

**Town of Hampden: Municipal Plan 2020
As approved by Council 9 March 2021**

TOWN of HAMPDEN

MUNICIPAL PLAN 2020

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Future Land Use Map 1

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1.0 ADOPTION AND APPROVAL

1.1 RESOLUTION TO ADOPT; MCIP CERTIFICATE

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Hampden adopts the Municipal Plan 2020.

Resolved by the Town Council of Hampden on the 8th day of December, 2020

Signed and sealed this 16th day of April, 2021

Mayor: Coleen Wilton (Council Seal)

Clerk: Sabrina Judge

MCIP Certificate

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

Member of the Canadian Institute of Planners

Jens Jensen
Jens Jensen, P. Eng., MCIP

Date: 28 April 2021

MCIP seal



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1.2 RESOLUTION TO APPROVE

[resolution of Council to approve the Municipal Plan, following completion of the requirements of Sections 18 to 22 inclusive of the Urban and Rural Planning Act, 2000]

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Hampden:

- a) adopted the Municipal Plan 2020 on the 8th day of December, 2020;
- b) gave notice of the adoption of the said Municipal Plan, following special instructions of the Department of Environment, Climate Change and Municipalities related to the COVID19, by means of a flyer, continually posted from 25 January, 2021 through 26 February, 2021, on the Town of Hampden Facebook Page, and also distributed by Canada Post mail to all addressees in the postal code of A0K 2Y0 (which includes all postal addresses in the municipal planning area) on 25 January, 2021;
- c) set the 26th day of February, 2021, at 12:00 noon, to be the deadline time and date for objections and submissions to be received and for the holding of a public hearing to consider objections and submissions;
- d) appointed a commissioner to conduct the public hearing, and;
- e) received no objections or submissions by the deadline time and date, and subsequently received a report dated the 2nd day of March, 2021, from the commissioner, who recommended Council proceed with approval of the said Municipal Plan as released by the Department of Environment, Climate Change and Municipalities.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Hampden approves the said Municipal Plan 2020 as adopted.

Resolved by the Town Council of Hampden on the 9th day of March, 2021.

Signed and sealed this 16th day of April, 2021

Mayor: Coleen Wilson
(Council Seal)

Clerk: Sabrina Judge

Municipal Plan/Amendment	
REGISTERED	
Number	<u>2090-2021-000</u>
Date	<u>July 3, 2021</u>
Signature	<u>[Signature]</u>

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2.0 FOREWORD: APPROVAL AND ADMINISTRATION

2.1 *The Municipal Plan*

This document and the Future Land Use Map 1 contained with it form the Municipal Plan for the Town of Hampden 2020. This is the first Municipal Plan for the Town of Hampden.

The document presents statements regarding the Council's intentions with respect to the location and manner in which development within its Municipal Planning Area shall take place. Future Land Use Map 1 shows the Municipal Planning Area delineated as one or more land use designations. Only specified kinds of development may take place within each designation.

2.2 *Ministerial Approval*

For the Municipal Plan to gain full legal effect, the following procedure must be undertaken, pursuant to Sections 15 through 24 of the *Urban and Rural Planning Act 2000*.

In brief, the process begins with the preparation of a draft Municipal Plan under the direction of Council. When a draft is prepared to the satisfaction of Council, a process which includes an early opportunity for public input, it is submitted to the Department of Environment, Climate Change and Municipalities for review. When the Department has reviewed the draft document and is satisfied that it is acceptable in light of provincial and other government agencies' interests, the Department officially releases it pursuant to Section 15 of the *Act*. Council then, by resolution, is able to adopt the document pursuant to Section 16 of the *Act*.

Council must then advertise and provide for a public hearing at which objections or representations to the adopted document are to be heard. The notice must appear twice in a newspaper circulating in the Municipal Planning Area, in which Council states its intention to seek the approval of the Municipal Plan. The first notice must appear at least fourteen days before the hearing date. The notice must state where and when the Municipal Plan can be inspected and clearly give the time and place for the public hearing.

The hearing is conducted by a Commissioner appointed by the Council. A deadline date for the submission of any written objections or representations is specified in the *Act* (two days before the hearing). If no objections are received by the deadline, Council may cancel the hearing and proceed directly to approve the Plan. If the hearing proceeds, the Commissioner conducts the

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meeting and subsequently prepares a report including recommendations. Council then considers the report and either approves the Plan (with or without changes which may be recommended by the Commissioner) or withdraws the proposed Plan. Council's approval is made pursuant to Section 23 of the *Act*.

An approved Plan then is submitted to the Minister for review and registration, pursuant to Section 24 of the *Act*. For this, the Minister requires two copies of the Municipal Plan which have been certified by the Clerk as having been adopted and approved by Council, certified by a Member of the Canadian Institute of Planners (MCIP) as having been prepared in accordance with the requirements of the *Act*, and if the public hearing took place, the Commissioner's report and all written objections and representations that may have been submitted at the hearing.

After reviewing the document and determining that it is not contrary to law or a policy of the government of the province, the Minister will register the Plan in the Minister's planning registry and Council will publish a notice to that effect in the provincial government's *Newfoundland and Labrador Gazette* and in a newspaper circulating in the Municipal Planning Area. The date of the publication of the notice in the *Newfoundland and Labrador Gazette* is the date upon which the Plan comes into effect.

If the Minister chooses to not register the Plan, the document is returned to the Council with information as to the reason for its unacceptability, and Council may then make changes and resubmit the Plan in the same manner.

It is important to recognize that a new Municipal Plan does not come into legal effect until the notice of the Minister's registration appears in the *Newfoundland and Labrador Gazette*. Once in effect, the Municipal Plan is legally binding on Council and any person or party proposing to use or develop land anywhere within the Planning Area.

A concurrent and parallel process is involved in the preparation, adoption, approval, and coming into effect of the Development Regulations 2020.

2.3 Effect and Amendment of the Municipal Plan

The Municipal Plan is a legal document, binding upon Council and any person or group using or proposing to use land anywhere within the Municipal Planning Area. All development must

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conform with the applicable policies of the Municipal Plan after the date upon which it comes into effect.

The *Act* at Section 28 requires that a Municipal Plan be reviewed not later than every five years from the date it has come into effect. Council may revise the Plan with a view to the developments which can be foreseen for the next ten years. Consequently, the time frame for this Plan is the ten year period of 2020 through 2030.

The Municipal Plan may be amended at any other time, in whole or in part, for legitimate reasons that may have been unforeseeable at the time it had initially been drafted. Any such amendment must be consistent with the other contents of the Municipal Plan as a whole as the amendment will be read together with and become part of the Municipal Plan.

2.4 Municipal Plan Administration; Role of Development Regulations

When a Municipal Plan comes into effect, the Council is required to provide for its administration in conjunction with Council's Development Regulations. Development Regulations must comply with the requirements of the *Urban and Rural Planning Act 2000*, and include standard Minister's Regulations which currently are in the form of Newfoundland Regulation 3/01 made by the then Minister of Provincial and Municipal Affairs and which came into force on January 1, 2001. Councils are also advised to adopt the *National Building Code of Canada* as its building regulation.

The day-to-day administration of the Municipal Plan and accompanying Development Regulations may involve Council employee(s) if they are appointed by Council pursuant to Section 109 of the *Urban and Rural Planning Act, 2000* to approve or reject applications to develop land and if they are so appointed, to outline conditions applicable to the development. Staff so appointed may issue orders concerning a development, including to stop work or to demolish construction and restore a site to its original condition, subject to confirmation by majority vote of Councillors present at their next meeting (if not so confirmed, the order is cancelled). Executive staff also have a professional duty to advise Council on planning matters in the Municipal Planning Area.

3.0 INTRODUCTION

3.1 Title and Components

This Municipal Plan, when brought properly into effect, shall be known as the *Municipal Plan 2020 of the Town of Hampden* ("Municipal Plan" herein). The following text and Future Land Use Map 1 contained herein constitute the Municipal Plan for the Hampden Municipal Planning Area.

3.2 Review and Amendments

In the course of preparing the Municipal Plan, research concerning planning topics was compiled in a Planning Background Report. Though that report is not an official part of this Municipal Plan, it is a useful reference document for those who wish to more fully understand the background information leading to composition of this official Municipal Plan.

As indicated in the Foreword, the policies and land use designations described in this Municipal Plan are subject to periodic review and occasional amendment as required in the light of changing economic, social, and technological developments and as well may be prompted by development proposals.

3.3 Purpose and Objectives of Plan

A Municipal Plan guides growth and development within a Municipal Planning Area. It provides a means of preventing problems that could occur if conflicting land uses are developed too closely. It directs future growth so that any municipal services and land resources are used most efficiently, thus preventing unnecessary increases in servicing costs that can result from development becoming needlessly spread out. It also ensures that aspects of land development like safety, aesthetics, and environmental protection are given proper consideration.

The overall objective is to provide appropriate policies which Council will observe together with the more specific requirements of the Development Regulations as they evaluate development proposals that come before them, and as they formulate plans for civic works and programs. The policies themselves provide the basis for the detailed development standards and conditions found in the Development Regulations.

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3.4 Municipal Planning Area

The territory subject to this Municipal Plan is that which is included within the boundaries of the Hampden Municipal Planning Area, which coincides with the municipal boundary of the Town of Hampden plus a small part of the community's protected water supply watershed, as shown on Future Land Use Map 1.

The protected water supply area is officially called the "Eliot Brook Protected Public Water Supply Area" as designated pursuant to Section 10 of the then *Environment Act*, though some government documents refer to it as Mount Lockyer rather than Eliot Brook, and "Eliot" is spelled with variations in the number of the letters l and t.

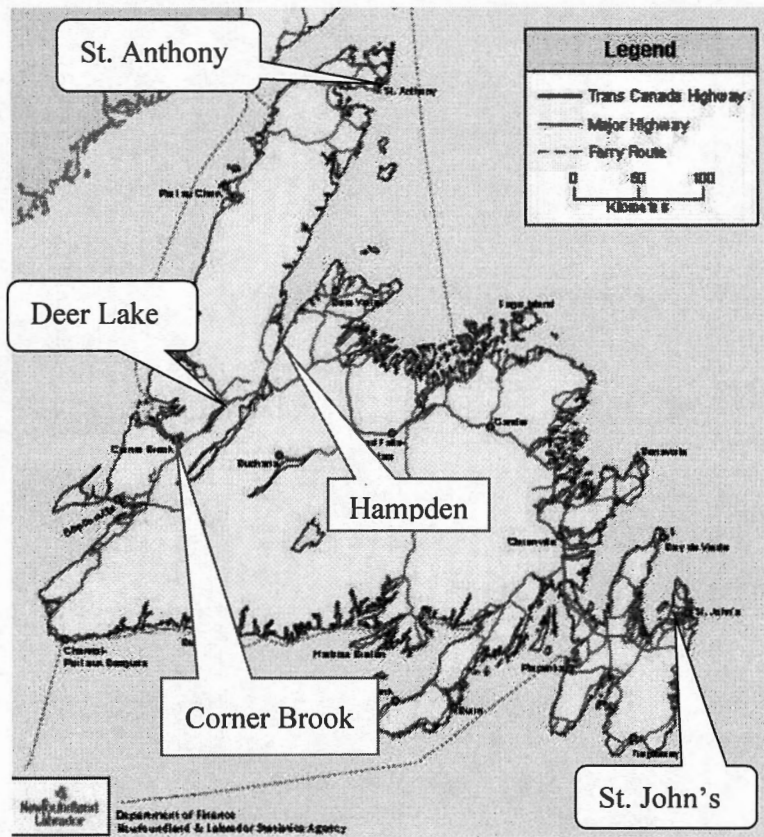
4.0 KEY FACTORS AFFECTING PLANNING POLICIES

The key factors that influence land use planning for the community are its geographic setting, the changing local economy and population, the existing pattern of streets and land uses, infrastructure, sensitive lands, the expected effects of climate change, and community amenities.

4.1 Geography

The Town of Hampden is a coastal community at the southern point in White Bay, a bay on the north coast of the island of Newfoundland. The nearest major urban centres are Deer Lake and Corner Brook, respectively 66 km and 120 km by road.

The community's location relative to other nearby communities and the province as a whole may be appreciated from the map below:



A succinct history of the community could be found on Wikipedia in 2020, as follows:

Hampden was named after English politician John Hampden. Many communities were resettled into Hampden after the island was brought into Canadian Confederation, where the Joey Smallwood government pushed a resettlement plan that involved over 300 villages and 28,000 people.

4.2 Economy and Demography

The state of the local economy and population characteristics are fundamental factors which, when considered in conjunction with the attractiveness of the community to people seeking to settle, influence demand for land and infrastructure for development of various types.

In Section 4.1, the origins of the community were briefly described. As with many coastal communities in the province, the fishery for many years was the dominant economic base of the communities which were resettled into Hampden. With the establishment of a major papermaking industry in Corner Brook in the 1920s and the development of passable roads connecting communities to the wider world, the opportunities for employment and investment grew dramatically.

The fishery was greatly affected by the imposition of the northern cod moratorium in 1992, with profound impact on communities wholly dependent on it. Fortunately, the proximity of the community to the Corner Brook-Deer Lake region with its large and diversified economic base, and a recent industrial development in the form of a major sawmill in the community, have mitigated the effects to a significant degree. At the time this Municipal Plan was brought into effect, it appeared that this industry had a very promising future, and indeed was expressing forecasts of expansion. It is important that this Municipal Plan identify and designate considerable areas for industrial expansion as well as anticipated demand for residential building, as available land in the existing core of the community has become limited.

Indeed, the 2016 census report on employment shows that residents work in a wide variety of occupations and industries. In recent years, the availability of employment in western Canada and elsewhere enabled many workers to travel away on rotating schedules, while being able to maintain a home base in the community, though the numbers working that way have decreased.

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There is also an emerging economic development opportunity which is gaining strength: tourism. Regional tourist attractions on the west coast have developed considerably in the last number of years, such that tourist traffic has grown. As the community is located close to the TransCanada Highway, not far from Deer Lake and its airport, it is easily accessible by road and air to the travelling public. Abundant natural features of the coastal environment and wildlife make the area of interest to residents and tourists alike—water views, icebergs, whale watching, an abundance of eagles, upland wildlife, a recreational and a food fishery, hunting, hiking etc.

Demographic trends are important to the question of the future of the community. The census reports population data as follows, beginning in 1996:

2016: 429

2011: 457

2006: 489

2001: 544

1996: 651

The decline of the last twenty years of 34.1% was much more severe than that in the last five years of 6.1%. It would appear that the worst of the decline was in the early years of 1996 to 2001. The decline in the last five years is not very large in comparison to the experience of many other communities in the province. The recent economic revival in the community suggests that the community population will at least be stable during the ten year term of the Municipal Plan. In order to provide a better forecast, a review of professionally produced regional population projections was carried out. This is important as those forecasts include demographic as well as economic modelling on a wide regional basis.

Review of the population projections produced by the Economic and Projects Analysis Division in the provincial Department of Finance following the 2016 census supports a belief that the region's population will be at least stable for the foreseeable future. Their forecasts are based on a selection of scenarios, from low to high according to assumptions made about the strength of local economies (which influences in or out-migration), and birth and death rates. Alternative scenarios are presented for Economic Zone 8, the region in which Hampden is located. That Zone includes Corner Brook and Deer Lake and surrounding areas, including up White Bay to include Hampden, but not including Gros Morne National Park and areas north of it, nor Stephenville and its environs to the south.

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The most pessimistic forecast shows a decrease of about 2.5% over the next 20 years, and the most optimistic an increase of about 4.1%. The medium scenario forecasts a little bit better than flat rate stability. In short, the region should expect to have a stable population, largely based on the region's industries, institutions and services which relate to a broad trading area, plus localized services to residents and tourists. In any scenario, there will continue to be demand in all communities for new housing as old stock is replaced and stable, good incomes and confidence from fairly stable employment enables new investment in home building.

One might conclude by looking only at population figures that there is limited prospect for development in the community, but officials report that there is a positive spirit and new investment is taking place in commercial and residential building, including renovations and upgrading of existing homes. In any scenario, there will continue to be demand for new housing as old stock is replaced. Every effort needs to be made, as has been done, to make the community attractive to business and tourists.

Attracting new investment, tourists, and in-migration of local and from away people, are affected by the community's quality of life. That quality is influenced by availability of good schools, recreation, cultural expression, commercial services, the valued trails and landscapes which the town enjoys, and the appearance of buildings, streets and yards.

Steady, hard work is needed to continue exploiting funding opportunities to continually improve features such as walking trails to promote active lifestyles. These features should be sensitive to the aging demographic of the community, for example to include frequent rest areas on trails, picnic sites with seating, etc. Those attributes are of course important to visitors as well as the community's permanent residents. Council should encourage and assist initiatives as much as feasible.

Physical as well as human geography affects development, and those factors are addressed in the next sections.

4.3 Settlement Pattern and Infrastructure

Developing land in Hampden faces some significant challenges, partly due to the settlement pattern and infrastructure already in place by virtue of history, but also due to some limiting physical factors such as topography.

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The community is accessed by Highways 420 and 421 which run northward from the TransCanada Highway (TCH) to Hampden (10 km from the TCH). Those highways represent the only road connection to the provincial highway network, ie: to the TCH, just east of Deer Lake.

Highway 421 enters the settlement at Bayside and runs around the upper part of the community. A more direct route from Bayside to the harbour is via Country Road. A number of minor streets have been built off Highway 421 and Country Road in the core of the community. Most of the side roads are residential in nature. A major sawmill and an active quarry are located on Chouse Brook Road. The general arrangement of the roads and settled areas in the Municipal Planning Area can be appreciated on Future Land Use Map 1.

The community at the outset developed in a fairly compact pattern focused on the harbour at South Anchorage at the foot of White Bay. Residential and other development such as stores, rooms, schools and churches developed in a network of streets which gradually spread over the landscape directly inward from the waterfront. A small central commercial area adjacent to the harbour in the early days provided most of the needed goods and services for the community and immediate area. The era of modern highways and near-universal use of automobiles has seen a concentration of most major retail goods and services in larger centres, particularly in Deer Lake and Corner Brook.

Years ago, the desirability of municipal water systems and sanitary sewerage became evident for public health and convenience reasons. As resources for these systems became available, many communities installed central water and/or sewer services. Practically all of the built-up area of the Town of Hampden has been serviced with central water and sewer systems. Only a very few dwellings have not been connected. The community water supply is the Eliot Brook Protected Public Water Supply Area, a large surface watershed area, lying almost entirely within the Town boundary.

Most development in the community is single family housing; the 2016 census recorded 175 dwellings, mostly owner-occupied. The housing stock is well distributed and none of the area appears to be crowded, and the good standard of upkeep reflects the pride and effort of their owners. Non-residential development such as the municipal building, post office, tourist accommodations, and a store are scattered throughout the community without posing significant land use conflicts.

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Overall, the demand for land for new development has not until 2020 been great. However, demand for building lots for dwellings has grown quickly, in part due to the activity at the sawmill but also as significant numbers of retirees are returning to their home town and wishing to build. This has become a frustration for both the would-be builders and the Town Council, as the former wish to move quickly and the latter lacked a land use plan prior to this Municipal Plan to guide development and servicing.

At first glance, it would seem that there is considerable availability of land in the town for development. This is a complex matter as the intertwined factors of access, servicing with extensions of central water and sewer systems, soil conditions, and topography come into play. Much of the easily developed area has been built on and the hilly topography presents challenges to the laying out of new subdivision streets.

There have not recently been significant issues with the types of new developments which have been established, but Council has good reason to be concerned about future intrusion of undesirable development types into the community's attractive appearance and tranquillity. At the same time, it is important to encourage and support economic development, whether small or large initiatives.

The rural areas immediately surrounding the serviced town core are not significantly developed with buildings, other than for the large sawmill noted above. The locations of the sawmill and quarry up Chouse Brook Road have been fortunate in that their area is well removed from the residential areas. It is felt to be prudent to see that road as the focus of new major industrial developments so as to continue to separate them from residential areas. In doing that and considering similar situations, the balancing of economic development opportunities with maintaining the tranquil quality of life calls on Councils to exercise careful judgment.

4.4 Sensitive Lands and Adaptation to Effects of Climate Change

Good community planning must concern itself with adaptation to sensitive lands such as important natural resource lands, environmentally important habitats, and natural hazards. For many years, topics such as geological stability, landslides, flooding, wetlands, the value of forestry resources and mineral workings (pits and quarries, as well as ore extraction and hydrocarbons), and coastal erosion have been familiar. In recent years, predictions of the effects of climate change have become clearer and measures are being taken in forward looking communities to adapt to those which threaten the environment and human settlements.

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A high priority topic concerning environmentally sensitive lands has for many years been development in the vicinity of (or in) water bodies. Though the federal government generally has jurisdiction over ocean waters, management of inland waters is a matter of provincial jurisdiction, and the Municipal Plan must reflect provincial government legislation and policies.

To do with sea level rise, the current provincial government policy is that development (other than wharves and such) must be located at least a certain elevation above current sea level. Measures to address that and other matters, including geotechnical assessments of proposals to build on steep slopes, avoidance of wetlands and areas prone to flooding, and proximity to watercourses, will be included in the planning documents.

The provincial government's inputs also concern use of agricultural and high value forested lands. Although farming for vegetables and some animals was a customary activity in the distant past, there is no active field or animal operation in the community now, other than domestic gardening and horticulture. An important area of commercial core forest and plantations is found within the Municipal Planning Area, and needs to be designated for priority resources use. Also, forest harvesting, roadbuilding and silviculture are important outside of those areas as well, and those activities should be unimpeded in rural areas except for the protected water supply area.

A feature unique to the community is the presence of an avian species designated as a Vulnerable Species, the Rusty Blackbird. The Wildlife Division of the Department of Fisheries, Forestry and Agriculture recommends that a 50 metre buffer on each side of rivers, creeks and shorelines of wetlands and inland water bodies be undisturbed to protect the habitat of that species. In the Municipal Planning Area, this would appear to be readily accommodated as a general requirement.

4.5 Recreational Amenities

In the Hampden area, the outdoors offers great opportunities to enjoy access to the land and sea. It is noteworthy that a prominent trail is located in the immediate area: the Barrens Walking Trail. There is also a lookout at "the Beaches", overlooking a grand vista. These and many other outdoor opportunities are very important to the healthy lifestyles of residents and visitors alike.

Information available makes references to upgrading the community playground, developing a slipway and marina at Bayside, developing snowmobile trails and a staging area, building

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viewpoints, interpretive panels and walking trails, encouraging volunteerism, and, organizing sports events and festivals. These are the sort of local projects that can build civic pride and enhance the enjoyment of life in the community.

The community is fortunate in being so close to the Deer Lake--Corner Brook area, in that many other cultural and recreational facilities and opportunities can be found in the region. This is a strong asset in the quality of life in the community, and for the Town's financial situation: the Town does not need to be all things to all people, and can focus its limited resources on the gaps. The community's focus should be on supporting active lifestyles by taking advantage of the natural features of the immediate area and opportunities for local facilities not requiring travel outside the community.

5.0 DEVELOPMENT CONCEPT

This section presents Council's policy concerning a general development concept for the municipal planning area, including brief descriptions of approaches to key issues. Section 6.0 provides the policies applicable to each of the various land use designations in the municipal planning area as well as policies applicable to the entire municipal planning area.

- 1) Hampden in 2020 is and will continue to be essentially that of a rural community for which much employment and practically all major goods and services such as retail trade, large industries and institutions, and medical, commercial, and professional services are found outside the community, in and around Deer Lake and Corner Brook.
- 2) The community is not expected to be a suitable location for large retail and services enterprises due to its small population, limited infrastructure, and the competitive advantage of locations for those types of development elsewhere. However, there is optimism that the experience of seeing the development of a major sawmill can be repeated. The community's central location on the west coast and suitable land on Chouse Brook Road could encourage both large and spin-off industries which require large outdoor areas for storage and processing but do not require substantial municipal infrastructure. Also, the land and sea features of the area are of interest to tourists seeking outdoors experiences in a beautiful natural setting, and that tourism potential has barely been touched.
- 3) The community is not expected to experience a substantial level of growth but will attract families with stable employment in the area, to buy or build homes, but these are forecast to be in fairly small numbers. Most new housing will be in the form of single dwellings, which may include subsidiary apartments and home businesses. In addition, seasonal residential development will continue to be present, mostly occupied by owners with family connections to the area.
- 4) The Town features a fine quality of life as a family-oriented residential community set in a beautiful natural environment with opportunities for enjoying active lifestyles. Ensuring that that quality of life continues makes it extremely important to restrict locations for developments which would present land use conflicts with existing or expected residential development, and to press on with improvements to amenities.
- 5) The core of the community is designated as Mixed Development, to be primarily residential in nature but also available for such other development types that would be compatible with location amongst residences. The Mixed Development area includes areas already developed plus peripheral lands that are suitable for residential development, so as to provide space for new housing and compatible land uses.

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- 6) In order to facilitate broader choices in housing styles, and with a view to enhancing affordability of housing, single dwellings may be developed as “tiny homes”. Such homes would have smaller than the usual minimum floor area for single dwellings, subject to a site plan that shows how eventually the dwelling could be enlarged while still respecting required yards, parking spaces, lot coverage etc.
- 7) In the Mixed Development area, proposals for non-residential uses will be reviewed case by case in a manner which is efficient and timely, ie: by consideration of discretionary land uses.
- 8) New development must connect to municipal water and/or sewer services or have approved private water supply and/or sewage disposal systems.
- 9) The protected water supply area officially called the “Eliot Brook Protected Public Water Supply Area” is designated pursuant to Section 10 of the *Environment Act*. It is a valued, but vulnerable, resource. Council will continue to be vigilant about threats to water quality and reliability, and in particular act to prevent development of objectionable land uses in the protected area, which will be designated as Protected Public Water Supply.
- 10) Much of the area along the upper end of Chouse Brook Road is designated as Industrial, to ensure that land is available for large industrial and natural resource land uses that do not require significant use of the Town’s infrastructure. Separation of those activities from the Mixed Development designation of core of the community and the adjacent undeveloped areas is important to residents’ quality of life.
- 11) Part of a large commercial forestry area identified by the provincial government (Block 16004) is located within the Municipal Planning Area and is thus designated as Forestry, in which activities such as pits and quarries and other resource-based land uses would be acceptable.
- 12) Regulation of forestry development, including issuance of domestic fuel wood harvesting permits in any area, is not a function which Council wishes to undertake, and thus this Municipal Plan is silent on the topic. However, the state of forestry operations will be monitored from time to time to determine whether there is a future need to act.
- 13) Areas outside the core of the community and the above noted special areas related to forestry, water supply and industrial use are designated as Rural. In those areas, a low-density mixture of resource-oriented and other types of development not suited to locations in the core would be permitted. This means that uses such as scrapyards, kennels, livestock operations, pits and quarries, large commercial developments and the like are restricted to locations in areas designated as Rural. Low density residential and small commercial development would also be acceptable in the Rural areas subject to consideration of site-specific matters to provide at least a moderate degree of separation from non-residential land uses.

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- 14) Sensitive lands and hazards to development will be recognized in the Municipal Plan, addressing topics such as risks of landslides and development on steep slopes, protection of wetlands and the habitat of the Rusty Blackbird, coastal erosion, and sea level rise.

6.0 MUNICIPAL PLAN POLICIES

In accordance with the Development Concept set out in Section 5.0, the policies in this Municipal Plan are organized in two sets: the first to do with specific lands which are designated and for which area-specific policies are written, the second to do with policies affecting all designations uniformly. These policies, together with more detailed requirements and procedural matters which are set out in the Development Regulations, provide direction for Council decision-making in municipal planning.

Numerous topics of varying degrees of precedence and detail will be addressed in the Development Regulations to fulfil the goals, objectives and policies of the Municipal Plan.

6.1 Land Use Designations and Area-Specific Policies

The Municipal Planning Area is geographically divided into five designations as follows:

- 1) Mixed Development
- 2) Industrial
- 3) Forestry
- 4) Protected Public Water Supply
- 5) Rural

The respective boundaries of these designations are shown on Future Land Use Map 1. Rules for interpretation of the boundaries are found in Section 8.0.

The factors affecting planning policies and the overall development concept have been described earlier in this Municipal Plan, so the preambles to the policies in this Section are brief.

Council's policy is that the Development Regulations shall contain use zone tables and that zones will be shown on zoning maps to align Municipal Plan policy with use zone tables in the Development Regulations.

The meanings of "groups, divisions and classes" of land uses and meanings of certain words as used in this Municipal Plan are to be interpreted according to the classification of uses and definitions found in the Development Regulations.

6.1.1 Mixed Development

Specific policies pertaining to the Mixed Development designation are:

- 1) Permitted uses are:
 - a) Single dwelling, seasonal dwelling, and mobile home classes, including home businesses of a benign nature and subsidiary apartments therein
 - b) Recreational open space
 - c) Forestry uses, including domestic cutting for fuel wood
 - d) Mineral exploration
 - e) Existing agricultural uses
- 2) Uses which may be approved subject to Council's discretion include any other use except for the classes of:
 - a) Hazardous industry class,
 - b) Agriculture class involving keeping of any number of large animals,
 - c) Scrapyards,
 - d) Solid waste, and,
 - e) Wind turbines taller than those defined as "short".
- 3) In considering discretionary use applications, Council will give the highest priority to reasonable compatibility with existing and intended future developments in the area, such that the proposed land use can operate without any significant adverse effect on the surrounding area. Further, adequate buffering shall be provided between non-residential land uses and any abutting residential uses. Such buffering may include among other measures ample distance from the proposed development, grass strips, fences, shielded yard lighting, and appropriate planting of trees and shrubs as visual barriers.
- 4) The Development Regulations will detail requirements related to home businesses, accessory buildings, minimum dimensions of yards, and other topics for the purpose of developing and maintaining a high quality, aesthetically pleasing, low density, primarily residential ambiance.
- 5) In order to provide for flexibility in unusual circumstances, Council may at its discretion, and subject to criteria or conditions as detailed in the Development Regulations, require site plan evaluation (see Section 7.2), approve comprehensive developments, and modify or waive specific requirements where appropriate.

6.1.2 Industrial

Specific policies pertaining to the Industrial designation are:

- 1) Permitted uses are:
 - a) The industrial group except for the hazardous industry class
 - b) The non-building uses group except for wind turbines taller than those defined as “short”.

- 2) Discretionary uses are:
 - a) The hazardous industry class
 - b) Wind turbines taller than those defined as “short”

- 3) Adequate screening shall be provided between non-residential land uses and any abutting residential uses located in the adjacent Mixed Development designation, as detailed in the Development Regulations.

- 4) For cases where unusual circumstances are anticipated or revealed during the application process, especially for very large scale or complex developments, Council may require submission of a detailed site plan for review and approval as described in Section 7.2.

6.1.3 Forestry

Specific policies pertaining to the Forestry designation are:

- 1) Permitted uses (there are no discretionary uses) are the following classes of use:
 - a) Agriculture
 - b) Forestry, including domestic cutting for fuel wood
 - c) Mining
 - d) Mineral Exploration
 - e) Mineral Working
 - f) Petroleum Exploration
 - g) Petroleum Extraction
 - h) Conservation
 - i) Antenna or Wind Turbine of any height

- 2) All developments are subject to the approval of provincial government authorities.

6.1.4 Protected Public Water Supply

Specific policies pertaining to the Protected Public Water Supply designation are:

- 1) Protection of the area from encroachment, disturbance or contamination is a matter of extreme importance. Council will monitor activities in the area to be vigilant about any threats to the sanctity of the water supply, and immediately follow up on any observations warranting investigation.
- 2) The permitted uses are limited to Conservation class uses and uses related to the management of the lands for the municipal water utility works.
- 3) Uses permitted at Council's discretion include those in the Recreation and Open Space classes, including trails, and those in the Forestry class (which includes domestic cutting), but only in conjunction with a professionally prepared site plan (see Section 7.2) or forestry management plan, respectively, approved by the provincial government and the Council.

6.1.5 Rural

Specific policies pertaining to the Rural designation are:

1. Lands designated Rural shall be developed primarily for uses utilizing the area's natural resources, commercial developments, low density residential developments, and land uses not compatible with the urban environment but which nevertheless may be acceptable.
2. In order to ensure full review of proposals for development in the Rural areas, the only permitted uses shall be:
 - a) Agriculture class
 - b) Forestry class, including domestic cutting for fuel wood
 - c) Conservation use class
 - d) Existing mineral exploration class
 - e) Existing mineral workings class
 - f) Existing cemeteries and expansions thereof

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3. All other uses may be considered as discretionary uses, in order to provide for consideration of a wide variety of proposed developments, some of which may be unusual but nevertheless desirable.
4. Each development proposal will be reviewed to assess potential negative effects and set special development standards to reduce or eliminate significant negative impacts and protect public safety and amenities, notwithstanding that certain uses are listed as permitted or are subject to Council's discretion.
5. Resource industry operations shall be conducted in a manner as detailed in their permits from the provincial government to minimize the adverse effects on water quality, fish and wildlife, and shall be buffered from adjacent developments.
6. The conditions and standards for all uses other than the "non-building uses" group shall be those applicable to the Mixed Development designation, including those matters subject to Council's discretion for developments which may not be otherwise approvable.

6.2 Policies Applicable to All Areas

The following policies pertain to all of the Municipal Planning Area.

6.2.1 Sustainability of Development

It is important to take forward-looking measures to address the sustainability of the quality of life of the community. Council's policies as set out below are intended to provide overall direction to enhance sustainability of development:

- 1) In considering discretionary use applications, Council will give the highest priority to reasonable compatibility with existing and intended future developments located in the designation, such that the proposed land use can operate without any significant adverse effect on the surrounding designation. Further, adequate buffering shall be provided between non-residential land uses and any abutting residential uses. Such buffering may include among other measures ample distance from the proposed development, grass strips, fences, and shielded yard lighting.

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- 2) The Development Regulations will include provisions for Council to consider variances as enabled by the *Urban and Rural Planning Act 2000*, in keeping with the intent of the requirements and provided that any negative effects are insignificant and very localized.
- 3) For mineral workings or similarly intrusive developments in the Mixed Development designation, a large separation from public highways and streets, existing dwellings, and environmentally or culturally sensitive areas will be required.
- 4) The Development Regulations will detail requirements related to home businesses, accessory buildings, setbacks from lot lines, and other topics with the purpose of developing and maintaining a pleasant, low density community.
- 5) The matter of adequate and usable legal public access to a waterway or water body may be used as a consideration in the review of an application for a development or subdivision of land in close proximity to a waterway or water body.
- 6) Signage and outdoor lighting shall be subdued and in keeping with attractive design and highway safety.
- 7) Forestry activities are supported, including harvesting (commercial and domestic cutting), processing of products of the forest, silviculture and access roads, as indicated as permitted or discretionary uses in appropriate use zone tables in the Development Regulations. Permits from the provincial government may be required for commercial or domestic cutting of forest resources.
- 8) The Wildlife Division of the Department of Fisheries, Forestry and Agriculture must be contacted before major development projects are approved to ensure that appropriate mitigation measures are put in effect to address species habitat requirements, in particular the vulnerable Rusty Blackbird.
- 9) Trails are an important element in encouraging active lifestyles. Council will endeavour to support and enhance existing trails, and collaborate with property owners to continue and extend trails for public use. The Development Regulations will include a requirement that development in close proximity to trails designated by Council shall not impede the function of the trails. Continuation of specific trails is contingent on the ongoing consent of property owners.

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- 10) For cases where unusual circumstances are anticipated, especially for very large scale or complex developments, Council may require submission of a detailed site plan for review and approval as described in this Section 7.2 in this Municipal Plan.

6.2.2 Natural Hazards to Building

The following Council policies are intended to prevent or mitigate exposure to hazards of landslides, rock falls, avalanches, flooding, coastal erosion and climate change:

- 1) Council may require professional review and advice in order to evaluate any proposal for the erection of a structure on a site which is potentially subject to natural hazards including flooding, sea level rise, coastal erosion or any other physical hazard near water bodies, watercourses and the sea.
- 2) Requirements concerning sea level rise and coastal erosion include that development must be:
 - a) Located above the current 2 metre contour, and,
 - b) Set back at least 30 metres from the ocean shore and any inland water body subject to tidal influence, to provide a buffer against coastal erosion, except that the following are permitted:
 - i) Structures or land uses requiring direct access to salt water, including wharves, breakwaters, slipways and boathouses, and if approved to be in accordance with the Department of Environment, Climate Change and Municipalities' *Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses*;
 - ii) Public works, such as water and sewer services and electrical lines;
 - iii) Recreational open space class and trails;
 - iv) Mineral workings if permitted in the use zone table;
 - v) A lesser setback but in no case less than 15 metres, where the proponent can demonstrate that the building(s) would be founded directly on bedrock rather than on surficial soils, loose rock, or severely fractured bedrock;
 - vi) Enlargement or renovation of main building(s) which are located within the required setback from the shore, and accessory buildings which may be developed subject to the ordinarily applicable requirements in the use zone table.
- 3) Any proposal for development of a site having a slope in excess of 15% must be certified by a geotechnical professional engineer as having low risk of landslide, avalanche, and rockfall.

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- 4) See Section 6.2.4 for policies concerning protection of the natural environment, which specifies other requirements affecting development near water bodies. The more stringent of the requirements shall apply.
- 5) Further to the above, development must conform to the requirements of the use zone table for the applicable zone.

6.2.3 Street, Water and Sewer Services

Some of the costs of running a municipal government are proportional to the overall length and type of municipally maintained streets, water and sewer services. Generally, the more spread out a settlement becomes, the more these public costs increase disproportionately in relation to the number of dwellings or other buildings served. Efficiency in use of public funds for construction and operation is important.

Also, public works such as water and sewer infrastructure are needed in order to provide the area with a safe and healthy environment. It is not always possible to predict the location of these works and sometimes they must be located in close proximity to sensitive areas.

Council intends to manage these challenges through implementation of the following policies:

- 1) New public works will be constructed in a staged and orderly manner approved by Council, to provide an economical and logical sequence for growth related to the needs of the community and the financial resources available.
- 2) Streets which are intended to be conveyed to the Town shall be designed and constructed to modern engineering standards.
- 3) All developments shall have motor vehicle access to a publicly owned and maintained street or highway, unless other policies and requirements of this Municipal Plan or the Development Regulations specify otherwise.
- 4) Council will endeavour to secure resources for improvements to the public highways and Council streets, where needed, and in particular to strengthen roads for the heavy vehicle traffic involved in transporting forest and mineral products to processing plants and markets.

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- 5) All development must be serviced by connection to the municipal central water system and/or central sewer system if available and have capacity, and/or the owner's private water and/or sewer systems. Private water supplies and private sewage disposal systems are subject to the proponent securing Certificates of Approval from provincial government authorities. Private systems are the financial and operational responsibility of the owners.
- 6) Council will be vigilant to take note of any development involving buildings or deep excavation in the vicinity of buried water or sewer lines, whether on private property or on Council streets and lands. Where Council's new buried lines are proposed to locate on public or private lands, proper easements or licenses shall be established to prevent future encroachments on the lines.
- 7) New development may be serviced with extensions of the Town's central water and sewer systems at the proponent's expense and subject to Council's approval of capacity and technical standards and by way of a specific development agreement.
- 8) The provincial government's requirements concerning groundwater resources related to use of private wells include compliance with the *Groundwater Supply Assessment and Reporting Guidelines* administered by the Water Resources Management Division of the Department of Environment, Climate Change and Municipalities. The groundwater assessment requirements apply to approval of new unserviced subdivisions consisting of 5 or more lots or the addition of unserviced lots to existing subdivisions, in order to ensure that groundwater resources in the immediate area of the subdivision are sufficient for the expected demand.
- 9) Municipal street, water and sewer works, including associated structures for such purposes, may be developed at any location provided due consideration is given to potential nuisance and aesthetic effects.

6.2.4 Protection of the Natural Environment

Protection of the natural environment is a high priority. The quality of air, land, and water in and around the community, and aesthetic considerations, are important to the health, culture, and economy of the area. The role of Council in this regard is intertwined with the roles and authorities of the Government of Canada and the Province of Newfoundland and Labrador.

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Acting under the authority of the *Water Resources Act*, the provincial government is responsible for the management of water resources of the province of Newfoundland and Labrador, and it coordinates with the federal Department of Fisheries and Oceans. The provincial department has programs to protect, enhance, conserve, develop, control, and effectively utilize the water resources of the province concerning but not limited to the following:

- a) Development within 15 metres of a waterbody or watercourse if in a Crown land reservation (the minimum buffer is measured from the high water mark of the waterway or body of water, and if the shoreline features a steep embankment, then from the top of the embankment);
- b) Development in shore water zones, (the interface between land and water, and includes the land along the edge of an ocean or a fresh water body) as set out in the Department of Environment, Climate Change and Municipalities' *Policy for Development in Shore Water Zones* W.R. 97-1.
- c) Discharge of any effluent off the subject property;
- d) Work in any body of water or wetland;
- e) Infilling of water bodies or diversion of streams (usually not approvable if for residential development);
- f) Construction of wharves, breakwaters, slipways and boathouses;
- g) Infilling or dredging associated with marine structures or other works;
- h) Any development in a protected public water supply area;
- i) Providing waste receptacles in work areas;
- j) Waste diversion actions including recycling, reuse or resale programs;
- k) Open burning of waste;
- l) Pesticide and halocarbons use, purchase and storage;
- m) Petroleum (including used oil) storage and dispensing;
- n) Effects of climate change;
- o) Energy efficiency in buildings.

In addition to the above, the Wildlife Division of the Department of Fisheries, Forestry and Agriculture has identified a sensitive habitat related to the Rusty Blackbird, along waterbodies which need to be protected.

It is Council's policy that these matters are to be identified in the Development Regulations to indicate that provincial approvals apply to proposed developments. The Development Regulations will provide detailed requirements about development near or in any water body, including ponds, streams, rivers, and wetlands in addition to ocean shorelines. Where there is

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conflict between the Municipal Plan and the Development Regulations, and, any regulations or requirements of the provincial or federal government, the latter shall prevail.

Further to the above, Council's policies are that:

- 1) As a general principle, proposed development should not pollute or degrade any part of the community. In cases of large or special types of projects where environmental protection concerns are complex, the proposals should be carefully studied and any concerns brought to the attention of the appropriate provincial or federal authorities.
- 2) The sensitive riparian habitat of the Rusty Blackbird along wetlands, rivers, streams and ponds (not including the shores of White Bay) will be respected by way of establishing a buffer strip of 50 metres on each side of those features, in which disturbance of natural vegetation will be prohibited except where approved by the Wildlife Division of the Department of Fisheries, Forestry and Agriculture.
- 3) Garbage, refuse, abandoned vehicles and any other discarded materials of any kind should be disposed of only at an authorized waste disposal site or facility outside the Municipal Planning Area.
- 4) Such material shall not under any circumstances be used as fill for buildings and lots.
- 5) Wrecked or inoperable vehicles, machinery or equipment of any kind shall not be stored or abandoned where it may be in public view.
- 6) Owners of dilapidated structures or unsightly yards will be required to remedy the situation if they present a safety hazard or degrade the appearance of the community.
- 7) See Section 6.2.2. for policies concerning natural hazards to building, which specifies a number of requirements affecting development near water bodies. The more stringent of the requirements shall apply.

6.2.5 Development Near Highway 421, Bayside Road and Loop Road

Development near provincial highways (Highways 421, 421-11, and 421-12) in the municipal planning area) is regulated by the provincial government, pursuant to but not limited to the following regulations, in which the classification and/or proximity criteria are subject to change, and Council's policy is to include these in the Development Regulations:

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- a) *Building Near Highways Regulations*, under the *Works, Services and Transportation Act*: for any action to erect, repair, alter or structurally improve a fence, building or other structure, including planting of trees, shrubs or hedges, within:
 - i. 15 metres from the centre line of Highway 421, which is named Hampden Road in provincial government naming of public highways) as it is a designated a class D highway in these regulations.
 - ii. 10 metres from the centre line of Highways 421-11 (Bayside Road) and 421-12 (Loop Road) as they are designated as class E highways in these regulations.

- b) *Highway Sign Regulations*, under the *Urban and Rural Planning Act*: for any sign within 400 metres from the centre line of the roadway for locations within the municipal planning area but outside the municipal boundary, or, within 100 metres from the centre line of the roadway where within the municipal boundary [note that the proximity criteria is subject to change]. All of the said highways are within the municipal boundary, thus the proximity criteria is 100 metres from the centreline.

Application for permits pursuant to the above regulations is to be made to the Government Services Centre, Service NL. These requirements are in addition to requirements pursuant to this Municipal Plan and the Development Regulations.

6.2.6 Mobile Home, Campground, and “Tiny Home” Developments

To better integrate the typically longer shape of mobile homes and provide for campgrounds and “tiny home” developments, Council’s policies are that:

- 1) The minimum required rear yard for mobile homes will be reduced and other requirements related to their unique shape will be included in the Development Regulations.

- 2) Mobile home parks and campgrounds will be considered at Council’s discretion, where permitted in the use zone table for the applicable zone, and be subject to site plan approval as described in this Municipal Plan and to a detailed development agreement with the Council to deal with management and servicing concerns.

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- 3) In order to address the potentially incompatible appearance of unusually small or narrow single dwellings such as mobile homes and “tiny homes”, a minimum dimension of the shortest main wall of single dwellings will be specified in the Development Regulations. It will apply to each phase where phased construction is involved.

- 4) In order to be able to accommodate single dwellings to be built in phases where the minimum floor area requirements would not be satisfied in the initial phases (sometimes called “tiny homes”), Council will permit such single dwellings to be built in phases where permitted in the use zone table for the applicable zone, by way of site plan approval as described in this Municipal Plan. The site plan must show the way in which the configuration of later phases of construction will result in a fully compliant dwelling floor area without encroaching on any required yards or failing to meet other requirements such as off-street parking. Variances may be considered concurrently. Home businesses will be permitted in such structures in any phase, but subsidiary apartments will not be permitted until the main building floor area satisfies the minimum requirement for single dwellings.

6.2.7 Antennas and Wind Turbines

Tall antennas and wind turbines (windmills) represent an aesthetic and safety concern due to their visual effect and the large areas of land required to accommodate their guy wires and access roads. Aesthetic considerations are quite subjective, but not to be discounted: grid-connected wind turbines in Atlantic Canada currently reach as high as 100 metres from the ground to the tip of the top blade when it is vertical (some have tower heights over 50 metres and blade lengths up to 42 metres). Antennas can be much taller than that and involve widespread guy wire arrays which severely compromise the development potential of large areas of land.

Short antennas can be integrated in settled areas in some cases, because the aesthetic effects are not extreme as the structures are thin and there are few large attachments on them. Land consumption for self-supporting towers is negligible, but even a short antenna with guy wires has a considerable footprint which cannot be further developed. Wind turbines present the added issue of noise and safety related to operation of the machinery and shedding of ice from the blades.

Council acknowledges that regulation of antennas is in the jurisdiction of the Government of Canada, and that the role of Council is to take part in consultative processes in which communities may be able to participate. Council is recognized as a local “land use authority” in

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current federal government guidelines concerning consultation. It is Council's policy that the policies and requirements set out in the Municipal Plan and the Development Regulations describe the aspirations of the community in this regard, and that Council's view is that the process of municipal permitting provides an orderly method of dealing with public consultation and Council's input to federal authorities.

Council's policies concerning these developments are as follows:

- 1) Council's balancing of safety, land consumption and aesthetic considerations calls for a categorization of antennas and wind turbines according to type of structure and tower heights. Definitions and detailed conditions for approval applicable to these structures will be set out in the Development Regulations.
- 2) Tall antennas and wind turbines are viewed as incompatible if located in close proximity to the Mixed Development area.

6.2.8 Keeping of Animals

Pets

People keep animals for a variety of reasons: as pets for the companionship and enjoyment of them practically as members of the household, and as economic assets in some cases, providing food, fur and other materials as well as labour for the benefit of the owner. Keeping of pets is rarely a matter of concern in a Municipal Plan, as the activity tends to be self-regulating as far as land use effects are concerned.

Municipal planning laws such as the Development Regulations are not intended to be used to deal with situations where pets are not properly housed or not given appropriate care. In those cases, regulations concerning public health, cruelty to animals, noise and other such matters enable authorities to deal with offending behaviour.

Council's policy is that the Development Regulations will specify keeping of pets to be an accessory use to the main use of a property where it is appropriate. A reasonable number of animals of acceptable types will be defined in the use zone tables in the Development Regulations for clarity.

Agricultural animals

When large numbers of animals are bred, raised or kept for substantial economic gain or in larger numbers than customarily recognized as pets, it is appropriate to regulate their locations and characteristics for land use conflict, public health and environmental reasons. It is Council's policy that the Development Regulations will include requirements related to development of agricultural class uses, that large animals not be permitted except in the Rural designation.

Council's policy is that the Development Regulations will include land area and proximity requirements for such developments, based on the *Environmental Farm Practices Guidelines for Livestock [and Poultry] Producers in Newfoundland and Labrador*. Also, such developments require provincial government approvals.

6.2.9 Mineral Resources, Mining and Petroleum Resources

Exploration for subterranean resources is a valuable activity as it assists in locating potentially valuable resources, whether or not they lie directly below the land being explored. Council's policy is to consider such exploration activities as permitted or discretionary uses as specified in the policies applicable to specific designated areas. Approval of an exploration permit does not suggest or commit Council to subsequently approve a related mineral working, mining or petroleum extraction application.

Council's policy is to include requirements in the Development Regulations to endeavour to minimize negative impact on the areas affected by exploration and extraction, such as restrictions on hours of mechanized operations, restoration of areas where ground has been disturbed, removal of vehicles, equipment and trash when finished, and the like.

6.2.10 Flag Lots

As said earlier, the availability of building lots for new development is constrained by topography and natural barriers and the extent to which the community is already developed. Innovative use of "back lot" developments in the form of "flag lots" can enable development on areas of land lying behind existing lots fronting on streets. Often the challenge is simply that of access from the main body of the lot to the street, and that can sometimes be accomplished by enabling use of a narrow leg comprising fee simple lands comprising part of the flag lot and/or easements or licences to provide access across abutting lands. Council's policy is to enable such developments by including appropriate opportunity and requirements in the Development Regulations.

6.2.11 Removal of Quarry Materials

Quarry materials produced as a by-product of an approved development may be removed from the development site. For example, site preparation to construct a building usually involves removing topsoil, overburden, and sometimes bedrock from the footprint area; these materials may be retained or re-used on the development site. Quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, and peat. The Department of Industry, Energy and Technology requires that they be notified of upon issuance of a permit for a development involving removal of quarry materials, so that they can ensure that provincial government regulations are observed.

Council's policy is that the Department of Industry, Energy and Technology will be made aware of approved developments where the removal of quarry materials may take place, and that the Development Regulations will contain a statement to the effect.

6.2.12 Non-Conforming Uses

Section 108 of the *Urban and Rural Planning Act 2000* concerns non-conforming uses, ie: those uses which do not conform to a regulation, scheme or plan, and, which legally existed before this Municipal Plan and Development Regulations are registered. Owners of such uses are entitled to a statutory right to continue such non-conforming uses, and to modify a structure subject to a few matters for which Council can make certain provisions, as follows:

- 1) Section 108(2): the right to continue the non-conforming use expires after 6 months of discontinuance unless otherwise extended in a regulation under the *Act*, ie: in the Development Regulations. Council's policy is to extend this period to 3 years, and to so indicate in the Development Regulations.
- 2) Section 108(3): a Council may approve changing the use to another use where the new use would be more compatible with the Municipal Plan and Development Regulations, notwithstanding that the new use would otherwise not be permissible. The Minister's Development Regulations require that Council provide for newspaper or other form of public notice of intent to consider the varying of a non-conforming use to another use, and consider any representations or submissions received in response to the notice. Council's policy is to provide in the Development Regulations a provision that such notice be made other than by newspaper advertising.

6.2.13 Archaeological and Heritage Resources

Archaeological sites and discoveries are protected pursuant to the *Historic Resources Act 1985*. Council's policy is to protect its heritage resources and encourage the preservation of historic buildings and sites. Council's policies concerning developments in that regard are that:

- 1) Development applications will be scrutinized for information on proximity to the known registered sites in the municipal planning area. The specific locations are not identified in the Municipal Plan or Development Regulations, to minimize their exposure to vandalism and looting, but are known to the Council. Where the site of a proposed development is on or in close proximity to a registered site, Council will notify the Provincial Archaeological Office, and not proceed to approve the application until authorized by the same.
- 2) Upon learning that a person has discovered potential artifacts during work on a development, that person will be required to stop work and Council will report the finding to the Provincial Archaeological Office, and continue a stop work order until authorized by the same to remove it.

6.2.14 Temporary Uses

Generally, the Municipal Plan contemplates developments of a permanent nature. Council's policy is that they may at their discretion approve temporary developments for accommodation of itinerant or unusual short term activities such as placement of a motor vehicle or travel trailer or equipment for short term events such as community festivals or for compassionate reasons. Provisions will be included in the Development Regulations for suitable discretionary approval criteria and maximum time periods applicable to these cases.

This policy is not to be confused with provisions for the phasing of construction of single dwellings as "tiny houses" (see Section 6.2.6).

6.2.15 Advertisements (Signage)

All signs and advertisements are to be tastefully presented (in terms of lettering and overall design), properly situated and well maintained in order to prevent unwanted visual effects, and must be approved by Council. Obsolete and dilapidated signs may be subject to Council orders to remove them.

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It is Council's policy to include detailed requirements in the Development Regulations. See also Section 6.2.5 concerning signage near public highways.

6.2.16 Comprehensive Development

It is Council's policy that they may at their discretion approve major comprehensive developments located within the municipal boundary and containing two or more individual developments and at least one hectare in total area as a comprehensive development. Approval is subject to site plan approval (see Section 7.2); other criteria will be given in the Development Regulations.

7.0 IMPLEMENTATION

7.1 Implementation Policies

The policies of the Municipal Plan for the Hampden Municipal Planning Area will be implemented by the exercise of appropriate Development Regulations, site plan control for larger or more complex development proposals, and a planned sequence of public works.

All amendments to the Development Regulations will be checked against Future Land Use Maps 1 and 2 and the policies of the Municipal Plan for the purpose of conformity. This requires proper professional advice and documentation prepared by a qualified planner and due process as required by the *Urban and Rural Planning Act 2000*.

Before any development can take place, an application must first be made to Council for a development permit. Development may take place only after Council or authorized staff have reviewed the application and issued a permit. If the application is to be considered as a discretionary use or if it is for a variance, the proper process of notice and Council deliberation as detailed in Development Regulations shall be carried out. The development permit issued pursuant to the Development Regulations does not substitute for or remove the need to secure any permits required by building codes or provincial or federal government regulations such as for private sewage disposal systems or access to public highways.

Council will consider the application to determine whether it conforms with the requirements of the Development Regulations and the policies of the Municipal Plan. If it conforms, Council will approve the application and inform the applicant and state any conditions that may apply. If the proposed development does not conform to the Municipal Plan and Development Regulations, the application must be refused. Any applicant who is dissatisfied with the decision of Council may appeal to an Appeal Board. The Appeal Board will either confirm the decision or require that Council's decision be varied or reversed.

Anyone who fails to follow the required application process or who otherwise violates the Municipal Plan and Development Regulations can be prosecuted and may be ordered to remove any illegal structure and restore the site and buildings on it to their original state.

Council has authority to grant a variance (not to be confused with a discretionary approval) of up to 10% of a quantified requirement applicable to a proposed development which does not strictly comply with the development standards. However, the proposed development must conform to

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the general intent of the Municipal Plan. A proposed development must not change the permitted land use, or significantly negatively impact adjoining properties, by virtue of grant of a variance.

Where Council deems it useful and necessary so as to better consider the details of large or complex projects, a site plan may be required of the applicant. Site plan evaluation criteria are appended to the Municipal Plan.

Municipalities in the province are encouraged to adopt the *National Building Code*. Its requirements and administration are separate from those of the Municipal Plan and Development Regulations. Often, building and planning regulations are considered in conjunction with each other, as the prospective builder is usually considering them both at the same time, and the Town may integrate information requirements on a common application form. However, the approval of a building or construction permit under the *National Building Code* does not signify an approval of a development permit pursuant to the Development Regulations, and vice versa.

Council's policy is that the Town of Hampden does not provide building inspection or plan review services related to the *National Building Code*. Council's or staff's observations of new construction will be only to ensure that the Development Regulations' requirements are met, such as those concerning location of structures on the lot, parking, driveway location and bridging roadside ditches and sidewalks, building height, and the land use of the development. Persons requiring building inspection related to compliance with the *National Building Code* will be advised to retain professional services at their own initiative and expense.

7.2 Site Plan Evaluation

Many of the land use planning issues associated with large residential subdivisions, multiple unit residential, commercial, industrial and public uses and the like large or complex developments can be avoided if sufficient concern for detailed design is incorporated in the development approval process.

In order to fully assess such proposals and to apply conditions to such development permits, Council may require a site plan to be prepared and approved by Council prior to approval of applications. The Appendix to this Municipal Plan contains the site plan criteria required for the preparation of a site plan.

8.0 INTERPRETATION

8.1 Land Use, Boundaries, and Roads

It is intended that the boundaries of the land use designations and location of roads and other features shown on the Future Land Use Map 1 and the Zoning Map 1 in the Development Regulations be considered as approximate, as the available base mapping does not provide highly accurate information in some regards, except that the boundary of the Eliot Brook Protected Public Water Supply Area which is designated pursuant to Section 10, *Environment Act*, shall be strictly interpreted to be the boundary of that designated area.

Council's policies in this regard are:

- 1) The boundaries of the designations are to be interpreted as somewhat flexible in a limited sense. Proposed developments which straddle or are very close to a boundary may be considered in accordance with the policies of either designation, provided the proposed development does not negatively impact the amenity and quiet enjoyment of areas in either designation and respects the intent of other policies in this Municipal Plan.
- 2) With the exception just noted concerning the public water supply area, amendments to the Municipal Plan or Development Regulations will not be required to support reasonable interpretation by Council and staff concerning boundaries of designated areas and zones, respectively. The intent and policies of the Municipal Plan are to guide the interpretation of the mapped information.

8.2 Figures and Quantities Approximate

Figures and quantities herein shall be considered as approximate on any matter not involving variances or a legislated requirement such requirements under the *Water Resources Act* or regulations thereunder for the minimum width of buffers along watercourses. Amendments to the Municipal Plan will not be required for reasonable interpretation of the meaning or precision of other figures or quantities. Where there is conflict between references in the Municipal Plan or Development Regulations to provincial government regulations or requirements, the provincial matters shall prevail.

APPENDIX: Site Plan Evaluation Criteria

When Site Plan approval is required, the owner or proponent shall prepare site development plans, including any or all of the items listed below, according to the nature of the proposed development and directions of Council:

- 1) the dimension of the site;
- 2) the area of the site;
- 3) dimensions to indicate the location of all buildings;
- 4) dimensions of buildings to provide comprehensive information of their plan form, including future buildings or expansions;
- 5) the distance between buildings and all yards;
- 6) other uses, a breakdown of floor area by proposed use;
- 7) gross floor area of buildings;
- 8) dimensions of all parking areas, access roads and driveways;
- 9) function and type of landscaped areas;
- 10) landscaping plan and specifications including;
- 11) surface treatment (asphalt, grass etc.)
- 12) tree and shrub types and sizes
- 13) location and number of trees to be retained or planted
- 14) dimensions of buffer zones, driveways, etc.
- 15) number and size of parking spaces and location
- 16) location and size of signage
- 17) location and width of all walkways, footpaths
- 18) location of loading zones
 - a) proposed contours and drainage of surface runoff ditching;
 - b) surrounding land uses;
 - c) existing access constraints, e.g. right-of-ways which exist on site or adjacent to it, easements, or fire routes, and the means of satisfactorily addressing them;
 - d) location and intensity specifications for lighting;
 - e) location and use of outside storage areas;
 - f) perspective drawings and plans showing 4 point building elevations and 2-way cross sections of buildings;
 - g) provisions for ongoing operation of features of the development which may involve commitments or obligations of the Town of Hampden or its departments and agencies.