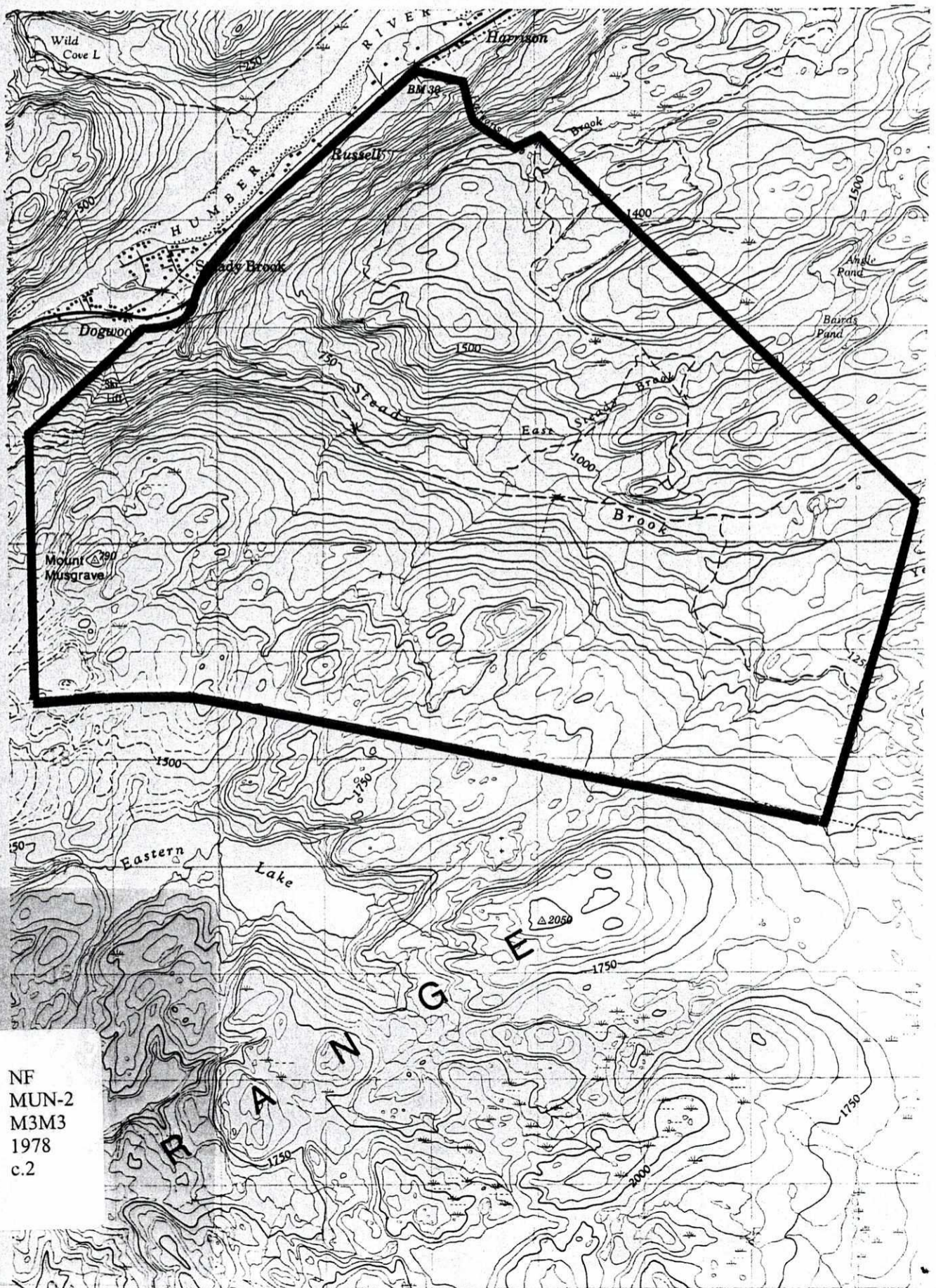


MARBLE MOUNTAIN

PROTECTED AREA PLAN 1978



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MARBLE MOUNTAIN PROTECTED AREA PLAN, 1978

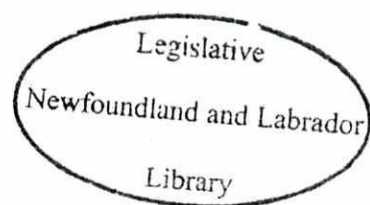
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1. An Analysis of Recreational Uses in the MMPA.
2. Prospects for Skiing 1978-1988. .
3. An assessment of Marble Mountain as a Provincial Park.
4. Corner Brook Ski Club - Development Program 1978-88.
5. Proposed MMPA Regulations.

MAPS

1. Location of the Marble Mountain Protected Area (scale 1:250,000).
2. Areas of Jurisdiction (1:50,000).
3. Areas Recommended for Acquisition (1:15,840).
4. Development & Control Areas (1:25,000).



SUMMARY

1. The objectives of the Plan are:
 - to conserve the amenities of the Protected Area, and
 - to develop the Protected Area to the fullest extent, taking account of the requirements of the Steady Brook Watershed and the existing ski facilities; and maintaining a low fee structure where possible.

2. The Plan identifies:- the 'ski slopes' of Marble Mountain and the 'scenic quality' of the Humber Valley at Steady Brook as the two major amenities of the area; and selects
 - skiing, associated winter sports, and compatible summer activities as the most suitable uses for the Protected Area.

3. The Plan designates 5 areas for development control, two based on the municipal water shed of Steady Brook, one based on adjoining mountain areas and two recreational areas connected with the Marble Mountain ski slopes.

4. The Plan recommends that a large area incorporating all potential ski areas and that section of the Steady Brook Watershed containing the Steady Brook Falls shall be acquired by the Department of Tourism to be developed for recreational purposes.

5. The development and operation of recreational facilities

shall be left to a non-profit institution registered under Section 253 of the Companies Act, Ch. 54, RSN 1970 on the basis of a lease contract with the Department of Tourism.

6. Catering and retail services in the recreational areas may be operated as private concessions subject to fees being paid to the Department of Tourism equal to the taxes that would have to be paid if these concessions had been located in Steady Brook.
7. Any development in the Protected Area shall be subject to a "Development Plan Agreement" - a detailed description of the development in terms of plans, reports and specifications, approval of which become the major condition for issuance of a permit.
8. The Protected Area Plan prepared under the Urban and Rural Planning Act, Ch. 387, RSN 1970 is the responsibility of the Minister of Municipal Affairs and Housing. Any revisions or amendments will have to be submitted to the Minister and will be further subject to approval of the Lieutenant-Governor in Council.
9. The Plan recommends:
 - a) that, the Development Control Division of the Department of Municipal Affairs and Housing be made responsible to administer any regulations resulting from this Plan; and
 - b) that, the Minister authorize a standing committee to monitor activities in the Protected Area and

to review the Plan, composed of representatives from the City of Corner Brook, the community of Steady Brook, a non-profit institution operating recreational facilities in the Protected Area, and the Department of Municipal Affairs and Housing.

MARBLE MOUNTAIN PROTECTED AREA PLAN, 1978

AUTHORIZATION AND ADOPTION

Having been authorized by the Minister of Municipal Affairs and Housing under section 67 of the Urban and Rural Planning Act to prepare a plan for the Marble Mountain Protected Area, the undersigned Marble Mountain Protected Area Plan Committee hereby present to the Minister, for his consideration, the Marble Mountain Protected Area Plan, 1978.

J. A. deJong - (Chairman)
Department of Municipal Affairs
& Housing

J. A. deJong

D. Banfield
Department of Tourism

D. Banfield

M. FitzGerald
Community of Steady Brook

Michael J. FitzGerald

C. Goodyear
Department of Rehabilitation
& Recreation

C. Goodyear

A. McMillan
City of Corner Brook

A. McMillan

K. St. George
Corner Brook Ski Club

Kevin St. George

(date) DATED AT ST. JOHN'S THIS 18th DAY OF Oct A.D. 1978

Jerome W. Dinn
JEROME W. DINN

MINISTER OF MUNICIPAL AFFAIRS & HOUSING

IN THE PRESENCE OF
J. T. Allston

J. T. ALLSTON

DIRECTOR OF URBAN & RURAL PLANNING

DECLARATION AND DESCRIPTION
OF
PROTECTED AREA

Under and by virtue of the powers conferred upon him by Section 66 of the Urban and Rural Planning Act Revised Statutes of Newfoundland, 1970, and of all other powers enabling him in that behalf, the Lieutenant Governor in Council has declared the area herein described to be a Protected Area and to be known as the Marble Mountain Protected Area.

Dated at St. John's this 4th. day of October, A.D.,
1977.

Robert J. Jenkins
Deputy Clerk of the Executive Council

DESCRIPTION

Beginning at a point at which the south corner of the Steady Brook Community (1954) Boundary abutts the Corner Brook Planning Area (1977) Boundary at its intersection with a power transmission line, said point being North thirty degrees zero minutes West ($N30^{\circ}00'W$) a distance of four thousand three hundred and fifty (4,350') feet, more or less, from the summit (elevation 790 feet) of Mount Musgrave; THENCE along the southern and eastern boundary of Steady Brook in a generally northeasterly direction to the Canadian National Railway right-of-way; THENCE proceeding in a northeasterly direction along the southeastern limit of the said railway and thence along its line of demaraction with the Trans Canada

Highway to the centre line of the southwestern abuttment of the joint CNR/TCH bridge over Parsons Brook; THENCE along the southern bank of Parsons Brook to a point near its intake from a small pond, said point being at the centreline of the southern abuttment of a cart track or winter road bridge; THENCE South forty-six degrees thirty minutes East ($S46^{\circ}30'E$) fifteen thousand eight hundred (15,800') feet, more or less, to the western extremity of Line Pond; THENCE South fourteen degrees forty-five minutes West ($S14^{\circ}45'W$) a distance of ten thousand (10,000') feet, more or less, to a point at which a south branch of the power transmission line from Corner Brook crosses a southern tributary of Steady Brook, said point being an abutting point with the extreme southeastern corner of the Corner Brook Planning Area aforesaid; THENCE along the power transmission branch line in a northwesterly and westerly direction a distance of twenty-five thousand (25,000') feet, more or less, to a point midway across the western inlet in Beeches Pond, said point being South twenty-five degrees forty-five minutes West ($S25^{\circ}45'W$) a distance of four thousand eight hundred (4,800') feet, more or less, from the summit (elevation 790 feet) of Mount Musgrave; THENCE due North eight thousand one hundred and fifty (8,150') feet, more or less, to the point of commencement.

All bearings being referred to the TRUE MERIDIAN.

BACKGROUND

The Marble Mountain Protected Area is located on the eastern boundaries of the City of Corner Brook and the Community of Steady Brook. It has become well known as the site of the island's foremost ski area due to its easy accessibility, good snow conditions and a vertical drop in elevation of 526 meters.

Although skiing took place in the area as early as 1963, serious plans for a comprehensive development of the area did not occur until 1971 when the Department of Economic Development (which included Tourism at that time) commissioned a study on the general recreational potential of the area. Since then the Department of Rehabilitation and Recreation has supported the development of ski facilities through the provision of grants under their capital grants system; and, the Department of Tourism has considered

acquiring the land necessary to develop the full skiing potential of the area.

Municipal control has presented some problems in the past. The area required for full development of ski facilities partly overlaps the Steady Brook watershed and the community has been understandably concerned about control of potential developments in the area. In view of the proximity of the skiing area to its boundaries and the regional importance of the recreational amenities in the area, the City of Corner Brook has had a major interest in proper development of the area for the benefit of all residents in the region.

In order to ensure that the recreational potential of the Marble Mountain area not be spoilt by undesirable developments and in order to control the possible negative impact that development of the area could have on the adjoining

municipalities, particularly the community of Steady Brook, the Minister of Municipal Affairs and Housing established the "Marble Mountain Protected Area" under authority of Section 66 of the Urban and Rural Planning Act, Chapter 387 of the Revised Statutes of Newfoundland, 1970.

A committee consisting of representatives of:

- the City of Corner Brook;
- the Community of Steady Brook;
- the Department of Municipal Affairs & Housing;
- the Department of Rehabilitation & Recreation;
- the Department of Tourism; and
- the Corner Brook Ski Club

was appointed to prepare a plan for the Minister's consideration.

The statutory objective of the plan is:

- to conserve the natural amenities of the area; and
- to develop these amenities for public use.

After completion, the plan and any development schemes contained in it may be used in the preparation of a Protected Area Order by the Lieutenant-Governor in Council:

- prohibiting any development that conflicts with or is inconsistent with the plan; and,
- authorizing any public authority to make regulations consistent with the Urban and Rural Planning Act in order to implement and enforce the Plan.¹

1. Section 68 of the Urban and Rural Planning Act, Ch. 387, Revised Statutes of Newfoundland, 1970.

1. OBJECTIVES & GUIDELINES

Prior to preparation of the Plan a survey was made of interests, issues and concerns of the municipalities and the Departments represented on the committee in order to clarify the purpose of the Plan. As a result of these discussions, the following objectives were identified:

1. CONSERVATION OF AMENITIES

Development shall be compatible with the amenities of the area. No development shall be permitted that destroys the natural amenities of the area.

2. DEVELOPMENT OF THE FULLEST POTENTIAL

Development plans shall aspire to develop all facilities necessary for the fullest potential use of the natural amenities in the area by the general public, provided:

- a) development is compatible with the requirements for protection of the Steady Brook watershed;
- b) development is compatible with the major recreational activities already established in the area, notably skiing; and
- c) development does not lead to an unreasonable increase in the fees charged for use of the facilities.

In respect to the format and the general administration of the Protected Area Plan, the committee felt that a plan prepared under Section 67 of the Act should be subject to some of the same requirements as listed for a municipal plan. Therefore the committee adopted the following guidelines in preparing the Plan:

- a) the Protected Area Plan shall contain policies for such general development as can be foreseen for a

period not exceeding ten years (compare Section 15 (2) of the Act);

- b) the Plan shall be reviewed after expiration of five years from the date on which the Regulations based on the Protected Area Plan came first into effect (compare Section 30(1) of the Act); and
- c) the Protected Area Plan may be amended or revoked in whole or in part by using the same procedure (as contained in Section 66-68 of the Act) by which it is established (compare Section 27 of the Act).

It is recommended that the procedures for amendment and review contained in these guidelines shall be used.

In connection with reviews or possible amendments to the Plan, and in order to monitor the effective application of any Regulations adopted under this Plan, it is recommended that the Minister of Municipal Affairs and Housing authorize a standing committee to:

- a) review activities in the Protected Area;
- b) monitor implementation of the Plan; and
- c) review and amend the Plan.

It is further recommended that this committee shall meet at least once a year, and shall at least include representation from:

- a) the adjoining municipalities - Corner Brook and Steady Brook;
- b) any major non-profit institution registered under Section 253 of the Companies Act, Ch. 54, RSN 1970 which operates recreational facilities in the Protected Area; and
- c) the Department of Municipal Affairs and Housing.

2. DEFINING AMENITIES & ALLOWABLE USES

After objectives had been clarified the first task of the committee was to determine the amenities of the area and specify the kind of developments that would meet the objectives as specified above. This work was facilitated considerably by the Marble Mountain Recreational Area report prepared by the High Country Research and Development Division of Marshall, Macklin, Monaghan in September 1971.¹

The report contains an inventory of potential recreational uses that could occur in the area, it contains a master plan for the development of recreational facilities and a market analysis and economic feasibility study for skiing.

After careful consideration of all the natural amenities and the potential activities in the area, the committee concluded that there are four major natural amenities and several recreational activities that could be permitted in the Marble Mountain Protected Area without detriment to these amenities or the Steady Brook Watershed.

The natural amenities are:

1. Marble Mountain

Due to its northern exposure, good snow conditions and desirable slope gradients, Marble Mountain represents the best skiing area available on the island. Its location on the Trans Canada Highway about 9 km from Corner Brook has facilitated its development. Apart from its propensity for skiing the mountain does not present any special or unusual amenities, other than that it forms part of a scenic section of the Humber Valley (see amenity 2).

1. In the remainder of the text this report will be referred to as the 'High Country Report'.

2. Scenic Valley

The Humber Valley is a particularly scenic valley which distinguishes itself from other Newfoundland valleys by the relative height of the surrounding mountains and the predominance of deciduous trees which provide it with a particular scenic quality, particularly in Fall when trees carry their bright autumn colours. The Steady Brook section of the valley is particularly scenic in that it represents the point where the river valley changes to a narrow chasm of about 5 km in length. At this point wooded hills alternate with large exposed rock surfaces and the Steady Brook plunges down the Eastern slopes, creating an interesting waterfall. It is this visual quality that might invite passing travellers to pause for a while and absorb the view.

3. The River

Although not located in the Protected Area, the Humber River is part of the scenic quality described above. In addition the use of the river for boating and fishing has been suggested. The potential for both activities in the Steady Brook area is probably over-rated. It is our opinion that some facilities catering to these activities will undoubtedly develop in response to the demand, but that their development need not become an integral part of the development programme for the Marble Mountain Protected Area. In essence the greatest value of this asset is probably its being a part of the second amenity, the scenic valley.

4. The Highlands

The mountain area southeast of Corner Brook rising to a height of about 650 meters represents a good potential area for outdoor activities in the immediate vicinity of Corner Brook. It is largely wooded except for the higher areas which tend to be barren and covered with small lakes.

The area is not unique or outstanding in any respect. However, logging roads make it easily accessible from three points on the Trans Canada Highway, which probably explains why it has been used by small groups of people for hunting, fishing and snowmobiling in winter. By itself the area probably does not represent an amenity that requires special consideration. However, it is important in that it adjoins the Marble Mountain ski area and that one of the logging roads providing access to the area runs right through parts of the skiing area and the Steady Brook watershed.

In summary, it appears that the two most important amenities of the area are:

- 1) the ski slopes of Marble Mountain; and
- 2) the scenic quality of the Humber Valley at Steady Brook.

The value of the remaining amenities is largely derived from their proximity to the two major amenities mentioned. It was therefore decided that the 'protection' and 'development' of these two key amenities would be the basis of the Plan.

Viewed in terms of these two amenities, the major task of the Plan becomes:

- 1) to develop the full ski potential of the Marble Mountain slopes and parts of the Highlands;
- 2) to retain the natural beauty of the scenic valley and the Highlands as viewed from the valley floor and from the viewpoint to be constructed near the top of the chair-lifts;
- 3) to maintain and develop where possible the quiet rural-residential character of the community of Steady Brook.

It should be noted that the community and parts of the valley are not contained within the Protected Area, so that the onus

for protection of these areas will largely rest with the Community of Steady Brook and the Development Control Division of the Department of Municipal Affairs and Housing which controls a ¼ mile strip of land adjoining the Trans Canada Highway outside the community.

Having decided on priorities among the amenities of the Protected Area, the next step was to define the uses which should be permitted in the Area. In order to select the permitted uses, all recreational activities and associated facilities as recommended in the 'Highland Report' were grouped in terms of: their reason for location in the Protected Area, the objectives of the Plan and their potential for implementation within the next decade (See Appendix 1).

In some cases, the major reason for recommending a particular use was based on one or more of the amenities as discussed above. In other cases the incidence of the activity could only be related to site characteristics which had no bearing upon the amenities of the Protected Area, such as location on the Trans Canada Highway, or proximity to the City of Corner Brook. Since protection and development of the amenities of the Marble Mountain Protected Area are the major concern of the Plan, it was felt that only those activities would be considered which meet the following requirements.

- 1) main reason for location shall be directly based on the two amenities as discussed above (Marble Mountain & the scenic valley;
- 2) shall be compatible with the requirements of the Steady Brook Watershed;
- 3) shall be compatible with the existing and projected activities of the Corner Brook Ski Club;
- 4) shall be realistically developable within the period 1978-1988;

- 5) shall not lead to unreasonable increases in fees charged for use of recreational facilities.

As Marble Mountain has been identified, as the major amenity of the Protected Area, it comes as no surprise that the analysis in Appendix 1 identifies skiing and other winter sports as the main recreational activities for the Area. On the basis of the second amenity, the scenic quality of the valley at Steady Brook, the analysis identifies some summer activities that could be developed in conjunction with the winter sports. The recreational uses recommended for the Protected Area are:

SEASON	RECREATIONAL ACTIVITIES	FACILITIES
WINTER	A. Skiing	<ul style="list-style-type: none"> - downhill slopes - free style areas - x-country trails - lifts - chalets, warming or shelter huts - lodge (restaurant, lounge, professional ski training service & retail shop) and accessory storage facilities - parking areas - trails
	<p>Snowmobiling, provided it does not interfere with other recreational facilities</p> <p>B. Ski-jumping, tobogganing & luge</p>	<ul style="list-style-type: none"> - structures and runs
SUMMER	A. Excursions	<ul style="list-style-type: none"> - viewpoints (in conjunction with ski-lifts) - short trails (0-2 km) on summit (in-conjunction with ski lifts) - sanitary facilities on summit
	B. HIKING	<ul style="list-style-type: none"> - wilderness trails (2+ km) - tent camping sites (including sanitary facilities)
FALL & SPRING	A. Hunting	<ul style="list-style-type: none"> - access roads

The uses mentioned under A include uses already occurring such as skiing and hunting, and uses which are likely to occur within the near future, such as the chair-lift excursions during the summer. Category B includes uses which could potentially occur but may not for lack of public demand.

In addition to the recreational activities as listed above, the only other uses permitted in the Marble Mountain Protected Area would be:

- 1) Forestry Use: the use of land for the purposes of forest and woodland management, including the felling, cutting, trimming, extraction of timber therefrom or the reforestation thereof; provided such activities are not in conflict with the requirements of the Steady Brook Watershed or the ski area; and
- 2) Public Utilities: the use of land or buildings for a 'public utility' as defined in the Public Utilities Act, Chapter 323, R.S.N. 1970, to provide services for the health, safety and convenience of the general public; including water, sewage, transportation, electricity, radio, television and telephone services.

3. CONTROL & ADMINISTRATION

On the basis of the preceding discussion on amenities and development, five areas of the Marble Mountain Protected Area can be distinguished in terms of their requirements for development control:

MUNICIPAL AREAS:

1. The water intake area immediately surrounding the pump house of the Steady Brook water system.
2. The Steady Brook Watershed.

SKI AREAS:

1. Ski slopes and trails.
2. The base lodge with accessory buildings and parking.

MOUNTAIN AREAS:

1. Mountain areas.

It is recommended that these areas as delineated on Map 4 will provide the basic zones for the control of land uses and development in the Protected Area. Each of these zones differs in terms of:

- the activities and the development to be controlled;
- the type and the extent of controls required; and
- the agencies most qualified to administer the controls.

A. THE MUNICIPAL AREAS

On June 24th, 1977 the Steady Brook Watershed was established under Section 28(1) of the Department of Consumer Affairs and Environment Act, 1973. This section states that within a defined watershed "....., no person shall

- (a) place, deposit, discharge or allow to remain therein any material of any kind that might impair the quality of water; or
- (b) bathe, swim or wash in or otherwise impair the quality of water."

Although, the watershed has been established by the Minister of Consumer Affairs and Environment, the actual policing of the controls is left to the Council of Steady Brook. The Environment Division of the Department is in the process of formulating general standards for use in municipal watersheds, but these have not been completed as yet, so that the Steady Brook Council is left to develop its own policy for control. If requested by Council the Department is prepared to provide assistance where necessary. So far, the Community of Steady Brook has had no need for such assistance.

There are two areas of potential conflict within the watershed area:

- 1) The Area North of the Steady Brook Falls Immediately Surrounding the Water Intake of the Steady Brook Water System.

The pumphouse is located just south of the point where the old highway crosses the Steady Brook and about 0.4 km north of the Steady Brook Falls. The area is quite accessible since it is located near the access road to the Highlands. A trail leads from the

access road to the Falls. During the summer small groups of people enter the area to view the Falls and occasionally people have been reported swimming in the Creek upstream from the pumphouse.

At this point in time, there does not appear to be a major problem. It is recommended that access to the waters be discouraged by:

- developing a clearly marked viewpoint from which people can watch the Falls without having direct access to the water; and

- by placing attractive 'friendly' signs identifying the area as the Steady Brook Watershed and requesting the people's co-operation in keeping the waters free from contamination.

If this approach does not prove effective, thought should be given to locate the intake upstream at a location which is not as likely to be affected by public access. However, this step should only be taken if there is a clear danger of contamination.

It is further recommended that the land identified on Map 4 as Watershed Area 1, which contains the Steady Brook Falls and the 'intake point' of the Steady Brook water system, be acquired by the Department of Tourism as part of the Marble Mountain Recreational Area. If it is considered desirable at any one time, part of this land could be leased to the Steady Brook Council for operation and development of their water system.

2) The Area South of the Steady Brook Falls Potentially Affected by Development of the Ski Area

For a distance of about 0.8 - 1.2 km upstream the Falls the Steady Brook could be affected by the development of new downhill ski-trails to be developed west of the present ski-area. The area will contain at least one chair-lift and a variety of downhill trails with a total ski area of about 6,000 hectares. Potential pollution of the waters could occur from the following causes:

- clearing and upgrading of slopes causing soil erosion and subsequent turbidity of the creek water;
- maintenance of slopes with fertilizers and chemical weed controls; and
- the use of the slopes by skiers.

The effects of slope development, which are of a temporary nature anyway, could be adequately controlled by maintaining a buffer zone of not less than 800 m.¹ Fertilizers cannot be considered a problem in view of the small quantities and the low mineral content of the Creek waters. Chemical weed controls should not be used without approval of the Department of Consumer Affairs and Environment. In effect, there is no need for such control if the slopes are to be developed as described in Appendix 4. The use of the ski slopes by skiers is not considered to be a problem.

The remainder of the watershed is not likely to cause any problems. The only uses that are likely to occur in this region are:

1. This distance, to be measured horizontally from the high-water line of the creek, has been set in consultation with the Environment Division of the Department of Consumer Affairs & Environment.

- logging;
- travel by 4-wheel drive vehicles on access road to the Highlands for fishing or hunting;
- hiking, skiing and possibly some camping.

The effects of logging could be controlled by the use of the 300 m buffer zone as suggested above. Traffic on the access road is sporadic and not likely to cause problems. It is recommended that the access road be maintained as is, thereby discouraging any access by standard vehicles. Wilderness hikers and x-country skiers represent small groups which are not likely to have any impact on the watershed area. It is recommended that camp sites, if any, will be located in the upper areas of the watershed and will be provided with sanitary facilities.

B. SKI AREAS

In respect to development and operation of recreational areas and facilities the committee recommends the following general guidelines:

1. Development & Operation of Facilities

Any development and subsequent operation of recreational facilities in the Marble Mountain Protected Area shall be done by:

- a) a public authority, or
- b) an organization representing the interests of a significant number of people enjoying the natural amenities of the area and registered as a non-profit institution under Section 253 of the Companies Act, Ch. 54, R.S.N. 1970

2. Provision of Services

Catering and retail services to the general public using the recreational facilities of the Marble Mountain Protected Area may be located in the ski areas; and may be operated as a private concession, provided they are subject to paying a fee to the Department of Tourism similar in quantity to the taxes that would have applied if the businesses had been situated in the Community of Steady Brook.¹

The present ski area is developed largely west of the new chair-lift which runs in a north-south direction from the base of the mountain to Mount Musgrave. All existing trails are outside the Steady Brook Watershed. Future development, including an additional chair-lift and ski trails will be developed east of the present ski area and will extend well into the watershed area.

As this area represents the major recreational section of the Protected Area, requiring major capital investments, it is recommended that the area be acquired by the Department of Tourism as public property. In turn the Department could lease the area under contract to the Corner Brook Ski Club for development and operation of the facilities. It is recommended that the contract for the lease of the lands as described above:

- 1) shall contain a clause ensuring access to the premises by the general public regardless of membership;
- 2) shall be subject to a specific development plan based on the 'proposed developments' described in Appendix 4 of this Plan;
- 3) shall require that prior to any development project to be undertaken in the area a development permit shall be

1. In particular the 'Business Tax' (Section 32) & the 'Community Service Fee' (Section 34) as described in the Community Councils Act, 1972 and Amendment 1974 or any major taxes that will replace these current taxes.

obtained based on a Development Plan Agreement, ensuring that any such development meets the requirements of the contract and this Plan; and

- 4) shall include specific arrangements for the operation of concessions and the manner in which the payment-in-lieu-of-taxes will be made (see Section B2 above).

Map 3 shows the ski areas recommended for acquisition and distinguishes three sub-areas.

- 1) Ski Area 1

Comprised of about 17.7 ha at the base of the mountain which shall be used exclusively for access roads, ski lift facilities, the Base Lodge, and its accessory buildings and parking areas.

- 2) Ski Area 2

Representing that part of the ski area outside the Steady Brook Watershed, including most of the existing development, which shall be used only for an access road, ski-lifts, ski areas, ski trails and a viewpoint with sanitary facilities.

- 3) Ski Area 3

The remainder of the ski area situated in the Steady Brook watershed, permitting the same uses as in ski area 2.

Within a small section of Ski Area 1, development will also be subject to control by the Development Control Division of the Department of Municipal Affairs which has jurisdiction within one-quarter of a mile from the centre line of the Trans Canada Highway.

Any development in Ski Area 3 will be subject to controls by the Steady Brook Council under Section 28 of the Department of Consumer Affairs and Environment Act 1973. However, this is not likely to cause any problems since the development as proposed in this Plan are well within the requirements that might be adopted for municipal watersheds in the future. The Community Council will retain the right to police the area to check for any infringements to their controls.

C. MOUNTAIN AREAS

As noted earlier, the Mountain Areas have no major importance as recreational areas other than that they adjoin the ski area and the scenic valley and allow for some trails. It is therefore recommended that most of the mountain areas be retained for forestry usage and such recreational uses that are considered compatible with it.

The uses recommended in this zone include:

- forestry use
- public utilities
- recreational trails
- tent camp sites

Since the land in question will be retained by the Bowater Company any development will require permission of Bowater and a development permit from the Department of Forestry and Agriculture. If developments are proposed inside the Steady Brook Watershed, they will also be subject to approval by the Steady Brook Council.

From the preceding discussion it is apparent that most, if not all, of the development anticipated during the next

decade will be associated with skiing and forestry uses. This means that if the Department of Tourism acquires the lands as recommended in this report (see page 17) there will be no clear need for the establishment of a special public authority to implement the policies of this Plan.

Since this Plan has been prepared under the Urban and Rural Planning Act it falls under the jurisdiction of the Minister of Municipal Affairs and Housing. Therefore, it is recommended that the Development Control Division of that Department shall administer any Regulations adopted under this Plan. The contractual agreements between the Crown and any lessees could be administered by the Department of Tourism, (the recommended owner of the land).

The Plan itself remains the responsibility of the Minister of Municipal Affairs and Housing, subject to approval of the Lieutenant-Governor in Council. In Chapter I it was recommended that a committee similar to the one responsible for the preparation of this Plan would be established to Monitor development and to advise on revisions or amendments to the Plan. By means of this committee the adjoining municipalities and the major lessees will be able to contribute further to the desirable development of the Protected Area.

APPENDIX 1

AN ANALYSIS OF RECREATIONAL USES
IN THE MARBLE MOUNTAIN PROTECTED AREA

The following table lists the recreational activities and accessory facilities as suggested by the 'Highland Report' by season of occurrence and evaluates them in terms of:

- 1) the major reason for location in the Marble Mountain Protected Area;
- 2) the objectives of the Marble Mountain Protected Area Plan, 1978; and
- 3) their potential for development within the planning period (1978-1988).

CHARACTERISTICS OF RECREATIONAL ACTIVITIES BY SEASON

RECREATIONAL ACTIVITY		MAJOR REASON FOR LOCATION						EVALUATION IN TERMS OF PLAN OBJECTIVES & DEVELOPMENT POTENTIAL
#	Activity & Facility	Amenity				Other		
		Marble Mountain	Scenic Valley	The River	The Highlands	Trans Can Highway	Proximity City	
A.	<u>SPRING & FALL</u> Small groups of people largely of local origin.							
1.	<u>FISHING</u> (Humber River) - wharves - access roads - parking			X				<ul style="list-style-type: none"> - potential limited, probably suitable for small local groups only; - outside the MMPA and does not require any special protection or control - should be considered in Plan for Steady Brook.
2.	<u>HUNTING</u> - access roads - camp sites				X			<ul style="list-style-type: none"> - some of the Highland areas within the MMPA may be used for hunting by small local groups; - logging road with access to TCH at Steady Brook may have to be maintained for this purpose; - campsites are not likely to be required in this area on account of proximity to Corner Brook; - no special protection or controls are required. The access road may have to be re-located in connection with expansion of ski slopes - development of access road should be controlled in respect to Steady Brook Watershed.

RECREATIONAL ACTIVITY		MAJOR REASON FOR LOCATION						EVALUATION IN TERMS OF PLAN OBJECTIVES & DEVELOPMENT POTENTIAL
#	Activity & Facility	Amenity				Other		
		Marble Mountain	Scenic Valley	The River	The Highlands	Trans Can Highway	Proximity City	
B.	<u>SUMMER</u> Local groups & out-of-region tourists travelling on TCH.							
1.	<u>EXCURSIONS</u> - chairlift (0-2 km) - trails (2 km) - nature trail - parking - viewpoint(s)	X				X		<ul style="list-style-type: none"> - overhead expenses of ski chairlift could be reduced by promoting short excursions by passing tourists; - short trails leading to and from viewpoints on the mountains could be used; - a nature trail has been suggested. However, such a trail is fairly expensive to establish & maintain and would be better located in a major park; - one or two viewpoints & short trails would have to be developed - little control necessary - parking could be accommodated on ski parking areas.
2.	<u>HIKING</u> - wilderness trails (2+ km) - tent camping sites - parking				X			<ul style="list-style-type: none"> - some of the Highland areas within the MMPA may be used for this purpose; - an access trail to the Highlands will have to be maintained through the MMPA; - groups of hikers are expected to be small; - some trails and a few camping sites may have to be developed - control in respect to Steady Brook Watershed will be necessary - parking on ski area.

RECREATIONAL ACTIVITY		MAJOR REASON FOR LOCATION						EVALUATION IN TERMS OF PLAN OBJECTIVES & DEVELOPMENT POTENTIAL
#	Activity & Facility	Amenity				Other		
		Marble Mountain	Scenic Valley	The River	The Highlands	Trans Can Highway	Proximity City	
3.	<u>FISHING</u>							(see comments under Spring & Fall section)
4.	<u>HUNTING</u>							(see comments under Spring & Fall section)
5.	<u>MOTOR-BIKING</u> - trails				X			<ul style="list-style-type: none"> - motor-biking is essentially incompatible with most other recreational uses in this table; - there do not appear to be any special features which favour the development of bike trails in this area; - access road should be available to bikers - however, no special trails should be developed for this purpose, and the use of other trails (hiking, x-country skiing, etc.) should be actively discouraged.
6.	<u>TRAVEL REST STOP ACTIVITIES</u> - picnic sites - trailer camps - motels			X			X	<ul style="list-style-type: none"> - in respect to its location to major settlements along the TCH, Steady Brook is not an ideal location for a service centre - rest stop, however, in view of its scenic location, the establishment of service facilities in the community, the potential for a rest stop are good;

RECREATIONAL ACTIVITY		MAJOR REASON FOR LOCATION						EVALUATION IN TERMS OF PLAN OBJECTIVES & DEVELOPMENT POTENTIAL
#	Activity & Facility	Amenity				Other		
		Marble Mountain	Scenic Valley	The River	The Highlands	Trans Can Highway	Proximity City	
7.	<u>RECREATIONAL PARK ACTIVITIES</u> - playgrounds - games area - swimming facilities					X	X	- however, since there is no land developable for associated facilities in the MMPA (other than what will be required by the Ski Club) it is recommended that the development of such facilities be considered in the Steady Brook Plan. - these activities have been suggested in association with travel rest shops discussed above, therefore see comments under #6; - the development of associated facilities would be costly in terms of capital - & maintenance costs; any ventures along this line should be left to private enterprise.
C.	<u>WINTER</u> Local groups & out-of-region skiers.							
1.	<u>SKIING</u> - downhill slopes - free style areas - x-country trails - lifts - lodge & service facilities - parking - accommodation - condominiums	X			X			- skiing represents the major recreational activity for which the area is uniquely suited - present facilities have been actively used and plans for further developments are promising; in addition to downhill facilities (trails and lifts),

RECREATIONAL ACTIVITY		MAJOR REASON FOR LOCATION					EVALUATION IN TERMS OF PLAN OBJECTIVES & DEVELOPMENT POTENTIAL
#	Activity & Facility	Amenity				Other	
		Marble Mountain	Scenic Valley	The River	The Highlands	Trans Can Highway	Proximity City
	<p>SKI-JUMPING TOBOGANNING & <u>LUGE</u></p> <ul style="list-style-type: none"> - structures - tobogganing & - luge runs 						<p>Plans include a free style area, x-country trails, a lodge, service facilities and parking;</p> <ul style="list-style-type: none"> - development of trails & lifts will have to be controlled in respect to Steady Brook Watershed; - since the ski lodge, accessory facilities & parking will require all developable space within the MMPA, hotel accommodation will have to be provided elsewhere; at present Corner Brook hotel accommodation has a surplus capacity during the winter, further hotel expansion is most likely to occur in Corner Brook but if there is a demand for accommodation in the immediate vicinity it should be developed in Steady Brook; - in view of the close proximity to Corner Brook and the very small number of <u>regular</u> out-of-region skiers the development of condominiums would not be realistic. - ski-jumping, tobogganing and luge are highly specialised activities with comparatively few participants, therefore development will have to be based on demand and the ability to finance it from general ski revenue;

RECREATIONAL ACTIVITY		MAJOR REASON FOR LOCATION					EVALUATION IN TERMS OF PLAN OBJECTIVES & DEVELOPMENT POTENTIAL
#	Activity & Facility	Amenity			Other		
		Marble Mountain	Scenic Valley	The River	The Highlands	Trans Can Highway	Proximity City
							<ul style="list-style-type: none"> - development may occur outside MMPA (see 'Highland Report'), and will not effect Steady Brook Watershed. - reservations for the potential use of the area designated in the 'Highland Report' may have to be made in the Steady Brook Plan.

APPENDIX 2PROSPECTS FOR SKIING

A REVIEW BY THE TOURIST SERVICES DIVISION,
DEPARTMENT OF TOURISM OF THE
MARKET ANALYSIS SECTION OF
MARBLE MOUNTAIN RECREATIONAL AREA

A REPORT BY

MARSHALL, MACKLIN, MONAGHAN LTD., SEPT. 1971

(References are to pages in the report underlined above.)

- A. FACTORS DETERMINING THE PROJECTIONS FOR VACATION SKIERS:
- . Item #1, page 22 ... the provincial skier market was segmented into local market (within 100 mile radius of Marble Mountain) and the remainder of Newfoundland. The local market has not grown at the rate forecasted. The number of skiers projects for the local area in 1976 was 3,100. The actual 1976/77 membership in the Corner Brook Ski Club (including children under family memberships) was approximately 1,500 persons. If it is assumed that there are an additional 500 downhill skiers in the area, the actual for 1976 would approximate 2,000 skiers. The projection for the local area market segment to 1976 was therefore overstated by 35%. With respect to the remainder of Newfoundland market segment, no meaningful comment is afforded because of the unavailability of current information.

 - . Item #2, page 22 ... it was assumed that 30% of Newfoundland skiers would take ski vacations. The basis for this percentage is a survey (as noted on page 21) which identified that 30% of Toronto skiers and 17% of Ottawa skiers too ski holidays in 1965. Given the congestion of the slopes in the Toronto area on weekends, they are not overly accessible. As a result the serious skier is forced to take holidays in order to take advantage of the slopes during the less crowded times or to ski at other slopes. This situation doesn't appear to be the case at

Marble Mountain. Skiers in Corner Brook and vicinity now enjoy skiing regularly without having to take holidays. The propensity to take ski vacations in Marble Mountain area would not appear to be nearly as high as that for Toronto area.

- . Item #3, page 22 ... the estimation of 700 fly-in skiers in 1972 and the 10% growth per annum has not been realized. In 1976, Marble Mountain attracted approximately 350 fly-in skiers as a result of the Corner Brook Ski Club-EPA ski packages.
- . Item #4, page 22 ... the assumption that all vacation skiers will go to Marble Mountain is not valid. Labrador has also to be considered - particularly Smokey Mountain in Western Labrador. It has a greater vertical drop, longer runs, is as accessible and has at least equivalent after-ski facilities as does Marble Mountain.

B. FACTORS DETERMINING THE PROJECTIONS FOR LOCAL SKIERS:

- . Item #1, page 25 ... the definition of the local market area is questionable. Is 4 to 6 hours of driving time (see top, page 24) logical as a commuting distance for a couple of hours of skiing? If negative, then the base for the 25% per annum growth is overstated.
- . Item #2, page 25 ... as stated above, the projection of the number of skiers in the local market to 1976 has been overstated by approximately 35%.
- . Item #3, page 25 to page 26 ... the average incidence of skiing of 15 times per season per skier appears quite high. This represents about one visitation per week to Marble Mountain for every skier in the local market area - including children.

Worthy of note is that a significant proportion of the skiers are family units - in 1976 the Corner Brook Ski Club's membership included approximately 300 full package family memberships and 150 social family memberships. A more realistic average incidence of skiing at Marble Mountain would appear to be 8-10 times per season per skier.

C. CONCLUDING REMARKS:

- . The vacation ski market and the local ski market projections are overstated. The relative isolation, the stiff competition of other ski centres which have more to offer in terms of ski facilities and entertainment make a significant increase in the external market questionable. Apart from increasing regional participation the best prospects for improvement exist in the island market, For the St. John's skier a transportation - accommodation package is an attractive option.

- . The fact that Labrador was omitted from the analysis and particularly the fact that Smokey Mountain was not assumed to have a share of the vacationing ski market renders the market analysis questionable.

- . With respect to the demand for summer accommodations, the occupancy rates as reported by the existing accommodation establishments in Corner Brook over the past few years indicate that a fair degree of excess capacity exists - even during the peak travel season. Further hotel/motel type accommodation in the Corner Brook area at present would be marginally profitable at best.

APPENDIX 3AN ASSESSMENT OF MARBLE MOUNTAIN AS A PROVINCIAL PARK

Marble Mountain does not meet the general requirements of a Provincial Park. The following six reasons provided by the Parks Division of the Department of Tourism explain why.

- 1) The Parks Division functions with its emphasis of providing opportunities of access for outdoor recreation pursuits in as near possible natural conditions as development permits. The overall objectives of the Division are as follows:
 - a) to provide conveniently located camping and day use facilities for the travelling public along the major highways of the province.
 - b) to provide facilities for wilderness camping in the natural environment.
 - c) to provide day use facilities within a reasonable driving distance of all Newfoundlanders who are serviced by a road system.
 - d) to make accessible and yet to preserve areas of significant natural beauty and/or ecological uniqueness or importance and those areas which have some historical significance to the cultural background of the province.

As a result of this, the Division now has a total of 40 camping parks, 10 day use parks and 17 public beaches.

All of these operating units are operated and staffed during the summer operating period.

To enter a winter use area such as Marble Mountain we would be operating a park which has limited potential for outdoor recreational pursuits.

The area is really not of sufficient size to have any real camping facilities. Nor does the area offer the possibility of creating the normal wooded buffer zone from the highway.

- 2) To date we have no organized winter use of any of our parks. However, we are presently assessing same for next year. If winter use is to be included in our program it should be directed to the passive snowshoeing and cross country skiing fraternity.

Afterall their goals of obtaining wilderness solitude coincide with ours and reflect a harmonious use of the land.

- 3) Down hill skiing includes the aspect of commercialism. We have refrained from permitting all commercial aspects from entering our parks over the years and should continue to do so in the future.

- 4) The cost of operation and maintenance of these facilities would, I am sure, be astronomical compared to our existing facilities. It would be necessary to hire a manager for the resort and probably another 10-15 men to perform the operation duties. Such a cost we cannot afford.

- 5) We are developing a new large park only 15 miles away from the area at Stag Lake. This park has the potential for 200-300 campsites in the future, and a diversified program of summer and winter use. It has one of the best freshwater beaches in the province.

To the east of Marble Mountain another 15-20 miles away is Pasadena Public Beach. This is also an excellent day use swimming area.

To operate and develop another Provincial Park between these areas is not necessary.

- 6) It seems to me that the best use of this ski resort is in the hands of private enterprise, because of the associated commercialism and the chance to make a profit.

(From Memorandum of Mr. D.G. Hustins, Director Parks Division to Mr. H.H. Stanley, Assistant Deputy Minister, Department of Tourism. February 28, 1978.)

APPENDIX 4CORNER BROOK SKI CLUB
DEVELOPMENT PROGRAM 1978-881978

1. Build extension on Ski Lodge. Install new washroom.
2. Hand groom lower slopes.
3. Start grooming upper slopes
4. Connect top of senior slope to lower senior slope, and remov. stumps and brush.
5. Construct warming hut at top of chair-lift. (Log Cabin)

1979

1. Continue program of drainage, repair and improvement to existing slopes - in particular the expert and the main slope from the top of the chair-lift.
2. Remove stumps and groom new slope by transmission line.
3. Set top bull-wheel on long T-bar back 50' into mountain (rock excavation).
4. Acquire small farm tractor and commercial, rotary-type lawn mower, for grooming slopes.
5. Acquire new snow packer with blade attachment.

1980

1. Continue program of drainage, repair and improvement to existing slopes.
2. Improve cross connection from chair line tower 16 to Hansen run.
3. Widen top part of expert slope and improve access from Hansen run.
4. Complete grooming of new slope by transmission tower.

1981

1. Construct new lodge.

1982

1. Install snowmaking equipment.

1983

1. Install second chair-lift.
2. Cut and grass new slope to service new chair-lift.

1984

1. Groom and improve new slope.
2. Replace rop tow with a poma lift or T-bar.
3. Acquire snow packer to replace original.

1985

1. Add additional slopes to service second chair-lift

1986

1. Add expert slope down the face of the mountain.

1987

1. Build chalet at top of mountain.

1988

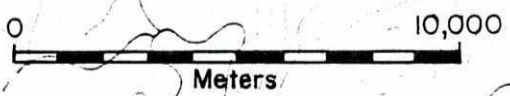
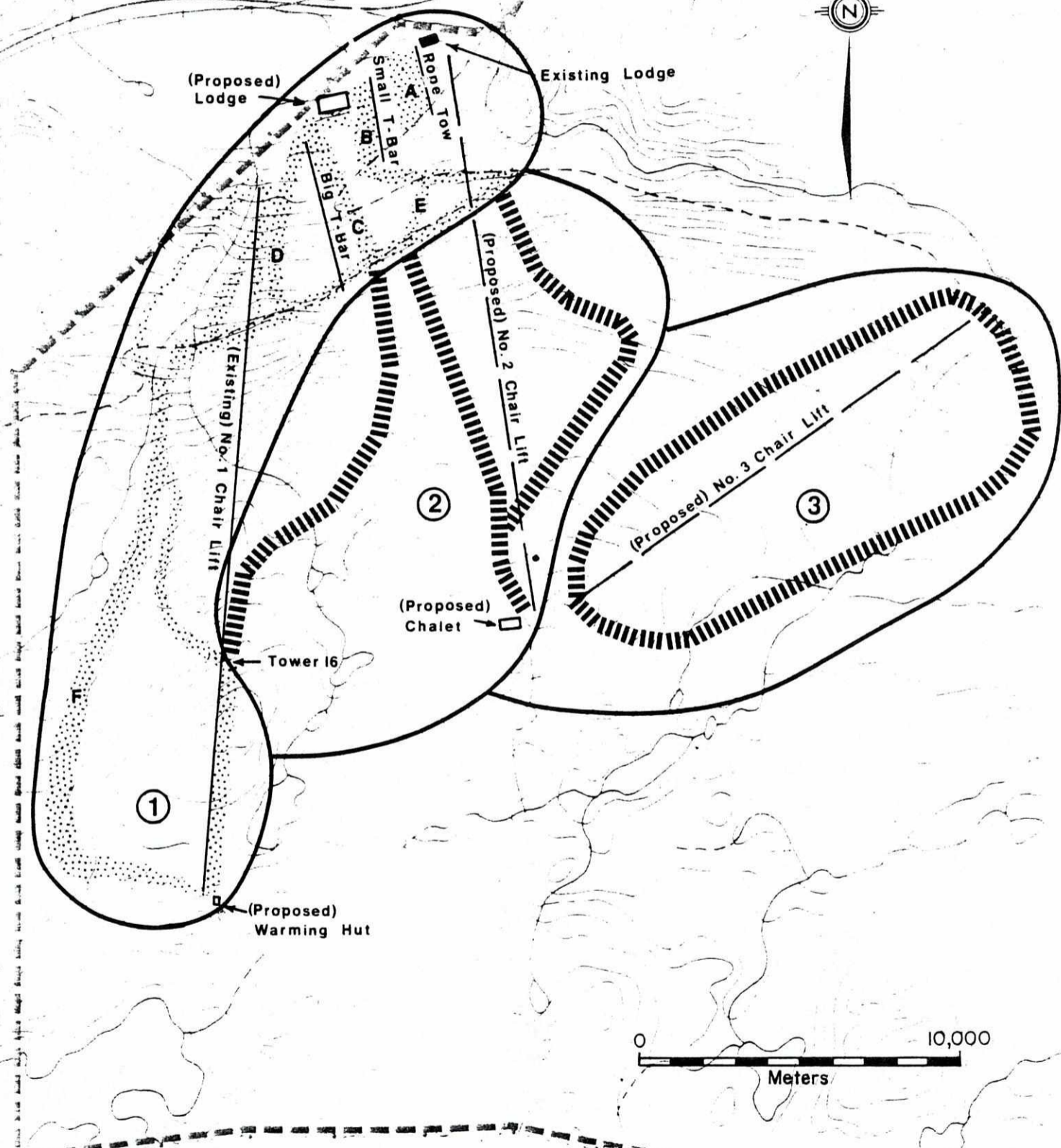
1. Install third chair-lift.

Prepared by the Corner Brook
Ski Club - March 1978.

N.B. Grooming of slopes will provide smooth grassed surfaces which can be mowed to prevent shrub and tree growth.

CORNER BROOK SKI CLUB DEVELOPMENT PROGRAM 1978 - 88

HUMBER



SKI AREAS
± 12,000 hectares

- Existing Ski Runs - (± 6,000 ha)
- A - Beginner
- B - Junior
- C - Senior
- D - Expert
- E - Ho Chi Minh
- F - Hansen Run
- Proposed Ski Runs -

- (2nd. Chair Lift ± 3,100 ha)
 - (3rd. Chair Lift ± 2,900 ha)

APPENDIX 5PROPOSEDMARBLE MOUNTAINPROTECTED AREA REGULATIONSINTRODUCTION

There is probably no need for Development Regulations in the usual sense - providing public rules for private development, since the likelihood of private developments is very small. All land in the Marble Mountain Protected Area is presently owned by Bowater Newfoundland Limited and consists essentially of 'non-developable' forest lands, whereas the small 'developable' area near the base of the mountain is likely to be owned by the Department of Tourism and will be used for skiing and associated activities only.

However, it was decided to include these regulations in any case; if, they are not used as formal regulations they can always serve as a guideline for the contractual lease arrangements between the Crown and the lessee of the ski area.

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PART 1 - GENERAL REGULATIONS

1. APPLICATION

- (1) These Regulations may be cited as the Marble Mountain Protected Area Land Use Zoning Regulations, 1978.
- (2) These Regulations come into effect on the date of publication of a notice to that effect in "The Newfoundland Gazette.
- (3) These Regulations apply to the Marble Mountain Protected Area.

2. CONTROL OF DEVELOPMENT

- (1) No development shall be carried out within the Protected Area except in accordance with these Regulations.
- (2) No person shall carry out any development of land within the Protected Area except where otherwise provided in these Regulations unless a permit for the development has been issued by the Authority.
- (3) A permit shall not be issued for development within the Protected when:
 - (a) in the opinion of the Authority the site lacks adequate road access, power, drainage, sanitary facilities, or domestic water supply;
 - (b) in the opinion of the Authority the development as submitted does not meet the requirements of the Plan;
- (4) The Authority shall not issue a permit:
 - (a) Without the prior approval of the Department of Consumer Affairs and Environment for any development located in a watershed established under Section 28 of the Consumers Affairs & Environment Act, No. 38, 1973;

(b) Without prior approval of the owner of the land on which the Development will be located.

3. ADMINISTRATION

- (1) An application for a permit to develop shall be made to the Authority on such form as may be prescribed by the Authority and every applicant for a permit shall provide with his application such plans, specification and drawings as the Authority may require.
- (2) The Authority shall issue a permit in writing for the proposed development if it is satisfied that the development conforms to these Regulations, and a plan or drawing which has been approved by the Authority and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but shall not obviate the necessity to obtain permits or approvals under any other regulation, by-law or statute.
- (3) In any Use Zone, the Authority shall require a Development Plan Agreement as a condition for issuance of a permit.
- (4) The Authority may attach to a permit such conditions as it deems fit in order that the proposed development will be implemented as approved; and such conditions may include the deposit of a Performance Bond by the applicant to ensure satisfactory completion of a Development Plan Agreement.
- (5) A permit is valid for a period, not in excess of two years, and may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of advertisement, which may be renewed in accordance with Part II of

of these Regulations.

- (6) The approval of any application and plans or drawings shall not prevent the Authority from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work, on any development being carried out in the event that the same is in violation of this or any other regulations, by-laws or statute.
- (7) The Authority may take appropriate legal action against any person who fails to comply with any terms of a permit.
- (8) The Authority may cancel a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or any order made under the Act.
- (9) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Authority.
- (10) There shall be kept posted in a conspicuous place on the premises where any work, matter or thing is being done for which a permit has been issued a copy of the permit or a poster in lieu thereof as supplied by the Authority during the whole progress of said work, or the doing of the said matter or thing until completion.
- (11) Where the Authority deems necessary permits may be issued on a temporary basis for a period not exceeding two years. At the discontinuance of use or if a temporary permit expires and is not renewed or is cancelled by the Authority, the Authority may order

the developer, the occupier of the site, or the owner or all of them to remove all buildings or erections above ground, to cover or fill all wells or excavations, and to close all accesses, or to do any of these things or all of them as the case may be, and the developer, occupier or owner shall carry out the order of the Authority and shall put the site in a clean and sanitary condition to the satisfaction of the Authority.

- (12) (a) The Authority, the Director, the Chief Medical Officer of Health or an inspector may enter upon any public or private land and may at all reasonable times enter any development or building upon the land for the purpose of making surveys or examinations or obtaining information relative to the carrying out of any development, construction, alteration, repair or any other works whatsoever which the Authority is empowered to regulate.
- (b) Every inspector shall keep a record of any violation of these Regulations which comes to his knowledge and report that violation to the Authority.

PART II - GENERAL DEVELOPMENT STANDARDS

4. HIGHWAY ACCESSES AND SERVICE STREETS

Access to a highway or arterial street shall be located to the specification of the Authority with the intent that they shall impair the convenience and safety of such traffic ways to the least possible degree and to this end the Authority shall prescribe where practicable the construction of service streets to reduce to a minimum the number of access points to a highway or arterial street.

5. ACCESSORY BUILDINGS

Accessory buildings in every case shall be clearly incidental and complementary to the use of the main buildings in character use and size, and shall be contained on the same lot.

6. ADVERTISEMENTS

Advertisements shall not be erected or displayed except in accordance with Part III of these Regulations.

7. BUILDING LINE AND SETBACK

The Authority may establish building lines on any existing or proposed street or service street or setbacks from any other property line of the lot on which the development is situated and may require any new buildings to be located

conforming to such setbacks, whether or not such setbacks are part of the standards set out in the tables in Part IV of these Regulations.

8. NOXIOUS USES

No building or land shall be used for any purpose which may be dangerous by causing or promoting fires, or which may emit noxious or offensive fumes, smoke, gases, smells, ash, dust or grit, excessive noise or vibration.

9. OFF-STREET PARKING

Off-street parking shall be provided and maintained subject to the following specifications:

- (1) each parking space shall be made accessible for ingress and egress by means of a hard surfaced lane or right-of-way or street at least ten (10) feet in width;
- (2) the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
- (3) no sign other than directional signs and the name of the owner, not exceeding twelve (12) sq. ft. in size, shall be erected on any parking lot;
- (4) no gasoline pump or other service station equipment shall be located or maintained on a parking lot;

10. LANDSCAPING AND SCREENING

- (1) The Authority may, in the case of existing unsightly development, or an off-street parking lot, order the owner or occupier to provide adequate and suitable landscaping or screening; and for this purpose may require the submission of an application giving details of the landscaping or screening, and these Regulations shall then apply to that application.

- (2) The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of the Authority, the landscaping or screening is desirable to preserve amenity.

11. STREET CONSTRUCTION

A new street may not be constructed except in accordance with the design and specifications laid down by the Authority.

PART III - ADVERTISEMENTS

12. CONTROL

- (1) Subject to the provisions of Regulation 3 no advertisement shall be erected in the Protected Area unless a permit for the advertisement is first obtained from the Authority.
- (2) Application for a permit to erect an advertisement shall be made to the Authority in accordance with Regulation 3 of these Regulations.
- (3) No advertisement shall be permitted within, on or over any highway or street reservation.
- (4) A permit granted under these Regulations for the erection of an advertisement shall be for a limited period, not exceeding two years, but may be renewed at the discretion of the Authority for similar periods.

13. PERMITTED ADVERTISEMENTS

- (1) The following advertisements may be erected in the Protected Area without application to the Authority:
 - a) on land used for forestry purposes, directional signs or notices not exceeding twelve square feet in area and relating to forestry operations or the location of logging operations conducted on the land;
 - b) on the principal facade of any commercial or recreational building, the name of the building or the name of the occupants of the building, in

letters not exceeding one-tenth of the height of that facade.

(2) Notwithstanding the provisions of Regulation 13, the Authority may require the removal of any advertisement which, in its opinion, is:

- a) hazardous to road traffic by reason of its siting, illumination, or structural condition, or
- b) detrimental to the amenities of the surrounding area.

PART IV - USE ZONES

15. SCHEDULE OF USE ZONES

- (1) For the purpose of these Regulations the Protected Area is divided into USE ZONES. These zones are hereby defined as follows:
 - a) Recreational 1
 - b) Recreational 2
 - c) Watershed 1
 - d) Watershed 2
 - e) Mountain Area 1

- (2) Use zones are delineated on the Marble Mountain Protected Area Zoning Plan which is contained in Schedule "A" of these regulations, and shall be an integral part of these regulations as if embodied herein.¹

- (3) The following tables of land uses and standards apply to the individual "use zones" delineated in these regulations.

1. Schedule "A" has not been attached. However, the Zoning Plan referred to would be identical to Map 4, except that the title would read:-
"Marble Mountain Protected Area Regulations" "Zoning Plan".

USE ZONES	PERMITTED USES	PERMITTED DEVELOPMENT	REQUIREMENTS
<p>RECREATIONAL 1</p> <p>R.1</p>	<p>1. <u>Recreational</u></p> <p>(1) Skiing and associated activities such as ski-jumping, tobogganing & luge.</p>	<ul style="list-style-type: none"> - A ski lodge (including a restaurant, and/or snack bar, taylor ski-training facilities, a service & retail shop catering to the needs of skiers) and accessory buildings for storage of materials & equipment. - Ski lifts and accessory buildings. - Off-street parking areas & access roads, ski areas. 	<ul style="list-style-type: none"> - Size, form and siting of buildings as per Development Plan Agreement. - Development and maintenance of landscaping as per Development Plan Agreement. - Development location and maintenance of trails as per Development Plan Agreement. - 1 half acre of parking area will be required for every 10 half acres of skiing area as identified in the Development Plan Agreement.
<p>RECREATIONAL 2</p> <p>R.2</p>	<p>1. <u>Recreational</u></p> <p>(1) Skiing</p> <p>(2) Hiking</p> <p>(3) Sightseeing</p>	<ul style="list-style-type: none"> - Ski-lifts and accessory buildings, including a 'chalet' on the mountain and public facilities to shelter sightseers. - Trails* 	<ul style="list-style-type: none"> - Size, form and siting of buildings as per Development Plan Agreement. - Development, location & maintenance of trails as per Development Plan Agreement.

USE ZONES	PERMITTED USES	PERMITTED DEVELOPMENT	REQUIREMENTS
		<ul style="list-style-type: none"> - A viewpoint and short access trail. 	<ul style="list-style-type: none"> - Development, location and maintenance of trails as per Development Plan Agreement
<p>WATERSHED 1</p> <p>W.1.</p>	<ol style="list-style-type: none"> 1. <u>Recreational</u> (1) Sight-seeing 	<ul style="list-style-type: none"> - Controlled viewpoint & access trail. 	<ul style="list-style-type: none"> - Development, location & maintenance as per Development Plan Agreement.
<p>WATERSHED 2</p> <p>W.2</p>	<ol style="list-style-type: none"> 1. <u>Recreational</u> (1) Skiing (2) Hiking (3) Snowmobiles (4) Hunting 2. <u>Forestry</u> 	<ul style="list-style-type: none"> - Trails* 	<ul style="list-style-type: none"> - Development, location & maintenance as per Development Plan Agreement.

USE ZONES	PERMITTED USES	PERMITTED DEVELOPMENT	REQUIREMENTS
MOUNTAIN AREA 1 M.1.	1. <u>Recreational</u> (1) Skiing (cross-country) (2) Hiking (3) Snowmobiling (4) Hunting 2. <u>Forestry</u>	- Trails* - Camping and rest areas	- Development, location & maintenance as per Development Plan Agreement - (ditto)
ALL ZONES	1. <u>Public Utilities</u>		- Development, location & maintenance as per Development Plan Agreement.

* Trails include those for skiing, hiking or snowmobiling, depending on what use has been allowed in the second column - Permitted Uses.

PART V

DEFINITIONS

Access	<i>Access</i> means street, road, lane, driveway, path, walk, gateway, culvert, bridge, or other way, whether of the foregoing kind or not, whether existing or proposed, intended for use by vehicles, pedestrians or animals as a means of going from a highway or street to land adjacent to the highway or street;
Accessory Building	<i>Accessory Building</i> means workshop, garage or storage shed;
Act	<i>Act</i> means The Urban and Rural Planning Act, Chapter 387, RSN 1970;
Advertisement	<i>Advertisement</i> means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction; excluding such thing employed wholly as a memorial, or functional advertisement of Councils, or other local authorities, statutory undertakers and public transport undertakers; and including any hoarding or similar structure used or adopted for use for the display of advertisements;
Authority	<i>Authority</i> means the public authority authorized under Section 68 of the Act to make regulations to implement and enforce a plan for a protected area;
Building	<i>Building</i> means every structure, erection, excavation, alteration or improvement whatsoever placed on, over or under the land and every part of a building any chimney, staircase, porch or other structure used in connection with a building and all equipment, apparatus, or appliances attached to or installed in a building;
Building Line	<i>Building Line</i> means the horizontal distance from the centre line of a street or from the development line of a street to the nearest part of a

building on the land adjoining the highway or street;

Chief Medical Officer *Chief Medical Officer* includes any other officer of the Department of Health designated by the Chief Medical Officer of Health to act in his stead for the purposes of these regulations;

Development *Development* means the carrying out of any building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use, or the intensification of use of any land, buildings, or premises and without limiting the generality of the foregoing shall specifically include:

- a) the significant removal or movement of soils, subsoils and other surficial materials;
- b) the significant alteration in any way of vegetation on a site;
- c) the temporary or permanent storage of materials on a site;
- d) the making of an access onto a highway, road or way;
- e) the erection of an advertisement or sign;
- f) the parking of a trailer, or vehicle of any description used for the sale of refreshments or merchandise, or as an office, or for living accommodation, for any period of time,
and shall exclude,
- g) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building;
- h) the use of any land for the purposes of forestry (including afforestation);

Development Plan Agreement

Development Plan Agreement means a contract between the Authority and an applicant for a development permit by which the Authority agrees to issue

the permit providing that the proposed development will be developed and maintained as specified in a Development Plan;

Development Plan

Development Plan means a detailed description of a proposed development. Without limiting the generality of the foregoing, a Development Plan includes:

- a) a plan showing existing developments on the lot to be developed, including topography, vegetative cover, services, easements, rights of way and structures;
- b) a detailed site plan showing location of all proposed developments, including buildings, access parking areas and landscaping including final grades, curb and fill drainage and plant materials used;
- c) detailed architectural plans showing all buildings to be constructed;
- d) detailed engineering plans showing the proposed water supply and waste disposal for the proposed development;
- e) descriptive reports describing the above plans and providing details on procedures and methods of development, materials and equipment to be used for the development and maintenance of proposed developments;

Forestry Use

Forestry Use means the use of land for the purpose of forest and woodland management, and includes the felling, cutting, trimming and thinning of forest or woodland for the extraction of timber therefrom or the re-afforestation thereof;

Garage

Garage means a building erected for the storage only of motor vehicles and ancillary to a main land use and used or occupied in connection with that land use;

Highway

Highway means a highway defined under the Highway Traffic Act RSN 1970, Chapter 152 & any amendments thereto;

Land

Land means any lot, plot, parcel of tract of land and includes building & land covered with water, buildings & structures on, over or under the soil, and fixtures which form part of the foregoing;

Land Use	<i>Land Use</i> means the purpose for which a lot, plot, parcel, or tract of land, building, structure, or premises or part thereof, is used or occupied, or intended or designed to be used or occupied;
Lay-by	<i>Lay-by</i> means an open area of land adjacent to and within the reservation of a highway, street or access road, accessible to the public and used for the temporary parking of vehicles;
Lot	<i>Lot</i> means any plot, tract, or parcel of land fronting onto a street and considered as a unit of land for a particular use or building or combination of either;
Main Building	<i>Main Building</i> and <i>main structure</i> means a building or structure in which is conducted the principal uses of the lot in which it is situated;
Parking Area	<i>Parking Area</i> means an open area of land other than street, highway or lay-by, used for the parking of vehicles and accessible to the public or as an accommodation to clients, customers, or occupants;
Parking Space	<i>Parking Space</i> shall mean an area of land suitable for the parking of a vehicle, not less than 360 sq. ft. in area, accessible to vehicles without the need to move or remove other vehicles on adjacent areas;
Public Utilities	<i>Public Utilities</i> means the use of land for a 'public utility' as defined in the Public Utilities Act, Chapter 323, RSN 1970, to provide services for the health, safety and convenience of the general public; including water, sewage, transportation, electricity, radio, television and telephone services;
Restaurant	<i>Restaurant</i> means a building, or part thereof, designed or intended to be used or occupied for the purposes of serving the general public with meals and, or refreshments, at separate tables or booths;

Retail Shop	<i>Retail Shop</i> means a building used for the carrying on of any retail trade or retail business wherein the primary purpose is the selling, or offering for sale, of goods, wares, and merchandise, by retail;
Service Street	<i>Service Street</i> means a public or private street constructed parallel to or close to a highway or street for the purpose of limiting the number of direct accesses to highway or street;
Snack Bar	<i>Snack Bar</i> means a building or part thereof, in which confectionery, fruit, light meals and refreshments are served to the general public and provided primarily by counter service but does not include a mobile unit;
Street	<i>Street</i> means any street, road, avenue, parkway, lane, driveway, or other way designed or intended for, or used by the general public for the passage of vehicles to or from any other street, highway, service lane or access;
Tavern	<i>Tavern</i> means a building which is primarily used or occupied for the purpose of selling, or offering for sale, to the general public wines or beers for consumption on the premises and is licensed or licensable under The Alcoholic Liquors Act and any regulations made thereunder;
Use Zone	<i>Use Zone</i> means any area of land, including buildings and water, for which the use is designated in these regulations;
View Point	<i>View Point</i> means an open area of land from which extensive areas of the surrounding countryside may be viewed.