

# Town of Trout River

## MUNICIPAL PLAN

### 2014-2024



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**Approved by Council 12 January 2016**

Prepared for the Town of Trout River  
by  
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Project 13 015

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**1.0 ADOPTION AND APPROVAL**

**1.1 COUNCIL RESOLUTION TO ADOPT; CLERK'S CERTIFICATE.**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Council of the Town of Trout River adopts the Municipal Plan for 2014 to 2024.

Resolved by the Council of the Town of Trout River on the 8<sup>th</sup> day of December, 2015.

Signed and sealed this 13 day of Feb, 2016.

Mayor: Alois Barnes

(Council Seal)

Clerk: Lorraine Barnes

**Clerk's Certificate:**

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2014 to 2024, adopted by the Council of the Town of Trout River, on the 8<sup>th</sup> day of December, 2015.

Clerk Lorraine Barnes

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**1.2 COUNCIL RESOLUTION TO APPROVE; CLERK'S CERTIFICATE**

Under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Council of the Town of Trout River approves the Municipal Plan for 2014 to 2024.

Resolved by the Council of the Town of Trout River on the 12<sup>th</sup> day of January, 2016.

Signed and sealed this 13 day of Feb, 2016.

Mayor: Maria Banno  
Clerk: Lorraine Barnes

(Council Seal)

|                                 |                      |
|---------------------------------|----------------------|
| <b>Municipal Plan/Amendment</b> |                      |
| <b>REGISTERED</b>               |                      |
| Number                          | <u>5175-2016-001</u> |
| Date                            | <u>March 6, 2016</u> |
| Signature                       | <u>[Signature]</u>   |

**Clerk's Certificate:**

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2014 to 2024, approved by the Council of the Town of Trout River, on the 12<sup>th</sup> day of January, 2016.

Clerk Lorraine Barnes

**1.3 PLANNER'S SEAL AND SIGNATURE**

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

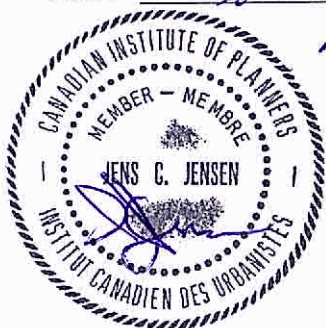
I certify that the attached *Municipal Plan* document has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Member of the Canadian Institute of Planners

[Signature]

Jens Jensen, P.Eng., MCIP

Date: 19 February 2016



|                   |       |
|-------------------|-------|
| Amendment         |       |
| <b>REGISTERED</b> |       |
| Number            | _____ |
| Date              | _____ |
| Signature         | _____ |

seal

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## **2.0 FOREWORD: APPROVAL PROCEDURE AND ADMINISTRATION**

### **2.1 The Municipal Plan**

This document and the maps contained with it, form the Municipal Plan for the Town of Trout River. It has been prepared in accordance with the *Urban and Rural Planning Act, 2000*. Upon completion of the required steps to bring it into legal effect, it repeals and replaces the community's Municipal Plan for 1985-1995, including all amendments thereto. As the former Municipal Plan and Development Regulations came into effect circa 1985, they will be referred to as the 1985 planning documents.

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

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

This Municipal Plan has been prepared following the preparation of a special purpose document, an Integrated Community Sustainability Plan (ICSP). The ICSP is a document prepared in accordance with a requirement that municipalities prepare an Integrated Community Sustainability Plan in order to qualify for revenue from the Gas Tax Fund, pursuant to the Gas Tax Agreement signed between the Province and Local Governments.

The research and public consultation processes involved in preparing the ICSP were very useful in revising the former Municipal Plan, as many topics and interests are common to both. The process of preparing the ICSP has enhanced the depth of the Municipal Plan as it touches on matters not directly related to land use, such as social conditions, cultural matters and governance. However, the Integrated Community Sustainability Plan is not part of this Municipal Plan, nor is it subject to the statutory status and procedures affecting Municipal Plans.

### **2.2 Ministerial Approval**

For the Municipal Plan to gain full legal effect, the following procedure must be undertaken, pursuant to Sections 15 through 23 of the *Act*.



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

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

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

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

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

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

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

### **2.3 The Effect and Amendment of the Municipal Plan**

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

The *Act* at Section 28 requires that a Municipal Plan be reviewed not later than every five years from the date it has come into effect. The general intention is that Council may revise the Plan with a view to the developments which can be foreseen for the next ten years. Consequently, the time frame for this Plan is the ten year period of 2014 through 2024.

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

### **2.4 Municipal Plan Administration; Role of Development Regulations**

When a Municipal Plan comes into effect, the Council is required to provide for its administration in conjunction with the Development Regulations. The Development Regulations are written in conformity with the Municipal Plan in the form of land use zoning, subdivision, and advertisement regulations. After adoption by the Council, these regulations must be submitted to the Minister for approval in like manner to the process for Municipal Plans.

Development Regulations must comply with the requirements of the *Urban and Rural Planning Act, 2000*, and standard Provincial Regulations have been developed to form the basis of these regulations. The standard regulations currently are Newfoundland Regulation 3/01 made by the

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Minister of Provincial and Municipal Affairs and which came into force on January 1, 2001. Councils are also advised, if they have not already done so, to adopt the National Building Code of Canada as its building regulation.

The day-to-day administration of the Municipal Plan, and subsequent Development Regulations, is in the hands of staff members authorized by the Council. Staff have the duty of issuing all necessary permits approved by Council and making recommendations to the Council in accordance with the Municipal Plan policies and implementing regulations regarding all development in the Municipal Planning Area.

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### **3.0 INTRODUCTION**

#### **3.1 Title and Components**

This Municipal Plan, when brought properly into effect, shall be known as the *Municipal Plan of the Town of Trout River, 2014 - 2024*. The following text and Future Land Use Maps 1 and 2 contained herein constitute the Municipal Plan for the Trout River Planning Area.

#### **3.2 Review and Amendments**

As indicated in the Foreword, the policies and land use designations described in this Municipal Plan are not intended to remain static but are subject to continuous review and amendment as required in the light of changing economic, social, and technological developments, as well as at the required five year reviews.

#### **3.3 Purpose of Plan**

A Municipal Plan guides growth and development within a Municipal Planning Area. It provides a means of preventing problems that could occur if conflicting land uses are developed too close to each other. It directs future growth so that it occurs in a manner whereby municipal services and land resources are used most efficiently, thus preventing unnecessary increases in servicing costs that can result from development becoming needlessly spread out. It also ensures that aspects of land development like safety, aesthetics and environmental protection are given proper consideration. Further, it may also set out information and policies on matters affecting social conditions, cultural matters and governance.

#### **3.4 Municipal Planning Area**

The territory subject to this Municipal Plan is that which is included within the boundaries of the Trout River Planning Area. The Planning Area is larger than just the area defined by the Town boundary.

The built up community area lies in the central part of the Planning Area, at the estuaries of Trout River River and Emmanuel's Brook where they drain to the Gulf of St. Lawrence . The community water supply and other undeveloped lands mostly surround the core of the community. These are illustrated on Maps 1 and 2.

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**3.5 History**

The recently completed Planning Background Report includes a succinct history, which is quoted below:

*In common with most of the coastal communities of Newfoundland, the European settlement of Trout River relates to the evolution of the fishing industry beginning in the 1700s. Initially, the French had rights to the fisheries off the western shores of Newfoundland, hence the name "French Shore". During the first many years, shore settlement was essentially discouraged and those who wintered over related exclusively to the fishing activities. Eventually, the French presence was superseded by the British. Following the departure of the French and the restrictions concerning permanent settlements, British immigrants began to arrive to settle permanently. The events of the early days are recorded in the ICSP, quoted as follows:*

*The first to settle the area was a man by the name of George Crocker who came from England to Trout River in 1815. Trout River first appeared on the Newfoundland Census in 1857 with a population of 13 and grew to 163 by 1891 as the lobster fishery attracted more families.*

*As with many early settlements in the Province, the main draw that brought people into the area was the abundant fishery. Trout River was once a fishing community that focused on the abundant herring fishery in the area. After a slump in the herring fishery in the 1880's Lobster became an important fish species to Trout River. Many canning operations were initiated by Lobster fisherman and lobster was being readily canned and exported to the American market in the "Boston States".*

*Much like other coastal and rural communities on the island of Newfoundland, Trout River and the Bonne Bay region was oriented to the sea and the fishery industry was the source of livelihood.*

*The village remained very isolated until 1952 when a rough road was built to it. The Town of Trout River was incorporated as a town in 1966 but it was not until 1973 when Gros Morne National Park was established that the road system improved and the Town became more accessible to rest of the island.*

*The creation of the National Park has had a greatly beneficial influence on the viability of the enclave communities, and recent developments affecting tourism have brought a new sense of confidence in the future.*

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**3.6 Public Consultation**

In the first step in the planning process, the Town's consulting planner came to the community in November, 2013. He carried out much of the basic background information gathering and consultation with Council and staff, to build the initial information needed for the assignment.

In addition, the usual step of contacting the Department of Municipal Affairs to arrange for the circulation of a letter to all affected government departments and agencies, requesting that they identify any plans or policies which would have a bearing on the review, was followed. This is a routine procedure which the Department organizes to assist municipalities when planning revisions to these documents. As those results came in, they have been considered in the work on the Municipal Plan.

Immediately following the November, 2013 consultation, the Town's consulting planner, Council and staff developed a first draft of the Municipal Plan and Development Regulations for 2014-2024. Those drafts were presented at an advertised public meeting held in the community on 30 January, 2014. The proposed planning documents were discussed, and notes taken on suggestions for consideration. This Municipal Plan, with the accompanying Development Regulations, were subject to minor revisions subsequent to the public meeting. They were prepared and sent to the Department of Municipal Affairs for the statutory review and release process, culminating in release on 7 October, 2015. Following that stage, the statutory public hearing will take place, and the required steps will be taken to bring the documents into legal effect.

## **4.0 KEY FACTORS AND APPROACHES AFFECTING DEVELOPMENT**

The key points arising from the information and consultative processes described above are as follows:

### **4.1 Geographic Setting and Settlement**

#### *3.1 Geographic Setting and Settlement History*

Trout River is a coastal community located on the Northern Peninsula on the west coast of the island of Newfoundland, and lies embedded in Gros Morne National Park. The nearest principal towns are Corner Brook and Deer Lake, about 120 km and 71 km distance, less than an hour's drive to the latter.

The ICSP provides a good description of the physical setting of the community. By way of a synopsis, it says that the community is located at the estuaries of Trout River and Emmanuel's Brook where they drain to the Gulf of St. Lawrence. The surrounding landscape is one of dramatic mountains and fjords which characterize the National Park, and the attractive views both inland and toward the sea have made the community well known in artistic and ecotourist circles.

The community has developed like many coastal communities in the province, in a linear fashion along the seashore, wherever favourable harbour waters and land could be found for the wharves, stages and sheds involved in the fishing industry. Houses and onshore establishments such as retail stores, schools, churches and public buildings were clustered close to the shore as well, in the days long before motor vehicles revolutionized transport on land. In Trout River, the original settlement was located on a strip of land along the east bank of the Trout River and the Gulf of St. Lawrence.

In more recent times, Highway 431 and Mountain Road were developed, each with some side roads, giving access to lands away from the waterfront. Since development could not take place within the National Park, or on the steep topography of the escarpments immediately inshore from a narrow coastal flat land or intervale, or on the large areas of land set aside for the water supply watershed, new development to date has been fairly well confined to a compact area adjacent to the original settlement. Within the community, there is a mixture of residential and other types of development such as small businesses, schools and churches.

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The land uses developed in the community to date have been adequately accommodated as there has been just sufficient land to do so. However, increasing demand for land for development is creating some new pressures to identify suitable lands for expansion and a plan for implementation. The economic and demographic factors which lie behind the demand will be discussed in the next section, as will the opportunities and constraints affecting development.

### **4.2 Demographics and Economic Development**

It is important to understand the relationship between the state of the local economy and demographics, as these are the fundamental matters affecting the future of the community. It is well known that the populations of most small communities on Newfoundland island outside the capital region are significantly declining in numbers and generally aging. The Town of Trout River is no exception: the latest available data is from the 2011 Canadian Census, wherein the population for the town was determined to be 575, down from 630 in 2006, continuing a long, steady decline over the decades back to the 1970s.

The fishery represented the economic base of the community for many years. Although the fishery continues in a diminished form and is focused on different species and processing methods, its future strength and structure are evolving on an uncertain path. Offsetting that trend is the positive influence of the National Park, which has provided for a certain level of sustained employment. Also, the community of Trout River and similar nearby places are within commuting distance of the commercial and industrial centres of Corner Brook and Deer Lake, as well as the remaining fish processing plants in the area.

Those established local employment opportunities, plus a certain number of public administration jobs in schools and other institutions, plus the incomes brought home by itinerant workers employed far away, provide for a fairly stable economic base. However, the ICSP and much of the other documentation makes it abundantly clear that the growth and stability of the community are very much tied to the growth of tourism.

When Gros Morne National Park was established in the 1970s, an important new component of the local economic base was added, and as expected, tourism related employment and investment have grown steadily. At about the same time, the 1970s, fairly good road links were developed up the Northern Peninsula to St. Anthony, making the Viking Trail from Deer Lake to St. Anthony (and beyond via ferry to Labrador) a busy highway transportation route. The recently developed road link from the Red Bay shore to Happy Valley-Goose Bay has opened a through route to Quebec and Upper Canada. Those highway linkages and the growing attraction of the



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National Park have put the Park's enclave communities in a favourable place with respect to tourism. Not only is the National Park a world class destination, but the through traffic destined for the National Historic Sites at L'Anse aux Meadows, Port aux Choix and Red Bay, and the Grenfell Mission in St. Anthony is substantial and growing.

The 2010 ICSP, quoted as follows at page 27, seems to capture the spirit of the community's vision:

*"Trout River is a naturally beautiful, safe, and historic town located along the west coast of the island and nestled within the Gros Morne National Park, Trout River respects its rich history with the fishery and embraces the growth and development of an already vibrant tourism economy. With an ideal natural setting and a variety of attractions, we look to remain an authentic community as we further market and develop the town for residents and visitors alike".*

The new Municipal Plan will endeavour to facilitate initiatives of the Town, advocate for investments and improvements requiring "outside" involvement, and regulate development in the spirit of partnership reflected in the vision statements. More specifically, the Municipal Plan will respond to the strategy that economic development and community sustainability will relate directly to successful exploitation of the tourism potential of the area, particularly in ecotourism, arts and culture.

The significance of the Municipal Plan and associated Development Regulations in supporting the community's pursuit of economic development opportunities is obvious: the regulations which will govern new development need to be sensitive to the objective of encouraging and facilitating new development while at the same time protecting the assets of the community, such as existing residential areas. The vulnerability of the community to flooding and landslides, in the context of climate change, need especially to be appreciated and appropriate measures included in municipal programs of all kinds.

Achievement of the vision involves much more than just the good will, imagination and hard work of Council and its staff in concert with relevant agencies. It is true that only the Town as a municipal government has the administrative capacity and the regulatory authority that can deal with infrastructure and control of development, but only the business community and senior levels of government can initiate major investments and interventions in commerce and institutional services.

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Review of the 1985 documents and their amendments, and consideration of the information and insights gathered in the early stage of the review process, suggest several revisions. Many of the objectives reflected in the 1985 documents are applicable today just as well as it was then, such as respect for residential areas and natural environmental features, as well as for municipal infrastructure needs. However, the need to proactively accommodate growth for tourism and other commercial and industrial development has become dominant. Also, it has been seen that the capacity of existing areas for infilling vacant land for residential development is soon enough going to be limited, and expansion beyond the built up community area is going to be needed.

Also, the administrative mechanisms by which development applications are processed, considered, and approved need to be efficient and clear. The approval process needs to be timely, so that desirable development is not held up more than necessary for review of requirements and prompt decision making.

## **5.0 GOALS AND OBJECTIVES**

### **5.1 Goals, Objectives and Policies**

Goals are frequently employed as the essential foundation for any planning endeavour whether it is a personal career, a community plan, or a corporation's growth and facility strategy. The formulation of goals, toward which efforts and resources are directed, and objectives, the more precise and measurable steps needed to achieve the goals, can make the difference between wasted effort and success. Policies are the courses of action that a government takes to achieve its objectives.

By way of example in the Trout River case, one goal concerning the environment would be to protect and enhance the quality of the natural environment, within which an objective (amongst others) to follow from this goal is to protect and prevent contamination of the community water supply area. The obvious related policy would be to introduce stringent requirements in the Development Regulations with that objective in mind, and to pursue the enforcement of provincial government protected water supply area regulations, amongst other policies.

### **5.2 Goals for the Town of Trout River**

Complementing the vision, this Municipal Plan endeavours to deal with development concerns following these more specific goals and objectives related to land use:

#### **A) Growth and Urban Structure**

- Goal:** To provide for orderly growth and development within the community.
- Objectives:**
- a) Council will undertake to use this Municipal Plan to guide its exercise of powers and responsibilities for the provision of services, the allocation of land uses, and the general development of the community.
  - b) Land uses will be allocated so as to encourage economic development and to preserve and enhance positive features reflecting the heritage and amenities of the community, while also recognizing natural constraints and limitations, in order to

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improve quality of life in the community and protect life and property, and to minimize effects on the natural environment.

- c) Compact development of the community will be promoted, in order to provide municipal services to properties as efficiently as possible. Development along existing roads and highways outside the core of the community will be permitted, so as to make the best use of their potential to accommodate new development. Development outside the areas serviced by municipal central services may, in areas selected for this exception, be serviced by on-site sewer and water services.

**B) Housing**

**Goal:** To provide for the long-term housing needs of the community.

- Objectives:**
- a) Housing shall be designed, sited and constructed to meet the particular local conditions and needs of residents of the community and to facilitate the greatest development of available land resources through a wide variety of housing forms.
  - b) To provide for new building lots by way of further subdivision within the serviced area and by way of new subdivisions designed so as to present a pleasant appearance and an efficient arrangement of street, water and sewer services

**C) Employment and Economic Development**

**Goal:** To encourage institutional, commercial and industrial activities that will meet the community's employment needs and provide needed goods and services, and in particular to press for strengthening the economic base and employment opportunities in the Town and surrounding communities, recognizing that the best prospects in this respect lie in the tourism sector.

- Objective:**
- a) To monitor developments concerning tourism, the National Park, forestry, fishing and other economic sectors, with a view to representing the community promptly and responsibly on points affecting investment, government regulation, environmental impact and community development.

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- b) To provide for flexibility and rapid response to development proposals, particularly those related to small business startups and expansions, so as to facilitate business development.
- c) To designate sufficient lands suitably located and serviced for commercial and industrial development, to achieve an adequate land base for economic development and a more efficient land use pattern.

**D) Environment and Natural Resources**

**Goal:** To protect and enhance the environment and natural resources of the community.

- Objectives:**
- a) To limit development and use of lands outside of the community's built-up area and areas designated for future servicing and development, to those of a rural nature and those which cannot be reasonably carried on within the built-up area.
  - b) To provide and protect a safe and sustained drinking water supply by severely restricting non-compatible development in the present protected water supply area and other land areas also draining to the water supply intake.
  - c) To control development in order to minimize its detrimental effect on the environment and to be good stewards of the natural resources within the community, in particular the extraction of minerals and aggregates and use of forest resources.
  - d) To prohibit development on lands featuring steep unstable slopes, wetlands, or watercourses.
  - e) To work in conjunction with the new regional solid waste management authority to implement modern management facilities and programs, and to augment those improvements by establishing efficient and effective means of minimizing the amount of waste from the Town directed to final disposal, by recognizing the resource values of recyclable and compostable materials and establishing local programs related to them.

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**E) Recreational Open Space and Cultural Facilities**

- Goal:** To establish, preserve and improve natural spaces, recreational facilities, and cultural expression to meet local needs.
- Objective:**
- a) To continually adjust and improve recreational and cultural opportunities in the community for all age and ability groups.
  - b) To designate areas now established, or in the future to be established, as open space areas for outdoor recreational purposes and cemeteries, in and through the town, to guide improvement projects and to endeavour to preserve these assets from encroachment by buildings and other activities.
  - c) To ensure ready public access to, and accord protective status to, valued trails when considering development applications.

**F) Highway Transportation and Safety**

- Goal:** To provide a safe and efficient highway transportation network to move people and goods into, out of and throughout the community.
- Objective:**
- a) To develop a list of priorities for road improvements and work toward maintaining the public streets in good condition.
  - b) To work constructively with the provincial government to secure adequate funding to maintain roads in good condition.

**G) Municipal Finance**

- Goal:** To effectively manage the financial resources and commitments of the community.
- Objectives:**
- a) To implement municipal improvements which match both the policies and priorities of the Municipal Plan and the financial capabilities of the community.
  - b) To improve the cost effectiveness of municipal servicing by implementing compact, carefully planned serviced development.

## **6.0 DEVELOPMENT CONCEPT AND POLICIES**

This section presents a general view of the development pattern followed by policies specific to the various land use designations set out in this Municipal Plan, as well as policies applicable to all areas in the community.

### **6.1 Development Concept**

Much of the vision of the 1985 documents is applicable today just as well as it was then, such as respect for residential areas and natural environmental features, as well as recognition of municipal infrastructure needs. The historic structure of on-shore land uses and streets has been altered very little since the days of early settlement.

The relatively new construction of the access highway (Highway 431) leading out to Trout River provides access to the regional highway network. The only other major road constructed in recent years is Mountain Drive. Minor side roads which have been developed recently include Hillcrest Road, Duke Street and Rose Avenue. These provide the road network which defines a fairly compactly developed urban core with minimal scattered peripheral development.

The historic downtown area in which commercial and public uses are concentrated will continue to be designated as a Mixed area, to facilitate business developments related to tourism. The fishermen's wharf and industrial areas on Trout River will be designated Industrial & Marine Transportation, reflecting their continued uses. Scattered small commercial uses will be designated Commercial and new ones will be approvable outside the Mixed area downtown by way of amendment to the Municipal Plan and Development Regulations, if deemed acceptable.

Areas which are well established as almost exclusively residential will be designated as Residential, as will some currently undeveloped areas which would be suitable for future residential development. There is some scope for further development amongst existing uses on established roads in the community. There are some opportunities where streets can be extended from existing roads. However, that potential is insufficient for the long term, so it is desirable to now designate areas of land suitable for new residential development. Those areas are also designated Residential on the Future Land Use maps.

The community lies at the mouths of Trout River and Emmanuel's Brook on the Gulf of St. Lawrence, the former being the principal watercourse and the community's namesake. A tributary of Trout River is Feeder Brook, from which the community water supply is drawn. All three watercourses have presented physical challenges for the community, as they are prone to flooding during periods of extreme rainfalls and snow melt as well as high tide and storm surge.

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The flat intervale lands along Trout River in particular have been known for flooding. Some of those areas in the centre of the community are densely developed.

Four considerations shape the policies related to these flooding issues:

- Historic information on flooding due to extreme precipitation and snow melt and combinations of high tide and storm surge, has provided reliable flood risk mapping, which was prepared in 1990 pursuant to the Canada-Newfoundland Flood Damage Protection Program. This makes it possible to accurately delineate areas which would be prone to flooding and for which regulatory measures in a Municipal Plan and Development Regulations can prevent or mitigate damage to structures and land uses. It is prudent to generally prevent significant new development in those areas, other than for marine access and uses not involving significant new building.
- It is well established that climate change is resulting in, among other effects, a gradual global rise in sea level. Given that some areas not already flood prone will become so as sea levels rise, it is prudent to similarly prevent development in areas now lying lower than the expected sea level rise, based on best available knowledge.
- Again, due to climate change, it is expected that extremes in precipitation events will become more extreme, thus adding to more severe erosion and saturation of soils in steep stream banks. Loss of vegetation will accentuate peak runoff into the streams. Development on steep slopes would add even more to the peak surface water flows from them, all accentuating the flooding of the receiving watercourses. It is prudent to limit development on steep slopes to minimize surface water runoff, and to recognize that there is an increasing risk of instability which would affect any buildings, roads, and utilities built on them.
- The provincial government regulates development or activity in any area lying within 15 metres of any shoreline of water bodies, including ocean, watercourses, lakes and wetlands. Generally, Municipal Plans limit development in that buffer strip except where context suggests otherwise, such as for docks and other marine works where the need to access to the water body is inherent, or where development has already occurred to the shoreline.

This Municipal Plan and Development Regulations will stringently limit development along the sensitive shorelines and steep slopes. An Environmental Protection A designation will be applied to these lands except for areas which are already very compactly developed, ie: the residential area at the mouth of Emmanuel's Brook and the commercial and residential development along the Gulf shore and along Trout River, and the fishers' wharf and related marine structures. At least a part of each of those areas lie in the floodways delineated on the flood risk maps mentioned above. In those areas (designated Mixed, Industrial and Marine Transportation, Commercial, and Residential), measures related to flooding and global sea level rise will apply, but the presence of extensive existing development suggests some latitude in permitting new development.



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As sea levels rise due to rising ocean levels and extreme wind events become more frequent and more extreme, giving rise to greater storm surging, preventing development below the elevation of anticipated sea level rise provides an adaptation to this gradual but severe, expected long term effect of climate change. This regulatory measure will be achieved in the Development Regulations by making this a condition of approval for any development in all designations, lying lower than as specified.

Severe risk of landslides is evident in the loose soils in the embankments above Main Street, Hillcrest Road, a part of Mountain Drive, and Riverside Drive. A landslide in 2013 swept away buildings and nearly caused personal injury or worse. Increasing precipitation amounts expected due to climate change as well as excavation at toes of these slopes increase the risk of landslide, with severe consequences to buildings and land uses below the slopes as soils can slide onto them, as well as above the slopes because of collapse of land due to undermining. This Municipal Plan and Development Regulations will impose stringent control of development, including prohibiting excavation and removal of vegetation on these vulnerable slopes, measures essential to public safety and minimizing property damage. This measure will also be applied to the steep slopes of Western Hills, where the impact of severe erosion and landslides would affect water quality and flood levels in Trout River, and to similar features known locally as the “Hummocks”. An Environmental Protection B designation will be applied to these lands.

The community central water system is supplied by a surface water source. The designation of most of the watershed areas comprising the municipal water supply area as Environmental Protection C will be continued and expanded. The watersheds which are involved in the water supply are very large, extending far beyond the Planning Area boundary, and are topographically complex, but all are tributaries of Feeder Brook, culminating in the water system intake on the lower reaches of Feeder Brook.

Most of the water supply’s watersheds within the Planning Area are regulated as a protected public water supply area pursuant to the *Water Resources Act*, but some areas on the north side of the protected area, along both sides of Highway 431, are not. The extent of Environmental Protection Zone C designated in this Municipal Plan includes much of the omitted area.

All new development will be required to be serviced with municipal central water and sewer services, unless specifically exempted as follows:

- The Residential area lying north and east of Emmanuel’s Brook is intended to be developed on on-site water supply and sewage disposal services. There is a now-closed sawmill off the end of Duke Street, in an area designated Residential. In order to enable resumption of operations should that become of interest to the owner, a sawmill use at that site will be permissible at Council’s discretion. It may be serviced with on-site water supply and sewage disposal services. However, if one or both municipal central services are available at the sawmill site, new buildings will be required to connect to the available services.

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- Development in the Rural & Resource; Environmental Protection A, B, and C; Commercial; and, the Industrial & Marine Transportation designations may be developed on on-site water supply and sewage disposal services. However, if one or both municipal central services are available at specific sites, new buildings will be required to connect to the available services.

Other areas not specifically designated for other uses will be designated as Rural & Resource. Their future use is expected to be essentially for resource uses and uses not suitable to include in an urban environment, such as dog kennels. Additionally, unexpected or unusual proposals for valuable development may be of interest, so a flexible approach to development in this area is in order.

A number of policies applicable to all designations are listed in section 6.3 of this Municipal Plan. The policies therein are additional to those more specific policies set out in Section 6.2.

The various areas referenced above are shown on the Future Land Use Maps. In summary, the future land use designations are:

*Residential*  
*Commercial*  
*Mixed*

*Industrial & Marine Transportation*

*Environmental Protection including*  
*subcategories A, B, and C*

*Rural & Resource*

Policies specific to each of these designations are detailed next, followed by policies applicable to all areas.

## **6.2 Policies Specific To Land Use Designations**

The following policies reflect the intended overall development concept described earlier, and apply only to development within the respective land use designations under which they appear, unless stated otherwise. The land use designations correspond with those on the Future Land Use Maps.

All policy sets include consideration of certain types of development as discretionary uses. In evaluating applications for such uses, Council shall consider the intended development concept described above and the specific policies set out for the respective land use designation. Council shall call for and review information as may be needed to evaluate proposals, as listed in the Appendix to this Municipal Plan, the Site Plan Evaluation Criteria list.

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**6.2.1 Mixed**

As said above, the “Mixed” designation is applied to the downtown area of the community, where there is a concentration of commercial and public uses together with some residential development.

That area represents an opportunity for expansion or intensification of the commercial and public uses, which would be logically clustered adjacent to and within the existing downtown commercial area. It is intended that this area will continue to be the focal point for future commercial retail and service development of a type catering to the tourism industry as well as to local consumption. The residential uses in this area may over time be superseded by commercial development, but very much of this is not foreseeable within the ten year span of this Municipal Plan.

This area features the potential to accommodate small business start-ups in existing buildings, and redevelopment of existing larger commercial and light industrial buildings to other uses, so great flexibility is needed in the ability of Council to promptly consider approval of applications for non-residential uses related to economic development and non-traditional residential uses.

As said in the description of the development concept in Section 6.1, the restrictive Environmental Protection A designation will be applied to lands prone to flooding and steep banks above key watercourses except for areas which are already very compactly developed. One such excepted area is the Mixed designation. In the Mixed designation, measures related to flooding and global sea level rise will apply, but the presence of extensive existing development suggests some latitude in this regard in permitting new development. Endeavouring to not exacerbate existing flood risks is balanced against the desire of property owners to expand and improve their buildings and yards.

It shall be the intention of Council to permit a wide variety of development types, while ensuring the amenity and safety of existing residential uses. The following policies shall guide the growth and development of the Mixed area:

1. Development of these lands for single and double dwelling residential uses is permitted. Assembly, special care institutional, all other residential uses, all Group D business and personal service uses, mercantile uses, and, wharves and docks, boathouses, and sheds may be permitted as discretionary uses provided public safety and the amenity of adjacent residential areas are protected.
2. Small scale business shall be permitted at Council’s discretion, to occupy part of a residence.

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3. Discretionary uses will only be permitted if the Department of Environment and Conservation has determined they will not cause pollution of any area of land or water body, especially the beach below the boardwalk along Main Street, or cause erosion of land to take place.
4. As said above, development in flood prone areas shall be subject to satisfaction that it will not exacerbate existing flood risks. This shall be supported by engineering reports submitted by the applicant to demonstrate compliance with this objective, where the location is in any of the floodways delineated on flood risk mapping which was prepared in 1990 pursuant to the Canada-Newfoundland Flood Damage Protection Program. This requirement will not apply to minor expansions in the flood prone areas of the footprints of existing buildings or improvements to their access driveways. Detailed requirements will be set out in the Development Regulations.
5. Development must be serviced by central water and sewer services.

**6.2.2 Residential**

As said above, existing residential precincts in the core of the community, clusters of housing outside the core, and areas for future residential development will be designated Residential. Stringent requirements will be put in place to protect the amenities and quiet enjoyment of those areas.

Land designated Residential shall be developed primarily for single and double dwelling residential uses. Uses permitted will comprise single and double dwellings and mobile homes. Other types of development may be considered as discretionary uses, comprising general assembly uses except for passenger, catering, and amusement uses; all other Division 1 residential uses, including home businesses and subsidiary apartments in any type of residential development; medical and professional; cemeteries, and, personal service uses.

Small scale business shall be permitted at Council's discretion, to occupy part of a residence. New community and public uses shall be permitted at Council's discretion, provided the development respects residential amenity, safety and privacy. These uses include religious, educational, and community or government services. Residential growth shall be accommodated in approved comprehensive subdivisions and through the orderly infilling of already serviced areas in the community, to ensure the efficient use of available lands. New development shall be serviced with public streets and extensions of the municipal central water and sewer systems, except that in the area north and east of Emmanuel's Brook, development may be serviced by on-site water and sewer services.

Further to the above concerning water and sewer servicing, in order to enable resumption of operation of a now-closed sawmill off the end of Duke Street, should that become of interest to the owner, a sawmill use at that site will be permissible at Council's discretion. For that

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development, water and sewer services supplied via on-site systems will be acceptable; however, if one or both municipal central services are available at the sawmill site, new buildings will be required to connect to the available services.

As said in the description of the development concept in Section 6.1, the restrictive Environmental Protection A designation will be applied to lands prone to flooding and steep banks above key watercourses except for areas which are already very compactly developed. One such excepted area is the Residential designation, both along the Gulf shore and elsewhere. In the Residential designation, measures related to flooding and global sea level rise will apply, but the presence of extensive existing development suggests some latitude in this regard in permitting new development.

Endeavouring to not exacerbate existing flood risks is balanced against the desire of property owners to expand and improve their buildings and yards. Proposals shall be supported by engineering reports submitted by the applicant to demonstrate compliance with this objective, where the location is in any of the floodways delineated on flood risk mapping which was prepared in 1990 pursuant to the Canada-Newfoundland Flood Damage Protection Program. This requirement shall not apply to minor expansions of the footprints of existing buildings or improvements to their access driveways. Detailed requirements will be set out in the Development Regulations.

The non-residential uses which may be permitted by way of discretionary approval are subject to evaluation of the applications, which shall give primacy to the residential role of the area. Council will consider the impact of the bulk and scale of proposed discretionary uses to ensure that development does not adversely affect the residential character and amenity of the area and that provision is ensured for adequate space for on-site parking and loading, and where needed that buffering is provided.

### **6.2.3 Industrial and Marine Transportation**

As time has passed, the original focus of industrial and marine activity in the community has largely continued to be on the waterfront in the vicinity of the fish plant, on Fisher Drive and the area on the opposite side of Trout River where the stages and sheds and boat storage used in the fishery are also found (including the storage of commercial and pleasure watercraft on “the island” in the river). Those areas are designated Industrial & Marine Transportation in the Municipal Plan.

Expansion or redevelopment of these uses should be facilitated in the Municipal Plan, with the proviso that valued adjacent properties such as residential or downtown uses, would not be adversely affected. Industrial and marine transportation uses including harbours, wharves and docks, boathouses, and sheds shall be permitted. Assembly, institutional, business and personal service, and mercantile uses may be approved at Council’s discretion.

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As said in the description of the development concept in Section 6.1, the restrictive Environmental Protection A designation will be applied to lands prone to flooding and steep banks above key watercourses except for areas which are already very compactly developed. One such excepted area is the Industrial & Marine Transportation designation, along Trout River. In this designation, measures related to flooding and global sea level rise will apply, but the presence of extensive existing development suggests some latitude in this regard in permitting new development.

Endeavouring to not exacerbate existing flood risks is balanced against the desire of property owners to expand and improve their buildings and yards. Proposals shall be supported by engineering reports submitted by the applicant to demonstrate compliance with this objective, where the location is in any of the floodways delineated on flood risk mapping which was prepared in 1990 pursuant to the Canada-Newfoundland Flood Damage Protection Program. This requirement shall not apply to minor expansions of the footprints of existing buildings or improvements to their access driveways. Detailed requirements will be set out in the Development Regulations.

In this designation, water and sewer services supplied via on-site systems will be acceptable should municipal central services not be available. However, if one or both municipal central services are available at the sawmill site, new buildings will be required to connect to the available services.

In this Municipal Plan, it is not anticipated that additional areas will be considered for redesignation to Industrial & Marine Transportation, except for extension of marine uses on the Gulf shore or on Trout River. In that event, the Municipal Plan and Development Regulations will require amendment.

#### **6.2.4 Environmental Protection**

This designation is divided into three subcategories, suffixed as A, B and C:

- A: the sensitive shorelines of the Gulf, Emmanuel's Brook, and Trout River, all of which are prone to flooding, sea level rise and storm surges, in some areas also featuring steep embankments above the watercourses,
- B: areas which are sensitive because of steep, unstable slopes, and,
- C: watersheds for the municipal water supply.

These designations are applied to areas shown on the Future Land Use maps.

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**6.2.4.1 Environmental Protection A: Sensitive Shorelines Prone to Flooding**

This designation is intended to encompass lands lying within 15 metres from the shorelines of water bodies; the steep banks above Emmanuel's Brook, Trout River, and Feeder Brook; and, the areas prone to flooding along those watercourses, except as said in section 6.1 for areas which are already very compactly developed. The flood prone areas are those in the floodways delineated in the flood risk mapping which was prepared in 1990 pursuant to the Canada-Newfoundland Flood Damage Protection Program.

Exceptions to the designation as Environmental Protection A are related to the overlap of the floodways with some of the excepted lands in the Industrial & Marine Transportation, Mixed, Commercial and Residential designations. Appropriate measures with regard to flood risk there are found in the policies for those areas.

The areas designated Environmental Protection A on the Future Land Use maps are to be subject to two measures:

Development permitted in the Environmental Protection A areas shall be limited to conservation uses. Forestry uses will be subject to discretionary approval by Council, and shall be generally for only for uses supportive of the objective of mitigating the effects of development in flood prone areas.

Although development is not expected in this designation, it may occur in the form of buildings related to forestry and conservation use. Buildings may be developed on on-site water supply and sewage disposal services. However, if one or both municipal central services are available at specific sites, new buildings will be required to connect to the available services.

**6.2.4.2 Environmental Protection B: Areas Prone to Landslides**

The risk of landslide in the steep, unstable embankments found in several places in the planning area is a severe hazard to public safety. Excavation or removal of vegetation in these areas will severely worsen the likelihood of landslides. The increased frequency and severity of rainfall events associated with climate change will make this risk more severe, perhaps requiring remedial or preventive works in the future.

There is no readily feasible method of protecting lands or structures against this risk, in the context of the existing values of buildings and properties in Trout River. Consequently, the policy in this Municipal Plan is to impose a severe limitation on development, including prohibition of excavation of soils or removal of vegetation in the Environmental Protection areas B, so that their delicate stability is not threatened. As the areas were well mapped in the former planning documents, those area boundaries are continued in this Municipal Plan and the areas will be designated Environmental Protection B.

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Only conservation uses will be permitted. Forestry uses which are complementary and supportive of the objective of minimizing landslide risk may be considered and approved by discretionary approval. There may be rare cases where an exception would be approved at Council's discretion for development in support of research or measures intended to mitigate the risk of landslides. In such cases, engineering reports to support any application involving the soils or vegetation on the slopes shall be required.

Although development is not expected in this designation, it may occur in the form of buildings related to forestry and conservation use or research or mitigation of the landslide risk. Buildings may be developed on on-site water supply and sewage disposal services. However, if one or both municipal central services are available at specific sites, new buildings will be required to connect to the available services.

The Town will consider further study of this phenomenon, to act proactively to better understand the risks and if deemed appropriate, to amend the Municipal Plan and/or the Development Regulations.

**6.2.4.3 Environmental Protection C: Water Supply**

The community water supply comprises several tributary surface watersheds associated with Feeder Brook, located in the high lands lying south and east of the core of the community. It is critically important that the watersheds not be compromised by significant development or activity. Much of the area is a protected water supply area, subject to regulations made pursuant to the *Water Resources Act*, but some of the tributary watersheds that feed the supply lie outside the protected water supply area.

Some of the Residential area lying between Emmanuel's Brook and Highway 431 and abutting the eastern Planning Area boundary, is in the watershed of Feeder Brook but not in the protected water supply area. That area is miniscule in size compared to the whole of the watersheds involved (as can be appreciated by the depiction of the protected area on Map 1); the need for land for future residential development has been deemed to take priority over the water supply protection objective for that area.

The Town will act assertively to protect the designated water supply area from intrusion and inappropriate use, and cooperate and assist in any actions to that end taken by the provincial government.

Only conservation uses and specifically only those developments which are complementary and supportive of the water supply role of the area will be permitted as of right in this designation. Forestry may be considered as a discretionary use, provided the development is beneficially



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related to the water supply function of the area and in accordance with a forestry management plan approved by the provincial authorities and the Town.

Although development is not expected in this designation, it may occur in the form of buildings related to forestry and conservation use as well as the waterworks. Buildings may be developed on on-site water supply and sewage disposal services. However, if one or both municipal central services are available at specific sites, new buildings will be required to connect to the available services.

**6.2.5 Commercial**

The Commercial designation is generally applied to areas intended to be used as small scale enterprises located outside the Mixed area, other than home businesses and similar benign commercial uses which could be approved by discretionary approval in the any designation.

At the time of approval of this Municipal Plan, there are only two areas so designated: the downtown area and scattered individual businesses outside the core: Valleyview gas bar/store/restaurant on Main Street and Rusty Jigger Lounge on Mountain Drive. They will be designated Commercial on the Future Land Use maps.

As some locations in the community have the potential to accommodate small businesses of this type, Council needs some flexibility to be able to consider approval of these uses outside the Mixed designation. This would be done by way of amendments to the Municipal Plan and Development Regulations maps to designate the subject sites as Commercial, and to the texts of those documents to deal with any special matters applicable to the specific development.

As said in the description of the development concept in Section 6.1, the restrictive Environmental Protection A designation will be applied to lands prone to flooding and steep banks above key watercourses except for areas which are already very compactly developed. One such excepted area is the Commercial area on Main Street, the Valleyview store/gas bar/restaurant on Main Street. New Commercial designations may be created in accordance with the development concept and may hypothetically be located on lands prone to flooding.

Endeavouring to not exacerbate existing flood risks is balanced against the desire of property owners to expand and improve their buildings and yards. Proposals shall be supported by engineering reports submitted by the applicant to demonstrate compliance with this objective, where the location is in any of the floodways delineated on flood risk mapping which was prepared in 1990 pursuant to the Canada-Newfoundland Flood Damage Protection Program. This requirement shall not apply to minor expansions of the footprints of existing buildings or improvements to their access driveways. Detailed requirements will be set out in the Development Regulations.

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It is thus the intention of Council to permit Commercial uses, while ensuring the amenity and safety of existing residential uses. The following policies will guide the growth and development of Commercial uses:

1. The two existing Commercial uses are recognized as indicated on the Future Land Use Maps.
2. Development of these lands for mercantile and group D business and personal service uses will be permitted. Assembly, institutional, residential, general industry, service stations, and, wharves and docks, boathouses, and sheds will be permitted as discretionary uses provided public safety and the amenity of established residential uses are protected and other objectives and policies of this Plan are satisfied.
3. All new development and all new lots created shall have direct frontage onto a publicly—maintained road. Water and sewer services supplied via on-site systems will be acceptable should municipal central services not be available. However, if one or both municipal central services are available at specific sites, new buildings will be required to connect to the available services.
4. All infrastructure which is intended to be conveyed to the Town shall be designed and constructed to modern engineering standards. The costs of providing services to any new development shall be the responsibility of the developer.
5. Proposals shall be supported by engineering reports submitted by the applicant to demonstrate compliance with the objective of not exacerbating existing flood risks, where the location is in any of the floodways delineated on flood risk mapping which was prepared in 1990 pursuant to the Canada-Newfoundland Flood Damage Protection Program. This requirement shall not apply to minor expansions of the footprints of existing buildings or improvements to their access driveways. Detailed requirements will be set out in the Development Regulations.
6. When considering amendment of the Municipal Plan and Development Regulations to enable development of new Commercial uses, Council shall ensure that the development does not adversely affect the character and amenity of the area and that provision is made for adequate space for on-site parking and loading, and where needed that buffering is provided.

### **6.2.6 Rural & Resource**

Rural lands that surround the community are used extensively by the local residents and visitors for recreational purposes and provide a source of aggregate material used by the community for

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construction. Significant development has not occurred in the rural areas to date, and may be considered, but the Town will neither encourage nor discourage it.

Development that may be permitted in the Rural & Resource area shall be confined to nonintensive uses such as resource development, and uses not compatible with the urban areas, such as dog kennels, and which shall not create a demand for municipal services. Since there is the possibility of unusual or unexpected development types which may benefit the community, consideration will also be given to other uses associated with recreation and tourism activities which may be located in this area if they are compatible with adjacent uses.

The Rural and Resource designation of areas lying west of Trout River abut the Environmental Protection B areas where steep slopes are prominent. The dividing line between the two is deemed to be the height of land between the two, such that the Environmental Protection B area is that which drains toward Trout River.

The following policies shall guide development in the Rural & Resource areas:

1. Undeveloped lands surrounding and within the built up area of the community shall be designated Rural & Resource as indicated on the Future Land Use Maps, except where special considerations have seen the application of other designations such as for the Environmental Protection areas.
2. Lands designated Rural & Resource shall be developed primarily for uses utilizing the area's natural resources and land uses not compatible with the urban environment.
3. In order to ensure full review of proposals for development in these areas, the only permitted uses shall be agriculture, forestry and conservation uses. Any other uses except for solid waste uses may be considered as discretionary uses, in order to provide for consideration of a wide variety of proposed developments, some of which may be unusual but nevertheless desirable. Council will evaluate each development proposal to determine environmental effects and set development standards to reduce or eliminate any negative impacts and protect public safety and amenities.
4. Council shall not extend municipal services to any development located in areas designated Rural & Resource. However, a developer may connect to municipal services if they should be available, at his own expense.
5. Water and sewer services supplied via on-site systems will be acceptable should municipal central services not be available.
6. Council will prohibit all but very small scale mineral workings and related activities from taking place within general view of developed areas of the community. Unless

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absolutely necessary, existing quarry sites are to be exhausted before new sites are developed.

7. Mineral extraction operations shall be conducted in a manner which will minimize the adverse effects on water quality, fish and wildlife, and shall be buffered from adjacent development areas of the community. All mineral operations will be required to complete a site rehabilitation plan as a part of the development application. Council, when issuing a permit for any mineral extraction or mining operation, may attach such conditions as are in its opinion necessary to properly regulate the operation. Such conditions in particular may refer to the following subjects and matters:
  - a. Landscaping, screening and fencing;
  - b. Rehabilitation;
  - c. Noise, dust and pollution control.
  
8. Regulation of forestry operations, including issuance of fire wood harvesting permits or consideration of resource management, is not a function which the Town of Trout River wishes to undertake, and thus the Municipal Plan is silent on the topic. However, the state of forestry operations will be monitored to determine whether there is a future need to consider amending this policy.

### **6.3 General Land Use Policies**

Unless otherwise stated, the following policies apply throughout the entire Planning Area:

#### **6.3.1 Steep Slopes**

Any proposal for erection of a structure in any part of the Planning Area on a site which has a slope in excess of 20 percent, must be certified by an engineer to ensure that development of the site can take place without danger to health or safety. Otherwise, the development will not be permitted.

#### **6.3.2 Municipal Services**

Some of the costs of running a municipal government are proportional to the overall length of publicly maintained roads that must be upgraded, maintained, provided with street lights, water and sewer services and electric utilities. Generally, the more spread out a settlement becomes, the more these costs increase. Council intends to ensure proper servicing, and keep these costs from increasing, through implementation of the following policies:

1. Vacant land and sites made suitable for additional development due to installation of municipal water and sewer servicing are intended to be almost fully utilized before public infrastructure services may be extended to new areas.

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2. All new streets must connect to another street where applicable, preferably in a loop pattern, and dead end streets shall terminate in a cul-de-sac.
3. A use presently located in a predominantly residential area or along a serviced road, and which does not require municipal services shall be encouraged to relocate to an area that is not serviced, so that land that is, or will be, serviced can be used for more appropriate urban development.
4. Extensions to the water, sewer and road system which are not part of the Town's capital works program shall be the financial responsibility of the developer. Nevertheless, any such infrastructure which is intended to be conveyed to the Town shall be designed and constructed to modern engineering requirements, and shall be subject to approval by Council.
5. All buildings located anywhere in the Planning Area and that have or are required to have plumbing systems will be required to connect to any available municipal water and sewer system.
6. Development permits for development on on-site sewage disposal systems will only be granted by Council when it has been established by Service Newfoundland and Labrador and/or the Department of Environment to Council's satisfaction that soil and drainage conditions are suitable to permit the installation of an adequate means of sewage disposal.
7. With the exception of land uses associated with agriculture, forestry, saw milling, mineral workings or other resource or similar uses for which street frontage would be unnecessary or undesirable, all building lots shall have direct frontage on a publicly owned and maintained street, unless other policies and requirements of this Plan specify otherwise.

**6.3.3 Heritage Values**

This Municipal Plan recognizes the effort being made to portray heritage values in buildings along Fisher Drive (the concentration of the fish sheds and the Fishermen's Museum) and the Mixed area along the Gulf shoreline, on both sides of the street.

Council's policy is that development in their vicinity should respect and emulate these heritage values and specifically that the traditional clapboard siding and heritage paint colours be used when renovation or new building is proposed.

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**6.3.4 Streets**

Local streets will be designed to maximize the safety and efficiency of vehicular and pedestrian traffic.

Setbacks of buildings, fences, garbage boxes, utility poles, signs and other structures and fixtures along all streets are to comply with snow removal policies of the Department of Transportation and Works, whether or not particular streets are provincially maintained. The Town takes no responsibility for injury to persons or damage to property arising from non-compliance with this requirement.

**6.3.5 Property Maintenance**

All properties shall be maintained in clean and orderly appearance. The exteriors of buildings, particularly commercial properties and any business catering to tourists, as well as yards and grounds, shall be properly finished and maintained to the satisfaction of Council. Owners of dilapidated structures shall be required to repair them or remove them if they present a safety hazard, on Council order pursuant to the *Municipalities Act*, Section 404.

Council will ensure that buildings and property owned by the Council are well maintained and landscaped, where possible, as a general example to the community.

Wrecked or inoperable vehicles, machinery, debris, or equipment of any kind shall not be stored or abandoned longer than a period of 60 days. Any vehicles or other machines that have value as a source of replacement parts, shall be stored out of sight from streets or adjacent development, and only at the rear of any buildings on the properties. Owners of such property shall be required to remedy the offence or remove the items, on Council order pursuant to the *Municipalities Act*, Section 404.

**6.3.6 Visual Effects of Development**

Where a proposed development is of a size or nature that could in any way have negative effects beyond the boundaries of the site upon which it is located (such as the creation of noise, smoke, dust, fumes or unsightliness), Council may hold an advertised public briefing to ensure interested persons are aware of the potential effects of the proposal and that their concerns are taken into consideration before any decision is made on a development application, whether or not the proposed use is permitted as of right. Screening through such means as retention of original trees and other plant growth or erection of fences or any other measures to render off-site effects acceptable will be required.

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**6.3.7 Development Near Waterbodies**

Development will not be permitted within 15 metres of the highwater mark of the seashore or any permanent or semi—permanent watercourse or waterbody within the Planning Area except for wharves and docks, boathouses, and sheds to allow for marine access and public works and utilities, or for minor expansion of existing buildings and improvements to access driveways, and then only with the approval from the Water Resources Division, Department of Environment or Federal Department of Fisheries and Oceans.

Preventing development below the elevation of anticipated sea level will be achieved in the Development Regulations by making this a condition of approval for any development in all designations, lying lower than as specified.

Detailed requirements concerning the above will be set out in the Development Regulations.

**6.3.8 Environmental Degradation**

Any proposed development shall not pollute any part of the community. Permission to develop may be conditional upon measures to prevent pollution during construction, operation, or occupation of a building or site.

Garbage, refuse, abandoned vehicles and any other discarded materials of any kind shall be disposed of only at a waste disposal site approved by the Department of Environment. Such material shall not under any circumstances be used as fill for buildings lots.

**6.3.9 Public Works and Utilities, Outdoor Amenities and Marine Access**

Public works and utilities including central water and sewer services, treatment plants, hydrants, pumping stations, outfalls, intakes and appurtenances; public streets and lanes; recreational open space uses and conservation areas (including public trails, viewpoints and civic notices); cemeteries except in the Environmental Protection – C area; and, wharves and docks, boathouses, and sheds, shall be permitted anywhere in the Planning Area at Council’s discretion, provided that the primary function of the zone and the amenity and privacy of nearby residential uses are respected.

**6.3.10 Archaeology Sites**

There are potential archaeological sites within the Planning Area. Any person or company conducting development activities should be aware of the possibility of unearthing significant archaeology finds. Any significant buried features or artifacts which are discovered must be

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reported to the Town and also Provincial Archaeology Office, Department of Tourism, Culture and Recreation.

**6.3.11 Advertisements**

All signs and advertisements are to be tastefully presented (in terms of lettering and overall design), properly situated and well maintained in order to prevent unwanted visual effects, and must be approved by Council.

**6.3.12 Fuel Storage Tanks**

All fuel storage tanks larger than 2500 litres located within the Planning Area shall be required to have adequate containment and dyking.

**6.3.13 Non-conforming Uses**

Existing development which does not conform with the requirements of the Municipal Plan and Development Regulations may be continued as non conforming uses. Restrictions shall be designed to limit its potential for replacement and expansion (to be specified in the Development Regulations). Where a Non-Conforming Use is causing a nuisance or otherwise infringing on or preventing allowable development, Council will encourage its relocation or discontinuance.

**6.3.14 Policies Extra to Municipal Plan for Information**

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

In order to minimize the risk of overlooking those other policies when dealing with permitting under this Municipal Plan and the Development Regulations, the other policies will be quoted in the part of the Development Regulations which indicate development requirements applicable to all zones. Amendment or repeal of those policies, or the introduction of new policies of like kind, do not involve amendment of the Municipal Plan or the Development Regulations.

**6.3.15 Temporary Uses; Livestock Running at Large**

Generally, the Municipal Plan and Development Regulations contemplate developments of a permanent nature. Council wishes to be able to consider, at their discretion, these situations



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involving the placement of a motor vehicle or travel trailer or equipment for short term events such as community festivals, together with their appurtenances, for a short duration. Provisions will be included in the Development Regulations for suitable discretionary approval criteria and maximum time periods applicable to these cases.

Notwithstanding that livestock running at large, ie: outside the confines of their owners' or managers' properties, may be regarded by some as a temporary land use of a universal accessory nature, ie: a land use normally and incidentally associated with any other land use, and as only a benign inconvenience to others, agricultural animals at large have in the past and will likely continue to disturb the quiet enjoyment of properties of others due to noise and fear of danger, and damage of properties of others due to trampling of fences, gardens, landscaping and watercourses, and, uncontrolled, substantial defecation. Also, livestock loose on the streets constitute a traffic hazard and disturbance of the peace. It shall be the policy of Council that livestock shall not be permitted to run at large anywhere in the Planning Area, and shall be kept confined to their enclosures at all times.

**6.3.16 Valued Trails**

A number of hiking and all terrain vehicle (ATV) trails have been developed formally or informally, throughout the Planning Area. Some trails of interest to the Town are located on the alignments of public highways and streets and others pass over lands in both private and public ownership. The former (those on public highways and streets) are generally free of blockage or encroachment.

The latter, the off-road trails, are of particular concern in that their functionality could be compromised by future development by land owners. Those trails represent considerable effort and investment; they are a valued recreational resource as well as an access to the community should Highway 431 be blocked. Measures will be included in the Development Regulations to prevent or mitigate encroachment along their alignments, which would reduce their amenity value or safety.

In order to implement this policy, the valued off-road trails will be designated Public Trails for the purpose of the Municipal Plan and the Development Regulations, and will be marked on the Zoning Map in the Development Regulations. Further, the Development Regulations will state a minimum distance from the centrelines of the designated trails within which development of buildings or alterations to land elevations or creation of other obstructions would be prohibited.

Revising, adding or deleting said Public Trails on the Zoning Maps may be accomplished by way of "stand alone" amendments to the Development Regulations and shall not require an amendment to the Municipal Plan.

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Concerning development of new off-road trails, Council's policy is to work with land owners and recreational interests with the objective of peaceful and respectful co-location and maintenance and improvement of the quality of outdoor experience which they render.

## **7.0 MUNICIPAL PLAN IMPLEMENTATION**

### **7.1 Introduction**

In order to enforce and implement the policies of the Municipal Plan, **Land Use Zoning, Subdivision and Advertisement Regulations** (referred to as Development Regulations), and a capital works program, are required. The **Development Regulations** and the capital works program must conform to Municipal Plan policies.

### **7.2 Development Regulations**

Development Regulations ensure that development takes place in accordance with the goals and objectives and within the framework of the land use policies of the Municipal Plan. The manner in which the Regulations are drafted and the form in which they appear must comply with the requirements of the *Urban and Rural Planning Act*. Like the Municipal Plan, the Development Regulations are binding upon the Council and all other persons and organizations unless specifically exempted by superior legislation.

Development Regulations consist of five parts: General Regulations, General Development Standards, Advertisement Regulations, Subdivision of Land Regulations and Land Use Zones. The first four are similar for all communities in the province, though variations are found. However, the Land Use Zone section (Schedule C), will be extensively tailored to conform to this Municipal Plan.

#### **I. General Regulations**

Among other things, the General Regulations govern matters relating to the power and authority of a municipality to regulate development within its community and establish conditions relating to the issuing of permits and local appeal boards.

#### **II. General Development Standards**

The General Development Standards relate to such matters as the siting of buildings on building lots, building height, setback from the street, buffers between certain types of development, parking and access requirements, non-conforming uses and other related matters.

#### **III. Advertisement Regulations**

Advertisement regulations control the size, shape, location, siting, illumination and material construction of advertisements for the protection of the safety and

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convenience of the general public and neighbouring properties and the general aesthetics of the community.

**IV. Subdivision of Land Regulations**

Subdivision regulations govern the development and division of parcels of land into two or more lots for the purpose of development. They include standards for street improvements, lot sizes and lot layouts, procedures for dedicating land for public purposes, acceptance of proposed engineering works and other necessary requirements as prescribed.

**V. Land Uses Zones**

Zoning is a means of implementing Municipal Plan policies. Land Use Zone tables are presented in Schedule C of the Development Regulations. For each land use zone a list of Permitted and Discretionary uses are listed.

In addition, the Development Regulations will now include certain standard content required by virtue of regulations made by the then Minister of Municipal Affairs to apply to all municipalities. That text, being Newfoundland Regulation 3/01, made under the Urban and Rural Planning Act, 2000, came into force on January 1, 2001, and is included in all municipal Development Regulations, to bring them more effectively to the attention of the reader.

**7.3 Development Control**

Before any development can take place, an application must first be made to Council for a development permit. Development may take place only after Council has reviewed the application and issued a permit. If the approval is considered as a discretionary use, the proper process of advertisement and hearing as required by the *Urban and Rural Planning Act, 2000*, shall be carried out.

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

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

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

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

Council has discretionary authority to grant a variance (not to be confused with a discretionary approval) of up to 10% of a requirement applicable to a proposed development which does not strictly comply with the development standards. However, the proposed development must conform to the general intent of the Municipal Plan. A proposed development must not change the permitted land use, or negatively impact on adjoining properties, by virtue of grant of a variance. Where Council deems it useful and necessary so as to better consider the details of a complex project, a Site Plan may be required of the applicant. Site Plan evaluation criteria are appended to the Municipal Plan.

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

### **7.4 Public Works**

Essential to the implementation of the Municipal Plan is the carrying out of annual public works projects. The community's water and sewer servicing program and any future capital works such as improvement of recreational facilities must conform with applicable policies and land use designations of the Municipal Plan. Water and sewer projects must not contribute to sprawl, since that would conflict with the Municipal Plan's goal of promoting compact development.

Council must also demonstrate its ability to cover its share of costs in any capital works requests. It should also be recognized that extensions of the water and sewage systems required for (or as a part of) new development (including residential subdivisions) are the responsibility of developers and not the municipal or provincial governments. Upon completion of the water and sewer servicing program (or individual phases of it) improvements to local roads should be undertaken in accordance with the Town's financial capability (and in conformity with the Municipal Plan) on a prioritized basis.

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**7.5 Development Schemes**

Sections 29 - 30 of the *Urban and Rural Planning Act, 2000* provide Council with the authority (upon adoption of a Municipal Plan) to prepare and adopt Development Schemes. Development Schemes are detailed localized plans outlining the manner in which a specified part of the community is to be developed. Through a Development Scheme, land may be reserved for such things as public roadways, residential subdivisions, schools, parks or open space.

Development Schemes can also provide for the acquisition, subdivision, sale or lease of land and buildings by the municipality. They are prepared and adopted in a manner similar to the process of adopting a Municipal Plan, and when approved, form part of the Municipal Plan.

## **8.0 INTERPRETATION**

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

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

Where feasible, the boundary lines of areas designated in this Municipal Plan are laid out to follow lot boundaries and prominent physical features, including roadways, toes and edges of steep embankments, shorelines, and the boundary of the National Park, and shall be interpreted in that way. Where this does not apply, measurement from the maps and relative location on the ground shall be considered.

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

It is considered that all figures and quantities herein, other than those for development standards for which variances may be considered in accordance with the *Urban and Rural Planning Act, 2000*, shall be considered as approximate only and not absolute.

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**APPENDIX**

**Site Plan Evaluation Criteria**

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

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

All site development plans shall be submitted to Council for approval.

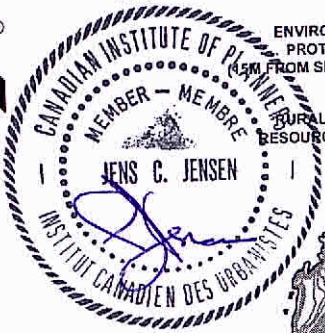


SCALE 1:50000 @ 8 1/2" x 11"

0 1 2 KM

SEE MAP 2

GULF OF ST. LAWRENCE



ENVIRONMENTAL PROTECTION - A (5M FROM SHORELINE)

RURAL & RESOURCE

ENVIRONMENTAL PROTECTION - B

HIGHWAY 431

TROUT RIVER SMALL POND

TROUT RIVER BIG POND

Municipal Boundary  
 5175-2576-001  
 Adopted by Council  
 Date: March 9, 2016  
 Signature: [Handwritten Signature]

TOWN OF TROUT RIVER

Dated at Trout River this 13 day of

Feb A.D. 2016

*Gloria Barnes*  
 Mayor, Town of Trout River

*Jeanne Barnes*  
 Clerk, Town of Trout River

LEGEND:

FUTURE LAND USE DESIGNATIONS AS SHOWN

RURAL & RESOURCE  
 ENVIRONMENTAL PROTECTION-A (SENSITIVE SHORELINE)  
 ENVIRONMENTAL PROTECTION-B (STEEP, UNSTABLE SLOPES)

- MUNICIPAL BOUNDARY
- PLANNING AREA BOUNDARY
- ..... PROTECTED PUBLIC WATER SUPPLY AREA PURSUANT TO THE WATER RESOURCES ACT

|   |                        |             |
|---|------------------------|-------------|
| 5 | AS APPROVED BY COUNCIL | 12 JAN 2016 |
| 4 | ADOPTED BY COUNCIL     | 8 DEC 2015  |
| 3 | FOR ADOPTION           | 9 OCT 2015  |
| 2 | FOR DMIA REVIEW        | 24 APR 2015 |
| 1 | FOR DMA REVIEW         | 23 JUL 2014 |

TOWN OF Trout River

MUNICIPAL PLAN  
 FUTURE LAND USE  
 2014 - 2024  
 MAP 1