

# The Town of Botwood Development Regulations 2020 - 2030



Development Regulations Amendment No.04, 2025

## S.3.8 – Resource Zone

July 2025

**URBAN AND RURAL PLANNING ACT, 2000**

**RESOLUTION TO ADOPT**

**TOWN OF BOTWOOD Development Regulations, 2020-2030**

**Amendment Number 04, 2025**

Under the authority of section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of the Town of Botwood adopts the Town of Botwood Development Regulations Amendment Number 04, 2025.

Adopted by the Town Council of the Town of Botwood on the 13 day of August, 2025.

Signed and sealed this 15 day of August, 2025.

Mayor:

James J. Hawes

Clerk:

A. L. Cawse



**Canadian Institute of Planners Certification**

I certify that the attached Town of Botwood Development Regulations Amendment Number 04, 2025 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP: Darren B. Randell

Date: July 29, 2025

Development Regulations/Amendment	
<b>REGISTERED</b>	
Number <u>0550-0003-2025</u>	
Date <u>January 8, 2026</u>	
Signature <u>Don Mclellan</u>	



## TOWN OF BOTWOOD

### DEVELOPMENT REGULATIONS AMENDMENT NO.04, 2025

#### **1. Introduction: Purpose & Amendment Type**

*The Town of Botwood Development Regulations, 2020-2030, came into legal effect on March 25, 2022. The Council of the Town of Botwood is considering amending its Development Regulations to enable the permitting of industrial uses in the Resource (R) zone. The change is a text amendment only to the Development Regulations s.3.8 Resource Zone. This report has been prepared to explain the proposed change, and to serve as background information for the public and Council.*

#### **2. Background**

In 2023, the provincial government Department of Fisheries, Forestry and Agriculture: Crown Lands Division (FFA) nominated land within the boundary of the Town of Botwood to be reserved for the purpose of making the area available for wind energy development. The Exploits Valley Renewable Energy Corporation has applied to the FFA to acquire Crown Land in the Town's municipal planning area to develop a green hydrogen production facility utilizing electricity generated from wind turbines which are proposed to be situated outside the municipal planning area boundary. Prior to the Department approving the application and issuing tenure to the land, as well as the Town's consideration of development approval, the Town of Botwood Development Regulations must be amended to permit the use.

#### **3. Assessment**

##### **The Town of Botwood Municipal Plan, 2020-2030**

Section 3.5. Industrial – the Industrial policy of the Municipal Plan specifies that industrial uses which may not be compatible with other land uses are to be situated in the Resource (R) zone as a discretionary use, as described below.

###### ***s.3.5.3 Policies***

*(7) At Council discretion, allow industrial uses which have characteristics that may not be compatible with other land uses, such as resource-related industries or hazardous industry, to be located as a discretionary use in the Resource zone*

The green hydrogen facility will be situated in the Resource (R) land use designation and Resource (R) land use zone. The facility will operate in association with a proposed wind turbine complex situated in a remote location outside the Town's municipal boundary and planning area and under provincial jurisdiction.

## **The Town of Botwood Development Regulations, 2020-2030**

The green hydrogen facility is regulated under the *Environmental Assessment Regulations under the Environmental Protection Act, 2003*, and is subject to Environmental Impact Statement Guidelines that were issued by the provincial Department of Environment and Climate Change on April 2, 2025. The Development Regulations defines uses subject to the *Environmental Assessment Regulations* as being an Industrial - Heavy and/or Hazardous use type.

### ***s.4.4.9: Industrial – Heavy and/or Hazardous***

*Definition: Industrial-(H/H) means industrial uses, which, by their nature, generate noise, fumes, odours, and are hazardous or obnoxious.... this would include manufacturing uses which are required to be registered under the Environmental Protection Act, 2003, such as ....”*

Considering the green hydrogen facility is classified as an Industrial – Heavy and/or Hazardous use type, Council’s consideration to permit the development of such a facility in the Resource use zone is in line with the Municipal Plan industrial policy in section 3.5.3 – Policies, as described above.

The property will also contain a solar field to contribute to electricity supply to the green hydrogen facility. Section 4.4 - Industrial Land Use Class, of the Development Regulations defines solar power generators to be an Energy Generation Facility, as described below in section 4.4.5.

### ***s.4.4.5: Energy Generation Facilities***

*Definition: Energy generation facilities means a facility constructed for the purpose of generating energy from wind, solar or small hydro means.*

Energy Generation Facilities currently are not listed as permitted or discretionary in the Development Regulations section 3.8 Resource Zone, and are therefore prohibited, as established by the Ministers *Development Regulations under the Urban and Rural Planning Act, 2000* (NLR 3/01). It is proposed that energy generation facility’s may be permitted when directly associated with the function of an Industrial - Heavy and/or Hazardous use.

## **The Urban and Rural Planning Act, 2000**

*The Urban and Rural Planning Act, 2000, (URPA) is the enabling legislation to the Town of Botwood Municipal Plan and Development Regulations 2020-2030. URPA section 35(5) permits changes to development regulations through stand-alone development regulations amendments, as described below:*

**s.35 (5)**

*Notwithstanding subsection (3) and section 25, where there is a proposed change in a regulation made under this section that has not occurred as a result of a change in a plan, a council or regional authority responsible for the changed regulation shall:*

- a) publish notice of those proposed changes in accordance with section 110.1; and*
- b) receive representations with respect to those changes before forwarding the regulations to the minister for registration under section 24.*

**4. Consultation**

In accordance with sections 14 and 110.1 of *the Urban and Rural Planning Act, 2000* (the Act), the Town advertised a Notice of Amendments by way of advertising on the internet on the Town of Botwood webpage, the Town of Botwood Facebook social media, and physically posting printed notices in the Canadian Dollar Store, the Colemans Grocery store, the Botwood Irving station, and at the Canada Post office. The notices were posted on July 11<sup>th</sup>, 2025, and established a deadline of 4:00 pm, July 17<sup>th</sup>, 2025, to receive comments and objections, copies of which are included with the amendment submission in demonstration of public review.

**5. Adoption by Council**

In accordance with section 16 of the Act, Council adopted the Amendment at a public meeting of Council on July 30, 2025.

**6. Provincial Registration**

In accordance with section 35 (5) of the Act, Town staff forwarded the Amendments to the provincial Department of Municipal Affairs and Community Engagement for registration. The amendment registration information will be published in the Newfoundland and Labrador Gazette, as required by section 24 of the Urban and Rural Planning Act, 2000.

**7. The Text Amendment statement**

Section 3.8 – the Resource Zone use zone table of the Town of Botwood Development Regulations 2020-2030, is amended from existing to the proposed amendment, July 2025.

### 3.8 RESOURCE ZONE

USE ZONE TABLE: RESOURCE ZONE	
PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"><li>- <i>Commercial Agriculture (4.2.1)</i></li><li>- <i>Forestry Activities (4.4.7)</i></li><li>- <i>Mineral Working (4.4.13)</i></li><li>- <i>Conservation (4.5)</i></li><li>- <i>Cottage (4.7.6)</i></li><li>- <i>Contractor-General (4.4.4)</i></li><li>- <i>Domestic Sawmill (5.1.5)</i></li><li>- <i>Protective and Emergency Services (4.6.3)</i></li><li>- <i>Open Space, Parks and Trails (4.5.2)</i></li><li>- <i>Resort (4.2.25)</i></li><li>- <i>Uses set out in 3.1.5</i></li></ul>	<ul style="list-style-type: none"><li>- <i>Veterinary Clinic (4.3.30)</i></li><li>- <i>Outdoor Market (4.3.22)</i></li><li>- <i>Cemetery (4.6.1)</i></li><li>- <i>Campground (4.3.9)</i></li><li>- <i>Public Gathering – Indoor (4.6.4)</i></li><li>- <i>Public Gathering – Outdoor (4.6.5)</i></li><li>- <i>Amusement Park / Attraction (4.3.1)</i></li><li>- <i>Service Station (4.3.29)</i></li><li>- <i>Kennel (4.2.2.4)</i></li><li>- <i>Marina (4.3.18)</i></li><li>- <i>Residential: (1) Single detached dwelling only in association with a permitted use (4.7.2)</i></li></ul>

#### Conditions

- 1) Development must conform to the requirements of Section 3.1.6;
- 2) Any applications within the Agricultural Development Area must be referred to the Land Stewardship Division
- 3) No municipal services shall be provided. However, the Town may allow a connection where the development is immediately adjacent to the service, and the Town deems the connection necessary.
- 4) The Development standards are at the discretion of Council.

### 3.8 RESOURCE ZONE

USE ZONE TABLE: RESOURCE ZONE (as amended July 2025)	
PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"> <li>- <i>Commercial Agriculture (4.2.1)</i></li> <li>- <i>Forestry Activities (4.4.7)</i></li> <li>- <i>Mineral Working (4.4.13)</i></li> <li>- <i>Conservation (4.5)</i></li> <li>- <i>Cottage (4.7.6)</i></li> <li>- <i>Contractor-General (4.4.4)</i></li> <li>- <i>Domestic Sawmill (5.1.5)</i></li> <li>- <i>Protective and Emergency Services (4.6.3)</i></li> <li>- <i>Open Space, Parks and Trails (4.5.2)</i></li> <li>- <i>Resort (4.2.25)</i></li>   <li>- <i>Uses set out in 3.1.5</i></li> </ul>	<ul style="list-style-type: none"> <li>- <i>Veterinary Clinic (4.3.30)</i></li> <li>- <i>Outdoor Market (4.3.22)</i></li> <li>- <i>Cemetery (4.6.1)</i></li> <li>- <i>Campground (4.3.9)</i></li> <li>- <i>Public Gathering – Indoor (4.6.4)</i></li> <li>- <i>Public Gathering – Outdoor (4.6.5)</i></li> <li>- <i>Amusement Park / Attraction (4.3.1)</i></li> <li>- <i>Service Station (4.3.29)</i></li> <li>- <i>Kennel (4.2.2.4)</i></li> <li>- <i>Marina (4.3.18)</i></li> <li>- <i>Residential: (1) Single detached dwelling only in association with a permitted use (4.7.2)</i></li> <li>- <i>Industrial: Heavy and/or Hazardous (4.4.9)</i></li> </ul>

#### Conditions

- 1) Development must conform to the requirements of Section 3.1.6
- 2) Any applications within the Agricultural Development Area must be referred to the Land Stewardship Division
- 3) No municipal services shall be provided. However, the Town may allow a connection where the development is immediately adjacent to the service, and the Town deems the connection necessary.
- 4) The Development standards are at the discretion of Council.
- 5) Energy Generation Facilities may be permitted when associated with an Industrial: Heavy and/or Hazardous use and in accordance with Sections 4.4.5 and 4.4.9.