

# Town of Badger

## Municipal Plan 2015-2025

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*Prepared for*

**The Town of Badger**

*Prepared by*

**Baird Planning Associates**

**2015**

**Gazette date (legal effect): October 30, 2015**

**Consolidation: No amendments as of November 13, 2015**



# Urban and Rural Planning Act Resolution to Approve

## Town of Badger Municipal Plan 2015 - 2025

Under the authority of Section 16, Section 17, and Section 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Badger

- (a) adopted by the Badger Municipal Plan on the 22<sup>nd</sup> day of June, 2015.
- (b) gave notice of the adoption of the Badger Municipal Plan by advertisement inserted in the Advertiser newspaper on the 29<sup>th</sup> day of June and the 6<sup>th</sup> day of July, 2015.
- (c) set the 14<sup>th</sup> day of July, 2015 at the Town Hall, Badger for the holding of a public hearing to consider objections and submissions.

SIGNED AND SEALED this 11<sup>th</sup> day of August, 2015.

Mayor:

  
Michael Patey

(Council Seal)

Clerk:

  
Pansy Hurley

Municipal Plan/Amendment	
<b>REGISTERED</b>	
Number	<u>155-2015-001</u>
Date	<u>October 9, 2015</u>
Signature	<u>[Signature]</u>



# Urban and Rural Planning Act Resolution to Adopt

## Town of Badger Municipal Plan 2015 - 2025

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

Adopted by the Town Council of Badger on the 22<sup>nd</sup> day of June, 2015.

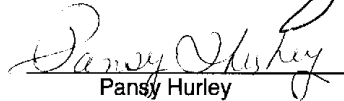
Signed and sealed this 11<sup>th</sup> day of August, 2015

Mayor:

  
Michael Patey

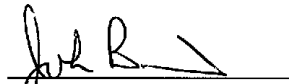
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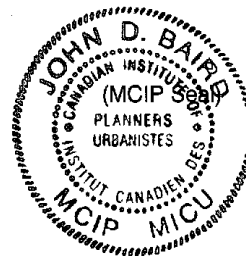
Clerk:

  
Pansy Hurley

### Canadian Institute of Planners Certification

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

  
John Baird, MCIP





## TABLE OF CONTENTS

<b>1.</b>	<b>INTRODUCTION.....</b>	<b>1</b>
1.1	Purpose of the Municipal Plan.....	1
1.2	Plan Preparation.....	1
1.3	Contents of the Municipal Plan.....	2
1.4	Municipal Plan Administration.....	2
1.5	Interpretation.....	3
<b>2.</b>	<b>BACKGROUND REPORT.....</b>	<b>4</b>
2.1	Municipal Planning Area.....	4
2.2	Population.....	5
2.3	Households and Housing.....	8
2.4	Employment and Income.....	10
2.5	Education.....	11
2.6	Health.....	12
2.7	Land Use Issues.....	13
2.8	Public Consultation.....	16
2.9	Agency Comments.....	17
<b>3.</b>	<b>GOALS AND OBJECTIVES.....</b>	<b>20</b>
3.1	Community Structure and Character.....	20
3.2	Economic Growth and Development.....	20
3.3	Environment.....	21
3.4	Health and Social Well-Being.....	22
3.5	Housing.....	22
3.6	Transportation.....	23
3.7	Recreation and Open Space.....	23
3.8	Culture and Heritage.....	24
3.9	Capital Works.....	24
3.10	Governance.....	24
3.11	Municipal Finance.....	25
<b>4.</b>	<b>COMMUNITY WIDE POLICIES.....</b>	<b>26</b>
4.1	Policy Framework.....	26
4.2	General Land Use Policies.....	27
1.	General Layout of Town.....	27
2.	Compatibility of Uses.....	28
3.	Non-Conforming Uses.....	28
4.	Land Development and Subdivision Proposals.....	28
5.	Consolidation and Infill of Serviced Areas.....	30
6.	Public Streets.....	31
7.	Public Access to Watercourses.....	31
8.	Comprehensive Development.....	31
9.	Heritage and Archaeological Resources.....	31
10.	Discretionary Uses.....	32
11.	Utilities.....	33
12.	Provision for the Disabled and Elderly.....	33

## TABLE OF CONTENTS (continued)

4.3	General Environmental Policies .....	34
	1. Protection of Sensitive Areas.....	34
	2. Consideration of Environmental Impacts .....	34
	3. Floodplains.....	34
	4. Soils and Drainage .....	35
	5. Watercourse and Wetland Protection.....	35
	6. Unstable Geology and Soils.....	36
	7. Storm Drainage .....	36
	8. Use of Discretionary Authority.....	36
4.4	Infrastructure Policies .....	37
	1. Water Supply System.....	37
	2. Sanitary Sewer System .....	37
	3. Stormwater Management.....	37
	4. Water and Sewer Requirements for Land Development.....	37
<b>5.</b>	<b>LAND USE DESIGNATIONS .....</b>	<b>38</b>
5.1	Protected Water Supply .....	38
	1. General Intent .....	38
	2. Land Use .....	38
	3. Department of Environment and Conservation .....	39
	4. Watershed Monitoring and Enforcement.....	39
5.2	Environmental Protection .....	39
	1. General Intent .....	39
	2. Land Use .....	39
5.3	Residential .....	40
	1. General Intent .....	40
	2. Guiding Principles .....	41
	3. Land Uses .....	41
	4. Flood Risk Areas.....	42
	5. Use of Discretionary Authority.....	42
5.4	Mixed Development-1 .....	42
	1. General Intent .....	43
	2. Land Uses .....	43
	3. Compatibility of Uses .....	44
	4. Guidelines .....	45
	5. Other Municipal Plan Requirements.....	45
	6. Flood Risk Areas.....	45
	7. Use of Discretionary Authority.....	45
5.5	Mixed Development-2 .....	46
	1. General Intent .....	46
	2. Land Uses .....	46
	3. Compatibility of Uses .....	47
	4. Guidelines .....	47
	5. Flood Risk Areas.....	48
	6. Use of Discretionary Authority.....	48



## TABLE OF CONTENTS (continued)

5.6	Public Use .....	48
	1. General Intent .....	48
	2. Land Uses .....	48
	3. Cemeteries .....	49
	4. Flood Risk Areas.....	49
	5. Use of Discretionary Authority.....	49
5.7	Commercial-Light Industrial .....	49
	1. General Intent .....	49
	2. Land Uses .....	49
	3. Compatibility with Neighbouring Uses .....	50
	4. Off-Street Parking and Loading.....	50
	5. Flood Risk Areas.....	51
	6. Use of Discretionary Authority.....	51
5.8	Open Space .....	51
	1. General Intent.....	51
	2. Land Uses.....	51
5.9	Transportation .....	52
	1. Consideration of Environmental Impacts .....	52
	2. Arterial Roads .....	52
	3. Collector Roads.....	53
	4. Local Streets .....	53
	5. Street Design and Construction .....	54
	6. Provision for the Disabled and Elderly .....	54
<b>6.</b>	<b>IMPLEMENTATION .....</b>	<b>55</b>
6.1	Administration of the Plan .....	55
	1. Map Interpretation .....	55
	2. Development Applications.....	56
	3. Subdivision Proposals and Agreements .....	56
	4. Non-Conforming Uses .....	57
6.2	Public Participation.....	58
6.3	Development Regulations .....	58
	1. Council Responsibility.....	59
	2. Content.....	59
6.4	Development Control.....	59
	1. Municipal Plan is binding .....	59
	2. Council Responsibility.....	59
	3. Subdivision Development Applications.....	60
	4. Right to Appeal.....	60
	5. Provincial and Federal Referrals.....	60
6.5	Amending the Municipal Plan and Development Regulations .....	60
	1. Municipal Plan Amendment .....	60
	2. Stand Alone Amendment to Development Regulations .....	61



## **1.0 INTRODUCTION**

### **1.1 Purpose of the Municipal Plan**

The Badger Municipal Plan is a comprehensive policy document to manage development and growth within the Badger municipal planning area over the ten-year planning period 2015-25. This document has been prepared in compliance with the Urban and Rural Planning Act, 2000, (hereafter referred to as the Act).

The Plan was drafted following a comprehensive review of the former Municipal Plan and Development Regulations and consultations with Council, residents, and appropriate government agencies. Relevant planning issues have been reviewed as required under the Urban and Rural Planning Act, 2000, including a study of land use, population change, economic and social issues, transportation, municipal services, and environmental issues.

### **1.2 Plan Preparation**

This Municipal Plan reflects the review of land use, environmental, demographic, social, and economic issues, consultations with Town Councillors and staff, public comments received through the community participation process, as well as comments received from government agencies.

The Plan guides the future growth and physical improvement of the Town by identifying locations and policies for various types of land use development. The Municipal Plan provides the basis for the Land Use, Zoning, and Subdivision Regulations (generally referred to as the Development Regulations), which Council will administer through subdivision approvals and development permits. The Municipal Plan authorizes Council to prevent the undertaking of any development that contravenes a policy stated in the Municipal Plan.

### **1.3 Contents of the Municipal Plan**

The Municipal Plan, comprising this document and the accompanying Future Land Use Maps, constitutes a legal document pursuant to the *Urban and Rural Planning Act, 2000*. It contains:

- The aims of Council (goals and objectives).
- Land use policies for future development.
- Future Land Use maps, which allocate land for future development, environmental protection, and natural resource uses.

The Background Report in Section 2.0 describes conditions in the town at the time the Municipal Plan was prepared and provides the rationale behind policies contained in the Municipal Plan. The Background Report does not form part of the legal document.

### **1.4 Municipal Plan Administration**

After Council gave public notice of its approval in the Newfoundland and Labrador Gazette, the Badger Municipal Plan became binding upon Council and all other persons, corporations and organizations.

Council administers the Municipal Plan by carrying out the Plan's policies in several ways:

- By preparing and implementing the Development Regulations,
- By issuing development permits to applicants wishing to subdivide land, erect a building, or change the use of a building or land, or conversely, refusing to issue permits for developments that are not in accordance with the Plan, and
- By adopting or approving development schemes, concept plans, comprehensive plans, and so forth.

In accordance with Section 25 of the *Act*, Council may make amendments to this Plan and Development Regulations at any time. Amendments will be brought into effect by the same process used to bring the Municipal Plan into effect. Sections 14 to 25 apply to an amendment to the plan and development regulations.

## **1.5 Interpretation**

In this Municipal Plan:

- “Council” means the Council of the Town of Badger.
- “Development Regulations” mean the Badger Land Use Zoning and Subdivision Regulations.
- “Municipal Planning Area” means the Badger Municipal Planning Area.
- “Town” means the Town of Badger.

The boundaries between the different land use designations in the Municipal Plan are meant to be general, except where the boundary is delineated by a road or other prominent feature in which case it defines the exact limits between each designation.

Nothing in the Plan will affect the continuance of land uses that were lawfully established on the date that this Plan came into effect.

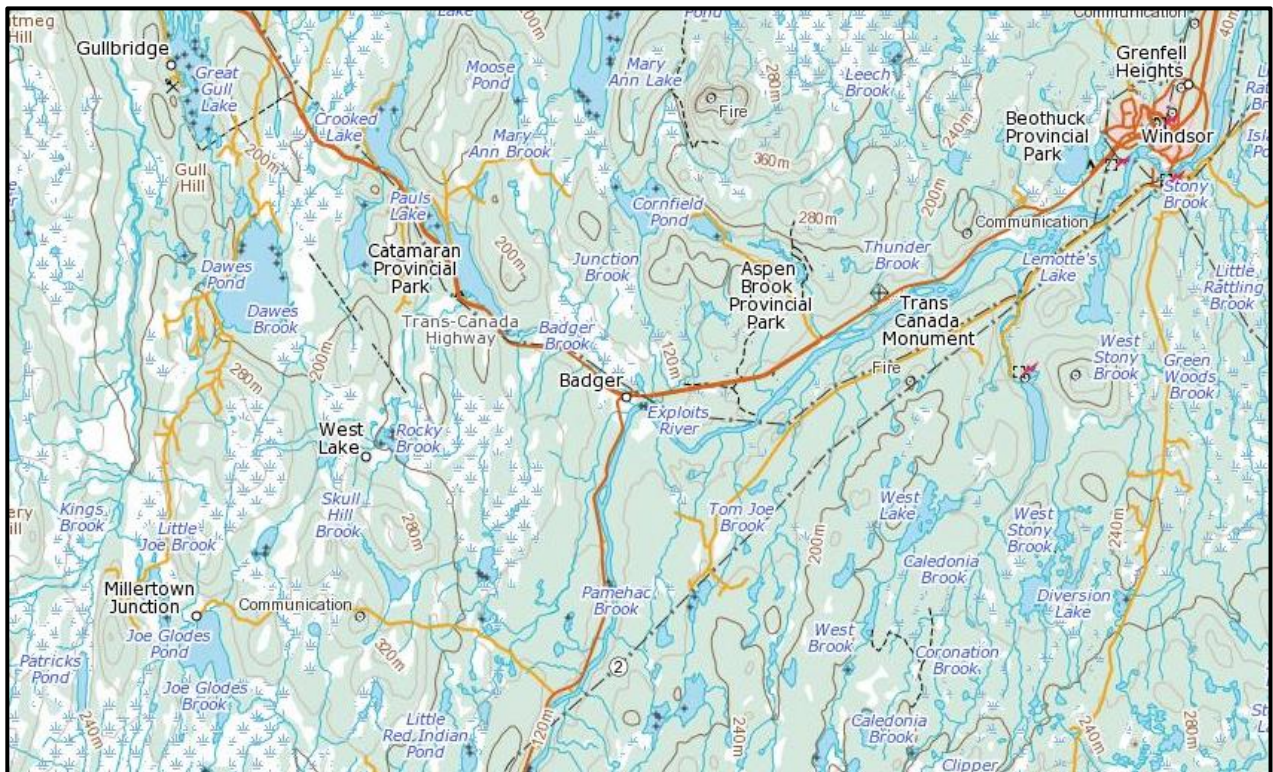
## **2.0 BACKGROUND REPORT**

This section sets the context for the Badger Municipal Plan and includes an analysis of key demographic, economic and social indicators, a population projection to 2026, and a forecast of future housing needs. For the purpose of this profile we have established comparative data for the following benchmark areas - the Towns of Grand Falls-Windsor, Buchans, and Robert's Arm, Exploits Valley Economic Zone, and Newfoundland and Labrador as a whole.

### **2.1 Badger Municipal Planning Area**

Badger is located in Central Newfoundland, 29 kilometres west of Grand Falls-Windsor on the Trans Canada Highway. The town lies at the confluence of three rivers – Exploits River, Badger Brook, and Little Red Indian Brook.

**Exhibit 2.1 – Badger Regional Setting**





<b>Exhibit 2.4 - Population Characteristics</b>						
	<b>Badger</b>	<b>Grand Falls-Windsor</b>	<b>Buchans</b>	<b>Robert's Arm</b>	<b>Exploits Valley</b>	<b>NL</b>
<b>Census Population</b>						
2011	793	13,725	696	807	26,273	514,536
2006	813	13,558	761	841	26,450	505,470
2001	906	13,340	877	886	26,930	512,980
1996	997	14,160	1,056	963	29,315	551,792
<b>5-Year Population Change</b>						
2006-11	-2.5%	1.2%	-8.5%	-4.2%	-0.7%	1.8%
2001-06	-10.3%	1.6%	-13.2%	-5.1%	-2.7%	-1.5%
1996-01	-9.1%	-5.8%	-17.0%	-8.0%	-8.1%	-7.0%
<b>Median Age of Population</b>						
2011	48.7	44.6	54.9	47.6	n/a	44.0
2006	45.8	42.2	52.1	42.3	44.0	41.7
2001	41.7	37.7	46.8	38.7	40.0	38.4
<b>Percent of Population Aged 0-14 Years</b>						
2011	14.5%	14.2%	12.1%	14.2%	14.3%	14.9%
2006	13.6%	14.2%	10.5%	17.8%	15.0%	15.5%
2001	21.0%	18.2%	10.8%	25.4%	17.3%	17.3%
<b>Percent of Population Aged 65 Years and Older</b>						
2011	19.5%	14.9%	29.3%	23.5%	19.4%	16.0%
2006	16.0%	14.9%	28.3%	14.2%	16.4%	13.9%
2001	13.8%	14.3%	21.6%	13.0%	13.4%	12.3%

This situation is reflected in the declining proportion of young people in the community, along with the growing proportion of seniors. In 2011, 14.5 percent of Badger's population was under 15 years of age compared to 21.0 percent in 2001. A similar trend exists in all of the benchmark areas. Correspondingly, the proportion of seniors (>64 years) increased from 13.8 percent in 2001 to 19.5 percent in 2011. This rate of change was almost identical to the surrounding region but higher than the province as a whole. Whereas seniors made up 19.5 percent of Badger's population, they comprised 16.0 percent of the provincial population.

Exhibit 2.5 below provides a breakdown of Badger's population by 5-year age intervals. It shows that 61.8 percent of the town's residents are in the main working age group of 20-64, slightly lower than 63.9 percent for the province as a whole.

The under-20 age group comprises 18.5 percent of Badger's population, slightly less than the provincial proportion of 22.2 percent.



<b>Exhibit 2.5 Population by 5-Year Age Groups – 2011</b>						
	<b>Badger</b>			<b>Newfoundland &amp; Labrador</b>		
	<b>Total</b>	<b>Percent</b>		<b>Total</b>	<b>Percent</b>	
0-4	35	4.5%	18.5%	22,860	4.5%	22.2%
5-9	35	4.5%		25,905	5.1%	
10-14	45	5.7%		29,455	5.8%	
15-19	30	3.8%		34,105	6.8%	
20-24	25	3.2%	26.1%	31,190	6.2%	33.2%
25-29	25	3.2%		27,425	5.4%	
30-34	40	5.1%		30,940	6.1%	
35-39	55	7.0%		36,540	7.2%	
40-44	60	7.6%	35.7%	41,665	8.3%	30.7%
45-49	65	8.3%		42,775	8.4%	
50-54	70	8.9%		42,805	8.5%	
55-59	75	9.6%		39,357	7.8%	
60-64	70	8.9%	19.7%	30,160	6.0%	13.9%
65-69	50	6.4%		22,160	4.4%	
70-74	40	5.1%		17,525	3.5%	
75-79	35	4.4%		13,510	2.7%	
80-84	20	2.5%	7,655	9,425	1.8%	100.0%
85+	10	1.3%		7,655	1.5%	
<b>Total</b>	<b>785</b>	<b>100.0%</b>	<b>100.0%</b>	<b>505,475</b>	<b>100.0%</b>	<b>100.0%</b>

Exhibit 2.6 provides a population forecast for Badger derived from projections by the Provincial Government for the Exploits Valley Economic Zone. It assumes that Badger’s population will continue to decline at a slightly higher rate than the Exploits Valley zone. If this holds true, the population is predicted to drop from 793 in 2011 to 708 by 2025.

<b>Exhibit 2.6 Population Forecast</b>									
<b>Year</b>	<b>Province</b>			<b>Exploits Valley</b>			<b>Badger</b>		
	<b>Pop'n</b>	<b>5-Year Change</b>		<b>Pop'n</b>	<b>5-Year Change</b>		<b>Pop'n</b>	<b>5-Year Change</b>	
		<b>Number</b>	<b>Percent</b>		<b>Number</b>	<b>Percent</b>		<b>Number</b>	<b>Percent</b>
2001	<u>Actual</u> 512,980			<u>Actual</u> 27,392			<u>Actual</u> 906		
2006	505,470	-7,510	-1.5%	26,661	-731	-2.7%	813	-93	-10.3%
2011	514,536	+7,066	+1.8%	26,416	-245	-0.9%	793	-20	-2.5%
2016	<u>Projected</u> 518,213	+6,562	+1.3%	<u>Projected</u> 25,554	-580	-2.2%	<u>Projected</u> 763	-30	-3.8%
2021	514,138	-4,075	-0.8%	24,865	-689	-2.7%	730	-33	-4.3%
2026	513,644	-494	-0.1%	24,524	-341	-1.4%	708	-22	-3.0%

Source: Projections for province and Exploits Valley are from NL Population Forecast. Badger

projection assumes Badger's population will change at a rate of 1.6% less than Exploits Valley.

This projection does not consider the possibility of a significant economic change affecting Badger in the next few years. An economic stimulus in the region could positively impact the town's population. A case example is Baie Verte, where an improvement in the mining industry contributed to a population growth of 7.5 percent from 2006 to 2011, reversing a significant decline in the preceding decade.

## 2.3 Households and Housing

Exhibit 2.7 compares household and housing characteristics in Badger with the selected benchmark areas. Between 2006 and 2011 the number of households in Badger increased by 5, or 1.6 percent, after a slight decline in the preceding 5-year period. The average size of individual households decreased slightly in 2011 to 2.48 persons from 2.58 in 2006.

In 2011 approximately 82.8 percent of households were made up of family households, with the remainder being non-family households. In the province as a whole, the proportion of family households was much lower, at 74.5 percent. Of Badger's family households, 7.5 percent consisted of single-parent families, compared to 16.2 percent in Grand Falls-Windsor and 9.1 percent in the province as a whole.

<b>Exhibit 2.7 - Household Characteristics</b>						
	<b>Badger</b>	<b>Grand Falls-Windsor</b>	<b>Buchans</b>	<b>Robert's Arm</b>	<b>Exploits Valley</b>	<b>NL</b>
<b>Number of Households</b>						
2011	320	5,725	330	330	10,960	208,842
2006	315	5,310	335	325	10,450	197,185
2001	330	4,990	365	325	10,065	189,045
<b>Percentage Change in Number of Households</b>						
2006-2011	+1.6%	+7.8%	-1.5%	+1.5%	+4.9%	+5.9%
2001-2006	-4.5%	+6.4%	-8.2%	0.0%	+3.8%	+4.3%
<b>Family versus Non-Family Households (2011)</b>						
Family Households	82.8%	74.0%	71.2%	82.1%	n/a	74.5%
Non-Family Households	17.2%	26.0%	28.8%	17.9%	n/a	25.5%
Lone Parent Families	7.5%	16.2%	12.8%	8.9%	n/a	9.1%
<b>Percentage of Households by Number of Residents (2011)</b>						
1 Resident	15.4%	23.9%	25.8%	16.9%	n/a	22.2%
2 Residents	46.1%	40.7%	51.5%	50.8%	n/a	39.4%
3 Residents	16.9%	17.8%	12.1%	15.4%	n/a	18.9%
4 Residents	15.4%	12.9%	7.6%	13.8%	n/a	14.3%
5 or more Residents	6.2%	4.7%	3.0%	3.1%	n/a	5.2%
	100.0%	100.0%	100.0%	100.0%	n/a	100.0%
Average Persons/Household	2.52	2.35	2.11	2.41	n/a	2.43

<b>Exhibit 2.7 - Household Characteristics (continued from preceding page)</b>						
Percentage of Families by Number of Children (2011)						
0 Children	52.7%	46.2%	56.9%	53.6%	n/a	44.2%
1 Child	25.5%	29.3%	23.5%	25.0%	n/a	29.8%
2 Children	18.2%	18.9%	15.7%	17.9%	n/a	20.6%
3 or more Children	3.6%	5.6%	3.9%	3.6%	n/a	5.4%
	100.0%	100.0%	100.0%	100.0%	n/a	100.0%

Compared to the benchmarks, Badger has the highest proportion of households with three or more residents, and conversely the lowest proportion with two or less. This is borne out by the average number of residents per household. Badger has 2.52 residents per household compared to 2.35 in Grand Falls-Windsor, 2.11 in Buchans, 2.41 in Robert's Arm and 2.43 in the province as a whole.

Exhibit 2.8 compares Badger' housing characteristics with the other benchmark areas. Occupied dwellings include all dwellings that are permanently occupied. The remaining dwellings are either unoccupied, are occupied seasonally, or are rented to temporary occupants such as transitory workers. The table shows that occupied dwellings in Badger comprise 92.5 percent of the total, which is similar to the selected benchmark communities but significantly higher than the province as a whole at 83.4 percent.

Single detached dwellings dominate the housing stock in Badger at 96.9 percent of the total, with apartment units making up the remainder. This is similar to Robert's Arm but is in contrast to the other benchmarks, where single dwellings comprise a much lower proportion of the housing stock.

<b>Exhibit 2.8 - Housing Characteristics</b>						
	<b>Badger</b>	<b>Grand Falls-Windsor</b>	<b>Buchans</b>	<b>Robert's Arm</b>	<b>Exploits Valley</b>	<b>NL</b>
Number of Dwellings (2011)						
Total dwellings	345	6,134	351	587		250,275
Occupied dwellings	319	5,723	332	537	n/a	208,842
Percent occupied	92.5%	93.3%	94.6%	91.5%		83.4%
Percent of Occupied Dwellings by Dwelling Type (2011)						
Single detached	96.9%	64.6%	44.8%	93.9%	75.2%	74.5%
Semi-detached	0.0%	6.9%	4.5%	1.5%	19.3%	4.0%
Row houses	0.0%	8.4%	49.3%	3.1%	0.00%	4.8%
Apartments	3.1%	20.1%	3.0%	1.5%	5.5%	16.0%
Movable dwellings	0.0%	0.0%	0.0%	0.0%	0.0%	0.7%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%



## 2.4 Employment and Income

Occupational data is based on 2006 figures because it is not available from the 2011 Census. Exhibit 2.9 provides a breakdown of Badger's resident labour force by occupational category compared to the selected benchmarks. The highest occupational category in the town is Sales and Service, which employs 37.0 percent of the labour force. This is similar to all of the benchmarks except Robert's Arm, where only 10.4 percent were employed in Sales and Service occupations. Construction is the second highest source of employment in Badger, at 29.6 percent, which was similar to Robert's Arm and Grand Falls-Windsor, but significantly higher than the surrounding region and province. None of the other occupations are proportionally more important in Badger compared to the other benchmarks.

	<b>Badger</b>	<b>Grand Falls-Windsor</b>	<b>Buchans</b>	<b>Robert's Arm</b>	<b>Exploits Valley</b>	<b>NL</b>
Health	7.4%	8.8%	3.3%	0.0%	6.9%	5.6%
Education	3.7%	5.5%	28.3%	3.0%	4.9%	5.2%
Primary Industries	6.2%	3.8%	3.3%	25.4%	7.0%	8.6%
Sales and Service	37.0%	31.4%	31.7%	10.4%	31.4%	29.8%
Management	6.2%	3.3%	6.7%	7.5%	7.7%	9.3%
Office & Related	6.2%	6.7%	10.0%	9.0%	16.3%	18.7%
Construction & Related	29.6%	28.3%	16.7%	29.8%	20.5%	17.0%
Manufacturing, etc.	3.7%	11.7%	0.0%	14.9%	5.3%	5.5%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Source: NL Community Accounts: Employment and Working Conditions

Exhibit 2.10 compares key indicators on employment and income. Labour force participation among Badger residents in 2006 was 55.9%, similar to most of the benchmarks except Buchans, where the participation rate was only 39.7 percent. The employment rate, at 77.0 percent, was similar to the regional and provincial averages.

Badger's personal income per capita in 2009 was \$26,000, slightly lower than Grand Falls-Windsor, but higher than all the other benchmarks. Transfer income per capita at \$6,800 in 2009 was slightly higher than the surrounding region and the province as a whole.

Badger's incidence of income support in 2012, at 5.1 percent, was less than half of neighbouring Grand Falls-Windsor and the region as a whole, and significantly lower than all the other benchmarks. However, a higher proportion of Badger workers collected employment insurance during the year. Badger's proportion of low-income residents in 2010, at 9.1 percent, was lower than all the benchmarks. It was 13.4 percent in Grand Falls-Windsor, 13.9 percent in the region as a whole, and 12.4 percent in the province as a whole.

<b>Exhibit 2.10 - Employment and Income</b>						
	<b>Badger</b>	<b>Grand Falls-Windsor</b>	<b>Buchans</b>	<b>Roberts Arm</b>	<b>Exploits Valley</b>	<b>NL</b>
Labour force participation (2006)	55.9%	55.4%	39.7%	55.2%	52.7%	58.9%
Employed (2006)	77.0%	77.3%	71.9%	69.6%	74.2%	77.8%
Personal income per capita (2009)	\$26,000	\$27,600	\$22,400	\$23,800	\$25,000	\$27,700
Disposable income per capita (2009)	\$21,600	\$22,800	\$19,400	\$19,900	\$21,000	\$22,700
Total transfer income per capita (2009)	\$6,800	\$5,500	\$8,600	\$7,300	\$6,200	\$5,700
Incidence of Income Support (2012)	5.1%	10.9%	9.5%	8.9%	11.9%	9.1%
Employment Insurance Incidence (2012)	44.0%	24.7%	38.6%	45.5%	32.2%	29.9%
Low Income Incidence (2010)	9.1%	13.4%	10.1%	10.3%	13.9%	12.4%

Source: NL Community Accounts: Employment and Working Conditions

## 2.5 Education

Exhibit 2.11 compares the education levels of residents over the age of 15 years of age. It shows that 69.7 percent of Badger residents have a high school or higher education, compared to 62.2 percent in the Exploits Valley region and 66.5 percent in the province as a whole. A trades certificate or equivalent is held by 27.3 percent of Badger residents, compared to 29.1 percent in the Exploits Valley region and 29.7 in the province. A university degree or certificate is held by 7.9 percent of Badger residents, compared to 10.4 percent in the region and 14.7 percent in the province.

<b>Exhibit 2.11 - Highest Level of Schooling</b>						
	<b>Badger</b>	<b>Grand Falls-Windsor</b>	<b>Buchans</b>	<b>Robert's Arm</b>	<b>Exploits Valley</b>	<b>NL</b>
W/O High School Cert	30.3%	32.1%	31.1%	50.3%	37.8%	33.5%
High School Certificate	34.5%	21.6%	24.5%	21.2%	22.7%	22.1%
Trades or Non-University Cert.	27.3%	32.0%	31.1%	24.5%	29.1%	29.7%
University Degree or Certificate	7.9%	14.3%	13.3%	4.0%	10.4%	14.7%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%



Avoca Collegiate in Badger is a Kindergarten to Grade 9 school. Exhibit 2.12 shows its enrolment from 2008/09 to 2013/14 increased from 70 to 85 students, or 21.4 percent. Over that time enrolment remained steady in the Primary grades (K-3), declined slightly in the Elementary grades (4-6), and more than doubled in Junior High (7-9).

	<u>2008/09</u>	<u>2009/10</u>	<u>2010/11</u>	<u>2011/12</u>	<u>2012/13</u>	<u>2013/14</u>
Primary (K-3)	35	35	30	30	35	35
Elementary (4-6)	25	25	30	25	20	20
Junior High (7-9)	<u>10</u>	<u>15</u>	<u>20</u>	<u>25</u>	<u>30</u>	<u>30</u>
Total	70	75	80	80	85	85

## 2.6 Health

A major indicator of well-being is how a person rates their own health. In the year 2009-2010, 63.5 percent of individuals in the Exploits Valley zone rated their health status as “Excellent to Very Good.” The provincial number was 60.1 percent and for Canada it was 60.2 percent.

Exhibit 2.13 presents information on the health of residents of Badger compared with the benchmark communities and regions. The indicators are for the 2008-09 period and include hospital morbidity (i.e. annual in-patient discharge rates, the median age of discharged patients, and the average patient stay in hospital).

Badger’s hospital morbidity rate of 99 discharges is lower than all selected benchmarks, which ranged from 105 in the Exploits Valley zone to 139 in Buchans. At a median age of 63, Badger in-patients were considerably older than the provincial median age of 53 and the Exploits Valley median age of 56. The average length of stay in hospital for Badger residents, at 7.0 days, is the same as Robert’s Arm, but lower than all the other benchmarks.

	<b>Badger</b>	<b>Grand Falls-Windsor</b>	<b>Buchans</b>	<b>Robert’s Arm</b>	<b>Exploits Valley</b>	<b>NL</b>
Hospital Morbidity Rate (per 1,000)	99	109	139	110	105	115
Median age (years)	63	56	65	55	57	53
Average days in hospital	7.0	9.0	12.0	7.0	8.0	7.9



## **2.7 Land Use Issues**

### **2.7.1 Physical Growth Potential**

Badger's predominant land use planning issue is a shortage of suitable land to accommodate long-term serviced development. This is a consequence of three main constraints:

1. Badger's low-lying location at the confluence of three rivers (Exploits River, Badger Brook, and Little Red Indian Brook) creates high flood risk in a significant portion of the town. Under the Provincial Policy for Flood Plain Management, significant areas abutting the three rivers have been designated as either 1:20 year or 1:100 year flood zones, each with specified restrictions on land development.
2. Badger's municipal water supply area, located between the north side of Exploits River and the west and south sides of Little Red Indian Brook, is designated as a protected wellhead area under the Water Resources Act, therefore urban development is not permitted.
3. To the north Badger is bordered by a belt of swampy land with limited development potential. Beyond the swampy area, the elevation rises and drainage conditions improve. However, because of its physical separation from existing streets, extending municipal infrastructure to this area would be cost prohibitive relative to foreseeable demand for serviced land.

At the public open house, some residents expressed the opinion that the Town should relocate its water supply area to the north of the town, thereby opening up the existing water supply area for development. While that would certainly create significant room for future growth, it would be a very costly investment for the Town and is not an option that can be considered within the parameters of this planning exercise.

This means that new development essentially must be accommodated within or close to the Town's existing built-up area. The best potential exists in the area between the new subdivision area and the Trans Canada Highway.

### **2.7.1 Residential Uses**

#### **Housing Demand**

Based on recent historic growth and the expectation that Badger's population will not increase in the foreseeable future (see Table 2.6), it is estimated that housing demand in Badger will be relatively slow over the next 10 years.

Single detached dwellings comprise almost all of Badger's housing stock, with less than 4 percent comprising apartment units (see Table 2.8). While this is unlikely to change over the next decade, the aging of the population, and associated trend to smaller family units, suggests demand may gradually shift to double and multiple-unit housing.

In addition to single dwellings, it is recommended that double dwellings and subsidiary (e.g. basement) apartments be permitted in residential and mixed development areas. In addition, row dwellings and apartment buildings could be listed as discretionary uses (i.e. permitted at the discretion of Council). This would authorize Council to allow a mixing of higher density housing forms with single-unit dwellings in areas that Council deems that this is desirable.

### **Subdivision Development**

Residential development has proceeded at a very gradual pace in recent years. Presently the Town has one subdivision being developed. This will create up to 20 new lots, which can be expected to meet demand for up to five years.

The most suitable land for long-term residential expansion is the area between the former railway corridor and the Trans Canada Highway. While this area is generally flat, and in some areas marginally swampy, there are pockets of land where drainage conditions could accommodate more development.

### **2.7.2 Commercial and Industrial Uses**

Most existing commercial and industrial development in Badger is located on the east side of Main Street and both sides of Badger Drive (aka Trans Canada Highway). More recently development has occurred, as well on the west side of the Buchans Highway.

Potential for new development on Main Street is limited due to Provincial floodplain restrictions, especially in the 1:20 year floodplain. Stronger potential through infill development exists along Badger Drive and on the west side of Buchans Highway.

### **2.7.3 Flood Risk Areas**

Due to its low-lying location at the confluence of three rivers (Exploits River, Badger Brook and Little Red Indian Brook), much of Badger is vulnerable to flooding. Under the Provincial Policy for Floodplain Management, floodplains in the town are designated as either 1:20 year or 1:100 flood risk areas. The Policy specifies proposed development restrictions for both designations, although they are much more stringent in the 1:20 year floodplain.

It is recommended that the Town's development restrictions in these floodplains mirror those in the Provincial policy. The following summarizes what is and what is not permitted under the Provincial policy.

#### **2.7.3.1 Provincial Policy for 1:20-Year Floodplains**

##### Development Not Permitted

- Residential developments
- Institutional developments
- Commercial and industrial developments except certain tourism structures (see below)

Development Permitted

- Non-structural land uses, e.g. trails, parks, open space, gardens, farmland
- Structures related to the use of water resources, e.g. wharves, slipways, boathouses, pumping stations, storm or sewerage outfalls

Development Permitted with Conditions

- Minor structural projects where only soil disturbance is involved and there will be no change of grade, e.g. transmission lines, roads
- Other structures not used primarily for residential, commercial, industrial, or institutional purposes where there will be a change in grade but not a building
- Tourism related structures and associated utilities provided the structure does not include accommodations such as motels or hotels

Where development is permitted subject to conditions, these conditions will include:

- The ground floor of a permitted structure must be higher than the 1:100 year flood level.
- The structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties.
- The structure and the associated utilities must be designed and constructed in accordance with the approved flood proofing guidelines of the Department and entrances and exits from the building can be safely used without hindrance in the event of a flood, and,
- The proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides, etc.
- A permitted tourism structure will not be eligible for flood disaster compensation.
- Additional conditions which may be appropriate for specific projects and included in a permit issued under Section 48 of the *Water Resources Act*.

**2.7.3.2 Provincial Policy for 1:100-Year Floodplains**

Development Not Permitted

- Institutional developments such as hospitals, seniors homes, special care homes, or schools where flooding could pose a significant threat should evacuation become necessary

Development Permitted

- Non-structural land uses, e.g. trails, parks, open space, gardens, farmland.
- Structures related to the use of water resources, e.g. wharves, slipways, boathouses, pumping stations, storm or sewerage outfalls.

Development Permitted with Conditions

- Minor structural projects where only soil disturbance is involved and there will be no change of grade, e.g. transmission lines, roads.
- Other structures not used primarily for residential, commercial, industrial, or institutional purposes where there will be a change in grade but not a building.
- Industrial and commercial development

- Residential developments
- Institutional developments other than types that would pose a significant threat in the event of an evacuation (e.g. churches, cultural centres, etc.)

Where development is permitted subject to conditions, these conditions will include:

- The ground floor of a permitted structure must be higher than the 1:100 year flood level.
- The structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties.
- The structure and the associated utilities must be designed and constructed in accordance with the approved flood proofing guidelines of the Department and entrances and exits from the building can be safely used without hindrance in the event of a flood, and,
- The proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides, etc.
- Additional conditions which may be appropriate for specific projects and included in a permit issued under Section 48 of the *Water Resources Act*.

## **2.8 Public Consultations**

### **2.8.1 First Open House – September 16, 2014**

The initial public consultation for the Plan Review took place on September 16, 2014 at the Town Hall. Organized as an Open House, it was attended by 23 residents as well as the Mayor, two Councillors, and the Town Clerk. The Planner explained the plan review process, addressed questions, and invited participants to comment on land use issues that they felt were important to the Plan Review. In the evening session, an informal discussion session took place involving residents, the Mayor, Councillors, and the planning consultant.

The main issues raised included the following:

- The impact of the protected watershed area on the ability to open up new residential land for development. Some participants suggested that the Town investigate the potential to develop an alternative water supply source so that this area could be developed.
- Restrictions on a proposed development in the floodplain along Main Street were a concern raised by one person. Council responded that it would not be approving any development that is not in accordance with the Provincial Policy on Floodplain Development.

### **2.8.1 Second Open House – April 13, 2015**

The second public consultation session took place on April 13 at the Town Hall. Also an Open House, it was attended by 8 residents as well as the Town Clerk. The Planner provided an overview of the Municipal Plan and Development Regulations to participants and answered questions. Most participants had a general interest in what is proposed in the documents but expressed no objections or concerns.

## **2.9 Agency Comments**

### **Department of Environment and Conservation (Water Resources Management Division)**

- The planning area includes the Badger Wellhead Protected Water Supply Area. All development activities in this area require prior approval under Section 61 of the *Water Resources Act*.
- The Town of Badger has designated flood risk mapping. For any development work within designated flood risk area, a permit will be required from the Water Resource Division as per the Provincial Policy for Flood Plain Management. Any developments, which are to take place in the 1:100 year floodway fringe or the 1:20 year floodway, must be completed in accordance with the Policy.
- Any effluent or runoff leaving the site will be required to conform to the requirements of the Environmental Control Water and Sewage Regulations, 2003.
- A permit under Section 48 of the Water Resources Act is not required for some marine structures. However, the proponent must follow the new guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses as found on the Government website: [www.env.gov.nl.ca/env/waterres/regulations/appforms/index.html](http://www.env.gov.nl.ca/env/waterres/regulations/appforms/index.html).
- A permit will be required under Section 48 of the Water Resources Act for any infilling or dredging work associated with these structures or other works in a body of water.
- Any development requiring water and/or sewer services that will be connected to publicly owned and operated drinking water and/or wastewater systems may require approval under Sections 36 and 37 of the *Water Resources Act*.

Contact: Ben Hammond, Environmental Scientist, Water Resources Division, Department of Environment and Conservation. St. John's. [benhammond@gov.nl.ca](mailto:benhammond@gov.nl.ca)

### **Newfoundland Power**

Newfoundland Power does not have any new major facilities planned in the Badger area for the next ten years. Its only development will be routine reconstruction for system reliability or to improve voltage conditions.

Contact: Brian Smith, Property Specialist

### **Department of Transportation and Works**

The proposed Badger Bypass Road, to be located east of the existing Trans Canada Highway, has been identified as a future development in the Department's long-term strategy. No timeframe for construction has been established and a detailed design has not been prepared.

The Department forwarded its Policy for Highway Access Management. This policy is under review with a proposed revision to add requirements around Traffic Impact Study Requirements

for developments anticipating traffic volume generation. The following are some of the relevant sections of the policy.

- Private Access means an access to a private development such as a residence, cottage or residential complex with up to four dwelling units. A private access is not intended for commercial vehicles or general public use.
- Commercial access means an access other than a private access. A commercial access includes access to retail centers, service centers, office buildings, community centers and industrial developments. A commercial access is generally intended for public use and/or commercial vehicles.
- A Highway Access Permit is required for any access onto a provincially maintained road under the following conditions:
  - Construction of a new access
  - Improvement of an existing access
  - Significant change in the use of an existing access
- The Policy contains Access Location Guidelines covering the following;
  - General requirements
  - Access frequency
  - Distance from intersections (minimum distance from different types of intersections)
  - Access spacing (i.e. minimum distances between accesses)
  - Set-back distance
  - Auxiliary lane requirements
  - Signalized intersections
  - Unauthorized access
  - Temporary access
  - Cost and responsibility
  - Closing or changing an existing access

Contact: [John Morrissey](#), Manager of Highway Design, Department of Transportation and Works, St. John's. [morrisseyj@gov.nl.ca](mailto:morrisseyj@gov.nl.ca)

**Department of Natural Resources (Mineral Lands Division)**

The Town of Badger municipal planning area overlaps in its entirety with an area of high aggregate potential (i.e. high potential for aggregate deposits that can be quarried), however there should be sufficient aggregate resources to meet future local demand located outside of the municipal planning area along highways to the north, southwest, and east of the town.

Contact: Stephen Hinchey, Mineral Exploration Monitoring Geologist, Mineral Lands Division Department of Natural Resources. St. John's. [stephenhinchey@gov.nl.ca](mailto:stephenhinchey@gov.nl.ca)

**Department of Business, Tourism Culture and Rural Development (Provincial Archaeology Office)**

There are two known archaeological sites within the Badger planning area that are protected by under the Historic Resources Act. There is also the possibility for other archaeological resources to be present in the town. Any projects which involve land use or ground disturbance in Badger should be reported to this office in the planning stages so that necessary measures can be taken to ensure that historic resources are not disturbed or destroyed.

Martha Drake, Provincial Archaeologist, Department of Business, Tourism, Culture and Rural Development, St. John's. [mdrake@gov.nl.ca](mailto:mdrake@gov.nl.ca)

### **3.0 GOALS AND OBJECTIVES**

This section outlines the Town's planning goals and objectives for the 2015-2025 period. A goal is a desired state, which reflects the long-term intent of Council and relates to a major area of interest or concern. An objective is a short-range step towards achieving the goal. In this context, an objective is an outcome or output desired by Council in less than 10-years.

#### **3.1 Community Structure and Character**

Goals: Encourage a growth structure for Badger that ensures orderly development, efficient use and development of municipal services, compatibility between land uses, avoidance of sprawl, and retention of the Town's attractive features.

Objectives: Encourage and facilitate residential, commercial, and industrial development.

Encourage and facilitate new development through infilling along existing serviced streets, as well as through new streets built in close proximity to existing streets and infrastructure.

Limit the spread of development to areas that cannot be serviced economically.

Preserve and protect environmentally important and sensitive areas including water supply areas, floodplains, shorelines, ponds, streams, wetlands, steep slopes, and visually significant features.

Encourage lot layout designs that are efficient in the use of municipal infrastructure and sensitive to the existing physical form and character of the community.

Encourage preservation and maintenance of heritage areas and buildings.

Improve land and building accessibility standards to facilitate better mobility by disabled and elderly residents.

Restrict, or set conditions on, development in areas of flood risk.

#### **3.2 Economic Growth and Development**

Goal: Encourage diversified and balanced economic development that fosters employment opportunities, promotes a high quality of life, contributes financially to the municipality, and protects the environment.

Objectives: Foster the economic growth of Badger particularly in regard to the potential for tourism, retail sales and services, light manufacturing, and housing development.



Encourage continued diversification of the local economy through the attraction of new businesses and support of existing businesses.

Encourage and accommodate compatible commercial, industrial, and tourism opportunities in suitable locations.

Allocate good quality land in desirable locations for a range of business activities.

Allow for compatible mixed development of residential, commercial, and light industrial land uses.

Ensure that economic development is as compatible as possible with neighbouring land uses.

Promote Badger as an attractive place to live, drawing upon its advantageous location, commercial and community services, waterfront access, and recreational amenities.

Support resources and activities that enhance tourism such as the preservation and development of trails, shorelines, heritage sites and buildings, famous salmon and trout fishing, and visitor facilities.

Promote the main streets of Badger for mixed development including retail and service outlets, public buildings, multi-unit housing, and outdoor public spaces.

Encourage appropriate home occupations that fit with the neighbourhood character and do not impinge on the reasonable enjoyment of neighbouring residential properties.

### **3.3 Environment**

Goal: Conserve, protect, and enhance important and sensitive environmental resources.

Objectives: Provide municipal services at environmentally acceptable standards.

Conserve, protect, and enhance important and sensitive environmental resources, including floodplains, rivers, streams, wetlands, riparian areas, and scenic vistas.

Protect the Badger drinking water supply from land uses and activities that could negatively affect water quality and quantity.

Reduce stormwater flows, erosion, and impacts on receiving waters by improving how runoff is managed in developed and developing areas.

Restrict development that would exacerbate flood risk and damage to infrastructure and residential and commercial properties.

### **3.4 Health and Social Well-Being**

Goal: Provide for the welfare of all Badger residents by addressing basic human needs, community services, and quality of life.

Objectives: Promote opportunities to meet the needs of residents for food, shelter, health care, education, employment, income, and safety.

Promote access to childcare, youth programs, and family services.

Facilitate the housing needs of residents of all ages, income levels, and physical and mental abilities (also see Section 3.5).

Enhance Badger as an accessible and age-friendly community by improving development standards for the mobility needs of disabled and elderly residents.

Promote opportunities for inclusion of low-income and disadvantaged residents into all aspects of community life.

### **3.5 Housing**

Goal: Promote and facilitate adequate housing for all residents regardless of age, income, abilities, and family status.

Ensure development proceeds in a way that maintains a pleasant residential environment.

Minimize housing in flood risk areas where development would at pose a high risk to human safety and building damage.

Objectives: Allocate sufficient residential land to meet anticipated requirements for the next ten years.

Protect residential quality of life and property values.

Prohibit housing development in 1:20-year flood risk areas, and establish conditions to reduce risks to safety and property damage in 1:100 year flood risk areas.

Accommodate a range of housing types to satisfy market needs.

Ensure affordable housing is available for residents of different income levels, age groups, family structures, and disability needs.

Manage residential development in a manner that preserves and protects sensitive environments and public open space.

Encourage development of single, double, and multi-unit housing in appropriate locations through infilling along existing streets, new subdivisions, and adaptive reuse of existing buildings in mixed-use areas.

Ensure a pattern of development that reduces land use conflict between residential and other land uses.

### **3.6 Transportation**

Goal: Maintain an efficient transportation network to serve motorized and non-motorized transportation needs in Badger.

Objectives: Maintain safe and efficient access to all residential developments, commercial establishments, and recreational areas.

Ensure new development provides for traffic circulation that avoids congestion and hazardous intersections.

Ensure the needs of disabled and elderly residents are appropriately addressed in the planning and design of streets, sidewalks, crosswalks, parking areas, and trail systems.

### **3.7 Recreation and Open Space**

Goals: Maintain built facilities and natural areas to accommodate a range of active and passive recreational needs of Badger residents.

Objectives: Encourage public participation in the planning of open space recreation and conservation lands.

Encourage and support recreational groups and community organizations in organizing sports, recreation, and festival activities and events.

Protect and enhance public access to the town's freshwater shorelines.

### **3.8 Culture and Heritage**

Goal: Develop and protect the town’s cultural and natural heritage.

Objectives: Support efforts to showcase Badger’s history and culture.

To the extent possible, protect Badger’s historic sites and buildings.

Protect and enhance sites important to showcasing the town’s natural heritage, including key lookout sites and nature trails.

### **3.9 Capital Works**

Goal: Provide an acceptable and consistent level of water, sewer, and storm sewer services.

As much as possible, utilize existing capacity prior to investing in new streets and municipal infrastructure.

Objectives: Maintain a water system within the Town capable of providing domestic water as well as fire flows to all feasible areas.

Provide a system of sanitary sewer trunk mains, outfalls and local service lines capable of accommodating existing and future sewage flows.

Maintain and enhance the sewage treatment service to reduce adverse impacts on the natural environment.

Improve stormwater management to control erosion and protect properties, watercourses, and environmentally sensitive areas.

### **3.10 Governance**

Goal: Provide municipal services and administration effectively, efficiently, and equitably to all residents within the fiscal capacity of the Town.

Collaborate with other levels of government, community organizations, and the business community to facilitate opportunities to improve local governance and municipal services.

Objectives: Encourage public interest and participation in municipal governing processes, including Council elections, committee activities, and public participation in decision-making.

Deliver municipal administration and services effectively, efficiently, openly, and within the Towns fiscal capacity.

Ensure the Town is governed in compliance with relevant legislation such as the Municipalities Act and the Urban and Rural Planning Act.

### **3.11 Municipal Finance**

Goal: Manage municipal expenditures and revenues so as to provide municipal services within a framework of long-term financial stability.

Objectives: Manage municipal expenditures and debt burdens in a prudent manner and according to the Town's ability to pay.

Encourage an enlarged economic base in the Town in order to generate more tax revenues.

Ensure that growth-related capital costs for new developments do not place an undue burden on residents' ability to pay.

## **4.0 COMMUNITY WIDE POLICIES**

### **4.1 Policy Framework**

This section provides the policy framework for the planning of Badger as expressed in the Goals and Objectives outlined in Section 3.0.

The overriding thrust of the Municipal Plan is to ensure the continuance of a vibrant and sustainable community and to maintain the town's character based on a compatible mix of built-up land uses and green space. This is important in order to provide continuity with the past, achieve the Town's development vision, maintain a distinct identity, and contribute to environmental, economic, social, and governance sustainability.

To accomplish the overall intent of the Plan, the following policy initiatives are put forward:

- i) Areas that can be developed and serviced at the most reasonable long-term costs to the Town will be given priority for community growth and expansion. Highest priority is placed on the infilling available vacant land in serviced areas. Second priority is placed on areas that are affordably close to existing streets and piped services. Development will be restricted in areas that would entail prohibitive or unnecessary costs to develop and maintain new infrastructure and provide services.
- ii) Prominent features that help to preserve community character, such as heights of land, river shorelines, floodplains, open space, trails, and scenic vistas, will be preserved.
- iii) A high standard will be maintained for both the natural and built environments, particularly the protection of environmentally sensitive resources such as river shorelines, floodplains, wetlands, archaeological resources, and historic areas.
- iv) Streets and infrastructure will be designed to achieve a high standard with respect to safety, traffic and pedestrian mobility, water and sewer distribution, and ease of maintenance.

- v) Capital works will be undertaken in an efficient, financially prudent, and environmentally responsible manner.

## **4.2 General Land Use Policies**

### **1. General Layout of the Town**

- (1) Council will encourage the consolidation of development in areas that are economical to connect to existing roads and service with water and sewer.
- (2) Council will give priority to infilling vacant serviced land over the development of new streets and infrastructure.
- (3) Council will limit residential development in areas that cannot be connected to the Town's water and sewer mains.
- (4) Council may refuse approval of a development in a location where municipal services are inadequate or it would be uneconomic to provide or maintain municipal services.
- (5) Council will restrict new development of most types of buildings and structures in 1:20 year flood risk areas, and may restrict or place conditions on new development in 1:100 year flood risk areas.
- (6) Council will require land developments to include reasonable measures to reduce stormwater runoff from the site, including as necessary the setting-aside of green areas for stormwater control and infiltration.

**2. Compatibility of Uses**

As much as possible, Council will ensure that new developments will not negatively affect existing land uses through the creation of hazards or nuisances such as noise, dust, odour, congestion, increased flood risk, or unsightly appearance.

**3. Non-Conforming Uses**

In accordance with the *Urban and Rural Planning Act 2000*, a use of land that legally existed at the time of the registration of this Municipal Plan will be allowed to continue irrespective of its conformity to the Plan or Development Regulations. Specific provisions concerning legal non-conforming uses are set out in the Development Regulations.

**4. Land Development and Subdivision Proposals**

**(1) Site Suitability**

When reviewing a proposed land development, Council will consider the site's suitability in terms of soils, geology, location of watercourses and wetlands, steepness of grades, flood risk, and overall environmental sensitivity. When considering approval, Council will ensure that the development will have minimal negative effects on water resources and surrounding properties.

**(2) Professional Review**

If in Council's opinion, a proposed development could result in undesirable environmental effects or could create problems for the development or nearby properties, Council may require an assessment of the proposed development by a certified planner, engineer, or similar professional.

Among other matters, the review shall evaluate the adequacy of the proposed site grading, drainage, stormwater control, and landscaping, as well as the potential of the development to negatively affect nearby properties and bodies of water due to storm drainage, flooding, erosion, or pollution.



**(3) Land Needed for Environmental Protection**

When approving a development, Council may require portions of the proposed site to be set aside from development or vegetation clearing in order to reduce and control stormwater drainage and erosion. Council's authority to require land to be set aside for environmental purposes derives from Section 13(3) of the *Urban and Rural Planning Act 2000*. Land needed for such purposes will not be included in the calculation of land for public use as set out in Section 37(1) of the *Act*.

**(4) Land for Public Use**

In accordance with Section 37 of the *Act*, for each subdivision approval, Council may require the developer to convey an area of land to the Town for open space or other public use. This conveyance would be equal to up to ten per cent of the gross area of the land to be developed. Alternatively, in lieu of land dedication, Council may decide to accept a sum of money that is equivalent to the value of the land that would have been conveyed.

**(5) Coordination with Surrounding Development**

Subdivisions and other developments will be coordinated with surrounding existing and proposed developments, the street network, and municipal infrastructure.

Such developments may be required to provide for access to adjacent undeveloped lands.

**(6) Municipal Services**

The provision of municipal services must be appropriate to the type and scale of development. Council will ensure that a new development will make efficient use of existing streets and infrastructure and will not create unreasonable servicing demands or costs.

**(7) Public Input**

Council may seek input from nearby residents and landowners when reviewing development proposals.

**(8) Council Decisions**

Council will review development applications on a case by case basis and may:

- (a) Approve the development as proposed,
- (b) Approve the development subject to certain terms or conditions,
- (c) Defer a decision subject to more detailed information or requested modifications to the proposal, or
- (d) Not approve the development if it concludes that it will be unsuitable for the location, will be prohibitively expensive for the Town to service or maintain, or will create environmental or other problems that cannot be sufficiently corrected or mitigated.

**(9) Subdivision Agreement**

Council may require an applicant to enter into a subdivision agreement with the Town as a condition of approval.

**5. Consolidation and Infill of Serviced Areas**

- (1) Council will encourage intensification of development in areas that are accessible to piped water and sewer services. This can occur through infilling of vacant land along existing roads, approval of backlots in appropriate locations, and keeping new street development in close proximity to existing infrastructure.
- (2) Site plans for infill development and land use intensification must meet the approval of Council. Developments must be compatible with the existing neighbourhood character and in accordance with Council's development standards with respect to lot size, frontages, road widening, alignments, installation of municipal services, environmental protection, retention of open space, and matters concerning current or future public works.

**6. Public Streets**

Subject to conditions to mitigate environmental impacts, public streets are generally permitted in all areas except within the Environmental Protection and Protected Water Supply designations.

**7. Public Access to Watercourses**

Council will ensure that sufficient and appropriate public access is maintained to watercourses provided that such access does not unreasonably impinge on the use and enjoyment of abutting private lands.

**8. Comprehensive Development**

(1) In order to accommodate a desirable but unconventional development (for example, a planned unit development, Council may permit a comprehensive development that, except for overall density and use classes, does not comply with the lot size, frontage, and minimum yard standards of the zone in which it is located.

(2) A comprehensive development will not be permitted on a site that Council considers to be unsuitable for development due to insufficient area or other physical, locational, or environmental constraints.

(3) Council may require a comprehensive development to provide for higher standards than normal for environmental protection, provision of land for public use, and protection of heritage sites and scenic landscapes.

(4) A comprehensive development must be compatible with adjacent land uses.

**9. Heritage and Archaeological Resources**

(1) Council will encourage the preservation of individual sites and buildings that have archaeological or heritage significance.

- (2) Archaeological sites are protected under the *Historic Resources Act, 1990*. If such a site is discovered, development will stop and the Provincial Archaeology Office of the Department of Business, Tourism, Culture and Rural Development will be notified and consulted on how the development should best proceed.
- (3) There are known archaeological sites in Badger that are protected under the *Historic Resources Act*. No development, excavation, or other disturbance of land will be permitted inside a prescribed buffer area around these sites until the Provincial Archaeology Office has been notified so that necessary measures can be taken to ensure that historic resources are not disturbed or destroyed.
- (4) Council will cooperate with landowners to identify new or enhanced uses for older buildings and make owners aware of public programs aimed at preserving built-heritage.

**10. Discretionary Uses**

Council may decide that a land use should be set out as a discretionary use in a particular zone in the Development Regulations, where:

- (a) the suitability of the use is not clear and may depend on the land use characteristics and circumstances of individual locations within the zone,
- (b) Council determines that the use could negatively affect the predominant uses of the zone and, in order to mitigate this impact, it would be desirable to consult with the public prior to issuing, issuing subject to conditions, or refusing a development permit, or
- (c) it is necessary to attach conditions to an approval to ensure that the use is developed in a way that is compatible with nearby uses and the predominant uses of the zone.

**11. Utilities**

**(1) Utility Easements and Facilities**

Utility facilities, such as transmission lines, communication towers, stormwater drains, water and sewer pipes and treatment facilities, energy generation facilities, and pollution control, may be permitted in any land use designations subject to conditions set by Council. Council may place controls or conditions on the development of certain utilities within the Environmental Protection and Protected Water Supply designations.

**(2) Alternative Energy Facilities**

Small hydro and solar energy generation facilities may be permitted in any land use designation subject to conditions set by Council, including the following:

- (a) The location and design of such utilities shall take into consideration potential impacts on nearby land uses, persons, and the natural environment.
- (b) Wind generators permitted within built-up areas will be limited to single turbines designed to serve individual properties.
- (c) To provide for adequate safety and comfort of persons and properties, Council will ensure that there is an adequate separation distance between any type of wind generator and nearby buildings and structures.
- (d) Energy utilities are subject to required approvals by relevant provincial and federal departments.

**12. Provision for the Disabled and Elderly**

Council will consider the mobility needs of disabled and elderly residents in the planning and design of municipal streets, buildings, and recreational facilities, and when approving commercial, public, and large residential buildings and facilities.

### **4.3 General Environmental Policies**

Conservation values are intrinsic to this Municipal Plan. High priority is given to protecting sensitive areas and preventing flooding, stormwater impacts, soil erosion, and watercourse sedimentation. Land use decisions will duly consider environmental sustainability and biodiversity objectives.

#### **1. Protection of Sensitive Areas**

Environmentally sensitive lands, including the water supply area, flood risk areas, watercourses, riparian areas, wetlands, wet and unstable soils, and important habitat, will be protected from potentially damaging development.

#### **2. Consideration of Environmental Impacts**

Potential environmental effects will be considered when reviewing development applications. At its discretion, or in accordance with other statutory requirements, Council may refer development proposals for advice and/or regulatory approval to Provincial and Federal departments such as Environment and Conservation, Government Services, Health and Community Services, Fisheries and Oceans Canada, and Environment Canada.

#### **3. Floodplains**

A significant portion of Badger's built-up area is vulnerable to flooding, which has occurred in increasing frequency in recent years, with the worst flood occurring in 2003. Considerable areas of the town are designated as flood zones by the Department of Environment and Conservation. The highest risk area, directly bordering Exploits River, Badger Brook, and Little Red Indian Brook, is designated as a 1:20 year flood risk zone. Behind this is a somewhat smaller area designated as a 1:100 year flood risk zone.

- (1) Built-up development may not be permitted, or may be subject to special conditions, on sites that are subject to local flooding.

- (2) In accordance with the Provincial *Policy for Floodplain Management*, no residential, and very limited other built-up development, will be permitted in a 1:20 year floodplain. The 1:20 year floodplain is shown as the darker-shaded overlay on Future Land Use Map 1.
- (3) In accordance with the Provincial *Policy for Floodplain Management*, any building permitted in a 1:100 year floodplain will be subject to special restrictions and conditions. The 1:100 year floodplain is shown as the lighter-shaded overlay on Future Land Use Map 1.

**4. Soils and Drainage**

Development shall be permitted only on lands with soil and drainage conditions that, in the opinion of Council, are suitable for the proposed use.

**5. Watercourse and Wetland Protection**

- (1) Development in the vicinity of a watercourse or wetland will be carried out in a manner that minimizes the potential for environmental impacts, protects natural drainage, and preserves existing public access to the water.
- (2) Conservation buffers will be established to protect watercourses from stormwater discharges, erosion, sedimentation, and pollution.
- (3) Where it believes that a proposed development may affect a wetland, Council may:
  - (a) require the developer to have the wetland delineated by a qualified consultant,
  - (b) establish a sufficient buffer from the edge of the wetland, in which development may not be permitted,
  - (c) require such other conditions or restrictions to protect the wetland, and/or
  - (d) refuse to approve the development if it believes that identified impacts cannot be sufficiently minimized or mitigated.

**6. Unstable Geology and Soils**

Development in areas that are environmentally sensitive or hazardous due to wet or unstable soils, a high water table, or unstable geological conditions, may be restricted or subjected to terms and conditions to reduce potential impacts.

**7. Storm Drainage**

- (1) Development will not be undertaken in a manner that causes excessive increases in stormwater runoff such that it could be detrimental to adjacent properties, steep or unstable slopes, nearby watercourses, or other sensitive areas.
- (2) In areas where there is concern that development may contribute to excessive stormwater increases, Council may require developers and landowners to:
  - (a) Set aside open space areas where stormwater can be discharged to naturally infiltrate into the soil.
  - (b) Maintain vegetated buffers between stormwater drainage outlets and watercourses to minimize direct discharges into watercourses.
  - (c) Preserve existing trees or plant additional trees and shrubs to promote soil infiltration and capture sediments.
  - (d) Channel runoff to gardens and low-lying areas on the development site and on individual lots.
  - (e) Take advantage of the topography to reduce storm drainage, for example, retain natural depressions in the landscape to accumulate runoff and promote soil infiltration.
  - (f) Re-establish vegetative cover immediately on gravel surfaces, banks, drainage ditches, and other areas disturbed by construction activity.

**8. Use of Discretionary Authority**

Council may exercise its discretionary authority to prohibit, or set conditions on, development when, in its opinion, the development might result in undesirable consequences for property owners (for example flood damage) or environmental impacts



(for example excessive run-off onto adjacent properties, flooding, soil erosion, scouring or siltation of streams, or unpreventable exposure of contaminated soils).

#### **4.4 Infrastructure Policies**

##### **1. Water Supply System**

(1) Council will maintain its water supply system, including intake, treatment plant, and distribution system, in good working order to ensure the availability of an adequate quantity and quality of water for residents, businesses, and public facilities.

(2) Adequate fire flows will be maintained in all areas served by municipal water.

##### **2. Sanitary Sewer System**

Council will maintain the town's sanitary sewer system in good working order.

##### **3. Stormwater Management**

Council will maintain storm drainage ditches and facilities in good working order.

##### **4. Water and Sewer Requirements for New Development**

(1) All water and sewer infrastructure associated with new land development must meet the minimum standards of the Town and be approved by the Town's engineer.

(2) The costs of installing water and sewer services and connecting new lots to the municipal system will be the sole responsibility of the developer.

## **5.0 LAND USE DESIGNATIONS**

Land use designations are set out on the Future Land Use maps. The policies in this section relate to the individual designations.

### **5.1 Protected Water Supply**

Badger's drinking water is supplied from drilled deep wells located west of the Buchans Highway bridge across Little Red Indian Brook and north of the highway. These wells are situated within the Badger Wellhead Protected Water Supply Area (see Regulation 6/03 under the *Water Resources Act*).

#### **1. General Intent**

Land is designated Protected Water Supply to protect the quantity and quality of water from Badger's water supply area.

#### **2. Land Use**

- (1) The only permitted use in the Protected Water Supply area is conservation.
- (2) Discretionary uses in the Protected Water Supply area may include open space uses such as walking trails and picnic areas and forestry. All uses will be subject to high standards and conditions to ensure they will have no effect on the water supply.
- (3) No form of residential or other built-up development will be permitted in the Protected Water Supply designation.
- (4) No woodcutting is permitted within prescribed buffer setbacks from a municipal well or from the shorelines of Exploits River and Little Red Indian Brook. These required setbacks are outlined in Schedule C of the Development Regulations.

The use of heavy mechanical equipment to harvest and remove trees will not be permitted.

**3. Department of Environment and Conservation**

No form of development shall be permitted in the designated Protected Water Supply area without the approval and guidance of the Water Resources Branch of the Department of Environment and Conservation.

**4. Monitoring and Enforcement**

- (1) Council will closely monitor land uses and activities in the Protected Water Supply designation to ensure they are being carried out in a manner that will not harm water quantity and quality.
- (2) Uses or activities that are found to be taking place in a manner deleterious to the water supply will be subject to an immediate stop-work order.

**5.2 Environmental Protection**

**1. General Intent**

- (1) In the Environmental Protection designation, highest priority is given to protecting sensitive areas from the adverse impacts of development.
- (2) The Environmental Protection designation will protect environmentally sensitive areas, including, but not limited to, watercourses, wetlands, and floodplains.

**2. Land Use**

- (1) Conservation uses, including buildings and structures associated with conservation, will be permitted.
- (2) At its discretion, Council may permit open space uses such as walking trails. Crop agriculture and forestry may be permitted outside of the prescribed shoreline buffer. Before approving such developments, it must be clearly demonstrated to Council that potential adverse effects on the site and adjacent watercourses will be

minimal. Also Council must be satisfied that a proposed development will not unreasonably impede public access to or along the shoreline.

- (3) At its discretion, Council may permit transportation developments, for example, road crossings of streams, bridges, culverts, and stormwater drains, but only if alternative locations are not possible and Council considers the proposed development to be in the public interest. Council will consult with the Department of Environment and Conservation, Fisheries and Oceans Canada, and other relevant agencies before approving any such development.
- (4) A campground may be permitted at Council's discretion outside of the prescribed shoreline buffer. Within the EP zone, a campground will not include any type of building or structure, and will not involve any changes to the natural grade of the ground surface.
- (5) Other uses that may be permitted at Council's discretion include recreational docks, slipways, and cemeteries.
- (6) Excavation and filling-in of land and water will not be permitted unless it is to redirect stormwater or is a public work, such as a pump house or sewer outfall, that has been approved by the Water Resources Division of the Department of Environment and Conservation.

## **5.3 Residential**

### **1. General Intent**

- (1) Areas are designated Residential in order to accommodate new housing needs and preserve the amenity of existing residential areas.
- (2) Residential development will be generally limited to areas that can be economically connected to existing streets and piped services. Highest priority for development will be infill along existing streets. Council may also approve

extensions of existing streets and new residential streets in close proximity to existing residential development. Backlot residential development may be permitted where it is deemed to be appropriate, compatible with existing development, and not an impediment to efficient development of adjacent developable lands.

**2. Guiding Principles**

In guiding residential growth, Council will endeavour to achieve a balance between the following principles:

- (a) New residential development will maintain the Town’s natural and scenic character.
- (b) New development will accommodate an appropriate mix of housing types to meet changing market conditions and socio-demographic needs of residents.
- (c) New development will ensure that municipal infrastructure and services can be delivered and maintained at a reasonable cost to taxpayers.

**3. Land Uses**

- (1) Permitted housing in areas designated Residential will include single dwellings and subsidiary apartments.

Accessory buildings will be permitted on residential lots subject to standards and conditions required by Council.

A home occupation will be permitted within a residential dwelling or within an accessory building on the same lot, in accordance with conditions required by Council.

Small scale crop agriculture will be permitted.

Conservation and open space uses are considered to be complementary uses in the Residential designation, and will be permitted.

- (2) Double dwellings, townhouse dwellings, mini-homes, and boarding houses may be permitted in serviced areas at Council's discretion.
- (3) At Council's discretion, bed and breakfasts, communications, emergency services, energy generation facilities, recreational open space, small energy generators, and transportation uses may be permitted.
- (4) Apartment buildings, residential care homes, and childcare uses may be permitted at Council's discretion only outside of flood risk areas.

#### **4. Flood Risk Areas**

Where development is permitted in a Flood Risk Area, it will be subject to special conditions outlined in the Development Regulations as well as to the Provincial Policy for Floodplain Management.

#### **5. Use of Discretionary Authority**

If Council deems that a proposed development in the Residential designation will adversely affect the character of the area, a flood zone, or other sensitive area, it may exercise its discretionary authority to refuse the application or set terms and conditions on the development.

#### **5.4 Mixed Development-1**

The Mixed Development-1 designation recognizes the existing mix of residential, commercial, and public uses that has evolved over time in along certain streets such as Badger Drive (Trans Canada Highway), Buchans Highway, and a few other areas.

**1. General Intent**

- (1) Council will carefully manage new development in this designation to allow a compatible mix of residential, commercial, light industrial and institutional uses.
- (2) Council will encourage the revitalization of areas that have suffered from economic decline by promoting and facilitating adaptive reuse and redevelopment of vacant and underused buildings and properties.

**2. Land Uses**

- (1) The Mixed Development-1 designation will accommodate a compatible mix of land uses to enhance the potential of these areas to function as hubs of community, commercial, and residential activity.

The designation will allow for the development of various types of housing, public buildings, recreational open space, home-based businesses, and low-impact commercial and light industrial uses.

- (2) Single dwellings, double dwellings, and accessory buildings will generally be permitted except where they are deemed by Council to be inappropriate for the area due to incompatibility with existing commercial or other non-residential uses.

Indoor markets, offices, personal service uses, and shops will be permitted except where they are deemed by Council to be incompatible with existing residential uses.

Other permitted uses include home occupations, small-scale crop agriculture, cultural and civic uses, and emergency services.

Open space and conservation are complementary uses that will be permitted.

- (3) Mini-homes and townhouses may be permitted at Council's discretion.

Commercial accommodation uses, tourist cottage establishments, bed and breakfasts, boarding houses, and campgrounds may be permitted at Council's discretion if they are deemed to be suitable for the area and compatible with existing land uses.

A subsidiary apartment may be permitted in a single dwelling. A subsidiary apartment may also be permitted in a commercial building at Council's discretion if it is deemed to be necessary for the operation of the main use.

Other uses that may be permitted at Council's discretion include catering, cemeteries, clubs and lodges, commercial outdoor recreation, communication uses, drinking establishments, energy generation facilities, entertainment uses, funeral homes, garden centres, general services, indoor assembly uses, light industry, medical services, outdoor assembly uses, outdoor markets, places of worship, recreational open space, service stations, shopping centres, take-out food services, transportation uses, vehicle sales and services, and veterinary services.

Childcare, educational uses, apartment buildings, residential care, and general assembly uses may only be permitted at Council's discretion outside of a flood risk area.

### **3. Compatibility of Uses**

- (1) In evaluating development proposals in Mixed Development-1 areas, Council will pay particular attention to ensuring new development is compatible with existing uses and the general character of the area.
- (2) Council may impose conditions to require a commercial or light industrial use to maintain an attractive appearance and minimize nuisance impacts on existing



uses. These may address proper site layout, buffering, screening, and control or restriction of potentially noxious or hazardous activities.

**4. Guidelines**

The following principles will be pursued within the Mixed Development-1 designation:

- (a) Adaptive reuse and redevelopment of vacant and underused properties and buildings will be encouraged to the extent that it is compatible with the area and, in Council's opinion, will contribute to revitalization of the area.
- (b) The preservation and enhancement of buildings of architectural or historic interest will be encouraged.
- (c) The appearance, scale, siting, and use of new buildings, as well as expansions and renovations to existing buildings, will have regard for, and not detract from, the character of the surrounding area.
- (d) Restoration and reuse of dilapidated buildings and sites will be encouraged.

**5. Other Municipal Plan Requirements**

Other requirements for public, commercial and residential development expressed elsewhere in this Plan shall, where relevant, apply to development within the Mixed Development-1 designation.

**6. Flood Risk Areas**

Where a development is permitted in a Flood Risk Area, it will be subject to special conditions outlined in the Development Regulations as well as to the Provincial Policy for Floodplain Management.

**7. Use of Discretionary Authority**

If Council deems that a proposed development in the Mixed Development-1 designation will adversely affect the character of the area, a flood zone, or other sensitive area, it may exercise its discretionary authority to refuse the application or set terms and conditions on the development.

## **5.5 Mixed Development-2**

The Mixed Development-2 designation recognizes the existing mix of residential and commercial uses on the west side of Main Street. This designation is separated from the Mixed Development-1 designation due to its entire location within flood risk areas.

### **1. General Intent**

Council will carefully manage new development and redevelopment of land in this designation to ensure the mix of land uses remain compatible.

### **2. Land Uses**

- (1) The Mixed Development-2 designation will accommodate a compatible mix of land uses to enhance the potential of this area to remain viable as a mixed residential-commercial area.

This designation is envisioned to allow for the continuation of residential housing, along with redevelopment of some areas for compatible commercial and public service uses.

- (2) Permitted uses in the Mixed Development-2 designation include conservation, small-scale crop farming, and open space uses.
- (3) Discretionary uses that may be permitted in all areas of the Mixed Development-2 designation, including the 1:20 year flood risk area, include catering, cultural and civic uses, and outdoor markets.
- (4) Discretionary residential uses that may be permitted outside the 1:20 year flood risk area include single dwellings, double dwellings, subsidiary apartments, home occupations, and residential accessory buildings.

Other uses permitted at Council’s discretion outside the 1:20 year flood risk areas include boarding houses, bed and breakfasts, commercial accommodations, communications, emergency services, small-scale energy generators, general assembly uses, general services, indoor assembly uses, indoor markets, medical services, offices, personal services, shops, take-out food services, and transportation uses.

**3. Compatibility of Uses**

- (1) In evaluating development proposals in Mixed Development-2 areas, Council will pay particular attention to ensuring new development is compatible with existing uses and the general character of the area.
  
- (2) Council may impose conditions to require a commercial or public service use to maintain an attractive appearance and minimize nuisance impacts on existing uses. These may address proper site layout, buffering, screening, and control or restriction of potentially noxious or hazardous activities.

**4. Guidelines**

The following principles will be pursued within the Mixed Development-2 designation:

- (a) Adaptive reuse and redevelopment of vacant and underused properties and buildings will be encouraged to the extent that it is compatible with the area and, in Council’s opinion, will contribute to revitalization of the area.
- (b) The preservation and enhancement of buildings of architectural or historic interest will be encouraged.
- (c) The appearance, scale, siting, and use of new buildings, as well as expansions and renovations to existing buildings, will have regard for, and not detract from, the character of the surrounding area.
- (d) Restoration and reuse of dilapidated buildings and sites will be encouraged.

**5. Flood Risk Areas**

All development in the Mixed Development-2 designation will be subject to special conditions for flood risk areas outlined in the Development Regulations as well as to the Provincial Policy for Floodplain Management.

**6. Use of Discretionary Authority**

If Council deems that a proposed development in the Mixed Development-2 designation will adversely affect the character or flood vulnerability of the area, it may exercise its discretionary authority to refuse the application or set terms and conditions on the development.

**5.6 Public Use**

**1. General Intent**

Land is designated Public Use in order to permit the development of institutional and associated land uses.

**2. Land Uses**

- (1) Permitted uses in the Public Use designation include conservation, open space, and recreational open space.
- (2) Uses that may be permitted at Council's discretion everywhere in the designation include cemeteries, clubs and lodges, cultural and civic uses, general assembly, indoor assembly, outdoor assembly, places of worship, residential care facilities, and transportation uses.

Office uses may be permitted if they are accessory to a main use.

Subsidiary apartments and catering may be permitted in a main use if deemed by Council to be integral and complementary to the operation of that use.

- (3) Discretionary uses that may be permitted only outside a flood risk area include childcare and educational uses.

**3. Cemeteries**

Cemeteries will be protected from incompatible abutting development.

**4. Flood Risk Areas**

All development in the Public Use designation will be subject to special conditions for flood risk areas outlined in the Development Regulations as well as to the Provincial Policy for Floodplain Management.

**5. Use of Discretionary Authority**

If Council deems that a proposed development in the Public Use designation will adversely affect the character or flood vulnerability of the area, it may exercise its discretionary authority to refuse the application or set terms and conditions on the development.

**5.7 Commercial-Light Industrial**

**1. General Intent**

Areas are designated Commercial-Light Industrial to facilitate economic development and enhance Badger's potential to facilitate business growth and development. The Commercial-Light Industrial designation allows for a range of commercial and light industrial uses, service uses, and assembly uses, but has imposed limitations due to its location in 1:100 and 1:20 year flood risk areas.

**2. Land Uses**

- (1) Permitted uses in the Commercial-Light Industrial designation include only conservation and open space.

- (2) Discretionary uses that may be permitted in all Commercial-Light Industrial areas include catering, cultural and civic uses, commercial outdoor recreation, general and light industrial uses, outdoor assembly, outdoor markets, and recreational open space. Except for tourism related catering and cultural uses, no development will be permitted that would involve the construction of a building.
- (3) Discretionary uses that may be permitted in areas of the designation outside the 1:20 year flood zone include commercial accommodations, drinking establishments, emergency services, small-scale energy facilities, entertainment uses, funeral homes, garden centres, general assembly, general services, indoor assembly, indoor markets, kennels, offices, personal services, service stations, shops, take-out food services, transportation, vehicle sales and services, and veterinary services.

**3. Compatibility with Neighbouring Areas**

- (1) New development will be permitted to the extent that it will not unreasonably affect nearby residential areas with respect to noise, dust, glare, vibration, smell, traffic, pollution, and related factors.
- (2) Council may impose conditions to require an industrial or commercial use to maintain an attractive appearance and minimize undesirable impacts on nearby residential areas. Conditions may address site layout, outdoor storage, parking areas, buffering, screening, and control or restriction of potentially noxious or hazardous activities. Required screening may include fencing, berms, and/or appropriate plantings of trees and shrubs.

**4. Off-Street Parking and Loading**

Adequate off-street parking and loading facilities shall be provided.

**5. Flood Risk Areas**

All development in the Commercial-Light Industrial designation will be subject to special conditions for flood risk areas outlined in the Development Regulations as well as to the Provincial Policy for Floodplain Management.

**6. Use of Discretionary Authority**

If Council deems that a proposed development in the Commercial-Light Industrial designation will adversely affect the character or flood vulnerability of the area, it may exercise its discretionary authority to refuse the application or set terms and conditions on the development.

**5.8 Open Space**

Badger has a wonderful array of natural assets, terrific scenery, and community green space. These include river shorelines, wooded hillsides, lakes, streams, wetlands, hiking trails, and community green space. These pleasant and peaceful places are used for a variety of recreational purposes, outdoor gatherings, quiet enjoyment, and tourist attraction. Many of these are also important ecological places supporting diverse species of plants, birds, wildlife, and aquatic life.

**1. General Intent**

Land is designated Open Space to preserve and protect natural areas and scenic resources, as well as to set aside land for community parkland, trails, and other passive and low-impact recreational uses.

**2. Land Uses**

- (1) Within this designation, permitted uses will include conservation and open space uses such as trails, community parks, and associated facilities.
  
- (2) Other uses that may be considered at Council’s discretion include crop agriculture, energy generation facilities, indoor assembly, outdoor assembly, outdoor markets, recreational open space, temporary take-out food services, and transportation.

## **5.9 Transportation**

The transportation system in Badger includes a hierarchy of arterial, collector, and local roads, as well as public trails and walkways.

### **1. Consideration of Environmental Impacts**

New highways, streets, water crossings, and associated infrastructure will be located and constructed so as to minimize adverse impacts on environmentally sensitive areas and resources.

### **2. Arterial Roads**

#### **(1) Purpose**

The primary purpose of an arterial road is to provide safe and efficient traffic flow for vehicles travelling to and through the Planning Area. A secondary purpose is to distribute traffic within the Planning Area.

#### **(2) Description**

Badger Drive (i.e. Trans Canada Highway) and the Buchans Highway (Route 370) are Badger's two Arterial Roads.

Badger Drive traverses Badger's planning area for a distance of approximately 1.0 kilometre.

Buchans Highway connects the Trans Canada Highway to the towns of Buchans, Millertown and Buchans Junction. It traverses the planning area for a distance of approximately 3.1 kilometres.

#### **(3) Individual Accesses**

Council will use its discretionary authority if necessary to prevent development of any driveway and other private access onto Badger Drive or Buchans Highway if it deems that such access would adversely affect safety and/or traffic efficiency.



**(4) Future Road Connections**

Council will ensure that appropriate street reservations are reserved along Badger Drive to provide for future road connections to backland areas with development potential.

**3. Collector Roads**

**(1) Purpose**

The primary purpose of collector roads is to distribute traffic between major points and local streets within the Town.

**(2) Description**

Buchans Highway serves a dual purpose of arterial and collector road. Main Street serves a minor collector road.

**(3) Individual Accesses**

Access to abutting properties on collector roads will not be restricted but will be properly planned to ensure they do not impede safety and traffic efficiency.

**4. Local Streets**

**(1) Purpose**

Local streets are intended to serve properties located on the road and generally are not used by traffic except to access these properties and adjoining local streets.

**(2) Description**

Local streets include all remaining streets not referred to as arterials or collectors.

**(3) Future Road Connections**

Council will ensure that appropriate street reservations are reserved along Local Streets to provide for future connections to backland areas with development potential.

**5. Street Design and Construction**

- (1) The location, design, and construction of public streets will meet Council's minimum requirements for public safety, traffic efficiency, access to adjoining land, and construction quality.
- (2) New streets shall be located such that there will be sufficient land for the development of lots on both sides in accordance with the development standards of the zone.
- (3) The layout of a new street will provide adequate reservations to accommodate road extensions and access to backland areas for future development.
- (4) The costs of constructing and connecting new streets to the municipal street system will be the sole responsibility of the developer.

**6. Provision for the Disabled and Elderly**

Streets, sidewalks, public walkways, parking areas, and access points to public and commercial buildings will be designed to facilitate easy access and movement by disabled and elderly persons.

## **6.0 IMPLEMENTATION**

The Badger Municipal Plan will be implemented over the next 10-years through decisions of Council. Of particular importance to Council are the following:

- Effective administration of the Municipal Plan
- Public participation
- Development Regulations
- The basis of development control, and
- The procedure for considering amendments to the Municipal Plan.

### **6.1 Administration of the Plan**

The Badger Municipal Plan is comprised of goals and objectives (Section 3 of this document), community-wide land use policies (Section 4), designation-specific land use policies (Section 5), and a program of implementation (Section 6). The Background Report (Section 2) provides information but does not form part of the legally binding Badger Municipal Plan. All development applications will be evaluated as to their conformity to the policies in the Municipal Plan.

#### **1. Map Interpretation**

- (1) For the purpose of administering the Municipal Plan, **Future Land Use Map 1** shall be read only in conjunction with the goals, objectives and land use policies of the Plan.
- (2) The boundaries of the land use designations shown on **Future Land Use Map 1** are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No amendment to the Badger Municipal Plan shall be required to allow minor adjustments of the land use boundaries. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Plan.

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## **2. Development Applications**

- (1) Every person wishing to develop land for any purpose within the Badger Municipal Planning Area must apply to Council for permission through the established procedure. Council shall require that all development applications conform fully to the Badger Municipal Plan before proceeding. Council may refuse or approve the application and may set conditions on approval. The decision of Council may be appealed to the appropriate appeal board.
- (2) Once conformity to the Municipal Plan has been established, Council shall ensure that each development proposal is given an evaluation.
- (3) If Council suspects that a Provincial or Federal policy or statute may come into effect, it will refer the development proposal to the relevant government department or agency for approval or comments.
- (4) Council's final decision on an application will be based on the desire to guide the development of Badger in the best long-term interest of residents.
- (5) Provisions regarding the appeal of Council decisions on development applications will be contained in the Development Regulations.

## **3. Subdivision Proposals and Agreements**

- (1) Evaluations of proposed subdivisions of land for development will include the following:
  - (a) An investigation of the physical conditions and features of the site and the opportunities for and constraints on development.
  - (b) A demonstration of how the proposed subdivision will join with existing roads, how it will affect existing developments, and whether it will provide future access to undeveloped lands in the area.
  - (c) A demonstration that the proposed subdivision will be compatible with surrounding land uses, both existing and future.

- (d) An examination of proposed municipal services and the long-term public costs of providing and maintaining these services.
  - (e) Consideration of how stormwater drainage will be managed to minimize increased run-off onto adjacent lands.
  - (f) Consideration of how the development may affect important and sensitive environmental resources.
- (2) Before major land developments are approved in the Badger Municipal Planning Area, Council may require the developer to enter into a development agreement with the Town. Such an agreement shall establish the conditions under which development will proceed and shall be binding on both parties. Any conditions governing the development will be enforced by attaching them to the development permit.

**4. Non-Conforming Uses**

- (1) A building, structure, or other development that does not conform with the intent and permitted land uses of this Municipal Plan, but which legally existed before the registration date of the Plan, will be permitted to continue as a “non-conforming use” subject to the provisions of Section 108 of the Urban and Rural Planning Act.
- (2) Notwithstanding subsection (1), if a non-conforming use is discontinued for a consecutive period of twelve months, or such further period as Council considers fit, it shall not be recommenced and any further use of the land or building shall conform with the intent of this Plan and its Development Regulations.
- (3) A non-conforming use under this Municipal Plan:
  - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by Council,
  - (b) shall not be structurally modified except as required for the safety of the building, structure or development,

- (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50 percent or more of the value of that building, structure or development has been destroyed,
- (d) may have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion more compatible with this Municipal Plan and its Development Regulations
- (e) may have the existing building extended where, in Council's opinion, that extension is not more than 50 percent of the existing building
- (f) where the non-conformance is with respect to the standards included in the Development Regulations, shall not be expanded if the expansion would increase the non-conformity; and
- (g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with this Municipal Plan and its Development Regulations, be repaired or rebuilt where 50 percent or more of the value of that building or structure is destroyed.

## **6.2 Public Participation**

The Municipal Plan is an expression of the goals and aspirations of the citizens of Badger, therefore, the periodic review of the Plan provides the opportunity for public participation and input, and can be an invaluable tool for the successful implementation of planning.

Council will take advantage of opportunities to involve the public in decision-making processes with respect to future planning and development of the community.

## **6.3 Development Regulations**

Pursuant to Section 35 of the *Urban and Rural Planning Act*, Council has adopted the Badger Land Use Zoning and Subdivision Regulations (referred to as the Development Regulations) in order to implement the goals, objectives and land use policies of the Municipal Plan. The Development Regulations control the subdivision and development of all land within the Badger Planning Area.

**1. Council Responsibility**

In accordance with Section 35 of the Urban and Rural Planning Act, the Development Regulations have been established to ensure that land is controlled and used only in accordance with the Badger Municipal Plan.

**2. Content**

The Development Regulations:

- (a) divide the Planning Area into land use zones
- (b) indicate permitted and discretionary uses of land in each land use zone,
- (c) set out municipal-wide and zone-specific requirements and standards for the subdivision and development of land,
- (d) set out the administrative procedures for dealing with development permit applications and the issuing of development and building permits,
- (e) set out the regulations respecting the non-conforming development and use of land,
- (f) set the minimum notice periods for Council decisions respecting discretionary land uses, non-conforming land uses, and variances,
- (g) set out the regulations and procedures respecting appeals of Council decisions, and
- (h) set out the regulations respecting the enforcement of permit requirements.

**6.4 Development Control**

**1. Municipal Plan is Binding**

The Badger Municipal Plan is a legal document that is binding upon all persons and organizations, including the Council.

**2. Council Responsibility**

Council shall exercise appropriate control over development in the Badger Planning Area in accordance with the Municipal Plan and the Development (Land Use Zoning and Subdivision) Regulations.

**3. Subdivision and Development Applications**

- (1) All persons wishing to subdivide or develop land for any purpose within the Planning Area shall apply to Council for permission on the prescribed applications form and shall submit a detailed drawing of the proposal indicating the location and dimensions of the land and the development.
- (2) Council will examine the application on the basis of the Development Regulations. Council may approve the application, approve it with conditions, or refuse it.

**4. Right to Appeal**

An applicant who receives a refusal decision from Council on a development application may appeal that decision to the Appeal Board in accordance with the Badger Development Regulations.

**5. Provincial and Federal Referrals**

If Council deems that a proposed development may be affected by the regulations of a Provincial or Federal department, the application will be referred to the concerned department for comments before a permit is issued.

**6.5 Amending the Municipal Plan and Development Regulations**

This Municipal Plan was prepared on the basis of existing and expected future conditions. It is Council's intention not to amend the Plan for a five-year period after its adoption, after which another Plan Review will be undertaken. Nevertheless, if conditions change in unforeseen ways during the planning period, Council may consider possible amendments to the Plan.

**1. Municipal Plan Amendment**

If Council decides to adopt an amendment to the Municipal Plan, in accordance with Section 25 of the *Urban and Rural Planning Act*, the amendment procedure will be the same as for the adoption of the Municipal Plan as a whole. This procedure is described in Section 1.1.2 of this Municipal Plan and outlined in Sections 14 to 24 of the *Act*.



**2. Stand-Alone Amendment to the Development Regulations**

- (1) If Council decides to adopt an amendment to the Development Regulations, which does not also require a change to the Municipal Plan, the amendment procedure will be in accordance with Section 35 (5) of the Act.
  
- (2) Council shall give notice of the proposed change in a newspaper circulated in the area and shall receive representations with respect to those changes before forwarding the adopted amendment to the Department of Municipal and Intergovernmental Affairs and for registration under Section 24 of the Act.