

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

TOWN OF PORT AU PORT EAST MUNICIPAL PLAN, 2022-32

Under the authority of section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Port au Port East adopts the Town of Port au Port East Municipal Plan, 2022-32.

Adopted by the Town Council of Port au Port East on the 5th day of July, 2022.

Signed and sealed this 9 day of August, 2022.

Mayor:

Jim Cashin

Clerk:

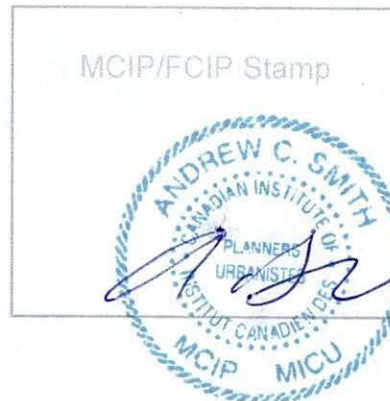
Florence Barte



Canadian Institute of Planners Certification

I certify that the attached Town of Port au Port East Municipal Plan, 2022-32 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP: Andrew C. Smith, MCIP





URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE

TOWN OF PORT AU PORT EAST MUNICIPAL PLAN, 2022-32

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

1. Adopted the Port au Port East Municipal Plan, 2022-32 on the 5th day of July, 2022;
2. Gave notice of the adoption of the Port au Port East Municipal Plan, 2022-32 by way of an advertisement inserted in the West Coast Wire newspaper on the 20th day of July, 2022 and on the 27th day of July, 2022; and
3. Set the 4th day of August, 2022 at 7:00 p.m. at the Town Office in the Town of Port au Port East 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 Port au Port East approves the Port au Port East Municipal Plan, 2022-32 on the 9 day of August, 2022 as adopted.

Signed and sealed this 9 day of August, 2022.

Mayor: Jim Cashin

Clerk: Florence Baxter

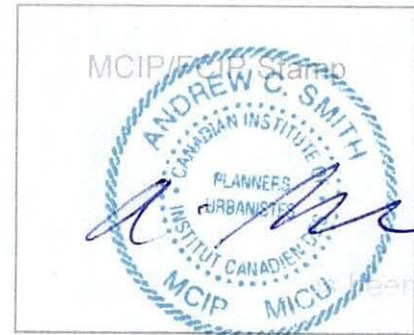




Canadian Institute of Planners Certification

I certify that the attached Town of Port au Port East Municipal Plan, 2022-32 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP: Andrew C. Smith, MCIP

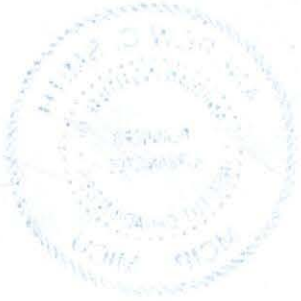


Municipal Plan/Amendment
REGISTERED

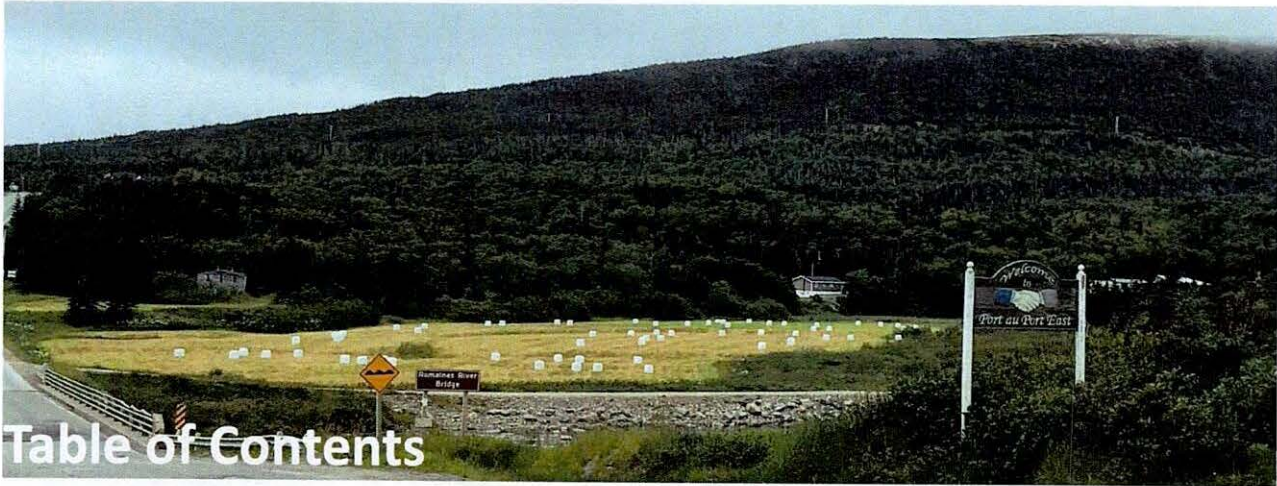
Number 3940-2022-000

Date 20 OCT. 2022

Signature *[Signature]*

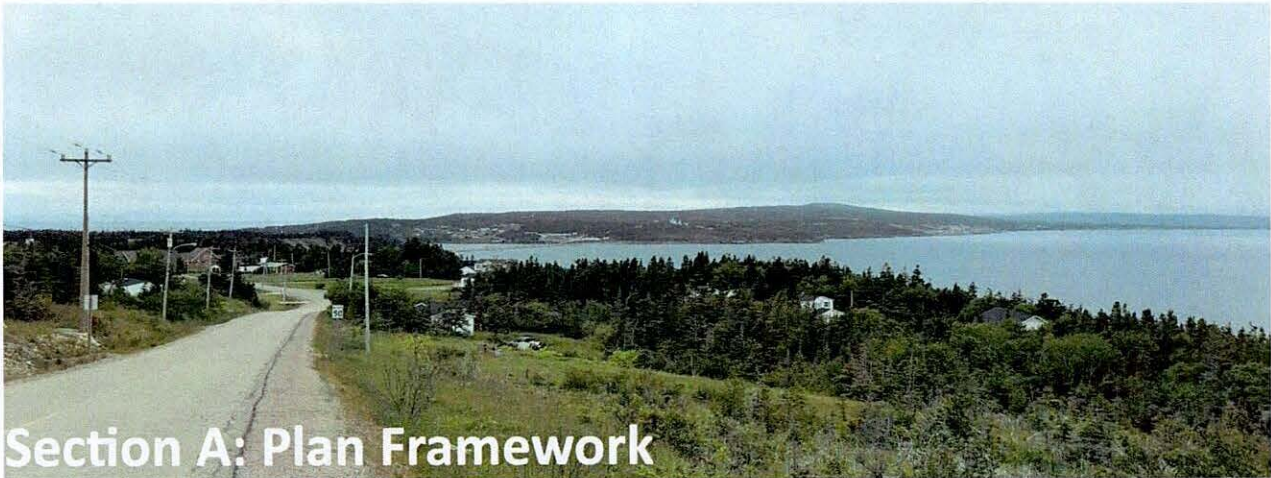


100-200-1000
100-200-1000
100-200-1000



Section A: Plan Framework	2
A.1 Purpose and Contents.....	2
A.2 The Planning Process.....	4
Section B: Plan Direction	7
B.1 Municipal Plan Goals and Objectives.....	7
B.2 Land Use Goals, Policies and Proposals.....	8
B.2.1 Overall Development Strategy.....	8
B.2.2 Legal Non-Conforming Uses.....	16
B.2.3 First Nations.....	18
B.2.4 Public Streets and the Subdivision of Lands.....	20
B.2.5 Public and Safety Emergency Services.....	25
B.2.6 Public Utilities.....	30
B.2.7 Hinterland Areas.....	33
B.2.8 Residential Uses.....	35
B.2.9 Community Growth, Sustainability, and Economic Development.....	38
B.2.10 Protection of the Natural Environment.....	42
B.2.11 Open Space and Recreational Uses.....	48
B.2.12 Archaeological and Historical Sites.....	52
B.2.13 Signs.....	53
Section C: Implementation	58
C.1 Overview.....	58
C.2 Administration of Plan and Regulations.....	58
C.2.1 Division of Powers.....	58
C.2.2 Public Consultation and Participation.....	59
C.2.3 Development Review and Approval Process.....	59
C.2.4 Performance-based Discretionary Decision-making.....	60
C.2.5 Professional Advice and Certification.....	60
C.3 Recommended Studies and Initiatives.....	62
C.4 Municipal Land Assembly Program.....	62
C.5 Municipal Capital Works and Budgeting Program.....	63
Appendix A: Amendments	64
Appendix B: Future Land Use Classes and Use Zones	65
Appendix C: Performance-based Rubric	66





A.1 PURPOSE AND CONTENTS

Note: Italicized words are defined in the 'Development Regulations (2022-32)'

The 'Town of Port au Port East Municipal Plan (2022-32)' (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 Port au Port East Development Regulations (2022-32)' (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.'



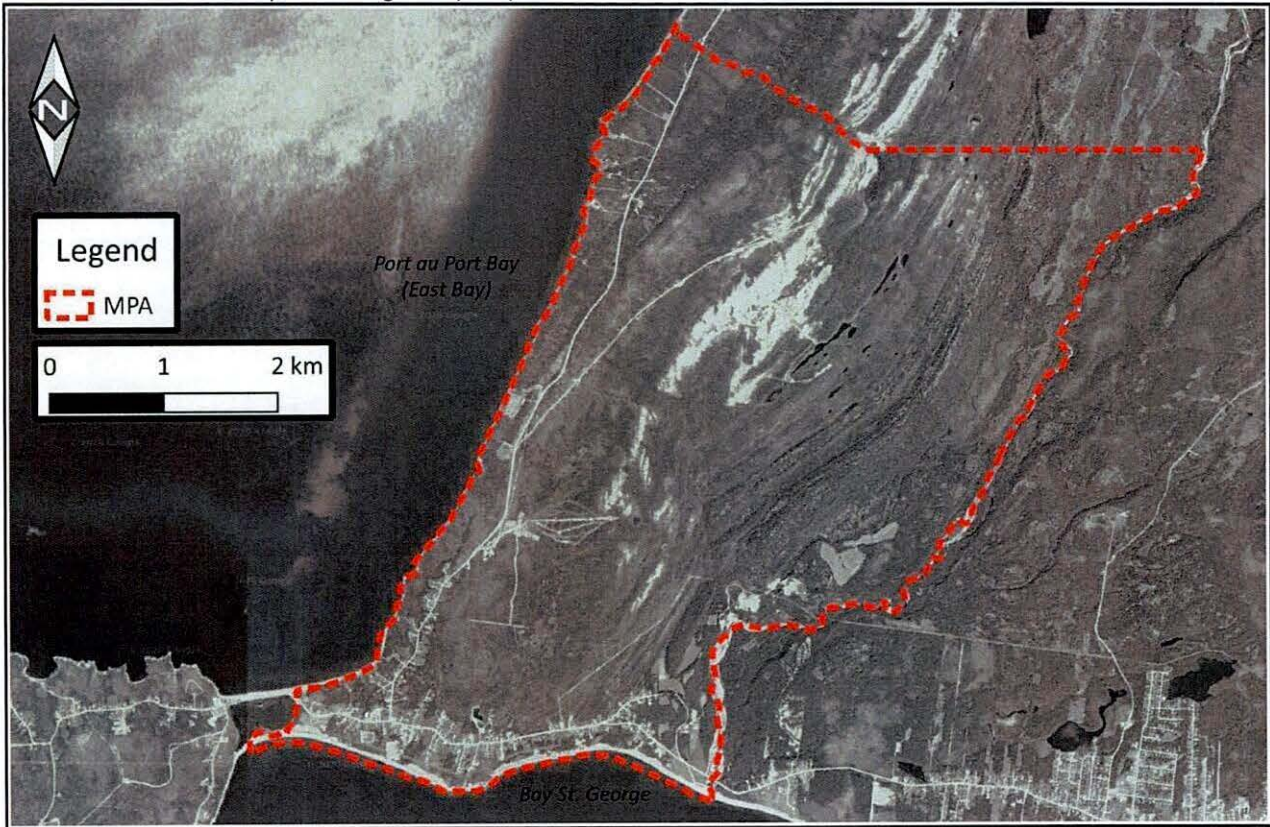
Illustration 1: Municipal Plan and Development Regulations Framework



The Town's *Municipal Boundary* (henceforth *MB*), or commonly referred to as *Town* limits, extends approximately 4km east-west from the western limits of the Gravels Beach to Romaine's River; and extends approximately 7km south-north along Route #462 (Hynes Road / Point au Mal Road) to Smelt Brook. The *Town's* southerly boundary is the coastline along Bay St. George and the westerly boundary is the coastline along Port au Port Bay (East Bay). The *Town's Municipal Planning Area* (henceforth *MPA*), for which the *Plan* and *Regulations* apply, is the same as the *MB* (see 'Illustration 2: Municipal Planning Area (MPA)'). The area of the *MPA* is approximately 25km². The *Plan* and the *Regulations* apply to all public and private freehold lands within the *MPA*.



Illustration 2: Town Municipal Planning Area (MPA)



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 PROCESS¹

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

¹ 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 compiled in the *Public Participation Report*. 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



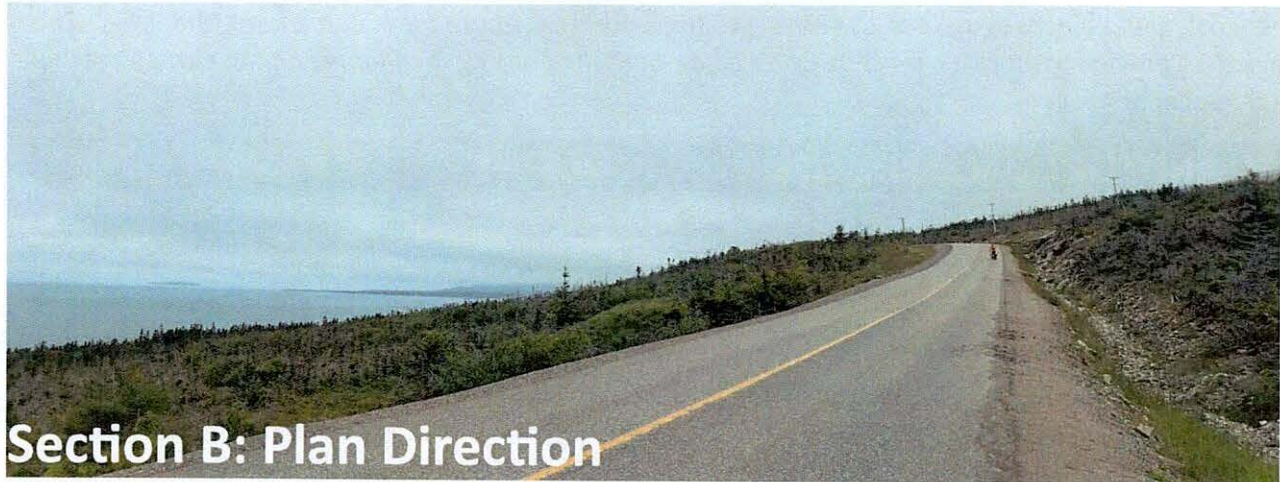
In accordance with section 15 of the *Act*, the draft Municipal Plan is submitted to the Minister of Municipal and Provincial Affairs for review to ensure that the document conforms to provincial interest, law and policy. Following the completion of the provincial review, *Council* may by resolution 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 and Provincial Affairs to be registered in the planning registry established



by the (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 the Southern Limestone Barrens (i.e. Pine Tree area), southern coastline along Bay St. George, coastline adjacent to the Gravels Beach along Port au Bay Bay (East Bay), buffer along Romaine's River, and steep slopes. The 'Water Supply (WS)' *future land use class* is designated to protect the *Town's* water supply, including the provincially designated 'Wellhead Protected Water Supply Area (WPWSA)' and surface water reservoir, 'Protected Public Water Supply (PPWS)'. 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 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 (R)', 'Conservation (C)', 'Water Supply (WS)', and 'Industrial (IND)'. 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 'Water Supply (WS)' *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, R, 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 CD to allow a *gas station (discretionary use)*, a new *use zone* (e.g. CD-1) may be created to allow only the proposed *use* in the new CD-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 portion of the community extending northward along Route #462 (Hynes Road / Point au Mal Road) to the Ski Pine Tree site, westward along Route #460 (Main Road) to the Gravels Beach, and eastward along Route #460 to Romaine's Farm. 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 and Fire Hall, Twilight 50+ Club, St. James Anglican Church, Maria Regina Catholic Church and Parish Hall, St. Thomas Aquinas K-8 School with Port au Port *Library* (regional), Port au Port Tourist Information Centre (regional), and Dan McIsaac Baseball Field & Walking Track.

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.

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 central area 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*, 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* throughout 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 central portion of the *Municipal Planning Area*, in order to promote active living and *active transportation* and to reduce the overall costs of transportation, public and *safety emergency services*. This area is generally defined as the existing built-up part of the *Town* extending northward along Route #462 (Hynes Road / Point au Mal Road) to the Ski Pine Tree site, westward along Route #460 (Main Road) to the Gravels Beach, and eastward along Route #460 to Romaine's Farm.

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 central 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* throughout 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 (R)', 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) **Water Supply (WS)**: This *future land use class* is designated to protect the *Town's* water supply, including the provincially designated 'Wellhead Protected Water Supply Area (WPWSA)' and surface water reservoir, 'Protected Public Water Supply (PPWS).'

Water Supply (WS)	i. Use Groups	ii. Use Divisions	iii. Uses
Main Uses	(N/A)	(N/A)	(a) Open Space – Interpretation – Area of Natural, Historic, or Scientific Interest (b) Open Space – Park – Public (Passive Only) (c) Open Space – (N/A) – a Water Supply (d) Sign – (N/A) – Facial Wall Sign (e) Sign – (N/A) – Ground Sign (f) Utilities – (N/A) – Access (Governmental Only) (g) Utilities – (N/A) – Public Utilities (h) Utilities – (N/A) – Street (Public Only)

As of the initial *Gazette* date of the *Plan and Regulations*, only the 'Water Supply (WS)' *use zone* is seated under the 'Water Supply (WS)' *future land use class*.



B.2.1.3 (3) Despite *proposal* B.2.1.3 (2) and excepting the Water Supply (WS) *future land use class*, 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 Route #460 (Main Road), extending westward to the Gravels Beach and eastward along Romaine’s Road; and along a portion of Route #462 (Hynes Road / Point au Mal Road), extending southward to the intersection of Route #460 and northward to the Ski Pine Tree site. This shall be implemented through the application of a mixed-use, ‘Community Development (CD)’ *use zone*. 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 in the northern and interior portion of the *Municipal Planning Area* through the application of ‘Rural (R)’ *use zone*. The R *use zone* shall include select, low density *residential uses*, *agricultural uses*, *resources uses*, and other compatible *uses* of a



rural nature. Except for low density *residential uses*, *uses* allowed in the R *use zone* generally require an expanse of land to help mitigate potential land *use* conflict. 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), said *uses* may be listed as either *permitted* or *discretionary uses* in the R *use zone*.

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* is applied to residential areas off of provincial Route #460 (Main Road) and Route #462 (Hynes Road / Point au Mal Road), along *local streets* owned and maintained by the *Town*. 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 under consideration by *Council* 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, areas such as the Southern Limestone Barrens (i.e. Pine Tree area), southern coastline along Bay St. George, coastline adjacent to the Gravels Beach along Port au Bay Bay (East Bay), buffer along Romaine's River, and steep slopes. *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) Protect the *Town's* water supply through the application of a 'Water Supply (WS)' *future land use class* and *use zone*. Lands designated and zoned WS are delineated by the provincially designated 'Wellhead Protected Water Supply Area (WPWSA)' and 'Protected Public Water Supply (PPWS)' (surface water reservoir).

B.2.1.3 (11) 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.2.2 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 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*. 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*.



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* 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.

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 (47.9%) of the *Town* self identified as having aboriginal ancestry on the 2016 census. Approximately one third (31.1%) 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 within the *Public Participation 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*.

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 (R)' *use zone*.

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*.



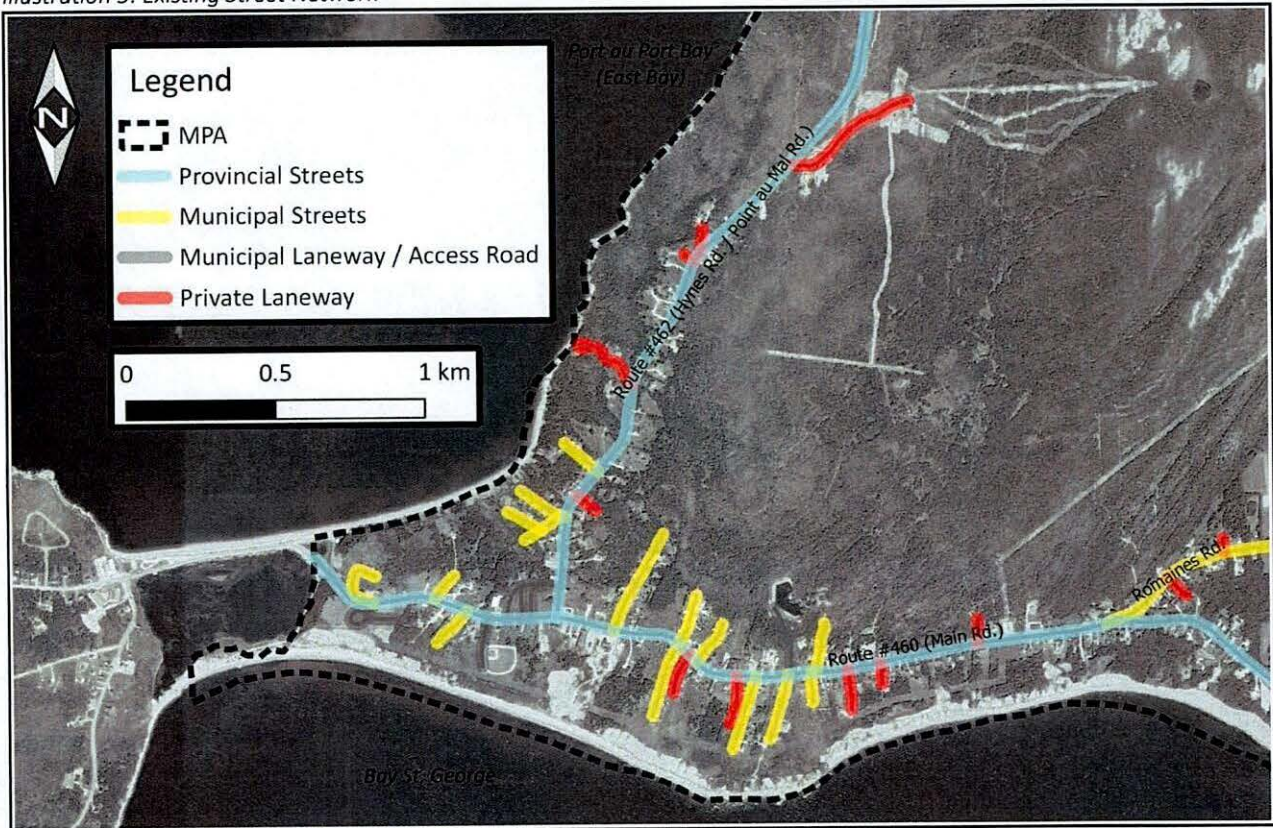
B.2.3.3 (5) Work with First Nations groups in exploring increased public access to the coastline to promote and support traditional *fishing* activities.

B.2.4 PUBLIC STREETS AND THE SUBDIVISION OF LANDS

B.2.4.1 Overview

Route #460 (Main Road) and Route #462 (Hynes Road / Point au Mal Road) are owned and maintained by the Province (see 'Illustration 5: Existing Street Network'). This includes all snow clearing, servicing and improvements. The majority of *public streets* that are owned by the *Town* are accessed from Route #460. There are a series of private laneways within the municipality, which are not vested in the *Town* and are not built to any engineered standard. However, some of these private laneways have historical arrangements with the *Town* to provide waste collection and snow clearing services. Other private laneways are historical *back lot* arrangements where typically family members have constructed *single unit dwellings* behind existing *single unit dwellings* fronting onto Routes #460 or #462 (Hynes Road / Point au Mal Road); thus not all private laneways have historical servicing arrangements with the *Town*.

Illustration 5: Existing Street Network



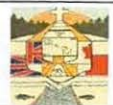
Despite provincial or municipal ownership, *Council* promotes and supports *safe streets* that accommodate *active transportation*, have safe speed limits and clear sight lines at intersections and *driveway accesses*. It is the intent of *Council* to liaise and work with the provincial Department of Transportation and Infrastructure (*DTI*) to improve *street* safety along Routes #460 and #462 including, but not limited to, implementing traffic calming measures and referring *development* and *amendment applications* along these routes 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: Route #460 (Main Road)



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



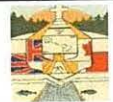
accordance with the submitted plans. The agreement may also include the requirement of upfront, financial guarantees (deposits) and future service levies prior to issuing a *development permit* and work being carried out. *Council* may also attach conditions to a *development permit* for a *subdivision 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*.

Unserviced *subdivision development* on a new *street* shall be prohibited in specific *use zones* prescribed under the *Regulations*. In general, these *use zones* generally correspond with the existing water servicing extents of the *Town*. 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 safe 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 Route #460 (Main Road) and Route #462 (Hynes Road / Point au Mal Road) including, but not limited to, the implementation of traffic calming measures and referring *development* and *amendment applications* along these routes 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 unserviced *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 Serviced by Individual Private Wells.'

B.2.4.2 (13) Prohibit unserviced *subdivision development* on new *streets* within certain *use zones* prescribed under the *Regulations*.

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.2.5 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 central portion of the *Municipal Planning Area*. This area is generally defined as the existing built-up part of the *Town* extending northward along Route #462 (Hynes Road / Point au Mal Road) to the Ski Pine Tree site, westward along Route #460 (Main Road) to the Gravels Beach, and eastward along Route #460 to Romaine’s Farm. In the long-term, this will help reduce overall costs associated with public and *safety emergency services*.

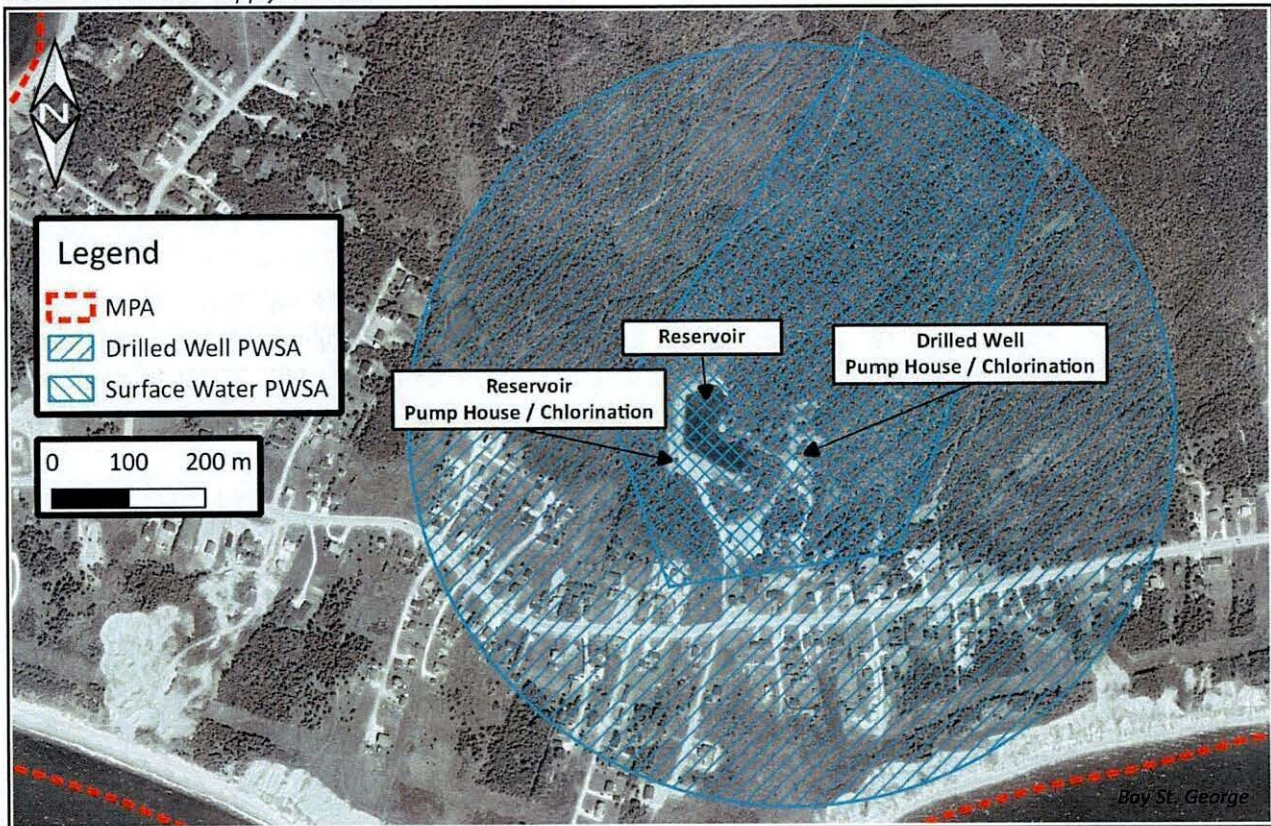
Public Water and Sewerage Services

The *Town* is semi-serviced with *public streets* in the *MPA* having public water services. The main water servicing line ends on Route #462 (Hynes Road / Point au Mal Road) immediately before the Ski Pine Tree site, wherein some residences are serviced by private, on-site wells. The municipal water supply is fed by a reservoir and a drilled (artesian) well immediately north of the Port au Port Tourist Chalet, off of Route #460 (Main Road) (see ‘Illustration 7: Water Supply Facilities’). The reservoir is approximately 2.1 acres in area. Both the reservoir and the drilled well feed a common water main, which in turn distributes water to the rest of the *Town*. Both the area around the reservoir (watershed drainage) and area around the drilled well (aquifer recharge area, 500m radius from source) are provincially designated and protected Public Water Supply Areas (PWSAs). As shown in ‘Illustration 7: Water Supply Facilities,’ there is a separate PWSA for each the reservoir (watershed drainage) and the drilled well (aquifer recharge area). The Water Resources Management Division of the Department of Municipal and Provincial Affairs regulates the specific activities permitted in each PWSA.

The *Town* is not currently serviced with public sewerage disposal. Individual properties have on-site septic for sewerage disposal. Due to excess capital and operational costs, there is no current intent or plan to implement public sewerage disposal in the *Town*.



Illustration 7: Water Supply Facilities



Council does not intend on extending public water services into the hinterland areas (i.e. areas primarily zoned 'Rural' under the *Regulations* as of the initial *Gazette* date of the *Plan* and *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 protected *PWSAs* 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. Due to excess capital and operational costs, there is no current intent or plan to implement public sewerage in the *MPA*.

Solid Waste and Recycling Pick-up

The *Town* contracts out its regular solid waste (i.e. garbage) pick-up service to a private contractor. Solid waste is transported to the Bay St. George Waste Transfer Station, which is located off the Trans-Canada Highway (TCH) immediately southeast of the Steel Mountain Road access to St. Georges. 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* acknowledges 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

The *Town* has an agreement with the Town of Port au Port West – Aguathuna – Felix Cove to provide Emergency Fire Service (EFS) within the region (Port au Port Regional Volunteer Fire Department). Port au Port East handles administration of the service whereas Port au Port West – Aguathuna – Felix Cove houses the equipment, which includes a fire truck and a cube van (see 'Figure 8: Fire Hall / Town Office in the Town of Port au Port West – Aguathuna – Felix Cove'). The fire department is volunteer-based and is made up of a Chief, Assistant Chief, and 26 other members from the *Town* and neighbouring communities. The service is funded by and covers both towns and the Local Service Districts of Campbell's Creek and Fox Island River-Point au Mal. Mutual agreements with the Town of Lourdes and Town of Cape St. George Fire Departments are in place for the provision of back-up EFS.



Illustration 8: Fire Hall / Town Office in the Town of Port au Port West – Aguathuna – Felix Cove



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 8km from the *Town’s* eastern boundary (Romaine’s River). Policing services are provided by the Royal Canadian Mounted Police (RCMP). Since there is no longer a detachment office in Picadilly, the nearest detachment is now in at 40 Oregon Drive in Stephenville. The office is located approximately 10km from the *Town’s* eastern boundary.

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) Discourage the expansion of public water services into hinterland areas (specifically areas zoned 'Rural (R)' 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) Implement 'Surface Water PWSA' and 'Drilled Well PWSA' overlays on the *Future Land Use Classes Map* and *Zoning Map*. The *Town* shall refer any proposed *development* within a protected 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.2.5.3 Proposals

It is a *proposal* of Council to:



B.2.5.3 (1) Further to *policy* B.2.5.2 (7), support and liaise with representative of the St. Thomas Aquinas School 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) Further to *policy* B.2.5.2 (8), 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.2.6 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 southern portion of the *Town*. 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 Newfoundland Power for review to ensure the protection of this *easement* (see 'Illustration 9: Public Utility Use, Newfoundland Power Berry Head Substation').

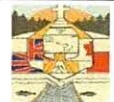
The federal Minister of Innovation, Science and Economic Development (ISED, formerly Industry Canada) retains the authority to regulate radiocommunications in Canada (e.g. telecommunications towers and antennas). *Council* does not have the authority to unilaterally refuse the erection of new towers 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, Newfoundland Power Berry Head Substation



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 *structures*. *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 and areas planned for future residential *development*.

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*.

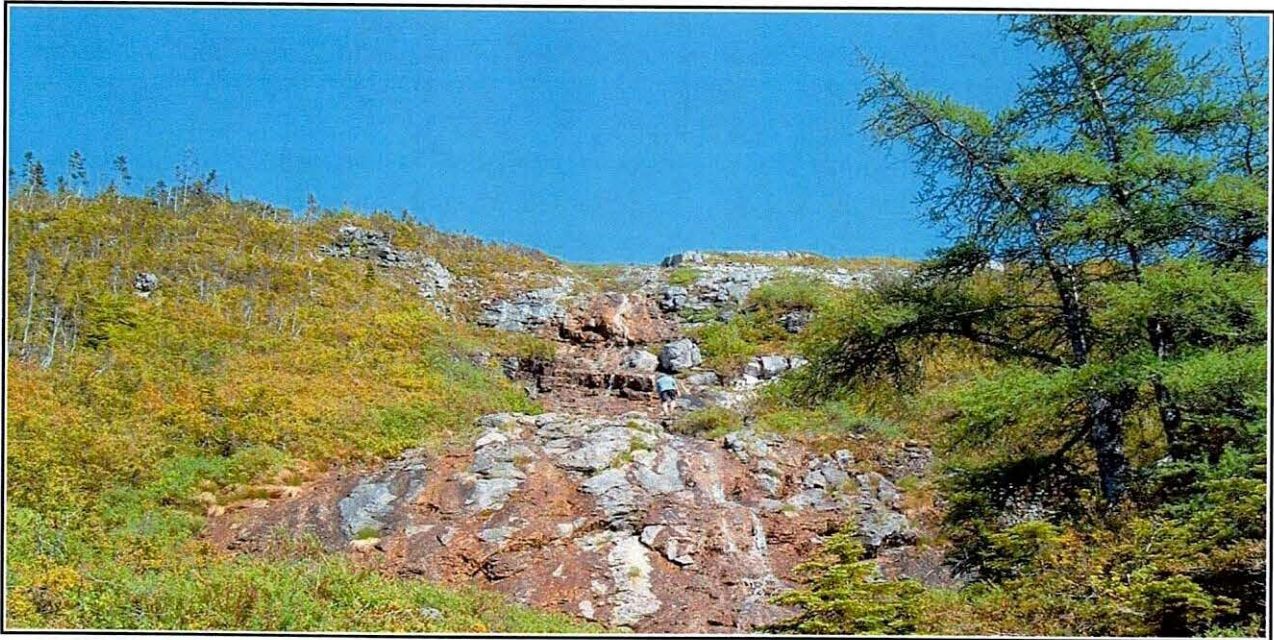
B.2.7 HINTERLAND AREAS

B.2.7.1 Overview

The *Town* is rich in undeveloped hinterland areas. The *Town's MB* extends approximately 4km east-west from the western limits of the Gravels Beach to Romaine's River; and extends approximately 7km south-north along Route #462 (Hynes Road / Point au Mal Road) to Smelt Brook. The *Town's* southerly boundary is the coastline along Bay St. George and the westerly boundary is the coastline along Port au Port Bay (East Bay). The *Town's MPA* is the same as the *MB* and has a total area of 25km² (see 'Illustration 2: Town Municipal Planning Area (MPA)').

The undeveloped hinterland areas are mainly located within the interior of the *MPA*, north of Route #460 (Main Road) and west of Route #462. This area includes the Southern Limestone Barrens of Table Mountain (in which the Pine Tree radar site is located), the western floodplain of Romaine's River, and largely untouched forested lands with minor fens and streams (see 'Illustration 10: Falls on Pine Tree'). Much of this interior area of the *MPA* is provincial Crown lands. However, where the province does not have a mandatory land registration system, it is difficult to ascertain an accurate account of provincial 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: Falls on Pine Tree



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*. Staff of the Local Governance and Land Use Planning Division will give referral response on whether or not the proposed *use* associated with a Crown land application is a *prohibited, permitted or discretionary use*. It is the intent of *Council* to assess Crown land applications on a case-by-case basis, taking into consideration comments received through the provincial referral process. Consideration of comments should be prior to indicating support for or against any proposal to attain Crown land within the *Town*. 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 few *cottages*, Romaine's Farm, *mineral working* (quarry) activity adjacent to Romaine's River, the Pine Tree radar site and Ski Pine Tree site, the interior hinterland areas of the *Town* are largely vacant, undeveloped and in their natural state. These areas are regularly used by residents for recreational purposes (e.g. ATV use, 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. 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* 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 a 'Rural (R)' *use zone*. The R *use zone* shall include select, low density *residential uses (1-2 dwelling units), agricultural uses, resources uses, and other compatible uses* of a rural nature. *Uses* allowed in the R *use zone* generally require an expanse of land to help mitigate potential land *use* conflict.

The coastline north of the Ski Pine Tree site is increasingly being developed for year-round *residential uses (single unit dwellings) and seasonal residential uses (cottages)*. Although this area still retains rural character, the area is under transition. It is the intent of *Council* to continue to allow residential *development* in this area. However, rural *uses* with the potential for higher land *use* impact shall be listed as *discretionary uses* in the R *use zone* to help mitigate future land *use* conflict.

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 Crown land applications on a case-by-case basis, taking into consideration comments received through the provincial referral process.

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

B.2.7.3 Proposals

It is a *proposal* of Council to:

B.2.7.3 (1) Further to *policy* B.2.7.2 (1), not issue an *approval in principle* or *development permit* for a proposed *development* on Crown land prior to receiving confirmation that tenure has been secured by the *applicant*.

B.2.7.3 (2) As per *proposal* B.2.1.3 (6), allow *development* in the hinterland areas in the northern and interior portion of the *Municipal Planning Area* through the application of 'Rural (R)' *use zone*. The R *use zone* shall include select, low density *residential uses* (1-2 *dwelling units*), *agricultural uses*, *resources uses*, and other compatible *uses* of a rural nature. *Uses* allowed in the R *use zone* generally require an expanse of land to help mitigate potential land *use* conflict. 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), said *uses* may be listed as either *permitted* or *discretionary uses* in the R *use zone*.

B.2.7.3 (3) In order to protect existing and future *residential use developments* along the coastline of Route #462 (Hynes Road / Point au Mal Road), include *uses* with potential for high land *use* impact in the 'Rural (R)' *use zone* as *discretionary uses* to help mitigate future land *use* conflict in the area.

B.2.7.3 (4) 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 (R)' *use zone*.

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 Mountainview Road'). There are few other forms of housing in the *Town*, including, for example, a *double dwelling* along Route #460 (Main Road). The most densely developed area of the *Town* is located in the central portion of the *Town*. This is unsurprising, given that the original Berry Head settlement grew outward to establish the current *development* pattern of the *Town*. This area is generally defined as the existing built-up part of the *Town* extending northward along Route #462 (Hynes Road / Point au Mal Road) to the Ski Pine Tree site, westward along Route #460 to the Gravels Beach, and eastward along Route #460 to Romaine's Farm.



Illustration 11: Single Unit Dwellings along Mountainview 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 central portion of the *Town*. This area is generally defined as the existing built-up part of the *Town* extending northward along Route #462 (Hynes Road / Point au Mal Road) to the Ski Pine Tree site, westward along Route #460 to the Gravels Beach, and eastward along Route #460 (Main Road) to Romaine's Farm.

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 Route #460 (Main Road), extending westward to the Gravels Beach and eastward along Romaine's Road; and along a portion of Route #462 (Hynes Road / Point au Mal Road), extending southward to the intersection of Route #460 and northward to the Ski Pine Tree site. This will be facilitated 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*. This *proposal* shall not limit the location of the future application of the CD *use zone*. 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.2.8.3 (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* is applied to residential areas off of provincial Route #460 (Main Road) and Route #462 (Hynes Road / Point au Mal Road), along *local streets* owned and maintained by the *Town*. 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 under consideration by *Council* 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.2.8.3 (3) As per *proposal B.2.1.3 (6)*, allow select, low density *residential uses* (1-2 *dwelling units*) in the hinterland areas of the *Town* through the application of a ‘Rural (R)’ *use zone*.

B.2.9 COMMUNITY GROWTH, SUSTAINABILITY, AND ECONOMIC DEVELOPMENT

B.2.9.1 Overview

The primary employers and businesses within the *Town* include St. Thomas Aquinas K-8 school, Canada Post outlet, Fast Track Convenience and Gas Bar, Romaine’s Farm, Rafter Shop Inc., and Secret Cove Brewing Co (see ‘Illustration 12: Secret Cove Brewing Co.’). There are also smaller, home-based businesses throughout the *Town* including contractors and builders. 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 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*. Despite this, 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 (11)*, 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*.



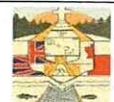
Illustration 12: Secret Cove Brewing Co.



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 highlighted in the *Public Participation Report*, residents have an overall concern with business and economic development in the area and its impact on retaining and drawing young people. The issue of 'brain drain' and attracting young workers to the *Town* is a major concern to the overall sustainability and longevity of the community. Residents expressed a desire to create and foster more 'magnets' for growing the community (e.g. increased services, housing, tourism, and recreation opportunities). Opportunities for economic development and future livelihoods in the *Town*, as per feedback from the public participation program, include healthcare-related services and small-scale activities such as entrepreneurship, *home businesses* and *home industries*, *agricultural uses*, and outdoor tourism (e.g. hunting and fishing, outfitting, eco-tourism). The *Town* should thus capitalize on its natural assets to spur economic development in these areas.

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 growth, sustainability, and economic development within the *Town*. This involves working with existing business stakeholder groups and building new business support networks and relationships. It is also the intent of *Council* to focus on leveraging strengths and opportunities to build, attract and retain businesses, young workers and pivotal entrepreneurs. The development of a ten (10) year Placemaking Action Plan will also help give focus and direction to fostering this form of activity within the *Town*. As opposed to a standard Economic Development Plan, a Placemaking Action Plan focuses more broadly and holistically on the potential for creating a community hub and the potential linkages for drawing in key change-making individuals. Particularly in light of the Covid-19 pandemic, the Placemaking Action Plan should thus be global in scope, addressing marketing strategies that have strong potential to pull key workers and individuals to the *Town* (e.g. to include a comprehensive targeted on-line marketing strategy to draw in remote workers and entrepreneurs that may have synergies with existing activities and businesses 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 central portion of the *Town*. This area is generally defined as the existing built-up part of the *Town* extending northward along Route #462 (Hynes Road / Point au Mal Road) to the Ski Pine Tree site, westward along Route #460 to the Gravels Beach, and eastward along Route #460 (Main Road) to Romaine's Farm.

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) As of the initial *Gazette* date of this *Plan* and *Regulations*, 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

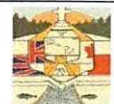
It is a *proposal* of *Council* to:

B.2.9.3 (1) As per *proposal* B.2.1.3 (5), allow commercial uses along Route #460 (Main Road), extending westward to the Gravels Beach and eastward along Romaine's Road; and along a portion of Route #462 (Hynes Road / Point au Mal Road), extending southward to the intersection of Route #460 and northward to the Ski Pine Tree site. This will be facilitated through the implementation of a 'Community Development (CD)' *use zone*. This *proposal* shall not limit the location of the future application of the CD *use zone*. 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.2.9.3 (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 Placemaking Action Plan for the *Town*, including but not limited to a detailed analysis of existing Strengths, Weaknesses, Opportunities and Threats (SWOT) and marketing strategies that have strong potential to pull key workers and individuals to the *Town*.

B.2.9.3 (4) As per *proposal* B.2.1.3 (11), 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*.

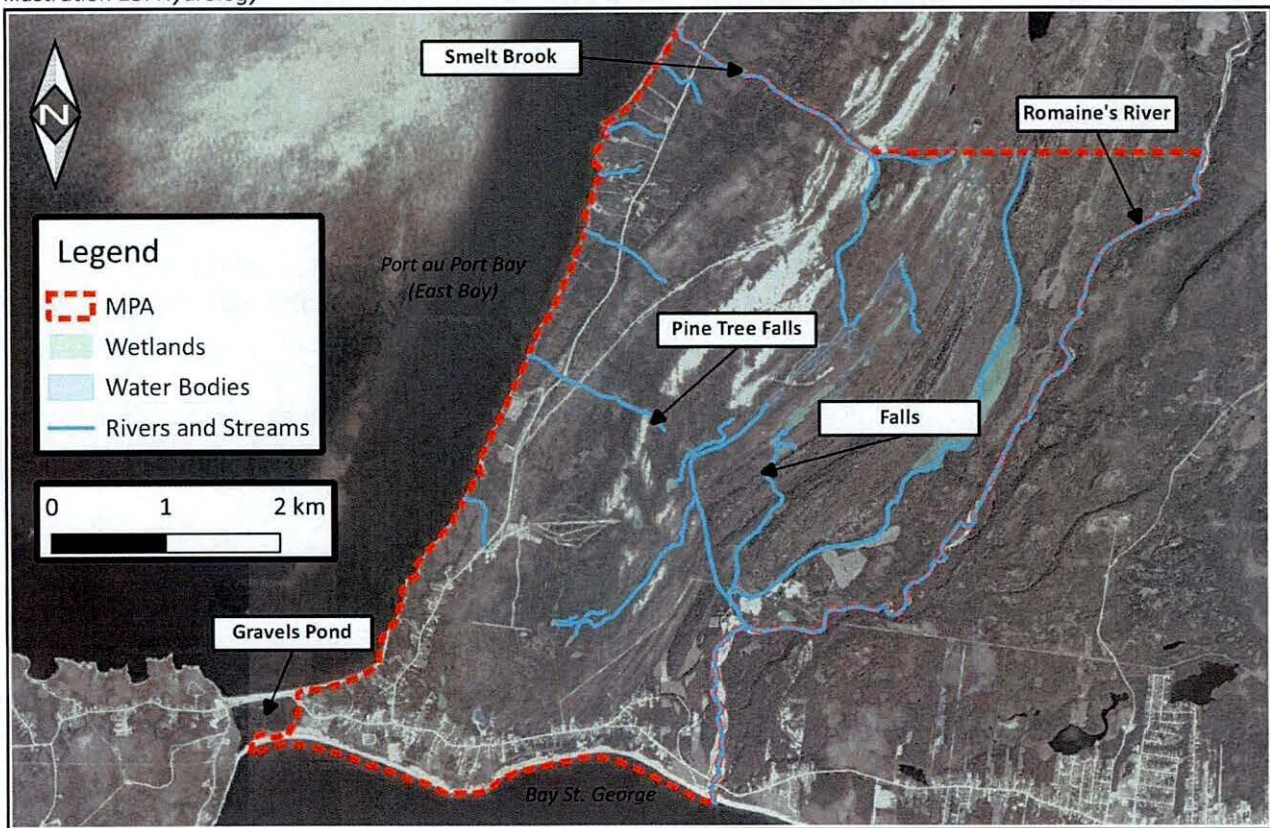


B.2.10 PROTECTION OF THE NATURAL ENVIRONMENT

B.2.10.1 Overview

The *Town* is rich in physical environmental features including a pristine coastline, forested areas, wetlands and watersheds. There are no major water bodies within the *Town* (see 'Illustration 13: Hydrology'). There is a series of small ponds atop Table Mountain, immediately southeast of the old Pine Tree radar site, the largest of which is roughly 700m long by 50m wide. This rural, undeveloped area of the *Town* also contains a series of narrow wetlands (fens) and seasonally intermittent streams that run parallel to the inner folds of the bedrock of Table Mountain. The Gravels Pond is a salt water body and is bound by two narrow strips of land that make up the Port au Port isthmus, which connects the Port au Port peninsula to mainland Newfoundland. The Gravel Pond also defines the boundary between the Town of Port au Port East and Town of Port au Port West – Aguathuna – Felix Cove.

Illustration 13: Hydrology



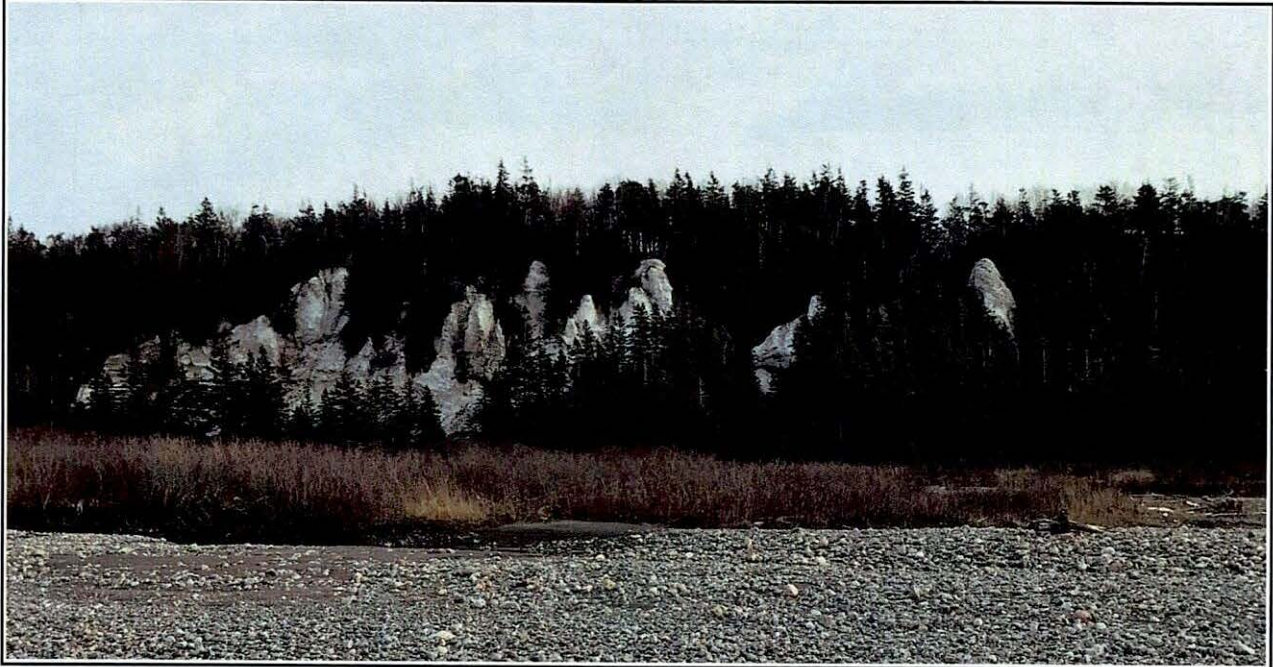
Romaine's River is the largest watercourse of the *Town* and acts as the boundary between the *Town* and the Town of Kippens (see 'Illustration 13'). There are other seasonally intermittent streams that run northwestward off of Table Mountain into Port au Port Bay (East Bay). This includes Smelt Brook, which acts as the boundary between the *Town* and the Local Service District of Fox Island River – Point au Mal.



In general, the drainage pattern of the *Town* is defined by the contours of Table Mountain, which dictate the flow of water northwest into Port au Port Bay (East Bay) and southeast into Romaine's River flowing into Bay St. George.

The area adjacent to Romaine's River at the eastern boundary of the *Town* is a provincially designated Sensitive Wildlife Area (see 'Illustration 14: Gypsum Cliffs on Romaine's River' and 'Illustration 15: Sensitive Wildlife Areas').

Illustration 14: Gypsum Cliffs of Romaine's River



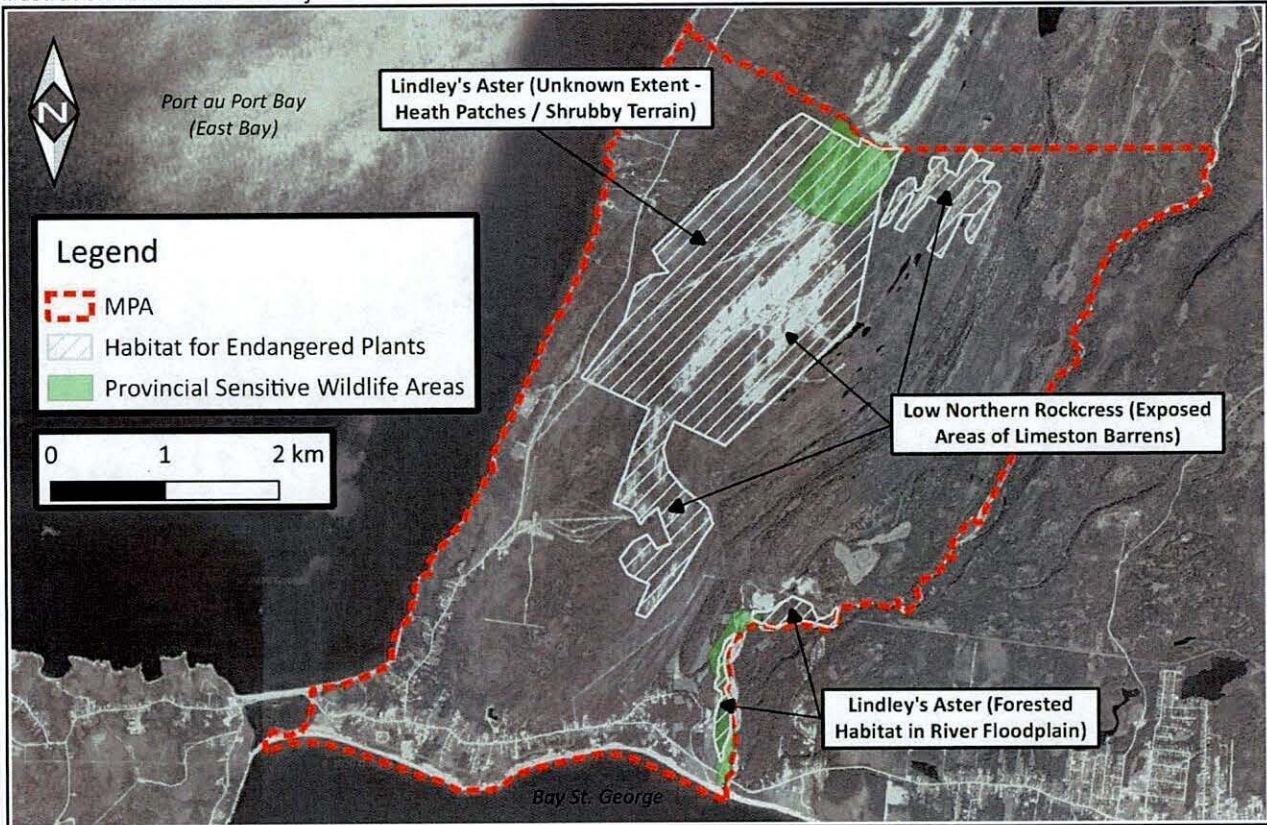
This area provides habitat for the Olive-sided Flycatcher and Rusty Blackbird, both of which are avian species listed under the provincial *Endangered Species Act*. There are also other sensitive species of rare flora located in this area (e.g. the endangered Lindley's Aster), most likely occurring on the western and northern side of Romaine's River (see hatched area along river in Illustration 15). The habitat of the Lindley's Aster is marked by forested areas within the floodplain of the river. In order to ascertain any potential adverse impact on these species, *Council* shall forward any *development* proposal within these areas to the Wildlife Division of the Department of Fisheries, Forestry and Agriculture. Based on recommendations from this Division, *Council* may require the applicant to conduct a rare plant survey prior to issuing any *approval in principle* or *development permit*.

The area atop Table Mountain immediately north of the Pine Tree radar site is also a provincial designated 'Sensitive Wildlife Area' (see Illustration 15). The Southern Limestone Barrens provide habitat to rare and endangered plant species. There are at least two (2) endangered plant species in the area, including the Low Northern Rockcress and Lindley's Aster (see hatched area along Pine Tree in



Illustration 15). The Low Northern Rockcress is the rarer of the two species and is found within the exposed areas of the Southern Limestone Barrens. The extent of the Lindley's Aster is unknown, but can be found in heath patches and small openings in shrubby terrain (see hatched area along Pine Tree in Illustration 15). A third species, the Rock Dwelling Sedge, may—upon further survey investigation—be discovered in the area, as the Limestone Barrens also provide habitat for this species at-risk plant.

Illustration 15: Sensitive Wildlife Areas



As highlighted in subsection 'B.2.7 Hinterland Area,' the *Town* is rich in undeveloped hinterland areas. These areas are mainly located within the interior of the *MPA*, north of Route #460 (Main Road) and west of Route #462. Hinterland areas include the Southern Limestone Barrens of Table Mountain (in which the Pine Tree radar site is located), the western floodplain of Romaine's River, and largely untouched forested lands with minor fens and streams. 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.

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.

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 southern coastline of the *Town*, along Bay St. George, is susceptible to increased rates of erosion, as this area is made up of mainly unconsolidated sand and gravel deposits. This area also contains substantial residential *development*, as there is high *development* pressure for ocean-view properties along the coastline. The western coastline of the *Town*, along Port au Port Bay, is in comparison more resilient to erosion due to the consolidated nature of the exposed bedrock cliffs.

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 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.

Further, 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.

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

B.2.10.2 (8) Help protect sensitive and endangered wildlife in the Provincial Sensitive Wildlife Areas and Habitat for Endangered Plants areas.

B.2.10.2 (9) Forward any *development* proposal within 15 metres of a water body to the Water Resources Management Division for any requirements/issuance of a provincial permit for infilling.

B.2.10.3 Proposals

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

B.2.10.3 (1) Further to policies B.2.10.2 (1) and (8) and 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, areas such as the Southern Limestone Barrens (i.e. Pine Tree area), southern coastline along Bay St. George, coastline adjacent to the Gravels Beach along Port au Bay Bay (East Bay), buffer along Romaine's River, and steep slopes. *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.2.10.3 (2) Further to *policies* B.2.10.2 (3) and (5), implement an overlay, 'Cliff Edge Buffer (40m)' overlay 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 (40m)' overlay 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 (8), implement a 'Significant Wildlife Area (SWA) and Endangered (End.) Plant Habitat' overlay on the *Future Land Use Classes Map* and *Zoning Map*. In order to ascertain any potential adverse impact on endangered and sensitive plant species, *Council* shall forward any *development* proposal within or adjacent to this overlay area to the Wildlife Division of the Department of Fisheries, Forestry and Agriculture. Based on recommendations from this Division, *Council* may require the *applicant* to conduct a rare plant survey prior to issuing any *approval in principle* or *development permit*. (Note: As the Wildlife Division surveys, monitors, and gathers new information on rare and endangered species, the boundaries of this overlay may change. The *Town* shall contact the Wildlife Division regularly to ensure that these boundaries, and the application thereof, are kept current.)

B.2.11 OPEN SPACE AND RECREATIONAL USES

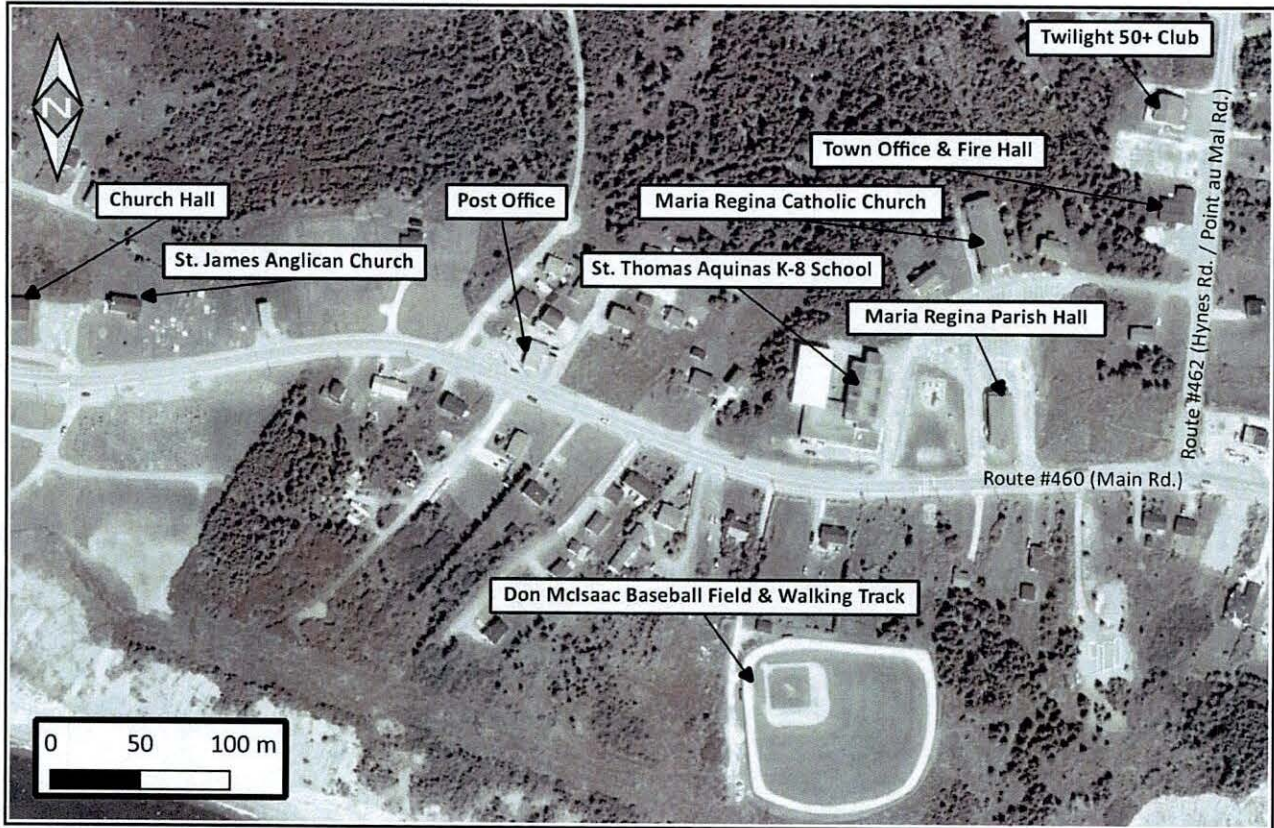
B.2.11.1 Overview

The *Town's* civic and recreational facilities are centralized near the intersection of Routes #460 (Main Road) and #462 (Hynes Road / Point au Mal Road). This area includes the Town Office and Fire Hall, Twilight 50+ Club, Maria Regina Catholic Church and Parish Hall, St. James Anglican Church and Hall, St. Thomas Aquinas K-8 School with Port au Port Library (regional), and Dan McIsaac Baseball Field & Walking Track (see 'Illustration 16: Civic and Recreational Facilities'). The *Town* also owns the Port au Port Tourist Information Centre (regional), which is located near the water treatment facilities, approximately 1km west of the intersection of Routes #460 and #462.

The *Town* also contains numerous non-maintained, informal trails throughout its interior, north of Route #460 and west of #462. These trails are mainly used for All-Terrain Vehicle (ATV) and snowmobile use; but are also used by walkers, hikers, and mountain bikers alike. The Pine Tree radar site, for example, is regularly used by residents for active recreation as the exposed country of the Southern Limestone Barrens makes exceptional hiking terrain and the top of the site provides for a panoramic view of the Port au Port Peninsula and the Long Range Mountains (see 'Illustration 17: View from Pine Tree Falls'). There is also a non-operational, downhill ski development (Ski Pine Tree) in this area, which has cleared trails and a chalet facility.



Illustration 16: Civic and Recreational Facilities



Due to cost and resource constraints, *Council* does not intend on developing additional recreational facilities and lands for *public park uses*. However, resources pending, *Council* may consider developing improvements or modest additions to existing facilities. Further, in order to 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 or additions to existing facilities 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 shall include developing facilities and trails that incorporate universal design principles.

Illustration 17: View from Pine Tree Falls



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 and enhance existing municipal lands with recreational facilities (e.g. Don McIsaac Baseball Field and Walking Track) for continued public use.

B.2.11.2 (2) Explore community support and feasibility of broadening recreational activities and facilities within the *Town*.

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.2.11.3 Proposals

It is a *proposal of Council* to:

B.2.11.3 (1) Further to *policy* B.2.11.2 (2), explore the possibility of conducting a field study to map informal trails throughout the interior of the *Town*, north of Routes #460 (Main Road) and #462 (Hynes Road / Point au Mal Road). *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) Further to *policy* B.2.11.2 (2), explore potential recreational facilities and/or activities that may support the *Town* as a tourist hub destination. This may take the form of a feasibility a study, which may be housed within or be supplementary to the ten (10) year Economic Development Plan called for under *proposal* B.2.9.3 (3).

B.2.11.3 (3) Further to *policy* B.2.11.2 (4), 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 (4) 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*.



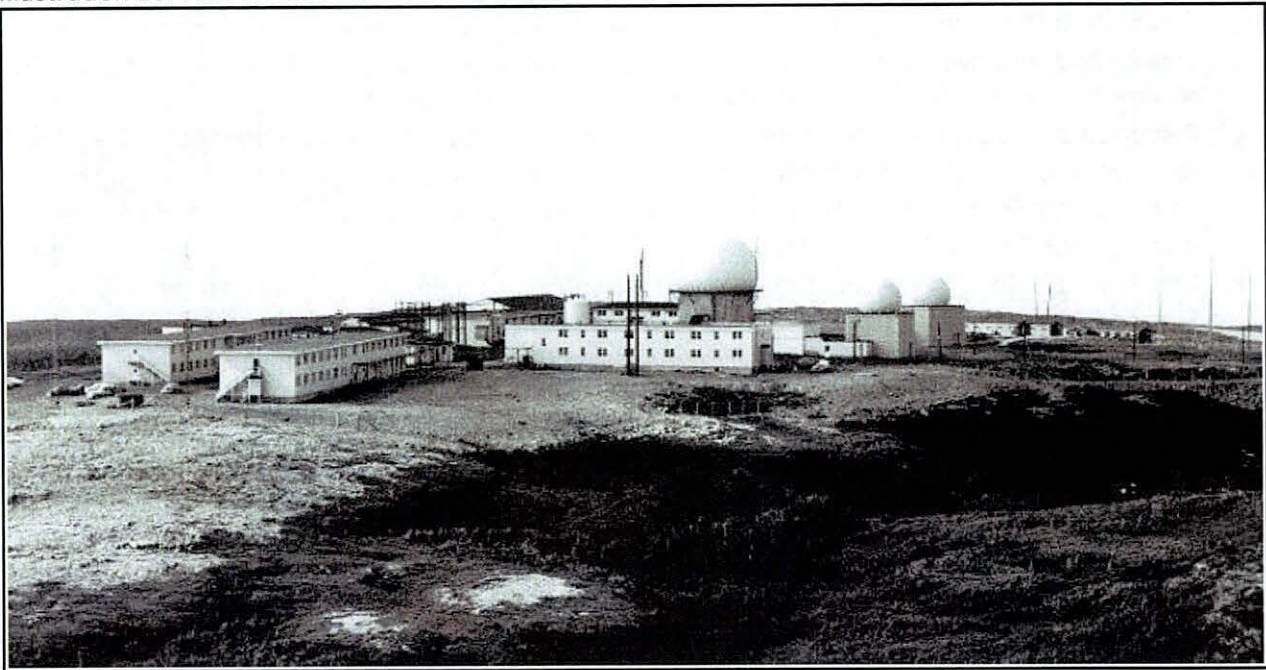
B.2.12 ARCHAEOLOGICAL AND HISTORICAL SITES

B.2.12.1 Overview

The Provincial Archaeology Office (PAO) has one (1) registered archaeological site on record within the *Town*. This site, known as the East Bay Chert Outcrop (DdBq-04), is a source of lithic material that may have been utilized over 1000 years ago by indigenous groups known archaeologically as Dorset and Little Passage. This site is protected under the *Historic Resources Act*, RSNL 1990, c H-4. There are no registered historic *buildings* within the *Town*.

Notwithstanding the above, the Pine Tree radar site has local historic significance to residents of the *Town*. Due to the conjoint efforts of the United States and Canada, the Pine Tree radar site was developed in the 1950s as a part of the North American Aerospace Defense Command (NORAD) program. In addition to the infrastructure and equipment that made up the Aircraft Control and Warning (AC&W) station site, the operation also included dormitories, shops, warehouses, and dining halls (see 'Illustration 18: Pine Tree NORAD Site Ca. 1958'). All that remains of the site today is unmanned radio control equipment, such as a dome, satellite dishes, and an aircraft beacon used for instrument landing.

Illustration 18: Pine Tree NORAD Site Ca. 1958



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: Example of Ground Sign



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*. This includes exempting the majority of *sign* types from the requirement of a *development permit*. Despite these exemptions, 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. This means that although specific *sign* types may be exempt from the requirement of a *development permit*, the illegal placement of *signs* may still be enforced by the *Delegated Employee* and *Council*.

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*.

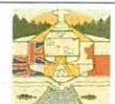
Signage provisions are outlined as a stand-alone section in the *Regulations* (see subsection 'C.2 Signage' in the *Regulations*). Where the intent of *Council* is to take a permissive approach to regulating signage, there is an extensive list of exemptions from the requirement of a *development permit*. For example, *sign re-facing* does not require a *development permit* (see subsection C.2.1 (b) of the *Regulations*). In accordance with subsection C.2.3 (a) of the *Regulations*, new *canopy, facial wall, portable, projecting, roof, and sandwich board signs* are also exempt from the requirement of a *development permit*. Unless otherwise specified in the *Regulations*, a *development permit* shall only be required for new *billboard, electronic message board, and ground signs* (e.g. pylon signs).

As outlined above, an exemption from the requirement of a *development permit* does not exempt the property owner from following the signage provisions under 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 (Route #462, Hynes Road / Point au Mal Road; and Route #460, Main Road), 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) Exempt the majority of *sign* types from the requirement of a *development permit*, as implemented through the *Regulations*. A *development permit* exemption, however, does not exempt the property owner from adhering to the applicable signage provisions in the *Regulations*. Non-compliant signage may be enforced in accordance with the *Urban and Rural Planning Act, 2000* and the *Regulations*.

B.2.13.2 (3) 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 (4) Avoid the duplication of municipal and provincial signage provisions and permits.

B.2.13.3 Proposals

It is a *proposal* of Council to:

B.2.13.3 (1) Further to *policy* B.2.13.2 (3), consider an *electronic message board sign* as a *discretionary use* in the 'Community Development (CD)', 'Residential (RES)', 'Rural (R)', and 'Industrial (IND)' *use zones*. An *electronic message board sign* shall constitute a *prohibited use* in all other *use zones*.

B.2.13.3 (2) Further to *policy* B.2.13.2 (3), consider a *billboard sign* as a *discretionary use* in the 'Community Development (CD)', 'Rural (R)', and 'Industrial (IND)' *use zones*. A *billboard sign* shall constitute a *prohibited use* in all other *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.

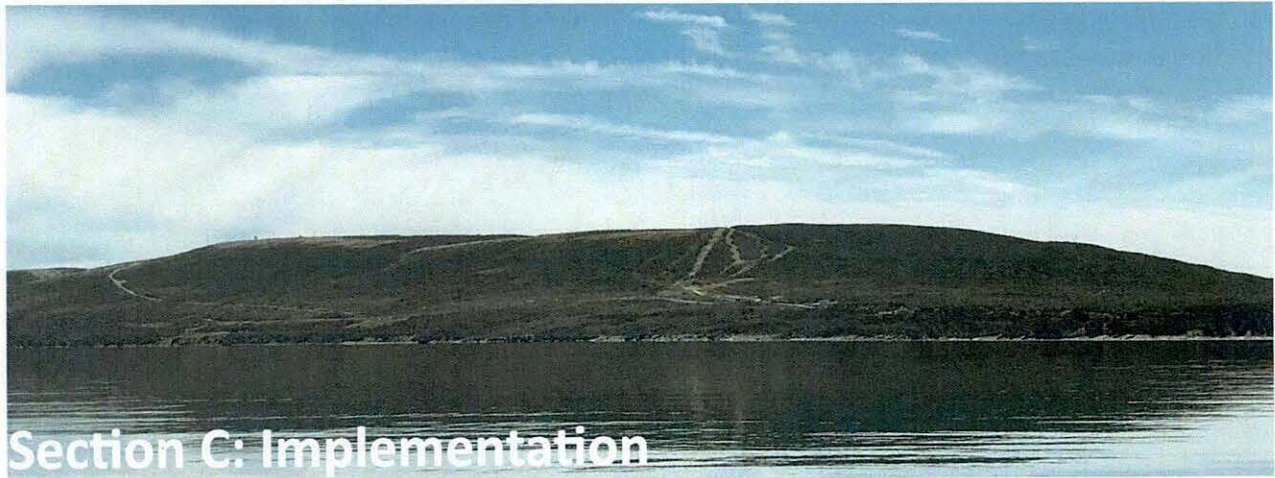
B.2.13.3 (4) Further to *policy* B.2.13.2 (4), implement a 'despite all' clause in the *Regulations* that exempts the *applicant* or property owner from the signage provisions (including the requirement of a *development permit*) of the *Plan* and *Regulations* where the provincial *Highway Sign Regulations, 1999* are still in force and effect in the *Municipal Planning Area*. Further, despite any provision in this *Plan*, an *electronic message board sign*, *billboard sign*, and *off-site sign* are strictly prohibited within the provincial area of jurisdiction, where the *Highway Sign Regulations, 1999, 85/99* remain in force and effect.



B.2.13.3 (5) 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*.²

² 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 the *Public Participation 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.2.5.3 (2)	Emergency Measures Plan	NA
B.2.6.3 (2)	Antenna Systems Siting Protocol	Planner (FCIP or MCIP)
B.2.9.3 (3)	Placemaking Action 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)
B.2.11.3 (2)	Recreational Hub Feasibility Study	Planner (FCIP or MCIP)
B.2.13.3 (5)	Application to the Minister of Municipal and Provincial Affairs for Exclusion from the <i>Provincial Highway Sign Regulations, 1999</i> within the Municipal Planning Area	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 *policies* and *proposals* outlined under 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)').

Future Land Use Classes	Development (D)				Conservation (C)	Water Supply (WS)
Land Use Zones	Community Development (CD)	Residential (RES)	Rural (R)	Industrial (IND)	Conservation (C)	Water Supply (WS)

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).

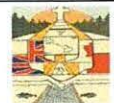
Depending on the nature of the proposed *development* and surrounding land *use* context, not all categories will apply. *Council* will have to make this initial determination of which categories are 'Applicable (A)' or 'Not Applicable (NA).'

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 ³					
	Noise ⁴					
	Odour ⁵					
	Light Pollution ⁶					
	Vibration ⁷					

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.

- 3 E.g. Dust from an *industrial use* or *commercial – automotive establishment use*
 4 E.g. Noise from traffic or trucking, animals, *indoor* or *outdoor entertainment use*
 5 E.g. Odour from *industrial use* processes or *agricultural – large scale use*
 6 E.g. Light trespass from an illuminated *parking lot*, *electronic message board* or *back-lit signs*
 7 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 ⁸					
	Nature and Intensity of Use ⁹					
	Building / Structure Massing and Height ¹⁰					
	Building Architectural Style ¹¹					
	Alignment of Development ¹²					

8 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*.

9 '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?)

10 '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?)

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

12 '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*:

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*:

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*:

