

**TOWN of STEPHENVILLE CROSSING**

**MUNICIPAL PLAN**

**2021**

**Approved by Council 31 August 2021**

Page left blank to correspond to double side printing.

## Table of Contents

1.0	ADOPTION AND APPROVAL .....	1
1.1	COUNCIL RESOLUTION TO ADOPT; MCIP CERTIFICATE .....	1
1.2	COUNCIL RESOLUTION TO APPROVE.....	3
2.0	FOREWORD.....	- 5 -
2.1	The Municipal Plan and the Municipal Planning Area .....	- 5 -
2.2	Municipal Authority Limited.....	- 5 -
2.3	Ministerial Approval.....	- 6 -
2.4	Effect and Amendment of the Municipal Plan .....	- 7 -
2.5	Municipal Plan Administration; Role of Development Regulations.....	- 8 -
3.0	INTRODUCTION .....	- 9 -
3.1	Title and Components.....	- 9 -
3.2	Review and Amendments .....	- 9 -
3.3	Objective of the Municipal Plan.....	- 9 -
3.4	Geography .....	- 10 -
4.0	KEY FACTORS AFFECTING PLANNING POLICIES .....	- 11 -
4.1	Economy and Demographics.....	- 11 -
4.2	Settlement Pattern and Sensitive Lands.....	- 13 -
4.3	New Development and Infrastructure.....	- 15 -
5.0	Development Concept .....	- 18 -
5.1	Public Consultation Process .....	- 18 -
5.2	Development Concept Policy .....	- 19 -
6.0	Municipal Plan Policies .....	- 24 -
6.1	Policies for Land Use Designations and Overlays .....	- 24 -
6.1.1	Town-Urban.....	- 25 -
6.1.2	Town-Rural Residential.....	- 29 -
6.1.3	Town-Rural Industrial .....	- 30 -
6.1.4	Town-Wellhead Protected Water Supply Area Designation and Overlays.....	- 31 -
6.1.5	Designated Floodway and Designated Floodway Fringe .....	- 33 -
6.1.5.1	General Provisions.....	- 33 -
6.1.5.2	Designated Floodway .....	- 34 -
6.1.5.3	Designated Floodway Fringe.....	- 36 -
6.1.6	Management Unit .....	- 37 -
6.1.7	Environmental Protection .....	- 38 -
6.1.8	Rural .....	- 41 -
6.2	Policies Applicable to All Areas .....	- 43 -
6.2.1	Sustainability of Development .....	- 43 -
6.2.2	Natural Hazards to Building .....	- 45 -
6.2.3	Municipal Services .....	- 46 -
6.2.4	Trails and the T’Railway .....	- 47 -
6.2.5	Protection of the Natural Environment.....	- 48 -
6.2.6	Public Works and Utilities.....	- 50 -
6.2.7	Antennas and Wind Turbines .....	- 51 -
6.2.8	Advertisements (Signage).....	- 52 -

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

6.2.9	Animals and Agricultural Land Uses .....	- 53 -
6.2.10	Removal of Quarry Materials .....	- 54 -
6.2.11	Non-Conforming Uses .....	- 54 -
6.2.12	Amusement Uses .....	- 55 -
6.2.13	Lands Straddling or Near Designation Boundaries .....	- 55 -
6.2.14	Archaeological and Heritage Resources .....	- 56 -
6.2.15	Development Near Public Highways.....	- 56 -
6.2.16	Minerals, Mining and Petroleum Developments .....	- 57 -
6.2.17	Temporary Uses.....	- 58 -
6.2.18	Comprehensive Developments .....	- 58 -
6.2.19	Policies Extra to Municipal Plan .....	- 58 -
7.0	IMPLEMENTATION .....	- 60 -
7.1	Implementation Policies .....	- 60 -
7.2	Site Plan Information and Evaluation.....	- 62 -
8.0	INTERPRETATION .....	- 63 -
8.1	Land Use, Boundaries, and Roads.....	- 63 -
8.2	Figures and Quantities Approximate .....	- 63 -
APPENDIX A:	.....	- 64 -
SITE PLAN INFORMATION REQUIREMENTS	.....	- 64 -
APPENDIX B: CLASSIFICATION OF USES OF LAND AND BUILDINGS	.....	- 65 -

**Maps: Future Land Use Maps 1, 2 & 3**

# 1.0 ADOPTION AND APPROVAL

## 1.1 COUNCIL RESOLUTION TO ADOPT; MCIP CERTIFICATE

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Stephenville Crossing adopts the Municipal Plan 2021.

Resolved by the Town Council of Stephenville Crossing on the 8<sup>th</sup> day of July, 2021.

Signed and sealed this 23 day of September, 2021.

Mayor: [Signature]

(Council Seal)



Clerk: [Signature]

### Canadian Institute of Planners Certification

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

Member of the Canadian Institute of Planners

(MCIP Seal)



[Signature]  
Jens Jensen, P.Eng., MCIP

Date: 28 September 2021

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

Page left blank to correspond to double sided printing



*Jeffrey J. Jenkins*

*[Signature]*

**1.2 COUNCIL RESOLUTION TO APPROVE**

[resolution of Council to approve the Municipal Plan, following completion of the requirements of Sections 18 to 22 inclusive of the Urban and Rural Planning Act, 2000]

<b>Municipal Plan/Amendment</b>	
<b><u>REGISTERED</u></b>	
Number	<u>4950-2021-000</u>
Date	<u>Nov. 19, 2021</u>
Signature	<u>[Signature]</u>

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Stephenville Crossing:

- a) adopted the Municipal Plan 2021 on the 8<sup>th</sup> day of July, 2021.
- b) gave notice of the adoption of the said Municipal Plan, following special instructions of the Department of Environment, Climate Change and Municipalities related to the COVID19 pandemic, by means of a notice published in the West Coast Wire issue of 21 July, 2021, a digital newspaper published by Saltwire and circulating in the municipal planning area, and as well continually posted from 21 July, 2021, a notice on the Town of Stephenville Crossing Facebook Page, the Town Square information kiosk, on the Town Hall front door, and on the public notice board at Coleman's Food Store in Stephenville Crossing.
- c) set the 23<sup>rd</sup> day of August, 2021, at 3:00 p.m. for the holding of a virtual 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 Stephenville Crossing approves the said Municipal Plan 2021 as adopted.

Resolved by the Town Council of Stephenville Crossing on the 31<sup>st</sup> day of August, 2021.

Signed and sealed this 23 day of September, 2021.

Mayor: [Signature]

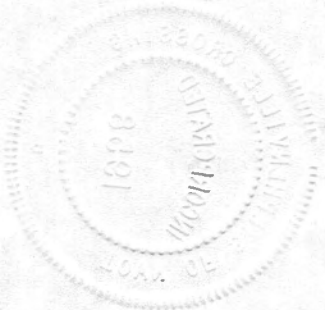
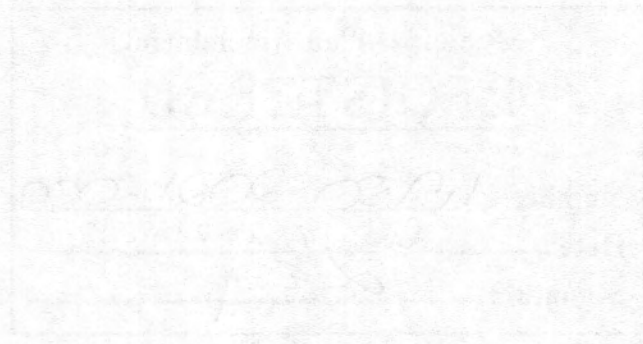
Clerk: [Signature]



**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

Page left blank to correspond to double sided printing





## **2.0 FOREWORD**

### **2.1 *The Municipal Plan and the Municipal Planning Area***

This document and the maps identified in it form the Municipal Plan 2021 for the Town of Stephenville Crossing (the Municipal Plan). It has been prepared in accordance with the *Urban and Rural Planning Act*, 2000. Upon completion of the required steps to bring it into legal effect, it repeals and replaces Municipal Plan 2010 and all amendments thereto.

The Town of Stephenville Crossing's Municipal Planning Area comprises the Town itself, plus a very large area including the outlying settlements of Barachois Brook, Black Duck and Mattis Point as well as extensive undeveloped areas. While the term "planning area" suggests an area with communal interests, the concept of "community" in this case is stretched in this case. Those outlying settlements are quite remote and have neither connection to most Town services nor much interest in having development in their areas regulated by a distant Town Council (and vice versa).

Council therefore intends to follow up on the coming into effect of this Municipal Plan and accompanying Development Regulations with a continued effort to have the municipal planning area reduced so as to include only the area within the municipal boundary and the abutting area outside the municipal boundary which is covered by the Stewardship Zone defined in the 1995 Municipal Stewardship Agreement related to supporting the North American Waterfowl Management Plan through the Eastern Habitat Joint Venture Program.

This document presents statements regarding Council's intentions with respect to the location and manner in which development within its Municipal Planning Area shall take place. The maps show the Municipal Planning Area divided into various land use designations. Within each one only specified kinds of development may take place.

### **2.2 *Municipal Authority Limited***

It is important to note that Council has the authority to regulate development only in the manner enabled by the *Urban and Rural Planning Act 2000* and sundry other legislation affecting municipal government. Council is restricted in many ways in their own planning decisions by the requirements of provincial government regulations and policies, and must reflect those requirements in its own Municipal Plan.

Those requirements include rules for development in flood risk areas, wetlands, use of private sewage disposal systems, access to provincial highways, etc. which Council cannot alter and must include in its own planning documents. Also, Council has virtually no jurisdiction to do with hunting, commercial or recreational fishing, snowmobiling, trapping, domestic wood harvesting, hiking, boating, and bird watching. Those activities are generally permitted subject to the ordinary applicable government regulations.

### **2.3 Ministerial Approval**

For the Municipal Plan to gain full legal effect, the following procedure must be undertaken, pursuant to Sections 15 through 24 of the *Act*.

In brief, the process begins with the preparation of a draft Municipal Plan under the direction of Council. When a draft is prepared to the satisfaction of Council, a process which must include an opportunity for public input, it is submitted to the Department of Municipal and Provincial Affairs for review. When the Department has reviewed the draft document and is satisfied that it is acceptable in light of provincial and other government agencies' interests, the Department officially releases it pursuant to Section 15 of the *Act*. Council then, by resolution, is able to adopt the document pursuant to Section 16 of the *Act*.

Council must then advertise and provide for a public hearing at which objections or representations to the adopted document are to be heard. The notice must appear twice in a newspaper circulating in the Municipal Planning Area, in which Council states its intention to seek the approval of the Municipal Plan. The first notice must appear at least fourteen days before the hearing date. The notice must state where and when the Municipal Plan can be inspected and clearly give the time and place for the Public Hearing.

The Hearing is conducted by a Commissioner appointed by the Council. A deadline date for the submission of any written objections or representations is specified in the Act (two days before the hearing). If no submissions are received by the deadline, Council may cancel the hearing and proceed directly to approve the Plan. If the hearing proceeds, the Commissioner conducts the meeting and subsequently prepares a report including recommendations. Council then considers the report and either approves the Plan (with or without recommended changes) or withdraws the proposed Plan. Council's approval is made pursuant to Section 23 of the *Act*.

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

An approved Plan then is submitted to the Minister for review and registration, pursuant to Section 24 of the *Act*. For this, the Minister requires two copies of the Municipal Plan which have been certified by the Clerk by affidavit as having been adopted and approved by Council, certified by a Fellow or Member of the Canadian Institute of Planners (FCIP/MCIP), the Commissioner's report, and all written objections and representations that may have been submitted at the Hearing. After reviewing the document and determining that it is not contrary to law or a policy of the government of the province, the Minister will register the Plan in the Minister's planning registry and Council will publish a notice to that effect in the *Newfoundland and Labrador Gazette* and in a newspaper circulating in the Municipal Planning Area. The date of the publication of the notice in the *Newfoundland and Labrador Gazette* is the date upon which the Plan comes into effect.

If the Minister chooses to not register the Plan, the document is returned to the Council with information as to the reason for its unacceptability, and Council may then make changes and resubmit the Plan in the same manner.

It is important to recognize that a new Plan does not come into legal effect until the notice of the Minister's registration appears in the *Newfoundland and Labrador Gazette*. Once in effect, the Municipal Plan is legally binding on Council and any person or party proposing to use or develop land anywhere within the Municipal Planning Area.

A concurrent and parallel process is involved in the preparation, adoption, approval, and coming into effect of Development Regulations.

## **2.4 Effect and Amendment of the Municipal Plan**

The Municipal Plan is a legal document, binding upon Council and any person or group using or proposing to use land anywhere within the Municipal Planning Area. All development must conform with the applicable policies of the Municipal Plan after the date upon which it comes into effect.

The *Act* at Section 28 requires that a Municipal Plan be reviewed not later than every five years from the date it has come into effect. The general intention is that Council may revise the Plan with a view to the developments which can be foreseen for the next ten years. Consequently, the time frame for this Plan is the ten year period of 2021 through 2031.

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

The Municipal Plan may be amended at any other time, in whole or in part, for reasons that may have been unforeseeable at the time it had initially been drafted. Any such amendment must be consistent with the Municipal Plan as the amendment will be read together with and become part of the Municipal Plan.

**2.5 Municipal Plan Administration; Role of Development Regulations**

Every Council is required to provide for administration of the Municipal Plan in conjunction with the Development Regulations, which are written in conformity with the Municipal Plan in the form of land use zoning, subdivision, and advertisement regulations.

Development Regulations must comply with the requirements of the *Urban and Rural Planning Act*, 2000 and the Minister's Development Regulations (Newfoundland Regulation 3/01 made by the then Minister of Provincial and Municipal Affairs and which came into force on January 1, 2001). The Minister's regulations comprise a number of standard requirements applicable across the province. Councils are also advised, if they have not already done so, to adopt the National Building Code of Canada as its building regulation.

## **3.0 INTRODUCTION**

### **3.1 Title and Components**

This Municipal Plan, when brought properly into effect, shall be known as the *Municipal Plan 2021 of the Town of Stephenville Crossing* (the Municipal Plan). The following text and Future Land Use Maps 1, 2 and 3 contained herein constitute the Municipal Plan for the Stephenville Crossing Municipal Planning Area.

### **3.2 Review and Amendments**

As indicated in the Foreword, the policies and land use designations described in this Municipal Plan are subject to periodic review and occasional amendment as required in the light of changing economic, social, and technological developments.

### **3.3 Objective of the Municipal Plan**

Council's policy is that the objective of this Municipal Plan is to guide growth and development within the Municipal Planning Area. It directs future growth so that municipal services and land resources are used most efficiently. It also ensures that aspects of land development such as safety, aesthetics, and environmental protection are given proper consideration and that the views and objectives of land owners and residents in various parts of the Municipal Planning Area are observed as closely as possible.

The Municipal Planning Area is dominated by extensive bodies of marine and inland water bodies and wetlands. The key objectives which continue from the previous Municipal Plan have to do with flood risk, protection of the wellfields supplying potable water, and conservation of waterways, wetlands and wildlife habitat.

These objectives to do with preservation and enhancement of the beautiful, tranquil community featured in the Town of Stephenville Crossing have shaped the key policies in the Municipal Plan.

### **3.4 Geography**

The Town of Stephenville Crossing Municipal Planning Area is located on St. George's Bay on the west coast of the island of Newfoundland. The nearest major urban centre is the Town of Stephenville, which abuts Stephenville Crossing, and within an hour's drive is the City of Corner Brook.

The community's origin is not typical of many coastal communities in this province. It was originally established as a way point on the Newfoundland Railway, which began operating a rail line across the province in 1898. The construction of the American military base at Stephenville during World War II included a spur line to service the base. The Town's name of Stephenville Crossing was derived from the rail connection.

The Town of Stephenville Crossing and the outlying settlements of Barachois Brook, Black Duck and Mattis Point are quiet, very attractive residential communities with such a presence of water bodies, both to sea and in a very large inland barachois at the mouth of St. George's River, that the area has sometimes been called Newfoundland's Venice.

There is a commendable attention to upkeep of properties and stewardship of the environment. Facilities are available for most daily needs, such as groceries, pharmacy, auto service, banking, health clinic, library and building supplies. Significant institutions are also located here, including a campus of the College of the North Atlantic, a long-term care centre, and the elementary school (the high school is in neighboring St. George's).

## **4.0 KEY FACTORS AFFECTING PLANNING POLICIES**

A brief history of the settlement of the area and its economic evolution has been given in section 3.4. As the Town looks forward in the context of managing development, services, amenities and infrastructure, the most prominent factors that affect planning policies are summarized in this Section.

Basic information on the local economy and demographics is set out in Section 4.1. Information on the built form of the Municipal Planning Area and its sensitive lands as related to land use planning is summarized in Section 4.2 (some is familiar, such as dealing with development in areas prone to inland flooding, and some is based on emerging policy direction from the provincial government on topics such as sea level rise and coastal erosion). Section 4.3 is focussed on assessing the overall demand and opportunities for land development, as well as infrastructure considerations.

Section 5.0 then describes Council's policy concerning the development concept for land use planning for the municipal planning area, including a description of the public consultation process which informed Council, followed by Section 6.0 which comprises Council's policies to fulfill the development concept.

### **4.1 *Economy and Demographics***

In a previous section, the origins of the community were described. From its beginnings as a remote settlement, it quickly evolved into a "railroad town", due to its strategic location at the junction of the spur line to Stephenville's military base. The railway is long gone, but its historic presence is still marked on the ground in the form of remnants of the railbed, now known as the "T"Railway". The rail company property is now owned by the provincial government, and segments of its alignment from Channel-Port aux Basques to St. John's are designated as a Provincial Park; in the Municipal Planning Area the old rail bed is visible, but not as of 2021 developed or signed to denote a provincial park.

The previous Municipal Plan and the community's Integrated Community Sustainability Plan (ICSP), prepared concurrently in 2010 and which delved deeply into the future of the community, indicated that the community would do well to emphasize the potential of small business development and the attractions of the natural environment. Council's management of land use planning has a great deal to do with encouragement of business initiatives and also with fostering environmental stewardship.

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

Statistics to do with the local population and economy, such as employment numbers, are difficult to derive for the whole of the Municipal Planning Area. The source of the best local information is the federal census, but its reporting follows the boundaries of the Town of Stephenville Crossing. In the outlying areas, the boundaries of the federal census enumeration areas do not follow the Municipal Planning Area boundary, so it is difficult to estimate census figures for the area between the municipal boundary and the Municipal Planning Area boundary. Consequently, the following data reflect only the Town of Stephenville Crossing, which does represent most of the population.

To do with employment in Stephenville Crossing, as reported to 2016 census enumerators, the figures show that close to 600 persons of working age, deemed to be 15 years of age and older, earned “market incomes”, ie: from employment as opposed to transfers through social programs or pensions. Of them, fewer than 10% worked in the primary industries (agriculture, fishing, hunting, mining, oil & gas, forestry). Most worked in construction, retail trade and health/social services. The economic base of the community is closely related to the diversity of employment available in the greater Stephenville area.

The community population reported in the federal census in 2006 was 1,960 and a decade later in 2016 was 1,719, down about 8% from 2011. As the population figures showing recent declines are of concern, a review of professionally produced regional population forecasts was carried out; this is important as those forecasts include demographic as well as economic modelling on a wide regional basis.

Review of the population projections produced by the Economic and Projects Analysis Division in the provincial Department of Finance confirms a belief that the region’s population will be significantly decreasing for the foreseeable future. The Division produces forecasts from a base year of 2016, up to the year 2036, based on a selection of scenarios, from low to high according to assumptions made about the strength of local economies (which influences in or out-migration) and birth and death rates.

Alternative scenarios were presented for Economic Zone 9, the region in which Stephenville is predominant and where Stephenville Crossing is located. That Zone includes the Port au Port Peninsula and Burgeo, but neither of Channel-Port au Basques nor Corner Brook.



The most pessimistic forecast shows a decrease of about 20.4% over the next 20 years, and the most optimistic a decrease of about 15.4%. In short, the region should expect to have a substantial decline in population over the next 20 years.

However, the region should continue to have a diversified economy and a substantial population for whom there are opportunities. Encouragement of small businesses and activities featuring the natural environment to attract visitors and foster interest in settling, are important to foster the best possible economic future. In any event, there will continue to be demand for land for new housing and other buildings and old stock is continually being replaced. The variety of commercial and institutional services which are not dependent on major industries provide optimism for secure ongoing employment.

#### ***4.2 Settlement Pattern and Sensitive Lands***

The Town of Stephenville Crossing is built at the conjunction of three provincial highways, numbers 460, 461 and 490. The three outlying settlements of Barachois Brook, Black Duck and Mattis Point are variously located along those highways. Access to the TransCanada Highway is very convenient, as those highways lead to it within short distances.

The overall structure of the area is complex, as it is fragmented by the presence of major water bodies. The urban core of the Town of Stephenville Crossing is compactly fitted onto a low ridge of land surrounded by three prominent water features: Rothesay Bay (a minor indent in the coastline of the Bay of St. George), a very large barachois locally called "The Bay" (officially St. George's River), and large areas of wetlands.

Much of the older housing and the commercial and institutional development in the community is in the historic core, through which the Newfoundland Railway ran. It is compactly developed in a grid of streets. A more recently developed area runs along Brook Street/Upper White's Road and their side streets, and it is mostly laid out in a "spine and ribs" street pattern with many cul de sac streets. Those two areas occupy a great deal of the buildable land above the surrounding waters and wetlands. The dominance of wet features severely confines future development. The Stephenville Access Road runs along the shore of Rothesay Bay and its roadbed acts as a physical barrier, somewhat preventing ocean storm water intrusion into the core. The reality of climate change induced sea level rise will exacerbate the situation.

There is a scarcity of available land in the urban core for new development, as much of the dry land has been built upon. It is not permissible to build on the wetlands, and large areas overlap

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

with the recharge areas of the community wellfields for which restrictions are imposed by provincial regulation. Essentially, the feasible area for new development serviced by the central water and sewer systems in the Town of Stephenville Crossing within its own municipal boundary is quite constrained.

The three communities lying outside the municipal boundary, Black Duck, Mattis Point and Barachois Brook, are far removed from the municipal boundary, and have little connection with the Town's services. Their physical characteristics in comparison with each other are quite different, but they are similar in that they are small rural settlements located where elevations are above the wetlands and watercourses that predominate. Generally, there are large areas of undeveloped land adjacent to existing developments in those three settlements, which could be developed.

The Town of Stephenville Crossing is a party to a Municipal Stewardship Agreement related to supporting the North American Waterfowl Management Plan through the Eastern Habitat Joint Venture Program. The Town of Stephenville Crossing entered into the agreement with the Province of Newfoundland and Labrador on 10 April, 1995. Its purpose to protect and enhance important waterfowl habitat, and the Town has pledged to support the objectives of the Agreement in any Municipal Plan.

The overall area covered by the Agreement comprises two parts, totalling over 8,000 hectares. One is a small area (about 40 hectares) at Seal Cove Brook on the shore of Rothesay Bay, to the west of the core of Stephenville Crossing but within the municipal boundary; it is prone to flooding. The other is a much larger area outside the municipal boundary, most of which is north of St. George's River on the east side of the municipal boundary, and the other part is south of St. George's River (locally often called the "Bay"), also outside the municipal boundary. Much of it is considered to be sensitive to impacts of human activity. A report by the Town of Stephenville Crossing (with assistance from staff of the Eastern Habitat Joint Venture), titled *Habitat Conservation Plan for the Town of Stephenville Crossing, 2 July, 2009* provides excellent, detailed information on the significance of the waterfowl habitat and recommended measures related to the Agreement.

Waterways and shores along Harry's River, St. George's River, and Rothesay Bay feature a large, complex arrangement of areas prone to flooding, which are the subject of severely restrictive provincial government policies concerning development on such lands. It can readily be seen why the presence of water bodies, wetlands, sensitive habitats, and flood-prone areas

dominate much of the Municipal Planning Area, and why much attention is paid in this Municipal Plan to planning policies which respect their special characteristics.

The newly developed Lower Churchill hydroelectric generation project involves a new, major transmission line which runs through the municipal planning area, but outside the municipal boundary. The provincial government has established a corridor, a statutory easement which is generally one kilometer wide on each side of the transmission line. Development proposals for locations within the “NALCOR Corridor” must be submitted to the utility for approval, in consideration of potential electrical safety matters.

### ***4.3 New Development and Infrastructure***

There is an ongoing need for more land for new residential, commercial and industrial development. Within the municipal boundary, the availability of land has been constrained by natural features as described in Section 4.2 and by the extent and capacity of municipal infrastructure.

“Infrastructure” in this context includes the municipal water supply and its distribution system, the municipal sewage collection and discharge system, and the streets for which Council is responsible. Solid waste disposal is often included in planning for infrastructure but now that service no longer has a built presence in the Municipal Planning Area as the relatively new regional waste management system’s network of transfer stations and landfills are not in the Municipal Planning Area.

Since Council wishes to be able to support the accommodation of newcomers who value the good lifestyles and natural surroundings available within the municipal boundary, there is a challenge in how best to provide for suitable land areas needed for new development and supporting infrastructure. The focus concerning infrastructure in this Municipal Plan is on the development of lands within the municipal boundary, as Council has little interest in the topic as far as it affects lands in the Municipal Planning Area lying outside the municipal boundary, other than for the area affected by the Municipal Stewardship Agreement.

In this regard, the situation of the areas within the municipal boundary and those in outlying areas is very different. The developed lands within the municipal boundary have almost all been serviced with central municipal water and sewer systems, whereas those outside have not, with the exceptions of parts of Barachois Brook, Mattis Point and Black Duck, which feature central

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

wells and water distribution systems. The areas within the municipal boundary are described next, followed by addressing the areas outside the municipal boundary.

As said, practically all development within the municipal boundary is served by central water and sewer systems. The Town's water system draws its groundwater supply from a wellfield of seven wells northeast of Seal Cove Road. The wells are grouped in three nests. The water quality and volume are said to be adequate for current consumption though large volumes are said to be lost to leakage due to the aging of the distribution piping. Protection of the recharge area is critically important to the well-being of the community, as a loss of water quality would be extremely difficult to remedy.

The Town's water supply is vulnerable to introduction of contaminants as the recharge area for the wellfield comprises practically all of the core area and large areas beyond the core. The risk arises from potential spills or slow leakages of contaminants from activity located in the surface recharge area, following subterranean pathways to the aquifer. The recharge areas have been regulated as a wellhead protected water supply area pursuant to the *Water Resources Act*, based on the best available hydrogeological knowledge of the time. Its boundary provides a reasonably accurate depiction of the areas which require stringent development control.

The areas immediately surrounding the three nests of wells are the most vulnerable to surface contaminants making their way to the subterranean intakes of the wells. That area was determined by modelling to be the land within about 100 metres of the wells in each nest, and development is prohibited in that area except for conservation and waterworks uses. The outward boundary of the next area is defined by lines lying about 250 metres from the wells, and similarly the next lines after that are at about 500 metres distance from the wells. A final area is a very large expanse of land forming a broad sweep across the northern and western sides of the core of the community, defined on the south and east by a line in the downtown area and by the shorelines of Rothesay Bay, St. George's River, and the western shores of Harry's River.

As said earlier, the communities of Barachois Brook, Mattis Point and Black Duck, which are not within the municipal boundary, have small central water supplies fed by wells. Those systems are not owned, operated or maintained by the Town of Stephenville Crossing. However, only the wellhead area at Barachois Brook is designated as a wellhead protected water supply area pursuant to the *Water Resources Act*. That protected area comprises circles with inner and outer concentric rings, the central one having a radius of 100 metres and the outer a further 200 metres, measured from the well, ie: the 600 metre diameter referenced in the protective order. The circular boundaries are truncated by the shoreline of Rothesay Bay. The protective measures

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

for the inner area are the same as for those in the Town's innermost area, and developments proposed for the outer ring are subject to approval of the provincial government.

As said, practically all of the area within the municipal boundary is served by the municipal central sewer system. Discharge is to the sea in Rothesay Bay. Council is aware that eventually sewage treatment will become necessary, this being largely a matter of financial resources far beyond the capacity of Council.

Sewage disposal outside the Town's central system is entirely by way of private sewage disposal systems. Use of properly designed and constructed private systems on adequately sized lots can serve well, but these need large areas of land and must reckon with the suitability of soils, drainage and topography to minimize the risk of sewage contaminating nearby lands, water bodies and wells.

The other component of infrastructure has to do with streets. This Municipal Plan and accompanying Development Regulations will include policies concerning development of new Council streets and detailed standards for construction and layout of new subdivision streets in which Council is interested, ie: those within the municipal boundary. The potential for developing new streets outside the municipal boundary will be respected by making it possible for agreements with Local Service Districts to assume responsibility for new public streets. The new planning documents will include, among other topics, requirements for road reserves to be left to ensure that landlocking developable land does not occur.

## **5.0 Development Concept**

This section presents a general development concept for the municipal planning area, including brief descriptions of approaches to key issues. It begins with a description of the public consultation process carried out by Council, as the public input from that process was instrumental in the decisions made to define the concept and indeed affected the details of important policies. Section 6.0 provides the policies applicable to each of the various land use designations in the municipal planning area as well as policies uniformly applicable to the entire municipal planning area.

### **5.1 Public Consultation Process**

During the period of 26 February through 1 March, 2018, Council held a series of four public meetings to provide for initial public consultation to present the existing planning documents and seek input from the residents of the municipal planning area. That was followed by consideration of those inputs and the preparation of first drafts of the Municipal Plan and Development Regulations.

A second public consultation was held by way of a public meeting on 17 July, 2019, at which the draft documents were presented and discussed. Submissions from interested parties were invited and were considered by Council; the documents were then revised in some respects. Preliminary review by the Department of Municipal and Provincial Affairs (MAPA) resulted in a number of revisions reflecting provincial government interests.

A third public consultation step was carried out during the period from 27 April to 21 May, 2021, through virtual means as prescribed in MAPA's covid 19 pandemic protocol. That process was advertised by postings on the Town's website and social media beginning on the first date just noted and by advertisement in the West Coast Wire, a digital newspaper, in its 5 May, 2021 edition. One submission was received from an interested party in response to the notice, and a corresponding revision was made to the Municipal Plan.

## **5.2 Development Concept Policy**

Council's policy is that the development concept underlying this Municipal Plan be based on the following factors and approaches:

1. Stephenville Crossing and its environs will continue to be essentially that of an area for which most employment and practically all major goods and services are found in the greater region of Stephenville and the City of Corner Brook.
2. The municipal planning area is not expected to be attractive for large commercial and industrial developments, due to scarcity of serviced land and the competitive advantage of locations for those types of development in Stephenville.
3. Council will encourage and welcome new business developments which fit with the objective of environmental responsibility and sustainable development. Home businesses will be permitted in dwellings in order to maximize opportunities for the economic self-sufficiency of residents, while not detracting from the quality of residential life in the community.
4. The appeal to residents and prospective settlers is a fine quality of life in a family-oriented area, set in a beautiful natural environment, and the prospect of enjoying active lifestyles in the community and in the nearby region.
5. The area is expected to continue to attract newcomers, mostly families with stable employment in the area, as well as retirees, to buy or build homes, but in fairly small numbers. Even though the annual numbers may be small, over time this still represents substantial growth.
6. In order to facilitate broader choices in housing styles, and with a view to enhancing affordability of housing, Council will consider the following in conjunction with single dwelling class development where such class of land use is permitted:
  - a. development of a single dwelling or subsidiary dwelling as a "tiny home". Such homes would have smaller than the usual minimum floor area for single dwellings or subsidiary dwellings, the proviso being that there must be a site plan that would show how the building could eventually be enlarged whilst still respecting required yards, parking spaces, lot coverage and similar site features,
  - b. development of subsidiary dwellings, ie: a separate class of land use comprising a separate single dwelling structure on a lot where the main use is a single dwelling,

but only at a scale and with site features which would be compatible with the appearance of the single dwelling, and,

- c. development of subsidiary apartments within single dwellings, to be permitted except in subsidiary dwellings.
7. The municipal planning area is dominated by very large areas which cannot be developed for substantial buildings and infrastructure, as they are prone to flooding or are wetlands, both highly important waterfowl habitats. The flood-prone and wetland areas are mandated by the provincial government to be not developed except for some limited resource uses and non-building group land uses. The additional protections afforded to the waterfowl habitats pursuant to the Municipal Stewardship Agreement will be reflected in this Municipal Plan and the Development Regulations. These lands are variously classified as “designations” as follows:
- a. Designated Floodway
  - b. Designated Floodway Fringe
  - c. Management Unit
  - d. Environmental Protection
8. The urban core area of the Town of Stephenville Crossing has occupied much of the easily developable land within the municipal boundary, and it will be defined as Town-Urban designation. Development standards and conditions will reflect the objective of sustaining and developing the existing predominately residential character of the Town of Stephenville Crossing, while still enabling a variety of uses deemed to be compatible with those uses.
9. Large areas within the municipal boundary are subject to provincial government regulations pursuant to the *Water Resources Act* to do with recharge of the municipal wellfield (the *Wellhead Protected Water Supply Area of the Town of Stephenville Crossing, Stephenville Crossing Wellfield WS-G-0717*). The three areas nearest the wellfield clusters are the most severely restricted and will be defined as “Town - Wellhead Protected Water Supply Area – A” designation in the Municipal Plan and delineated as zones in the Development Regulations. In the concentric outer parts of the recharge area, “overlay” requirements will apply in addition to the effects of the underlying designations in the Municipal Plan and the corresponding zones in the Development Regulations.



**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

10. A large future residential area within the municipal boundary will be defined as Town-Rural Residential designation. This designation will not include significant commercial or industrial development but small scale, compatible non-residential uses will be considered. This area will be serviced by private water supply and sewage disposal systems, though the Town's central water or sewer systems may be extended into it at Council's discretion.
11. Two rural industrial areas within the municipal boundary will be defined as Town-Rural Industrial designation. One is a large area located around the north end of Seal Cove Road, north from an east-west line which is 1.5 kilometres north of a major NL Hydro power line, the other a smaller area at Indian Head, both as shown on the Future Land Use maps. The former area will feature developments including mineral workings and other intense non-residential uses such as livestock operations, scrapyards and the like. The latter area at Indian Head will be reserved for intrusive wind turbine development plus certain industrial and other non-building uses compatible with such development. These areas will be serviced by private water supply and sewage disposal systems.
12. Provincial government policy respecting development on sensitive lands (such as proximity to wetlands and watercourses) and natural hazards to development (such as sea level rise, coastal erosion, and development on steep slopes), will be reflected in this Municipal Plan and the Development Regulations.
13. Council will work with those interested in developing residential subdivision land within the municipal boundary, which Council wishes to encourage in order to support those who wish to move to the Town and contribute to the healthy lifestyle and diversity of the community, as well as for residents who wish to build new housing.
14. Council wishes to encourage the development of a campground (which may include a Recreational Vehicle park) in the vicinity of the ballfield near the Gut, ie: the intersection of Highways 490 and 461. The area is defined as Designated Floodway Fringe, in which the campground class is potentially permitted as a discretionary use. In that location, the campground class will be listed as "permitted" because the necessary municipal reviews of acceptability for that site have been satisfactorily conducted (the provincial government's consent pursuant to the Policy for Flood Plain Management is still required). Council will negotiate a development agreement with a proponent concerning services, access, design, operation and security, among other matters.
15. Developments shall be connected to municipal water and/or sewer services where available. Otherwise, development shall be serviced with private water supply and/or

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

private sewage disposal systems in accordance with Certificates of Approval of the provincial government.

16. With regard to streets:

- a. Except for certain resource industry developments, new development must front onto a public street. New public streets within the municipal boundary will be accepted by Council provided that they are designed and constructed at the developer's expense and to Council's standards before being accepted by Council as public streets. Private streets within the municipal boundary will not be approved except where part of a comprehensive development or for condominium or mobile home park lanes, and such private streets will not be accepted into the ownership or maintenance responsibility of Council.
- b. Council will not accept ownership or responsibility for any new streets located outside the municipal boundary, but will cooperate with any of the Local Service Districts (LSDs) to approve and facilitate development of new public streets located outside the municipal boundary but within the LSDs' jurisdictions provided that the streets will meet the same standards and LSDs will take ownership and comprehensive responsibility for them. Private streets located in the LSDs' jurisdictions will not be approved.
- c. All new streets in the municipal planning area must align with the requirements of the Development Regulations' use zone in which they are located.

17. Development in various areas outside the municipal boundary, and not otherwise named as a designation in point 7, will be defined as Rural designation (Council will continue its efforts to have this designation, together with flood risk areas around Black Duck and a small area of Environmental Protection near Barachois Brook, removed from the municipal planning area, such that the municipal planning area will become as described in Section 2.1). In the Rural designation, all uses would be permitted and the least possible regulation will be applied to developments.

18. An "overlay" designation will be applied to the Wellhead Protected Water Supply Area at Barachois Brook, which is located in the Rural designation, whereby protective "overlay" requirements will apply in addition to the underlying designation in the Municipal Plan and the corresponding Zone in the Development Regulations. The operation and control of that system is in the hands of the Local Service District of Barachois Brook, in which regard Council has no role. The overlay will correspond to the area defined in the

*Wellhead Protected Water Supply Area of the Local Service District of Barachois Brook*  
ordered under the *Environment Act*.

19. The newly developed Lower Churchill hydroelectric generation project involves a new transmission line operated by NSP Maritime Link Incorporated, which runs through the Rural and Environmental Protection designations; the provincial government has established the “NALCOR Corridor” (Statutory Easement 144427), which is shown as an overlay on Future Land Use Map 1. The easement is generally one kilometer wide on each side of the transmission line, and skirts the south-eastern edge of the municipal planning area (not all of the Corridor is within the municipal planning area and none of it lies within the municipal boundary). Development proposals for locations within the NALCOR Corridor must be submitted to the utility for approval.
20. In order to facilitate subdivision of land in “back lands” for any purpose anywhere in the municipal planning area, so as to enhance the availability of land suitable for development, “flag lots” will be made permissible in all designations and zones, for which the Development Regulations will include detailed provisions and requirements.

## **6.0 Municipal Plan Policies**

In this Section, the official Municipal Plan policies for various designations of land (and certain “overlay” areas) fulfill the development concept set out in Section 5.0. These are organized in two groups: the first are policies specific to each of the land use designations and overlays described in the development concept, and the second are policies applicable uniformly to all designations unless expressly exempted. The respective boundaries of the designations and overlays are shown on the Future Land Use Maps.

These policies, together with more detailed and incidental requirements and procedural matters which are set out in the Development Regulations, will provide direction for Council decision-making in municipal planning. Numerous topics of varying degrees of detail will be stated in the Development Regulations to fulfil the objectives and policies of the Municipal Plan.

The meanings of “groups, divisions and classes” of land uses as used in this Municipal Plan are to be interpreted according to the classification of uses found in the Development Regulations. A copy of the classification table is found in Appendix B of this Municipal Plan, for reference.

### **6.1 Policies for Land Use Designations and Overlays**

Policies are organized for the designations and “overlays” which are cited in the development concept, as follows (all are designations except for the overlay areas noted in the fourth and last bullets for the wellhead protected water supply areas B through D and at Barachois Brook):

- Town-Urban
- Town-Rural Residential
- Town-Rural Industrial
- Town-Wellhead Protected Water Supply Area (areas A through D, A being a designation called Town-Wellhead Protected Water Supply Area - A and areas so prefixed - B through D which are “overlay” areas, called Town-Wellhead Protected Water Supply Area overlays – B, C and D)
- Designated Floodway
- Designated Floodway Fringe
- Management Unit
- Environmental Protection
- Rural (wherein is located the “Wellhead Protected Water Supply Area at Barachois Brook” overlay, which is an “overlay” and not a land use designation)

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

Council's policy is that the Development Regulations shall contain use zone tables and that zones and overlays will be shown on zoning maps to align Municipal Plan policy with use zone tables and overlay requirements in the Development Regulations.

### **6.1.1 Town-Urban**

Specific policies pertaining to the Town-Urban designation are:

1. The following land uses will be permitted:
  - i. Single dwelling class including subsidiary apartment (note that the mobile home class and subsidiary dwelling class are discretionary uses)
  - ii. Double dwelling class
  - iii. Row dwelling class
  - iv. Family & group home class
  - v. Boarding house residential class including bed and breakfast accommodations
  - vi. Child care class
  - vii. General service class
  - viii. Personal service class
  - ix. Office class
  - x. Medical and professional class
  - xi. Recreational open space class including trails
  - xii. Conservation class
  - xiii. Indoor market
  - xiv. Outdoor market
  - xv. Funeral home
  - xvi. Existing cemeteries and expansions thereof
  - xvii. Campground class but only in the vicinity of the ballfield at 17-19 West Street, near the intersection of Highways 461 and 490

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

2. At Council's discretion, the following uses may be permitted:

- i. Subsidiary dwelling class in conjunction with a single dwelling on the same lot and home businesses (the single dwelling structure which comprises the main building may include a subsidiary apartment), subject to conditions in the Use Zone Table in the Development Regulations intended to make the scale and site features compatible with the appearance of the single dwelling
- ii. Apartment building class
- iii. Mobile home class, on individual lots or in mobile home parks
- iv. Collective residential class
- v. Commercial residential class
- vi. Assembly uses
- vii. Passenger assembly
- viii. Shopping centre
- ix. Amusement (see Policy 6.2.12)
- x. Penal and correctional detention
- xi. General assembly class
- xii. Indoor assembly class
- xiii. Outdoor assembly class
- xiv. Educational class
- xv. Medical treatment and special care class
- xvi. Cultural and civic class
- xvii. Place of worship class
- xviii. Police station & protection class
- xix. Service station class
- xx. Club and lodge class
- xxi. Catering class
- xxii. Convenience store class
- xxiii. Cemetery class
- xxiv. Mineral and petroleum exploration classes

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

- xxv. General industry class
- xxvi. Light industry class
- xxvii. Communications class
- xxviii. Shop class
- xxix. Take-out food service class
- xxx. Taxi stand class
- xxxi. Transportation class
- xxxii. Veterinary class
- xxxiii. Wind turbine class, but only those defined as “short”
- xxxiv. Antenna, but only those defined as “short” (see Section 6.2.7 concerning federal government jurisdiction and the definition in Schedule A)
- xxxv. Forestry class, including domestic cutting for fuel wood

3. Further to the above:

- i. See Section 6.2.1 for policies applicable to all designations, concerning sustainability of development.
- ii. In considering discretionary use applications in this designation, Council will be very mindful of the adequacy of neighbourhood facilities and on-site amenities such as landscaping and play areas, off street parking, the avoidance of traffic congestion and danger to pedestrians, and give priority to protecting the stability and amenity of the predominately residential character of the community.
- iii. Mobile homes are listed as discretionary uses to ensure a review of applications to allow Council to consider whether specific sites would be acceptable. To better integrate their typically longer shape, the minimum required rear yard will be reduced and other requirements related to their unique shape will be included in the Development Regulations. Further, mobile home parks will be considered, and if approved will be subject to a detailed development agreement with the Town to deal with management and servicing concerns.
- iv. In order to be able to accommodate single dwellings and subsidiary dwellings to be built in phases where the minimum floor area requirements would not be satisfied in the initial

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

phases (sometimes called “tiny homes”), Council will at its discretion and subject to conditions permit such single dwellings and subsidiary dwellings to be built in phases, by way of site plan approval as described in this Municipal Plan, which shows the way in which the configuration of later phases of construction will result in a fully compliant dwelling floor area without encroaching on any required yards or failing to meet other requirements such as off-street parking; variances may be considered concurrently.

- v. In order to mitigate the aesthetically incongruous appearance of single dwellings should they be unusually small or narrow, a minimum dimension of all main walls of single dwellings will be specified. It will apply to the structure from the outset where a phased construction is involved.
- vi. Development of a campground class land use in the vicinity of the ballfield is subject to a satisfactory development agreement with the Town concerning servicing, access, design, operation and security. A site plan approval will be required for evaluation as described in Section 7.2.

4. Further to (2), Council may at its discretion, and subject to conditions as detailed in the use zone tables in the Development Regulations, approve:

- a. Comprehensive developments (see Section 6.2.18);
- b. Locations of accessory buildings in the actual front yard of a lot, which may otherwise not be approvable;
- c. The location, appearance, yard and lot coverage requirements concerning access ramps for a wheelchair or similar aids for mobility, which may not otherwise be approvable;
- d. Locations and features on a lot for open storage of materials, goods and machinery, which may otherwise not be approvable;
- e. Heights and setbacks of main and accessory buildings, fences, and unusual structures such as flagpoles and spires, which may not be otherwise approvable;
- f. Widths, which may not be otherwise approvable, of the legs of flag lots;
- g. Sizes and types of advertisements (signs), which may not be otherwise approvable (see Section 6.2.8);
- h. Home businesses;
- i. Temporary uses for accommodation of itinerant or unusual short term activities.



- j. Reduction of minimum lot area for development of any class of use permitted or approvable at Council's discretion.

### **6.1.2 Town-Rural Residential**

Specific policies pertaining to the Town-Rural Residential designation are:

1. The following land uses will be permitted:
  - i. Single dwelling class including subsidiary apartment (note that the mobile home class and subsidiary dwelling class are discretionary uses)
  - ii. Double dwelling class
  - iii. Family & group home class
  - iv. Boarding house residential class including bed and breakfast accommodations
  - v. Child care class
  - vi. Personal service class
  - vii. Recreational open space class including trails
  - viii. Conservation class
  - ix. Funeral home
  - x. Existing cemeteries and expansions thereof
2. At Council's discretion, the following uses may be permitted:
  - i. Subsidiary dwelling class in conjunction with a single dwelling on the same lot (the single dwelling comprising the main building may include a subsidiary apartment), subject to conditions in the Use Zone Table in the Development Regulations intended to make the scale and site features compatible with the appearance of the single dwelling and home business
  - ii. Mobile home class, on individual lots or in mobile home parks
  - iii. Seasonal residential class
  - iv. Indoor assembly class
  - v. Educational class
  - vi. Place of worship class

- vii. Convenience store class
  - viii. Cemetery class
  - ix. Mineral and petroleum exploration classes
  - x. Veterinary class
  - xi. Wind turbines in the utility class, but only those defined as “short”
  - xii. Antenna, but only those defined as “short” (see Section 6.2.7 concerning federal government jurisdiction and the definition of “antenna” in Schedule A)
  - xiii. Forestry class, including domestic cutting for fuel wood
3. The policies in Section 6.1.1, subsections 3) and 4) of the Town-Urban designation shall apply in this designation.
4. See Section 6.2.1 for policies applicable to all designations, concerning sustainability of development.

### **6.1.3 Town-Rural Industrial**

Specific policies pertaining to the Town-Rural Industrial designation vary according to the part of the designation involved, ie: the major part around Seal Cove Road, and, the minor part at Indian Head, as shown on Future Land Use Maps 1 and 2. Council’s specific policies concerning the Town-Rural Industrial designation are:

- 1. Permitted and discretionary uses in the part of this designation around Seal Cove Road are as follows:
  - a. Permitted uses:
    - i. Industrial group uses, except the hazardous industry class
    - ii. All non-building group uses except:
      - 1. Solid waste class
      - 2. Utilities class except for wind turbines defined as “tall”
  - b. Discretionary uses: hazardous industry class
- 2. Permitted and discretionary uses in the part of this designation at Indian Head are as follows:
  - a. Permitted uses:
    - i. Industrial group uses, except the hazardous industry class

- ii. The following non-building group uses:
  - 1. Utilities class
  - 2. Forestry class
  - 3. Animal class
  - 4. Cemetery class
  
- b. Discretionary uses:
  - i. Antenna class
  - ii. Agriculture class
  - iii. Mineral exploration and petroleum exploration classes
  - iv. Recreational open space class
  - v. Conservation class
  
- 3. Adequate buffering shall be provided between the areas' non-residential land uses and any abutting residential uses located in the adjacent Town-Rural Residential designation, as detailed in the Development Regulations.
  
- 4. See Section 6.2.7 concerning federal government jurisdiction and the definition of "antenna" in Schedule A concerning antennas.
  
- 5. See Section 6.2.1 for policies applicable to all designations, concerning sustainability of development.

#### **6.1.4 Town-Wellhead Protected Water Supply Area Designation and Overlays**

As said in the Development Concept, development is restricted in the areas designated as Town - Wellhead Protected Water Supply Area – A, and in three said overlay areas suffixed B, C and D, as well as the wellhead protected water supply area at Barachois Brook, pursuant to regulations under the *Water Resources Act*.

Council's policies for the designation and overlays are as follows:

- 1. There are three areas designated "Town - Wellhead Protected Water Supply Area - A" as shown on Future Land Use Map 2, which are immediately around each of the well clusters, delineated approximately 100 metres from the individual wells, each of the three

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

designations forming an oval. The restrictions are most severe in this designation: the only permitted use is the conservation class; there are no discretionary uses.

2. The overlay areas named as follows impose requirements and conditions that operate in addition to those of the underlying designations, such that the most restrictive in any specific regard apply. The overlay areas are defined by boundaries largely related to distances from the wellhead clusters, as shown on the Future Land Use Maps 1 and 2, as follows:
  - a. Town - Wellhead Protected Water Supply Area - B: measured from the “Wellhead Protected Water Supply Areas - A” designations, a distance approximately between 100 metres to 250 metres from the wellhead clusters,
  - b. Town - Wellhead Protected Water Supply Area - C: from 250 metres to 500 metres from the wellhead clusters except where truncated by the shoreline of Rothesay Bay and designations related to flood risk.
  - c. Town - Wellhead Protected Water Supply Area - D: from 500 metres to 2500 metres from the wellhead clusters, except where truncated by the shorelines of Rothesay Bay, St. George’s River and Harry’s River.
3. The permitted and discretionary uses in said overlay areas Town - Wellhead Protected Water Supply Areas B, C and D are the permitted and discretionary uses in the underlying designations and in addition any development must be approved in accordance with the terms of the provincial government wellhead protected water supply regulations before any development can be approved.
4. In addition to the above, certain activities such as use of specified chemicals are subject to detailed conditions and restrictions as will be detailed in the Development Regulations.
5. See Section 6.2.7 concerning federal government jurisdiction and the definition of “antenna” in Schedule A concerning antennas.
6. See Section 6.2.1 for policies applicable to all designations, concerning sustainability of development.

7. Policies pertaining to the wellhead protected water supply area at Barachois Brook are found in section 6.1.8 for the Rural designation, in which the Barachois Brook wellhead protected water supply area overlay is located.

## **6.1.5 Designated Floodway and Designated Floodway Fringe**

### **6.1.5.1 General Provisions**

Pursuant to the Federal-Provincial Flood Damage Reduction Program and the provincial government's Policy Directive WR 96-1 *Policy for Flood Plain Management*, this Municipal Plan identifies two flood risk designations (Designated Floodway and Designated Floodway Fringe designations) which are applied to numerous areas as shown on the Future Land Use maps. It is the policy of Council to respect and incorporate the said *Policy Directive* requirements, including the designations and their respective boundaries, in the Municipal Plan as designations and in the Development Regulations as Zones by the same names.

The policies in this Municipal Plan are intended to:

- Prevent loss of human life and avoid personal hardships
- Minimize flood damage to properties and the environment
- Restrict activities which would degrade water resources
- Maintain the natural capabilities of waterways to convey flood flows
- Minimize disruption of transportation, social and business activity

In brief, the Designated Floodway and Designated Floodway Fringe designations are lands judged to be subject to flooding once in every twenty year period or one hundred year period, respectively, and are statistically noted as 1:20 year and 1:100 year. The maps in this Municipal Plan and the accompanying Development Regulations show the best possible interpretation of the lines from the flood program mapping at the scale of the maps.

When the 2010 planning documents were being prepared, the mapping of the flood risk areas was quite new, as it had just been done in 1989. A further flood risk mapping of the area around Black Duck was completed soon after, in 2012. These maps are mandated by the provincial government pursuant to Policy Directive WR 96-1 *Policy for Flood Plain Management* for use in this Municipal Plan and the Development Regulations.

The complexity of the mapping of the designations and the potential conflict between this Municipal Plan's policies and the meaning of the Policy Directive requires that where there is conflict, the official Policy Directive mapping and text shall prevail. The primary requirement is

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

that any development in either flood risk designation is subject to the express written approval of the Water Resources Management Division of the Department of Environment and Climate Change pursuant to the *Water Resources Act*, as well as compliance with the Municipal Plan and Development Regulations.

Locating the boundaries of the flood risk designations on the ground is expected to be difficult in some cases, given the numerous interspersings of small areas of one designation with adjacent areas of another designation. This is expected to be particularly challenging in the Black Duck area, which features considerable expanses of nearly flat, featureless topography in the flood risk areas, where the 2012 mapping shows very many small areas of one risk category scattered among areas in the other risk category. Therefore, Council when dealing with development applications may require expert services of land surveyors or engineers to determine locations of prospective developments on the ground and the applicable designation in accordance with these planning documents.

The Development Regulations will provide requirements and conditions concerning the flood risk designations, to amplify and implement the policies of the Municipal Plan. The primary requirement is that any development in either designated flood risk designation is subject to the express written approval of the provincial government pursuant to the *Water Resources Act*, as well as compliance with the Municipal Plan and Development Regulations.

For cases of very large scale or complex developments, Council may require submission of a detailed site plan, potentially including surveyor's or engineer's reports to certify location of the appropriate designations relative to the site, for review and approval as described in this Municipal Plan.

As said in Section 2.2, the Municipal Plan and Development Regulations as such do not generally include restrictions on ordinary activities of hunting, fishing, berry picking, hiking and the like. The ordinary provincial and federal government regulations and policies apply to activity in the Municipal Planning Area, including rules concerning use of ATVs, fishing, boating, hunting etc.

#### **6.1.5.2 Designated Floodway**

Specific policies pertaining to the Designated Floodway designation are:

1. Permitted uses are:
  - a. Conservation class uses not involving structures;

- b. Docks and wharves;
  - c. Hydraulic structures;
  - d. Structures related to the use of water resources;
  - e. Recreational open space class and trails not involving structures.
  - f. Other uses which comply with the provincial government *Policy for Flood Plain Management*, as amended from time to time, and if located within the municipal boundary, which comply with the requirements applicable in the Town-Urban designation and to mineral workings, mining, petroleum extraction, mineral exploration and petroleum exploration class uses applicable in the Town-Rural Industrial designation, whichever are the more stringent.
2. There are no discretionary uses. All development in the Designated Floodway designation is also subject to approval of the provincial government, notwithstanding that certain uses are listed as “permitted” or “subject to Council’s discretion”.
3. As said in Section 4.2, the Town is a party to a Municipal Stewardship Agreement related to supporting the North American Waterfowl Management Plan through the Eastern Habitat Joint Venture Program. Pursuant to the Agreement and as described in Section 6.1.6 in the Municipal Plan, a small area within the municipal boundary (about 40 hectares) at the outlet of Seal Cove Brook, on the shore of Rothesay Bay, is a Management Unit (a term used in the Agreement to refer to two areas, not to be confused with the use of “Management Unit” to name a designation in the Municipal Plan). That small area is embedded in the Designated Floodway designation at Seal Cove, as shown on Map 2. In addition to compliance with the policies of the Municipal Plan concerning the Designated Floodway designation, developments there must comply with the terms of the Agreement.
4. See Section 6.2.7 concerning federal government jurisdiction and the definition of “antenna” in Schedule A concerning antennas.
5. See Section 6.2.1 for policies applicable to all designations, concerning sustainability of development.

### **6.1.5.3 Designated Floodway Fringe**

Specific policies pertaining to the Designated Floodway Fringe designation are:

- 1) Permitted uses are:
  - a. Antenna class, but only those defined as “short”;
  - b. Conservation class;
  - c. Hydraulic structures;
  - d. Structures related to the use of water resources.
- 2) Uses which may be approved subject to Council’s discretion include:
  - a. Single dwelling class including subsidiary apartment and home businesses;
  - b. Subsidiary dwelling in conjunction with a single dwelling on the same lot (the single dwelling structure may include a subsidiary apartment)
  - c. Family & group home class
  - d. Mobile home class;
  - e. Recreational open space class and trails;
  - f. Public works such as water and sewer infrastructure;
  - g. Transportation class;
  - h. Uses requiring direct access to a body of water
  - i. Other uses which comply with the provincial government Policy for Flood Plain Management, as amended from time to time, and if located within the municipal boundary which comply with the requirements generally applicable in the Town-Urban designation and to mineral workings, mining, petroleum extraction, mineral exploration and petroleum exploration class uses applicable in the Town-Rural Industrial designation, whichever are the more stringent.
- 3) All development in the Designated Floodway Fringe designation is also subject to approval of the provincial government, notwithstanding that certain uses are listed as “permitted” or “subject to Council’s discretion”.
- 4) Provincial government requirements include a stipulation that any structures within the Designated Floodway Fringe designation and the 1:100 year Annual Exceedance Probability (AEP) Climate Change Flood Line must be a minimum of 0.6 metres (about two feet) above the 1:100 year flood zone elevations (the 1:100 year AEP climate change flood elevations are applicable if such a line has subsequent to the coming into effect of this Municipal Plan been defined for this area).
- 5) See Section 6.2.7 concerning federal government jurisdiction and the definition of “antenna” in Schedule A concerning antennas.
- 6) See Section 6.2.1 for policies applicable to all designations, concerning sustainability of development.



### **6.1.6 Management Unit**

As said in Section 4.2, the Town is a party to a Municipal Stewardship Agreement related to supporting the North American Waterfowl Management Plan through the Eastern Habitat Joint Venture Program. Its purpose is to protect and enhance important waterfowl habitat, and Council has pledged to support the objectives of the Agreement in any Municipal Plan.

Sub-areas of the lands defined in the Agreement are:

- Two Management Units (the name “Management Unit” is used in a different context in the Agreement from its usage in the Municipal Plan and Development Regulations), which are particularly significant for waterfowl brood rearing, nesting or staging:
  - A small area within the municipal boundary (about 40 hectares) at the outlet of Seal Cove Brook, on the shore of Rothesay Bay, and,
  - A larger area mostly outside the municipal boundary, several thousand hectares in extent, lying south of Browmoore Bog and located on both sides of St. George’s River.
- The balance of the area defined in the Agreement as part of the Stewardship Zone named in the Agreement, comprising a large bog called Browmoore Bog (in some documents, “Browmoore” is spelled as “Bras Mort”).

The smaller Management Unit at Seal Cove Brook is embedded in one of the flood risk designations, as the provincial regulation concerning flood risk cited earlier must apply concurrently with the requirements of the Agreement and it is convenient to treat it this way. See Section 6.1.5.2.

The larger area lying south of Browmoore Bog is designated in the Municipal Plan as “Management Unit” whereas the smaller one at Seal Cove is embedded as said in the Designated Floodway designation at that location.

Council’s policy is to seek to eliminate or minimize the effects of human activity on wetlands and bogs in the Management Unit designation given in the Municipal Plan. This includes severe restrictions on use of off-highway motorized vehicles except where on approved trails, but non-consumptive and non-destructive human activity such as hunting, recreational fishing, snowmobiling, trapping, domestic wood harvesting, hiking, boating, and bird watching are permitted subject to the ordinary applicable government regulations (see also section 2.2).

Specific policies pertaining to the Management Unit designation are:

- 1) Permitted use: the conservation class.
- 2) Discretionary uses comprise any other class of use, which may be approved if the use can be demonstrated to not conflict with the objectives of the Agreement, which gives the highest priority to the protection and enhancement of the waterfowl habitat.
- 3) Any development must be approved in accordance with the terms of the Eastern Habitat Joint Venture Stewardship Agreement between the Town of Stephenville Crossing and the Province of Newfoundland and Labrador, as well as by the provincial government before a Town permit may be approved.
- 4) See Section 6.2.1 for policies applicable to all designations, concerning sustainability of development.

### **6.1.7 Environmental Protection**

The Environmental Protection designation is applied to several sensitive areas, other than those otherwise defined as flood risk or Management Unit designations, such as major wetlands, prominent waterways, and the Tuckamore trees windbreak and beach on Rothesay Bay. Council's objective is to prevent or minimize degradation of fragile habitat, vegetation and soils.

Large areas of wetland are located north and east of the core of Stephenville Crossing, as shown on the Future Land Use Maps. Smaller areas of wetlands and other sensitive lands are scattered throughout the municipal planning area.

One area in the Environmental Protection designation is largely comprised of Browmoore Bog (marked on the Future Land Use Maps), which is part of the area defined in the Municipal Stewardship Agreement related to supporting the North American Waterfowl Management Plan through the Eastern Habitat Joint Venture Program. Browmoore Bog is a natural feature (a "plateau bog") which has been noted by the provincial government's Natural Areas Program staff who have said it is of special conservation interest, likely as it is an area designated under the International Biological Program and is recognized as a peatland of international importance, based in part on its potential for carbon sequestration (these points are made in the Joint Venture Habitat Conservation Plan).

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

Defining the boundaries of this designation at Browmoore Bog is complex. The intention is to follow the boundary of the Stewardship Zone established pursuant to the Stewardship Agreement, which on its north side means following the edge of the bog on the south sides of Harry's River and Trout Brook. Intricate areas along the south sides of Harry's River and Trout Brook are flood risk areas defined pursuant to the provincial government's *Policy Directive WR 96-1 Policy for Flood Plain Management*. For practical reasons the lines of the Stewardship Agreement, ie: the edge of the bog, will be used for the purposes of defining the Environmental Protection designation in this area. This consideration relates to the aspiration of Council to reduce the municipal planning area, as described in Section 2.1, by which the Management Unit and the Environmental Protection (at Browmoore Bog) designations would be retained in the municipal planning area. Defining the boundaries of designations in this way facilitates and harmonizes with those aspirations.

As said above, a consequential complexity is that some of the Environmental Protection designation at Browmoore Bog may include some areas along the southern alignments of those watercourses which otherwise would have been designated as either Designated Floodway or Designated Floodway Fringe. The policies of the Municipal Plan recognize that fact, by specifying that where such is the case, that the requirements of the said Policy Directive must be respected in addition to those of the Environmental Protection designation, such that the more stringent shall apply.

The complexity of the boundary of the designation is found primarily in its alignment along its north side, along Harry's River and Trout Brook, as shown on the Future Land Use Maps. The other boundaries of the Environmental Protection designation are much simpler to describe. The southern boundary follows a prominent physical feature, ie: a major electrical transmission line. Its westerly boundary mostly follows the municipal boundary as it runs along Harry's River, and its easterly boundary is the municipal planning area boundary.

Applying the ordinary Environmental Protection designation rules to Browmoore Bog would mean that only conservation uses would be permitted, but Council could at their discretion approve cranberry bogs, recreational open space including trails, roads, public services and utilities, water resource management structures and docks, wharves and the like. As that is not in keeping with the special nature of the Bog, Council's policy is that restrictions to prevent those developments will be included in the Development Regulations to apply to its area.

As said in Section 2.2, the Municipal Plan and Development Regulations as such do not include restrictions on ordinary activities of hunting, fishing, berry picking, hiking and the like. The

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

ordinary provincial and federal government regulations and policies apply to activity in the Municipal Planning Area, including rules concerning use of ATVs, fishing, boating, hunting etc.

Also, the newly developed Lower Churchill hydroelectric generation project involves a new transmission line operated by NSP Maritime Link Incorporated, which runs through a small area in the Environmental Protection designation, straddling Highway 490 in the vicinity of Barachois Brook. The provincial government has established the "NALCOR Corridor" (Statutory Easement 144427), which is shown as an overlay on Future Land Use Map 1. The NALCOR Corridor overlays about half of that Environmental Protection designation. Development proposals for locations within the NALCOR Corridor must be submitted to the utility for approval.

Specific policies pertaining to the Environmental Protection designation are:

1. Permitted use: conservation class.

Uses in the Environmental Protection designation (other than that at Browmoore Bog), which may be approved subject to Council's discretion include only those which can be demonstrated to not conflict with the objectives of this designation, as follows:

- a. Agriculture class, but solely for cranberry bogs
- b. Recreational open space class including trails
- c. Structures related to use of water resources
- d. Uses requiring direct access to a body of water, such as docks and wharves and hydraulic structures

2. Uses in the Environmental Protection designation at Browmoore Bog (the part of the designation bounded on its west by the municipal boundary, to distinguish it from an abutting area within the municipal boundary which is also in the Environmental Protection designation) which may be permitted at Council's discretion include only those which can be demonstrated to not conflict with the objectives of the Agreement, which gives the highest priority to the protection and enhancement of the waterfowl habitat and its biological value as an area under the International Biological Program. Therefore, any development in this designation at Browmoore Bog must be approved in accordance with the terms of the Eastern Habitat Joint Venture Stewardship Agreement between the Town of Stephenville Crossing and the Province of Newfoundland and Labrador, as well as by the provincial government, before a Town permit may be

approved. Further, some of this designation at Browmoore Bog may be deemed prone to flooding, as defined in the provincial government's Policy Directive WR 96-1 *Policy for Flood Plain Management*, and therefore also subject to the requirements related to that Policy. The more stringent requirements shall apply.

3. The following land uses are prohibited:
  - a. Use of off-highway motorized vehicles on the sand dunes of Rothesay Bay.
  - b. Cutting or interference with the Tuckamore windbreak trees along Rothesay Bay.
4. Any development must be approved by the provincial government before a Town permit is approved.
5. See Section 6.2.1 for policies applicable to all designations, concerning sustainability of development.

### **6.1.8 Rural**

As said in the Development Concept, Section 5.0, point 17, development in areas outside the municipal boundary, and not otherwise named as a designation in Section 5.0, point 7, will be defined as Rural designation.

Specific policies pertaining to the Rural designation are:

1. Council will continue its efforts to have this designation, together with flood risk areas around Black Duck and a small area of Environmental Protection near Barachois Brook, removed from the municipal planning area, such that the municipal planning area will become as described in Section 2.1. Notwithstanding that objective, Council permits are still required as specified in the policies of the Municipal Plan and the requirements of the Development Regulations.
2. In the Rural designation, all uses will be permitted and the least possible Council regulation will be applied to developments. The Development Regulations will include a list of provincial and federal government regulations which may apply to applications for development. Council permits will be approved where proof of compliance with such regulations are submitted in support of applications. Council will refer applicants to Service NL and any governmental departments and agencies which may have a regulatory jurisdiction.

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

3. See Section 6.2.3 concerning ownership, operation and maintenance of streets and services.
4. Although Council does not own or operate the community well at Barachois Brook, this Municipal Plan will include an “overlay” applied to the Wellhead Protected Water Supply Area at Barachois Brook pursuant to Section 6.1.4 Policy 7, whereby protective “overlay” requirements will apply in addition to the effects of the underlying Rural designation in the Municipal Plan and the corresponding Use Zone table titled “ZONE AND OVERLAY TITLES [wellhead protected areas] STEPHENVILLE CROSSING)” in the Development Regulations. Those wishing to develop in the protected area are to be directed to contact the Barachois Brook Local Service District and the provincial government to become informed as to their respective requirements. A Council permit is required to permit any development, but Council will be entirely guided by proof of approval of the Local Service District and the provincial government, which shall be a condition of any Council approval.
5. The newly developed Lower Churchill hydroelectric generation project involves a new transmission line operated by NSP Maritime Link Incorporated, which runs through the Rural area; the provincial government has established the “NALCOR Corridor” (Statutory Easement 144427), which is shown as an overlay on Future Land Use Map 1. The easement is generally one kilometer wide on each side of the transmission line, and skirts the south-eastern edge of the municipal planning area (not all of the Corridor is within the municipal planning area and none of it lies within the municipal boundary). Development proposals for locations within the NALCOR Corridor must be submitted to the utility for approval.

As said in Section 2.2, the Municipal Plan and Development Regulations as such do not include restrictions on ordinary activities of hunting, fishing, berry picking, hiking and the like. The ordinary provincial and federal government regulations and policies apply to activity in the Municipal Planning Area, including rules concerning use of ATVs, fishing, boating, hunting etc., in which Council has no regulatory role.

## **6.2 Policies Applicable to All Areas**

The following policies pertain to all of the Municipal Planning Area:

### **6.2.1 Sustainability of Development**

It is important to take forward-looking measures to address the sustainability of the quality of life of the community. Council's policies as set out below pertain to all designations and are intended to provide overall direction to enhance sustainability of development:

1. The Development Regulations will detail permitted and discretionary uses pursuant to policies in the Municipal Plan, and make requirements related to home businesses, accessory buildings, setbacks from lot lines, fences, and other topics with the purpose of developing and maintaining a pleasant, low safe community.
2. In considering discretionary use applications, Council will give the highest priority to reasonable compatibility with existing and intended future developments in the designation, such that the proposed land use can operate without any significant adverse effect on the surrounding designation.
3. Adequate buffering shall be provided between non-residential land uses and any abutting residential uses. Such buffering may include among other measures ample distance from the proposed development, grass strips, fences, and shielded yard lighting. In the case of mineral workings or similarly intrusive developments, a large separation from public highways and streets, existing dwellings, and environmentally or culturally sensitive areas will be required.
4. All new development must front onto a public street, except where access to resource lands makes it unnecessary or undesirable to require that the subject lot front on a public street, unless other policies in the Municipal Plan specify otherwise. Driveways must be properly located to ensure safety of vehicular and pedestrian traffic. Subdivision of land to create "flag lots" in "back lands" for any purpose anywhere in the municipal planning area, so as to enhance the availability of land suitable for development, will be made permissible in all designations and use zones, for which the Development Regulations will include detailed provisions and requirements.
5. In the case of redevelopment of structures for new purposes, Council shall be satisfied that no additional capacity has to be provided in any water and sewer or storm drainage features or roadways to service such development. If added capacity or features are

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

- required, then Council will ensure that agreements are entered into between the developer and the Council regarding the provision of such additional services.
6. The matter of adequate and usable legal public access to a waterway or water body may be used as a consideration in the review of an application for a development or subdivision of land in close proximity to a waterway or water body.
  7. New developments should not feature traffic volumes or heavily loaded vehicles which would deteriorate the condition or diminish the safety of the Town's side streets.
  8. All development must be connected to the municipal central water and/or sewer systems if available and have capacity, and/or the owner's private water and/or sewer systems, subject to the proponent securing Certificates of Approval from provincial government authorities.
  9. The provincial government requirements concerning groundwater resources related to use of private wells include compliance with the *Groundwater Supply Assessment and Reporting Guidelines* administered by the Water Resources Management Division of the Department of Environment and Climate Change. The groundwater assessment requirements apply to approval of new unserviced subdivisions consisting of 5 or more lots or the addition of unserviced lots to existing subdivisions, in order to ensure that groundwater resources in the immediate area of the subdivision are sufficient for the expected demand.
  10. Signage and outdoor lighting shall be subdued and in keeping with attractive design and highway safety. Several provincial government regulations apply to development along public highways (see Section 6.2.15 Development Near Public Highways).
  11. Forestry activities are supported, including harvesting (commercial and domestic cutting), processing of products of the forest, silviculture and access roads, as indicated as permitted or discretionary uses in appropriate use zone tables in the Development Regulations. Permits from the provincial government may be required for commercial or domestic cutting of forest resources.
  12. The Wildlife Division must be contacted before major development projects are approved to ensure that appropriate mitigation measures are put in effect to address species habitat requirements.



13. For cases where unusual circumstances are anticipated, especially for very large scale or complex developments, Council may require submission of a detailed site plan for review and approval as described in this Section 7.2 in this Municipal Plan.

## **6.2.2 Natural Hazards to Building**

The following Council policies are intended to prevent or mitigate exposure to hazards of landslides, rock falls, avalanches, flooding, coastal erosion and climate change:

- 1) Council may require professional review and advice in order to evaluate any proposal for the erection of a structure on a site which is potentially subject to natural hazards including flooding, sea level rise, coastal erosion or any other physical hazard near water bodies, watercourses and the sea.
- 2) Requirements concerning sea level rise and coastal erosion include that development must be:
  - a. Compliant with the requirements of the *Water Resources Act* concerning development within 15 metres of a waterbody or watercourse and in the shore waters thereof,
  - b. Located above the current 2 metre contour, and,
  - c. Set back at least 30 metres from any shores of the ocean and any inland water body subject to tidal influence, to provide a buffer against coastal erosion, except that the following are permitted:
    - i. Structures or land uses requiring direct access to salt water, including wharves, breakwaters, slipways and boathouses, if permitted in the use zone table, and if approved to be in accordance with the Department of Environment and Climate Change's *Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses*;
    - ii. Public works, such as water and sewer services and electrical lines;
    - iii. Recreational open space class and trails, if permitted in the use zone table;
    - iv. Mineral exploration and mineral workings if permitted in the use zone table;
    - v. A lesser setback but in no case less than 15 metres, where the proponent can demonstrate that the building(s) would be founded directly on bedrock rather than on surficial soils, loose rock, or severely fractured bedrock;
    - vi. Enlargement or renovation of main building(s) which are located within the required setback from the shore, and accessory buildings which may

be developed subject to the ordinarily applicable requirements in the use zone table.

- 3) Any proposal for development of a site having a slope in excess of 20% must be certified by a geotechnical professional engineer as having low risk of landslide, avalanche, and rockfall.
- 4) Further to the above, development must conform to the requirements of the use zone table for the applicable zone.

### **6.2.3 Municipal Services**

Some of the costs of running a municipal government are proportional to the overall length of municipally maintained roads that are usually provided with street lights, water and sewer services, drainage, signage and landscaping. Generally, the more spread out a settlement becomes, the more these costs increase. Council's policies in that regard are to concern itself with municipal services within the municipal boundary, as provision of such services outside the municipal boundary is of little interest to Council.

Council intends to control these costs through implementation of the following policies applicable to areas within the municipal boundary:

1. Council will not require or accept ownership or responsibility for operation or maintenance for any new public or private streets or services located outside the municipal boundary.
2. Extensions to the water, sewer and road system which are not part of the Town's capital works program shall be the financial responsibility of the developer, although the Town may access senior government financial assistance where possible, to encourage and assist desired works within the municipal boundary. Nevertheless, any such infrastructure which is intended to be conveyed to the Town shall be designed and constructed to modern engineering standards, specifically the specifications promulgated by the provincial government for capital funding purposes, and shall be subject to approval by Council.

3. With the exception of land uses associated with agriculture, forestry, sawmilling, mineral workings or other resource or similar uses for which fronting on a street would be unnecessary or undesirable, all development shall front on a publicly owned and maintained street, unless other policies and requirements of this Plan expressly specify otherwise.
  
4. Council will cooperate with any of the Local Service Districts to approve and facilitate development of new public streets outside the municipal boundary but in the LSDs' jurisdictions on the basis that the LSDs will take ownership and responsibility for them. In doing so, Council will:
  - a. Negotiate and enter into an agreement with the LSD that requires the LSD to take ownership and responsibility for any needed improvements and maintenance in perpetuity and to hold Council harmless against any liabilities which may later be incurred by the LSD;
  - b. Require the same standards of design and construction as are required for public streets in subdivisions within the municipal boundary, and, will require satisfactory proof of compliance before finalizing any such agreement;
  - c. Require approval from the Department of Transportation and Infrastructure of any intersections with public highways;
  - d. Where subdivision of five or more lots fronting on a new street is involved, require a groundwater assessment satisfactory to the provincial government in accordance with provincial government policy, to ensure that a satisfactory water supply will be available for the anticipated development;
  - e. Require that the purposes of the streets and the subdivision align with the requirements of the Development Regulations;
  - f. Require that any costs to Council due to negotiating the said agreement, professional services for legal advice, survey, design, engineering, observation during construction, certification of the works, conveyance of the street to the LSD, fees and taxes if any, and the like, are fully reimbursed to Council.

#### **6.2.4 Trails and the T'Railway**

The Municipal Planning Area features numerous trails, both informal and formally recognized by Council, used by the public for hiking and motorized off-highway recreational vehicles. These are valued assets which enhance the quality of life of residents and visitors alike.

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

As said earlier, some parts of the T'Railway are designated a Provincial Park, although at present the old rail bed is visible, but not as of 2021 developed or signed to denote a provincial park, but that could change.

In addition to approval pursuant to the Municipal Plan and Development Regulations, development and vehicular use within the T'Railway requires approval of the Parks Division, Department of Tourism, Culture, Arts and Recreation.

Council's policies are to protect and encourage improvement and use of all trails, including the T'Railway, and to establish a proximity criteria in the Development Regulations, by which any development within a specified distance from trails designated by Council or the T'Railway is subject to review. Development applications may be refused or conditions may be added to approvals of developments to endeavour to prevent negative impacts.

### **6.2.5 Protection of the Natural Environment**

Protection of the natural environment is a high priority. The quality of air, land, and water, as well as aesthetic considerations, are important to the health, culture, and economy of the area. The role of Council in this regard is intertwined with the roles and authorities of the Governments of Canada and the Province of Newfoundland and Labrador.

Under the authority of the *Water Resources Act*, the provincial Department of Environment and Climate Change is responsible for the management of water resources of the province of Newfoundland and Labrador, and coordinates with the federal Department of Fisheries and Oceans. The provincial department has programs to protect, enhance, conserve, develop, control, and effectively utilize the water resources of the province concerning but not limited to the following:

- a. Development within 15 metres of a waterbody or watercourse if in a Crown land reservation (the minimum buffer is measured from the high water mark of the waterway or body of water, and if the shoreline features a steep embankment, then from the top of the embankment);
- b. Protection of Harry's River as a scheduled salmon river from development that may have the potential of affect fish habitat;
- c. Development in shore water zones, (the interface between land and water, and includes the land along the edge of an ocean or a fresh water body) as set out in the Department of

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

Environment and Climate Change's *Policy for Development in Shore Water Zones* W.R. 97-1.

- d. Discharge of any effluent off the subject property;
- e. Work in any body of water or wetland including infilling or dredging associated with marine structures or other works;
- f. Infilling of water bodies or diversion of streams (usually not approvable if for residential development);
- g. Construction of wharves, breakwaters, slipways and boathouses;
- h. Any development in a protected public water supply area;
- i. Providing waste receptacles in work areas;
- j. Waste diversion actions including recycling, reuse or resale programs;
- k. Open burning of waste;
- l. Pesticide and halocarbons use, purchase and storage;
- m. Petroleum (including used oil) storage and dispensing;
- n. Effects of climate change;
- o. Energy efficiency in buildings.

Council's policy is that these matters will be identified in the Development Regulations to indicate that such requirements may apply to proposed developments throughout the municipal planning area. In order to ensure that the requirements of the provincial *Water Resources Act* are respected in Council exercising its planning authority pursuant to the *Urban and Rural Planning Act, 2000*, the Development Regulations will provide detailed requirements about development near or in any water body, including ponds, streams, rivers, and wetlands in addition to ocean shorelines, regardless of the use zone in which they are located.

A proposed development should not pollute or degrade any part of the municipal planning area. In cases of large or special types of projects where environmental protection concerns are complex, the proposals should be carefully studied and any concerns brought to the attention of the appropriate provincial or federal authorities.

Further to the above, Council's policy is that the regulations of the provincial and federal governments will adequately address these concerns for developments located outside the municipal boundary. For locations within the municipal boundary, Council's policies are that:

1. Offensive and dangerous uses of land are not permitted and that accumulations of garbage, refuse, abandoned vehicles and any other discarded materials of any kind must be removed promptly and disposed at an authorized place. Such material shall not under

any circumstances be used as fill for buildings and lots. Wrecked or inoperable vehicles, machinery or equipment of any kind shall not be stored or abandoned where it may be in public view.

2. All development sites should be landscaped where possible. The exteriors of buildings, particularly commercial properties, restaurants, shops and stores, or any business catering to tourists, should be properly finished and maintained to the satisfaction of Council. Owners of dilapidated structures will be required to repair or remove them if they present a safety hazard.
3. Where a proposed development is of a size or nature that could have gross negative effects beyond the boundaries of the site upon which it is located (such as the production or creation of noise, smoke, dust, fumes or unsightliness), there should be a public meeting with surrounding residents to ensure they are aware of the potential effects of the proposal and that their concerns are taken into consideration before any decision is made.
4. A protective buffer of undisturbed soil and vegetation shall be preserved along the shoreline of all waterways and wetlands, except very minor ones. The buffer shall be sufficient to prevent erosion, retain natural drainage features, prevent siltation, preserve public access and protect fish habitat. In the case of minor ones, wherever possible the area shall not be developed or disturbed, and alternatives to covering over shall be explored.

### **6.2.6 Public Works and Utilities**

Public works and utilities are needed in order to provide the area within the municipal boundary with a safe and healthy environment. Council policy is that it has no role in this matter for the areas outside the municipal boundary.

Council's policies to guide the location and installation of these services are:

- 1) Municipal street, water and sewer works, including associated structures for such purposes, may be developed at any location provided due consideration is given to potential hazards and aesthetics. It is not always possible to predict the location of these works and utilities and sometimes they must be fitted in, in close proximity to sensitive areas.

- 2) New public works and utilities will be constructed in a staged and orderly manner to provide an economic and logical sequence for growth related to the needs of the Town and the financial resources available.
  
- 3) New development must not be located upon any easements accruing to NL Hydro (the NALCOR Corridor is located outside the municipal boundary). Applications for development of new buildings must show the locations of easements and must be reviewed and approved by NL Hydro before a Council permit is approved.

### **6.2.7 Antennas and Wind Turbines**

Development in the classes of antenna and utilities (windmills) represent an aesthetic and safety concern.

Tall antennas are a familiar sight in the region, and their visual effect and the large areas of land required to accommodate their guy wires and access roads can be easily appreciated. One can anticipate the coming of more tall antennas, and possibly tall wind turbines, both of which can consume large land areas and are of aesthetic and safety concern. Accommodating these types of uses is a challenge which must be deliberately met by thoughtful planning.

Aesthetic considerations are quite subjective, but not to be discounted: tall wind turbines can reach as high as 100 metres from the ground to the tip of the top blade when it is vertical (some have tower heights over 50 metres and blade lengths currently are up to 42 metres). Antennas can be much taller than that, and involve widespread guy wire arrays.

Short antennas can be integrated in urban development in some cases, because the aesthetic effects are not extreme. The typical access lanes and massing of the short antennas is not overly prominent, as simple lanes suffice for access and the structures are thin, with few large attachments. Land consumption for self-supporting short towers is negligible, though even a short antenna with guy wires has a considerable footprint which cannot be further developed.

Wind turbines present the added issue of noise and safety, but they are not stayed with guy wires (except for the uncommon vertical axis type) so the issue of land consumption is minimal. Noise is related to the sounds of the machinery in the wind turbines as well as the sound of the wind impacting the blades and towers. A typical science-based approach is to require that the noise from wind turbines should not exceed normal background levels at the property boundary.

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

Wind turbines are generally required to be set back from lot lines a substantial distance because of noise and safety considerations. Safety concerns related to ice shedding are alleviated by knowing that little of the ice will land outside a certain radius from the tower. A report by the Canadian Wind Energy Association (CanWEA) recommends a setback distance of one blade length plus 10 metres from lot lines, including the street line, this being based on engineering studies of ice shedding.

Concerns about wind turbines and antennas can be systematically addressed in land use planning by categorizing their height for aesthetic and safety reasons. A balancing of the factors just cited suggests that the appropriate categorization for Stephenville Crossing is defining those with tower heights (for wind turbines, from ground to rotor hub) over 15 metres as “tall” and those under as “short”. In all cases, requiring guy wires and anchors to be located on the same lot as the tower will prevent diminishing the development potential of adjacent lands.

The specific policies for area designations include provisions for antenna and wind turbine developments appropriate to each area.

Council acknowledges that regulation of antennas is in the jurisdiction of the Government of Canada, and that the role of Council is to take part in consultative processes in which communities may be able to participate. Council is recognized as a local “land use authority” in current federal government guidelines concerning consultation. It is Council’s policy that the policies and requirements set out in the Municipal Plan and the Development Regulations describe the aspirations of the community in this regard, and that Council’s view is that the process of municipal permitting provides an orderly method of dealing with public consultation and Council’s input to federal authorities.

### **6.2.8 Advertisements (Signage)**

Council’s policy is that signs and advertisements are to be tastefully presented (in terms of lettering and overall design), properly situated and well maintained in order to prevent unwanted visual effects, and must be approved by Council. Obsolete and dilapidated signs may be subject to Council orders to remove them.

It is Council’s policy to include detailed requirements in the Development Regulations. See also Section 6.2.15 Development Near Public Highways concerning provincial government regulations affecting development, including highway signage, near public highways.



### 6.2.9 Animals and Agricultural Land Uses

People keep animals for a variety of reasons: as pets for the companionship and enjoyment of them practically as members of the household, and as economic assets in some cases, providing food, fur and other materials as well as labour for the benefit of the owner. Keeping of pets is rarely a matter of concern in a Municipal Plan, as the activity tends to be self-regulating as far as land use is concerned. The Development Regulations will therefore consider keeping of small animals as pets to be an accessory use to any main use of a property.

Municipal planning laws such as the Development Regulations are not intended to be used to deal with situations where animals are not properly housed or not given appropriate care. In those cases, the *Animal Health and Protection Act* and its regulations concerning distress to animals, noise and other such matters enable authorities to deal with offending behaviour. Compliance with that *Act* will be a condition for approval of developments in the animal and agricultural classes. Council will refer matters where distress is suspected in any case of treatment of animals in any situation to the Department of Fisheries, Forestry and Agriculture for investigation and action.

There is potential for land use conflict in urban areas with agricultural class or animal class land uses, including growing of plants at commercial scales, especially where involving animals of all sizes which are to be bred, raised or kept for substantial economic gain or in numbers of animals of types often kept as pets in larger numbers than customarily recognized as accessory uses. Council's policy is that it is appropriate to regulate their locations and characteristics, including a requirement that the land area and management practices for agricultural and animal class developments be based on the requirements of the Department of Fisheries, Forestry and Agriculture, including but not limited to the *Environmental Farm Practices Guidelines for Livestock and Poultry Producers in Newfoundland and Labrador* and the *Animal Health and Protection Act*.

The Development Regulations will therefore include requirements related to keeping of pets and development of uses in the agricultural class and animal class. The agricultural and animal classes will be permitted at Council's discretion but only in the Town-Rural Industrial and Rural designations. The Development Regulations include definition of the zones in which large livestock structures and uses would be permitted or approvable as discretionary uses, as well detailed requirements pertaining to such developments.

The Development Regulations will include requirements related to proximity of developments of agricultural class and animal class uses to sensitive lands such as the Town - Wellhead Protected Water Supply Area "A" designation and related overlays.

### **6.2.10 Removal of Quarry Materials**

Quarry materials produced as a by-product of an approved development may be removed from the development site. For example, site preparation to construct a building usually involves removing topsoil, overburden, and sometimes bedrock from the footprint area; these materials may be retained or re-used on the development site. Quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, and peat. The Department of Industry, Energy and Technology requires that they be notified of upon issuance of a permit for a development involving removal of quarry materials, so that they can ensure that provincial government regulations are observed.

Council's policy is that the Department of Industry, Energy and Technology will be made aware of approved developments where the removal of quarry materials may take place, and that the Development Regulations will contain a statement to the effect.

### **6.2.11 Non-Conforming Uses**

Section 108 of the *Urban and Rural Planning Act 2000* concerns non-conforming uses and standards, ie: those uses or features of a development which do not conform to a regulation, scheme or plan, and, which legally existed before this Municipal Plan and Development Regulations are registered. Owners of such uses are entitled to a statutory right to continue such non-conforming uses, and to modify a structure subject to certain conditions.

Council can not alter those rights, but there are a few matters in which Council can make certain provisions, as follows:

- a) Section 108(2): the right to continue the non-conforming use expires after 6 months of discontinuance unless otherwise extended in a regulation under the *Act*, ie: in the Development Regulations. Council's policy is to extend this period to 3 years, and to so indicate in the Development Regulations.
- b) Section 108(3): a Council may approve changing the use to another use where the new use would be more compatible with the Municipal Plan and Development Regulations,

notwithstanding that the new use would otherwise not be permissible. The Minister's Development Regulations require that Council provide for newspaper or other form of public notice of intent to consider the varying of a non-conforming use to another use, and consider any representations or submissions received in response to the notice. Council provides in the Development Regulations a provision that such notice be made at the expense of the applicant and that the notice be sent to all persons whose land is in the immediate vicinity of the land that is the subject of the proposal, at least ten days prior to the date upon which Council will consider the matter.

### **6.2.12 Amusement Uses**

Amusement uses are permitted or made subject to discretionary approval in certain areas by virtue of falling in the assembly group. The establishment, expansion or change in intensity of use fall within the definition of "development" in the *Urban and Rural Planning Act 2000* and thus are subject to the requirements and standards in the Development Regulations for such uses.

Council's policy is to regulate those located within the municipal boundary, as "Places of Entertainment" under the *Municipalities Act*, including addition of conditions pursuant to the *Places of Entertainment Regulations* under the *Municipalities Act*, as a matter separate from and unrelated to the Municipal Plan and Development Regulations.

### **6.2.13 Lands Straddling or Near Designation Boundaries**

It is intended that the boundaries of the land use designations and location of roads and other features shown on the Future Land Use Maps and the Zoning Maps in the Development Regulations be considered as approximate, as the available base mapping does not provide highly accurate information in some areas. Therefore, amendments to the Municipal Plan or Development Regulations will not be required to support reasonable interpretation by Council and staff concerning boundaries of zones and designations. The intent and policies of the Plan are to guide the interpretation of the mapped information.

The boundaries of the designations are to be interpreted as somewhat flexible in a limited sense. Proposed developments which straddle or are very close to a boundary may be considered in accordance with the policies of either designation, provided the proposed development does not negatively impact the amenity and quiet enjoyment of areas in either designation and respects the intent of other policies in this Municipal Plan.

Notwithstanding the foregoing, the boundaries of areas established by the provincial or federal governments such as, but not limited to, requirements or regulations for the flood risk and protected water supply areas, are fixed. Any interpretation of them cannot deviate from their legal descriptions.

#### **6.2.14 Archaeological and Heritage Resources**

Council's policy is to conserve and protect its heritage resources through encouraging the preservation of historic buildings and sites and other means within its capability. Archaeological sites and discoveries are protected pursuant to the *Historic Resources Act 1985*. At the time of preparation of this Municipal Plan, there were no such features in the Municipal Planning Area, but that can change at any time. For example, local knowledge suggests that the shores of Rothesay Bay, in particular the area of the Main Gut, may have been a significant indigenous habitation and may become a recognized heritage site. Council's policies in that regard are that, should that change:

- 1) Development applications will be scrutinized for information on proximity to any known registered sites in the municipal planning area, should such become registered.
- 2) Upon learning that a person has discovered potential artifacts during work on a development, that person will be required to stop work and Council will report the finding to the Provincial Archaeological Office, and continue a stop work order until authorized by the same to remove it.

#### **6.2.15 Development Near Public Highways**

Highways 460 (the Port au Port Highway), 461 (St. George's Highway), and 490 (the Stephenville Access Road) are public highways which pass through the municipal planning area.

Development near public highways is regulated by the provincial government, pursuant to but not limited to the following regulations, in which the classification and/or proximity criteria are subject to change, and Council's policy is to include these in the Development Regulations:

- a) *Building Near Highways Regulations*, under the *Works, Services and Transportation Act*: for any action to erect, repair, alter or structurally improve a fence, building or other structure, including planting of trees, shrubs or hedges, within:

- a. 20 metres from the centre lines of Highways 460 and 490, which are designated as class C highways in that regulation, and,
  - b. 15 metres from the centre line of Highway 461, which is designated as a Class D highway in that regulation.
- b) *Protected Roads Zoning Regulations*, under the *Urban and Rural Planning Act*: Highways 460 and 490 are designated as Class II Protected Roads in these regulations, classification and/or proximity criteria subject to change. Provincial government approval is required for any development within 150 metres from the centre line of the roadway for locations within the municipal planning area but outside the municipal boundary, or, within 100 metres from the centre line of the roadway where within the municipal boundary.
- c) *Highway Sign Regulations*, under the *Urban and Rural Planning Act*: along all three highways, provincial government approval is required for any sign within 400 metres from the centre line of the roadway for locations within the municipal planning area but outside the municipal boundary, or, within 100 metres from the centre line of the roadway where within the municipal boundary.

Application for permits pursuant to the above regulations is to be made to the Government Services Centre, Service NL. These requirements are in addition to requirements pursuant to this Municipal Plan and the Development Regulations.

### **6.2.16 Minerals, Mining and Petroleum Developments**

Mineral and petroleum exploration is a desirable activity as it assists in locating potentially valuable resources, whether or not they lie directly below the land being explored. Council's policy is to consider these uses as discretionary uses in most designations as specified in the policies applicable to the relevant designations. Mineral working, mining and petroleum extraction uses are permitted only in the Town-Rural Industrial (except at Indian Head—see Section 6.1.3) and Rural designations, though hypothetically and not likely to be approved, also in the Designated Floodway and Designated Floodway Fringe designations in accord with the “other uses which comply...” provisions in 6.1.5.2(2)(g) and 6.1.5.3(2)(g). Specific conditions are included in the Development Regulations.

Council's policy is to include conditions which will minimize negative impact on the lands affected, such as restrictions on hours of mechanized operations, requirements to restore areas

where ground has been disturbed, and to remove vehicles, equipment and trash when finished, and the like.

### **6.2.17 Temporary Uses**

Generally, the Municipal Plan contemplates developments of a permanent nature. Council's policy is to approve, at their discretion and where permitted in the use zone table for the applicable zone, temporary developments for accommodation of itinerant or unusual short term activities such as placement of a motor vehicle or travel trailer or equipment for short term events such as community festivals or for compassionate reasons. Provisions will be included in the Development Regulations for suitable discretionary approval criteria and maximum time periods applicable to these cases.

This policy is not to be confused with provisions for the phasing of construction of single dwellings as "tiny houses" where permitted (see Section 6.1.1).

### **6.2.18 Comprehensive Developments**

Council's policy is that where the use is permitted in the use zone table for the applicable zone, major comprehensive developments located within the municipal boundary, and containing two or more individual developments and at least one hectare in total area, may be permitted at Council's discretion as comprehensive developments.

Comprehensive developments must be serviced with municipal central water and sewer services, must have access to a publicly owned and maintained road but may include both public and private internal roads. The uses which may be developed are those uses which are permitted or approvable as a discretionary use in the applicable designation. Approval is subject to site plan approval (see Section 7.2).

### **6.2.19 Policies Extra to Municipal Plan**

The policies set out in this Municipal Plan are enabled by the *Urban and Rural Planning Act, 2000*. Council may, or has already, adopted other policies as enabled by other legislation, some of which relate to certain aspects of development. The administration and enforcement of those other policies do not arise from the Municipal Plan nor the Development Regulations.

In order to minimize the risk of overlooking those other policies when dealing with permitting under this Municipal Plan and the Development Regulations, the other policies (if any) may be appended to the Development Regulations solely for the convenience of readers. Amendment or

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

repeal of those policies, or the introduction of new policies of like kind, do not involve amendment of the Municipal Plan or the Development Regulations.

## **7.0 IMPLEMENTATION**

### **7.1 *Implementation Policies***

The policies of the Municipal Plan for the Stephenville Crossing Municipal Planning Area will be implemented by the exercise of:

- a) Appropriate Development Regulations
- b) Site plan control for larger or more complex development proposals
- c) A planned sequence of public works.

All amendments to the Development Regulations will be checked against the Future Land Use Maps and the policies of the Municipal Plan for the purpose of conformity. This requires proper professional advice and documentation prepared by a qualified planner and due process prior to being submitted to the Minister of Municipal and Provincial Affairs Environment for approval.

Before any development can take place, an application must first be made to Council for a development permit, unless expressly exempted. Development may take place only after Council has reviewed the application and issued a permit. If the application is to be considered as a discretionary use or if it is for a variance, the proper process of notice and Council deliberation as detailed in Development Regulations shall be carried out.

Anyone who fails to follow the required application process or who otherwise violates the Municipal Plan and Development Regulations can be prosecuted and may be ordered to remove any illegal structure and restore the site and buildings on it to their original state.

Day-to-day administration of both the Municipal Plan and Development Regulations are the responsibility of Council and its authorized staff members. It is the duty of authorized staff members to observe the requirements of the Municipal Plan and Development Regulations and to advise Council accordingly, refer development applications to Council and outside agencies, and to issue all required permits when Council approval is granted.

An application to develop must be made on the proper application form prescribed by Council. All applications must show as accurately as possible the location of the site of the proposed development and include a plot plan, showing the location of existing and proposed buildings and structures on the proposed site.



**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

---

Council will consider the application to determine whether it conforms with the requirements of the Development Regulations and the policies of the Municipal Plan. If it conforms, Council will approve the application and inform the applicant and state any conditions that may apply. If the proposed development does not conform to the Municipal Plan and Development Regulations, the application must be refused and the reason expressed to the applicant in writing. Any applicant who is dissatisfied with the decision of Council may appeal to an Appeal Board. The Appeal Board shall either confirm the decision or require that Council's decision be varied or reversed.

Council has authority to grant a variance (not to be confused with a discretionary approval) of up to 10% of a numeric requirement applicable to a proposed development which does not strictly comply with the development standards. However, the proposed development must conform to the general intent of the Municipal Plan. A proposed development must not change the permitted land use, or significantly negatively impact adjoining properties, by virtue of grant of a variance.

Where Council deems it useful and necessary so as to better consider the details of large or complex projects, a Site Plan may be required of the applicant. Site Plan evaluation criteria are appended to the Municipal Plan.

Municipalities in the province are encouraged to adopt the National Building Code. Its requirements and administration are separate from those of the Municipal Plan and Development Regulations. Often, building and planning regulations are considered in conjunction with each other, as the prospective builder is usually considering them both at the same time, and the Town may integrate information requirements on a common application form. However, the approval of a building or construction permit under the National Building Code does not signify an approval of a development permit pursuant to the Development Regulations, and vice versa.

Council's policy is that the Town of Stephenville Crossing does not provide building inspection services related to the National Building Code; Council's or staff's observations of new construction will be only to ensure that the Development Regulations' requirements are met, such as those concerning location of structures on the lot, parking, driveway location, drainage, sidewalks, building height, and the use of the development. Those persons requiring building inspection related to compliance with the National Building Code or other codes will be advised to retain professional services at their own initiative and expense. The Town does not issue occupancy permits.

Council will respond to inquiries from governmental agencies, lenders, surveyors and such as to issuance of a permit for development in the Rural designation to enable, for example, building of a house or connection to grid electrical service, by advising that all uses are permitted subject only to requirements of the federal and provincial governments.

## ***7.2 Site Plan Information and Evaluation***

Many of the land use conflicts associated with large residential subdivisions, multiple unit residential, commercial, industrial and public uses and the like can be avoided if sufficient concern for detailed design is incorporated in the development approval process. In order to more fully exercise Council's powers to apply conditions to a development permit, Council may require a site plan to be prepared and approved by Council prior to the issuance of a building permit for large or complex developments.

The policies of this Municipal Plan indicate certain cases where site plan approval is mandatory, but Council may require it of any development proposal where circumstances suggest that particular care is needed. The Appendix to this Municipal Plan contains the site plan information required of a site plan. Site plans will be evaluated in accordance with the policies of the Municipal Plan and the requirements of the Development Regulations.

## **8.0 INTERPRETATION**

### ***8.1 Land Use, Boundaries, and Roads***

It is intended that the boundaries of the land use designations and location of roads and other features shown on the Future Land Use Maps and the Zoning Maps in the Development Regulations be considered as approximate, as the available base mapping does not provide highly accurate information in some areas. See Section 6.2.13 for policies concerning lands straddling or near designation boundaries.

Notwithstanding the foregoing, the boundaries of areas established by the federal and provincial governments' requirements or regulations, such as those for the flood risk and protected water supply areas, as well as the NALCOR Corridor and lands subject to the Stewardship Agreement noted in Section 2.1, are fixed. Any interpretation of them cannot deviate from their legal descriptions.

Amendments to the Municipal Plan or Development Regulations will not be required to support reasonable interpretation by Council and staff concerning boundaries of zones and areas. The intent and policies of the Plan are to guide the interpretation of the mapped information.

### ***8.2 Figures and Quantities Approximate***

It is considered that all figures and quantities herein shall be considered as approximate only and not absolute, on any matter not involving variances. Amendments to the Municipal Plan will not be required for interpretation of the meaning or precision of other figures or quantities.

---

## APPENDIX A: SITE PLAN INFORMATION REQUIREMENTS

When Site Plan approval is required, the owner or proponent shall prepare a site development plan, including landscaping, parking, lighting, roads and some or all of the additional items listed below, according to the nature of the proposed development and directions of Council:

- (a) the dimension of the site;
- (b) the area of the site;
- (c) dimensions to indicate the location of all buildings;
- (d) dimensions of buildings to provide comprehensive information of their plan form, including future buildings or expansions;
- (e) the distance between buildings and all yards;
- (f) other uses, a breakdown of floor area by proposed use;
- (g) gross floor area of buildings;
- (h) dimensions of all parking areas, access roads and driveways;
- (i) function and type of landscaped areas;
- (j) landscaping plan and specifications including;
  - surface treatment (asphalt, grass etc.)
  - tree and shrub types and sizes
  - location and number of trees to be retained or planted
  - dimensions of buffer zones, driveways, etc.
  - number and size of parking spaces and location
  - location and size of signage
  - location and width of all walkways, footpaths
  - location of loading zones
- (k) proposed contours and drainage of surface runoff ditching;
- (l) surrounding land uses;
- (m) existing access constraints, e.g. right-of-ways which exist on site or adjacent to it, easements, or fire routes, and the means of satisfactorily addressing them;
- (n) location and intensity specifications for lighting;
- (o) location and use of outside storage areas;
- (p) perspective drawings and plans showing 4 point building elevations and 2-way cross sections of all buildings shown on the Site Plan
- (q) provisions for ongoing operation of features of the development which may involve commitments or obligations of the Town of Stephenville Crossing or its departments and agencies.

## APPENDIX B: CLASSIFICATION OF USES OF LAND AND BUILDINGS

### SCHEDULE B, DEVELOPMENT REGULATIONS CLASSIFICATION OF USES OF LAND AND BUILDINGS

The classification of uses set out in the following table is largely based on the Classification of Typical Occupancies included as Table 3.1.2.A of the **National Building Code of Canada, 1980**, modified to suit terms used in the Municipal Plan and the Development Regulations. This classification is referred to in Regulation 87.

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES	1. Assembly Uses for the production and viewing of the performing arts.	(a) Theatre	Motion Picture Theatres T.V. Studios admitting an audience.
	2. General Assembly Uses	(a) Cultural and Civic	Libraries Museums Art Galleries Court Rooms Meeting Rooms Council Chambers
		(b) General Assembly-halls and active exercise uses	Community Halls Lodge Halls Dance Halls Gymnasias Auditoria Bowling Alleys
		(c) Educational	Schools Colleges (non-residential)
		(d) Child Care	Day Care Centres
		(e) Place of Worship	Churches and similar places of worship. Church Halls
		(f) Passenger Assembly	Passenger Terminals
		(g) Club and Lodge	Private Clubs and Lodges (non-residential)
		(h) Catering	Restaurants Bars Taverns
		(i) Funeral Home	Funeral Homes and Chapels
		(j) Amusement	Electronic Games Arcades Pinball Parlours Poolrooms

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES (continued)	3. Arena-type Uses	(a) Indoor Assembly	Arenas Armouries Ice Rinks Indoor Swimming Pools
	4. Open-air Assembly Uses	(a) Outdoor Assembly	Bleachers Grandstands Outdoor Ice Rinks and Swimming Pools Amusement Parks and Fair-grounds Exhibition Grounds Drive-in Theatres
B. INSTITUTIONAL USES	1. Penal and Correctional Institutional Uses	(a) Penal and Correctional Detention	Jails Penitentiaries Police Stations (with detention quarters) Prisons Psychiatric Hospitals (with detention quarters) Reformatories
	2. Special Care Institutional Uses	(a) Medical Treatment and Special Care	Children's Homes Convalescent Homes Homes for Aged Hospitals Infirmaries Orphanages Psychiatric Hospitals Sanatoria
C. RESIDENTIAL USES	1. Residential Dwelling Uses	(a) Single Dwelling	Single Detached Dwellings
		Subsidiary dwelling	Additional single detached dwelling erected upon the same lot as a main single dwelling
		Family & Group Home	Group home Family and Group Care Centre Halfway Houses Foster Homes

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

GROUP	DIVISION	CLASS	EXAMPLES
C. RESIDENTIAL USES (continued)	1. Residential Dwelling Uses (continued)	(b) Double Dwelling	Semi-detached dwelling Duplex dwelling
		(c) Row Dwelling	Row Houses Town Houses
		(d) Apartment Building	Structure, other than row dwelling, with three or more dwelling units, including rental or guest units or condominium units.
	2. General Residential Uses	(a) Collective Residential	Residential Colleges & Schools University & College Halls of Residence Convents & Monasteries Nurses and Hospital Residences
		(b) Boarding House Residential	Boarding Houses Lodging Houses Bed and Breakfasts
		(c) Commercial Residential	Hotels & Motels Hostels Residential Clubs
		(d) Seasonal Residential	Summer Homes & Cabins Hunting & Fishing Cabins
		(e) Campgrounds	Campgrounds Recreational Vehicle Parks
		(f) Mobile Homes	Mobile Homes
	D. BUSINESS & PERSONAL SERVICE USES	1. Business, Professional, and Personal Service Uses	(a) Office
(b) Medical & Professional			Medical Offices and Consulting Rooms Dental Offices & Surgeries Legal Offices Travel agents Similar Professional Offices
(c) Personal Service			Barbers Hairdressers Beauty Parlours Small Appliance Repairs

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

GROUP	DIVISION	CLASS	EXAMPLES
D. BUSINESS & PERSONAL SERVICE USES (continued)	1. Business, Professional & Personal Service Uses (continued)	(d) General Service	Self-service Laundries Dry Cleaners (not using flammable or explosive substances) Small Tool and Appliance Rentals
		(e) Communications	Radio Stations Telephone Exchanges
		(f) Protection	Police Stations without detention quarters Fire stations Ambulance stations Search and rescue buildings
		(g) Taxi Stand	Taxi Stands
		(h) Take-out Food Service	Take-out Food Service
		(i) Veterinary	Veterinary Surgeries
		E. MERCANTILE USES	1. Retail Sale and Display Uses
(b) Shop	Retail Shops and Stores and Showrooms Department Stores		
(c) Indoor Market	Market Halls Auction Halls		
(d) Outdoor Market	Market Grounds Animal Markets Produce and Fruit Stands Fish Stalls		
(e) Convenience Store	Confectionary Stores Corner Stores Gift Shops Specialty Shops		



**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

GROUP	DIVISION	CLASS	EXAMPLES
F. INDUSTRIAL USES	1. Industrial uses involving highly combustible and hazardous substances and processes.	(a) Hazardous Industry	Bulk Storage of hazardous liquids and substances. Chemical Plants Distilleries Feed Mills Lacquer, Mattress, Paint, Varnish, and Rubber Factories Spray Painting
	2. General Industrial Uses involving Limited Hazardous Substances and Processes.	(a) General Industry	Factories Cold Storage Plants Freight Depots General Garages Warehouses Workshops Laboratories Laundries Planing Mills Printing Plants Contractors' Yards
		(b) Service Station	Gasoline Service Stations Gas Bars
	3. Light, Non-hazardous or Non-intrusive Industrial Uses.	(a) Light Industry	Light Industry Parking Garages Indoor Storage Warehouses Workshops
G. NON-BUILDING USES	1. Uses not directly related to building	(a) Agriculture	Commercial Farms Hobby Farms Market Gardens & Nurseries
		(b) Forestry	Tree Nurseries Silviculture Sawmills Fuel wood production Forest products bulk storage and trucking yards
		(c) Mineral Working	Quarries Pits

**Town of Stephenville Crossing: Municipal Plan - 2021**  
**Approved by Council 31 August 2021**

GROUP	DIVISION	CLASS	EXAMPLES
G. NON-BUILDING USES (continued)	1. Uses not directly related to building. (continued)	(d) Mineral exploration	Prospecting Drilling or excavation of test pits or trenches, for sampling Taking of samples and testing Land survey and staking claims Seismic testing
		Mining	As defined in Schedule A.
		(e) Petroleum Exploration and Petroleum Extraction	As defined in Schedule A, comprising separate classes of use.
		(f) Recreational Open Space	Playing Fields Sports Grounds Parks Playgrounds Trails
		(g) Conservation	Watersheds Buffer Strips Flood Plains Wildlife Sanctuaries
		(h) Cemetery	Cemeteries Graveyards
		(i) Scrap Yard	Car Wrecking Yards Junk Yards Scrap Dealers
		(j) Solid Waste	Solid Waste Disposal Sanitary Land Fill Incinerators
		(k) Animal	Animal Pounds Kennels Zoos
		(l) Antenna or Wind Turbine	TV, Radio and Communications Transmitting and Receiving Masts Antennas
		(m) Utilities	Wind Turbine and other energy sources, related facilities
		(n) Transportation	Airfields Railway Yards Docks and Harbours Boathouses Fishing stages Marinas