



PLANNING & DEVELOPMENT DEPARTMENT

BACKGROUND REPORT TO

PLUD MEETING OF OCTOBER 9, 2024

Date Prepared: October 4, 2024

Prepared By: Planning & Development Department

Property Address: 7 Pump House Road and Lands to the South West

Application No.: RZ2022-002

Land Use Zone(s): Watershed (WAT) Land Use Zone

Proposal: Amendment from Watershed (WAT) Zone to
Industrial – General (IG) &
Comprehensive Development Area – Industrial (CDA-I) &
Rural (RUR) & Conservation (CON)
South Pond Amendment

Background

The Town of Torbay is in receipt of a rezoning application proposing to amend the existing property at 7 Pump House Road from *Watershed (WAT)* to *Industrial – General* for industrial general use. The letter of application and draft proposal plus location map as submitted by the proponent are attached for reference. A location map as prepared by the Town of Torbay is also attached.

Development History of Watershed Protection

The subject property forms part of a large expanse of land that is currently designated and zoned Watershed under the Regional Plan and the Torbay Municipal Plan and Development Regulations 2015-2025. At the time, the Town of Torbay had designated three ponds as possible water supply: North Pond, South Pond and Great Pond. To this day, these three ponds have been designated and zoned for watershed purposes. Due to contamination of the South Pond

watershed resulting from fire fighter training operations at St. John's International Airport, and the watershed no longer being suitable as a potable water supply, the Minister of Environment and Conservation repealed the provincial protection of South Pond as a watershed in 2012. A copy of the Minister's Repeal Letter is attached for reference.

The lands in and around South Pond however continue being designated and zoned as Watershed Protection under the St. John's Urban Region Regional Plan, and the Torbay Municipal Plan and Development Regulations, 2015-2025. The current request is to lift the watershed protection in the South Pond area.

Other Development Interests & Economic Strategic Roadmap

Two parcels of land in the South Pond watershed area have already been rezoned and are currently already developed to the north of William Manning Drive (the Town's Municipal Depot at 1 Pump House Road and a commercial industrial laydown yard on the south side of William Manning Drive).

In 2021, Torbay Town Council completed and adopted Torbay's Economic Strategic Road Map. One of the seven key initiatives of the Road Map is the designation and phased development of employment generating lands in the South Pond area for commercial - light industrial purposes.

St. John's Urban Region Regional Plan (SJURRP, 1976)

The current SJURRP Designation is WATERSHED PROTECTION. A Regional Plan Amendment to URBAN DEVELOPMENT and REGIONAL INDUSTRIAL and RURAL and RESTRICTED is required.

Airport Noise Exposure Forecast

Portions of the land are located in the vicinity and flight paths of St. John's International Airport. The Planning & Development Department recommends that there shall be no new residential development within the 30 NEF Contour Line. Commercial / Industrial development may be considered.

Domestic Cutting Area

A large expanse of the lands currently designated Watershed are located in a Domestic Cutting Area, regulated by the provincial Forestry Division. More than 100 households in Torbay use this area for fire wood and as a fuel source.

Municipal Plan 2015-2025

The current Municipal Plan Designation is WATERSHED PROTECTION, a Municipal Plan (Mapping) Amendment would be required to re-designate the lands from WATERSHED PROTECTION to, as follows:

1. RURAL – for lands that are located in the Domestic Cutting Area boundary and between the North Pond and South Pond buffer zones.
2. CONSERVATION in and around waterbodies and wetlands and associated buffers.
3. COMPREHENSIVE DEVELOPMENT AREA – INDUSTRIAL for lands outside of the Town’s max. permitted 490 metre road access length.
4. INDUSTRIAL COMMERCIAL for the property at 7 Pump House Road and lands west of William Manning Drive within 490 metre access off the Pump House Road intersection.

Development Regulations 2015-2025

The lands are currently zoned ‘Watershed’. A Development Regulation (Mapping) Amendment is required to rezone lands from Watershed to, as follows:

1. RURAL – for lands that are located in the Domestic Cutting Area boundary and between the North Pond and South Pond buffer zones.
2. CONSERVATION in and around waterbodies and wetlands and associated buffers.
3. COMPREHENSIVE DEVELOPMENT AREA – INDUSTRIAL for lands outside of max. permitted 490 metre road access.
4. INDUSTRIAL COMMERCIAL for the property at 7 Pump House Road and lands west of William Manning Drive within the 490 metre access off Pump House Road intersection.

Referrals

Since receipt of the application, Town staff have held meetings with three provincial departments to determine provincial interests in a proposed amendment and lifting of the South Pond Watershed Designation. A Memo, as prepared by Torbay’s Planning & Development Department dated April 5, 2023, summarizing discussions, is attached for reference. Key points are summarized as follows:

- Municipal & Provincial Affairs Department is supportive of lifting the whole Watershed Designation in and around South Pond, subject to consulting with Transportation & Infrastructure and Water Resources for provincial interests.
- Water Resources Division does not support development between North Pond and South Pond buffers to ensure integrity of North Pond Water Supply. Due to contamination issue, ‘one-of’ well and septic may potentially be considered for single development off Pump House Road, however, due to contamination issue, remainder of lands are recommended

to be developed on municipal water.

- Transportation & Infrastructure Department is not objecting to utilization of William Manning Drive Intersection for access purposes. Development would be subject to traffic light and traffic impact assessment. Pump House Road is municipal jurisdiction, but may require upgrades.
- Forestry Division advises that Domestic Wood Cutting area is being utilized by over 100 Torbay households for fuel source and remains one of the largest forested areas in the municipality.

Amendment History and Public Consultation

At the April 17 2023 public Council meeting, Council resolved to proceed with the public consultation process to undertake mapping amendments to the Torbay Municipal Plan and Development Regulations to rezone the property at 7 Pump House Road from Watershed to Industrial General and to lift all other lands in the South Pond Watershed area to respective Rural, Conservation and Comprehensive Development Area – Industrial (CDA-1).

- On December 13, 2023, the Minister of Municipal & Provincial Affairs granted approval to consult on the proposed Regional Plan Amendment in conjunction with the proposed Municipal Plan and Development Regulation Amendments.
- Further to the December 13, 2023 letter by the Minister of Municipal and Provincial Affairs requesting consultation on the proposed St. John's Urban Region Regional Plan Amendment to re-designate the decommissioned water supply lands of the South Pond Watershed from Watershed Protection to Restricted Development, Regional Industrial, Rural and Urban Development, the Town placed an advertisement in the mid-January 2024 edition of the locally distributed North East Avalon Times newspaper advising of the proposed regional, municipal plan and development regulation amendments and requesting a written response by the noted deadline of 12:00 noon Monday February 5, 2024. A copy of the newspaper ad is attached for reference.
- The Town also posted the consultation advertisement on its website, and via its social media channels.
- Area property owners within a 150 metre radius of the amendment lands plus all property owners in the Pineridge Subdivision (a total of 246 letters) were sent via postal mail, as well as the amendment documents were available for viewing at Torbay Town Hall, 1288 Torbay Road. Copies of the social media postings and letter sent are attached for reference.
- As per requirement under the Urban and Rural Planning Act, all area municipalities subject

to the regional plan were written by email to determine any commentary, considerations or objections there may be. Copies of the referral letter to regional municipalities are attached for reference.

- In addition, the Town referred the proposed amendments to St. John's International Airport Authority.
- The Town received the following responses to the public notification:

Resident Responses (3)

The Town received three (3) replies from area residents and one (1) request for an in-person meeting. The commentary can be summarized as follows:

1. Requesting more background information.
2. Question about how amendments relate to Areas of Concern 1 and 2
3. Current medium and long term development plans.
4. Question about difference between RUR and RLL Land Use Zones.
5. Concern about watershed protection being lifted considering environmental impact, community well-being, and long term sustainability, particularly as it relates to ground water supply.

Copies of the emails are attached for reference.

Area Municipality Responses (2)

The Town received 2 responses from regional municipalities:

1. Town of Conception Bay South:
 - a. No comment or objection.
2. Town of Paradise
 - a. No objection.
 - b. However, emphasizing importance of protecting natural assets and taking necessary steps to protect North Pond water supply from potential contamination from future development.

Copies of the email responses are attached for reference.

St. John's International Airport Authority

As part of the public consultation process, the Town referred the proposed amendments to the Airport Authority with regards to height restrictions (OLS) and noise exposure forecast (NEF).

The Airport Authority prepared an overlay map as attached, and advised:

1. No issues. Areas that would be subject to land use application to NAVCan will not be developed.

2. No Transport Canada engagement required.

The referral response and associated map are attached for reference.

Copies of referrals and responses, advertisements, social media postings, postal mail out, public consultation report and draft amendment documents are attached for reference.

Section 15. Release, Adoption of Regional Plan Amendment & Appointment of Commissioner

The proposed amendments were forwarded to the provincial Department of Municipal and Provincial Affairs for Provincial Review and Release on May 22, 2024. The Town of Torbay received confirmation of the adoption of the Regional Plan Amendment on September 23, 2024, and appointment of Commissioner by the Department of Municipal and Provincial Affairs on October 3, 2024. The amendment is now ready to be tabled with Council for adoption of the municipal plan and development regulations amendments and appointment of the Commissioner and public hearing process.

Recommendation

The Planning & Development Department is tabling Torbay Municipal Plan Amendment No. 7, 2023 and Torbay Development Regulations Amendment No. 13, 2023 with recommendation for adoption, and co-appointment of Stephen B. Jewczyk as Independent Commissioner in conjunction with the Department of Municipal and Provincial Affairs' appointment, and to proceed with a Public Hearing on the proposed South Pond Watershed Amendments on Thursday, November 14, 2024 at Torbay Town Hall. Copy of the amendment documents are attached for reference.

Respectfully,



Julia Schwarz, MCIP, CSLA
Director of Planning & Development

Attachments