

TOWN OF ST. GEORGE'S

DEVELOPMENT REGULATIONS AMENDMENT No. 1, 2024

- a. Change of land use zone of an area for a salt mine project from Residential (RES) to Rural (RUR), and,**
 - b. Requirements for use of the existing “haul road” a.k.a. “Flintkote Road” and other routes and means of conveyance to move mineral and petroleum products from sources in the Rural (RUR) land use zone to Turf Point harbour.**
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COUNCIL RESOLUTION TO APPROVE

Whereas under the authority of sections 16, 17 and 18 of the *Urban and Rural Planning Act 2000*, the Council of the Town of St. George's adopted Amendments Number 1 – 2024 to the Municipal Plan and Development Regulations for 2019 – 2029 on the 9th day of May, 2024, gave notice of doing so by way of notices broadcast and posted in the community in the form of advertising on the Town of St. George's website www.townofstgeorges.com, advertising on the municipal Facebook page, putting up posters in eight public locations in the community, and a bulk telephone call to residents registered on the municipal "dial my call" program, said method being approved by the Manager of Land Use Planning, Local Governance and Land Use Planning Division, Department of Municipal and Provincial, in lieu of advertising in a newspaper circulating in the municipal planning due to lack of such newspaper advertising at the time, said website, Facebook and public location postings running from 24 May, 2024 to the date of the public hearing and the bulk telephone call being made on 31 May, 2024, altogether thereby providing in excess of the ordinary fourteen day advertising requirement of s.17 of the *Urban and Rural Planning Act 2000*, appointed a commissioner to hold the required public hearing to hear objections and submissions, set the time and date of the public hearing to be at 7:00 pm on the 19th day of June, 2024, and subsequently considered the report of the commissioner,

Under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Council of the Town of St. George's approves Amendment Number 1, 2024 to the Development Regulations for 2019 to 2029, exactly as released by the Department of Municipal and Provincial Affairs.

Resolved by the Council of the Town of St. George's on the 8th day of August, 2024.

Signed and sealed this 16 day of August, 2024.

Mayor: Conrad White

Clerk: Marysue

Council Seal



Development Regulations/Amendment	
REGISTERED	
Number	<u>4380 - 2024 - 001</u>
Date	<u>9 SEPT 2024</u>
Signature	<u>[Signature]</u>

COUNCIL RESOLUTION TO ADOPT; MCIP CERTIFICATE.

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Council of the Town of St. George's adopts Amendment Number 1, 2024 to the Development Regulations for 2019 to 2029.

Resolved by the Council of the Town of St. George's on the 9th day of May, 2024.

Signed and sealed this 16 day of August, 2024.

Mayor: Conrad White

Clerk: Mary Speier

Council Seal

1.2 PLANNER'S SEAL AND SIGNATURE

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Amendment Number 1, 2024 to the Development Regulations for 2019 to 2029 document has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*, 2000.

Member of the Canadian Institute of Planners

[Signature]

Date: 23 August 2024

seal



TOWN OF ST. GEORGE'S - DEVELOPMENT REGULATIONS FOR 2019 to 2029

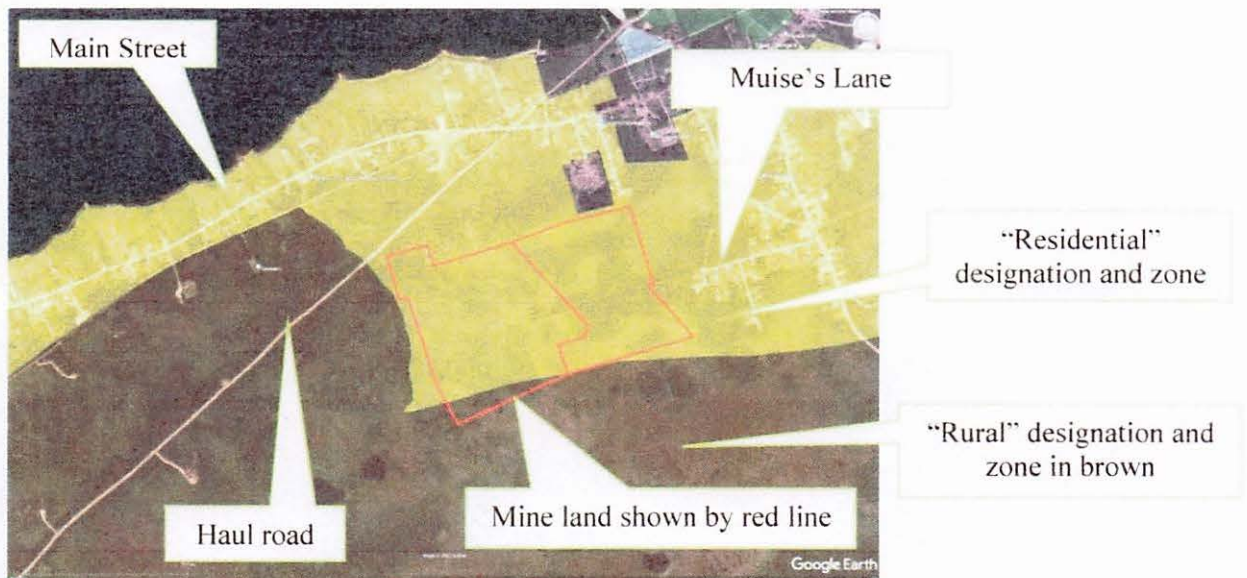
AMENDMENT No. 1, 2024

BACKGROUND

The Town Council of St. George's proposes to adopt this amendment to its Development Regulations. The Municipal Plan will be amended concurrently in like fashion.

Council has received a proposal from Atlas Salt Inc. for a major salt mine project located within the Town of St. George's municipal planning area. Most of the area of the lands involved in the project does not lie within a designation in the Municipal Plan which would enable Council to consider approving it. Council is generally favourable to the project for its economic development benefits, and is prepared to amend the Municipal Plan and Development Regulations (the "planning documents") to be able to do so.

The mine project lands are shown below superimposed on the current Municipal Plan designations and zones for the general area. The underlying aerial photograph and depiction of planning areas are from the provincial government's land use planning registry website. The plot is approximate but it shows the effect of the proposed amendment which will make all of the mine lands plus some fringe areas adjacent to it to be Rural (RUR) Zone. The land use zones in the Development Regulations have the same names and boundaries as the designations in the Municipal Plan.



The mine project involves use of a new overland conveyor system to move mine products to the Turf Point harbour. It will run from the mine property to the existing haul road (also known as the "Flintkote Road" and then along the haul road to Turf Point harbour. The existing use of the haul road is to move product by highway truck from a gypsum mine lying west of the proposed salt mine to Turf Point. That existing use can continue as a non-conforming use in the various lands over which it passes, but a new overland conveyor would represent a new development.

A planning policy analysis prepared by Council's professional planning consultant, Mr. Jens Jensen, P.Eng., MCIP, HMJ Consulting Limited, is presented next, followed by a statement of Council's plans for public consultation and notes on the permitting process which will apply to specific development applications which will follow after the amendment comes into effect.

PLANNING POLICY ANALYSIS

The planning documents are those that are now in legal effect in the St. George's municipal planning area, ie: the Municipal Plan and Development Regulations for the Town of St. George's for 2019 to 2029. The planning documents were approved by Council on 2 November 2020 and were notified in the *Newfoundland and Labrador Gazette* on 12 March 2021, on which date they came into legal effect. There have been no amendments to the planning documents since then.

Council is attracted to the potential for appropriate developments which will enhance and strengthen the local economy while respecting valued amenities of surrounding owners, as they would be in keeping with the objective of the Municipal Plan (Section 3.3) quoted as follows:

To develop and maintain St. George's in an attractive natural and built setting which accommodates a diversity of housing needs and which provides for sustainable economic and other development while maintaining the integrity of the natural marine and terrestrial environments.

The development concept set out in Section 5.0 recognizes the potential for exploration and development of mineral and petroleum resources in growing the local economy as a general matter in point 11) therein as follows:

11. It is recognized that exploration for minerals and petroleum resources is important to the economic development of the province, and are permitted at Council's discretion except where it is inadvisable, specifically not to be approved in the two protected water resources supply areas, the site of the future sewage treatment plant, and environmentally sensitive areas. Mineral workings, mining and petroleum extraction

uses are permitted at Council's discretion but only in the rural areas lying outside the areas named above.

Some detailed context concerning mining, mineral deposits, and potential for petroleum development is given in Section 6.2.13, which concludes with:

Council's policy is to include requirements in the Development Regulations to endeavour to minimize negative impacts on the areas affected by exploration and extraction, for example to do with restoration of areas where ground has been disturbed, removal of vehicles, equipment and trash when finished, and on points which are not in Council's authority by recommending conditions to the Mineral Lands Division as part of the provincial approval process.

The Development Concept in Section 5.0 goes on in the section describing the land use designations to give the specific role of the Rural designation in point 5 as follows:

Land in the Rural designation is intended to accommodate developments which are not well suited to urban settings, such as low density housing on private water supply and sewage disposal systems, forestry, mining, mineral workings, petroleum extraction, kennels, livestock farming, and very large commercial or industrial developments. Council will endeavor to protect the natural environment from unacceptable effects and to require adequate screening of unsightly structures and activities from view along streets and highways.

Finally, the Municipal Plan sets out specific requirements for each designation, for which the Rural designation policies are found in Section 6.1.9 as follows:

1. *Lands designated Rural shall be developed primarily for uses utilizing the area's natural resources and land uses not compatible with the urban environment, as well as some other uses which are usually found in urban areas, such as low density residential development, but which nevertheless may be acceptable.*
2. *Permitted uses are:*
 - a) *Agriculture class, including gardening and horticultural activity*
 - b) *Forestry class, including domestic cutting for fuel wood*
 - c) *Conservation class*
 - d) *Existing mineral exploration class*
 - e) *Existing mineral workings and mine class*

f) Existing cemeteries

3. *All other uses may be considered as discretionary uses, in order to ensure full review of proposals for other development classes and to provide for consideration of a wide variety of proposed developments, some of which may be unusual but nevertheless desirable.*
4. *Council will evaluate each development proposal to determine potential environmental and other effects and set development standards to reduce or eliminate any negative impacts and protect public safety and amenities*
5. *New development may be serviced with extensions of the Council's central water and sewer systems at the proponent's expense and subject to Council's approval of capacity and technical standards and by way of a specific development agreement.*
6. *Private water supplies and private sewage disposal systems are acceptable but are subject to the proponent securing Certificates of Approval from provincial government authorities.*
7. *Mineral workings, mining and petroleum extraction structures and disturbed areas are required to be separated by a substantial buffer distance from public highways, streets and trails, protected water supply areas, sensitive lands, and the areas intended to be developed as urban areas, as detailed in the Development Regulations.*
8. *Mineral working, mining and petroleum extraction operations shall be conducted in a manner which will minimize the adverse effects on water quality, fish and wildlife, and shall be buffered from adjacent developments. All such operations are required to submit a site rehabilitation plan as a part of the development application. Council, when issuing a permit, may attach such conditions as are in its opinion necessary to properly regulate the operation. Such conditions may refer to the following subjects and matters:*
 - a. *Landscaping, screening and fencing;*
 - b. *Rehabilitation;*
 - c. *Noise, dust and pollution control.*

It is evident that the mine project will displace a considerable area of the Residential designation and zone. Council has considered the adequacy of other undeveloped or underdeveloped lands designated Residential for future residential development, and is satisfied that the balance of interests favours this amendment.

The appropriate designation and zone for the mine project is Rural. There is an Industrial designation and zone in the planning documents but it is used only to apply to the harbour works at Turf Point. In the Industrial category, mining is not a permitted use nor is mining eligible to be considered for a discretionary land use approval. The Rural designation permits mining among other land uses at Council's discretion. Council's intention to be able to consider the

mine project necessitates the change of designation and zone of the mine lands illustrated above not already Rural, to Rural, and to consider approval of an associated overland conveyor from the mine to Turf Point harbour.

Consideration of the existing and future uses of the haul road and various means of conveyance of the natural resource products (gypsum, salt, other minerals, and potentially petroleum) prompts Council in looking forward to make this amendment to the Development Regulations to include generic requirements applicable to a conveyor development, or any other form of conveyance of products of mineral workings, mines or petroleum extraction, across lots of land which are not the sites of the sources of the material. Such developments would be simply accessory uses to main uses of lots on which the extraction activity takes place, but outside of those lots the conveyances would be new developments.

Amending the planning documents does not represent an approval of a permit to develop the Atlas Salt Inc. mine or the associated overland conveyor. The amendment enables Council's consideration of such an application which would follow this amendment and would be subject to a review of compliance with the amended planning documents.

Changing the land use zone of the subject lands to Rural (RUR) would be entirely in keeping with the objectives and policies of the Municipal Plan. Those policy points would guide Council in its deliberations concerning an actual application from the company, following the coming into effect of the amendments.

PUBLIC CONSULTATION

The Town of St. George's conducted a public consultation process by presenting the proposed amendments and hearing the views of the public. The proposed amendments were publicized by sending a flyer to all postal addresses in the St. George's postal code and posting on the Town website and the Facebook social media customarily used by the Town of St. George's. The notices specified that the proposed amendments as well as the whole existing Municipal Plan and Development Regulations were available to be sent as pdfs to those asking for them, and available to view in hard copy at the Town office.

Council's retained professional planner presented the proposed amendments to the public at a meeting on 31 January 2024. The presentation concluded with an invitation to interested parties to send submissions to Council by 16 February 2024.

STEPS TO LEAD TO A PERMIT

When this amendment and the concurrent amendment to the Municipal Plan come into legal effect, the only effect will be to enable Council's consideration of the mine project, and to provide for consideration of new means of conveyance of products of mineral workings, mines and petroleum extraction from their sources to Turf Point harbour.

At that point, the proponent needs to make an official application to Council with the details of their proposed mine and overland conveyer developments. Council's approval of such applications is subject to the amended Municipal Plan and Development Regulations, which state the conditions which an application must satisfy. The permit will only be approved if the conditions were satisfied.

THE AMENDMENT

The actual amendment to the Development Regulations comprises revisions of the text and to the maps. As noted in the Background, a concurrent amendment is to be made to the text and maps in the Municipal Plan.

AMENDMENT 1 – 2024 TO THE DEVELOPMENT REGULATIONS FOR 2019 – 2029

The Development Regulations for 2019-2019 is amended as follows:

1. Land Use Zoning Maps 1 and 2 are amended as shown on the accompanying official map.
2. The Use Zone Tables in Schedule C for the following Zones are amended by adding the following use to their respective "permitted uses" lists: *"existing use of the haul road from points of extraction of mineral working and mine products to Turf Point harbour, solely by way of highway trucks"*:
 - a. Residential (RES).
 - b. Mixed Development (MD).
 - c. Environmental Protection (EP).
 - d. Rural (RUR).
3. The above named Use Zone Tables in Schedule C are further amended by adding the

following use to their respective "discretionary uses" lists: *"means of conveyance of products of mineral working, mining or petroleum extraction, such as by overland conveyor, highway trucks, off-highway trucks, and pipelines"*:

4. The above named Use Zone Tables in Schedule C are further amended by adding an additional Condition in each as follows: *"See Section 6.2.13 Minerals, Mining and Petroleum Exploration and Extraction"*.

Town Seal

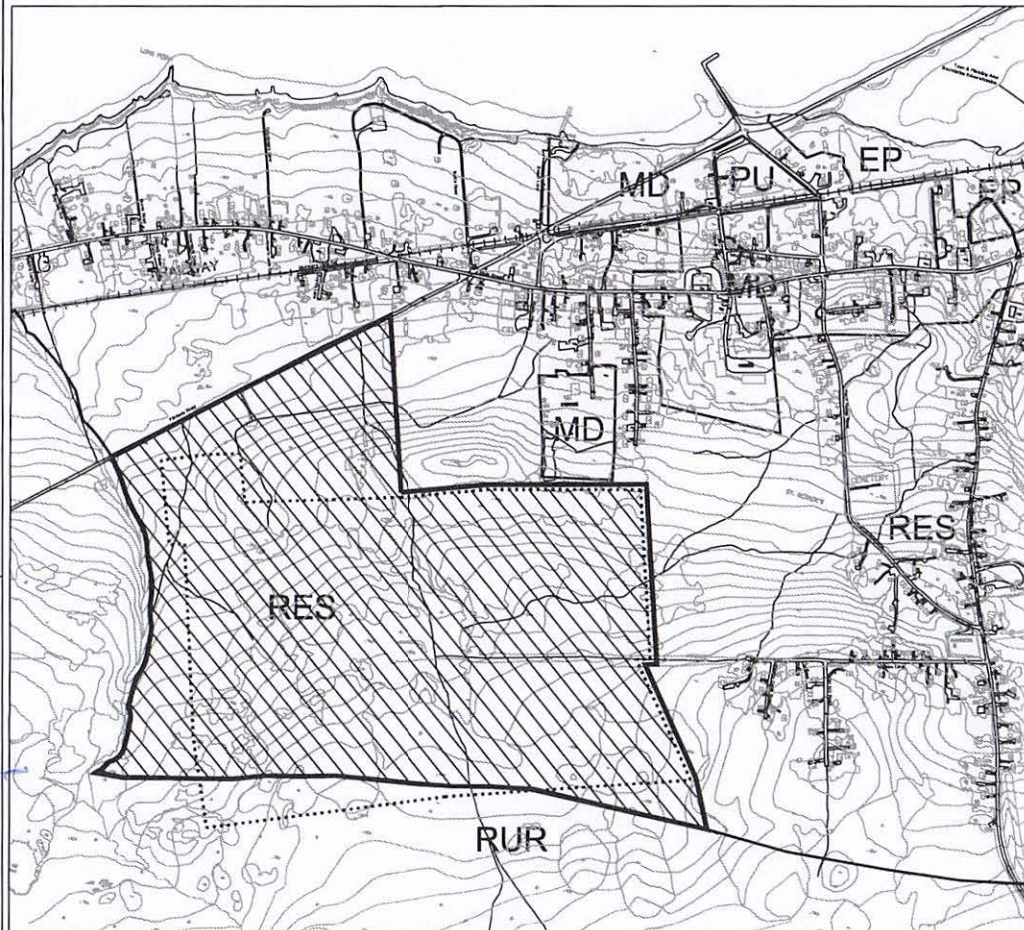
TOWN OF ST. GEORGE'S

Dated at St. George's this 14 day of

August A.D. 2024

Conrad Lott
Mayor, Town of St. George's

Mary Souier
Clerk, Town of St. George's



TOWN OF
ST. GEORGE'S

LEGEND:

- +++++ T'RAILWAY
----- PROPOSED SALT MINE

LINE TO BE INTERPRETED AS BOUNDARY
OF LANDS FOR ATLAS SALT INC.
PROJECT.

LAND USE ZONES:

- EP ENVIRONMENTAL PROTECTION
MD MIXED DEVELOPMENT
PU PUBLIC UTILITY
RES RESIDENTIAL
RUR RURAL

AMENDMENT 1-2024

AREA MARKED:



IS CHANGED FROM RES TO RUR.

I, a Member of the Canadian Institute of
Planners, certify that this map for the
Development Regulations Amendment
1-2024 document has been prepared in
accordance with the requirements of the
Urban and Rural Planning Act, 2000

MCIP Seal



Development Regulations/Amendment

REGISTERED

Number 4380-2024-001

Date 9 SEPT 2024

Signature [Signature]

0 100 200 300 400 500 metres
MAP SCALE: 1:15000 @8.5"x11"

3	COUNCIL APPROVED	8 AUG 2024
2	FOR s.15 URPA REVIEW	19 FEB 2024
1	DRAFT FOR TOWN REVIEW	21 DEC 2023

TOWN OF
ST. GEORGE'S

AMENDMENT 1-2024 TO MAPS 1 AND 2
DEVELOPMENT REGULATIONS
LAND USE ZONING
2019 - 2029