

Prepared by:



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SCP Project ID: NMP-01-2021-003



TOWN OF ANCHOR POINT • MUNICIPAL PLAN (2023-33)

Approved by Council on: 9 Nov 2023
Registered in the NL Gazette on: _____

Prepared for the Town Council of:



URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

TOWN OF ANCHOR POINT MUNICIPAL PLAN, 2023-33

Under the authority of section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Anchor Point adopts the Town of Anchor Point Municipal Plan, 2023-33.

Adopted by the Town Council of Anchor Point on the 24th day of August 2023.

Signed and sealed this 8 day of November 2023.

Deputy
Mayor:

Robert Garg

Clerk:

Shawn



Canadian Institute of Planners Certification

I certify that the attached Town of Anchor Point Municipal Plan, 2023-33 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP: Andrew C. Smith, MCIP



A. Smith



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

OFFICE OF THE ATTORNEY GENERAL

MEMORANDUM FOR THE ATTORNEY GENERAL

DATE: [illegible]

FROM: [illegible]

SUBJECT: [illegible]

[illegible signature]

[illegible initials]

[illegible signature]

[illegible initials]

Very truly yours,

[illegible signature]

[illegible initials]

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URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE

TOWN OF ANCHOR POINT MUNICIPAL PLAN, 2023-33

Under the authority of sections 16, 17 and 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Anchor Point:

1. Adopted the Anchor Point Municipal Plan, 2023-33 on the 24th day of August 2023;
2. Gave notice of the adoption of the Anchor Point Municipal Plan, 2023-33 by way of an advertisement inserted in the West Coast Wire on the 20th day of September 2023 and the 27th day of September 2023; and
3. Set the 5th day of October 2023 at 7:00 p.m. at the Anchor Point Town Office in the Town of Anchor Point for the holding of a public hearing to consider objections and submissions.

Now, under section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Anchor Point approves the Anchor Point Municipal Plan, 2023-33 on the 8th day of November 2023 as adopted.

Signed and sealed this 8 day of November 2023.

Deputy
Mayor:

Robert Gonyea

Clerk:

Shaula



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Handwritten signatures and notes at the bottom of the page.

Canadian Institute of Planners Certification

I certify that the attached Town of Anchor Point Municipal Plan, 2023-33 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP: Andrew C. Smith, MCIP



A. Smith

Municipal Plan/Amendment	
<u>REGISTERED</u>	
Number	<u>0035 - 2023 - 000</u>
Date	<u>15 DEC 2023</u>
Signature	<u><i>[Signature]</i></u>



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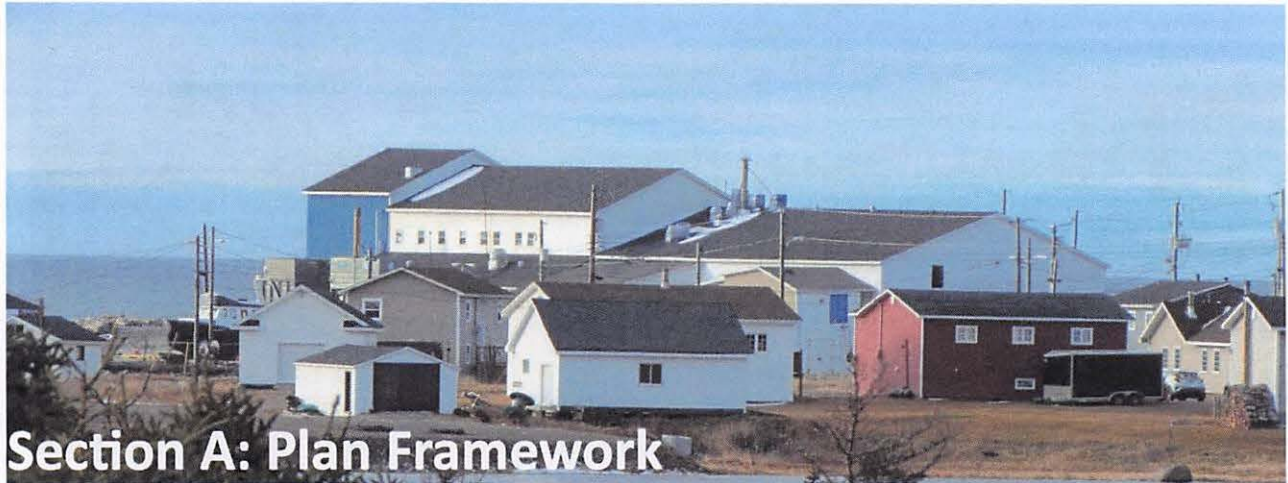
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A.1 PURPOSE AND CONTENTS

Note: Italicized words are defined in the 'Development Regulations (2023-33)'

The 'Town of Anchor Point Municipal Plan (2023-33)' (henceforth the *Plan*) is the legal document for guiding the future of the *Town* between 2023 and 2033. The *Plan* strives to manage growth and *development*; promote economic development through supporting the local economy; and protect the character of existing neighbourhoods, the natural environment and drinking water supplies.

The *Plan* is guided by the overarching goal and objectives (subsection 'B.1 Municipal Plan Goal and Objectives'). These provide the context for the detailed land *use* subsections (subsection 'B.2 Land Use Goals, Policies and Proposals'). Each subsection contains a guiding goal, general *policies* and specific *proposals* of *Council* to give effect to the *Plan*. The 'Town of Anchor Point Development Regulations (2023-33)' (henceforth the *Regulations*) contain the detailed *development* provisions required to implement the *Plan*. The relationship between the *Plan* and *Regulations* is shown in 'Illustration 1: Municipal Plan and Development Regulations Framework.'

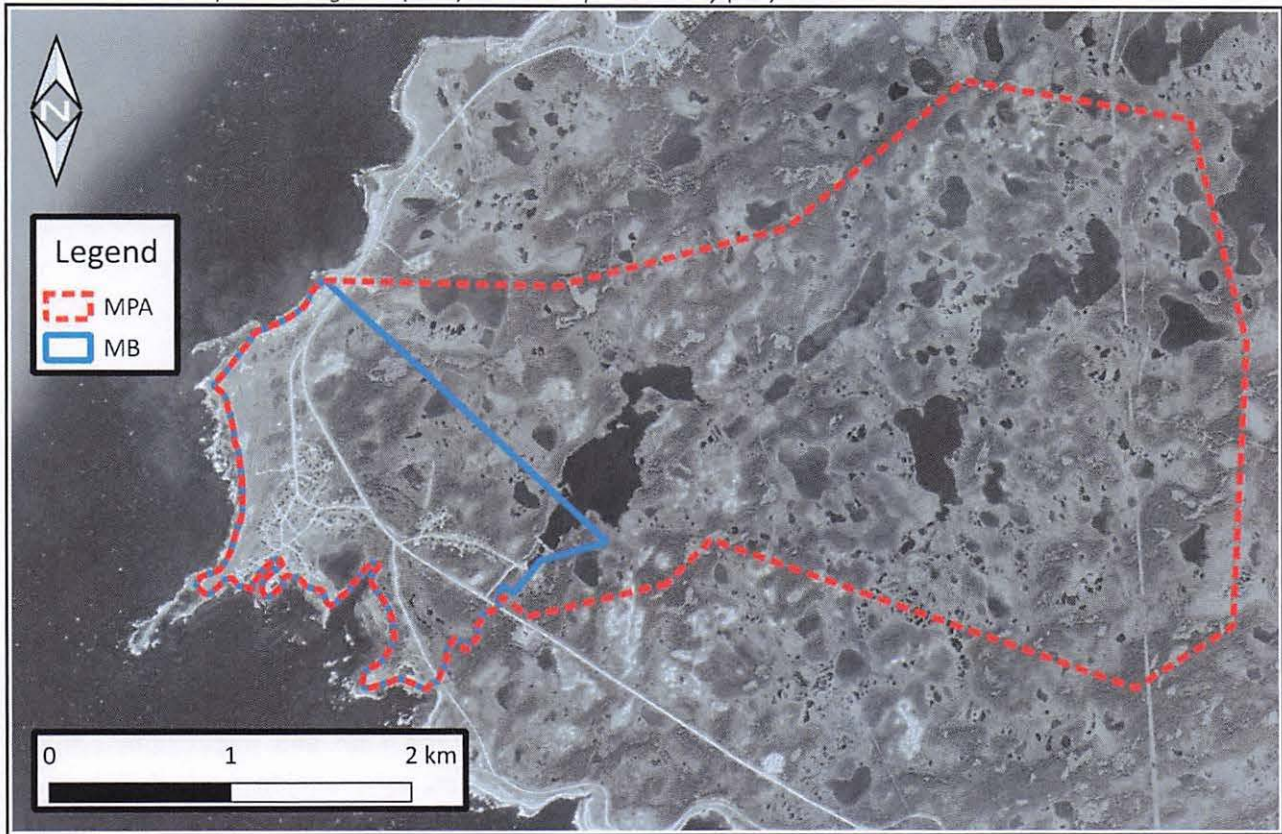
Illustration 1: Municipal Plan and Development Regulations Framework



The Town's *Municipal Boundary* (henceforth *MB*), or commonly referred to as *Town* limits, extends approximately 2.2km north-south along provincial Route #430. Provincial Context'). The *Town* is situated in Saint Barbe Bay along with the unincorporated community of Saint Barbe and the Local Service Districts of Black Duck Cove and Pidgeon Cove St. Barbe to the southeast.

The *Town's Municipal Planning Area* (henceforth *MPA*), for which the *Plan* and *Regulations* apply, encompasses a wider area than the *MB* (see 'Illustration 2: Municipal Planning Area (MPA) and Municipal Boundary (MB)'). The area of the *MPA* is approximately 12.4km² and includes the *Town's* water supply—Well Cove Brook Protected Water Supply Area (PWSA). The *Plan* and the *Regulations* apply to all public and private freehold lands within the *MPA*.

Illustration 2: Municipal Planning Area (MPA) and Municipal Boundary (MB)



Under the *Urban and Rural Planning Act, 2000* (henceforth the *Act*), *Council* must review the *Plan* every five (5) years from the date on which it came into effect; and if necessary, revise the *Plan* to reflect changes in the community that can be foreseen during the next ten (10) year period. In response to new *development* proposals or changes to community and *Council* priorities, *policies* or *proposals*, the *Plan* may be amended as necessary prior to the legislative review period. Such amendments must follow the process outlined under section 25 of the *Act* (see 'Appendix A: Amendments' for the current list of legally enacted amendments to the *Plan* and *Regulations*).

A.2 THE PLANNING PROCESS¹

The process to develop a new Municipal Plan takes place in several steps as shown in ‘Illustration 3: Planning Process.’ The first step, ‘Research & Analysis,’ involves researching all relevant planning issues, including a review of current land *use*, demographics, and economic data; and gathering the most recent mapping and aerial imagery for the *Town*. The research also involves assessing other initiatives, reports, and studies; and, where appropriate, incorporating them into the Municipal Plan. The summary of this step is compiled in the associated *Background Report*, which was submitted to *Council* for review prior to the development of this *Plan*.

The second step involves ‘Stakeholder & Public Consultation.’ The *Plan* is community-based and must involve residents at a collaborative level in order to be relevant and effective. The document strives to reflect the open and democratic process of planning, incorporating the input and views of the public. The *Plan* is meant to articulate a harmonized vision and direction in which the residents wish to see the *Town* progress over the next ten (10) years.

The summary of this step is compiled in the *Public Participation Report*. The *Report* summarizes the various public participation strategies that were implemented in order to garner feedback for the development of this *Plan*.

Illustration 3: Planning Process



In accordance with section 15 of the *Act*, the draft Municipal Plan is submitted to the Minister of Municipal and Provincial Affairs for review to ensure that the document conforms to provincial interest, law and policy. Following the completion of the provincial review, *Council* may by resolution formally adopt the *Plan* in accordance with section 16 of the *Act*. *Council* may then give notice of adoption and

1 Section revised from Town of Norman's Cove- Long Cove, Municipal Plan 2012-2022, Subsection 1.5, Registration #3500-2013-006, Gazette Date August 2, 2013

tentative public hearing (section 17 of the *Act*). If the public hearing proceeds, a Commissioner, who is appointed by *Council*, shall hear objections and representations at the hearing and will follow up with a report to *Council*. The report must contain a recommendation with two copies of evidence taken from the hearing (section 22 of the *Act*).

After the Commissioner's report has been submitted, *Council* considers the recommendation and may approve the *Plan*, table the *Plan*, or approve the *Plan* with changes recommended by the Commissioner. If approved, *Council* must then submit the *Plan* and *Regulations* to the Minister of Municipal and Provincial Affairs to be registered in the planning registry established by the Department (section 24 of the *Act*). The *Plan* comes into effect on the date that the notice of its registration is published in the Newfoundland and Labrador Gazette (subsection 24(3) of the *Act*).



B.1 MUNICIPAL PLAN GOALS AND OBJECTIVES

The overarching goal of this *Plan* is to facilitate a sustainable, safe, and healthy *Town* in which to work, play, and rest.

The broad objectives of this *Plan* are to:

- (a) Facilitate and maintain the established residential and rural character of the community;
- (b) Support growth and *development* that is consistent with community values;
- (c) Ensure land is used and developed in an environmentally responsible manner;
- (d) Promote a healthy community that engages in active recreation and *active transportation*;
- (e) Protect environmentally sensitive areas;
- (f) Recognize the traditional variety and mix of land *uses*, while separating incompatible *uses* and minimizing the potential for land *use* conflicts;
- (g) Support the revitalization of a healthy resource-based economy;
- (h) Promote economic diversification;
- (i) Protect existing and potential future potable water resources;
- (j) Encourage a *development* pattern that will minimize future servicing needs and costs;
- (k) Promote the utilization and upkeep of existing and proposed public infrastructure;
- (l) Direct *development* away from areas that pose a risk to public health and safety, or where property may be damaged; and
- (m) Encourage the provision of areas for public open spaces and *park uses*.

The goal and objectives reflect *Council's* priorities for the future *development* of the *MPA*. The objectives provide a reference for those who administer and enforce the *Plan*, and to use when making *land use* decisions.

B.2 LAND USE GOALS, POLICIES AND PROPOSALS

B.2.1 OVERALL DEVELOPMENT STRATEGY

B.2.1.1 Overview

The overall *development* strategy addresses the future distribution and form of *development* within the *MPA*. A central thrust of the *Plan* and *Regulations* is to guide *development* in a manner that is compatible with existing neighbourhoods and avoids or minimizes negative *land use* impacts. Negative *land use* impacts include the creation of hazards or nuisances such as noise, dust, odour, vibration, or light pollution. Much of the guiding direction of the *Plan*—as outlined through the following *land use* goals, *policies* and *proposals*—revolves around this theme.

The overall *development* strategy also addresses the need for an efficient *development* pattern that promotes active living and *active transportation*, but reduces overall resources and costs for transportation, public and *safety emergency services*. However, *Council* understands that facilitating an efficient *development* pattern must be balanced with the existing rural residential character of the *Town*. On the whole, the *Town* is characterized by a low density, rural residential *development* pattern which allows for residents to maintain and enjoy the best of both rural and residential living. *Resource fishing uses* are also central to the make-up of the *Town*. The *policies* and *proposals* in the *Plan* are thus supportive of facilitating an efficient *development* pattern, but are not overly restrictive in preventing the expansion of *development* activities into greenfield, hinterland areas of the *MPA*.

B.2.1.1.1 Future Land Use Classes and Implementing Use Zones

To achieve the overarching goal and objectives of this *Plan*, the *MPA* is divided into two (2) *future land use classes* on the *Future Land Use Classes Map* ('Schedule A: Future Land Use Classes Map'). The 'Conservation (C)' *future land use class* is designated to protect environmentally significant and sensitive features. This includes areas such as, but not limited to, wetlands, *watercourses*, and buffers therefrom. All remaining lands are designated 'Development (D)' to allow the creation of a wide range of *uses*, which include *agricultural uses*, *commercial uses*, *industrial uses*, *institutional uses*, *residential uses*, *resources uses*, and *transportation uses*. The *policies*, *proposals*, and *Regulations* give more structure and direction to these two (2) *future land use classes*.

Despite the two (2) *future land use classes* and associated *policies* and *proposals*, *select use groups*, *use divisions*, and *uses* may be created in any *future land use use class*. Examples include, but are not limited to, *public utilities*, *park uses*, mobile and transient *uses*. Although these *uses* may not necessarily be allowed in any *use zone*, allowing their creation affords *Council* the flexibility to amend the

Regulations (e.g. considering a rezoning request) without amending the *Plan* to allow specific *uses* in appropriate circumstances.

The *future land use classes* shall be implemented by four (4) initial *use zones*: 'Community Development (CD)', 'Rural (R)', 'Conservation (C)', and 'Residential (RES)'. As per subsection 13(2)(c) of the *Act*, these four (4) *uses zones* shall only contain *permitted* and *discretionary uses* that are afforded by their parent *future land use class*. The 'Conservation (C)' *future land use class* by and large mirrors the corresponding C *land use zone* and allowed *uses*. The *future land use classes* and subsidiary *use zones* are summarized in table format in 'Appendix B: Future Land Use Classes and Use Zones.'

The 'Development (D)' *future land use class* contains the CD, R, and RES *use zones*, in which *permitted* and *discretionary uses* vary considerably. This gives *Council* increased flexibility in amending the *Regulations* for specific *development* proposals (e.g. rezoning), as opposed to having to concurrently amend the *Plan*. (Amending the *Regulations* is a more streamlined legislative process compared with amending the *Plan*; and does not require initial review by the Department of Municipal and Provincial Affairs or a public hearing presided over by a Commissioner.) The RES *use zone* is, at the initial *Gazette* date of the *Plan* and *Regulations*, set up as a floating *use zone* mainly allowing *residential uses* and is not yet applied to any lands within the *MPA*. The intent of the RES *use zone* is to potentially rezone future lands for *residential subdivision development*. This form of rezoning, for example, may be driven by a developer applying for a *residential subdivision development* within the *MPA*.

The broad 'Development (D)' *future land use class* also allows the creation of a new *use zone* to accommodate a specific *development* proposal that is not allowed under the respective *use zone*. For example, as opposed to rezoning from CD to R to allow a *manufacturing – heavy use* (discretionary use), a new *use zone* (e.g. R-1) may be created to allow only the proposed *use* in the new R-1 *use zone*. This restricts the potential for other high impact *uses* to be approved and developed on the subject lands in the future.

Efficient Development Pattern

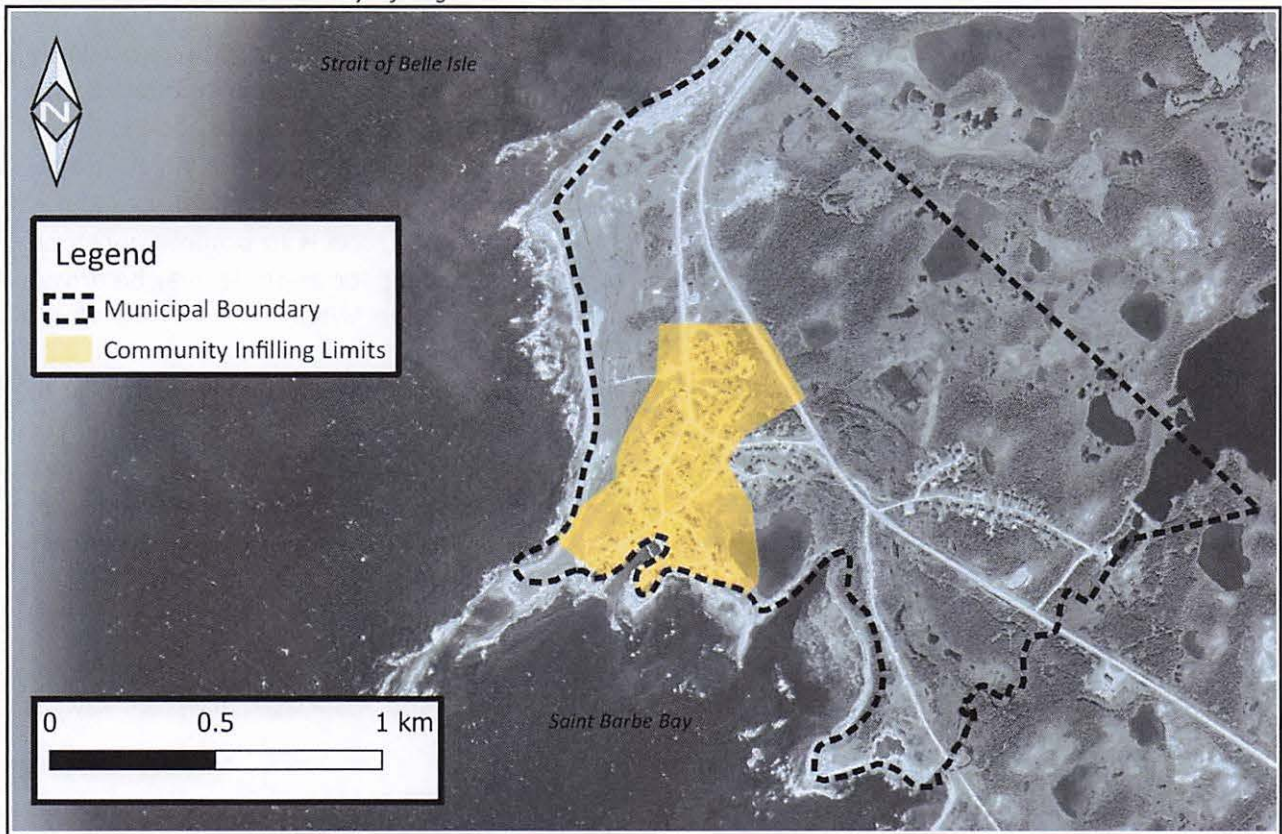
A low density *development* pattern, in which *buildings, structures*, and associated *uses* are few in number but are widely spread apart, is very costly in terms of:

- (1) providing public services such as water and sewer, road maintenance, snow clearing, parks upkeep, and solid waste collection;
- (2) providing *safety emergency services* such as fire, ambulance, and police services; and
- (3) overall transportation costs, presently borne by each resident (e.g. private motor vehicle travel, since there is no public transit options for residents).

In order to facilitate an efficient *development* pattern, future *development* should be encouraged to locate primarily in the existing built-up area of the *Town*, which is the existing developed portion of the community along Loop Road and Anchor Point Road (Main Street). This area by and large corresponds with the provincial community infilling limits (see 'Illustration 4: Provincial Community Infilling Limits').

Infilling limits were established through policy by provincial Crown Lands to manage the growth of communities in Newfoundland and Labrador. This has helped facilitate the broader *development* pattern of the *Town* to date, primarily because Crown Lands will not dispose of lands for *residential uses* outside of these infilling limits. These limits thus help ensure that municipalities in Newfoundland and Labrador grow in a more compact and sustainable manner until such time that local planning frameworks are established. The community infilling limits are thus superseded by the provisions within this *Plan* and *Regulations* (as of the *Gazette* date of the *Plan* and *Regulations*) and Crown Lands will be dispensed in accordance with said provisions.

Illustration 4: Provincial Community Infilling Limits

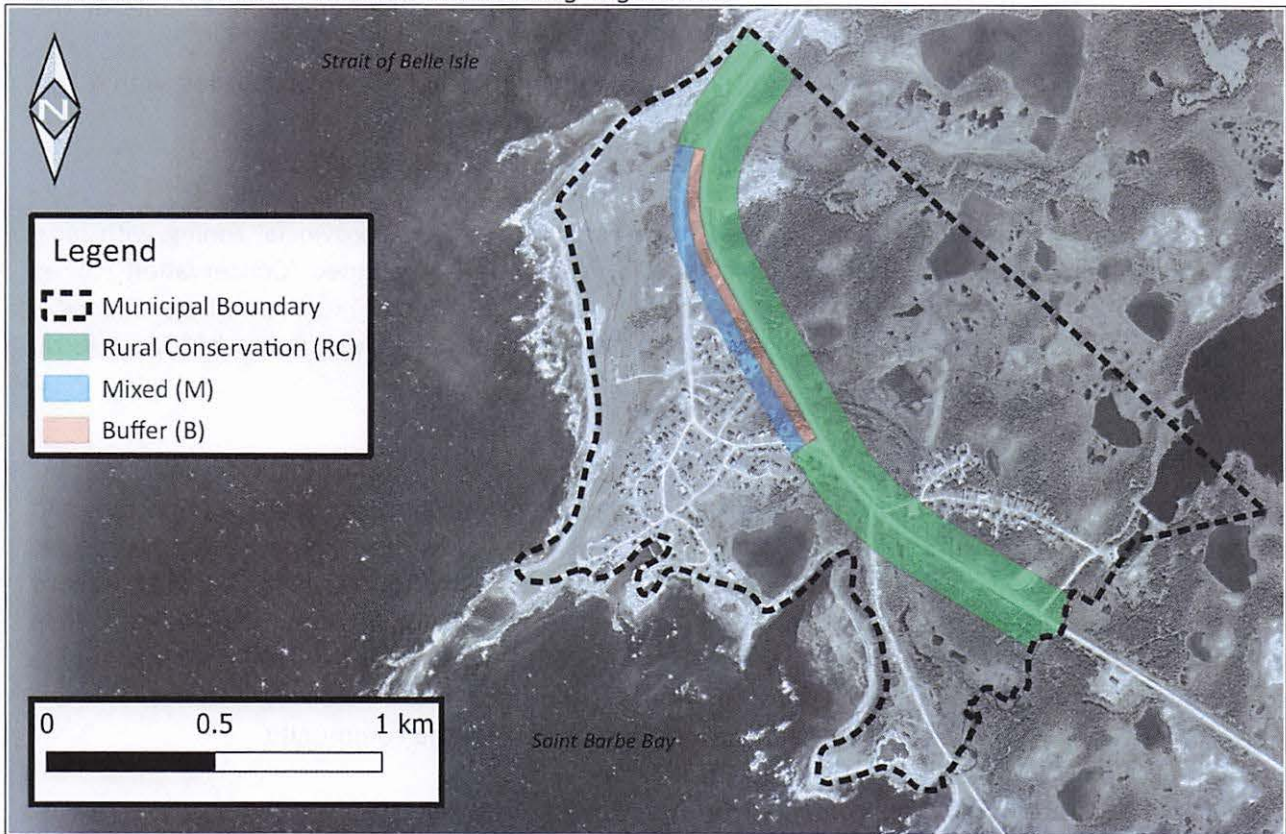


This area possesses the highest residential densities and bulk of infrastructure and serviced *public streets*. This area also contains the core *institutional* uses and industry of the *Town*, including the Town Hall, municipal playground facility, Saint Matthew’s Anglican Church, and fishing port with secondary shrimp processing facility (Barry Group Inc.).

The *development* pattern of the *Town* has also been shaped by the provincial *Protected Road Zoning Regulations* in the area, which are implemented via zoning outlined in the ‘Great Northern Peninsula

Highway Zoning Plan 1990' (see 'Illustration 5: Provincial Protected Road Zoning Regulations'). Unlike the community infilling limits, which is primarily for the disposal of Crown Lands, this provincial zoning applies to both public Crown Lands and private freehold lands. The 'Rural Conservation (RC)' *use zone* is especially noteworthy as it restricts *residential uses*. To date, this has had the effect of abating *residential development* along most of the 200m wide buffer area (i.e. 100m on either side of the centre line) along the section of Route #430 that runs through the *Town*. As of the initial *Gazette* date of this *Plan* and *Regulations* and as per section 10 ('Areas with approved plans') of the *Protected Road Zoning Regulations*, the regulatory provisions of this *Plan* and *Regulations* supersede the regulatory provisions of the *Protected Road Zoning Regulations*. This means that the zoning under the *Town's Regulations* will apply in place of the zoning illustrated in Illustration 5. However, a Protected Road Zoning Permit is still required from Service NL for any *development* within provincial planning jurisdiction (i.e. within the 200m wide buffer).

Illustration 5: Provincial Protected Road Zoning Regulations



Despite local zoning taking precedence and as of the initial *Gazette* date of this *Plan*, it is the intent of *Council* to restrict future *residential development* along the preexisting 'Rural Conservation (RC)' *use zone* corridor through the implementation of a 'Rural (R)' *use zone*. This approach is in keeping with the

objectives of the 'Great Northern Peninsula Highway Zoning Plan 1990,' the underlined sections of which are relevant to *Council* and the direction of this *Plan*:

1. To restrict sporadic ribbon *development* along the highway.
2. To restrict the number of *accesses* along the highway, thus reducing the number of potential hazards and expediting the free flow of traffic.
3. To ensure that *development* along the highway is constructed and located in such a manner as not to detract from the amenities of the roadside.
4. To control the location of advertisements on the highway and to ensure that those permitted do not present an eyesore or pose a hazard to traffic by virtue of their lettering and design.
5. To ensure that new development will not create a sanitation in itself or to adjoining property, or in any way have an injurious effect on the property of others.
6. To ensure that highway service areas are developed along the highway in locations that will provide assistance to the travelling public in a safe and convenient manner.
7. To ensure that the standards of construction conform to the minimum requirements of the National Building Code of Canada.
8. To assist in the orderly development of the community where that ability lies within this Department's terms of reference.
9. To generally ensure that the amenity of roadside is kept in a pleasing condition.

However, it is not the intent of *Council* to exactly mirror the preexisting provincial zoning with local zoning. There are sections, for example, which are more appropriately zoned 'Conservation (C)' as opposed to 'Rural (R)' due to the presence of wetlands and *watercourses*. Further, where *Council* is considering a request to rezone lands to 'Community Development (CD)' along Route #430, a referral shall be forwarded to DTI.

Active Living and Transportation

As the population ages, active living and *active transportation* will become increasingly important and relied upon by seniors and other residents on fixed incomes. An efficient *development* pattern provides opportunities for residents to visit friends and family in close proximity to their homes, and to walk to stores and services. Facilitating opportunities for active living and *active transportation* will also help promote the overall health and well-being of residents and the *Town* as a whole. The *Town* is fortunate to have an existing compact *development* form with *dwelling units* in close walking distance. This is a strong foundation to further active living and *active transportation* in the community.

Residential Rural Lifestyle and Development

Council recognizes that residents enjoy living in the *Town* because of the residential rural lifestyle it affords (i.e. offering the best of both residential and rural living). Some residents prefer to live in low density residential areas where they are in a more natural environment and are distanced from surrounding land use activity (e.g. Subdivision Road). Despite the promotion of an efficient *development* pattern in the existing built up portion of the *Town*, compatible *development* of an appropriate use and

scale may be considered in appropriately designated areas on the *Future Land Use Classes Map*. Where areas are not appropriately zoned to accommodate a proposed *use* and *development*, the proposal may be considered through the *Regulations amendment application* process (i.e. rezoning process).

Given the rich history in fishing in the *Town*, it is the intent of *Council* to take a permissive approach to allowing *fishing uses* throughout the *Town*. Understanding the need for community self reliance and sustainability, *Council* also recognizes the importance of promoting *agricultural uses* throughout the *Town*. The promotion of *agricultural uses* must be balanced with mitigating or eliminating the potential for negative *land use* impacts on adjacent properties. It is thus the intent of *Council* to categorize various *agricultural uses* into sub-uses within the *Regulations*, which may be allowed in various *use zones* (i.e. listed as *permitted* or *discretionary uses*), depending on the nature, scale, and potential for *land use* nuisance relating to each *development*.

B.2.1.2 Goal and Policies

It is a *goal* of *Council* to guide *development* in the *Municipal Planning Area* that is compatible with existing neighbourhoods, minimizes or avoids negative *land use* impacts, and facilitates an efficient *development* pattern that reduces overall costs and promotes active living and *active transportation*.

It is a *policy* of *Council* to:

B.2.1.2 (1) Facilitate *development* that is compatible with the character of existing neighbourhoods and minimizes or avoids negative *land use* impacts on existing, established *land uses*. Negative *land use* impacts include the creation of hazards or nuisances such as, but not limited to, noise, dust, odour, vibration, or light pollution.

B.2.1.2 (2) Guide future *development* in the *Municipal Planning Area* through the establishment of *future land use classes* designated on the *Future Land Use Classes Map*.

B.2.1.2 (3) Despite *policy* B.2.1.2 (2), allow select *use groups*, *use divisions*, and *uses* to be made in any *future land use class* in the *Municipal Planning Area*.

B.2.1.2 (4) Give priority to infilling vacant land, currently serviced by municipal water and sewer and fronting onto existing *public streets*, over the *development* of new municipal *streets* and infrastructure.

B.2.1.2 (5) Promote a compact and efficient *development* pattern within the existing built up portion of the *Municipal Planning Area*, in order to promote active living and *active transportation* and to reduce the overall costs of transportation, public and *safety emergency services*. This area is generally defined by the provincial community infilling limits outlined in 'Illustration 4: Provincial Community Infilling Limits.'

B.2.1.2 (6) In order to facilitate an efficient *development* pattern as per *policy* B.2.1.2 (5), encourage new *residential, commercial, and institutional uses* to locate within the existing built up portion of the *Town*. This area is generally defined by the provincial community infilling limits outlined in ‘Illustration 4: Provincial Community Infilling Limits.’

B.2.1.2 (7) Allow compatible *developments* of an appropriate *use* and scale throughout the *Municipal Planning Area*.

B.2.1.2 (8) Regulate *development* adjacent to Route #430 in a manner that is in keeping with the objectives of the ‘Great Northern Peninsula Highway Zoning Plan 1990.’ This *policy* is meant to respect the original intent of said Plan and is not to be interpreted as to regulate *development* in an exact manner as per said Plan.

B.2.1.2 (9) Take a permissive approach to allowing *fishing uses* throughout the *Municipal Planning Area*. In accordance with the specific *proposals* under subsection B.2.1.3, *fishing uses* may be created in their respective *future land use classes*.

B.2.1.2 (10) Support and encourage the *development* of *agricultural uses* throughout the *Municipal Planning Area*. In accordance with the specific *proposals* under subsection B.2.1.3, which are based on potential for *land use* impact and location within the *Town*, various types of *agricultural uses* may be created in their respective *future land use classes*.

B.2.1.3 Proposals

It is a *proposal* of *Council* to:

B.2.1.3 (1) Adopt *land use policies* and *proposals* and implementing *Regulations* that facilitate *development* that is compatible with the character of existing neighbourhoods and minimizes or avoids negative *land use* impacts on existing, established *land uses*.

B.2.1.3 (2) Designate and divide *land* in the *Municipal Planning Area* into two (2) *future land use classes*.

In accordance with subsection 13(2)(c) of the *Act*, the following tables outline the *main uses* that may be made in each *future land use class* (i.e. included as *permitted* or *discretionary uses* in the *use zone tables* under subsection ‘E.2 Use Zone Regulations’ of the *Regulations*). *Uses* that are not included in the *main uses* category shall constitute *prohibited uses* that cannot be made in any *use zone* within the respective *use class*. If a *use* is cross-referenced in ‘Appendix C: Use Category Table’ of the *Regulations*, it may be created under the respective *use group* or *use division* (e.g. *warehouse/indoor storage* is listed under both *commercial* and *industrial use groups*).

(a) **Development (D):** This *future land use class* is designated to facilitate a wide range of *uses* throughout the existing developed and undeveloped hinterland areas within the *Municipal Planning Area*.

Development (D)	i. Use Groups	ii. Use Divisions	iii. Uses
Main Uses	(a) Agricultural (b) Commercial (c) Industrial (d) Institutional (e) Residential (f) Resource (g) Transportation	(N/A)	(N/A)

As of the initial *Gazette* date of the *Plan and Regulations*, the following *use zones* are seated under the 'Development (D)' *future land use class*: 'Community Development (CD)', 'Rural (R)', and 'Residential (RES)'. This *future land use class* does not preclude the creation of new *use zones* that contain the *uses* listed under the 'Development (D)' table above and/or the *uses* listed under the 'All Areas within MPA Table' under *proposal B.2.1.3 (3)*.

(b) **Conservation (C):** This *future land use class* is designated to protect sensitive environmental features and to allow certain *open space uses*, and other select *uses*.

Conservation (C)	i. Use Groups	ii. Use Divisions	iii. Uses
Main Uses	(N/A)	(N/A)	(a) Water supply (b) Area of natural, historic, or scientific interested (c) Passive park (public or private) (d) Interpretive centre (e) Active park (public or private)

As of the initial *Gazette* date of the *Plan and Regulations*, only the 'Conservation (C)' *use zone* is seated under the 'Conservation (C)' *future land use class*. This *future land use class* does not preclude the creation of new *use zones* that contain the *uses* listed under the 'Conservation (C)' table above and/or the *uses* listed under the 'All Areas within MPA Table' under *proposal B.2.1.3 (3)*.

B.2.1.3 (3) Despite *proposal* B.2.1.3 (2), the following *uses* may be made throughout the *Municipal Planning Area* in any *future land use class*.

All Areas within MPA	i. Use Groups	ii. Use Divisions	iii. Uses
Main Uses	(a) Open Space (b) Sign (c) Utilities	(a) Agricultural – Small Scale (b) Resource – Earth Exploration	(a) Commercial/Industrial/Resource – (N/A) – Warehouse/Indoor Storage (b) Commercial/Institutional – (N/A) – Special Function Tent (c) Commercial – (N/A) – Vending Facility (d) Institutional – Educational – Mobile Educational/Instructional Use (e) Institutional – (N/A) – Government Use (f) Institutional – Services – Safety Emergency Services (g) Transportation – (N/A) – Marina (h) Transportation – (N/A) – Transportation Hub

B.2.1.3 (4) Where on the *Future Land Use Classes Map* the *use class* boundary is uncertain, interpret the boundary as to follow the *Municipal Planning Area*, *street line*, *easement*, *right-of-way*, *trail*, *walkway*, *nearest cliff edge* adjacent to a *watercourse* or *ocean coastline*, or *outermost reach* of a *watercourse* where no discernible cliff edge is present.

B.2.1.3 (5) Facilitate a mix of compatible *developments* of appropriate *use* and *scale* along the majority of *public streets* within the *Municipal Planning Area*. This shall be implemented through the application of a mixed-use, ‘Community Development (CD)’ *use zone*, which covers existing developed areas largely defined by the provincial community infilling limits. However, this *proposal* does not restrict the CD *use zone* to these infilling limits and *Council* may in the future consider the extension of the CD *use zone* through the *Regulations* amendment process (e.g. rezoning). *Uses* allowed in the CD *use zone* shall include *commercial uses*, *institutional uses*, *residential uses*, and other select *uses*. *Residential uses* with ≤4DUs shall be listed as *permitted uses*, whereas higher density *residential uses* (≥5DUs) shall be listed as *discretionary uses*. Depending on the nature, scale, and compatibility of other *uses* in the ‘Development (D)’ future land use class under *proposal* B.2.1.3 (2) (a), they may be listed as either *permitted* or *discretionary uses* in the CD *use zone*.

B.2.1.3 (6) Allow *development* in the hinterland areas of the *Municipal Planning Area* through the application of a ‘Rural (R)’ *use zone*. *Uses* allowed in the R *use zone* shall include *agricultural uses*, *open space uses*, *resource uses*, and other select *uses*. These *uses* are of a rural nature and generally require

an expanse of land and separation from *residential uses*. *Residential uses* shall be prohibited in this *use zone*. Depending on the nature, scale, and compatibility of other *uses* in the 'Development (D)' *future land use class* under *proposal* B.2.1.3 (2)(a), they may be listed as either *permitted* or *discretionary uses* in the R *use zone*.

B.2.1.3 (7) Establish a 'Residential (RES)' floating *use zone* for the potential rezoning of future lands developed for *residential subdivision use*. As of the initial *Gazette* date of the *Plan* and *Regulations*, this *use zone* is not applied to any lands within the *Municipal Planning Area*. *Uses* allowed in the RES *use zone* shall include mainly low density *residential uses* and other select *uses*. Depending on the nature, scale, and compatibility of other *uses* in the 'Development (D)' *future land use class* under *proposal* B.2.1.3 (2) (a), they may be listed as either *permitted* or *discretionary uses* in the RES *use zone*. An amendment will still be required if *Council* contemplates an RES *use zone* in the future.

B.2.1.3 (8) Through the *Regulations amendment application* process, consider requests to rezone lands within the 'Development (D)' *future land use class* where the specific proposal is consistent with the *policies* and *proposals* of this *Plan* and meets all of the applicable requirements of the *Regulations*. *Council* may also consider the creation of new, tailored *use zones* within the D *future land use class* to accommodate specific *development* proposals and to help protect adjacent properties from the future *development* of incompatible *uses*.

B.2.1.3 (9) Protect environmentally significant and sensitive lands and features through the application of a 'Conservation (C)' *future land use class* and *use zone*. Lands designated and zoned C include, but are not limited to, wetlands, *watercourses*, and buffers therefrom. *Uses* allowed in the C *use zone* shall include low impact *uses* such as, but not limited to, *passive parks* (*public* and *private*), *mobile/transient uses*, and other select *uses*. Depending on the nature, scale, and compatibility of other *uses* in the 'Conservation (C)' *future land use class* under *proposal* B.2.1.3 (2)(b), they may be listed as either *permitted* or *discretionary uses* in the C *use zone*.

B.2.1.3 (10) Further to *policy* B.2.1.2 (8), restrict *residential development* along the majority of the section of Route #430 that runs through the *Town* via the implementation of a 'Rural (R)' *use zone* and 'Conservation (C)' *use zone*. As per *proposal* B.2.1.3 (8), the rezoning of land from 'Rural (R)' to 'Community Development (CD)' may be considered by *Council* on a case-by-case basis through the *Regulations amendment application* process (i.e. rezoning process). As a part of considering a *Regulations amendment application* along Route #430, the application shall be forwarded to *DTI* for review.

B.2.2 LEGAL NON-CONFORMING USES

B.2.2.1 Overview

Section 108 of the *Act* allows the continuance of legal *non-conforming uses* and *developments* throughout the *MPA*, despite the creation of *prohibited uses* in the *future land use use classes* in the *Plan* and *use zones* in the *Regulations*. In general terms, legal *non-conforming use* rights are a form of grandfathered rights applying to existing *uses* and *developments*, which were legal before the initial *Gazette* date of the *Plan* and *Regulations*. There are, however, specific limitations associated with these *uses* and *developments*. These limitations are outlined in detail under section 108 of the *Act*.

Although subsection 13(2)(f) of the *Act* requires provisions within the *Plan* that address legal *non-conforming uses* and *developments*, the initial establishment of *future land use classes* and *use zones* strives to ensure that all existing *uses* currently conform to the *Plan* and *Regulations*. In other words, all efforts were made to appropriately designate and zone current *uses* on existing *lots*. As of the initial *Gazette* date of the *Plan* and *Regulations*, *Council* has no intent to phase out any existing *uses* and *developments* within the *MPA*.

However, *Council* recognizes that modernized *development* standards are required for new *developments* within the *Town*. Where *developments* are removed (demolished or destroyed) and proposed to be replaced, said *developments* may have to conform with all current *development* standards under the *Regulations*. *Council* acknowledges that legal, non-conforming *development* rights have specific limitations; and as such, the respective provisions under section 108 of the *Act* must be respected and adhered to when considering *development applications* for the replacement of legal non-conforming *uses* and/or *developments*.

Section 108 of the *Act* provides for specific *application types* pertaining to *non-conforming uses* and *developments*. For example, subsection 108(3)(d) of the *Act* gives the owner of a *lot*, with a legal *non-conforming use*, the right to apply to *Council* to change said *use* to another *use* that is more compatible with neighbouring properties, and the *Plan* and *Regulations*. In addition to the *Act*, the division of powers and details of *non-conforming use application types* shall be outlined in the *Regulations*.

B.2.2.2 Goal and Policies

It is a *goal* of *Council* to respect the rights of property owners with legal *non-conforming uses* and/or *developments*.

It is a *policy* of *Council* to:

B.2.2.2 (1) When regulating legal *nonconforming uses* and/or *developments*, apply the provisions of section 108 of the *Act* and allow *non-conforming uses* and/or *developments* to continue.

B.2.2.2 (2) As of the initial *Gazette* date of the *Plan* and *Regulations*, avoid creating legal *non-conforming uses*—of which said *uses* are regulated under section 108 of the *Act*—by applying the appropriate *future land use classes* and *use zones* to existing *lots* with established *uses* and *developments*.

B.2.2.2 (3) Outline specific provisions in the *Regulations* that address legal *non-conforming uses* and non-conformance with respect to standards.

B.2.2.3 Proposals

It is a *proposal* of Council to:

B.2.2.3 (1) Further to *policy* B.2.2.2 (3), implement specific provisions in the *Regulations* that address a *non-conforming use application* for:

- (a) Changing a *non-conforming use* associated with a *building, structure* or *development* to a *use* that is more compatible with the *Plan* and *Regulations*;
- (b) Internally or externally varying, extending or expanding an existing *development* with a *non-conforming use* (an extension to an existing *building* with a *non-conforming use* shall not exceed 50% of the *floor area* of the *building*); and
- (c) Other *development* as identified in section 108 of the *Act*.

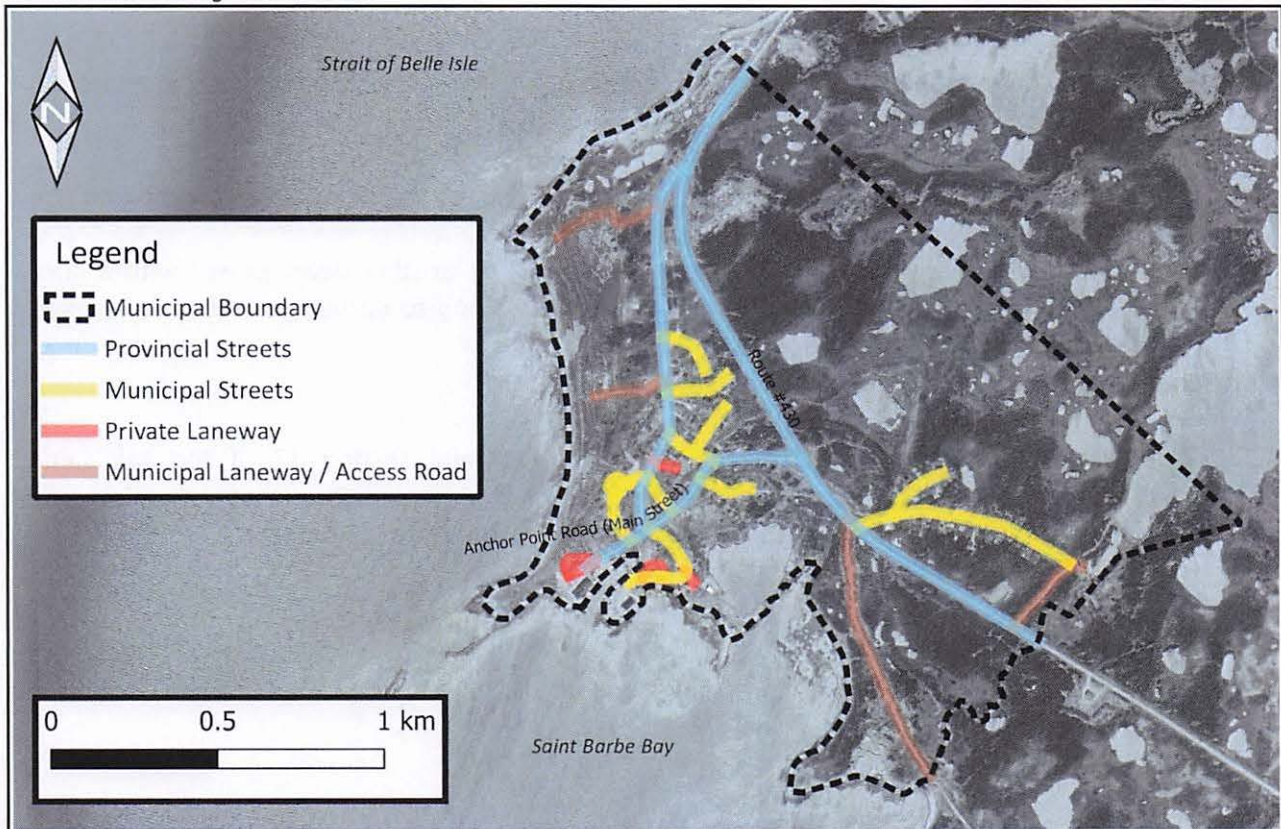
B.2.2.3 (2) In accordance with subsection 108(2) of the *Act* and section 17 of the Minister's *Development Regulations*, implement a specific provision in the *Regulations* that will allow the resuming of a *non-conforming use* where discontinuance is no greater than 18 months.

B.2.3 PUBLIC STREETS AND THE SUBDIVISION OF LANDS

B.2.3.1 Overview

Route #430 is owned and maintained by the Province (see 'Illustration 6: Existing Street Network'). This includes all snow clearing, servicing and improvements. All *public streets* owned and maintained by the *Town* are accessed from this provincial Route #430. Municipal *streets* are all *local streets*; there are no *collector* or *arterial streets* off of provincial Route #430. There are a few private laneways within the municipality, which are not vested in the *Town* and are not built to any engineered standard.

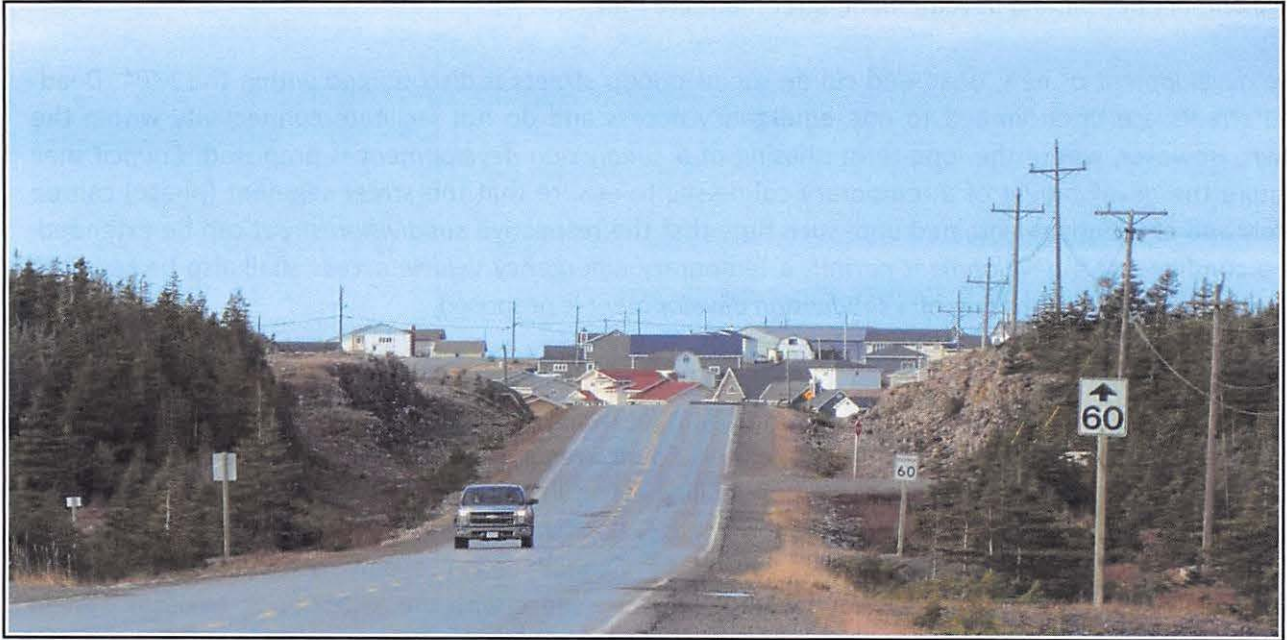
Illustration 6: Existing Street Network



Despite provincial or municipal ownership, *Council* promotes and supports safe *streets* that accommodate *active transportation*, have safe speed limits and clear sight lines at intersections and *driveway accesses*. It is the intent of *Council* to liaise and work with the provincial Department of Transportation and Infrastructure (*DTI*) to improve *street safety* along Route #430 including, but not limited to, implementing traffic calming measures and referring *development* and *amendment applications* along these routes to help ensure safe *access* is achieved. It is also the intent of *Council* to implement *development* standards in the *Regulations* that facilitate safe *streets*, such as the minimum

setback of a proposed *driveway access* to an intersection and the height restriction of vegetation and development in *daylighting triangles*.

Illustration 7: Route #430



Where *Town* resources are limited, *Council* prefers not to assume ownership and maintenance of additional municipal *streets*. As per *policy* B.2.1.2 (4) under subsection 'B.2.1 Overall Development Strategy,' the infilling of vacant land, currently serviced by municipal water and sewer and fronting onto existing *public streets*, is prioritized over the *development* of new *public streets* and infrastructure. Financial resources permitting, it is the intent of *Council* to allocate any *street* infrastructure funds to the improvement of existing municipal *streets*.

Where *subdivision development* is driven by a private developer, the cost of developing new *streets*, and associated *utility* and public service infrastructure, shall be borne by the *applicant*. Prior to issuing a *development permit* for a *subdivision development*, *Council* may require that the developer enter into a legally binding *development* agreement to help ensure that the *subdivision* proposal is developed in accordance with the submitted plans. The agreement may also include the requirement of upfront, financial guarantees (deposits) prior to issuing a *development permit* and work being carried out. *Council* may also attach conditions to a *development permit* for a *subdivision development*, which shall, in such case, reference the *development* agreement for enforcement purposes.

A *development permit application* for *subdivision development* must encompass core elements including, but not limited to, provisions for potable water and sewerage disposal, *public utilities*, *lot streetage*, land for public open space, *development* phasing, on-site drainage, *active transportation*

connections, and future municipal *streets* and connections thereto. These requirements are outlined in more detail under ‘Section D: Subdivision’ of the *Regulations*. As per the terms and conditions of a *development* agreement, *Council* need not assume ownership, maintenance and upkeep of any new *streets* constructed by a developer until all standards within the *Regulations*, and conditions of the *development permit* and *development* agreement are met.

The *development* of new, dead-end cul-de-sac or p-loop *streets* is discouraged within the *MPA*. Dead-end *streets* are often limited to one emergency *access* and do not facilitate connectivity within the *Town*. However, where the long-term phasing of a *subdivision development* is proposed, *Council* shall require the *development* of a temporary cul-de-sac to ensure that the *street* segment (phase) can be safely and efficiently maintained until such time that the respective *subdivision street* can be extended. As a condition of a *development permit*, a temporary emergency *vehicle access* shall also be required where the long-term phasing of a *subdivision development* is proposed.

It is the intent of *Council* to promote an orderly *lot development* pattern within the *Town*. This includes meeting minimum [*lot*] *frontage*, *lot streetage*, and *lot* depth requirements, as per subsection ‘D.7 Lot Creation Standards’ of the *Regulations*. However, *Council* recognizes that this may not be possible for the *subdivision* and *development* of existing infilling *lots* due to the irregular, historical *subdivision* of lands within the *Town*. Although the creation and *development* of *back lots* is discouraged by *Council*, this form of *development* may be considered by *Council* on a case-by-case basis similar to a *discretionary use*, thereby requiring public notice in accordance with the *Regulations*. In order to help ensure safe *access* for *safety emergency services* and to minimize the impact on adjacent *lots*, *Council* shall implement specific standards for the creation of *back lots*.

Any *subdivision development* on a new *street* shall contain *lots* that are connected to municipal water and sewer services. Unserviced *subdivision development* is therefore prohibited in the *Town*.

B.2.3.2 Goal and Policies

It is a *goal* of *Council* to prioritize the maintenance and upkeep of existing municipal *streets* over the *development* of new *streets*, whilst facilitating the regular and orderly *subdivision* of lands within the *Municipal Planning Area*.

It is a *policy* of *Council* to:

B.2.3.2 (1) Financial resources permitting, allocate any *street* infrastructure funds to the improvement of existing municipal *streets* over the *development* of new *streets*.

B.2.3.2 (2) Support safe *streets* that accommodate *active transportation* and have safe speed limits, and clear sight lines at intersections and *driveway accesses*.

B.2.3.2 (3) Liaise and work with the provincial Department of Transportation and Infrastructure (*DTI*) to improve *street* safety along Route #430 including, but not limited to, the implementation of traffic calming measures and referring *development* and *amendment applications* along this highway to help ensure safe *access* is achieved.

B.2.3.2 (4) Where *subdivision development* is driven by a private developer, require the cost of developing new *streets*, and associated *utility* and public service infrastructure, to be borne by the *applicant*.

B.2.3.2 (5) Further to *policy* B.2.3.2 (4) and prior to issuing a *development permit* for a *subdivision development*, consider the requirement of a *development agreement*, which may include provisions for upfront financial guarantees (deposits) or service levies.

B.2.3.2 (6) Further to *policy* B.2.3.2 (5), reference a *development agreement* for *subdivision development* as a condition of an associated *development permit*, which will allow *Council* to enforce provisions within the agreement where necessary.

B.2.3.2 (7) Further to *policy* B.2.3.2 (5) and where detailed under the terms of a *development agreement*, refrain from assuming ownership, maintenance and upkeep of any new *streets* constructed by a developer until all standards within the *Regulations*, and conditions of the *development permit* and *development agreement* are met.

B.2.3.2 (8) Discourage the *development* of new, dead-end cul-de-sac or p-loop *streets* within the *Municipal Planning Area*.

B.2.3.2 (9) Despite *policy* B.2.4.2 (8) and where the long-term phasing of a *subdivision development* is proposed, require the *development* of a temporary cul-de-sac to ensure that the *street* segment (phase) can be safely and efficiently used and maintained until such time that the respective *subdivision street* can be extended. As a condition of a *development permit*, a temporary emergency *vehicle access* shall also be required where the long-term phasing of *subdivision development* is proposed.

B.2.3.2 (10) Discourage the creation of *back lots* for *development* purposes.

B.2.3.2 (11) Despite *policy* B.2.3.2 (10), consider the creation of *back lots* for *development* purposes on a case-by-case basis, similar to a *discretionary use* thereby requiring public notice in accordance with the *Regulations*.

B.2.3.2 (12) Require any new *subdivision development* on a new *street* to contain *lots* that are connected to municipal water and sewer services.

B.2.3.3 Proposals

It is a *proposal* of Council to:

B.2.3.3 (1) Facilitate the regular and orderly subdivision of lands within the *Municipal Planning Area* through the implementation of ‘Section D: Subdivision’ standards of the *Regulations*.

B.2.3.3 (2) Implement *development* standards in the *Regulations* that facilitate *street* safety, such as the minimum *setback* of a proposed *driveway access* to an intersection and the height restriction of vegetation and *development* in the *daylighting triangle*.

B.2.3.3 (3) Further to *policy* B.2.3.2 (11), implement *back lot* creation standards in the *Regulations*, which will—in the event that *Council* approves such *subdivision developments*—help ensure safe *access* for *safety emergency services* and minimize the impact of the *development* on adjacent *lots*.

B.2.4 PUBLIC AND SAFETY EMERGENCY SERVICES

B.2.4.1 Overview

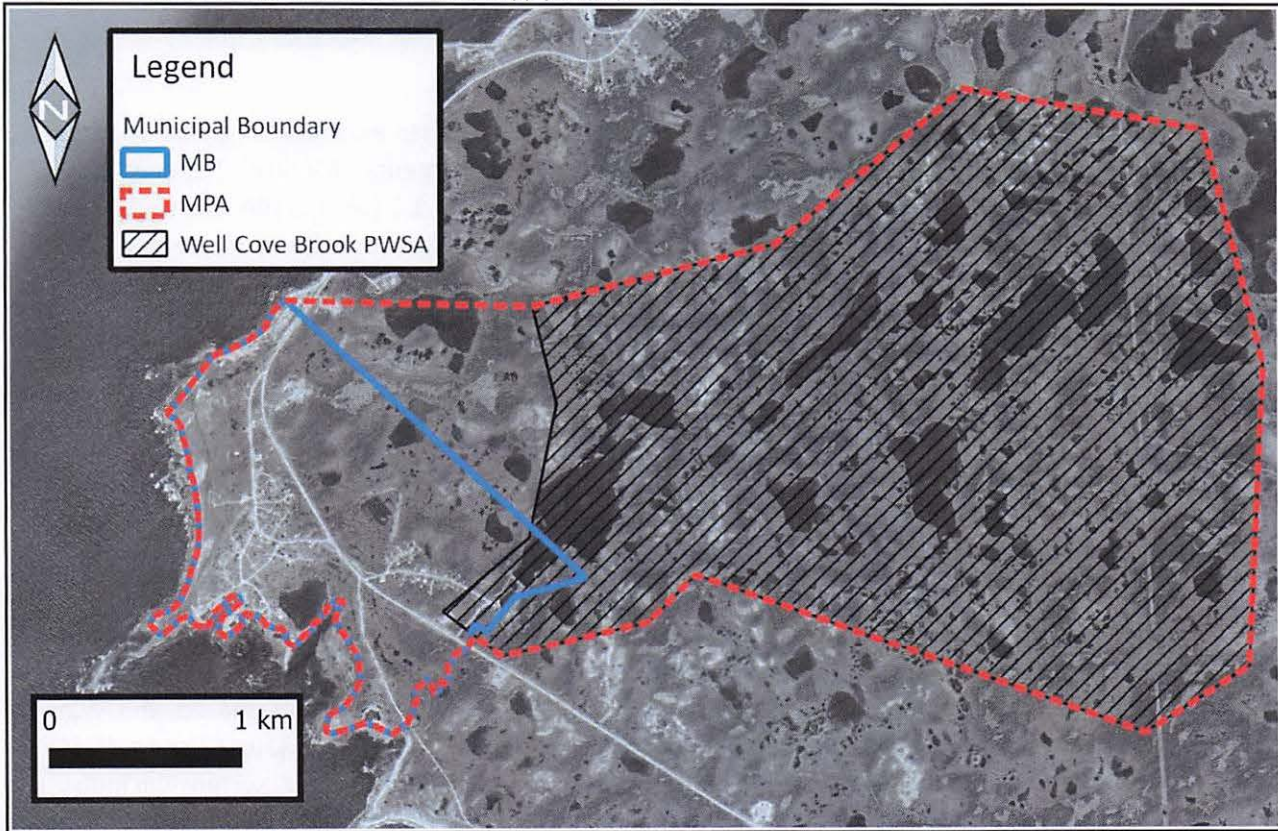
The *Town* is currently serviced by municipal water and sewer, solid waste and recycling pick-up. *Safety emergency services* include Emergency Fire Services (EFS), Emergency Medical Services (EMS, ambulance dispatch), and policing services. As outlined in *proposal* B.2.1.2 (5), it is the intent of *Council* to promote a compact and efficient *development* pattern within the existing built up portion of the *Municipal Planning Area*. This area is generally defined by the provincial community infilling limits outlined in 'Illustration 4: Provincial Community Infilling Limits.' In the long-term, this will help reduce overall costs associated with public and *safety emergency services*.

Municipal Sewer and Water Services

All *public streets* within the *MPA* are serviced with municipal water and sewer. The municipal sewer is an untreated gravity-based system that outfalls directly into Saint Barbe Bay. As of the *Gazette* date of this *Plan*, there are two *single unit dwellings* on privately serviced water wells.

Municipal water is fed by a surface water body supply (Well Cove Brook Water Supply) located to the northeast of the *MB* (see 'Illustration 8: Well Cove Brook Protected Water Supply Area (PWSA)'). The PWSA covers an area of approximately 9.3km². Since the PWSA is provincially designated, the Water Resources Management Division of the Department of Environment and Climate Change (*DECC*) regulates the specific activities permitted in the PWSA. The municipal water system includes a treatment facility comprised of gas chlorination and an infiltration gallery.

Illustration 8: Well Cove Brook Protected Water Supply Area (PWSA)



Council does not intend on extending municipal water and sewer services into the hinterland areas (i.e. areas primarily zoned 'Rural' under the *Regulations*). However, the expansion of municipal water and sewer services into these areas may be considered on a case-by-case basis at the discretion of *Council* (e.g. where triggered by a specific *development application* and associated costs to be borne by the developer). As outlined in *proposal B.2.1.3 (3)* under subsection 'B.2.1 Overall Development Strategy,' all *uses* within the *utility use group* may be created throughout the *MPA*. This includes municipal *utility* infrastructure to accommodate municipal water and sewer services.

Council is aware that certain *development* restrictions are in place within the PWSA under the provincial *Water Resources Act* and associated regulations. Despite the *permitted* and *discretionary uses* within underlying *use zone(s)*, the provincial Water Resources Management Division may prohibit certain *uses* in the PWSA. It is therefore the intent of *Council* to refer any proposed *development* within the PWSA to the Water Resources Management Division for review and the requirement/issuance of any applicable provincial permits.

Solid Waste and Recycling Pick-up

Solid waste services are provided by the Northern Peninsula Regional Services Board (NorPen). The *Town* is within sub-region 3 of NorPen's operational area. Solid waste is transported to the Eddie's Cove East – Castor River North Waste Disposal Site located southeast of the *Town* along Route #430.

The *Town* does not have curbside recycling, although electronic waste can be dropped off by residents at the above-noted Disposal Site. The provincial Used Beverage Container Recycling Program is in operation. To avail of this fee-for-deposit program, however, residents must directly deposit recyclables at the nearest Green Depot redemption facility, which is located in the Town of Port aux Choix. This facility is located approximately 100km away from the southern limits of the *Town*.

It is the intent of *Council* to continue to provide feasible and efficient solid waste services through NorPen. The *Town* will further explore cost-effective ways of improving solid waste and recycling services whilst reducing the overall impact on the environment. This will entail liaising and working with NorPen in keeping up-to-date with modern technologies and developing increasingly efficient approaches to the delivery of solid waste and recycling services in the *Town*.

Council also values the importance of reducing waste at source in order to minimize the cost and resource burden on municipal pick-up services. *Council* acknowledges that it has an advocacy role to play in encouraging and facilitating the on-site re-use and composting of solid waste.

Safety Emergency Services

The Northern Peninsula Regional Services Board (NorPen) also provides Emergency Fire Service (EFS) to the *Town* through the Straits Volunteer Fire Department (see 'Illustration 9: Straits Fire Department Hall'). The Fire Department Hall is located in the neighbouring Town of Flower's Cove, which is roughly 9km north of the *Town* along Route #430. The Fire Department is made up of the Chief, two (2) Deputy Chiefs, and approximately 25 other resident members from the *Town* and neighbouring communities.

The nearest Emergency Medical Service (EMS, ambulance dispatch) facility is operated by Labrador – Grenfell Health based out of the Strait of Belle Isle Health Centre. As with EFS, EMS is located approximately 9km away in the neighbouring Town of Flower's Cove. The nearest hospital is the Charles S. Curtis Memorial Hospital, which is located roughly 113km north of the *Town* in the Town of St. Anthony.

Policing services are provided by the Royal Canadian Mounted Police (RCMP). As with EFS and EMS, the nearest detachment is located approximately 9km away in the neighbouring Town of Flower's Cove.

Illustration 9: Straits Fire Department Hall



Council recognizes that it has a key role to play in the event of a community-wide emergency. *Council* members and *Town* staff will likely have to work with non-profit groups, local businesses; and inter-municipal, provincial, federal and RCMP representatives in helping to facilitate emergency response measures following an event. This may include, but is not limited to, assisting with public works equipment, communications, and/or the relocation of residents. It is therefore the intent of *Council* to work with stakeholders in supporting the prompt and efficient implementation of emergency response measures in the community. Resources pending, it is also the intent of *Council* to develop an Emergency Measures Plan to help prepare the *Town* for specific types of community-wide emergencies.

B.2.4.2 Goal and Policies

It is a *goal* of *Council* to facilitate the safe, efficient, and affordable delivery of public and emergency services throughout the *Municipal Planning Area*.

It is a *policy* of *Council* to:

B.2.4.2 (1) Discourage the expansion of municipal water and sewer services into hinterland areas (specifically areas zoned 'Rural (R)' under the *Regulations* as of the *Gazette* date of this *Plan* and *Regulations*).

B.2.4.2 (2) Despite *policy* B.2.4.2 (1), consider the expansion of municipal water and sewer services into hinterland areas on a case-by-case basis for specific *developments* in which the developer may be required to cover the costs associated with the expansion.

B.2.4.2 (3) Refer any proposed *development* within the protected Public Water Supply Area (PWSA) to the provincial Water Resources Management Division for review and requirement/issuance of any applicable provincial permits.

B.2.4.2 (4) Continue to contract feasible and efficient solid waste services through the Northern Peninsula Regional Services Board (NorPen).

B.2.4.2 (5) Further explore cost-effective ways of improving solid waste and recycling services within the *Municipal Planning Area*, whilst reducing the overall impact on the environment.

B.2.4.2 (6) Liaise and work with the Northern Peninsula Regional Services Board (NorPen) to remain up-to-date with modern technologies, and to develop increasingly efficient approaches to the delivery of solid waste and recycling pick-up services in the *Town*.

B.2.4.2 (7) In order to reduce the cost and resource burden on municipal pick-up services, adopt an advocacy role in encouraging and facilitating the on-site re-use and composting of solid waste within the *Municipal Planning Area*.

B.2.4.2 (8) Work with non-profit groups, local businesses; and inter-municipal, provincial, federal and RCMP representatives in helping facilitate and support the prompt and efficient implementation of emergency response measures in the community.

B.2.4.3 Proposals

It is a *proposal* of Council to:

B.2.4.3 (1) Further to *policy* B.2.4.2 (8), develop and implement an Emergency Measures Plan to help support, facilitate and coordinate safety emergency services in the event of a community-wide emergency.

B.2.5 PUBLIC UTILITIES

B.2.5.1 Overview

The provision of *public utilities* is essential to the day-to-day operations of the *Town*. *Public utilities* include *uses* in conjunction with providing energy and electricity; municipal water; cable, telephone, and telecommunication services. *Public utility uses* are for public consumption or benefit. As outlined in *proposal B.2.1.3 (3)* under subsection ‘B.2.1 Overall Development Strategy,’ all *uses* within the *utility use group* may be created throughout the *Town*.

Some *utility uses*, such as transformer stations and high voltage transmission lines, can have a major impact on adjacent neighbours. Careful planning of the location of transmission lines and transformer stations is needed to minimize the impacts of such *public utilities*. The *Town* will seek the cooperation of utility companies and crown corporations when developing such infrastructure.

The federal Minister of Innovation, Science and Economic Development (ISED, formerly Industry Canada) retains the authority to regulate radiocommunications in Canada (e.g. telecommunications towers and antennas). *Council* does not have the authority to unilaterally refuse the erection of new towers or the extension of existing antennas. The service provider (e.g. Bell, Rogers, EastLink) must, however, consult the *Town* and the public in cases where antennas are not excluded from the federally-mandated public consultation process. Where the *Town* does not have an antenna systems siting protocol in place, the service provider must adhere to the minimum public consultation requirements outlined under ‘Section 4. Land-use Authority and Public Consultation’ of ISED’s ‘CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems.’ Depending on the height and nature of the antenna proposal, the service provider may have to send notices to neighbours adjacent to the proposed site and publish a notice in the local newspaper.

For all non-excluded proposals, the service provider must seek the issuance of a Land Use Authority (LUA) Concurrence from the *Town*. Although this does not constitute a *development permit*, the LUA Concurrence functions as a formal response on behalf of the *Town* indicating *Council’s* support of the proposal. Where *Council* does not support the proposal and refuses to issue an LUA Concurrence, ISED will render the final decision to allow or refuse the respective radiocommunications proposal. The LUA Concurrence process gives the *Town* an opportunity to provide input and voice concerns over any proposal that *Council* feels is not in the best interest of the community or is not compatible with the immediate neighbourhood of the proposed site.

Due to rising electricity costs, residents will increasingly be exploring alternative energy options. *Council* is also supportive of private *utility uses*, such as rooftop solar panels and *private wind energy systems*. These sustainable energy options will help mitigate overall Greenhouse Gas Emissions (GHGs) and global warming. However, private wind turbines have the potential to create negative *land use* impacts on adjacent neighbours due to aesthetic, vibration and noise effects created by these *structures*. *Private wind energy systems* thus require specific *development* provisions and may be considered as a

discretionary use, on a case-by-case basis, where the proposed *development* is adjacent to existing or future *residential uses*.

B.2.5.2 Goal and Policies

It is a *goal* of Council to promote the safe and efficient provision of *public* and private *utilities* throughout the *Municipal Planning Area*, whilst avoiding or mitigating any potential negative impacts associated from such *developments*.

It is a *policy* of Council to:

B.2.5.2 (1) Work collaboratively with *public utility* companies in helping to ensure that proposed infrastructure and *developments* do not jeopardize the future *subdivision* of lands and do not negatively impact critical view planes or the established character of neighbourhoods.

B.2.5.2 (2) Encourage the installation of private, sustainable energy sources such as, but not limited to, rooftop solar panels and *private wind energy systems*.

B.2.5.3 Proposals

It is a *proposal* of Council to:

B.2.5.3 (1) As per *proposal* B.2.1.3 (3), allow the creation of *public utilities uses* throughout the *Municipal Planning Area*.

B.2.5.3 (2) Develop an Antenna Systems Siting Protocol, which will give direction on issuing Land Use Authority Concurrences and facilitating public consultation for radiocommunication towers and antennas that are not excluded under the federal Department of Innovation, Science and Economic Development's 'CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems.'

B.2.5.3 (3) Allow *private wind energy systems* throughout the *Municipal Planning Area* as either a *permitted* or *discretionary use* in each *use zone*. *Private wind energy system* shall be a *permitted use* in low-density, hinterland areas and as a *discretionary use* in existing built-up areas and areas planned for future residential *development*.

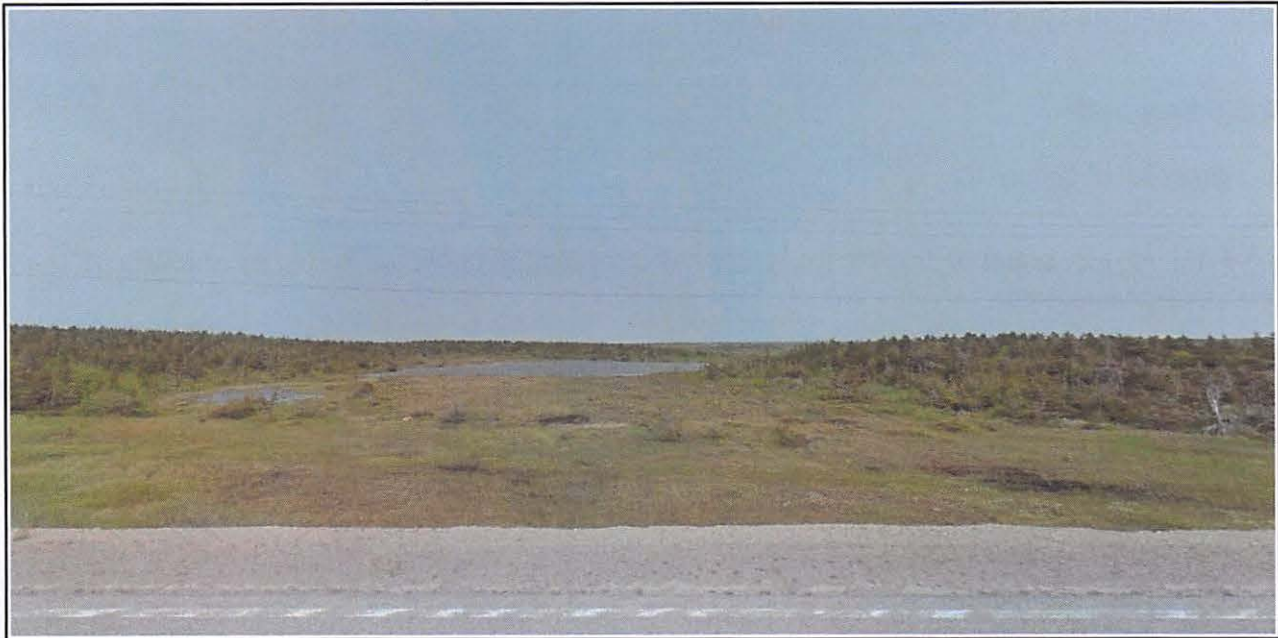
B.2.5.3 (4) Avoid and mitigate any potential negative land *use* impacts on adjacent properties created by the *development* of private wind turbines through the implementation of specific *development* provisions for *private wind energy systems* (see subsection 'C.5 Private Wind Energy System' of the *Regulations*).

B.2.6 HINTERLAND AREAS

B.2.6.1 Overview

The *Town* is rich in undeveloped hinterland areas. The *MPA* extends approximately 2.2km north-south along provincial Route #430 and 5.9km east-west from the coastline of Saint Barbe Bay to the eastern limits of the Well Cove Brook Protected Water Supply Area (PWSA). The area of the *MPA* is approximately 12.4km². The undeveloped hinterland areas are mainly located within the eastern interior of the *MPA* within the PWSA. This area is largely made up of a series of bogs/fens and small ponds and minor watercourses interspersed with low-lying forest vegetation (see 'Illustration 10: Hinterland Area View East from Route #430'). Much of this interior area of the *MPA* is provincial Crown Lands. However, where the province does not have a mandatory land registration system, it is difficult to ascertain an accurate account of provincial Crown Lands and private freehold lands within the *MPA*. As with private lands, the *development* of Crown Lands are subject to the provisions of the *Plan* and *Regulations*.

Illustration 10: Hinterland Area View East from Route #430



The disposal of any Crown lands within the *Town* is subject to the provincial referral process. The *Town*, provincial departments and agencies are notified of potential change in tenure of Crown lands within the *MPA*. It is the intent of *Council* to assess Crown land applications on a case-by-case basis and where applicable seek the advice of a professional planner prior to indicating support of the application to the Crown Lands Division. No *approval in principle* or *development permit* shall be issued for a proposed *development* on provincial Crown land prior to receiving confirmation that tenure has been secured by the applicant.

Where most of the natural, undeveloped hinterland areas are within the PWSA, *development* potential is greatly limited due to provincial legislation established for the protection of the *Town's* potable water. It is thus appropriate for *Council* to support the protection of potable water by applying an equally restrictive *use zone* ('Conservation (C)' *use zone*) that regulates *land uses* and activities in a manner that is consistent with provincial legislation.

As outlined in *proposal* B.2.1.3 (6) under subsection 'B.2.1 Overall Development Pattern,' it is the intent of *Council* to allow *development* in the hinterland areas throughout the *MPA* through the application of a 'Rural (R)' *use zone*. *Uses* allowed in the R *use zone* shall include *agricultural uses*, *open space uses*, *resource uses*, and other select *uses*. These *uses* are of a rural nature and generally require an expanse of land and separation from *residential uses*.

There are other hinterland areas of the *Town* (outside of the existing developed portion of the community) that are not, as of the initial *Gazette* date of this *Plan* and *Regulations*, appropriate for *residential development* but are not designated 'Conservation (C)' as per proposal 2.1.3 (8)(b). This includes areas within the southern and northeastern limits of the *MB* off of Route #430. As of the initial *Gazette* date of this *Plan* and *Regulations* and as per proposal B.2.1.3 (6), these lands are zoned R.

Natural renewable and non-renewable resources in the hinterland areas should be developed in a responsible manner, which protects natural habitats and minimizes potential deterioration of the environment. The protection of the natural environment in the *Town* is also critical to the economic viability of potential *hunting/trapping*, *fishing*, and eco-tourism in the area.

There are four (4) monuments in the *MPA*. Under the *Lands Act*, a surveyor may enter upon lands at any time for the purpose of making observations to or from a control survey marker. It is the intent of *Council* to regulate *development* in a way that is compliant with the *Lands Act*, including but not limited to provisions related to the four (4) survey control markers in the *MPA*. Any proposed *development* within the vicinity of a survey control marker shall be referred to the GIS and Mapping Division of the *Department of Fisheries, Forestry and Agriculture*. The *Lands Act* also provides that a person who knowingly or wilfully pulls down, defaces, alters or removes a control survey marker is guilty of an offence and is liable on summary conviction to a fine not exceeding \$500 or imprisonment for a period not exceeding three (3) months.

Further, the *MPA* lies within a hydrocarbon bearing basin (Anticosti Basin) having oil and gas potential, but does not lie within an onshore permit/licence or lease nor is it within 100m of an offshore petroleum well. It is the intent of *Council* to facilitate *petroleum exploration/development* and petroleum production *uses* in a way that meets all federal and provincial regulations and requirements. This may include, but is not limited to, referring any requests or *development* proposals to the Regulatory Affairs Division of the Energy Branch of the *Department of Industry, Energy and Technology*.

B.2.6.2 Goal and Policies

It is a *goal* of Council to promote and protect traditional land use and activities within the hinterland areas, whilst allowing a wide range of other *uses* that generally require an expanse of land and separation from urban *uses*.

It is a *policy* of Council to:

B.2.6.2 (1) Assess Crown land applications on a case-by-case basis and where applicable seek the advice of a professional planner prior to indicating support of the application to the Crown Lands Division.

B.2.6.2 (2) Facilitate the responsible *development* of natural resources, which protects natural habitats and minimizes deterioration of the environment.

B.2.6.2 (3) Regulate *development* in a way that is compliant with the *Lands Act*, including but not limited to provisions related to the eight (8) survey control markers in the *MPA*. Any proposed *development* within the vicinity of a survey control marker shall be referred to the GIS and Mapping Division of the *Department of Fisheries, Forestry and Agriculture*.

B.2.6.3 Proposals

It is a *proposal* of Council to:

B.2.6.3 (1) Further to *policy* B.2.6.2 (1), not issue an *approval in principle* or *development permit* for a proposed *development* on Crown land prior to receiving confirmation that tenure has been secured by the *applicant*.

B.2.6.3 (2) As per *proposal* B.2.1.3 (6), allow *development* in select hinterland areas of the *Municipal Planning Area*, broadly defined as the southern and northeastern limits of the *Municipal Boundary*, through the application of a 'Rural (R)' *use zone*. *Uses* allowed in the R *use zone* shall include *agricultural uses*, *open space uses*, *resource uses*, and other select *uses*. These *uses* are of a rural nature and generally require an expanse of land and separation from *residential uses*. *Residential uses* shall be prohibited in this *use zone*. Depending on the nature, scale, and compatibility of other *uses* in the 'Development (D)' *future land use class* under *proposal* B.2.1.3 (2) (a), they may be listed as either *permitted* or *discretionary uses* in the R *use zone*.

B.2.6.3 (3) As per *proposal* B.2.9.3 (1), restrict *development* in the hinterland areas of the Well Cove Brook Protected Water Supply Area (PWSA) through the application of a 'Conservation (C)'.

B.2.6.3 (4) Further to *policy* 2.6.2 (2) and where the *MPA* lies within a hydrocarbon bearing basin (Anticosti Basin) having oil and gas potential, facilitate *petroleum exploration/development* and

petroleum production *uses* in a way that meets all federal and provincial regulations and requirements. This may include, but is not limited to, referring any requests or *development* proposals to the Regulatory Affairs Division of the Energy Branch of *DIET*.



B.2.7 RESIDENTIAL USES

B.2.7.1 Overview

The *Town* is mainly rural residential in character. The primary housing type is the *single unit dwelling* (see 'Illustration 11: Single Unit Dwellings along Loop road'). The most densely developed area of the *Town* is located in the central portion of the *Town*, largely defined by the provincial community infilling limits. This is unsurprising, given the location of the original settlement of the *Town* and the effect of provincial policy associated with the infilling limits.

Illustration 11: Single Unit Dwellings along Loop Road



An analysis of demographic data and existing land *use* indicates that there is a need for a variety of housing types in the *Town* to meet the existing and future needs of a range of age groups, household structures, socioeconomic statuses, and persons with disabilities. If the current trend continues, *single unit dwellings* will be the main form of residential *development* within the *Town*. However, as the population ages, there may be an increased need for alternative housing forms that can be more economically viable and sustainable. These include, but are not limited to, *personal care homes*, *double unit dwellings*, *row houses*, *multi-unit dwellings*, and other housing *developments* that facilitate cost sharing between residents (e.g. sharing on-site snow clearing, maintenance equipment, *hobby gardens*). More affordable housing types, such as *mini home dwellings* and *micro home dwellings*, may also become increasingly popular for builders as the cost of construction rises—this is particularly the case given effects of the Covid-19 pandemic. It is the intent of *Council* to promote and facilitate a wide variety of housing forms where *residential uses* are allowed under the *Regulations*.

In order to further promote diversity in housing options, *Council* should, where able, work with provincial and federal housing agencies to facilitate the *development* of affordable housing projects to meet the broad needs of existing and future residents of the *Town*.

Future residential *developments* should also be directed in a way that avoids potential land *use* conflict with existing and future incompatible *uses*. This is achieved through the application of *use zones* under the *Regulations*. Future *development* should also be compatible with the established character of neighbourhoods in the *Town*.

B.2.7.2 Goal and Policies

It is a *goal* of *Council* to facilitate a broad range of compatible housing types, forms, and densities throughout the *Municipal Planning Area* to accommodate a wide range of age groups, family types, persons with disabilities, and socioeconomic statuses.

It is a *policy* of *Council* to:

B.2.7.2 (1) As per *policy* B.2.1.2 (6), encourage new *residential uses* to locate within the existing built up portion of the *Town*. This area is generally defined by the provincial community infilling limits outlined in ‘Illustration 4: Provincial Community Infilling Limits.’

B.2.7.2 (2) Promote and facilitate a range of housing forms and options to meet the broad needs of existing and future residents of the *Town*.

B.2.7.2 (3) Direct future *residential development* away from existing and future incompatible land *uses*.

B.2.7.2 (4) Facilitate *residential development* that is compatible with the established character of neighbourhoods.

B.2.7.2 (5) Work collaboratively with provincial and federal housing agencies to facilitate the *development* of affordable housing projects within the *Town*.

B.2.7.3 Proposals

B.2.7.3 (1) As per *proposal* B.2.1.3 (5), allow *residential uses* in the *Town* through the implementation of a ‘Community Development (CD)’ *use zone*, which covers existing developed areas largely defined by the provincial community infilling limits. However, this *proposal* does not restrict the CD *use zone* to these infilling limits and *Council* may in the future consider the extension of the CD *use zone* through the *Regulations* amendment process (e.g. rezoning). *Residential uses* with $\leq 4DU$ s shall be listed as *permitted uses*, whereas higher density *uses* ($\geq 5DU$ s) shall be listed as *discretionary uses*.

B.2.7.3 (2) As per *proposal B.2.1.3 (7)*, establish a 'Residential (RES)' floating *use zone* for the potential rezoning of future lands developed for *residential subdivision use*. As of the initial *Gazette* date of the *Plan* and *Regulations*, this *use zone* is not applied to any lands within the *Municipal Planning Area*. *Uses* allowed in the RES *use zone* shall include mainly low density *residential uses* and other select *uses*.

B.2.7.3 (3) As per *proposal B.2.1.3 (6)*, prohibit *residential uses* in the hinterland areas of the *Town* through the implementation of a 'Rural (R)' *use zone*. As per *proposal B.2.1.3 (8)*, the expansion of *residential uses* into these areas may be considered by *Council* on a case-by-case basis through the *Regulations amendment application* process (i.e. rezoning process).

B.2.8 ECONOMIC DEVELOPMENT, COMMERCIAL AND INDUSTRIAL USES

B.2.8.1 Overview

The primary employer in the *Town* is Barry Group Inc. (secondary shrimp processing facility). However, there are other secondary employers such as Brittany's Convenience (convenience/general store) and the *Town*. There are also smaller, home-based businesses and remote workers in the *Town*. Tourism is also an important aspect of the region's economy. *Council* continues to pursue partnerships with regional economic development entities to promote the *Town* as a tourist destination.

As outlined in subsection 'B.4.3 Transportation and Commuting' of the *Background Report*, commuting patterns indicate that some residents travel within the region for work, such as the nearby *Town* of Flower's Cove (and some further afield). These outside employers are also important economic drivers for the *Town*. Changes in economic activity and employment opportunities within the region thus have an effect on the *Town* and its residents.

Illustration 12: Barry Group Inc. (Secondary Shrimp Processing Facility)



There are currently no *industrial use developments* operating within the *Town* (note: although similar to an *industrial use*, the Barry Group Inc., secondary shrimp processing facility falls under the *fishery use* definition). Given the size, servicing challenges, and rural residential character and land use of the *Town*, it is reasonable to assume that there will be limited demand for *industrial use developments* in the *Town* within the lifespan of this *Plan*. Any request for an *industrial use development* within the *Municipal Planning Area* will require a *Plan amendment application* to proceed.

As the population ages, there will be an increased need for healthcare and other related support services. This may provide an opportunity for commercial enterprises in the area. There will likely be an increased need for home support and transportation services. As outlined in subsection 'B.2.7 Residential Uses,' changing demographics may also result in the need for diversified housing such as additional *personal care homes* and *non-single unit dwellings*.

Despite economic and demographic challenges, it is the intent of *Council* to adopt an innovative and supportive approach to promoting and supporting economic development within the *Town*. This involves working with existing business stakeholder groups and building new business support networks and relationships. It is the intent of *Council* to focus on leveraging strengths and opportunities to build, attract and retain business. The development of a ten (10) year Economic Development Plan will also help give focus and direction to fostering commercial activity within the *Town*.

Despite the overall promotion of *commercial development*, *Council* recognizes that *adult establishment uses* are not compatible with the existing rural residential character and land use of the *Town*. It is therefore the intent of *Council* to prohibit these *uses* in all *use zones*. However, *adult establishment uses* may be considered by *Council* on a case-by-case basis through the *Regulations amendment application* process (i.e. rezoning).

B.2.8.2 Goal and Policies

It is a *goal* of *Council* to promote commercial uses in appropriate locations considering transportation requirements, environmental impact, neighbourhood character and the compatibility of existing and future surrounding *uses*.

It is a *policy* of *Council* to:

B.2.8.2 (1) As per *policy* B.2.1.2 (6), encourage new *commercial uses* to locate within the existing built up portion of the *Town*. This area is generally defined by the provincial community infilling limits outlined in 'Illustration 4: Provincial Community Infilling Limits.'

B.2.8.2 (2) Facilitate *commercial development* that does not negatively impact existing and future residential neighbourhoods or other incompatible *uses*.

B.2.8.2 (3) Strengthen existing and build new networks of business stakeholder groups for increasing business development within the *Town*.

B.2.8.2 (4) As of the initial *Gazette* date of this *Plan* and *Regulations*, prohibit *adult establishment uses* throughout the *Municipal Planning Area*. Despite this, *adult establishment uses* may be considered by *Council* on a case-by-case basis through the *Regulations amendment application* process (i.e. rezoning).

B.2.8.3 Proposals

It is a *proposal* of *Council* to:

B.2.8.3 (1) As per *proposal* B.2.1.3 (5), allow *commercial uses* in the *Town* through the implementation of a 'Community Development (CD)' *use zone*, which covers existing developed areas largely defined by the provincial community infilling limits. However, this *proposal* does not restrict the CD *use zone* to these infilling limits and *Council* may in the future consider the extension of the CD *use zone* through the *Regulations* amendment process (e.g. rezoning). Depending on the nature, scale, and compatibility of *commercial uses*, they may be listed as either *permitted* or *discretionary uses* in the CD *use zone*.

B.2.8.3 (2) Allow *home businesses* and *home industries* as *accessory uses* to *residential uses* through the implementation of specific provisions under subsection 'C.3 Home Businesses and Industries' and *use zones* of the *Regulations*.

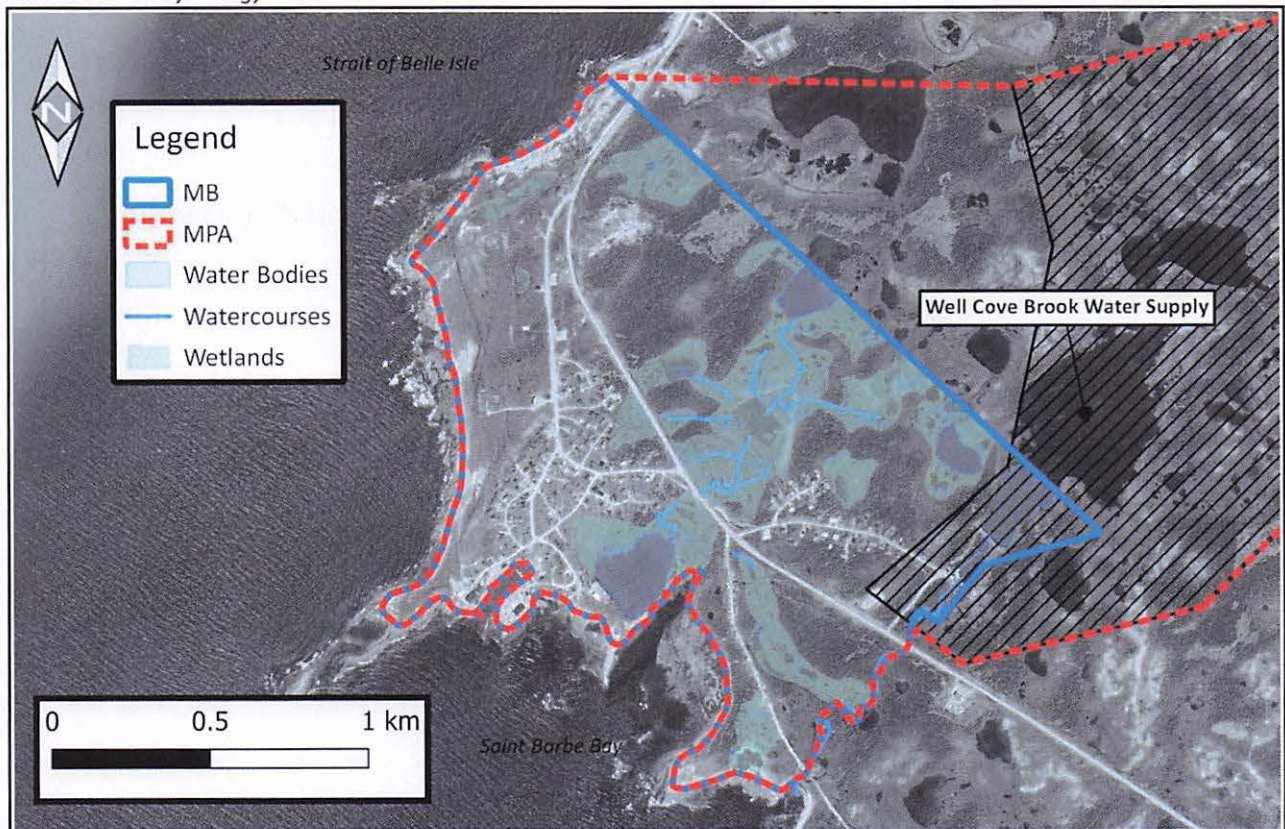
B.2.8.3 (3) Develop a ten (10) year Economic Development Plan for the *Town*, including a detailed analysis of existing Strengths, Weaknesses, Opportunities and Threats (SWOT).

B.2.9 PROTECTION OF THE NATURAL ENVIRONMENT

B.2.9.1 Overview

The *Town* is rich in physical environmental features including a pristine coastline, forested areas, wetlands and *watercourses*. The interior of the *MPA*, east of Route #430, contains the majority of hydrological features including numerous wetlands, *watercourses*, and minor water bodies (ponds) (see 'Illustration 13: Hydrology'). This area also includes the watershed that feeds the Well Cove Brook Water Supply (*PWSA*). Given the area's sensitive environmental features and source of potable water, it is critical that the area be appropriately zoned for increased protection in addition to the *PWSA* under provincial legislation. As of the *Gazette* date of this *Plan* and *Regulations*, *development* outside of the *MB* is largely discouraged and restricted by way of the 'Conservation (C)' *use zone*.

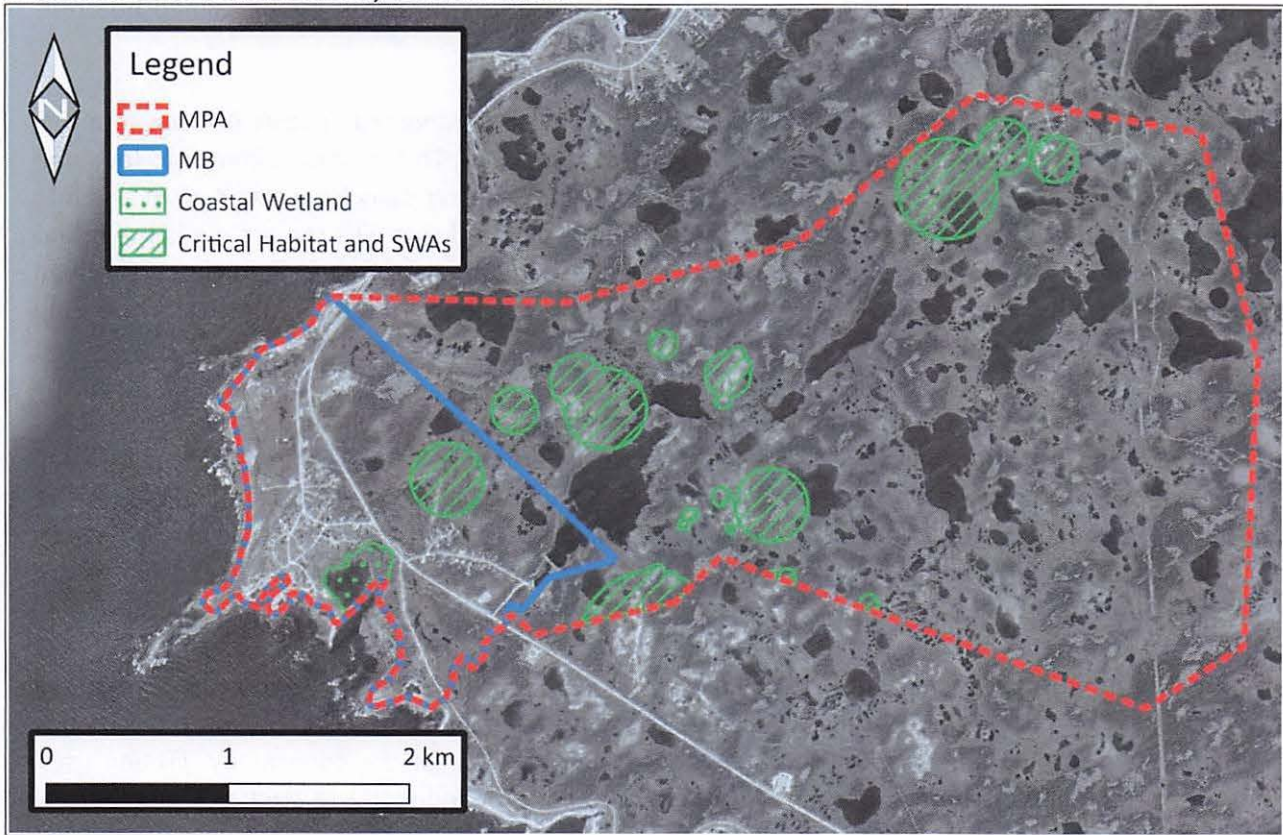
Illustration 13: Hydrology



The provincial Wildlife Division, through its involvement in the Eastern Habitat Joint Venture (EHJV), has previously worked with the *Town* to delineate (conduct field work) and explore conserving an environmentally sensitive, coastal wetland area south of the central area of the *Town* (see area labelled 'Coastal Wetland' in 'Illustration 14: Environmentally Sensitive Areas'). The Division is willing to work

with the *Town* to enter into a Municipal Habitat Stewardship Agreement. This would help ensure that this area is protected in perpetuity. It is thus the intent of *Council* to work with the Division to further explore entering into such an agreement for the protection of this environmentally sensitive, coastal wetland.

Illustration 14: Environmentally Sensitive Areas



An endangered plant (Fernald’s Braya) listed under the provincial *Endangered Species Act* was found in the MPA. Subsection 16(1) of the *Endangered Species Act* states “A person shall not disturb, harass, injure, or kill an individual of a species designated as threatened, endangered, or extirpated.” The Fernald’s Braya is also listed under the federal *Species at Risk Act* as endangered. Under federal legislation, critical habitat must be protected and cannot be destroyed. This species grows on limestone barrens habitat through the region. The ‘Critical Habitat’ of this species is located within the areas labelled ‘Critical Habitat and SWAs’ in ‘Illustration 14: Environmentally Sensitive Areas.’ As the specific locations of the ‘Critical Habitat’ of this species has not been officially released, the geographic locations are consolidated in the areas labelled ‘Critical Habitat and SWAs’ (i.e. not all of these areas are ‘Critical Habitat’ for the Fernald’s Braya). The bulk of the ‘Critical Habitat’ for this species is located outside of the MPA, south of the *Town* (outside of the jurisdiction of this *Plan* and *Regulations*). It is the

intent of *Council* to restrict *development* in ‘Critical Habitat’ areas by way of the ‘Conservation (C)’ use zone.

Areas that have been identified as containing suitable habitat for endangered and threatened plant species have been designated Sensitive Wildlife Areas (SWAs) (see ‘Illustration 14: Environmentally Sensitive Areas’). Where *development* is proposed within an SWA, but outside of a ‘Critical Habitat’ area, *Council* shall require the developer to provide a plant survey, prepared by a qualified botanist, prior to issuing any *development* approval.

An endangered shorebird (Red Knot) listed under the provincial *Endangered Species Act* was found in the *MPA*. Red Knot is also listed under the federal *Species at Risk Act*. This species is known to feed and rest along the shoreline around the *Town* during their fall migration (typically from mid-August and into autumn). To protect this species, and other shorebirds and waterfowl that visit the area, it is the intent of *Council* to minimize disturbance in the areas where the birds are resting and feeding; and to lead annual beach clean-up projects (to remove plastics and other solid waste that washes ashore) during times when birds are not using the area (i.e. early in the spring or late autumn).

The Short-Eared Owl was reported in the *MPA* and is listed under the provincial *Endangered Species Act* as ‘Vulnerable’. Further, the species is listed as a ‘Special Concern’ under the federal *Species at Risk Act*. It is the intent of *Council* to work with the provincial Wildlife Division to educate residents on the potential presence and natural habitat of provincially and federally protected species in the *MPA* such as the Red Knot and Short-Eared Owl. Any sightings of any ‘Species at Risk’ should be reported to the provincial Wildlife Division.

The natural beauty of the *Town* is intrinsically linked with economic development opportunities and the overall quality of life of residents and visitors alike. The protection of the coastline, *watercourses* and wetlands are especially important, as they are an economic lifeline for the community. *Fishing uses*, tourism, and recreation activities are all in some way directly or indirectly related to these natural assets.

Future *development* should be guided away from *watercourses*, wetlands, and other sensitive environmental features. These areas, and adequate buffers therefrom, should be designated and zoned accordingly to protect natural assets from future incompatible *uses* that may jeopardize the ecological integrity and functioning of these natural systems.

As required under the provincial *Water Resources Act* and associated Policy for Development in Shore Water Zones, any proposed construction within a wetland or water body, or within the shore waters of a water body, requires prior approval from the provincial Water Resources Management Division. Despite that an *applicant* may obtain a permit from the province for this form of *development*, *Council* does not support the infilling of water bodies or wetlands, piping of *watercourses*, or the creation of land along the coastline for *development* purposes. However, *Council* recognizes that there are

instances where minor sections of wetlands or *watercourses* may need to be developed for *streets* to access isolated sections of greenfield developable lands.

The construction of some *buildings* or *structures* along the coastline may also require a permit in accordance with the provincial *Water Resources Act*. It is therefore the intent of *Council* to forward any *development* proposal along the coastline to the provincial Water Resources Management Division. Where *development* along the coastline does not require a permit from the province, *Council* shall follow the provincial 'Chapter 14: Environmental Guidelines for Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses' when regulating such *developments*.

As was received through the provincial Interdepartmental Land Use Committee (ILUC) referral process, the Geological Survey of Newfoundland and Labrador recommends a 30m *development setback* from the land edge of erosion. This recommended *development setback* is based on twice the average yearly erosion rate, multiplied by 100 (i.e. accounting for a 100-year planning time frame). It is the intent of *Council* to prohibit the *development* of *main buildings* of *residential uses* and select *institutional uses* (associated with vulnerable populations) within this buffer, despite the *permitted uses* and *discretionary uses* of any underlying *use zone*. It is also the intent of *Council* to prohibit any private, on-site septic or drainage infrastructure within this buffer. Depending on the nature, impact and *use* of any other *development* proposal within this buffer, *Council* may require a Geo-Technical Study, prepared by a *professional* geologist or engineer, prior to issuing a *development permit* within this 30m coastal erosion buffer. Further, and where practical, it is the intent of *Council* to avoid locating public infrastructure (e.g. *public streets* and *public utilities*) within this 30m coastal erosion buffer.

Global warming and climate change will have an overall negative impact on the *Town*. Extreme weather events will increase in intensity and be more frequent in nature. Combined with a rise in sea level, this will exacerbate storm surge and coastal rates of erosion. Overland flooding and infrastructure washouts are also expected to increase due to higher precipitation events brought on by extreme weather. It is the intent of *Council* to conduct a Climate Change Adaptation Study. The findings from this Study will help guide and inform *Council* on how to avoid and mitigate potential negative effects caused by global warming and climate change.

Further, *Council* encourages and supports environmentally responsible *development* within the *Town*. This includes, but is not limited to *development* proposals that maximize the *use* of land whilst reducing overall environmental impact, conservation design for *subdivisions*, and renewable power generation.

B.2.9.2 Goal and Policies

It is a *goal* of Council to promote sustainable *development* in the *Municipal Planning Area*, whilst preserving and enhancing environmental features.

It is a *policy* of Council to:

B.2.9.2 (1) Direct high impact land *uses* away from sensitive environmental features such as coastlines, wetlands, potable water sources, water bodies, and *watercourses*. Where such *uses* are proposed and are allowed as *discretionary uses* under the *Regulations*, it is the intent of Council to require adequate buffers from sensitive environmental features. Adding buffers under this *policy* is a discretionary decision of Council, which may be added as a condition to the issuance of a *development permit*.

B.2.9.2 (2) Discourage the infilling of wetlands or water bodies, piping of *watercourses*, or the creation of land along the coastline for *development* purposes. However, Council recognizes that there are instances where minor sections of wetlands or *watercourses* may need to be developed for *streets* to access isolated sections of greenfield developable lands.

B.2.9.2 (3) Forward any *development* proposal along the coastline and in the shore water to the provincial Water Resources Management Division for any requirement/issuance of a provincial permit.

B.2.9.2 (4) Where no provincial permit is required under *policy* B.2.9.2 (3), follow the provincial 'Chapter 14: Environmental Guidelines for Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses' when regulating proposed *developments* along the coastline.

B.2.9.2 (5) Avoid natural hazards and protect the coastline by discouraging or restricting future *development* in areas that are susceptible to erosion. Exercising authority of this provision may be through discretion of Council or by a prescribed overlay buffer in a *proposal* and or zoning.

B.2.9.2 (6) Encourage and support environmentally responsible *development*, including, but not limited to, *development* proposals that maximize the *use* of land whilst reducing overall environmental impact, conservation design for *subdivisions*, and renewable power generation.

B.2.9.2 (7) Consider climate change impacts when assessing *applications* for *development*, initiatives and capital works projects.

B.2.9.2 (8) Strive to protect environmentally sensitive areas such as coastal wetlands and areas containing provincially or federally protected species (e.g. Endangered, Vulnerable, At Risk, Threatened, Extirpated, Special Concern).

B.2.9.3 Proposals

It is a *proposal* of Council to:

B.2.9.3 (1) Further to policy B.2.9.2 (1) and as per *proposals* B.2.1.3 (2)(b) and B.2.1.3 (9), protect environmentally significant and sensitive lands and features through the application of a 'Conservation (C)' *future land use class* and *use zone*. Lands designated and zoned C include, but are not limited to, the Well Cove Brook Protected Water Supply Area (PWSA), wetlands, *watercourses*, and buffers therefrom. *Uses* allowed in the C *use zone* shall include low impact *uses* such as, but not limited to, *passive parks* (*public* and *private*), *mobile/transient uses*, and other select *uses*. Depending on the nature, scale, and compatibility of other *uses* in the 'Conservation (C)' *future land use class* under *proposal* B.2.1.3 (2)(b), they may be listed as either *permitted* or *discretionary uses* in the C *use zone*.

B.2.9.3 (2) Further to *policies* B.2.9.2 (3) and (5), implement an overlay, 'Coastal Erosion Buffer (30m)' on the *Future Land Use Classes Map* and *Zoning Map*. *Main buildings* of *residential uses* and select *institutional uses* (associated with vulnerable populations) shall be prohibited within this buffer, despite the *permitted uses* and *discretionary uses* of any underlying *use zone*. Any private, on-site septic or drainage infrastructure shall also be prohibited within this buffer. When considering any other *development application* within this buffer—and depending on the nature, impact and *use* of the *development* proposal—Council may require a Geo-Technical Report, prepared by a *professional* geologist or engineer, prior to issuing a *development permit* within this buffer. Council shall also forward any *development* proposal within this buffer to the Water Resources Management Division to determine any provincial permitting requirements and *development* recommendations on the protection of the coastline.

B.2.9.3 (3) Conduct a Climate Change Adaptation Study. The findings from this Study will help guide and inform Council on how to avoid and mitigate potential negative effects caused by global warming and climate change.

B.2.9.3 (4) Further to *policy* B.2.9.2 (5), and where practical, avoid locating public infrastructure (e.g. *public streets* and *public utilities*) within the 30m coastal erosion buffer as outlined on the *Future Land Use Classes Map* and *Zoning Map*.

B.2.9.3 (5) Further to *policy* B.2.9.2 (8), work with the provincial Wildlife Division (through the Division's involvement with the Eastern Habitat Joint Venture (EHJV) program) to explore entering into a Municipal Habitat Stewardship Agreement to protect the environmentally sensitive, coastal wetland located south of the central portion of the *Town* (see 'Illustration 14: Environmentally Sensitive Areas').

B.2.9.3 (6) Further to *policy* B.2.9.2 (8), restrict development in 'Critical Habitat' areas by way of the 'Conservation (C)' use zone.

B.2.9.3 (7) Further to *policy* B.2.9.2 (8) and where *development* is proposed within an SWA, but outside of a 'Critical Habitat' area, require the developer to provide a plant survey, prepared by a qualified botanist, prior to issuing any *development* approval.

B.2.9.3 (8) Further to *policy* B.2.9.2 (8) and to protect waterfowl and shorebirds such as the endangered Red Knot, minimize disturbance in the areas where the wildlife are resting and feeding; and to lead annual beach clean-up projects (to remove plastics and other solid waste that washes ashore) during times when birds are not using the area (i.e. early in the spring or late autumn).

B.2.9.3 (9) Further to *policy* B.2.9.2 (8), work with the provincial Wildlife Division to educate residents on the potential presence and natural habitat of provincially and federally protected species in the *MPA* such as the Red Knot and Short-Eared Owl. Any sightings of any 'Species at Risk' should immediately be reported to the provincial Wildlife Division.

B.2.10 OPEN SPACE AND RECREATIONAL USES

B.2.10.1 Overview

The *Town's* civic and recreational facilities are mainly located in the central area of the *Town* along Loop Road. This includes the Town Hall (with community mailboxes), outdoor ball hockey pad, and playground. Rainbow Park (children's playground, see 'Illustration 14: Rainbow Park') is located on Subdivision Road.

Illustration 15: Rainbow Park



The *MPA* also contains numerous non-maintained, informal trails throughout its eastern interior (hinterland area). These trails are mainly used for All-Terrain Vehicle (ATV) and snowmobile use.

Due to cost and resource constraints, *Council* does not intend on developing additional recreational facilities and lands for *public park uses*. However, resources pending, *Council* may consider developing improvements or modest additions to existing facilities. Further, in order to facilitate the efficient coordination and sharing of resources, it is also the intent of *Council* to increase collaboration with nearby municipalities and schools in offering complementary recreational facilities and the shared use of facilities.

Where improvements or additions to existing facilities are implemented, it is the intent of *Council* to help ensure that initiatives meet the diverse needs of residents, including but not limited to youth,

seniors, and persons with disabilities. Where possible, this shall include developing facilities and trails that incorporate universal design principles.

B.2.10.2 Goal and Policies

It is a *goal* of Council to promote and enhance recreational facilities and public *open spaces* in the *Municipal Planning Area*.

It is a *policy* of Council to:

B.2.10.2 (1) Maintain and enhance existing municipal lands with recreational facilities for continued public use.

B.2.10.2 (2) Explore community support and feasibility of broadening recreational activities and facilities within the *Town*.

B.2.10.2 (3) Increase collaboration with nearby municipalities and schools in offering complementary recreational facilities and the shared *use* of facilities.

B.2.10.2 (4) Support existing and future recreational facilities and public *open spaces* that will meet the diverse needs of residents, including but not limited to youth, seniors, and persons with disabilities.

B.2.10.3 Proposals

It is a *proposal* of Council to:

B.2.10.3 (1) Further to *policy* B.2.10.2 (2), explore potential recreational facilities and/or activities that may support the *Town* as a tourist hub destination. This may take the form of a feasibility study, which may be housed within or be supplementary to the ten (10) year Economic Development Plan called for under *proposal* B.2.8.3 (3).

B.2.10.3 (2) Further to *policy* B.2.10.2 (4), develop future recreational facilities and *public open spaces* that incorporate universal design principles:

- (a) **Equitable Use:** The design is useful and marketable to people with diverse abilities.
- (b) **Flexibility in Use:** The design accommodates a wide range of individual preferences and abilities.
- (c) **Simple and Intuitive Use:** Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.
- (d) **Perceptible Information:** The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.

- (e) **Tolerance for Error:** The design minimizes hazards and the adverse consequences of accidental or unintended actions.
- (f) **Low Physical Effort:** The design can be used efficiently and comfortably with minimum fatigue.
- (g) **Size and Space for Approach and Use:** Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture, or mobility.

B.2.10.3 (3) Acquire land for public *open space* through the *subdivision* process, in accordance with the *Regulations*, and other means such as purchase, *easements*, lease agreements, or expropriation. The following will be considered during the process of acquiring land for *open space*:

- (a) The likely impact on maintenance and property tax costs;
- (b) Existence of other nearby facilities;
- (c) Physical suitability for the intended purpose;
- (d) Potential for integration with existing recreational facilities and public *open spaces*; and
- (e) Compatibility with existing and proposed adjacent land *uses*.

B.2.11 ARCHAEOLOGICAL AND HISTORICAL SITES

B.2.11.1 Overview

Anchor Point is the earliest English settlement on the Great Northern Peninsula, settled in the late 1700s by the Genge family of Somerset England.² The area was founded as a base for fishing and fur hunting.² The first settler of Anchor Point was Robert Bartlett and his nephew Robert Genge.³ Robert Bartlett later returned to England while Robert Genge was joined by his brother Abram, who employed men from England seasonally and sold furs and fish to American vessels.³

Dating to the mid-nineteenth century, the Old Anglican Cemetery in Anchor Point served as a burial ground for the residents of the community and surrounding area and is known as the oldest consecrated cemetery on the Great Northern Peninsula (see 'Illustration 15: Old Anglican Cemetery').⁴ The Old Anglican Cemetery has been designated a municipal heritage site by the *Town* because of its historic and aesthetic values.⁴

Illustration 16: Old Anglican Cemetery



² From transcript of a talk given by Rev. Canon J. T. Richards, to the Newfoundland Historical Society entitled "The First Settlers on the French Shore". The document was transcribed by NGAIRE GENGE, March 2001.

http://sites.rootsweb.com/~cannf/npstbn_settlers.htm

³ Choose the Great Northern Peninsula- http://www.northernpeninsula.ca/home/anchor_point.htm

⁴ Canada's Historic Places – A Federal, Provincial, and Territorial Collaboration.

<https://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=8060>

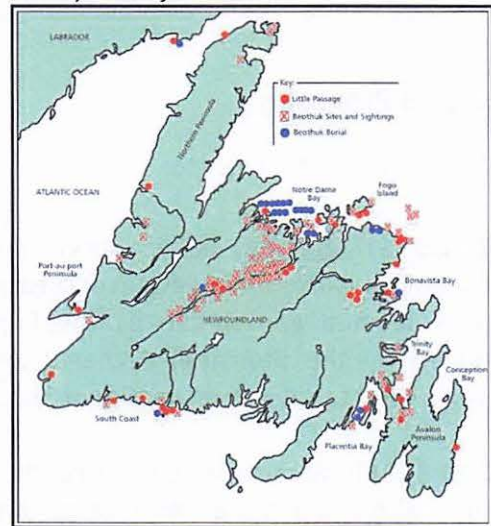
Anchor Point is also the neighbour to Deep Cove, a national historic site where the tradition of ‘winterhousing’ took place.³ For many years, fisherman and their families would spend their summers and falls in homes near the coastal waters which provided their livelihood, but in winter would move further inland to the more sheltered areas.³ In winter, the trail into Deep Cove now serves as a cross-country ski trail.³

As outlined under subsection ‘B.1 History and Culture’ of the *Background Report*, indigenous Beothuk (including early ancestors of the Beothuk) and Mi’kmaq are known to have resided along the west coast of Newfoundland.

There are Beothuk sites and a Little Passage site locating further afield, north around the tip of the Northern Peninsula (see ‘Illustration 16: Beothuk Archaeology and Activity in Newfoundland’⁵). Given the proximity of archaeological sites, it is thus possible that indigenous populations were located, either permanently or seasonally to hunt and fish, on lands presently defined by the *MPA*.

Council recognizes the importance of sites of archaeological and historical significance. The *Town* will take a proactive and supportive approach in identifying, protecting and preserving any future sites that may discovered.

Illustration 17: Beothuk Archaeology and Activity in Newfoundland



5 Map from Heritage Newfoundland & Labrador: <https://www.heritage.nf.ca/articles/aboriginal/beothuk-distribution.php>. “Map Showing Little Passage Campsites, Beothuk Campsites and Sightings and Beothuk Burials; Illustration by Duleepa Wijayawardhana, ©1998. Based on a map by Cliff George.”

B.2.11.2 Goal and Policies

It is a *goal* of Council to support and encourage the protection and preservation of archaeological and historical sites.

It is a *policy* of Council to:

B.2.11.2 (1) Work collaboratively with the Provincial Archaeology Office in helping to identify, protect and preserve any future sites that may be discovered.

B.2.11.3 Proposals

It is a *proposal* of Council to:

B.2.11.3 (1) Refer any public works or major *development* plan within the *Town* to the Provincial Archaeology Office for review. In accordance with paragraph 13(1)(a) of the *Historic Resources Act* and where deemed appropriate by the Provincial Archaeology Office, archaeological surveys may be required by the Provincial Archaeology Office in areas of high potential for discovery prior to *development* to safeguard any site of historic significance yet to be discovered.

B.2.11.3 (2) In accordance with subsection 10(1) of the *Historic Resources Act*, immediately notify the Provincial Archaeological Office of the discovery of historic resources that has occurred as a result of undertaking any *development* or land disturbance activity. In accordance with subsection 10(2) of the *Historic Resources Act*, a person, other than one to whom a permit has been issued under the *Historic Resources Act*, who discovers an archaeological object or a significant fossil shall not move, destroy, damage, deface, obliterate, alter, add to, mark or interfere with or remove that object or fossil from the province. The Provincial Archaeology Office may issue a temporary stop work order for said *development* or land disturbance activity in accordance with section 31 of the *Historic Resources Act*.

B.2.11.3 (3) Build awareness in the local builder and developer community of the requirements of the Provincial Archaeology Office regarding the discovery of historic resources.

B.2.12 SIGNS

B.2.12.1 Overview

Council recognizes the importance of *signs* for commercial businesses, governmental organizations, non-profit organizations and community events. *Signs* are an integral part of economic development and distributing community-wide messages. *Sign installation* constitutes *development* as defined under the *Urban and Rural Planning Act, 2000*. Signage did not emerge as a contentious issue through the public participation program for the development of this *Plan*. This is unsurprising given that the *Town* is primarily rural and residential in character, and that signage is largely associated with *commercial uses* and *developments*. However, in order to be prepared for potential, future land *use* conflict, it is the intent of *Council* to have robust signage provisions in place to control the future *development* of *signs* within the *Town*.

Although the signage provisions in the *Regulations* shall be robust enough to deal with any type of *sign installation*, it is the intent of *Council* to take an overall permissive approach to the regulation of *signs* within the *Town*. Robust signage provisions will help ensure that any future *signs* are installed in a safe manner that respects neighbourhood character and minimizes land *use* conflict.

The various *sign* types are listed under 'Appendix C: Use Category Table' of the *Regulations*. For clarification and ease of use, *signs* are listed under its own *use group* in Appendix C. Each *sign* type is also defined under 'Appendix B: Definitions' of the *Regulations*. Each *use zone* under subsection 'E.2 Use Zone Regulations' has its own *sign* category to indicate *permitted*, *discretionary*, and *prohibited use*. In the 'Community Development (CD)' *use zone*, for example, all *sign* types except for *billboard signs* and *electronic message board signs* constitute *permitted uses*. A *billboard sign* or an *electronic message board sign* can have a substantial land *use* impact on neighbouring property owners, therefore it is critical to notify these residents and take their concerns into consideration prior to issuing a *development permit*.

Signage provisions are outlined as a stand-alone section in the *Regulations* (see subsection 'C.2 Signage' in the *Regulations*). *Signs* can create safety hazards such as obstructing the sight-lines of drivers (e.g. a large *sign* installed at the intersection of *streets*); creating excessive diversion of the attention of drivers (e.g. through excessive brightness, flashing messages or lights); or being structurally unsafe or placed as a potential obstruction hazard (e.g. *portable signs* that are lightweight and may be blown into the *street*). It is therefore the intent of *Council* to regulate *signs* in safe manner that helps mitigate and avoid the risk of hazards. Subsection 'C.2.4 Prohibitions' in the *Regulations* therefore includes a wide range of safety provisions for the *development* of *signs*, which may be updated and amended by *Council* from time-to-time.

Sign installation along provincial *streets* within the *Town* is regulated under the provincial *Highway Sign Regulations, 1999*. As per subsection 5(3) of the regulations, the control lines of provincial authority are within 100m of the centre line of a provincial *street* within a municipality. This covers a large

developable portion of the *Town*. It is the intent of *Council* to avoid the duplication of municipal and provincial signage provisions and permits. An amendment was made to the *Highway Sign Regulations, 1999* in 2016 to allow municipalities to apply for an exclusion from the regulations. Where Route #430 has a speed limit of 60km/h or less (60km/h), it is the intent of *Council* to avail of this provision by applying to the Minister of Municipal and Provincial Affairs for an exclusion from the application of the *Highway Sign Regulations, 1999* within the *MPA*.

B.2.12.2 Goal and Policies

It is a *goal* of *Council* to support the *development* of *signs* for commercial businesses, governmental organizations, non-profit organizations and community events by regulating *signs* in a permissive yet safe manner.

It is a *policy* of *Council* to:

B.2.12.2 (1) Implement robust signage provisions in the *Regulations*, which prepare the *Town* for potential, future land *use* conflict and the enforcement of unsafe *signs*.

B.2.12.2 (2) Outline *sign* types with high potential for land *use* conflict as *discretionary* or *prohibited* *uses* in the *use zones* of the *Regulations*.

B.2.12.2 (3) Avoid the duplication of municipal and provincial signage provisions and permits.

B.2.12.3 Proposals

It is a *proposal* of *Council* to:

B.2.12.3 (1) Further to *policy* B.2.12.2 (2), consider an *electronic message board sign* as a *discretionary* *use* in the 'Community Development (CD)', 'Residential (RES)', and 'Rural (R)' *use zones*. An *electronic message board sign* shall constitute a *prohibited* *use* in all other *use zones*.

B.2.12.3 (2) Further to *policy* B.2.12.2 (2), consider a *billboard sign* as a *discretionary* *use* in the 'Community Development (CD)' and 'Rural (R)' *use zones*. A *billboard sign* shall constitute a *prohibited* *use* in all other *use zones*.

B.2.12.3 (3) Further to *policy* B.2.12.2 (3), implement a 'despite all' clause in the *Regulations* that exempts the *applicant* or property owner from the signage provisions (including the requirement of a *development permit*) of the *Plan* and *Regulations* where the provincial *Highway Sign Regulations, 1999* are still in force and effect in the *Municipal Planning Area*. Further, despite any provision in this *Plan*, an *electronic message board sign*, *billboard sign*, and *off-site sign* are strictly prohibited within the

provincial area of jurisdiction, where the *Highway Sign Regulations, 1999, 85/99* remain in force and effect.

B.2.12.3 (4) Apply, at a future time subsequent to the initial *Gazette* date of the *Plan* and *Regulations*, to the Minister of Municipal and Provincial Affairs for an exclusion from the application of the provincial *Highway Sign Regulations, 1999* within the *Municipal Planning Area*.⁶

6 If an exclusion is obtained from the Minister in accordance with *proposal B.2.13.3 (5)*, *Council* must amend the *Plan* and *Regulations* in order to apply the *Town's* signage provisions to the current area of provincial jurisdiction as outlined in the *Highway Sign Regulations, 1999*.



C.1 OVERVIEW

The *Plan* serves as the blueprint for the future of the *Town* for 2023- 2033. However, it is critical that the *Plan* is put into action through a strategic implementation program. Any growth and *development* that will occur in the *MPA* will largely be driven by private investment. The *Town's* role in implementation is to help guide and shape private investment, and in effect implement the *Plan* in a cooperative framework with the private sector. Municipal services, regulations, and expenditures are a means to encourage or discourage the extent and form of new *development*. Successful implementation of the *Plan* involves:

- Effectively administering the *Plan* and *Regulations*;
- Conducting and implementing recommended studies;
- Developing and implementing municipal land assembly programs; and
- Adopting a municipal capital works and budgeting program.

C.2 ADMINISTRATION OF PLAN AND REGULATIONS

C.2.1 DIVISION OF POWERS

In order to effectively administer the *Plan* and *Regulations*, *Council* should assign the majority of its operational tasks to an employee of the *Town*. This employee may also be given delegated authority by *Council*, pursuant to the *Act*, to issue orders and render decisions (i.e. approve or reject *applications*, to develop land in accordance with the *Plan* and *Regulations*, and may outline the conditions applicable to that *development*). Operational tasks include the intake of *applications* and requests, and fulfillment of *administrative requests*. Where an employee is given delegated authority under the *Act*, this would also include the issuance of basic *development/building permits* for *uses* and *developments* that do not warrant discretionary approval from *Council* (e.g. *permitted uses*). This approach will help ensure that

requests and *applications* are reviewed, approved, and implemented in a straightforward and timely manner.

There are certain types of discretionary approvals that the *Delegated Employee* shall not issue a *development/building permit* for. These include *applications* for *discretionary uses, variances, non-conforming uses*, and amendments to the *Plan* and/or *Regulations*. It is thus important that *Council* adopt *Regulations* that make clear the division of powers between the *Delegated Employee* and *Council*. This streamlining of areas of jurisdiction, *administrative requests* and *application* types will help clarify the day-to-day roles and responsibilities of the *Delegated Employee* and *Council* in implementing the *Plan* and *Regulations*.

C.2.2 PUBLIC CONSULTATION AND PARTICIPATION

This *Plan* was developed through the implementation of a thorough public participation program (see subsection 'B.7 Public Participation Summary' of the *Background Report*). The requirement of public consultation is detailed under section 14 of the *Act*. This section requires *Council* to engage and consult "interested persons, community groups, municipalities, local service districts, regional economic development boards and the departments of the government of the province." Section 25 requires *Council* to implement the same consultation process under section 14 for an amendment to the *Plan*. The *Act* and Minister's *Development Regulations* also require the *Town* to engage and consult the public when rendering decisions on certain planning applications (e.g. *discretionary uses, variances, non-conforming uses*). These requirements must be reflected in the authority's *Development Regulations*; and are thus summarized in subsection 'A.2.2.12 Public Notice and Written Comments' of the *Regulations*.

However, the legislative requirements for discretionary *applications* and amendments should be viewed as a minimum in conducting public participation for substantive *developments* and community-wide planning initiatives. Involving residents prior to the formal *application* stage and legislative process is an opportunity to promote community-based design and may help align the interests and goals of residents, community stakeholder groups, developers, and *Council* alike. The successful implementation of this *Plan* will thus hinge on the degree of involvement of residents and community stakeholder groups in helping shape the future of the *Town*.

C.2.3 DEVELOPMENT REVIEW AND APPROVAL PROCESS

A clear, concise, and understandable *development* review and approval process under the *Regulations* is required for the successful implementation of this *Plan*. As outlined in subsection 'C.2.1 Division of Powers,' *Council* should delegate as much decision-making authority as possible to the *Delegated Employee* to help expedite the day-to-day operations of *development* matters within the *Town*. The *Regulations* should be viewed as an initial structure for framing out the *development* review and approval process. As the implementation period of this *Plan* progresses, the *Delegated Employee* and

Council may require the creation of additional *application* forms, standard operating procedures, and policies of *Council* to help improve service levels and operational efficiencies.

C.2.4 PERFORMANCE-BASED DISCRETIONARY DECISION-MAKING

The provincial legislative planning framework in Newfoundland and Labrador affords *Council* with broad discretionary powers to regulate *development* for the health and well-being of residents in the *MPA*. As opposed to other provincial contexts, property owners do not have as-of-right *development* rights. Despite that a proposed *development* meets all the *development* provisions of the *Regulations*, *Council* retains the right to refuse the proposal if there is justification that the *development* is not in harmony with the *policies* and *proposals* of the *Plan*. These overarching discretionary powers are implemented through subsection 'A.2.2.7 Refusal or Conditions – Council' of the *Regulations*.

However, *Council* is expected to act in good faith when making discretionary decisions on *development applications*. Refusing a proposed *development* or adding conditions to a *development permit* (or *approval in principle* request) must include reasons in writing that are based on provisions of the *Plan* and *Regulations*. This is required in accordance with subsection 35(1)(g) of the *Act* and is implemented through subsection 'A.2.1.6 Refusal or Conditions – Delegated Employee' of the *Regulations*. In making discretionary decisions, *Council* should adopt a consistent and methodical process for considering each *application*. Adopting a performance-based approach allows *Council* to assess the proposal based on the specific nature, scale, and land use context of the proposed *use* and *development*.

'Appendix C: Performance-based Rubric' is included as a tool to help *Council* in exercising discretionary decision-making authority—specifically when making a discretionary decision to refuse or add conditions to a *development permit*. The rubric is divided into three sections:

1. Potential for Nuisance;
2. Neighbourhood Compatibility; and
3. Policies and Proposals of the Municipal Plan.

The proposed *development* is assessed for each category. Depending on the number of points scored by the proposed *development*, *Council* may refuse or approval the *development application*. This structured approach will help ensure that *Council* is exercising its discretionary, decision-making authority in a consistent and structured manner. The results of the rubric assessment may also be used to supply to the *applicant* in justifying the decision of *Council*, thus fulfilling the above-noted requirements of the *Act*.

C.2.5 PROFESSIONAL ADVICE AND CERTIFICATION

The implementation of the *Plan* and *Regulations* may require the occasional *professional* consultant to give advice and certify plans, reports, or other documents. In accordance with subsection 13(1) of the *Act*, "A plan and development regulations made under this Act and amendments to them shall be

certified by a person who is a fellow or full member of the Canadian Institute of Planners”—an FCIP or MCIP *professional* planner, respectively. A *Plan amendment application* or *Regulations amendment application* therefore requires the certification of an MCIP or FCIP *professional* planner. As a part of rendering services to *Council*, certification encompasses professional planning advice on whether or not the proposed amendment meets the intent of the *Plan* and detailed provisions of the *Regulations*.

Additional information or study may be required by an employee of the *Town* or *Council* to evaluate the impact of a proposed *development* on the:

- i. *Town's* infrastructure including, but not limited to, the required upgrading of public streets and public utilities;
- ii. Compatibility with surrounding land *uses*;
- iii. Established character of the immediate neighbourhood;
- iv. Health, safety, and general well-being of residents of adjacent properties, the immediate neighbourhood, or the *Town* as a whole; and
- v. Natural environment, which may include, but is not limited to, steep slopes, *watercourses*, water bodies, watersheds, water supplies, wetlands, and wildlife habitats.

The *Delegated Employee* or *Council* may therefore require the submission of certified reports or studies prepared by *professionals* including, but not limited to, planners, engineers, geologists, surveyors, or landscape architects. Where the initiative or proposal is not driven by *Council*, the cost of such reports or studies should be borne by the *applicant*. This provision is implemented in further detail through subsection 'A.2.1.3 Requirement for Additional Information or Study' of the *Regulations*.

C.3 RECOMMENDED STUDIES AND INITIATIVES

There are numerous studies and initiatives called for throughout the *proposals* of *Council* under subsection ‘B.2 Land Use Goals, Policies and Proposals.’ Although the *Plan* is the overarching blueprint for the future direction of the *Town*, supporting studies and initiatives help realize the goals and objectives therein. A summary from subsection B.2 is outlined in the following table.

Proposal	Study or Initiative	Professional
B.2.4.3 (1)	Emergency Measures Plan	NA
B.2.5.3 (2)	Antenna Systems Siting Protocol	Planner (FCIP or MCIP)
B.2.8.3 (3)	Economic Development Plan (10-year)	Economic Development Officer (Ec. D.; Economic Developers Association of Canada)
B.2.9.3 (3)	Climate Change Adaptation Study	Planner (FCIP or MCIP)
B.2.9.3 (5)	Municipal Habitat Stewardship Agreement	NA
B.2.10.3 (1)	Recreational Hub Feasibility Study	Planner (FCIP or MCIP)
B.2.12.3 (5)	Application to the Minister of Municipal and Provincial Affairs from the <i>Provincial Highway Sign Regulations, 1999</i> within the Municipal Planning Area	Planner (FCIP or MCIP)

It is important to note that *Council* is not obligated to complete any study or initiative outlined in the *Plan*. Further, the summary of proposed studies and initiatives is not exhaustive; *Council* may retain *professional* consultants or other researchers and individuals to conduct studies or implement initiatives on behalf of the *Town*.

C.4 MUNICIPAL LAND ASSEMBLY PROGRAM

In order to implement certain *policies* and *proposals* of the *Plan*, *Council* may need to develop and implement a municipal land assembly program for certain projects or initiatives. *Council* may attain land through various means such as private sale and purchase, expropriation, granting of Crown Lands, or requiring land for public open space through the *subdivision* process (see subsection ‘D.8 Land for Public Open Space’ in the *Regulations*).

However, *Council* is given specific authority under the *Municipalities Act, 1999* to attain, use, and expropriate lands for intended purposes. In accordance with subsection 201(2) of the *Municipalities Act, 1999*, *Council* must receive ministerial approval prior to attaining lands that are not required for the necessary operations of *Council* (e.g. economic development initiatives).

As per section 9 of the *Lands Act*, the Minister may grant lands up to 10ha in area to the *Town*—free of charge, but with an administration fee—for an undertaking that is in the public interest, which does not

include economic development purposes. The granting of Crown Lands in excess of 10ha requires the approval of the Lieutenant-Governor in Council.

Part IX of the *Urban and Rural Planning Act, 2000* and Part X of the *Municipalities Act, 1999* outline the powers of expropriation that may be exercised by *Council*. Each expropriation request requires approval from the Minister of Municipal and Provincial Affairs. In general, *Council* may expropriate lands for public parks and trails and the regular operations of the *Town* (e.g. acquiring lands for new *streets*, widening existing *streets*, or for new municipal facilities or infrastructure). *Council* is not permitted to exercise expropriation powers for economic development purposes.

C.5 MUNICIPAL CAPITAL WORKS AND BUDGETING PROGRAM

Where and how *Council* chooses to spend funds each year can have a significant impact on the future *development* of the *Town*. Developing a municipal capital works and budgeting program will help *Council* plan and prioritize annual expenditures. Funds should be strategically allocated in a manner that helps achieve the *policies* and *proposals* outlined under subsection 'B.2 Land Use Goals, Policies and Proposals.' Further, it is the intent of *Council* to apply for and avail of funding from the provincial, Municipal Capital Works program in order to help implement this *Plan*.

Appendix B: Future Land Use Classes and Use Zones

Note: The following table summarizes the *future land use classes* (see attached *Future Land Use Classes Map*) and subsidiary *use zones* (see the *Zoning Map* of the 'Development Regulations (2023-33)').

Future Land Use Classes	Development (D)			Conservation (C)
Land Use Zones	Community Development (CD)	Rural (R)	Residential (RES)	Conservation (C)

Appendix C: Performance-based Rubric

Overview:

The following performance-based rubric is intended as a guide to assist *Council* in making discretionary decisions for *development applications* (e.g. refusing a *permitted use*; refusing or adding conditions to a *discretionary use, variance, or non-conforming use application*). However, the rubric need not be used by *Council* in making discretionary decisions.

This rubric should not be used for rendering a decision on a *Plan amendment application* or *Regulations amendment application* (subsection 'A.2.2.11 Amendment to Plan and/or Regulations'). A decision to refuse an amendment application need not be justified by *Council* and cannot be appealed by the *applicant* under the *Urban and Rural Planning Act, 2000*.

How to Use the Rubric:

The rubric is designed to help *Council* rationalize a discretionary decision. Each category is assigned a weighted value between 1 (undesirable) and 5 (desirable). There are three sections for performance-based assessment:

1. Potential for Nuisance;
2. Neighbourhood Compatibility; and
3. Policies and Proposals of the Municipal Plan

In order for the proposed *development* to be approved by *Council*, the proposal must attain a 'pass' in each section. In order to attain a pass in each section, the proposed *development* must score:

1. No less than 3 in any applicable category; and
2. A total of 4 X (# of applicable categories).

Depending on the nature of the proposed *development* and surrounding land *use* context, not all categories will apply. *Council* will have to make this initial determination of which categories are 'Applicable (A)' or 'Not Applicable (NA).'

1. Potential for Nuisance

Applicable (A) or Not Applicable (NA)	Nuisance Category	1 (High)	2 (Med-High)	3 (Med)	4 (Med-Low)	5 (Low)
	Dust ⁷					
	Noise ⁸					
	Odour ⁹					
	Light Pollution ¹⁰					
	Vibration ¹¹					

Note: The temporary construction of structures and buildings should not be included in this analysis, as the effects of which are temporary in nature and not a part of the ongoing use of the development.

7 E.g. Dust from an *industrial use* or *commercial – automotive establishment use*

8 E.g. Noise from traffic or trucking, animals, *indoor* or *outdoor entertainment use*

9 E.g. Odour from *industrial use* processes or *agricultural – large scale use*

10 E.g. Light trespass from an illuminated *parking lot*, *electronic message board* or *back-lit signs*

11 E.g. Vibration from *mine* or *mineral working uses*, or *commercial wind farm*

2. Neighbourhood Compatibility

Applicable (A) or Not Applicable (NA)	Compatibility Category	1 (Low)	2 (Med-Low)	3 (Med)	4 (Med-High)	5 (High)
	Public Support ¹²					
	Nature and Intensity of Use ¹³					
	Building / Structure Massing and Height ¹⁴					
	Building Architectural Style ¹⁵					
	Alignment of Development ¹⁶					

12 As determined through feedback from the public notice and consultation requirements, which are summarized under subsection 'A.2.2.12 Public Notice and Written Comments' of the *Regulations*.

13 'Nature and scale of use' refers to how the proposed *use* is compatible with neighbouring properties. (E.g. On the whole, does *Council* feel the proposed *use* would positively or negatively change the character of the neighbourhood?)

14 'Building / structure massing' refers to how the proposed *development* is within reasonable range of the footprints and heights of neighbouring *buildings* and *structures*. (E.g. Would the proposed *development* dominate over neighbouring small scale structures and buildings?)

15 'Building architectural style' refers to how the proposed *building* is in harmony with the architectural styles of neighbouring buildings.

16 'Alignment of development' refers to how the proposed *structure* or *building* generally aligns with neighbouring *developments*. (E.g. Does the proposed *development* meet the requirements of subsection 'B.11 Building and Structure Line Setback' of the *Regulations*? Are porches, stairs, and decks in general alignment of one another, thus contributing or detracting from the established character of the neighbourhood and streetscape?)

3. Policies and Proposals of the Municipal Plan

Applicable (A) or Not Applicable (NA)	Land Use Goals, Policies and Proposal Section of Municipal Plan (B.2)	1 (Low)	2 (Med-Low)	3 (Med)	4 (Med-High)	5 (High)
	B.2.1 Overall Development Strategy					
	B.2.2 Legal Non-conforming Uses					
	B.2.3 Public Streets and the Subdivision of Lands					
	B.2.4 Public and Safety Emergency Services					
	B.2.5 Public Utilities					
	B.2.6 Hinterland Areas					
	B.2.7 Residential Uses					
	B.2.8 Economic Development, Commercial and Industrial Uses					
	B.2.9 Protection of the Natural Environment					
	B.2.10 Open Space and Recreational Uses					
	B.2.11 Archaeological and Historical Sites					
	B.2.12 Signs					

Note: Where 1 (Low) or 2 (Med-Low) is assigned to any category, Council should elaborate by specifying and explaining which policies or proposals are not aligned with the proposed development as per the following template.

Category: _____ (e.g. B.2.1)

Policy or Proposal: _____ (e.g. B.2.1.2 (1))

Reason(s) why the proposed *development* is not aligned with the *policy* or *proposal*:

Category: _____ (e.g. B.2.1)

Policy or Proposal: _____ (e.g. B.2.1.2 (1))

Reason(s) why the proposed *development* is not aligned with the *policy* or *proposal*:

Category: _____ (e.g. B.2.1)

Policy or Proposal: _____ (e.g. B.2.1.2 (1))

Reason(s) why the proposed *development* is not aligned with the *policy* or *proposal*:
