

June 19, 2020

COR/2020/01780

Mr. Les Spurrell
Planning and Development Coordinator
Town of Portugal Cove-St. Philip's
1119 Thorburn Road
Portugal Cove-St. Philip's, NL A1M 1T6
VIA EMAIL: Les.Spurrell@pcsp.ca

Dear Mr. Spurrell:

**PORTUGAL COVE-ST. PHILIP'S
Municipal Plan Amendment #7
& Development Regulations Amendment #8, 2018**

**In association with
ST. JOHN'S URBAN REGION REGIONAL PLAN AMENDMENT #4, 2019**

I am pleased to inform you that the Town of **Portugal Cove-St. Philip's Municipal Plan Amendment #7, 2018 and Development Regulations Amendment #8, 2018**, as adopted by Council on the 4th day of February, 2020, and approved on the 1st day of April, 2020, have now been registered.

Council must publish a notice in the ***Newfoundland and Labrador Gazette*** within 10 days of this letter. These amendment documents come into effect on the date that this notice appears in the *Gazette*. The notice must also appear in a local newspaper. The notices must reference the amendment to the regional plan and the municipal planning documents.

The *Newfoundland and Labrador Gazette* is published every Friday. Notices must be submitted a week in advance. Council can submit the notice by email (queensprinter@gov.nl.ca), by fax (709-729-1900) or by mail (Queen's Printer, P.O. Box 8700, St. John's, NL A1B 4J6).

In light of modified work processes due to the global pandemic, Council's registered original amendment documents can be received, stamped and returned for your records at a later date. As they are legal documents, they should be reserved in a safe place.

Yours truly,



Mary Oley, B.Sc. LL.B.

Director of Local Governance and Land Use Planning

cc: Lydia Lewycky, MCIP, CSLA, consulting planner, lydialewycky@gmail.com

**ST. JOHN'S URBAN REGION REGIONAL PLAN, 1976
AMENDMENT #4, 2019**

**Portugal Cove – St. Philip's:
Old Broad Cove Road/ Jonathan Heights**

October 2019

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO ADOPT
ST. JOHN'S URBAN REGION REGIONAL PLAN AMENDMENT 4, 2019

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Minister of Municipal Affairs and Environment hereby adopts St. John's Urban Region Regional Plan, 1976 Amendment No. 4, 2019.



Minister of Municipal Affairs and Environment

Signed and sealed before me at St. John's, Newfoundland and Labrador

this 11 day of February, 2020

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached St. John's Urban Region Regional Plan, 1976 Amendment 4, 2019 was prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.



URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE

ST. JOHN'S URBAN REGION REGIONAL PLAN AMENDMENT No. 4, 2019

Under the authority of section 16, 17 and 18 of the *Urban and Rural Planning Act 2000*, the Minister of Municipal Affairs and Environment:

- a) adopted the St. John's Urban Region Regional Plan Amendment No. 4, 2019 on the 11th day of February, 2020;
- b) gave notice of the adoption of the St. John's Urban Region Regional Plan Amendment No. 4, 2019 by advertisement inserted on the 15th day of February, 2020, and on the 22nd day of February, 2020 in *The Telegram* newspaper; and
- c) set the 2nd day of March, 2020, at 7:00 pm, at the Council Chambers at Portugal Cove-St. Philip's Town Hall for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Minister of Municipal Affairs and Environment hereby approves the St. John's Urban Region Regional Plan Amendment No. 4, 2019, as adopted on the 11th day of February, 2020.



Minister of Municipal Affairs and Environment

Signed and sealed before me at St. John's, Newfoundland and Labrador

this 2 day of ~~May~~ June, 2020.



Witness

Regional Plan/Amendment

REGISTERED

Number SJUR-2020-050

Date Mary Oley

Signature 19 JUNE 2020

ST. JOHN'S URBAN REGION REGIONAL PLAN, 1976
AMENDMENT 4, 2019

BACKGROUND

The Town Council of Portugal Cove-St. Philip's (PCSP) is proposing two amendments to its Municipal Plan and Development Regulations. The *Urban and Rural Planning Act, 2000* (the "Act") sets out the process for amending a Plan and Development Regulations. The St. John's Urban Region Regional Plan, 1976 ("the Regional Plan") sets out a framework for growth and development within the St. John's Urban Region. Amendments to Municipal Plans prepared by municipalities in the St. John's Urban Region must be consistent with the Regional Plan.

The Town's amendment to its Municipal Plan and Development Regulations is intended to allow for potential future residential subdivision development at civic numbers 432, 450-452, 460-466, and 478C Old Broad Cove Road, and civic number 34 Jonathan Heights.

The subject property was formerly located in the provincial Agriculture Development Area (ADA) and designated Agriculture by the Regional Plan. Subsequent to the Felix Collins commission, lands were released from the ADA, and Regional Plan policy directives defer to the "Rural" designation.

Since the proposed development area is currently subject to the "Rural" designation, and residential subdivision development is directed to the "Urban Development" designation of the Regional Plan, an amendment is required. To accommodate the proposal, amendments are required to alter the municipal zoning, the municipal future land use designation, as well as the regional plan designation. In order to accommodate the proposed residential subdivision, the PCSP Town Council requested that the Regional Plan be amended so that the "Urban Development" designation is applied to the subject property. The land would be re-designated from the "Agricultural" designation to the "Residential" designation on the Town's Future Land Use designation map of its Municipal Plan. Corresponding changes on the Land Use Zoning Map of the Town's Development Regulations would re-zone from "Agricultural (AG)" to "Residential Low Density (RLD)".

The subject property is within the regional servicing limit of the Regional Plan (i.e. below the 190-metre contour). Where piped municipal water and sewer services are available, they are utilized in development. Residential subdivision development that occurs with on-site servicing must conform to the Provincial "Groundwater Supply Assessment and Reporting guidelines for Subdivisions Serviced by Individual Private Wells".

The Minister was agreeable to the Town undertaking the amendment process, including public consultations, in consideration of the proposed change to the land use designation in the Regional Plan. The Regional Plan map amendment is to be processed simultaneously with the Town's amendments to the future land use designation map of the Municipal Plan and the land use zoning map of the Development Regulations.

PUBLIC CONSULTATION

The Town of Portugal Cove-St. Philip's arranged publication of notices soliciting comments on the proposed SJURRP Amendment No. 4, 2019 in the *Telegram* on the 4th day of May, 2019. The Town also uses its website and social media forums to post information about amendments, and invite comments or objections. Five (5) written representations were received by the Town, citing concerns and objections for the unnecessary development of rural lands (a defining feature of PCSP), impact on the environment, and increased traffic.

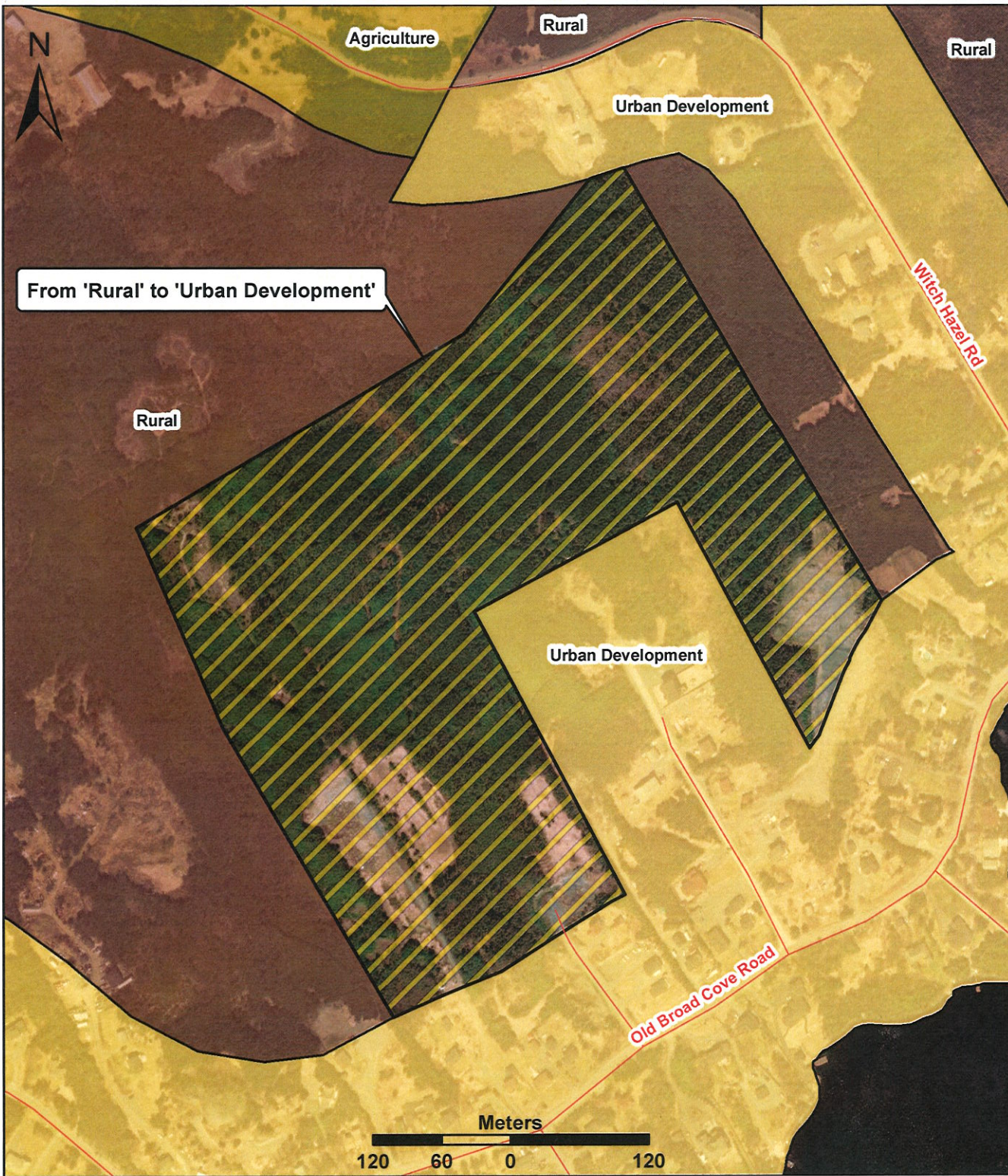
From a provincial interest perspective, the proposed amendment was referred to the Interdepartmental Land Use Committee (ILUC) for input and recommendations. The development could only proceed if compliant with the provincial requirements. In response to issues raised through the provincial referrals process via the ILUC project evaluation, adjustments were made to the proposed amendment to redefine the boundary of the amendment area to mitigate future land use conflict with existing Agriculture leases. The nature of the concerns are considered local in nature and within the development control purview of the municipal Council.

The Town also wrote to the other 14 municipalities that are subject to the St. John's Urban Region Regional Plan regarding its proposed amendment. Written responses were provided by the Towns of Conception Bay South, Torbay, Flatrock, Logy Bay-Middle Cove-Outer Cove, and the City of St. John's. There were no objections by any of the municipalities.

St. John's Region Regional Plan, 1976 Amendment No. 4, 2019

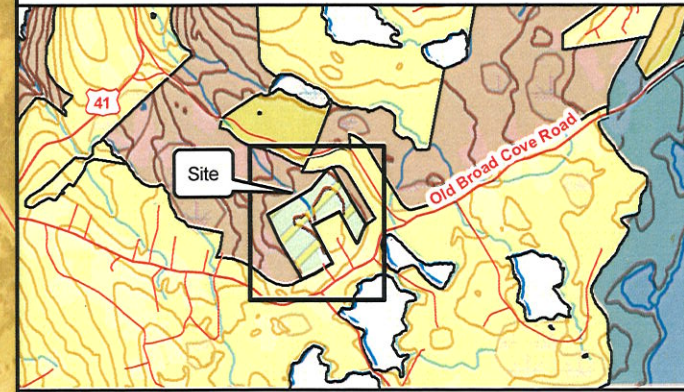
The St. John's Urban Region Regional Plan map is amended as follows:

- Proposed SJURRP re-designation from 'Rural' to 'Urban Development' to enable future residential development in the area of Old Broad Cove Road/ Jonathan Heights, as shown on the attached map.



**St. John's Urban Region
Regional Plan Amendment No. 4, 2019
Portugal Cove - St Philip's MPA7 & DRA8**

- From 'Rural' to 'Urban Development'
- Urban Development
- Agriculture
- Rural



St. John's Urban Region Regional Plan Amendment
REGISTERED

Number SJUR-2020-050

Date 19 JUNE 2020

Signature Mary Oley

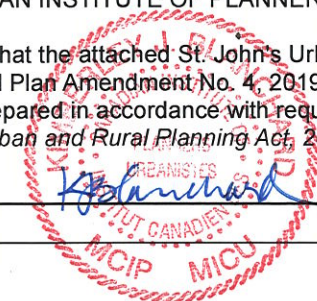
Signed this 2 day of June, 20 20

Minister of Municipal Affairs and Environment

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached St. John's Urban Region Regional Plan Amendment No. 4, 2019 has been prepared in accordance with requirements of the *Urban and Rural Planning Act, 2000*.

MCIP:



The Town of Portugal Cove – St. Philip's
MUNICIPAL PLAN 2014-2024



Portugal Cove
St. Philip's

MUNICIPAL PLAN AMENDMENTS

No. 7, 2018

AMENDMENTS TO:
GENERALIZED FUTURE LAND USE MAP(S)

October 2019

LYDIA LEWYCKY, MCIP, CSLA
PLANNING & DESIGN

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF PORTUGAL COVE - ST. PHILIP'S
MUNICIPAL PLAN AMENDMENT**

No. 7, 2018

Under the authority of Section 16, Section 17 and Section 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove - St. Philip's:

- a) Adopted the Portugal Cove - St. Philip's Municipal Plan Amendment No. 7, 2018 on the 4 day of February, ~~2019~~²⁰²⁰ *CMcD CM*.
- b) Gave notice of the adoption of the Town of Portugal Cove - St. Philip's Municipal Plan Amendment No. 7, 2018 by advertisement inserted on the 15 day and the 22 day of February, ~~2019~~²⁰²⁰ *CMcD CM* in *The Telegram* newspaper.
- c) Set the 2 day of March, ~~2019~~²⁰²⁰ *CMcD CM* at 7 p.m. at the Town Hall, Portugal Cove - St. Philip's for the holding of a public hearing to consider objections and submissions.

Now under Section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove - St. Philip's approved the Town of Portugal Cove - St. Philip's Municipal Plan Amendment No. 7, 2018 as adopted (or as amended).

SIGNED AND SEALED this 1 day of April, ~~2019~~²⁰²⁰ *CMcD CM*

Mayor:

Carl Mc Donald

Clerk:

Claudia Murray

(Council Seal)



**Municipal Plan Amendment
REGISTERED**

Number 4000 - 2020 - 021

Date 19 JUNE 2020

Signature *Mary Oley*

URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF PORTUGAL COVE - ST. PHILIP'S
MUNICIPAL PLAN AMENDMENT

No. 7, 2018

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove - St. Philip's adopts the Town of Portugal Cove - St. Philip's Municipal Plan Amendment No. 7, 2018.

Adopted by the Town Council of Portugal Cove - St. Philip's on the 4 day of February, ~~2019~~ ²⁰²⁰ *CMcD CM*.

Signed and sealed this 1 day of April, ~~2019~~ ²⁰²⁰ *CMcD CM*.

Mayor: *Carol McQuill*

Clerk: *Claudia Murray*

(Council Seal)



CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Portugal Cove - St. Philip's Municipal Plan Amendment No. 7, 2018, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP: *Lydia M. Lewycky*

Lydia M. Lewycky, MCIP, CSLA



Town of Portugal Cove – St. Philip’s
Municipal Plan 2014-2024 Amendments
Generalized Future Land Use Map
No. 7, 2018

Background

The Town Council of Portugal Cove - St. Philip’s proposes to amend its Municipal Plan 2014-2024 by changing the land use designation of specific parcels of land. The purpose of the proposed amendment is to allow a potential future development of a residential subdivision. The intent of the proposed amendment is to re-designate properties located at civic #432, #450-452, #460-466, and #478C Old Broad Cove Road and civic #34 Jonathan Heights from Agricultural to Residential on the Generalized Future Land Use Map. The proposed amendment will adjust the Generalized Future Land Use Map(s) as follows:

- re-designate land currently designated as Agricultural (AG) to Residential (RES)

Interdepartmental Land Use Committee (ILUC)

This Amendment has been reviewed by the Interdepartmental Land Use Committee (ILUC) and received Conditional Approval on August 28, 2019 as per the ILUC Project 1741 Report. The ILUC report (Agricultural Lands Section) recommends that *“the proposed boundary be redefined to allow more separation between the proposed Residential use and Agricultural Leases in the immediate vicinity in order to mitigate future land use conflict.”* The adjusted boundary is shown on the Future Land Use Map.

The ILUC comments received are more related to development conditions and are better addressed as part of a Development Permit and do not form part of this Amendment. However, the ILUC Project 1741 – Report recommends *“that traditional agriculture practice be accommodated where possible.”* ILUC also recommends that any unserved subdivisions conform to the *“Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Served by Individual Private Wells.”*

St. John’s Urban Region Regional Plan, 1976

The proposed Municipal Plan 2014-2024 Amendment No. 7, 2018 requires amendments to the Generalized Future Land Use Map that re-designates land uses.

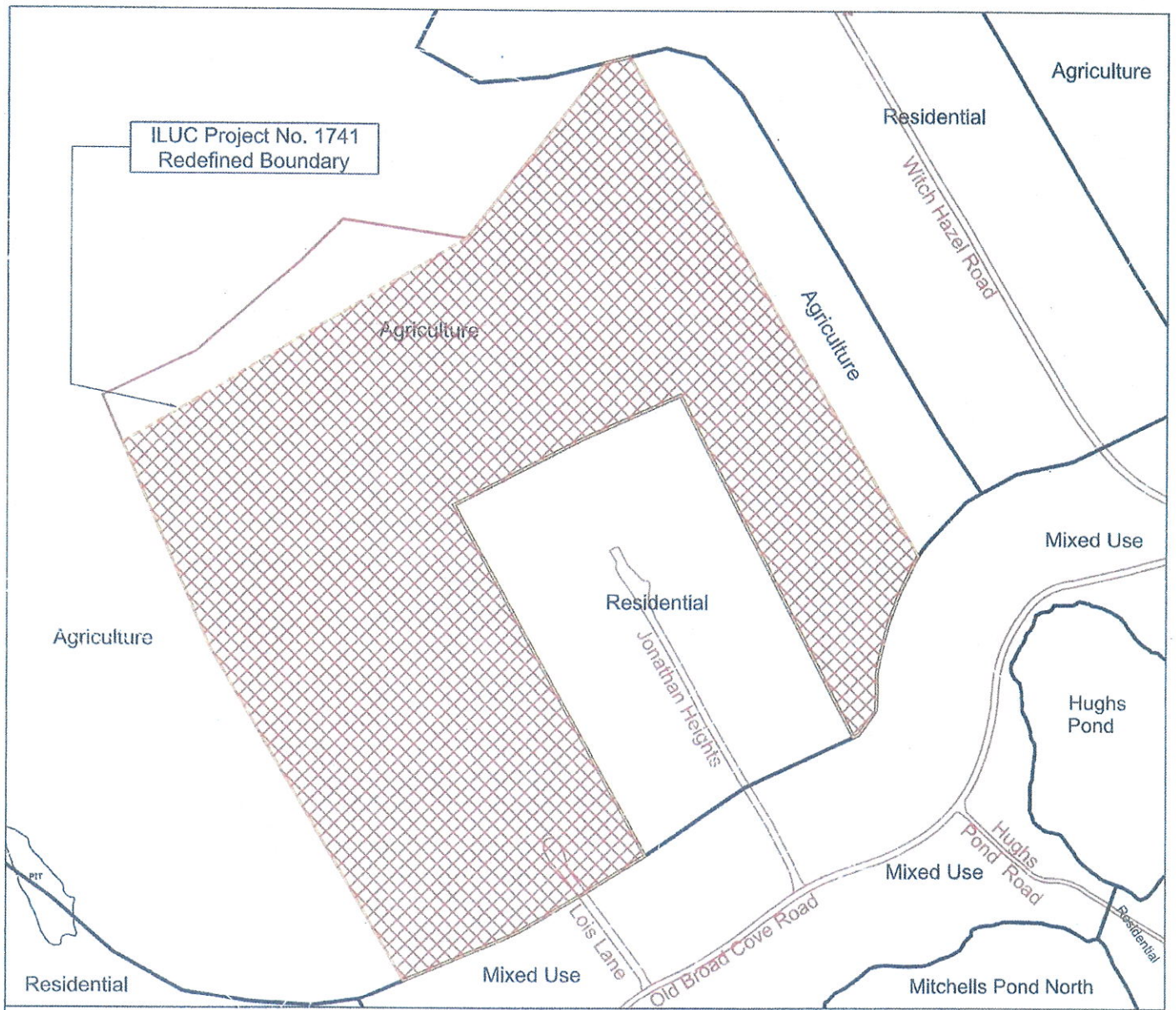
Currently, the St. John’s Urban Region Regional Plan indicates lands affected by this re-designation are designated Rural. It is determined that an amendment to the St. John’s Urban

Region Regional Plan is required in order to bring the proposed Municipal Plan Amendment No.7, 2018 into conformity with the Regional Plan.

Municipal Plan Amendment No. 7, 2018

The Town of Portugal Cove - St. Philip's Municipal Plan 2014-2024 is amended by:

- a) Re-designating the highlighted areas of AG land use to RES land use, as illustrated on the attached section of the Town of Portugal Cove - St. Philip's Generalized Future Land Use Map.




TOWN OF PORTUGAL COVE- ST. PHILIP'S
MUNICIPAL PLAN 2014-2024
FUTURE LAND USE MAP

MUNICIPAL PLAN
AMENDMENT No. 7, 2018

Dated at Portugal Cove-St. Philip's

This 1 Day of April ~~2019~~ ²⁰²⁰ *CMcD*
CM

Carol M. Donald Mayor
Claudia Murray Clerk

 Area to be changed from "Agriculture" to "Residential"



Municipal Plan/Amendment Seal
REGISTERED
Number 4000-2020-021
Date 19 JUNE 2020
Grid North
Signature *Mary Oley*

SYDIA M. LEWYCKI
CANADIAN INSTITUTE OF PLANNERS
URBANISTES DU QUÉBEC
INSTITUT CANADIEN DE PLANNING URBAIN
Sydia Lewycki
M.C.P. M.C.P.

I certify that the attached Town of Portugal Cove - St. Philip's Municipal Plan Amendment No. 7, 2018, has been prepared in accordance with the requirements of the Urban and Rural Planning Act.

**The Town of Portugal Cove – St. Philip's
DEVELOPMENT REGULATIONS 2014-2024**



DEVELOPMENT REGULATIONS AMENDMENTS

No. 8, 2018

**AMENDMENTS TO:
DEVELOPMENT REGULATIONS MAP**

October 2019

**LYDIA LEWYCKY, MCIP, CSLA
PLANNING & DESIGN**

URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF PORTUGAL COVE - ST. PHILIP'S
DEVELOPMENT REGULATIONS

No. 8, 2018

Under the authority of Section 16, Section 17 and Section 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove - St. Philip's:

- a) Adopted the Portugal Cove-St. Philip's Development Regulations Amendment No. 8, 2018 on the 4 day of February, ~~2019~~ ²⁰²⁰ *CM*
- b) Gave notice of the adoption of the Town of Portugal Cove - St. Philip's Development Regulations Amendment No. 8, 2018 by advertisement inserted on the 15 day and the 22 day of February, ~~2019~~ ²⁰²⁰ *CM* in *The Telegram* newspaper.
- c) Set the 2 day of March, ~~2019~~ ²⁰²⁰ *CM* at 7 p.m. at the Town Hall, Portugal Cove - St. Philip's for the holding of a public hearing to consider objections and submissions.

Now under Section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove - St. Philip's approved the Town of Portugal Cove - St. Philip's Development Regulations Amendment No. 8, 2018 as adopted (or as amended).

SIGNED AND SEALED this 1 day of April, ~~2019~~ ²⁰²⁰ *CM*

Mayor:

Carol M. Daulton

Clerk:

Claudia Murray

(Council Seal)



Development Regulations Amendment	
REGISTERED	
Number	<u>4000-2020-052</u>
Date	<u>19 JUNE 2020</u>
Signature	<u><i>Mary Oley</i></u>

URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF PORTUGAL COVE - ST. PHILIP'S
DEVELOPMENT REGULATIONS AMENDMENT

No. 8, 2018

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove - St. Philip's adopts the Town of Portugal Cove - St. Philip's Development Regulations Amendment No. 8, 2018.

Adopted by the Town Council of Portugal Cove - St. Philip's on the 4 day of February, ~~2019~~ ²⁰²⁰ *CMcDCM*

Signed and sealed this 1 day of April, ~~2019~~ ²⁰²⁰ *CMcDCM*

Mayor:

Carl McQuill

(Council Seal)



Clerk:

Claudia Murray

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Portugal Cove - St. Philip's Development Regulations Amendment No. 8, 2018, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP:

Lydia M. Lewycky

Lydia M. Lewycky, MCIP, CSLA



Town of Portugal Cove – St. Philip’s
Development Regulations 2014-2024
Development Regulations Map
Amendment No. 8, 2018

Background

The Town Council of Portugal Cove - St. Philip’s proposes to amend its Development Regulations 2014-2024 by changing the land use zoning of specific parcels of land. The purpose of the proposed amendment is to allow a potential future development of a residential subdivision. The intent of the proposed amendment is to re-zone properties located at civic #432, #450-452, #460-466, and #478C Old Broad Cove Road and civic #34 Jonathan Heights from Agricultural (AG) to Residential Low Density (RLD) on the Development Regulations Map(s). The proposed amendment will adjust the Development Regulations Map(s) as follows:

- re-zone land currently zoned as Agricultural (AG) to Residential Low Density (RLD)

Interdepartmental Land Use Committee (ILUC)

This Amendment has been reviewed by the Interdepartmental Land Use Committee (ILUC) and received Conditional Approval on August 28, 2019 as per the ILUC Project 1741 Report. The ILUC report (Agricultural Lands Section) recommends that *“the proposed boundary be redefined to allow more separation between the proposed Residential use and Agricultural Leases in the immediate vicinity in order to mitigate future land use conflict.”* The adjusted boundary is shown on the Development Regulations Map.

The ILUC comments received are more related to development conditions and are better addressed as part of a Development Permit and do not form part of this Amendment. However, the ILUC Project 1741 – Report recommends *“that traditional agriculture practice be accommodated where possible.”* ILUC also recommends that any unserviced subdivisions conform to the *“Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells.”*

St. John’s Urban Region Regional Plan, 1976

The proposed Development Regulations 2014-2024 Amendment No. 8, 2018 requires amendments to the Development Regulations Map that re-zones land uses.

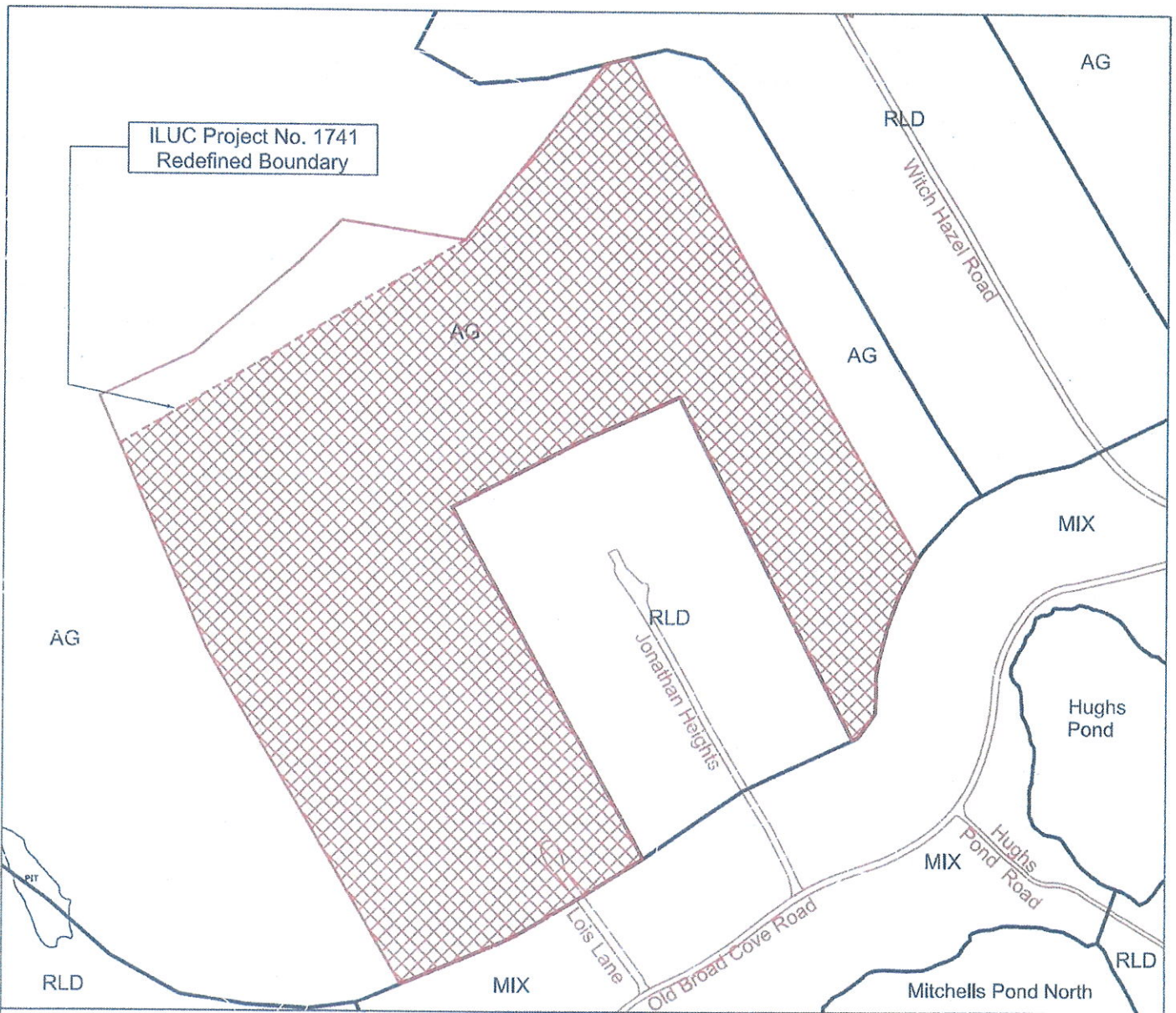
Currently, the St. John’s Urban Region Regional Plan indicates lands affected by this re-zoning are designated Rural. It is determined that an amendment to the St. John’s Urban Region

Regional is required in order to bring the proposed Development Regulations Amendment No. 8, 2018 into conformity with the Regional Plan.

Development Regulations Amendment No. 8, 2018

The Town of Portugal Cove - St. Philip's Development Regulations 2014-2024 is amended by:

- a) Re-zoning the highlighted areas of AG land use to RLD land use, as illustrated on the attached section of the Town of Portugal Cove - St. Philip's Development Regulations Map.

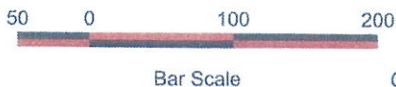


TOWN OF PORTUGAL COVE- ST. PHILIP'S
 MUNICIPAL PLAN 2014-2024
 DEVELOPMENT REGULATIONS MAP

DEVELOPMENT REGULATIONS
 AMENDMENT No. 8, 2018



Area to be changed from "Agriculture" (AG)
 to "Residential Low Density" (RLD)



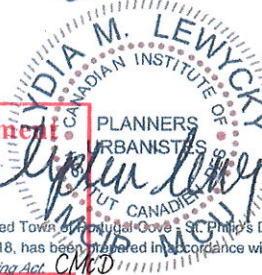
Grid North

Dated at Portugal Cove-St. Philip's

This 1 Day of April ^{CMCD} ~~2019~~ ^{CM} ~~2019~~

Carol M. Daulton Mayor
Claudia Murray Clerk

Seal



Development Regulations/Amendment
REGISTERED
 I certify that the attached Town of Portugal Cove - St. Philip's Development Regulations Amendment No. 8, 2018, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*. ^{CMCD}

Number 4000-2020-052
 Date 19 JUNE 2020
 Signature Mary Oley