

**COMMUNITY OF HUGHES BROOK  
MUNICIPAL PLAN**

**In effect: December 30, 1988**

**(Date of publication in NL Gazette)**

**Consolidated as of February 25, 2015**

Hughes Brook  
Municipal Council

**COUNCIL RESOLUTION TO ADOPT**

-5-

COUNCIL RESOLUTION TO ADOPT

Resolved, pursuant to section 16 of the Urban and Rural Planning Act, that the Council of the Community of Hughes Brook adopt the Municipal Plan which is attached hereto and is impressed with the Seal of the Council, signed by the Mayor, and certified by the Clerk.

Resolved further, pursuant to section 18 of the Urban and Rural Planning Act, that the Council apply to the Minister of Municipal Affairs for the setting of the time and place of a Public Hearing to consider objections or representations to the Municipal Plan.

PROPOSED BY: *Lizanne West*

SECONDED BY: *D. H. Pennington*

Certified as a correct copy of a Resolution passed at a meeting of Council held at  
on the 4 day of Oct, 1988.

*Clayton Hoff*  
Mayor

*Lizanne West*  
Clerk

**SEAL AND SIGNATURE**

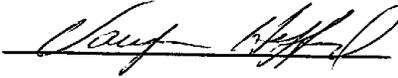


-ii-

SEAL AND SIGNATURE

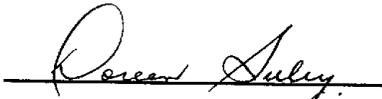
Signed and sealed pursuant to section (16(3) of the Urban and Rural Planning Act this *4* day of *Oct*, 1988.

(SEAL)

  
Mayor

CLERK'S CERTIFICATE

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan adopted by the Council of the Community of Hughes Brook, on the *4<sup>th</sup>* day of *October*, 1988.

  
Clerk

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## INTRODUCTION

Part I of this document is the background study which contains research material necessary to the preparation of the Community of Hughes Brook Municipal Plan 1988 – 1998. Subject to Section 15 of the *Urban and Rural Planning Act, 1970*, the municipal plan is prepared on the basis of surveys and studies of land use, population growth, the economic base of the community, its present and future transportation and communication needs, public and social services and other such factors that may be relevant to the preparation of the plan. It follows that the rationale for municipal plan policies and land use designations throughout the planning area are rooted in the background research. Therefore, Part I should be referred to for purposes of information and explanation only.

Part II of this document sets forth the goals, objectives, and policies which constitute the bulk of the Municipal Plan. Policy assumptions are identified, the future community is described and implementation procedures are given to guide successful application of the Municipal Plan for the Community of Hughes Brook.

**PART I: BACKGROUND STUDY**

## **1. MUNICIPAL PLANNING PROCESS**

To assist the reader in interpreting the background study and its intent, a summary of the planning legislation and procedures is provided. The following description highlights the latter stages of plan preparation and implementation. The background study itself represents initial stages necessary to form the basis of the Plan. A brief history of planning in Hughes Brook is also given.

### **1.1 PLANNING PROCESS**

What is a Municipal Plan?

A Municipal Plan is a document of proposals for general development of the Hughes Brook Municipal Planning Area. It is designed to coordinate the public purposes of the Authorized Council that bear upon urban development so as to achieve the common well-being of the community and to conserve the financial and material resources of the Planning Area. It contains plans showing:

- 1) the proposed network of streets;
- 2) the proposed division of land into areas of permitted land use classes and areas of comprehensive redevelopment;
- 3) the proposals relating to the provision of land for public and community purposes;
- 4) proposals as to the content of land use zoning regulations; and,
- 5) a proposed program of public works, financing and order of developments.

The Plan will outline goals, objectives and policies in a written text and the land use maps will indicate the proposed allocation of land.

How is the Municipal Plan Approved?

When the Plan is formally adopted by resolution of the Council under Section 16(1) of the *Act*, two copies must be impressed with the seal of the Council and signed by the Mayor. The Council must then give notice of its intention to seek the approval of the Minister of Municipal Affairs by publishing a notice in the Newfoundland Gazette and in a newspaper published, or circulating, in the municipality. The notice must state where and when the Municipal Plan may be inspected by any interested person and the time and place set by the Minister for the hearing of any objections. At that hearing, a commissioner appointed by the Minister will hear the objections and subsequently forward to the Minister a written report, together with copies of all the evidence taken at the hearing.

Immediately after the hearing, the Council should apply to the Minister for his approval of the Municipal Plan. The Minister must receive two copies of the Plan certified correct by the Clerk of the Council, a copy of the adopting resolution and all written objections to the Municipal Plan. On receipt of this material, the Minister may or may not approve the Plan with or without modification. Upon approval, the Minister will endorse a copy of the Plan and return it to the Council. Within ten days of receipt of the final approval by the Minister, the Council must publish notice of approval in the Newfoundland Gazette and in the local newspaper.

### To Whom does the Plan Apply?

When the Municipal Plan comes into effect, it is binding upon the Council and upon all other persons, corporations and organizations. The Plan has to be reviewed by the Council at the end of every five years from the date on which it comes into effect and at that time revised as necessary to take account of developments which can be foreseen during the next ten-year period. This provision of the *Act* allows the Municipal Plan to look well ahead and yet be flexible enough to permit revision after a reasonable time.

### How is the Plan Administered?

The day-to-day administration of the Municipal Plan, and subsequent regulations, is in the hands of a person authorized by the Council. This person has the duty of issuing all necessary permits approved by Council and making recommendations to the Council regarding all development in the Municipal Planning Area. He/she must issue permits and make recommendations to Council which are in accordance with the Municipal Plan and its implementing regulations.

## 1.2 PLANNING HISTORY OF HUGHES BROOK

The Community of Hughes Brook was incorporated in 1975. The Local Planning Area boundary was defined in 1978 and a Local Plan was prepared and approved by Council at the same time.

The major impetus to plan preparation originated with complaints of pollution to the domestic water supply. Measures were sought by Council to control land clearing activities which reduced the water table level and contaminated the source during heavy rainfalls and spring runoff. There were concerns over the compatibility of agricultural and residential uses within the community and more serious disputes over land ownership and the violation of agricultural leases issued by Crown Lands. Some homeowners were relocated to larger lots where suitable standards for septic tank operations could be met. The prescribed boundaries of the watershed and its inherent development restrictions were opposed by local landowners.

This series of disputes created a climate of opposition to the practice of planning in the community. Although the Council ultimately adopted the Plan, the authority for carrying out the objectives of the Local Area Plan was not defined. The Planning Area was designated a “Development Control Area” in July 1979, and no implementing regulations were put in place.

Council has resolved to review the Local Area Plan and prepare a Municipal Plan. The Community Council of Hughes Brook is intended to be the authorized administrator. The Planning Area will be redefined to include the new source of the domestic water supply. (Reference Map 2 Municipal Planning Area Boundary)

## **2. LOCATION AND PHYSICAL FEATURES**

The Community of Hughes Brook is located on the northern side of Humber Arm in the greater Bay of Islands. It is 4.8 kilometres from the City of Corner Brook where most supplies and services are obtained.

Hughes Brook consists of a main road (and three side roads) leading off Highway 440 into the hinterlands. The majority of residents are clustered on the southeastern plain of Hughes Brook Valley. The surrounding hills reach as high as 244 metres – part of which serves as the drainage area for the town's water supply.

The bedrock belongs to the carbonate series (limestone) that predominates over the Corner Brook area. Soils are classified as silty-loamy. The nature of local servicing (piped water and septic tank disposal) requires larger lot developments to ensure the capacity and capability of the environment is respected.

See Map 1 (Regional Setting of Hughes Brook) for the regional setting and Map 2 (Municipal Planning Area Boundary) for the proposed Municipal Planning Area boundary.

MAP 1  
**REGIONAL SETTING OF HUGHES BROOK**

**MAP 2**  
**MUNICIPAL PLANNING AREA BOUNDARY**

### 3. POPULATION AND GROWTH TRENDS

#### 3.1 CHARACTERISTICS OF THE POPULATION

Over the last twenty years, Hughes Brook has grown from a sparsely populated area of eight (8) residents in 1966 to a community of 141 in 1986 – largely due to the out-migration of Corner Brook residents. The peak has since levelled to produce an average annual increase of 2.4% over the last ten years.

**Figure 1**  
**Population of Hughes Brook**  
**1966 – 1986**

Year:	1966	1971	1976	1981	1986
Population:	8	28	114	128	141

This growth pattern has not been duplicated in surrounding municipalities of the Humber Arm region indicating unique influences affecting the population of Hughes Brook.

There is no consistent growth pattern among outlying communities to suggest a preference for living in rural fringes rather than the City of Corner Brook. The City has experienced negative growth. Massey Drive and Irishtown showed no significant change, while others showed positive growth rates (see Figure 2) in the census years of 1976 – 1986. As a whole, regional growth has declined and may limit the extent of growth anticipated in Hughes Brook.

**Figure 2**  
**Population of Hughes Brook**  
**And Outlying Municipalities**

Year	Hughes Brook	Steady Brook	Corner Brook	Massey Drive	Irish-Town	Halfway Point et al	Humber Region <sup>1</sup>
1976	114	292	25198	381	707	2144	46330
1981	128	377	24339	409	742	2214	46901
1986	141	386	22719	415	798	2182	45378
Average Annual Change	2.4%	3.2%	-1.0%	0.9%	1.3%	1.8%	-2.1%

Source: Statistics Canada

<sup>1</sup> The Humber Region is defined as Division 5 by Statistics Canada and includes all communities east of Gillams and Mount Moriah as far as Pasadena.

During the census years of 1976 – 1981, the number of in-migrants equaled the number of out-migrants (25) to net a zero migration rate. Migration within the census division has recently been directed to Pasadena and Halfway Point. Migration is therefore not expected to be a strong factor influencing future growth in Hughes Brook.

Natural growth (the difference between the number of births and the number of deaths) in the community will be low. The stability of death rates and reduction of birth rates are forecasted for all communities including Hughes Brook. The effect would be a negligible, anticipated low of five (5) persons per thousand in natural growth per year by 1997.<sup>1</sup>

Characteristics on the age of the population deviate slightly from the norm. The child population (0 – 4 years) has increased rather than decreased by 3% from 1976 – 1981 to represent 35% of the total population. The elderly population (65+ years) has decreased from 8% to 0% with fewer elderly people as expected to enter that age bracket over the coming years. The bulk of the population will be in the 35 – 44 age cohort in the next five years.

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<sup>1</sup> Vital Statistics

## 3.2 POPULATION AND HOUSEHOLD FORECASTS

In general, the proportion of error in forecasting increases as the population decreases. Thus the accuracy of forecasts using small data values must be weighed with caution. Based on studies of the population, the most reliable projection is made on historical trends. It is reasonable to expect a repeat of the steady growth of 2.3% in the 1976 – 1986 decade rather than the substantially higher growth rate of 13.3% in the previous decade of 1966 – 1976. The projection of the former growth rate will therefore yield a population of 183 by 1997, or an increase of 42 people.

Alternative projections based on natural growth rates and migration rates reveal little or no change and cannot be considered to adequately represent the planning needs of the community. One can assume that the recent installation of piped water services will have a greater effect on future growth in that previously undevelopable land will now be ripe for development. Council is advised therefore to reserve a surplus of land that will not overload carrying capacities of existing infrastructure.

With a municipal piped water supply and sewage disposal by septic tank and tile field, the area of land required per dwelling unit is 1400 m<sup>2</sup> or 15,000 sq. ft. Thirteen lots or 1.8 hectares (42 people divided by 3.3 persons per household = 13) should be planned at minimum to meet projection of historical trends. All infilling opportunities in serviced areas should also be accommodated. This allows for a maximum of 18 lots or 2.5 hectares of serviceable land. (See page 19.)

#### 4. LAND USE

The vast majority of development in Hughes Brook is residential. Thirty of the forty homes were built between 1971 and 1981. Subsequently, few homes require major repairs and fewer occupied homes will require demolition.

All homes have frontage on either Lidstones Road, First Avenue, Second Avenue or Suley's Road. Three homes are set back beyond fifty metres of the road right of way. This distance limits the servicing capabilities of the municipality and should be discouraged. Firefighting and emergency service crews may be restricted access especially in the winter. Water line hook-ups must be longer and therefore subject to greater frost damage. Future subdivision of adjacent property becomes less efficient and therefore less cost-effective to service by Council.

A community center (and playground) is located on the main road. This serves as the town hall and a meeting place for various local functions. Council intends to reserve additional property adjacent to the hall and immediately north of the road to the garden plot for community use. A local store supplying convenience goods is on First Avenue.

A light industrial shop is screened by trees on a private road leading off Lidstones Road. An auto repair shop operates at the end of Suley's Road. A lighter industrial type land use exists adjacent to Hughes Brook at Highway 440. This is the Hughes Brook salmon enhancement project. Future development must consider the protection of water quantity and quality in the area.

Agricultural activity is the second major land use in the planning area. Humberview Farms, at the north end, consists of a dairy barn and farm buildings.

The Jennings family operates a combined sheep, fox and mink operation at the end of First Avenue. Other areas identified on the existing land use are used by several different landowners for pasturing dairy animals, hay production, home gardening and other hobby farming. Half of the land reserved in the concept plan, 1978, for agricultural land is no longer in use.

Standard provincial development regulations require that no livestock structures and uses designed to contain more than five “animal units” be located within 600 metres from a residence. (A typical animal unit includes 100 mink, 4 sheep, 1 horse, 1 cow, etc.) Therefore, future intensive agricultural activities must be at least 600 metres north of the last house on the main street.

A reservoir dam was constructed in 1986 approximately 80 metres east of the last house in Hughes Brook. It feeds off a small brook which flows from a mountain composed of limestone bedrock. These limestone layers of the mountain dip at angles of 60 - 70° towards the northeast. Because some of the ponds on top of the mountain may drain underground through springs in the limestone, the total drainage area of the water supply is unknown. Council will apply for protected watershed status under the *Environment Act* for the watershed area on the existing land use map.

Productive forests surround the residential core of the community. No plans for silvicultural projects are identified. The community is located in the Humber River watershed, an important salmon river. Therefore, buffer zones along watercourses such as Hughes Brook should be maintained. Most of the land north of the last houses on Lidstones Road lies within aggregate resource areas identified by the Department of Mines. A portion of this rural area should be reserved for agricultural use since this use is generally more compatible than mineral extraction near residential areas.

## 5. ECONOMIC BASE

Characteristics on the local economic base and its labour force are extracted from the statistics of the 1981 census. For this year, there was full employment for males in the labour force. In direct contrast to this condition, the unemployment rate for females was 100%. The participation rate, however, gives further insight into the above statistics. The percentages of people not in the labour force were 40% and 90% for males and females respectively. This would partially account for those residents who were unwillingly squeezed out of the labour force and subsequently unable to qualify for unemployment benefits.

The following table illustrates the type of work local people are engaged in, the skilled labour force, and the type of industries carried out in the place of work.

**Figure 3**  
**Labour Force Activity, 1981**

<b>By Occupation</b>		<b>By Industry</b>	
Sales Occupation	5	Finance, Insurance, Real Estate	10
Primary Occupation	5	Trade	5
Machining & Assembling	20	Transportation, Communications	10
Technological, Social, Religious, Artistic & Related	<u>5</u>	Primary Industry	20
Total:	35	Total:	45

Source: Statistics Canada  
Numerical differences due to rounding factors.

With the exception of a dairy farm, auto repair shop and local store, all sources of employment are located outside the community (See Figure 4). Most females commute in to work in Hughes Brook and most males (who form a greater percentage of the labour force) commute out for work. Economic activity centers in Corner Brook where manufacturing, trade and service industries are prominent. The recent out-migration of Corner Brook residents, fueled by a downturn in the economy, may affect the employment scenario in Hughes Brook.

**Figure 4**  
**Hughes Brook Labour Force**  
**By Place of Work, Residence and Gender**

Total labour force living in Hughes Brook:	35
Males:	30
Females:	0
Total labour force living in Hughes Brook and working outside:	30
Males:	30
Females:	0
Total labour force working in Hughes Brook and living outside:	10
Males:	0
Females:	15
Total labour force working in Hughes Brook:	20
Males:	5
Females:	15
Total labour force living and working at home:	5
Males:	5
Females:	0

Source: Statistics Canada, 1981

## 6. TRANSPORTATION

Route 440 is a secondary highway running on the north side of Humber Arm. Three accesses have been eliminated since 1973 and four others are currently in use. Those accesses in use are:

- the intersection of Highway 440 and the community;
- access to aggregate and agricultural land on the south side of Highway 440; and,
- two private accesses to homes immediately east of the brook.

Further accesses to Route 440 must be approved by the Department of Transportation and are subject to safety considerations of sight distance and geometrics. Residential development is not suited along the highway since it will encourage ribbon development, reduces free-flow traffic on Highway 440, and will cause safety hazards for children in the area.

In 1987, discussions were held between Council and Corner Brook Pulp and Paper Limited concerning increased traffic generated by pulpwood trucking through the community. A new road linking Goose Arm Road to Hughes Brook Road at Old Man's Pond Brook is expected to create additional traffic up to fifteen trips per day during relevant reasons. Other users of the resource road include recreationalists, agriculturalists, contractors and the general public who carry quarry materials, hospital biomass, firewood, etc. A bypass road has been proposed by Corner Brook Pulp and Paper. It crosses west of the domestic water supply area, and close to potential residential areas. Active agricultural property is found at the north end (see Map 3). While Council supports an alternative route for truckers, the water supply must be adequately protected, agricultural land preserved where possible, and the location of future residential areas confirmed.

**Map 3**  
**Proposed Resource Road (Bypass)**

Local roads in the community consist of Lidstones Road, First Avenue, Second Avenue, and Suley's Road.

Council maintains 1.8 kilometres of road length as determined by the Department of Transportation for the Roads Component of the General Municipal Assistance Grants. The main road is gravel. Paving this road should minimize the problem of truck traffic. A minimum 20-metre street reservation should be maintained by Council. All roads intersect the main road at right angles with suitable grades and right of ways. Cul de sacs should be provided on side streets.

If Council wishes to construct sidewalks in the community, or pave the main road, financial assistance may be made available through the province or it can be charged to benefitted landowners by service levy.

## 7. MUNICIPAL SERVICES

The Council services the community with garbage collection (disposal site is at Wild Cove Pit outside the planning area), fire protection (services contracted in from Irishtown), and street lighting. Road maintenance and garbage collection are done by contract as the municipality owns no equipment.

The municipality maintains the roads in the community and is now responsible for the maintenance and operation of the water system. This includes the concrete reservoir dam, intake chlorination facilities, 1430 metres of 150-mm (6 in.) water line to the site and a similarly sized distribution system throughout the community. The existing land use illustrates where the water lines run.

The servicing capacity of the water system and hence the amount of land suitable for development is partly determined by flow rates measured below the dam site. Field tests completed in 1986 yield a low of 27 imperial G.P.M. (32.4 USGPM or 2.05 L/S) and a high of 36 Imperial G.P.M. (43.2 USGPM or 2.73 L/S).<sup>1</sup> Presently there are 45 household connections to the water system without supply problems. Using the higher flow rate, a peak factor of 2.5, and 3.3 persons per household, the number of households that can hook into the system is 63.<sup>2</sup> A potential of 18 new building lots may be supplied without upgrading existing infrastructure. This compares with the 13 additional lots predicted on the basis of historical population trends.

<sup>1</sup> (The water flow could be subject to wide variations due to the nature and size of the drainage area.)

<sup>2</sup> 
$$\frac{(X) \times (3.3 \text{ p.p.h.}) \times (100 \text{ gal/person}) \times (2.5 \text{ peak factor})}{(24 \text{ hours}) \times (60 \text{ min})} = 36 \text{ gpm}$$

## 8. MUNICIPAL FINANCE

Finance administration for the community of Hughes Brook has become more sophisticated due to the funding approval for large scale capital works projects. The requirements for annual audits previously waived under Section 83 of the *Municipalities Act* have been requested by the Department of Municipal Affairs in May, 1987.

The contents of the most recent budgets are shown in Figure 5. Council is pursuing the imposition of a property tax system thereby making it eligible for provincial tax incentive grants. A long term debt has been incurred by the community in the amount of \$250,000. This Government guaranteed loan was approved for the water supply project. Council is now committed to the repayment of this loan and must contribute a minimum 20 % of fixed revenue towards the water debt charges. Any decision by Council to expand services should be met with a 100% cost-recovery basis or a complementary increase in fixed revenue such as property or poll tax so as not to put additional burdens on the long term debt.

**Figure 5**  
**Municipal Budget of Hughes Brook 1986, 1987**

<u>Revenues</u>	<u>1986</u>	<u>1987</u>
Taxes		
Property Tax	Nil	Nil
Water & Sewerage Tax	Nil	2,688
Business Tax	1,100	2,000
Poll Tax	3,600	4,095
	(annually \$60)	(annually \$65)
Licenses & Permits	25	-
Hall Rental	1,600	1,500
General Municipal Assistance Grants		
Population Component	576	576
Roads Component	3,600	3,600
Social Assistance	224	588
 Total Revenue	 <u>10,725</u>	 <u>15,047</u>
 <u>Expenditures</u>		
Administration		
Salaries	-	2,340
Office Expense	400	660
Protection to Persons & Property		
Fire Protection	650	1,500
Street Lighting	2,100	1,900
Public Works		
Maintenance of Roads & Bridges	525	-
Snow Clearing	1,800	1,800
Garbage Collection	3,276	3,647
Recreation (hall)	2,274	1,700
Operation of Water System	Nil	1,500
 Total Expenditure	 <u>11,025</u>	 <u>15,047</u>
 (Deficit) / Surplus	 (300)	 0

## 9. ADMINISTRATION

The Municipal Plan is binding upon the Council and any “development” permit issued by the Authority must not be in contravention of the Plan or the *Urban and Rural Planning Act*. It follows that with the powers bestowed upon Council by the Minister comes responsibility. Council’s responsibilities and obligations are to conserve the financial and material resources of the planning area and to protect the common well-being of the community.

Development which disregards the efficient and economical distribution of land would be prohibited. For Hughes Brook, this includes:

- 1) unnecessary extension of road and water services;
- 2) strip development;
- 3) development at densities too low for practical servicing and too high so as to overload existing infrastructure capacities;
- 4) development which cannot be given adequate fire protection, snow clearance or other municipal services generally afforded to all residents;
- 5) adverse development in the domestic water supply; and,
- 6) the unsuitable encroachment of residential uses on existing agricultural development and vice versa.

The Plan would be composed primarily of residential and rural land use designations.

Once the Municipal Plan is approved, Council will adopt Land Use Zoning, Advertisement and Subdivision Regulations which constitute the major legal device for the implementation of the Plan. These regulations are standard throughout the province with the exception of the breakdown of land use categories into specific zones in Hughes Brook.

The zones will emphasize the necessary restrictions to development so as to promote the desired long term development. Concerns regarding the interpretation of the regulations may be addressed to the Department of Municipal Affairs, Provincial Planning Office. Suggested procedures and forms for use in development and building applications are available in handbook form from the same Department.

**Map 4**  
**EXISTING LAND USE**

**PART II: MUNICIPAL PLAN**

## 1. **POLICY ASSUMPTIONS**

### **Economic Factors and Political Policies**

It can be assumed that community growth will be moderate and mostly residential in nature. The City of Corner Brook will maintain its status as the major generator of economic activity offering region-wide goods and services to residents of Hughes Brook.

Improvements to municipal services and infrastructure will be dependent on the financial condition of the municipality and the ability of the province to assist where priorities emerge. The policies of provincial resource agencies will conform to the plan to encourage a renewable resource base.

## 2. **THE FUTURE COMMUNITY**

The shape of the community will not dramatically change. Its rural, small-town character will be preserved. The population will be concentrated as far as possible to make the most efficient use of public services (roads and water services) and still promote pleasant surroundings for local residents. Rural activities requiring a larger land base will be isolated from the community core.

### 3. GOALS

#### **Why Plan?**

Goals are an expression of Council's intention generally with respect to a matter under its jurisdiction or influence. Through the powers granted to it under the *Urban and Rural Planning Act*, Council will control development in such a way as to achieve the following goals:

- to prevent undesirable effects from destroying a neighbour's enjoyment of his or her property;
- to allow for reasonable residential expansion without threatening the small-town atmosphere;
- to conserve the financial and material resources of the community (protection of investments in infrastructure, reduction of long term debt, controlled expansion of services, etc.);
- to ensure compatibility and minimize conflicts among residential, industrial-commercial and agricultural land users;
- to provide a safe water supply and sewage disposal system that meets the capacity and capability of the natural environment (watershed protection, minimum lot sizes, etc.);
- to encourage a safe and efficient transportation system for pedestrian and vehicular traffic; and,
- to facilitate an integrated approach to resource management in rural areas.

## 4. OBJECTIVES

### How to Achieve Goals

- Classify all land within the planning area into areas suitable for “urban” development (residential, mixed development) and “rural” development (rural, conservation).
- Reserve land capable of connection to existing piped water services and coordinate the expanding road network into those areas.
- Define policies for site development to control effects of land uses (noise, traffic, visual impact, smells, contamination, flooding, etc.).
- Adopt regulations for zoning, advertisements and subdivision which specify minimum standards for development and impose restrictions necessary to promote desirable development.
- Prepare a capital works forecast indicating the necessary projects, priorities and financing (private or public) or community improvements.
- Encourage public participation to explain the purposes of the plan, seek out community concerns, and receive valuable support.

## 5. POLICIES

### Course of Action in Decision Making

The following policy statements reflect written intentions of Council with respect to particular classes of land use and other general components of the physical structure of the Planning Area.

### 5.1 COMMUNITY STRUCTURE

The defined structure of the community considers the best use of land in the interests of protecting the health and welfare of local residents. In Hughes Brook, the land use pattern is generally linear with a few side roads leading off the main street, Lidstones Drive.

Compact community development is encouraged; therefore, new roads and the subdivision of land should coincide with the existing layout.

In considering an application for a permit, Council shall have regard to public safety and convenience, availability of services and utilities, impact on adjacent land, general appearance, minimum development standards and any other consideration which in the opinion of the Council affects the application.

Development must conform to the proposed street network and overall community pattern prescribed on the future land use maps. A permit is required for the subdivision of land in order that land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

## 5.2 RESIDENTIAL AREAS

The capacity of the town's water system will allow for 18 new lots without upgrading the existing infrastructure. This will satisfy the projected residential demand.

The land use maps indicate where residential development will occur. Before Council agrees to maintain new roads and water lines, it must be satisfied that infilling opportunities along existing roads have been realized.

**In areas of the Residential designation where municipal piped services are not available, new residential developments must include an onsite water and sewage system on each lot as approved by the Department of government Services. The planning of access and transportation routes is necessary to ensure orderly expansion. If land is to be subdivided, the developer must apply for a subdivision permit. Development may be phased in these areas provided the plans conform to a total scheme of subdivision approved by council. Council will not permit residential development in areas outside the**

**Residential designation as shown on the Future Land Use Maps except if it is subsidiary to a rural use (e.g. farm residence).**

**[MPA 2013-1](#) and [NL Gazette](#)**

#### Density

Areas designated as Residential on the Future Land Use Map shall be predominantly residential in character. Infilling is encouraged where land is fully serviced by water lines. Council shall adopt subdivision and zoning regulations stipulating minimum development standards.

#### Access

All development in Residential Areas shall have proper public street access and each residential lot must have the minimum frontage on a publicly owned and maintained road. Backlot development which prejudices the further development of suitable backland shall not be permitted.

#### Servicing

**All development in Residential areas shall connect to piped municipal services if these services are in reasonable proximity to the site. If piped municipal services are not available at the site, each residential development must install on the same lot an onsite well and sewage system that has received the necessary approval of the Department of Government Services. The cost of developing new land (i.e. water line and road extensions) is the responsibility of the developer.**

**[MPA 2013-1](#) and [NL Gazette](#)**

#### Housing Types

Preference shall be given to the development of detached single-family dwellings. Mobile homes and other multiple housing types will be permitted at the discretion of Council.

### Ancillary and Compatible Uses

Non-residential land uses are permitted in Residential Areas provided they are complementary and compatible to the basic residential character of the area. Examples of these ancillary and non-residential uses would be home occupations such as medical and professional offices, personal services and convenience

stores, recreational open space, churches, and child care uses. Council shall require additional off-street parking in such cases.

#### Restricted Development

No development is permitted in Residential Areas where, in the opinion of Council, such development is unsafe by reason of excessive slope, traffic hazard, flooding, intolerable pollution, or any other reasonable cause for refusal of development. This includes the keeping of animals which causes excessive nuisances to neighbors.

### **5.3 MIXED DEVELOPMENT**

The demand for non-residential development (excluding rural land uses) in Hughes Brook is low. Council will accommodate limited types of commercial-industrial activity provided there is reasonable compatibility with adjacent property owners. Mixed development areas will include public buildings (i.e. town hall) and recreation.

Council will permit limited commercial-industrial activity in character with the size of the Town. Public uses, or rural-industrial activity, and limited commercial-oriented businesses will be permitted in the designated Mixed Development Areas.

The right of residential property owners to be free of nuisances shall be protected from unacceptable activity generated by industrial and commercial development. Obstructive and excessive nuisances caused by traffic congestion, noise, visual or air pollution shall be prohibited.

All development in the Mixed Development Area shall have suitable and adequate provisions for its water supply, sewage disposal system, and disposal of industrial wastes and storm water. Council shall consider the benefits of economic development against the costs of supplying or upgrading necessary infrastructure.

The amenity of surrounding non-industrial / commercial areas shall be protected from hazards or nuisances that may be generated in Mixed Development Areas. Development standards for location, access, outdoor storage, parking, play areas, fences, screening or other necessary measures shall apply to mixed development land uses.

No development shall cause to place, deposit, or discharge any refuse, chemicals or any other material which in Council's opinion has the potential to irreversibly impair water quality or damage the environment. Council will consult with appropriate government authorities in such cases.

#### **5.4 CONSERVATION**

Council has expanded their planning area boundary to include the domestic water supply area in use since 1986. In addition to the watershed, the banks of Hughes Brook, which is a scheduled salmon river, are particularly sensitive to development. Other open space areas should remain free of development due to inherent natural hazards such as flood susceptibility, poor drainage, erosion and steep slopes.

The maintenance of a high quality water supply shall take precedence over commercial forestry, mineral operations or other rural activities. Land use activities that will have a detrimental effect on the quality or quantity of its water shall be prohibited.

Fish habitat shall be protected and enhanced by retaining vegetation along riverbanks, and preventing confinement of streams by dyking, landfill or excavation.

Open space areas which pose a threat to the safety of residents by reason of natural or physical hazards or contribute significantly to the amenities of the Town shall remain free of development.

Council shall consult with appropriate government agencies where existing or potential damage to the conservation areas (i.e. Provincial Department of Environment for watershed concerns, and Federal Fisheries and Oceans for fish habitat concerns).

## **5.5 RURAL AREAS**

The limits to residential development (i.e. land serviced by piped water and/or capable of such servicing) are defined on the land use maps. Beyond these limits, and preferably outside the domestic water supply area, resource activities may be considered suitable land uses. Within the described Rural Area, agriculture, forestry, mineral activity, etc., are permitted.

Council's major concern is the compatibility of agricultural and residential land uses in Hughes Brook. Traditional forms of animal husbandry and the raising of crops have not created significant conflicts; rather, they enhance the rural character of community. On the other hand, more intensive agricultural land uses which generate odours and other nuisances to residents need to be subject to development standards that are sensitive to both residents and agricultural operators.

With the exception of designated urban use areas, the domestic water supply area and sensitive riverbanks, all land shall be designated as Rural. All proponents for development in the Rural Area must receive a permit from Council.

Permitted uses within the Rural Area include agriculture, forestry, mineral workings, rural industries, cemeteries, public utilities, transportation and communication, recreation and cottages. Residential development may be permitted in the rural area only where it is subsidiary to the main use of the land and when Council feels the rural development is of a kind or size to require a residence. Dwellings should locate on a publicly owned and maintained road.

Council may impose conditions on all land use activities in the rural area which it deems necessary to protect the health and safety of residents or the financial and material wellbeing of the community. This may include development standards for adequate buffering, setbacks, fencing, erosion and sedimentation control, site maintenance, proper access and egress, site rehabilitation, or any other required measure with the jurisdiction of Council.

Topsoil and any organic material shall be retained for proper rehabilitation of rural lands where appropriate. Cottage development shall not be for permanent residency, whereby full municipal servicing will be required. Cottages shall not adversely affect necessary resource development.

## **5.6 PUBLIC WORKS AND UTILITIES**

The standards for quality water, sewage disposal, storm drainage facilities, roads, lighting and electricity and other public works and utilities may be enforced by Council in the interests of protecting the health and welfare of local residents. Council is obliged to promote the most efficient and effective development in the community, especially where municipal tax dollars have been invested and maintenance responsibilities are expected.

New public works and utilities shall only be installed where Council feels an economical and logical sequence for growth is being made.

Phasing of public works (i.e. extensions of water line or road) may be permitted so long as the long term requirements of the area are incorporated into the design of the area.

Whereas the National Building Code has been adopted by Council, it is the responsibility of the owner and constructor to comply with the requirements and standards of the regulation. Council may advise developers of minimum standards for the installation of culvert, water hook-ups, road construction, etc.

Municipal services shall be constructed and installed as financial resources permit and in accordance with the forecast of the capital works program. The cost of extending water services and road construction must be borne by the developer and built in a manner approved by Council.

## **5.7 TRANSPORTATION**

Through the control of development, Council is able to promote a safe, efficient and attractive environment for pedestrian and vehicular traffic. Minimum standards for the design of roads and accesses, parking and signage will be enforced. The plan shows a proposed network of streets which considers where public works should be completed and how they should function.

Highway 440 is an arterial road. No development which restricts the free flow of traffic through the municipality is permitted. Access shall be by means of an intersection of public roads.

Lidstones Drive, or main street is a collector road. Access shall be public or private. Priority shall be given to the improvement of this road (i.e. paving and a sidewalk from the bus shelter to Sully's Road) as financial resources permit.

All other roads are local roads whereby full access is permitted.

Development shall have frontage onto an arterial, collector or local road. No development that prevents the integration of new, proposed roads with the existing network shall be permitted. One-sided street development is discouraged.

Council shall consult with the Department of Environment where the construction of new roads may affect the town's water supply.

## **6. IMPLEMENTATION**

### **Carrying out the Plan**

The Municipal Plan describes the desired development in the community for the ten-year period 1988 – 1998. Land uses which were legally established on the date this Plan was adopted will be permitted to continue. New development, however, must conform to the future plans of the community.

To bring about the desired change, Council will restrict development to specified areas through the use of zoning regulations (see following section Adoption of Development Regulations). Since the community is relatively small, there is no preference for the order in which certain areas will be developed. Residential and Mixed Development Areas will, however, receive the highest level of services in terms of necessary lighting, water and sewerage, streets, transit or other facilities. To extend full services to less populated areas will result in the undue financial burden for the municipality.

The following table indicates which capital works are necessary in the community in order of priority.

**Figure 6**  
**CAPITAL WORKS**

<b>PROJECT</b>	<b>FINANCING</b>	<b>ESTIMATED COST</b>
- Paving – Main Street (0.9 km – 6m width asphalt – 9 m width Class A)	Municipal Affairs (60 / 40 Program)	\$97,000 or \$9,700 / per year
- New Roads 950 m (R1) 350 m (R2) 375 m (R3)	Cost to be borne by developer to standards of Council (i.e. 15 m ROW)	
- Water Services if demand increases		

### **ADMINISTRATION**

Every Council which has an approved Municipal Plan must follow a scheme for the control of the use of land. This control includes the application of regulations and minimum standards for zoning, subdivision, advertisements, occupancy and maintenance and other regulations as required by Council to carry out the policies in the Municipal Plan. The administration of the Plan is commonly referred to as Development Control.

### **DEVELOPMENT CONTROL**

No person shall carry out any development in, on, over, or under land, or change the use of land within the Municipal Planning Area without a development permit from Council. In order for Council to give proper consideration to the application and to make a fair and correct decision, each application must contain sufficient detail of the use proposed, the size, siting, and location. (A Handbook for Municipal Councils available from the Department of Municipal Affairs offers

sample forms for development permits as well as building permits, subdivision permits, and occupancy permits.) A typical application may hence require site inspection, referrals to government agencies, or public notices.

Councils have the power to approve an application for development or subdivision, approve it with conditions, or refuse it. With such power, Council is obliged to protect the health and safety of its residents through the application of minimum standards. Outline planning permission or approval in principle may be granted to applicants who must incur substantial costs to prepare plans.

Any decision made by Council respecting a development application can be appealed to an Appeal Board established under the *Urban and Rural Planning Act*. Concerning the enforcement of the Municipal Plan, Council may order any person who is carrying out development or building without or contrary to a permit, to stop work. Concerns regarding appeals, purchase notices and enforcement may be addressed to the Department of Municipal Affairs, Planning Division.

A final concern of development control is the role of monitoring development. Council should be informed and aware of development progressing without a permit or contrary to the conditions of the permit so that appropriate action can be taken.

## **AMENDMENT AND REVIEW OF THE PLAN**

From time to time, amendments or changes to the Plan are required to accommodate varying conditions. The procedure for making amendments is the same as the procedure for bringing the Plan into effect. A formal review may take place on the expiration of every five years from the time of approval.

No amendment is required to permit minor adjustments to boundary lines between different land uses. The exception would be where boundaries are meant to coincide with roads or prominent physical features.

### **ADOPTION OF DEVELOPMENT REGULATIONS**

Council shall adopt Land Use Zoning, Subdivision and Advertisement Regulations which conform to the written policies of Council. The content of the land use zoning regulation is as follows:

Part I – General Regulations: Sets out the powers of the Council under the regulations and establishes the rules which govern Council’s consideration of and decision on planning application.

Part II – General Development Standards: These development standards, alphabetically arranged, are applicable to all zones.

Part III – Advertisements: With an exception of conventional name plates and small notices, a permit is required for advertisements to ensure minimum specifications are met.

Part IV – Subdivision of Land: These regulations mainly govern the relationship between developers and Council and sets standards for subdivision design. Since Council does not have an engineer on staff, it will retain one on a consulting basis to supervise, design, construct and test the subdivision streets and services.

Part V – Use Zones: Authorizes the Planning Area to be divided into Use Zones. Where a variance is required, the Council must ensure that the public notice is given and that the general public has the opportunity to comment on the application.

Schedule A – Definitions: Supplies for proper interpretation of regulations.

Schedule B – Classification of Use of Land and Buildings: Assist Councils to determine which specific uses may be permitted in each use zone.

Schedule C – Use Tables: Tailored specifically to meet the needs of Hughes Brook, each table lists the Permitted Uses which must be permitted in that zone, and the Discretionary Uses that may be permitted at the discretion of Council. Notice of a proposed development which is a discretionary use must be advertised in a local newspaper in order to include citizen participation in the planning process. Standards and conditions for development in each zone are also tabled.

Schedule D – Off-Street Parking Requirements: The end table showing the “Relationship between Classification of Uses and Use Zone Tables” is not part of the regulations, but is meant to provide a quick reference to determine which uses are permitted in each zone.

**Map B**

**Community of Hughes Brook  
Municipal Plan**

**FUTURE LAND USE  
1988 – 1998**

**APPENDICES**

Map 5	Existing Land Use (urban area)	1:2500 scale
Map A	Future Land Use (urban area)	1:2500 scale