Urban and Rural Planning Act, 2000
Resolution to Adopt

Town of Indian Bay Municipal Plan
2019 - 2029

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

Adopted by the Town Council of Indian Bay on the 9th day of September 2019.

Signed and sealed this 15 day of Oct, 2019

Mayor: _____
Christa Lane

(Council Seal)

Clerk: _____
Triffie Parsons

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 Indian Bay Municipal Plan
2019 - 2029

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

(a) Adopted by the Indian Bay Municipal Plan on the 9th day of September 2019.

(b) Gave notice of the adoption of the Indian Bay Municipal Plan by advertisement inserted on the 18th day and the 25th day of September 2019 in the *Central Voice* newspaper.

(c) Set the 7th day of October 2019 at the Town Hall, Indian Bay for the holding of a public hearing to consider objections and submissions.

Now under the authority of section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Indian Bay approves the Indian Bay Municipal Plan as adopted.

SIGNED AND SEALED this 15 day of Oct 2019.

Mayor: _____
Christa Lane

(Council Seal)

Clerk: _____
Triffie Parsons

Municipal Plan/Amendment
REGISTERED
Number 2385.2019.001
Date November 5, 2019
Signature _____

Table of Contents

1.0 INTRODUCTION

1.1 Purpose of the Municipal Plan

The Indian Bay Municipal Plan is a comprehensive policy document to manage development and growth within the Indian Bay municipal planning area over the ten-year planning period 2019-29. This document has been prepared in compliance with the *Urban and Rural Planning Act, 2000*, (also referred to as the *Act*).

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

1.2 Plan Preparation

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

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

1.3 Contents of the Municipal Plan

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

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

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

1.4 Municipal Plan Administration

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

- By preparing and implementing the Development Regulations,

- By issuing development permits to applicants wishing to subdivide land, erect or architecturally alter a building or structure, or change the use of a building or land, or conversely, refusing to issue permits for developments that are not in accordance with the Plan,

- By issuing demolition permits to applicants wishing to remove buildings or structures, or conversely, refusing to issue permits for demolitions that are not in accordance with the Plan, and

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

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

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

2.0 BACKGROUND REPORT

2.1 Geographical Setting

As shown in Exhibit 2.1 the built-up Town of Indian Bay is located in Northwest Arm in Indian Bay on the west side of Bonavista Bay. Its southern boundary abuts the Town of Centreville-Wareham-Trinity and to the north it lies 29 kilometres from the Town of New-Wes-Valley. Access to the Town is provided by the Bonavista North Highway (Route 320). By road Indian Bay lies 49 kilometres north of the Trans Canada Highway.

Exhibit 2.1 Regional Setting

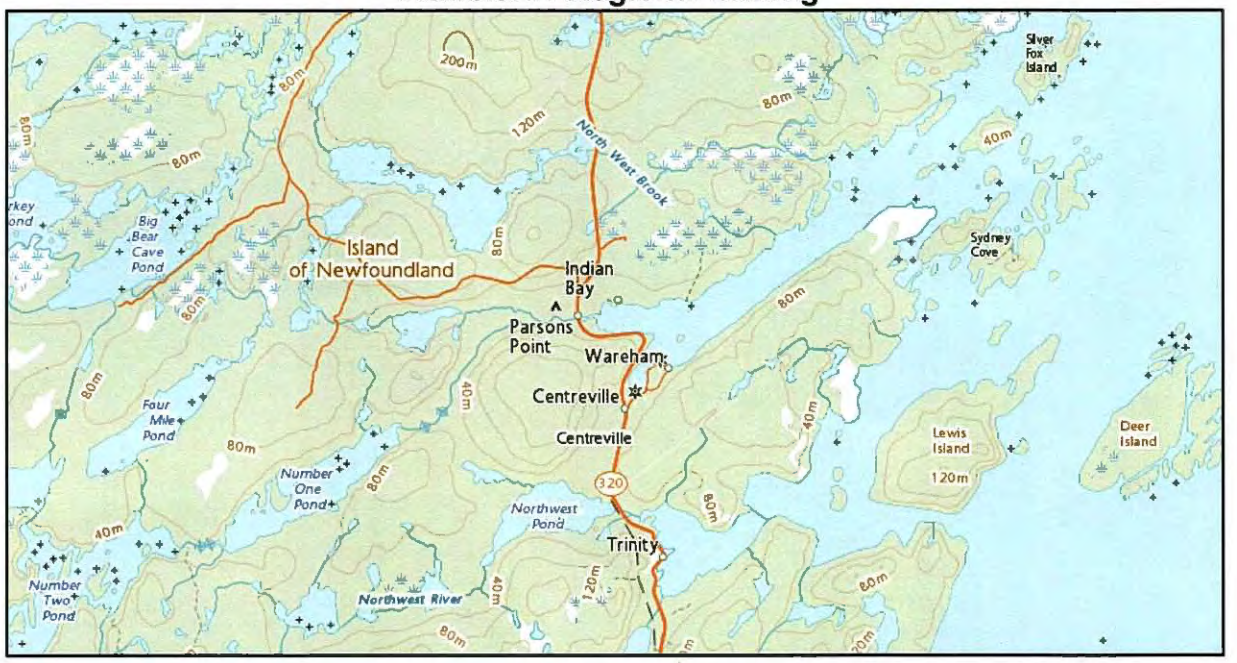
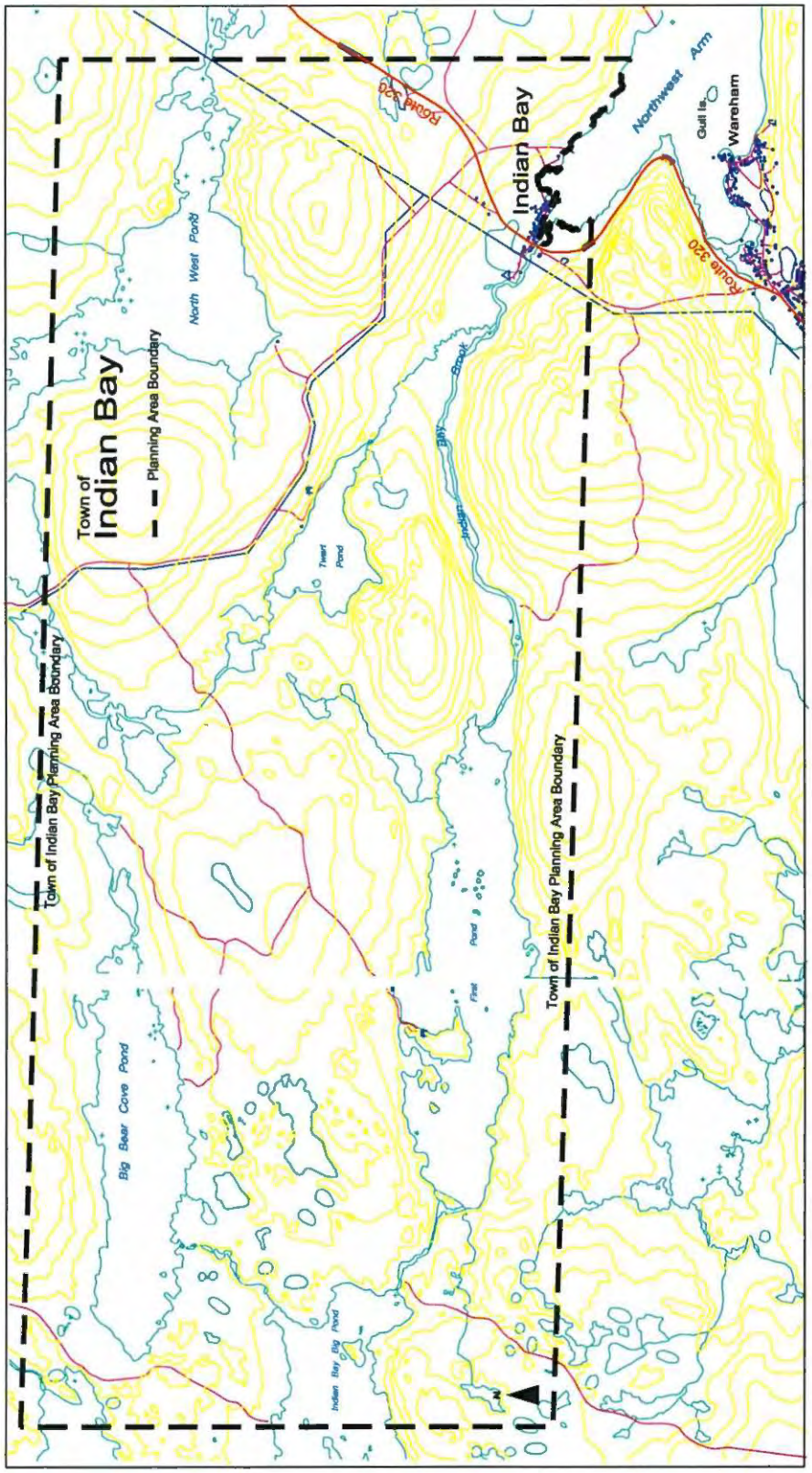


Exhibit 2.2 on the following page shows the limits of the Indian Bay Municipal Planning Area. The Town's built-up community, in the southeastern portion of the Planning Area, abut the coastline at the head of Northwest Arm, Indian Bay. The much larger undeveloped areas lie west and north of the built-up town.

Exhibit 2.2 – Indian Bay Municipal Planning Area



2.2 Population

Exhibit 2.3 compares Indian Bay's population change from 1996 to 2016 with Census Division No. 7, of which Indian Bay is a part, and the province as a whole. Census Division No. 7 all of Bonavista North and extends to Green Bay to the west. Over the 20-year period Indian Bay's population declined from 217 to 175 residents, a drop of 19.4%, which compares to a decline of 18.0% in the Census Division as a whole and a decline of 5.8% in the province.

Exhibit 2.3 - Population Characteristics
(Source: Census Profiles)

	Indian Bay	Census Division 7	NL
Census Population			
1996	217	41,534	551,792
2001	214	37,335	512,980
2006	205	35,550	505,470
2011	174	34,686	514,536
2016	175	34,090	519,716
5-Year Population Change			
1996-01	-0.1%	-10.1%	-7.0%
2001-06	-4.2%	-4.8%	-1.5%
2006-11	-14.6%	-2.4%	1.8%
2011-16	+0.5%	-1.7%	1.0%
20-Year Change	-19.4%	-17.9%	-5.8%

2.3 Age Structure

Exhibit 2.4 profiles the median age of Indian Bay's population from 2001 to 2016 and draws a comparison with the surrounding Census region, the province, and Canada as a whole. As with all the benchmarks, Indian Bay's population is getting older. This is happening at a similar rate as the Census Division, somewhat faster than the province, and quite a bit faster than the country. The Town's median age increased by a margin of 9.5 years over the period (from 41.3 in 2001 to 50.8 in 2016). This compared to a margin of 11.3 years in the Census region, 7.6 years in the province, and 3.6 years in Canada. As of 2016 Indian Bay's median age was 0.3 years younger than the region, 4.8 years older than the province, and 9.6 years older than the country.

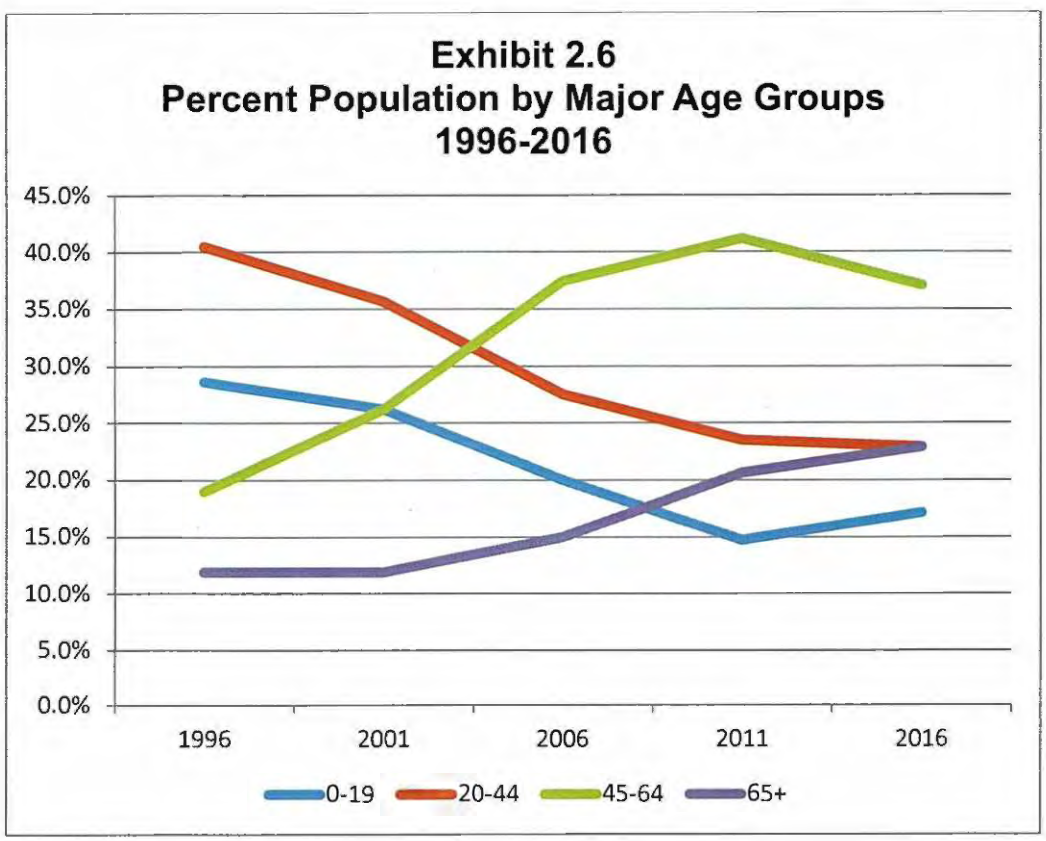
Exhibit 2.4 - Median Age, Indian Bay & Benchmarks
(Source: Census Profiles)

Median Age of Population				
	Indian Bay	Census Div. 7	NL	Canada
2001	41.3	39.8	38.4	37.6
2006	46.0	45.1	41.7	39.5
2011	49.0	48.3	44.0	40.6
2016	50.8	51.1	46.0	41.2

Exhibits 2.5 and 2.6 illustrate changes in Indian Bay's age structure from 1996 to 2016. While overall the population decreased by 35 residents or 16.6%, there was wide variation by age group. While the 0-19 and 20-44 age groups decreased by 30 and 45 respectively, the 45-64 age group increased by 25, and the 65+ age group decreased by 15. Exhibit 2.6 illustrates how each age group has changed proportionately over the 25-year period. The 0-19 group declined from 28.6% of the total to 17.1% while the 20-44 group declined from 40.5% to 22.9%. In contrast the 45-64 group climbed from 19.0% of the total to 37.1% and the 65+ group climbed from 11.9% to 22.9%.

Exhibit 2.5 - Indian Bay Age Distribution, 1991-2016
(Source: Census Profiles & NL Community Accounts)

Age Group	1996	2001	2006	2011	2016
0-19	60 28.6%	55 26.2%	40 20.0%	25 14.7%	30 17.1%
20-44	85 40.5%	75 35.7%	55 27.5%	40 23.5%	40 22.9%
45-64	40 19.0%	55 26.2%	75 37.5%	70 41.2%	65 37.1%
65+	25 11.9%	25 11.9%	30 15.0%	35 20.6%	40 22.9%
Total	210 100.0%	210 100.0%	200 100.0%	170 100.0%	175 100.0%



2.4 Households and Housing

Exhibit 2.7 compares household and housing characteristics in Indian Bay with the surrounding census region and the province as a whole. Between 2001 and 2016 the number of households in Indian Bay climbed by 12.3% while the average number of residents per household dropped from 3.3 to 2.4. In 2016 Indian Bay's average household size of 2.4 residents compared to 2.3 in both the region and the province.

Exhibit 2.7 - Household Characteristics
(Community Accounts - Housing)

	Indian Bay	Census Div. 7	NL
All Private Households 2001-11			
2001	65	13,815	189,045
2006	70	14,010	197,185
2011	65	14,290	208,842
2016	73	14,571	218,675
Change 2001-16	+12.3%	+5.5%	+15.7%
Average Household Size (Census Profiles)			
Persons/Household 2001	3.3	2.7	2.7
Persons/Household 2006	2.8	2.5	2.6
Persons/Household 2011	2.7	2.4	2.4
Persons/Household 2016	2.4	2.3	2.3

Exhibit 2.8 compares Indian Bay's occupied housing stock with the other benchmark areas. Occupied dwellings include all dwellings that are permanently occupied but exclude dwellings that are not occupied on a full-time basis.

Single detached dwellings make up 86.6% of Indian Bay's occupied housing stock, similar to the surrounding region at 90.6%, but in contrast to the province as a whole, where detached dwellings comprise a much lower 73.4%.

Exhibit 2.8 – Dwelling Types, 2016
(Source: 2016 Census Profile)

	Indian Bay		Div. No. 7	NL
Detached house	65	86.6%	90.6%	73.3%
Apartments	5	6.7%	5.5%	17.2%
Other	5	6.7%	3.9%	9.5%
Total	75	100.0%	100.0%	100.0%

An interesting aspect community housing inventories is the number of dwellings that are unoccupied. An unoccupied dwelling can include a house that is fully vacant or a house that is not occupied by permanent residents. Seasonal vacation homes are the most common type of unoccupied dwelling. Exhibit 2.9 calculates the number of unoccupied dwellings as the difference between total private dwellings and occupied dwellings as identified in the Indian Bay Census Profiles. Unoccupied dwellings over the period decreased from 51 in 2001 to 43 in 2016, and generally ranged from thirty-five to forty three percent of total dwellings in each

Census period.

Exhibit 2.9 - Estimate of Unoccupied Dwellings (derived from Census Profiles)			
	Total Dwellings	**Occupied Dwellings**	**Unoccupied Dwellings**
2001	116	65	51
2006	106	68	38
2011	107	66	41
2016	113	70	43

2.5 Agency Comments

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

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

2.5.1 Service NL

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

2.5.2 Forestry Branch (Fisheries and Land Resources)

Domestic cutting area 40 encompasses most of the area and forestry requests this be retained for domestic harvest for residents and cabin owners in the area.

As there is an area of pre-commercial thinning to the north of Four Mile Pond, Forestry requests retention of the cutting rights for future commercial harvest.

There is a past agreement from 2010 with the Town of Indian Bay that the southeast portion of this area not be harvested for viewscape value. Should the Town need to develop within this viewscape area in future, forestry wishes to retain the cutting rights. In addition, there are areas within this viewscape that has been silviculturally treated and Forestry wishes to retain cutting rights.

Any development within the Indian Bay public protected water supply portion of the municipal planning area will require consultation with forestry on the harvest of trees.

2.5.3 Office of Climate Change

Climate change is expected to result in more precipitation and more frequent extreme weather events that may result in increased flooding, sea surge and coastal erosion. These factors should be considered when allocating land for future developments that are in close proximity

to a river, floodplain or coastline.

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

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

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

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

2.5.4 Provincial Archaeology Office

The Provincial Archaeology Office (PAO) has a record of six known archaeological sites located within the Municipal Planning boundaries of the Town of Indian Bay, which are protected under the *Historic Resources Act.* A map of these sites has been provided to the Town. If further information is required regarding the sites contact can be made with the PAO.

Any projects which involve major land use or ground disturbance should be reported to this office in the planning stages so that necessary measures can be taken to ensure that historic resources are not disturbed or destroyed.

2.5.5 Wildlife Branch

The Branch, through its involvement in the Eastern Habitat Joint Venture program, seeks to work with municipalities in the development of municipal plans. We are very appreciative of the Town's involvement in that program and the success of entering into a Municipal Stewardship Agreement to protect wildlife and conservation values within its boundaries. We continue to provide support and assistance to the town and are pleased to work with council/staff/ consultants when requested. Please contact Jonathan Sharpe at 637-2013 or jonathansharpe@gov.nl.ca.

The Forestry & Wildlife Branch would also like the municipality to consider general wildlife habitat and landscape connectivity during 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 30-m 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 bordering salmon rivers or for land uses that could include potentially harmful substances entering a nearby water system.

(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.

In case that the course of the boundary is still open for discussion, we strongly recommend, where applicable, following natural features such as shorelines (ponds) and rivers in order to manage green belts and landscape connectivity appropriately in the Indian Bay area.

2.5.6 Water Resources Division

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

General for All Responses

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

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

Work near or in a Body of Water

Prior to the start of construction, the proponent must apply for and obtain a permit under the *Water Resources Act, 2002*, specifically Section 48 http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm for any work near or in any body of water (including wetland).
Contact: Manager, Water Rights, Investigations, and Modeling Section- (709) 729-2295

Wharf/Boathouse/Slipway/Breakwater

A permit under Section 48 of the *Water Resources* is no longer required for some marine structures. However, any proponent wishing to undertake such works must follow the new guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses as found here, on the Government of NL website:
www.mae.gov.nl.ca/waterres/regulations/appforms/Guidelines_for_Wharves.pdf

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

Development Adjacent to or Within Protected Public Water Supply Area

Prior to the start of construction, the proponent must apply for and obtain a permit under the *Water Resources Act, 2002*, specifically Section 39 http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm for any proposed development adjacent to or within the Big Pond Protected Public Water Supply Area servicing the Community of Indian Bay. Also, any work adjacent to or within this designated Protected Public

Water Supply Area must comply with this Department's Policy for Land and Water Related Developments in Protected Public Water Supply Areas.
www.env.gov.nl.ca/env/waterres/regulations/policies/water_related.html.
Contact: Manager, Drinking Water & Wastewater Section - (709) 729-4048

Other Comments

- The Water Resources Management Division, Department of Environment and Conservation no longer requires permits under Section 48 of the *Water Resources Act* for some works within 15 meters of water bodies (including wetland). This does not apply to Flood Risk Areas or work IN a body of water. The Regional Crown Lands office should be consulted to determine if work is being completed within a Crown Lands reservation (may be around waterbodies, streams, lakes, ponds, coastal areas, etc.)

- The Water Resources Management Division generally does not recommend approval for the construction of commercial or residential (single dwelling or subdivision) properties, especially if un-serviced, within wetland areas. There is a risk that adjacent properties could have water quality or quantity issues from these developments. As well, the Water Resources Management Division does not recommend approval for the infilling of water bodies, nor the diversion of streams to accommodate residential development. Contact: Manager, Hydrologic Modeling Section - (709) 729-2295 5

2.5.7 Crown Lands

Crown land applications within the area will require a referral being sent to the Town.

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

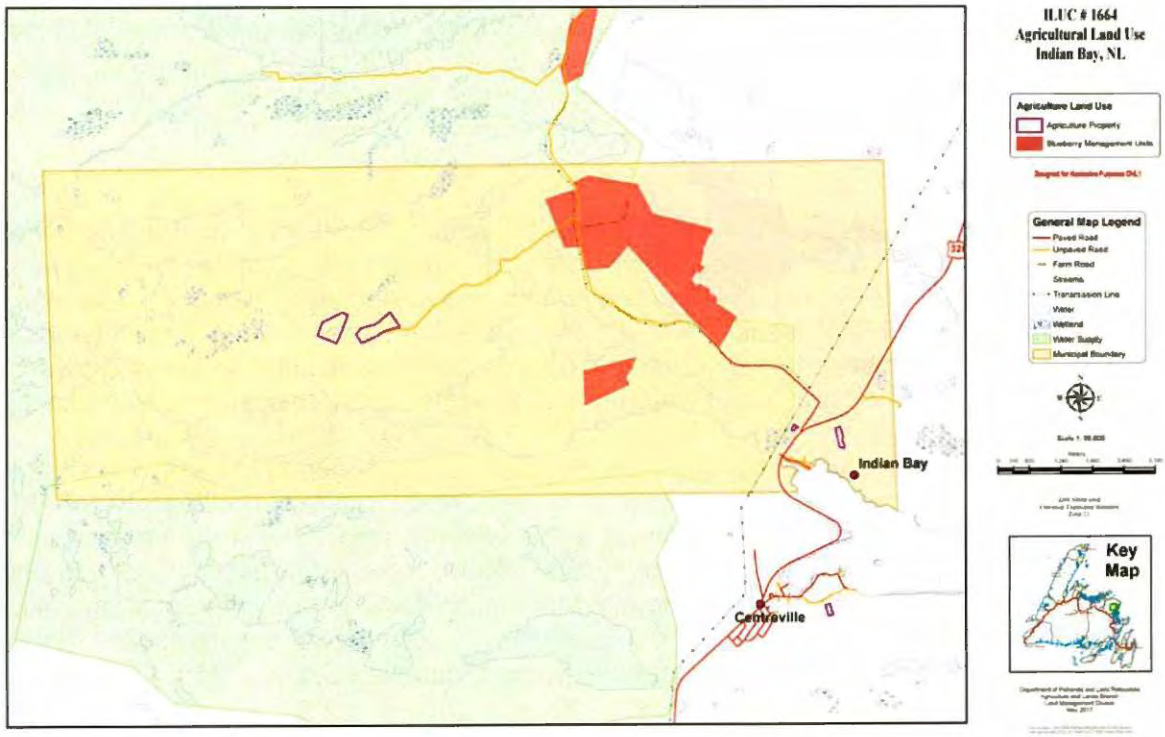
2.5.8 Land Management

The proposed planning area takes in a large amount of the Indian Bay Ecosystem Cottage Development Plan. As a result, there are a number of issued titles for cottages and a number of applications. Consideration of the Cottage Plan must be given when developing a Municipal Plan and Development Regulations.

2.5.9 Agricultural Lands Section

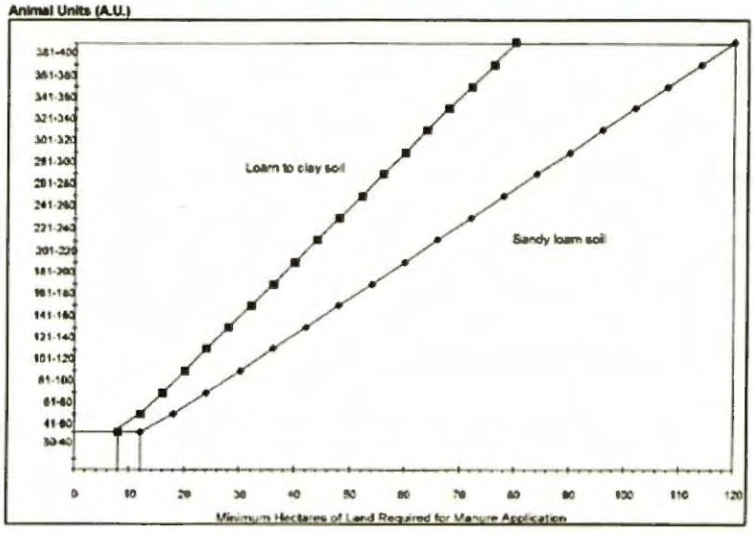
The Section's mandate is to protect existing and future agricultural activity, small or large scale, in this province. Land and soil for agricultural development is limited within this province and its protection is vital.

The Agricultural Land Section is satisfied with the proposed boundaries; provided that existing agriculture properties and development must not be negatively impacted and permitted to expand where permissible. This includes properties not identified on the attached map such as small scale home gardens.



APPENDIX C

Recommended Minimum Land Area for Manure Applications



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

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

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

Note: One animal unit is equivalent to 454 kg (1,000 lb.) live weight
Source: NL Department of Forest Resources and Agrifoods

2.5.10 Geological Survey - General Comments on Municipal Plan Reviews

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

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

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

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

1. Flooding

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

2. Landslide and rockfall

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

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

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

3. Avalanches

Avalanches are another rapid form of slope movement. They generally consist of a combination of snow and ice, but may include sediment, rock, and vegetation. To occur, they require heavy snowfall (either introduced by precipitation or wind), and a steep (30°-50°) slope. The trigger for avalanche is commonly heavy snowfall over a smooth surface, produced from either a rapid fall in temperature in the days preceding the snowfall or from a period of freezing rain or burial of a weak layer in the snow. Alternatively, high winds blowing over a slope may create a cornice which may break off, falling to the slope below and triggering an avalanche. Historical avalanche events have been compiled in the Geological Survey's database of geological disasters (http://www.nr.gov.nl.ca/mines&en/geosurvey/disasters/).

4. Coastal Erosion

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

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

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

5. Climate Change

Wave magnitude and the frequency of extreme wave events (including storm surge) may be expected to increase if predictions of global climate change and associated global sea level rise occur. In Newfoundland and Labrador, the crust continues to move, albeit slowly, in response to the last glacial period. Most of the Island of Newfoundland is currently experiencing rising sea level, which will exacerbate the sea level rise as a result of climate change. Over the next century sea level is be expected to rise by over 1 metre in eastern Newfoundland, 80-90cm in western and southern Newfoundland, and less than 70 cm in Labrador; sea-level rise will continue beyond 2099.
(http://www.nr.gov.nl.ca/nr/mines/geoscience/publications/currentresearch/2010/batterson_liver man.pdf).

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

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

could lead to an increased potential for flooding and landslides/ avalanches. Details of the climate change projections report can be found at: http://www.turnbackthetide.ca/whatsnew/2013/nl_climate_change_projections_summary.pdf

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

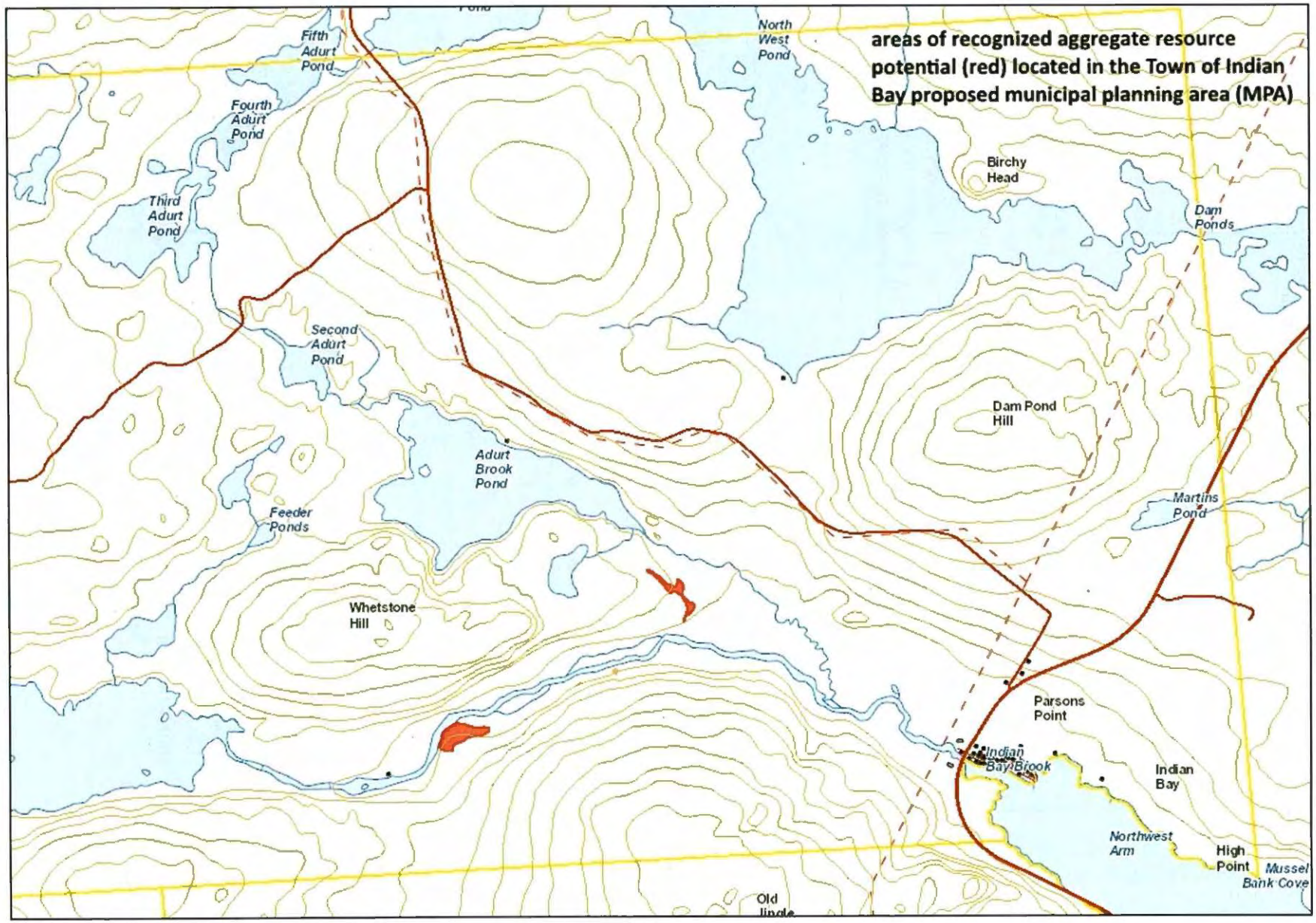
As always, the Geological Survey is available for discussions on all geologically-related hazard issues, including the potential impacts of, and adaptations to, climate change.

2.5.11 Mineral Lands

Attached is a map showing areas of recognized aggregate resource potential as before but now also with quarry permit locations plotted. Black solid circles are quarry permits currently issued. Yellow solid circles are quarry permits expired last year (and potentially to be renewed this year). Red hollow circles are new applications for a quarry permit (there is one located within the planning area, partially obscured by the label for Parsons Point). Of the quarry permits located within the planning area, the site just east of Second Adurt Pond corresponding to a current quarry permit and the site immediately south of North West Pond corresponding to a quarry permit expired last year have both seen production, i.e., are established sites. The site immediately north of Adurt Brook Pond is a new site and we don't yet know if ground has been broken.

The proposed municipal planning area (MPA) contains two areas of recognized aggregate resource potential (i.e. areas recognized as containing, or likely to contain, sand and gravel deposits of suitable size and quality for quarrying), corresponding to glacial deposits located near Indian Bay Brook (see attached map). Both of the deposits are inaccessible and to date no one has sought permission to quarry either of them. One of the deposits is located north of Indian Bay Brook and consists of an esker that the Geological Survey of Newfoundland and Labrador estimates contains approximately 100,000 cubic metres of sand and gravel. This deposit is located within the planned Indian Bay Eastern Habitat Joint Venture Management Unit, and so quarrying of this deposit might not be permissible. The other deposit is located on the south bank of Indian Bay Brook and consists of a terrace deposit that the Geological Survey of Newfoundland and Labrador estimates contains approximately 200,000 cubic metres of sand and gravel.

The Indian Bay Planning Area has seen minimal mineral exploration on the whole, however significant mineral exploration, including test borehole drilling, has taken place historically in the vicinity of Little Bear Cave Pond and Number Two Pond where there are recognized occurrences of sulphide minerals. While any area of the proposed MPA may be of future mineral exploration interest, future exploration activity is most likely to take place in the vicinity of the western boundary.


areas of recognized aggregate resource potential (red) located in the Town of Indian Bay proposed municipal planning area (MPA)
Fifth Adurt Pond
Fourth Adurt Pond
Third Adurt Pond
Second Adurt Pond
Feeder Ponds
Adurt Brook Pond
Whetstone Hill
North West Pond
Birchy Head
Dam Ponds
Dam Pond Hill
Martins Pond
Parsons Point
Indian Bay Brook
Indian Bay
Northwest Arm
High Point
Mussel Bank Cove
Old Jingle

The Mines Branch offers the following general comments when drafting or revising a Municipal Plan and Development Regulations (NOTE that this advice has been updated since originally submitted to Municipal Affairs in mid-2017 regarding the Indian Bay proposed MPA):

The Municipal Plan and Development Regulations ***shall*** adhere to the following:

1. "Mineral exploration (development)" shall be defined as:

   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

   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

   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 Natural Resources. "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) and therefore extraction of dimension stone within the Town of Indian Bay Municipal Planning Area would be considered mining.

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 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 towards the mineral working.

6. 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.

The Municipal Plan and Development Regulations ***should*** adhere to the following:

7. 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 town. 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 Natural Resources. Note that quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat." It is important that the Department of Natural Resources 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 already highly regulated activities and the permitting process for each involves the municipality when the proposed activity is located within a municipal planning area; we ask that municipalities take this into account when developing their municipal plans and development regulations. The following are summaries of how quarrying and mineral exploration are regulated in the province:

(a) The Mineral Lands Division, Mines Branch, Department of Natural Resources, administers the *Quarry Materials Act, 1998*, under which quarrying may be approved by the issuance of either a quarry permit or lease. Quarry permits are issued for no longer than one year and, strictly speaking, are not subject to renewal, 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 where a longer term need has been demonstrated, are issued for a period no longer than 20 years, and require a development and reclamation plan and the posting of financial assurance with the Department of Natural Resources in an amount sufficient to complete the reclamation work outlined in the plan should the company be unable to. Development and closure plans and the amount of financial assurance are reviewed and approved by the Department and are required to be kept up to date. All applications for quarry permits and leases for areas located within a municipal planning area are referred to the municipality, in addition to other government agencies, and terms and conditions are drafted to address any specific concerns raised during the referral process. The Mineral Lands Division has three regional quarry compliance officers who carry out inspections year-round to ensure that the terms and conditions of quarry permits and quarry leases are adhered to, including that rehabilitation, once due, is completed as required. Should a town have concerns about any quarrying activity, whether before or after the issuance of a quarry permit or lease, the town should contact the Mines Branch, Mineral Lands Division, in order to have the concerns addressed.

(b) The Mineral Lands Division, Mines Branch, Department of Natural Resources, administers the *Mineral Act* under which mineral licenses are issued and within the bounds of which mineral exploration may be approved by the issuance of an "exploration approval". Exploration approvals are generally issued for no longer than one year. Applications for exploration approval involving areas within a municipal planning area and where the activities proposed may involve ground disturbance, wildlife disturbance, water quality impairments, or foreseeable land use conflict, are referred to the municipality, in addition to other government agencies, and terms and conditions are drafted to address any specific concerns raised during the referral process. That being said, basic environmental requirements for mineral exploration are already set out in the Mineral Regulations under the *Mineral Act*, for example, that all excavated, stripped, and grubbed sites be rehabilitated by backfilling or re-contouring, as appropriate, and then placing stockpiled organic materials back over the site. The Mineral Lands Division conducts inspections year-round to ensure that the Mineral Regulations and the terms and conditions of exploration approvals are adhered to, including that rehabilitation, once due, is completed as required. Should a town have concerns about any mineral exploration activity, whether before or after the issuance of an exploration approval from the Department of Natural Resources to conduct the work, the town should contact the Mines Branch, Mineral Lands Division, in order to have the concerns addressed. Mineral exploration activities may include traditional prospecting, geochemical sampling, airborne and ground-based geophysical surveys, 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 and Exploration Monitoring Geologist, Mineral Lands Division, Mines Branch, Department of Natural Resources, at 729-5748 or stephenhinchey@gov.nl.ca.

2.6 Public Consultations

2.6.1 First Open House – August 9, 2017

The first public consultation session for the Plan Review took place on June 13, 2017 at the Indian Bay Town Hall. The session included an Open House from 2:00 pm to 5:00 pm and again from 6:30 PM to 8:30 pm. Attendance included 3 Councillors and 5 members of the public.

2.6.2 Second Open House – September 12, 2019

The second public consultation session took place on September 12, 2019 at the Indian Bay Town Hall. The session included an Open House from 2:30 pm to 5:30 pm and again from 6:30 PM to 8:30 pm. Attendance included 3 Councillors and 6 members of the public. The draft Municipal Plan and Developments Regulations were presented, and questions and concerns discussed.

The following main issues were raised:

1. It was suggested that the former Bowater plant area fronting onto saltwater east of the built-up area be designated for cottage development.

2. A resident objected that a wetland on his property was designated Environmental Protection because this would prevent him from developing the land.

3. Another resident objected to the proposed Residential designation of land on the south side of the harbour. She said this land should be preserved for open space uses such as nature trails.

3.0 GOALS AND OBJECTIVES

This section outlines the Town's planning goals and objectives for the 2019-2029 period. A goal is a desired state, which reflects the long-term intent of Council and relates to a major area of interest or concern. An objective is a short-range step towards achieving the goal. In this context, an objective is an outcome or output desired by Council in less than 10-years.

3.1 Community Structure and Character

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

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

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

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

3.2 Economic Growth and Development

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

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

Build on Indian Bay's economic strengths and opportunities, particularly with respect to its function as a gateway to famous fishing and hunting grounds.

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

Promote Indian Bay as an attractive place to live both year-round and seasonally, drawing on its spectacular scenery, waterfront access, and recreational amenities.

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

3.3 Environment

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

Objectives: Provide municipal services at environmentally acceptable standards.

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

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

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

3.4 Housing

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

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

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

Protect residential quality of life and property values.

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

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

3.5 Open Space and Recreation

Goals: Maintain open space and natural areas to accommodate the recreational needs of Indian Bay residents.

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

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

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

3.6 Capital Works

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

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

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

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

3.7 Governance

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

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

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

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

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

3.8 Municipal Finance

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

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

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

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

4.0 COMMUNITY WIDE POLICIES

4.1 Policy Framework

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

The overriding thrust of the Municipal Plan is to ensure the development of an efficient and sustainable community, maintain the town's attractive character based on a compatible mix of built-up land uses and green space, and optimize economic development opportunities particularly in relation to its function as a gateway to the rich fishing, hunting, and outdoor recreation resources in the Indian Bay Brook watershed. This is important in order to achieve the Town's development vision and contribute to environmental, economic, social, and financial sustainability.

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

i) Areas that can be developed and serviced at the most reasonable long-term costs to the Town will be given priority for future growth. High priority is placed on the infilling of vacant land on Country Road and along Route 320. Second priority is placed on areas that are affordably close to existing streets and piped services.

ii) Prominent natural features that help to preserve community character, such as the mouth of Indian Bay Brook, coastal features, open space, and other scenic vistas will be preserved.

iii) 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 and marine habitat.

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

4.2 General Land Use Policies

4.2.1 General Layout of the Town

(1) Council will encourage the consolidation of development in areas that are economical to connect to existing roads and service with water and sewer. Of particular focus will be suitable land abutting Country Road and along Route 320.

(2) Council will pursue the future development of the scenic waterfront area abutting the south side of the harbour at the mouth of Indian Bay Brook.

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

(4) Council will require land developments to include reasonable measures to reduce stormwater runoff from the site, including as necessary the setting-aside of green areas for stormwater control and infiltration.

(5) Council may refuse proposed new developments, building alterations, and demolitions that would undermine conservation and preservation of the Town's coastal scenery.

4.2.2 Land Development Proposals

(1) Site Environmental Suitability

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

(2) Land Needed for Environmental Protection

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

(4) Land for Public Use

In accordance with Section 37 of the *Act*, for each subdivision approval, Council may 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.

(5) Coordination with Surrounding Development

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

(6) Municipal Services and Access

The scale of new development must be appropriate to the availability 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 may refuse the development.

(7) Public Input

Council will seek input from nearby residents and landowners when reviewing development proposals that it deems may impact their properties or the area in general.

(8) 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, or

(iii) would create environmental or other problems that cannot be sufficiently corrected or mitigated.

4.2.3 Discretionary Uses

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

(a) the suitability of the use is not clear and may depend on the land use characteristics and circumstances of individual locations within the zone,

(b) Council determines that the use could negatively affect the predominant uses of the zone and, in order to prevent or mitigate this impact, it would be desirable to consult with the public prior to issuing, issuing subject to conditions, or refusing a development permit,

(c) Council determines that the use could negatively affect the general character of an area or important coastal or scenic resources and, in order to prevent or mitigate this impact, it would be desirable to consult with the public prior to issuing, issuing 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 buildings and other predominant uses of the area.

4.2.4 Mineral and Petroleum Exploration

(1) Subject to other provisions of this Municipal Plan, mineral and petroleum exploration that is not classed as a development (by virtue of drilling, appreciable ground disturbance, or construction of access roads) may be permitted anywhere in the Planning Area, provided that the Town is given previous notice.

(2) In accordance with Sections 12 and 13 of the *Mineral Act*, no exploration of any type will be permitted on privately owned land without the consent of the landowner.

(3) Mineral and petroleum exploration that is classed as a development may be permitted in certain designations, provided that adequate provision is made for environmental protection, site reinstatement, landscaping, buffering, or mitigations of impacts on residential, commercial, industrial, institutional and recreational areas.

(4) Mineral and petroleum exploration will be permitted only if all necessary Provincial approvals have been obtained.

4.2.5 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.

4.2.6 Forest Resources and Trees

(1) Forests will be preserved and protected for the production of timber-based products as well as the realization of important non-timber values such as fish and wildlife habitat, water quantity and quality, biodiversity, scenery, recreation, tourism, and maintenance of landscape connectivity.

(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.

4.2.7 Utilities

(1) Utility Easements and Facilities

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

(2) Alternative Energy Facilities

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

(a) The location and design of such utilities shall take into consideration potential impacts on nearby land uses, persons, and the natural environment.

(b) Wind generators permitted within built-up areas will be limited to single turbines designed to serve individual properties.

(c) To provide for adequate safety and comfort of persons and properties, Council will ensure that there is an adequate separation distance between any type of wind generator and nearby buildings and structures.

(d) Energy utilities are subject to required approvals by relevant provincial and federal departments.

4.2.8 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 has provided direction on how the development should best proceed.

Development buffers will be maintained around known archaeological sites until such time as the Provincial Archaeology Office has been notified and advised on necessary measures to ensure that the site is not disturbed or destroyed.

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 minimizing stormwater impacts, soil erosion, and watercourse sedimentation. Council will also provide protection to all lands within the Indian Bay Brook Habitat Management Unit. All land use decisions will duly consider environmental sustainability and biodiversity objectives.

4.3.1 General Environment

(1) Protection of Sensitive Areas

Environmentally sensitive lands, including water supply areas, the Indian Bay Brook Habitat Management Unit, all watercourses, riparian areas, wetlands, steep slopes, wet and unstable soils, and sensitive coastal features will be protected from potentially damaging development.

(2) Consideration of Environmental Impacts

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

4.3.2 Water Supply Areas

Within the Indian Bay municipal boundaries are two protected water supply areas covering a total area of approximately 83 square kilometres. The Indian Bay Brook watershed, which takes up most of this area, is the water supply area for Indian Bay. A much smaller area located in the southern part of the Planning Area forms part of the Northwest Pond protected watershed. It is the water supply area for area for Centreville and Wareham.

Existing development in the Indian Bay Brook watershed includes four recreational cottage areas and a network of forest access roads. These roads are mainly used to access cottages.

These water supply areas will be protected with appropriate land use designations.

4.3.3 Waterfowl Habitat Conservation

Indian Bay has inland areas that contain important habitat for waterfowl species such as ducks and geese. Council has entered into a Stewardship Agreement with the

Province to set aside a significant area of land for the conservation of waterfowl habitat. This area is referred to as the Indian Bay Brook Habitat Management Unit. It overlaps almost entirely with the Indian Bay Brook protected watershed.

Most lands within the Management Unit are designated Environmental Protection to correspond with the intent of Management Unit. The only exception is the Indian Bay municipal park, which is designated for campground use.

4.3.4 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.

4.3.5 Watercourse and Wetland Protection

(1) Development in the vicinity of a watercourse or wetland will be carried out in a manner that minimizes the potential for environmental impacts, protects natural drainage, and preserves existing public access to the water.

(2) Conservation buffers will be established to protect watercourses from stormwater discharges, erosion, sedimentation, and pollution.

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

4.3.6 Coastal Shorelines

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

4.3.7 Steep and Unstable Slopes

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

4.3.8 Storm Drainage

(1) Development will not be permitted in a manner that may cause excessive increases in stormwater runoff such that it could be detrimental to adjacent

properties, steep or unstable slopes, nearby watercourses, coastal shorelines, and other sensitive areas.

(2) In areas where there is concern that development may contribute to increased surface or sub-surface drainage, Council may require developers and landowners to:
- (a) Set aside undeveloped land where stormwater can be discharged to naturally infiltrate into the soil.
- (b) Maintain vegetated buffers between stormwater drainage outlets and watercourses to minimize direct discharges into watercourses.
- (c) Preserve existing trees or plant additional trees and shrubs to promote soil infiltration and capture sediments.
- (d) Channel runoff to gardens and low-lying areas on the development site and on individual lots.
- (e) Take advantage of the topography to reduce storm drainage, for example, retain natural depressions in the landscape to accumulate runoff and promote soil infiltration.
- (f) Re-establish vegetative cover immediately on gravel surfaces, banks, drainage ditches, and other areas disturbed by construction activity.

4.3.9 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, or scouring and siltation of streams.

4.4 Infrastructure Policies

4.4.1 Water Supply System

Council will maintain its water supply system, including intake, treatment plant, lift station(s), and distribution system, in good working order to ensure the availability of an adequate quantity and quality of water for residents, businesses, and public facilities.

4.4.2 Sanitary Sewer System

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

4.4.3 Stormwater Management

Council will maintain storm drainage ditches and 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

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

4.5.1 Consideration of Environmental Impacts

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

4.5.2 Arterial Roads

(1) Purpose

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

(2) Description

Route 320 is Indian Bay's only Arterial Road. It passes through the Town for a distance of approximately 4 kilometres.

(3) Individual Accesses

Council will use its discretionary authority if necessary to prevent development of any driveway or other private access along Route 320 where it deems that such access would adversely affect traffic safety and/or efficiency.

4.5.3 Collector Roads

(1) Purpose

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

(2) Description

Main Road is the only collector road in Indian Bay.

(3) Individual Accesses

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

4.5.4 Local Roads

(1) Purpose

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

(2) Description

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

(3) **Future Road Connections**
Council will ensure that appropriate street reservations are reserved along Local Streets to provide for future connections to backland areas with development potential.

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.

(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 Rural Access Roads

There are many kilometres of rural gravel roads within the Indian Bay Municipal Area that are used for access to hunting and fishing areas, remote cottages, and for natural resource activities such as forestry. These roads are not owned by Council, nor are they Council's responsibility to maintain.

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 and 2. Policies outlined in this section specify Council's intent related to land use and forms of development in each of the following land use designations.

Future Land Use Designations	**Zones**	
Environmental Protection	Environmental Protection	EP
Protected Watershed	Protected Watershed	PW
Coastal	Coastal	CO
Residential	Residential Residential Mixed	RES RM
Residential Seasonal	Residential Seasonal	RS
Commercial	Commercial	COM
Tourism Resource	Tourism Resource	TR
Public Use	Public Use	PU
Rural	Rural	RU

5.1 Environmental Protection

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

5.1.1 Environmental Protection Zone

1. Land Use

(1) Conservation uses are permitted.

(2) At its discretion, Council may permit open space uses such as walking trails and boardwalks in appropriate locations.

(3) At its discretion, Council may permit water utility, communications, and transportation uses. Transportation uses such as road crossings of streams, bridges, culverts, and drainage ditches may be permitted only if alternative locations are not feasible and Council considers the proposed development to be in the public interest. Council may consult with the Department of Municipal Affairs and Environment, Fisheries and Oceans Canada, the Department of Natural Resources and other relevant agencies before approving any such development.

(4) Excavation and infilling of land and water will not be permitted unless it is to redirect stormwater or is a public work that has been approved by the Water Resources Division of the Department of Municipal Affairs and Environment.

5.2 Protected Watershed

The Protected Watershed designation is established to protect source water for the Indian Bay Brook municipal water supply area. The designation also includes small sections of the Northwest Brook water supply area, which supplies the communities of Centreville and Wareham. Highest priority of this designation is to ensure land uses and development will not negatively affect surface water and recharge areas for these water supplies.

5.2.1 Protected Watershed Zone

Indian Bay's drinking water supply area is located within the Indian Bay Brook Water Supply Area, which is designated under the *Water Resources Act*. Within this water supply area, the Protected Watershed is combined with the Environmental Protection zone to protect the quality of source water for the Town of Indian Bay. Small sections of the Northwest Pond Water Supply Area for the Town of Centreville-Wareham-Trinity are also included in the Protected Watershed zone.

1. Land Use

(1) Conservation and open space uses are permitted.

(2) Discretionary uses may include communications, forestry, mineral and petroleum exploration, recreational open space, and transportation.

2. Department of Municipal Affairs and Environment

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

3. Watershed Monitoring and Enforcement

(1) Council will monitor land uses and activities in the Protected Watershed designation to ensure they are being carried out in a manner that will not harm water quantity and quality.

(2) Uses or activities that are found to be taking place in a manner deleterious to the water supply will be subject to an immediate stop-work order in accordance with Section 102 of the *Act*.

5.3 Coastal

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

5.3.1 Coastal Zone

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

1. Land Use

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

(2) At its discretion, Council may permit fisheries, marine, and marina facilities and personal-use docks, slipways, and stages as long as they are deemed to be coastal-location essential and compatible with protection of coastal features and scenic viewsheds.

(3) No residential development will be permitted in the Coastal zone except at Council's discretion and only in a circumstance where a lot existed prior to the registration date of this Plan and there is no opportunity on the lot to erect the dwelling outside the Coastal zone.

(4) Council may consult with the Department of Municipal Affairs and Environment, Fisheries and Oceans Canada, and other relevant agencies before approving a proposed development in the Coastal zone.

5.4 Residential

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

The Residential designation will facilitate housing in a way that maintains a pleasant residential environment and provides for a diversity of year-round and summer homes. The intent is also to manage residential development in a manner that preserves and protects sensitive environments and public open space. Limited non-residential development may be permitted in the Residential designation.

5.4.1 Land Use Zones

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

Residential Designation - Land Use Zones		
Zone	**Intent**	**Application**
Residential Mixed	Allow for a continuance of the existing development pattern consisting of residential uses interspersed with some compatible commercial uses.	Indian Bay's existing main development area lying north of the harbour and more recent development on both sides of Country Road.
Residential	Promote new development areas primarily for single dwellings. Also allow for development of mini-homes and double dwellings. Provide discretion for home-based economic activities.	New areas identified for future residential development.

5.4.2 Residential Mixed Zone

Single detached dwellings will remain the predominant land use in this zone. Other types of housing as well as non-residential uses will be encouraged to the extent that it is compatible with existing development. Priority for development will be to optimize the use of infrastructure through infill opportunities and new development in areas that can be economically connected to existing piped services.

1. Land Use

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

Accessory buildings will be permitted subject to standards and conditions.

Other permitted uses include conservation, open space, personal crop uses, childcare, home offices, and transportation.

(2) Double dwellings, mini-homes, and row dwellings may be permitted at Council's discretion.

(3) At Council's discretion, a home occupation may be permitted within a residential dwelling or an accessory building in accordance with conditions required by Council.

(4) Bed and breakfasts and visitor rental dwellings may be permitted at Council's discretion subject to conditions set by Council.

(5) Other discretionary uses include arts and crafts studios, boarding houses, campgrounds, catering, cemeteries, clubs and lodges, commercial accommodations, communications, cultural and civic uses, emergency services, energy generation facilities, garden centres, general assembly, general service, indoor assembly, indoor markets, kennels, light industry, medical services, offices, outdoor assembly, outdoor market, personal livestock uses, personal services, recreational open space, residential care, shops, take-out food services, tourist cottage establishments, and visitor rental dwellings.

5.4.3 Residential Zone

Single detached dwellings will be the predominant housing form in this zone. Mini-homes and double dwellings will be considered on a case-by-case basis. Compatible home-based businesses will be encouraged.

1. Land Use

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

Accessory buildings will be permitted subject to standards and conditions.

Other permitted uses include conservation, open space, personal crop uses, childcare, and home offices.

(2) Double dwellings, mini-homes, and row houses may be permitted at Council's discretion.

(3) At Council's discretion, a home occupation may be permitted within a residential dwelling or an accessory building in accordance with conditions required by Council.

(4) Bed and breakfasts and visitor rental dwellings may be permitted at Council's discretion subject to conditions set by Council.

(5) At Council's discretion, energy generation facilities, kennels, recreational open space, residential care, and transportation uses may be permitted.

5.5 Residential Seasonal

Land is designated Residential Seasonal to accommodate demand for recreational cottages in appropriate areas.

5.5.1 Residential Seasonal Zone

1. Land Use

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

Accessory buildings will be permitted subject to standards and conditions.

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

5.6 Commercial

The Commercial designation includes existing and proposed commercial areas. In keeping with Council's goal of increased economic activity, areas are designated Commercial to facilitate business opportunities for the Town.

Presently three areas are designated Commercial, each one fronting onto Route 320.

5.6.1 Commercial Zone

The Commercial zone allows for the development of various types of retail, service and light industrial uses.

1. Land Use

(1) Permitted business uses include catering, communications, garden centres, general services, indoor markets, light industries, medical services, offices, outdoor markets, personal services, shops, and veterinary services.

(2) Conservation, open space, and transportation are complementary permitted uses.

(3) Other permitted uses include childcare services, cultural and civic uses and emergency services.

(4) Uses that may be permitted at Council's discretion include campgrounds, clubs and lodges, commercial accommodations, drinking establishments, energy generation facilities, entertainment, assembly uses, general garages, general industries, kennels, recreational open space, recycling facilities, service stations, subsidiary apartments, take-out food services, and tourist cottage establishments.

5.7 Tourism Resource

The Tourism Resource designation is established to expand and enhance opportunities for tourism development. Presently the only area designated Tourism Resource includes the Indian Bay Municipal Park.

5.7.1 Compatibility with the Indian Bay Brook Habitat Management Unit

New development will be permitted to the extent that it concurs with the Town's Stewardship Agreement with the Province and will not negatively affect the Indian Bay Brook Habitat Management Unit. In particular campground development in the Municipal Park will not be permitted to encroach any closer to the shoreline of Indian Bay Brook.

5.7.2 Tourism Resource Zone

The Tourism Resource zone will provide for a mix of visitor accommodation, visitor services, and recreational uses. The intent of the Tourism Resource zone is to facilitate economic activities related to Indian Bay's strategic advantage as a destination for consumptive and non-consumptive tourism. Locations in this zone are regarded as attractive sites for campground and tourist cottage development combined with passive open space uses such as trails and the waterfowl viewing areas.

1. Land Use

(1) The Tourism Resource zone will allow for the development of a strategic mix of campgrounds and/or tourist cottage establishments combined with outdoor recreation and open space uses and appropriate accessory retail and service uses.

(2) Permitted uses in the Tourism Recreation zone include open space and conservation.

(3) Uses that may be permitted at Council's discretion include campgrounds, catering, energy generation facilities, temporary outdoor markets, recreational open space, shops, subsidiary apartments, take-out food services, tourist cottage establishments, and transportation.

2. Protecting Environmentally Sensitive and Scenic Areas

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

5.8 Public Use

Land is designated Public Use in order to permit the development of public and institutional land uses.

5.8.1 Public Use Zone

1. Land Uses

(1) Permitted uses in the Public Use designation include childcare, educational uses, and medical services.

Conservation, open space, and transportation are permitted complementary uses.

(2) Uses that may be permitted at Council's discretion include cemeteries, clubs and lodges, cultural and civic uses, energy generation facilities, assembly uses, places of worship, recreational open space, and residential care facilities.

Catering may be permitted in a main use if deemed by Council to be integral and complementary to the operation of that use.

2. Cemeteries

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

(2) Cemeteries will be protected from incompatible abutting development.

5.9 Rural

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

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

5.9.1 Rural Zone

The Rural zone recognizes land used presently for agriculture, forestry, mineral working, and other natural resource developments, or with the potential for these uses.

1. Land Use

(1) Permitted uses in the Rural zone include crop agriculture, forestry, mineral and petroleum exploration, energy generation facilities, transportation, open space, and conservation.

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

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

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

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

2. Cemeteries

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

(2) Cemeteries will be protected from incompatible abutting development.

3. Environmentally Sensitive and Scenic Areas

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

4. Forestry

(1) Forest harvesting and management activities will be subject to the requirements and supervision of the Forestry Branch of the Department of Fisheries and Land Resources.

(2) Harvesting activities shall respect the Town's objectives for environmental protection, municipal watershed protection, scenic preservation, and recreation areas.

6.0 IMPLEMENTATION

The Indian Bay 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 Indian Bay Municipal Plan is 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 Indian Bay 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** and **2** 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 Indian Bay 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 Indian Bay Municipal Planning Area must apply to Council for permission through the established procedure. Council shall require that all development applications conform fully to the Indian Bay Municipal Plan before proceeding. Council may refuse or approve the application and may set conditions on approval. The decision of Council may be appealed to the appropriate appeal board.

(2) Once conformity to the Municipal Plan has been established, Council shall ensure that each development proposal is given an evaluation.

(3) If Council suspects that a Provincial or Federal policy or statute may come into effect, it will refer the development proposal to the relevant government department or agency for approval or comments.

(4) Council's final decision on an application will be based on the desire to guide the development of Indian Bay in the best long-term interest of residents and landowners.

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

6.1.3 Subdivision Proposals and Agreements

(1) Evaluations of proposed subdivisions of land for development will include the following:

(a) An investigation of the physical conditions and features of the site, opportunities for development, and constraints on development.

(b) A demonstration of how the proposed subdivision will connect to existing roads, how it will affect existing developments, and whether it will provide future access to undeveloped lands in the area.

(c) A demonstration that the proposed subdivision will be compatible with surrounding land uses, both existing and future.

(d) An examination of proposed municipal services and the long-term public costs of providing and maintaining these services.

(e) Consideration of how stormwater drainage will be managed to minimize increased run-off onto adjacent lands.

(f) Consideration of how the development may affect important and sensitive environmental resources.

(2) Before major land developments are approved in the Indian Bay Municipal Planning Area, Council may require the developer to enter into a development agreement with the Town. Such an agreement shall establish the conditions under which development will proceed and shall be binding on both parties. Any conditions governing the development will be enforced by attaching them to the development permit.

6.1.4 Non-Conforming Uses

(1) A building, structure, or other development that does not conform with the intent and permitted land uses of this Municipal Plan, but which legally existed before the registration date of the Plan, will be permitted to continue as a "non-conforming use" subject to the provisions of Section 108 of the *Act*.

(2) Notwithstanding subsection (1), if a non-conforming use is discontinued for a consecutive period of twelve months, it shall not be recommenced and any further use of the land or building shall conform to the intent of this Plan and its Development Regulations.

(3) A non-conforming use under this Municipal Plan:

(a) shall not be internally or externally varied, extended or expanded unless otherwise approved by Council,

(b) shall not be structurally modified except as required for the safety of the building, structure or development,

(c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50 percent or more of the value of that building, structure or development has been destroyed,

(d) may have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion more compatible with this Municipal Plan and its Development Regulations

(e) may have the existing building extended where, in Council's opinion, that

extension is not more than 50 percent of the existing building

(f) where the non-conformity is with respect to the standards included in the Development Regulations, shall not be expanded if the expansion would increase the non-conformity; and

(g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with this Municipal Plan and its Development Regulations, be repaired or rebuilt where 50 percent or more of the value of that building or structure is destroyed.

6.2 Public Participation

The Municipal Plan is an expression of the goals and aspirations of the citizens of Indian Bay, 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 Indian Bay Land Use Zoning and Subdivision Regulations (referred to as the Development Regulations) in order to implement the goals, objectives and land use policies of the Municipal Plan. The Development Regulations control the subdivision and development of all land within the Indian Bay 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 Indian Bay 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.