COMMISSIONER’S REPORT

to the

town of Logy Bay-Middle Cove-Outer Cove

and

Local Governance and Land Use Planning Division

Department of Municipal Affairs and Environment

Municipal Plan Amendment No. 19, 2019

and

Development Regulation Amendment No. 32, 2019

and

St. John's Urban Region Plan Amendment No. 2, 2019

(STACK'S POINT AMENDMENT)

August 18, 2020

Submitted by: Anna Myers, MCIP

50 Monkstown Road

St. John’s, NL A1C 3T3
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1.0 INTRODUCTION

The Town Council of Logy Bay – Middle Cove – Outer Cove (“LBMCOC”) prepared an amendment to its Municipal Plan and Development Regulations and received the Minister of Municipal Affairs and Environment’s approval for the corresponding amendment to the St. John’s Urban Region Regional Plan, 1976 (“the Regional Plan”). The Regional Plan amendment was to be processed simultaneously with the Town’s amendments to the future land use designation map of its Municipal Plan and the land use zoning map of its Development Regulations.

LBMCOC adopted the LBMCOC Municipal Plan Amendment No. 19, 2019 and Development Regulations Amendment No. 32, 2019 on June 28, 2020. (Refer to Appendix 1). The next step in the process is the Public Hearing. The Minister of Municipal Affairs and Environment adopted the Regional Plan Amendment No. 2, 2019 on June 24 2020 (Refer to Appendix 2).

2.0 APPOINTMENT

As required by Section 19 of the Urban and Rural Planning Act, 2000, I, Anna Myers, MCIP, confirm that I was appointed as Commissioner for the Public Hearing regarding the adoption of the Regional Plan Amendment No. 2, 2019 and the LBMCOC Municipal Plan Amendment No. 19, 2019 and Development Regulations Amendment No. 32, 2019, in accordance with the Act. The letters confirming the appointments are attached as Appendix 3.

3.0 BACKGROUND

The Town’s wishes to amend the coastline for a specific area of the community known as “Stack’s Point”, located on the north side of Marine Drive near Outer Cove Beach, to preserve it for the benefit of the public and residents. The property is primarily open meadow with some portions forested, and fronts directly onto Marine Drive. In the Regional Plan, Marine Drive is identified as a “Scenic Route”. More detail is provided in
the proposed amendments including the public consultation process can be found in Appendices 1 and 2.

The Town then requested a mapping amendment to the Regional Plan to change the land use designation of the subject property to enable future coastline conservation, in keeping with the policies of the Regional Plan and the Municipal Plan. To preserve this area of coastline by way of land use designations and zones, the Town proposed the following changes to restrict urban development:

- Regional Plan re-designation from “Urban Development” to “Restricted Development”
- LBMCCOC Municipal Plan re-designation from “Commercial Tourism” to “Open Space Conservation”
- LBMCCOC Development Regulation re-zoning from “COM-T” to “OC”

4.0 THE PUBLIC HEARING

The procedure for the Public Hearing was undertaken according to the COVID-19 protocol as set out in the Planning Circular (Appendix 4). In this case, no physical hearing was undertaken. The Notice for the public hearing indicated that no physical hearing would occur but that email and written submissions would be accepted. An extended period was provided for members of the public to send an email or make a written submission.

The notice was published in the North East Avalon Times on July 15, 2020 and the Telegram on July 25, 2020 and indicated that email and written submissions would be accepted by August 14, 2020. Copies of the Notices are provided in Appendix 5.
5.0 SUBMISSIONS

The Commissioner was advised that one submission was received by the Town from the East Coast Trail Association and it was in support of the amendment. A copy of the submission can be found in Appendix 6.

6.0 ANALYSIS

The background and analysis provided in the proposed Logy Bay-Middle Cove-Outer Cove Municipal Plan Amendment No. 19, 2019 and Development Regulations Amendment No. 32, 2019 and St. John’s Urban Region Plan Amendment No. 2, 2019 Amendment No. 1, 2019 is complete and correct. The one written submission was in support of the amendments.

As Commissioner, I hereby confirm, to the best of my knowledge, that all legislative requirements in the preparation and adoption of the above noted Amendment up to and including the Public Hearing process has been in compliance with the requirements of the Urban and Rural Planning Act, 2000. The scope and extent of the public notice for the purposes of the public hearing for this amendment meets the requirements under Section 17, as amended by the Planning Circular. Accordingly, this Public Hearing is part of the statutory requirements outlined in Section 18 of the Act.
7.0 RECOMMENDATIONS

Based on above-noted summary and analysis, it is recommended that the following amendments be undertaken by:

1. the Town of Logy Bay-Middle Cove-Outer Cove:
   a. LBMOC Municipal Plan re-designation from “Commercial Tourism” to “Open Space Conservation” LBMOC (Municipal Plan Amendment No. 19, 2019); and
   b. LBMOC Development Regulation re-zoning from “COM-T” to “OC” (LBMOC Development Regulations Amendment No. 32, 2019) as shown in the Amendment in Appendix 1; and,

2. the Minister of Municipal Affairs and Environment:
   a. Regional Plan re-designation from “Urban Development” to “Restricted Development” (Regional Plan Amendment No. 2, 2019) as shown in the Amendment in Appendix 2.

Respectively Submitted,

Anna Myers, MCIP
Member, Canadian Institute of Planners