



PUBLIC HEARING

St. John's Urban Region Regional Plan Amendment No. 5, 2020 Municipal Plan Amendment No. 11, 2021, Development Regulations Amendment No. 16, 2021

The Town of Portugal Cove-St. Philip's has adopted Municipal Plan Amendment No. 11, 2021 and Development Regulations Amendment No. 16, 2021. The Minister of Municipal and Provincial Affairs has adopted St. John's Urban Region Regional Plan Amendment No. 5, 2020.

The purpose of Municipal Plan Amendment No. 11, 2021, and Development Regulations Amendment 16, 2021, is to re-designate and rezone lands between Old Broad Cove Road, Portugal Cove Road, and Round Pond Road to address existing development and to update the Windsor Lake watershed boundary.

St. John's Urban Region Regional Plan Amendment No. 5, 2020 will re-designate the same land as described in Municipal Plan Amendment No. 11, 2021 and Development Regulations Amendment No. 16, 2021 from **Rural to Urban Development and Watershed Protection, and Watershed Protection to Rural.**

As a result of the current COVID-19 public health emergency, the Department of Municipal and Provincial Affairs has temporarily waived the requirement to hold physical public hearings under section 18 of the *Urban and Rural Planning Act, 2000*. The Commissioner appointed by Council will only be accepting written submissions which will be considered and reflected, where appropriate, in their report to Council.

Anyone wishing to make an objection or representation for the Commissioner's consideration shall deposit with the Town Clerk of Portugal Cove-St. Philip's a written statement (hardcopy or electronically) outlining the objection or representation by 3:00 p.m. on the 15 day of March, 2022.

Council encourages residents to view St. John's Urban Region Regional Plan Amendment No. 5, 2020, Portugal Cove-St. Philip's Municipal Plan Amendment No. 11, 2021 and Development Regulations Amendment No. 16, 2021. A copy of the Amendments can be viewed on the Town's website at www.pcsp.ca.

For more information please contact:

Planning and Development Department
Town of Portugal Cove-St. Philip's
1119 Thorburn Road
Portugal Cove-St. Philip's, NL
A1M 1T6

Tel: 895-8000 Fax: 895-3780

E-mail: planning@pcsp.ca

ST. JOHN'S URBAN REGION REGIONAL PLAN, 1976
AMENDMENT No. 5, 2020

Old Broad Cove Road East
Portugal Cove-St. Philip's

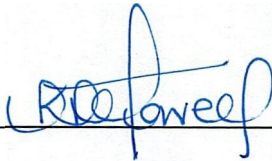
June 2021



Planning and Development

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO ADOPT
ST. JOHN'S URBAN REGION REGIONAL PLAN AMENDMENT No. 5, 2020

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Minister of Municipal and Provincial Affairs hereby adopts St. John's Urban Region Regional Plan, 1976 Amendment No. 5, 2020.



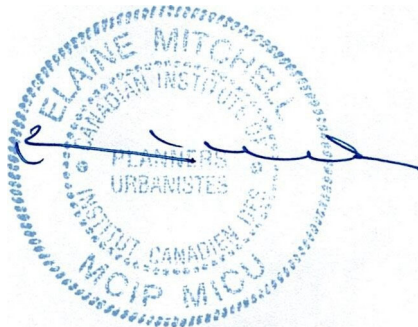
Minister of Municipal and Provincial Affairs

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

this 19 day of January, 2022.

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached St. John's Urban Region Regional Plan, 1976 Amendment No. 5, 2020 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, 2020

BACKGROUND

The Town Council of Portugal Cove-St. Philip's 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.

This Regional Plan amendment will be processed simultaneously with the amendments to the Portugal Cove-St. Philip's Municipal Plan and Development Regulations proposed by the Town.

The Town has requested amendments to the Regional Plan map to change the designations of various parcels of land north of Old Broad Cove Road in the vicinity of Maggie's Place and west of Portugal Cove Road at the end of Druken's Lane and north of Murray's Garden Centre. The subject area is adjacent to the St. John's city boundary.

The proposed amendments to the Regional Plan map are:

- Redesignate land on Maggies Place, north of Old Broad Cove Road, at the end of Druken's Lane and on the south side of Portugal Cove Road, adjacent to Murray's Garden Centre, from 'Rural' to 'Urban Development';
- Redesignate land north of Old Broad Cove Road from 'Rural' to 'Watershed Protection';
- Redesignate land north of Old Broad Cove Road from 'Watershed Protection' to 'Rural'.

This amendment accommodates Portugal Cove-St. Philip's Municipal Plan Amendment No. 11, 2020 and Development Regulations Amendment No. 16, 2020. In general terms, the amendments to the Portugal Cove-St. Philip's Municipal Plan and Development Regulations propose to redesignate and rezone land:

- on Maggie's Place and at the end of Druken's Lane from 'Agriculture' to 'Residential' (Residential Medium Density zone);
- on Old Broad Cove Road from 'Agriculture' to 'Mixed Use';
- adjacent to Murray's Garden Centre from 'Residential' (Residential Medium Density zone) to 'Mixed Use';

- north of Old Broad Cove Road from 'Agriculture' to 'Protected Watershed' and from 'Protected Watershed' to 'Agriculture'.

ST. JOHN'S URBAN REGION REGIONAL PLAN

According to SJURRP Policy **E. Urban Development (c) The Local Centres**, Portugal Cove-St. Philip's is identified as a local centre and that land within such centres shall be used in accordance with the policies of the relevant municipal plan. This policy outlines guidelines for Municipal Plans including:

- a focus on low density development;
- encouraging infilling and consolidation of areas once municipal services are in place; and
- improvements to the local street system.

E. URBAN DEVELOPMENT

(c) The Local Centres

Policy:

The detailed development of the local centres designated on the Regional Plan Map shall be according to the policies in Local Area or Municipal Plans that might be prepared from time to time. Such plans shall conform to the following guidelines:

- i) The local centres shall be able to develop to the fullest extent possible within the areas shown on the Regional Plan Map, consistent with the constraints set out in Objective No. 11...*
- iv) Two prime aims in the local centres will be to encourage the infilling and consolidation of presently semi-development areas once essential public services to existing development are installed and to develop improved local road systems so that better circulation of traffic may be facilitated.*

Two of the proposed amendments impact the Windsor Lake water supply area. According to SJURRP Policy **F. Non-Urban Development (e) Watershed Protection Areas**, the purpose of the 'Watershed Protection' designation is to protect existing and future sources of domestic water. This policy also imposes restrictions on agricultural activities within the Protected Watershed designation.

F. NON-URBAN DEVELOPMENT

(e) Watershed Protection Areas

Policy:

The Policy in Watershed Protection Areas is to tolerate and allow the maintenance, continuation and limited extension of existing uses, provided they cause no

detrimental effect to water quality and to encourage the use of natural resources including scenic and recreational potential in a controlled manner and to prohibit new permanent structures other than:

- i) those required by a public utility and a Federal and/or Provincial Government Institution and/or Department, where they meet the standards of Provincial environment and health authorities;*
- ii) those deemed to be necessary for large-scale open space recreational uses permitted at the discretion and control of provincial environmental authorities and local municipal councils; and*
- iii) residential infilling in municipal boundaries within watershed under the control of the City of St. John's under the City of St. John's Act, subject to the concurrence of the City of St. John's.*

Tilling of soil and livestock uses will be allowed but provincial environmental authorities will carefully control the use of fertilizers and pesticides. No new permanent building or any buildings for the use of livestock will be allowed...

The lands designated and zoned Agriculture in the Portugal Cove-St. Philips Municipal Plan and Development Regulations are not within the provincial designated Agricultural Development Area.

Maggies Place is serviced with municipal water. As a result, a provincial Groundwater Assessment Report will not be required.

If any of the proposed development in the other areas subject to this amendment are greater than four lots and not connected to municipal water services, a Level I Groundwater Assessment Report must be submitted to, and approved by, the Groundwater Section of the Department of Environment and Climate Change. Based on the outcomes, the Groundwater Section may request a Level II assessment. For proposed subdivisions greater than 14 lots, a Level I and Level II assessment is required. A Level II Groundwater Assessment is required where there are known water quality issues.

The Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells outlines the requirements for Level I and Level II groundwater assessments. In general terms, a Level I Groundwater Assessment consists of a description of the hydrogeology, site characterization, and description of sustainable groundwater quality and quantity for the area. A Level II Groundwater Assessment must include the information in a Level I Groundwater Assessment and additional information as outlined in the provincial Guidelines. A completed report must be submitted, reviewed and approved by this Department prior to any permitting by Service NL for waste disposal or septic systems within the proposed subdivision.

PUBLIC CONSULTATION

The Town of Portugal Cove-St. Philips conducting public consultations on the matter by advertising the proposed amendments in the Telegram on June 26, 2021 as well as posting the proposed amendments on the Town's website. The Town received written submissions regarding the proposed amendments which outlined the following concerns:

- land accessible via Maggie's Place and Old Broad Cove Road is not included in the proposed amendment;
- rezoning to Residential Medium Density is inappropriate and will result in overpopulation, degradation of the natural environment and place a strain on municipal services;
- notification was not sent to all property owners in the area;
- impacts of new development on surface run-off and the water table in the vicinity of Druken's Lane.

A petition from the landowners and community members regarding lots 224A-F on Old Broad Cove Road was also submitted. This petition requests that these properties be rezoned to accommodate residential development.

The Town also advised the 14 other municipalities within the St. John's Urban Region about the proposed amendments and requested comments. Paradise, Holyrood, Bay Bulls and Mount Pearl responded to indicate that they had no concerns with respect to the proposed amendments.

Given that this amendment impacts the Windsor Lake water supply which is protected under the *City of St. John's Act*, the City was provided a copy of this proposed amendment and requested to provide comment. The City's consent is required in order for this amendment to proceed. The City reviewed the proposed amendment and confirmed that the areas part of this amendment, and the corresponding amendments to the Portugal Cove-St. Philip's Municipal Plan and Development Regulations, are in line with the City's accepted determination of the watershed boundaries. The City indicated that it has no concerns regarding the proposed amendments as they related to the watershed and a safe supply of drinking water.

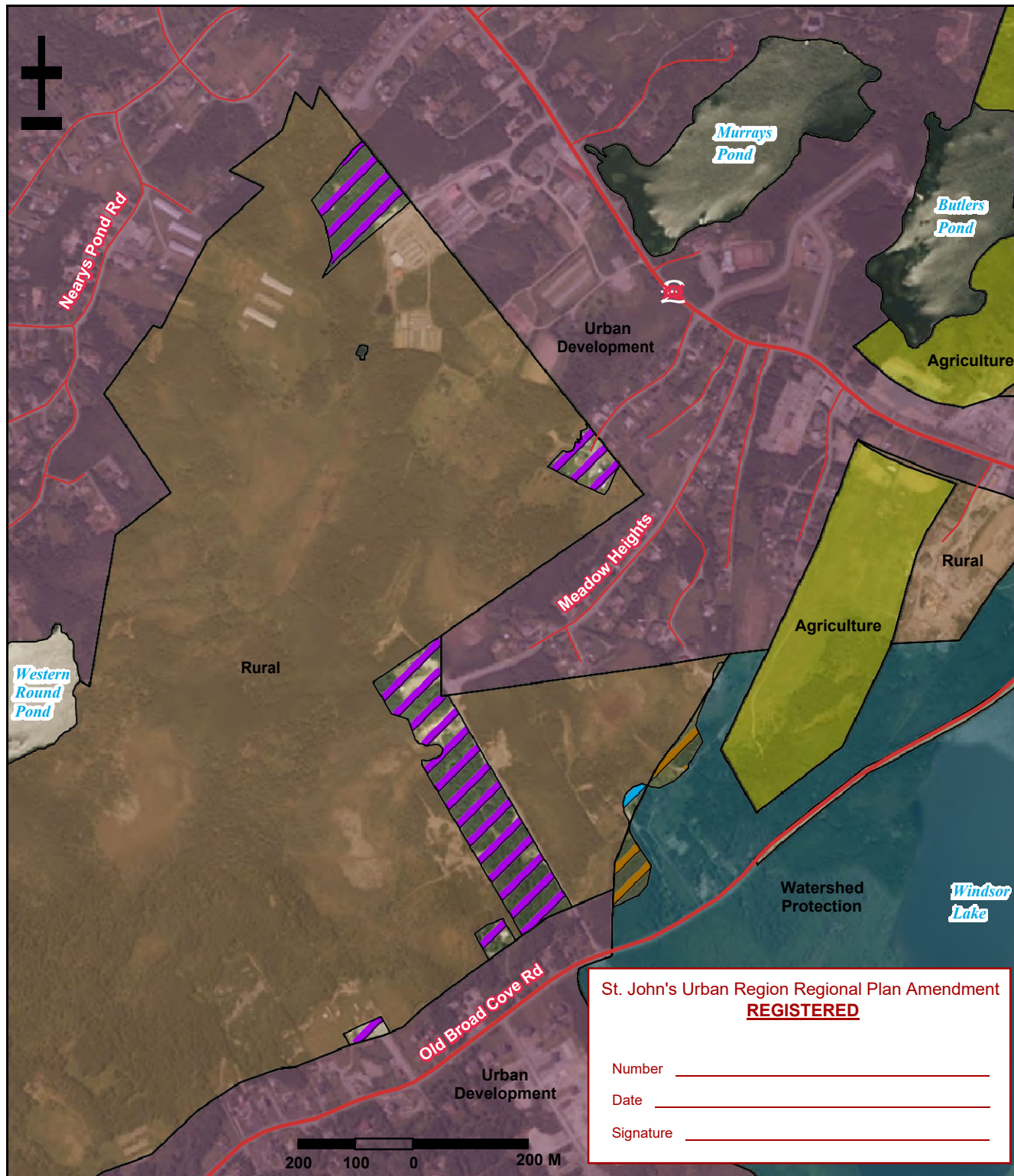
St. John's Region Regional Plan, 1976

Amendment No. 5, 2020

St. John's Urban Region Regional Plan Amendment No. 5, 2020 re-designates:

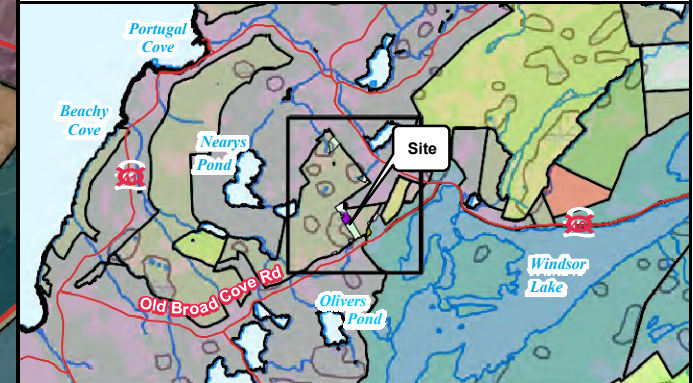
- Land on Maggies Place; north of Old Broad Cove Road; at the end of Druken's Lane; and adjacent to Murray's Garden Centre from 'Rural' to 'Urban Development'; and
- Land located north of Old Broad Cove Road from 'Rural' to 'Watershed Protection' and from 'Watershed Protection' to 'Rural';

as illustrated on the attached map.



St. John's Urban Region Regional Plan Amendment No. 5, 2020 Portugal Cove-St. Philip's

- From 'Rural' to 'Urban Development'
- From 'Rural' to 'Watershed Protection'
- From 'Watershed Protection' to 'Rural'
- Urban Development
- Agriculture
- Rural
- Watershed Protection
- Road Network



Signed this ____ day of _____, 20__.

Minister of Municipal and Provincial Affairs

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached St. John's Urban Region Regional Plan Amendment No. 5, 2020 has been prepared in accordance with requirements of the *Urban and Rural Planning Act, 2000*.

MCIP: _____

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

Number _____

Date _____

Signature _____

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



MUNICIPAL PLAN AMENDMENT No. 11, 2020

**“Agriculture” to “Residential”
“Agriculture” to “Mixed Use”
“Residential” to “Mixed Use”
“Agriculture” to “Protected Watershed”
“Protected Watershed” to “Agriculture”**

Old Broad Cove Road East

JUNE 2021

PLAN-TECH



ENVIRONMENT

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO APPROVE
TOWN OF PORTUGAL COVE-ST. PHILIP'S
MUNICIPAL PLAN AMENDMENT No. 11, 2021

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. 11, 2021, on the ____ day of _____, 2021.
- b) Gave notice of the adoption of the Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 11, 2021, by advertisement inserted on the ____th day and the ____th day of _____, 2021 in *The Telegram* newspaper.
- c) Set the ____th day of _____ at 7:00 p.m. at the Town Office, 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 approves the Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 11, 2021, as adopted (or as amended).

SIGNED AND SEALED this ____ day of _____, 2021

Mayor: _____ (Council Seal)

Clerk: _____

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO ADOPT
TOWN OF PORTUGAL COVE-ST. PHILIP'S
MUNICIPAL PLAN AMENDMENT No. 11, 2021

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. 11, 2021.

Adopted by the Town Council of Portugal Cove-St. Philip's on the _____th day of _____, 2021.

Signed and sealed this _____ day of _____, 2021.

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. 11, 2021, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.



TOWN OF PORTUGAL COVE-ST. PHILIP'S

MUNICIPAL PLAN AMENDMENT No. 11, 2021

BACKGROUND

The Town of Portugal Cove-St. Philip's proposes to amend its Municipal Plan. This Amendment proposes to re-designate five (5) areas on the Generalized Future Land Use Map:

1. Over time, non-conforming residential development has occurred on the west side of Maggie's Place and Druken's Lane. Also, a small area of private land north of Murray's Garden Centre has been identified as future residential development with connection to Portugal Cove Road. This Amendment proposes to re-designate these three areas from **Agriculture to Residential**.
2. Two small areas of land off Old Broad Cove Road, containing existing non-conforming development, will be re-designated from **Agriculture to Mixed Use** to allow existing development to conform.
3. To allow more flexibility with future land uses, an area of land associated with Murray's Garden Centre, located on the west side of Portugal Cove Road, is presently designated as Residential. This Amendment proposes to re-designate this land from **Residential to Mixed Use**.
4. In consultation with the City of St. John's, and containing new mapping information for the Windsor Lake watershed boundary, a small area of land proposes to be re-designated from **Agriculture to Protected Watershed**.
5. In keeping with proposed change No. 4 above, two small areas will be redesignated from **Protected Watershed to Agriculture**.

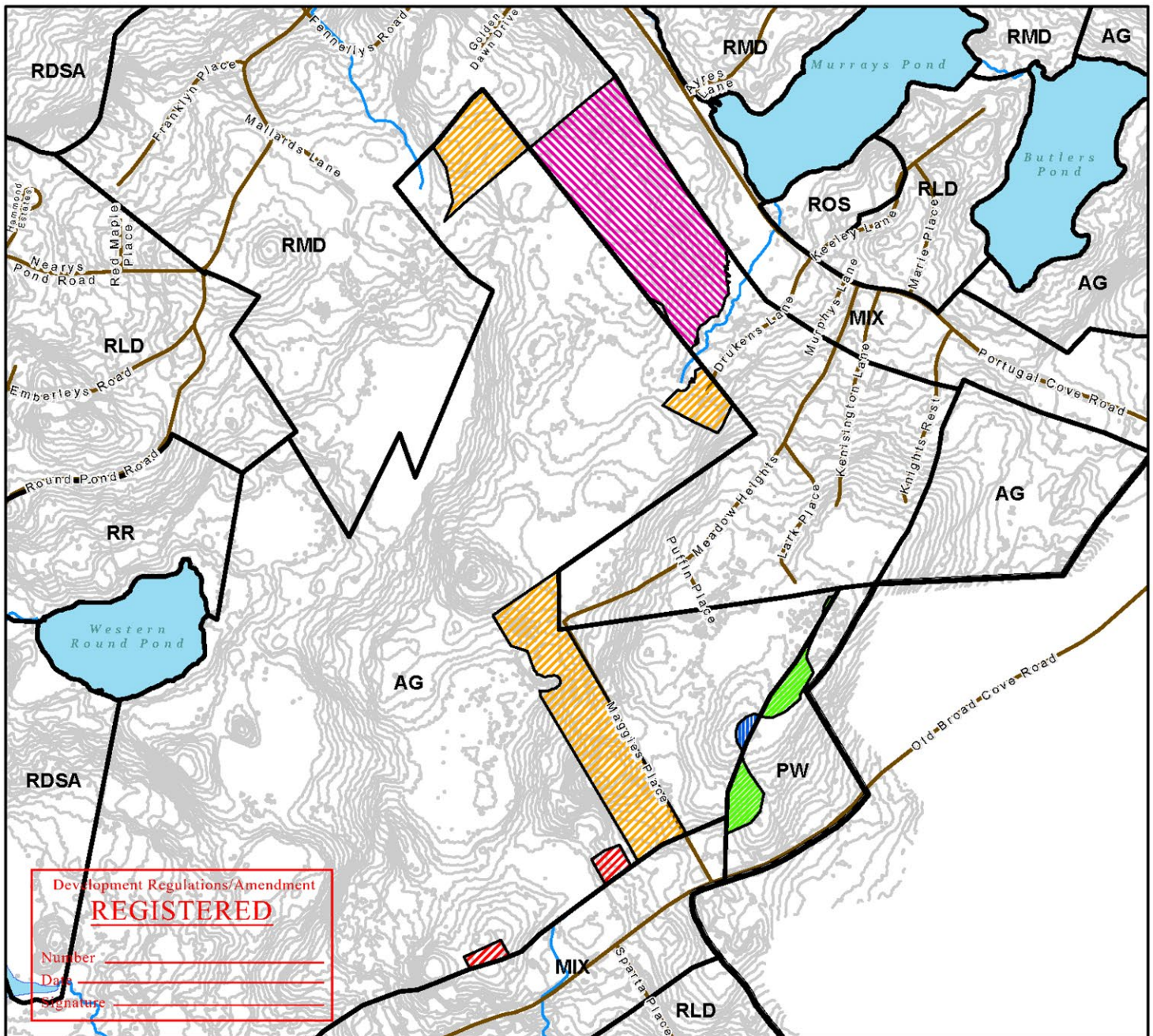
St. John's Urban Region Regional Plan

The proposed Municipal Plan Amendment No. 11, 2021 consists of map changes to the 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. 11, 2021, into conformity with the Regional Plan.

MUNICIPAL PLAN AMENDMENT No. 11, 2021

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

- A) *Re-Designating* land from “Agriculture” to “Residential”;**
- B) *Re-Designating* land from “Agriculture” to “Mixed Use”;**
- C) *Re-Designating* land from “Residential” to “Mixed Use”;**
- D) *Re-Designating* land from “Agriculture” to “Protected Watershed”; and**
- E) *Re-Designating* land from “Protected Watershed” to “Agriculture” 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

Dated at Portugal Cove-St. Philip's, Newfoundland and Labrador

MUNICIPAL PLAN 2014-2024

This ____ day of _____, 2021.

FUTURE LAND USE MAP

Mayor

MUNICIPAL PLAN
AMENDMENT NO. 11, 2021

Clerk

-  Area to be changed from: "Agriculture" to "Residential"
-  Area to be changed from: "Residential" to "Mixed Use"
-  Area to be changed from: "Protected Watershed" to "Agriculture"
-  Area to be changed from: "Agriculture" to "Protected Watershed"
-  Area to be changed from: "Agriculture" to "Mixed Use"

PLAN-TECH



ENVIRONMENT



Scale: 1:10,000

Seal



I certify that the attached Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 11, 2021 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.

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



DEVELOPMENT REGULATIONS AMENDMENT No. 16, 2021

“Agriculture (AG)” to “Residential Medium Density (RMD)”

“Agriculture (AG)” to “Mixed Use (MIX)”

“Residential Medium Density (RMD)” to “Mixed Use (MIX)”

“Protected Watershed (PW)” to “Agriculture (AG)”

“Agriculture (AG)” to “Protected Watershed (PW)”

Old Broad Cove Road East

JUNE 2021

PLAN-TECH



ENVIRONMENT

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO APPROVE
TOWN OF PORTUGAL COVE-ST. PHILIP'S
DEVELOPMENT REGULATIONS AMENDMENT No. 16, 2021

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. 16, 2021, on the ____ day of _____, 2021.

- b) Gave notice of the adoption of the Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 16, 2021, by advertisement inserted on the ____th day and the ____th day of _____, 2021 in *The Telegram* newspaper.

- c) Set the ____th day of _____ at 7:00 p.m. at the Town Office, 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 approves the Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 16, 2021, as adopted (or as amended).

SIGNED AND SEALED this ____ day of _____, 2021.

Mayor: _____ (Council Seal)

Clerk: _____

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO ADOPT
TOWN OF PORTUGAL COVE-ST. PHILIP'S
DEVELOPMENT REGULATIONS AMENDMENT No. 16, 2021

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. 16, 2021.

Adopted by the Town Council of Portugal Cove-St. Philip's on the _____th day of _____, 2021.

Signed and sealed this _____ day of _____, 2021.

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. 16, 2021, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.



TOWN OF PORTUGAL COVE-ST. PHILIP'S

DEVELOPMENT REGULATIONS AMENDMENT No. 16, 2021

BACKGROUND

The Town of Portugal Cove-St. Philip's proposes to amend its Development Regulations. This Amendment proposes to re-zone five (5) areas on the Development Regulations Map:

1. Over time, non-conforming residential development has occurred on the west side of Maggie's Place and Druken's Lane. Also, a small area of private land north of Murray's Garden Centre has been identified for future residential development with connection to Portugal Cove Road. This Amendment proposes to re-zone these three areas from **Agriculture** to **Residential Medium Density**.
2. Two small areas of land off Old Broad Cove Road, containing existing non-conforming development, will be re-zone from **Agriculture** to **Mixed Use** to allow existing development to conform.
3. An area of land associated with Murray's Garden Centre, located on the west side of Portugal Cove Road, is zoned as Residential Medium Density. To allow more flexibility with future land uses, this land is proposed to be re-zone from **Residential Medium Density** to **Mixed Use**.
4. In consultation with the City of St. John's, and containing new mapping information for the Windsor Lake watershed boundary, a small area of land will be re-zoned from **Agriculture** to **Protected Watershed**.
5. In keeping with proposed change #4 above, two small areas will be re-zoned from **Protected Watershed** to **Agriculture**.

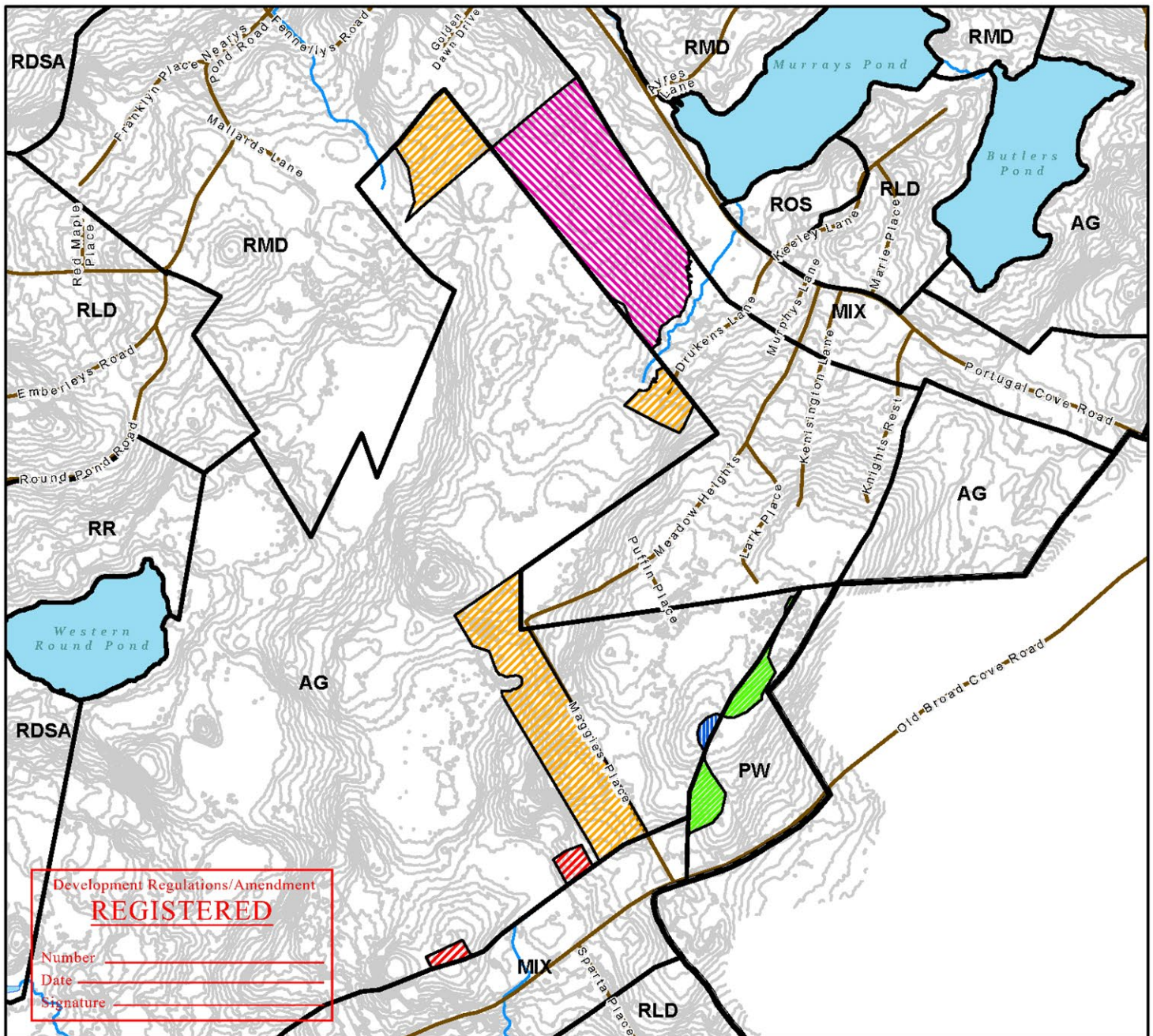
St. John's Urban Region Regional Plan

The proposed Development Regulations Amendment No. 16, 2021 consists of map changes to the 2014-2024 Development Regulations 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. 16, 2021, into conformity with the Regional Plan.

DEVELOPMENT REGULATIONS AMENDMENT No. 16, 2021

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

- A) *Changing* land from “Agriculture (AG)” to “Residential Medium Density (RMD)”.**
- B) *Changing* land from “Agriculture (AG)” to “Mixed Use (MIX)”.**
- C) *Changing* land from “Residential Medium Density (RMD)” to “Mixed Use (MIX)”.**
- D) *Changing* land from “Agriculture (AG)” to “Protected Watershed (PW)”;** and
- E) *Changing* land from “Protected Watershed (PW)” to “Agriculture (AG)” as shown on the attached copy of the Town of Portugal Cove-St. Philip's Development Regulations Map.**



TOWN OF PORTUGAL COVE-ST. PHILIP'S

Dated at Portugal Cove-St. Philip's, Newfoundland and Labrador

MUNICIPAL PLAN 2014-2024






This ____ day of _____, 2021.

LAND USE ZONING MAP

Mayor

DEVELOPMENT REGULATIONS
AMENDMENT NO. 16, 2021

Clerk

-  Area to be changed from: "Agriculture" to "Residential Medium Density"
-  Area to be changed from: "Residential Medium Density" to "Mixed Use"
-  Area to be changed from: "Protected Watershed" to "Agriculture"
-  Area to be changed from: "Agriculture" to "Protected Watershed"
-  Area to be changed from: "Agriculture" to "Mixed Use"

Seal



PLAN-TECH



ENVIRONMENT



Scale: 1:10,000

I certify that the attached Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 16, 2021 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.