



**URBAN AND RURAL PLANNING ACT, 2000
NOTICE OF REGISTRATION
TOWN OF PORTUGAL COVE-ST. PHILIP'S**

**MUNICIPAL PLAN AMENDMENT No. 8, 2019
DEVELOPMENT REGULATIONS AMENDMENT No. 10, 2019**

Take notice that the Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 8, 2019 and Development Regulations Amendment No. 10, 2019, as adopted by Council on the 4 day of February, 2020 has been registered by the Department of Municipal Affairs and Environment.

The purpose of this Amendment is to re-designate and rezone properties located at Civics # 93-101 and 119-123 Nearys Pond Road and Civics # 1557-1571C and 1573-1577A Portugal Cove Road from Agriculture to Residential Low Density to allow for potential future residential subdivision(s) development.

The Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 8, 2019 and Development Regulations Amendment No. 10, 2019 comes into effect on the day that this notice is published in the Newfoundland and Labrador Gazette. Anyone who wishes to inspect a copy of the Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 8, 2019 and Development Regulations Amendment No. 10, 2019 may do so by contacting the Town Office at 895-8000 or planning@pcsp.ca.

Claudine Murray
Town Clerk
Town of Portugal Cove-St. Philip's
1119 Thorburn Road
Portugal Cove-St. Philip's, NL
A1M 1T6

August 17, 2020

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

Dear Mr. Spurrell:

**PORTUGAL COVE-ST. PHILIP'S
Municipal Plan Amendment No. 8
& Development Regulations Amendment No. 10, 2019
In association with
ST. JOHN'S URBAN REGIONAL PLAN AMENDMENT No.
5, 2019**

I am pleased to inform you that the Town of **Portugal Cove-St. Philip's Municipal Plan Amendment No. 8, 2019 and Development Regulations Amendment No. 10, 2019**, as adopted by Council on the 4th day of February, 2020, have now been registered.

Council must publish a notice in the *Newfoundland and Labrador Gazette* within 10 days of this letter. These Amendments 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).

Council's registered copies of the Amendments are enclosed. As these 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: Reginald Garland, Plan-Tech Environment

**TOWN OF PORTUGAL COVE-ST. PHILIP'S
MUNICIPAL PLAN 2014 - 2024**



MUNICIPAL PLAN AMENDMENT No. 8, 2019

**“AGRICULTURE” to “RESIDENTIAL”
Neary’s Pond Road and Portugal Cove Road**

APRIL, 2019

PLAN-TECH



ENVIRONMENT

URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF PORTUGAL COVE-ST. PHILIP'S
MUNICIPAL PLAN AMENDMENT No. 8, 2019

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

- a) Adopted the Portugal Cove-St. Philip's Municipal Plan Amendment No. 8, 2019, on the 4th day of February, 2020.
- b) Gave notice of the adoption of the Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 8, 2019, by advertisement inserted on the 8th day and the 15th day of February, 2020 in *The Telegram* newspaper.
- c) Set the 26th day of February, 2020 at 7:00 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*, the Town Council of Portugal Cove-St. Philip's approved the Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 8, 2019, as adopted (or as amended).

SIGNED AND SEALED this 27 day of May, 2020

Mayor:



(Council Seal)

Clerk:



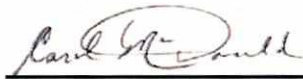
URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF PORTUGAL COVE-ST. PHILIP'S
MUNICIPAL PLAN AMENDMENT No. 8, 2019

Under the authority of Section 16 of the *Urban and Rural Planning Act*, the Town Council of Portugal Cove-St. Philip's adopts the Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 8, 2019.

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

Signed and sealed this 27 day of May, 2020.

Mayor:




(Council Seal)

Clerk:



CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 8, 2019, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

Municipal Plan/Amendment	
REGISTERED	
Number	<u>4000 - 2020 - 022</u>
Date	<u>August 14, 2020</u>
Signature	



TOWN OF PORTUGAL COVE-ST. PHILIP'S MUNICIPAL PLAN AMENDMENT No. 8, 2019

BACKGROUND

The Town of Portugal Cove-St. Philip's proposes to amend its Municipal Plan. The Report of the St. John's Urban Region (Agriculture) Development Area Review Commission was adopted by Government on June 7, 2013. For the Town of Portugal Cove-St. Philip's, the Review Commission recommended six (6) areas for deletion of lands from St. John's Urban Region (Agriculture) Development Area. In total, approximately 450 hectares (1100 acres) were deleted in the Town of Portugal Cove-St. Philip's.

Recommendation No. 5 of the Report recommended *"the deletion of all those lands, measuring approximately 808 acres (327 ha), currently within the Agricultural Zone west of Portugal Cove Road, between Old Broad Cove Road, Beachy Cove Road, Beachy Cove Brook and Pond and Neary's Pond Road and Round Pond road"*.

The land defined by this Amendment is presently designated as Agriculture on the Portugal Cove-St. Philip's Generalized Future Land Use Map. The purpose of this Amendment is to re-designate properties located at Civic Nos. 93-101 and 119-123, Neary's Pond Road, and Civic Nos. 1557-1571C and 1573-1577A Portugal Cove Road, approximately 46 acres (18.6 ha) of land located within the area of Recommendation No. 5, from **Agriculture** to **Residential**.

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. 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 where possible, existing traditional agriculture use shall be allowed to continue. 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

The proposed Municipal Plan Amendment No. 8, 2019, consists of map changes to 2014-2024 Municipal Plan and is contrary to the St. John's Urban Region Regional Plan. It is concluded that a Regional Plan Amendment is required in order to bring the proposed Municipal Plan Amendment No. 8, 2019, into conformity with the Regional Plan.

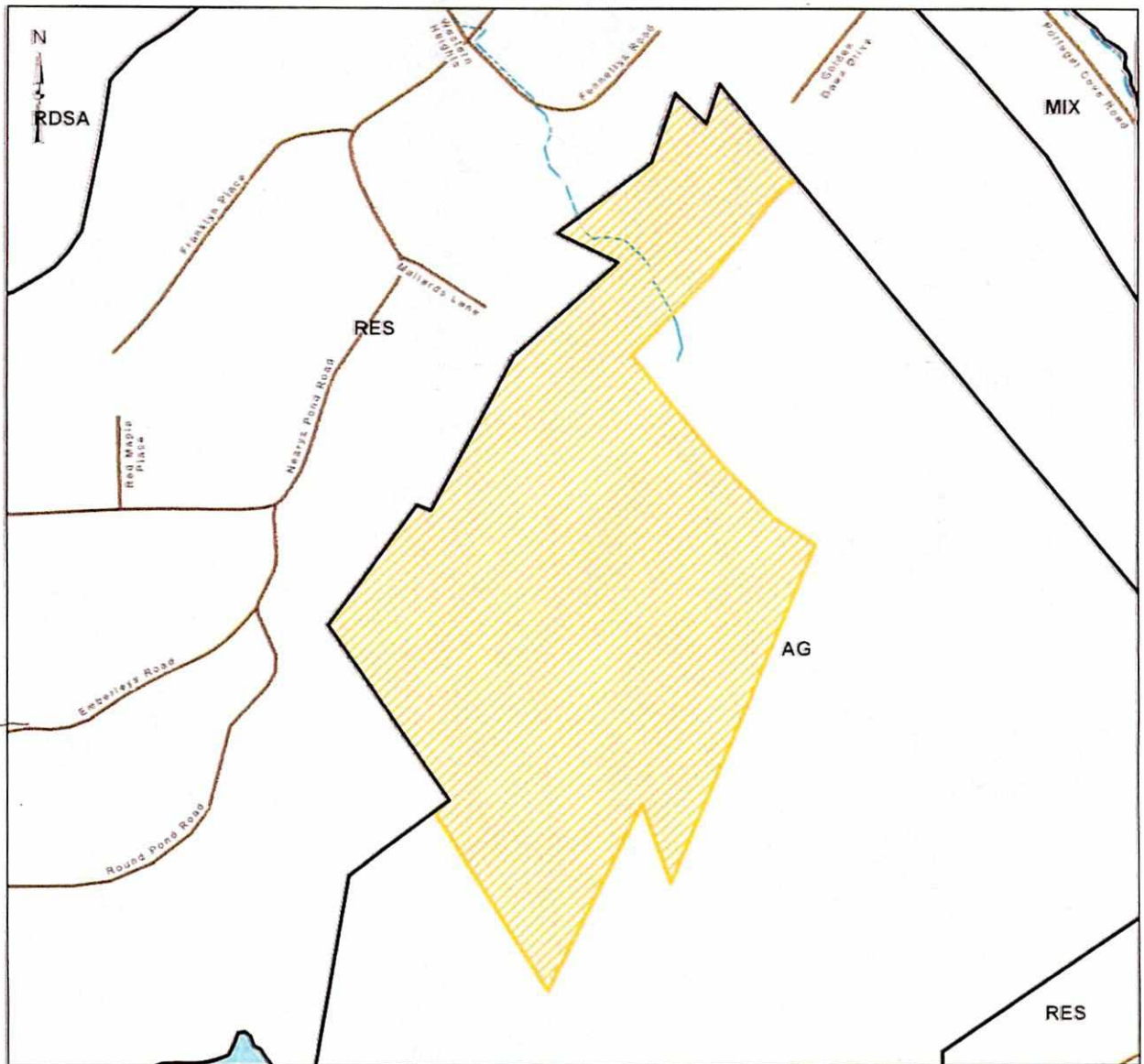
Public Consultation

During the preparation of this amendment Council undertook the following initiative so that individuals and groups could provide input to the proposed amendment. The Town Council of Portugal Cove-St. Philip's published a notice in *The Telegram* newspaper on August 24, 2019, advertising the proposed amendment seeking comments or representations from the public. A copy of the Public Notice was posted on the Town's website and the draft amendments were placed on display at the Town Council office. Residents were invited to view the documents between August 24, 2019, and September 6, 2019 and to provide any comments or concerns in writing to Council by the September 6, 2019 deadline. Written comments or objections were received and addressed at a regular meeting of Council.

MUNICIPAL PLAN AMENDMENT No. 8, 2019

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

- A) Changing** land from “**Agriculture**” to “**Residential**”, as shown on the attached copy of the Town of Portugal Cove-St. Philip's Generalized Future Land Use Map 1.



Town of Portugal Cove-St. Philip's
Municipal Plan

Generalized Future Land Use Map

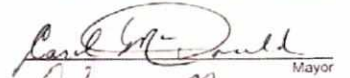
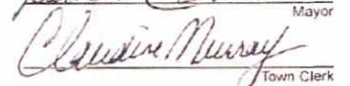
Amendment No. 8, 2019

 Agriculture to Residential

Scale: 1:5,500

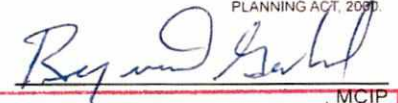
Dated at Portugal Cove-St. Philip's

This 27 day of May, 2020.


Mayor

Town Clerk



I CERTIFY THAT THE MUNICIPAL PLAN AMENDMENT
HAS BEEN PREPARED IN ACCORDANCE WITH THE
REQUIREMENTS OF THE URBAN AND RURAL
PLANNING ACT, 2000.


MCIP

Municipal Plan/Amendment

REGISTERED

Number 4000-2020-022

Date August 14, 2020

Signature 

**TOWN OF PORTUGAL COVE-ST. PHILIP'S
MUNICIPAL PLAN 2014 - 2024**



DEVELOPMENT REGULATIONS AMENDMENT No. 10, 2019

“AGRICULTURE” to “RESIDENTIAL LOW DENSITY”

Neary's Pond Road and Portugal Cove Road

APRIL, 2019



URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF PORTUGAL COVE-ST. PHILIP'S
DEVELOPMENT REGULATIONS AMENDMENT No. 10, 2019

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

- a) Adopted the Portugal Cove-St. Philip's Development Regulations Amendment No. 10, 2019, on the 4th day of February, 2020.
- b) Gave notice of the adoption of the Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 10, 2019, by advertisement inserted on the 8th day and the 15th day of February, 2020, in *The Telegram* newspaper.
- c) Set the 26th day of February, 2020 at 7:00 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*, the Town Council of Portugal Cove-St. Philip's approved the Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 10, 2019, as adopted (or as amended).

SIGNED AND SEALED this 27 day of May, 2020

Mayor:



(Council Seal)

Clerk:





**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF PORTUGAL COVE-ST. PHILIP'S
DEVELOPMENT REGULATIONS AMENDMENT No. 10, 2019**

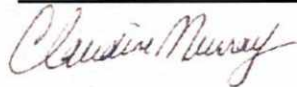
Under the authority of Section 16 of the *Urban and Rural Planning Act*, the Town Council of Portugal Cove-St. Philip's adopts the Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 10, 2019.

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

Signed and sealed this 27 day of May, 2020.

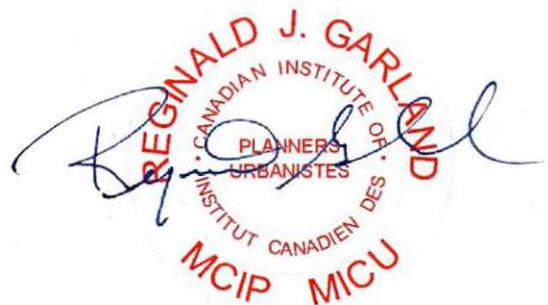
Mayor: _____ (Council Seal)

Clerk: _____



CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 10, 2019, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.



TOWN OF PORTUGAL COVE-ST. PHILIP'S

DEVELOPMENT REGULATIONS AMENDMENT No. 10, 2019

BACKGROUND

The Town of Portugal Cove-St. Philip's proposes to amend its Development Regulations. The Report of the St. John's Urban Region (Agriculture) Development Area Review Commission was adopted by Government on June 7, 2013. For the Town of Portugal Cove-St. Philip's, the Review Commission recommended six (6) areas for deletion of lands from St. John's Urban Region (Agriculture) Development Area. In total, approximately 450 hectares (1100 acres) were deleted in the Town of Portugal Cove-St. Philip's.

Recommendation No. 5 of the Report recommended *"the deletion of all those lands, measuring approximately 808 acres (327 ha), currently within the Agricultural Zone west of Portugal Cove Road, between Old Broad Cove Road, Beachy Cove Road, Beachy Cove Brook and Pond and Neary's Pond Road and Round Pond road"*.

The land defined by this Amendment is presently zoned as Agriculture on the Portugal Cove-St. Philip's Development Regulations Land Use Map. The purpose of this Amendment is to re-zone properties located at Civic Nos. 93-101 and 119-123, Neary's Pond Road, and Civic Nos. 1557-1571C and 1573-1577A Portugal Cove Road, approximately 46 acres (18.6 ha) of land located within the area of Recommendation No. 5, from **Agriculture** to **Residential Low Density**.

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. 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 where possible, existing traditional agriculture use shall be allowed to continue. 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

The proposed Development Regulations Amendment No. 10, 2019 consists of map changes to 2014-2024 Development Regulations Land Use Zone Map and is contrary to the St. John's Urban Region Regional Plan. It is concluded that a Regional Plan Amendment is required in order to bring the proposed Development Regulations Amendment No. 10, 2019 into conformity with the Regional Plan.

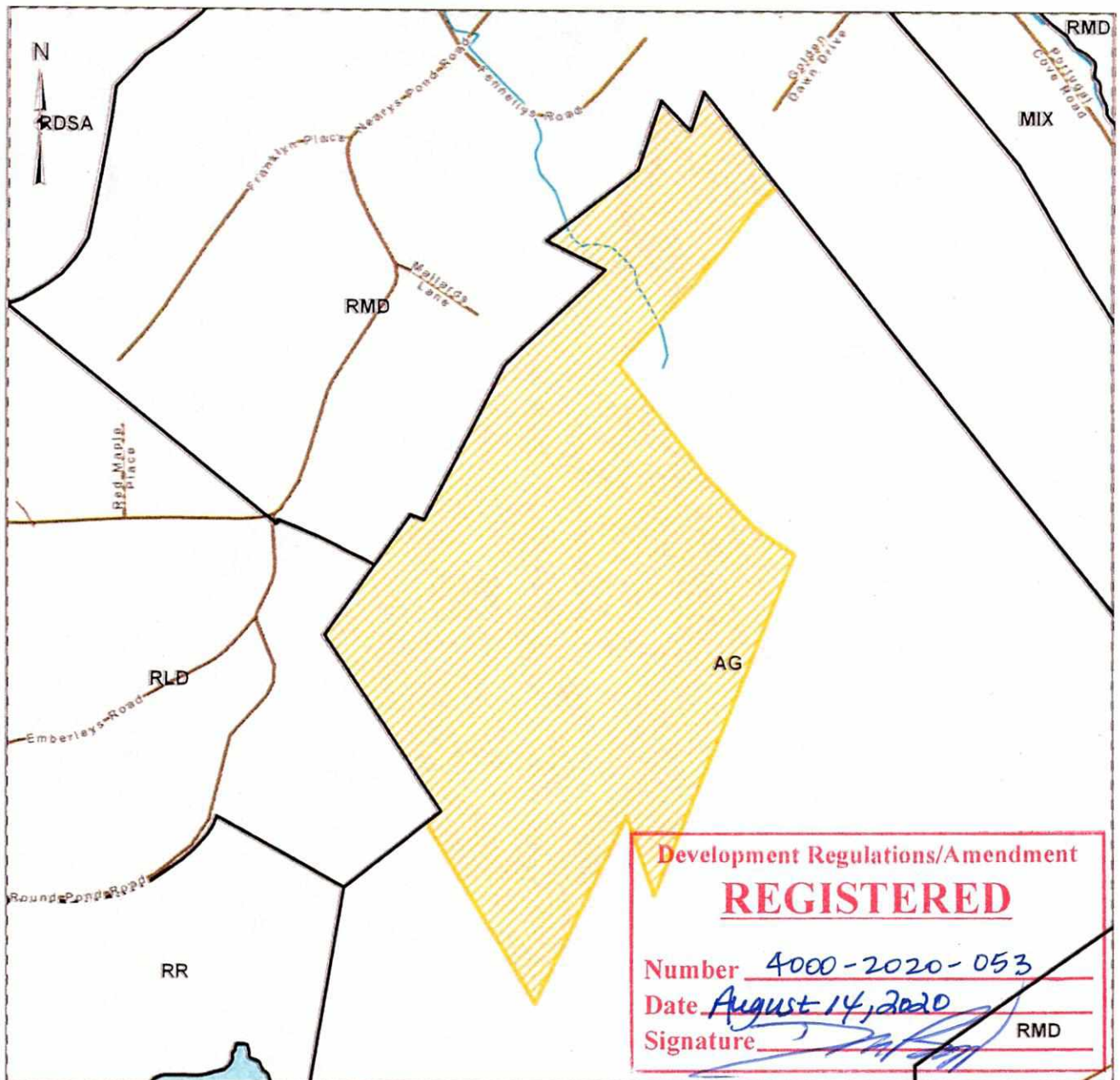
Public Consultation

During the preparation of this amendment Council undertook the following initiative so that individuals and groups could provide input to the proposed amendment. The Town Council of Portugal Cove-St. Philip's published a notice in *The Telegram* newspaper on August 24, 2019, advertising the proposed amendment seeking comments or representations from the public. A copy of the Public Notice was posted on the Town's website and the draft amendments were placed on display at the Town Council office. Residents were invited to view the documents between August 24, 2019, and September 6, 2019 and to provide any comments or concerns in writing to Council by the September 6, 2019 deadline. Written comments or objections were received and addressed at a regular meeting of Council.

DEVELOPMENT REGULATIONS AMENDMENT No. 10, 2019

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

- A) *Changing*** land from “**Agriculture**” to “**Residential Low Density**”, as shown on the attached copy of the Town of Portugal Cove-St. Philip's Land Use Zone Map.



Town of Portugal Cove-St. Philip's
Development Regulations

Development Regulations Map

Amendment No. 10, 2019

 Agriculture to Residential Low Density

Scale: 1:5,500



Dated at Portugal Cove-St. Philip's

This 27 day of May, 2020.

[Signature]
Mayor

[Signature]
Town Clerk

I CERTIFY THAT THE DEVELOPMENT REGULATIONS
AMENDMENT HAS BEEN PREPARED IN ACCORDANCE
WITH THE REQUIREMENTS OF THE URBAN AND
RURAL PLANNING ACT, 2000.

[Signature]
MCIP

**ST. JOHN'S URBAN REGION REGIONAL PLAN, 1976
AMENDMENT #5, 2019**

**Portugal Cove – St. Philip's:
Portugal Cove Road, and Neary's Pond Road**

July 2019

URBAN AND RURAL PLANNING ACT, 2000


RESOLUTION TO APPROVE

ST. JOHN'S URBAN REGION REGIONAL PLAN AMENDMENT No. 5, 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. 5, 2019 on the 13th day of January, 2020;
- b) gave notice of the adoption of the St. John's Urban Region Regional Plan Amendment No. 5, 2019 by advertisement inserted on the 8th day of February, 2020 and on the 15th day of February 2020 in *The Telegram* newspaper; and
- c) set the 26th day of February 2020, at 7:00 pm, 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. 5, 2019, as adopted on the 13th day of January 2020.


Minister of Municipal Affairs and Environment


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

this 14 day of August, 2020.


Witness

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO ADOPT
ST. JOHN'S URBAN REGION REGIONAL PLAN AMENDMENT 5, 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. 5, 2019.



Minister of Municipal Affairs and Environment

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

this 13 day of JAN, 201920

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached St. John's Urban Region Regional Plan, 1976 Amendment 5, 2019 was prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.



ST. JOHN'S URBAN REGION REGIONAL PLAN, 1976
AMENDMENT 5, 2019

BACKGROUND

The Town Council of Portugal Cove-St. Philip's (PCSP) is proposing an amendment 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 93-101 and 119-123 Neary's Pond Road, and civic numbers 1557-1571C and 1573-1577A Portugal Cove Road. The land would be re-designated from "Agriculture" to "Residential" on the Future Land Use Map of its Municipal Plan. The same land would undergo a concurrent re-zoning amendment from "Agriculture" to "Residential Medium Density" on the Land Use Zoning Map of the Town's Development Regulations. These lands, totally approximately 808 acres (327 hectares), were previously captured within the St. John's Urban Region Agriculture Development Area ("ADA"), and were recommended for release during the ADA review that was completed and adopted by Government in 2013. Thus, the intent to see the lands transition from Agriculture to Urban Development goes back many years.

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".

Currently, the Regional Plan designates the proposed development area as "Rural". Residential subdivision development is directed to the "Urban Development" designation of the Regional Plan. To accommodate the proposal, the amendments are required to 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 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. 5, 2019 in the *Telegram* on the 24th day of August, 2019. The Town also uses its website and social media forums to post information about amendments, and invite comments or objections. Fourteen (14) 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.

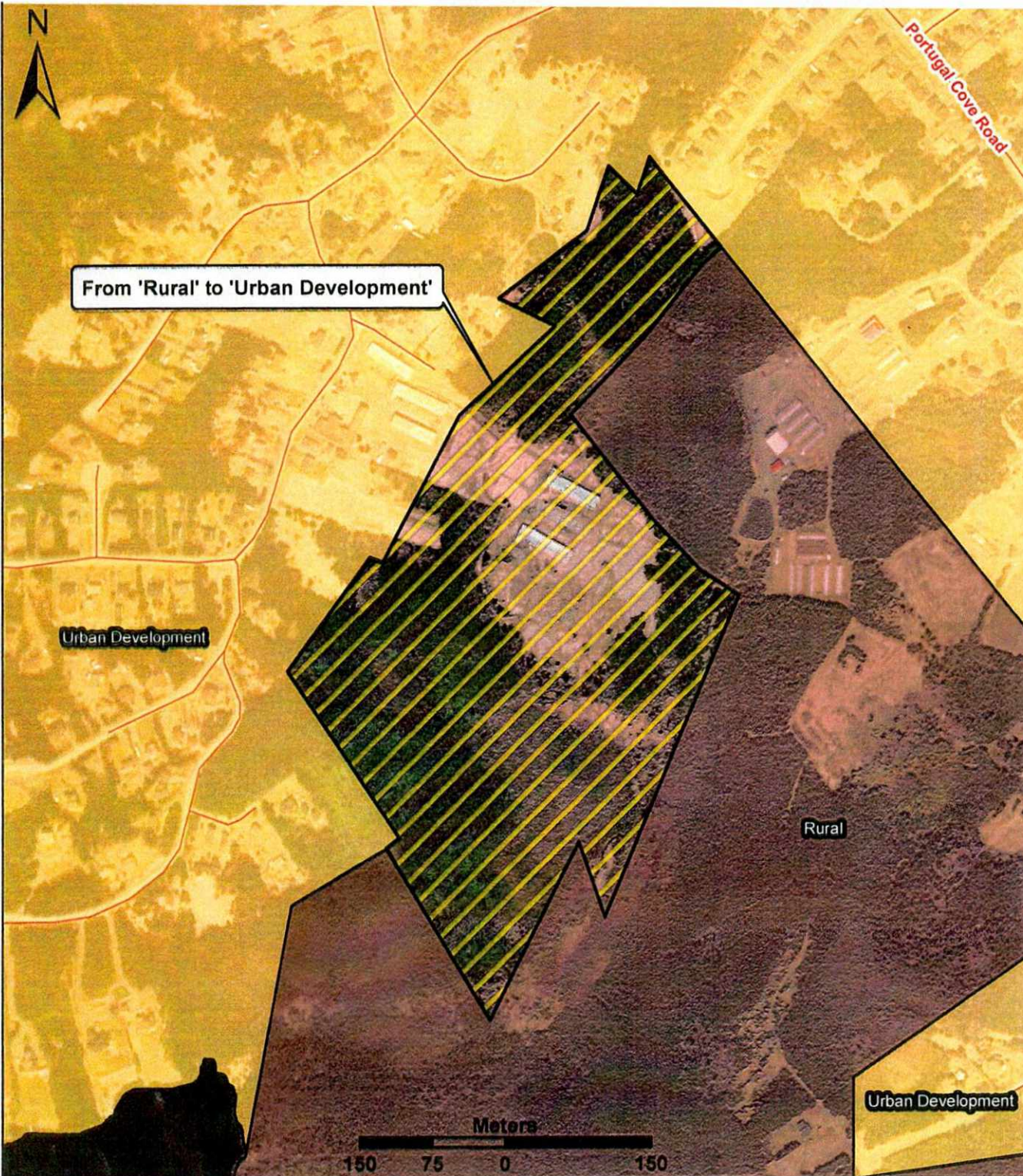
From a provincial interest perspective, the proposed amendment was referred to the Interdepartmental Land Use Committee for input and recommendations. The development could only proceed if compliant with the provincial requirements. The nature of the concerns are considered local in nature and within 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 and Torbay. There were no objections by any of the municipalities.

St. John's Region Regional Plan, 1976 Amendment No. 5, 2019

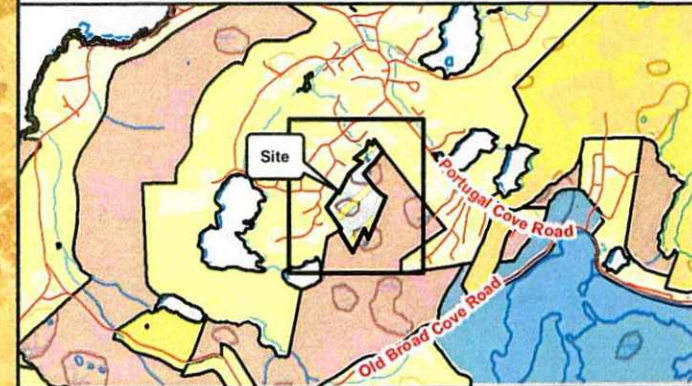
The St. John's Urban Region Regional Plan map is amended as follows:

- Proposed SJURRP re-designation from 'Rural' to 'Urban Development' to enable future residential development in the area of Neary's Pond Road/ Portugal Cove Road, as shown on the attached map.



St. John's Urban Region Regional Plan Amendment No. 5, 2019 Portugal Cove - St Philip's MPA8 & DRA10

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



St. John's Urban Region Regional Plan Amendment **REGISTERED**

Number SJUR-2020-052

Date August 14, 2020

Signature [Signature]

Signed this 14 day of August, 2020.

[Signature]

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. 5, 2019 has been prepared in accordance with requirements of the Urban and Rural Planning Act, 2000.

MCIP: [Signature]

