



**Amendment No. 4, 2016
Trans-Canada Highway (Channel-Port aux Basque to Corner Brook) Protected Road
Zoning Plan**

Prepared by:

**Department of Municipal Affairs and Environment
Local Governance and Land Use Planning Division**

July 2019

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URBAN AND RURAL PLANNING ACT

RESOLUTION TO APPROVE

**TRANS CANADA HIGHWAY (CHANNEL-PORT AUX BASQUE TO CORNER BROOK)
PROTECTED ROAD ZONING PLAN**

Amendment No. 4, 2016

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, I, Mary Oley,

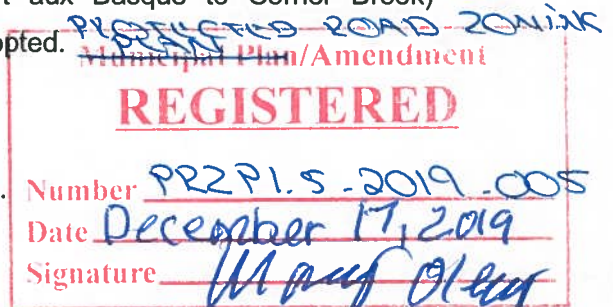
- a) adopted the Trans-Canada Highway (Channel-Port aux Basque to Corner Brook) Protected Road Zoning Plan Amendment No. 4, 2016 on the 22nd day of October, 2019.
- b) gave notice of the adoption of the Trans-Canada Highway (Channel-Port aux Basque to Corner Brook) Protected Road Zoning Plan Amendment No. 4, 2016 by advertisement inserted on the 27th day of November and the 4th day of December, 2019 in the Gulf News.
- c) set the day of 17th of December, 2019 at 7:00 p.m. at the Town Hall, St. George's, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, I, Mary Oley, approve the Trans-Canada Highway (Channel-Port aux Basque to Corner Brook) Protected Road Zoning Plan Amendment No. 4, 2016 as adopted.

SIGNED this 17th day of December, 2019.



Mary Oley
Director of Local Governance and Land Use Planning



RBAN AND RURAL PLANNING ACT

RESOLUTION TO ADOPT

**TRANS CANADA HIGHWAY (CHANNEL-PORT AUX BASQUE TO CORNER BROOK)
ZONING PLAN**

Amendment No. 4, 2016

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Minister of Municipal Affairs adopts the Trans-Canada Highway (Channel-Port aux Basque to Corner Brook) Protected Road Zoning Plan Amendment No. 4, 2016.

Signed this 22nd day of October, 2019.

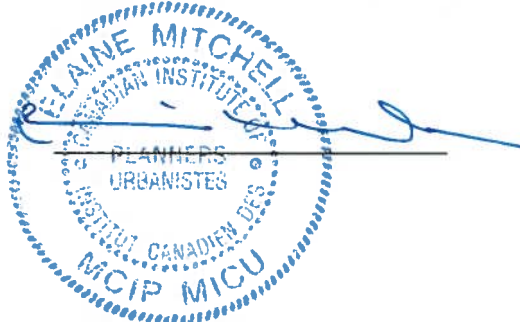


Mary Oley
Director of Local Governance and Land Use Planning

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Protected Road Zoning Plan Amendment No. 4, 2016 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

MCIP:



Trans-Canada Highway (Channel-Port aux Basque to Corner Brook) Protected Road Zoning Plan

Amendment No. 4, 2016

FORWARD

The Department of Municipal Affairs and Environment is considering an amendment to the Trans-Canada Highway (Channel-Port aux Basque to Corner Brook) Protected Road Zoning Plan. An individual submitted an application to acquire Crown Land, on the north side of the Trans-Canada Highway, along Little Codroy River. This Crown Land application was refused because the land is zoned Rural Conservation in the Trans-Canada Highway (Channel-Port aux Basque to Corner Brook) Protected Road Zoning Plan. Cottages are not a permitted use in the Rural Conservation zone. The applicant subsequently requested to rezone the area to Cottage to support the acquisition of Crown Land adjacent to an existing cottage.

A site visit, conducted on June 11, 2019, determined that there are several existing cottages on an existing access road.

An adjacent property was rezoned from Rural Conservation to Cottage in 2013.

BACKGROUND

The Protected Road Zoning Regulations (CNLR 996/96) are provincial regulations made under the Urban and Rural Planning Act. According to schedule B of these Regulations, the Trans Canada Highway (Channel-Port aux Basque to Corner Brook) is a Class I protected road. Schedule B states:

The Trans Canada Highway (Route 1), as existing or proposed, from the western face of the Kenmount Road Overpass, at St. John's, to the eastern abutment of the Grand Bay Bridge, at Port aux Basques, but excluding that portion of the highway within the Terra Nova National Park. For the purpose of controls, 2 portions of this highway shall be considered a limited access highway, namely,

- (a) from the western face of the Kenmount Road Overpass to the intersection of the Argentinia Access Road (Route 100); and
- (b) from its intersection with the Nicholsville Road, at Deer Lake, to its intersection with Massey Drive, at Corner Brook.

Subsection 3 (1) (a) of the Protected Road Zoning Regulations defines a Class II protected road as:

Class I is a highway which is designated as a primary highway by the Department of Works, Services and Transportation or is presently or proposed to be divided by a median strip which shall allow right in and right out access only;

The Trans-Canada Highway (Channel-Port aux Basque to Corner Brook) Protected Road Zoning Plan came into effect in 2004. The goal of the Plan is to protect the Trans-Canada Highway (Channel-Port aux Basque to Corner Brook) as a safe and convenient conveyor of traffic while ensuring that development occurs in an orderly manner.

The Trans-Canada Highway (Channel-Port aux Basque to Corner Brook) Protected Road Zoning Plan establishes land use policies and zones. The provincial Protected Road Zoning Regulations contain permitted uses within each zone and development control standards.

CONSULTATION

In accordance with Section 14 of the Urban and Rural Planning Act, the Department of Municipal Affairs and Environment must undertake public consultation to provide an opportunity for interested persons or groups as well as government departments:

- To provide input; and
- To learn about the proposed plan or amendment.

The Department consulted with government departments who identified that:

- Permits and/or approvals will be required from the Government Service Centre;
- If installation of an on-site subsurface sewage disposal system is required, the applicant must submit and receive approval for plans and specifications from an

approved sewage disposal system. A minimum lot area of 1860 square metres per single detached dwelling is required.

- The subject site is located an area of recognized aggregate potential corresponding to the south bank of the Little Codroy River and, as a result, quarrying is a land use that may be expected in the general area and there is at least one former quarry located nearby.
- The subject site is located within a designated flood risk area. A permit is required under section 48 of the Water Resources Act, 2002 for any work within the designated flood risk area prior to the start of construction. All work must comply with the Department of Municipal Affairs and Environment “Policy for Flood Plain Management” (https://www.mae.gov.nl.ca/waterres/regulations/policies/flood_plain.html).
- A permit is required from the Water Resources Management Division, Department of Municipal Affairs and Environment for any work in any body of water, including wetland, or for infilling within 15 metres of a water body, prior to the start of construction.
- A permit is required from the Water Resources Management Division, Department of Municipal Affairs and Environment under section 48 of the Water Resources Act, 2002 for any work within shore water zones. A shore water zone is land that is intermittently occupied by water as a result of the naturally fluctuating surface water levels. All work must comply with the Department of Municipal Affairs and Environment “Policy for Development in Shore Water Zones” (https://www.mae.gov.nl.ca/waterres/regulations/policies/shore_water.html).
- The number of accesses to the Trans-Canada Highway must be limited to preserve the its functionality and all future access requests will be assessed on a case by case basis and will be subject to the Department of Transportation and Works “Policy for Highway Access Management” (https://www.roads.gov.nl.ca/highway_access_policy_2019.pdf).
- The Wildlife Division requires that a naturally vegetated buffer with a minimum of 50 metres width be maintained along the Little Codroy River.

A public consultation notice in the Gulf News on September 4, 2019 requests individuals or groups to provide input. The amendment was also published on the Department of Municipal Affairs and Environment webpage. Written submissions were requested by September 20, 2019. No written submissions were received by the Department of Municipal Affairs and Environment within the specified time limit.

ANALYSIS

The area subject to this amendment is subject to the Trans-Canada Highway (Channel-Port aux Basque to Corner Brook) Protected Road Zoning Plan and the Protected Road Zoning Regulations. Land to the west of the subject area is zoned Cottage while land to the east of the subject area is zoned Rural Conservation. On the south side of the Trans-Canada Highway, an area is zoned Highway Commercial.

As part of this amendment, land along Little Codroy River will be zoned Buffer in order to preserve the natural buffer required by the Wildlife Division.





The subject area contains several existing cottages with shared and individual accesses to the Trans-Canada Highway. The proposed Cottage zone will capture existing development.

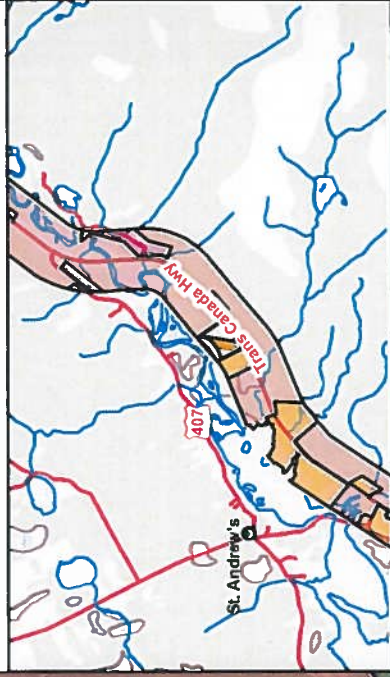
Proposed Amendment No. 4, 2016

The Trans-Canada Highway (Channel-Port aux Basque to Corner Brook) Protected Road Zoning Plan Amendment No. 4, 2016 proposes to rezone land located on the north side of the Trans-Canada Highway, south of Little Codroy River from Rural Conservation to Cottage and Buffer. The attached map illustrates the proposed amendment.

Amendment No. 4, 2016
Trans-Canada Highway (Channel-Port aux Basque to Corner Brook) Protected Road
Zoning Plan

**TCH Channel-Port aux Basques to Corner Brook
Protected Road Zoning Plan
Amendment No. 4, 2016
Little Codroy River**

-  From 'Rural Conservation' to 'Cottage'
-  Cottage
-  Highway Commercial
-  Rural Conservation



Signed this 22 day of October, 2019.


Mary Oley

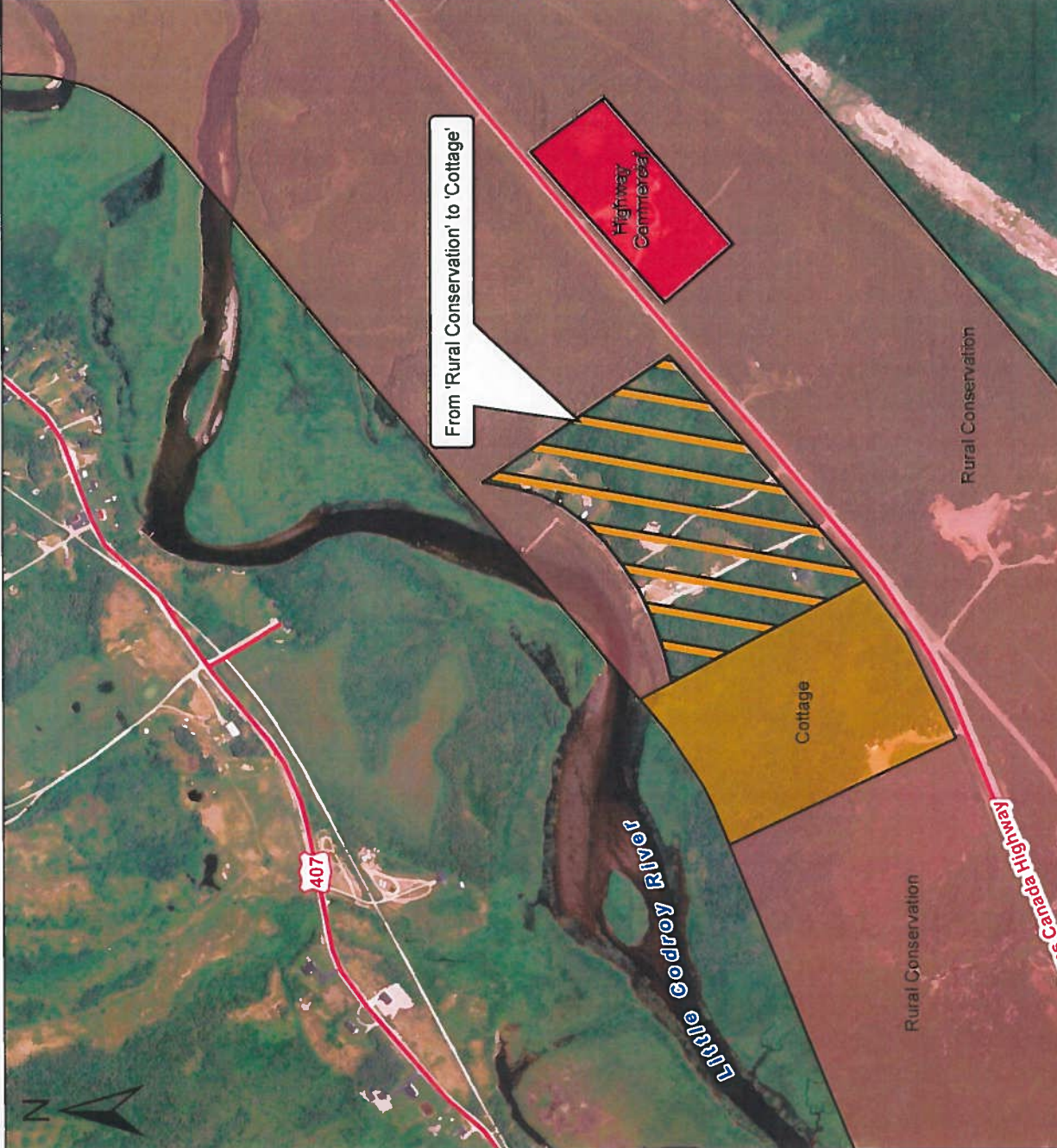
Director of Local Governance and Land Use Planning

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the Protected Road Zoning Plan Amendment No. 4, 2016, has been prepared in accordance with requirements of the Urban and Rural Planning Act, 2000.



MCIP:



Protected Road Plan Amendment
REGISTERED

Number PRZP.I.S - 2019-005
Date December 17, 2019
Signature Mary Oley