

Inuit Community of Hopedale Amendment to the 1995 Municipal Plan.

***For Approval
July 2014***

Prepared for:

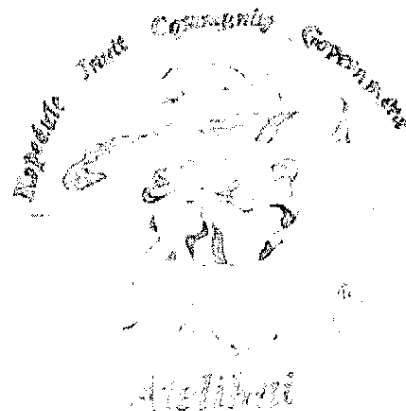
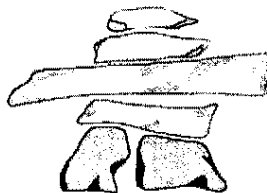
*Nunatsiavut Government
PO Box 70
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A0P 1L0*

*Community of Hopedale
PO Box 189
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Prepared by:

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FOTENN PLANNING &
URBAN DESIGN



**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF HOPEDALE MUNICIPAL PLAN AMENDMENT NO. 3
2014**

Under the authority of Sections 16, 17, and 18 of the Urban and Rural Planning Act, 2000,
The Town Council of Hopedale:

- a) Adopted the Amendment to the 1995 Hopedale Municipal Plan
Amendment No. 3, 20 14 on the 30th day of May, 20 14.
- b) Gave notice of the adoption of the Amendment to the 1995 Municipal Plan
Amendment No. 3, 20 14 by advertisement inserted in the
Labradorian newspaper on the 23rd day of June, 20 14.
- c) Scheduled a public hearing to consider objections and representations
at Hopedale Inuit Community Government Office On the 9th day of July, 2014.
- d) Cancelled the formal public hearing by Council motion as per Section 21 (1) of the Urban
and Rural Planning Act, 2000 as no objections or representations were raised by July 7th,
2014.

Now, under Section 23 of the Urban and Rural Planning Act, 2000, the Town Council of
Hopedale approves, as adopted in May 2014, Municipal Plan Amendment No. 3

SIGNED and SEALED this 9th day of July, 2014.

Mayor:

Wayne
Mr. Wayne Piercy

jm *wp*

Town Clerk:

Jillian Miskuk

(Council Seal)

Municipal Plan/Amendment REGISTERED
Number <u>2340-2014-001</u>
Date <u>November 4, 2014</u>
Signature <u>[Signature]</u>

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF HOPEDALE MUNICIPAL PLAN 1995**

Under the authority of Section 16, 17 and 18 of the *Urban and Rural Planning Act, 2000*, the Inuit Community Council of Hopedale adopts the Amendment to the 1995 Municipal Plan.

Adopted by the Inuit Community Council of Hopedale on 30th day of May, 2014
the

Signed and Sealed on this 15th day of August, 2014

(council seal) *jm*
wf

Mayor: *Wayne Percy*
Mr. Wayne Percy

Clerk: *Jillian Nutsuk*
(name)

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I, Michelle Armstrong MCIP and Sarah Millar MCIP, certify that the attached Municipal Plan Amendment has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Michelle Armstrong
Michelle Armstrong, MCIP

Sarah Millar
Sarah Millar, MCIP

The Hopedale Inuit Community Government

Report to Council for the Hopedale Inuit Community Government March 19, 2014

**Submitted by:
FOTENN Consultants Inc.**

SUBJECT: Municipal Amendment #3 to the 1995 Municipal Plan and Development Regulations - Crown Land portion of the Berry Road Subdivision

RECOMMENDATIONS:

That Council:

- 1. Amend the Community of Hopedale Municipal Plan (1995) to re-designate the land surrounding Berry Road and area from Rural, RUR to Mixed Development, MD.**

BACKGROUND

The 'Hopedale Municipal Plan' was adopted by Council in June 1994 and later approved by the Minister of Municipal and Provincial Affairs in January 1995. This document requests amendment to the Municipal Plan as attached to this report as **Appendix A**.

The Berry Road subdivision on full construction is will provide for thirty-nine residential lots. The subdivision land itself is comprised of both lands owned by the Crown and lands owned by the Labrador Inuit people through the Land Claims Agreement. This Amendment seeks only to address those lands owned by the Crown. The Labrador Inuit Land Claims Agreement between the Province of Newfoundland and Labrador and the Inuit people was ratified in December 2005 establishing the Nunatsiavut region as its own autonomous area. An Amendment to the Labrador Inuit Land Claims Agreement was passed in April 2012 establishing the Inuit Settlement Area for Hopedale, as well as the parcels of Labrador Inuit Land (LIL) within the settlement area. The Berry Road subdivision is comprised of both LIL land and Crown land.

There are fourteen (14) lots currently completed to date, all of which are situated within the Labrador Inuit Lands (LIL). An additional twenty five (25) lots in total are proposed for construction in the summer building season, seventeen (17) of which, are situated within Crown land. As part of an initiated 2005 Amendment to the Municipal Plan and Development Regulations, all of these lands were proposed for re-designation from "Rural (R)" land use to "Future Development (FD)" land use. This was undertaken in an effort to recognize the planned future residential use of the property. However, the required adoption process under the Planning Act was never completed at that time, and the 2005 documents although adopted by the ICG were never brought into full force and affect. As a result, the 1995 land use remains, making the lands zoned "Rural (R) Zone".

LANDS AFFECTED BY THE AMENDMENT

The Berry Road subdivision is located south of the existing community and is known locally as the Berry Road subdivision. The land subject to this Amendment has an area of approximately 4.2 Hectares (10.4 Acres) with 16 proposed residential lots having direct street frontage to Berry Road.

The portion of the subdivision within Labrador Inuit Land is currently occupied by twelve (12) single detached homes and two (2) semi detached units.

Berry Road itself connects to American Road which is the main road connection between the airport and the centre of town. The area surrounding the lot is characterized by open space and typical rocky terrain. An old quarry sits immediate behind the subject land area, although no longer operational as a result of community expansion in this area. There is a new multi-purpose community building currently under construction just south east of the subject land toward the airport.

PURPOSE OF THE AMENDMENT

The purpose of this amendment is to change the land use designation and zoning on the subject lands from "Rural (R)" to "Mixed Development (MD)". The MD land use designation and zone would allow for a mix of residential, commercial and institutional uses in this area for the expansion of the community.

CONFORMITY TO THE HOPEDALE MUNICIPAL PLAN (1995)

The land area is designated "Rural" in the 1995 Municipal Plan. The "Rural" designation outlines those areas within the Municipal Boundary considered to be outside of inhabited areas and of a rural nature. These lands offer a space for recreation and hunting and also protect the drinking water source for the community.

The proposed 'Mixed Development' designation intends to continue the traditional mix of residential, public and commercial uses that have always co-existed in Hopedale. Permitted residential uses include the traditional single detached dwelling, but also higher density housing for families, seniors and special needs groups subject to siting and servicing requirements.

The lands to be re-designated are located outside the watershed for the community water supply, and are setback suitable distances from the industrial area that contains the tank farm, and additionally from the airport. The lands to be re designated are shown in **Figure 1**. The subdivision design maintains appropriate setbacks from the drainage course and that runs through the middle of the subject lands. No development is proposed on the east side of American Road to maintain adequate setback from the coastal shoreline.

Berry Road and the associated infrastructure to service new housing have already been constructed. As such, this Municipal Plan Amendment does not seek to create new roads or infrastructure but looks to establish the land use potential for residential lots on the crown owned land, and facilitate the completion of the subdivision.

The proposed amendment is consistent with the policies and intent of the 1995 Municipal Plan, and carries through on the intended land use designation outlined in the 2005 Municipal Plan, which remains unregistered.

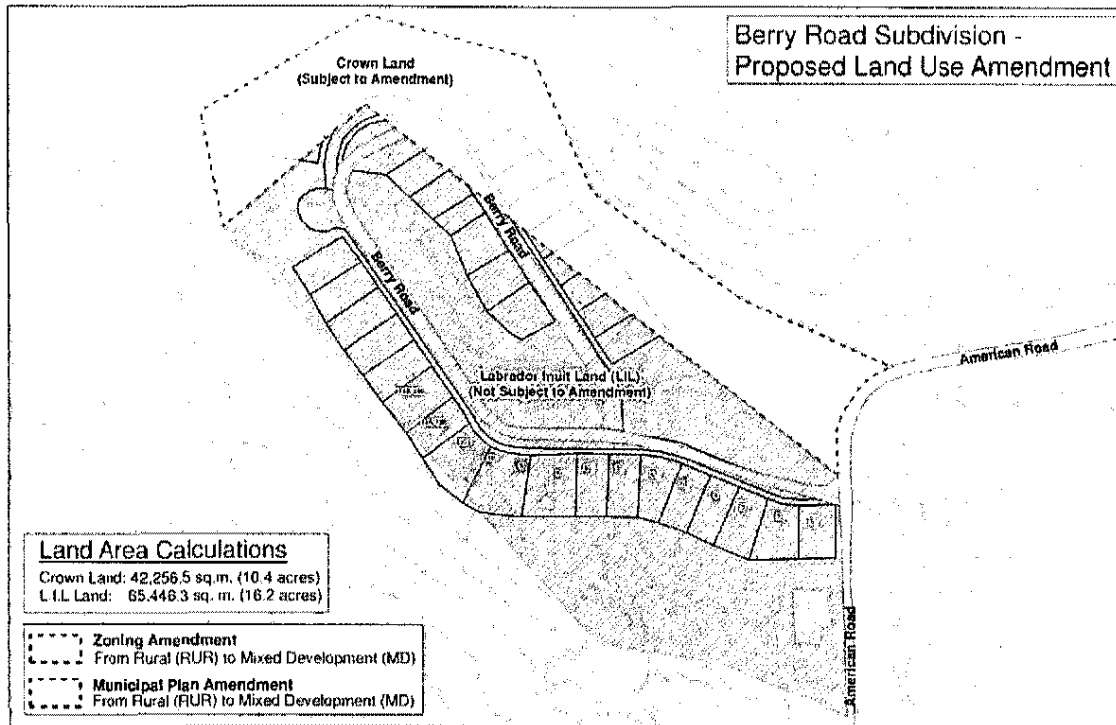


Figure 1 - Proposed Amendment to Map 1, Land Use Zoning Map

COMPLIANCE WITH 1995 DEVELOPMENT REGULATIONS

The proposed amendment supports the creation of seventeen (17) residential lots for development on municipal servicing, which are currently not permitted in the Rural zone. The proposed amendment to a Mixed Development zone would permit development of the land for a mix of uses, and primarily residential.

Compliance of the proposed lot fabric on Crown land against the provisions of the MD zone listed in Schedule C were assessed as best as possible using the satellite imagery and line work available. All lots proposed appear to meet the Minimum Lot Area requirement of 450 m².

Schedule C regulation 8 regarding Protection of Water Sources require that all development applications within 15.0 metres of any watercourse be reviewed and approved by the Environmental Investigations Division of the Dept. of Environment and Lands. A watercourse runs through the middle of the lands and will be subject to this regulation.

Following adoption of this Amendment and survey of the lot fabric proposed, the proposal will be assessed against Part IV of the regulations as well as the provisions listed under Schedule C regulation 11 prior to issuance of a development permit. On preliminary assessment, the subdivision proposed appears to meet the general intent of the regulations in its protection of natural features and watercourses, recognition of surrounding hilly topography, integration of open spaces and retention of existing, albeit limited, tree and plant growth. The Berry Road right of way width is measured at 15.6 metres from lot line to lot line which meets the requirement width for a local residential street with servicing under Part IV.

Berry Road is designed as a P-Loop road with the majority of lots having two accesses onto American Road in either direction. There is a short stretch of Berry Road on which only one access is provided. Given the challenges of construction in the area, and the proximity of the road bed to a major drainage corridor, an additional access point will not be feasible.

A review of the existing building footprints within LIL appears to indicate non compliant front and interior side yard setbacks on a number of lots, but the accuracy of the satellite imagery and its projection against the available lot fabric is not sufficient enough to draw reasonable conclusion on non conformance. In addition, the two (2) existing accessory buildings on LIL also appear to exceed the provisions listed under Schedule C regulation 4.

Given that this is an existing situation and highly unlikely to change, it is appropriate that this Amendment not recognize the existing built condition, and that the constructed buildings maintain their existing legal non-complying status. All future development on the property would be required to maintain compliance with the current Development Regulations.

CONCLUSION

The proposed Amendment to the Municipal Plan and Development Regulations is appropriate in this instance. The Amendment designates new land for community expansion and has been designed in context with the existing Municipal Plan goals and objectives for land use and development, which promote orderly growth and development and compact development of the community *[Objective 1.a]*.

The existing non-conforming status of subdivision work that has taken place in line with the intent of the previous 2005 Municipal Plan which was never registered with the Ministry will be rectified with this Amendment.

PUBLIC CONSULTATION & NOTIFICATION

A public consultation on the proposed Municipal Plan Amendment was provided in the community on March 19 and 20, 2014 and notices of the Amendment will be posted on the municipal bulletin boards and newspaper following adoption of the amendments by Council.

Appendix A:

Proposed Amendment Hopedale Municipal Plan Amendment #3

**MUNICIPAL PLAN AMENDMENT #3
To the 1995 Hopedale Municipal Plan**

Amendment by the Hopedale Inuit Community Government (ICG) to amend the Community of Hopedale Municipal Plan (1995), pursuant to the Urban and Rural Planning Act (2000), P-III, s. 25

WHEREAS the Hopedale ICG adopted on 27 June, 1994 a Municipal Plan (1995) to designate and zone the land as Rural, in accordance with the Planning Act and these document are currently in effect,

WHEREAS the Hopedale ICG approved on 20 July, 2005 a draft Municipal Plan (2005) to amend the designation and zoning of the subject land from Rural (RUR), to Future Development (FD),

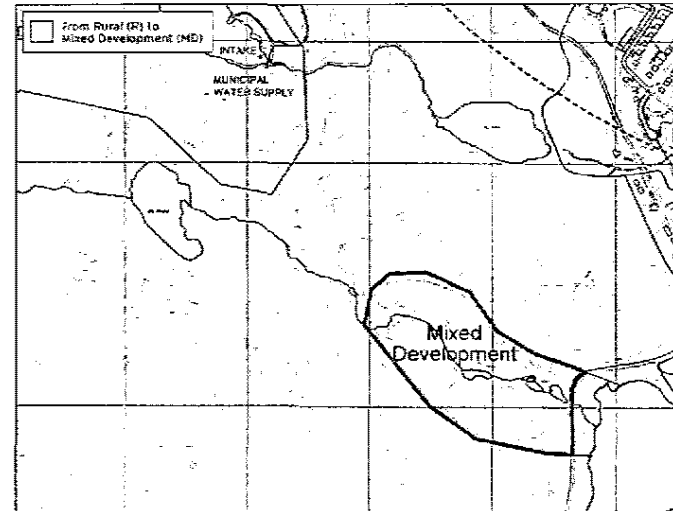
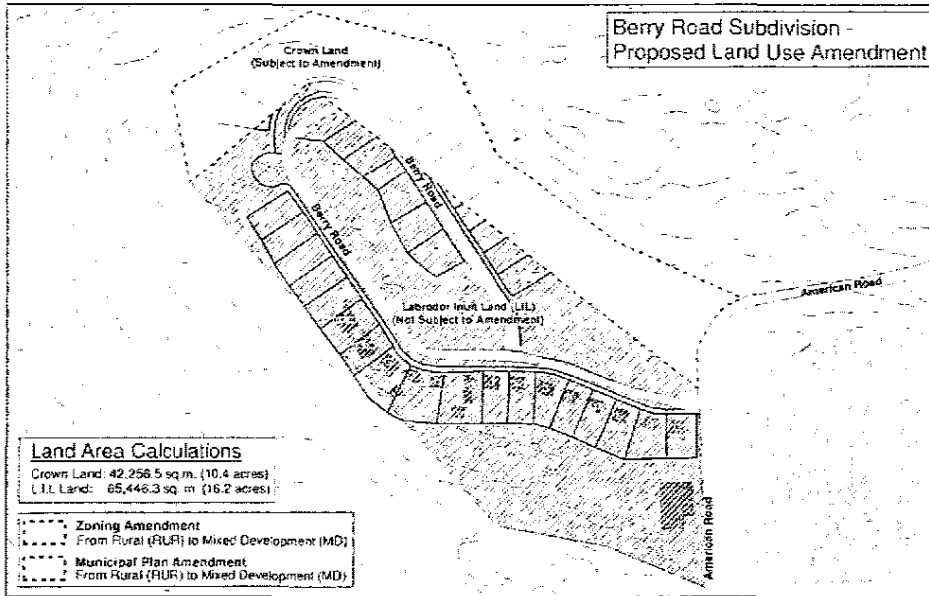
WHEREAS the Municipal Plan (2005-2015) approved on 20 July, 2005 were never approved by the Ministry of Municipal Affairs and Housing in accordance with the Urban and Rural Planning Act, 2000 and are therefore not in affect.

NOW THEREFORE the Hopedale ICG enacts as follows:

SCHEDULE AMENDMENTS

1. **Map 1 Hopedale Land Use Zoning** shall be amended to re-designate the land known as the Berry Road subdivision from Rural, RUR to Mixed Development, MD.
2. These amendments shall come into effect on the date of registration by the Ministry following approval by Council.

Map 1: Land Use Zoning Amendment



CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I, Michelle Armstrong MCIP, certify that this Municipal Plan Amendment has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Municipal Plan Amendment #3

Michelle Armstrong

REGISTERED

Michelle Armstrong, MCIP

Number 2010-2014-001

November 4, 2014

Council

[council seal]

Mayor: *James Tutlak* Mr. James Tutlak

Clerk: *Jillian Nuttall* [Name]

Signed and sealed on this 18th day of September, 2014