

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

MUNICIPAL PLAN AMENDMENT NO. 14, 2022

(Environmental Protection – text and map)



OCTOBER, 2022



URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE

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

MUNICIPAL PLAN AMENDMENT No. 14, 2022

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 Amendment No. 14, 2022 to the Town of Portugal Cove-St. Philip's Municipal Plan on the _____ day of _____, 2023.
- b) gave notice of the adoption of the Amendment No. 14, 2022 to the Town of Portugal Cove-St. Philip's Municipal Plan [in conformance with the *Urban and Rural Planning Act, 2000*];
- c) set the _____ day of _____, 2023, at for the submission of objections/submissions for the Commissioner responsible for the public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove-St. Philip's approves the Amendment No. 14, 2022 to the Town of Portugal Cove-St. Philip's Municipal Plan as adopted.

SIGNED AND SEALED this _____ day of _____, 2023.

Mayor: _____

Clerk: _____

<p>Municipal Plan/Amendment <u>REGISTERED</u></p> <p>Number _____</p> <p>Date _____</p> <p>Signature _____</p>

(Council Seal)

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

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

MUNICIPAL PLAN AMENDMENT No. 14, 2022

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. 14. 2022.

Adopted by the Town Council of Portugal Cove-St. Philip's on the day of, 2023.

Signed and sealed this _____ day of _____ 2023 .

Mayor: _____

Town Clerk: _____

(Council Seal)

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 14, 2022, has been prepared in accordance with the requirements of the Urban and Rural Planning Act.



MCIP: Anna Myers

Member of Canadian Institute of Planners (MCIP)

TOWN OF PORTUGAL COVE-ST. PHILIP'S
MUNICIPAL PLAN AMENDMENT No. 14, 2022

BACKGROUND

The Town of Portugal Cove-St. Philip's proposes to amend its Municipal Plan regarding Environmental Protection provisions. The Portugal Cove-St. Philip's Municipal Plan 2014-2024 came into effect in 2014.

The purpose of this Amendment is to improve implementation of the Development Regulations, Schedule E: Environmental Overlay and Map 3-Environmental Protection Map by updating the policies in Section 3.3.2-General Environmental Policies to reflect new, more accurate data in defining the boundaries of these environmentally sensitive areas; and to bring the regulations into conformance with *the Urban and Rural Planning Act, 2000*.

The changes are consistent with the following Municipal Plan policies: In Section 3.3.2-General Environmental Policies, the proposed amendment is consistent with the Intent and Policies GE-2, GE-3, GE-4, GE-7, and GE-8 (Note: GE-1, 5, 6 and 9 are amended below). The amendment is consistent with the other Municipal Plan policies that reflect on this topic, as follows: GLU-4, RES-20 and RUR-5.

The following overlays will be removed from Map 1: Generalized Future Land Use Map: Coastal buffer (30 m), Watercourse Buffer (15 m) and Watercourse Buffer (30 m). All environmental protection overlays will be shown only on Map 3: Environmental Protection Overlay Map in the Development Regulations.

PUBLIC CONSULTATION

During the preparation of this amendment Council undertook the following initiative so that individuals and groups could provide input to the proposed Municipal Plan Amendment. The Town Council of Portugal Cove-St. Philip's published a notice in The Telegram newspaper on October 21, 2022, and the Northeast Avalon Times on October 2022 advertising the proposed amendment seeking comments or representations from the public. A copy of the Public Notice was posted on the Town's website. Residents were invited to view the documents and maps at the Town Hall during normal business hours, and to provide any comments or concerns in writing to Council by the November 4, 2022 deadline.

At a future date, individuals and groups shall also have another opportunity for submissions at a Public Hearing chaired by an independent Commissioner.

Two submissions were received (see attached):

1. Advisory Committee on the Environment (ACE); and
2. Mr. ATIPPA, resident.
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These submissions did not contain comments that affected the proposed changes to the text of the Municipal Plan, 2014-2024. The comments were focussed on the changes to the Development

Regulations, 2014-2024 and they are addressed in the associated Development Regulations Amendment No. 23, 2022. However, as a result of these comments and discussions with representatives of ACE, and Mr. ~~ATIPP~~ ^{A-2019} a 'Question and Answer' document was developed (see attached) for the benefit of staff to use when addressing queries from the public.

ST. JOHN'S URBAN REGION REGIONAL PLAN

The proposed Municipal Plan Amendment No. 14, 2022 consists of text and map changes to 2014-2024 Municipal Plan and Generalized Future Land Use Map and conforms to the St. John's Urban Region Regional Plan.

It is concluded that no Regional Plan Amendment is required.

MUNICIPAL PLAN AMENDMENT No. 14, 2022

- **TEXT AMENDMENT:**

The Town of Portugal Cove-St. Philip's Municipal Plan is amended as shown below with the strikeout indicating text to be deleted and **bold font** indicating the text to be added.

- Policy GE-1 Council shall establish an ~~overlay~~ **Schedule E-Environmental Protection Overlay** in ~~of the Municipal Plan~~ **Development Regulations and Map 3-Environmental Protection Overlay Zoning Map** as an area designated for Environmental Protection. All land that falls within ~~this Schedule~~ **Map 3**, regardless of its land use designation in Section 3.4 Specific Land Use Policies and on the Generalized Future Land Use Map of this Plan, ~~and Schedule C and the Development Regulations map of the Development Regulations~~ shall be subject to the terms and conditions mapped and detailed in the ~~overlay~~ **Schedule E-Environmental Protection Overlay**.
- Policy GE-5 Council shall strive to protect rivers, streams, ponds, wetlands and shorelines from pollution including the coastline of Conception Bay. Shoreline buffers will be maintained along banks and shorelines where possible, **including a 30-metre buffer along coastlines and waterbodies, and a 15-metres buffer on watercourses and surrounding wetlands**. Development in these areas may ~~require approval by the necessary provincial authorities~~ **be subject to Provincial policies, such as the Water Resource Management Policy Directives (W.R. 97-1, W.R. 97-2, W. R. 91-1, W. R. 96-1, and W. R. 95-01)** as detailed in the Terms and Conditions of the ~~overlay~~ **Schedule E-Environmental Protection Overlay** contained in the ~~Development Regulations Municipal Plan~~ **The environmentally sensitive features, including steep slopes and a steep slope buffer of 10-metres, will be mapped according to the most up-to-date data available**.
- Policy GE-6 Where Council believes that a proposed development may affect a wetland, it shall be a policy of Council to, at its discretion:

- (a) Require the developer to have the wetland delineated by a qualified environmental consultant;
- (b) Establish a sufficient buffer from the edge of the wetland, in which development will not be permitted;
- (c) Require other conditions or restrictions to protect the wetland; and/or
- (d) Refuse to approve the development if it believes that identified impacts cannot be sufficiently minimized or mitigated.
- (e) **Classify wetlands as High, Medium and Low Protection Wetlands and set out associated professional technical requirements regarding geophysical site characteristics and habitat assessments.**

Policy GE-9 Council shall ~~seek to~~ protect designated flood risk areas, as defined in the Town's Stormwater Management Plan and Schedule E of the **Development Regulations Municipal Plan**, from the adverse impacts of built-up development. Areas within the overlay Schedule E **and Map 3-Environmental Protection Overlay Map** that are identified as designated flood risk **areas entitled Floodways and Floodway Fringe on the most recent mapping provided by the Water Resource Management Division**, and shall be subject to the ~~Department of Environment and Conservation's~~ **Water Resources Management Division** Policy for Floodplain Management W.R. 96-1 and the *Water Resources Act, 2002*.

Policy GE-10 Wetland Council shall explore and evaluate opportunities to become a signatory to the Municipal Stewardship Program under the Provincial Eastern Habitat Joint Venture Program

Council shall set out the requirements regarding Habitat Assessments in Schedule E as follows: Mandatory Habitat Assessments for Watercourses, Waterbodies and High Protection Wetlands; and Discretionary Habitat Assessments for Intermittent and Indeterminant watercourses, Medium Protection Wetlands, and Low Protection Wetlands.

- **MAP AMENDMENT**

The Town of Portugal Cove-St. Philip's Municipal Plan is amended by replacing the existing Map 1: Generalized Future Land Use Map with the attached version of Map 1: Generalized Future Land Use Map.