area Designation - Land Use Zones		
Zone	Intent	Application
Elliston Heritage Area	Accommodate a mix of residential, commercial, public, and open space uses. Protect heritage values and scenic viewsheds by prohibiting incompatible development.	Land use and development decisions by Council will be guided by the Elliston Heritage Regulations.
Maberly Heritage Area	Accommodate residential development and complementary commercial uses. Protect heritage values and scenic viewsheds.	Land use decisions by Council will be guided by the Elliston Heritage Regulations.

5.4.6 Elliston Heritage Area Zone

1. Land Use

- (1) Permitted housing the Elliston Heritage Area zone includes single dwellings and subsidiary apartments.

Accessory buildings will be permitted subject to standards and conditions required by Council.

Other permitted uses include conservation, open space, arts and craft studios, personal crop uses, childcare, home offices, offices, medical clinics, personal services, bed and breakfasts, and visitor rental dwellings.

- (2) Mini-homes, double dwellings, and row dwellings may be permitted at Council’s discretion.
- (3) At Council’s discretion, a home occupation may be permitted within a residential dwelling or an accessory building in accordance with conditions required by Council.
- (4) Other uses that may be permitted at Council’s discretion include campgrounds, catering, cemeteries, clubs and lodges, commercial accommodations, cultural and civic uses, drinking establishments, emergency services, energy generation facilities, entertainment uses, assembly uses, garages and service stations, general services, indoor markets, kennels, light industry, outdoor markets, places of worship, recreational open space, shops, take-outs, tourist cottages, and transportation.

5.4.7 Maberly Heritage Area Zone

1. Land Use

- (1) Permitted housing the Maberly Heritage Area includes single dwellings and subsidiary apartments.

Accessory buildings will be permitted on residential lots subject to standards and conditions required by Council.

Other permitted uses include conservation, open space, personal crop uses, home offices, arts and crafts studios, bed and breakfasts, and visitor rental dwellings.

- (2) At Council’s discretion, a home occupation may be permitted within a residential dwelling or an accessory building in accordance with conditions required by Council.
- (3) At Council’s discretion, catering, energy generation facilities, kennels, recreational open space, take-out food services, tourist cottages, and transportation uses may be permitted.

5.5 Residential

Land is designated Residential to preserve the amenity of existing residential areas and accommodate new housing needs. Existing residential development consists primarily of single detached dwellings.

The Residential designation will facilitate housing in a way that maintains a pleasant residential environment and provides for a diversity of year-round and summer residents. By permitting a variety of housing forms, it is Council’s objective to ensure housing remains affordable for all socio-economic groups. The intent is also to manage residential development in a manner that preserves and protects sensitive environments, public open space, and heritage values.

5.5.1 Land Use Zones

The Development Regulations shall establish two land use zones within the Residential designation.

Residential Designation - Land Use Zones		
Zone	Intent	Application
Residential	Recognize existing neighbourhoods of predominantly single-detached dwellings. Accommodate future needs for single, double, and small multi-unit dwellings.	Existing and future neighbourhoods outside core heritage areas.
Residential Seasonal	Recognize existing seasonal residential area.	Allow for seasonal recreational dwellings.

5.5.2 Residential Zone

Single detached dwellings will remain the predominant housing form in this zone. Highest priority for development will be to optimize the use of existing infrastructure through infill along vacant frontage that can be economically connected to existing piped services.

1. Land Use

- (1) Permitted housing the Residential zone include single dwellings and subsidiary apartments.

Accessory buildings will be permitted subject to standards and conditions.

Other permitted uses include conservation, open space, personal crop uses, childcare, home offices, bed and breakfasts, and visitor rental dwellings.

- (2) Mini-homes, double dwellings and row houses may be permitted at Council's discretion.
- (3) At Council's discretion, a home occupation may be permitted within a residential dwelling or an accessory building in accordance with conditions required by Council.
- (4) At Council's discretion, arts and crafts studios, emergency services, energy generation facilities, kennels, recreational open space, tourist cottages, and transportation uses may be permitted.

5.5.3 Residential Seasonal Zone

The Residential Seasonal zone takes in one site with a small number of recreational dwellings.

1. Land Use

- (1) Permitted housing the Residential Seasonal zone include single recreational dwellings.

Accessory buildings will be permitted subject to standards and conditions.

Other permitted uses include conservation, open space, personal crop use.

- (2) At Council's discretion, energy generation facilities may be permitted.

5.6 Tourism Resource

The Tourism Resource designation is established to expand and enhance opportunities for tourism development in the vicinity of Sandy Cove Beach and Elliston Municipal Park.

5.6.1 Area Plan

Council will require an Area Plan to be approved before permitting new tourism development in this area.

5.6.2 Compatibility with Existing Development and the Puffin Ecological Site

New development will be permitted to the extent that it is a suitable fit with surrounding existing development and will not unreasonably affect the nearby puffin ecological site. Council may impose conditions to require development in this area to maintain an attractive appearance and minimize adverse impacts on the puffin site.

5.6.3 Tourism Resource Zone

The Development Regulations shall establish one land use zone within the Tourism Resource designation, also referred to as Tourism Resource. This zone will provide for a mix of visitor accommodation, visitor services, and recreational uses.

The intent of the Tourism Resource zone is to facilitate business and economic activities related to Elliston's strategic advantage as a destination for nature viewing and cultural tourism. Locations in this zone are regarded as attractive sites for campground and tourist cottage development combined with passive outdoor recreation developments such as trails and the existing puffin viewing area.

1. Development Plan

Before development of any proposed tourism or recreation development is permitted, a proponent must submit a development plan for Council's approval in accordance with requirements set out in the Development Regulations.

2. Land Use

- (1) The Tourism Resource zone will allow for the development of a strategic mix of campgrounds and/or tourist cottage establishments combined with outdoor recreation and open space uses and appropriate accessory retail and service uses.
- (2) Permitted uses in the Tourism Recreation zone include open space and conservation.
- (3) Uses that may be permitted at Council's discretion include arts and crafts studios, campgrounds, catering, tourist cottage establishments, energy generation facilities, outdoor markets, indoor and outdoor assembly, recreational open space, shops, take-out food services, and transportation.
- (4) At Council's discretion, a subsidiary apartment may be permitted in a main use if it is deemed necessary for the operation and/or security of that use.

3. Protecting Environmentally Sensitive and Scenic Areas

Council may restrict or set conditions on development in locations that are identified as environmentally or aesthetically sensitive. In such areas protection and conservation will take priority over development.

5.7 Open Space

The Open Space designation refers to lands set aside for parks and open space, active and passive recreational uses, trails, and cemeteries.

5.7.1 Open Space Zone

The Development Regulations shall establish one land use zone within the Open Space designation, also referred to as Open Space.

1. Land Use

- (1) Permitted uses in the Open Space zone include conservation and open space.
- (2) Uses that may be permitted at Council's discretion include cemeteries, outdoor assembly uses, outdoor markets, personal crop uses, recreational open space, and transportation.
- (3) At Council's discretion, catering and take-out food services may be permitted that are accessory to a main use such as an outdoor assembly or recreational open space use.
- (4) At Council's discretion, an outdoor market may be permitted on a temporary basis, for example, as part of a community event.

2. Cemetery

An application to develop or expand a cemetery must be accompanied by a site design plan for Council's consideration.

5.8 Rural

Areas are designated Rural to recognize their importance for natural resource utilization, agriculture development and protection, outdoor recreation, and certain industrial activities that may not be suitable in or near Elliston's built-up areas.

Urban encroachment into rural areas will be minimized in order to sustain resource-based activities and reduce the loss, fragmentation, and degradation of potential agricultural land and natural habitat.

5.8.1 Rural Zone

The Development Regulations shall establish only one land use zone within the Rural designation, also referred to as Rural. This zone recognizes land used presently or with the potential for agriculture, forestry, mineral working, and other natural resource developments.

1. Land Use

- (1) Permitted uses in the Rural zone include crop agriculture, forestry, mineral and petroleum exploration, energy generation facilities, transportation, open space, and conservation.
- (2) Uses that may be permitted at Council's discretion include cemeteries,

campgrounds, communications, livestock agriculture, mineral working, mining, petroleum extraction, recreational open space, and salvage yards.

At its discretion, Council may permit a single dwelling that is accessory to a commercial agricultural use.

A general or light industrial use may be permitted at Council's discretion provided that the use is accessory to a commercial agriculture, forestry, mineral working, or is unsuitable for built-up areas of Elliston.

A target shooting range may be permitted at Council's discretion subject to applicable Federal and Provincial laws and regulations as well as conditions that may be set by Council.

An outdoor market or shop may be permitted at Council's discretion provided that the use is accessory to a commercial agriculture use or campground.

2. Cemetery

An application to develop or expand a cemetery must be accompanied by a site design plan for Council's consideration.

3. Environmentally Sensitive and Scenic Areas

Council may restrict or set conditions on land uses and resource extraction activities in locations where it deems that the use may adversely affect steep slopes, geologically unstable areas, wetlands, watercourses and other sensitive areas. In these areas, protection and conservation will take priority over development.

4. Forestry

- (1) Forest harvesting and management activities will be subject to the requirements and supervision of the Forestry Branch of the Department of Fisheries and Land Resources.
- (2) Logging activities shall respect the Town's objectives for environmental protection, municipal watershed protection, scenic preservation, and recreation areas.

5.9 Transportation

The transportation system in Elliston includes a hierarchy of arterial, collector, and local roads, as well as public trails and walkways.

5.9.1 Consideration of Environmental Impacts

New highways, streets, water crossings, and associated infrastructure will be located and constructed so as to minimize adverse impacts on environmentally sensitive areas and resources.

5.9.2 Arterial Roads

1. Purpose

The primary purpose of an arterial road is to provide safe and efficient traffic flow for vehicles travelling to and through the Planning Area. A secondary purpose is to distribute traffic within the Planning Area.

2. Description

Route 238 is Elliston's only Arterial Road. It is divided into two sections. Catalina Road connects Elliston directly to the Bonavista Highway. Bonavista Road connects directly to the Town of Bonavista.

3. Individual Accesses

Council will use its discretionary authority if necessary to prevent development of any driveway or other private access along Routes 238 where it deems that such access would adversely affect traffic safety and/or efficiency.

5.9.3 Collector Roads

1. Purpose

The primary purpose of collector roads is to distribute traffic between major points and local streets within the Town.

2. Description

Collector roads in Elliston Planning include:

Main Street

Sandy Cove Road

Main Street North

3. Individual Accesses

Access to abutting properties on collector roads will not be restricted but will be properly planned to ensure they do not impede safety and traffic efficiency.

5.9.4 Local Roads

1. Purpose

Local streets are intended to serve properties located on the street and generally are not used by traffic except to access these properties and adjoining local streets.

2. Description

Local streets include all remaining streets not referred to as arterials or collectors.

3. Future Road Connections

Council will ensure that appropriate street reservations are reserved along Local Streets to provide for future connections to backland areas with development potential.

5.9.5 Street Design and Construction

- (1) The location, design, and construction of public streets will meet Council's minimum requirements for public safety, traffic efficiency, access to adjoining land, and construction quality.
- (2) Except where it is not physically feasible, new streets shall be located such that there will be sufficient land to develop lots on both sides in accordance with the development standards of the zone.
- (3) The layout of a new street will provide adequate reservations to accommodate road extensions and access to backland areas for future development.
- (4) The costs of constructing and connecting new streets to the municipal street system will be the sole responsibility of the developer.

5.9.6 Provision for the Disabled and Elderly

Streets, sidewalks, public walkways, parking areas, and access points to public and commercial buildings will be designed to facilitate easy access and movement by disabled and elderly persons.

6.0 IMPLEMENTATION

The Elliston Municipal Plan will be implemented over the next 10 years through decisions of Council. Of particular importance to Council are the following:

- Effective administration of the Municipal Plan
- Public participation
- Development Regulations
- The basis of development control, and
- The procedure for considering amendments to the Municipal Plan.

6.1 Administration of the Plan

The Elliston Municipal Plan is comprised of goals and objectives (Section 3 of this document), community-wide land use policies (Section 4), designation-specific land use policies (Section 5), and a program of implementation (Section 6). The Background Report (Section 2) provides information but does not form part of the legally binding Elliston Municipal Plan. All development applications will be evaluated as to their conformity to the policies in the Municipal Plan.

6.1.1 Map Interpretation

- (1) For the purpose of administering the Municipal Plan, **Future Land Use Maps 1, 2, and 3** shall be read only in conjunction with the goals, objectives and land use policies of the Plan.
- (2) The boundaries of the land use designations shown on the **Future Land Use Maps** are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No amendment to the Elliston Municipal Plan shall be required to allow minor adjustments of the land use boundaries. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Plan.

6.1.2 Development Applications

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

- (4) Council's final decision on an application will be based on the desire to guide the development of Elliston in the best long-term interest of residents and landowners.
- (5) Provisions regarding the appeal of Council decisions on development applications will be contained in the Development Regulations.

6.1.3 Subdivision Proposals and Agreements

- (1) Evaluations of proposed subdivisions of land for development will include the following:
 - (a) An investigation of the physical conditions and features of the site, opportunities for development, and constraints on development.
 - (b) A demonstration of how the proposed subdivision will connect to existing roads, how it will affect existing developments, and whether it will provide future access to undeveloped lands in the area.
 - (c) A demonstration that the proposed subdivision will be compatible with surrounding land uses, both existing and future.
 - (d) An examination of proposed municipal services and the long-term public costs of providing and maintaining these services.
 - (e) Consideration of how stormwater drainage will be managed to minimize increased run-off onto adjacent lands.
 - (f) Consideration of how the development may affect important and sensitive environmental resources.
- (2) Before major land developments are approved in the Elliston Municipal Planning Area, Council may require the developer to enter into a development agreement with the Town. Such an agreement shall establish the conditions under which development will proceed and shall be binding on both parties. Any conditions governing the development will be enforced by attaching them to the development permit.

6.1.4 Non-Conforming Uses

- (1) A building, structure, or other development that does not conform with the intent and permitted land uses of this Municipal Plan, but which legally existed before the registration date of the Plan, will be permitted to continue as a "non-conforming use" subject to the provisions of Section 108 of the *Act*.
- (2) Notwithstanding subsection (1), if a non-conforming use is discontinued for a consecutive period of twelve months, it shall not be recommenced and any further use of the land or building shall conform to the intent of this Plan and its Development Regulations.
- (3) A non-conforming use under this Municipal Plan:
 - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by Council,
 - (b) shall not be structurally modified except as required for the safety of the building, structure or development,
 - (c) shall not be reconstructed or repaired for use in the same non-conforming

- manner where 50 percent or more of the value of that building, structure or development has been destroyed,
- (d) may have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion more compatible with this Municipal Plan and its Development Regulations
 - (e) may have the existing building extended where, in Council's opinion, that extension is not more than 50 percent of the existing building
 - (f) where the non-conformity is with respect to the standards included in the Development Regulations, shall not be expanded if the expansion would increase the non-conformity; and
 - (g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with this Municipal Plan and its Development Regulations, be repaired or rebuilt where 50 percent or more of the value of that building or structure is destroyed.

6.2 Public Participation

The Municipal Plan is an expression of the goals and aspirations of the citizens of Elliston, therefore, periodic reviews of the Plan provide an opportunity for public participation and input, and can be an invaluable tool for the successful implementation of planning.

Council will take advantage of opportunities to involve the public in decision-making processes with respect to future planning and development of the community.

6.3 Development Regulations

Pursuant to Section 35 of the *Urban and Rural Planning Act 2000*, Council has adopted the Elliston Land Use Zoning and Subdivision Regulations (referred to as the Development Regulations) in order to implement the goals, objectives and land use policies of the Municipal Plan. The Development Regulations control the subdivision and development of all land within the Elliston Planning Area.

6.3.1 Council Responsibility

In accordance with Section 35 of the *Urban and Rural Planning Act 2000*, the Development Regulations have been established to ensure that land is controlled and used only in accordance with the Elliston Municipal Plan.

6.3.2 Content

The Development Regulations:

- (a) divide the Planning Area into land use zones
- (b) indicate permitted and discretionary land uses in each land use zone,
- (c) set out municipal-wide and zone-specific requirements and standards for the subdivision and development of land,
- (d) set out the administrative procedures for dealing with development permit applications and the issuing of development and building permits,
- (e) set out the regulations respecting the non-conforming development and use of land,
- (f) set the minimum notice periods for Council decisions respecting discretionary land uses, non-conforming land uses, and variances,

- (g) set out the regulations and procedures respecting appeals of Council decisions, and
- (h) set out the regulations respecting the enforcement of permit requirements.

6.4 Development Control

6.4.1 Municipal Plan is Binding

The Elliston Municipal Plan is a legal document that is binding upon all persons and organizations including Council.

6.4.2 Council Responsibility

Council shall exercise appropriate control over development in the Elliston Planning Area in accordance with the Municipal Plan and the Development Regulations.

6.4.3 Subdivision and Development Applications

- (1) All persons wishing to subdivide or develop land for any purpose within the Planning Area shall apply to Council for permission on the prescribed application form and shall submit a detailed drawing of the proposal indicating the location and dimensions of the land and the development.
- (2) Council will examine the application on the basis of the Development Regulations. Council may approve the application, approve it with conditions, or refuse it.

6.4.4 Right to Appeal

An applicant who receives a refusal decision from Council on a development application may appeal that decision to the Appeal Board in accordance with the Elliston Development Regulations.

6.4.5 Provincial and Federal Referrals

If Council deems that a proposed development may be affected by the policies or regulations of a Provincial or Federal department, the application will be referred to the concerned department for comments before a permit is issued.

6.5 Amending the Municipal Plan and Development Regulations

This Municipal Plan was prepared on the basis of existing and expected future conditions. It is Council's intention not to amend the Plan for a five-year period after its adoption, after which another Plan Review will be undertaken. Nevertheless, if circumstances change in unforeseen ways during the planning period, Council may consider possible amendments to the Plan.

6.5.1 Municipal Plan Amendment

If Council decides to adopt an amendment to the Municipal Plan, in accordance with Section 25 of the *Urban and Rural Planning Act 2000*, the amendment procedure will be the same as for the adoption of the Municipal Plan as a whole. This procedure is outlined in Sections 14 to 24 of the Act.

6.5.2 Stand-Alone Amendment to the Development Regulations

- (1) If Council decides to adopt an amendment to the Development Regulations that does not also require a change to the Municipal Plan, the amendment procedure will be in accordance with Section 35 (5) of the Act.

- (2) Council shall give notice of the proposed change in a newspaper circulated in the area and shall receive representations with respect to those changes before forwarding the adopted amendment to the Department of Municipal and Intergovernmental Affairs and for registration under Section 24 of the Act.