

TOWN OF REIDVILLE

MUNICIPAL PLAN

IMPORTANT: To see if there were any changes to this plan since it came into effect, please refer to:

List of Municipal Plan Amendments

April 17, 2009

TOWN OF REIDVILLE MUNICIPAL PLAN 2009

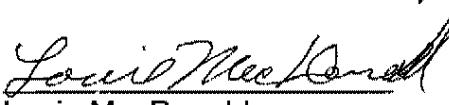
URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF REIDVILLE MUNICIPAL PLAN 2009

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Reidville adopts the Reidville Municipal Plan 2009.

Adopted by the Town Council of Reidville on the 11th day of May, 2009.

Signed and sealed this 22 day of July, 2009.

Mayor:


Louie MacDonald

Clerk:


Connie Reid

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP:



URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF REIDVILLE
MUNICIPAL PLAN 2009

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Reidville:

- a) adopted the Reidville Municipal Plan 2009 on the 11th day of May, 2009.
- b) gave notice of the adoption of the Reidville Municipal Plan 2009 by advertisement inserted on the 16th day of May, 2009 and the 23rd day of May, 2009 in the Western Star newspaper.
- c) set the 1st day of June, 2009 at 7:00 p.m. at the Town Hall, Reidville for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, on the 11th day of June, 2009 the Town Council of Reidville approves the Reidville Municipal Plan 2009.

SIGNED AND SEALED this 22 day of July, 2009

Mayor:

Louie MacDonald
Louie MacDonald

Clerk:

Connie Reid
Connie Reid

Municipal Plan/Amendment

REGISTERED

Number 4165-2009-005

Date August 31, 2009

Signature Connie Reid

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TOWN OF REIDVILLE MUNICIPAL PLAN 2009

1 INTRODUCTION – THE PLAN AND DEVELOPMENT REGULATIONS

This Municipal Plan for the Town of Reidville that has been prepared in accordance with the provisions of the Urban and Rural Planning Act of Newfoundland and Labrador 2000. It is accompanied by the Town of Reidville Development Regulations which provides the land use controls necessary to implement certain land use policies of this Municipal Plan. It is a review of the Reidville Municipal Plan 1989 -1999 that was approved by the Minister of Municipal Affairs in 1989.

The Urban and Rural Planning Act requires that a review be carried out every five years in order to ensure that, at a very minimum, a plan and its regulations are up to date and in compliance with the latest provincial policies and standards.

The Reidville Municipal Plan contains goals and land use policies approved by Town and registered by the Minister of Municipal Affairs. The Municipal Plan is binding upon Town and upon all other persons, corporations and organizations within the Reidville Municipal Planning Area.

In order to implement the Municipal Plan, the Reidville Development Regulations 2009 was approved and registered at the same time as the Reidville Municipal Plan 2009. The provisions of the Development Regulations set out the requirements for variances and non-conforming uses among other matters. Included with the Reidville Development Regulations is Newfoundland Regulation 3/011 - Development Regulations under the Urban and Rural Planning Act 2000.

Policies and regulations under the Municipal Plan and Development Regulations must comply with all applicable Provincial and Federal regulations. Prior to adoption by the Town under the Urban and Rural Planning Act, the Department of Municipal Affairs reviews the Plan and Regulations to “to determine provincial and other government agency interests. . . .” (Section 15(3) of the Urban and Rural Planning Act)

Development schemes, design concepts, comprehensive plans, subdivision agreements and concept plans, *further implement the Municipal Plan and Development Regulations* with more detailed designs, design strategies and policies for roads and other facilities, and development.

While capital works programming does not affect the day to day regulation of land uses under the Development Regulations, it does over the long run affect how and when lands will be developed and the standards of development. Capital Works programming is left to the five-year capital works budgeting process.

The boundaries between the different land use designations in the Municipal Plan are meant to be general, except in the case of roads or other prominent physical features, where they are intended to define the exact limits of each category. Therefore, where necessary, minor adjustments may be made to these boundaries for the purpose of implementing the Plan or the Development Regulations.

2 BACKGROUND

A town of approximately 510 persons (2006 Census) on the north bank of the Upper Humber River across from the Deer Lake Airport, Reidville started as a logging community in the 1930's, and after the Second World War it was then developed as an agricultural community about the same time as the neighbouring community of Cormack. The first settlement occurred around Cache Brook where the Reid Homestead (a heritage structure) and municipal park and boat launch facility is located.

Along with the adjoining Towns of Cormack (population 660) to its immediate north, and Deer Lake (population 4,800) to its south, Reidville is part of the Humber Valley Region and is dependent on Deer Lake and Corner Brook for commercial, personal, health and public services and air transportation (Deer Lake Airport).

Reidville is expected to remain largely stable with a population in the area of 500, since while the regional economy appears to be relatively healthy there is nothing to suggest that the economy will attract appreciable numbers of new workers. Areas designated for housing and mixed development will accommodate planned and water-serviced residential and other development for the foreseeable future.

Reidville's water is obtained from the Deer Lake municipal water system. There is no municipal sewer system, and none is planned for.

The town's garbage is taken to the Deer Lake Sanitary Landfill Site. A regional solid waste disposal system may be put into operation during period covered by the Municipal Plan. In line with contemporary thinking as articulated in the recently released Provincial solid waste strategy, it will place a very heavy emphasis on recycling and consolidation of landfill sites.

The Humber Valley Agricultural Development Area, which has no legal status, takes up the entire Town and Municipal Planning Area.

Like other communities in the Humber Valley and elsewhere in the Province, Reidville has experienced a loss of farm land to other uses. In Reidville's case this has occurred through rezonings to Mixed Development and Hobby Farming.

However, the Mixed Development designation accommodates agricultural uses, and the Agricultural designation over the years has gradually broadened to accommodate appropriate tourism related and other uses.

The Municipal Plan recognizes and encourages the appropriate mix of uses in the various designations while maintaining an agricultural land base.

Agriculture is a business that:

- a) employs people and provides scope for entrepreneurs to develop new and innovative businesses centred on the production and sale of agricultural products;
- b) directly and indirectly brings new business into the community, such as farmers' markets (the farmers provide the core activity which draws other businesses and activities) and tourist accommodation;
- c) creates and maintains a significant landscape that is integral to the rural lifestyle of the Town's residents – and with proper planning allows for recreational opportunities and with due care, it can be an environmentally sustainable activity that helps to protect the Town's environment.

Businesses in Reidville include The Newfoundland Insectarium, Upper Humber Tours, Cache Rapids Riding Stables, Gerard Butler's Surveying, Ian Bridger - Rocky Brook Farms, Reid's Contracting, Northwest Forest Resources, Headline Holsteins, Lloyd Jones' Meatcutting and Shnola Crafts and Gardening.

Deer Lake Oil and Gas Inc. has an onshore petroleum exploration permit. In addition, Spruce Ridge Resources Inc. has staked the Deer Lake Basin, which includes Reidville, primarily for the purpose of finding uranium.

Development activity has been fairly modest, with only one to three new home permits being issued each year since including 2003, except 2005, when six permits were issued. Under the Mixed Development designation there is an ability to accommodate an additional four hundred or more single dwellings on lots with municipal water service and private waste disposal systems.

Flooding and soil erosion is a relatively frequent occurrence along Rocky Brook, Trout Brook and the Upper Humber River. Recent storm events in 2007 led to significant erosion of the eastern banks of Rocky Brook at and south of the Reidville Road bridge which crosses Rocky Brook. These storms also led to erosion of portions of Trout Brook.

Provincial policy or practice does not allow development below the 10 metre elevation along the Upper Humber River.

Rocky Brook, Meadow Brook and Trout Brook are salmon and trout (salmonids) bearing tributaries of the Upper Humber River – a licenced salmon river.

Nalcor Energy Corporation – Labrador - Island Transmission Line Corridor

At the time of this Municipal Plan options for the location of the Labrador - Island transmission line corridor are being reviewed under the Environmental Protection Act of Newfoundland and Labrador and the Canadian Environmental Assessment Act. It was submitted for Environmental Assessment Registration in January 2009. Pending the outcome of the review and the decision of the Newfoundland and Labrador Government, the transmission line corridor may or may not affect Reidville and nearby communities, and a future amendment to the Municipal Plan may or may not be warranted.

REIDVILLE MUNICIPAL PLAN

OBJECTIVES AND POLICIES

3 MUNICIPAL PLAN OBJECTIVES

These objectives are meant to provide a framework for the Policies contained in Section 4 of the Municipal Plan.

The main objective of the Municipal Plan is to foster the development the Town's economic and social well-being, which includes retaining its character as a rural and agricultural community.

- Through careful planning of its built and natural environments and conservation of its major waterways – the Upper Humber River, Rocky Brook, Meadow (Grassy) Brook, Trout Brook and Gulch Brook along with the wetlands that is prevalent throughout the community – the Town intends to foster a community that is good to live in and is attractive to tourists and businesses.
- The Municipal Plan will foster the concentration of urban development and the provision of adequate water service and upgraded roads, sidewalks, and other public facilities and other infrastructure in the built-up area lying between Trout Brook and Gulch Brook, which includes the Town Office and Community Centre on Community Square. However, this will not preclude the development of areas presently served by the municipal water system outside the core area.
- The Town will use the Municipal Plan to further the objectives of the Reidville Strategic Economic Plan, which include a farmer's market or near the Community Centre on Community Square, and the development of its heritage and recreational resources – in particular, the original Reid Homestead and a heritage trail along the Upper Humber and along the old "tramway" that led from the Humber River near Trout Brook to Adie's Pond north east of Cormack.
- Agriculture and its associated activities are to be promoted by ensuring that the agricultural land base remains substantially intact, and by allowing appropriate agricultural uses in almost all areas of the Town, including the built-up areas.
- The mineral resources of the community are to be fully explored, and where feasible, developed within the context of the other objectives of the Municipal Plan.

4 LAND USE POLICIES

4.1 General Development Policies

4.1.1 Future Land Use Designations and Policies

All development within the Reidville Planning Area shall be managed in accordance with the general land use policies and designations set out in the ensuing sections. These designations are shown on the Future Land Use Maps.

To identify land for the future development needs of Reidville, the following land use designations are established in the Plan and designated on Future Land Use Maps:

- a) Mixed Development
- b) Agriculture
- c) Commercial Tourism
- d) Environmental Protection.

4.1.2 Accessory Buildings and Uses

Accessory buildings and uses shall be subject to the conditions set out in this Municipal Plan and the Development Regulations.

An accessory use is defined under Newfoundland Regulation 3/01 - Development Regulations under the Urban and Rural Planning Act, 2000 as "a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use."

4.1.3 Advertisements and Signs

Advertisements and signs shall, while complying with requirements for safety and convenience and promoting the businesses and resources of Reidville, be designed and located in such a way as to contribute to the overall attractiveness of Reidville.

4.1.4 Agriculture

Agricultural uses are regulated by the Town and the Provincial Government. Agricultural uses shall be approved by both the Department of Natural Resources and the Town, together with other appropriate agencies.

4.1.5 Residential Development and Agriculture

- (1) Regardless of the Plan designation, no residential development shall be allowed to impede agricultural activities.
- (2) Separation distances and other provisions that affect the location and type of agricultural activities in respect of residential development, and residential development in respect of agricultural activities shall be determined by the Agrifoods Development Branch in consultation with the Town.
- (3) Severance of land from a farm for a non-farm dwelling can only be entertained if the severance does not prejudice the operation of the farm and is approved by the Agrifoods Branch along with the Town.
- (4) The Development Regulations shall contain provisions concerning the above, and furthermore can determine the conditions under which a dwelling can be allowed on a farm.

4.1.6 Archaeological and Heritage Resources

Archaeological sites and discoveries are protected under the *Historic Resources Act, 1985*. If such a site is discovered, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Also, if any major development is proposed, this Office shall be advised before an approval is granted by the Town so that the necessary research can be carried out before construction begins.

4.1.7 Compatibility of Uses, Buffers and Screening

Town shall ensure as much as possible that new development will not negatively affect existing and proposed land uses by creating a hazard or nuisance such as noise, dust, odour or unsightly appearance. Town may require a developer to provide appropriate screening or to undertake other measures to minimize negative off-site effects.

4.1.8 Comprehensive Development

The Town may permit a large scale private or public comprehensive development that does not meet the requirements of the Development Regulations and this Municipal Plan for frontage on a public road, lot size, lot frontage, minimum or maximum building line setback, side yard width and rear yard depth, provided that:

- a) the Town is satisfied that either the site conditions are such that the standard requirements could not be met, or, the quality of the development would be greater than could otherwise occur through the application of the standard requirements;
- b) a comprehensive development plan of the property has been granted approval in principle by the Town, along with other approvals before permits are issued for development;
- c) the comprehensive development itself has frontage on a public road;
- d) the development is compatible with adjacent development;
- e) water supply and waste disposal services for the development are approved by the Government Service Centre and other appropriate agencies;
- f) there are at least two developments within the comprehensive development and the land area of the development is at least two hectares.

Along with other conditions and requirements, the Town may require that a communal water supply and waste disposal service be provided by the developer and maintained by the developer and/or owners of the development.

4.1.9 Deer Lake Airport Zoning Regulations

Most of Reidville lies within the area encompassed by the Deer Lake Airport Zoning Regulations as prepared by Transport Canada pursuant to the Aeronautics Act Canada. This is shown on Future Land Use Map 3 as an overlay to the designations set out on Future Land Use Maps 1 and 2. The Airport Zoning Regulations are attached as an Appendix to the Municipal Plan.

The Airport Zoning Regulations essentially affect tall structures and facilities likely to create bird hazards through “the disposal of any waste that is edible or attractive to birds.”

4.1.10 Development and Roads and Services

New development shall make efficient use of existing roads and infrastructure. Town shall further ensure that new development will not create unreasonable servicing demands or costs.

Town may refuse permission for a subdivision or any development where in its opinion it is uneconomical to provide all requisite services, including road maintenance, garbage pickup and fire protection.

Development on private water and/or waste disposal systems shall be approved by the Department of Government Services and all other appropriate agencies before a permit is issued by the Town.

Unless specifically exempted under the Development Regulations – for example, comprehensive development, remote cottages, agricultural operations or wharves – all new development shall have direct frontage onto a publicly owned and maintained road, and in the case of a new subdivision, shall have frontage on a road constructed under the terms of a subdivision permit issued by the Town.

4.1.11 Discretionary Powers

Under the Urban and Rural Planning Act [Section 35 (1) (e) (viii)] and this Municipal Plan and the Development Regulations, the Town can exercise broad discretionary powers over development to ensure that development occurs in such a way to protect the basic interests of the community and individual in accordance with the other provisions of this Municipal Plan and in accordance with the applicable legislation.

Discretionary powers are exercised over a wide range of developments, including discretionary uses, non-conforming uses, variances and developments which under the Act and in the opinion of the Town require the exercise of such powers.

The criteria for exercising discretionary powers under this plan are as follows:

- a) the applicant and the likely affected parties and the general public and other persons or agencies (provincial, federal, non-profit, etc.) are given adequate notification and opportunity to comment on the application and the decision of the Town;
- b) the discretionary power is exercised in a clear and fair (unbiased) manner;
- c) the exercise of the discretionary power is properly documented.

4.1.12 Discretionary Uses

Unless it is specifically set out as a permitted or discretionary use under the Municipal Plan, the Town may determine that a use should be identified as a discretionary use under the Development Regulations, where, in its opinion:

- a) the use could have a negative impact on the predominant uses of the zone and therefore it is desirable to consult with the public and possible affected parties prior to issuing, issuing subject to conditions, or refusing a permit;
- b) that to ensure that the discretionary use is compatible with nearby uses and/or the predominant uses of the zone, it is necessary to attach conditions to an approval that differs from the standard conditions for permitted uses under the Development Regulations.

4.1.13 Environment

In reviewing an application for a permit, the impact of a development on the land, marine and air environment of the Planning Area shall be considered and Provincial policies on the environment complied with.

A number of these issues are addressed under separate sections of the Municipal Plan.

4.1.14 Forestry

Forestry uses shall be approved by both the Forestry Services Branch of the Department of Natural Resources and the Town, together with other appropriate agencies.

4.1.15 Mineral Exploration

- (1) Subject to the other provisions of this Municipal Plan, mineral exploration which is not classed as development by virtue of not having appreciable soil disturbance, construction of access roads, noise, odour and unsightly appearance – can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.
- (2) Mineral exploration which is classed as development shall be permitted in the Agriculture designation, and is treated as a discretionary use in all other zones, provided that adequate provision

is made for buffering and/or other means of reducing or eliminating the impacts of the exploration on other uses of land.

Where there is soil disturbance, the developer shall provide surety and/or other satisfactory guarantees of site landscaping to the Town.

4.1.16 Mineral Workings

Provided that adequate provision is made for screening and/or buffering, environmental protection and site reinstatement, mineral workings may be permitted in the Agriculture designation.

A permit shall be obtained from the Department of Natural Resources, Mineral Lands Division for a mineral working before any approvals are given by the Town.

4.1.17 Parking and Offstreet Loading Areas

Adequate parking and offstreet loading areas shall be provided for all uses unless specifically exempted under the Development Regulations.

4.1.18 Recreational Trails and Walkways

There is a network of well-recognized and less well-recognized trails in the community of Reidville. One of the most frequently used is the trail system along the Upper Humber River that extends downstream from the Municipal Park at the Gulch toward Trout Brook, then downstream of Trout Brook toward Rocky Brook. There is also a network of trails that go into the country, one of which is the Tramway that was used to bring supplies into Adie's Pond and logs from the area back to the Upper Humber River for the paper mill.

With the assistance of the Reidville Historical Society and other groups, the Town shall plan and develop a trail network particularly along the Upper Humber River, along Trout Brook and the Tramway. This trail network plan should be tied into the planning and development of the Community Square.

Wherever space and terrain characteristics allow, the appearance and use of well-known trails shall be protected by natural vegetation buffers that separate the trail and other forms of development and from hazard areas and areas subject to erosion, such as river and brook banks.

Where there are known trails, particularly along the Upper Humber River, development shall not be permitted to impede the continued use of these trails. These trails shall be shown on the plan of development of the property, and approval of the development shall be subject to a satisfactory reserve for the trail being shown.

4.1.19 Reidville Road Tree Screen

The existing tree screen along Reidville Road is to be maintained wherever possible in order to enhance the appearance of the Town and to minimize snow-drifting. Property owners are to be encouraged to maintain the tree screen.

The Town shall monitor developments that could affect the tree screen and will assess each application on its merits before issuing a permit to remove or alter part of the tree screen.

4.1.20 Site and Subdivision Development, Engineering and Geo-Technical Analysis

The Town shall consider soil stability, risk of flooding, and/or soil erosion, the adequacy of site grading, drainage and landscaping, and, the potential of the development to cause erosion onto and pollution of adjacent development and lands and bodies of water receiving run-off from the site, and other similar matters, before approving a development.

In areas that are deemed to be vulnerable due to soil instability, erosion and/or potential flooding – particularly in the vicinity of the Upper Humber River, Rocky Brook, Meadow Brook (Grassy Brook) and Trout Brook – the Town can require that an engineering and/or a geo-technical study be carried out by a competent professional before approving the development.

4.1.21 Solid Waste Disposal Site Buffer

The Deer Lake Landfill (Solid Waste Disposal Site) and Incinerator has a buffer of 1.6 kilometres in radius from its centre. This buffer overlaps into the Reidville Planning Area. Residential development within this buffer shall be referred to the Department of Environment and Conservation for approval before any permit issued by the Town.

4.1.22 **Uses Permitted In All Designations**

Accessory buildings and uses, antenna, conservation, mineral exploration, public utilities and recreational open space and trails are allowed in all designations as either permitted or discretionary uses.

4.1.23 **Viking Trail – Highway 430**

(1) **Protected Road Zoning Plan**

Development within 100 metres of the centre-line of the Viking Trail (Route 430) is subject to review by the Government Service Centre of the Department of Government Services before a permit is issued by the Town.

(2) **Building Near Highways Regulation - Viking Trail (Highway 430)**

Highway 430 is subject to the Building Near Highways Regulations 1997. No development shall be permitted within 20 metres of the centre-line of the Viking Trail.

(3) **No additional access shall be permitted to the Viking Trail between the Upper Humber River and Reidville Road. One access may be permitted to the Viking Trail between Reidville Road and the Municipal Boundary to the north.**

4.1.24 **Waterways**

(1) **Major waterways and their well-defined tributaries are protected under the Environmental Protection designation. The designation takes in the wetlands associated with these waterway systems, including oxbows.**

(2) **Along the Upper Humber River buildings shall not be located at any elevation lower than 10 metres above sea level or elsewhere where there is deemed to be a flood hazard, regardless of whether or not the property lies within the minimum buffer along the Upper Humber or whether or not it lies within the Environmental Protection designation.**

(3) **Policy Directive W.R. 91-1 of the Department of Environment and Conservation (Infilling of Bodies of Water) states that any development within 15 metres of the high water mark can only be permitted under "exceptional circumstances" and only then with the**

approval of the Minister of Environment and Conservation. However, the minimum buffer along the Upper Humber River shall be 30 metres.

- (4) Infilling of very small ponds or freshets that do not appear on 1:50,000 scale Newfoundland topographic maps and where the land is better utilized for agricultural or other purposes may be permitted subject to Section 48 of the Water Resources Act and the approval of the Minister of Environment and Conservation.
- (5) Where there is a conflict between Policy Directive W.R. 91-1 and the provisions of the Municipal Plan, the more restrictive policies shall apply. A copy of Policy Directive W.R. 91-1 is contained in Appendices.
- (6) Any activity that has the potential to affect a fish habitat shall be sent to Fisheries and Oceans Canada for review.
- (7) A protective buffer of undisturbed soil and vegetation shall be preserved along the shoreline of all except very minor waterways and drainage courses. The buffer shall be sufficient to prevent erosion, retain natural drainage features, prevent siltation, preserve public access and protect fish habitat.
- (8) Subject to the appropriate approvals and reviews, only roads, public utilities, trails and accessory uses, and uses requiring direct access to a body of water can be permitted in these buffer areas.
- (9) The Town shall be satisfied that adequate, usable and legal public access to a waterway is retained before issuing a permit for development adjacent a waterway. This access can take the form of a boat launch area, an area habitually used by swimmers, a lookout on a trail, a winter trail ice crossing site and similar facilities. See also Section 4.1.18 – Recreational Trails and Walkways – of this Municipal Plan.

4.1.25 Wetlands

- (1) Wetlands larger than a hectare in area as determined from aerial photography analysis are protected by the Environmental Protection designation along with those wetlands that are adjacent, attached to, or form part of a waterway – examples being oxbows of the Upper Humber River and Rocky Brook.

- (2) The general provincial policy on wetlands is contained in Policy Directive W.R. 97-2 – Development in Wetlands – of the Department of Environment and Conservation. Where there is conflict between the provisions of the Municipal Plan and the Policy Directive, the more restrictive policy shall apply.
- (3) Any development within a wetland or the buffer of a wetland shall require the approval of the Minister of Environment and Conservation as well as the Town whether or not that wetland is designated Environmental Protection under the Municipal Plan.
- (4) Wetlands which are not subject to the Environmental Protection designation are subject to Policy Directive 97-1 – Development in Wetlands – of the Department of Environment and Conservation. This Policy Directive is set out in the Appendices.

4.1.26 Wind Mills, Wind Turbines and Wind Farms, Other Energy Sources

Wind mills, wind turbines, wind farms and other energy forms, including solar based and small hydro generating facilities can be entertained as a use, particularly on a small scale within the community of Reidville, most likely in the form of individual and research enterprises. Major wind generating facilities which tie into the provincial electrical grid are only occurring within a few areas that have outstanding wind generation potential under the Province's wind energy strategy.

This Plan provides scope for smaller alternate energy enterprises and household oriented power production facilities. The semi-rural character of Reidville makes this activity more feasible than in a more densely built-up community. This relates to sustainability on the enterprise and household levels, since one the goals of the sustainability agenda is to reduce the consumption of fossil fuels and other goods.

Utilities, which include wind mill, wind turbines, wind farms, and other energy generating systems that do not fall under the definition of a public utility, together with access roads and associated facilities, are subject to the approval of relevant provincial and federal departments and agencies and public utilities. The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment and archaeological resources within the Town, along with other matters that the Town may deem to be significant. For example, to prevent damage to persons and properties due to the failure of windmill or any of its

components or the shedding of ice, the Town shall ensure that there is adequate separation distance between the windmill and nearby structures and properties.

The design, construction and location of a windmill or other utility shall be certified by a competent professional who has consulted with the required agencies.

4.2 Mixed Development Designation

The Mixed Development designation of land shall mean that the predominant use of the land in the areas so designated is residential. Non-residential uses, including compatible indoor and outdoor assembly (including campgrounds), commercial, industrial, public and agricultural uses – can be allowed as either permitted or discretionary uses. However, general industrial uses are a discretionary use. No hazardous industrial uses are permitted in this designation.

Where residential development is proposed close to an agricultural activity, the Town shall inform the parties concerned of the possible external effects of adjacent agricultural activity with regards to noise, odour, and appearance.

New agricultural operations are to be compatible with present and future residential development in a Mixed Development designation. For example certain types of operations would not be allowed, such as larger livestock operations and the cultivation of crops that require aerial spraying of herbicides and pesticides that could affect nearby homes and businesses.

The Town may require a buffer strip to be maintained between any residential and non-residential uses and that suitable screening and access is provided.

This designation accommodates the Town Office-Fire Station, the Community Hall and the Reidville Ball-Field along with existing and future residential and mixed use areas, including areas used for hobby farms.

4.3 Agriculture Designation

The Agriculture designation of land shall mean that the predominant use of the land in the areas so designated shall be for commercial agricultural purposes. Applications for a development within the Agricultural Designation will be referred to the Department of Natural Resources, Agrifoods Development Branch, for consideration.

Under the Agriculture Designation, after consultation with and the approval of the

Agrifoods Development Branch of the Department of Natural Resources, the Town can zone to accommodate small scale farm operations, including hobby farms.

The uses which can be permitted in the Agriculture designation include:

- a) agriculture;
- b) animal care and treatment – animal boarding facilities and veterinarians;
- c) farm residences and residences on small lot commercial and non-commercial agricultural operations;
- d) business uses conducted within farm residences or on the land set aside for farm residences, which can include tourist accommodation and services;
- e) facilities for the sale of farm products and the repair of farm equipment;
- f) forestry;
- g) mineral exploration.

Discretionary uses which can be allowed in the Agriculture designation include:

- a) antenna;
- a) campground;
- b) catering;
- c) cemetery
- d) commercial - residential, that is, hotels, inns and motels and tourist cabins;
- e) cultural and civic – as in interpretation centres, museums and so forth;
- f) convenience store;
- g) general industry related to agriculture and forestry and mineral working;
- h) indoor assembly and outdoor assembly;
- i) light industry;
- j) mineral working;
- k) outdoor market;
- l) utilities.

The minimum lot area and frontage and other requirements in this designation shall be as established by the Agrifoods Development Branch of the Department of Natural Resources, the Department of Government Services and the Town.

Both permitted and discretionary uses can only be permitted if they are compatible with the continued unhindered use of the Agriculture designation for resource based purposes.

Quarry or mining will be permitted only if reclamation and rehabilitation are provided for, and the activity will not interfere with any farm or with agricultural use of the remainder of the Planning Area.

4.4 Commercial Tourism Designation

The Commercial Tourism Designation is designed to accommodate tourism related businesses and activities, including, hunting lodges, fishing camps, riding stables, campgrounds, hotels and inns, marinas and similar facilities.

Uses that can be allowed in this designation include remote cottages which do not have frontage on a public road, tourist accommodation (hotels, inns, bed and breakfast operations, tourist cabins and so forth) lodges, campgrounds, marinas and similar facilities and other compatible uses, together with conservation, recreational open space, public utilities and services and mineral exploration.

Uses associated with the primary tourism uses can be allowed as part of a planned development, that is, food and beverage services and assembly areas – indoor and outdoor.

4.5 Environmental Protection Designation

The Environmental Protection designation is applied to well-defined areas along or around selected waterways and wetlands to ensure that their integrity is maintained.

Conservation uses are permitted uses in this designation. However, subject to the appropriate approvals and reviews, roads and public utilities, access to properties inside and outside this designation, agriculture, recreational open space and trails and accessory uses, and uses requiring direct access to a body of water can also be permitted in this designation as discretionary uses.

This designation accommodates the Municipal Park on the Upper Humber River.

All development in this designation is subject to the approval of the Department of Environment and Conservation and other provincial and federal agencies as required, including where necessary, Fisheries and Oceans and Canada.

APPENDICES

APPENDIX 1 DEER LAKE AIRPORT ZONING REGULATIONS

Note: This version of the Deer Lake Airport Zoning Regulations pursuant to the Aeronautics Act was obtained from the Department of Transport Canada Website, and is subject to the reservations set out on the website concerning its use. Where used in an enforcement manner, reference must be had to the original documents on file with the Government of Canada and only after consultation with the Deer Lake Airport Authority.

AERONAUTICS ACT Deer Lake Airport Zoning Regulations

- * Short Title
- * Interpretation
- * Application
- * General
- * Natural Growth
- * Disposal of Waste
- * SCHEDULE
- * PART V
- * Established by

AERONAUTICS ACT Deer Lake Airport Zoning Regulations ZONING REGULATIONS RESPECTING DEER LAKE AIRPORT

Short Title

1. These Regulations may be cited as the Deer Lake Airport Zoning Regulations.

Interpretation

2. (1) In these Regulations,

"airport" means the Deer Lake Airport in the District of Humber Valley, in the Province of Newfoundland; (aéroport)

"airport reference point" means the point described in Part I of the schedule; (point de repère de l'aéroport)

"approach surface" means an imaginary inclined plane that extends upward and outward from each end of the strip, which approach surface is more particularly described in Part II of the schedule; (surface d'approche)

"Minister" means the Minister of Transport; (ministre)

"outer surface" means an imaginary surface located above and in the immediate vicinity of the airport, which outer surface is more particularly described in Part III of the schedule; (surface extérieure)

"strip" means the rectangular portion of the landing area of the airport, including the runway, prepared for the take-off and landing of aircraft in a particular direction, which strip is more particularly described in Part IV of the schedule; (bande)

"transitional surface" means an imaginary inclined plane that extends upward and outward from the lateral limits of the strip and its approach surfaces, which transitional surface is more particularly described in Part V of the schedule. (surface de transition)

(2) For the purposes of these Regulations, the assigned elevation of the airport reference point is 15.24 m above sea level.

Application

3. These Regulations apply to all the lands, including public road allowances, adjacent to or in the vicinity of the airport, which lands are more particularly described as follows:

- (a) the lands within the outer limits of lands described in Part VI of the schedule; and
- (b) the lands directly under that portion of the approach surfaces that extend beyond the said outer limits.

General

4. No person shall erect or construct, on any land to which these Regulations apply, any building, structure or object or any addition to any existing building, structure or object, the highest point of which will exceed in elevation at the location of that point

- (a) the approach surfaces;
- (b) the outer surface; or
- (c) the transitional surfaces.

Natural Growth

5. Where an object of natural growth on any land to which these Regulations apply exceeds in elevation any of the surfaces referred to in paragraphs 4(a) to (c), the Minister may direct the owner or occupier of the land on which that object is growing to remove the growth or the excessive portion thereof.

Disposal of Waste

6. No owner or occupier of any land to which these Regulations apply shall permit that land or any part of it to be used for the disposal of any waste that is edible by or attractive to birds.

SCHEDULE

(Sections 2 and 3)

PART I

Description of the Airport Reference Point

The airport reference point, shown on Public Works Canada Deer Lake Airport Zoning Plans S-441-3, S-441-4, S-441-5 and S-441-6, dated November 30, 1984, is determined by measuring 975.36 m southwesterly along the centre line and centre line produced of runway 07-25 from the 07 end of the strip and thence measuring northwesterly at right angles 152.40 m from the centre line of the said runway 07-25.

PART II

Description of the Approach Surfaces

The approach surfaces, shown on Public Works Canada Deer Lake Airport Zoning Plans S-441-1 to S-441-8 inclusive, dated November 30, 1984, are surfaces abutting each end of the strip associated with the runway designated 07-25 and are described as follows:

(a) a surface abutting the end of the strip associated with runway approach 07 consisting of an inclined plane having a ratio of 1 m measured vertically to 50 m measured horizontally rising to an imaginary horizontal line drawn at right angles to the projected centre line of the strip and distant 15 000 m measured horizontally from the end of the strip; the outer ends of the imaginary horizontal line being 2 400 m from the projected centre line; said imaginary horizontal line being 300 m measured vertically above the elevation at the end of the strip; and

(b) a surface abutting the end of the strip associated with runway approach 25 consisting of an inclined plane having a ratio of 1 m measured vertically to 50 m measured horizontally rising to an imaginary horizontal line drawn at right angles to the projected centre line of the strip and distant 15 000 m measured horizontally from the end of the strip; the outer ends of the imaginary horizontal line being 2 400.00 m from the projected

centre line; said imaginary horizontal line being 300 m measured vertically above the elevation at the end of the strip.

PART III

Description of the Outer Surface

The outer surface, shown on Public Works Canada Deer Lake Airport Zoning Plans S-441-3, S-441-4, S-441-5 and S-441-6, dated November 30, 1984, is an imaginary surface located at a common plane established at a constant elevation of 45 m above the assigned elevation of the airport reference point, except where that common plane is less than 9 m above the surface of the ground, in which case the imaginary surface is located at 9 m above the surface of the ground.

PART IV

Description of the Strip

The strip associated with runway 07-25, as shown on Public Works Canada Deer Lake Airport Zoning Plans S-441-3, S-441-4, S-441-5 and S-441-6, dated November 30, 1984, is 300 m in width, 150 m on each side of the centre line of the runway, and 1 948.8 m in length.

PART V

Description of Each Transitional Surface

Each transitional surface, shown on Public Works Canada Deer Lake Airport Zoning Plans S-441-3, S-441-4, S-441-5 and S-441-6, dated November 30, 1984, is a surface consisting of an inclined plane rising at a ratio of 1 m measured vertically to 7 m measured horizontally at right angles to the centre line and centre line produced of the strip extending upward and outward from the lateral limits of the strip and its approach surfaces to an intersection with the outer surface.

PART VI

Description of the Outer Limits of Lands

The boundary of the outer limits of lands, shown on Public Works Canada Deer Lake Airport Zoning Plans S-441-3, S-441-4, S-441-5 and S-441-6, dated November 30, 1984, is a circular area having a radius of 4 000 m from the airport reference point.

Established by

SOR/86-1135 11 December, 1986 pursuant to section 4.4 of the Aeronautics Act.

APPENDIX 2 **WATERWAYS AND WETLANDS – W.R. 97-1 AND W.R. 97-2**

NOTE: Schedule F sets out the applicable policy directives under the Water Resources Act concerning development in and near bodies of water – waterways and wetlands – as described in Part II of the Development Regulations. These directives were obtained from the Government of Newfoundland and Labrador Department of Environment and Conservation Website and may be amended or changed without notice.

WATERWAYS

Development in Shore Water Zones – Policy Directive W.R. 97-1

1.0 INTRODUCTION

The shore water zone is the interface between land and water, and includes the land along the edge of an ocean, or a fresh water body. The shore water zone owes its unique ecological attributes to the area encompassing both the land draining into the water body and the water body itself. Unplanned and imprudent development on shore water zones, including infilling and waste disposal, may have detrimental effects on water quality, water quantity, and on terrestrial and aquatic life and habitat. Human impacts on salt water shore zones, caused by, for example, untreated sewage disposal, surface runoff from urban and industrial sites, etc., has led to closures of bays to aquaculture and shellfish harvesting. The economic impacts of environmental damage of fresh water shore zones include loss of recreational opportunities, depreciation of land values, etc. Shore water zones are also areas that are subject to flooding, with possible adverse impacts on life and property along the zones.

2.0 OBJECTIVES

This policy will establish the criteria for issuing a permit under Section 48 of the Water Resources Act, SNL 2002 cW-4.01, for all development activities in and affecting shore water zones. The objective of the policy is to permit developments of shore water zones such that potential economic losses and impacts on water quantity, water quality, and terrestrial and aquatic habitats and life are minimized.

3.0 LEGISLATION

Water Resources Act, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and 64

4.0 DEFINITIONS

Body of Water -

(Statutory definition from the Act) "body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually

contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water

Shore Water Zone -

"Shore Water Zone" means the land that is intermittently occupied by water as a result of the naturally fluctuating surface water level in a body of water which can be either a fresh or salt water body and, in either case, the low water mark and high water mark of the water body defining the edges of the shore water zone.

Development -

"Development" means the carrying out of an activity or operation which includes construction of wharves, moorings, jetties, other docking facilities, marinas, boathouses, etc., mechanical disturbance of the land, infilling, drainage, dredging, channelization, erosion control works, and removal of vegetation on shore water zones for social or economic benefits, or any change in the use or the intensity of use of any shore water zone.

5.0 POLICIES

5.1 High Water Level of a Water Body

The high water level of a water body is taken to be the 1:100 year return period water level. For a fresh water body, this level includes water levels caused strictly by storm runoff or hydraulic effects of ice or both. In marine situations, the level must include maximum waves, wind setup, storm surge, and ultimate mean sea levels under current global climatic forecasts for a 1:100 year design.

5.2 Developments Not Permitted

5.2.1 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which could aggravate flooding problems will not be permitted.

5.2.2 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which have unmitigable adverse water quality impacts on the shore water zones will not be permitted.

5.2.3 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which have significant impacts on water

circulation patterns within the shore water zones or on sediment deposition or accretion or removal rates along the shore water zones will not be permitted.

5.2.4 Placing, depositing or discharging into shore water zones of any raw sewage, refuse, municipal and industrial wastes, fuel or fuel containers, pesticides, herbicides or other chemicals or their containers, or any other material which impairs or has the potential to impair the water quality of the shore water zones will not be permitted.

5.2.5 Construction of extensive paved surfaces along a shore water zone which changes the intrinsic character of the shore water zone will not be permitted.

5.3 Developments Requiring Written Permission

The following developments on or along shore water zones will be permitted subject to the prior written permission of the Minister of Environment and Conservation (the "Minister") in accordance with the Act:

5.3.1 Limited removal of surface vegetation cover for the construction of marinas, boathouses, jetties, wharves, moorings, and other docking facilities.

5.3.2 Construction of marinas, boathouses, jetties, wharves, moorings and other docking facilities which would require only minor disturbances to water circulation patterns within the shore water zone and which have limited impacts on sediment deposition or accretion rates along the shore water zone.

5.3.3 Extension and upgrading of existing buildings, structures and facilities within shore water zone areas.

5.3.4 Development related to recreational activities including the setting up of camp grounds, permanent and semi-permanent facilities, etc., along shore water zones.

5.4 Implementation of Mitigative Measures

All developments which are permitted within shore water zones and which could result in potentially adverse changes to water quantity or water quality of the shore water zone will require the implementation of mitigative measures to be specified in the terms and conditions for the environmental approval.

5.5 Restoration Measures

The terms and conditions of the environmental approval will specify the restoration measures to be implemented upon cessation of activities or abandonment of facilities on shore water zones.

WETLANDS

Subject:

Development in Wetlands

1.0 INTRODUCTION

Wetlands, which include bogs, fens, marsh, swamps, and shallow water, collect and store runoff, moderate and attenuate downstream flood flows, reduce downstream flooding and erosion, clean and purify water, recharge groundwater zones, and provide unique habitat for plants and animals. The wetlands of Newfoundland and Labrador are increasingly being altered from their natural state to support alternative land uses such as agriculture, urbanization, industrial development, and recreation. Unplanned and imprudent development of wetlands, including drainage, infilling, and channelization, have detrimental effects on the wetlands' and downstream water quality and water quantity, and on terrestrial and aquatic habitat, life, flora and fauna. The potential consequences of impacts on water resources include structural damage to bridges and culverts from increased flood flows; river bed erosion causing siltation; and detrimental impacts on fish resources, drinking water quality and recreational uses of water bodies.

The problem facing wetland management is that the ecological and socio-economic benefits of these ecosystems are usually not directly measurable and in many instances are not recognized until it is too late. The extensive nature of wetlands, peatlands in particular, in this province means that there is room for more developments to occur to meet social and economic needs, as long as hydrologic and environmental impacts are minimized.

2.0 OBJECTIVES

This policy will establish the criteria for issuing a permit under Section 48 of the *Water Resources Act*, SNL 2002 cW-4.011, for all development activities in and affecting wetlands. The objective of the policy is to permit developments in wetlands which do not adversely affect the water quantity, water quality, hydrologic characteristics or functions, and terrestrial and aquatic habitats of the wetlands.

3.0 LEGISLATION

Water Resources Act, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and 64

4.0 DEFINITIONS

Body of Water -

(Statutory definition from the *Act*) "body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water

Wetland -

(Statutory definition from the *Act*) "wetland" means land that has the water table at, near or above the land surface and includes bogs, fens, marshes, swamps and other shallow open water areas

Wetland development -

"Wetland development" means the carrying out of an activity or operation which includes the construction of ditches, mechanical disturbance of the ground, alteration of normal water level fluctuations, infilling, drainage, dredging, channelization, and removal of vegetation cover and/or organic matter on a wetland for social or economic benefits, or the making of any change in the use or the intensity of use of any wetland which affects its hydrologic characteristics or functions.

5.0 POLICIES

5.1 Developments Not Permitted

5.5.1 Infilling, drainage, dredging, channelization, removal of vegetation cover or removal of soil or organic cover of wetlands which could aggravate flooding problems or have unmitigable adverse water quality or water quantity or hydrologic impacts will not be permitted.

5.5.2 Developments of wetlands which are located within the recharge zones of domestic, municipal or private groundwater wells will not be permitted.

5.5.3 Placing, depositing or discharging any raw sewage, refuse, municipal and industrial wastes, fuel or fuel containers, pesticides, herbicides or other chemicals or their containers, or any other material which impairs or has the

potential to impair the water quality of wetlands will not be permitted

5.2 Developments Requiring Written Permission

The following developments affecting wetlands will be permitted subject to the prior written permission of the Minister of Environment and Conservation (the "Minister") in accordance with the Act:

5.2.1 Removal of the surface vegetation cover of wetlands for extraction of peat, or for preparing the area for agricultural or forestry activities.

5.2.2 Construction of ditches, tile fields and other types of flow conveyances to drain wetlands for extraction of peat, or for preparing the area for agricultural or forestry operations.

5.2.3 Removal of the top soil or organic cover of wetlands for use as horticultural or fuel peat, or for preparing the area for agricultural or forestry activities.

5.2.4 Infilling, dredging, or any other disturbance of wetlands for the construction of permanent or temporary roads, bridges, culverts, trails, power and telecommunication transmission lines, pipelines, etc., through wetlands which would necessitate only minor disturbances to the vegetation and organic cover, the flow drainage pattern of the area and ground slope.

5.2.5 Infilling, dredging or other disturbance of wetlands for the construction of residential, commercial, industrial and institutional facilities or extension and upgrading of existing buildings and facilities within wetland areas.

5.2.6 Development related to recreational activities including the setting up of camp grounds, permanent and semi-permanent facilities, etc., on wetland areas.

5.2.7 Construction of flow control structures to alter the normal water level fluctuations of wetlands for the purposes of enhancing the quality or quantity of fish and other wildlife habitat.

5.3 Implementation of Mitigative Measures

All uses and developments of wetlands resulting in potentially adverse changes to water quantity or water quality or hydrologic characteristics or functions of the wetlands will require the implementation of mitigative measures to be specified in the terms and conditions for the environmental approval.

5.4 Restoration Measures

The terms and conditions of the environmental approval will specify the restoration measures to be implemented upon cessation of activities or abandonment of facilities on wetland areas.