

October 15, 2007

LONG HARBOUR - MOUNT ARLINGTON HEIGHTS
MUNICIPAL PLAN
2007 - 2017

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF LONG HARBOUR - MOUNT ARLINGTON HEIGHTS MUNICIPAL PLAN**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Long Harbour - Mount Arlington Heights adopts the Long Harbour - Mount Arlington Heights Municipal Plan 2007 - 2017.

Adopted by the Town Council of Long Harbour - Mount Arlington Heights on the ____ day of _____, 2007.

Signed and sealed this ____ day of _____, 2007.

Mayor:

Gary Keating

Clerk:

Marie Pretty

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Municipal Plan has been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*.

MCIP:

Arvo McMillan

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF LONG HARBOUR - MOUNT ARLINGTON HEIGHTS MUNICIPAL PLAN**

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Long Harbour - Mount Arlington Heights:

- a) adopted the Long Harbour - Mount Arlington Heights Municipal Plan on the _____ day of _____, 2007.
- b) gave notice of the adoption of the Long Harbour - Mount Arlington Heights Municipal Plan by advertisement inserted on the _____ day of _____, 2007 and the _____ day of _____, 2007 in the Telegram newspaper.
- c) set the _____ day of _____ at _____ p.m. at the Town Hall, Long Harbour - Mount Arlington Heights for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, on the _____ day of _____, 2007 the Town Council of Long Harbour - Mount Arlington Heights approves the Long Harbour - Mount Arlington Heights Municipal Plan 2007 - 2017 as adopted.

SIGNED AND SEALED this _____ day of _____, 2007

Mayor: _____
Gary Keating

Clerk: _____
Marie Pretty

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LONG HARBOUR - MOUNT ARLINGTON HEIGHTS MUNICIPAL PLAN 2007 - 2017

1 INTRODUCTION

This document is a municipal plan for the Town of Long Harbour - Mount Arlington Heights that has been prepared in accordance with the provisions of the Urban and Rural Planning Act of Newfoundland and Labrador. It is accompanied by the Town of Long Harbour - Mount Arlington Heights Development Regulations which provides the land use controls necessary to implement certain land use policies of this municipal plan.

The Municipal Plan and Development Regulations are seen as a way for the Town to capitalize on its assets and to provide a means whereby development is regulated in a fair and open manner.

2 INTERPRETATION

Sections 4 and 5 and the Future Land Use Map, constitute the legally effective parts of the Long Harbour - Mount Arlington Heights Municipal Plan. These sections set out the land use policies for the Long Harbour - Mount Arlington Heights Municipal Planning Area. These policies are given effect under the Urban and Rural Planning Act and the Long Harbour - Mount Arlington Heights Development Regulations.

The boundaries between the different land use designations in the Municipal Plan are meant to be general, except in the case of roads or other prominent physical features, where they are intended to define the exact limits of each category.

3 BACKGROUND

The Town of Long Harbour - Mount Arlington Heights is located on the southwestern portion of the Avalon Peninsula. It is located on the east side of Placentia Bay 105 kilometres away from St. John's.

The distance from the Trans Canada Highway to the turnoff to Long Harbour from the continuation of Highway 202 to the Albright and Wilson (formerly ERCO) is roughly ten kilometres. The settled part of the Town extends another eight or so kilometres along the north side of Long Harbour to the end of the road in Mount Arlington Heights. Highway 101 ("Placentia Road") provides a direct link to Placentia and Argentia, roughly twenty minutes away.

While the communities of Mount Arlington Heights and Long Harbour have had a long history as Placentia Bay fishing communities, the dominant element in the community's history over the past 40 years has been the ERCO plant, a

phosphorous reduction plant which used silica from a pit off Placentia Road (Highway 101) as part of its process. Established in 1968, it was shut down in 1989.

The most visible legacy of the plant is a large slag pile on the south side of the harbour which has potential economic value. The other legacies are buildings and dock facilities now being used by another business, a major electrical transmission line, and a water supply feeding off Rattling Brook Big Pond and Howe's (Sam's). Rattling Brook Big Pond would still be used as a water supply by any large industry on the South Side of the Harbour. The Rhodia Corporation has replaced Albright and Wilson as owners of the slag pile with the hopes of finding a commercial use for the material.

The ERCO phosphate plant was a major regional industry. People from throughout this part of the Avalon Peninsula, particularly Dunville and Placentia and Fox Harbour and elsewhere were employed at the plant. A large housing development was constructed at Frecker Place in Dunville (now Placentia) to accommodate workers and their families.

The Voisey's Bay Nickel Corporation has plans to erect a nickel refinery on the south side several kilometres in from the Harbour near Rattling Brook Big Pond and it will use the same water supply as the former ERCO Plant. This plan for a nickel refinery has been submitted for review under the Environmental Assessment Act.

Any large plant in this region, Bull Arm, Come By Chance, ERCO or the Voisey's Nickel Refinery at Long Harbour, will draw upon the services and skilled persons available in a region that extends from Clarenville to the St. John's. While this is beneficial for businesses and persons in this region as a whole, it means that small communities where such facilities are located will only experience moderate growth.

The population of Long Harbour - Mount Arlington Heights was 211 in 2006, 362 in 2001, and 472 in 1996. The area of the Town is 18.34 square kilometres. The number of dwellings is approximately 172. (Source: Statistics Canada Community Profiles 2001.)

In 2001 the median household income for all households was \$49,913, about twelve thousand dollars higher than for the Province as a whole. The average value of a dwelling at \$32,461 was however much lower than the Provincial average value, which was \$76,283.

General Land Use and Services

Approximately 80% of the Town is served by a municipal water supply from Shingle and Trout Ponds. There is no municipal sewer system, instead waste disposal is

handled through septic tanks and direct discharge into the Harbour. This system means that the Town retains and will continue to retain a relatively low density of housing development and this way, preserve its traditional and very attractive appearance.

The built up part of the Town is comprised almost entirely of single dwellings, (conventional and mobile homes), a major outdoor recreational facility, a few convenience stores, several small machine shops, warehouses, a and garages and boat houses and docks, an abandoned fish and bait plant and a former school used for several businesses.

With the exception of the South Side, there is practically no development outside this built-up area. There is a small cluster of a cabins and camper-trailers just inside the Town and Planning Area boundary next to T'Railway. These cabins and camper-trailers are located on both sides of the T'Railway.

Also, just inside the Town boundary is the Labco Foundry which used to be accessed by a spur line off the main railway line. This plant turns out man-hole covers and collars and similar castings for municipalities. It is an EDGE company.

Crawley's Island is only a short distance from Mount Arlington Heights. It was resettled in the 1950's and a small part of it is or was formerly as pasture land.

There are no schools left in the community. Grades 1 to 6 pupils are bussed to Holy Family School in Chapel Arm and grades 7 to 12 students are bussed to Crescent Collegiate in Blaketown.

The Town has a volunteer fire department, and the closest medical services are in Whitbourne - twenty minutes and 35 kilometres away. Significant medical treatment takes place in St. John's.

Future Development

1. The Town is expected to stabilize and begin to slowly grow, not so much in population, but in terms of new housing and few new businesses. This assumption may have to be revisited once the nickel refinery is committed and in operation.
2. The general development pattern will not be changed. The lack of a municipal sewer system limits housing densities and enforces large lot developments. The built-up areas would be placed under a mixed use type of designation and zone ("Town") that allows single dwellings, recreational

uses and marinas as permitted uses and then accommodates a limited array of non-residential uses as discretionary uses.

Demand for additional residential land will be satisfied by extending roads and off Main Street into a block land next to Maturin Brook. This property is close to the Town Office.

3. Lands south of the Harbour up to Rattling Brook Big Pond will be reserved for large scale industrial development on a planned basis.
4. The built up cottage area next to the T'Railway is recognized and further similar cottage developments next to the T'Railway is to be permitted.
5. The Labco Foundry will be treated as a special case industrial use in a rural designation and zone.
6. Crawley's Island will be designated Rural in order to preserve its basic character. Seasonal residences will be allowed.

4 OBJECTIVES

The municipal plan is designed to assist in securing certain basic objectives for the Town, namely:

- a) to secure the basis for orderly development and promote future growth and to provide for any growth that may occur as the result of major industrial development;
- b) to accommodate major industrial development on the south side of the Harbour towards Rattling Brook Big Pond and maximize the benefits from such development for the Town and Region;
- c) to make the Town of Long Harbour - Mount Arlington Heights a hospitable and physically attractive place for residents and businesses.

5 LAND USE POLICIES

5.1 General Development

5.1.1 Future Land Use Designations and Policies

All development within the Long Harbour - Mount Arlington Heights Planning Area shall be managed in accordance with the general land use policies and designations set out in the ensuing sections. These designations are shown on the Future Land Use Map.

To identify land for the future development needs of Long Harbour - Mount Arlington Heights, land use designations are established in the Plan and designated on the Future Land Use Map. The designations are noted below.

- (1) **Town** - The Town designation includes the built up portion of Long Harbour - Mount Arlington Heights plus lands that can be more or less readily developed in the future. This designation accommodates a mix of uses appropriate to a small town and provides for the orderly expansion of residential and non-residential development.
- (2) **Commercial** - the Commercial designation is designed to accommodate commercial and compatible industrial and other developments along Highway 202 from the T'Railway to the Port of Long Harbour, and can, in selected instances, be used to accommodate this type of development in other locations, such as Main Street towards Bottom Brook.

- (3) **Special Industrial** - The Special Industrial Area designation is applied to lands set aside for the Voisey's Bay Nickel Company refinery and other provincially approved major industrial developments and utilities on the south side of the Harbour. Lands which are not used or reserved for this facility can be used for appropriate resource based developments and recreational activities, including trails.
- (4) **Rural** - The rural designation is applied to that part of the Municipal Planning Area set aside for natural resource oriented developments, recreational activities and compatible uses with allowances for existing seasonal residential and industrial uses and areas.
- (5) **Protected Water Shed** - This designation protects the Town's municipal water supply drainage area.
- (6) **Environmental Protection** - major streams and water bodies, including wetlands are protected from non-water based development and trails by this designation. It can also be applied to areas with very steep slopes and major scenic areas and areas of historic importance, including Crawley Island.

5.1.2 General Development Policy

Council shall ensure that new development makes efficient use of existing roads and infrastructure. Council shall further ensure that new development will not create unreasonable servicing demands or costs.

Large scale developments will be subject to a comprehensive evaluation by Council to ensure that these are compatible with the Plan's objectives and policies and will mesh with adjacent development and the existing road system. Access to adjacent undeveloped land shall be reserved for future development.

In addition to any other considerations under this Municipal Plan, Council may refuse permission for a subdivision or any development where in its opinion it is uneconomical to provide all requisite services, including road maintenance, garbage pickup and fire protection.

Development on private water and/or waste disposal systems shall be approved by the Department of Government Services and Lands and all other appropriate agencies before a permit is issued by the Town.

5.1.3 Conditions - All Development

(1) Services and Access

Services and access must be appropriate to the type and scale of development. The Town can require that development be connected to municipal water and/or sewer services when installed.

(2) Uses Allowed In All Designations

Accessory buildings and uses, antenna, conservation, public utilities, roads, and recreational open space and trails can be allowed in all designations. However in the Industrial Special Designation such developments can only be allowed if they do not impede the development of major provincially approved industrial developments.

(3) Compatibility of Uses, Buffers and Screening

Council shall ensure as much as possible that new development will not negatively affect existing and proposed land uses by creating a hazard or nuisance such as noise, dust, odour or unsightly appearance. Council may require a developer to provide appropriate screening or to undertake other measures to minimize negative off-site effects.

5.1.4 Advertisements and Signs

Advertisements and signs shall, while complying with requirements for safety and convenience and promoting the businesses and resources of Long Harbour - Mount Arlington Heights, shall be designed and located in such a way as to contribute to the overall attractiveness of Long Harbour - Mount Arlington Heights. Signs within 100 metres of the centre-line of Highway 202 and 101 are subject to the approval of the Government Service Centre, Department of Government Services and must be in accordance with the Highway Sign Regulations - Province of Newfoundland and Labrador.

5.1.5 Agricultural Development

Although there are no commercial agricultural within the community, this is not to say that there will not be some specialized agricultural activity in the future, in which the case the Municipal Plan policy is to ensure that any agricultural activity is approved by the Agrifoods Division of the Department of Natural Resources as well as the Town.

5.1.6 Archaeological and Heritage Resources

Archaeological sites and discoveries are protected under the *Historic Resources Act, 1985*. If such a site is discovered, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Also, if any major development is proposed, this Office shall be advised before an approval is granted by the Town so that the necessary research can be carried out before construction begins.

5.1.7 Comprehensive Development

This provision is designed to allow a development that could reduce road frontage, make more effective use of services, yield more open space and/or protect certain environmental and heritage resources. This provision can be applied to sites that are difficult, if not impossible to develop, under the conventional zoning requirements - for example, sites that contain wetlands, and rocky outcrops.

The Town can allow a planned comprehensive development, in which frontage on a public road, lot frontage and lot area do not meet the requirements of the Town Zone under the Town's Development Regulations, provided:

- a) the development is planned as a single development with roads, services, lotting, open spaces and other features typically required in a plan of subdivision;
- b) water and waste disposal systems are adequate and approved by the Department of Government Services;
- c) adequate access is provided to the site;
- d) the land use and overall density of the comprehensive development satisfies the requirements of the zone in which it is located.

5.1.8 Discretionary Uses

Unless it is specifically set out as a discretionary use under the Municipal Plan, the Town may determine that a use should be class as discretionary use under the Development Regulations, where, in its opinion:

- a) the use is likely to have an impact on the predominant uses of the zone and that in order to mitigate this impact it is desirable to consult with the public and possible affected parties prior to issuing, issuing subject to conditions, or refusing a permit;
- b) that to ensure that the discretionary use is compatible with nearby uses and the predominant uses of the zone it is necessary to attach conditions to an

approval that differ from the standard conditions under the Development Regulations.

5.1.9 Forestry

There are Commercial and Domestic Cutting areas within the Municipal Planning Area. The Domestic Cutting Areas overlap into the Special Industrial and Rural designations on the south side of Long Harbour and therefore impinge on the area set aside for major industrial development.

The Domestic Cutting Areas are not shown on the Future Land Use Map since these would be eliminated in the event of a conflict between the land industrial and forestry land uses.

However, the Commercial Cutting Area located between Warren's Pond and Highway 202 (the access road to the Trans Canada Highway) is kept and shown as an overlay to the Rural Designation.

Forestry uses are deemed to be permitted uses under the Rural designation, subject to all other provisions of this Municipal Plan and the implementing Development Regulations. Applications for development within the Rural designation must be referred to the Forest Resources division of the Department of Natural Resources for approval before a permit is issued by the Town.

5.1.10 Mineral Exploration

- (1) Mineral exploration can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town and provided that all necessary approvals are obtained.
- (2) Higher impact mineral exploration classed as development by virtue of drilling, soil disturbance and/or the construction of access roads, shall be subject to conditions that control noise, appearance, duration of the drilling or excavating program and the control of other impacts that may arise. The precise nature of these controls will depend upon the location of the mineral exploration in respect to built-up areas.
- (3) Residents within a 300 metres of a proposed higher impact mineral exploration as noted above shall be consulted before a permit is issued, issued subject to conditions, or refused outright.
- (4) Where there is soil disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping to the Town.

5.1.11 Mineral Workings

The Town may provide for mineral workings in areas where there is a known resource and where there is less likely to be conflict between mineral workings and other uses. Such mineral workings can be accommodated in the rural portions of the Planning Area, subject to controls that will minimize environmental damage, protect the amenities of nearby areas, foster restitution of sites and minimize land use conflict that could affect the proper exploitation of aggregate resources.

Regulations may include establishing buffer areas around mineral workings within which certain types of development are to be reviewed by the Department of Natural Resources, Mineral Lands Division, before approvals are given by the Town.

The Town may distinguish between classes of mineral workings, and regulate the removal of fill materials which occurs as part of a development and landscaping.

5.1.12 Site Development

Before approving a development, the Town shall consider the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent development and lands and bodies of water receiving run-off from the site, and other similar matters.

The Town shall ensure that the proposal is not inappropriate by reason of:

- a) precipitating or contributing to a pollution problem in the area; or
- b) causing erosion and/or sedimentation.

5.1.13 T'Railway

No development is permitted within 15 metres of the centre-line of the T'Railway.

5.1.14 Waterways - Buffers

- (1) A protective buffer of undisturbed soil and vegetation shall be preserved along the shoreline of all waterways. The buffer shall be sufficient to prevent erosion, retain natural drainage features, prevent siltation, preserve public access and protect fish habitat.
- (2) Subject to the appropriate approvals and reviews, including approval from the Minister of Environment, only trails and accessory uses, uses requiring direct access to a body of water, roads and public utilities can be permitted in these buffer areas.

- (3) The matter of adequate and usable legal public access to the waterway may be used as a consideration in the review of an application for a structure within a buffer and/or waterway.
- (4) Any activity that has the potential to affect fish habitat shall be forwarded to Fisheries and Oceans Canada for review.

5.2 Town Designation

The Town Designation is designed to sustain and develop the existing character of Long Harbour - Mount Arlington Heights along the north side of Long Harbour. This designation allows the Town to zone for an array of assembly, residential, commercial, light industrial, service station, public and recreational uses as permitted or discretionary uses.

The Town will carefully regulate uses that while desirable - for example, a boat building operation or a warehouse - to ensure that they are located and designed in such a way to as to be compatible with other uses in the area. However, certain uses are clearly not allowed under this designation - notably hazardous industry, mineral workings, scrap yards and similar uses.

5.3 Commercial Designation

The Commercial Designation is primarily designed to accommodate commercial, public and compatible industrial and other development along Highway 202 and in similar locations.

This designation allows the Town to zone for an array of commercial, public, industrial and other, including assembly and recreational developments that are compatible with the primary commercial focus of this designation. Residential development and mineral workings are not allowed under this designation.

Hazardous Industry and mineral working are only allowed as discretionary uses in this designation.

5.4 Special Industrial Designation

The Special Industrial Designation is designed to accommodate:

- a) the proposed commercial nickel processing plant or other major industry;
- b) other major industrial development on lands not required by the nickel refinery;

- c) mineral workings and mineral exploration that can be made compatible with a) or b);
- d) other resource based uses and recreational uses that can be made compatible with a) or b);

provided that any such use is subject to an overall plan of the area and the approval of the Provincial Government and the Town to ensure that the development of this land for a major industry is not impeded.

5.5 Rural Designation

The Rural Designation primarily allows rural uses and uses appropriate to a location in a rural area, including agriculture, campground, forestry, marina and mineral exploration as permitted uses.

Discretionary uses within this designation are general industry, light industry, mineral working, scrapyard and seasonal residential. These discretionary uses can only be allowed if they are suitably screened and carried out in such a way as to not cause environmental contamination. Seasonal residential development is allowed near the T'Railway and on Crawley's Island.

Any requests for development in the Rural designation shall be reviewed by the Departments of Government Services and Natural Resources. Other agencies shall be consulted as appropriate.

5.6 Protected Watershed Designation

Development within the Protected Water Supply designation is subject to the approval of the Department of Environment and Conservation.

5.7 Environmental Protection Designation

The Environmental Protection Designation is applied to well-defined areas along or around selected waterways and wetlands, undeveloped coastal areas and open areas of unusual scenic or historic significance.

The intent is only to allow those uses which are compatible with the conservation of environmentally sensitive areas. Conservation uses, along with recreational space and trails, and public services and public utilities, together with wharves are permitted uses in this designation.

Non conservation uses are subject to review by the Department of Environment and Conservation, and can only be allowed if the Department and the Town are satisfied that:

- a) the use will have minimal impact on the environment;
- b) there is no reasonable alternative to location in the Environmental Protection designation for the use (eg., a wharf, a coastal trail, a transmission line or a water line crossing a waterbody).