

Prepared by:



Project ID: MPR-01-2019-001



# Town of Kippens • MUNICIPAL PLAN (2023-33)



Approved by Council on: Sept 7, 2023  
Registered in the NL Gazette on: \_\_\_\_\_

Prepared for the Town Council of:





**URBAN AND RURAL PLANNING ACT, 2000**

**RESOLUTION TO ADOPT**

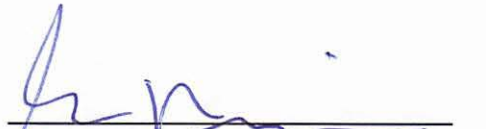
**TOWN OF KIPPENS MUNICIPAL PLAN, 2023-33**

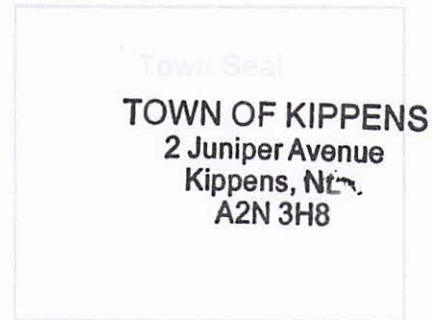
Under the authority of section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Kippens adopts the Town of Kippens Municipal Plan, 2023-33.

Adopted by the Town Council of Kippens on the 18<sup>th</sup> day of May 2023.

Signed and sealed this 25 day of September, 2023.

Mayor:

  
For Mayor Paul Dascos



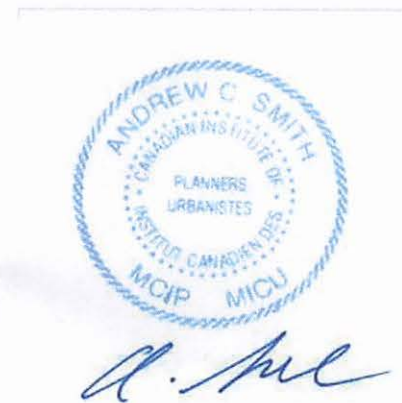
Clerk:

Florence Barter

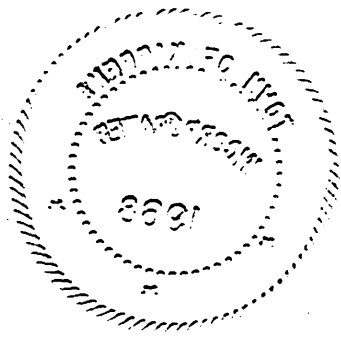
**Canadian Institute of Planners Certification**

I certify that the attached Town of Kippens Municipal Plan, 2023-33 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP: Andrew C. Smith, MCIP



TOWN OF KIPRENS  
2 Juniper Avenue  
Kiprens, N.S.  
ASN 3H8





**URBAN AND RURAL PLANNING ACT, 2000**

**RESOLUTION TO APPROVE**

**TOWN OF KIPPENS MUNICIPAL PLAN, 2023-33**

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

1. Adopted the Kippens Municipal Plan, 2023-33 on the 18<sup>th</sup> day of May 2023;
2. Gave notice of the adoption of the Kippens Municipal Plan, 2023-33 by way of an advertisement inserted in the West Coast Wire on the 12<sup>th</sup> day of July 2023 and on the 26<sup>th</sup> day of July 2023; and
3. Set the 1<sup>st</sup> day of August 2023 at 7:00 p.m. at the Kippens Community Centre in the Town of Kippens for the holding of a public hearing to consider objections and submissions.

Now, under section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Kippens approves the Kippens Municipal Plan, 2023-33 on the 7<sup>th</sup> day of September 2023 as amended as follows:


- (1) 'Domestic woodcutting' is added as a use that may be made under the 'Rural Resource (RR)' future land use class (proposal B.2.1.3 (2) (c) iii.);
- (2) Future streets labelled (g) (Unnamed Future Street, Simon Drive Extension, and Orchard Lane), (h) (Simon Drive Extension), and (i) (Unnamed Future Street and Simon Drive Extension) are removed from the table under proposal B.2.4.3 (4);
- (3) Future street label (j) (Brake's Lane and Orchard Lane) is replaced with (g) in the table under proposal B.2.4.3 (4);
- (4) Future street label (k) (Marine Drive and McCarthy's Lane) is replaced with (h) in the table under proposal B.2.4.3 (4);
- (5) Proposal B.2.7.3 (3) is repealed and replaced with the following proposal:

B.2.7.3 (3) As per proposal B.2.1.3 (2), allow domestic woodcutting in most use zones throughout the *Municipal Planning Area*. This includes, but is not limited to, the area north of the transmission line (area designated and zoned 'Rural Resource (RR)');

- (6) Future streets labelled (g), (h), and (i) are removed from 'Schedule A: Future Land Use Classes Map';
- (7) Future street label (j) is replaced with (g) on 'Schedule A: Future Land Use Classes Map'; and
- (8) Future street label (k) is replaced with (h) on 'Schedule A: Future Land Use Classes Map'.

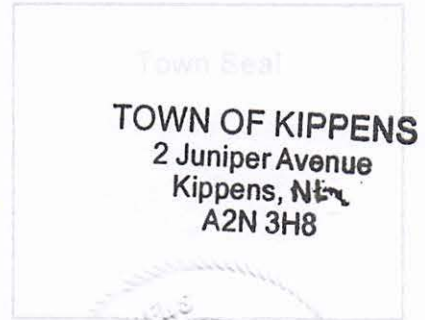
Signed and sealed this 25 day of September.

Mayor:

  
For Mayor Paul Nazworthy

Clerk:

Florence Barten





TOWN OF KIPENS  
2 Juniper Avenue  
Kipens, W. York  
ASN 3H8



**Canadian Institute of Planners Certification**

I certify that the attached Town of Kippens Municipal Plan, 2023-33 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP: Andrew C. Smith, MCIP



Municipal Plan/Amendment

**REGISTERED**

Number 2615 - 2023 - 000

Date 3 OCT 2023

Signature [Handwritten Signature]





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## Section A: Plan Framework

### A.1 PURPOSE AND CONTENTS

Note: *Italicized words* are defined in the 'Development Regulations (2023-2033)'

The 'Town of Kippens Municipal Plan (2023-2033)' (henceforth the *Plan*) is the legal document for guiding the future of the *Town* between 2022 and 2032. The *Plan* strives to manage growth and *development*; promote economic development through supporting the local economy; and protect the character of existing neighbourhoods, the natural environment and drinking water supplies.

The *Plan* is guided by the overarching goal and objectives (subsection 'B.1 Municipal Plan Goal and Objectives'). These provide the context for the detailed land *use* subsections (subsection 'B.2 Land Use Goals, Policies and Proposals'). Each subsection contains a guiding goal, general *policies* and specific *proposals of Council* to give effect to the *Plan*. The 'Town of Kippens Development Regulations (2023-2033)' (henceforth the *Regulations*) contain the detailed *development* provisions required to implement the *Plan*. The relationship between the *Plan* and *Regulations* is shown in 'Illustration 1: Municipal Plan and Development Regulations Framework.'

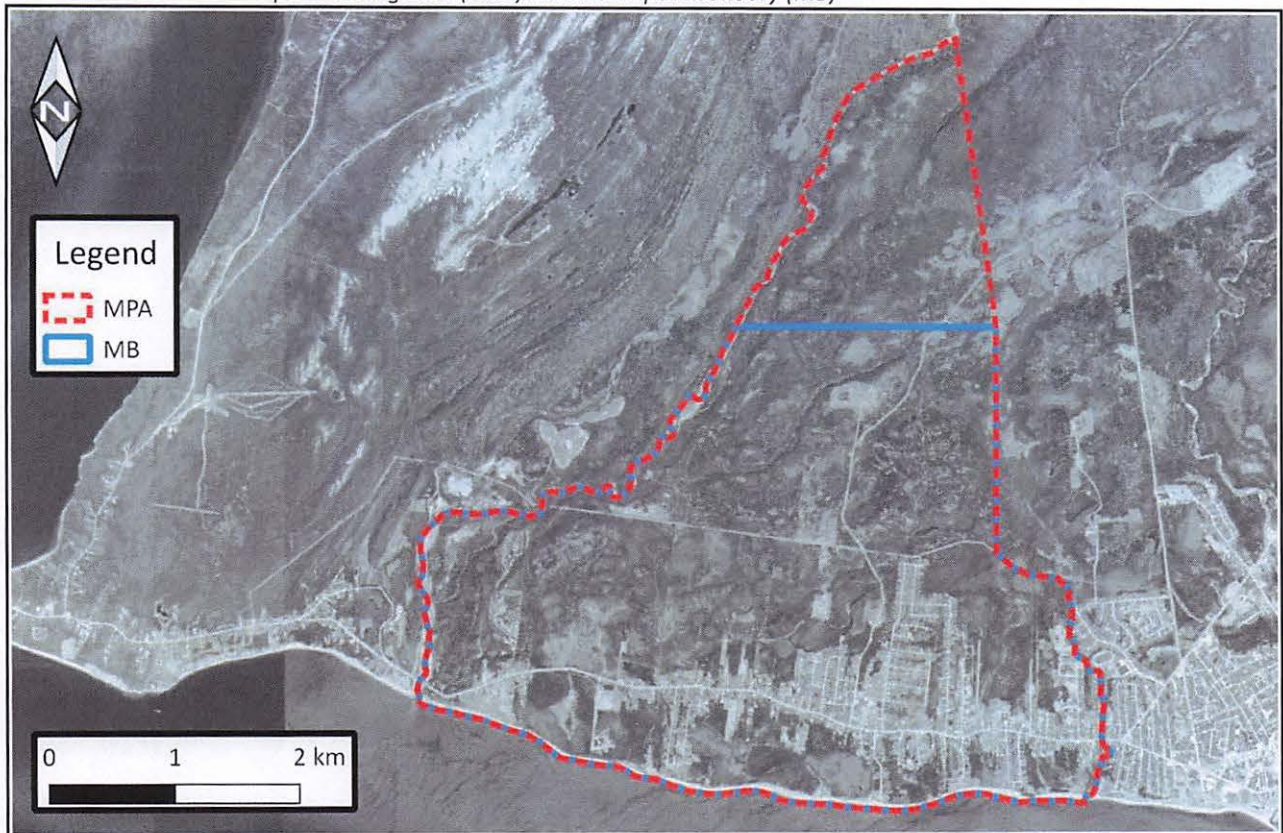
Illustration 1: Municipal Plan and Development Regulations Framework



The Town's *Municipal Boundary* (henceforth the *MB*), or commonly referred to as *Town* limits, extends approximately 5.5km east-west along Kippens Road (Route #460). The *Town's* southerly boundary is the coastline along Bay St. George and extends approximately 4km northward inland. However, the *Town's Municipal Planning Area* (henceforth the *MPA*) extends approximately 6km northward inland to accommodate the aquifer recharge area for the *Town's* wellhead public Protected Water Supply Area (PWSA; see 'Illustration 2: Municipal Planning Area (MPA) and Municipal Boundary (MB)'). The *MPA* and *MB* have approximate areas of 18km<sup>2</sup> and 15km<sup>2</sup> respectively. The *Plan* and the *Regulations* apply to all public and private freehold lands within the *MPA*.



Illustration 2: Town Municipal Planning Area (MPA) and Municipal Boundary (MB)



Under the *Urban and Rural Planning Act, 2000* (henceforth the *Act*), *Council* must review the *Plan* every five (5) years from the date on which it came into effect; and if necessary, revise the *Plan* to reflect changes in the community that can be foreseen during the next ten (10) year period. In response to new *development* proposals or changes to community and *Council* priorities, *policies* or *proposals*, the *Plan* may be amended as necessary prior to the legislative review period. Such amendments must follow the process outlined under section 25 of the *Act* (see 'Appendix A: Amendments' for the current list of legally enacted amendments to the *Plan* and *Regulations*).

## A.2 THE PLANNING PROCESS<sup>1</sup>

The process to develop a new Municipal Plan takes place in several steps as shown in 'Illustration 3: Planning Process.' The first step, 'Research & Analysis,' involves researching all relevant planning issues, including a review of current land *use*, demographics, and economic data; and gathering the most recent mapping and aerial imagery for the *Town*. The research also involves assessing other initiatives, reports, and studies; and, where appropriate, incorporating them into the Municipal Plan. The

<sup>1</sup> Section revised from Town of Norman's Cove- Long Cove, Municipal Plan 2012-2022, Subsection 1.5, Registration #3500-2013-006, Gazette Date August 2, 2013

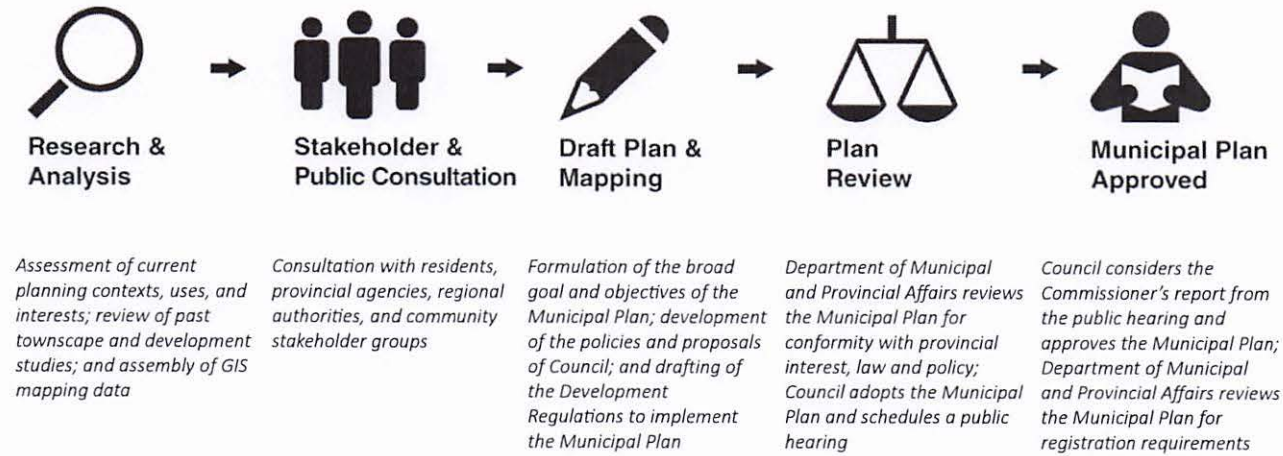


summary of this step is compiled in the associated *Background Report*, which was submitted to *Council* for review prior to the development of this *Plan*.

The second step involves ‘Stakeholder & Public Consultation.’ The *Plan* is community-based and must involve residents at a collaborative level in order to be relevant and effective. The document strives to reflect the open and democratic process of planning, incorporating the input and views of residents and community stakeholder groups. The *Plan* is meant to articulate a harmonized vision and direction in which the residents wish to see the *Town* progress over the next ten (10) years.

The summary of this step is also compiled in the above-noted *Background Report*. Subsection ‘B.6 Public Participation Summary’ of the Report summarizes the various public participation strategies that were implemented in order to garner feedback from residents and community stakeholder groups. Strategies that were implemented include a community-wide survey, pop-up booth, stakeholder group interviews and questionnaires, and public meetings.

Illustration 3: Planning Process

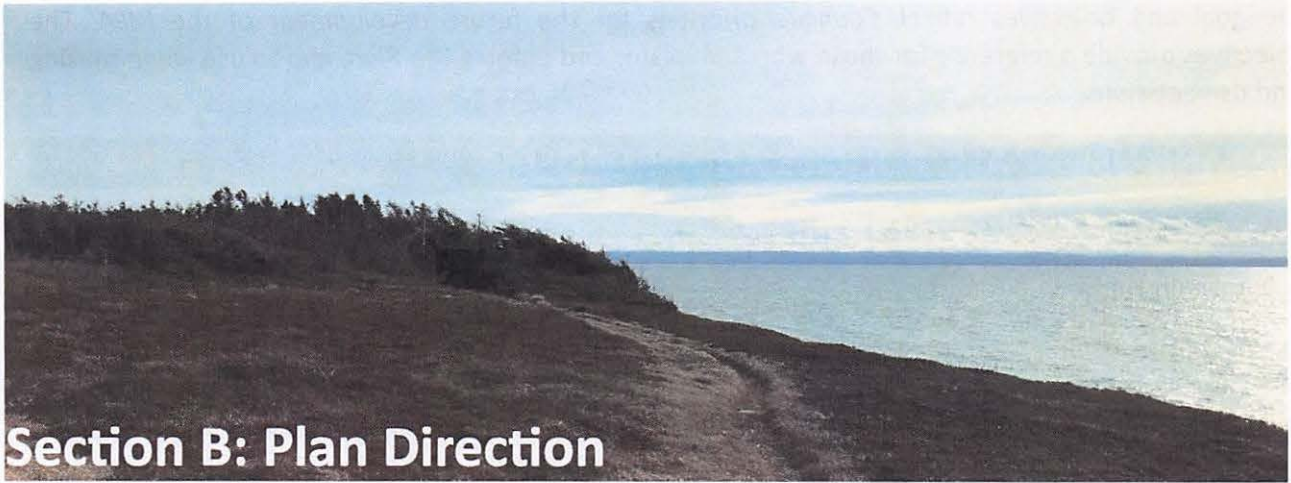


In accordance with section 15 of the *Act*, the draft Municipal Plan is submitted to the Minister of Municipal Affairs and Environment for review to ensure that the document conforms to provincial interest, law and policy. Following the completion of the provincial review, *Council* may by resolution formally adopt the Municipal Plan in accordance with section 16 of the *Act*. *Council* may then give notice of adoption and tentative public hearing (section 17 of the *Act*). If the public hearing proceeds, a Commissioner, who is appointed by *Council*, shall hear objections and representations at the hearing and will follow up with a report to *Council*. The report must contain a recommendation with two copies of evidence taken from the hearing (section 22 of the *Act*).

After the Commissioner's report has been submitted, *Council* considers the recommendation and may approve the *Plan*, table the *Plan*, or approve the *Plan* with changes recommended by the Commissioner. If approved, *Council* must then submit the Municipal Plan and Development Regulations

to the Minister of Municipal Affairs and Environment to be registered in the planning registry established by the Department (section 24 of the Act). The Municipal Plan comes into effect on the date that the notice of its registration is published in the Newfoundland and Labrador Gazette (subsection 24(3) of the Act).





## B.1 MUNICIPAL PLAN GOALS AND OBJECTIVES

The overarching goal of this *Plan* is to facilitate a sustainable, safe, and healthy *Town* in which to work, play, and rest.

The broad objectives of this *Plan* are to:

- (a) Facilitate and maintain the established residential and rural character of the community;
- (b) Support growth and *development* that is consistent with community values;
- (c) Ensure land is used and developed in an environmentally responsible manner;
- (d) Promote a healthy community that engages in active recreation and *active transportation*;
- (e) Protect environmentally sensitive areas;
- (f) Help support and protect First Nations' history, culture, and traditional land *use* activities;
- (g) Recognize the traditional variety and mix of land *uses*, while separating incompatible *uses* and minimizing the potential for land *use* conflicts;
- (h) Support the revitalization of a healthy resource-based economy;
- (i) Promote economic diversification;
- (j) Protect existing and potential future surface and groundwater resources;
- (k) Encourage a *development* pattern that will minimize future servicing needs and costs;
- (l) Promote the utilization and upkeep of existing and proposed public infrastructure;
- (m) Direct *development* away from areas that pose a risk to public health and safety, or where property may be damaged; and
- (n) Encourage the provision of areas for public open spaces and *park uses*.



The goal and objectives reflect *Council's* priorities for the future *development* of the *MPA*. The objectives provide a reference for those who administer and enforce the *Plan*, and to use when making land *use* decisions.

## B.2 LAND USE GOALS, POLICIES AND PROPOSALS

### B.2.1 OVERALL DEVELOPMENT STRATEGY

#### B.2.1.1 Overview

The overall *development* strategy addresses the future distribution and form of *development* within the *MPA*. A central thrust of the *Plan* and *Regulations* is to guide *development* in a manner that is compatible with existing neighbourhoods and avoids or minimizes negative land *use* impacts. Negative land *use* impacts include the creation of hazards or nuisances such as noise, dust, odour, vibration, or light pollution. Much of the guiding direction of the *Plan*—as outlined through the following land *use* goals, *policies* and *proposals*—revolves around this theme.

The overall *development* strategy also addresses the need for an efficient *development* pattern that promotes active living and *active transportation*, but reduces overall resources and costs for transportation, public and *safety emergency services*. However, *Council* understands that facilitating an efficient *development* pattern must be balanced with the existing residential rural character of the *Town*. On the whole, the municipality is characterized by a low density, rural residential *development* pattern which allows for residents to maintain and enjoy the best of both rural and residential living. The *policies* and *proposals* in the *Plan* are thus supportive of facilitating an efficient *development* pattern, but are not overly restrictive in preventing the expansion of all *development* activities into greenfield, hinterland areas of the *MPA*.

#### B.2.1.1.1 Future Land Use Classes and Implementing Use Zones

To achieve the overarching goal and objectives of this *Plan*, the *MPA* is divided into three (3) *future land use classes* on the *Future Land Use Classes Map* ('Schedule A: Future Land Use Classes Map'). The 'Conservation (C)' *future land use class* is designated to protect environmentally significant and sensitive features. This includes areas such as wetlands, water bodies, rivers and streams and buffers therefrom (15m). The 'Rural Resource (RR)' *future land use class* is designated to protect the undeveloped, rural hinterland area north of the transmission line from premature, unserved urban *development* pressures; and to facilitate mainly rural *uses* not requiring public services and typically needing an expanse of land (e.g. *agricultural uses, mineral working, forestry, and hunting/trapping*). The *Town's* wellheads and public PWSA are also located in this area, which further warrants the careful long-term planning and protection of these lands. All remaining lands are designated 'Development (D)' to allow the creation of a wide range of *uses*, which include *agricultural uses, commercial uses, industrial uses, institutional uses, residential uses, resources uses, and transportation uses*. The *policies, proposals, and Regulations* give more structure and direction to these three (3) *future land use classes*.



Despite the three (3) *future land use classes* and associated *policies* and *proposals*, *select use groups*, *use divisions*, and *uses* may be created in any *future land use use class*. Examples include, but are not limited to, *public utilities*, *park uses*, *mobile and transient uses*. Although these *uses* may not necessarily be allowed in any *use zone*, allowing their creation affords *Council* with the flexibility to amend the *Regulations* (e.g. considering a rezoning request) without amending the *Plan* to allow specific *uses* in appropriate circumstances.

The *future land use classes* shall be implemented by six (6) initial *use zones*: 'Community Development (CD)', 'Residential (RES)', 'Rural Development (RD)', 'Industrial (IND)', 'Rural Resource (RR)', and 'Conservation (C)'. As per subsection 13(2)(c) of the *Act*, these six (6) *uses zones* shall only contain *permitted* and *discretionary uses* that are afforded by their parent *future land use class*. The 'Conservation (C)' and 'Rural Resource (RR)' *future land use classes* have *use zones* which by and large mirror corresponding lands and allowed *uses*. The *future land use classes* and subsidiary *use zones* are summarized in table format in 'Appendix B: Future Land Use Classes and Use Zones.'

The 'Development (D)' *future land use class* contains the CD, RES, RD, and IND *use zones*, in which *permitted* and *discretionary uses* vary considerably. This gives *Council* increased flexibility in amending the *Regulations* for specific *development* proposals (e.g. rezoning), as opposed to having to concurrently amend the *Plan*. (Amending the *Regulations* is a more streamlined legislative process compared with amending the *Plan*; and does not require initial review by the Department of Municipal and Provincial Affairs or a public hearing presided over by a Commissioner.) The IND *use zone* is, at the initial *Gazette* date of the *Plan* and *Regulations*, set up as a floating *use zone* mainly allowing *industrial uses* and is not yet applied to any lands within the *MPA*. The intent of the IND *use zone* is to potentially rezone future lands for *industrial use development*. This form of rezoning may be driven by an industrial developer applying for a specific industry proposal within the *MPA*, which may have an adverse impact on the community given the established rural residential character of the *Town*.

The broad 'Development (D)' *future land use class* also allows the creation of a new *use zone* to accommodate a specific *development* proposal that is not allowed under the respective *use zone*. For example, as opposed to rezoning from RES to RD to allow an *agricultural use (discretionary use)*, a new *use zone* (e.g. RD-1) may be created to allow only the proposed *use* in the new RD-1 *use zone*. This restricts the potential for other high impact *land uses* to be approved and developed on the subject lands in the future.

### ***Efficient Development Pattern***

A low density *development* pattern, in which *buildings*, *structures*, and associated *uses* are few in number but are widely spread apart, is very costly in terms of:

- (1) providing public services such as water, road maintenance, snow clearing, parks upkeep, and solid waste collection;
- (2) providing *safety emergency services* such as fire, ambulance, and police services; and



- (3) overall transportation costs, presently borne by each resident (e.g. private motor vehicle travel or taxi, since there is no public transit options for residents).

In order to facilitate an efficient *development* pattern, future *development* should be encouraged to locate primarily in the existing built-up area of the *Town*, which is the eastern portion of the community (i.e. areas accessed by Lakeview Drive and east thereof). This area possesses the highest residential densities and bulk of infrastructure and serviced *public streets*. This area also contains the core *institutional* and *open space uses* of the *Town*, including the Town Office, volunteer fire department, community centre, and Kippens Recreational Complex. In order to reduce overall dependence on private *vehicle* use and greenhouse gas emissions, and to potentially facilitate alternative transportation options for residents of the *Town*, it is the intent of *Council* to explore rural transit opportunities through the development of a feasibility study.

### ***Active Living and Transportation***

As the population ages, active living and *active transportation* will become increasingly important and relied upon by seniors and other residents on fixed incomes. An efficient *development* pattern provides opportunities for residents to visit friends and family in close proximity to their homes, and to walk to stores and services. Facilitating opportunities for active living and *active transportation* will also help promote the overall health and well-being of residents and the *Town* as a whole. It is the intent of *Council* to develop an Active Transportation Plan, which would outline a future strategy for non-motorized transportation in the *Town*. The development of this Plan will also explore the potential and feasibility of developing a multi-use path adjacent to Kippens Road (Route #460).

### ***Residential Rural Lifestyle and Development***

*Council* recognizes that many residents enjoy living in the *Town* because of the residential rural lifestyle it affords (i.e. offering the best of both residential and rural living). Many residents prefer to live in low density residential areas where they are in a more natural environment and are distanced from surrounding land *use* activity. Despite the promotion of an efficient *development* pattern in the eastern portion of the *Town*, compatible *development* of an appropriate *use* and scale may be considered in appropriately designated areas on the *Future Land Use Classes Map*. Where areas are not appropriately zoned to accommodate a proposed *use* and *development* (e.g. *agricultural use* in the 'Residential (RES)' zone), the proposal may be considered through the *Regulations amendment application* process (i.e. rezoning process).

Having a rich history in farming and understanding the need for community self reliance and sustainability, *Council* also recognizes the importance of promoting *agricultural uses* in appropriate areas of the *Town*. The promotion of *agricultural uses* must be balanced with mitigating or eliminating the potential for negative land *use* impacts on adjacent properties. It is thus the intent of *Council* to categorize various *agricultural uses* into sub-*uses* within the *Regulations*, which may be allowed in various *use zones* (i.e. listed as *permitted* or *discretionary uses*), depending on the nature, scale, and potential for land *use* nuisance relating to each *development*.



### B.2.1.2 Goal and Policies

It is a *goal* of Council to guide *development* in the *Municipal Planning Area* that is compatible with existing neighbourhoods, minimizes or avoids negative *land use* impacts, and facilitates an efficient *development* pattern that reduces overall costs and promotes active living and *active transportation*.

It is a *policy* of Council to:

**B.2.1.2 (1)** Facilitate *development* that is compatible with the character of existing neighbourhoods and minimizes or avoids negative *land use* impacts on existing, established *land uses*. Negative *land use* impacts include the creation of hazards or nuisances such as, but not limited to, noise, dust, odour, vibration, or light pollution.

**B.2.1.2 (2)** Guide future *development* in the *Municipal Planning Area* through the establishment of *future land use classes* designated on the *Future Land Use Classes Map*.

**B.2.1.2 (3)** Despite *policy* B.2.1.2 (2), allow select *use groups*, *use divisions*, and *uses* to be made in any *future land use class* in the *Municipal Planning Area*.

**B.2.1.2 (4)** Give priority to infilling vacant land, currently serviced by public water and fronting onto existing *public streets*, over the *development* of new *municipal streets* and infrastructure.

**B.2.1.2 (5)** Promote a compact and efficient *development* pattern within the eastern portion of the *Municipal Planning Area* (areas accessed by Lakeview Drive and east thereof), in order to promote active living and *active transportation* and to reduce the overall costs of transportation, public and *safety emergency services*.

**B.2.1.2 (6)** In order to facilitate an efficient *development* pattern as per *policy* B.2.1.2 (5), encourage new *residential*, *commercial*, and *institutional uses* to locate within the eastern portion of the *Town*.

**B.2.1.2 (7)** Allow compatible *developments* of an appropriate *use* and scale throughout the *Municipal Planning Area*.

**B.2.1.2 (8)** Support and encourage the *development* of *agricultural uses* in appropriate locations within the *Municipal Planning Area*. In accordance with the specific *proposals* under subsection B.2.1.3, which are based on potential for *land use* impact and location within the *Town*, various types of *agricultural uses* may be created in their respective *future land use classes*.

### B.2.1.3 Proposals

It is a *proposal* of Council to:

**B.2.1.3 (1)** Adopt land use policies and proposals and implementing Regulations that facilitate development that is compatible with the character of existing neighbourhoods and minimizes or avoids negative land use impacts on existing, established land uses.

**B.2.1.3 (2)** Designate and divide land in the Municipal Planning Area into three (3) future land use classes.

In accordance with subsection 13(2)(c) of the Act, the following tables outline the *main uses* that may be made in each *future land use class* (i.e. included as *permitted* or *discretionary uses* in the *use zone tables* under subsection 'E.2 Use Zone Regulations' of the Regulations). *Uses* that are not included in the *main uses* category shall constitute *prohibited uses* that cannot be made in any *use zone* within the respective *use class*. If a *use* is cross-referenced in 'Appendix C: Use Category Table' of the Regulations, it may be created under the respective *use group* or *use division* (e.g. *warehouse/indoor storage* is listed under both *commercial* and *industrial use groups*).

(a) **Development (D)**: This *future land use class* is designated to facilitate a wide range of *uses* throughout the existing developed and rural, undeveloped areas within the *Municipal Planning Area*.

Development (D)	i. Use Groups	ii. Use Divisions	iii. Uses
Main Uses	(a) Agricultural (b) Commercial (c) Industrial (d) Institutional (e) Residential (f) Resource (g) Transportation	(N/A)	(N/A)

As of the initial *Gazette* date of the *Plan* and *Regulations*, the following *use zones* are seated under the 'Development (D)' *future land use class*: 'Community Development (CD)', 'Residential (RES)', 'Rural Development (RD)', and 'Industrial (IND)'. This *future land use class* does not preclude the creation of new *use zones* that contain the *uses* listed under the 'Development (D)' table above and/or the *uses* listed under the 'All Areas within MPA Table' under *proposal* B.2.1.3 (3).

(b) **Conservation (C)**: This *future land use class* is designated to protect sensitive environmental features and to allow certain *open space uses*, and other select *uses*.



Conservation (C)	i. Use Groups	ii. Use Divisions	iii. Uses
Main Uses	(a) Open Space	(N/A)	(N/A)

As of the initial *Gazette* date of the *Plan* and *Regulations*, only the 'Conservation (C)' *use zone* is seated under the 'Conservation (C)' *future land use class*. This *future land use class* does not preclude the creation of new *use zones* that contain the *uses* listed under the 'Conservation (C)' table above and/or the *uses* listed under the 'All Areas within MPA Table' under *proposal* B.2.1.3 (3).

(c) **Rural Resource (RR)**: This *future land use class* is designated to protect the undeveloped, rural hinterland area north of the transmission line from premature, unserved urban *development* pressures; and to facilitate mainly rural *uses* not requiring public services and typically needing an expanse of land. This area contains the wellheads and public Protected Water Supply Area (PWSA) of the *Town*.

Rural Resource (RR)	i. Use Groups	ii. Use Divisions	iii. Uses
Main Uses	(a) Agricultural (excludes Farm House) (b) Open Space	(N/A)	(a) Industrial – Manufacturing and Processing – Manufacturing Heavy (limited to sawmill) (b) Institutional – Pets and Animal Control – Kennel (c) Institutional – Posthumous – Graveyard (d) Institutional – Research – Research Farm (e) Resource – Earth Exploration – Archaeological/Historical Research Exploration (f) Resource – Earth Exploration – Mineral Exploration (g) Resource – Earth Extraction – Mineral Working (h) Resource – (N/A) – Forestry (i) Resource – (N/A) – Domestic Woodcutting (j) Resource – (N/A) – Hunting/Trapping (excludes Seasonal Residential Uses)

As of the initial *Gazette* date of the *Plan and Regulations*, only the 'Rural Resource (RR)' *use zone* is seated under the 'Rural Resource (RR)' *future land use class*. This *future land use class* does not preclude the creation of new *use zones* that contain the *uses* listed under the 'Rural Resource (RR)' table above and/or the *uses* listed under the 'All Areas within MPA Table' under *proposal B.2.1.3 (3)*.

**B.2.1.3 (3)** Despite *proposal B.2.1.3 (2)*, the following *uses* may be made throughout the *Municipal Planning Area* in any *future land use class*.

All Areas within MPA	i. Use Groups	ii. Use Divisions	iii. Uses
Main Uses	(a) Open Space (b) Sign (c) Utilities	(a) Agricultural – Small Scale (b) Resource – Earth Exploration	(a) Commercial/Industrial/Resource – (N/A) – Warehouse/Indoor Storage (b) Commercial/Institutional – (N/A) – Special Function Tent (c) Commercial – (N/A) – Vending Facility (d) Institutional – Educational – Mobile Educational/Instructional Use (e) Institutional – (N/A) – Government Use (f) Institutional – Services – Safety Emergency Services (g) Transportation – (N/A) – Marina (h) Transportation – (N/A) – Transportation Hub

**B.2.1.3 (4)** Where on the *Future Land Use Classes Map* the *use class* boundary is uncertain, interpret the boundary as to follow the *Municipal Planning Area*, *street line*, *easement*, *right-of-way*, *trail*, *walkway*, *nearest cliff edge* adjacent to a *watercourse* or *ocean coastline*, or *outermost reach* of a *watercourse* where no discernible cliff edge is present.

**B.2.1.3 (5)** Facilitate a mix of compatible *developments* of appropriate *use* and scale along Kippens Road (Route #460). This shall be implemented through the application of a mixed-use, 'Community Development (CD)' *use zone*. The initial application of this *use zone* extends approximately 100m from the centre line of Kippens Road, containing *lots* fronting onto Kippens Road. However, there are certain instances where the CD *use zone* may be applied to *lots* not fronting onto Kippens Road and/or extending beyond 100m, including cases such as, but not limited to, existing, isolated *commercial uses*. This *proposal* shall not limit the location of the future application of the CD *use zone*.

*Uses* allowed in the CD *use zone* shall include *commercial uses*, *institutional uses*, *residential uses*, and other select *uses*. *Residential uses* with  $\leq 4DU$ s shall be listed as *permitted uses*, whereas higher density



uses ( $\geq 5DU$ s) shall be listed as *discretionary uses*. Depending on the nature, scale, and compatibility of other uses in the 'Development (D)' *future land use class* under *proposal B.2.1.3 (2) (a)*, they may be listed as either *permitted* or *discretionary uses* in the CD use zone.

**B.2.1.3 (6)** Allow development in the hinterland areas throughout the *Municipal Planning Area* through the application of 'Rural Development (RD)' and 'Rural Resource (RR)' use zones. Both the RD and RR use zones shall include select *agricultural uses, resources uses*, and other compatible uses of a rural nature; but *residential uses* shall be prohibited in these use zones unless specified as accessory to a non-residential *main use* (e.g. farm house as an *accessory use* to a main *agricultural use* in the RD use zone). Uses allowed in the RD and RR use zones generally require an expanse of land and separation from urban uses. Depending on the nature, scale, and compatibility of other uses in the 'Development (D)' *future land use class* under *proposal B.2.1.3 (2) (a)* or the 'Rural Resource (RR)' *future land use class* under *proposal B.2.1.3 (2)(c)*, they may be listed as either *permitted* or *discretionary uses* in the RD or RR use zones respectively.

**B.2.1.3 (7)** Apply the 'Residential (RES)' use zone to existing residential neighbourhoods and areas planned for residential expansion during the lifespan of this *Plan*. Generally speaking, the RES use zone shall be initially applied to lands south of Kippens Road (Route #460) and north of Kippens Road where east of the Oceanview Drive area. Despite this, the RES use zone is not limited to these areas and may be applied to other specific areas within the *Town* that are planned for residential expansion. Uses allowed in the RES use zone shall include mainly *residential uses* and other select uses that are of low land use impact and may be compatible with surrounding *residential uses* (e.g. *place of worship, governmental use, personal care home – institutional*). Depending on the nature, scale, and compatibility of other uses in the 'Development (D)' *future land use class* under *proposal B.2.1.3 (2) (a)*, they may be listed as either *permitted* or *discretionary uses* in the RES use zone.

**B.2.1.3 (8)** Through the *Regulations amendment application* process, consider requests to rezone lands within the 'Development (D)' *future land use class* where the specific proposal is consistent with the *policies* and *proposals* of this *Plan* and meets all of the applicable requirements of the *Regulations*. *Council* may also consider the creation of new, tailored use zones within the D *future land use class* to accommodate specific *development* proposals and to help protect adjacent properties from the future *development* of incompatible uses.

**B.2.1.3 (9)** Protect environmentally significant and sensitive lands and features through the application of a 'Conservation (C)' *future land use class* and use zone. Lands designated and zoned C include, but are not limited to, sections of the coastline, wetlands, and a 15m buffer from wetlands, water bodies, and *watercourses*. In order to avoid legal *non-conforming uses* and *developments*, the initial application of this 15m buffer, C *future land use class* and use zone may be reduced in cases where existing *development* is in place. Uses allowed in the C use zone shall include low impact uses such as, but not limited to, *passive parks (public and private), mobile/transient uses*, and other select uses. Depending on the nature, scale, and compatibility of other uses in the 'Conservation (C)' *future land use class*



under *proposal* B.2.1.3 (2)(b), they may be listed as either *permitted* or *discretionary uses* in the *C use zone*.

**B.2.1.3 (10)** Establish an 'Industrial (IND)' floating *use zone* for the potential rezoning of future lands for *industrial use development*. As of the initial Gazette date of this *Plan and Regulations*, this *use zone* is not applied to any lands within the *Municipal Planning Area*. *Uses* allowed in the *IND use zone* shall include primarily *industrial uses* and other select *uses*. Depending on the nature, scale, and compatibility of other *uses* in the 'Development (D)' *future land use class* under *proposal* B.2.1.3 (2)(a), they may be listed as either *permitted* or *discretionary uses* in the *IND use zone*. An amendment will still be required if *Council* contemplates an *industrial use zone* in the future.

**B.2.1.3 (11)** In order to reduce overall dependence on private *vehicle* use and greenhouse gas emissions, and to potentially facilitate alternative transportation options for residents of the *Town*, explore rural transit opportunities through the development of a feasibility study.

**B.2.1.3 (12)** Develop an Active Transportation Plan, which would outline a future strategy for non-motorized transportation in the *Town*.

**B.2.1.3 (13)** Further to *proposal* B.2.1.3 (11), explore the potential and feasibility of developing a multi-use path adjacent to Kippens Road (Route #460). Since this main *public street* is provincially-owned and -maintained, this initiative will entail liaising directly with the province in determining the potential for developing *active transportation* facilities within the *street reservation*.

## B.2.2 LEGAL NON-CONFORMING USES

### B.2.2.1 Overview

Section 108 of the *Act* allows the continuance of legal *non-conforming uses* and *developments* throughout the *MPA*, despite the creation of *prohibited uses* in the *future land use use classes* in the *Plan* and *use zones* in the *Regulations*. In general terms, legal *non-conforming use* rights are a form of grandfathered rights applying to existing *uses* and *developments*, which were legal before the initial Gazette date of the *Plan and Regulations*. There are, however, specific limitations associated with these *uses* and *developments*. These limitations are outlined in detail under section 108 of the *Act*.

Although subsection 13(2)(f) of the *Act* requires provisions within the *Plan* that address legal *non-conforming uses* and *developments*, the initial establishment of *future land use classes* and *use zones* strives to ensure that all existing *uses* currently conform to the *Plan and Regulations*. In other words, all efforts were made to appropriately designate and zone current *uses* on existing *lots*. As of the initial Gazette date of the *Plan and Regulations*, *Council* has no intent to phase out any existing *uses* and *developments* within the *MPA*.



However, *Council* recognizes that modernized *development* standards are required for new *developments* within the *Town* (e.g. establishing minimum *yards* and *setbacks*). Where *developments* are removed (demolished or destroyed) and proposed to be replaced, said *developments* may have to conform with all current *development* standards under the *Regulations*. *Council* acknowledges that legal, non-conforming *development* rights have specific limitations; and as such, the respective provisions under section 108 of the *Act* must be respected and adhered to when considering *development applications* for the replacement of legal non-conforming *uses* and/or *developments*.

Section 108 of the *Act* provides for specific *application types* pertaining to *non-conforming uses* and *developments*. For example, subsection 108(3)(d) of the *Act* gives the owner of a *lot*, with a legal *non-conforming use*, the right to apply to *Council* to change said *use* to another *use* that is more compatible with neighbouring properties, and the *Plan* and *Regulations*. In addition to the *Act*, the division of powers and details of *non-conforming use application types* shall be outlined in the *Regulations*.

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### B.2.2.2 Goal and Policies

It is a *goal* of *Council* to respect the rights of property owners with legal *non-conforming uses* and/or *developments*.

It is a *policy* of *Council* to:

**B.2.2.2 (1)** When regulating legal *nonconforming uses* and/or *developments*, apply the provisions of section 108 of the *Act* and allow *non-conforming uses* and/or *developments* to continue.

**B.2.2.2 (2)** As of the initial registration of the *Plan* and *Regulations* in the *Gazette*, avoid creating legal *non-conforming uses*— of which said *uses* are regulated under section 108 of the *Act*—by applying the appropriate *future land use classes* and *use zones* to existing *lots* with established *uses* and *developments*.

**B.2.2.2 (3)** Outline specific provisions in the *Regulations* that address legal *non-conforming uses* and non-conformance with respect to standards.

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### B.2.2.3 Proposals

It is a *proposal* of *Council* to:

**B.2.2.3 (1)** Further to *policy* B.2.2.2 (3), implement specific provisions in the *Regulations* that address a *non-conforming use application* for:

- (a) Changing a *non-conforming use* associated with a *building*, *structure* or *development* to a *use* that is more compatible with the *Plan* and *Regulations*;



- (b) Internally or externally varying, extending or expanding an existing *development* with a *non-conforming use* (an extension to an existing *building* with a *non-conforming use* shall not exceed 50% of the *floor area* of the *building*); and
- (c) Other *development* as identified in section 108 of the *Act*.

**B.2.2.3 (2)** In accordance with subsection 108(2) of the *Act* and section 17 of the Minister’s *Development Regulations*, implement a specific provision in the *Regulations* that will allow the resuming of a non-conforming use where discontinuance is no greater than 18 months.

## B.2.3 FIRST NATIONS

### B.2.3.1 Overview

As highlighted in subsections ‘B.1 History and Culture’ and ‘B.4.5 First Nations’ in the *Background Report*, residents of the *Town* have strong ties to First Nations, Mi’kmaq history and culture. Almost half (43.5%) of the *Town* self identified as having aboriginal ancestry on the 2016 census. Approximately one quarter (24.6%) of the *Town* self identified as a Registered or Treaty Indian. This high proportion of registered residents is attributed to the recent formation of the Qalipu Mi’kmaq First Nation Band, covering many traditional communities within western and central Newfoundland.

*Illustration 4: Bay St. George Mi’kmaq Powwow (Photo by Jasen Benwah)*



The *Town* is within the Port au Port Ward of the Qalipu Mi’kmaq First Nation Band. Representation for Band members within the municipality is given through the Ward Councillor and the Western Region Vice-Chief. The Ward Councillor was invited to participate and provide feedback into the development



of this *Plan*. The summary of this feedback is under subsection ‘B.6.3 Stakeholder Group Interviews and Questionnaires’ of the *Background Report*.

The main concern of the Port au Port Ward is to ensure that the *Plan* encourages and supports the fair and equitable treatment of Band members that live in the *Town*; or live outside the *Town* and utilize traditional lands within the *MPA*. The *Plan* and *Regulations* should not be prohibitive to members and must allow for the continuance and strengthening of traditional activities such as *hunting/trapping, fishing, foraging* and *small scale agriculture*. The Port au Port Ward also strongly encourages *Council* to adopt *policies* and *proposals* within the *Plan* that support the future cultural and economic growth of the Band and its members within the community.

Although zoning should be used to protect the unspoiled, natural lands within the *Town*, there should be some degree of flexibility in land *use* whereby Band members are supported in furthering economic development initiatives. It is also important that the Port au Port Ward Councillor be consulted on *development* proposals that may impede or impact the future traditional *use* of lands by Band members. These include, but are not limited to, new *mining* and *mineral working uses, subdivision developments, or industrial developments*.

The Provincial Archaeology Office (*PAO*) has two (2) registered archaeological sites on record, both in close proximity to one another along the coast within the eastern portion of the *Town*. These sites are locally known to be of Mi’kmaq origin and are discussed further under subsection ‘B.12 Archaeological and Historical Sites.’

### B.2.3.2 Goal and Policies

It is a *goal* of *Council* to help support and protect First Nations’ history, culture, and traditional land *use* activities

It is a *policy* of *Council* to:

**B.2.3.2 (1)** Recognize and respect the traditional land *use* of First Nations individuals living within the *Town*; or living outside the *Town*, but utilize traditional lands within the *Municipal Planning Area*.

**B.2.3.2 (2)** Assist the protection and strengthening of First Nations’ history, culture, and traditional land *use* by helping to facilitate connections and partnerships between First Nations groups and other supportive groups, organizations, businesses, municipalities, departments or agencies of government.

### B.2.3.3 Proposals

It is a *proposal* of Council to:

**B.2.3.3 (1)** Further to *policy* B.2.3.2 (1), allow traditional land *use* activities—such as *hunting/trapping*, foraging, and *small scale agriculture*—within the hinterland areas as implemented through the ‘Rural Development (RD)’ and ‘Rural Resource (RR)’ *use zones*.

**B.2.3.3 (2)** Engage and consult First Nations groups, such as the Port au Port Ward of the Qalipu Mi’kmaq First Nation Band, when making discretionary decisions that may impact First Nations history, culture, or traditional land *use* activities. These may include discretionary decisions to amend the *Plan* or *Regulations*, or approve *development applications*.

**B.2.3.3 (3)** Support First Nations groups by helping advertise cultural activities, events, or ceremonies via *Town* communication mediums.

**B.2.3.3 (4)** Support First Nations groups by hosting cultural activities, events, or ceremonies within facilities or upon land owned by the *Town*.

**B.2.3.3 (5)** Work with First Nations groups in exploring increased public access to the coastline to promote and support traditional *fishing* activities.

**B.2.3.3 (6)** In accordance with *policy* B.2.12.2 (1) regarding the preservation and protection or archaeological and historical sites, work with First Nations groups and the Provincial Archaeological Office (PAO) to explore ways of enhancing and protecting existing First Nations sites; and to identify, enhance and protect future sites.

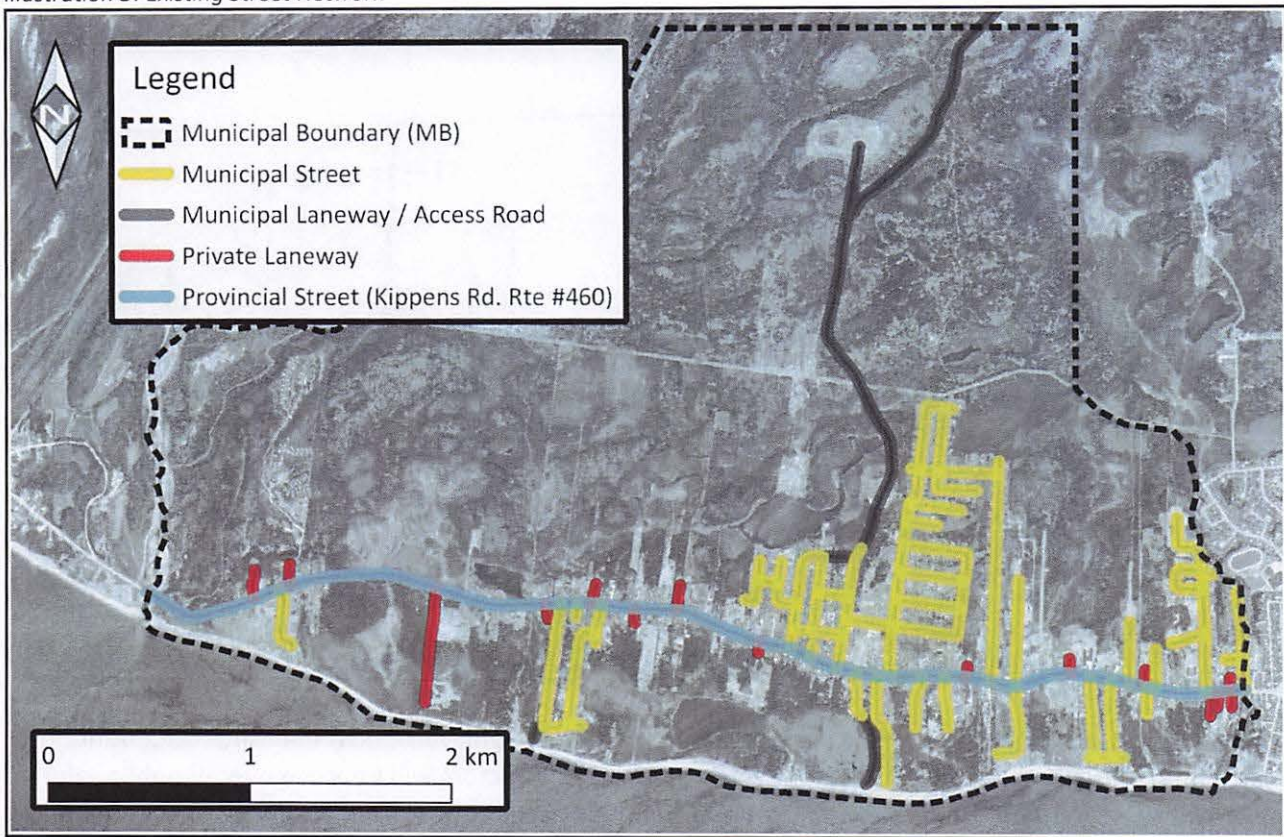
## B.2.4 PUBLIC STREETS AND THE SUBDIVISION OF LANDS

### B.2.4.1 Overview

Kippens Road (Route #460) is owned and maintained by the Province (see ‘Illustration 5: Existing Street Network’). This includes all snow clearing, servicing and improvements. The majority of *streets* are owned and maintained by the *Town*. The bulk of residential *subdivision development*, and associated municipal *streets*, is located north of Kippens Road accessed by four main *collectors streets*: Island Pond Drive, Ocean View Drive, Gaudon’s Lane, and Lakeview Drive. This area also contains the Town Office, maintenance building, and Kippens Recreational Complex.



Illustration 5: Existing Street Network



There are a series of private lanes within the municipality, which are not vested in the *Town* and are not built to any engineered standard. However, many of these private lanes have historical arrangements with the *Town* to provide waste collection and snow clearing services (e.g. Patrick Lane and Josie's Place). Other private lanes are historical *back lot* arrangements where typically family members have constructed *single unit dwellings* behind existing *single unit dwellings* fronting onto Kippens Road; thus not all private laneways have historical servicing arrangements with the *Town*.

Despite provincial or municipal ownership, *Council* promotes and supports safe *streets* that accommodate *active transportation*, have low speed limits and clear sight lines at intersections and *driveway accesses*. It is the intent of *Council* to liaise and work with the provincial Department of Transportation and Infrastructure (*DTI*) to improve *street* safety along Kippens Road (Route #460) including, but not limited to, developing traffic demand management strategies to manage peak Average Daily Traffic (ADT) numbers; and referring *development* and *amendment applications* along Kippens Road to *DTI* to help ensure safe *access* is achieved. It is also the intent of *Council* to implement *development* standards in the *Regulations* that facilitate safe *streets*, such as the minimum *setback* of a proposed *driveway access* to an intersection and the height restriction of vegetation and *development* in *daylighting triangles*.



Illustration 6: Kippens Road (Route #460), Intersection with Ocean View Drive



*Council* intends to improve *street* connectivity in certain neighbourhoods that are discontinuous because of dead-end, cul-de-sac *streets*. Developing these connectors will improve overall public safety (i.e. providing secondary emergency *access*) and will help facilitate *active transportation* modes and overall community health and well-being. Connecting neighbourhoods will also allow for the contiguous build out of planned neighbourhoods, thereby maximizing the *development* potential of these lands.

Where *Town* resources are limited and except for designated ‘future *streets*,’ *Council* prefers not to assume ownership and maintenance of additional municipal *streets*. As per *policy* B.2.1.2 (4) under subsection ‘B.2.1 Overall Development Strategy,’ the infilling of vacant land, currently serviced by public water and fronting onto existing *public streets*, is prioritized over the *development* of new *public streets* and infrastructure. Financial resources permitting, it is the intent of *Council* to allocate any *street* infrastructure funds to the improvement of existing municipal *streets*.

Where *subdivision development* is driven by a private developer, the cost of developing new *streets*, and associated *utility* and public service infrastructure, shall be borne by the *applicant*. Prior to issuing a *development permit* for a *subdivision development*, *Council* may require that the developer enter into a legally binding *development* agreement to help ensure that the *subdivision* proposal is developed in accordance with the submitted plans. The agreement may also include the requirement of upfront, financial guarantees (deposits) and future service levies prior to issuing a *development permit* and work being carried out. *Council* may also attach conditions to a *development permit* for a *subdivision*



*development*, which shall, in such case, reference the *development* agreement for enforcement purposes.

A *development permit application* for *subdivision development* must encompass core elements including, but not limited to, provisions for potable water and sewerage disposal, *public utilities*, *lot streetage*, land for public open space, *development* phasing, on-site drainage, *active transportation* connections, and future municipal *streets* and connections thereto. These requirements are outlined in more detail under ‘Section D: Subdivision’ of the *Regulations*. As per the terms and conditions of a *development* agreement, *Council* need not assume ownership, maintenance and upkeep of any new *streets* constructed by a developer until all standards within the *Regulations*, and conditions of the *development permit* and *development* agreement are met.

The *development* of new, dead-end cul-de-sac or p-loop *streets* is discouraged within the *MPA*. Dead-end *streets* are often limited to one emergency *access* and do not facilitate connectivity within the *Town*. However, where the long-term phasing of a *subdivision development* is proposed, *Council* shall require the *development* of a temporary cul-de-sac to ensure that the *street* segment (phase) can be safely and efficiently maintained until such time that the respective *subdivision street* can be extended. As a condition of a *development permit*, a temporary emergency *vehicle access* may also be required where the long-term phasing of a *subdivision development* is proposed.

It is the intent of *Council* to promote an orderly *lot development* pattern within the *Town*. This includes meeting minimum [*lot*] *frontage*, *lot streetage*, and *lot* depth requirements, as per subsection ‘D.7 Lot Creation Standards’ of the *Regulations*. However, *Council* recognizes that this may not be possible for the *subdivision* and *development* of existing infilling *lots* due to the irregular, historical *subdivision* of lands within the *Town*. Although the creation and *development* of *back lots* is discouraged by *Council*, this form of *development* may be considered by *Council* on a case-by-case basis similar to a *discretionary use*, thereby requiring public notice in accordance with the *Regulations*. In order to help ensure safe *access* for *safety emergency services* and to minimize the impact on adjacent *lots*, *Council* shall implement specific standards for the creation of *back lots*.

Any proposal for an unserviced *subdivision development* must be forwarded to the provincial Water Resources Management Division for review. For example, a proposed *subdivision* of more than four (4) new *lots* will require a Level I Groundwater Supply Assessment, and a proposed *subdivision* of more than 15 new *lots* will require a Level II Groundwater Supply Assessment, as per the provincial ‘Groundwater Supply Assessment and Reporting Guidelines For Subdivisions Serviced by Individual Private Wells.’ These requirements are to help ensure that the groundwater supply will be of sufficient quality and quantity for the homeowners of the *subdivision development* for both the short- and long-term.



#### B.2.4.2 Goal and Policies

It is a *goal* of Council to prioritize the maintenance and upkeep of existing municipal *streets* over the *development* of new *streets*, whilst facilitating the regular and orderly *subdivision* of lands within the *Municipal Planning Area*.

It is a *policy* of Council to:

**B.2.4.2 (1)** Financial resources permitting, allocate any *street* infrastructure funds to the improvement of existing municipal *streets* over the *development* of new *streets*.

**B.2.4.2 (2)** Support safe *streets* that accommodate *active transportation* and have low speed limits, and clear sight lines at intersections and *driveway accesses*.

**B.2.4.2 (3)** Liaise and work with the provincial Department of Transportation and Infrastructure (*DTI*) to improve *street* safety along Kippens Road (Route #460) including, but not limited to, developing traffic demand management strategies to manage peak Average Daily Traffic (*ADT*) numbers; and referring *development* and *amendment applications* along Kippens Road to *DTI* to help ensure safe *access* is achieved.

**B.2.4.2 (4)** Where *subdivision development* is driven by a private developer, require the cost of developing new *streets*, and associated *utility* and public service infrastructure, to be borne by the *applicant*.

**B.2.4.2 (5)** Further to *policy* B.2.4.2 (4) and prior to issuing a *development permit* for a *subdivision development*, consider the requirement of a *development agreement*, which may include provisions for upfront financial guarantees (deposits) or service levies.

**B.2.4.2 (6)** Further to *policy* B.2.4.2 (5), reference a *development agreement* for *subdivision development* as a condition of an associated *development permit*, which will allow Council to enforce provisions within the agreement where necessary.

**B.2.4.2 (7)** Further to *policy* B.2.4.2 (5) and where detailed under the terms of a *development agreement*, refrain from assuming ownership, maintenance and upkeep of any new *streets* constructed by a developer until all standards within the *Regulations*, and conditions of the *development permit* and *development agreement* are met.

**B.2.4.2 (8)** Discourage the *development* of new, dead-end cul-de-sac or p-loop *streets* within the *Municipal Planning Area*.



**B.2.4.2 (9)** Despite *policy* B.2.4.2 (8) and where the long-term phasing of a *subdivision development* is proposed, require the *development* of a temporary cul-de-sac to ensure that the *street* segment (phase) can be safely and efficiently used and maintained until such time that the respective *subdivision street* can be extended. As a condition of a *development permit*, a temporary emergency *vehicle access* may also be required where the long-term phasing of *subdivision development* is proposed.

**B.2.4.2 (10)** Discourage the creation of *back lots* for *development* purposes.

**B.2.4.2 (11)** Despite *policy* B.2.4.2 (10), consider the creation of *back lots* for *development* purposes on a case-by-case basis, similar to a *discretionary use* thereby requiring public notice in accordance with the *Regulations*.

**B.2.4.2 (12)** Forward any proposal for an unserved *subdivision development* to the provincial Water Resources Management Division for review. For example, a proposed *subdivision* of more than four (4) new *lots* will require a Level I Groundwater Supply Assessment, and a proposed *subdivision* of more than 15 new *lots* will require a Level II Groundwater Supply Assessment, as per the provincial ‘Groundwater Supply Assessment and Reporting Guidelines For Subdivisions Served by Individual Private Wells.’

**B.2.4.2 (13)** Facilitate and improve *street* connectivity in specific neighbourhoods that are discontinuous by designating ‘*future street*,’ *street reservations*. The purpose of implementing these connections is to improve overall public safety (i.e. providing secondary emergency *access*) and help facilitate *active transportation* modes and overall community health and well-being. Connecting neighbourhoods will also allow for the contiguous build out of planned neighbourhoods, thereby maximizing the *development* potential of these lands.

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### B.2.4.3 Proposals

It is a *proposal* of *Council* to:

**B.2.4.3 (1)** Facilitate the regular and orderly subdivision of lands within the *Municipal Planning Area* through the implementation of ‘Section D: Subdivision’ standards of the *Regulations*.

**B.2.4.3 (2)** Implement *development* standards in the *Regulations* that facilitate *street* safety, such as the minimum *setback* of a proposed *driveway access* to an intersection and the height restriction of vegetation and *development* in the *daylighting triangle*.

**B.2.4.3 (3)** Further to *policy* B.2.4.2 (11), implement *back lot* creation standards in the *Regulations*, which will—in the event that *Council* approves such *subdivision developments*—help ensure safe *access* for *safety emergency services* and minimize the impact of the *development* on adjacent *lots*.

**B.2.4.3 (4)** Further to *policy* B.2.4.2 (13) and in order to protect designated ‘future street,’ *street reservations*, refuse any request for the *development* of a *building* within a *street* reservation of a designated ‘future street.’ This *development* prohibition is null and void where the *street* is subsequently constructed but is misaligned with the ‘future street,’ *street reservation*. ‘Future streets’ are outlined on both ‘Schedule A: Future Land Use Classes Map’ of this *Plan* and ‘Schedule A: Land Use Zones Map’ of the *Regulations*. Designated ‘future streets’ have *street reservation* widths as per the table below.

<i>Future Land Use Classes Map / Zoning Map</i> Future Street Reference	Connecting <i>Street(s)</i> or Extension	Type of <i>Street</i>	<i>Street Reservation Width</i> <sup>2</sup>
(a)	Lakview Drive and Gaudon’s Lane	<i>Local Street</i>	15m
(b)	Gaudon’s Lane Extension	<i>Local Street</i>	15m
(c)	Cedar Drive and Gaudon’s Lane Extension	<i>Local Street</i>	15m
(d)	Pine Avenue and Gaudon’s Lane Extension	<i>Local Street</i>	15m
(e)	Oak Drive Extension	<i>Local Street</i>	15m
(f)	Unnamed Future Street and Oak Drive Extension	<i>Local Street</i>	15m
(g)	Brake’s Lane and Orchard Lane	<i>Local Street</i>	15m
(h)	Marine Drive and McCarthy’s Lane	<i>Local Street</i>	15m

<sup>2</sup> E.g. a 15m wide *street reservation* is applied as a 7.5m buffer from the centre line of the designated ‘future street’ on the *Future Land Use Classes Map* or *Zoning Map*.



**B.2.4.3 (5)** Further to *policy* B.2.4.2 (13) and through regular housekeeping updates, amend the *Plan* and *Regulations* to remove ‘future street’ alignments from ‘Schedule A: Future Land Uses Classes Map’ and ‘Schedule A: Land Use Zones Map’ respectively following the construction of these *streets*.

## B.2.5 PUBLIC AND SAFETY EMERGENCY SERVICES

### B.2.5.1 Overview

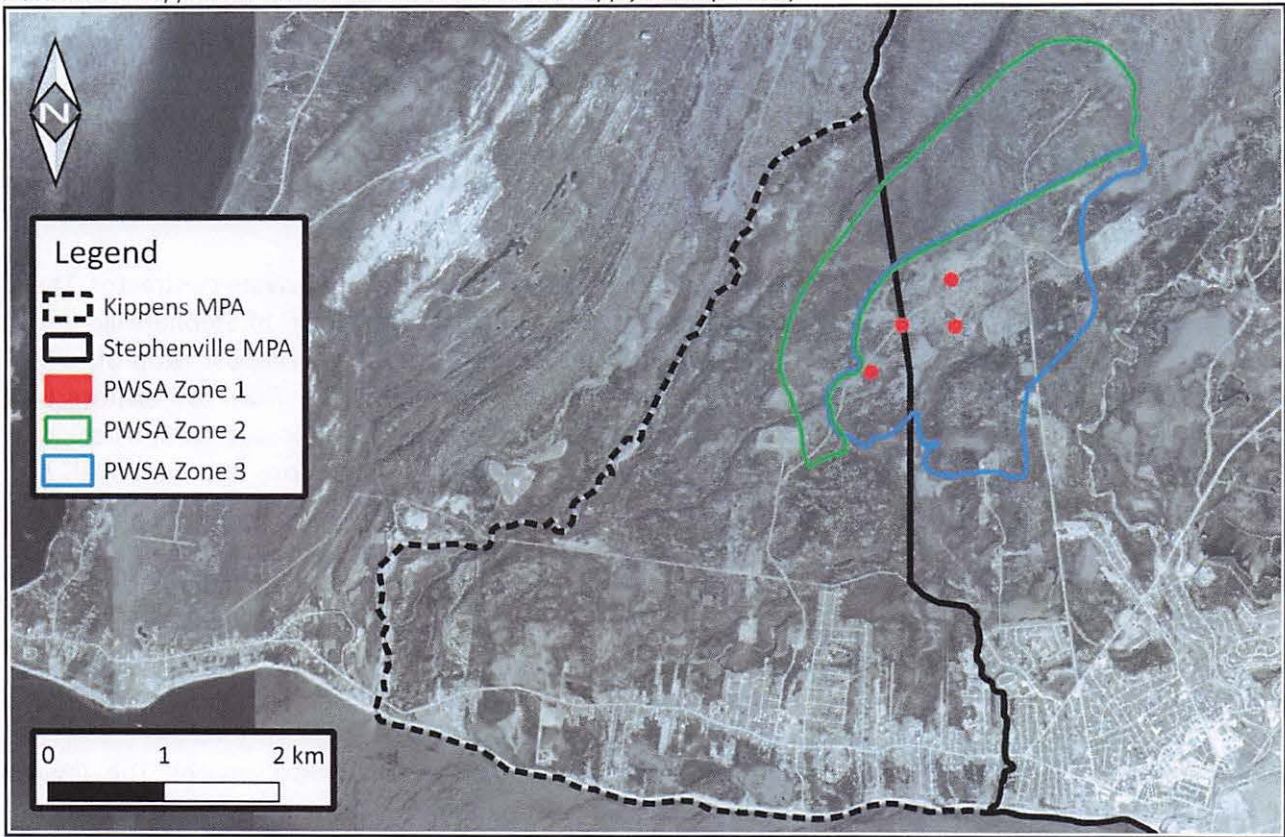
The *Town* is currently serviced by public water, solid waste and recycling pick-up. *Safety emergency services* include Emergency Fire Services (EFS), Emergency Medical Services (EMS, ambulance dispatch), and policing services. As outlined in *proposal* B.2.1.2 (5), it is the intent of *Council* to promote a compact and efficient *development* pattern within the eastern portion of the *Municipal Planning Area* (areas accessed by Lakeview Drive and east thereof). In the long-term, this will help reduce overall costs associated with public and *safety emergency services*.

#### ***Public Water and Sewerage Services***

The *Town* is semi-serviced with all *public streets* in the *MPA* having public water services. The municipal water supply is fed by four (4) drilled wellheads located in the northeastern area of the Kippens *MPA*. Although in close proximity to one another, one (1) wellhead is located within the Kippens *MPA*, two (2) wellheads are located within the Stephenville boundary, and one (1) wellhead straddles both boundaries (see 'Illustration 7: Kippens Wellhead Public Protected Water Supply Area (PWSA)'). All four (4) wellheads are provincially designated and protected through the *Notice of Wellhead Protected Water Supply Area of Town of Kippens*, NLR 45/00. As shown in Illustration 7, each wellhead has a series of zones making up the PWSA. The Water Resources Management Division of *MAE* regulates the specific activities permitted in each zone. Zone 1 is located immediately adjacent to the wellhead and is the most sensitive to potential sources of contamination (45m radial buffer from each wellhead). Zones 2 and 3 radiate outward from Zone 1 and allow a wider array of *land use* activities. The zones of the public PWSA were originally developed by flow calculations, pumping rates, and mathematical modelling taking into consideration the properties of the aquifer providing water to each wellhead.



Illustration 7: Kippens Wellhead Public Protected Water Supply Areas (PWSAs)



Council does not intend on extending public water services into the hinterland areas (i.e. areas zoned ‘Rural Development (RD)’ and ‘Rural Resource (RR)’ under the *Regulations*). However, the expansion of public water services into these areas may be considered on a case-by-case basis at the discretion of Council (e.g. where triggered by a specific *development application* and associated costs to be borne by the developer).

As outlined in *proposal B.2.1.3 (3)* under subsection ‘B.2.1 Overall Development Strategy,’ all *uses* within the *utility use group* may be created throughout the *MPA*. This includes municipal *utility infrastructure* to accommodate public water services. Council is aware that certain *development restrictions* are in place within the public PWSA under the provincial *Water Resources Act* and associated regulations. Despite the *permitted* and *discretionary uses* within underlying *use zone(s)*, the provincial Water Resources Management Division may prohibit certain *uses* in the PWSA. It therefore the intent of Council to refer any proposed *development* within the PWSA to the Water Resources Management Division for review and the requirement/issuance of any applicable provincial permits.

The *Town* is not currently serviced with public sewerage. Individual properties have on-site septic for sewerage disposal. The *Town* previously commissioned multiple studies to explore options for



implementing public sewerage. The latest studies, both prepared by ABYDOZ Engineered Wetlands, include the 2011 'Feasibility Study' and 2012 'Regional Sludge Treatment Study.' The former outlined various options and associated costs to *Council* including: (A) Centralized System in Kippens, (B) Decentralized System, and (C) Stephenville Expansion. Option (C) was recommended by the consultants. This work, however, did not proceed as per Council direction at that time. Council may explore revisiting the provision of public sewerage in the Town.

### ***Solid Waste and Recycling Pick-up***

The *Town* contracts out its regular solid waste (i.e. garbage) pick-up service to a private contractor. The awarding of this contract was part of a regional tender, which included the Town of Stephenville and four other neighbouring communities. The *Town* operates a small grubbing, compost drop-off site located roughly 500m on the west side of the old Dump Road. Residents of the *Town* can dispose of compostables here, such as yard waste. The *Town* also has a program to sell on-site composters to residents at a reduced, subsidized rate. It is the intent of *Council* to explore the potential of implementing a compostable pick-up program through the development of a feasibility study.

A curbside, recycling pick-up program was implemented through the provincially-mandated Western Regional Service Board (Western Regional Waste Management (WRWM)) on July 16, 2018. The mandatory program includes a two-tier sorting program (i.e. clear bags for garbage and blue bags for recyclables).

It is the intent of *Council* to continue to contract feasible and efficient solid waste services. The *Town* will further explore cost-effective ways of improving solid waste and recycling services whilst reducing the overall impact on the environment. This will entail liaising and working with WRWM in keeping up-to-date with modern technologies and developing increasingly efficient approaches to the delivery of solid waste and recycling pick-up services in the *Town*. *Council* also values the importance of reducing waste at source in order to minimize the cost and resource burden on municipal pick-up services. *Council* recognizes that it has an advocacy role to play in encouraging and facilitating the on-site re-use and composting of solid waste.

### ***Safety Emergency Services***

*Town* has its own volunteer Fire Department to provide Emergency Fire Service (EFS). The Department also acts as a backup service to adjacent municipalities such as the Town of Stephenville and Port au Port regional fire service. In turn, these neighbouring EFS departments provide backup services to the *Town*. The Fire Department is housed in the Town Office building on Juniper Avenue (see 'Illustration 8: Town Office / Fire Hall'). Main equipment includes a fire truck and a cube van (rescue vehicle). The Department is volunteer-based and is made up of the Chief, Deputy Chief, and approximately 20 other members from the *Town* and neighbouring communities. The service is funded through the *Town's* tax base. Members are given a stipend to volunteer for the service.



Illustration 8: Town Office / Fire Hall



The nearest Emergency Medical Service (EMS, ambulance dispatch) facility is operated by Russell's Ambulance Services, 57 Prince Rupert Drive in Stephenville. The facility is located approximately 2km from the *Town's* eastern boundary (Gaudon's Brook).

Policing services are provided by the Royal Canadian Mounted Police (RCMP). The nearest detachment is located at 40 Oregon Drive in Stephenville. The office is located approximately 4km from the *Town's* eastern boundary (Gaudon's Brook).

*Council* recognizes that it has a key role to play in the event of a community-wide emergency. *Council* members and *Town* staff will likely have to work with non-profit groups, local businesses; and inter-municipal, provincial, federal and RCMP representatives in helping to facilitate emergency response measures following an event. This may include, but is not limited to, assisting with public works equipment, communications, and/or the relocation of residents. It is therefore the intent of *Council* to work with stakeholders in supporting the prompt and efficient implementation of emergency response measures in the community. Resources pending, it is also the intent of *Council* to develop an Emergency Measures Plan to help prepare the *Town* for specific types of community-wide emergencies.

### B.2.5.2 Goal and Policies

It is a *goal* of Council to facilitate the safe, efficient, and affordable delivery of public and emergency services throughout the *Municipal Planning Area*.

It is a *policy* of Council to:

**B.2.5.2 (1)** Limit the expansion of public water services into hinterland areas (specifically areas zoned 'Rural Development (RD)' and 'Rural Resource (RR)' under the *Regulations*).

**B.2.5.2 (2)** Despite *policy* B.2.5.2 (1), consider the expansion of public water services into hinterland areas on a case-by-case basis for specific *developments* in which the developer may be required to cover the costs associated with the expansion.

**B.2.5.2 (3)** Refer any proposed *development* within the wellhead Public Water Supply Area (PWSA) to the provincial Water Resources Management Division for review and requirement/issuance of any applicable provincial permits.

**B.2.5.2 (4)** Continue to contract feasible and efficient solid waste services.

**B.2.5.2 (5)** Further explore cost-effective ways of improving solid waste and recycling services within the *Municipal Planning Area*, whilst reducing the overall impact on the environment.

**B.2.5.2 (6)** Liaise and work with Western Regional Waste Management to remain up-to-date with modern technologies, and to develop increasingly efficient approaches to the delivery of solid waste and recycling pick-up services in the *Town*.

**B.2.5.2 (7)** In order to reduce the cost and resource burden on municipal pick-up services, adopt an advocacy role in encouraging and facilitating the on-site re-use and composting of solid waste within the *Municipal Planning Area*.

**B.2.5.2 (8)** Work with non-profit groups, local businesses; and inter-municipal, provincial, federal and RCMP representatives in helping facilitate and support the prompt and efficient implementation of emergency response measures in the community.

**B.2.5.2 (9)** Further explore a cost-effective and environmentally sustainable method of implementing public sewerage within the *Town*.



### B.2.5.3 Proposals

It is a *proposal* of Council to:

**B.2.5.3 (1)** Further to *policy* B.2.5.2 (8), support and liaise with schools and environmental advocacy groups in helping to promote on-site waste reduction and composting. This may include, but is not limited to, using the *Town's* communication mediums for promoting sustainable waste management practices.

**B.2.5.3 (2)** Develop and implement an Emergency Measures Plan to help support, facilitate and coordinate safety emergency services in the event of a community-wide emergency.

**B.2.5.3 (3)** Explore the potential of implementing a compostable pick-up program through the development of a feasibility study.

## B.2.6 PUBLIC UTILITIES

### B.2.6.1 Overview

The provision of *public utilities* is essential to the day-to-day operations of the *Town*. *Public utilities* include *uses* in conjunction with providing energy and electricity; municipal water; cable, telephone, and telecommunication services. *Public utility uses* are for public consumption or benefit. As outlined in *proposal* B.2.1.3 (3) under subsection 'B.2.1 Overall Development Strategy,' all *uses* within the *utility use group* may be created throughout the *Town*.

Some *utility uses*, such as transformer stations and high voltage transmission lines, can have a major impact on adjacent neighbours. Careful planning of the location of transmission lines and transformer stations is needed to minimize the impacts of such *public utilities*. The *Town* will seek the cooperation of utility companies and crown corporations when developing such infrastructure.

A main transmission line runs east-west through the centre of the *MPA* (see 'Illustration 9: Public Utility Use, Main Transmission Line North of the Developed Portion of the Town'). This also serves as the dividing line between the northern 'Rural Resource (RR)' and southern 'Development (D)' *future land use classes*. It is the intent of *Council* to restrict any *development* within the *easement* of this main transmission line. Any proposed *development* within proximity of this main transmission line shall be forwarded to NL Power for review to ensure the protection of this *easement*.

The federal Minister of Innovation, Science and Economic Development (ISED, formerly Industry Canada) retains the authority to regulate radiocommunications in Canada (e.g. telecommunications towers and antennas). *Council* does not have the authority to unilaterally refuse the erection of new towers or the extension of existing antennas. The service provider (e.g. Bell, Rogers, EastLink) must, however, consult the *Town* and the public in cases where antennas are not excluded from the federally-



mandated public consultation process. Where the *Town* does not have an antenna systems siting protocol in place, the service provider must adhere to the minimum public consultation requirements outlined under 'Section 4. Land-use Authority and Public Consultation' of ISED's 'CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems.' Depending on the height and nature of the antenna proposal, the service provider may have to send notices to neighbours adjacent to the proposed site and publish a notice in the local newspaper.

*Illustration 9: Public Utility Use, Main Transmission Line North of the Developed Area of the Town*



For all non-excluded proposals, the service provider must seek the issuance of a Land Use Authority (LUA) Concurrence from the *Town*. Although this does not constitute a *development permit*, the LUA Concurrence functions as a formal response on behalf of the *Town* indicating *Council's* support of the proposal. Where *Council* does not support the proposal and refuses to issue an LUA Concurrence, ISED will render the final decision to allow or refuse the respective radiocommunications proposal. The LUA Concurrence process gives the *Town* an opportunity to provide input and voice concerns over any proposal that *Council* feels is not in the best interest of the community or is not compatible with the immediate neighbourhood of the proposed site.

Due to rising electricity costs, residents will increasingly be exploring alternative energy options. *Council* is also supportive of private *utility uses*, such as rooftop solar panels and *private wind energy systems*. These sustainable energy options will help mitigate overall greenhouse gas effects and global warming. However, private wind turbines have the potential to create negative *land use* impacts on adjacent neighbours due to aesthetic, vibration and noise effects created by these *developments*. *Private wind energy systems* thus require specific *development* provisions and may be considered as a



*discretionary use*, on a case-by-case basis, where the proposed *development* is adjacent to existing or future *residential uses*.

### B.2.6.2 Goal and Policies

It is a *goal* of Council to promote the safe and efficient provision of *public* and private *utilities* throughout the *Municipal Planning Area*, whilst avoiding or mitigating any potential negative impacts associated from such *developments*.

It is a *policy* of Council to:

**B.2.6.2 (1)** Work collaboratively with *public utility* companies in helping to ensure that proposed infrastructure and *developments* do not jeopardize the future *subdivision* of lands and do not negatively impact critical view planes or the established character of neighbourhoods.

**B.2.6.2 (2)** Encourage the installation of private, sustainable energy sources such as, but not limited to, rooftop solar panels and *private wind energy systems*.

**B.2.6.2 (3)** Refer any *development application* within or in proximity to a *public utility easement* to the respective *public utility* company to ensure the protection of said *easement*.

### B.2.6.3 Proposals

It is a *proposal* of Council to:

**B.2.6.3 (1)** As per *proposal* B.2.1.3 (3), allow the creation of *public utilities uses* throughout the *Municipal Planning Area*.

**B.2.6.3 (2)** Develop an Antenna Systems Siting Protocol, which will give direction on issuing Land Use Authority Concurrences and facilitating public consultation for radiocommunication towers and antennas that are not excluded under the federal Department of Innovation, Science and Economic Development's 'CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems.'

**B.2.6.3 (3)** Allow *private wind energy systems* throughout the *Municipal Planning Area* as either a *permitted* or *discretionary use* in each *use zone*. *Private wind energy system* shall be a *permitted use* in low-density, hinterland areas and as a *discretionary use* in existing built-up areas.

**B.2.6.3 (4)** Avoid and mitigate any potential negative land *use* impacts on adjacent properties created by the *development* of private wind turbines through the implementation of specific *development* provisions for *private wind energy systems* (see subsection 'C.5 Private Wind Energy System' of the *Regulations*).



**B.2.6.3 (5) Restrict** any *development* within the *easement* of the main transmission line. Any proposed *development* within proximity of this main transmission line shall be forwarded to Newfoundland Power for review to ensure the protection of this *easement*.

## B.2.7 HINTERLAND AREAS

### B.2.7.1 Overview

The *Town* is rich in undeveloped hinterland areas. The *MPA* has a total area of approximately 18km<sup>2</sup> and extends roughly 5.5km east-west along Kippens Road (Route #460) and 6km northward inland (see 'Illustration 2: Town Municipal Planning Area (MPA) and Municipal Boundary (MB)'). The undeveloped hinterland areas are mainly located west of the Ocean View Drive area and north of Kippens Road (Route #460); and all lands north of the HVDC transmission line (including all lands outside of the *MB*, but within the *MPA*). Most property south of the transmission line is privately owned whereas the majority of property north of the transmission line is provincially-owned Crown lands falling under the legal authority of the *Lands Act*. However, where the province does not have a mandatory land registration system, it is difficult to ascertain an accurate account of public (Crown lands) and private freehold lands within the *MPA*. As with private lands, the *development* of Crown lands is subject to the provisions of the *Plan* and *Regulations*.

Illustration 10: Undeveloped Hinterland Area



The disposal of any Crown lands within the *Town* is subject to the provincial referral process. The *Town*, provincial departments and agencies are notified of potential change in tenure of Crown lands within the *MPA*. It is the intent of *Council* to assess Crown land applications on a case-by-case basis and where



applicable seek the advice of a professional planner prior to indicating support of the application to the Crown Lands Division. No *approval in principle* or *development permit* shall be issued for a proposed *development* on provincial Crown land prior to receiving confirmation that tenure has been secured by the *applicant*.

With the exception of a *campground* (Zenzville), *utility uses*, few *agricultural uses* (e.g. Alexander Christmas Tree Farm), wellhead public PWSAs, *access lanes* and trails, the hinterland areas of the *Town* are largely vacant, undeveloped and in their natural state. However, these areas are regularly used by residents for recreational purposes (e.g. ATV use, swimming, hiking and mountain biking), hunting and trapping. These activities are central to the culture and way of life of residents and should remain permitted throughout the hinterland areas.

The portion of the *MPA* north of the HVDC transmission line is in a provincially designated, domestic cutting area; however, there is no commercial forestry potential for these lands.

Natural renewable and non-renewable resources in the hinterland areas should be developed in a responsible manner, which protects natural habitats and minimizes potential deterioration of the environment. The protection of the natural environment in the *Town* is also critical to the economic viability of potential *hunting/trapping*, *fishing*, and eco-tourism enterprises in the area.

As outlined in *proposal* B.2.1.3 (6) under subsection ‘B.2.1 Overall Development Pattern,’ it is the intent of *Council* to allow *development* in the hinterland areas throughout the *MPA* through the application of ‘Rural Development (RD)’ and ‘Rural Resource (RR)’ *use zones*. Both the RD and RR *use zones* shall include select *agricultural uses*, *resources uses*, and other compatible *uses* of a rural nature; but *residential uses* shall be prohibited in these *use zones* unless specified as accessory to a non-residential *main use* (e.g. farm house as an *accessory use* to a main *agricultural use* in the RD *use zone*). *Uses* allowed in the RD and RR *use zones* generally require an expanse of land and separation from urban *uses*.

### B.2.7.2 Goal and Policies

It is a *goal* of *Council* to promote and protect traditional land *use* and activities within the hinterland areas, whilst allowing a wide range of other *uses* that generally require an expanse of land and separation from urban *uses*.

It is a *policy* of *Council* to:

**B.2.7.2 (1)** Assess referral requests for Crown Lands on a case-by-case basis and where applicable seek the advice of a professional planner prior to indicating support of the application to the Crown Lands Division.



**B.2.7.2 (2)** Facilitate the responsible *development* of natural resources, which protects natural habitats and minimizes deterioration of the environment.

**B.2.7.2 (3)** Regulate *development* in a way that is compliant with the *Lands Act*, including but not limited to provisions related to the 17 survey control markers in the *MPA*. Any proposed *development* within the vicinity of a survey control marker shall be referred to the GIS and Mapping Division of the *Department of Fisheries, Forestry and Agriculture*.

### B.2.7.3 Proposals

It is a *proposal* of Council to:

**B.2.7.3 (1)** As per *proposal* B.2.1.3 (6), allow *development* in the hinterland areas throughout the *Municipal Planning Area* through the application of 'Rural Development (RD)' and 'Rural Resource (RR)' *use zones*. Both the RD and RR *use zones* shall include select *agricultural uses, resources uses*, and other compatible *uses* of a rural nature; but *residential uses* shall be prohibited in these *use zones* unless specified as accessory to a non-residential *main use* (e.g. farm house as an *accessory use* to a main *agricultural use* in the RD *use zone*). *Uses* allowed in the RD and RR *use zones* generally require an expanse of land and separation from urban *uses*. Depending on the nature, scale, and compatibility of other *uses* in the 'Development (D)' *future land use class* under *proposal* B.2.1.3 (2) (a) or the 'Rural Resource (RR)' *future land use class* under *proposal* B.2.1.3 (2)(c), they may be listed as either *permitted* or *discretionary uses* in the RD or RR *use zones* respectively.

**B.2.7.3 (2)** As per *proposal* B.2.3.3 (1), allow traditional land *use* activities—such as *hunting/trapping*, foraging, and *small scale agriculture*—within the hinterland areas as implemented through the 'Rural Development (RD)' and 'Rural Resource (RR)' *use zones*.

**B.2.7.3 (3)** As per *proposal* B.2.1.3 (2), allow *domestic woodcutting* in most *use zones* throughout the *Municipal Planning Area*. This includes, but is not limited to, the area north of the transmission line (area designated and zoned 'Rural Resource (RR)').

## B.2.8 RESIDENTIAL USES

### B.2.8.1 Overview

The *Town* is mainly rural residential in character. The primary housing type is the *single unit dwelling* (see 'Illustration 11: Single Unit Dwellings along Fir Lane'). Where many *dwellings* were developed prior to the installation of public water services, preexisting *lots* tend to be large to accommodate on-site well and septic (e.g. 1860m<sup>2</sup> / 0.46 acres). This has yielded a low density *lot* fabric and development pattern throughout most of the *Town*, despite that new *lots* can now be made smaller due to public water services (e.g. 1400m<sup>2</sup> / 0.35 acres). There are few other forms of housing in the *Town*, including,



for example, a *personal care home – institutional* (Silverwood Manor) and *multiple unit dwellings* in the form of side-by-side town houses (west of and adjacent to Orchard Lane).

The transition of the area from mainly rural in character—with residents by and large having a subsistence lifestyle, relying on *fishing* and *agricultural uses* to make a living—to rural residential is not surprising given the history of the area. The *development* of the US Ernest Harmon Air Force Base in Stephenville in the 1940s caused the population of the community to increase dramatically as employment opportunities became available, both with construction of the base and the associated service industry. This created a need for increased housing in which the undeveloped, greenfield lands of Kippens were ripe for expansion and *development*.

Illustration 11: Single Unit Dwellings along Fir Lane



The most densely developed area of the *Town* is located east of the Oceanview Drive area. The bulk of residential *subdivision development* is accessed from four (4) main collectors: Lakeview Drive, Gaudon’s Lane, Ocean View Drive, and Island Pond Drive. New residential *subdivision development*, occurring over the past 20 years, is mainly located west of Lakeview Drive (e.g. Fir Lane and Crimson Avenue), Oake Drive, McCarthy’s Lane, and Orchard Lane; all of which are situated north of Kippens Road.

An analysis of demographic data and existing land *use* indicates that there is a need for a variety of housing types in the *Town* to meet the existing and future needs of a range of age groups, household structures, socioeconomic statuses, and persons with disabilities. If the current trend continues, *single unit dwellings* will be the main form of residential *development* within the *Town*. However, as the population ages, there may be an increased need for alternative housing forms that can be more



economically viable and sustainable. These include, but are not limited to, *personal care homes, double unit dwellings, row houses, multi-unit dwellings*, and other housing *developments* that facilitate cost sharing between residents (e.g. sharing on-site snow clearing, maintenance equipment, *hobby gardens*). More affordable housing types, such as *mini home dwellings* and *micro home dwellings*, may also become increasingly popular for builders as the cost of construction rises. It is the intent of *Council* to promote and facilitate a wide variety of housing forms where *residential uses* are allowed under the *Regulations*.

In order to further promote diversity in housing options, *Council* should, where able, work with provincial and federal housing agencies to facilitate the *development* of affordable housing projects to meet the broad needs of existing and future residents of the *Town*.

Future residential *developments* should also be directed in a way that avoids potential land *use* conflict with existing and future incompatible *uses*. This is achieved through zoning and associated *Regulations*. Future *development* should also be compatible with the established character of neighbourhoods in the *Town*.

#### B.2.8.2 Goal and Policies

It is a *goal* of *Council* to facilitate a broad range of compatible housing types, forms, and densities throughout the *Municipal Planning Area* to accommodate a wide range of age groups, family types, persons with disabilities, and socioeconomic statuses.

It is a *policy* of *Council* to:

**B.2.8.2 (1)** As per *policy* B.2.1.2 (6), encourage new *residential uses* to locate within the eastern portion of the *Town*.

**B.2.8.2 (2)** Promote and facilitate a range of housing forms and options to meet the broad needs of existing and future residents of the *Town*.

**B.2.8.2 (3)** Direct future *residential development* away from existing and future incompatible land *uses*.

**B.2.8.2 (4)** Facilitate *residential development* that is compatible with the established character of neighbourhoods.

**B.2.8.2 (5)** Work collaboratively with provincial and federal housing agencies to facilitate the *development* of affordable housing projects within the *Town*.



### B.2.8.3 Proposals

**B.2.8.3 (1)** As per *proposal* B.2.1.3 (5), allow *residential uses* along Kippens Road (Route #460) through the implementation of a ‘Community Development (CD)’ *use zone*. *Residential uses* with  $\leq 4DU$ s shall be listed as *permitted uses*, whereas higher density *uses* ( $\geq 5DU$ s) shall be listed as *discretionary uses*.

**B.2.8.3 (2)** As per *proposal* B.2.1.3 (7), apply the ‘Residential (RES)’ *use zone* to existing residential neighbourhoods and areas planned for residential expansion during the lifespan of this *Plan*. Generally speaking, the RES *use zone* shall be initially applied to lands south of Kippens Road (Route #460) and north of Kippens Road where east of the Oceanview Drive area. Despite this, the RES *use zone* is not limited to these areas and may be applied to other specific areas within the *Town* that are planned for residential expansion. *Uses* allowed in the RES *use zone* shall include mainly *residential uses* and other select *uses* that are of low land *use* impact and may be compatible with surrounding *residential uses* (e.g. *place of worship, governmental use, personal care home – institutional*).

**B.2.8.3 (3)** As per *proposal* B.2.1.3 (6), prohibit *residential uses* in the hinterland areas of the *Town* through the application of ‘Rural Development (RD)’ and ‘Rural Resource (RR)’ *use zones*. *Residential uses* shall be prohibited in these *use zones* unless specified as accessory to a non-residential *main use* (e.g. farm house as an *accessory use* to a main *agricultural use* in the RD *use zone*). As per *proposal* B.2.1.3 (8), the expansion of *residential uses* into the ‘Rural Development (RD)’ designation may be considered by *Council* on a case-by-case basis through the *Regulations amendment application* process (i.e. rezoning process).

## B.2.9 ECONOMIC DEVELOPMENT, COMMERCIAL AND INDUSTRIAL USES

### B.2.9.1 Overview

The primary employers and businesses within the *Town* include the municipality, Needs Convenience (*retail store*, see ‘Illustration 12: Needs Convenience’), Lucy’s Bar and Lounge, Zenzville Campground, Alexander Simms Sports (*retail store*), Butcher Girls (butchery), Foot Stop (show repair and *retail store*), and Silverwood Manor (*personal care home – institutional*). There are also smaller, *home businesses* throughout the *Town*. Tourism is also an important aspect of the *Town’s* economy. *Council* continues to pursue partnerships with regional economic development entities to promote the *Town* as a tourist destination.

There are currently no *industrial use developments* operating within the *Town*. This is not surprising, given that most *industrial uses* require large, fully serviced *lots* with public water and sanitary. Given that there is currently no land set aside for *industrial use development* within the *Town*—and that neighbouring Stephenville contains numerous brownfield redevelopment opportunities on serviced lands—it is reasonable to assume that there will be limited to no demand for this form of *development* in the *Town* within the lifespan of this *Plan*. However, the *Plan* and *Regulations* should be flexible to potentially accommodate an *industrial use development* if one is proposed in an appropriate location;



and if the *development* is of an appropriate *use* and scale as to minimize adverse land *use* impacts and be compatible with neighbouring land *uses*. As per *proposal* B.2.1.3 (10), this *Plan* proposes to establish an 'Industrial (IND)' floating *use zone* for the potential rezoning of future lands for *industrial use development*. As of the initial *Gazette* date of this *Plan* and *Regulations*, this *use zone* is not applied to any lands within the *Municipal Planning Area*. As per *proposal* B.2.1.3 (2)(a), the IND *use zone* is seated under the broader 'Development (D)' future *land use*.

*Illustration 12: Needs Convenience*



As illustrated in the origin-destination data of the *Town* outlined in section 'B.4.3 Transportation and Commuting' of the *Background Report*, many residents are employed in Stephenville or further afield. These outside employers are also critical economic drivers for the *Town*. Changes in economic activity and employment opportunities within Stephenville and neighbouring communities thus have an effect on the *Town* and its residents. Some businesses within the *Town* are members of the Bay St. George Chamber of Commerce. The mandate of the Chamber is to help promote and support commercial and business development within the *Town* (as a part of the Bay St. George Region).

As outlined in subsection 'B.6.1 Survey' of the *Background Report*, residents have an overall concern with business and economic development in the area, and its impact on retaining and drawing young people. Many residents feel that the *Town* should leverage and capitalize on its natural assets to spur economic development. This includes promoting eco-tourism, canoeing, kayaking, hiking and nature watching businesses; and camping, guiding, outfitting, fishing and hunting businesses. *Home businesses* and *home industries* are also viewed as important sources of income for residents (e.g. *small engine repair*, hair salons, convenience stores). In this light, the protection and sustainable *use* of natural resources should go hand-in-hand with promoting economic development with the *Town*.



As the population ages, there will be an increased need for healthcare and other related support services. This may provide an opportunity for commercial enterprises in the area. There will likely be an increased need for home support and transportation services. As outlined in subsection 'B.2.8 Residential Uses,' changing demographics may also result in the need for diversified housing such as increased *personal care homes* and apartment units.

Despite economic and demographic challenges, it is the intent of *Council* to adopt an innovative and supportive approach to promoting and supporting economic development within the *Town*. This involves working with existing business stakeholder groups and building new business support networks and relationships. It is the intent of *Council* to focus on leveraging strengths and opportunities to build, attract and retain business. The development of a ten (10) year Economic Development Plan will also help give focus and direction to fostering commercial activity within the *Town*.

Despite the overall promotion of *commercial development*, *Council* recognizes that *adult establishment uses* are not compatible with the existing rural residential character and land use of the *Town*. It is therefore the intent of *Council* to prohibit these *uses* in all *use zones*. However, *adult establishment uses* may be considered by *Council* on a case-by-case basis through the *Regulations amendment application* process (i.e. rezoning).

#### B.2.9.2 Goal and Policies

It is a *goal* of *Council* to promote *commercial uses* in appropriate locations considering transportation requirements, environmental impact, neighbourhood character and the compatibility of existing and future surrounding *uses*.

It is a *policy* of *Council* to:

**B.2.9.2 (1)** As per *policy* B.2.1.2 (6), encourage new *commercial uses* to locate within the eastern portion of the *Town*.

**B.2.9.2 (2)** Facilitate *commercial development* that does not negatively impact existing and future residential neighbourhoods or other incompatible *uses*.

**B.2.9.2 (3)** Utilize natural resources in order to promote outfitting and eco-tourism businesses.

**B.2.9.2 (4)** Strengthen existing and build new networks of business stakeholder groups for increasing business development within the *Town*.

**B.2.9.2 (5)** Prohibit *adult establishment uses* throughout the *Municipal Planning Area*. Despite this, *adult establishment uses* may be considered by *Council* on a case-by-case basis through the *Regulations amendment application* process (i.e. rezoning).

### B.2.9.3 Proposals

It is a *proposal of Council* to:

**B.2.9.3 (1)** As per *proposal* B.2.1.3 (5), allow *commercial uses* in the *Town* through the implementation of a 'Community Development (CD)' *use zone*. Depending on the nature, scale, and compatibility of *commercial uses* in the 'Development (D)' *future land use class* under *proposal* B.2.1.3 (2) (a), they may be listed as either *permitted* or *discretionary uses* in the *CD use zone*.

**B.2.9.3 (2)** Allow *home businesses* and *home industries* as *accessory uses* to *residential uses* through the implementation of specific provisions under subsection 'C.3 Home Businesses and Industries' and *use zones* of the *Regulations*.

**B.2.9.3 (3)** Develop a ten (10) year Economic Development Plan for the *Town*, including a detailed analysis of existing Strengths, Weaknesses, Opportunities and Threats (SWOT).

**B.2.9.3 (4)** As per *proposal* B.2.1.3 (10), establish an 'Industrial (IND)' *floating use zone* for the potential rezoning of future lands for *industrial use development*. As of the initial *Gazette* date of this *Plan* and *Regulations*, this *use zone* is not applied to any lands within the *Municipal Planning Area*. *Uses* allowed in the *IND use zone* shall include primarily *industrial uses* and other select *uses*. Depending on the nature, scale, and compatibility of other *uses* in the 'Development (D)' *future land use class* under *proposal* B.2.1.3 (2)(a), they may be listed as either *permitted* or *discretionary uses* in the *IND use zone*.



## B.2.10 PROTECTION OF THE NATURAL ENVIRONMENT

### B.2.10.1 Overview

The *Town* is rich in physical environmental features including a pristine coastline, forested areas, wetlands and watersheds. Lands within the *MPA* slope gently to the southwest. As such, *watercourses* generally flow in this direction into Bay St. George (see 'Illustration 13: Hydrology'). The most prominent *watercourses* include Romaine's River and Gaudon's Brook, acting as the western boundary and portion of the eastern boundary of the *MPA*, respectively (see 'Illustration 14: Gypsum Cliffs of Romaine's River'). The bulk of water bodies and *watercourses* are located within the southern half of the *MPA*. Main water bodies north of Kippens Road include Doucette's Pond, Long Pond, and Island Pond. There is one prominent water body south of Kippens Road, which is west of Birch Drive. An analysis of historical aerial imagery shows that many smaller streams have been diverted or covered in as a result of increased *development* over the years. Other stream beds remain dry throughout the year, primarily carrying flows during high precipitation events.

Illustration 13: Hydrology

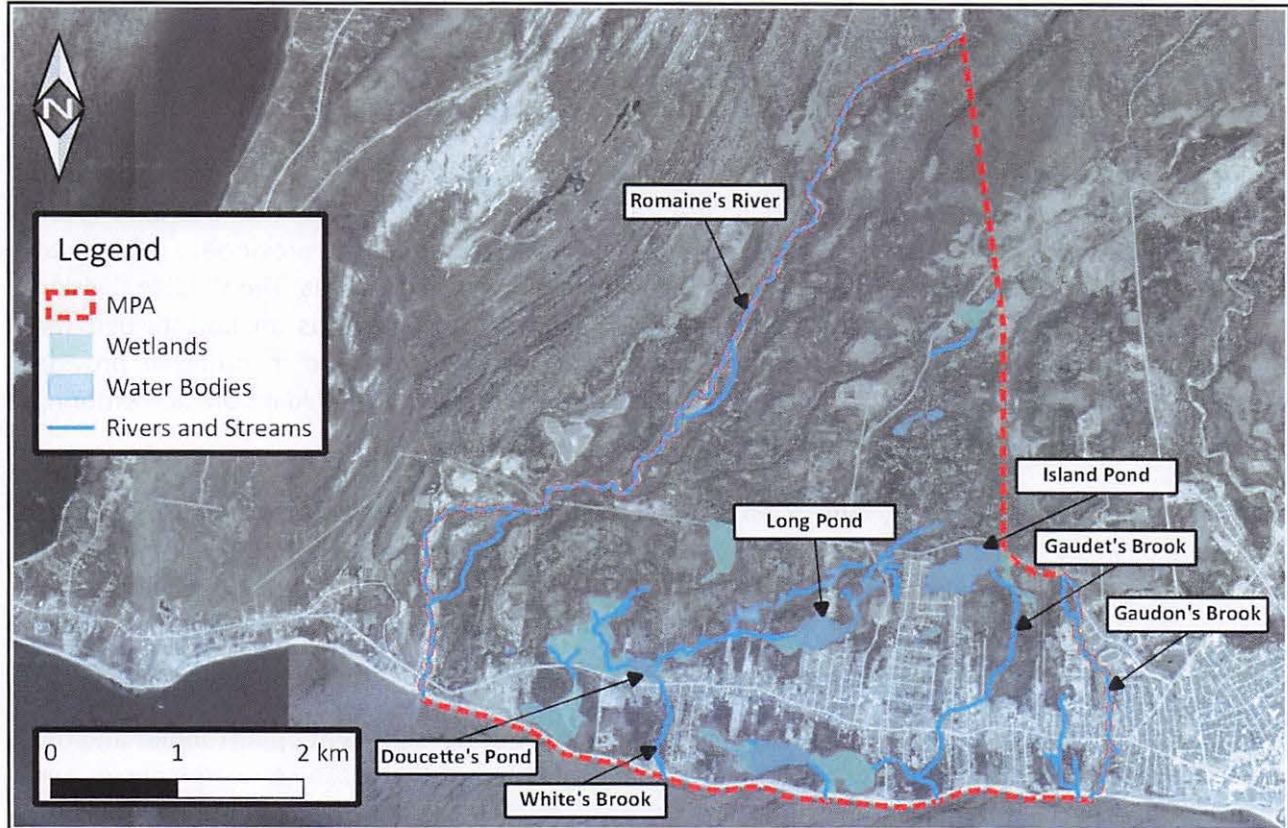




Illustration 14: Gypsum Cliffs of Romaine's River



The area shown in Illustration 14 is also a provincially designated 'Sensitive Wildlife Area' (see also 'Illustration 15: Romaine's River Sensitive Wildlife Area'). This area provides habitat for the Olive-sided Flycatcher and Rusty Blackbird, both of which are avian species listed under the provincial *Endangered Species Act*. There are also other sensitive species of rare flora located in this area. The Wildlife Division of the Department of Environment and Climate Change (*DECC*) recommends an undisturbed (no *development*) buffer of 50m from Romaine's River in this area. Further, and in order to provide increased protection to Sensitive Wildlife Areas, Council may explore with the Wildlife Division entering into a Municipal Habitat Stewardship Agreement.

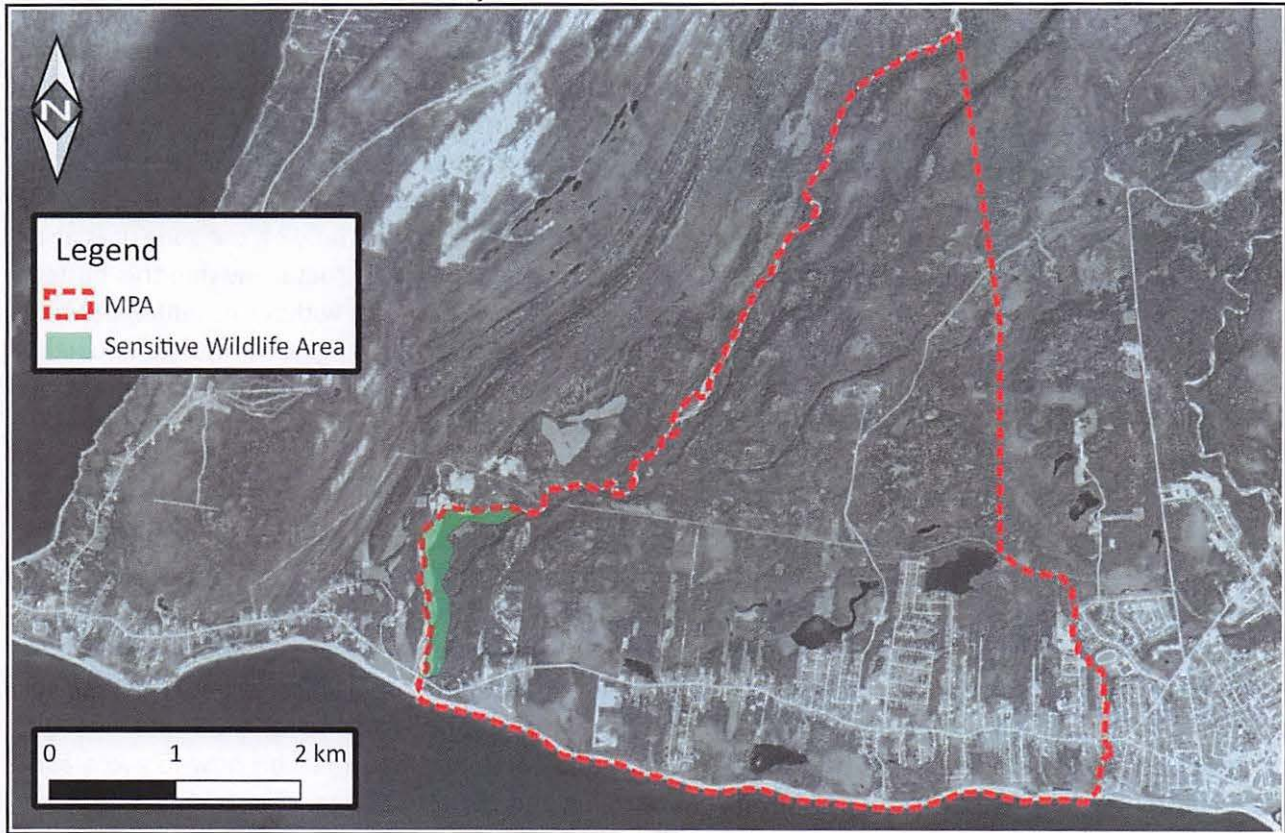
As outlined under subsection B.2.7, the *Town* is rich in undeveloped hinterland areas. These areas are mainly located west of the Ocean View Drive area and north of Kippens Road (Route #460); and all lands north of the HVDC transmission line. These areas contain an expanse of picturesque wilderness; any proposed *development* in these areas must be done in a manner as to not jeopardize the overall natural character of these lands.

The natural beauty of the *Town* is intrinsically linked with economic development opportunities and the overall quality of life of residents and visitors alike. The protection of the coastline, *watercourses* and wetlands are especially important, as they are an economic lifeline for the community. Tourism, recreation, *hunting/trapping* activities are all in some way directly or indirectly related to these natural assets. As outlined in subsection 'B.2.3 First Nations,' the protection of natural areas is also critical in helping to promote and preserve First Nations' culture and traditional land *use* activities.



Future *development* should be guided away from *watercourses*, wetlands, and other sensitive environmental features. These areas, and adequate buffers therefrom, should be designated and zoned accordingly to protect natural assets from future incompatible *uses* that may jeopardize the ecological integrity and functioning of these natural systems.

Illustration 15: Romaine's River Sensitive Wildlife Area



As required under the provincial *Water Resources Act* and associated Policy for Development in Shore Water Zones, any proposed construction within a wetland or water body, or within the shore waters of a water body, requires prior approval from the provincial Water Resources Management Division. Despite that an *applicant* may obtain a permit from the province for this form of *development*, *Council* does not support the infilling of wetlands, piping of *watercourses*, or the creation of land along the coastline for *development* purposes. However, *Council* recognizes that there are instances where minor sections of wetlands or *watercourses* may need to be developed for *streets* to access isolated sections of greenfield developable lands.

The construction of some *buildings* or *structures* along the coastline may also require a permit in accordance with the provincial *Water Resources Act*. It is therefore the intent of *Council* to forward any *development* proposal along the coastline to the provincial Water Resources Management Division. Where *development* along the coastline does not require a permit from the province, *Council* shall



follow the provincial 'Chapter 14: Environmental Guidelines for Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses' when regulating such *developments*.

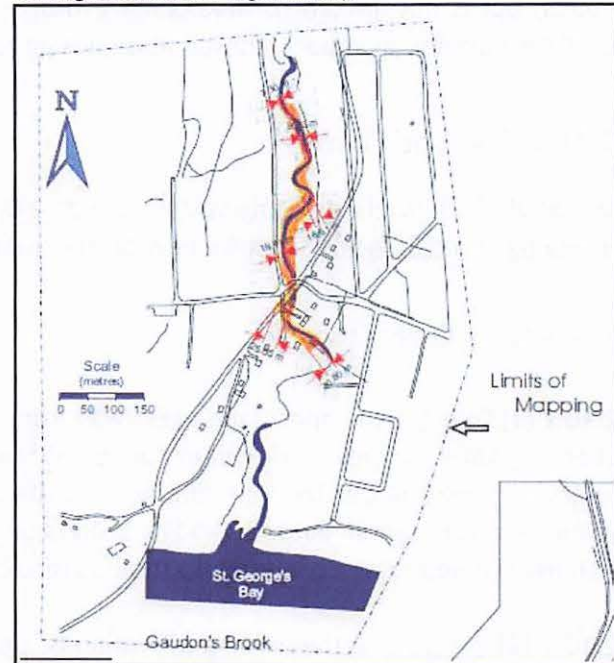
As outlined in subsection 'A.2 Physiography and Geology' of the *Background Report*, the coastline of the *Town* is comprised of sand and gravel. The average rate of erosion of the cliff top is 20cm per year. Waves do not currently reach the base of cliffs, but will in the future due to an increase in sea level and severity of storms. The coastline of the *Town* is thus sensitive and highly susceptible to erosion. This area also contains existing *residential uses* and has increased pressure for future *residential development*, since there are still some undeveloped oceanfront properties. As was received through the provincial referral process, the Geological Survey of Newfoundland and Labrador recommends a 40m *development setback* from the cliff edge. It is the intent of *Council* to prohibit the *development* of *main buildings* of *residential uses* and select *institutional uses* (associated with vulnerable populations) within this buffer, despite the *permitted uses* and *discretionary uses* of any underlying *use zone*. It is also the intent of *Council* to prohibit any private, on-site septic or drainage infrastructure within this buffer. Depending on the nature, impact and *use* of any other *development* proposal within this buffer, *Council* may require a Geo-Technical Study, prepared by a *professional* geologist or engineer, prior to issuing a *development permit* within this 40m cliff edge buffer. Further, and where practical, it is the intent of *Council* to avoid locating public infrastructure (e.g. *public streets* and *public utilities*) within this 40m cliff edge buffer.

Global warming and climate change will have an overall negative impact on the *Town*. Extreme weather events will increase in intensity and be more frequent in nature. Combined with a rise in sea level, this will exacerbate storm surge and coastal rates of erosion. Overland flooding and infrastructure washouts are also expected to increase due to higher precipitation events brought on by extreme weather. It is the intent of *Council* to declare a climate emergency to emphasize the importance of this issue and to show leadership in the community. Further, it is the intent of *Council* to conduct a Climate Change Adaptation Study. The findings from this Study will help guide and inform *Council* on how to avoid and mitigate potential negative effects caused by global warming and climate change.



A portion of Gaudon's Brook, adjacent to the bridge connecting Kippens and Stephenville, is mapped as a flood risk area under the 'Canada-Newfoundland Flood Damage Reduction Program.' The 'Flood Information Map – Gaudon's Brook and Cold Brook Areas Newfoundland' under this program is dated February, 1997 (see 'Illustration 16: Excerpt of Canada-Newfoundland Flood Damage Reduction Program Map'). Despite that this mapping requires updating, lands within this flood risk area remain subject to the requirements of the 'Newfoundland and Labrador Provincial Land Use Policy – Flood Risk Area.' The Policy also regulates *development* within a 15m buffer of any designated 'floodway' (1:20 flood zone) or designated 'floodway fringe' (1:100 year flood zone), as section 11. reads:

Illustration 16: Excerpt from Canada-Newfoundland Flood Damage Reduction Program Map



*Development in the floodway, floodway fringe and in a 15 metre buffer around these zones as well as any area known to be subject to flooding must obtain prior written approval of the Minister of Environment and Conservation in accordance with section 48 of the Water Resources Act.*

The furthest extent of the flood risk area is immediately south of the bridge. The designated floodway fringe in this area extends 25.05m from the centre line of Gaudon's Brook (see measurement on Illustration 16). It is thus the intent of *Council* to implement a 40m 'flood risk buffer' on the *Future Land Use Classes Map* and *Zoning Map*, which captures the entire area affected by the provincial policy.

It is the intent of *Council* to update and complete new Flood Risk Area mapping for the *Town*. This includes, but is not limited to, the floodplain around Blanche Brook at the eastern border of the *Town*. It is also the intent of *Council* to submit a request to the provincial Water Resources Management Division to have the Flood Risk Area mapping of the *Town* updated and any new mapping completed. Despite this and where resource constraints prohibit the province from conducting the desired work in a timely manner, the *Town* may complete Flood Risk Area mapping through contracting the work out directly to an appropriate professional (e.g. Professional Engineer (P. Eng) or Professional Geoscientist (P. Geo)). Where completed under a private contractor, *Council* shall submit the new mapping to the

province for filing and future application of the 'Newfoundland and Labrador Provincial Land Use Policy-Flood Risk Area.'

*Council* encourages and supports environmentally responsible *development* within the *Town*. This includes, but is not limited to *development* proposals that maximize the *use* of land whilst reducing overall environmental impact, conservation design for *subdivisions*, and renewable power generation.

### B.2.10.2 Goal and Policies

It is a *goal* of *Council* to promote sustainable *development* in the *Municipal Planning Area*, whilst preserving and enhancing sensitive environmental features.

It is a *policy* of *Council* to:

**B.2.10.2 (1)** Direct high impact land *uses* away from sensitive environmental features such as coastlines, wetlands, water bodies and *watercourses*. Where such *uses* are proposed and are allowed as *discretionary uses* under the *Regulations*, it is the intent of *Council* to require adequate buffers from sensitive environmental features. Adding buffers under this *policy* is a discretionary decision of *Council*, which may be added as a condition to the issuance of a *development permit*.

**B.2.10.2 (2)** Discourage the infilling of wetlands, piping of *watercourses*, or the creation of land along the coastline for *development* purposes. However, *Council* recognizes that there are instances where minor sections of wetlands or *watercourses* may need to be developed for *streets* to access isolated sections of greenfield developable lands.

**B.2.10.2 (3)** Forward any *development* proposal along the coastline and in the shore water to the provincial Water Resources Management Division for any requirement/issuance of a provincial permit.

**B.2.10.2 (4)** Where no provincial permit is required under *policy* B.2.10.2 (3), follow the provincial 'Chapter 14: Environmental Guidelines for Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses' when regulating proposed *developments* along the coastline.

**B.2.10.2 (5)** Avoid natural hazards and protect the coastline by discouraging future *development* in areas that are acutely susceptible to erosion. Exercising authority of this provision is at the discretion of *Council*.

**B.2.10.2 (6)** Encourage and support environmentally responsible *development*, including, but not limited to, *development* proposals that maximize the *use* of land whilst reducing overall environmental impact, conservation design for *subdivisions*, and renewable power generation.



**B.2.10.2 (7)** Declare a climate emergency to emphasize the importance of this issue and to show leadership in the community.

**B.2.10.2 (8)** Consider climate change impacts when assessing *applications for development*, initiatives and capital works projects.

**B.2.10.2 (9)** Regulate development in a manner that is consistent with the ‘Newfoundland and Labrador Provincial Land Use Policy – Flood Risk Areas.’ Where there is conflict between the *Plan* and *Policy or Regulations and Policy*, the *Policy* shall prevail in either case.

**B.2.10.2 (10)** Protect sensitive wildlife in the provincial designated ‘Sensitive Wildlife Area’ adjacent to Romaine’s River (see location on ‘Illustration 15: Romaine’s River Sensitive Wildlife Area’).

**B.2.10.2 (11)** Explore with the Wildlife Division entering into a Municipal Habitat Stewardship Agreement to provide increased protection to ‘Sensitive Wildlife Areas.’

**B.2.10.2 (12)** Update and complete new Flood Risk Area mapping for the *Town*. This includes, but is not limited to, the floodplain around Blanche Brook at the eastern border of the *Town*.

### B.2.10.3 Proposals

It is a *proposal of Council* to:

**B.2.10.3 (1)** As per *proposals* B.2.1.3 (2) (b) and B.2.1.3 (9), protect environmentally significant and sensitive lands and features through the application of a ‘Conservation (C) *future land use class and use zone*. Lands designated and zoned C include, but are not limited to, sections of the coastline, wetlands, and a 15m buffer from wetlands, water bodies, and *watercourses*. In order to avoid legal *non-conforming uses and developments*, the initial application of this 15m buffer, *C future land use class and use zone* may be reduced in cases where existing *development* is in place.

**B.2.10.3 (2)** Further to *policies* B.2.10.2 (3) and (5), implement an overlay, ‘Cliff Edge Buffer (40m)’ on the *Future Land Use Classes Map and Zoning Map*. *Main buildings of residential uses and select institutional uses* (associated with vulnerable populations) shall be prohibited within this buffer, despite the *permitted uses and discretionary uses* of any underlying *use zone*. Any private, on-site septic or drainage infrastructure shall also be prohibited within this buffer. When considering any other *development application* within this buffer—and depending on the nature, impact and *use* of the *development proposal*—*Council* may require a Geo-Technical Report, prepared by a *professional geologist or engineer*, prior to issuing a *development permit* within this buffer. *Council* shall also forward any *development proposal* within this buffer to the Water Resources Management Division to determine any provincial permitting requirements and *development recommendations* on the protection of the coastline.



**B.2.10.3 (3)** Conduct a Climate Change Adaptation Study. The findings from this Study will help guide and inform *Council* on how to avoid and mitigate potential negative effects caused by global warming and climate change.

**B.2.10.3 (4)** Further to *policy* B.2.10.2 (5), and where practical, avoid locating public infrastructure (e.g. *public streets* and *public utilities*) within the 40m cliff edge buffer as outlined on the *Future Land Use Classes Map* and *Zoning Map*.

**B.2.10.3 (5)** Further to *policy* B.2.10.2 (9), implement an overlay 'Flood Risk Buffer (40m)' on the *Future Land Use Classes Map* and *Zoning Map*. Any *development* proposal within this buffer shall be forwarded to the provincial Water Resources Management Division for any requirement/issuance of a provincial permit.

**B.2.10.3 (6)** Further to *policy* B.2.10.2 (10), restrict development in the provincial designated 'Significant Wildlife Area' adjacent to Romaine's River through the application of a 'Conservation (C)' *future land use class* and *use zone*. Lands designated and zoned C in this area include a 50m buffer from Romaine's River and land bounded by the main branch of Romaine's River and its eastern tributary.

**B.2.10.3 (7)** Further to *policy* B.2.10.2 (12), submit a request to the provincial Water Resources Management Division to have the Flood Risk Area mapping of the *Town* updated and any new mapping completed. Despite this and where resource constraints prohibit the province from conducting the desired work in a timely manner, the *Town* may complete Flood Risk Area mapping through contracting the work out directly to an appropriate professional (e.g. Professional Engineer (P. Eng) or Professional Geoscientist (P. Geo)). Where completed under a private contractor, *Council* shall submit the new mapping to the province for filing and future application of the 'Newfoundland and Labrador Provincial Land Use Policy- Flood Risk Area.'

## B.2.11 OPEN SPACE AND RECREATIONAL USES

### B.2.11.1 Overview

Trails maintained by the *Town* are limited to the Kippens Recreational Complex area. This area is bound by Juniper Avenue to the south, Gaudon's Lane to the west, and Ocean View Drive to the east (see 'Illustration 17: Kippens Recreational Complex Layout'). The area contains a small network of forested trails that extends approximately 500m north-south. The trail system is unpaved and is multi-use. The Recreational Complex Area, including the trail system, was developed and is currently maintained by the *Town*.

In addition to the scenic walking trails, the Recreational Complex Area also has other recreational facilities for use by residents. Facilities include a kiddies' playground, soccer pitch, tennis court, softball



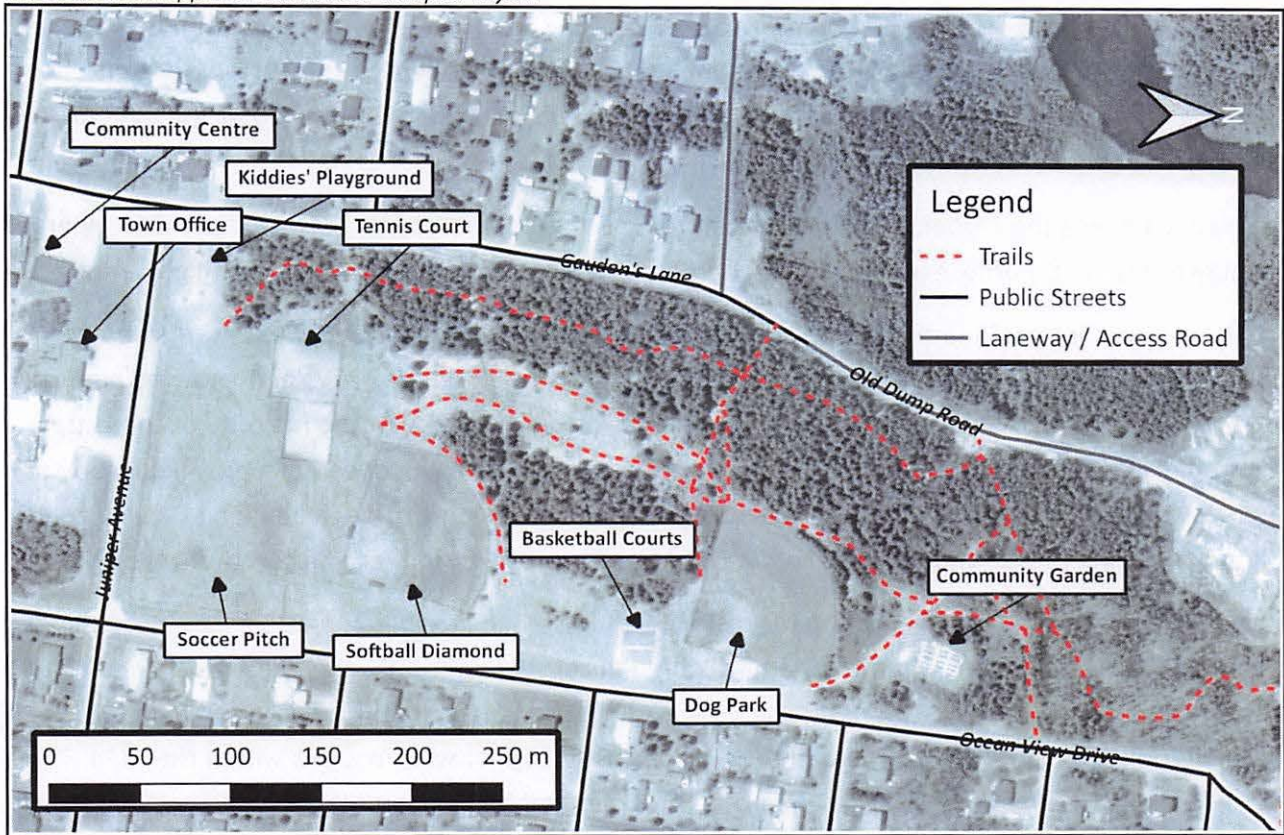
diamond, basketball courts, dog park, and community garden (see 'Illustration 18: Kippens Recreational Complex Area'). It is the intent of *Council* to retain existing municipal lands within the Recreational Complex Area for continued public use. The maintenance and upkeep of these lands is central to promoting the health of residents and overall community well-being. Further, *Council* may explore expanding recreational activities within this area.

The *Town* maintains the Kippens Community Centre, which is adjacent to the Town Office. This general assembly hall is multi-purpose and is used for numerous cultural events, celebrations, and gatherings.

The *Town* also contains numerous non-maintained, informal trails throughout its interior, north of Kippens Road. These trails are predominantly used for All-Terrain Vehicle (ATV) and snowmobile use; but are also used by walkers, runners, and mountain bikers alike. Although the majority of these trails are informal in nature, it is the intent of *Council* to explore the possibility of conducting a field study to map these routes. *Council* may then consider protecting these corridors through attaining Crown Lands, and re-designating the corridors on the *Future Land Use Classes Map* and rezoning on the *Zoning Map*.

Romaine's River is a regional destination for residents as it is a scenic *watercourse* used in the summer for camping and freshwater swimming. As highlighted in subsection B.2.10, the river is a natural asset and should be protected. As per *proposal* B.2.10.3 (1), it is the intent of *Council* to apply the 'Conservation (C)' *future land use class* and *use zone* within 15m of *watercourses* within the *MPA*. This includes Romaine's River and will also help protect this riverbed and adjacent lands for recreational use.

Illustration 17: Kippens Recreational Complex Layout



The *Town* also contributes towards the use of regional recreational facilities such as the Stephenville Dome (hockey arena) and Regional Aquatic Centre (swimming pool). In order to further facilitate the efficient coordination and sharing of resources, it is also the intent of *Council* to increase collaboration with nearby municipalities and schools in offering complementary recreational facilities and the shared use of facilities.

Where improvements to existing facilities or additions to the Kippens Recreational Complex Area are implemented, it is the intent of *Council* to help ensure that initiatives meet the diverse needs of residents, including but not limited to youth, seniors, and persons with disabilities. Where possible, this may include developing facilities and trails that incorporate universal design principles. Further, it is also the intent of *Council* to liaise and strengthen partnerships with non-profit recreation groups (e.g. Bay St. George Baseball, Kippens Recreation Committee, Girl Guides of Canada) to develop new and enhance existing recreational facilities.



Illustration 18: Kippens Recreational Complex Area



#### B.2.11.2 Goal and Policies

It is a *goal* of Council to promote and enhance recreational facilities and public *open spaces* in the *Municipal Planning Area*.

It is a *policy* of Council to:

**B.2.11.2 (1)** Maintain existing municipal lands within the Recreational Complex Area for continued public use.

**B.2.11.2 (2)** Explore community support and feasibility of broadening recreational activities within the Recreational Complex Area.

**B.2.11.2 (3)** Increase collaboration with nearby municipalities and schools in offering complementary recreational facilities and the shared *use* of facilities.

**B.2.11.2 (4)** Support existing and future recreational facilities and public *open spaces* that will meet the diverse needs of residents, including but not limited to youth, seniors, and persons with disabilities.

**B.2.11.2 (5)** Liaise and strengthen partnerships with non-profit recreation groups (e.g. Bay St. George Baseball, Kippens Recreation Committee, Girl Guides of Canada) to develop new and enhance existing recreational facilities.

### B.2.11.3 Proposals

It is a *proposal of Council* to:

**B.2.11.3 (1) Explore** the possibility of conducting a field study to map informal trails throughout the interior, northern portion of the *MPA*. *Council* may then consider protecting these corridors through attaining Crown Lands, and re-designating the corridors on the *Future Land Use Classes Map* or rezoning on the *Zoning Map*.

**B.2.11.3 (2) Develop** future recreational facilities and *public open spaces* that incorporate universal design principles:

- (a) **Equitable Use:** The design is useful and marketable to people with diverse abilities.
- (b) **Flexibility in Use:** The design accommodates a wide range of individual preferences and abilities.
- (c) **Simple and Intuitive Use:** Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.
- (d) **Perceptible Information:** The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.
- (e) **Tolerance for Error:** The design minimizes hazards and the adverse consequences of accidental or unintended actions.
- (f) **Low Physical Effort:** The design can be used efficiently and comfortably with minimum fatigue.
- (g) **Size and Space for Approach and Use:** Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture, or mobility.

**B.2.11.3 (3) Acquire** land for public *open space* through the *subdivision* process, in accordance with the *Regulations*, and other means such as purchase, *easements*, lease agreements, or expropriation. The following will be considered during the process of acquiring land for *open space*:

- (a) The likely impact on maintenance and property tax costs;
- (b) Existence of other nearby facilities;
- (c) Physical suitability for the intended purpose;
- (d) Potential for integration with existing recreational facilities and public *open spaces*; and
- (e) Compatibility with existing and proposed adjacent land *uses*.



## B.2.12 ARCHAEOLOGICAL AND HISTORICAL SITES

### B.2.12.1 Overview

The Provincial Archaeology Office (PAO) has two (2) registered archaeological sites on record, both in close proximity to one another along the coast within the eastern portion of the *Town*. The first is an unmarked cemetery with just over 30 burials and the second is an oval depression with a small lip around the outer edge, which is likely a collapsed root cellar (roughly 2-3m by 3-4m in size). Although there is no excavation evidence to support the claim, the cemetery is locally known as a Mi'kmaq burial ground. The site contains numerous undulations, which may be evidence of shallow graves. According to local knowledge, burying the deceased in shallow graves was a common practice of the Mi'kmaq people in the region. However, where further archaeological investigations of the site have not been conducted, the purported burial ground is not officially (by the PAO) attributed to a particular cultural group. Further, there are no *buildings* with historic designations within the *Town*.

*Council* recognizes the importance of the *Town's* sites of archaeological and historical significance. The *Town* will take a proactive and supportive approach in protecting these sites in perpetuity. *Council* is also aware of the importance of identifying, protecting and preserving future sites.

### B.2.12.2 Goal and Policies

It is a *goal* of *Council* to support and encourage the protection and preservation of archaeological and historical sites.

It is a *policy* of *Council* to:

**B.2.12.2 (1)** Work collaboratively with the Provincial Archaeology Office in helping to preserve and protect known archaeological and historical sites; and to help identify, protect and preserve future sites.

### B.2.12.3 Proposals

It is a *proposal* of *Council* to:

**B.2.12.3 (1)** Refer any public works or major *development* plan within the *Town* to the Provincial Archaeology Office for review. In accordance with paragraph 13(1)(a) of the *Historic Resources Act* and where deemed appropriate by the Provincial Archaeology Office, archaeological surveys may be required by the Provincial Archaeology Office in areas of high potential for discovery prior to *development* to safeguard any site of historic significance yet to be discovered.

**B.2.12.3 (2)** In accordance with subsection 10(1) of the *Historic Resources Act*, the discovery of historic resources that has occurred in result of undertaking any *development* or land disturbance activity, immediately notify the Provincial Archaeological Office. In accordance with subsection 10(2) of the *Historic Resources Act*, a person, other than one to whom a permit has been issued under the *Historic Resources Act*, who discovers an archaeological object or a significant fossil shall not move, destroy, damage, deface, obliterate, alter, add to, mark or interfere with or remove that object or fossil from the province. The Provincial Archaeology Office may issue a temporary stop work order for said *development* or land disturbance activity in accordance with section 31 of the *Historic Resources Act*.

**B.2.12.3 (3)** Build awareness in the local builder and developer community of the requirements of the Provincial Archaeology Office regarding the discovery of historic resources.

## B.2.13 SIGNS

### B.2.13.1 Overview

*Council* recognizes the importance of *signs* for commercial businesses, governmental organizations, non-profit organizations and community events. *Signs* are an integral part of economic development and distributing community-wide messages. *Sign installation* constitutes *development* as defined under the *Urban and Rural Planning Act, 2000*. Unless otherwise exempted under the *Plan* and *Regulations*, a *development permit* is required from the *Town* prior to *sign installation*. Signage did not emerge as a contentious issue through the public participation program for the development of this *Plan*. This is unsurprising given that the *Town* is primarily a residential community and signage is largely associated with *commercial uses* and *developments*. However, in order to be prepared for potential, future land use conflict, it is the intent of *Council* to have robust signage provisions in place to control the future *development of signs* within the *Town*.



Illustration 19: Town Electronic Message Board Side on Kippens Road (Route #460)



Although the signage provisions in the *Regulations* shall be robust enough to deal with any type of *sign installation*, it is the intent of *Council* to take an overall permissive approach to the regulation of *signs* within the *Town*. Despite being permissive, robust signage provisions will help ensure that any future *signs* are installed in a safe manner that respects neighbourhood character and minimizes land use conflict.

The various *sign* types are listed under 'Appendix C: Use Category Table' of the *Regulations*. For clarification and ease of use, *signs* are listed under its own *use group* in Appendix C. Each *sign* type is also defined under 'Appendix B: Definitions' of the *Regulations*. Each *use zone* under subsection 'E.2 Use Zone Regulations' has its own *sign* category to indicate *permitted*, *discretionary*, and *prohibited use*. In the 'Community Development (CD)' *use zone*, for example, all *sign* types except for *billboard signs* and *electronic message board signs* constitute *permitted uses*. A *billboard sign* or an *electronic message board sign* can have a substantial land use impact on neighbouring property owners, therefore it is critical to notify these residents and take their concerns into consideration prior to issuing a *development permit*. Signage provisions are outlined as a stand-alone section in the *Regulations* (see subsection 'C.2 Signage' in the *Regulations*).

*Signs* can create safety hazards such as obstructing the sight-lines of drivers (e.g. a large *sign* installed at the intersection of *streets*); creating excessive diversion of the attention of drivers (e.g. through excessive brightness, flashing messages or lights); or being structurally unsafe or placed as a potential obstruction hazard (e.g. *portable signs* that are lightweight and may be blown into the *street*). It is therefore the intent of *Council* to regulate *signs* in safe manner that helps mitigate and avoid the risk of



hazards. Subsection 'C.2.4 Prohibitions' in the *Regulations* therefore includes a wide range of safety provisions for the *development* of *signs*, which may be updated and amended by *Council* from time-to-time.

*Sign installation* along provincial *streets* within the *Town* is regulated under the provincial *Highway Sign Regulations, 1999*. As per subsection 5(3) of the regulations, the control lines of provincial authority are within 100m of the centre line of a provincial *street* within a municipality. This covers a large developable portion of the *Town*. It is the intent of *Council* to avoid the duplication of municipal and provincial signage provisions and permits. An amendment was made to the *Highway Sign Regulations, 1999* in 2016 to allow municipalities to apply for an exclusion from the regulations. Where all provincial roads within the *Town* have a speed limit of 60km/h or less, it is the intent of *Council* to avail of this provision by applying to the Minister of Municipal and Provincial Affairs for an exclusion from the application of the *Highway Sign Regulations, 1999* within the *MPA*.

### B.2.13.2 Goal and Policies

It is a *goal* of *Council* to support the *development* of *signs* for commercial businesses, governmental organizations, non-profit organizations and community events by regulating *signs* in a permissive yet safe manner.

It is a *policy* of *Council* to:

**B.2.13.2 (1)** Implement robust signage provisions in the *Regulations*, which prepare the *Town* for potential, future land *use* conflict and the enforcement of unsafe *signs*.

**B.2.13.2 (2)** Outline *sign* types with high potential for land *use* conflict as *discretionary* or *prohibited* *uses* in the *use zones* of the *Regulations*.

**B.2.13.2 (3)** Avoid the duplication of municipal and provincial signage provisions and permits.

### B.3.13.3 Proposals

It is a *proposal* of *Council* to:

**B.3.13.3 (1)** Further to *policy* B.13.2 (3), consider an *electronic message board sign* as a *discretionary use* in the 'Community Development (CD)', 'Residential (RES)', 'Rural Development (RD)', and 'Industrial (IND)' *use zones*. An *electronic message board sign* shall constitute a *prohibited use* in the 'Rural Resource (RR)' and 'Conservation (C)' *use zones*.

**B.3.13.3 (2)** Further to *policy* B.13.2 (3), consider a *billboard sign* as a *discretionary use* in the 'Community Development (CD)', 'Rural Development (RD)', and 'Industrial (IND)' *use zones*. A *billboard*



sign shall constitute a *prohibited use* in the 'Residential (RES)', 'Rural Resource (RR)', and 'Conservation (C)' use zones.

**B.2.13.3 (3)** Unless otherwise specified in the *Regulations*, require a *development permit* for *billboard signs, electronic message board signs, and ground signs* only.

**B.2.13.3 (4)** Apply, at a future time subsequent to the initial *Gazette* date of the *Plan* and *Regulations*, to the Minister of Municipal and Provincial Affairs for an exclusion from the application of the provincial *Highway Sign Regulations, 1999* within the *Municipal Planning Area*.<sup>3</sup>

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3 If an exclusion is obtained from the Minister in accordance with *proposal* B.2.13.3 (5), *Council* must amend the *Plan* and *Regulations* in order to apply the *Town's* signage provisions to the current area of provincial jurisdiction as outlined in the *Highway Sign Regulations, 1999*.



## C.1 OVERVIEW

The *Plan* serves as the blueprint for the future of the *Town* for 2022- 2032. However, it is critical that the *Plan* is put into action through a strategic implementation program. Any growth and *development* that will occur in the *MPA* will largely be driven by private investment. The *Town's* role in implementation is to help guide and shape private investment, and in effect implement the *Plan* in a cooperative framework with the private sector. Municipal services, regulations, and expenditures are a means to encourage or discourage the extent and form of new *development*. Successful implementation of the *Plan* involves:

- Effectively administering the *Plan* and *Regulations*;
- Conducting and implementing recommended studies;
- Developing and implementing municipal land assembly programs; and
- Adopting a municipal capital works and budgeting program.

## C.2 ADMINISTRATION OF PLAN AND REGULATIONS

### C.2.1 DIVISION OF POWERS

In order to effectively administer the *Plan* and *Regulations*, *Council* should assign the majority of its operational tasks to an employee of the *Town*. This employee may also be given delegated authority by *Council*, pursuant to the *Act*, to issue orders and render decisions (i.e. approve or reject *applications*, to develop land in accordance with the *Plan* and *Regulations*, and may outline the conditions applicable to that *development*). Operational tasks include the intake of *applications* and requests, and fulfillment of *administrative requests*. Where an employee is given delegated authority under the *Act*, this would also include the issuance of basic *development/building permits* for *uses* and *developments* that do not warrant discretionary approval from *Council* (e.g. *permitted uses*). This approach will help ensure that requests and *applications* are reviewed, approved, and implemented in a straightforward and timely manner.



There are certain types of discretionary approvals that the *Delegated Employee* shall not issue a *development/building permit* for. These include *applications for discretionary uses, variances, non-conforming uses*, and amendments to the *Plan* and/or *Regulations*. It is thus important that *Council* adopt *Regulations* that make clear the division of powers between the *Delegated Employee* and *Council*. This streamlining of areas of jurisdiction, *administrative requests* and *application* types will help clarify the day-to-day roles and responsibilities of the *Delegated Employee* and *Council* in implementing the *Plan* and *Regulations*.

### C.2.2 PUBLIC CONSULTATION AND PARTICIPATION

This *Plan* was developed through the implementation of a thorough public participation program (see subsection 'B.6 Public Participation Summary' in the *Background Report*). The requirement of public consultation is detailed under section 14 of the *Act*. This section requires *Council* to engage and consult "interested persons, community groups, municipalities, local service districts, regional economic development boards and the departments of the government of the province." Section 25 requires *Council* to implement the same consultation process under section 14 for an amendment to the *Plan*. The *Act* and Minister's *Development Regulations* also require the *Town* to engage and consult the public when rendering decisions on certain planning applications (e.g. *discretionary uses, variances, non-conforming uses*). These requirements must be reflected in the authority's *Development Regulations*; and are thus summarized in subsection 'A.2.2.12 Public Notice and Written Comments' of the *Regulations*.

However, the legislative requirements for discretionary *applications* and amendments should be viewed as a minimum in conducting public participation for substantive *developments* and community-wide planning initiatives. Involving residents prior to the formal *application* stage and legislative process is an opportunity to promote community-based design and may help align the interests and goals of residents, community stakeholder groups, developers, and *Council* alike. The successful implementation of this *Plan* will thus hinge on the degree of involvement of residents and community stakeholder groups in helping shape the future of the *Town*.

### C.2.3 DEVELOPMENT REVIEW AND APPROVAL PROCESS

A clear, concise, and understandable *development* review and approval process under the *Regulations* is required for the successful implementation of this *Plan*. As outlined in subsection 'C.2.1 Division of Powers,' *Council* should delegate as much decision-making authority as possible to the *Delegated Employee* to help expedite the day-to-day operations of *development* matters within the *Town*. The *Regulations* should be viewed as an initial structure for framing out the *development* review and approval process. As the implementation period of this *Plan* progresses, the *Delegated Employee* and *Council* may require the creation of additional *application* forms, standard operating procedures, and policies of *Council* to help improve service levels and operational efficiencies.



#### C.2.4 PERFORMANCE-BASED DISCRETIONARY DECISION-MAKING

The provincial legislative planning framework in Newfoundland and Labrador affords *Council* with broad discretionary powers to regulate *development* for the health and well-being of residents in the *MPA*. As opposed to other provincial contexts, property owners do not have as-of-right *development* rights. Despite that a proposed *development* meets all the *development* provisions of the *Regulations*, *Council* retains the right to refuse the proposal if there is justification that the *development* is not in harmony with the *policies* and *proposals* of the *Plan*. These overarching discretionary powers are implemented through subsection 'A.2.2.7 Refusal or Conditions – Council' of the *Regulations*.

However, *Council* is expected to act in good faith when making discretionary decisions on *development applications*. Refusing a proposed *development* or adding conditions to a *development permit* (or *approval in principle* request) must include reasons in writing that are based on provisions of the *Plan* and *Regulations*. This is required in accordance with subsection 35(1)(g) of the *Act* and is implemented through subsection 'A.2.1.6 Refusal or Conditions – Delegated Employee' of the *Regulations*. In making discretionary decisions, *Council* should adopt a consistent and methodical process for considering each *application*. Adopting a performance-based approach allows *Council* to assess the proposal based on the specific nature, scale, and land *use* context of the proposed *use* and *development*.

'Appendix C: Performance-based Rubric' is included as a tool to help *Council* in exercising discretionary decision-making authority—specifically when making a discretionary decision to refuse or add conditions to a *development permit*. The rubric is divided into three sections:

1. Potential for Nuisance;
2. Neighbourhood Compatibility; and
3. Policies and Proposals of the Municipal Plan.

The proposed *development* is assessed for each category. Depending on the number of points scored by the proposed *development*, *Council* may refuse or approval the *development application*. This structured approach will help ensure that *Council* is exercising its discretionary, decision-making authority in a consistent and structured manner. The results of the rubric assessment may also be used to supply to the *applicant* in justifying the decision of *Council*, thus fulfilling the above-noted requirements of the *Act*.

#### C.2.5 PROFESSIONAL ADVICE AND CERTIFICATION

The implementation of the *Plan* and *Regulations* may require the occasional *professional* consultant to give advice and certify plans, reports, or other documents. In accordance with subsection 13(1) of the *Act*, "A plan and development regulations made under this Act and amendments to them shall be certified by a person who is a fellow or full member of the Canadian Institute of Planners"—an FCIP or MCIP *professional* planner, respectively. A *Plan amendment application* or *Regulations amendment application* therefore requires the certification of an MCIP or FCIP *professional* planner. As a part of



rendering services to *Council*, certification encompasses professional planning advice on whether or not the proposed amendment meets the intent of the *Plan* and detailed provisions of the *Regulations*.

Additional information or study may be required by an employee of the *Town* or *Council* to evaluate the impact of a proposed *development* on the:

- i. *Town's* infrastructure including, but not limited to, the required upgrading of public streets and public utilities;
- ii. Compatibility with surrounding land *uses*;
- iii. Established character of the immediate neighbourhood;
- iv. Health, safety, and general well-being of residents of adjacent properties, the immediate neighbourhood, or the *Town* as a whole; and
- v. Natural environment, which may include, but is not limited to, steep slopes, *watercourses*, water bodies, watersheds, water supplies, wetlands, and wildlife habitats.

The *Delegated Employee* or *Council* may therefore require the submission of certified reports or studies prepared by *professionals* including, but not limited to, planners, engineers, geologists, surveyors, or landscape architects. Where the initiative or proposal is not driven by *Council*, the cost of such reports or studies should be borne by the *applicant*. This provision is implemented in further detail through subsection 'A.2.1.3 Requirement for Additional Information or Study' of the *Regulations*.

### C.3 RECOMMENDED STUDIES AND INITIATIVES

There are numerous studies and initiatives called for throughout the *proposals* of *Council* under subsection ‘B.2 Land Use Goals, Policies and Proposals.’ Although the *Plan* is the overarching blueprint for the future direction of the *Town*, supporting studies and initiatives help realize the goals and objectives therein. A summary from subsection B.2 is outlined in the following table.

Proposal	Study or Initiative	Professional
B.2.1.3 (11)	Feasibility Study – Rural Transit	Planner (FCIP or MCIP; Fellow of the Canadian Institute of Planners or Member of the Canadian Institute of Planners, respectively) or Professional (Transportation) Engineer (P. Eng; Professional Engineer)
B.2.1.3 (12)	Active Transportation Plan	Planner (FCIP or MCIP)
B.2.1.3 (13)	Feasibility Study – Multi-use Path Adjacent to Kippens Road (Route #460)	Engineer (P. Eng)
B.2.5.3 (2)	Emergency Measures Plan	NA
B.2.5.3 (3)	Feasibility Study – Municipal Compostable Pick-up Program	Engineer (P. Eng)
B.2.6.3 (2)	Antenna Systems Siting Protocol	Planner (FCIP or MCIP)
B.2.9.3 (3)	Economic Development Plan (10-year)	Economic Development Officer (Ec. D.; Economic Developers Association of Canada)
B.2.10.3 (3)	Climate Change Adaptation Study	Planner (FCIP or MCIP)
B.2.11.3 (1)	Delineation of and Protection of Informal Trails	Planner (FCIP or MCIP)

It is important to note that *Council* is not obligated to complete any study or initiative outlined in the *Plan*. Further, the summary of proposed studies and initiatives is not exhaustive; *Council* may retain *professional* consultants or other researchers and individuals to conduct studies or implement initiatives on behalf of the *Town*.

### C.4 MUNICIPAL LAND ASSEMBLY PROGRAM

In order to implement certain *policies* and *proposals* of the *Plan*, *Council* may need to develop and implement a municipal land assembly program for certain projects or initiatives. *Council* may attain land through various means such as private sale and purchase, expropriation, granting of Crown Lands, or requiring land for public open space through the *subdivision* process (see subsection ‘D.8 Land for Public Open Space’ in the *Regulations*).

However, *Council* is given specific authority under the *Municipalities Act, 1999* to attain, use, and expropriate lands for intended purposes. In accordance with subsection 201(2) of the *Municipalities*



*Act, 1999, Council* must receive ministerial approval prior to attaining lands that are not required for the necessary operations of *Council* (e.g. economic development initiatives).

As per section 9 of the *Lands Act*, the Minister may grant lands up to 10ha in area to the *Town*—free of charge, but with an administration fee—for an undertaking that is in the public interest, which does not include economic development purposes. The granting of Crown Lands in excess of 10ha requires the approval of the Lieutenant-Governor in Council.

Part IX of the *Urban and Rural Planning Act, 2000* and Part X of the *Municipalities Act, 1999* outline the powers of expropriation that may be exercised by *Council*. Each expropriation request requires approval from the Minister of Municipal and Provincial Affairs. In general, *Council* may expropriate lands for public parks and trails and the regular operations of the *Town* (e.g. acquiring lands for new *streets*, widening existing *streets*, or for new municipal facilities or infrastructure). *Council* is not permitted to exercise expropriation powers for economic development purposes.

## C.5 MUNICIPAL CAPITAL WORKS AND BUDGETING PROGRAM

Where and how *Council* chooses to spend funds each year can have a significant impact on the future *development* of the *Town*. Developing a municipal capital works and budgeting program will help *Council* plan and prioritize annual expenditures. Funds should be strategically allocated in a manner that helps achieve the specific *proposals* outlined in subsection 'B.2 Land Use Goals, Policies and Proposals.' Further, it is the intent of *Council* to apply for and avail of funding from the provincial, Municipal Capital Works program in order to help implement this *Plan*.

## Appendix A: Amendments

Municipal Plan Amendments Format: MPA-YYYY-##	Section and/or Schedule Amended	Development Regulations Amendments Format: DRA-YYYY-##	Section and/or Schedule Amended	Gazette Date (Legal Effect)



## Appendix B: Future Land Use Classes and Use Zones

Note: The following table summarizes the *future land use classes* (see attached *Future Land Use Classes Map*) and subsidiary *use zones* (see the *Zoning Map* of the 'Development Regulations (2022-32)').

<b>Future Land Use Classes</b>	Development (D)				Conservation (C)	Rural Resource (RR)
<b>Land Use Zones</b>	Community Development (CD)	Residential (RES)	Rural Development (RD)	Industrial (IND)	Conservation (C)	Rural Resource (RR)

# Appendix C: Performance-based Rubric

## Overview:

The following performance-based rubric is intended as a guide to assist *Council* in making discretionary decisions for *development applications* (e.g. refusing a *permitted use*; refusing or adding conditions to a *discretionary use, variance, or non-conforming use application*). However, the rubric need not be used by *Council* in making discretionary decisions.

This rubric should not be used for rendering a decision on a *Plan amendment application* or *Regulations amendment application* (subsection 'A.2.2.11 Amendment to Plan and/or Regulations'). A decision to refuse an amendment application need not be justified by *Council* and cannot be appealed by the *applicant* under the *Urban and Rural Planning Act, 2000*.

## How to Use the Rubric:

The rubric is designed to help *Council* rationalize a discretionary decision. Each category is assigned a weighted value between 1 (undesirable) and 5 (desirable). There are three sections for performance-based assessment:

1. Potential for Nuisance;
2. Neighbourhood Compatibility; and
3. Policies and Proposals of the Municipal Plan

In order for the proposed *development* to be approved by *Council*, the proposal must attain a 'pass' in each section. In order to attain a pass in each section, the proposed *development* must score:

1. No less than 3 in any applicable category; and
2. A total of 4 X (# of applicable categories).

Depending on the nature of the proposed *development* and surrounding land *use* context, not all categories will apply. *Council* will have to make this initial determination of which categories are 'Applicable (A)' or 'Not Applicable (NA).'



## 1. Potential for Nuisance

Applicable (A) or Not Applicable (NA)	Nuisance Category	1 (High)	2 (Med-High)	3 (Med)	4 (Med-Low)	5 (Low)
	Dust <sup>4</sup>					
	Noise <sup>5</sup>					
	Odour <sup>6</sup>					
	Light Pollution <sup>7</sup>					
	Vibration <sup>8</sup>					

*Note: The temporary construction of structures and buildings should not be included in this analysis, as the effects of which are temporary in nature and not a part of the ongoing use of the development.*

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- 4 E.g. Dust from an *industrial use* or *commercial – automotive establishment use*
  - 5 E.g. Noise from traffic or trucking, animals, *indoor* or *outdoor entertainment use*
  - 6 E.g. Odour from *industrial use* processes or *agricultural – large scale use*
  - 7 E.g. Light trespass from an illuminated *parking lot*, *electronic message board* or *back-lit signs*
  - 8 E.g. Vibration from *mine* or *mineral working uses*, or *commercial wind farm*

## 2. Neighbourhood Compatibility

Applicable (A) or Not Applicable (NA)	Compatibility Category	1 (Low)	2 (Med-Low)	3 (Med)	4 (Med-High)	5 (High)
	Public Support <sup>9</sup>					
	Nature and Intensity of Use <sup>10</sup>					
	Building / Structure Massing and Height <sup>11</sup>					
	Building Architectural Style <sup>12</sup>					
	Alignment of Development <sup>13</sup>					

9 As determined through feedback from the public notice and consultation requirements, which are summarized under subsection 'A.2.2.12 Public Notice and Written Comments' of the *Regulations*.

10 'Nature and scale of use' refers to how the proposed *use* is compatible with neighbouring properties. (E.g. On the whole, does *Council* feel the proposed *use* would positively or negatively change the character of the neighbourhood?)

11 'Building / structure massing' refers to how the proposed *development* is within reasonable range of the footprints and heights of neighbouring *buildings* and *structures*. (E.g. Would the proposed *development* dominate over neighbouring small scale structures and buildings?)

12 'Building architectural style' refers to how the proposed *building* is in harmony with the architectural styles of neighbouring buildings.

13 'Alignment of development' refers to how the proposed *structure* or *building* generally aligns with neighbouring *developments*. (E.g. Does the proposed *development* meet the requirements of subsection 'B.11 Building and Structure Line Setback' of the *Regulations*? Are porches, stairs, and decks in general alignment of one another, thus contributing or detracting from the established character of the neighbourhood and streetscape?)



### 3. Policies and Proposals of the Municipal Plan

Applicable (A) or Not Applicable (NA)	Land Use Goals, Policies and Proposal Section of Municipal Plan (B.2)	1 (Low)	2 (Med-Low)	3 (Med)	4 (Med-High)	5 (High)
	B.2.1 Overall Development Strategy					
	B.2.2 Legal Non-conforming Uses					
	B.2.3 First Nations					
	B.2.4 Public Streets and the Subdivision of Lands					
	B.2.5 Public and Safety Emergency Services					
	B.2.6 Public Utilities					
	B.2.7 Hinterland Areas					
	B.2.8 Residential Uses					
	B.2.9 Economic Development, Commercial and Industrial Uses					
	B.2.10 Protection of the Natural Environment					
	B.2.11 Open Space and Recreational Uses					
	B.2.12 Archaeological and Historical Sites					
	B.2.13 Signs					

Note: Where 1 (Low) or 2 (Med-Low) is assigned to any category, Council should elaborate by specifying and explaining which policies or proposals are not aligned with the proposed development as per the following template.

Category: \_\_\_\_\_ (e.g. B.2.1)

Policy or Proposal: \_\_\_\_\_ (e.g. B.2.1.2 (1))

Reason(s) why the proposed *development* is not aligned with the *policy* or *proposal*:

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Category: \_\_\_\_\_ (e.g. B.2.1)

Policy or Proposal: \_\_\_\_\_ (e.g. B.2.1.2 (1))

Reason(s) why the proposed *development* is not aligned with the *policy* or *proposal*:

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Category: \_\_\_\_\_ (e.g. B.2.1)

Policy or Proposal: \_\_\_\_\_ (e.g. B.2.1.2 (1))

Reason(s) why the proposed *development* is not aligned with the *policy* or *proposal*:

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