Town of Humber Arm South
Municipal Plan 2021-2031

Prepared for the Town of Humber Arm South

by

Baird Planning Associates

John Baird, MCIP
December 2022

Urban and Rural Planning Act 2000
Resolution to Adopt

Town of Humber Arm South Municipal Plan, 2021 - 2031

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

Adopted by the Town Council of Humber Arm South on the 13th day of September 2022.

Signed and sealed this 28 day of December 2022

Mayor: _____
Erica Humber-Shears

(Council Seal)

Clerk: _____
Marion Evoy

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

(MCIP Seal)

JOHN D. BAIRD
CANADIAN INSTITUTE OF PLANNERS
INSTITUT CANADIEN DES URBANISTES
MCIP MICU

Urban and Rural Planning Act 2000
Resolution to Approve

Town of Humber Arm South Municipal Plan, 2021 - 2031

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

(a) Adopted by the Humber Arm South Municipal Plan on the 13th day of September 2022.

(b) Gave notice of the adoption of the Humber Arm South Municipal Plan by advertisement:
- Posted in the Town of Humber Arm South Newsletter on September 16, 2022.
- Posted at the following locations beginning on September 16, 2022: Town Office, Katie's Convenience, Halfway Point; Evoy's Convenience and Hillview Convenience, Benoit's Cove; Jay Bee's Convenience, John's Beach; and Canada Post, Benoit's Cove and Frenchmen's Cove.

(c) Set the 25th day of October 2022 at 3:00 p.m. for the receipt of objections and other representations for consideration by the Public Hearing Commissioner.

Now under the authority of Section 23 of the *Urban and Rural Planning Act* 2000, the Town Council of Humber Arm South approves the Humber Arm South Municipal Plan.

SIGNED AND SEALED this 28 day of December 2022.

Mayor: _____
Erica Humber-Shears

(Council Seal)

Clerk: Marion Evoy
Marion Evoy

Municipal Plan
REGISTERED
Number 335-2023-0000
Date 27 MARCH 2023
Signature _____

Table of Contents

1.0 INTRODUCTION

1.1 Purpose of the Municipal Plan

The Humber Arm South Municipal Plan, 2021-2031 will provide for the development of the planning area over the ten-year planning period from 2021 to 2031 in accordance with Section 13(2) of the *Urban and Rural Planning Act 2000* (also referred to as the *Act*). It repeals and replaces the Humber Arm South Municipal Plan 2011-2021.

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 Humber Arm South 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 or 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 Humber Arm South.
- "Development Regulations" mean the Humber Arm South Development Regulations.
- "Municipal Planning Area" means the Humber Arm South Municipal Planning Area.
- "Town" means the Town of Humber Arm South.

2.0 BACKGROUND REPORT

2.1 Geographical Setting

Exhibit's 2.1 and 2.2 show the Town of Humber Arm South's geographical setting. The Town of is made of the communities of Halfway Point, Benoit's Cove, John's Beach, and Frenchman's Cove. The town is located on the south shore of Humber Arm in the Bay of Islands, extending parallel to the coastline for approximately 15 kilometres. Provincial Highway 450 runs through the town for approximately 18 kilometres. The Town's halfway point along Route 450 lies approximately 23 kilometres from the Trans Canada Highway at Corner Brook and 29 kilometres from the end of Route 450 highway in Lark Harbour.

Exhibit 2.3 shows the Humber Arm South municipal area relative to the other towns in the Bay of Islands. It directly borders the Town of York Harbour to the west and Mount Moriah to the east. The boundary with York Harbour extends for about half of a kilometre while the boundary with Mount Moriah is about 3.9 kilometres. Other towns in the region include the Lark Harbour, York Harbour, Corner Brook, Massey Drive, Steady Brook, Hughes Brook, Irishtown-Summerside, Meadows, Gillams, McIvers, and Cox's Cove. Pasadena and Deer Lake lie a few kilometres farther to the east.

Exhibit 2.1 Regional Setting

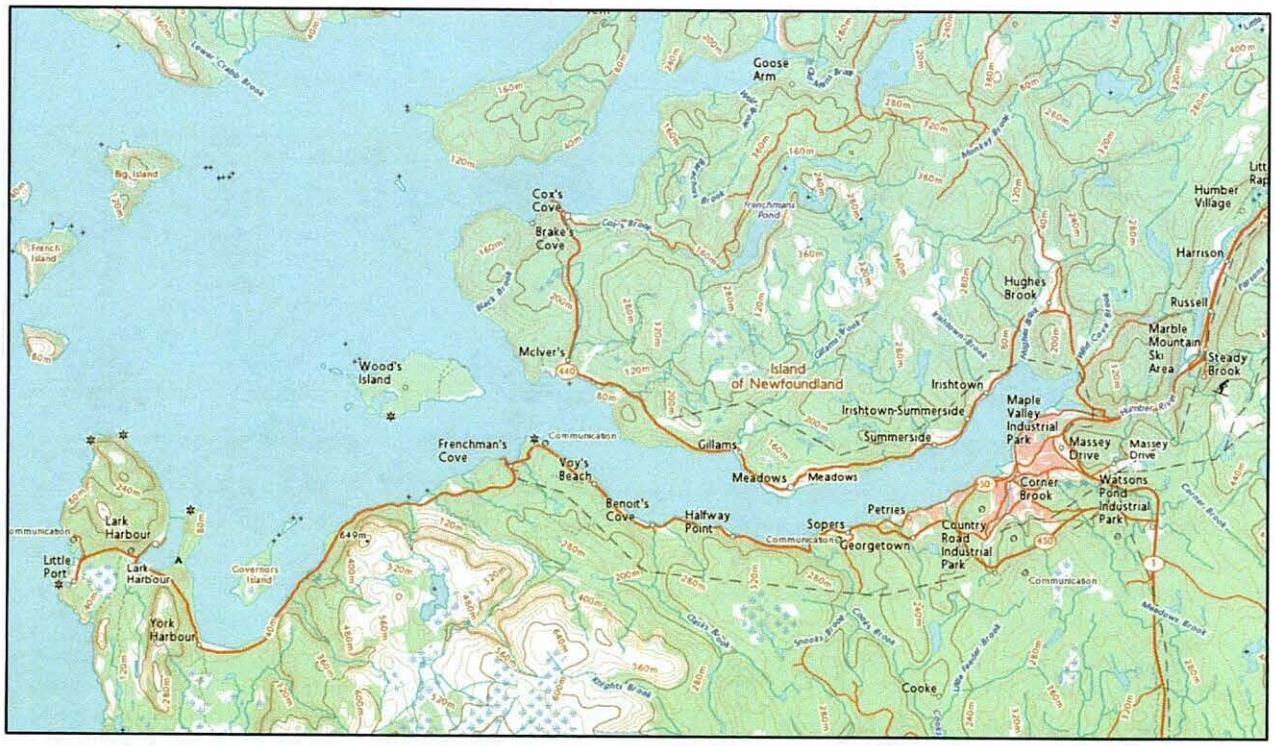


Exhibit 2.2 Local Setting

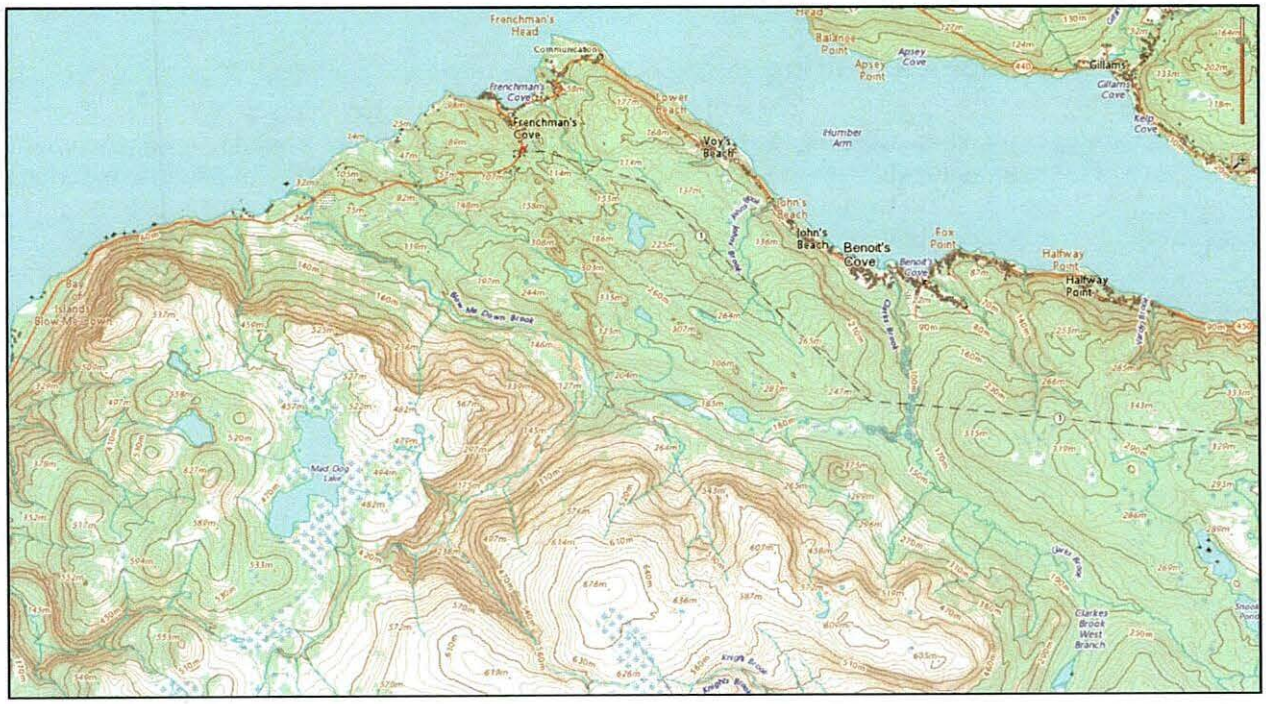
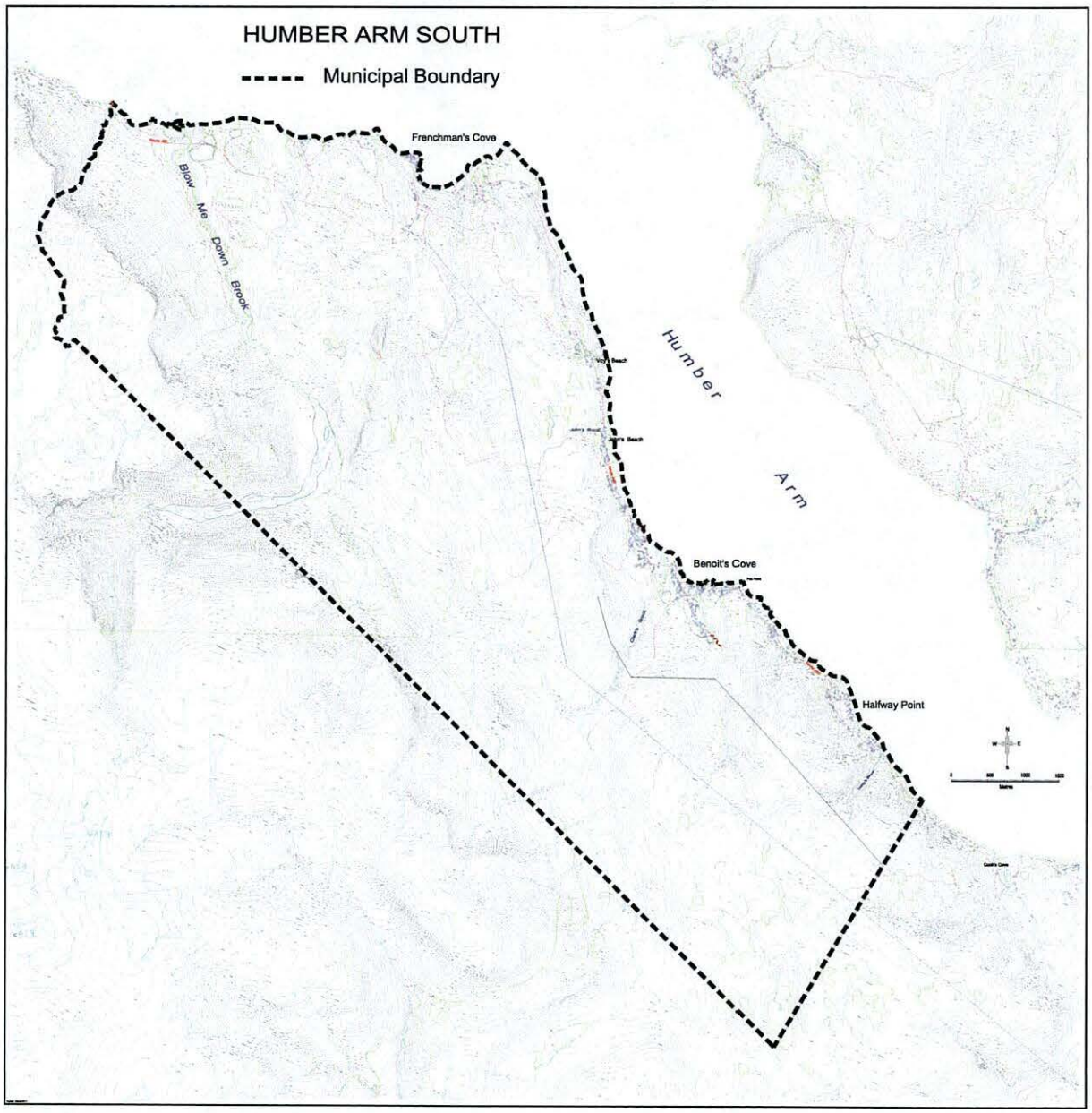


Exhibit 2.3: Humber Arm South in the Bay of Islands

Exhibit 2.4 shows the extent of the Humber Arm South municipal boundary. Built-up development is concentrated in three main locations – Halfway Point, Benoit's Cove and Frenchman's Cove. Generally hugging the coastline, most of the developed land lies less than half kilometre from saltwater. Away from the coast, land is mostly mountainous or hilly and forested.

Exhibit 2.4: Humber Arm South Municipal Area



2.2 Population

2.2.1 Current and Historical Population

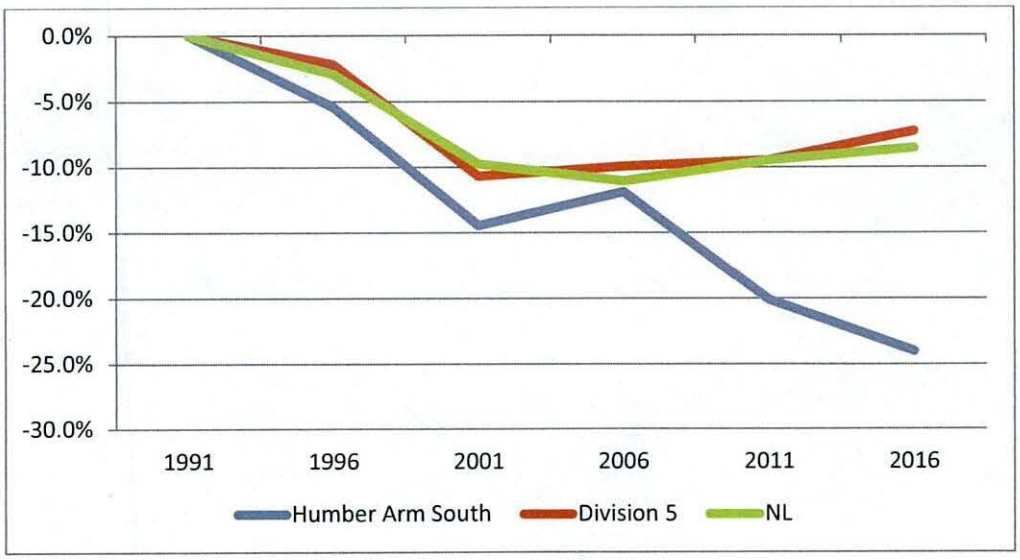
Exhibit 2.4 profiles Humber Arm South's population change over the 25-year period 1991-2016. This is compared to the Town's population change with two benchmarks – Census Division No. 5 of which the town is a part and the province as a whole.

Humber Arm South's population experienced a decline in four of the five Census periods since 1991 with an overall drop of 506 from 1991 to 2016. The 2016 population of 1,599 was 24.0% lower that its 1991 population of 2,105. Over the same 25-year period, the Western Newfoundland regional population declined by 7.3% while the provincial population dropped by 8.6%.

In the Open House discussions on April 22, 2021, a local developer expressed the opinion that the reason for the town's larger population decline compared to the region is its shortage of serviced land for new housing.

Exhibit 2.4 – Population Change Compared to Benchmarks
(2016 Census Profile)

Census	Humber Arm South		Census Division No. 5		Newfoundland and Labrador	
	Pop'n	Change	Pop.n	Change	Pop'n	Change
1991	2,105		45,314		568,474	
1996	1,990	-5.5%	44,319	-2.2%	551,792	-2.9%
2001	1,800	-9.5%	40,466	-8.7%	512,980	-7.0%
2006	1,854	+3.0%	40,805	0.8%	505,470	-1.5%
2011	1,681	-9.3%	41,004	0.5%	514,536	1.8%
2016	1,599	-4.9%	42,014	2.5%	519,716	1.0%
1991-2016	-506	-24.0%	-3,300	-7.3%	-48,758	-8.6%



2.2.2 Age Structure

Exhibit 2.6 profiles the median age of Humber Arm South's population from 2001 to 2016 and draws a comparison with the census region of which it is a part, the province, and the country. As with the benchmarks the town's population is getting older at a rapid rate.

Its 2016 median age of 47.8 compared to 48.0 in the surrounding region, 46.0 provincially, and 41.2 nationally. From 2001 to 2016, its median age increased by a margin of 10.8 years compared to 7.9 in the region, 7.6 in the province, and 3.6 in the country. As of 2016 the town's median age was 0.2 years younger than the region, 1.8 years older than the province, and 6.6 years older than the country.

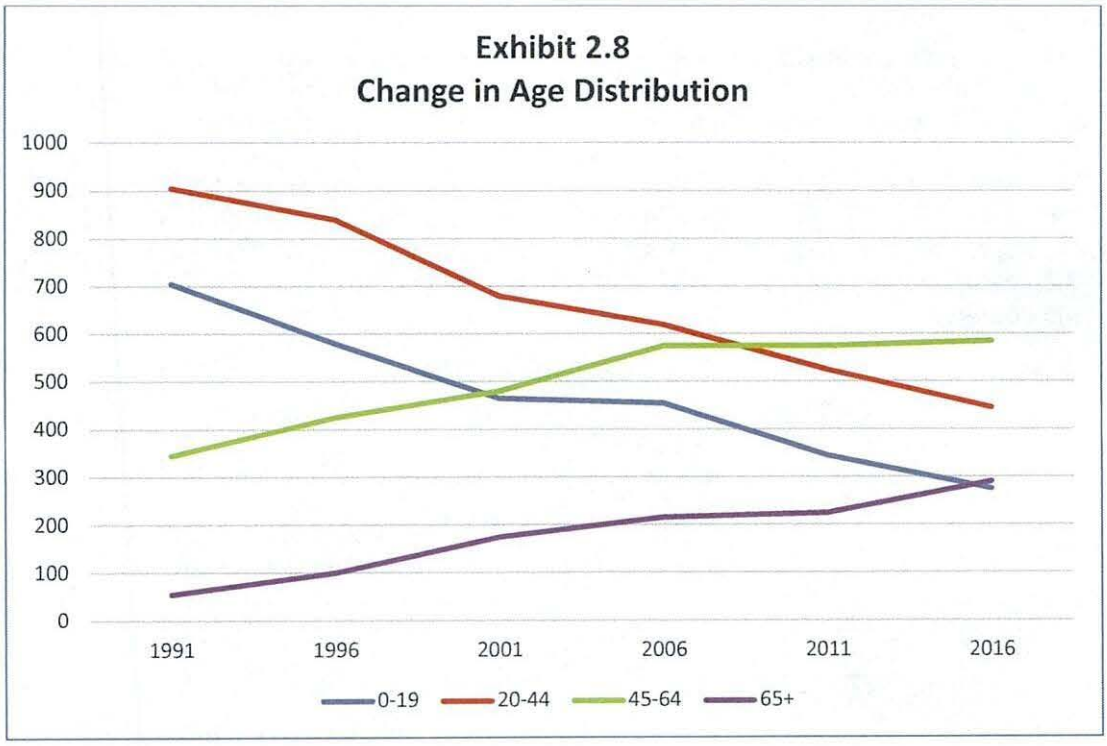
Exhibit 2.6
Median Age - Humber Arm South & Benchmarks
(2016 Census Profile)

Median Age of Population				
	Humber Arm South	**Division No. 5***	**NL**	**Canada**
2001	37.0	40.1	38.4	37.6
2006	40.5	43.1	41.7	39.5
2011	43.8	45.6	44.0	40.6
2016	47.8	48.0	46.0	41.2

As shown in Exhibits 2.7 and 2.8, the town's age distribution changed dramatically from 1991 to 2016. Whereas to 0-19 age group comprised 35.1% of total residents in 1991, this dropped to 17.2% in 2016. Similarly, the 20-44 group dropped from 45.0% in 1991 to 27.9% in 2016. In stark contrast over the period the 45-64 age group increased by 240 in absolute numbers and from 17.2% to 36.7% in proportion to the total population. Most profoundly the 65+ age group increased by more than 5 times from 55 in 1991 to 290 in 2016 and proportionately from 2.7% to 18.2% of the population.

Exhibit 2.7
Humber Arm South Age Distribution, 1991-2016
(2016 Census Profile)

Age Group	1991	1996	2001	2006	2011	2016
0-19	705 35.1%	580 29.8%	465 25.8%	455 24.4%	345 20.7%	275 17.2%
20-44	905 45.0%	840 43.2%	680 37.8%	620 33.2%	525 31.4%	445 27.9%
45-64	345 17.2%	425 21.9%	480 26.7%	575 30.8%	575 34.4%	585 36.7%
65+	55 2.7%	100 5.1%	175 9.7%	215 11.5%	225 13.5%	290 18.2%
Total	2010 100.0%	1,945 100.0%	1,800 100.0%	1,865 100.0%	1,670 100.0%	1,595 100.0%



2.2.3 Population Forecast

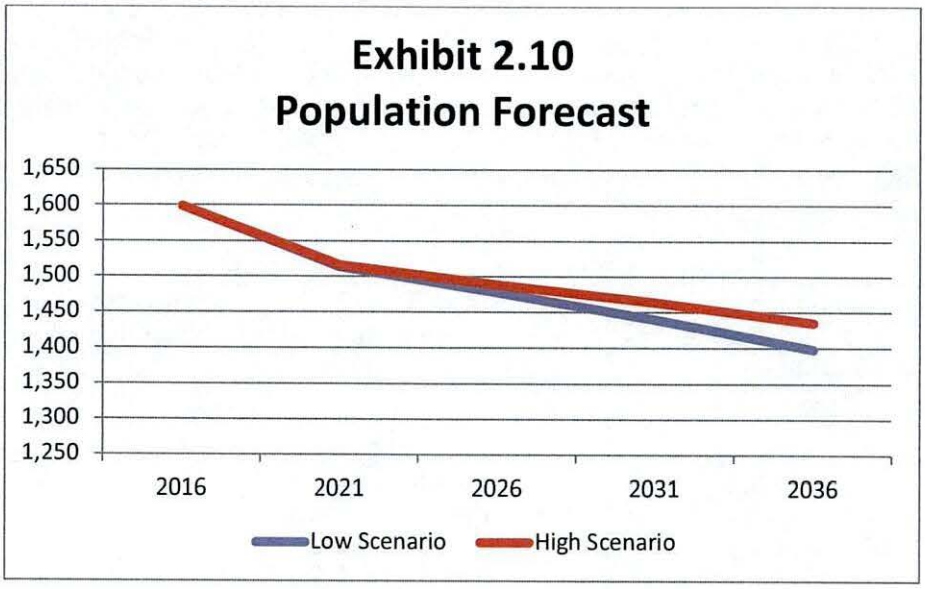
Humber Arm South is located in in Economic Zone 8. From 2006 to 2016, the Town's population declined by 13.8% while Zone 8 grew by 2.0%. A review of census data since 1991 indicates an average difference of about 3.5% between the rates of change for Humber Arm South and all of Zone 8.

The NL Statistics Agency provides population projections to 2036 for the province and each economic zone. These projections are based on low, medium and high scenarios. Over the next four census periods, the low, medium, and high projections for Zone 8 show the population declining in each five-year period from 2016 to 2036 under each scenario (NLSA 2017).

A population forecast for Humber Arm South was prepared using Government's low and high projections for Zone 8 as a benchmark. It assumes that the five-year rate of change in Humber Arm South will be an average 3.5% lower than the projected rate for Zone 8 as a whole. This is close to the actual differential between the town's population change over the previous 25 years and that of Zone 8 as a whole.

Exhibit 2.9 – Population Forecast to 2036

Year	Low-Growth Scenario			High-Growth Scenario		
	Pop'n	Change	% Change	Pop'n	Change	% Change
2016 (Actual)	1,599			1,599		
2021	1,514	-85	-5.3%	1,516	-83	-5.2%
2026	1,478	-36	-2.4%	1,489	-27	-1.8%
2031	1,440	-38	-2.6%	1,464	-25	-1.9%
2036	1,398	-42	-2.9%	1,435	-29	-2.0%
20-Year Change		-201	-12.6%		-164	-10.3%



2.3 Households and Housing

Change in housing needs in a community is driven by two factors – population change and change in average household size. Exhibit 2.12 compares actual changes in Humber Arm South's population and its housing stock from 1996 to 2016. It shows a population drop of 391 residents alongside a housing growth of 45 dwelling units. While the population fell by 19.6%, the housing stock increased by 7.1%. This housing growth resulted almost entirely from the drop in the ratio of population to dwellings from 3.16 in 1996 to 2.37 by 2016.

Exhibit 2.11
Housing Inventory 1996 - 2016
(2016 Census Profile)

	Population	Occupied Dwellings	Population per Dwelling
1996	1990	630	3.16
2001	1800	645	2.79
2006	1854	704	2.63
2011	1681	673	2.50
2016	1599	675	2.37
20-Year Change	-391 -19.6%	+45 +7.1%	-0.79 -25.0%

According to Statistics Canada, the shift to smaller households is a long-term trend driven by demographic and societal changes. For example, from 1961 to 2011 the average number of children per family dropped from 2.7 to 1.9. Single-person households and couples-without-children households both now outnumber couples-with-children households.

Exhibit 2.12 provides a forecast of Humber Arm South's housing needs based on the low and high scenarios of population change provided in Exhibit 2.10. It assumes that average household size will decline at a rate 0.13 persons per household in each five-year interval, similar to the rate of change from 2001 to 2016. Under the low scenario, there will be a need for approximately 81 dwelling units over the next twenty years for an average of 4.1 units per year. Under the high scenario, there will be a need for 101 units for an average of 5.1 units per year.

Exhibit 2.12
Estimate of Future Housing Needs – 2016-2036

Year	Forecast Person/ Household	Low-Growth Scenario			High-Growth Scenario		
		Population	Dwelling Units	Avg. New Units/Year	Population	Dwelling Units	Avg. New Units/Year
2016	2.37	1,599	675		1,599	675	
2021	2.24	1,514	676	0.2	1,516	677	0.4
2026	2.11	1,478	700	4.8	1,489	706	5.8
2031	1.98	1,440	727	5.4	1,464	739	6.6
2036	1.85	1,398	756	5.8	1,435	776	7.4
Total Increase		-201 (-12.6%)	81 (12.0%)	4.1	-164 (-10.3%)	101 (15.0%)	5.1

Exhibit 2.13 profiles Humber Arm South's occupied housing stock by dwelling type. It shows that in 2016 detached dwellings made up 94.8% of total dwellings with hardly any proportional change from 2006.

Exhibit 2.13
Housing by Dwelling Type 2006-16
(2016 Census Profile)

	2006		2016		Change
	Number	Percent	Number	Percent	2006-16
Single Units	674	95.8%	640	94.8%	-34
Double Units	15	2.1%	10	1.5%	-5
Mini-homes			5	0.7%	
Apartment Units	15	2.1%	20	3.0%	+5
Total	704	100.0%	675	100.0%	-29

Exhibit 2.14 shows the change in owner and renter occupied housing over the 2006-16 period. It shows that owner occupied dwellings continue to dominate the housing stock with very little change from 2006.

Exhibit 2.14
Owner Occupied Versus Renter Occupied Housing: 2006-16
(2006 and 2016 Census Profiles)

	2006		2016		New Units	
	Number	Percent	Number	Percent	Number	Percent
Owner Occupied	620	87.9%	615	89.8%	-5	53.3%
Renter Occupied	85	12.1%	70	10.2%	-15	46.7%
Total	705	100.0%	685	100.0%	-20	100.0%

Exhibit 2.15 shows the age of housing in the town as of 2016. Of the town's 685 dwellings, 360 or 52.5% were built before 1980 and 325 or 47.5% were built after. In comparison at the regional level, 57.8% of units was built prior to 1980 and 42.2% after. In the province, 52.4% was built prior to 1980 and the remainder after.

Exhibit 2.15 also provides data on the condition of housing in 2016. It shows that 10.2% of the town's housing stock (approximately 70 units) needed major repairs. In comparison, 6.2% and 7.4% needed major repairs respectively in the surrounding region and the province as a whole.

Exhibit 2.15 **Age of Housing 2016** (2016 Census - Dwellings by Period of Construction)				
	Humber Arm South		Division 5	NL
	Number	Percent	Percent	Percent
1960 or before	70	10.2%	22.7%	19.8%
1961-1980	290	42.3%	35.1%	32.6%
1981-1990	135	19.7%	13.6%	15.6%
1991-2000	110	16.1%	11.1%	11.6%
2001-2010	60	8.8%	11.3%	13.0%
2011-2016	20	2.9%	6.2%	7.4%
	685	100.0%	100.0%	100.0%
Condition of Housing 2016 (2016 Census - Dwellings by Dwelling Condition)				
Needs regular maintenance only		89.8%	93.0%	93.5%
Needs major repairs		10.2%	7.0%	6.5%

Exhibit 2.16 compares average household size in Humber Arm South with the surrounding census region and the province as a whole. Between 2001 and 2016 the average number of residents per household in the town dropped from 2.6 to 2.4. In 2016 Humber Arm South's average household size of 2.4 residents compared to 2.3 in both the region and the province.

Exhibit 2.16 – Average Household Size (Community Accounts - Housing)			
	Humber Arm South	**Census Div. 5**	**NL**
Average Household Size (Census Profiles)			
Persons/Household 2001		2.7	2.7
Persons/Household 2006	2.6	2.5	2.6
Persons/Household 2011	2.5	2.4	2.4
Persons/Household 2016	2.4	2.3	2.3

An interesting aspect of 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 2.17 calculates the number of unoccupied dwellings as the difference between the number of private dwellings and occupied dwellings as identified in the Humber Arm South Census Profiles. Unoccupied dwellings over the period increased from a low of 39 in 2001 to a high of 78 in 2006. As a proportion of the total, unoccupied dwellings ranged

from 5.7% of the total in 2001 to 10.0% in 2006. In 2016 46 or 6.4% of Humber Arm South's housing was unoccupied.

Exhibit 2.17
Estimate of Unoccupied Dwellings
(derived from Census Profiles)

	Total Dwellings	Occupied Dwellings	Unoccupied Dwellings	
2001	684	645	39	5.7%
2006	782	704	78	10.0%
2011	726	673	53	7.3%
2016	721	675	46	6.4%

2.4 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 the Provincial Archaeology Office, Energy Branch, Office of Climate Change, Water Resources Management Division, Forestry Division, GIS and Mapping, Agricultural Land Management, Mines Branch, Local Governance and Planning, Digital Government and Service NL, and Wildlife Division.

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

2.4.1 Digital Government and Service Newfoundland and Labrador

We would like to advise that any development on the referenced property may require permits and/or approvals from the Government Service Centre.

It is advised that prior to the start of any development, the proponent contact the Regional Office of the Government Service Centre, Sir Richard Squires Building, P. O. Box 2006, 84 Mount Bernard Avenue, Corner Brook, NL, A2H 6J8, Telephone (709) 637-2204, Fax (709) 637-2681 in order to discuss any relevant permits and or approvals that may be required.

2.4.2 Local Governance and Land Use Planning (Municipal and Provincial Affairs)

Submission Standards

The Local Government and Land Use Planning Division has developed submission standards which prescribes the required form for the submissions of planning documents as per section 10(3), 15(2), 16(2) and 23 (4) of the Urban and Rural Planning Act, 2000. The Division expects submission packages to be complete, acceptable to Council, and that the submitted documents and maps be signed and stamped with the planner's professional stamp.

The submitted documents must adheres to the Urban and Rural Planning Act, 2000 and the text and maps must adhere to the standards established on the Department's website https://www.gov.nl.ca/eccm/department/branches/divisions/local-governance-division/submission-standards/. In particular, the planning consultant is responsible for ensuring that policy statements in the Municipal Plan are fully reflected in the Development Regulations.

Public Consultation and Transparency

Section 14 of the Urban and Rural Planning Act, 2000 outlines public consultation requirements. In general terms, public consultation must include:

- Consultation opportunities for a range of stakeholders and government departments to:
  - Provide input; and
  - Receive information on the development of the plan and regulations.
- Consultation must:
  - Reflect the size, structure and complexity of planning and policy issues; and
  - Include presentation of relevant land use and other studies or surveys that inform the plan and regulations.

To ensure that the planning process is transparent, an opportunity must be provided for residents, stakeholders, and other interested parties to review the final draft plan before it is submitted to LGLUP for section 15 review and release.

Please ensure that a statement outlining the public consultation process is included with the submission of the final draft municipal plan and development regulations and within the Municipal Plan. This statement must demonstrate how these public consultation requirements have been met. Please ensure that supporting documentation is included with your submission. The submission standards outline acceptable supporting documentation.

Interdepartmental Committee on Land Use (ILUC)

Please ensure that the interests and provincial policy identified in the ILUC referral are addressed in the Municipal Plan and Development Regulations. Please provide LGLUP with any additional correspondence or consultation with relevant government departments as part of the section 15 submission.

Highway Signs

The *Highway Sign Regulat*ions apply to all highways constructed and maintained by the Department of Transportation and Infrastructure. A permit is required for any sign erected within designated control lines of a highway. Government Service Centre, Digital Government and Service NL, is the authority for the *Highway Sign Regulations*. (https://www.assembly.nl.ca/Legislation/sr/regulations/rc990085.htm)

According to section 5, the control lines extend 400 metres from the centerline of the road expect within an incorporated municipalities where the control line extends 100 metres from the centerline. Within this control line, corridor 1 is reserved for regulatory, directional and fingerboard information signs. Off-site promotional signs are restricted to those associated with uses listed in the Schedule and are restricted to corridor 2. The *Highway Sign Regulations* do not provide for other types of off-site signage including digital signs. The requirements of the Highway Sign Regulations must be reflected in Municipal Plan and Development Regulations.

The *Highway Sign Regulations* provide an opportunity for municipalities to apply for an exemption. This exemption only applies where the speed limit is less than 60 km. In order to do

so, the sign regulations must be drafted and circulated to the Departments of Tourism, Culture, Arts and Recreation, Transportation and Infrastructure and Digital Government and Service NL. Once these regulations are accepted by these departments, LGLUP will release the plan and regulations. Council can then formally request an exemption to the *Highway Sign Regulations* – Council must be able to demonstrate that it has adequate policy guidance and regulatory controls (including enforcement) to administer its sign regulations. The Municipal Plan and Development Regulations will not be registered until the Department of Environment and Climate Change has approved the exemption request.

2.4.3 Climate Change Branch (Environment and 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 near a river, floodplain, or coastline. The CCB suggests that provincial climate change projections for Deer Lake and Stephenville (nearest regional sites) be considered in development stages. These projections suggest that extreme precipitation events will become more intense.

For example, in Deer Lake:

- On a 24-hour basis, a 1-in-100-year storm is expected to bring 113 mm of precipitation by mid-century, an increase from the current climate's 85 mm (32% growth); and
- On a 12-hour basis, a 1-in-100-year storm is expected to bring 92 mm of precipitation by mid-century, an increase from the current climate's 70 mm (31% growth).

In Stephenville:

- On a 24-hour basis, a 1-in-100-year storm is expected to bring 148 mm of precipitation by mid-century, an increase from the current climate's 133 mm (11% growth); and
- On a 12-hour basis, a 1-in-100-year storm is expected to bring 111 mm of precipitation by mid-century, an increase from the current climate's 100 mm (11% growth).

More information on climate data can be provided by contacting Jennifer Forristall-Prim (729-1485) or at the following link: Climate Data - Environment, Climate Change and Municipalities (gov.nl.ca).

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

2.4.4 Water Resources Division (Environment and Climate Change)

Recommendation: Approval (Conditional)

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) https://www.gov.nl.ca/eccm/waterres/ is responsible for the management of water resources of the province of Newfoundland and Labrador. The WRMD has programs to protect, enhance, conserve, develop, control, and effectively utilize the water resources of the province.

General for All Responses
Application forms for permits and licences, fee schedules, and guidelines are available at: https://www.gov.nl.ca/eccm/waterres/regulations/appforms/.

Conditions
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 in any body of water (including wetland) prior to the start of construction.
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.

Non-Domestic Water Use for Any Purpose
Prior to the start of construction, the proponent must apply for and obtain a water use licence under the Water Resources Act, 2002 http://assembly.nl.ca/Legislation/sr/statutes/w0401.htm for the use of water from any water source for any purpose. This must be stated for all non-domestic uses with an existing, new or planned water use from any water source.

Development in Shore Water Zones
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 in Shore Water Zones prior to the start of construction. Also, any work in the Shore Water Zones must comply with this Department's Policy for Development in Shore Water Zones: https://www.gov.nl.ca/eccm/waterres/regulations/policies/shore-water/

Infilling within 15 metres of Bodies of Water
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 infilling work within fifteen (15) metres of a body of water prior to the start of infilling. Also, any proposed infilling within fifteen (15) metres of a body of water must comply with this Department's Policy for Infilling Bodies of water: https://www.gov.nl.ca/eccm/waterres/regulations/policies/bodies-of-water/

Water Resources
- In any area designated a protected public water supply area (PPWSA) under Section 39 of the *Water Resources Act*, development activity in this area must adhere to the *Policy Directive for Land and Water Related Developments* in PPWSA and be approved of by the Minister of Municipal Affairs and Environment.
- The Gurges Pond PPWSA, used as a drinking water source by the town of Humber Arm South is entirely contained within the proposed MB.
- The Dormody's Brook PPWSA, used as a drinking water source by the town of Humber Arm South is partially contained within the proposed MB.
- The installation of any water or sewer mains requires approval of ENVC under Sections 36 and 37 of the *Water Resources Act*. Water and sewer shall be designed according to the NL *Guidelines for the Design, Construction and Operation of Water and Sewerage Systems.*

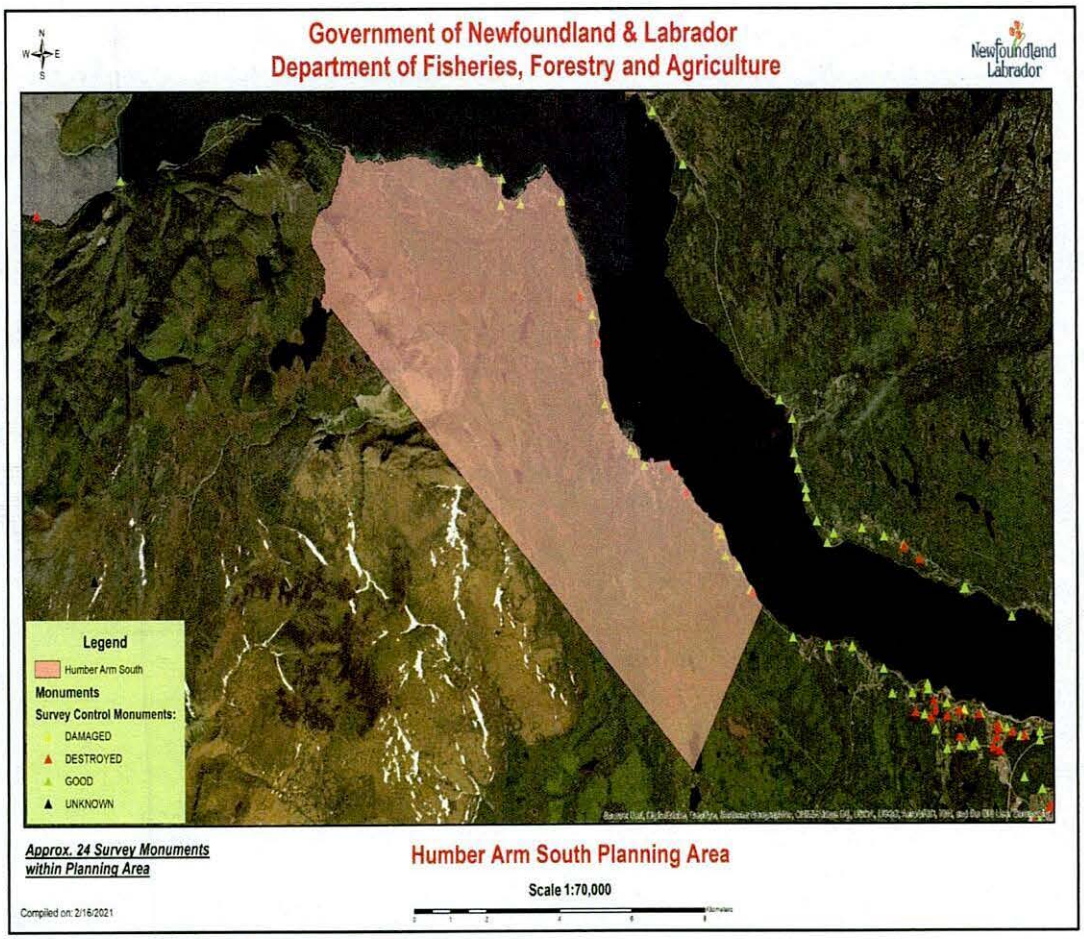
2.4.5 Crown Lands (Fisheries, Forestry and Agriculture)

There are numerous issued Crown Lands titles within the Municipal Planning Area. There are also numerous Crown Lands applications currently being processed; the majority of which, if not all, would have been referred to the Town. Any land use zones created and/or amended should take in to account the uses for which the titles and applications are approved for.

2.4.6 GIS and Mapping Division (Fisheries, Forestry and Agriculture)

There are approximately 24 survey monuments in the municipal planning area for the Town of Humber Arm South. Under the Lands Act a surveyor may enter upon lands at any time for the purpose of making observations to or from a control survey marker. The Lands Act also provides that a person who knowingly or willfully pulls down, defaces, alters or removes a control survey marker is guilty of an offence and liable on summary conviction to a fine not exceeding $500 or imprisonment for a period not exceeding 3 months.

GIS and Mapping Division is required to be contacted (GMD@gov.nl.ca) if works within the town have the potential of disturbing an existing Control Survey Marker. The locations of the markers can be viewed at https://arcg.is/y1HiH .



2.4.7 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 (Wildlife Division, Corner Brook) at 637-2013 or jonathansharpe@gov.nl.ca for more information.

The Wildlife Division would like to make the Town of Humber Arm South that the SW portion of the MPA falls within an area designated as a Sensitive Wildlife Area for caribou. The Wildlife Division suggests that the Town contact them prior to any new development taking place in this area so that proper mitigations may be put in place, if needed.

The Wildlife Division would like the municipality to consider general wildlife habitat and landscape connectivity during the next phase of their 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) To maintain 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 (note that some raptors start breeding in March) as disturbance can be most detrimental during that sensitive breeding/ young rearing period.

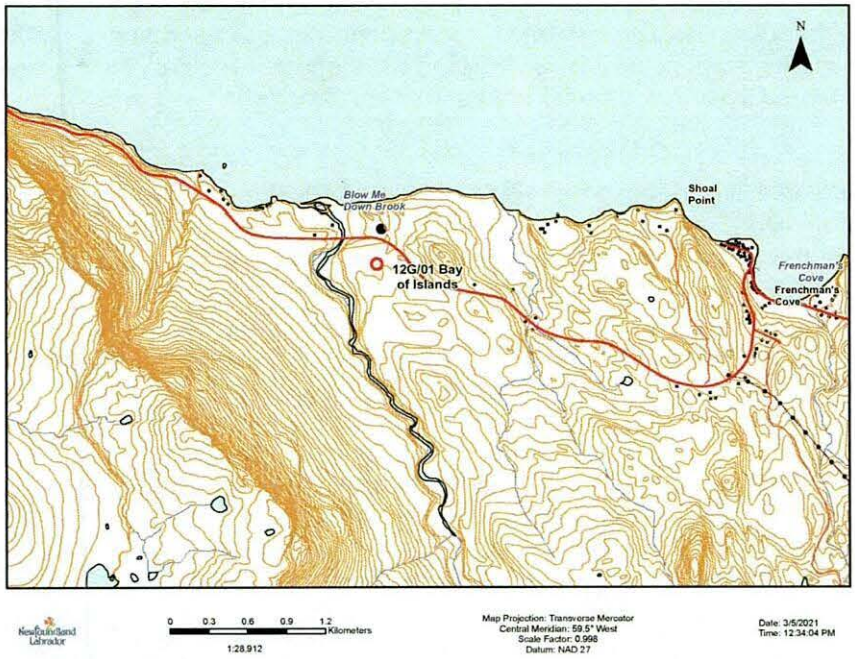
2.4.8 Mines Branch (Industry, Energy and Technology)

The Mines Branch, Department of Industry, Energy, and Technology, regulates quarrying, mineral exploration, and mining within the province. All municipalities with planning authority should ensure that their Municipal Plan and Development Regulations adequately address these activities.

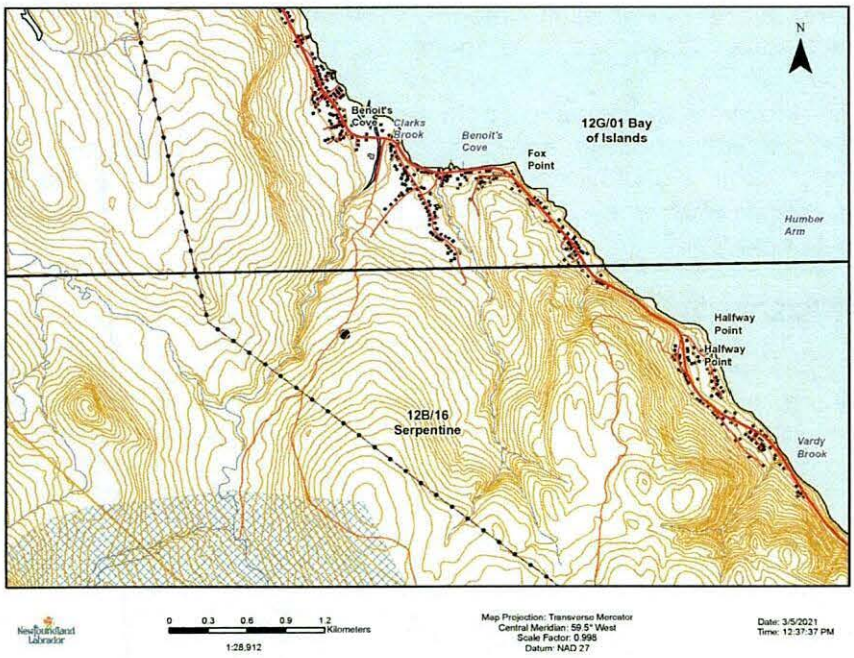
2.4.8.1 Quarries and Aggregate Potential

The Town of Humber Arm South Municipal Planning Area (MPA) contains at present two sites corresponding to a quarry permit, one near Blow Me Down Brook, the other inland near Clarks Brook – approximate point locations are depicted as large black dots on attached maps 1 and 2. A third quarry permit has been applied for near Blow Me Down Brook – approximate point location is depicted as a red circle on attached map 1.

Mines Branch response ILUC 1803 Humber Arm South MPR _ map 1



Mines Branch response ILUC 1803 Humber Arm South MPR _ map 2



The relatively low-lying areas near the mouths of Blow Me Down Brook and Clarks Brook are recognized for their aggregate resource potential (i.e., potential to contain sand and gravel deposits of sufficient size and quality for quarrying). The relatively low-lying areas near Frenchman's Head, Frenchman's Cove, and Shoal Point, and the coastal stretches between Benoit's Cove and John's Brook and Voy's Beach and Frenchman's Head are also recognized for their aggregate resource potential, though the potential for these areas is considered to be lower than the areas around Blow Me Down Brook and Clarks Brook.

Mineral exploration and mining

The Town of Humber Arm South MPA has not seen high levels of historic mineral exploration, at least not within the past several decades. However, the Town should nonetheless anticipate that mineral exploration may take place within the MPA in the future and that new mineral discoveries of potential economic significance may be made. Given the local geology, future mineral exploration is most likely to take place in those areas of higher elevation in the western portions of the MPA.

Standard feedback for municipalities drafting or revising their municipal plan and development regulations

The Municipal Plan and Development Regulations shall adhere to the following:
"Mineral exploration (development)" shall be defined as:

i. the search for and sampling of minerals or quarry materials where the activity or activities involved meet the definition of "development" under the Urban and Rural Planning Act. "Mineral" and "quarry material" for the purpose of interpreting the definition of mineral exploration (development) are as defined in the provincial Mineral Act and Quarry Materials Act, 1998, respectively. Mineral exploration does not include mining or mineral working (e.g., quarrying). Activities which meet the definition of mineral exploration (development) are to be contrasted with mineral exploration activities that do not meet the definition of development, examples of which typically include traditional prospecting, geochemical sampling surveys (of rock, soil, sediment, water, or vegetation), ground-based and airborne geophysical surveys, and the cutting of survey lines.

2. "Mineral working" shall be defined as:

i. an operation consisting of one or more of the following activities: the digging for, excavation, and removal of quarry materials (i.e., quarrying) (may involve blasting), the removal of quarry materials previously excavated, the removal of quarry materials previously deposited on site, the stockpiling of quarry materials, the processing of quarry materials (e.g., crushing, screening, washing), the production of civil construction materials which use quarry materials in their natural form (e.g., asphalt, concrete), the re-processing of quarry materials including from reclaimed civil construction materials (e.g., reclaimed asphalt, concrete), the production of soil by blending organic materials with quarry materials, or the treatment or remediation of soil. "Quarry material" for the purpose of interpreting the definition of mineral working is as defined in the provincial Quarry Materials Act, 1998. Mineral working does not include mining but may include mineral exploration (development) as a secondary

activity. Mineral working does not include the excavation and removal of quarry materials as a by-product of an approved development.

3. "Mining" shall be defined as:

   i. an operation involving the extraction of a mineral for sale and for which a mining lease is required under the provincial Mineral Act administered by the Department of Industry, Energy, and Technology. "Mineral" for the purpose of interpreting the definition of mining is as defined under the Mineral Act. Mining may include, as secondary activities, mineral exploration (development) and mineral working. Note that under the Mineral Act dimension stone (i.e., stone used for building facades, gravestones, etc.) is considered a mineral in Newfoundland but a quarry material in Labrador.

4. Mineral working at quarry sites established before a zoning or other planning decision which restricts or disallows mineral working shall be considered a non-conforming use as per section 108 of the Urban and Rural Planning Act and allowed to continue accordingly.

5. Development Regulations typically establish minimum separation distances or buffers between mineral workings and adjacent uses. Development Regulations shall also contain a statement to the effect that where the municipal authority is satisfied that the mineral working will not adversely affect the specified adjacent use or natural feature, mineral working may be permitted closer than the minimum separation distance or buffer specified. By allowing the municipality to waive pre-set separation distances where it is satisfied there will be no adverse effect provides for greater flexibility in selecting sites where mineral workings may be permitted. Such flexibility is especially important in larger municipalities where the demand for construction aggregate is greater while at the same time space more limited. Where mineral workings are proposed within a specified distance of a specified adjacent use or natural feature that could be adversely affected by the mineral workings, special conditions should be applied to mitigate, reduce, limit, or eliminate the anticipated negative effects.

6. Development Regulations shall also contain a statement to the effect that, where a minimum required distance was originally observed when choosing the location of a mineral working, the mineral working shall not be discontinued or impeded where the buffer is reduced to less than the required distance due to encroachment of development or zoning boundaries towards the mineral working.

7. In the Table of Use Classes, mineral working, mineral exploration (development), and mining shall each be listed as their own, distinct Use Class. The same applies to petroleum exploration and extraction.

<u>The Municipal Plan and Development Regulations should adhere to the following:</u>
Mineral exploration (development) should at least be 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.

8. Mineral working should be a permitted use in areas zoned Rural and at least a discretionary use 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 city. Areas of recognized aggregate resource potential (where identified) and areas where quarrying is already an established land use should be prioritized for being zoned such that mineral working is a permitted use. Some municipalities establish a dedicated Mineral Working zone for preserving areas for quarrying, whereas most municipalities rely on the Rural zone to preserve space for resource uses such as quarrying. 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.

9. 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 will send a copy of the development permit to the Quarry Materials Section, Mineral Lands Division, Department of Industry, Energy, and Technology, at quarries@gov.nl.ca. Note that quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat." It is important that the Department of Industry, Energy, and Technology have the documentation necessary to distinguish excavation associated with an approved development from excavation that constitutes quarrying; possessing development permits for developments which may involve excavation will assist greatly in making this distinction.

Background regulatory information:
Quarrying (the most common type of mineral working) and mineral exploration are 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 in the province:

a) The Mineral Lands Division, Mines Branch, Department of Industry, Energy, and Technology, 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 however the holder of a quarry permit one year gets the first opportunity to re-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 for larger or longer-term quarries, where specific concerns would be better addressed through issuance of a lease, or for other reasons as specified under section 8(9) of the Quarry Materials Act, 1998. Quarry leases 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 Industry, Energy, and Technology 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 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 municipality have concerns about any quarrying activity, whether before or after the issuance of a quarry permit or lease, the municipality should contact the Mines Branch, Mineral Lands Division, in order to have the concerns addressed.

b) The Mineral Lands Division, Mines Branch, Department of Industry, Energy, and Technology, 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 municipality have concerns about any mineral exploration activity, whether before or after the issuance of an exploration approval from the Department of Industry, Energy, and Technology to conduct the work, the municipality 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, survey 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.

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

2.4.8.2 Geological Hazard Potential

The Mines Branch, through the Geological Survey of Newfoundland and Labrador, studies the potential for geological hazards in the province, including the potential for hazards related to the effects of climate change. All municipalities with planning authority should take the potential for geological hazards into account when making planning decisions, including zoning. In order to assist municipalities in this respect, the Geological Survey has prepared documents describing coastal and slope-related hazards in the province, respectively – please see attached. The documents are intended to be an information resource for municipalities and other parties involved in development.

The Geological Survey of Newfoundland and Labrador (GSNL) offers the following updated comments on the geological setting and potential geological hazards within and near the Town of Humber Arm South.

The bedrock geology of this area is part of the Humber Arm Allochthon and includes siliciclastic marine rocks, mafic marine volcanic rocks, sedimentary rocks, and ophiolitic rocks, which range in age from early Cambrian to middle Ordovician.

The surficial sediments within the Town of Humber Arm South are predominately thin and eroded glacial materials (till). Glaciofluvial sediments (sand and gravel) occur in association with streams, and marine sediments (pebble/cobble beaches, silt and clay) have been identified in Frenchman's Cove and near John's Beach. In this area, the "marine limit" (the current elevation of the former maximum relative sea level during the last glacial period) is 60 meters (m) above mean sea level (amsl). As a result, additional marine sediments may be found below 60 m amsl elevation beyond those described here.

The location of Humber Arm South in proximity to Humber Arm to the east, and steep terrain to the west, make it susceptible to potential hazards, such as storm surges, coastal and stream erosion and flooding, and landslides, as noted in the town's Municipal Plan and Development Regulations.

Historical accounts of landslides, avalanches and flooding have been documented in neighboring communities including Corner Brook, Curling, and York Harbour. (https://www.gov.nl.ca/iet/mines/publicoutreach/geologicalhazard/).

Hazard risk may increase during rainfall events, large storms, and/or spring snowmelt events. The town should be aware that the buildup of snow in areas of moderate to steep slope poses a possible risk for avalanches. GSNL cannot comment on the probability of slope movement hazards (either landslide or avalanches). It is recommended the town consult a geotechnical engineer prior to any development on slopes.

GSNL has not established a coastal erosion-monitoring site within Humber Arm South. The closest site is in the community of York Harbour. Average annual erosion rate estimates for York Harbour are currently being assessed as part of the Provincial Coastal Monitoring Program. No erosion rates have been determined for the Bay of Islands. The average provincial set-back limit of 30 m for coastal areas is therefore recommended.

GSNL supports these existing Municipal Plan and Development Regulations relating to reducing the risk of mass movements and coastal hazards, and supporting coastal protection:

1. Require a development proposal for development on slopes whose gradients exceed 15-20%.
2. Prohibit development on slopes whose gradients exceed 20%; and
3. Prohibit development in areas identified as potentially hazardous (Section 61.1 and 61.2, page 25, Town of Humber Arm South Development Regulations, 2011).
4. No new developments in areas vulnerable to coast flooding (Section 58.3, page 23, Town of Humber Arm South Development Regulations, 2011).
5. Waterway protection in the form of a 15 m buffer to development along a waterway or wetland and 30 m buffer (set back) along marine coastlines and estuaries Section (67.2, page 26, Town of Humber Arm South Development Regulations, 2011).
6. Develop and maintain a future land use map that delineates areas of restricted development or environmental protection, including areas prone to hazards such as landslides, erosion and flooding.

GSNL also recommends the following updates to the Municipal Plan for 2021:

A. Updated future climate predictions (e.g., https://tinyurl.com/y55rz8yh) should be incorporated into the Municipal Plan. Specifically, the Humber Arm South Municipal Plan should be updated (page 5) to include the recommendation that "any development in the coastal areas should be restricted below **4 m** above present mean sea level (1 m sea level rise plus 1 m storm surge). Restrictions in the **4 to 6 m** amsl range should be considered depending on the setting and history of flooding."
B. It is recommended that the 30 m buffer identified in section 2.15(2) on page 13 also be added to Section 1.2 on page 4.

The town should be aware that the buildup of snow in areas of moderate to steep slopes may pose a risk for avalanches, particularly near the western boundaries of the Municipal Plan area.

General Comments on Coastal Hazards in Newfoundland and Labrador

The following comments on coastal erosion and flooding are provided from the Geological Survey of Newfoundland and Labrador (GSNL), Department of Industry, Energy and Technology, for the purpose of informing development planning decisions. These observations were made based on fieldwork, surficial geology mapping, and data collected as part of GSNL's Coastal Monitoring Program. Some of the areas discussed below may not apply to the location or community under review. More information is available. If interested, please contact:

Jennifer Organ, Project Geologist
Geological Survey of Newfoundland and Labrador
Phone (709) 729-1664
Email: jenniferorgan@gov.nl.ca

Newfoundland and Labrador has a long history of geological disasters; more than 290 incidences have been recorded from 150 communities for the period of record. Understanding past-, current- and future-landscape change is integral to assisting municipal planners make constructive land-use decisions and aids the municipal planning process by highlighting areas of potential risk for geological hazards. For more information on past hazards, visit https://www.gov.nl.ca/iet/mines/publicoutreach/geologicalhazard/.

Flooding

Flooding affects both inland and coastal areas. River floodplains are generally low, flat areas adjacent to modern rivers where water overflows the riverbanks when river flow is greater than river-channel capacity. Flooding may occur during precipitation events (e.g., rain, snow), or result from ice jams or debris dams. Areas near river mouths are particularly vulnerable to flooding during periods of unusually high tides.

Flood-risk maps for many areas of the province have been issued by Environment Canada and the Newfoundland and Labrador Department of Environment and Climate Change. These maps document historical events and outline areas of potential threat from 1:100-year flood events. The responsibility for river flooding related issues lies with the Water Resources Management Division (WRMD), Department of Environment and Climate Change. Please consult WRMD regarding any river-related development. Visit https://www.gov.nl.ca/eccm/waterres/flooding/ for more information.

Low-lying coastal areas may be inundated by the sea, especially if coastal protection (including beaches) is breached. Waves at the coast (wave climate) are controlled by numerous factors, including:

- **weather** (e.g., stronger winds produce larger waves),
- **fetch** (the distance of open ocean over which the wind can blow with constant speed and direction; larger fetch leads to the potential for larger waves),
- **nearshore bathymetry** (a gently sloping sea floor near the shore can lead to larger waves than a steep sea floor),
- **tides** (large waves on a high tide will have more impact on the coastline than the same waves on a low tide) and
- **storm surge** is an increase in mean water level produced by a combination of water pushed ashore by wind during a meteorological event (e.g., a hurricane or major depression), and the increase in surface water elevation in areas of low pressure. In some places, storm surge in combination with normal tidal activity can increase mean water level by 5 meters or more, and the most damaging storm surges typically occur during a high tide.

Human activities have direct and indirect impacts on flood potential, and modifications of the environment may unintentionally enhance flooding. Examples include:

- Impermeable ground surfaces. Paving or other modifications to previously permeable surfaces will lead to more runoff and can increase the risk of flooding.
- Culvert design and maintenance. Properly designed, installed, and maintained culverts can divert water away from a flood-prone area, but they must be kept clear of debris.
- Coastal zone environmental degradation. All-terrain vehicle (ATV) and foot traffic on dunes and barrier beaches can cause erosion and enhance blowouts. Degradation to these natural coastline protection features can increase susceptibility to seawater overwashing and breaching.

For more information on coastal vulnerability, contact Jennifer Organ at GSNL (709-729-1664 or jenniferorgan@gov.nl.ca).

Coastal erosion

In Newfoundland and Labrador, steep shoreline cliffs are common features. Coastal cliffs are subject to erosion. The rate of erosion is controlled by numerous factors, including wave impact, cliff composition (geology), surface runoff, groundwater flow, wind, and beach width and height. Cliffs composed of unconsolidated materials generally erode more rapidly than bedrock cliffs. Many of our unconsolidated cliffs are formed in till, a sediment composed of a wide range of grain sizes deposited by a glacier, but cliffs composed of sand, sand and gravel, and silt and clay are also found. The actions of wind and water—including waves, groundwater, and surface water—will erode unconsolidated cliffs, especially if there is no vegetation cover to stabilize the sediment. Surface water can carve gullies and rills into the cliff face/slope; groundwater flows laterally along impervious layers in the cliff sediments and can erode the cliff material where it exits the cliff; and wind can remove sand-sized sediments from the cliff face. If there are cobbles or boulders in the cliff face, they may be released by erosion and roll down to the base of the cliff, where they may provide some protection from wave erosion.

Waves may erode the base of cliffs composed of unconsolidated sediments. This process leads to over-steepening of the cliff as material is removed from the base. Over-steepening causes instability in the materials above, and may trigger a landslide, which is the rapid, downward movement of material due to gravity. Wave erosion can therefore result in significant loss of coastal cliffs (meters to tens of meters) within a short time. The rate of wave erosion at the base of cliffs is controlled by the wave climate, and the width and shape of the beach (low-lying, narrow beaches commonly result in greater wave impact than wide, steep beaches).
Human activities may have direct and indirect impacts on coastal erosion, and modifications to the natural environment may unintentionally enhance erosion. Examples include, but are not limited to:

- Interruption of longshore drift. Solid structures such as groins or jetties decrease longshore drift, resulting in the accumulation of sediment on the up-drift side, and erosion on the down-drift side of the structure.
- Coastline hardening. Hardening of the coastline with boulders, concrete, or other solid materials can reduce sediment supply to down-drift beaches.
- Cliff vibration. The vibrations from vehicles or construction operations can trigger a landslide in unconsolidated cliff materials.
- Vegetation clearing. The removal of vegetation from the face or the top of a cliff will increase its susceptibility to erosion from water and wind. Roots are important for stabilizing loose sediments.
- Changes to local hydrology. Residential, industrial and agricultural development can all change the character, amount, and timing of water flow over and under the land surface. Irrigation, natural vegetation removal, and paving of naturally permeable surfaces all increase the quantity of surface and groundwater entering the coastal environment.

The Geological Survey has initiated a coastal monitoring program that provides information on rates of coastal erosion for the province. For more information on coastal erosion and vulnerability, contact Jennifer Organ at the Geological Survey (709-729-1664 or jenniferorgan@gov.nl.ca).

Future Impacts
The intensity of landscape change and the frequency of geological hazards will likely increase in the future. The risk of hazards may also shift and increase in new locations within the province.

There are two main factors for these statements:
1) Regional climate projections for the province indicate that the climate will become warmer (especially in winter), wetter (in terms of both precipitation intensity and duration), and there will be more frequent extreme precipitation events, such as rain-on-snow events. Storm surges are also forecasted to increase in intensity and frequency. Details of the climate change projections report can be found at: https://tinyurl.com/y55rz8yh.
2) Globally, sea level is rising. Thermal expansion of the ocean and an increase in water supply from melting glaciers and ice sheets both contribute to this rise. Sea level around the Avalon Peninsula in the year 2100 is predicted to be about 100 centimeters higher than the level in 2000. Other areas of the province are experiencing a less rapid, and overall smaller, sea level rise than the Avalon Peninsula. In western and southern Newfoundland, sea level will rise by 80-90 centimeters, and 70 centimeters in Labrador by the year 2100. In these areas, the land is slowly rising in a process termed isostatic rebound, which results from the removal of the weight of glacial ice that depressed the land surface during the last glacial period. Isostatic rebound will partially offset the global sea level rise caused by climate change. For more information about sea level change, visit https://tinyurl.com/yy38y4vp.

Recommendations
Based on the potential adverse effect of future sea-level rise and storm surges, GSNL considers that **areas below the present 4-metre contour are highly vulnerable to coastal flooding**.

Development in coastal areas should be restricted to ensure that appropriate mitigation measures are employed, such as coastal protection measures or enhanced engineering standards. Alternatively, municipalities with planning authority may choose to remove these areas from future development by re-zoning. Coastal zones above the present 4 m contour may also be at risk from coastal flooding, including storm surge, in some areas.

Municipal planning and development should consider cliff erosion rates and coastal setback limits, which should aim for a 100-year planning period. The suggested setback limit is twice the average yearly erosion rate, multiplied by 100. For example, a shoreline with a measured erosion rate of 20 centimeters per year should have at least a 40-meter setback for development. In areas where the erosion rate is not known, the average rate of erosion for unconsolidated coastlines for the province, 15 centimeters per year, should be used. **A minimum setback of 30 meters from the cliff edge is therefore recommended.** Greater setback limits should be considered in areas prone to enhanced erosion rates or in other high-risk areas. Disturbances within the setback area, including changes to the ground surface and the removal of sediment or vegetation, should be avoided.

GSNL staff are available for discussions on all geologically related hazard issues, including the potential impacts of, and adaptations to, climate change. If you have any questions or would like to discuss the information presented in this document, please contact us.
Jennifer Organ, M.Sc., Project Geologist

General Comments on Slope Hazards in Newfoundland and Labrador
The following comments are provided as a general statement from the Geological Survey of Newfoundland and Labrador (GSNL), Department of Industry, Energy and Technology, for the

purpose of informing development planning decisions and the municipal plan review process. More information on slope hazards of the Province can be provided by contacting:

Jennifer Organ, Project Geologist
Geological Survey of Newfoundland and Labrador
Phone (709) 729-1664
Email: jenniferorgan@gov.nl.ca

The GSNL provides geoscience to address public issues and concerns and provides comments on the surficial geology and geological hazards that may inform development plan and/or municipal plan review decisions. This information is based on fieldwork, surficial geology mapping, and remote data interpretation.

Geological Hazards

Geological disasters may result in injury, loss of life or property, or cause losses to economy and infrastructure. Historical occurrences have been compiled in the Geological Survey's list of geological disasters (https://www.gov.nl.ca/iet/mines/publicoutreach/geologicalhazard/). Specific types of geological hazards relevant to the province of Newfoundland and Labrador are discussed in the following sections.

Landslides and Rock falls

Landslides and rock falls occur in locally steep terrain in Newfoundland and Labrador, and may present risk to life, property, and municipal infrastructure. Often, but not always, landslides and rock falls are triggered by precipitation or runoff (e.g., rain, snowmelt) on and over steep slopes. Slope stability is affected by slope angle and sediment characteristics.

Human activities, such as development, may also increase the risk of slope movements by altering local hydrology, land cover, and/or local slope. Any development proposed on or near the base of a steep slope should consider the potential for increased risk of slope movement.

Landslides are geomorphic processes that involve gravity-driven downslope movement of material (unconsolidated sediment, bedrock, and/or snow). In Newfoundland and Labrador, landslides are commonly triggered by heavy rain or snowmelt that introduce large quantities of water to the slope, causing a loss of internal sediment shear strength and subsequent failure. This movement may be rapid (e.g., debris flows) or slow (e.g., creep).

Rock falls are the downslope movement of rock fragments (up to boulder-sized), either by free fall from cliffs, or rolling or sliding on slopes. Rocks may be dislodged by freeze-thaw activity, erosion beneath boulders, bedding plane failure, or through human activity. Rock fall may also trigger landslides on the slopes where the debris lands, and can occur repeatedly, forming a talus cone of boulders at the foot of a steep slope.

Landslides involve the downslope movement of unconsolidated material under the influence of gravity and are capable of producing widespread damage.

Avalanches

Avalanches are rapid downslope movements of snow and ice, but may also include sediment, rock, and vegetation. Avalanches typically initiate in snow on steep (> 30°-50°) slopes. Avalanches are usually triggered when heavy snowfall slides along a smooth, internal snow or ice surface. This internal smooth plane may form during a rapid fall in temperature in the days preceding the overlying snowfall, or from a period of freezing rain or burial of a weak snow layer.

Alternatively, high wind can lead to avalanche by creating an overhanging mass of hardened snow, known as a cornice, that may break off, falling to the slope below and triggering the avalanche.

Impacts of Climate Change
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 (Memorial University of Newfoundland), incorporated data from seven regional climate model simulations provided by the North American Regional Climate Change Assessment Project. Model projections were compared against observations collected by Environment Canada climate stations in the province. With regards to predicted changes in temperature and precipitation, the report states that the climate will become warmer (especially winter temperatures) and wetter (in terms of both precipitation intensity and duration), and that an increase in rain-on-snow events is likely. The latter is likely to increase the potential for flooding and landslides/avalanches. Details of the climate change projections, with updates from 2018, can be found at:
https://www.gov.nl.ca/eccm/occ/climate-data/.

GSNL staff are available to discuss any geologically related hazard issues, including the potential impacts of, and adaptations to, climate change.

Jennifer Organ, M.Sc., Project Geologist

2.4.9 Provincial Archaeology Office (Tourism, Culture, Arts and Recreation)
The PAO has reviewed the Municipal Plan for the Town of Humber Arm South. There is always the possibility that historic resources may be located within the Planning Area. The PAO is pleased to see that the protection of archaeological resources is addressed in the current Municipal Plan, however it is recommended that the Municipal Plan include something along the following lines:

"To ensure that all archaeological resources are protected, consultation with the PAO should be initiated during the early planning stages of any major development that involves land use or ground disturbance within the municipality. These discussions are necessary to ensure that appropriate measures are taken to protect known sites, and where deemed appropriate, archaeological surveys be undertaken in areas of high potential prior to development to safeguard any sites yet to be discovered. Further, in the case of accidental discovery of historic resources that might occur in the undertaking of any development, activity must cease, and the PAO must be contacted immediately. Telephone (709) 729-2462.

2.5 Public Consultations

2.5.1 First Open House – April 22, 2021
The first public consultation session for the Plan Review took place on April 22, 2021, at the Humber Arm South Town Hall. Public notice of the session included an advertisement in the April 14th edition of the Town of Humber Arm South newsletter, which is mailed to every household, and notice board postings at Katie's Convenience in Halfway Point, Evoy's Convenience in Benoit's Cove, Hillview Convenience in Benoit's Cove, Jay Bee's Convenience in John's Beach, Canada Post in Benoit's Cove, and Canada Post in Frenchman's Cove.

The session included an Open House from 2:30 pm to 5:00 pm and again from 6:30 PM to 8:30 pm. It was attended by seven residents as well as the Mayor, two Councillors, the Town Clerk/Manager, and the assistant Town Clerk.

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

- The municipal plan should be age-friendly with respect to housing standards and public building standards, etc.
- Very supportive of Town Hub development
- The Municipal Plan should accommodate tiny home subdivisions
- More land needs to be opened for development. The Town is losing out to other towns in residential growth.
- There is good land behind Russell's Road but it is largely landlocked
- Backyard chickens should be allowed. Differences of opinion on this issue. Asked about community chicken cooperative. Council needs to be educated on impacts of backyard chickens.
- Reduce the rearyard setback – currently 14 metres. Should be reduced to 8 or 10 m.
- The Plan should address the shortage of land for new development.
- Can we get rid of scrapyard in John's Beach?
- Town needs standards for access to backlot development. ROW of 7 metres is good.
- Allow for 40-foot rights-of-way for local streets.

2.5.2 Second Open House – December 7, 2021

The second consultation session took place on December 7, 2021, at the Humber Arm South Town Hall. Public notice of the session included an advertisement in the November 23rd edition of the Town of Humber Arm South newsletter, which is mailed to every household, and notice board postings at Katie's Convenience in Halfway Point, Evoy's Convenience in Benoit's Cove, Hillview Convenience in Benoit's Cove, Jay Bee's Convenience in John's Beach, Canada Post in Benoit's Cove, and Canada Post in Frenchman's Cove.

The session ran from 2:00 pm to 4:00 pm and again from 6:00 pm to 8:00 pm. It was attended by six residents as well as the Mayor, one Councilor, and the Town Manager.

Two main issues were discussed – backyard chickens and land for residential development.

Council confirmed its previous decision that backyard chickens will not be permitted because Council lacks adequate resources to effectively enforce the necessary regulations and standards. Proposed expansion areas for residential development were discussed and generally supported. One resident suggested that land located on high ground inland from Voy's Beach should be considered. The planner agreed to review this area and provide an analysis to Council.

3.0 GOALS AND OBJECTIVES

This section outlines the Town's planning goals and objectives for the 2021-2031 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

Goal: 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: Facilitate infilling along existing serviced streets, as well as through new streets built near existing streets and infrastructure.

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

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.

Facilitate better mobility for disabled and elderly residents through land and building accessibility.

Improve the safety and efficiency of the physical transportation system for vehicles and pedestrians.

3.2 Economic Growth and Development

Goal: 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: Enhance tourism through the protection and development of trails, coastal and mountain scenery, and visitor services and amenities.

Develop the town hub with an integrated marine, fisheries, and tourism focus.

Open new areas for housing development.

Allow for compatible mixed development of residential, commercial, tourism, recreation, and open space.

Enhance Humber Arm South as an attractive place to live year-round, drawing on its spectacular scenery, waterfront access, and recreational amenities.

Facilitate creative enterprises and home occupations that fit with the town's character, natural landscapes and scenery and do not impinge on the reasonable enjoyment of neighbouring properties.

3.3 Environment

Goals: Conservation, protection, and enhancement of biodiversity and important and sensitive environmental resources.

Objectives: Provide municipal services at environmentally acceptable standards.

Protect the Town's two drinking water supply areas from land uses and activities that could adversely affect water quality and quantity.

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

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

Limit development that would be injurious to areas designated as Sensitive Wildlife Area for Caribou.

3.4 Health and Social Well-Being

Goal: Provision for the welfare of Humber Arm South residents by addressing basic human needs, quality of life and community services.

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

Facilitate the housing needs of residents of all ages, income levels, and physical and mental abilities (also see Section 3.5).

Enact development standards to address the mobility needs of elderly and disabled residents and enhance Humber Arm South as an accessible and age-friendly community. Enhance Humber Arm South as an accessible and age-friendly community by

3.5 Housing

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

Maintenance of 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.

Provide for the development of affordable housing for all residents.

Manage residential development in a manner that preserves and protects sensitive

environments and public open space.

Facilitate residential infilling along existing streets and where possible open land near existing streets and water mains.

3.6 Transportation

Goal: Efficient and safe roads, trails, and pedestrian facilities to provide for motorized and non-motorized transportation needs in Humber Arm South.

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

Appropriately address the needs of disabled and elderly residents in the planning and design of streets, sidewalks, crosswalks, parking areas, and trail systems.

3.7 Open Space and Recreation

Goals: Provision of attractive natural areas and outdoor facilities to accommodate active and passive recreation for residents and visitors

Objectives: Involve residents and local businesses in the planning of open space, trails, and associated infrastructure.

Support community organizations in organizing recreation and festival activities and events.

Protect and enhance public access to the Town's coastal shorelines and scenic viewsheds.

3.8 Capital Works

Goal: Acceptable and consistent level of water, sewer, and transportation services.

Full utilization of existing capacity prior to investing in new municipal infrastructure.

Objectives: Maintain a water system capable of providing an adequate quantity and quality of drinking water to all feasible areas.

Maintain an efficient sanitary sewer system capable of accommodating existing and future sewage flows.

Maintain a safe and efficient transportation system for automobiles and pedestrians.

3.9 Governance

Goal: Effective, efficient, and equitable municipal services to all residents within the fiscal capacity of the Town.

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

Objectives: Promote public participation in municipal governing processes, including Council elections, committee activities, and decisions-making on important municipal matters.

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

Govern the Town in compliance with relevant legislation such as the *Municipalities Act 1999* and the *Urban and Rural Planning Act 2000*.

3.10 Municipal Finance

Goal: Management of municipal expenditures and revenues 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.

Enlarge the Town's economic base to generate more tax revenues.

Ensure that growth-related capital costs 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 Humber Arm South as expressed in the Goals and Objectives outlined in Section 3.0.

The Humber Arm South Municipal Plan provides for the development of the Humber Arm South Planning Area for a 10-year period. The overriding thrust of the Municipal Plan is to ensure the continuance of an efficient and sustainable community, maintain the town's attractive character based on a compatible mix of built-up development and green space, and optimize economic development opportunities. This is important to provide continuity with the past, achieve the Town's development vision, maintain its distinct identity, preserve scenic viewsheds, and contribute to environmental, economic, social, and financial sustainability.

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

(a) 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 serviced vacant land. Second priority is placed on developing 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.

(b) Prominent features that help to preserve community character, such as heights of land, coastal features, open space, and scenic vistas will be preserved.

(c) A high standard will be maintained for both the built and natural environments, particularly the protection of environmentally sensitive resources such as coastal shorelines, wetlands, steep slopes, and vulnerable terrestrial, marine, and aquatic habitat.

(d) Capital works will be undertaken in an efficient, financially prudent, and environmentally responsible manner.

4.1.1 Municipal Plan is for a Ten-Year Period

In accordance with Section 13(1)(g) of the Urban and Rural Planning Act, it is a policy of Council that this Municipal Plan will guide development within the Humber Arm South Municipal Planning Area for a period of ten years.

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 may refuse proposed developments in locations where municipal services are inadequate or it would be uneconomic to provide and maintain municipal services.

(3) In certain areas with limited opportunity for connection to municipal water and/or sewer services, Council may consider allowing unserviced residential development subject to compliance with relevant Provincial regulations and standards.

(4) Council may approve the creation of residential backlots to the rear of existing lots that front onto the street if it deems that the location is suitable, that the backlot will be compatible with neighbouring properties, that access to the street will be safe, and that the backlot will not prejudice the development of adjoining land.

(5) Building Line Setbacks
- (a) The Development Regulations will establish building line (i.e., frontyard) setback standards for building development on public streets.
- (b) Notwithstanding building line requirements set out in the Development Regulations, Council, at its discretion, may allow development to complement existing building setbacks on adjoining properties.

(6) Multiple Uses on a Lot
- (a) Where a single lot contains more than one permitted use, each use shall conform to all requirements set out in the Development Regulations that are applicable to that use.
- (b) A proposed new use on a multiple-use lot may not be permitted where Council deems that the use might be incompatible with existing uses on or adjacent to the lot by reason of safety, amenity, appearance, or nuisance.

(7) Main Buildings on a Lot
- (a) Except for a single dwelling, more than one main building may be permitted on a lot provided that the requirements set out in the Development Regulations are satisfied.
- (b) No more than one single dwelling may be permitted on a lot except at the discretion of Council.

4.2.2 Compatibility of Uses

(1) As much as is reasonable, 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 is reasonable, Council will ensure that development will not negatively affect the character of existing neighbourhoods and scenic viewsheds.

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 Humber Arm South Development Regulations.

4.2.4 Land Development Proposals

1. 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. The Future Land Use maps show access reserve points, where land will be reserved for future roads to undeveloped land.

2. 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.

3. Unserviced Development

Before approving a subdivision or building permit application in a location where municipal water and/or sewer services cannot be provided, Council will ensure that the development complies with all applicable Provincial regulations and requirements for unserviced development including:

(a) The "Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells" (www.gov.nl.ca/mae/files/waterres-regulations-appforms-unserviced-subdivision-gw-assessment-guidelines-dwh-revisions.pdf)

(b) The *Sanitation Regulations* under the *Public Health Act* (www.assembly.nl.ca/legislation/sr/regulations/rc960803.htm)

4. 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, impact on open space and viewsheds, impact on threatened and vulnerable animal, bird, and plant species, and general environmental sensitivity.

5. Land Needed for Environmental Protection

When approving a development, Council may require portions of the proposed site to be set aside from development in order to protect environmentally sensitive land. 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*.

6. Stormwater Control (Refer also to Section 4.3.6)

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. In addition, it may require individual landowners to take measures to reduce runoff such as minimizing pavement and other impervious surfaces and installing soakaways to infiltrate runoff directly into the ground.

7. 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.

8. Public Input

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

9. 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.

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 near existing infrastructure.

(2) Site plans for infill development must meet the approval of Council. Developments must be compatible with the existing neighbourhood character 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

Council will encourage adaptive reuse of existing buildings and properties for land uses that are permitted within the designation and would be compatible with nearby 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 land 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 the general 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 land uses and other predominant uses permitted in the zone.

4.2.8 Mineral and Petroleum Exploration

(1) Mineral and petroleum exploration that is classed as a development (by virtue of drilling, appreciable ground disturbance, or construction of access roads) may be permitted in certain designations, provided that necessary Provincial approvals have been obtained and adequate provision has been made for environmental protection, site reinstatement, landscaping, buffering, or mitigations of impacts on residential, commercial, industrial, institutional, and recreational areas.

(2) Mineral and petroleum exploration that is not classed as a development will be permitted anywhere in the Planning Area provided that the Town is given reasonable notice, necessary Provincial approvals have been obtained, and owners of private land have given consent as per Paragraph (3) below.

(3) 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.

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 to produce timber-based products and domestic wood harvesting, 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

Subject to conditions set by Council, utility uses, such as transmission lines, communication towers, stormwater drains, water and sewer pipes and treatment facilities, and pollution control facilities, will be permitted in all land use designations except the Conservation designation. Approval of a utility in the Environmental Protection Zone and Protected Water Supply Zone under the Conservation designation will be at the discretion of Council and will be considered only if there is no reasonable location outside the designation.

4.2.12 Small-Scale Energy Facilities

At Council's discretion, small-scale wind, hydro, and solar energy generation facilities may be permitted in any land use designation subject to conditions, 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 generating facilities may be subject to required approvals by relevant provincial and federal departments.

4.2.13 Archaeological Resources

Archaeological 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.

4.2.14 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.

4.2.15 Signs

(1) Unless otherwise exempted in the Development Regulations, the erection of advertising and notice signs will be subject to the approval and standards of Council.

(2) In addition to a permit from Council, the erection or display of a sign on Provincial Route 450 will require approval from Digital Government and Service Newfoundland and Labrador under the *Highway Sign Regulations, 1999"*

4.2.16 Residential Area Buffers

Where a proposed industrial or commercial development abuts a residential area, Council may require the industrial or commercial development to provide buffer strip between any residential activity and the industrial/commercial area. Conversely, Council may require a new residential development to provide a buffer strip.

4.2.17 Use of Discretionary Authority

Council may exercise its discretionary authority to prohibit or set conditions on a development when, in its opinion, that development might be incompatible with, or result in undesirable impacts on, nearby existing land uses.

4.3 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 maintaining water quality and minimizing stormwater impacts, soil erosion, and watercourse sedimentation. Environmental sensitivity will also be of primary

consideration when reviewing proposed developments in the vicinity of coastal waters and steep hillsides. Land use decisions will always duly consider environmental sustainability and biodiversity objectives.

4.3.1 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 water supply areas, 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 agencies such as Environment and Climate Change, Digital Government and Service NL, Health and Community Services, the Provincial Wildlife Division, Fisheries and Oceans Canada, and Environment Canada.

4. Climate Change Considerations

Potential climate change impacts will be considered when reviewing proposed developments, particularly as they may affect coastal shorelines, watercourses, riparian areas, steep slopes, flood risk areas, and unstable geology. Council will consider the potential for development to affect or be affected by impacts such as rising sea level, storm surges, erosion, landslides, and flooding. The Development Regulations will establish restrictive provisions related to areas that are vulnerable to occurrences such as storm surges, flooding, erosion, and landslides.

4.3.2 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.

4.3.3 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, pollution, and damage to important habitat for aquatic and terrestrial species.

(3) Where it believes that a proposed development may affect a watercourse or wetland, at its discretion, Council may:
   (a) establish a sufficient buffer from the edge of the watercourse or wetland in which development may not be permitted,
   (b) require such other conditions or restrictions as it deems necessary to protect the watercourse or wetland, and/or
   (c) refuse to approve a development if it believes that identified impacts cannot be sufficiently minimized or mitigated.

4.3.4 Freshwater and Coastal Shorelines

(1) ` Development in the vicinity of freshwater and coastal shorelines shall be carried out in a manner that is in accordance with the Provincial Policy for Development in Shorewater Zones and aims to minimize environmental impacts, protect natural features, and preserve existing public accesses to and along the shoreline.

4.3.5 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.

No development other than a recreational use or public utility will be permitted on a slope steeper than 20 precent. An application for such a development must include a biophysical assessment to identify potential adverse impacts as well as necessary measures to prevent or mitigate such impacts.

At its discretion, Council may permit development on a slope of 15-20 percent subject to a biophysical assessment of site capability and certain other provisions established in the Development Regulations.

4.3.6 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) Install soakaways to capture runoff and infiltrate it directly into the ground.
   (e) Channel runoff to gardens and low-lying areas on the development site and on individual lots.
   (f) Take advantage of the topography to reduce storm drainage, for example, retain natural depressions in the landscape to accumulate runoff and promote soil infiltration.

(g) Re-establish vegetative cover immediately on gravel surfaces, banks, drainage ditches, and other areas disturbed by construction activity.

(h) Minimize pavement and other impervious surfaces that prevent infiltration and increase runoff.

4.3.7 Wildlife

1. Caribou

The southwest portion of the Humber Arm South Planning Area falls within an area designated as a Sensitive Wildlife Area for caribou. Council will contact the Wildlife Division prior to any new development taking place in this area so that proper mitigations may be put in place if needed.

2. Wildlife Habitat and Landscape Connectivity

Council will consider potential effects on wildlife habitat and landscape connectivity when making land use and development decisions.

This could include:

- Riparian buffers along wetlands and watercourses (ponds, rivers, creeks etc.) with wider buffers when bordering land uses include higher impact uses such as residential subdivisions and some types of agriculture.
- Green belts connecting forested areas and other habitat patches to create travel corridors for various wildlife species.
- Vegetation clearing outside the May 1-July 31 period as disturbance can be most detrimental during that sensitive breeding and young rearing period.

4.3.8 Excavation and Infilling of Land and Water

Excavation and infilling of land and water will not be permitted unless it is to redirect stormwater, is related to a permitted coastal development, or is a work that has been approved by the Water Resources Management Division of the Department of Environment and Climate Change.

Council will not approve any infilling or dredging work within 15 metres of a body of water unless a permit from the Province has been issued under the *Water Resources Act 2002.* Also, all proposed infilling must comply with the Province's Policy for Infilling Bodies of Water.

4.3.9 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, scouring and siltation of streams, or injury to rare and sensitive species and habitat.

4.4 Infrastructure Policies

4.4.1 Water Supply System

Council will maintain its water supply system, including intakes, treatment plants, and distribution system, in good working order to ensure the availability of an adequate quantity and quality of water for the town.

4.4.2 Sanitary Sewer System

Council will maintain the town's sanitary sewer system in good working order and will not allow landowners to connect storm drains to sanitary sewer mains.

4.4.3 Stormwater Management

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

4.4.4 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.

4.5 Transportation Policies

The transportation system in Humber Arm South includes a hierarchy of arterial, collector, and local streets as well as public trails and walkways.

4.5.1 Consideration of Environmental Impacts

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

4.5.2 Arterial Roads

1. Purpose

The primary purpose of an arterial street 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

Provincial Route 450 is Humber Arm South's only Arterial Street. Running parallel to the Humber Arm shoreline, it extends approximately 18 kilometres from the town's eastern boundary with the Town of Mount Moriah to the western boundary with the Town of York Harbour.

3. Individual Accesses

Council will use its discretionary authority if necessary to prevent development of any driveway or other private access along Main Street (aka Route 450) where it deems that such access would adversely affect traffic safety and/or efficiency. Accesses onto Main Street also require approval of the Provincial Department of Transportation and Infrastructure.

4.5.3 Collector Streets

1. Purpose

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

2. Description

Hillview Road is the only street that can be described as a collector street in Humber Arm South as most local streets connect directly to Route 450.

4.5.4 Local Streets

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 streets except for Route 450 and Hillview Road.

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.

4.5.5 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. Council will ensure that appropriate street reservations are reserved along arterial, collector, and local streets to provide for future connections to backland areas with development potential.

4) The costs of constructing and connecting new streets to the municipal street system will be the sole responsibility of the developer.

4.5.6 Trails

Trails and walkways designated by Council will be protected from developments and activities that might impede public passage, undermine the amenities or aesthetics of the trail environment, or interfere with any legal right of Council to develop or improve the trails for public access and recreation.

4.5.7 Provision for Disabled and Elderly Persons

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.

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	
Conservation	Environmental Protection Protected Water Supply	EP PWS
Residential	Residential Medium Density Future Residential Area	RMD FRA
Mixed Development	Mixed Development	MD
Harbourside	Harbourside	HS
Parks and Public Use	Parks and Public use	PPU
Rural	Rural Residential Seasonal Residential Rural Resource	RR SR RUR

5.1 Conservation

5.1.1 General Intent

Land is designated Conservation to protect environmentally sensitive and important lands and natural resources including surface water resources, protected water supply areas, wetlands, estuaries, and sensitive coastal features.

5.1.2 Land Use Zones

The Development Regulations will establish two land use zones within the Conservation designation.

Conservation Designation - Land Use Zones		
Zone	**Intent**	**Application**
Environmental Protection	Protect watercourses, wetlands, flood risk areas, steep slopes, important habitat, and other sensitive lands.	Rivers, lakes, streams, wetlands, estuaries, coastal features, and sensitive habitat.
Protected Water Supply	Conserve and protect water supply areas.	Corresponds to the boundaries of the Provincially protected Dormody's Brook and Gurges Pond Water Supply Areas.

5.1.3 Environmental Protection Zone

1. Land Use

(1) Permitted Uses

Conservation and open space are permitted. Open space uses will be restricted to low impact uses such as walking trails, boardwalks, viewing platforms, picnic tables, and outdoor interpretation facilities.

(2) Discretionary Uses

At its discretion, Council may permit docks, slipways, and stages in marine coastal areas subject to necessary Provincial and Federal approvals.

Transportation infrastructure and utilities may be permitted at Council's discretion only if alternative locations are not feasible and Council considers the proposed development to be in the public interest. It will be limited to essential infrastructure such as road crossings of streams, bridges, culverts, drainage ditches, electrical transmission lines, water supply infrastructure, and sewer infrastructure. Council may consult with the Department of Environment and Climate Change, Fisheries and Oceans Canada, the Department of Industry, Energy and Technology and other relevant agencies before approving any such development.

At its discretion, Council may permit mineral and petroleum exploration that is classed as a development (refer to definitions in Part 2) subject to the provisions of **Section 4.2.8**, necessary Provincial approvals, and other conditions deemed necessary by Council.

Other uses that may be permitted at Council's discretion include antennas and recreational open space in the form of multi-use trails only.

(3) Prohibited Uses

Uses that are not listed as permitted or discretionary will not be permitted.

2. Excavation and Infilling of Land and Water

Excavation and infilling of land and water will not be permitted unless it is to redirect stormwater, is related to a permitted coastal development, or is a work that has been approved by the Water Resources Management Division of the Department of Environment and Climate Change.

Council will not approve any infilling or dredging work within 15 metres of a body of water unless a permit from the Province has been issued under the *Water Resources Act 2002.* Also, all proposed infilling must comply with the Province's Policy for Infilling Bodies of Water.

5.1.4 Protected Water Supply Zone

The intent of the Protected Water Supply zone is to protect two municipal drinking water supply areas in Humber Arm South. Its highest goal is to ensure land uses and development will not negatively affect surface water and recharge areas for these water supplies.

1. Dormody's Brook and Gurges Pond Protected Water Supply Areas

(1) The Protected Water Supply zone includes two Provincially protected water supply areas: the Dormody's Brook Water Supply Area and the Gurges Pond Water Supply Area.

(2) No development of any kind will be permitted in the Dormody's Brook and Gurges Pond Protected Water Supply Areas without the required permit(s) and guidance of the Water Resources Management Division of the Department of Environment and Climate Change.

(3) Council will monitor land uses and activities in both Protected Water Supply areas to ensure they are carried out in a manner that will not harm water quantity and quality.

(4) 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.

2. Land Use

(1) Permitted Uses

Conservation, open space, and water utilities are permitted. Open space uses will be restricted to low impact uses such as walking trails, boardwalks, viewing platforms, picnic tables, and outdoor interpretation facilities.

(2) Discretionary Uses

Discretionary uses may include antennas, forestry, recreational open space transportation, and utilities. The only recreational open space use that may be permitted at Council's discretion is a multi-use trail.

Council may permit a mineral and petroleum exploration use that is classed as a development subject to the provisions of Section 4.2.8, necessary Provincial approvals, and other conditions deemed necessary by Council.

(3) Prohibited Uses

Uses that are not listed as permitted or discretionary will not be permitted.

5.2 Residential

5.2.1 General Intent

Land is designated Residential to preserve the amenity of existing residential areas and accommodate future 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 accommodates a diversity of housing needs. 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 scenic values.

5.2.2 Land Use Zones

The Development Regulations shall establish two land use zones within the Residential designation – Residential Medium Density and Future Residential Area.

Residential Designation – Land Use Zones		
Zone	**Intent**	**Application**
Residential Medium Density	Recognize existing and accommodate future medium-density neighbourhoods of single-detached dwellings and, at Council's discretion, double and multi-unit dwellings.	Existing and proposed residential areas.
Future Residential Area	Envisioned for future residential subdivisions.	Reserved for future residential development. Prohibits built-up development that would preclude residential development.

5.2.3 Residential Medium Density Zone

The Residential Medium Density zone applies to existing residential areas mainly on side streets lying back from Route 450. Development opportunities in this zone include extensions to existing streets and entirely new streets in some areas.

While single detached dwellings will remain the primary housing form in this zone, applications for double and multi-unit dwellings and residential care homes will be encouraged.

1. Land Use

(1) Permitted Uses

Permitted housing the Residential Medium Density zone include single dwellings, double dwellings, mini-homes, subsidiary apartments, and boarding houses.

Residential accessory buildings will be permitted subject to standards and conditions.

Other permitted uses include community gardens, conservation, home offices, open space, transportation, and utilities.

(2) Discretionary Uses

At Council's discretion, apartment buildings, row dwellings, tiny houses, residential care homes, and retirement homes may be permitted subject to conditions.

At Council's discretion, a home occupation within a residential dwelling or a residential accessory building may be permitted subject to conditions.

At Council's discretion, bed and breakfasts and visitor rental dwellings may be permitted subject to conditions.

At Council's discretion, antennas, childcare, convenience stores, crop agriculture, cultural and civic uses, domestic sawmills, energy generation facilities, gas bars, mobile vending facilities, and recreational open space may be permitted subject to conditions.

At its discretion, Council may permit mineral and petroleum exploration that is classed as a development subject to the provisions of Section 4.2.8, necessary Provincial approvals, and other conditions deemed necessary by Council.

(3) Prohibited Uses
Uses that are not listed as permitted or discretionary will not be permitted.

5.2.4 Future Residential Area Zone

Land is designated Future Residential Area to reserve it for future residential development and prevent alternative development that would impede of prevent residential development. While permanent buildings and structures will be prohibited, non-permanent uses such as forestry and crop production may be permitted.

1. Land Use

(1) Permitted Uses
Permitted uses within this designation include conservation and open space.

(2) Discretionary Uses
Uses that may be permitted at Council's discretion include crop agriculture, forestry, mineral exploration, and petroleum exploration.

The only recreational open space use that may be permitted at Council's discretion is a multi-use trail.

(3) Prohibited Uses
Uses that are not listed as permitted or discretionary will not be permitted.

No permanent building or structure will be permitted regardless of whether it is accessory to a permitted main use.

5.3 Mixed Development

5.3.1 General Intent

The Mixed Development designation applies mainly to lands fronting onto Route 450 in the town's built-up areas. It will accommodate a compatible mix of community, commercial, industrial, and residential uses.

5.3.2 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 Mixed Development designation is predominantly residential in character, proposed non-residential uses will not be approved if they are deemed to be incompatible with 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 commercial, industrial, and other non-residential uses 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.

5.3.3 Use of Discretionary Authority

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

5.3.4 Mixed Development Zone

The Development Regulations will establish one land use zone within the Mixed Development designation – also referred to as Mixed Development.

1. Land Use

(1) Permitted Uses

Single dwellings, double dwellings, mini-homes, subsidiary apartments, boarding houses, and accessory buildings will be permitted except where they are deemed by Council to be incompatible with existing commercial or other non-residential uses.

Childcare, community gardens, conservation, open space, transportation, and utilities are complementary uses that will be permitted.

Home offices will be permitted within residential dwellings and residential accessory buildings in accordance with conditions required by Council.

(2) Discretionary Uses

Apartment buildings, row dwellings, residential care homes, retirement homes, and tiny houses may be permitted at Council's discretion.

At Council's discretion, home occupations may be permitted in a dwelling or residential accessory building.

Antennas, arts and craft studios, assembly uses, clubs and lodges, communications, convenience stores, crop agriculture, cultural and civic uses, educational uses, emergency services, energy generation facilities, funeral homes, garden centres, gas bars, general garages, general services, indoor markets, kennels, medical services, medical treatment facilities, offices, outdoor markets, personal services, places of worship, recreational open space, recycling facilities, service stations, shops, taxi stands, vehicle sales, and veterinary services may be permitted at Council's discretion except where they are deemed to be incompatible with existing residential uses.

Bed and breakfasts, campgrounds, catering, commercial accommodations, drinking establishments, entertainment, mobile vending facilities, take-out food services, tourist cottage establishments, and visitor rental dwellings may be permitted at Council's discretion if they are deemed to be suitable for the area and compatible with existing land uses.

Domestic sawmills may be permitted as an accessory use to a main use at Council's discretion.

Construction yards and general and light industries may be permitted at Council's discretion if they are deemed to be suitable for the area and compatible with existing uses.

Marine boathouses, docks, slipways, stages, and marinas may be permitted at Council's discretion.

At its discretion, Council may permit mineral and petroleum exploration that is classed as a development, subject to the provisions of Section 4.2.8, necessary Provincial approvals, and other conditions deemed necessary by Council.

(3) Prohibited Uses
Uses that are not listed as permitted or discretionary will not be permitted.

5.4 Harbourside

5.4.1 General Intent

The Harbourside designation includes lands along both sides of Route 450 adjacent to the harbour front in Benoit's Cove. Existing development includes fishplants and warehouses, marine docks and facilities, restaurants, retail outlets, and housing. Council intends that this area will have a major economic development focus integrating fisheries and marine activities with tourism. While existing residential housing will continue as permitted uses, new housing will not be permitted.

This designation recognizes the existing mix of fisheries, marine, and commercial land uses and anticipates tourism and retail development associated with fishing and marine activity, recreational boating, and the spectacular surrounding scenery. It is the goal of Council to encourage the continued and improvement of the fishing and marine industries and the redevelopment of vacant and underused properties for tourism and retail development.

The following principles will be pursued within the Harbourside designation:
(a) Expansion and improvement of the fishing and marine industries.
(b) Tourism development as envisioned in the Town's *"Tourism Development Master Plan"* (Tract Consulting, 2021).
(c) Adaptive reuse and redevelopment of vacant and underused properties to the extent that this is compatible with Council's vision for the area and contribute to economic development.

5.4.2 Compatibility of Uses

In evaluating development applications, Council will consider the proposed development's compatibility with existing land uses and its economic development objectives for the area. New development may be subject to conditions to ensure an attractive appearance, complement the existing landscape, and minimize negative impacts on existing uses.

5.4.3 Use of Discretionary Authority

If Council deems that a proposed development in the Harbourside designation will adversely affect the economic development vision for the area, it may exercise its discretionary authority to set terms and conditions on the development or to refuse the application.

5.4.4 Harbourside Zone

The Harbourside zone will accommodate a mix of fisheries, marine, commercial, public, and open space uses.

1. Land Use

(1) Permitted Uses

All permitted uses in the Harbourside zone will be subject to conditions to ensure they are consistent with Council's vision for integrated fisheries, marine and tourism development for the area.

Fisheries and marine facilities, marinas, boathouses, docks, slipways, and stages will be permitted.

Other permitted uses include arts and crafts studios, childcare, commercial accommodations, communication uses, convenience stores, cultural and civic uses, educational uses, general and personal services, indoor and outdoor markets, medical services, offices, and shops.

Community gardens, conservation and open space are complementary uses that will be permitted.

Transportation and utilities will be permitted.

Existing residential dwellings will continue as a permitted use, but new residential dwellings will not be permitted. Subsidiary apartments, accessory buildings and home offices associated with existing dwellings will be permitted.

(2) Discretionary Uses

Uses that may be permitted at Council's discretion include antennas, assembly uses, catering, clubs and lodges, drinking establishments, energy generation facilities, entertainment, garden centres, gas bars, general and light industries, mobile vending facilities, recreational open space, take-out food services, and tourist cottage establishments.

At Council's discretion, bed and breakfasts, boarding houses, home occupations and visitor rental dwellings associated with existing dwellings may be permitted.

(3) Prohibited Uses

Uses that are not listed as permitted or discretionary will not be permitted.

5.4 Parks and Public Use

5.4.1 General Intent

The Parks and Public Use designation refers to lands set aside for parks, open space, cultural and civic uses, recreational open space, trails, cemeteries, and public assembly facilities.

5.4.2 Parks and Public Use Zone

The Development Regulations shall establish one land use zone within the Parks and Public Use designation, also referred to as Parks and Public Use.

1. Land Use

(1) Permitted Uses

Permitted uses in the Parks and Public Use zone include community gardens, conservation, open space, transportation, and utilities.

(2) Discretionary Uses

Uses that may be permitted at Council's discretion include assembly uses, cemeteries, cultural and civic uses, docks and slipways, and recreational open space.

At its discretion, Council may permit catering, take-out food services, and mobile vending facilities that are accessory to a main use such as an assembly event or recreational open space use.

At Council's discretion, an outdoor market may be permitted on a temporary basis, for example, as part of a community event.

(3) Prohibited Uses

Uses that are not listed as permitted or discretionary will not be permitted.

5.5 Rural

5.5.1 General Intent

Areas are designated Rural to recognize their potential for natural resource utilization, agriculture, outdoor recreation, and certain industrial activities that may not be suitable in or near the town's built-up areas. Certain areas of the Rural designation are also recognized for their potential to accommodate rural and recreational homes.

5.5.2 Land Use Zones

The Development Regulations shall establish three land use zones within the Rural designation.

Rural Designation - Land Use Zones		
Zone	**Intent**	**Application**
Rural Residential	Recognize the need for rural economic activity supported by family housing.	Allow for unserviced residential dwellings that can be mixed with rural economic activity.
Seasonal Residential	Recognize lands with potential for seasonal cabin development.	Allow for unserviced recreational dwellings away from municipal serviced roads.
Rural Resource	Recognize lands presently used for or with potential for forestry, mineral working outdoor recreation, and natural resource development.	Undeveloped lands lying outside built-up areas.

5.5.3 Rural Residential Zone

The Rural Residential zone takes in several sites fronting onto Route 450 in the western area of the town. The zone allows for unserviced residential and commercial development.

1. Land Use

(1) Permitted Uses

Permitted housing the Rural Residential zone include single dwellings and subsidiary apartments.

Accessory buildings will be permitted subject to standards and conditions.

Other permitted uses include bed and breakfasts, community gardens, conservation, crop agriculture, open space, transportation, and utilities.

(2) Discretionary Uses

At its discretion, Council may permit mineral and petroleum exploration that is classed as a development subject to the provisions of Section 4.2.8, necessary Provincial approvals, and other conditions deemed necessary by Council.

At Council's discretion, a home occupation within a residential dwelling or a residential accessory building may be permitted subject to conditions.

Other uses that may be permitted at Council discretion include antennas, arts and craft studios, campgrounds, catering, construction yards, domestic sawmills, energy generation facilities, garden centres, general services, indoor and outdoor markets, kennels, light industry, livestock agriculture, mobile vending facilities, personal services, recreational open space, shops, take-out food services, tourist cottage establishments, veterinary services, and visitor rental dwellings.

(3) Prohibited Uses

Uses that are not listed as permitted or discretionary will not be permitted.

2. Roads and Municipal Infrastructure

The Rural Residential zone includes lands that front directly onto Route 450. Council will not maintain roads or extend municipal water and sewer services in this zone.

5.5.4 Seasonal Residential Zone

The Seasonal Residential zone takes in several semi-remote but accessible areas of the planning area. The intent of the zone is to recognize existing cottage areas and accommodate demand for additional cottage development.

1. Land Use

(1) Permitted Uses

Permitted housing in the Seasonal Residential zone will be limited to seasonal recreational dwellings.

Accessory buildings will be permitted subject to standards and conditions.

Other permitted uses include community gardens, conservation, open space, transportation, and utilities.

(2) Discretionary Uses

At its discretion, Council may permit crop agriculture recreational open space uses.

At its discretion, Council may permit mineral and petroleum exploration that is classed as a development subject to the provisions of Section 4.2.8, necessary Provincial approvals, and other conditions deemed necessary by Council.

(3) Prohibited Uses
Uses that are not listed as permitted or discretionary will not be permitted.

2. Roads and Municipal Infrastructure
Council will not maintain roads or extend piped water and sewer services to areas within this zone.

5.5.4 Rural Resource Zone
The Rural Resource zone recognizes land used presently or with the potential for forestry, mineral working, agriculture, mining, and other natural resource developments.

1. Land Use
(1) Permitted Uses
Permitted uses in the Rural Resource zone include antennas, community gardens, conservation, crop agriculture, energy generation facilities, forestry, mineral and petroleum exploration, open space, transportation, and utilities.

(2) Discretionary Uses
Uses that may be permitted at Council's discretion include campgrounds, cemeteries, construction yards, livestock agriculture, mineral working, mining, petroleum extraction, and recreational open space.

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, or mineral working use, or is unsuitable for development within built-up areas of Humber Arm South.

A salvage yard may be permitted at Council's discretion subject to conditions.

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

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, scenic viewsheds, and other sensitive areas. In such areas, protection and conservation will take priority over development.

4. Forestry

(1) Commercial forest harvesting, and resource road development will be permitted only in accordance with the forest management plans of the Department of Fisheries, Forestry and Agriculture and Corner Brook Pulp and Paper Ltd.

(2) Domestic wood cutting will be permitted only in areas designated for this purpose under the forest management plans of the Department of Fisheries, Forestry and Agriculture and Corner Brook Pulp and Paper Ltd.

6.0 IMPLEMENTATION

The Humber Arm South 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 Humber Arm South 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 Humber Arm South 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 Humber Arm South 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 Humber Arm South Municipal Planning Area must apply to Council for permission through the established procedure. Council shall require that all development applications conform fully to the Humber Arm South 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 by the applicant or a third party.

(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 Humber Arm South in the best long-term interest of residents and landowners.

(5) Provisions regarding appeals of Council decisions on development applications will be contained in the Development Regulations.

6.1.3 Subdivision Proposals and Agreements

(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 review the application based on the Development Regulations and consideration of the following:
   - (a) Physical conditions and features of the site and opportunities for and constraints on development.
   - (b) 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) Compatibility with surrounding land uses, both existing and future.
   - (d) Proposed municipal services and the long-term public costs of providing and maintaining these services.
   - (e) How stormwater drainage will be managed to minimize increased run-off onto adjacent lands.
   - (f) How the development may affect important and sensitive environmental resources.

(3) Based on its review, Council may approve the application, approve it with conditions, or refuse it.

(4) Before approving a development, Council may require the developer to enter into a development agreement, which will 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.

6.2 Public Participation

The Municipal Plan is an expression of the goals and aspirations of the citizens of Humber Arm South, 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 Humber Arm South Development Regulations (referred to as the Development Regulations) 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 Humber Arm South 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 Humber Arm South 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 Humber Arm South 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 Humber Arm South Planning Area in accordance with the Municipal Plan and the Development Regulations.

6.4.3 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 Humber Arm South Development Regulations. As well a third party who feels aggrieved by a decision by Council may appeal that decision to the Appeal Board.

6.4.4 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 based on 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 Provincial Affairs and for registration under Section 24 of the *Act*.