

TOWN OF BUCHANS MUNICIPAL PLAN

**IMPORTANT: To see if there were any changes to
this plan since it came into effect, please refer to:**

List of Municipal Plan Amendments

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO APPROVE
TOWN OF BUCHANS MUNICIPAL PLAN 2012-22

Under the authority of section 16, section 17 and section 18 of the Urban and Rural Planning Act, 2000, the Town Council of Buchans

- a) adopted the Buchans Municipal Plan 2012-22 on the 29th day of October, 2012,
- b) gave notice of the adoption of the Buchans Municipal Plan 2012-22 by advertisement inserted on the 15th day and the 22nd day of November, 2012 in the Advertiser newspaper.
- c) set the 29th day of November at 7 p.m. at the Curling Rink, Buchans for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the Urban and Rural Planning Act, 2000, the Town Council of Buchans approves the Buchans Municipal Plan 2012-22 as adopted.

SIGNED AND SEALED this 12th day of December, 2012

Mayor:



Derm Corbett

(Council Seal)

Clerk:



David Whalen

Municipal Plan/Amendment	
REGISTERED	
Number	<u>685-2013-001</u>
Date	<u>February 12, 2013</u>
Signature	<u>[Signature]</u>

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

TOWN OF BUCHANS MUNICIPAL PLAN 2012-22

Under the authority of Section 16 of the Urban and Rural Planning Act, 2000, the Town Council of Buchans adopts the Buchans Municipal Plan 2012-22.

Adopted by the Town Council of Buchans on the 29th day of October, 2012.

Signed and sealed this 12th day of December, 2012.


Mayor: 
Derm Corbett

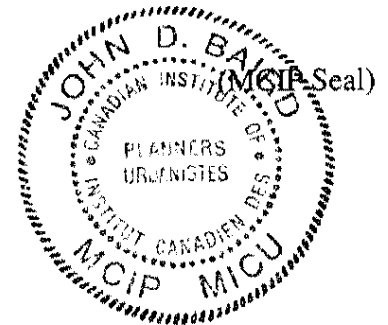
(Council Seal)

Clerk: 
David Whalen

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Buchans Municipal Plan 2012-22 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.

MCIP: 
John Baird



TOWN OF BUCHANS

**MUNICIPAL PLAN
2012 – 2022**

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1.0 INTRODUCTION

1.1 Purpose of the Municipal Plan

The Buchans Municipal Plan is a comprehensive policy document to manage development and growth within the Buchans municipal planning area over the ten-year planning period 2012-22. The Plan repeals and replaces the Buchans Municipal Plan 1979-89. 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, as well as other planning documents and consultations with Council, local residents and landowners, 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. The results of this work are presented in the Background Report contained in Section 2 of the Municipal Plan.

1.2 Plan Preparation

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

The Plan guides the future growth and physical improvement of the Town by identifying locations and guidelines for various types of land use development. The Municipal Plan provides the basis for the Land Use, Zoning, Subdivision and Advertisement 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.

1.5 Integrated Community Sustainability Plan

An Integrated Community Sustainability Plan provides direction to the municipality to achieve sustainability objectives related to its environmental, economic, social, cultural and governance dimensions. The Buchans Municipal Plan contributes to the Town's ICSP objectives.

1.6 Interpretation

In this Municipal Plan:

- "Council" means the Council of the Town of Buchans.
- "Development Regulations" mean the Buchans Land Use Zoning and Subdivision Regulations.
- "Municipal Planning Area" means the Buchans Municipal Planning Area.
- "Town" means the Town of Buchans.

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.

The town lies one kilometer south of Buchans Lake, the municipal water supply, and 4.5 kilometres north of Red Indian Lake. Buchans River, which flows southward connecting the two lakes, forms the northern boundary of the Town. The town is served by a gravel airstrip, located north of the town on the east side of Buchans Lake.

2.2 Population

In the 2006-2011 Census period, Buchans' population declined by 65 residents, a drop of 8.5 percent. This drop was smaller than the decrease of 13.2 percent experienced in the 2001-06 Census period. While data for the Regional Economic Zone is not yet available for the 2011 Census, Buchans slowing rate of decline is reflected in the selected benchmarks, two of which have actually shown increases after comparable decreases in the last Census period.

Exhibit 2.2 - Population Characteristics						
	Buchans	Exploits Valley Zone	Badger	Baie Verte	King's Point	NL
Pop'n – 2011	696	-	793	1,370	675	514,536
Change, 2006-11	-8.5%	-	-2.5%	7.5%	0.7%	1.8%
Pop'n – 2006	761	26,661	813	1,275	670	505,470
Change, 2001-06	-13.2%	-2.7%	-10.3%	-14.5%	-13.1%	-1.5%
Pop'n – 2001	877	27,392	906	1,492	771	512,980
Median age 2006	52.1	44.0	45.8	43.9	42.2	41.7
Median age 2001	46.8	40.0	41.7	39.5	37.7	38.4
Pop'n < 15, 2006	10.5%	15.0%	13.6%	14.1%	14.9%	15.5%
Pop'n > 65, 2006	28.3%	16.4%	7.1%	16.5%	14.9%	13.9%

Exhibit 2.2 presents key demographic indicators that show that the 2006 median age of Buchans residents was significantly older than the selected benchmark communities and the province. At 52.1, the median age in Buchans was 10.4 years older than the province as a whole, 8.1 years older than the Exploits Valley zone, and between 9.9 and 6.3 years older than the three selected benchmark communities. Over the 2001–06 period, the median age increased by 5.3 years in Buchans, higher than all the benchmark areas.

The under-15 age group comprises 10.5 percent of Buchans' population compared to 15.0 percent in the Exploits region and 15.5 percent in the province. The over-65 group comprises 28.3 percent of the town's population, compared to 16.4 percent and 13.9 percent respectively at the regional and provincial levels.

Exhibit 2.3 provides a breakdown of Buchans' population by 5-year age intervals. It shows that 58.5 percent of the town's residents are in the main working age group of 20-64, compared to 63.9 percent at the provincial level. Residents under twenty years of age comprised 13.6 percent of the population, compared to 22.2 percent at the provincial level. This shows that Buchans has a somewhat lower proportion of working age residents than is the case at the provincial level.

Exhibit 2.4 Population Forecast									
Year	Buchans			Exploits Valley			Province		
	Pop'n	5-Year Change		Pop'n	5-Year Change		Pop'n	5-Year Change	
		Number	Percent		Number	Percent		Number	Percent
2001	<u>Actual</u> 877			<u>Actual</u> 27,392			<u>Actual</u> 512,980		
2006	761	-116	-13.2%	26,661	-731	-2.7%	505,470	-7,510	-1.5%
2011	696	-65	-8.4%	26,416	-245	-0.9%	514,536	+7,066	+1.8%
2011	<u>Projected</u> 666	-95	-12.5%	<u>Projected</u> 26,134	-527	-2.0%	<u>Projected</u> 511,651	+1,338	+0.3%
2016	601	-65	-9.7%	25,554	-580	-2.2%	518,213	+6,562	+1.3%
2021	540	-61	-10.2%	24,865	-689	-2.7%	514,138	-4,075	-0.8%
2025	492	-48	-8.9%	24,524	-341	-1.4%	513,644	-494	-0.1%

Source: NL Population Forecast.

This projection does not consider the possibility of a significant economic event in Buchans in the few years. There is real potential that one, and possibly two, significant mining developments could occur that would result in a much more positive impact on the town's population. A case example is Baie Verte, which suffered a greater loss of population than Buchans between 2001 and 2006. Due to the recent resurgence in mining activity, Baie Verte's population decline reversed and actually expanded by 7.5 percent from 2006 to 2011. A similar outlook for Buchans is entirely conceivable if the proposed Buchans Mineral Corporation development proceeds or exploration on the nearby Mary March property identifies a commercial opportunity.

In such a scenario, Buchans is well placed to attract an influx of new workers with their families. Using Baie Verte as an example, it is conceivable that the Buchans could experience a significant increase in population, reversing the trend over the past two decades.

2.3 Employment and Income

Exhibit 2.5 provides a breakdown of Buchans' resident labour force by occupation, with a comparison to the surrounding region, the province, and the three selected benchmark communities. The two primary occupational categories in the town are Sales and Service at 31.7 percent of the total labour force and Education at 28.3 percent. While Sales and Service is comparable across all regions and benchmark communities, Education is considerably higher, and likely due to the K-12 school in the community.

Exhibit 2.6 - Employment and Income (2006)						
	Buchans	Exploits Valley Zone	Badger	Baie Verte	King's Point	NL
Labour force participation	39.7%	52.7%	55.9%	55.2%	55.4%	58.9%
Employed	68.5%	74.7%	70.0%	86.3%	66.1%	76.7%
Change in employment 2001-2006	-4.5%	+1.4%	+19.2%	-7.8%	-5.9%	+3.1%
Avg. employment income (2007)	\$24,400	\$27,900	\$27,000	\$29,500	\$29,900	\$28,800
Per capita personal income (2007)	\$20,800	\$22,400	\$22,100	\$24,100	\$22,400	\$22,800
Total transfer income per capita	\$7,490	\$5,470	\$6,150	\$5,470	\$5,160	\$5,130
Incidence of Income Support – 2009	9.7%	12.2%	7.5%	7.6%	7.0%	10.0%
Employment Insurance Incidence – 2009	45.5%	36.5%	47.1%	31.8%	52.6%	33.7%
Self-Reliance Ratio - 2007	64.0%	75.6%	72.1%	77.3%	77.0%	79.4%

Source: NL Community Accounts: Employment and Working Conditions

2.4 Education

Exhibit 2.7 compares the education levels of residents over the age of 15 years of age. Approximately sixty-nine percent of Buchans residents have a high school or higher education, compared to 57.9 percent for the Exploits Valley region and 66.5 percent for the province. A trades certificate or equivalent is held by 30.9 percent of Buchans residents, compared to 29.7 percent of the province, and 30.0 percent of the Exploits Valley region. A university degree or certificate is held by 13.2 percent of Buchans residents, compared to 8.2 percent in the Exploits Valley region and 14.7 percent in the province.

Exhibit 2.7 - Highest Level of Schooling						
	Buchans	Exploits Zone	Badger	Baie Verte	King's Point	NL
W/O High School Cert	30.9%	42.1%	33.1%	36.2%	45.5%	33.5%
High School Certificate	25.0%	19.7%	31.0%	14.6%	16.1%	22.1%
Trades or Non-University Cert.	30.9%	30.0%	30.3%	37.6%	31.3%	29.7%
University Degree of Certificate	13.2%	8.2%	5.6%	11.7%	7.1%	14.7%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

2.5 Households and Housing

Exhibit 2.8 compares housing and household characteristics in Buchans and the selected benchmark areas. Between 2006 and 2011 the number of households declined only slightly after an 8.0 percent decline during the previous Census period. The average size of individual households decreased slightly in 2011 to 2.1 persons per household from 2.2 in the previous Census period.

Exhibit 2.9 - Housing Characteristics						
	Buchans	Exploits Valley	Badger	Baie Verte	King's Point	NL
2011						
Total dwellings	351		345	587	309	250,275
Occupied Dwellings	332	n/a	319	537	267	208,842
Percent occupied	94.6%		92.5%	91.5%	86.4%	83.4%
2006						
Total dwellings	418	n/a	336	575	302	235,958
Occupied dwellings	338	10,450	317	483	259	197,185
Percent occupied	80.9%	n/a	94.3%	84.0%	85.8%	83.6%
Owner occupied dwellings	91.2%	78.1%	88.9%	83.3%	90.4%	78.9%
Renter occupied dwellings	8.8%	21.9%	11.1%	16.7%	9.6%	21.1%
Percent single dwellings	44.8%	75.2%	93.8%	80.4%	74.5%	74.7%
Percent semi-detached	4.5%	19.3%	3.2%	3.1%	21.6%	4.9%
Percent row houses	49.3%	0.00%	0.0%	3.1%	0.0%	5.7%
Percent apartments	3.0%	5.5%	3.1%	13.4%	3.9%	33.0%
Percent dwellings constructed after 1986	0.0%	n/a	66.7%	24.0%	28.8%	29.2%
Avg. Dwelling Value – 2006	\$35,117	n/a	\$75,489	\$64,887	\$64,458	\$111,711
Avg. Dwelling Value – 2001	\$26,295	n/a	\$42,075	\$48,422	\$52,463	\$76,283

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 2.10 presents combined information on the health of residents of Buchans compared with the benchmark communities and regions. The indicators include hospital morbidity (i.e. inpatient annual discharge rates during the period of 2006-2007), the media age of discharged patients and the average patient stay in hospital.

Buchans’ hospital morbidity rate of 178 discharges is considerably higher than all selected benchmarks, where the rate ranges from 114 in the Exploits Valley zone to 134 in Baie Verte. At a median age of 62, Buchans in-patients were considerably older than the median age of 53 in the province as a whole and 56 in the Exploits Valley. The average length of stay in hospital for Buchans residents, at 8.2 days, is similar to the provincial average of 7.9 days and considerably lower than the regional average of 8.9 days.

be from the nearest housing?

2.8 Agency Comments

Department of Environment and Conservation (Interview with Dan Michielsen, Manager of Industrial Compliance)

Mr. Michielsen was interviewed regarding contaminated and rehabilitated sites in Buchans. The Department did an investigation to determine the extent of heavy metal (lead) contamination from the former ASARCO mine. Surface soils in some areas of Buchans showed lead contamination levels above the threshold of 620 mg/kg, which is the maximum contamination that is considered safe for direct contact.

Although blood tests of residents revealed no concerns of lead presence in blood, sites were identified for remediation to address contamination that might be of concern for human contact. The objective is to minimize the potential for direct human ingestion of heavy metals from contaminated soils. This is a concern mainly for infants who play on the ground and might put their hands in their mouth.

The main approach to remediation is to place at least 0.3 metres (12 inches) of clean soil over contaminated soil. Excavation of existing soils only becomes necessary if the additional 12 inches raises the ground elevation in such a way that causes problems for drainage or existing houses or other buildings.

The old tailings spill area southwest of the town was identified as a source area for dust contamination. Remediation involved covering the ground surface with an artificial membrane and new soil, and sloping the contour to drain runoff away from town. Mr. Michielsen advised that this site must be maintained as is, allowing no new land uses that might disturb the raised soil surface.

There is an underground drain that takes runoff from the old tailings area through the built-up town to Buchans Brook. The Department recently replaced this drain with a new culvert. This should be protected from any overlying development.

Current government remediation work is limited to contaminated sites that could be a concern for human health due to proximity to residential areas and other areas commonly used by local residents.

Mr. Michielsen advised that the Municipal Plan should include a clause that requires new development to take measures to ensure contaminated soils underlying remediated sites do not become re-exposed.

Buchans Minerals Corporation (Personal Interview, Paul Moores, December 6, 2011)

Buchans Minerals Corporation proposes to develop a new open pit mine in the area of the Lundberg and Engine House deposits of the old ASARCO underground mine. The preliminary

According to Census figures, the number of private dwellings (occupied and unoccupied) was 351 in 2011, a reduction of 67 units from 2006. For occupied dwellings, the reduction over the same period was only 6. This indicates that many of the unoccupied dwelling units present in 2006 have since been removed or demolished. One area where this is obvious is the former mobile home area on Laycock Street, which now has only one mobile home remaining.

Few new houses have been constructed in Buchans in recent years. This situation is not likely to change except with a significant economic stimulus such as the proposed redevelopment of the former Buchans mine site or a new mine development.

Buchans has a adequate supply of vacant serviced land on existing residential streets to accommodate new housing demand for the foreseeable future.

2.9.2 Mining Uses

Mining related industrial activity declined significantly after the ASARCO mine closed in the early 1980's. Until 2010 there was recycling operation on the old ASARCO tailings area to extract Barite for use in offshore drilling. This operation is now closed but there is commercial interest in a new start-up. If this gets off the ground it is expected to employ approximately twenty seasonal workers.

The Buchans Mining Corporation (BMC) has an active proposal to develop an open pit mining operation on former ASARCO mine site immediately west of the townsite. A BMC official (Paul Moore, personal communication, December 6, 2011) provided information that that the pit would measure 700 x 750 metres (52.5 hectares) and extend to a depth of 200 metres. Site development will include the mill and other industrial buildings. Development of the site will most likely require the demolition of the remaining ASARCO industrial buildings. It is likely the Town's water tower would have to be relocated.

The transportation route to truck concentrate from the site to the Buchans Highway will have to be determined.

BMC's site plan (see attached) shows that the operational site would extend into the town itself, affecting a number of streets and buildings. It shows the location of a proposed berm that would physically buffer the operation from the townsite to reduce possible impacts on the town and its residents. According to the official, the proposed location of the berm is preliminary. Future testing will reveal more precisely where a separation between the mine and town should go.

As the mine development has not been confirmed, it would be premature to alter existing zone boundaries based on the preliminary dividing line between the anticipated mining site and existing land uses in the townsite.

2.9.3 Commercial Uses

The majority of commercial establishments in Buchans are located on Main Street, including a grocery store, dry goods store, liquor store, restaurant, hotel, and offices. A building supply and

Policies and zoning measures are included in the Municipal Plan and Development Regulations to ensure that future development will take adequate precautions to ensure contaminated soils and runoff are not re-exposed.

2.9.6 Future Development

The land use pattern in Buchans built-up area is dominated by residential housing interspersed with commercial development, (i.e. retail stores, tourist operations), recreational facilities, civic and institutional uses, and some open space. Buchans is very compact community, especially in comparison to most towns in the province. This is reflected in Table 2.10 above, which shows that in 2006 semi-detached and row housing comprised 53.8 percent of the town's housing compared to 10.6 percent at the provincial level.

Within the town's built-up area, there are various pockets of vacant serviced land fronting on existing streets that offer excellent potential for infill development. The former mobile home park on Laycock Street and Rothermere Street is a prime area. With over 25 mobile home lots, today this site has one mobile home remaining along with one new single family home. Other areas with infill potential include the north side of Canning Street, the commercial area north of Main Street, north of South Street at Lakeview Avenue, and the site of the former Roman Catholic convent.

These areas can more than accommodate foreseeable residential and commercial development in the town, even with a major economic development such as the proposed redevelopment of the former ASARCO mine or another new mine in the area.

The most suitable land to accommodate larger industrial developments is the large site north of Forebay Road parallel to the abandoned ASARCO railway line.

3.2 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 areas and resources, including lakes, streams, estuaries, wetlands, riparian areas, floodplains, steep slopes, and scenic resources.

Protect the Buchans drinking water supply from development that might reduce the quality and/or quantity of water available for municipal use.

Reduce stormwater flows, erosion, and impacts on receiving waters by improving how runoff is managed at and near its source.

Prevent development that would impinge on flood risk areas and be subject to unacceptable flood damage.

3.3 Economic Growth and Development

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

Objectives: Foster the economic growth of Buchans particularly in regard to the potential for renewed mining 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 areas of good quality land in desirable locations for a range of business activities.

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

Promote Buchans as an attractive place to live, drawing upon its services, facilities, other amenities, and geographic location.

3.5 Housing

Goal: Provide for an adequate quality and quantity of housing to serve the needs of the present and future population with the amenities necessary for a pleasant residential environment.

Objectives: Allocate sufficient land for residential development to meet requirements of anticipated growth during the planning period.

Protect residential quality of life and property values.

Accommodate a range of housing types to satisfy market needs and 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, riparian areas, and shared open space.

Encourage the appropriate development of single-detached, semi-detached, and multi-unit housing in appropriate locations through the development of new subdivisions, infilling along existing streets, and adaptive reuse of existing buildings in mixed residential/commercial 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 of Buchans.

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.

3.10 Governance

Goal: Provide municipal administration and services effectively, efficiently, equitably to all residents, and 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 Town's fiscal capacity.

Ensure the Town is governed in compliance with relevant legislation such as the Municipalities Act and the Urban and Rural Planning Act, 2000.

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.

- v) Development of land and buildings will take adequate precautions to ensure contaminated soils in built-up areas of the town are not exposed to potential human contact.

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

This section, along with the accompanying Future Land Use Maps 1 and 2, includes all policies that are seen as necessary by Council to ensure that the physical development of the town is undertaken in an efficient and environmentally sustainable manner.

4.2 General Policies

The policies outlined in this section apply generally to all areas of the Town.

4.2.1 General Land Use Policies

1. General Layout of the Town

- (1) Council will encourage the consolidation of development in areas that are most economical to connect to existing roads and water and sewer mains.

- (2) Council will exhaust all opportunities to infill vacant serviced land before permitting the development of new streets and infrastructure.

- (3) Council will require all residential developments to 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 the development of dead-end streets and water mains.

properties, Council may require an assessment of the proposed development by a certified engineer, planner, landscape architect, 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, erosion, or pollution.

(3) Land Needed for Environmental Protection

When approving a development, Council may require portions of the development site to be set aside from development or the clearing of vegetation in order to reduce and control stormwater drainage, erosion, and other environmental impacts. 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 provide land to the Town for open space or other public use equal 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 in that subdivision 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. Developments may be required to provide for access to adjacent undeveloped lands.

5. Consolidation and Infill of Serviced Areas

- (1) Council will encourage the 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 and the development of new streets and street extensions close 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 objectives and 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 and Infrastructure

- (1) Public streets and infrastructure are generally permitted in all areas except the Environmental Protection designation subject to conditions to mitigate environmental impacts.
- (2) Within the Environmental Protection designation, public streets and infrastructure may be permitted if no alternative route is feasible subject to conditions to minimize or mitigate environmental impacts.

7. Public Access to Watercourses

- (1) Council will ensure that sufficient and appropriate public access is maintained to ponds, rivers, streams, and shorelines provided that such access does not unreasonably impinge on the use and enjoyment of adjacent private lands.

8. Comprehensive Development

- (1) In order to accommodate a desirable type of non-conventional development (for example, a planned unit development), Council may permit a comprehensive

- (3) 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.
- (4) Archaeological sites are protected under the *Historic Resources Act, 1985*. If such a site is discovered, development will stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation will be notified and consulted on how the development should best proceed.

11. Discretionary Uses

- (1) Council may decide that a land use should be set out as a discretionary use in the Development Regulations, where:
 - (a) the suitability of the use within a zone 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 permit, or
 - (c) it is necessary to attach conditions to an approval that differ from the standard conditions under the Development Regulations to ensure that the use is developed in a way that is compatible with nearby uses and the predominant uses of the zone.

12. Mineral Exploration

- (1) Subject to other provisions of this Municipal Plan, mineral exploration that is not classed as a development by virtue of drilling, appreciable ground disturbance, construction of access roads, noise, odour and appearance may be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.

15. Utilities

(1) Utility Easements and Facilities

Municipal and public utility works such as telephone and power transmission lines, communication towers, stormwater drains, water and wastewater pipes and treatment facilities, energy generation facilities, and pollution control may be permitted in all land use designations subject to conditions set by Council. Council will restrict the development of certain utilities such as stormwater drains in the Environmental Protection designation.

(2) Alternative Energy Facilities

Wind, 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 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.
- (e) Unless specifically exempted by the relevant agencies, the design, construction and location of a utility shall be certified by a professional engineer who has consulted with the required agencies.

16. Provision for the Disabled and Elderly

- (1) 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.

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- (2) Conservation buffers will be established to protect watercourses and riparian areas from stormwater discharges, erosion, sedimentation, pollution, and other adverse effects of development.

 - (3) Where it believes that a proposed development may affect a wetland, Council may, at its discretion:
 - (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 will not be permitted,
 - (c) require such other conditions or restrictions as may be necessary to protect the wetland, and/or
 - (d) refuse to approve the development if it believes that identified impacts cannot be sufficiently minimized or mitigated.

4. Unstable Geology and Soils

- (1) 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.

5. Flood Risk Areas

- (1) Conservation buffers and development restrictions will be used to protect persons, properties, and ecologically important sites in areas of high and medium flood risk.

- (2) Development may not be permitted, or may be subject to special conditions, on sites that in the opinion of Council are subject to local flooding.

8. Development in Areas of Contaminated Soil

On sites that have been rehabilitated to cover and contain contaminated soils, Council will require all new development to take precautionary measures to prevent human exposure to such soils both during and after construction.

9. Use of Discretionary Authority

Council may exercise its discretionary authority to prohibit, or set conditions on, any development when, in the opinion of Council, the development might result in undesirable environmental impacts, for example, excessive run-off onto adjacent properties, flooding, soil erosion, scouring or siltation of streams, or unpreventable exposure of contaminated soils.

4.2.3 Infrastructure Policies

1. Water Supply System

(1) Maintenance

Council will maintain the water intake, treatment plant, and distribution system in good working order to provide an adequate quantity and quality of water to residents, businesses, and public facilities.

(2) Fire Flows

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

2. Sanitary Sewer System

(1) Maintenance

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

3. Stormwater Management

(1) Storm Sewer System

Council will maintain the municipal storm drainage system in good working order.

- (5) The filling-in of land and water will not be permitted unless it is for flood protection or redirection of flood waters and is a public work that has been approved by the Water Resources Division of the Department of Environment and Conservation.

4.3.2 Special Protection Area

1. General Intent

The Special Protection Area covers former tailings disposal site that was the source of soil contamination in the surrounding area as a result of wind and water erosion. It is designated Special Protection Area to ensure the integrity of rehabilitation infrastructure (i.e. an artificial membrane and new soils installed over tailings deposits).

2. Land Use Restrictions

No land use development or activities are permitted in the Special Protection Area except for the maintenance of the protective membrane, soils, and associated infrastructure.

4.3.3 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 limited to areas that can be economically connected to existing streets and piped services. Highest priority for development will be infill along existing streets. At its discretion, Council may also approve extensions of existing streets. No new streets will be approved for residential development unless all other opportunities have been exhausted.
- (3) Development of unserviced lots will not be permitted.

4. Municipal Water and Sewer

- (1) All residential developments will be connected to the municipal water and sewer system.
- (2) All water and sewer infrastructure associated with new development must meet the minimum standards of the Town and be approved by the Town's engineer.
- (3) The costs of installing water and sewer services and connecting new lots to the municipal system will be the sole responsibility of the developer or land owner.

4.3.4 Mixed Use

1. General Intent

- (1) The intent of the Mixed Use designation is to accommodate a compatible mix of commercial, public, recreational, and residential uses.
- (2) Council will encourage the revitalization of commercial areas that have suffered from economic decline by promoting and facilitating adaptive re-use and redevelopment of vacant and underused properties and buildings.

2. Land Uses

- (1) Within the Mixed Use designation, retail shops, offices, and community recreational uses will continue to be the predominant uses of land.

Residential uses, including row houses, double dwellings, single dwellings, apartment buildings, and home occupations will be permitted as long as they are deemed by Council to be compatible with neighbouring non-residential uses.

Other permitted uses include child care, clubs and lodges, general, personal, business, medical, and educational services, restaurants, general and indoor

- (4) Before approving a non-residential development, Council will be satisfied that its requirements with respect to building setbacks, buffering between uses, off-street parking, outdoor storage, and other site related matters can be met.

- (4) Council may impose conditions to require a commercial or light industrial use to maintain an attractive appearance and minimize adverse impacts on existing uses, including proper site layout, 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. Guidelines

- (1) The following principles will be pursued within the Mixed Use designation:
 - (a) Adaptive reuse and redevelopment of vacant and underused properties and buildings will be encouraged to the extent that the reuse or redevelopment is compatible with surrounding area and, in Council's opinion, will contribute to the revitalization of the area.
 - (b) The preservation and enhancement of buildings and structures of architectural or historic interest will be encouraged.
 - (c) The traditional community form will be maintained.
 - (d) 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.
 - (e) The restoration and reuse of dilapidated buildings, structures and sites that contribute to the historical and visual character of the area will be encouraged.

5. Other Municipal Plan Requirements

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

2. Compatibility with Neighbouring Uses

- (1) Council may impose conditions to require a commercial use to maintain an attractive appearance and minimize adverse impacts on existing uses, including proper site layout, buffering, screening, and restriction of potentially noxious or hazardous activities.

3. Control of Street Access

- (1) Access points to the public street shall be limited in number and designed to keep the street safe and efficient for vehicles and pedestrians.

4. Off-Street Parking and Loading

- (1) Adequate off-street parking and loading facilities shall be provided to Council's satisfaction.

5. Design and Appearance of Properties

- (1) Council will ensure that a high standard of building design and appearance is maintained for all commercial and light industrial development.

4.3.6 Public Use

1. General Intent and Land Uses

- (1) Lands are designated Public Use in order to permit the development of public land uses such as churches, schools, hospitals, community facilities, and indoor and outdoor recreational facilities. Permitted uses also include child care, cultural uses, public assembly uses, and recreational uses. Offices are permitted if they are accessory to another use. Conservation and open space are complementary uses that also will be permitted.
- (2) Other uses that may be considered by Council include restaurants, cemetery, clubs and lodges, collective residential uses, seniors homes, family and group care

2. 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, and other 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 include proper site layout, outdoor storage, 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.

3. Off-Street Parking and Loading

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

4.3.9 Mineral Extraction

1. General Intent and Land Uses

- (1) Lands designated Mineral Extraction are located immediately west of the built-up town. The intent of this designation is to reserve this area for continued mining of barite from the old ASARCO tailings spill area as well as for the proposed redevelopment of the former ASARCO site for an open pit base metals mine.

- (2) Permitted uses include mineral extraction and associated industrial production. No development shall be permitted except mineral extraction, associated uses, and other uses that will not impede mineral extraction. Conservation is considered a complementary use that will be permitted.

- (3) Uses that may be considered for approval include industrial facilities that are complementary to or will not impede mineral extraction operations, aggregate

2. Land Uses

- (1) Permitted uses within this designation will include conservation, agriculture, forestry, mineral exploration, and open space uses. Light and general industrial uses will be permitted if they are accessory to an agriculture, aggregate extraction, or forestry use, or meet special conditions imposed by Council.

- (2) Developments that Council may permit at its discretion include aggregate extraction, boarding stables, campgrounds, catering, shops, construction and salvage yards, outdoor assembly, outfitter operations, recreational uses, tourist cottage establishments, outdoor markets, and renewable energy infrastructure such as wind turbines.

A subsidiary apartment or temporary dwelling may be permitted only if it is accessory to and necessary for the operation of a main use.

A single dwelling may be permitted only if it is accessory to and necessary for the operation of a commercial agriculture use or boarding stable operation.

3. Environmentally Sensitive and Scenic Areas

- (1) Council may restrict or set conditions to land uses and resource extraction activities that it feels may adversely affect lands that are environmentally sensitive or are not conducive to development for aesthetic reasons. Examples include steep or unstable slopes, geologically unstable areas, publicly visible hillsides, wetlands, and watercourses. In these areas, protection rather than development measures will take priority.

4. Mineral Working

- (1) Mineral working operations will be carried out in a manner that protects existing land uses and environmental and scenic resources. To this end, minimum separation distances and buffering requirements will be required between pits and

4.3.11 Transportation

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

1. Consideration of Environmental Impacts

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

2. Arterial Road

(1) Purpose

The primary purpose of arterial roads is to provide safe and efficient traffic flow for vehicles travelling to the Planning Area.

(2) Description

The Buchans Highway (Route 360) is the only Arterial road within the Planning Area. It provides the only access to Buchans from the Trans Canada Highway and further points east and west.

(3) Individual Accesses

Council will use its discretionary authority if necessary to prohibit the development of new accesses to abutting properties on the Buchans Highway, where such accesses would adversely affect traffic safety and/or efficiency.

(4) Future Road Connections

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

5. Street Design and Construction

- (1) The location, design, and construction of public streets will meet Council's minimum requirements to address public safety, traffic efficiency, access to adjoining land, and construction quality.
- (2) New streets shall be located such that there will be sufficient land on either side to allow for the development of dwellings 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. Connecting Road for Transportation of Mine Concentrate

The proposed mining operation to the west of the town will require a road connection to Buchans Highway for the movement of mine concentrate. The construction of a connecting road or the designation of an existing road for this purpose must meet the approval of Council and be subject to conditions that may be set by Council.

7. Provision for the Disabled and Elderly

- (1) 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.

2. Development Applications

- (1) Every person or corporation wishing to develop land for any purpose within the Buchans Municipal Planning Area must apply to Council for permission through the established procedure. Council shall require that all development applications conform fully to the Buchans 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 the Buchans in the best long-term interest of residents. Council may refuse or approve applications, with or without conditions.
- (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

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- (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.

5.2 Public Participation

The Municipal Plan is an expression of the goals and aspirations of the citizens of Buchans, 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.

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

5.4 Development Control

1. Municipal Plan is Binding

- (1) The Buchans Municipal Plan is a legal document which is binding upon all persons and organizations, including the Council.

2. Council Responsibility

- (1) Council shall exercise appropriate control over development in the Buchans Planning Area in accordance with the Municipal Plan and the Development (Land Use Zoning, Subdivision, and Advertisement) 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 forms 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

- (1) 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 Buchans Development Regulations.

5. Provincial and Federal Referrals

- (1) If Council forms an opinion 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.