



TOWN OF PORTUGAL COVE-ST. PHILIP'S

June 2, 2015

Regular Public Council Meeting 7:30 p.m.

IN ATTENDANCE:	Mayor	Moses Tucker
	Deputy Mayor	Gavin Will
	Councillors:	Dave Bartlett
		Joe Butler
		Aaron Facey
		Norm Collins
		Johnny Hanlon
		Chris Milley
	Town Manager	Heather Coughlan
	Acting/Town Clerk	Tony Pollard
	Director of Financial Operations	
	Director of Recreation and Community Services	Dawn Sharpe
	Director of Economic Development, Marketing and Communications	Jeff Lawlor
Director of Public Works	Gail Tucker	
Planning Coordinator	Les Spurrell	

Mayor Tucker called the meeting to order and welcomed the gallery of 9 persons in attendance.

APPOINTMENT OF ACTING TOWN CLERK

Motion:	Bartlett/Hanlon
2015-168	Resolved that Heather Coughlan be appointed the Acting/Town Clerk for the meeting of June 2, 2015.
Carried	Unanimously

ADOPTION OF AGENDA

Motion:	Facey/Collins
2015-169	Resolved that the Agenda dated June 2, 2015 , be adopted as circulated.
Carried	Unanimously

ADOPTION OF MINUTES

Motion: Will/Bartlett
2015-170 Resolved that the minutes of **May 19, 2015** be adopted as circulated.
Carried Unanimously

BUSINESS ARISING

The Town Manager gave a verbal report as follows:

1. **Action items**
4 of the 15 completed, further updates prior to next Council meeting.
2. **Miller's Road Bridge project kick-off meeting**
Contract has been signed.
3. **2014-2017 MYCW W&S project kick-off meeting**
Contract is being reviewed by the Dept. of Municipal Affairs.
4. **Meeting with Fire Commissioner re: New Fire Regulations**
Fire Commissioner has reviewed the Regulations, and his recommendations will be brought forward to a future Protective Services Committee meeting to include as an amendment.
5. **2015 Employment Case Law Review**
The Employee and Public Relations Administrator attended a session reviewing interesting and precedent setting employment law cases from 2015.
6. **ACE-Planning & Development Department Meeting**
Thanks to the Director of Economic Development, Marketing and Communications and the Economic Development Committee for arranging this very informative and useful meeting.

COMMITTEE REPORTS

Planning & Development Report of May 26, 2015 – presented by Councillor Collins

1. 137 Beachy Cove Road – Residential Subdivision

Motion: Collins/Butler
2015-171 Resolved that the application to construct a residential subdivision at Civic # 137 Beachy Cove Road be rejected as per Appendix A: Tabled Report.
Carried For: Bartlett/Butler/Facey/Hanlon/Tucker/Will
Against: Collins

2. 248-260 Witch Hazel Road – Subdivide Property & Construct Single Dwellings

Motion: Collins/Butler
2015-172 Resolved that the application to subdivide property and construct three single dwellings at Civic # 248-260 Witch Hazel Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

3. 1685-1687 Portugal Cove Road – Dwelling Extension

Motion: Collins/Hanlon
2015-173 Resolved that the application to construct two extensions to an existing dwelling at Civic # 1685-1687 Portugal Cove Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

4. 1397 Thorburn Road – Accessory Building

Motion: Collins/Bartlett
2015-174 Resolved that the application to construct an accessory building at Civic # 1397 Thorburn Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

5. 16 Bluebell Bend – Business (Home Office)

Motion: Collins/Will
2015-175 Resolved that the application to establish an office for a personal service business (fitness supplement delivery) as a home occupation at Civic # 16 Bluebell Bend be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

Council asked that the Planning and Development Committee review changes that could be made so these types of requests could be done over the desk.

6. 627-629 Indian Meal Line - Rezoning

As the Committee could not reach a consensus on a recommendation for the application to rezone property at Civic # 627-629 Indian Meal Line for the purpose of residential development, the Committee requests that this application be brought forward for discussion and decision at Council's meeting. Technical Information and Areas of Consideration as presented at the Committee meeting are found in Appendix A: Tabled Report.

This item will be brought back to the next Planning and Development Committee for further discussion.

7. 1308A Thorburn Road - Agriculture

Motion: Collins/Butler
2015-176 Resolved that the application to construct two agriculture buildings at Civic # 1308A Thorburn Road be rejected as per Appendix A: Tabled Report.
Carried Unanimously

8. 556-560 Old Broad Cove Road – Variance Request

Motion: Collins/Hanlon
2015-177 Resolved that the request for Civic # 556-560 Old Broad Cove Road be approved, allowing a 4.0 % variance on the side yard width for a proposed dwelling extension which has been granted approval in principle. The variance will result in a side yard width of 2.88 m as opposed to the minimum of 3.0 m. Approval shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically General Regulation 11 (Variances) and General Regulation 12 (Notice of Variance).
Carried Unanimously

9. 244 Bauline Line Extension – Variance Request

Motion: Collins/Bartlett

2015-178 Resolved that the request for Civic # 244 Bauline Line Extension be approved, allowing a 10.0 % variance on the building line setback for a proposed backlot development which has been granted approval in principle. The variance will result in a building line setback of 110 m as opposed to the maximum of 100 m. Approval shall be in full compliance with the Town’s Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically General Regulation 11 (Variances) and General Regulation 12 (Notice of Variance).

Carried Unanimously

10. Municipal Recommendation Form for Crown Land – Witch Hazel Road

The Planning Department is in receipt of a request from an applicant to process a Municipal Recommendation Form for Crown Land measuring approximately 21.5 ac (8.69 ha) at Civic # 102-136 Witch Hazel Road for agricultural purposes (vegetable & forage production). The land applied for is within the Agriculture Land Use Zone.

Motion: Collins/Hanlon

2015-179 Resolved that the Municipal Recommendation Form for Crown Land at Civic # 102-136 Witch Hazel Road for agricultural purposes (vegetable and forage production) be approved.

Carried Unanimously

11. Eastern Newfoundland Regional Appeal Board – Notice of Appeal Hearing

The Planning Department is in receipt of a notice from the Eastern Newfoundland Regional Appeal Board that the two third party appeals against Councils decision to grant approval in principle to the demolition of a former place of worship at Civic # 20-30 Coadys Road will be heard on June 19th, 2015 at 9:15 am at the Ramada Hotel, St. John’s.

Item Submitted for Information.

12. 1477-1485 Thorburn Road – Environmental Concerns from Commercial Activity

The Planning Department is in receipt of correspondence from a property owner expressing environmental concerns resulting from commercial activity (parking of school buses) adjacent to their property near the Broad Cove River.

Staff advised that the land use and commercial operation is non-conforming in accordance with Development Regulation 49 (Non-Conforming Use).

The Committee advised Staff to contact the business owner requiring them to remove any non-operational vehicles from the property. The Committee also advises Staff to correspond with the property owner regarding the concerns presented and requests that this correspondence be tabled at Council’s meeting.

13. There were twenty-four (24) permits issued from May 8th to May 21st, 2015.

Recreation /Lifestyle Committee Report of June 1, 2015 – presented by Councillor Facey.

1. Summer Day Camp Request

The Recreation Department received a request from a resident who has a child with special needs. Staff will work with the family to try and assist the child to participate in the program. The biggest barrier that the department is facing is the lack of inclusion staff that are available for employment. Staff will be working to develop an Inclusion Policy and bring it back to Committee for approval over the next couple months.

2. Summer Students

Please find attached the list of the youth that were hired for the summer. Currently we have received 5 placements with the Canada Summer jobs and we are still waiting for the response from the provincially funding grants. We will also submit application for the SWASP grants which are due on June 15th. We hope to hear from the other sources of funding by the end of June.

3. Voisey's Brook Park Signage

The Director of Recreation and the Director of EDMC will work together to develop the signage for the Parks. The signage will include the rules and regulations of the skateboard park, pathway signage for the walking trails, dog park rules and regulations, and all other applicable information. We hope to have all the signage in place before the Grand Opening of the Dog Park at the end of June.

4. June is Recreation Month

In conjunction with the Department of Seniors, Wellness, and Social Development and Recreation Newfoundland and Labrador the Town of Portugal Cove-St. Philip's proclaims "June is Recreation Month". The Mayor will sign the proclamation later in the meeting.

5. Donations

After reviewing the Community Grant Applications the committee would like to put forward the following recommendations:

Note: Councillor Johnny Hanlon left the Council Chambers for the following motion due to possible conflict of interest.

Motion: Facey/Will
2015-180 Resolved that the Town discount the rental fee for Voisey's Brook Gully Softball Field for \$200.00 the weekend of June 12th for Ms. Madisan Whalen as a fund-raiser for her trip to Equador as a volunteer with VESA. Be advised that the \$100 fee for the hut will be applied.
Carried Unanimously

Note: Councillor Johnny Hanlon returned to the Council Chambers.

Note: Councillor Joe Butler left the Council Chambers for the following motion due to possible conflict of interest.

Motion: Facey /Hanlon
2015-181 Resolved that the Town waive the fee for Voisey's Brook Hut on Saturday, October 17th for Janet Butler as a fund-raiser the Children's Wish Foundation Wishmakers Walk.
Carried Unanimously

Note: Councillor Joe Butler returned to the Council Chambers.

Motion: Facey /Bartlett
2015-182 Resolved that Janet Martin receive \$100 donation towards her Powerlifting Federation Classic World Championship team travelling to Salo, Finland.
Carried Unanimously

Motion: Facey /Will
2015-183 Resolved that Ariana Doody receive \$100 donation towards her Newfoundland and Labrador Basketball Association U17 Girls Team travelling to Chicago in July.
Carried Unanimously

The new trail to Bauline is being completed and meetings with residents have taken place. Recommendations for a name have been made, however, no name has been officially announced as of yet. The trail is expected to open in August.

Public Works Committee Report of May 28, 2015 - presented by Councillor Bartlett

1. Town Hall Renovation Design and Consulting Services

Deferred from the April 21, 2015 meeting of Council, Committee reviewed the fees associated with architectural and mechanical and engineering services to complete design drawings, prepare a tender package and provide contract administration and project management services related to the renovation of the lower level of the Town Hall. Fougere Menchenton will be the prime consultant and architectural lead with R.A.N. Engineering providing mechanical and electrical engineering expertise. Total fees are \$30,900 +HST.

Motion: Bartlett/Collins
2015-184 Resolved that Fougere Menchenton and R.A.N. Engineering be contracted to provide consulting services for the lower level renovations of the Town Hall at a fee of \$30,900+HST.
Carried Unanimously

2. West Point Road Culvert Replacement

Committee was presented with a fee proposal of \$16,144 +HST from EXP Services Inc. to provide pre-design, design, tendering and contract administration services for the replacement of the West Point Road storm sewer culvert. This project has been approved through the Gas Tax Credit.

Motion: Bartlett/Hanlon
2015-185 Resolved that EXP Services Inc. be contracted to provide engineering consulting services for the West Point Road culvert replacement project at a cost of \$16, 144 +HST.
Carried Unanimously

3. Graymans Beard

The issue of access to Graymans Beard by motorized vehicles was referred to Committee by Deputy Mayor Will. Staff advised Committee that the boulders which are placed at the entrance adjacent to Princes Mountain are periodically being removed by a resident(s) of the area. This is cause for concern in that vehicles driving on the trail are causing damage and there have been incidents where vehicles have been set on fire. Committee asked that Staff review ownership of the land and consult with the Fire Chiefs on impacts of alternate barricades for the area. Alternate suggestions will be brought back to Committee.

Other Items Discussed

- Bulk Garbage: Pick-ups for bulk garbage is in full swing and appointments are booked well into late summer. Residents are requested to make their appointment first before placing their bulk garbage at roadside.
- Animal Control: Enforcement of the Town's Dog Regulations and the Provincial Animal Health and Welfare Act continue to be imposed as off leash and roaming dogs are an ongoing concern. The Town's animal welfare inspectors have responded to a number of reported concerns since receiving their licences. Residents are asked to make themselves aware of these regulations and penalties associated.
- Road Sweeping: Road sweeping is in progress with the St. Philip's side of Town completed and Portugal Cove side underway.
- Loop Drive Traffic Issues: Staff are working with the provincial Department of Transportation and Works to have signage installed at the exit of Loop Drive in an effort to aid traffic congestion in the area.
- Water/Wastewater: Staff advised that a meeting was held with representatives from the provincial Department of Environment and Conservation, Water and Wastewater Division to discuss the Town's operating permits for water distribution and wastewater collection and treatment. Site visits of the Town's two wastewater treatment plants were completed. This meeting was at the invitation of Town staff to better understand the Town's regulatory requirements.

Economic Development, Marketing & Communications Report of May 26, 2015 - presented by Councillor Butler

1. Canada 150 Infrastructure Program Funding

A funding program has been announced by ACOA that focuses on community projects that would normally not be funded through existing programs, generally with a recreation or public infrastructure nature. A number of potential projects are being identified and an application will be submitted in the next couple weeks. In addition, some community groups have been notified for their own projects.

2. Tourism Destination Development Plan

Information from our community has been submitted into the regional study. Resident Evan Murray from Murrays Garden Centre and Horticultural Services has been named to the advisory committee of the study, representing his industry and the community along with municipal representation.

3. Busfest

Busfest will take place on June 19th of this year. This is the first ever event of its kind celebrating public transit in the region. We will be encouraging residents along Portugal Cove Rd. to leave their cars at home and avail of a bus providing the service from the Portugal Cove Ferry Terminal along Portugal Cove Rd to strategic locations within the city. More details will be communicated to residents in the coming days. There will be runs during the morning and evening peak times and there will be entertainment and snacks on the bus in the morning. The cost of the run will be split between PCSP and Wabana and the event itself is being put off by Happy City, We Are Cities, and Metrobus.

4. We Are Cities Roundtable

The roundtable was held on Thursday, May 21st at Rainbow Gully Hut. There were 20 participants from the region. The information gathered will be fed into the national "We are Cities" campaign that MNL is conducting regionally. There will be a follow up session expected in the fall when the report is completed.

5. Stewardship Association of Municipalities (SAM) Meetings and Signing

The SAM meeting was attended by Director of Economic Development and Luise Hermanutz of the Advisory Committee on the Environment on May 22-23 in Flatrock. There were 19 of the 33 communities represented with presentations from a number of organizations. PCSP was invited to attend prior to officially becoming a member. Minister Crummell was on hand during the closing dinner, along with our own Mayor Tucker. It was announced that we will sign our agreement in June. It has since been determined that it will be on June 19th. More details to come.

6. Urban Municipalities Committee (UMC) Meeting – Port aux Basques

The Director of Economic Development will attend along with Councillor Collins at the meetings June 26-27. This will be one of the two meetings held throughout the year surrounding the Economic Development Urban Accord signed by all members of the UMC.

7. "You Name It" Contest Winner

The contest to create a waste management image for the fleet has been chosen based on the finalization of the Placebuilder report. The school and class teacher have been notified and a pizza party will be held before the end of the school year.

8. Community Profile and Microsite

The profiles will be delivered next week and the website will be going live. A formal launch will happen in July.

**Economic Development, Marketing & Communications Supplementary Report of June 1, 2015
- presented by Councillor Butler**

9. Canada 150 Community Infrastructure Program

During the Committee of Whole Council meeting on June 1st potential projects were reviewed for the new funding program. Each project received commentary from ACOA's staff. It was determined that based on ACOA's input and the priorities of Council, the project that was the best fit with the program and could not be funded from any other existing ACOA program, would be the extension of Rainbow Gully Artificial Turf Field.

Motion: Butler/Facey
2015-186 Resolved that the Town apply for the Canada 150 Community Infrastructure Program Fund for the extension of Rainbow Gully Artificial Turf field. The application will seek 35% funding from ACOA.
Carried Unanimously

Council noted the extensive discussion on this decision and the importance of the long term benefits to the community this expansion would create.

Protective Services Committee Report – no meeting held.

Admin. and Finance Committee Report of May 26, 2015 - presented by Deputy Mayor Will

1. Accounts for Payment

Motion: Will/Facey
2015-187 Resolved that Council pay Regular Accounts in the amount of \$94,492.62.
Carried Unanimously

2. Canada 150 Communities Infrastructure Program

Committee reviewed the FCM correspondence which was circulated to Council by the Mayor asking all committees to consider projects. It is understood that the Director of Economic Development will take the suggestions to ACA for comment and bring back a prioritized list. Committee members offered suggestions such as Town Hall renovations, Town entrance signs, trails and the soccer field expansion to be put forward.

3. Asset Management Plan

The Director of Financial Operations circulated a fee estimate received from KPMG to assist the Town with the preparation of an asset management plan. This information will be forwarded to the Gas Tax Secretariat for funding approval under the Gas Tax Program. He noted that this project will also require a lot of work for internal staff and hopefully looking for completion of the plan by September.

Motion: Will/Collins
2015-188 Resolved that the Town accept the fee estimate of \$90,000 and contract KMPG to assist with the preparation of the Asset Management Plan under the Gas Tax Program.
Carried Unanimously

4. 2014 Audited Financial Statements

The Director of Financial Operations reviewed the 2014 Draft Audit with committee members and responded to questions arising.

Motion: Will/Facey
2015-189 Resolved that the Town accept the Audited Financial Statements as prepared by Byron Smith, Chartered Accountant for the 2014 fiscal year.
Carried Unanimously

The 2014 Draft Audit as prepared by Byron Smith, Chartered Accountant, was tabled and signed by the Mayor.

5. Funds from School Land Expropriation

The Town Manager advised that the funds in the amount of \$559,000 are now in the hands of the solicitor and that Council needs to consider where this money will be directed for use. Committee members agreed that this item be placed on the Mayor's agenda for the next Committee of the Whole meeting.

6. Reclassification Item – Planning Clerk

The Town Manager briefed committee on the process and outcome for this review and the committee put forward the following:

Motion: Will/Collins
2015-190 Resolved that the Town accept the recommendations of the Job Reclassification Review prepared by JW Consulting Associates for the position of Planning Clerk.
Carried Unanimously

7. Water Metering Pilot Project

Upon review of the carried forward items, the Town Manager advised that the water metering pilot project was at the stage where consideration needed to be made on whether or not to hire a project management firm. Committee considered and put forward the following:

Motion: Will/Butler
2015-191 Resolved that the Town engage the services of Vigilant as project managers for the Water Metering Pilot Project for 100 homes at a cost of \$21,705.00 HST as per the April 29, 2015 proposal letter.
Carried Unanimously

The Town Manager noted this costing is for 100 existing homes and for an additional 25 new homes, 125 homes in total.

8. Other Discussion Items

Included updates on:

HR issue;

a residents request regarding water and sewer charges;

and info from Deputy Mayor Will concerning the ATIPPA workgroup.

CORRESPONDENCE

(a) **Mock Fire Fighter Challenge**

Council noted that the Mock Fire Fighter Challenge is taking place at Jack Byrne Arena in partnership with the Towns of Torbay, Portugal Cove-St. Philip's, Pouch Cove, Logy Bay-Middle Cove-Outer Cove, and Flatrock, as part of June is Recreation Month and is bound to be a fun and exciting event. There are a variety of age ranges and it is free of cost to all participants.

(b) **Southern Labrador / Strait of Belle Isle Community Youth Network**

Council noted that this event is important for the future engagement of youth in politics. The event is scheduled for November 5-7, 2015 and therefore as a reminder this will be brought back to Council's attention in early September.

NEW/GENERAL/ UNFINISHED

(1) **"June is Recreation Month" Proclamation**

The Mayor read and signed the proclamation as presented by the Recreation and Lifestyle Committee proclaiming June is Recreation Month in Portugal Cove – St. Philip's.

ADJOURNMENT

Motion: Will/Collins
2015-192 Resolved that this meeting be adjourned. Time 9:02p.m.
Carried Unanimously

Moses Tucker, Mayor

Heather Coughlan, Acting Town Clerk

Attachments: Appendix A: Tabled Report, (Planning & Development)

Appendix A: Tabled Report

May 26th, 2015

Applications:

Item # 1:

Civic # 137 Beachy Cove Road

Residential Subdivision

Zoning: Residential Medium Density & Rural (RMD & RUR) – Serviced

The Committee recommends that the application to construct a residential subdivision at Civic # 137 Beachy Cove Road be rejected as the application is contrary to the Town's Municipal Plan & Development Regulations, specifically the following:

- The proposed lots do not comply with the minimum lot area and frontage standards as required by Plan Policy GL-6 (General Layout Policies), Plan Policy SD-2 (Fully-Serviced Areas), Development Regulation 87 (Subdivision Subject to Zoning) and Schedule C: Residential Medium Density.
- The proposed street length exceeds the maximum allowable length as required by Plan Policy RES-17 and RES-18 (Street Design and Construction Standards), Development Regulation 59 (Street Construction Standards) and Development Regulation 90 (c.i) (Subdivision Design Standards).
- The property is proposed to be subdivided in a manner that would prejudice future development which is contrary to Plan Policy SD-1 (Evaluating Proposals to Subdivide Land), Plan Policy RES-8 (Council Control of Land Development), Plan Policy RES-14 (Street Design and Construction Standards), Plan Policy 4.1 (3.1) (Subdivision Proposals and Agreements) and Development Regulation 90 (r) (Subdivision Design Standards).
- The property contains land which has been identified as having steep slopes in which development is contrary to Plan Policy SD-1 (Evaluating Proposals to Subdivide Land), Plan Policy SD-6 (d) (Council Decision), Development Regulation 64 (Site Suitability), Development Regulation 83 (n) (Permit to Subdivide Subject to Considerations) and Schedule E: Environmental Protection Overlay.
- The existing driveway access for Civic # 139 Beachy Cove Road would be within 10 m of the proposed road which does not comply with Development Regulation 38 (2) (Accesses and Service Streets).
- Single Dwellings are not listed as a Permitted or Discretionary Use in Schedule C: Rural and as such this proposal is not in compliance with Development Regulation 103 (Uses Not Permitted).

- **The proposal does not comply with a Motion of Council on November 18th, 2014 (Motion # 2014-386) regarding rezoning of land for residential subdivision development.**

The Administrator recommended that this application be rejected.

Item # 2:

Civic # 248-260 Witch Hazel Road

Subdivide Property & Construct Single Dwellings

Zoning: Residential Low Density & Agriculture (RLD & AG) - Unserviced

The Committee recommends that the application for Civic # 248-260 Witch Hazel Road be granted approval in principle, permitting the subdivision of property and construction of three single dwellings. Approval in principle is subject to the Developer providing an access easement from Witch Hazel Road to the Public Open Space. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically Plan Policy SD-7 (Open Space Dedications), Development Regulation 88 (1) (Land for Public Open Space) and Schedule C: Residential Low Density.

The Administrator recommended that this application be granted approval in principle.

Item # 3:

Civic # 1685-1687 Portugal Cove Road

Dwelling Extension

Zoning: Mixed Use (MIX) - Fully-Serviced

The Committee recommends that the application for Civic # 1685-1687 Portugal Cove Road be granted approval in principle, permitting the construction of two extensions to an existing dwelling.

The Administrator recommended that this application be rejected.

Item # 4:

Civic # 1397 Thorburn Road

Accessory Building

Zoning: Residential Medium Density (RMD) - Serviced

The Committee recommends that the application for Civic # 1397 Thorburn Road be granted approval in principle, permitting the construction of an accessory building. Approval in principle is subject to a 2.2 % variance on the size of the proposed accessory building which will increase the maximum building size from 56 m² to 57.23 m² in accordance with General

Regulations 11 (Variances) and 12 (Notice of Variance). Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically General Regulation 11 (Variances), General Regulation 12 (Notice of Variance), Development Regulation 39 (Accessory Buildings) and Schedule C: Residential Medium Density Condition # 1 (Accessory Buildings).

The Administrator recommended that this application be granted approval in principle.

Item # 5:

Civic # 16 Bluebell Bend

Business (Office)

Zoning: Residential Medium Density (RMD) - Unserviced

The Committee recommends that the application for Civic # 16 Bluebell Bend be granted approval in principle, permitting the establishment of an office for a personal service business (fitness supplement delivery) as a home occupation. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically Plan Policy RES-4 (Residential Policies), Development Regulation 33 (Notice of Application), Development Regulation 102 (Discretionary Uses), Schedule C: Residential Medium Density and Schedule D: Off Street Parking Requirements.

Item # 6:

Civic # 627-629 Indian Meal Line

Rezoning

Zoning: Residential Rural & Agriculture (RR & AG) - Unserviced

Technical Information:

Applicant proposes to rezone property measuring 9.239 ha (22.83 ac) from Agriculture to Residential to allow for potential future development of an unserviced residential subdivision.

Areas of Consideration:

- Does not comply with Plan Policy GL-2 (General Layout Policies) which states that Council shall discourage the spreading-out of development in more remote, less developed areas where the extension of piped services cannot be realistically expected in the foreseeable future;
- Plan Policy GL-8 (General Layout Policies) states that where development is proposed on adjacent parcels of land to the Town's municipal boundary and correspondingly on adjacent parcels of land to another municipality's or adjacent parcels of land to another jurisdiction's boundary, and as determined by the Town, such proposed development shall be referred by the Town to the applicable adjacent municipality or jurisdiction for comment;

- Does not comply with Section 3.4.1 (Residential) which states that lowest priority is given to the development of new non-serviced subdivisions in areas where municipal piped services are not expected to become available before the Plan's statutory five-year review;
- Section 3.4.8 (Agriculture) states that the overall intent of this Municipal Plan is to protect agricultural lands from conflicting uses of land and to provide existing farm operations with the assurance that they can continue to operate through the agricultural designation and companion land use zoning;
- Plan Policy AG-2 (Agriculture Policies) states that Council may consider a comprehensive review of recent provincially released designated Agricultural Development Area lands for the most appropriate, beneficial and feasible future land use designations and permitted zone uses;
- Plan Policy AG-4 (Agriculture Policies) states that Council supports the land use management approach to not permit development within the Agriculture designation unless such development is directly connected with, or complimentary to, agriculture or the proposed use will not adversely affect the existing or potential use of land for agriculture purposes;
- Plan Policy AG-6 (Town Controlled Agricultural Lands Review) states that during the course of this Municipal Plan, the Town may additionally undertake a comprehensive review and assessment of Town controlled designated Agriculture lands on the basis of soil capabilities, drainage, existing and adjacent land uses, current and proposed land development patterns, land use alternatives and other considerations;
- Plan Policy AG-7 (Separation of Non-Farm Developments and Agricultural Operations) states that Council shall attempt to minimize the potential for land use conflicts from non-farm land uses being developed in close proximity to existing agricultural operations, particularly livestock and poultry confinement operations;
- Does not comply with a Motion of Council on November 18th, 2014 (2014-386) which states that Council shall, at their discretion, continue to only consider applications for rezoning that will integrate or round-out existing developed areas to eliminate dead-end roads that have been developed in a haphazard fashion by extending them into loop roads (sections of the municipality that lack street connectivity), or to address local services and amenities. Council shall also consider the compatibility of the proposed use with Council's Place Builder report once finalized. Exempt from this Motion is the Residential Development Scheme Area Land Use Zone, which requires the completion of a comprehensive development scheme to Council's satisfaction;
- During a meeting with the Planning & Development Committee on May 12th, 2015, the applicant submitted a proposed concept plan for the area proposing a connection between Indian Meal Line and Wildberry Lane in the Town of Torbay, and;
- **Administrator recommends that this application be considered in accordance with a Motion of Council on November 18th, 2014 regarding rezoning of land for the purpose of subdivision developments.**

Item # 7:

Civic # 1308A Thorburn Road

Agriculture

Zoning: Residential Medium Density (RMD) -Unserviced

The Committee recommends that the application to construct two agriculture buildings at Civic # 1308A Thorburn Road be rejected as the application is contrary to the Town's Municipal Plan & Development Regulations as the property does not have the required frontage on a publicly maintained street as required by Plan Policy 3.3 (x) (Access to a Public Street) and Development Regulation 47 (Lot Area) and the proposed development would not be compatible with the adjacent neighbourhood as it would be a commercial operation which is contrary to Schedule C: Residential Medium Density.