

# **TOWN OF HARBOUR BRETON**

## **MUNICIPAL PLAN**

**In effect: September 9, 2016**

**(Date of publication in Newfoundland and Labrador Gazette)**

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

**List of Municipal Plan Amendments**

# **Town of Harbour Breton Municipal Plan 2016-2026**

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*Prepared for*

**The Town of Harbour Breton**

*Prepared by*

**Baird Planning Associates**

**June 2016**

# Resolution to Approve

## Town of Harbour Breton Municipal Plan 2016 - 2026

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

- (a) adopted by the Harbour Breton Municipal Plan on the 7<sup>th</sup> day of June, 2016.
- (b) gave notice of the adoption of the Harbour Breton Municipal Plan by advertisement inserted on the 23<sup>rd</sup> day and the 30<sup>th</sup> day of June, 2016 in the Advertiser newspaper.
- (c) set the 11<sup>th</sup> day of July, 2016 at the Town Hall, Harbour Breton for the holding of a public hearing to consider objections and submissions.


Now under the authority of section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Harbour Breton approves the Harbour Breton Municipal Plan as adopted.

SIGNED AND SEALED this 1<sup>st</sup> day of August, 2016.

Mayor:

  
Roy Drake

Clerk:

  
Bernice Herritt



Municipal Plan/Amendment

**REGISTERED**

Number 2110-2016-001

Date August 19, 2016

Signature Council

# Urban and Rural Planning Act 2000 Resolution to Adopt

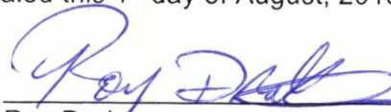
## Town of Harbour Breton Municipal Plan 2016 - 2026

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

Adopted by the Town Council of Harbour Breton on the 7<sup>th</sup> day of June, 2016.

Signed and sealed this 1<sup>st</sup> day of August, 2016

Mayor:

  
Roy Drake

Clerk:

  
Bernice Herritt

(Council Seal)

### 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



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## **1.0 INTRODUCTION**

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

The Harbour Breton Municipal Plan is a comprehensive policy document to manage development and growth within the Harbour Breton municipal planning area over the ten-year planning period 2016-26. The Plan repeals and replaces the Harbour Breton Municipal Plan 1987-1997. This document has been prepared in compliance with the *Urban and Rural Planning Act 2000*, (also 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 *Act*, 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, 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 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 Ministerial approval of the Harbour Breton Municipal Plan was published in the Newfoundland and Labrador Gazette, the Plan became binding upon Council and all other persons, corporations and organizations. Council administers the Municipal Plan by carrying out the Plan's policies. This is done 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 Harbour Breton.
- “Development Regulations” mean the Harbour Breton Land Use Zoning and Subdivision Regulations.
- “Municipal Planning Area” means the Harbour Breton Municipal Planning Area.
- “Town” means the Town of Harbour Breton.

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 Harbour Breton 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 Coast of Bays Economic Zone (Zone 13), the Hermitage Bay area, the Bay d'Espoir area, and Newfoundland and Labrador as a whole.

## 2.1 Geographical Setting

Harbour Breton is located on the Connaigre Peninsula on the South Coast of Newfoundland. It is accessed by Route 360, lying approximately 80 kilometres south of Bay d'Espoir and 204 kilometres south of the Trans Canada Highway at Bishop's Falls. It is the largest community in the Cost of Bays region, comprising approximately a quarter of the region's total population.

Exhibit 2.1 – Regional Setting

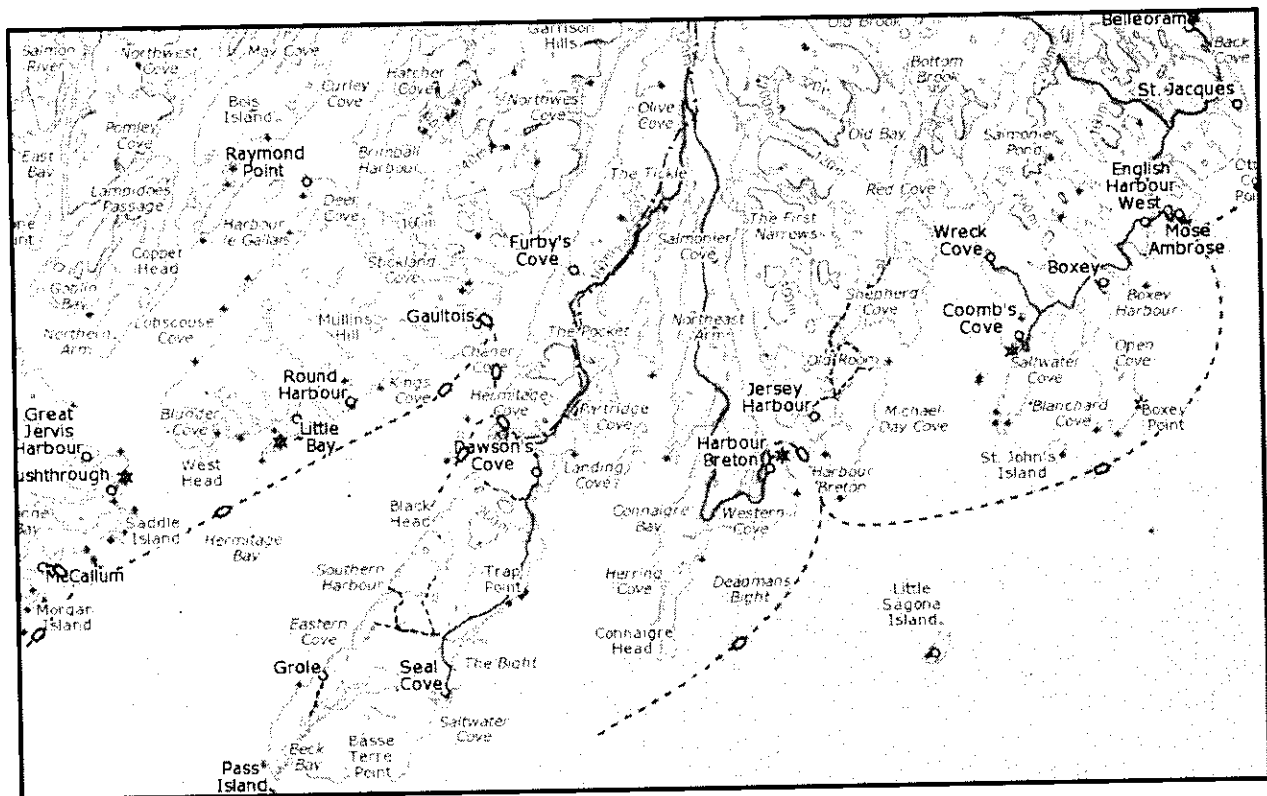


Exhibit 2.2 – Local Setting

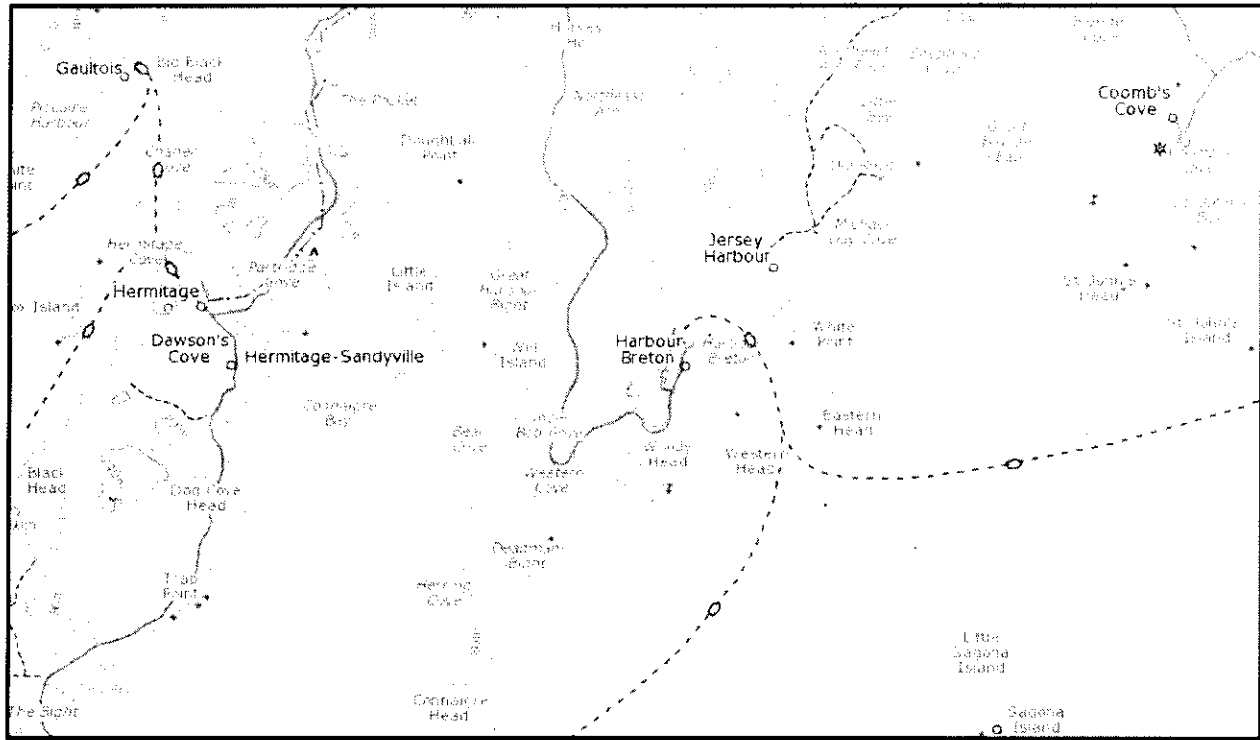
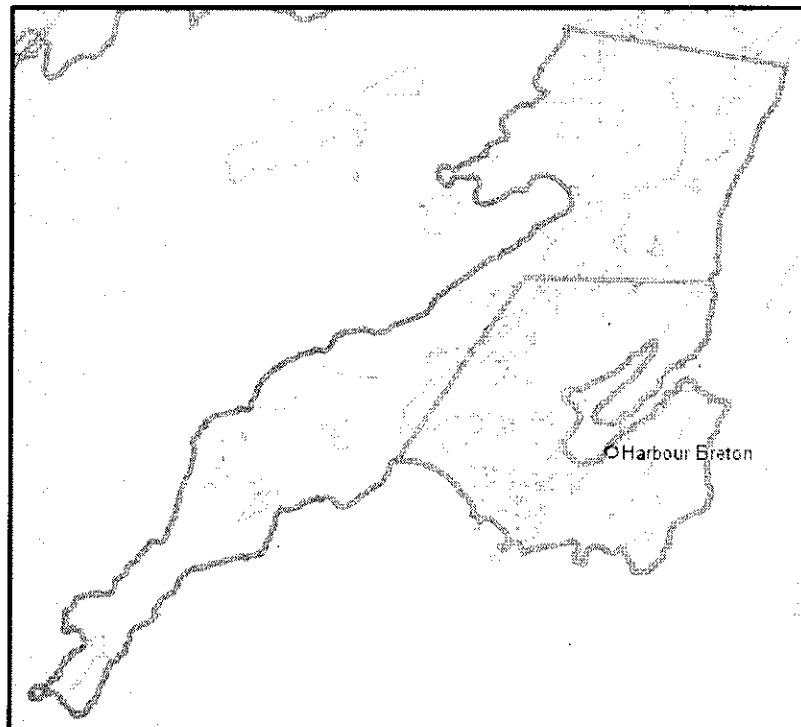


Exhibit 2.3 – Municipal and Planning Area Boundaries



## 2.2 Population

As shown in Exhibit 2.4, Harbour Breton's population declined from 2,080 to 1,711 residents (-17.7%) between 2001 and 2011. This compares to a decline of -14.8 percent in the Coast of Bays region (Zone 13) as a whole, and an increase of 0.3 percent in the province as a whole. Compared to other local areas, this decline was proportionally less the Hermitage Bay area (-30.1%) and more than Bay d'Espoir (-8.5%).

<b>Exhibit 2.4 - Population Characteristics</b>					
<b>(Source: Census Profiles)</b>					
	<b>Harbour Breton</b>	<b>Zone 13</b>	<b>Hermitage Bay</b>	<b>Bay d'Espoir</b>	<b>NL</b>
<b>Census Population</b>					
2011	1,711	7,280	905	3,285	514,536
2006	1,877	7,905	1,085	3,460	505,470
2001	2,080	8,540	1,295	3,590	512,980
1996	2,290	9,650	1,530	3,980	551,792
<b>5-Year Population Change</b>					
2006-11	-8.8%	-7.9%	-16.6%	-5.1%	1.8%
2001-06	-9.8%	-7.4%	-16.2%	-3.6%	-1.5%
1996-01	-9.2%	11.5%	-15.4%	-9.8%	-7.0%
<b>Median Age of Population</b>					
2011	44.4	47.9*	51.8*	46.0*	44.0
2006	40.3	42	45	42	41.7
2001	35.4	38	41	38	38.4
<b>Percent of Population Aged 0-14 Years</b>					
2011	15.8%	17.1%	12.2%	14.8%	14.9%
2006	17.0%	15.9%	12.4%	15.8%	15.5%
2001	19.0%	17.1%	13.9%	16.8%	17.3%
<b>Percent of Population Aged 65 Years and Older</b>					
2011	13.5%	16.2%	24.9%	15.7%	16.0%
2006	10.6%	14.2%	18.9%	14.0%	13.9%
2001	8.4%	12.1%	14.7%	13.0%	12.3%
<b>Percent of Population who are Working Age (18-64)</b>					
2011	67.0%	65.1%	61.9%	66.1%	65.7%
2006	67.5%	65.6%	63.6%	66.0%	66.5%
2001	68.3%	66.0%	67.6%	65.8%	65.8%

Exhibit 2.4 also presents population age indicators. Harbour Breton's population is aging quite rapidly, with the median age climbing from 35.4 in 2001 to 44.4 in 2011. This is also true in the other benchmark areas, which had an average median age increase of 9.4 years over the period. In contrast, the provincial and national median age increased by much smaller margins of 5.6 and

3.0 years respectively. Nevertheless, Harbour Breton’s 2011 median age of 44.4 is on par with the provincial figure of 44.0, and is only 3.8 years older than the national figure of 40.6.

The aging of Harbour Breton’s population reflects the declining proportion of young people along with the growing proportion of seniors. In 2011, 15.8 percent of the town’s population was under 15 years of age compared to 19.0 percent in 2001. A similar trend exists in all of the benchmark areas. Correspondingly, the proportion of seniors (>64 years) increased from 8.4 percent in 2001 to 13.5 percent in 2011.

Despite this aging trend, Harbour Breton has a higher proportion of young people and a lower proportion of seniors than the province as a whole. In 2011 seniors made up 13.5 percent of Harbour Breton’s population, whereas provincially they comprised 16.0 percent. Correspondingly, the town’s youth population (<15 years) comprised 15.8 percent of the total compared to 14.9 percent provincially.

Exhibit 2.5 provides data to show Harbour Breton’s net migration in the indicator years of 2007 and 2011. In 2007 20 more residents left Harbour Breton than moved into the town. In 2011, in contrast in 2011, net migration equaled zero.

<b>Exhibit 2.5 – Net Annual Migration 2007 &amp; 2011</b> (Source: Community Accounts – Tax Filer Indicators)					
	<b>Harbour Breton</b>	<b>Zone 13</b>	<b>Hermitage Bay</b>	<b>Baie d’Espoir</b>	<b>NL</b>
2007	-20 (-1.1%)	-165 (-2.1%)	-55 (-5.1%)	-15 (-0.5%)	1050 (0.2%)
2011	0 (0.0%)	-45 (-0.6%)	-15 (-1.6%)	5 (0.2%)	810 (0.2%)

Exhibit 2.6 below provides a breakdown of Harbour Breton’s 2011 population by 5-year age intervals. It shows that 63.9 percent of residents are in the main working age group of 20-64, the same as proportion the province as a whole and slightly higher than the national proportion of 62.0 percent.

The under-20 age group comprises 22.8 percent of Harbour Breton’s population, slightly higher than the provincial proportion of 22.2 percent and on par with the national proportion of 23.2 percent.

Despite its aging trend, Harbour Breton’s seniors population, at 13.4 percent, is proportionally lower than the province (13.9%) and the country as a whole (14.8%).

Exhibit 2.6 - Population by 5-Year Age Groups 2011							
	Harbour Breton			NL			Canada
	Total	Percent		Total	Percent		Percent
0-4	70	4.1%	22.8%	22,860	4.5%	22.2%	23.2%
5-9	90	5.3%		25,905	5.1%		
10-14	110	6.4%		29,455	5.8%		
15-19	120	7.0%		34,105	6.8%		
20-24	50	2.9%	29.2%	31,190	6.2%	33.2%	32.9%
25-29	50	2.9%		27,425	5.4%		
30-34	90	5.3%		30,940	6.1%		
35-39	135	7.9%		36,540	7.2%		
40-44	175	10.2%		41,665	8.3%		
45-49	150	8.7%	34.7%	42,775	8.4%	30.7%	29.1%
50-54	150	8.7%		42,805	8.5%		
55-59	145	8.5%		39,357	7.8%		
60-64	150	8.7%		30,160	6.0%		
65-69	100	5.8%	13.4%	22,160	4.4%	13.9%	14.8%
70-74	55	3.2%		17,525	3.5%		
75-79	35	2.0%		13,510	2.7%		
80-84	25	1.5%		9,425	1.8%		
85+	15	0.9%		7,655	1.5%		
Total	1,715	100.0%	100.0%	505,475	100.0%	100.0%	100.0%

Exhibit 2.7 provides a population forecast for Harbour Breton derived from Provincial projections for the Coast of Bays Economic Zone. It assumes that population change in Harbour Breton will mirror the projected change for the zone as a whole. If this holds true, the population can be expected to decrease from 1,711 in 2011 to 1,557 by 2026.

Exhibit 2.7 Population Forecast									
Year	Province			Zone 13			Harbour Breton		
	Pop'n	5-Year Change		Pop'n	5-Year Change		Pop'n	5-Year Change	
		Number	Percent		Number	Percent		Number	Percent
2001	Actual 512,980			Actual 8,692			Actual 2,080		
2006	505,470	-7,510	-1.5%	7,962	-730	-8.4%	1,877	-203	-9.8%
2011	514,536	+7,066	+1.8%	7,383	-579	-7.3%	1,711	-20	-8.8%
2016	Projected 518,213	+6,562	+1.3%	Projected 7,080	-303	-4.1%	Projected 1,641	-70	-4.1%
2021	514,138	-4,075	-0.8%	6,964	-116	-1.6%	1,615	-26	-1.6%
2026	513,644	-494	-0.1%	6,723	-241	-3.6%	1,557	-58	-3.6%

Source: Projections for province and Zone 13 are from NL Population Forecast.



This projection does not consider the possibility of a significant economic change affecting Harbour Breton 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 2.8 compares household and housing characteristics in Harbour Breton with the selected benchmarks. Between 2001 and 2011 the number of households in Harbour Breton decreased by 10, or 1.5 percent. Over the ten-year period, the average size of individual households changed from 3.13 persons in 2001 to 2.91 in 2006 and 2.61 person sin 2011.

In 2011 approximately 80.0 percent of households were made up of single-family households, compared to 74.4 percent provincially. Multiple family households comprised 3.1 percent of the total, while non-family households 16.9 percent. Provincially, multiple family households comprised 5.8 percent and non-family households comprised 19.8 percent.

As shown in the data on the number of residents per household, most of the non-family households have only a single resident.

<b>Exhibit 2.8</b>						
<b>Household Characteristics</b>						
	<b>Harbour Breton</b>	<b>Zone 13</b>	<b>Hermitage Bay</b>	<b>Bay d'Espoir</b>	<b>NL</b>	
<b>Number of Households (Census Profiles)</b>						
2011	655	2,885	385	1,305	208,842	
2006	645	2,930	420	1,290	197,185	
2001	665	2,960	465	1,270	189,045	
<b>Change in Number of Households 2001-11</b>						
2006 to 2011	+1.6%	-1.5%	-8.3%	+1.2%	+5.9%	
2001 to 2006	-3.0%	-1.0%	-9.7%	1.6%	+4.3%	
<b>Average Household Size (Census Profiles)</b>						
Persons/Household 2011	2.61	2.60	2.32	2.51	2.43	
Persons/Household 2006	2.91	2.74	2.58	2.68	2.56	
Persons/Household 2001	3.13	2.89	2.79	2.83	2.71	
<b>Family Composition of Households (NHS 2011 - Housing)</b>						
One-Family Households	515	80.0%	78.5%	84.5%	75.9%	74.4%
Multiple-Family Households	20	3.1%	2.1%	0.0%	1.9%	5.8%
Non-Family Households	110	16.9%	19.4%	15.5%	22.2%	19.8%
	645	100.0%	100.0%	100.0%	100.0%	100.0%

<b>Exhibit 2.8 (continued)</b>						
<b>Households by Number of Residents 2011 (Census Profiles)</b>						
1 Resident	100	15.3%	17.8%	14.1%	20.6%	22.2%
2 Residents	270	41.2%	41.3%	55.1%	38.2%	39.4%
3 Residents	130	19.8%	20.0%	15.4%	21.0%	18.9%
4 Residents	115	17.6%	15.4%	11.5%	15.6%	14.3%
5 or more Residents	40	6.1%	5.5%	3.9%	4.6%	5.2%
	655	100.0%	100.0%	100.0%	100.0%	100.0%

Compared to the benchmarks, Harbour Breton has the highest proportion of households with three or more residents at 43.5 percent, compared to 30.8 percent in Hermitage Bay, 41.2 percent in Bay d'Espoir, and 38.4 percent in the province as a whole. This is borne out by the average number of residents per household. Harbour Breton has 2.61 residents per household compared to 2.32 in Hermitage Bay, 2.51 in Bay d'Espoir and 2.43 in the province as a whole.

Exhibit 2.9 compares Harbour Breton's housing stock 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 Harbour Breton comprise 96.3 percent of the total, significantly higher than all of the benchmarks, especially Bay d'Espoir where only 68.2 percent of all dwellings are occupied by permanent residents. Provincially the proportion is 83.4 percent.

Single detached dwellings dominate the housing stock in Harbour Breton at 92.4 percent of the total, with semi-detached houses, row houses, and mobile homes making up the remainder. This is similar to other areas of the region, but is in contrast to the province as a whole, where single dwellings comprise a much lower proportion of the housing stock.

<b>Exhibit 2.9 – Occupied Dwellings, 2011</b>						
	Harbour Breton	Zone 13	Hermitage Bay	Bay D'Espoir	NL	
<b>Number of Dwellings 2011 (Census Profiles, 2011)</b>						
Total dwellings	678	3,720	466	1,937	250,275	
Occupied dwellings	653	2,886	379	1,321	208,842	
Percent occupied	96.3%	77.6%	81.3%	68.2%	83.4%	
<b>Occupied Dwellings by Dwelling Type (Census Profiles, 2011)</b>						
Single detached	605	92.4%	94.6%	98.7%	93.6%	74.4%
Semi-detached	15	2.3%	1.2%	0.0%	0.7%	4.0%
Row houses	15	2.3%	0.7%	0.0%	0.4%	4.8%
Apartments	0	0.0%	1.8%	1.3%	3.0%	16.0%
Movable dwellings	15	2.3%	1.5%	0.0%	2.3%	0.6%
Other	5	0.7%	0.2%	0.0%	0.0%	0.2%
Total	655	100.0%	100.0%	100.0%	100.0%	100.0%

Exhibit 2.10 provides data on the age and condition of housing in Harbour Breton and the benchmarks. As of 2011 two-thirds of the town's houses were more than thirty years old. Of the benchmarks, only the Hermitage Bay area has a higher proportion of older houses. In the province as a whole, housing older than 30 years comprises 56.8 percent of the total.

Despite the older average age of Harbour Breton's housing stock, Exhibit 2.10 shows that only 4.7 percent of houses in Harbour Breton in 2011 needed major repairs. This was the lowest proportion among all the benchmarks, where between 6.2 and 9.0 percent of all housing needed major repairs.

<b>Exhibit 2.10 - Housing Age and Condition</b>						
	<b>Harbour Breton</b>	<b>Zone 13</b>	<b>Hermitage Bay</b>	<b>Bay D'Espoir</b>	<b>NL</b>	
<b>Period of Construction (NHS 2011 – Housing)</b>						
Before 1960	135	20.9%	25.6%	30.8%	19.1%	21.8%
1961-1980	295	45.8%	36.2%	38.5%	35.6%	35.0%
1981-1990	65	10.0%	16.2%	24.3%	18.0%	17.7%
1991-2000	80	12.4%	14.3%	6.4%	19.8%	11.9%
2001-2011	70	10.9%	7.7%	0.0%	7.5%	13.6%
	645	100.0%	100.0%	100.0%	100.0%	100.0%
<b>Condition of Dwellings (NHS 2011 – Housing Conditions)</b>						
Needs regular maintenance	610	95.3%	92.5%	93.8%	91.0%	91.9%
Needs major repairs	30	4.7%	7.5%	6.2%	9.0%	8.1%
	640	100.0%	100.0%	100.0%	100.0%	100.0%

## 2.4 Employment and Income

Exhibit 2.11 provides a breakdown of Harbour Breton's employed labour force compared to Newfoundland and Labrador as a whole. There are similarities in some of the occupational categories but also significant differences in others. The highest employment sector is sales and services, which employs 17.0 percent of the local workforce compared to 22.2 percent provincially. This is followed by natural resources (mainly fishing and aquaculture) at 16.4 percent, education and government services at 15.2 percent, trades transport and equipment operators at 15.2 percent, Other leading local employment categories include education and government services at 15.2 percent, natural resources (mainly fishing and aquaculture) at 15.2 percent, and manufacturing and utilities (mainly fish processing) at 11.7 percent.

The natural resources and manufacturing industries (mainly fishing, aquaculture, and fish processing) are the main employment sectors in Harbour Breton. Together these sectors employ 28.4 percent of the workforce compared to only 9.4 percent at the provincial level.

Occupation	Harbour Breton		NL
Management	60	7.0%	8.2%
Business, finance & administration	55	6.4%	13.2%
Natural & applied sciences	20	2.3%	6.6%
Health	75	8.8%	7.2%
Education, social, community & government services	130	15.2%	13.1%
Arts, culture, recreation & sport	0	0.0%	1.7%
Sales & services	145	17.0%	22.2%
Trades, transport, & equipment operators	130	15.2%	18.3%
Natural resources and agriculture	140	16.4%	4.8%
Manufacturing & utilities	100	11.7%	4.6%
	855	100.0%	100.0%

Exhibit 2.12 provides key indicators on employment and income. Labour force participation among Harbour Breton residents 15 years and older was 61.6 percent in 2011, compared to 50.9 percent in Hermitage Bay, 69.0 percent in Bay d'Espoir, and 59.4 percent provincially. The town's employment rate of 54.6 percent was slightly higher than the provincial rate of 50.7 percent, but significantly higher than the rates in Hermitage Bay and Bay d'Espoir at 37.3 and 47.7 percent respectively.

	Harbour Breton	Hermitage Bay	Bay D'Espoir	NL
Population >15	1,420	805	2,800	431,050
In the labour force	875	410	n/a	255,890
Not in the labour force	540	400	n/a	175,160
Participation rate	61.6%	50.9%	69.0%*	59.4%
Employed	775	300	n/a	218,630
Employment rate	54.6%	37.3%	47.7%*	50.7%
*Estimated due to insufficient data				

Harbour Breton's personal income per capita in 2011 was \$25,400, slightly higher than the other local benchmarks but about 82 percent of the provincial benchmark of \$31,000. The town's median family income of \$61,300 was approximately 50 percent higher than both Hermitage bay and Bay d'Espoir, and 27 percent higher than the provincial benchmark.

	Harbour Breton	Hermitage Bay	Bay d'Espoir	NL
Personal income per capita	\$25,400	\$23,400	\$23,500	\$31,000
Disposable income per capita	\$22,600	\$20,000	\$20,000	\$25,100
Median family income	\$61,300	\$40,900	\$40,700	\$48,300

Exhibit 2.14 provides indicators on government transfers and incidence of income support. At \$7,000 per capita compared to \$5,700 in the province as a whole, it shows that the town is somewhat more dependent on government transfers. This is supported by data that shows that transfer income comprises 26.6 percent of total personal income in Harbour Breton compared to 19.3 percent provincially.

Harbour Breton's incidence of income support in 2013, at 6.3 percent, was higher than the other local benchmarks but lower than the provincial level of 8.4 percent. However, a much higher proportion of Harbour Breton workers collected employment insurance during the year than provincially.

	<b>Harbour Breton</b>	<b>Hermitage Bay</b>	<b>Bay d'Espoir</b>	<b>NL</b>
Transfer income per capita	\$7,000	\$7,900	\$5,700	\$5,800
Transfer income share of total income	26.6%	33.8%	24.4%	19.3%
Incidence of Income Support (2013)	6.3%	3.6%	3.8%	8.4%
Employment Insurance Incidence (2012)	59.1%	54.7%	59.8%	29.9%

As shown in Exhibit 2.15, approximately 80 families in Harbour Breton, or 10.7 percent of total families, had incomes below the provincial low-income threshold in 2011. This proportion compared to 13.7 percent in the Coast of Bays region as a whole and 14.7 percent provincially.

Among lone-parent families, approximately 30, or 37.3 percent, live below the low-income threshold compared to 35.9 percent in the region and 34.2 percent in the province.

Among unattached single people, approximately 30, or 17.7 percent, live below the low-income threshold compared to 23.4 percent in the region and 24.3 percent in the province.

	<b>Harbour Breton</b>	<b>Zone 13</b>	<b>Hermitage Bay</b>	<b>Bay d'Espoir</b>	<b>NL</b>
Low Income Incidence – All Families	10.7%	13.7%	8.2%	16.3%	14.7%
Number Below Threshold	80	450	40	240	34,770
Low Income Incidence – Lone Parent Families	37.3%	35.9%	28.6%	37.1%	34.2%
Number Below Threshold	30	100	10	50	8,750
Low Income Incidence – Non-Family Persons	17.7%	23.4%	20.2%	27.1%	24.3%
Number Below Threshold	30	200	20	110	18,750

## 2.5 Education

Exhibit 2.16 compares the education levels of residents between the ages of 25 to 64 years. It shows that 67.9 percent of Harbour Breton residents in this age group have a high school or

higher education, compared to 64.6 percent in the Coast of Bays region and 79.7 percent in the province as a whole. A trades certificate or equivalent is held by 30.6 percent of Harbour Breton residents, compared to 31.5 percent in the region and 39.1 in the province. A university degree or certificate is held by 14.8 percent of Harbour Breton residents, compared to 9.6 percent in the region and 19.6 percent in the province.

	Harbour Breton		Zone 13	Hermitage Bay	Bay D'Espoir	NL
Population Age 25-64	1,045		4,270	545	1,960	295,235
W/O High School Cert	335	32.1%	35.4%	50.3%	32.4%	20.3%
High School Certificate	235	22.5%	23.5%	21.2%	20.1%	21.0%
Trades or Non-University Cert.	320	30.6%	31.5%	24.5%	37.5%	39.1%
University Degree or Certificate	155	14.8%	9.6%	4.0%	10.0%	19.6%
	1,045	100.0%	100.0%	100.0%	100.0%	100.0%

Exhibit 2.17 shows that school enrolment in Harbour Breton between 2009 and 2015 decreased by 30 students, or 10.7 percent. Over that period enrolment increased by 7.1 percent in the Primary grades, decreased by 21.4 percent in the Elementary grades, decreased by 30.8 percent in Junior High, and decreased by 6.3 percent in Senior High.

	2009/10	2010/11	2011/12	2012/13	2013/14	2015/15
Primary (K-3)	70	75	75	85	80	75
Elementary (4-6)	70	60	50	45	50	55
Junior High (7-9)	65	70	75	70	60	45
Senior High (10-12)	80	75	65	65	70	75
Total	280	280	265	265	260	250

## 2.6 Health

Exhibit 2.18 presents key indicators on the health of residents of Harbour Breton compared with the benchmark communities and regions. The most recent available data is for the 2008-09 period. It includes hospital morbidity (i.e. annual in-patient discharge rates, the median age of discharged patients, and the average patient stay in hospital).

Harbour Breton's hospital morbidity rate of 228 discharges is considerably higher than all selected benchmarks, which ranged from 151 in the Coast of Bays zone to 92 in Bay d'Espoir. At a median age of 58, Harbour Breton in-patients were older than the provincial median age of 53. The average length of stay in hospital for Harbour Breton residents, at 4.0 days, is slightly lower than the region as a whole, but a full half of the average for the province.

	Harbour Breton	Zone 13	Hermitage Bay	Bay D'Espoir	NL
Hospital Morbidity Rate (per 1,000)	228	151	139	92	110
Median age (years)	58	58	65	52	53
Average days in hospital	4.0	5.0	6.0	8.0	8.0

## 2.7 Municipal Services and Finance

This section compares municipal services, infrastructure and finances in Harbour Breton with three other municipalities in the Coast of Bays region – St. Jacques-Coombs Cove, St. Alban's, and Milltown-Head of Bay d'Espoir.

Exhibit 2.19 presents Harbour Breton's municipal assets and liabilities. The Town's total assets, which include all infrastructure, equipment, and financial assets, are valued at almost \$16 million, or \$9,349 on a per capita basis. Total liabilities amount to \$1,205 per capita, leaving an accumulated surplus of \$8,144 per capita. The total and net assets of the three benchmark municipalities are comparatively much lower.

In terms of finances, Harbour Breton's financial assets as of 2010 were valued at \$1,039,190, or \$607 per capita. This compares to a long-term debt of \$1,748,120, or \$1,022 per capita.

As shown in Exhibit 2.19, Harbour Breton's assets and liabilities, both financial and non-financial, are much higher than the selected benchmarks.

	Harbour Breton		St. Jacques-Coomb's Cove	St. Alban's	Milltown-Head B-d-E
	Total	Per Capita	Per Capita	Per Capita	Per Capita
Total Assets	\$15,995,690	\$9,349	\$817	\$3,378	\$1,246
Total Liabilities	\$2,061,470	\$1,205	\$202	\$418	\$654
Accumulated Surplus/Deficit	\$13,934,220	\$8,144	\$615	\$2,960	\$593
Financial Assets	\$1,039,190	\$607	\$339	\$445	\$278
Financial Liabilities	\$2,106,970	\$1,231	\$270	\$432	\$466
Net Assets/(Liabilities)	(\$1,067,780)	(\$624)	\$69	\$13	(\$188)
Long-term Debt	\$1,748,120	\$1,022	\$95	\$374	\$252

Exhibit 2.20 shows Harbour Breton's 2010 expenditures and draws comparisons with the three benchmark communities. The Town had higher operating costs than the other municipalities, spending 20.0 more per capita than Milltown-Head of Bay d'Espoir, 74.8 percent more than St. Alban's, and 3 times more than St. Jacques-Coombs Cove. Its expenditures of \$1,496 per capita compared to an average of \$865 of the other towns.

	Harbour Breton		St. Jacques- Cooomb's Cove	St. Alban's	Milltown-Head Bay d'Espoir
	Total	Per Capita	Per Capita	Per Capita	Per Capita
General Government	\$411,095	\$240	\$303	\$254	\$200
Protective Services	\$44,875	\$26	\$18	\$6	\$91
Transportation Services	\$793,430	\$464	\$141	\$111	\$200
Environmental Services	\$373,605	\$218	\$2	\$124	\$154
Planning and Development	\$382,260	\$223	\$0	\$0	\$48
Recreation and Culture	\$464,470	\$271	\$28	\$19	\$147
Fiscal Services (debt interest)	\$92,825	\$54	\$5	\$343	\$400
Total	\$2,562,560	\$1,496	\$496	\$856	\$1,242

Exhibit 2.21 presents municipal revenues from the five main sources. Property and poll taxes account for 16.3 percent of Harbour Breton's municipal revenue, which is much lower than the benchmark average. Business tax revenues, at 8.5 percent, are also lower than the proportional share of the benchmarks. Government transfers represent a high proportion of the town's revenues – 30.5 percent compared to an average of 16.5 percent for the benchmarks.

	Harbour Breton	St. Jacques- Cooomb's Cove	St. Alban's	Milltown- Head B-d-E
Property & poll taxes	\$403,120	105,515	275,225	182,805
Per capita	\$236	\$174	\$223	\$221
Percent of total	16.3%	34.7%	29.3%	32.3%
Business and utility taxes	\$209,015	\$43,630	\$138,665	\$55,630
Per capita	\$122	\$72	\$112	\$221
Percent of total	8.5%	14.3%	14.8%	9.8%
Water and sewer taxes	\$317,085	\$0	\$220,445	120,005
Per capita	\$185	\$0	\$179	\$145
Percent of total	12.9%	0.0%	23.5%	21.2%
Other own-source revenues	133,550	17,965	104,885	40,725
Per capita	\$78	\$30	\$85	\$49
Percent of Total	5.4%	5.9%	11.2%	7.2%
Government transfers	1,403,400	137,305	199,015	166,530
Per capita	\$820	\$227	\$161	\$201
Percent of Total	56.9%	45.1%	21.2%	29.5%
Total Revenue	\$2,466,170	\$304,415	\$938,235	\$565,695
Per capita	\$1,441	\$503	\$761	\$682
Percent of Total	100.0%	100.0%	100.0%	100.0%

Source: NL Community Accounts, Municipalities, Infrastructure and Production Capital



## 2.8 Agency Comments

### 2.8.1 Water Resources Division, Department of Environment and Conservation

Under the authority of the *Water Resources Act*, the Water Resources Management Division is responsible for the management of the water resources of the province. The WRMD has programs to protect, enhance, conserve, develop, control, and effectively utilize the water resources of the province.

#### General Comments

- Any effluent or runoff leaving the site will be required to conform to the requirements of the *Environmental Control Water and Sewage Regulations*, 2003.
- Application forms for permits and licences, fee schedules, and guidelines are available at <http://www.env.gov.nl.ca/env/waterres/regulations/appforms/index.html>.

#### Work in a Body of Water

- Proponents must apply for and obtain a permit under the *Water Resources Act*, specifically Section 48, for any work in any body of water (including wetlands) prior to the start of construction. Contact: Manager, Water Rights & Investigations Section - (709) 729-4795.

#### Wharf/Boathouse/Slipway/Breakwater

- A permit under the *Water Resources Act*, 2002, specifically Section 48 is no longer required for the applied structures. However, proponents must follow the guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses which are available at:  
[www.env.gov.nl.ca/env/waterres/regulations/appforms/Guidelines\\_for\\_Wharves.pdf](http://www.env.gov.nl.ca/env/waterres/regulations/appforms/Guidelines_for_Wharves.pdf)
- Proponents must apply for and obtain a permit under of the *Water Resources Act*, specifically Section 48 for any infilling or dredging work associated with these structures or other works in any body of water prior to the start of construction. Contact: Manager, Water Rights & Investigations Section - (709) 729-4795.

#### Public Drinking Water or Wastewater System

- Proponents must apply for and obtain a permit under the *Water Resources Act*, specifically Section 36 and/or 37 for the construction of any public drinking water or wastewater system infrastructure prior to the start of construction. Contact: Manager, Drinking Water & Wastewater Section - (709) 729-4048

#### Development in Protected Public Water Supply Area

- Proponents must apply for and obtain a permit under the *Water Resources Act*, specifically Section 39 for proposed developments within the Connaigra Pond, Hutchings Pond Protected Public Water Supply Area. Also, any work within this designated

Protected Public Water Supply Area must comply with this Department's Policy for Land and Water Related Developments in Protected Public Water Supply Areas.  
Contact: Environmental Scientist, Drinking Water Section – (709) 729-1157

### **Constructing a Non-Domestic Well**

- In the event any development that is not a single family home is considered and to be serviced by a groundwater well, the proponent must apply for and obtain a Permit for Constructing a Non-Domestic Well under the *Water Resources Act*, specifically Section 58 for new drilled well(s) along with following necessary groundwater monitoring requirements prior to the start of construction. Contact: Manager, Groundwater Section - (709) 729-2539

### **Unserviced Subdivisions**

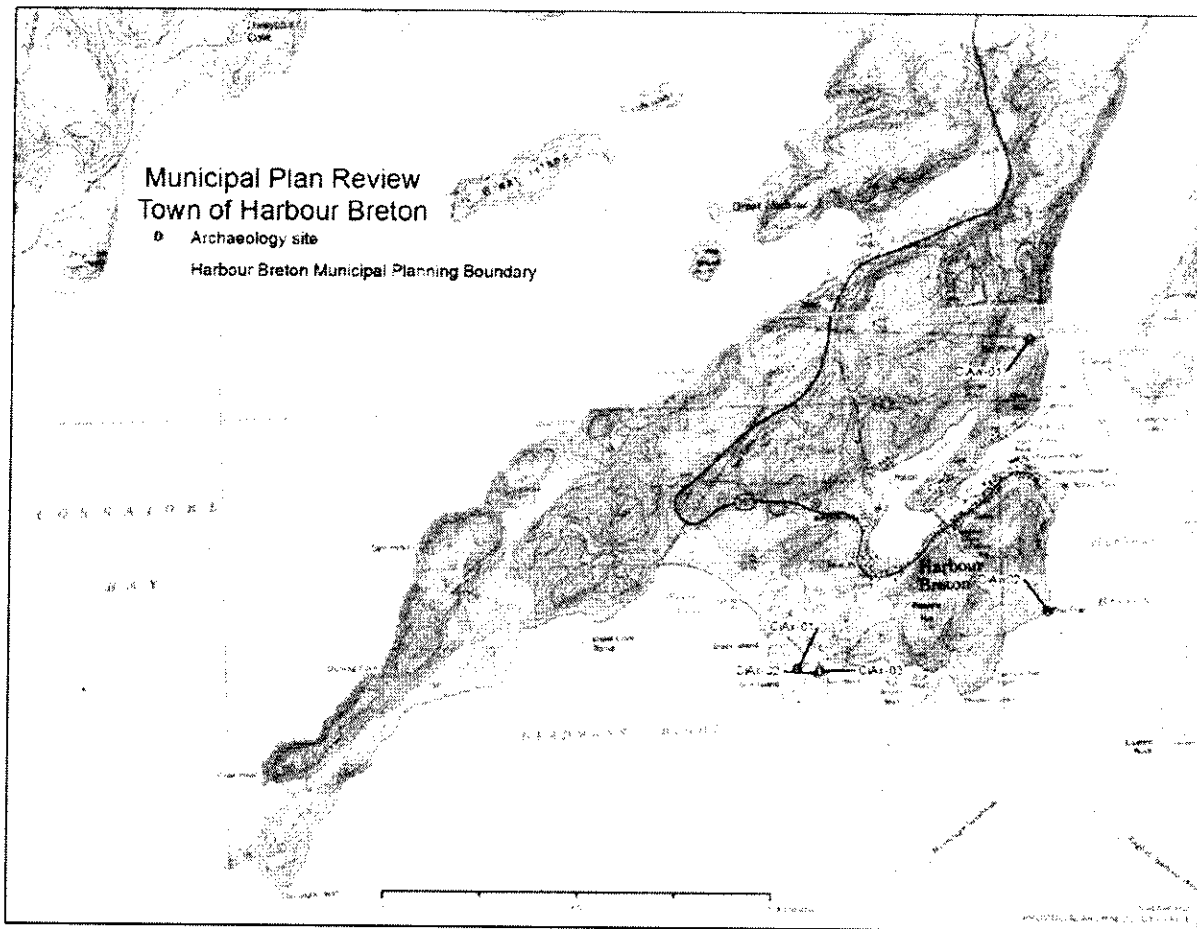
- In the event residential development were to occur within this Planning Boundary of greater than four (4) lots, the proponent will be required to complete a Level I Groundwater Assessment as per the Department of Environment and Conservation's Guidelines: Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells.

These guidelines require a Level II Groundwater Assessment in the event of known water quality issues. A completed report must be submitted, reviewed and approved by this Department prior to any permitting by Service NL for waste disposal or septic systems within the proposed subdivision.

- A proposed subdivision greater than 4 lots requires a Level I Groundwater Assessment. For proposed subdivisions between 5 to 14 lots, if a Level I Groundwater Assessment's findings recommend a Level II Groundwater Assessment this Department may request a Level II Groundwater Assessment be undertaken. A proposed subdivision of greater than 14 lots requires both a Level I and a Level II Groundwater Assessment.  
A Level I Groundwater Assessment generally will consist of a description of the hydrogeology, site characterization, and description of sustainable groundwater quality and quantity for the area. A Level II Groundwater Assessment will require the information in a Level I Groundwater Assessment and additional information as outlined in the Guidelines. Additional data includes information obtained from test well installation(s) and water quality testing. Contact: Manager, Groundwater Section - (709) 729-2539.

### **2.8.2 Provincial Archaeology Office**

The Provincial Archaeology Office (PAO) has reviewed the above referral. Within the boundaries of the municipal planning area for the Town of Harbour Breton there are five known archaeological sites which are protected 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 Harbour Breton 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.



### 2.8.3 Department of Fisheries and Aquaculture

The Department of Fisheries and Aquaculture have the following comment from the Aquaculture Branch:

- Harbour Breton fish processing facility  
The town should consult with DFA and other stakeholders to ensure any developments do not obstruct access to the facility, for the necessary size of trucks and/or vessels.
- DFA Inflow wharf  
DFA will need to be consulted on any developments in the area. DFA will have concerns with “dirty/outflow” activities proposed in proximity to its aquaculture inflow wharf.
- Industrial park  
DFA should continue to be consulted on industrial park development in the area, and should be considered for a seat on a steering committee if businesses related to aquaculture are anticipated.

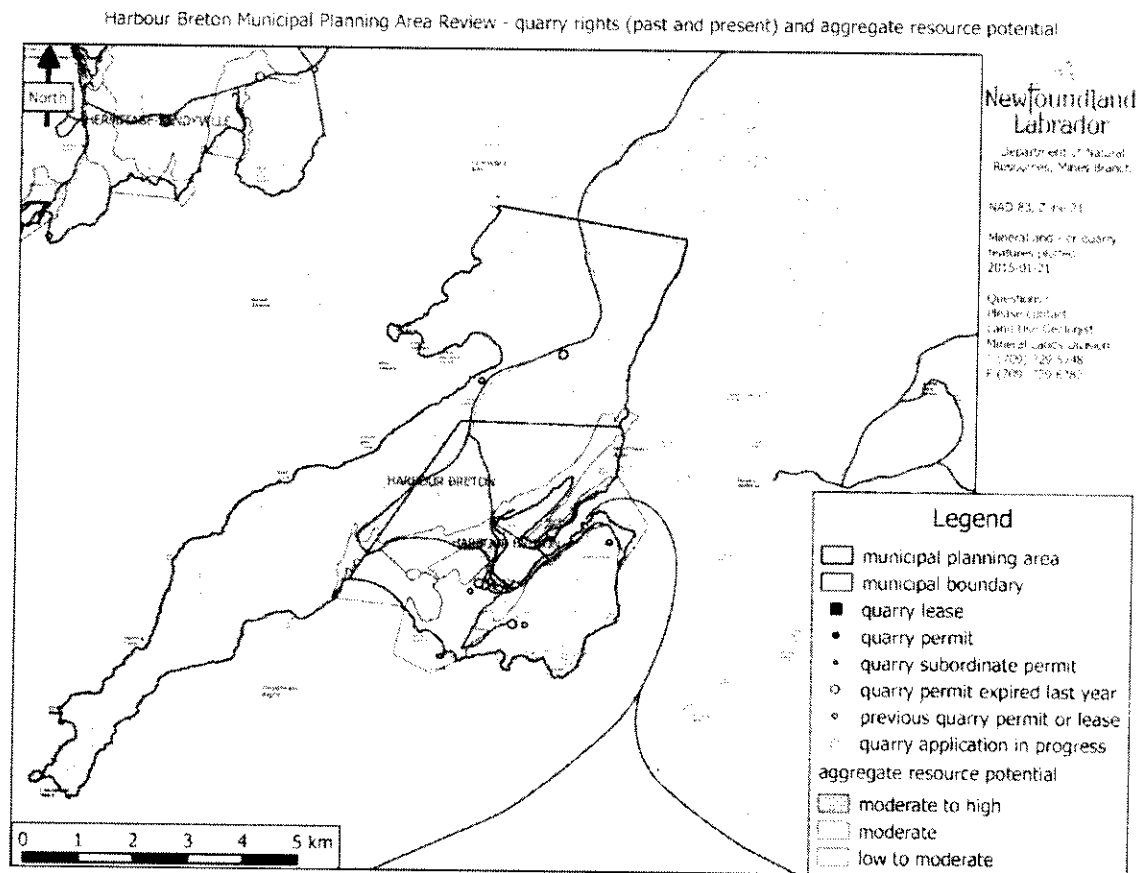
- Water construction  
Shore and sea-based construction will need to consider potential impacts to aquaculture sites in Harbour Breton Bay.
- Rezoning/repurposing  
DFA will need to be consulted on any rezoning or repurposing of wharves or municipal areas that would impact aquaculture activities in the region.

#### 2.8.4 Mines and Energy Division, Department of Natural Resources

- Quarry rights and aggregate resources  
The Harbour Breton municipal planning area contains several active or periodically active established quarry sites, all of which are located in close proximity to the town. In addition, a quarry permit was issued in 2014 to establish a new site located east of Great Harbour Bight and south of Route 360 and an inactive quarry site is located south of Great Harbour Bight and north of Route 360. The municipal planning area contains a large zone of recognized aggregate resource potential which spans the low areas in and around the town. See the enclosed map "quarry rights and aggregate potential" showing the current status of quarry rights and the recognized potential for aggregate resources within and near the municipal planning area. The Town of Harbour Breton should use this information to help ensure that sufficient areas within its proposed municipal planning area are designated as Mineral Workings zones so as to meet current and future demand for construction aggregate.

Background: "Aggregate resource" refers to a deposit of sand and gravel of sufficient quality and volume to be quarried. Aggregate deposits provide the sand and gravel for concrete, winter sand, etc., and are thus a vital resource. Areas of recognized "aggregate resource potential" are known to contain or mostly likely contain aggregate deposits suitable for quarrying. In addition to high-quality aggregate, quarrying is also carried out to obtain fill or low-quality aggregate, usually crushed rock or glacial till, which is also a vital resource though much more abundant. The cost of construction aggregate – whether high-quality sand or gravel or low-quality fill – increases significantly with transportation distance, and so it is important for each municipality to establish 'Mineral Workings' zones within their municipal planning area within which quarrying is the intended use. Mineral Workings zones should – at minimum – include areas of active or periodic quarrying and provide sufficient room for expansion of these operations. Areas of recognized aggregate potential not being quarried should also be included in Mineral Workings zones so that these deposits will be available to meet future local or regional demand for high-quality construction aggregate. If these areas are not designated 'Mineral Workings' then other land uses might get approved in the meantime (e.g. permanent structures) which would preclude future use of these valuable deposits. Quarry permits allow the permit holder to dig for, excavate, and remove quarry materials from a site, and are issued for a period no longer than one year. With the approval of the quarry permit holder, a subordinate quarry permit may be issued to a third party to operate within an area covered by a quarry permit. Quarry leases are issued instead of quarry permits where a long term need has been demonstrated, and are issued for a period no longer than 20

years. Quarry permits, etc., are issued under the *Quarry Materials Act*, 1998, administered by the Mineral Lands Division, Department of Natural Resources.

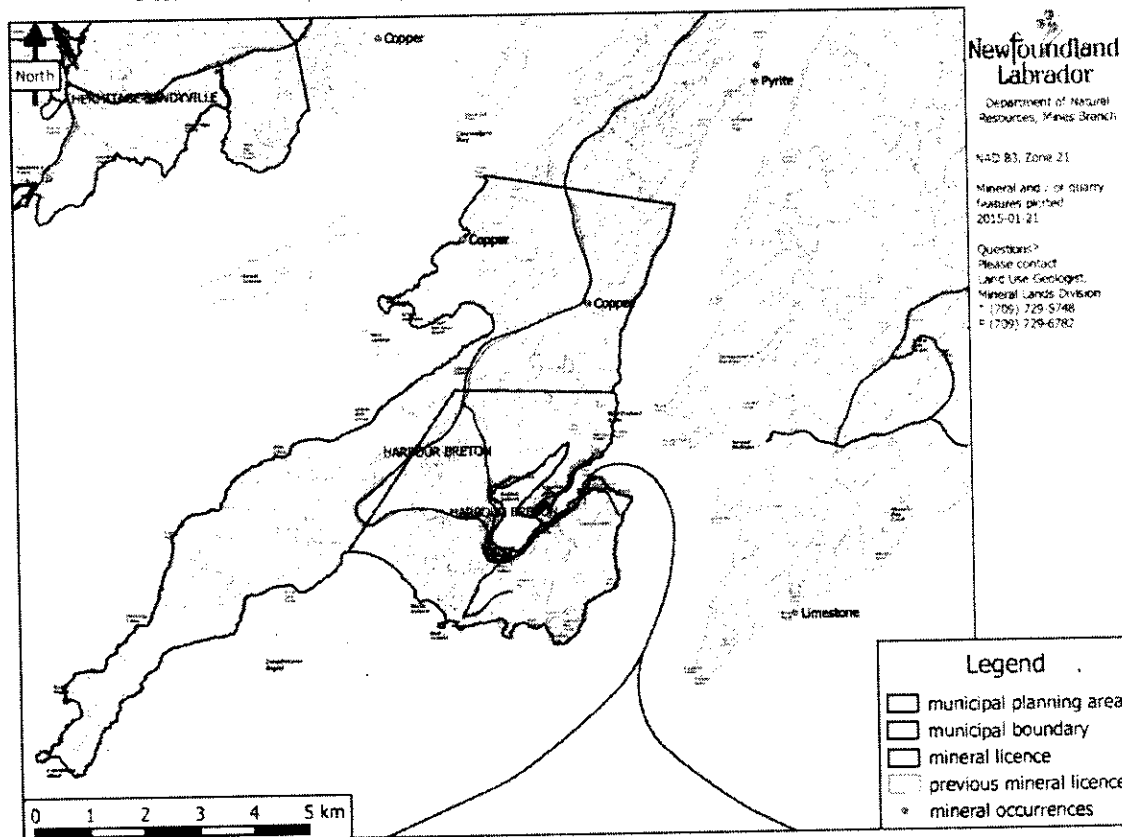


- Mineral rights and mineral occurrences

The Harbour Breton municipal planning area is not overlapped by current or past mineral licences. To date, two significant mineral occurrences have been identified within the municipal planning area: the Great Harbour Bight East copper occurrence and the Great Harbour Bight North copper occurrence. See the enclosed map "mineral rights and mineral occurrences" showing the current status of mineral rights and mineral occurrences within and near the municipal planning area. Significant mineral occurrences are locations where mineral exploration is likely to take place in the future.

Background: Mineral exploration includes prospecting as well as more advanced techniques such as borehole drilling and trenching, and requires an 'exploration approval'. Mineral exploration generally has a negligible to low environmental impact. Mineral licences grant to the holder the exclusive right to explore for minerals. Mineral licences and exploration approvals are issued under the *Mineral Act* administered by the Mineral Lands Division, Department of Natural Resources. 'Mineral occurrences' as identified on the accompanying map are those significant mineral occurrences which are described in publicly available documents and compiled by the Department of Natural Resources.

Harbour Breton Municipal Planning Area Review - mineral rights (past and present) and mineral occurrences



- **Geological hazards**

**General:** Newfoundland and Labrador has a long history of geological disasters with over 290 incidences of geologically related impacts having been recorded from 150 communities in the province over a 223-year period. There are likely numerous unrecorded events that have occurred in areas currently within municipal boundaries at a time when there was no impact on infrastructure. With community expansion and the pressure for development, these areas may be considered for residential or commercial uses. To assist the Municipal planning process in identifying areas of geological hazard, the Geological Survey has begun a project to identify areas at risk of geologically related events (landslide, rockfall, avalanche, coastal erosion, flooding) within municipalities in the Province. The Town of Harbour Main has no recorded geological disasters (<http://www.nr.gov.nl.ca/mines&en/geosurvey/disasters/>).

The Town of Harbour Breton has a history of geological disasters, particularly landslides and rockfalls. The Geological Survey database of geological disasters (<http://www.nr.gov.nl.ca/mines&en/geosurvey/disasters/>) records a tragic landslide in August 1973, which resulted in the deaths of 4 children, and several other landslides in the same area both previously and subsequently. No further comment is needed on this event as it is ingrained within the memory of the community. A 'hazard zone' was

designated in the vicinity of the landslide and remains in effect; obviously this designation should be maintained. There have also been rockfalls reported in the town (on opposite side from landslide), in 2011 and 2012 (and earlier), which were the subject of site visits by MA. Any future development needs to consider these events. A storm in November 1952 was reported to have swept over bridges and wharves in the community. The sections below on flooding, landslide and rockfalls, coastal erosion and climate change should be considered in planning decisions:

**Flooding:** Flooding affects both inland and coastal areas. River flood plains are those areas adjacent to modern rivers that overflow their banks during storm events or as a result of ice jams. Low-lying coastal areas, including areas within the municipality of Harbour Breton, may be inundated by the sea during storm surge events, especially if coastal protection (including beaches) is breached. Areas at river mouths are particularly vulnerable during river flooding during periods of unusually high tide or storm events. Flood risk maps for many areas of the Province have been released by Environment Canada and the Newfoundland Department of Environment and Conservation. These maps indicate historical events and show areas of potential threat from 1:100 year flood events. The responsibility for flooding related issues lies with the Water Resources Division, Department of Environment and Conservation, and they should be consulted on this subject. Historical flood events have been compiled in the Geological Survey's database of geological disasters <http://www.nr.gov.nl.ca/mines&en/geosurvey/disasters/>).

**Landslide and rockfall:** Rockfall and landslide are common in Newfoundland. They are commonly triggered by heavy rainfall on steep slopes. Any development at the base of a steep slope should consider rockfall potential.

These are slope processes that involve the downslope movement of material (unconsolidated sediment, bedrock and snow) in response to gravity. Slope angle and sediment characteristics are important factors that influence slope stability. Rockfalls are the downslope movement of boulders, either by free fall, rolling or sliding. These boulders may be dislodged by freeze-thaw activity, erosion beneath the boulder, bedding plane failure or human activity. Rockfall may also impact a slope below and trigger a landslide. Rockfalls tend to occur repeatedly, forming a talus cone of boulders at the foot of a steep slope. For single-block rock falls, the concept of a 'shadow angle' is well established. The shadow angle is defined by the angle below horizontal formed by the line lying between the apex of the slope subject to rock fall and the extreme position of rock fall debris (boulders). Numerous studies have shown this to be between 22° and 30°. Landslides involve the downslope movement of unconsolidated material under the influence of gravity, and are capable of producing widespread damage. In Newfoundland and Labrador landslides are commonly triggered by heavy rain or snowmelt, which introduce large quantities of water to the slope. Sediment becomes saturated beyond its shear strength, at which point, movement occurs. This movement may be rapid (e.g., debris flows) or slow (e.g., creep). Historical landslide events have been compiled in the Geological Survey's database of geological disasters (<http://www.nr.gov.nl.ca/mines&en/geosurvey/disasters/>).

**Avalanches:** Avalanches are another rapid form of slope movement. They generally consist of a combination of snow and ice, but may include sediment, rock, and vegetation. To occur, they require heavy snowfall (either introduced by precipitation or wind), and a steep (30°- 50°) slope. The trigger for avalanche is commonly heavy snowfall over a smooth surface, produced from either a rapid fall in temperature in the days preceding the snowfall or from a period of freezing rain or burial of a weak layer in the snow. Alternatively, high winds blowing over a slope may create a cornice, which may break off, falling to the slope below and triggering an avalanche. Historical avalanche events have been compiled in the Geological Survey's database of geological disasters (<http://www.nr.gov.nl.ca/mines&en/geosurvey/disasters/>).

**Coastal erosion:** Large parts of the coastline of Newfoundland and Labrador are composed of cliffs of unconsolidated (non-rock) material. These areas are stable if covered by vegetation, but may erode quickly where exposed to waves. Rates of coastal recession up to 1m per year have been recorded in the province. Bedrock cliffs also erode, albeit at a slower rate.

Although there are Provincial regulations regarding development in relation to the high water mark, in areas of unconsolidated material forming coastal cliffs or unconsolidated sediment on bedrock however, setback from the cliff edge is, in our opinion, a more appropriate measure. Based on an average recession rate of 15 cm per year and a 100-year life span for a structure, **we recommend a set back of at least 30 metres (twice the average erosion rate times 100 years) from the cliff top to any planned residential or commercial development.** A longer limit could be considered in those areas where more active recession is noted.

The Geological Survey has recently initiated a coastal monitoring program that will provide data on rates of coastal erosion for the Province.

**Climate Change:** Wave magnitude and the frequency of extreme wave events (including storm surge) may be expected to increase if predictions of global climate change and associated global sea level rise occur. In Newfoundland and Labrador, the crust continues to move, albeit slowly, in response to the last glacial period. Most of the Island of Newfoundland is currently experiencing rising sea level, which will exacerbate the sea level rise as a result of climate change. Over the next century sea level is be expected to rise by over 1 metre in eastern Newfoundland, 80-90cm in western and southern Newfoundland, and less than 70 cm in Labrador; sea-level rise will continue beyond 2099 ([http://www.nr.gov.nl.ca/nr/mines/geoscience/publications/currentresearch/2010/batterso\\_n\\_liverman.pdf](http://www.nr.gov.nl.ca/nr/mines/geoscience/publications/currentresearch/2010/batterso_n_liverman.pdf)).

Rising sea level will increasingly threaten our coastline and thus planning should restrict development in low-lying areas or those adjacent to cliff edges that may experience enhanced erosion. The increased risk of coastal erosion may be accentuated by increasing pressures on the coast for residential development. **Based on the potential future impact of sea level rise and storm surge, areas below the present 2-metre contour are considered to be highly vulnerable to coastal flooding.** Development within this



area should be restricted to ensure that appropriate mitigation measures are employed. These could include coastal protection measures or enhanced engineering standards, although communities may choose to remove these areas from development. Areas above the present 2 m contour may also be at risk from coastal flooding.

The Government of Newfoundland and Labrador (Office of Climate Change and Energy Efficiency) commissioned a study of the projected impacts of climate change in the province for the period 2038-2070. The 2013 report, prepared by Dr. Joel Finnis of Memorial University, incorporated data from 7 regional climate model (RCM) simulations provided by the North American Regional Climate Change Assessment Project (NARCCAP). Model projections were compared against observations collected by Environment Canada (EC) climate stations in the province. With regards to predicted changes in temperature and precipitation the report highlights that the climate will become warmer (especially winter temperatures) and wetter (both intensity and duration) and that an increase in rain-on-snow events is likely. The latter could lead to an increased potential for flooding and landslides/ avalanches. Details of the climate change projections report can be found at:

([www.turnbackthetide.ca/whatsnew/2013/nl\\_climate\\_change\\_projections\\_summary.Pdf](http://www.turnbackthetide.ca/whatsnew/2013/nl_climate_change_projections_summary.Pdf))

The Geological Survey is introducing a hazard mapping program for the province. Initial work will focus on the north-east Avalon Peninsula

(e.g. [www.nr.gov.nl.ca/nr/mines/geoscience/publications/openfiles/OF\\_001N-0884.pdf](http://www.nr.gov.nl.ca/nr/mines/geoscience/publications/openfiles/OF_001N-0884.pdf)).

Maps will be released as they are completed, and mapping will extend to other areas of the province in due course.

As always the Geological Survey is available for discussions on all geologically-related hazard issues, including the potential impacts of, and adaptations to, climate change.

#### **2.8.5 Department of Municipal and Intergovernmental Affairs**

- Much of the land within the area is Crown land and requires an approved Municipal Recommendation form prior to the acceptance of Crown land applications.
- The town should take into account existing private land interests when developing a Municipal Plan.

#### **2.8.6 Office of Climate Change and Energy Efficiency**

- When developing a municipal plan the Town of Harbour Breton should consider the impact of climate change on their Municipal Planning Area. Climate change is expected to result in more precipitation and more frequent extreme weather events that may result in increased flooding, sea surge and coastal erosion. These factors should be considered when reviewing development proposals for developments in close proximity to a river, floodplain or coastline. CCEE suggest that provincial climate change projections, flood risk mapping, and coastal erosion and sea-level rise data be utilized in the development stage.

- More information can be provided by contacting Patricia King (729-1485) or at the following links:

**Climate Change Projections:**

[www.exec.gov.nl.ca/exec/ccee/publications/NL%20Climate%20Change%20Projections%20-%20Full%20Technical%20Report.pdf](http://www.exec.gov.nl.ca/exec/ccee/publications/NL%20Climate%20Change%20Projections%20-%20Full%20Technical%20Report.pdf)

**Flood Risk Mapping:**

[www.env.gov.nl.ca/env/waterres/flooding/frm.html](http://www.env.gov.nl.ca/env/waterres/flooding/frm.html) o Coastal Erosion:  
[www.nr.gov.nl.ca/nr/mines/geoscience/publications/currentresearch/2014/Irvine-2014.pdf](http://www.nr.gov.nl.ca/nr/mines/geoscience/publications/currentresearch/2014/Irvine-2014.pdf)

**Sea-Level Rise:**

[www.nr.gov.nl.ca/mines&en/geosurvey/publications/CR2010/2010\\_Batters on-Liverman.pdf](http://www.nr.gov.nl.ca/mines&en/geosurvey/publications/CR2010/2010_Batters on-Liverman.pdf)

- CCEE would like to draw the Town of Harbour Breton's attention to recent updates (Section 9.36) of the National Building Code, which now includes energy efficiency requirements for new buildings. The Town must comply with these new energy efficiency requirements for new developments in the municipality.

## 2.9 Public Consultations

### 2.9.1 First Open House – March 30, 2015

The initial public consultation for the Plan Review took place on March 30, 2015 at the Connaigra Arena. Organized as an Open House, it was attended by 10 residents, most of whom were Councilors and Town staff.

The main issues raised included the following:

- Wharves are not permitted in the RMD zone. We couldn't get permission from Crown Lands because zoning doesn't allow. Eventually built anyway.
- Old ballfield will be closed because it's too far from town. New recreational area to be developed behind arena. Old ballfield area would be good for residential subdivision. Another person interjected that it is not suitable for development because it used to be the municipal dump.
- A new subdivision is planned with the street connecting to Canada Drive next to the Community Youth Network
- Excavation of gravel pit behind arena will eventually create a development area. Gravel is being extracted to sell to St. Pierre. Danger that it will be exhausted and not able to meet Harbour Breton's needs.
- Like the idea of a coastal zone. Will allow wharves at Council's discretion. Council will be able to prevent obstructions to public access.
- Plan needs more flexibility to allow mixed development in some areas.

**2.9.2 Second Open House – February 23, 2016**

The second public consultation was an Open House on February 23, 2016 at the Harbour Breton Town Hall. Public notice was provided on the Town's Facebook page and on notice boards in the Town Office, Sagona Drugs, J&D Convenience, and Jackman's One-Stop. The Open House was attended by the Mayor, three other Councillors, Town Manager, Works Superintendent, and Economic Development Officer. No members of the public attended.

### 3.0 GOALS AND OBJECTIVES

This section outlines the Town's planning goals and objectives for the 2016-2026 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 Harbour Breton 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.

Preserve and protect environmentally important and sensitive areas including water supply areas, coastal 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.

#### 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 Harbour Breton particularly in regard to the potential for fisheries and aquaculture, marine services, 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 Harbour Breton 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, marine excursions, sport fishing, and visitor facilities.

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

Encourage 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 lakes, streams, estuaries, wetlands, riparian areas, steep slopes, and scenic vistas.

Protect the Harbour Breton 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.

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

Goal: Provide for the welfare of all Harbour Breton 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 Harbour Breton 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.

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

Protect residential quality of life and property values.

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.

### **3.6 Transportation**

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

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 Harbour Breton 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 coastal and freshwater shorelines.

### **3.8 Culture and Heritage**

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

Objectives: Support efforts to showcase Harbour Breton's history and culture.

Protect and enhance sites and buildings 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 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.



## **4.0 COMMUNITY WIDE POLICIES**

### **4.1 Policy Framework**

This section provides the policy framework for the planning of Harbour Breton 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 attractive 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 the Town's growth and expansion. Highest priority is placed on the infilling of vacant land along serviced streets. 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, coastal shorelines, open space, 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 fresh and saltwater shorelines, wetlands, steep slopes, 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 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.
- (4) 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, 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 shall be allowed to continue irrespective of it's 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, 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, 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 and Access**

The provision of municipal services and access 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 Decision**

Council will review each development application 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 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, new public streets are generally permitted in all areas except within the Environmental Protection, Protected Watershed, and Coastal designations.

**7. Public Access to Watercourses and Coastal Shorelines**

Council will ensure that sufficient and appropriate public access is maintained to ponds, watercourses, and saltwater shorelines 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 open space or public use, and protection of heritage sites and scenic landscapes.
- (4) A comprehensive development must be compatible with adjacent land uses.

**9. Adaptive Re-use of Existing Buildings and Properties**

Council will encourage the adaptive reuse of existing buildings and properties for land uses that are permitted within the designation and would be compatible with nearby existing land uses.

**10. Heritage and Archaeological Resources**

- (1) Council will encourage the preservation of individual sites and buildings that have archaeological or heritage significance.
- (2) In reviewing development proposals, Council will give priority to ensuring that new buildings and site developments will be of a scale, mass, and architectural style that is compatible with, and will not detract from, nearby heritage sites and buildings.

- (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*. 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**

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.

**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, or construction of access roads) may be permitted anywhere in the Planning Area, provided that the Town is given previous notice.
- (2) In accordance with Sections 12 and 13 of the *Mineral Act*, no exploration of any type will be permitted on privately owned land without the consent of the landowner.

- (3) Mineral exploration that is classed as a development may be permitted in certain designations, provided that adequate provision is made for environmental protection, site reinstatement, landscaping, buffering, or mitigations of impacts on residential, commercial, industrial, institutional and recreational areas.
- (4) Mineral exploration will be permitted only if all necessary Provincial approvals have been obtained.

**13. Mineral Working**

- (1) Mineral working operations, where permitted, will be subject to terms and conditions to minimize impacts on environmentally sensitive areas and nearby existing development.
- (2) Mineral working operations will take measures to minimize negative impacts on water resources and other sensitive environmental resources.

**14. Forest Resources and Trees**

- (1) Forests will be preserved and protected for the production of timber-based products as well as the realization of important non-timber values such as fish and wildlife habitat, water quantity and quality, biodiversity, scenery, recreation and tourism.
- (2) Harvesting of forests and trees will respect the Town's objectives for environmental protection, preservation of scenery, outdoor recreation, stormwater control, and drinking water protection.
- (3) In order to preserve a site's natural characteristics and attractiveness for development, Council may restrict, or set conditions on, tree removal in areas planned for future residential development.



**15. 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 all land use designations subject to conditions set by Council. Council may restrict, or place conditions on, the development of certain utilities within 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 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.

**16. 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 stormwater impacts, soil erosion, and watercourse sedimentation. Land use decisions will duly consider environmental sustainability and biodiversity objectives.

#### **1. General Environment**

##### **(1) Protection of Sensitive Areas**

Environmentally sensitive lands, including the water supply area, watercourses, riparian areas, wetlands, coastal areas, steep slopes, 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.

#### **2. 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.

#### **3. 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, at its discretion, 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.

**4. 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.

**5. Coastal Land**

Development in the vicinity of coastal shorelines shall be carried out in a manner that minimizes potential environmental impacts, protects natural features, and preserves existing public accesses to and along the shoreline.

**6. Steep and Unstable Slopes**

Steep and unstable slopes may be subject to development restrictions or other conservation measures designed to minimize environmental impacts and hazards to humans and properties resulting from development.

**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 environmental impacts, for example, excessive run-off onto adjacent properties, flooding, soil erosion, scouring or siltation of streams, or 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 Watershed**

Harbour Breton's drinking water is supplied from the Connaigra Pond and Hutchings Pond located north of the community. It is located within the designated Connaigra Pond-Hutchings Pond Protected Public Water Supply Area (Regulation 553/96) under the Water Resources Act.

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

Land is designated Protected Watershed to protect the quality of water from Harbour Breton's water supply area.

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

- (1) Permitted uses in Protected Watershed areas include conservation uses.
- (2) Discretionary uses may include open space uses, which will be subject to high standards and conditions to ensure they will have no effect on the water supply.
- (3) No form of built-up development or resource extraction will be permitted in the Protected Watershed area.

#### **3. Department of Environment and Conservation**

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

#### **4. Watershed Monitoring and Enforcement**

- (1) Council will closely monitor land uses and activities in the Protected Watershed 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, lakes, rivers, streams, estuaries, riparian areas, coastal shorelines, wetlands, and steep slopes.

### **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 and boardwalks. Before approving such developments, it must be clearly demonstrated to Council that potential adverse effects on the site, adjacent water bodies, and aquatic and waterfowl habitat 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 feasible 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) Excavation and filling-in of land and water will not be permitted unless it is to redirect stormwater or is a public work that has been approved by the Water Resources Division of the Department of Environment and Conservation.

### **5.3 Hazardous Areas**

Harbour Breton has a number of geologically unstable steep slope areas that are susceptible to landslides and hazardous to human safety and property.

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

- (1) In the Hazardous Area designation, no development other than the maintenance of existing roads and municipal infrastructure will be permitted.

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

- (1) The only permitted use in the Hazardous Area designation is conservation.
- (2) At its discretion, Council may permit transportation uses such as the expansion or widening of existing streets.

### **5.4 Coastal**

The Harbour Breton Planning Area has approximately fifty kilometres of coastal shoreline. Approximately ten kilometres of this abuts built-up development, including fisheries, marine, commercial and residential properties, as well as some land maintained as open space.

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

- (1) In the Coastal designation, priority is given to protection of sensitive and scenic shoreline areas and to accommodating commercial, community, and marine activities that have a bona fide need for shoreline access.
- (2) As fisheries, aquaculture, and marine services are keystones of Harbour Breton's economy, high priority is given to maintaining the integrity of related coastal infrastructure and ensuring opportunities are kept open for future development and expansion of these industries.



- (3) Conservation buffers and other measures will be used to protect coastal beaches, beach banks, salt marshes, rock platforms, and other sensitive coastal features from the impacts of development.
- (4) Approval of all coastal uses will be contingent on terms and conditions aimed at maintaining reasonable public access to and along the shoreline.

**2. Land Use**

- (1) Conservation uses will be permitted as will open space uses such as walking trails.
- (2) At its discretion, Council may permit commercial fisheries, marine, and marina facilities that are deemed to be coastal-location essential and not contrary to the public interest.

At its discretion, Council may permit personal-use docks, slipways, and stageheads.

- (4) No residential development will be permitted in the Coastal zone.
- (5) Council will consult with the Department of Environment and Conservation, Fisheries and Oceans Canada, and other relevant agencies before approving proposed developments in the Coastal designation.

**3. Development Procedures**

Development in the vicinity of coastal shorelines shall be carried out in a manner that minimizes potential for environmental impacts, and protects natural features.

Approval of all coastal uses will be contingent on terms and conditions aimed at maintaining reasonable public access to and along the shoreline.

**4. Excavation and Filling In of Coastal Land**

The filling-in or excavation of land above or below the water line will not be permitted except where it is related to a public work or marine facility that has been approved by the Department of Environment and Conservation, Fisheries and Oceans Canada, and other applicable agencies.

**5.5 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) Highest priority for residential development will be infill along existing streets and areas that can be economically connected to existing streets and piped services. Backlot residential development may be approved where it is deemed by Council 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 Use**

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

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

Other permitted uses include conservation, open space, and crop agriculture that is accessory to existing residential uses.

- (2) Residential uses that may be permitted in serviced areas at Council's discretion include double dwellings, townhouses, apartment buildings, mini-homes, boarding houses, and residential care facilities.
- (3) At Council's discretion, a home occupation may be permitted within a residential dwelling in accordance with conditions required by Council.
- (4) At Council's discretion, childcare uses, bed and breakfasts, communications, emergency services, energy generation facilities, recreational open space, small-scale livestock agriculture, and transportation uses may be permitted.

**5.6 Mixed Development**

The Mixed Development designation recognizes the existing mix of residential, commercial, and public uses that has evolved over time in particular areas, notably on the south side of Harbour Breton.

**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 Mixed Development areas that have suffered from economic decline by promoting and facilitating adaptive reuse and redevelopment of vacant and underused buildings and properties.

## **2. Land Use**

- (1) The Mixed Development designation will accommodate a compatible mix of community, commercial, and residential uses along South Side Drive.

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

- (2) Single dwellings, double dwellings, subsidiary apartments, 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.

Crop agriculture will be permitted as an accessory use to a main use.

Childcare, cultural and civic uses, educational uses, emergency services, indoor markets, medical services, offices, personal services, and shops will be permitted except where they are deemed by Council to be incompatible with existing residential uses.

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

- (3) Residential uses that may be permitted at Council's discretion include apartment buildings, mini-homes, townhouses, boarding houses, and residential care homes.

- (4) At Council's discretion, a home occupation may be permitted within a residential dwelling in accordance with conditions required by Council.
- (5) Bed and breakfasts, commercial accommodations, and tourist cottage establishments may be permitted at Council's discretion if they are deemed to be suitable for the area and compatible with existing land uses.
- (6) Other uses that may be permitted at Council's discretion include catering, cemeteries, clubs and lodges, cultural and civic uses, commercial outdoor recreation, communication uses, drinking establishments, energy generation facilities, entertainment uses, funeral homes, garden centres, general assembly uses, general services, indoor assembly uses, light industry, mineral working, outdoor assembly uses, outdoor markets, places of worship, recreational open space, service stations, take-out food services, transportation uses, and veterinary services.

**3. Compatibility of Uses**

- (1) In evaluating development proposals in Mixed Development areas, Council will pay particular attention to ensure new development is compatible with existing uses and the general character of the area.
- (2) Before approving a non-residential development, Council must 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.
- (3) 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 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 designation.

**6. Use of Discretionary Authority**

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

**5.7 General Commercial**

**1. General Intent**

The commercial strip along Canada Drive is designated General Commercial to recognize its status as Harbour Breton's main business district and facilitate its improvement and growth. This designation allows for a range of retail, service, assembly, and institutional uses.

**2. Land Use**

- (1) Permitted uses include catering, childcare, communications, cultural and civic, educational services, emergency services, general assembly, general services, indoor assembly, indoor markets, medical services, offices, outdoor markets, personal services, shops, take-out food services, transportation, and veterinary services.

Conservation and open space are complementary uses that will be permitted.

- (2) Apartment buildings and residential care facilities may be permitted at Council's discretion. Subsidiary apartments may be permitted if they are deemed to be necessary for the operation of a main use.

Visitor accommodation facilities that may be permitted at Council's discretion include campgrounds, commercial accommodations, and tourist cottage establishments.

Other uses that may be permitted at Council's discretion include clubs and lodges, commercial outdoor recreation, cultural and civic uses, drinking establishments, energy generation facilities, entertainment uses, funeral homes, garden centres, kennels, light industry, outdoor assembly, recreational open space, service stations, shopping centres, and vehicle sales and 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 commercial and light industrial uses 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.

## **5.8 Light Industrial-Commercial**

### **1. General Intent**

Areas are designated Light Industrial-Commercial on Highway 360 along the approach to Harbour Breton. Its purpose is to facilitate economic development through industrial and complementary commercial growth. The Light Industrial-Commercial designation allows for a range of industrial, service, retail, and accommodation uses.

### **2. Land Use**

- (1) Permitted uses include communications, emergency services, garden centres, general services, indoor markets, light industry, offices, outdoor markets, shops, and veterinary services.

Conservation and open space are complementary uses that will be permitted.

- (2) Subsidiary apartments in commercial buildings may be permitted at Council's discretion.

General and hazardous industrial uses may be permitted at Council's discretion.

Other uses that may be permitted at Council's discretion include campgrounds, catering, clubs and lodges, commercial accommodations, commercial outdoor recreation, crop agriculture, drinking establishments, energy generation facilities, entertainment uses, general assembly, indoor assembly, kennels, mineral exploration, outdoor assembly, personal services, recreational open space, service stations, take-out food services, tourist cottage establishments, transportation uses, and vehicle sales and services.



**3. Compatibility with Neighbouring Areas**

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.

**5.9 Marine Industrial**

**1. General Intent**

A site has been designated at Poole Cove located north of Harbour Breton for the development of a marine industrial park. The intention is to facilitate the development of aquaculture services and complementary activities such as fish processing, fibreglass repair, warehousing, cold storage, and marine services. Proposed facilities include wharves, slipways, fuel storage, equipment and materials storage, etc.

The other site designated Marine Industrial includes the large fishplant property on Southside Road as well as the nearby former Imperial Oil site.

**2. Land Use**

- (1) Permitted uses include docks, emergency services, fisheries facilities, general services, light industries, marine facilities, offices, and slipways.

Conservation and open space are complementary uses that will be permitted.

- (2) Uses that will be permitted at Council's discretion include catering, energy generation facilities, general industries, hazardous industries, service stations, shops, take-out food services, and transportation.

- (3) No development will be approved that is not complementary to and compatible with the primary purpose of the two Marine Industrial sites, which is to facilitate the development of fisheries, aquaculture, and related marine services.
- (4) At Council's discretion, subsidiary apartments may be permitted in commercial buildings for workers who need to be housed on site.

## **5.10 Public Use**

### **1. General Intent**

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

### **2. Land Use**

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

Offices, 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. Cemeteries**

Cemeteries will be protected from incompatible abutting development.

## **5.11 Open Space**

Harbour Breton has a wonderful array of natural assets, terrific scenery, and community green space. These include local parks, coastal 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. Some 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 Use**

- (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 campgrounds, cemeteries, community gardens, energy generation facilities, outdoor markets, recreational open space, take-out food services, tourist cottage establishments, and transportation.

### **3. Cemeteries**

Cemeteries will be protected from incompatible development.

### **4. Take-out Food Services**

Take-out food services will be limited to temporary uses related to special events and other short-term needs.

## **5.12 Recreational Open Space**

The Recreational Open Space designation covers one area located to the rear of the Connaigre Arena on Canada Drive. This site is planned as the future centre for the development of sports and recreation facilities in Harbour Breton.

### **1. General Intent**

Land is designated Recreational Open Space to accommodate development of future sports and recreation facilities. Located in Harbour Breton's main commercial centre, this site will enable the consolidation of community recreational facilities in a more manageable location that is readily accessible from all areas of the town.

### **2. Land Use**

- (1) Within this designation, permitted uses include general assembly, indoor assembly, outdoor assembly, and recreational open space. Open space is a complementary use that is also permitted.
- (2) Commercial outdoor recreation uses may be permitted at Council's discretion.
- (3) At Council's discretion, catering, take-out food services, outdoor markets, and shops, may be permitted as accessory uses to main uses. Council may consider these uses as either temporary uses related to special events or permanent uses.
- (4) Energy generation facilities and transportation uses may be permitted at Council's discretion.

## **5.13 Rural**

### **1. General Intent**

- (1) Areas are designated Rural to recognize their importance for natural resource uses, habitat management, outdoor recreation, open space uses, and certain industrial activities that may not be suitable in or near built-up areas of Harbour Breton.

- (2) Urban encroachment into rural areas will be minimized in order to sustain resource-based activities and reduce the loss, fragmentation, and degradation of natural habitat.

**2. Land Use**

- (1) Permitted uses within this designation will include conservation, crop agriculture, forestry, mineral exploration, and open space.
- (2) Developments that Council may permit at its discretion include cemeteries, campgrounds, commercial outdoor recreation, communications, energy generation facilities, livestock agriculture, mineral working, recreational open space, salvage yards, and transportation.

A recreational dwelling may be permitted at Council's discretion in appropriate locations, subject to conditions.

Light or general industrial uses, outdoor markets, and shops may be permitted at Council's discretion only if they are accessory to an approved main use.

A single dwelling may be permitted at Council's discretion only if it is accessory to and necessary for the operation of a bona-fide commercial agriculture use.

**3. Environmentally Sensitive and Scenic Areas**

Council may restrict or set conditions on land uses and resource extraction activities in locations where it deems that the use may adversely affect steep slopes, geologically unstable areas, wetlands, watercourses and other sensitive areas. In these areas, protection and conservation will take priority over development.

**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 quarries and nearby uses such as residential areas, public highways and streets, watercourses, wetlands, and large recreational developments.
- (2) Proposals for new mineral working operations shall be subject to an assessment of impacts on environmental and scenic resources and existing nearby land uses.
- (3) Council will establish standards in the Development Regulations aimed at reducing potential impacts of mineral working operations on nearby built-up areas and environmentally sensitive areas, and may require measures to:
  - (a) Protect watercourses, wetlands, steep slopes, and other environmentally sensitive areas.
  - (b) Restrict mineral working in public viewsheds and near existing and proposed residential areas, roads, and important recreational areas.
  - (c) Restrict operating schedules.
  - (d) Establish conditions for site management, upkeep, and rehabilitation
  - (e) Progressively rehabilitate pits and quarries at specified points in their development.

**5. Forest Management**

- (1) Forest harvesting and management activities will be subject to the requirements and supervision of the Forestry Branch of the Department of Natural Resources.
- (2) Logging activities shall respect the Town's objectives for environmental protection, municipal watershed protection, scenic preservation, and recreation areas.

## **5.14 Transportation**

The transportation system in Harbour Breton 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**

Route 360 is Harbour Breton's only Arterial Roads. It traverses Harbour Breton's planning area for approximately 10 kilometres from the northern boundary of the planning area to the edge of town.

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

Council will use its discretionary authority if necessary to prevent development of any driveway and other private access along Route 360, where it deems that such access would adversely affect traffic safety and/or efficiency.

### **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**

Canada Drive is the primary collector road in Harbour Breton. Secondary collector roads include South Side Drive, Main Street North, and Bay de L'Eau Drive.

(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 street 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) Except where it is not physically feasible, new streets shall be located such that there will be sufficient land to develop 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 Harbour Breton 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 Harbour Breton 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 Harbour Breton 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 Maps 1 and 2** 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 the **Future Land Use Maps** 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 Harbour Breton 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.

## **2. Development Applications**

- (1) Every person wishing to develop land for any purpose within the Harbour Breton Municipal Planning Area must apply to Council for permission through the established procedure. Council shall require that all development applications conform fully to the Harbour Breton 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 Harbour Breton 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 connect to 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 Harbour Breton 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 *Act*.
- (2) Notwithstanding subsection (1), if a non-conforming use is discontinued for a consecutive period of twelve months, 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 Harbour Breton, 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 2000*, Council has adopted the Harbour Breton 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 Harbour Breton Planning Area.

**1. Council Responsibility**

In accordance with Section 35 of the *Urban and Rural Planning Act 2000*, the Development Regulations have been established to ensure that land is controlled and used only in accordance with the Harbour Breton 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 Harbour Breton 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 Harbour Breton Planning Area in accordance with the Municipal Plan and the Development 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 Harbour Breton 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 circumstances 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 2000*, the amendment procedure will be the same as for the adoption of the Municipal Plan as a whole. This procedure is 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 that 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*.