

Town of Irishtown-Summerside **Municipal Plan 2020-2030**

Prepared by
Baird Planning Associates
March 2021

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Urban and Rural Planning Act 2000 Resolution to Adopt

Town of Irishtown-Summerside Municipal Plan, 2020 - 2030

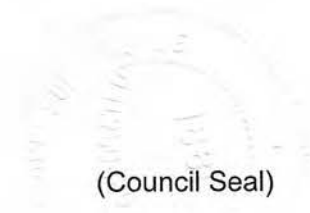
Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Irishtown-Summerside adopts the Irishtown-Summerside Municipal Plan.

Adopted by the Town Council of Irishtown-Summerside on the 8th day of December 2020.

Signed and sealed this 10th day of March 2021

Mayor: *Anthony Blanchard*
Anthony Blanchard

Clerk: *Rita Blanchard*
Rita Blanchard



(Council Seal)

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
John Baird, MCIP





[Faint, illegible handwritten text]

Urban and Rural Planning Act 2000 Resolution to Approve

Town of Irishtown-Summerside Municipal Plan, 2020 - 2030

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

- (a) Adopted by the Irishtown-Summerside Municipal Plan on the 8th day of December 2020.
- (b) Gave notice of the adoption of the Irishtown-Summerside Municipal Plan by advertisement:
 - Posted at the Town Hall and on bulletin boards at the Canada Post community mailbox station, Brent's Convenience, and First Stop Convenience on December 14, 2020.
 - Posted on the Town's Facebook page on December 14, 2020.
- (c) Set the 18th day of January 2021 at the Town Hall, Irishtown-Summerside for receipt of objections and other representations for consideration by the Public Hearing Commissioner.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Irishtown-Summerside approves the Irishtown-Summerside Municipal Plan.

SIGNED AND SEALED this 10th day of March 2020.

Mayor: Anthony Blanchard
Anthony Blanchard

(Council Seal)

Clerk: Rita Blanchard
Rita Blanchard

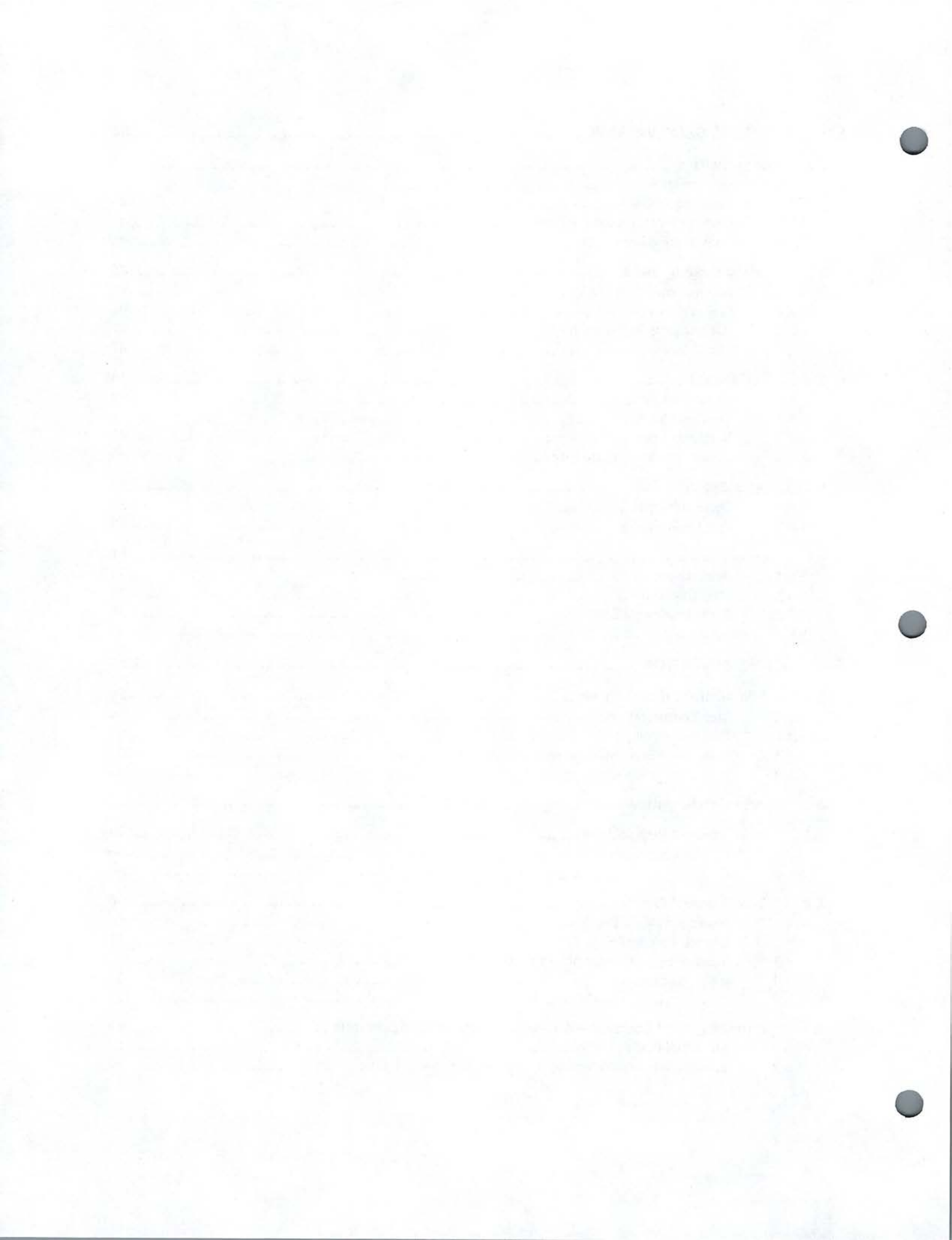
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Number	2425-2021-000
Date	April 30 2021
Signature	[Signature]

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1.0 INTRODUCTION

1.1 Purpose of the Municipal Plan

The Irishtown-Summerside Municipal Plan, 2020-2030 will provide for the development of the planning area over the ten-year planning period from 2020 to 2030 in accordance with Section 13(2) of the *Urban and Rural Planning Act 2000* (also referred to as the *Act*). It repeals and replaces the Irishtown-Summerside Municipal Plan 2000-2010.

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

- By preparing and implementing the Development Regulations,
- By issuing development permits to applicants wishing to subdivide land, erect or architecturally alter a building or structure, or change the use of a building or land, or

- conversely, refusing to issue permits for developments that are not in accordance with the Plan,
- By issuing demolition permits to applicants wishing to remove buildings or structures, or conversely, refusing to issue permits or demolitions that are not in accordance with the Plan,
 - By adopting or approving development schemes, concept plans, comprehensive plans, and so forth.

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

1.5 Interpretation

In this Municipal Plan:

- “Council” means the Council of the Town of Irishtown-Summerside.
- “Development Regulations” mean the Irishtown-Summerside Land Use Zoning and Subdivision Regulations.
- “Municipal Planning Area” means the Irishtown-Summerside Municipal Planning Area.
- “Town” means the Town of Irishtown-Summerside.

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

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

2.0 BACKGROUND REPORT

2.1 Geographical Setting

The Town of Irishtown-Summerside is located on the north shore of Humber Arm on the opposite side of the bay from Corner Brook. The built-up area of the town extends approximately 11 kilometres along Route 440 running parallel to the Bay of Islands shoreline. The geographic centre of the town lies approximately 11.5 kilometres from the Trans Canada Highway at Corner Brook and 20 kilometres from Cox's Cove at the western terminus of Route 440.

Exhibit 2.1 Regional Setting

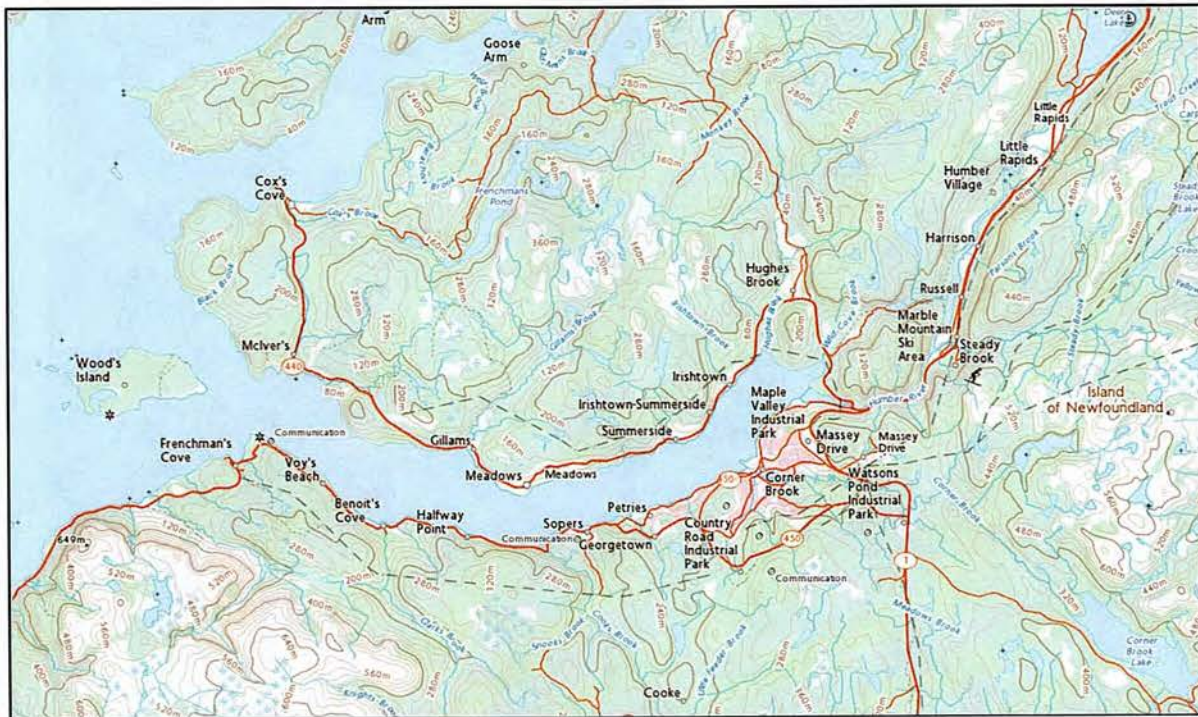
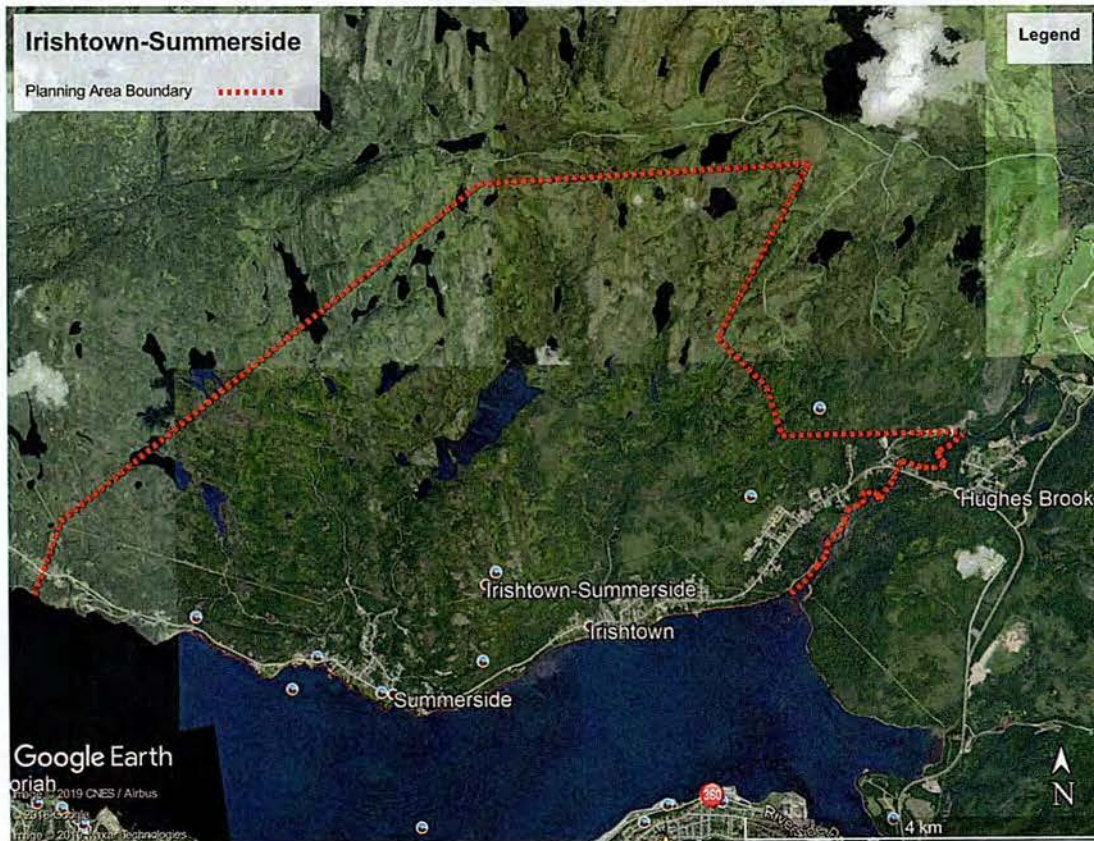


Exhibit 2.2 Local Setting



Exhibit 2.3: Irishtown-Summerside Municipal Planning Area



2.2 Population

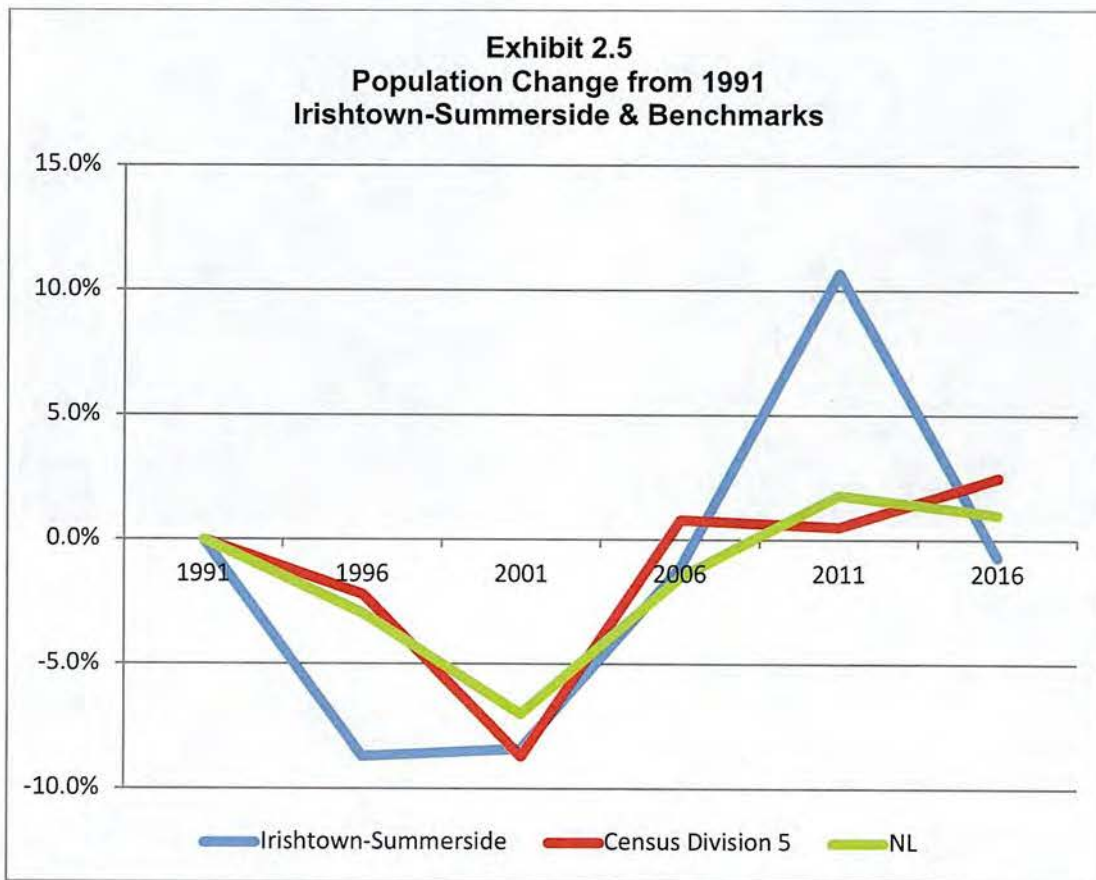
2.2.1 Current and Historical Population

Exhibit 2.4 profiles Irishtown-Summerside’s population change over the period 1991-2016. It compares the Town’s population change over that period with two benchmarks – Census Division No. 5 of which the town is a part and the province as a whole.

Exhibit 2.4 – Population Change Compared to Benchmarks (2016 Census Profile)						
Census	Irishtown-Summerside		Census Division No. 5		Newfoundland and Labrador	
	Pop’n	Change	Pop.n	Change	Pop’n	Change
1991	1,560		45,314		568,474	
1996	1,424	-8.7%	44,319	-2.2%	551,792	-2.9%
2001	1,304	-8.4%	40,466	-8.7%	512,980	-7.0%
2006	1,290	-1.1%	40,805	0.8%	505,470	-1.5%
2011	1,428	10.7%	41,004	0.5%	514,536	1.8%
2016	1,418	-0.7%	42,014	2.5%	519,716	1.0%
1991-2016	-142	-9.1%	-3,300	-7.3%	-48,758	-8.6%

After a period of negative growth in the 1990's, Irishtown-Summerside's population began a modest recovery after 2006. The town's population of 1,418 in 2016 represented a growth of 9.9% from 2006, reversing a decline of similar magnitude over the preceding decade. This growth rate was more than three times higher than both the surrounding census region and the province as a whole over the 2006-16 period.

Despite this strong recent growth, the town's 2016 population of 1,418 had 142 fewer residents than its 1991 population of 1,560, representing a decline of 9.1% over the period. As shown in the table, this mirrored similar drops of 7.3% and 8.6% in the regional and provincial populations respectively over the same timeframe.



2.2.2 Age Structure

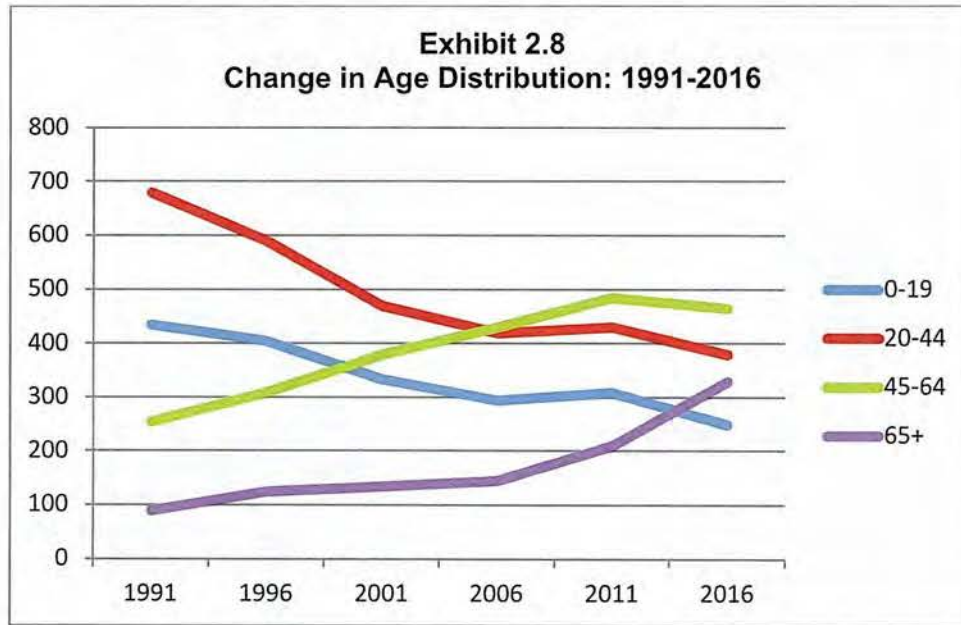
Exhibit 2.6 profiles the median age of Irishtown-Summerside's population from 2001 to 2016 and draws a comparison with the census region of which it is a part, the province, and the country. As with the benchmarks Irishtown-Summerside's population is getting older. Its 2016 median age of 48.2 compared to 48.0 in the surrounding region, 46.0 provincially, and 41.2 nationally. From 2001 to 2016, its median age increased by a margin of 9.3 years compared to 7.9 in the region, 7.6 in the province, and 3.6 in the country. As of 2016 the town's median age was 0.2 years older than the region, 2.2 years older than the province, and 7.0 years older than the country.

Exhibit 2.6				
Median Age - Irishtown-Summerside & Benchmarks				
(2016 Census Profile)				
Median Age of Population				
	Irishtown-Summerside	Division No. 5*	NL	Canada
2001	38.9	40.1	38.4	37.6
2006	41.1	43.1	41.7	39.5
2011	43.9	45.6	44.0	40.6
2016	48.2	48.0	46.0	41.2

Exhibits 2.7 and 2.8 illustrate changes in Irishtown-Summerside's age structure over 25 years from 1991 to 2016. While the population as a whole declined by only 125 residents, the age distribution between the age groups changed dramatically. The 0-19 age group fell from 535 to 250 or 53.3% while the 20-44 age group dropped from 680 to 380 or 44.1%. In clear contrast the 45-64 age group increased by 210 or 82.4% and the 65+ age group increased by 240 or 266.7%.

In proportional terms, the 0-19 age group dropped from 34.3% of the population in 1991 to 17.5% in 2016 while the 65+ age group increased from 5.8% to 23.2%.

Exhibit 2.7						
Irishtown-Summerside Age Distribution, 1991-2016						
(2016 Census Profile)						
Age Group	1991	1996	2001	2006	2011	2016
0-19	535 34.3%	405 28.3%	335 25.4%	295 22.9%	310 21.6%	250 17.5%
20-44	680 43.6%	590 41.3%	470 35.6%	420 32.6%	430 30.0%	380 26.7%
45-64	255 16.3%	310 21.7%	380 28.8%	430 33.3%	485 33.8%	465 32.6%
65+	90 5.8%	125 8.7%	135 10.2%	145 11.2%	210 14.6%	330 23.2%
Total	1560 100.0%	1430 100.0%	1320 100.0%	1290 100.0%	1435 100.0%	1425 100.0%



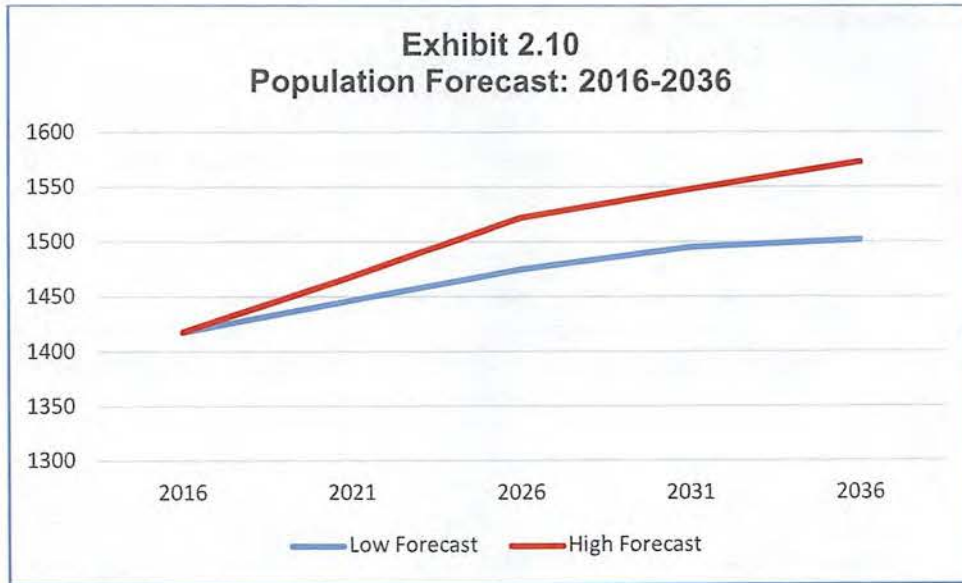
2.2.3 Population Forecast

Irishtown-Summerside is located in Economic Zone 8. Between 2006 and 2016, the Town's population grew by 9.9% while Zone 8 grew by only 2.0%. A review of census data since 1991 indicates an average difference of about 6% between the rates of change for Irishtown-Summerside and the remainder of Zone 8 (Statistics Canada 2017).

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

A population forecast for Irishtown-Summerside was prepared using Government's low and high projections for Zone 8 as a benchmark. It assumes that the five-year rate of change in Irishtown-Summerside will be an average 4.0% higher than the projected rate for Zone 8 as a whole. This is slightly lower than the actual differential between the town's population change over the previous 25 years and that of Zone 8 as a whole.

Year	Low-Growth Scenario			High-Growth Scenario		
	Pop'n	Change	% Change	Pop'n	Change	% Change
2016 (Actual)	1418			1418		
2021	1447	28	2.0%	1469	51	3.6%
2026	1475	29	2.0%	1522	53	3.6%
2031	1495	19	1.3%	1548	26	1.7%
2036	1502	7	0.5%	1573	25	1.6%
20-Year Change	-	83	5.9%		155	10.9%



2.3 Households and Housing

Change in housing needs in a community is driven by two factors – population change and change in average household size. Exhibit 2.12 compares actual changes in Irishtown-Summerside’s population and its housing stock from 1996 to 2016. It shows a population drop of 6 residents alongside a housing growth of 101 dwelling units. While the population remained essentially unchanged, the housing stock increased by 21.5%. This impressive housing growth resulted almost entirely from the drop in the population to dwellings ratio from 3.03 in 1996 to 2.48 by 2016.

	Population	Occupied Dwellings	Population per Dwelling
1996	1424	470	3.03
2001	1304	485	2.69
2006	1290	497	2.60
2011	1428	547	2.61
2016	1418	571	2.48
20-Year Change	-6 -0.4%	+101 +21.5%	-0.55 -18.2%

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

Exhibit 2.12 provides a forecast of Irishtown-Summerside's housing needs based on the low and high scenarios of population change provided in Exhibit 2.10. It assumes that average household size will decline at a rate 0.07 persons per household in each five-year interval, similar to the rate of change from 2001 to 2016. Under the low scenario, there will be a need for approximately 112 units over the next twenty years for an average of 5.6 units per year. Under the high scenario, there will be a need for 144 units for an average of 7.2 units per year.

Exhibit 2.12							
Estimate of Future Housing Needs – 2016-2036							
Year	Forecast Person/ Household	Low-Growth Scenario			High-Growth Scenario		
		Population	Dwelling Units	Avg. New Units/Year	Population	Dwelling Units	Avg. New Units/Year
2016	2.48	1418	571		1418	571	
2021	2.41	1447	600	5.8	1469	610	7.8
2026	2.34	1475	630	6.0	1522	650	8.0
2031	2.27	1495	659	5.8	1548	682	6.4
2036	2.20	1502	683	4.8	1573	715	6.6
Total Increase		84 5.9%	112 19.6%	5.6	155 10.9%	144 25.2%	7.2

Exhibit 2.13 profiles Irishtown-Summerside's occupied housing stock by dwelling type. It shows that detached dwellings make up over 95% of total dwellings with hardly any proportional change over the 2006-16 period.

Exhibit 2.13					
Housing by Dwelling Type 2006-16					
(2016 Census Profile)					
	2006		2016		Change 2006-16
	Number	Percent	Number	Percent	Number
Single Units	475	96.0%	545	95.6%	+70
Double Units			15	2.6%	+15
Apartment Units	20	4.0%	10	1.8%	-10
Total	495	100.0%	570	100.0%	+75

Exhibit 2.14 shows the change in owner and renter occupied housing over the 2006-16 period. While owner occupied dwellings continue to dominate the housing stock, rental units experienced a significant proportional increase over the period. Whereas rental units comprised 4.0% of the total in 2006, this increased to 9.6% by 2016. This can probably be attributed, at least in part, to increasing provision of senior's rental housing in the town.

Exhibit 2.14						
Owner Occupied Versus Renter Occupied Housing: 2006-16						
(2016 Census Profile)						
	2006		2016		New Units	
	Number	Percent	Number	Percent	Number	Percent
Owner Occupied	475	96.0%	515	90.4%	40	53.3%
Renter Occupied	20	4.0%	55	9.6%	35	46.7%
Total	495	100.0%	570	100.0%	75	100.0%

Exhibit 2.15 shows the age of housing in the town as of 2016. It shows an approximate even split in the proportion of housing built before and after 1980. Of the town's 570 dwellings, 295 were built before 1980 and 275 were built after. In comparison at the regional level, 57.8% of units was built prior to 1980 and 42.2% after. In the province as a whole, 52.4% was built prior to 1980 and the remainder after.

Exhibit 2.15 also provides data on the condition of housing in 2016. In Irishtown-Summerside, it show that 3.5% of the housing stock (approximately 20 units) needed major repairs. In comparison, 6.2% and 7.4% needed major repairs respectively in the surrounding region and the province as a whole.

Exhibit 2.15				
Age of Housing 2016				
(2016 Census - Dwellings by Period of Construction)				
	Irishtown-Summerside		Division 5	NL
	Number	Percent	Percent	Percent
1960 or before	95	16.7%	22.7%	19.8%
1961-1980	200	35.1%	35.1%	32.6%
1981-1990	95	16.7%	13.6%	15.6%
1991-2000	55	9.6%	11.1%	11.6%
2001-2010	65	11.4%	11.3%	13.0%
2011-2016	60	10.5%	6.2%	7.4%
	570	100.0%	100.0%	100.0%
Condition of Housing 2016				
(2016 Census - Dwellings by Dwelling Condition)				
Needs regular maintenance only		96.5%	93.0%	93.5%
Needs major repairs		3.5%	7.0%	6.5%

Exhibit 2.16 compares average household size in Irishtown-Summerside with the surrounding census region and the province as a whole. Between 2001 and 2016 the average number of residents per household in the town dropped from 2.6 to 2.1. In 2016 Irishtown-Summerside's average household size of 2.1 residents compared to 2.3 in both the region and the province.

Exhibit 2.16 – Average Household Size			
(Community Accounts - Housing)			
	Irishtown-Summerside	Census Div. 5	NL
Average Household Size (Census Profiles)			
Persons/Household 2001	2.6	2.7	2.7
Persons/Household 2006	2.4	2.5	2.6
Persons/Household 2011	2.3	2.4	2.4
Persons/Household 2016	2.1	2.3	2.3

An interesting aspect of community housing inventories is the number of dwellings that are unoccupied. An unoccupied dwelling can include a house that is fully vacant or a house that is not occupied by permanent residents. Seasonal vacation homes are the most common type of unoccupied dwelling. Exhibit 2.17 calculates the number of unoccupied dwellings as the difference between the number of private dwellings and occupied dwellings as identified in the

Irishtown-Summerside Census Profiles. Unoccupied dwellings over the period increased from ranged from a low of 24 in 2011 to a high of 45 in 2001 and again in 2016. As a proportion of the total, unoccupied dwellings ranged from 4.4% to 8.5% of the total. In 2016 7.9% of Irishtown-Summerside's housing was unoccupied.

Exhibit 2.17				
Estimate of Unoccupied Dwellings				
(derived from Census Profiles)				
	Total Dwellings	Occupied Dwellings	Unoccupied Dwellings	
2001	530	485	45	8.5%
2006	534	497	37	6.9%
2011	571	547	24	4.2%
2016	616	571	45	7.3%

2.4 Agency Comments

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

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

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

2.4.1 Provincial Archaeology Office (Tourism, Culture, Industry & Innovation)

The Provincial Archaeology Office (PAO) does not have any archaeological concerns within the Municipal boundaries of the Town of Irishtown-Summerside, however there is always the possibility that historic resources may be present. Any accidental discoveries of historic resources should be reported to the PAO.

2.4.2 Energy Branch (Industry, Energy and Technology)

The Energy Branch has no concerns with this submission.

Electricity – as per the screenshot below, a main transmission line falls within the southern portion of the shape file. As such, it is recommended that the proponent consult with Newfoundland Power and Newfoundland and Labrador Hydro to avoid any potential conflict with utility assets in the area such as transmission and distribution lines, dams and terminal stations to ensure the reliable supply of power to residents and businesses of the area. As NL Hydro is on the referral list their staff should address this issue.



Alternative Energy – no issues from an alternative energy perspective.

Petroleum – this project does lie within a hydrocarbon basin having oil & gas potential; is not within an onshore petroleum permit/licence of lease; and it is not within 100 meters of an onshore petroleum well.

2.4.3 Office of Climate Change (Environment, Climate Change and Municipalities)

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

2.4.4 Water Resources (Environment, Climate Change and Municipalities)

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 water resources of the province.

General for All Responses

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

Conditions

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

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

Non-Domestic Water Use for Any Purpose

Prior to the start of construction, the proponent must apply for and obtain a water use licence under the *Water Resources Act, 2002* for the use of water from any water source for any purpose. This must be stated for all non-domestic uses with an existing, new or planned water use from any water source.

<http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm>

Wharf/Boathouse/Slipway/Breakwater

A permit under Section 48 of the *Water Resources Act, 2002* is no longer required for the applied structures. <http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm> However, the proponent must follow the guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses which are available at: https://www.mae.gov.nl.ca/waterres/regulations/appforms/Guidelines_for_Wharves.pdf.

The proponent must apply for and obtain a permit under Section 48 of the *Water Resources Act, 2002* for any infilling or dredging work associated with these structures or other works in any body of water prior to the start of construction.

Development in Shore Water Zones

The proponent must apply for and obtain a permit under Section 48 of the *Water Resources Act, 2002* for any work in Shore Water Zones prior to the start of construction. Also, any work in the

Shore Water Zones must comply with this Department's Policy for Development in Shore Water Zones:

http://www.mae.gov.nl.ca/waterres/regulations/policies/shore_water.html

Infilling within 15 metres of Bodies of Water

The proponent must apply for and obtain a permit under Section 48 of the *Water Resources Act, 2002* for any infilling work within fifteen (15) metres of a body of water prior to the start of infilling. Also, any proposed infilling within fifteen (15) metres of a body of water must comply with this Department's Policy for Infilling Bodies of water:

http://www.mae.gov.nl.ca/waterres/regulations/policies/bodies_of_water.html.

Contact: Manager, Water Rights, Investigations and Modelling Section - (709) 729-2295, waterinvestigations@gov.nl.ca

Public Drinking Water or Wastewater System

The installation of any water or sewer mains requires approval of ENVC under Sections 36 and 37 of the *Water Resources Act*. Water and sewer shall be designed according to the *NL Guidelines for the Design, Construction and Operation of Water and Sewerage Systems*.

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

Development Adjacent to or Within Protected Public Water Supply Area

The Municipal Planning Area contain the following protected public water supply area (PPWSA) designated under Section 39 of the *Water Resources Act*:

- Irishtown Brook PPWSA used by the Town of Irishtown-Summerside (90% contained within the MPA)
- Pynn's Brook PPWSA used by the Town of Irishtown-Summerside (100% contained within the MPA)

In any area designated a PPWSA under Section 39 of the *Water Resources Act*, development activity in this area must adhere to the *Policy Directive for Land and Water Related Developments* in PPWSA and be approved of by the Minister of Environment, Climate Change and Municipalities:

Proponent(s) must apply for and obtain a permit under the *Water Resources Act, 2002*, specifically Section 39. Work adjacent to or within a 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

https://www.mae.gov.nl.ca/waterres/regulations/policies/water_related.html

The application is available under Surface Water at:

<https://www.mae.gov.nl.ca/waterres/regulations/appforms/>

The MPA boundary does not include all areas of the PPWSA, and should be amended to do so.

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

2.4.5 Forestry (Fisheries, Forestry and Agriculture)

There is a domestic cutting area within the boundary. We would like to be able to continue providing permits in this area for residents to cut timber for domestic purposes.

2.4.6 GIS and Mapping (Fisheries, Forestry and Agriculture)

There are approximately 9 survey monuments in the municipal planning area for the Town of Irishtown-Summerside. Under the Lands Act a surveyor may enter upon lands at any time for the purpose of making observations to or from a control survey marker. The Lands Act also provides that a person who knowingly or willfully pulls down, defaces, alters or removes a control survey marker is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 or imprisonment for a period not exceeding 3 months.

GIS and Mapping Division is required to be contacted (GMD@gov.nl.ca) if works within the town have the potential of disturbing an existing Control Survey Marker. The locations of the markers can be viewed at <https://arcg.is/1rWnSC>.

2.4.7 Land Management - Agriculture (Fisheries, Forestry, and Agriculture)

Mixed Development: In the existing plan, "mixed development" essentially includes built up areas along the north shore highway and branch roads. Agriculture is a discretionary use in this designation where the municipality will consider the affects, if any, of the proposed development on neighboring properties.

Rural Resource: The majority of the existing plan is zoned "rural resource." As the name implies, this designation permits activities such as agriculture and forestry.

Rural Residential: Agriculture is a discretionary use in this designation where the municipality will consider the effects, if any, of the proposed development on neighboring properties.

Environmental Protection: This zoning in the existing plan is for the watershed for the water supply for the community. Agriculture is a discretionary use where no building associated with the development will be permitted.

The New Plan: The existing plan is approximately 20 years old and there were few zoning designations. The new plan will likely see an expansion in the "mixed development zone" and the introduction of other zonings such as "residential" and "commercial."

Wherever possible the use of the "rural zoning" should be encouraged and agriculture should be a permitted use.

Backyard gardens and the keeping of limited livestock, such as laying hens should be encouraged and permitted wherever possible.

2.4.8 Mines – General Comments (Industry, Energy and Technology)

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

In addition, the Mines Branch, through the Geological Survey of Newfoundland and Labrador, studies the potential for geological hazards in the province, including the potential for hazards

related to the effects of climate change. All municipalities with planning authority should take the potential for geological hazards into account when making planning decisions, including zoning.

Based on a cursory study, the Geological Survey has identified the red area depicted on the attached map as consisting of marine sediments and being at risk for coastal erosion and slope movement. Note that natural hazard potential may exist elsewhere in the planning area in addition to the area depicted and the area depicted should be considered provisional based on limited information and analysis. Development restrictions should be considered for this area. Should development or modification to the landscape be proposed in this area, further study of hazard potential and infrastructure adaptations may be necessary. For additional information about natural hazards please see the attached document prepared by the Geological Survey providing general advice to inform the municipal planning process on the subject of geological hazards and climate change.

The Town of Irishtown-Summerside Municipal Planning Area (MPA) contains no areas covered by a quarry permit except for two areas that border or slightly overlap the MPA in the easternmost corner near Hughes Brook. The approximate locations of the two quarry permits are indicated by white circles on the attached map. The MPA contains two areas of recognized aggregate resource potential (i.e., areas containing, or likely to contain, sand and gravel deposits of suitable size and quality for quarrying) depicted in pink on the attached map. One of these areas corresponds to the developed part of Irishtown and the other to the Hughes Brook valley.

There is a recognized occurrence of slate located inland of Pettipas Point that was quarried over a century ago from approximately 1903 to 1909 – refer to the attached map for the approximate location. The slate is described as grey-green to red and tens of thousands of pieces were produced while the quarry was active.

The Town of Irishtown-Summerside MPA appears to have little history of mineral exploration. Any area within the MPA may potentially be of future mineral exploration interest and future mineral discoveries of potential economic significance may be made.



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

4. Mineral working at quarry sites established before a zoning or other planning decision which restricts or disallows mineral working shall be considered a non-conforming use as per section 108 of the *Urban and Rural Planning Act*, and allowed to continue accordingly.
5. Development Regulations typically establish minimum separation distances or buffers between mineral workings and adjacent uses. Development Regulations shall also contain

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

6. Development Regulations shall also contain a statement to the effect that, where a minimum required distance was originally observed when choosing the location of a mineral working, the mineral working shall not be discontinued or impeded where the buffer is reduced to less than the required distance due to encroachment of development or zoning boundaries towards the mineral working.
7. In the Table of Use Classes, mineral working, mineral exploration (development), and mining shall each be listed as their own, distinct Use Class. The same applies to petroleum exploration and extraction.

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

8. 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.
9. Mineral working should be a permitted use in areas zoned Rural and at least a discretionary use in other relatively undeveloped zones in order to ensure that there is adequate space for quarrying within the Planning Area to meet present and future demand for construction aggregate and fill in the city. Areas of recognized aggregate resource potential (where identified) and areas where quarrying is already an established land use should be prioritized for being zoned such that mineral working is a permitted use. Some municipalities establish a dedicated Mineral Working zone for preserving areas for quarrying, whereas most municipalities rely on the Rural zone (and sometimes also the Industrial zone) to preserve space for resource uses such as quarrying. The cost of construction aggregate and fill increases significantly with transportation distance, and this is why it may not be prudent for municipalities to rely on more distant quarries to meet local demand.
10. The Development Regulations should contain a statement to the effect that "For approved developments where the extraction of quarry materials is occurring or may be expected occur, the Town will send a copy of the development permit to the Quarry Materials Section, Mineral Lands Division, Department of Industry, Energy and Technology, at quarries@gov.nl.ca. Note that quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat." It is important that the Department of Industry, Energy and Technology have the documentation necessary to distinguish excavation associated with an approved development from excavation that constitutes quarrying; possessing development permits

for developments which may involve excavation will assist greatly in making this distinction.

Background regulatory information:

Quarrying (the most common type of mineral working) and mineral exploration are 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 Industry, Energy and Technology, administers the *Quarry Materials Act, 1998*, under which quarrying may be approved by the issuance of either a quarry permit or lease.

Quarry permits are issued for no longer than one year 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 Industry, Energy and Technology in an amount sufficient to complete the reclamation work outlined in the plan should the company be unable to. Development and closure plans and the amount of financial assurance are reviewed and approved by the Department and are required to be kept up to date.

All applications for quarry permits and leases for areas located within a municipal planning area are referred to the municipality, in addition to other government agencies, and terms and conditions are drafted to address 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 municipality have concerns about any quarrying activity, whether before or after the issuance of a quarry permit or lease, the municipality should contact the Mines Branch, Mineral Lands Division in order to have the concerns addressed.

- b) The Mineral Lands Division, Mines Branch, Department of Industry, Energy and Technology, administers the *Mineral Act* under which mineral licences are issued and within the bounds of which mineral exploration may be approved by the issuance of an "exploration approval".

Exploration approvals are generally issued for no longer than one year. Applications for exploration approval involving areas within a municipal planning area and where the activities proposed may involve ground disturbance, wildlife disturbance, water quality impairments, or foreseeable land use conflict, are referred to the municipality, in addition

to other government agencies, and terms and conditions are drafted to address any specific concerns raised during the referral process. That being said, basic environmental requirements for mineral exploration are already set out in the Mineral Regulations under the *Mineral Act*, for example, that all excavated, stripped, and grubbed sites be rehabilitated by backfilling or re-contouring, as appropriate, and then placing stockpiled organic materials back over the site.

The Mineral Lands Division conducts inspections year-round to ensure that the Mineral Regulations and the terms and conditions of exploration approvals are adhered to, including that rehabilitation, once due, is completed as required.

Should a municipality have concerns about any mineral exploration activity, whether before or after the issuance of an exploration approval from the Department of Industry, Energy and Technology to conduct the work, the municipality should contact the Mines Branch, Mineral Lands Division, in order to have the concerns addressed.

Mineral exploration activities may include traditional prospecting, geochemical sampling, airborne and ground-based geophysical surveys, survey line cutting, test pitting, stripping of bedrock, trenching, and diamond drilling, and may be accompanied by the creation of new (temporary) access trails, equipment laydown areas, campsites, or, less commonly, constructed access roads. Exploration for quarry materials (e.g., sand, gravel) is permitted using the same procedure and typically involves the excavation of test pits followed by their immediate rehabilitation.

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

2.4.9 Mines - Geological Hazards (Industry, Energy and Technology)

The following comments on geological hazards are provided from the Geological Survey of Newfoundland and Labrador, Department of Industry, Energy and Technology, for the purpose of informing development planning decisions. Our observations are based on field work and surficial geology mapping, and data collected during our Coastal Monitoring program. Some of the areas of discussion may not apply to the location or community under review. More details can be provided by contacting:

Melanie Irvine, Project Geologist
Geological Survey of Newfoundland and Labrador
Phone (709) 729-3489 Email: melanieirvine@gov.nl.ca

Newfoundland and Labrador has a long history of geological disasters with over 290 incidences having been recorded from 150 communities (for more information go to <https://tinyurl.com/y673mdg6>). The determination of current and future landscape changes is integral in making constructive land-use decisions, and to assist the municipal planning process in identifying areas of potential geological hazard.

Slope Movement

Slope movement are processes that involve the downslope movement of material (unconsolidated sediment, bedrock and snow) in response to gravity, and include rockfalls,

landslides and avalanches. The slope angle, sediment characteristics and snow conditions are important factors that influence slope stability, and generally the steeper the slope, the greater the risk.

Rockfalls

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 human activity. Rockfalls may also impact a slope below and trigger a landslide.

Landslides

Landslides involve the downslope movement of unconsolidated material under the influence of gravity, and 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. Undercutting of the base of the slope is also a common trigger. Landslides may be rapid (e.g., debris flows) or slow (e.g., creep), and typically occur on slopes between 20° and 45°.

Avalanches

Avalanches are rapid, and consist of a combination of snow and ice, but may include sediment, rock, and vegetation. Avalanches require heavy snowfall (either introduced by precipitation or wind), and a steep (30°-50°) slope. The triggers include heavy snowfall over a smooth surface or winds blowing and depositing snow on slope.

Human activities have direct and indirect impacts, and modifications of the environment may unintentionally enhance slope movement.

- The building of infrastructure on the top of a slope adds weight, which increases the shear stress on the slope; if the shear stress impacting a slope exceeds the shear strength, the slope will fail.
- Housing, industrial and agricultural developments change the hydrological cycle, as the removal or modification of vegetation, irrigation, watering and paving of natural surfaces increases the quantity of surface and groundwater entering the environment.
- Removal of sediment or rock at the slope base will increase slope angle, and can trigger slope movement.

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. Areas at river mouths are particularly vulnerable to 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 and Labrador Department of Environment, Climate Change and Municipalities. These maps indicate historical events and show areas of potential threat from 1:100 year flood events. The responsibility for river flooding related issues lies with the Water Resources Management Division, Department of Environment, Climate Change and Municipalities, and they should be consulted on this subject.

Low-lying coastal areas may be inundated by the sea, especially if coastal protection (including beaches) is breached. Waves at the coast (wave climate) are controlled by numerous factors, most importantly weather (generally the stronger the winds the larger the waves), fetch (the distance of open-ocean over which the wind can blow with constant speed and direction; areas with a larger fetch have the potential for larger waves to form), nearshore bathymetry (a gently

sloping sea floor near the shore can lead to larger waves than a steep sea floor), tides (large waves on a high tide will have more impact on the coastline than the same waves on a low tide) and storm surge. Storm surge is an increase in mean water level produced by a combination of water pushed ashore by wind around the eye of a hurricane or major depression, and the increase in surface water elevation in areas of low pressure. In some places, storm surge in combination with normal tidal activity can increase mean water level by 5 metres or more, and the most damaging typically occur during a high tide.

Human activities have direct and indirect impacts, and modifications of the environment may unintentionally enhance flooding.

- Hardening of ground surfaces, such as paving over previously permeable surfaces, can increase the risk to flooding.
- Although culverts can divert water away from an area, they must be properly designed, maintained and kept clear of debris.
- The passage of all-terrain vehicles (ATV) and foot traffic on dunes cause erosion and enhance blowouts, thereby increasing the risk to flooding.
- Barrier beaches can be artificially lowered by ATV use, resulting in an increased susceptibility to overwashing and breaching.

For more information on coastal vulnerability contact Melanie Irvine at the Geological Survey (709-729-3489 or melanieirvine@gov.nl.ca).

Coastal erosion

Coastal cliffs are subject to erosion. The rates of erosion are controlled by numerous factors, including wave impact, composition of cliff, surface runoff, groundwater flow, wind, and beach width and height. Large portions of the coastline in Newfoundland and Labrador are composed of cliffs, and the bedrock cliffs commonly erode much more slowly than those composed of unconsolidated material. Many of our unconsolidated cliffs are composed of till, a sediment composed of a wide range of grain sizes deposited by a glacier, but cliffs composed of sand, sand and gravel, and silt and clay are also found. The actions of water (both waves, groundwater and surface water) and wind will result in erosion of unconsolidated cliffs, especially if there is no vegetation cover. Surface water will create gullies and rills on the slopes, groundwater can flow along impervious layers in the cliff and remove sediment when it exits the cliff face, and wind removes sand from the cliff face. If there are cobbles or boulders in the cliff, they will roll down the cliff after release by erosion, and provide some protection to the fine-grained sediment from the waves.

Erosion can also result if waves impact the base of cliffs composed of unconsolidated sediment, and this process leads to over-steeping of the cliff. The frequency of wave impact at the base of cliffs is controlled by the wave climate, and the width and shape of the beach (low lying, narrow beaches commonly result in more wave impacts than wide, steep beaches). The removal of material from the base of the cliff causes the material above to fail, and can trigger a landslide, which is the rapid, downward movement of material due to gravity, and can result in significant (metres to tens of metres) loss of coastal cliffs within a short time.

Human activities have direct and indirect impacts, and modifications of the environment may unintentionally enhance erosion.

- Solid structures such as groins or jetties decrease longshore drift, resulting in the accumulation of sediment on the up-drift side, and erosion on the down-drift side of the structure.
- Hardening of the coastline with boulders, concrete or other solid materials can cause beaches down-drift to be starved of sediment.
- The vibrations from vehicles or construction can trigger a landslide.
- The removal of vegetation from the face of a cliff will increase the susceptibility to erosion from water and wind.
- Housing, industrial and agricultural developments change the hydrological cycle, and irrigation, watering and paving of natural surfaces increases the quantity of surface and groundwater entering the coastal environment.

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

Future Impacts

The intensity and frequency of geological change will likely increase, and new locations may be impacted in the future due to two main factors. First, regional climate projections for the Province indicate the climate will become warmer (especially in winter), wetter (both in terms of precipitation intensity and duration) and there will be increases in extreme precipitation, such as rain-on-snow events. Also, storm surges are forecasted to increase in intensity and frequency. Details of the climate change projections report can be found at: <https://tinyurl.com/y55rz8yh>. Second, sea level is rising. Changes in the climate are causing a rise in sea level due to thermal expansion of the ocean and an increase in water supply from melting glaciers and ice sheets. Sea level around the Avalon Peninsula will likely be about 100 cm higher by 2100 compared to 2000. Other areas of the Province are experiencing less sea level rise than the Avalon Peninsula because they are still experiencing uplift as a result of the last glacial period, and this uplift will partially offset the global sea level rise caused by climate change. In western and southern Newfoundland, sea level will rise by 80-90 cm, and 70 cm in Labrador. Sea level rise will continue beyond 2099 everywhere in the Province (for more information, go to <https://tinyurl.com/yy38y4vp>).

Recommendations

Based on the potential future impact of sea level rise and storm surge, the Geological Survey considers that **areas below the present 4 m contour are highly vulnerable to coastal flooding**. Development within this area should be restricted to ensure that appropriate mitigation measures are employed, e.g., coastal protection measures or enhanced engineering standards. Alternatively, municipalities with planning authority may choose to remove these areas from development by re-zoning. Areas above the present 4 m contour may also be at risk from coastal flooding and erosion, including storm surge.

Municipal planning should consider rates of cliff erosion and coastal setback limits, which should aim for a 100-year time-frame. To ensure that episodic events are accounted for, the suggested setback limit is twice the average yearly erosion rate, multiplied by 100. In areas where erosion rates are not known, the average rate of erosion for unconsolidated coastlines for the province, which is 15 cm per year, should be used. **A setback of at least 30 m from the cliff edge is**

recommended, although greater set-back limits should be considered in areas with demonstrated enhanced erosion rates or in high-risk areas. Disturbances within this setback area, including changes in ground surface, and the removal of sediment or vegetation, should be avoided.

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. If you have any questions, or would like more detailed information onto the above, please contact us.

2.4.10 Local Governance and Land Use Planning (Environment, Climate Change and Municipalities)

Public Consultation and Transparency

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

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

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

Please ensure that a statement outlining the public consultation process is included with the submission of the final draft municipal plan and development regulations. This statement must demonstrate how these public consultation requirement have been met. Please ensure that supporting documentation is included with your submission.

Interdepartmental Committee on Land Use (ILUC)

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

Highway Signs

The Highway Sign Regulations apply to all highways constructed and maintained by the Department of Transportation and Infrastructure. A permit is required for any sign erected within designated control lines of a highway. Government Service Centre, Digital Government and Service NL, is the authority for the Highway Sign Regulations.

(<https://www.assembly.nl.ca/Legislation/sr/regulations/rc990085.htm>)

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

2.4.11 Digital Government and Service Newfoundland and Labrador

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

It is advised that prior to the start of any development, the proponent contact the Regional Office of the Government Service Centre, Sir Richard Squires Building, P. O. Box 2006, 84 Mount Bernard Avenue, Corner Brook, NL, A2H 6J8, Telephone (709) 637-2204, Fax (709) 637-2905 to discuss any relevant permits and/or approvals that may be required.

2.4.12 Wildlife Division (Fisheries, Forestry and Agriculture)

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

Core habitat for the NL Marten, that is currently listed as Threatened under the Newfoundland and Labrador *Endangered Species Act* (NLESA), occurs within the outlined Municipal Planning Area (MPA). Section 16 (1) of NLESA states, "A person shall not disturb, harass, injure, or kill an individual of a species designated as threatened, endangered, or extirpated". Denning of female marten and young occurs from early April to the end of June and dens must be protected from damage and disturbance during this time period as dens are protected under both the provincial NL *Endangered Species Act* and the federal *Species at Risk Act*.

There is also an avian species (Rusty Blackbird) listed as Vulnerable under the Newfoundland and Labrador *Endangered Species Act* (NLESA) that has been reported within the MPA.

Fact sheet for Rusty Blackbird are available on the Government of Newfoundland and Labrador website or by clicking the links below:

https://www.flr.gov.nl.ca/wildlife/endangeredspecies/Rusty_Blackbird_Information_Sheet.pdf

The Wildlife Division requests a minimum 50 m naturally vegetated buffer to be maintained along Hughes Brook, a scheduled salmon river, to protect sensitive riparian and aquatic species, and their habitat.

There are a number of **rare plant species** that are associated with the Hughes Brook Area, more specifically in the floodplain forest, in the tidal marsh at the brook mouth, and in shallow water of the back water pools. By maintaining the 50m buffer, as stated above, should be sufficient to protect these plants as well as the riparian zone.

The Wildlife Division would like the municipality to consider general wildlife habitat and landscape connectivity during the next phase of their municipal review plan.

This could include

- Maintaining appropriate riparian buffers, which are natural green belts along wetlands and waterbodies (ponds, rivers, creeks etc.). A 30m minimum undisturbed natural vegetated green belt could be a standard requirement when dealing with any type of land use activity;

wider green belts are suggested when bordering land uses include for example agricultural practices.

- To maintain landscape connectivity, green belts should be connected to forested areas or other habitat patches to create travel corridors for various wildlife species. Development Regulations could incorporate a minimum percentage of forests to be maintained during lot clearing, for example. Vegetation clearing should always be done outside the May 01 to July 31 period (note that some raptors start breeding in March) as disturbance can be most detrimental during that sensitive breeding/ young rearing period.

2.5 Public Consultations

2.5.1 First Open House – October 29, 2019

The first public consultation session for the Plan Review took place on October 29, 2019 at the Irishtown-Summerside Town Hall. The session included an Open House from 2:30 pm to 5:00 pm and again from 6:30 PM to 8:30 pm. It was attended by three residents as well as the Mayor, Deputy Mayor, and Town Clerk.

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

- The need to identify an area that would allow a complementary mix of rural commercial and rural residential and rural commercial development. The proposed area is located at eastern end of the town north of Main Street and generally west of Hughes Brook.
- The need to preserve land south of Main Street abutting the outlet of Hughes Brook for open space and nature trails. This scenic riparian and beachfront area is environmentally sensitive and not suitable for built-up development, however, is ideally suited for low-impact types of land uses and passive recreational activity.

2.5.2 Second Open House – June 11, 2020

The second public consultation session for the Plan Review took place on June 11, 2020 at the Town Hall. The session included an Open House from 2:30 pm to 5:00 pm and again from 6:30 PM to 8:30 pm. It was attended by six residents as well as the Mayor, one Councillor, and the Town Clerk.

The public notice for the open house said residents could request electronic copies of the draft documents and maps. As a result, the documents were emailed to 19 residents.

The following planning issues were raised by participants.

1. Will cabins be permitted in remote areas?
Recreational dwelling is proposed as a discretionary use in the Rural zone. This means that, after providing public notice, Council has discretionary authority to approve or refuse an application for a cabin in the Rural zone.
2. Is domestic cutting permitted in protected water supply areas.
Forestry is proposed as a discretionary use in the Environmental Protection zone, which covers the Town's two protected watersheds. This will give Council discretionary authority to allow or prohibit cutting activity in these areas. Another option is to remove forestry as a discretionary use, which means cutting would be prohibited under the Municipal Plan.

If Council wishes to prohibit all cutting in its water supply areas, this can be done by removing forestry from the list of discretionary uses in the Environmental Protection zone. However, it is possible this may conflict with Provincial policy, therefore the Province should be consulted on whether this will be authorized.

Carla Hayes of the Water Resources Division in Corner Brook indicated that domestic cutting can be permitted in a protected water supply area under a blanket permit issued to Provincial Forestry or Corner Brook Pulp and Paper, which in turn can issue individual cutting permits. However, no such permit has been issued in the Irishtown-Summerside water supply areas. Therefore, any current cutting in these areas is not authorized by the Province.

3. New house in Meadows built too close to Main Street

The Town Clerk indicated the house was built closer to the street than was approved in the building permit.

4. Application for 3 houses and a heavy equipment garage in the area west of Hughes Brook

Single dwellings are permitted uses in the current zoning and a garage can be considered as a discretionary use under the category, "general industry". Council indicated a decision on approval will be made at its June 16 meeting. Notice of discretionary use was posted by the Town and one enquiry was received.

In the draft Municipal Plan and Development Regulations, the site in question is designated Rural on the Future Land Use map and zoned Rural Residential on the Land Use Zoning map. The proposed developments would be compliant under the new Plan.

2.5.3 Consultation with Wildlife Division and Stewardship Association of Municipalities

Council and the planning consultant met with Jonatan Sharpe of the Wildlife Division and Elisabeth Belanzaran of the Stewardship Association of Municipalities (SAM) regarding a proposal to establish a habitat management area in the Hughes Brook watershed. Since this conservation area would overlap with the Hughes Brook and Corner Brook municipal boundaries, it would require joint jurisdiction of the three towns.

Council responded positively to this proposal. Although a formal written proposal has not yet been received, Council has approved the designation of the land in question as Conservation in the proposed Municipal Plan and Conservation Area zone in the proposed Development Regulations.

3.0 GOALS AND OBJECTIVES

This section outlines the Town's planning goals and objectives for the 2020-2030 period. A goal is a desired state, which reflects the long-term intent of Council and relates to a major area of interest or concern. An objective is a short-range step towards achieving the goal. In this context, an objective is an outcome or output desired by Council in less than 10-years.

3.1 Community Structure and Character

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

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

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

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

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

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

3.2 Economic Growth and Development

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

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

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

Promote Irishtown-Summerside as an attractive place to live year-round, 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 natural landscapes and scenery.

3.3 Environment

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

Conservation and protection of core habitat of threatened and vulnerable species.

Objectives: Provide municipal services at environmentally acceptable standards.

Minimize potential adverse effects of development on ecosystem biodiversity.

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

Protect the Irishtown-Summerside 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.

Limit development and land use activities that would be injurious to the habitat of Newfoundland marten (Threatened species), Rusty Blackbird (Vulnerable species).

Limit development and land use activities that would be injurious to rare plant species in the floodplain forest, tidal marsh, and shallow waters in and near the mouth of Hughes Brook.

3.4 Health and Social Well-Being

Goal: Maintenance and enhancement of the welfare and quality of life of all Irishtown-Summerside residents.

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

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

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

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

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

3.5 Housing

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

Development and maintenance of a pleasant residential environment.

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

Protect residential quality of life and property values.

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.

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

3.6 Transportation

Goal: An efficient and safe network of roads, trails, and pedestrian facilities to serve motorized and non-motorized transportation needs in Irishtown-Summerside.

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

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

3.7 Open Space and Recreation

Goals: Development and maintenance of built facilities and natural areas to accommodate the active and passive recreational needs of Irishtown-Summerside residents.

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

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

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

3.8 Capital Works

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

Optimal utilization of existing streets and municipal infrastructure.

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

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

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

3.9 Governance

Goal: Municipal services and administration that is effective, efficient, and equitable for all residents and businesses within the fiscal capacity of the Town.

Pursuance and facilitation of opportunities to improve local governance, municipal services, and economic development.

Objectives: Collaborate with other levels of government, community organizations, and the business community to improve municipal governance and services.

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*.

3.10 Municipal Finance

Goal: Provision of 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 Irishtown-Summerside as expressed in the Goals and Objectives outlined in Section 3.0.

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

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

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

4.2 General Land Use Policies

4.2.1 General Layout of the Town

- (1) Council will encourage the consolidation of development in areas that are economical to connect to existing roads and service with water and sewer.
- (2) Council will give priority to infilling vacant serviced land over the development of new streets and infrastructure.
- (3) Council may refuse proposed developments in locations where municipal services are inadequate or it would be uneconomic to provide and maintain municipal services.

- (4) Council will require land developments to include reasonable measures to reduce stormwater runoff from the site, including as necessary the setting-aside of green areas for stormwater control and infiltration.
- (5) In certain areas with limited opportunity for connection to municipal water and/or sewer services, Council may consider allowing unserviced residential development subject to compliance with relevant Provincial regulations and standards.

4.2.2 Compatibility of Uses

- (1) As much as reasonably possible, Council will ensure that new developments will not negatively affect existing land uses through the creation of hazards or nuisances such as noise, dust, odour, congestion, or unsightly appearance.
- (2) As much as reasonably possible, Council will ensure that development will not negatively affect the character of existing neighbourhoods and scenic viewsheds.

4.2.3 Non-Conforming Uses

In accordance with the *Urban and Rural Planning Act 2000*, a use of land that legally existed on the date of the registration of this Municipal Plan shall be allowed to continue irrespective of its conformity to the Plan or Development Regulations. Specific provisions concerning legal non-conforming uses are set out in Section 6.1.4 of this Municipal Plan

4.2.4 Land Development Proposals

1. Coordination with Surrounding Development

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

2. Municipal Services and Access

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

3. Unserviced Development

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

- (a) The "Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells"
(www.gov.nl.ca/mae/files/waterres-regulations-appforms-unserviced-subdivision-gw-assessment-guidelines-dwh-revisions.pdf)
- (b) The Sanitation Regulations under the Public Health Act
(www.assembly.nl.ca/legislation/sr/regulations/rc960803.htm)

4. Site Environmental Suitability

When reviewing a proposed development or subdivision of land, Council will consider the site's suitability in terms of soils, geology, location of watercourses and wetlands, steepness of grades, impact on open space and viewsheds, impact on threatened and vulnerable animal, bird, and plant species, and general environmental sensitivity.

5. Land Needed for Environmental Protection

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

6. Land for Public Use

In accordance with Section 37 of the *Act*, for each subdivision approval, Council shall require the developer to convey an area of land to the Town for open space or other public use. This conveyance would be equal to up to ten per cent of the gross area of the land to be developed. Land to be set aside must be high quality land suitable for the purpose.

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

7. Public Input

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

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

4.2.5 Consolidation and Infill of Serviced Areas

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

4.2.6 Adaptive Re-use of Existing Buildings and Properties

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

4.2.7 Discretionary Uses

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

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

4.2.8 Mineral and Petroleum Exploration

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

4.2.9 Mineral Working

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

4.2.10 Forest Resources and Trees

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

- (2) Harvesting of forests and trees will respect the Town's objectives for environmental protection, preservation of scenery, outdoor recreation, stormwater control, and drinking water protection.
- (3) In order to preserve a site's natural characteristics and attractiveness for development, Council may restrict, or set conditions on, tree removal in areas planned for future residential development.

4.2.11 Utilities

1. Utility Easements and Facilities

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

2. Alternative Energy Facilities

At Council's discretion, wind, small hydro, and solar energy generation facilities may be permitted in any land use designation subject to conditions, including the following:

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

4.2.12 Archaeological Resources

Archaeological sites are protected under the *Historic Resources Act*. If such a site is discovered, development will stop and no further development will occur until the Provincial Archaeology Office has been notified and provided directions on how the development should best proceed.

4.2.13 Provision for the Disabled and Elderly

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

4.2.14 Signs

- (1) Unless otherwise exempted in the Development Regulations, the erection of advertising and notice signs will be subject to the approval and standards of Council.
- (2) In addition to a permit from Council, the erection or display of a sign on Provincial Route 440 (aka Main Street) will require approval from Digital Government and Service Newfoundland and Labrador.

4.2.15 Use of Discretionary Authority

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

4.3 General Environmental Policies

Conservation values are intrinsic to this Municipal Plan. High priority is given to protecting sensitive areas and habitat. Council will protect freshwater resources, particularly the Town's water supply area, with a focus on minimizing stormwater impacts, soil erosion, and watercourse sedimentation. Environmental sensitivity will also be of primary consideration when considering proposed developments in the vicinity of marine waters and steep hillsides. Land use decisions will always duly consider environmental sustainability and biodiversity objectives.

4.3.1 General Environment

1. Biodiversity

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

2. Protection of Sensitive Areas

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

3. Consideration of Environmental Impacts

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

4.3.2 Soils and Drainage

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

4.3.3 Watercourse and Wetland Protection

- (1) Development in the vicinity of a watercourse or wetland will be carried out in a manner that minimizes the potential for environmental impacts, protects natural drainage, and preserves existing public access to the water.
- (2) Conservation buffers will be established to protect watercourses from stormwater discharges, erosion, sedimentation, pollution, and damage to important habitat for aquatic and terrestrial species.

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

4.3.4 Freshwater and Coastal Shorelines

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

4.3.5 Steep and Unstable Slopes

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

4.3.6 Storm Drainage

- (1) Development will not be permitted in a manner that may cause excessive increases in stormwater runoff such that it could be detrimental to adjacent properties, steep or unstable slopes, nearby watercourses, coastal shorelines, and other sensitive areas.
- (2) In areas where there is concern that development may contribute to increased surface or sub-surface drainage, Council may require developers and landowners to:
 - (a) Set aside undeveloped land where stormwater can be discharged to naturally infiltrate into the soil.
 - (b) Maintain vegetated buffers between stormwater drainage outlets and watercourses to minimize direct discharges into watercourses.
 - (c) Preserve existing trees or plant additional trees and shrubs to promote soil infiltration and capture sediments.
 - (d) 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.

4.3.7 Threatened and Vulnerable Species

(1) Pine Marten

The Irishtown-Summerside Municipal Planning Area is known to contain core habitat for Newfoundland Pine Marten, which is listed as Threatened under the NL *Endangered Species Act*. Denning of female marten and young occurs from early April to the end of June and dens must be protected from damage and disturbance during this time period as dens are protected under both the provincial NL *Endangered Species Act* and the federal *Species at Risk Act*.

In areas where there is concern that development may affect core habitat and/or denning activities of the Pine Marten, Council will seek input from and cooperate with the Provincial Wildlife Division to ensure impacts on the species will be minimized.

(2) Rusty Blackbird

The Rusty Blackbird, which is listed as a Vulnerable avian species under the NL *Endangered Species Act*, is reported to occur within the Municipal Planning Area. The Wildlife Division's website on endangered species states that the Rusty Blackbird is associated with forest wetlands, including slow-moving streams, peat bogs, sedge meadows, and ponds, dominated by conifer forest and scrub edges. In the winter, they occur in damp woodlands and cultivated fields.

Conservation buffers established to protect the environment of wetlands and watercourses will help to provide protection for Rusty Bird habitat. In addition, when any significant new area is being planned for development, Council will seek input from and cooperate with the Provincial Wildlife Division to ensure impacts on the species will be minimized.

4.3.8 Hughes Brook Watershed

Hughes Brook is a scheduled salmon river that forms the boundary line between Irishtown-Summerside and the Town of Hughes Brook. From its mouth into Humber Arm to the northern extent of the Irishtown-Summerside municipal boundary, the western side of Hughes Brook meanders for a distance of approximately 3.2 kilometres within the Town's planning area.

According to comments from the Wildlife Division, the Hughes Brook watershed contains sensitive riparian and aquatic habitat and a number of rare plant species in its floodplain forest, tidal marsh at its mouth, and shallow backwater pools. The Division has requested that Council maintain a minimum 50-metre naturally vegetated buffer abutting Hughes Brook to protect sensitive riparian and aquatic species and their habitat.

A naturally vegetated riparian buffer will be maintained along the entire western portion of the Hughes Brook watershed located within the Irishtown-Summerside municipal boundary to protect the sensitive resources along this stretch of river.

4.3.9 Use of Discretionary Authority

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

4.4 Infrastructure Policies

4.4.1 Water Supply System

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

4.4.2 Sanitary Sewer System

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

4.4.3 Stormwater Management

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

4.4.4 Water and Sewer Requirements for New Development

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

4.5 Transportation Policies

The transportation system in Irishtown-Summerside includes a hierarchy of arterial, collector, and local streets as well as public trails and walkways.

4.5.1 Consideration of Environmental Impacts

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

4.5.2 Arterial Roads

1. Purpose

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

2. Description

Main Street (aka Provincial Route 440) is Irishtown-Summerside's only Arterial Street. Running parallel to the Humber Arm shoreline, it extends approximately 11 kilometres from the town's eastern boundary with the Town of Hughes Brook to the western boundary with the Town of Meadows.

3. Individual Accesses

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

4.5.3 Collector Streets

1. Purpose

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

2. Description

As all local streets connect directly to Main Street, Irishtown-Summerside presently does not have any street that can be described as a collector street.

4.5.4 Local Streets

1. Purpose

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

2. Description

Local streets include all streets except for Main Street.

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 Provision for the Disabled and Elderly

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

5.0 LAND USE DESIGNATIONS

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

Future Land Use Designations	Zones	
Conservation	Environmental Protection Conservation Area	EP CA
Mixed Development	Mixed Development	MD
Residential	Residential Low Density Residential Medium Density	RLD RMD
Open Space	Open Space	OS
Rural	Rural Rural Residential	RU RR

5.1 Conservation

5.1.1 General Intent

Land is designated Conservation to protect environmentally sensitive and important lands and natural resources including protected water supply areas, other surface water resources, wetlands, estuaries, flood risk areas, steep slopes and cliffs, and rare and protected species.

5.1.2 Land Use Zones

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

Conservation Designation - Land Use Zones		
Zone	Intent	Application
Environmental Protection	Protect water supply areas, watercourses, wetlands, flood risk areas, steep slopes, important habitat, and other sensitive lands.	Protected water supplies, rivers, lakes, streams, wetlands, floodplains, estuaries, coastal features, and sensitive habitat.
Conservation Area	Conserve and protect sensitive land and resources including habitat of rare and threatened species.	Corresponds to the boundaries of the proposed Hughes Brook stewardship area.

5.1.3 Environmental Protection Zone

1. Land Use

- (1) Conservation and open space are permitted. Open space may include low-impact uses such as walking trails, boardwalks, viewing platforms, picnic tables, and outdoor interpretation facilities.
- (2) At its discretion, Council may permit docks, slipways, boathouses, stages, stageheads, fisheries facilities, marine facilities, and marinas in coastal (i.e. saltwater) areas subject to conditions to protect sensitive resources and habitat. These uses will not be permitted in freshwater shoreline areas. Council approval of such developments will be subject to necessary Provincial approvals and requirements.

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

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

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

2. Pynn's Pond and Irishtown Brook Protected Water Supply Areas

- (1) The Environmental Protection designation includes two Provincially protected water supply areas: the Pynn's Pond Protected Water Supply Area and the Irishtown Brook Protected Water Supply Area. Highest priority within these areas is to ensure land uses and development will not negatively affect surface water and recharge areas for these water supplies.
- (2) No development of any kind will be permitted in the Pynn's Pond and Irishtown Brook Protected Water Supply Areas without the required permit(s) and guidance of the Water Resources Management Division of the Department of Environment, Climate Change and Municipalities.
- (3) Council will monitor land uses and activities in both Protected Water Supply Areas to ensure they are carried out in a manner that will not harm water quantity and quality.
- (4) Uses or activities that are found to be taking place in a manner deleterious to the water supply will be subject to an immediate stop-work order.

4. Excavation and Infilling of Land and Water

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

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

5.1.4 Conservation Area Zone

1. Land Use

Conservation and open space are permitted. Open space may include low-impact uses such as walking trails, boardwalks, viewing platforms, picnic tables, and outdoor interpretation facilities.

Transportation infrastructure and utilities may be permitted at Council's discretion only if alternative locations are not feasible and Council considers the proposed development to be in the public interest. This will be limited to essential infrastructure such as road crossings of streams, bridges, culverts, drainage ditches, electrical transmission lines, and water and sewer infrastructure.

5.2 Mixed Development

The Mixed Development designation applies to some older developed area fronting onto Main Street. This designation recognizes the existing mix of residential, commercial, and public uses that has evolved over time and opportunities to accommodate future commercial development in the town.

5.2.1 General Intent

- (1) Council will carefully manage new development in this designation to facilitate compatible residential and non-residential development along Main Street. Land uses and design approaches will be promoted that preserve and enhance the traditional character of these areas.
- (2) The Mixed Development designation will accommodate a compatible mix of land uses to enhance the potential of these areas to function as hubs of community and commercial activity.

5.2.2 Compatibility of Uses

- (1) In evaluating development proposals, Council will pay particular attention to the compatibility of uses, particularly between residential and non-residential uses.
- (2) Where an area within the Mixed Development designation is predominantly residential in character, proposed non-residential uses will not be approved if they are deemed to be incompatible with existing uses and the residential character of the area.
- (3) Before permitting any non-residential development, Council will be satisfied that its requirements with respect to building setbacks, buffering between uses, off-street parking, outdoor storage, and other site related matters can be met.

- (4) Council may impose conditions to require commercial, industrial, and other non-residential uses to maintain an attractive appearance and minimize adverse impacts on existing uses, including proper site layout, buffering, screening, and control or restriction of potentially noxious activities.

5.2.3 Use of Discretionary Authority

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

5.2.4 Mixed Development Zone

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

1. Land Use

- (1) The Mixed Development designation will accommodate a compatible mix of community, commercial, and residential uses. The designation will allow for the development of various types of housing, public buildings, open space, and low-impact commercial and industrial uses.

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

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

- (2) Apartment buildings, row dwellings, residential care homes, and retirement homes may be permitted at Council's discretion.

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.

Arts and craft studios, assembly uses, clubs and lodges, communications, crop agriculture, cultural and civic uses, educational uses, emergency services, general services, indoor markets, kennels, medical services, medical treatment facilities, offices, outdoor markets, personal services, places of worship, recreational open space, recycling facilities, shops, vehicle sales, and veterinary services may be permitted at Council's discretion except where they are deemed by Council to be incompatible with existing residential uses.

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

At Council's discretion, domestic sawmills and personal livestock uses may be permitted as an accessory use to a permitted main use.

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

Other uses that may be permitted at Council's discretion include energy generation facilities, garden centres, general garages, light industry, and service stations.

5.3 Residential

5.3.1 General Intent

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 accommodates a diversity of housing needs. By permitting a variety of housing forms, it is Council's objective to ensure housing remains affordable for all socio-economic groups. The intent is also to manage residential development in a manner that preserves and protects sensitive environments, public open space, and scenic values.

5.3.2 Land Use Zones

The Development Regulations shall establish two land use zones within the Residential designation. The Residential Low Density zone takes in newer development areas, where it is Council's objective to require larger lots than in the older more densely developed areas of the town.

Residential Designation – Land Use Zones		
Zone	Intent	Application
Residential Low Density	Recognize existing and accommodate future low-density neighbourhoods of predominately single-detached dwellings. Allow for higher density housing at Council's discretion.	Existing neighbourhoods and future subdivisions.
Residential Medium Density	Recognize existing and accommodate future medium-density neighbourhoods of single-detached dwellings and, at Council's discretion, double and multi-unit dwellings.	Existing neighbourhoods and future subdivisions.

5.3.3 Residential Low Density Zone

The Residential Low Density zone applies to existing residential areas in the eastern section of Irishtown-Summerside, taking in both sides of Main Street as well as adjoining streets including Highland Drive, Celtic Drive, Clover Street, Shamrock Crescent, Meadow Lane and Jarvis Road. This zone includes significant undeveloped areas to accommodate future development.

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

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 community gardens, conservation, open space, transportation and utilities.

- (2) At Council's discretion, apartment buildings, boarding houses, double dwellings, row dwellings, residential care homes, and retirement homes may be permitted subject to conditions.

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

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

At Council's discretion, antennas, childcare, convenience stores, crop agriculture, domestic sawmills, energy generation facilities, kennels, personal livestock uses, and recreational open space may be permitted subject to conditions.

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

5.3.4 Residential Medium Density Zone

The Residential Medium Density zone applies to existing residential areas mainly lying back from Main Street and extending from the Humber View Road in the east to the western boundary of the town. Development opportunities in this zone include some potential infill on existing streets and more likely through minor extensions to existing streets.

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

1. Land Use

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

Accessory buildings will be permitted subject to standards and conditions.

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

- (2) At Council's discretion, apartment buildings, boarding houses, double dwellings, row dwellings, residential care homes, and retirement homes may be permitted subject to conditions.

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

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

At Council's discretion, antennas, childcare, convenience stores, crop agriculture, domestic sawmills, energy generation facilities, kennels, personal livestock uses, and recreational open space may be permitted subject to conditions.

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

5.4 Open Space

5.4.1 General Intent

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

5.4.2 Open Space Zone

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

1. Land Use

- (1) Permitted uses in the Open Space zone include community gardens, conservation and open space.

Other permitted uses include transportation and utilities.

- (2) Uses that may be permitted at Council's discretion include cemeteries, crop agriculture, outdoor assembly, and recreational open space.

At Council's discretion, catering, take-out food services, and temporary vending facilities may be permitted that are accessory to a main use such as an outdoor assembly event or recreational open space use.

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

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

2. Cemetery

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

5.5 Rural

5.5.1 General Intent

Areas are designated Rural to recognize their potential for natural resource utilization, agriculture, outdoor recreation, and certain industrial activities that may not be suitable in or near Irishtown-Summerside’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 resource lands and natural habitat.

5.5.2 Land Use Zones

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

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

5.5.3 Rural Residential Zone

The Rural Residential zone takes in one site located north of Main Street in the vicinity of Hughes Brook.

1. Land Use

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

Accessory buildings will be permitted subject to standards and conditions.

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

- (2) At Council’s discretion, a home occupation may be permitted subject to conditions.

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

Other uses that may be permitted at Council discretion include antennas, bed and breakfasts, campgrounds, construction yards, crop agriculture, domestic sawmills, energy generation facilities, general and light industry, kennels, personal livestock uses, and recreational open space.

5.5.4 Rural Zone

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

1. Land Use

- (1) Permitted uses in the Rural zone include antennas, conservation, crop agriculture, energy generation facilities, forestry, mineral and petroleum exploration, open space, transportation and utilities.
- (2) Uses that may be permitted at Council's discretion include cemeteries, construction yards, livestock agriculture, mineral working, mining, petroleum extraction, recreational dwellings, and recreational open space.

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

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

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

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

2. Cemetery

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

3. Environmentally Sensitive and Scenic Areas

Council may restrict or set conditions on land uses and resource extraction activities in locations where it deems that the use may adversely affect steep slopes, geologically unstable areas, wetlands, watercourses 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, Forestry and Agriculture.
- (2) Logging activities shall respect the Town's objectives for environmental protection, municipal watershed protection, scenic preservation, and recreation areas.

- (3) Domestic wood cutting will be permitted in areas designated for that purpose by the Provincial Forestry and Wildlife Division.

6.0 IMPLEMENTATION

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

6.1.1 Map Interpretation

- (1) For the purpose of administering the Municipal Plan, **Future Land Use Maps 1, 2, and 3** shall be read only in conjunction with the goals, objectives and land use policies of the Plan.
- (2) The boundaries of the land use designations shown on the **Future Land Use Maps** are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No amendment to the Irishtown-Summerside 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 Irishtown-Summerside Municipal Planning Area must apply to Council for permission through the established procedure. Council shall require that all development applications conform fully to the Irishtown-Summerside 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 Irishtown-Summerside 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 Irishtown-Summerside 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 Irishtown-Summerside, 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 Irishtown-Summerside 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 Irishtown-Summerside 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 Irishtown-Summerside Municipal Plan.

6.3.2 Content

The Development Regulations:

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

6.4 Development Control

6.4.1 Municipal Plan is Binding

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

6.4.2 Council Responsibility

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

6.4.3 Subdivision and Development Applications

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

6.4.4 Right to Appeal

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

6.4.5 Provincial and Federal Referrals

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

6.5 Amending the Municipal Plan and Development Regulations

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

6.5.1 Municipal Plan Amendment

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

6.5.2 Stand-Alone Amendment to the Development Regulations

- (1) If Council decides to adopt an amendment to the Development Regulations that does not also require a change to the Municipal Plan, the amendment procedure will be in accordance with Section 35 (5) of the *Act*.
- (2) Council shall give notice of the proposed change in a newspaper circulated in the area and shall receive representations with respect to those changes before forwarding the adopted amendment to the Department of Municipal and Intergovernmental Affairs and for registration under Section 24 of the *Act*.

