

Prepared by:



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Town of Port au Port West - Aguathuna - Felix Cove

• MUNICIPAL PLAN (2019-29)

Approved by Council on:

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Urban and Rural Planning Act, 2000

Resolution to Adopt

Town of Port au Port West- Aguathuna- Felix Cove Municipal Plan (2019-29)

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Port au Port West- Aguathuna- Felix Cove adopts the Town of Port au Port West- Aguathuna- Felix Cove Municipal Plan (2019-29).

Adopted by the Town Council of Port au Port West- Aguathuna- Felix Cove on the 20th day of September, 2019.

Signed and sealed this 6th day of December, 2019.

Mayor: Chalsie Kook Marche

Clerk: [Signature]



Canadian Institute of Planners Certification

I certify that the attached Municipal Plan was prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

[Signature]

Andrew C. Smith, MCIP





11/17/2011



Resolution to Approve

Town of Port au Port West- Aguathuna- Felix Cove Municipal Plan (2019-29)

Under the authority of Section 16, Section 17 and Section 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Port au Port West- Aguathuna- Felix Cove:

Adopted the Town of Port au Port West- Aguathuna- Felix Cove Municipal Plan (2019-29) on the 20th day of September, 2019;

Gave notice of the adoption of the Town of Port au Port West - Aguathuna - Felix Cove Municipal Plan (2019-29) by advertisement, inserted on the 23rd day and the 30th day of October, 2019 in the Western Star; and

Set the 7th day of November at 7:00 p.m. at the Town Office, Port au Port West - Aguathuna- Felix Cove, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Port au Port West- Aguathuna- Felix Cove approves the Town of Port au Port West- Aguathuna- Felix Cove Municipal Plan (2019-29), as adopted.

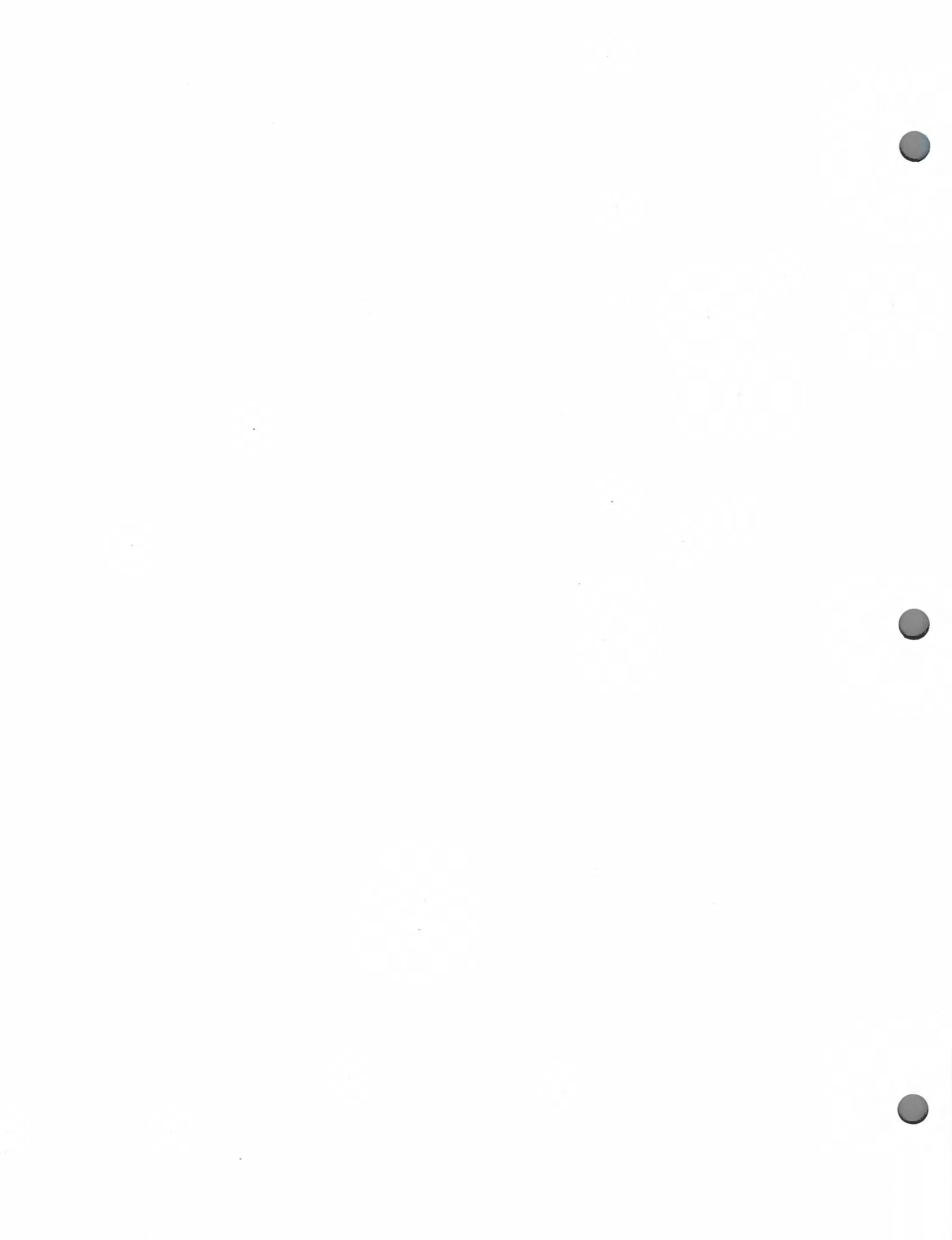
SIGNED AND SEALED this 6th day of December, 2019.

Mayor: Chalsie Cook-Marche

Clerk: V.A.

Municipal Plan/Amendment	
REGISTERED	
Number	<u>3941-2020-000</u>
Date	<u>JUNI 11, 2020</u>
Signature	<u>Mary Oley</u>





Resolution to Approve

Town of Port au Port West- Aguathuna- Felix Cove Municipal Plan (2019-29)

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Signature _____





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A.1 PURPOSE AND CONTENTS

Note: Italicized words are defined in the 'Development Regulations (2019-29)'

The 'Town of Port au Port West- Aguathuna- Felix Cove – Municipal Plan (2019-29)' (henceforth the *Plan*) is the legal document for guiding the future of the *Town* between 2019 and 2029. This is the first Municipal Plan for the *Town*, which 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 West- Aguathuna- Felix Cove – Development Regulations (2019-29)' (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



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 2: 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 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.

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

The summary of this step is also compiled in the above-noted *Background Report*. Subsection ‘B.7 Public Participation Summary’ of the Report summarizes the various public participation strategies that were implemented in order to garner feedback from residents and community stakeholder groups. Strategies that were implemented include a community-wide survey, pop-up booth, stakeholder group interviews and questionnaires, and public meetings.

Illustration 2: Planning Process



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

After the Commissioner's report has been submitted, *Council* considers the recommendation and may approve the *Plan*, table the *Plan*, or approve the *Plan* with changes recommended by the Commissioner. If approved, *Council* must then submit the Municipal Plan and Development Regulations to the Minister of Municipal Affairs and Environment to be registered in the planning registry established by the Department (section 24 of the *Act*). The Municipal Plan comes into effect on the date that the notice of its registration is published in the Newfoundland and Labrador Gazette (subsection 24(3) of the *Act*).



Section B: Plan Direction

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) Maintain the established rural character and quality of life;
- (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) Protect areas with resource potential;
- (h) Recognize the traditional variety and mix of land *uses*, while separating incompatible *uses* and minimizing the potential for land *use* conflicts;
- (i) Revitalize a healthy resource-based economy;
- (j) Promote economic diversification;
- (k) Protect existing and potential future surface and groundwater resources;
- (l) Encourage a *development* pattern that will minimize future servicing needs and costs;
- (m) Promote the utilization and upkeep of existing and proposed public infrastructure;
- (n) Direct *development* away from areas that pose a risk to public health and safety, or where property may be damaged; and
- (o) 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 *Municipal Planning Area (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 rural character of the *Town*. On the whole, the municipality is characterized by a low density, rural *development* pattern which allows for residents to maintain and enjoy a rural lifestyle. 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*.

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 Gravels walking trail, wetlands, and the beach at the southwestern point of the Gravels Pond. The 'Mining and Quarrying (MQ)' *future land use class* is designated to retain valuable *mineral* and aggregate deposits. This includes the Aguathuna limestone quarry site and additional lands at the northwestern limits of the *Town*. All remaining lands are designated 'Development (D)' to allow the creation of a wide range of *uses*, which include *agricultural uses*, *commercial uses*, *industrial uses*, *institutional uses*, *residential uses*, *resources uses*, and *transportation uses*. The *policies*, *proposals*, and *Regulations* give more structure and direction to these three (3) *future land use classes*.

Despite the three (3) *future land use classes* and associated *policies* and *proposals*, select *use groups*, *use divisions*, and *uses* may be created in any *future land use use class*. Examples include, but are not limited to, *public utilities*, *park uses*, mobile and transient *uses*. Although these *uses* may not necessarily be allowed in any *use zone*, allowing their creation affords *Council* with the flexibility to amend the

Regulations (e.g. considering a rezoning request) without amending the *Plan* to allow specific *uses* in appropriate circumstances.

The *future land use classes* shall be implemented by five (5) initial *use zones*: ‘Community Development (CD)’, ‘Rural (R)’, ‘Residential (RES)’, ‘Conservation (C)’, and ‘Mining and Quarrying (MQ)’. As per subsection 13(2)(c) of the *Act*, these five *uses zones* shall only contain *permitted* and *discretionary uses* that are afforded by their parent *future land use class*. The ‘Conservation (C)’ and ‘Mining and Quarrying (MQ)’ *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, RU, and RES *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 Affairs and Environment or a public hearing presided over by a Commissioner.) The RES *use zone* is, at the initial *Gazette* date of the *Plan* and *Regulations*, set up as a floating *use zone* mainly allowing *residential uses* and is not yet applied to any lands within the *MPA*. The intent of the RES *use zone* is to potentially rezone future lands for *residential subdivision development*. This form of rezoning may be driven by a developer applying for a *residential subdivision development* within the *MPA*.

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 CD to R to allow a *manufacturing – heavy use (discretionary use)*, a new *use zone* (e.g. R-1) may be created to allow only the proposed *use* in the new R-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).

The communities of Port au Port West and Aguathuna have the highest *development* densities in the *Town*, which contain the main anchor *institutional* and *commercial uses* (e.g. Our Lady of Mercy Complex, Town Office, Post Office, Abbott’s Home Building Centre, Elaine’s Convenience). This is

unsurprising given that these communities functioned as the original, historical settlements for the area (e.g. the Gravels settlement and Aguathuna townsite). These areas also have existing public water services. In order to facilitate an efficient *development* pattern, future *development* should be encouraged to locate in these pre-established communities.

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.

Rural Lifestyle and Development

Council recognizes that many residents enjoy living in the *Town* because of the rural lifestyle it affords. 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 pre-established communities of Port au Port West and Aguathuna, compatible *development* of an appropriate *use* and scale may be considered in appropriately designated areas on the *Future Land Use Classes Map*. Where areas are not appropriately zoned to accommodate a proposed *use* and *development* (e.g. new residential subdivision *development* in a 'Rural (R)' zone), the proposal shall 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 sustainability, *Council* also recognizes the importance of promoting *agricultural uses* throughout the *Town*. The annual Port au Port Agricultural and Craft Fall Fair is an opportunity to showcase and sell local farm products, and illustrates the sustained importance of *agricultural use* activity in the area. The *Town* is also entirely within the provincial Port au Port Agricultural Development Area (ADA). Provincial ADAs are identified based on soil surveys throughout the province and represent provincially significant, arable lands. It is thus the intent of *Council* to allow various *agricultural uses* throughout the *MPA*.

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 mixed-use, compact and efficient *development* pattern within the pre-established communities of Port au Port West and Aguathuna, in order to promote active living and *active transportation*, and to reduce the overall costs of transportation, public and *safety emergency services*.

B.2.1.2 (6) In order to facilitate an efficient *development* pattern as per *policy* B.2.1.2 (5), encourage new *residential*, *commercial*, and *institutional uses* to locate within the pre-established communities of Port au Port West and Aguathuna.

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 which 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)

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

Conservation (C)	i. Use Groups	ii. Use Divisions	iii. Uses
Main Uses	(a) Open Space	(N/A)	(a) Commercial/ Institutional – Recreational Facility – Indoor (b) Institutional – Assembly – Community Centre

			<ul style="list-style-type: none"> (c) Institutional – Assembly – Cultural Establishment (d) Institutional – Assembly – Library (e) Institutional – Education – Instructional Use (f) Institutional – Outdoor Recreation – Equestrian Facility (g) Institutional – Posthumous – Graveyard
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(c) **Mining and Quarrying (MQ):** This *future land use class* is designated to protect existing and potential future lands for *uses* in the *resource – earth use division*.

Mining and Quarrying (MQ)	i. Use Groups	ii. Use Divisions	iii. Uses
Main Uses	(N/A)	<ul style="list-style-type: none"> (a) Resource – Earth Exploration (b) Resource – Earth Extraction 	<ul style="list-style-type: none"> (a) Industrial – Manufacturing and Processing – Asphalt/Aggregate/Concrete Plant

B.2.1.3 (3) Despite *proposal* B.2.1.3 (2), allow the following *uses* to be created (i.e. may be created) 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	<ul style="list-style-type: none"> (a) Open Space (b) Sign (c) Utilities 	<ul style="list-style-type: none"> (a) Agricultural – Small Scale (b) Resource – Earth Exploration 	<ul style="list-style-type: none"> (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
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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 shoreline, 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 the majority of *public streets* within the *Municipal Planning Area*. This shall be implemented through the application of a mixed-use, 'Community Development (CD)' *use zone*, which covers existing developed areas and extends approximately 100-150m from the centre line of the majority of *public streets* within the *Municipal Planning Area*. However, *Council* may in the future consider the extension of the 'Community Development (CD)' *use zone* beyond this initial 100-150m range through the *Regulations* amendment process (e.g. rezoning). *Uses* allowed in the CD *use zone* shall include *commercial uses, institutional uses, residential uses*, and other select *uses*. *Residential uses* with $\leq 4DU$ s shall be listed as *permitted uses*, whereas higher density *uses* ($\geq 5DU$ s) shall be listed as *discretionary uses*. Depending on the nature, scale, and compatibility of other *uses* in the 'Development (D)' *future land use class* under proposal B.2.1.3 (2) (a), they may be listed as either *permitted* or *discretionary uses* in the CD *use zone*.

B.2.1.3 (6) Allow *development* in the hinterland areas throughout the *Municipal Planning Area* through the application of a low-density, mixed-use 'Rural (R)' *use zone*. *Uses* allowed in the R *use zone* shall include *agricultural uses, industrial uses, open space uses, resource uses*, and other select *uses*. These *uses* are of a rural nature and generally require an expanse of land and separation from urban *uses*. *Residential uses* shall be prohibited in this *use zone*. The *development* of single *cottages* on independent *lots* for personal or *commercial use* shall also be prohibited in the R *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 R *use zone*.

B.2.1.3 (7) Establish a 'Residential (RES)' floating *use zone* for the potential rezoning of future lands developed for *residential subdivision use*. As of the initial *Gazette* date of the *Plan* and *Regulations*, this *use zone* is not applied to any lands within the *Municipal Planning Area*. *Uses* allowed in the RES *use zone* shall include mainly low density *residential 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 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)' *use zone*. Lands zoned C will correspond with lands designated 'Conservation (C)' *future land use class*, including, but not limited to, the Gravels walking trail area, wetlands, and the beach at the southwestern point of the Gravels Pond. *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*. Council may consider, on a case-by-case basis and through the *Regulations* amendment process, rezoning a property designated as 'Conservation (C)' to include any of the additional *uses* under *proposal* B.2.1.3 (2)(b), which are not included in the C *use zone table* at the initial *Gazette* date of the *Plan* and *Regulations*. These *uses* include *indoor recreational facility*, *community centre*, *cultural establishment*, *instructional use*, *library*, *equestrian facility*, and *graveyard*.

B.2.1.3 (10) Retain valuable *mineral* and aggregate deposits through the application of a 'Mining and Quarrying (MQ)' *use zone*. Lands zoned MQ will correspond with lands designated 'Mineral and Quarrying (MQ)' *future land use class*, including the Aguathuna limestone quarry site and additional lands at the northwestern limits of the Town. *Uses* allowed in the MQ *use zone* shall include all *uses* within the *resource – earth exploration* and – *earth extraction use divisions*, and other select *uses*.

B.2.2 LEGAL NON-CONFORMING USES

B.2.2.1 Overview

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

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

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

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

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 *Gazette* date of the *Plan* and *Regulations*, 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.5 First Nations' in the *Background Report*, residents of the *Town* have strong ties to First Nations, Mi'kmaq history and culture. One third (33.3%) of the *Town* self identified as having aboriginal ancestry on the 2016 census. Approximately one quarter (24.7%) 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 3: Bay St. George Mi'kmaq Powwow (Photo by Jasen Benwah)



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

of this *Plan*. The summary of this feedback is under subsection 'B.7.3 Stakeholder Group Interviews and Questionnaires' of the *Background Report*.

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

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

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, fishing, foraging and small scale agriculture*—throughout the *Municipal Planning Area* as implemented through broad, mixed-use 'Community Development (CD)' and 'Rural (R)' *use zones* in the *Regulations*.

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.

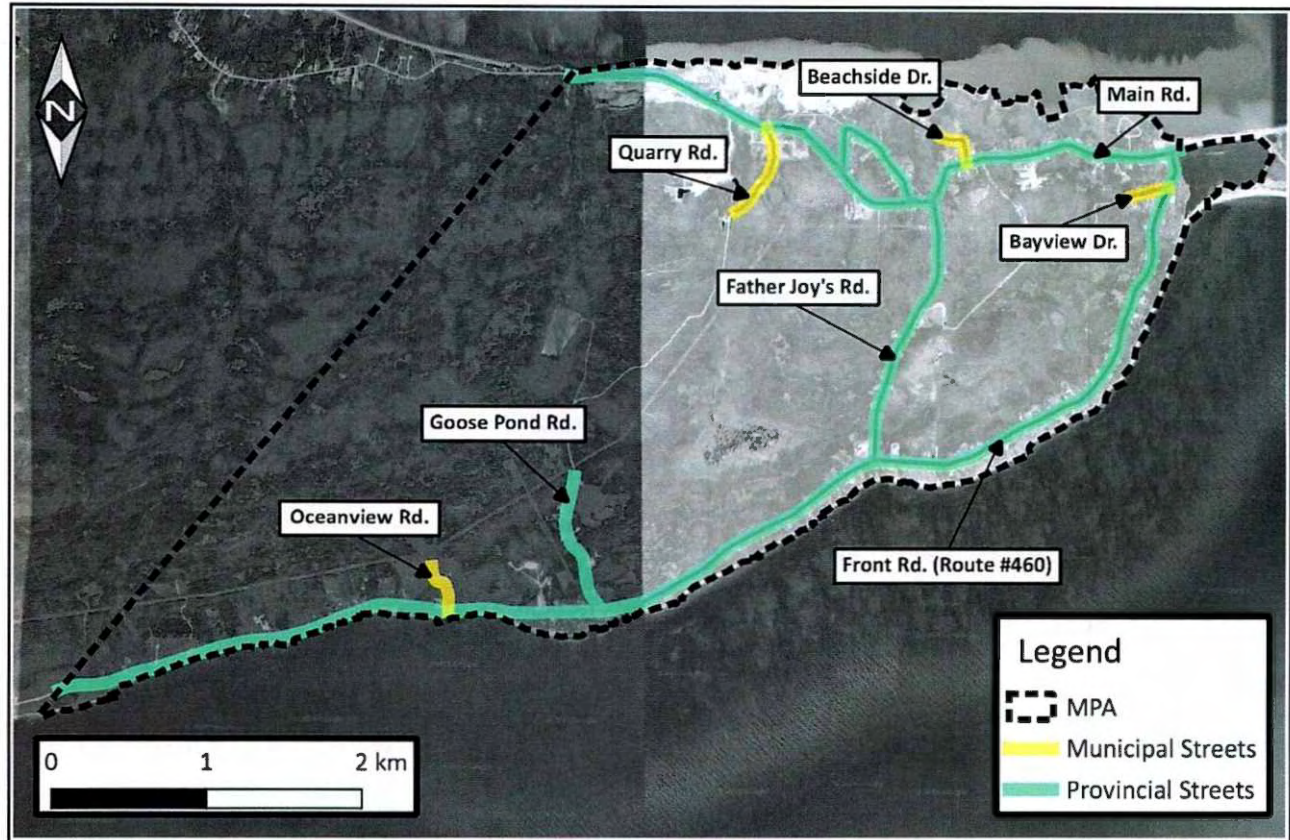
B.2.3.3 (4) Support First Nations groups by hosting cultural activities, events, or ceremonies within facilities or upon land owned by the *Town*.

B.2.4 PUBLIC STREETS AND THE SUBDIVISION OF LANDS

B.2.4.1 Overview

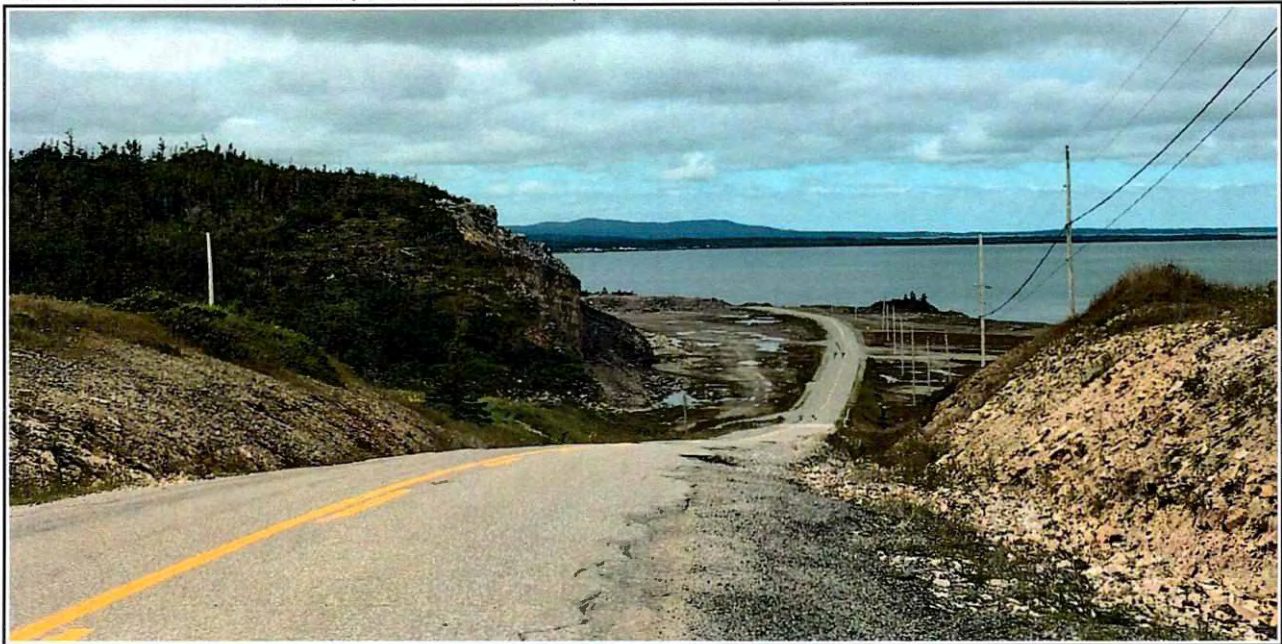
Main Road (including Aguathuna and Boswarloas Roads), Front Road/Felix Cove Road (Route #460), Father Joy's Road, and Goose Pond Road are all owned and maintained by the Province (see 'Illustration 4: Public Streets'). This includes all snow-clearing, servicing and improvements. Beachside Drive, Bayview Drive, Quarry Road, and Oceanview Road are all owned and maintained by the *Town*. In general, municipal *streets* are short with a maximum of 630m (Quarry Road). All municipal *streets* dead-end with turning circles that do not conform to the Transportation Association of Canada (TAC), cul-de-sac standards.

Illustration 4: Public Streets



Despite provincial or municipal ownership, *Council* promotes and supports safe *streets* that accommodate *active transportation* and have low speed limits, and clear sight lines at intersections and *driveway accesses*. It is the intent of *Council* to liaise and work with the provincial Department of Transportation and Works (*DTW*) to facilitate *street* safety improvements including, but not limited to, the implementation of traffic calming measures and the reduction of maximum speed limits. 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 5: Route #460-13, Boswarlos Road (Provincial Street), Northwestern Limits of Town



Where *Town* resources are limited, *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 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 cul-de-sac *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 street* 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 future *street* can be extended.

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

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

B.2.4.2 Goal and Policies

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

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

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

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

B.2.4.2 (3) Liaise and work with the provincial Department of Transportation and Works to facilitate *street* safety improvements including, but not limited to, the implementation of traffic calming measures and the reduction of speed limits.

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 cul-de-sac *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 street* 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 future *street* can be extended.

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.2.4.3 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

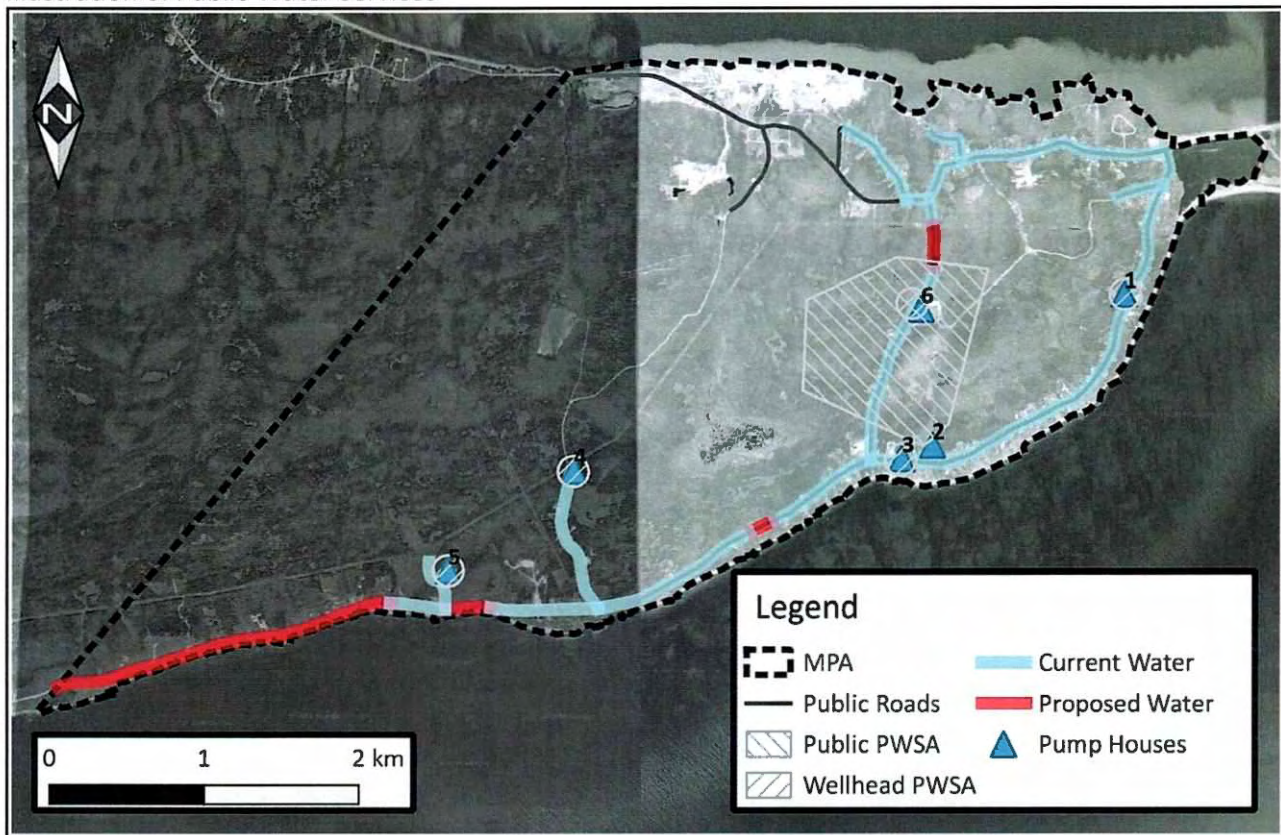
The *Town* is currently serviced by public water, solid waste and recycling pick-up. *Safety emergency services* include Emergency Fire Services (EFS), Emergency Medical Services (EMS, ambulance dispatch), and policing services. As outlined in *proposal* B.2.1.2 (5), it is the intent of *Council* to promote a compact and efficient *development* pattern within the pre-established communities of Port au Port West and Aguathuna. 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 the majority of the municipality having public water services along *public streets*. Current water services are primarily along the Front Road/Felix Cove Road (Route #460), with the exception of discontinuities east of Oceanview Road and a small section roughly midway between Goose Pond Road and Father Joy’s Road); Father Joy’s Road (with the exception of a discontinuity north of the water treatment building); Bayview Drive; Main Road, solely extending into the community of Aguathuna; and Beachside Drive. A map of existing and proposed public water services, pump houses, and provincial Protected Water Supply Areas (PWSAs) is shown in ‘Illustration 6: Public Water Services.’

There are six (6) provincial Protected Water Supply Areas (PWSAs) in the *Town*: one (1) public PWSA, Jim Rowe’s Brook, the immediate watershed area of which feeds the wet-well water source; and five (5) wellhead PWSAs (Father Joy’s Well, Well Field #1, Well Field #2, Goose Pond Road Well, and Oceanview Drive Well). Since the tapping of Father Joy’s Well, the open wet-well functions as a backup source to the *Town*.

Illustration 6: Public Water Services



The *Town* operates three isolated water systems: Oceanview Drive, Goose Pond Road, and the core system (remainder of semi-serviced area within the municipality). There are six (6) pump houses where water is also treated at source with liquid chlorine. Pending provincial funding, the *Town* plans to extend water services to the unserviced areas along Main Road (Route #460, covering discontinuities and extending the line out to the western boundary of the municipality). This new proposed line will start at pump house #2 and will replace all existing lines running west along Main Road. The *Town* is also proposing a new line from the servicing extents of Aguathuna, replacing all existing lines running south along Father Joy's Road and covering the current discontinuity. If the water servicing plans are implemented, the *Town* will have extensive coverage along the majority of public streets. *Council* does not intend on extending public water services beyond what is outlined in 'Illustration 6: Public Water Services.' However, the expansion of public water services beyond this area 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 and facilities such as pump houses. *Council* is aware that certain *development* restrictions

are in place within public and wellhead PWSAs under the provincial *Water Resources Act* and associated regulations. Despite the *permitted* and *discretionary uses* within *use zones*, the provincial Water Resources Management Division may prohibit certain *uses* in the PWSAs. It therefore the intent of *Council* to refer any proposed *development* within a 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. 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). The *Town* is currently assessing the possibility of operating a municipal sorting facility and implementing a curbside, compostable pick-up program. The results from this study may impact future solid waste services within the *Town*.

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

Safety Emergency Services

The *Town* has an agreement with the Town of Port au Port East to provide Emergency Fire Service (EFS) within the region. The Town of Port au Port East handles administration of the service whereby the *Town* houses the equipment, which includes a fire truck and a cube van. The fire department is volunteer-based and is made up of the Chief, Assistant Chief, and approximately 30 other members from the *Town* and neighbouring communities. The service is funded by and covers the two (2) towns and the Local Service Districts of Campbell's Creek and Fox Island River- Point au Mal.

Illustration 7: Town Office / Fire Hall



The nearest EMS (ambulance dispatch) facility is operated by Russell's Ambulance Services, 57 Prince Rupert Drive in Stephenville. The facility is located approximately 12km from Town limits.

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 14km from *Town* limits.

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

B.2.5.2 Goal and Policies

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

It is a *policy* of Council to:

B.2.5.2 (1) Limit the expansion of public water services to proposed coverage and extensions outlined in 'Illustration 6: Public Water Services' of this *Plan*.

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

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

B.2.5.2 (4) Due to prohibitive capital and maintenance costs, not implement public sewerage services in the *Municipal Planning Area*.

B.2.5.2 (5) Continue to contract feasible and efficient solid waste services.

B.2.5.2 (6) 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 (7) 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 (8) 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 (9) 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 (8), support and liaise with schools and environmental advocacy groups in helping to promote on-site waste reduction and composting. This may include, but is not limited to, using the *Town's* communication mediums for promoting sustainable waste management practices.

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

B.2.6 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.

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 8: Public Utility Use, Radiocommunications Lattice Tower on Father Joy's Road



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, vibrational and noise effects created by these *developments*. *Private wind energy systems* thus require specific *development* provisions and may be considered as a *discretionary use*, on a case-by-case basis, where the proposed *development* is adjacent to existing or future *residential uses*.

B.2.6.2 Goal and Policies

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

It is a *policy* of Council to:

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

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

B.2.6.3 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* as a *permitted use* in the 'Rural (R)' and 'Mining and Quarrying (MQ)' *use zones*, and as a *discretionary use* in the 'Community Development (CD)' and 'Residential (RES)' *use zones*.

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*.

B.2.7 HINTERLAND AREAS

B.2.7.1 Overview

The *Town* is rich in hinterland resource areas. The *Town* has a total area of 16.3km² and extends 3.6km north-south and 8.7km east-west. Much of this area is provincially-owned Crown lands falling under the

legal authority of the *Lands Act*. However, where the province does not have a mandatory land registration system, it is difficult to ascertain an accurate account of public (Crown lands) and private lands within the *Town*. As with private freehold lands, the *development* of Crown lands is subject to the provisions within the *Plan* and Regulations.

Illustration 9: Undeveloped Hinterland Area



The disposal of any Crown lands within the *Town* is subject to the provincial referral process. The *Town*, provincial departments and agencies are notified of potential change in tenure of Crown lands within the *MPA*. 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 Crown land prior to receiving confirmation that tenure has been secured by the *applicant*.

With the exception of power lines, access roads and trails, the interior of the *Town* remains largely vacant and undeveloped. The hinterland areas are 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 guiding enterprises* in the area.

As outlined in *proposal B.2.1.3 (6)* under subsection 'B.2.1 Overall Development Pattern,' it is the intent *Council* to allow *development* in the hinterland areas throughout the *MPA* through the application of a low-density, mixed-use 'Rural (R)' *use zone*. *Uses* allowed in the R *use zone* shall include *agricultural uses, industrial uses, open space uses, resource uses, and other select uses*. These *uses* are of a rural nature and generally require an expanse of land and separation from urban *uses* (e.g. *residential uses, institutional uses, and most commercial uses*).

B.2.7.2 Goal and Policies

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

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

B.2.7.2 (1) Assess 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 a wide range of *uses* within the hinterland areas of the *Town* through the implementation of a 'Rural (R)' *use zone*. *Uses* allowed in the R *use zone* shall include *agricultural uses, industrial uses, open space uses, resource uses, and other select uses*. These *uses* are of a rural nature and generally require an expanse of land and separation from urban *uses*. *Residential uses* shall be prohibited in this *use zone*. The *development* of single *cottages* on independent *lots* for personal or *commercial use* shall also be prohibited in the R *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 R *use zone*.

B.2.7.3 (3) As per *proposal B.2.3.3 (1)*, allow traditional land use activities—such as *hunting/trapping, fishing, foraging and small scale agriculture*—throughout the *Municipal Planning Area* as implemented through broad, mixed-use ‘Community Development (CD)’ and ‘Rural (R)’ use zones in the *Regulations*.

B.2.8 RESIDENTIAL USES

B.2.8.1 Overview

There are approximately 486 *buildings* in the *Town*; 291 of which are *main buildings* and 195 are *accessory buildings* (e.g. sheds and detached garages). Of the 291 *main buildings*, 259 are primarily used for residential purposes, or residential with *home business* or *home industry*. Approximately 89% of the *main buildings* within the *Town* are *residential uses*. The *Town* is thus primarily residential in character.

The primary housing type within the *Town* is the *single unit dwelling* (see ‘Illustration 10: Single Unit Dwellings along Front Road/Felix Cove Road (Route #460)’). As of the initial *Gazette* date of the *Plan* and *Regulations*, there are only two (2) *double unit dwellings* (e.g. duplexes) and one (1) *multi-unit dwelling* (e.g. triplex) in the *Town*.

Illustration 10: Single Unit Dwellings along Front Road (Route #460)



The most densely developed portion of the *Town* is within the pre-established communities of Port au Port West and Aguathuna. *Lot* sizes are smaller in these communities and thus residences tend to be spaced closer to one another.

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 pre-established communities of Port au Port West and Aguathuna.

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* in the *Town* through the implementation of a 'Community Development (CD)' *use zone*. *Residential uses* with $\leq 4DU$ s shall be listed as *permitted uses*, whereas higher density *uses* ($\geq 5DU$ s) shall be listed as *discretionary uses*.

B.2.8.3 (2) As per *proposal* B.2.1.3 (7), establish a 'Residential (RES)' floating *use zone* for the potential rezoning of future lands developed for *residential subdivision use*. As of the initial *Gazette* date of the *Plan* and *Regulations*, this *use zone* is not applied to any lands within the *Municipal Planning Area*. *Uses* allowed in the RES *use zone* shall include mainly low density *residential uses* and other select *uses*.

B.2.8.3 (3) As per *proposal* B.2.1.3 (6), prohibit *residential uses* in the hinterland areas of the *Town* through the implementation of a 'Rural (R)' *use zone*. As per *proposal* B.2.1.3 (8), the expansion of *residential uses* into these areas may be considered by *Council* on a case-by-case basis through the *Regulations amendment application* process (i.e. rezoning process).

B.2.9 ECONOMIC DEVELOPMENT, COMMERCIAL AND INDUSTRIAL USES

B.2.9.1 Overview

The primary employers and businesses within the *Town* include Abbott's Home Building Centre, Cole's Service Centre (automotive repair), and Elaine's Convenience store. There are also smaller, home-based occupations along Front Road/Felix Cove Road (Route #460), which include Child's Play daycare and John McLean Auto Repair. The Alpacas of Newfoundland, which was a farm business and important tourist draw for the *Town* previously located in Felix Cove, recently closed as the owners have retired. Tourism is also an important aspect of the *Town's* economy. The Port au Port Economic Development Association remains active in promoting and supporting the industry on the Port au Port Peninsula.

Illustration 11: Elaine's Convenience, Port au Port West



As outlined in subsection '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, similar to the Economic Development Association, is to help promote and support commercial and business development within the *Town* (as a part of the Bay St. George Region).

As outlined in subsection 'B.7.1 Survey' of the *Background Report*, residents have an overall concern with business and economic development in the area, and its impact on retaining and drawing young people. Many residents feel that the *Town* should leverage and capitalize on its natural assets to spur economic development. This includes promoting eco-tourism, canoeing, kayaking, hiking and nature watching businesses; and camping, guiding, outfitting, fishing and hunting businesses. *Home businesses* and *home industries* are also viewed as important sources of income for residents (e.g. *small engine repair*, hair salons, convenience stores). In this light, the protection and sustainable use of natural resources should go hand-in-hand with promoting economic development with the *Town*.

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

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

Despite the overall promotion of *commercial development*, *Council* recognizes that *adult establishment uses* are not compatible with the existing rural 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 pre-established communities of Port au Port West and Aguathuna.

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 *Municipal Planning Area*.

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

B.2.9.3 Proposals

It is a *proposal of Council* to:

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

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

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

B.2.10 PROTECTION OF THE NATURAL ENVIRONMENT

B.2.10.1 Overview

The *Town* is rich in physical environmental features including natural coastlines, forested areas, wetlands, streams and watersheds. The northern portion of the municipality is made up of limestone heath barrens. The Gravels area is a part of these barrens and is a particularly important natural area for the *Town* and region as a whole. Continual precipitation and erosion of the coastal limestone bedrock has resulted in pronounced Karst geomorphological features along the coastline. These sculpture-like features are a major draw for the Gravels Walking Trail (see 'Illustration 12: Karst Features on Gravels Walking Trail').

Illustration 12: Karst Features on Gravels Walking Trail



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 coastlines, *watercourses* and wetlands are especially important, as they are an economic lifeline for the community. Tourism, recreation, hunting and 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.

High impact land *uses*, such as *industrial uses*, should be guided away from *watercourses*, wetlands, and other sensitive environmental features. 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 such features.

As required under the provincial *Water Resources Act*, any proposed construction within a body of water or wetland 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 coast along Front Road/Felix Cove Road (Route #460) is made up of glacial till. This coastline is more susceptible to increased rates of erosion, compared to the northern coastline (comprised of bedrock), where this area is made up of mainly unconsolidated sand and gravel deposits. This area also contains existing *residential uses* and has increased pressure for future *residential development*, since there are still some undeveloped oceanfront properties along this coastline. As was received through the Interdepartmental Land Use Committee, provincial referral process, the Geological Survey of Newfoundland and Labrador recommends a 30m *development setback* from the cliff edge. It is the intent of *Council* to take this *setback* into consideration when reviewing any *development application* along Front Road/Felix Cove Road (Route #460). Depending on the nature, impact and *use* of the *development* proposal, *Council* may require a Geo-Technical Study, prepared by a *professional* geologist or engineer, prior to issuing a *development permit* within this *setback*.

Although there are no provincial monitoring sites for the coastline of the *Town*, there are sites at Berry Head and on either side of Romaines River. According to a Geological Survey of Canada Report in 1995, rates of erosion along the Port au Port East and Kippens coastline are pronounced, ranging from 0 to 125cm per year (12 year means) at the cliff top and up to 121cm per year at the base of cliffs; the highest erosion rates occurring in the area from Romaines Brook to about 1km west thereof. In order to further protect the coastline of the *Town*, and existing and future *development* adjacent thereto, it is the intent of *Council* to conduct a Coastline Sensitivity and Erosion Study. The findings from this Study may help inform the re-delineation of the *development setback* from the cliff edge.

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 sea 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 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 is a discretionary decision, 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 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.2.10.3 Proposals

It is a *proposal of Council* to:

B.2.10.3 (1) As per *proposals* B.2.1.3 (2) (b) and B.2.1.3 (9), protect environmentally significant and sensitive lands and features through the application of a 'Conservation (C)' *future land use class and use zone*. Lands designated and zoned as such shall include, but are not limited to, the Gravels Walking Trail area, wetlands, and the beach at the southwestern point of the Gravels Pond.

B.2.10.3 (2) Conduct a Coastline Sensitivity and Erosion Study. The findings from this Study may help inform the re-delineation of the *development setback* from the cliff edge.

B.2.10.3 (3) Further to *policy* B.2.10.2 (5), implement an overlay, 'Cliff Edge Buffer (30m)' *setback* on the *Future Land Use Classes Map* and *Zoning Map*. When considering any *development application* along Front Road/Felix Cove Road (Route #460) within this *setback*—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 *setback*.

B.2.10.3 (4) Conduct a Climate Change Adaption 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.2.11 OPEN SPACE AND RECREATIONAL USES

B.2.11.1 Overview

Trails maintained by the *Town* are limited to the Gravels area. This area is bound by Main Road to the south, coastline to the north, isthmus to the east, and former Aguathuna limestone quarry to the west (see 'Illustration 13: Gravels Trail Network'). The area contains an extensive network of trails which extends approximately 2km east-west. The trail network was developed by the former non-profit association, the Travels Development Committee, spearheaded by the late community leader and volunteer, Danny McCann. With the dissolution of the Committee, the *Town* has since assumed the primary role of planning for and maintaining the trail network.

The trail network traverses unique limestone precipitate features and contains numerous vistas of the Isthmus Bay (Bay St. George), Shoal Point, Table Mountain (Pine Tree), and Lewis Hills. The Gravels trail area is the prime recreational and natural resource asset of the *Town*. The area is a destination for regional residents and is regularly used for (dog) walking, running, and wedding photo-shoots. The trail system is unpaved, surfaced with crushed aggregate, and does not allow bicycling. It is the intent of *Council* to maintain and protect the trail system and surrounding natural area in perpetuity. Preserving the trail network is central to promoting tourism development and the overall health of residents of the area.

Protecting the trail network will require the development and implementation of a land assembly program. This program will detail the necessary steps that should be taken to establish *easements* and acquire private and Crown Lands within the Gravels Trail network. This will first entail conducting a detailed land survey (real property report) and property search of landowners whose *lots* the trail crosses. It is the intent of *Council* to work with affected landowners in arriving at a mutually beneficial arrangement to protect the trail network into the future. This may include, but is not limited to, the purchase and sale of private lands or the establishment of easements.

Illustration 13: Gravels Trail Network



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

The Our Lady of Mercy Gym is a part of the Our Lady of Mercy Complex (see 'Illustration 14: Our Lady of Mercy Gym'). The facility is now mainly used for the annual Port au Port Agricultural and Craft Fall

Fair, which is organized and implemented by the Port au Port Economic Development Association. There is also a ball-field adjacent to the Leisure Association Seniors Club on Father Joy's Road. Where there is currently limited demand for this facility, the field remains largely unmaintained.

Illustration 14: Our Lady of Mercy Gym



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 to existing facilities or modest additions to the Gravels Trail network. 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 to existing facilities or modest additions to the Gravels Trail network 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.

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 protect the Gravels Trail system and surrounding natural area in perpetuity.

B.2.11.2 (2) Increase collaboration with nearby municipalities and schools in offering complementary recreational facilities and the shared *use* of facilities.

B.2.11.2 (3) 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) Develop and implement a land assembly program for the acquisition of land and securement of property rights within the Gravels Trail network.

B.2.11.3 (2) Further to *proposal* B.2.11.3 (1), conduct a detailed land survey (real property report) of the Gravels Trail network; and conduct a property search of landowners whose *lots* the trail crosses.

B.2.11.3 (3) Further to *proposal* B.2.11.3 (1), acquire all provincial Crown Lands along the Gravels Trail network.

B.2.11.3 (4) Further to *proposal* B.2.11.3 (1), work with landowners in arriving at a mutually beneficial arrangement to protect the Gravels Trail network into the future. This may include such options as the purchase and sale of private land or the securement of easements.

B.2.11.3 (5) Explore the possibility of conducting a field study to map informal trails throughout the interior of the *Town*. 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 (6) 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 (7) 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 SITES AND STRUCTURES OF ARCHAEOLOGICAL AND HISTORICAL SIGNIFICANCE

B.2.12.1 Overview

According to the Provincial Archaeology Office (PAO), there are five (5) recorded archaeological sites within the *Town*; two (2) are former mines and the other three are mixed, pre-contact sites (indigenous, Recent Amerindian and Dorset Palaeoeskimo; and some European material). The Recent Amerindian were the ancestors of the Beothuk. The *Town* has a rich history of human occupation dating back as far as 1300 years go. In order to help protect the archaeological record and avoid any potential future disturbance, the PAO requires that the specific locations of the above-noted five (5) sites not be disclosed in the *Plan* and *Regulations*. Further, in the event that future artifacts are inadvertently discovered, the PAO requires that contact with their department be made immediately to outline next steps and requirements.

The Our Lady of Mercy Church, which remains the largest wooden Catholic church in the province, is the original structure still standing and used on occasion for special events such as concerts and weddings (see 'Illustration 15: Our Lady of Mercy Church'). Construction of the Church began in 1914 and was completed in 1925. The Church was registered as a Heritage Structure by the Heritage Foundation of Newfoundland and Labrador in May, 1997, and remains a central historical/cultural feature and venue for members of the community and surrounding region.

Council recognizes the importance of the *Town's* sites of archaeological and historical significance. *Council* is proactive and supportive of protecting these sites in perpetuity. Since the Our Lady of Mercy Complex is a central historical property for the *Town* and region as a whole, it is the intent of *Council* to work with the Our Lady of Mercy Complex Committee in achieving its goal of historical preservation and community outreach.

Illustration 15: Our Lady of Mercy Church



B.2.12.2 Goal and Policies

It is a *goal of Council* to recognize and encourage the preservation, rehabilitation, and maintenance of heritage *buildings* and *structures*, and historical and archaeological sites.

It is a *policy of Council* to:

B.2.12.2 (1) Increase public awareness of heritage *buildings* and *structures*, and historical and archaeological sites.

B.2.12.2 (2) Forward all plans for construction within the *Town* to the Provincial Archaeological Office.

B.2.12.2 (3) Where made aware of a possible discovery of artifacts through excavation, construction, or other site disturbance activities, immediately notify the Provincial Archaeological Office to determine next steps and requirements.

B.2.12.3 Proposals

It is a *proposal of Council* to:

B.2.12.3 (1) Help preserve historical and archaeological sites of significance through applying the appropriate *future land use class* and *land use zone* to lands. This may include, for example, applying the 'Conservation (C)' *future land use class* and *land use zone* to broad areas with known archaeological sites and where future discoveries are expected to occur.

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 16: Example of Ground Sign, Our Lady of Mercy Church



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 main '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 too light 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 the majority of the developable area within the *Town*. It is the intent of *Council* to avoid the duplication of municipal and provincial signage provisions and permits. An amendment was made to the *Highway Sign Regulations, 1999* in 2016 to allow municipalities to apply for an exclusion from the regulations. Where all provincial roads within the *Town* have a speed limit of 60km/h or less, it is the intent of *Council* to avail of this provision by applying to the Minister of Municipal Affairs and Environment 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.3.13.3 Proposals

It is a *proposal of Council* to:

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

B.3.13.3 (2) Further to *policy* B.13.2 (3), consider a *billboard sign* as a *discretionary use* in the 'Community Development (CD)' and 'Rural (R)' use zones. A *billboard sign* shall constitute a *prohibited use* in the 'Residential (RES)' and 'Conservation (C)' use zones.

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

B.2.13.3 (4) 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 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 Affairs and Environment 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*.



Section C: Implementation

C.1 OVERVIEW

The *Plan* serves as the blueprint for the future of the *Town* for 2019- 2029. However, it is critical that the *Plan* is put into action through a strategic implementation program. Any growth and *development* that will occur in the *MPA* will largely be driven by private investment. The *Town's* role in implementation is to help guide and shape private investment, and in effect implement the *Plan* in a cooperative framework with the private sector. Municipal services, regulations, and expenditures are a means to encourage or discourage the extent and form of new *development*. Successful implementation of the *Plan* involves:

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

C.2 ADMINISTRATION OF PLAN AND REGULATIONS

C.2.1 DIVISION OF POWERS

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

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

C.2.2 PUBLIC CONSULTATION AND PARTICIPATION

This *Plan* was developed through the implementation of a thorough public participation program (see subsection 'B.7 Public Participation Summary' in the *Background Report*). The requirement of public consultation is detailed under section 14 of the *Act*. This section requires *Council* to engage and consult "interested persons, community groups, municipalities, local service districts, regional economic development boards and the departments of the government of the province." Section 25 requires *Council* to implement the same consultation process under section 14 for an amendment to the *Plan*. The *Act* and Minister's *Development Regulations* also require the *Town* to engage and consult the public when rendering decisions on certain planning applications (e.g. *discretionary uses, variances, non-conforming uses*). These requirements must be reflected in the authority's *Development Regulations*; and are thus summarized in subsection 'A.2.2.12 Public Notice and Written Comments' of the *Regulations*.

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

C.2.3 DEVELOPMENT REVIEW AND APPROVAL PROCESS

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

C.2.4 PERFORMANCE-BASED DISCRETIONARY DECISION-MAKING

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

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

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

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

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

C.2.5 PROFESSIONAL ADVICE AND CERTIFICATION

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

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

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

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

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

C.3 RECOMMENDED STUDIES AND INITIATIVES

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

Proposal	Study or Initiative	Professional
B.2.5.3 (2)	Emergency Measures Plan	NA
B.2.6.3 (2)	Antenna Systems Siting Protocol	Planner (FCIP or MCIP; Fellow of the Canadian Institute of Planners or Member of the Canadian Institute of Planners, respectively)
B.2.9.3 (3)	Economic Development Plan (10-year)	Economic Development Officer (Ec. D.; Economic Developers Association of Canada)
B.2.10.3 (2)	Coastal Sensitivity and Erosion Study	Environmental Engineer (Professional Engineer; P. Eng)
B.2.10.3 (4)	Climate Adaptation Study	Planner (FCIP or MCIP)
B.2.11.3 (1)	Land Assembly Program for the Gravels Trail Network	Planner (FCIP or MCIP)
B.2.11.3 (2)	Land Survey (Real Property Report) of Gravels Trail Network	Professional Surveyor with the Association of Newfoundland Land Surveyors
B.2.11.3 (5)	Delineation of and Protection of Informal Trails	Planner (FCIP or MCIP)

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

C.4 MUNICIPAL LAND ASSEMBLY PROGRAM

In order to implement certain *policies* and *proposals* of the *Plan*, *Council* may need to develop and implement a municipal land assembly program for certain projects or initiatives (e.g. see *proposal* B.2.11.3 (1), in which *Council* proposes a program for the Gravels Trail network). *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 Affairs and Environment. In general, *Council* may expropriate lands for public parks and trails and the regular operations of the *Town* (e.g. acquiring lands for new *streets*, widening existing *streets*, or for new municipal facilities or infrastructure). *Council* is not permitted to exercise expropriation powers for economic development purposes.

C.5 MUNICIPAL CAPITAL WORKS AND BUDGETING PROGRAM

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

Appendix A: Amendments

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

Appendix B: Future Land Use Classes and Use Zones

Note: The following table summarizes the *future land use classes* (see attached *Future Land Use Classes Map*) and subsidiary *use zones* (see the *Zoning Map* of the 'Development Regulations (2019- 29)').

Future Land Use Classes	Development (D)			Conservation (C)	Mining and Quarrying (MQ)
Land Use Zones	Community Development (CD)	Residential (RES)	Rural (R)	Conservation (C)	Mining and Quarrying (MQ)

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 Sites and Structures of Archaeological and Historical Significance					
	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*:
