Newfoundland & Labrador

Government of Newfoundland and Labrador
Municipal and Provincial Affairs
Local Governance and Land Use Planning

SEP 13 2023

COR/2023/01043

Mayor Gardner and Council
Town of Pasadena
18 Tenth Avenue, Pasadena
Newfoundland and Labrador
A0L 1K0

SEP 20 2023

Email: dgardner@pasadena.ca

Dear Mayor Gardner and Council:

TOWN OF PASADENA
MUNICIPAL PLAN AMENDMENT NO.2, 2023 AND
DEVELOPMENT REGULATIONS AMENDMENT NO.2, 2023

I am pleased to inform you the **Town of Pasadena Municipal Plan Amendment No.2, 2023 and Development Regulations Amendment No.2, 2023,** as approved by Council on Monday June 19th, 2023, have now been registered.

Council, pursuant to **Section 24(2)** of the **Urban and Rural Planning Act, 2000**, must publish a notice in the **Newfoundland and Labrador Gazette** within 10 days of this letter. The registered documents will come into legal effect on the date the notice appears in the *Gazette*. Council must also place a notice of registration in the local newspaper, if available, and by posting a notice of registration on its website and social media pages and by posters placed in prominent locations throughout the community.

The Newfoundland and Labrador Gazette is published every Friday. **Notices must be submitted a week in advance.** Council can submit the notice by email (kingsprinter@gov.nl.ca), by fax (709-729-1900) or by mail (King's Printer, P.O. Box 8700, St. John's, NL, A1B 4J6).

Attached is Council's registered copy of the **Town of Pasadena Municipal Plan Amendment No.2, 2023 and Development Regulations Amendment No.2, 2023**. As these are legal documents, they should be reserved in a safe place.

Yours truly,

Kim Blanchard, MCIP
Manager of Land Use Planning

cc: Anna Myers, MCIP, Tract Consulting

TOWN OF PASADENA

INTEGRATED COMMUNITY SUSTAINABILITY MUNICIPAL PLAN 2019-2029

(hereinafter referred to as the Municipal Plan)

MUNICIPAL PLAN AMENDMENT No. 2, 2023

(Domestic Sawmills – Text amendment only)

JANUARY 2023

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE
TOWN OF PASADENA
INTEGRATED COMMUNITY SUSTAINABILITY MUNICIPAL PLAN, 2019-2029
AMENDMENT No. 2, 2023

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act, 2000,* the Town Council of Pasadena:

a) adopted the Amendment No. 2, 2023 to the Town of Pasadena Municipal Plan on the 15th day of May, 2023;

b) gave notice of the adoption of the Amendment No. 2, 2023 to the Town of Pasadena Municipal Plan by advertisement in the West Coast Wire on May 31, 2023 and June 7, 2023;

c) set the 14th day of June, 2023 at 6 p.m. for the Public Hearing for the Commissioner to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Pasadena approves the Amendment No. 2, 2023 to the Town of Pasadena Municipal Plan as adopted.

SIGNED AND SEALED this 28 day of June, 2023.

Mayor: _____

Town Clerk Sharon Brown

Municipal Plan/Amendment
REGISTERED
Number 3685-2023-002
Date 7 AUG 2023
Signature _____

(Council Seal)

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

TOWN OF PASADENA
INTEGRATED COMMUNITY SUSTAINABILITY MUNICIPAL PLAN, 2019-2029
AMENDMENT No. 2, 2023

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000,* the Town Council of Pasadena adopts the Amendment No. 2, 2023 to the Town of Pasadena Municipal Plan.

Adopted by the Town Council of Pasadena on the 15th day of May, 2023.

Signed and sealed this 28 day of June, 2023

Mayor _____

Town Clerk Sharon Brown

(Council Seal)

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Amendment No. 2, 2023 to the Town of Pasadena Municipal Plan has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000.*

ANNA MYERS CANADIAN INSTITUTE OF PLANNERS URBANISTES INSTITUT CANADIEN DES MCIP MICU

AMyers

MCIP: Anna Myers
Member of Canadian Institute of Planners (MCIP)

TOWN OF PASADENA
INTEGRATED COMMUNITY SUSTAINABILITY MUNICIPAL PLAN AMENDMENT
No. 2, 2023

BACKGROUND

The Town Council of Pasadena wishes to amend its Integrated Community Sustainability Municipal Plan, 2019-2029. Council will also consider an associated amendment to the 2019-2029 Development Regulations.

The Town wishes to allow for domestic sawmills as a Discretionary use in the Residential Low Density zone and the Rural Residential zone. [Note that: The only other place where sawmills (of any kind) are allowed is in the Industrial Rural zone where Natural Resource-related uses are allowed; they are not allowed throughout the Rural zone].

PUBLIC CONSULTATION

During the preparation of this proposed amendment, Council undertook the following initiatives so that individuals could provide input.

A Notice was placed in the local newspaper, the West Coast Wire, on March 1, 2023 to inform and to invite the public for input to the proposed changes. The notice was also placed on the Town Facebook page on February 17, 2023.

There were two submissions received by the Town Clerk. A summary of the issues raised in the submissions is provided below:

Submission #1 – overall supportive; but has concerns regarding specific conditions as follows:
Item #1: limitation of prohibition on 'sale' of product is a duplication of the restriction in the Provincial license and not needed;
Item #2: Requirement to provide technical details of sawmill to be used: Feels that this is too vague and unnecessary;
Item #3: Sawmill byproduct to be removed weekly: feels that this is too onerous and Town should rely on Provincial requirement to remove byproduct on 'a regular basis'
Item #4 (e): Three objections: (1) Disagrees with Town issuing a 'permit' and feels it should remain a 'letter of approval'; (2) objects to fee; and (3) Objects to confirmation of the Provincial cutting permit as a condition of the license as there are multiple ways to legally obtain wood for cutting;

Item 5: Objects to requirement that the license-holder must reside on the property: feels that this discourages 'sharing' of a sawmill; discourages use of family-owned land;
Item 6 (a): Objects to operation time limitation between 9 a.m. to 4 p.m. and comments on a different standard already in place in the Anti-Noise bylaw which has the limitation between 10 p.m. and 7 a.m. (note that a chainsaw and noisy recreation activities can occur for longer hours than the sawmill operation)

Submission #2: Strong objection to allowing domestic sawmills on Residential properties:
Issue #1: Noise infringes on enjoyment of backyard use;
Issue #2: Noise is pervasive and intrusive both outdoors and indoors;
Issue #3: the operation is underway all hours of the day and all days of the week;
Issue #4: noise and nuisance of boom trucks dropping of wood and other trucks picking up product;
Issue#5: Overrun by vermin; Obliged to pay monthly for Vermin control to deal with rats living on the property next door;

The Town proposes to address these issues as follows:

TOWN RESPONSE

Response to issues in submission 1:

- Domestic sawmill activity is a use that can be controlled by the Town; in order to control these operations, the Town needs to issue a permit with conditions that are set out in the Development Regulations; therefore, key issues such as prohibition on sales and frequency of byproduct removal is needed for the Town enforcement; (Items # 1 and #4)
- Technical specification are needed in order to evaluate potential for nuisance during the application stage, rather than dealing with complaints after the permit is issued; (Item #2)
- Frequency of byproduct removal on a weekly basis is needed as a preventative measure against vermin infestation; (Item #3)
- Limiting the source of wood to that harvested domestically by the domestic sawmill operator is required to reduce the nuisance effect of the activity; after all, the wood is for the personal use of the operator only. (Item #4)
- If greater use of the domestic sawmill is desired by the owner by bringing in wood not harvested personally on a domestic harvesting permit, or by sharing the use of the sawmill with other operators, then this activity is not suitable in a Residential zone; . (Item #4)

- Limiting the level of activity in the Residential zone by only allowing the owner of the property to operate a sawmill for personal use is designed to reduce the nuisance effect of the activity; (Item #5)
- The hours of operation are reduced from those set out in the Anti-Noise bylaw; as well, with the restrictions on the amount of wood that can be processed due to the restriction to only the wood harvested by the home-owner, together these measures will reduce the hours of activity and noise.

Response to issues in Submission 2:

Issue #1: Consider other limitations on hours of operation?
Note that limiting the use to the owner of the property, limiting the source of wood to that harvested on a domestic harvesting permit held by the owner of the property and prohibiting sale of wood, somewhat limits the hours of use;

Issue #2: Requiring the technical specifications as part of the application and having this use as a discretionary use where public input is required, partially addresses this concern; might require that all neighbours within a radius where the sound could be heard shall be notified of the application;

Issue #3: Consider prohibiting activity on weekends when everyone is home from school/work?

Issue #4: Response for #1 addresses the issue of boom trucks;

Issue #5: Requirement for weekly disposal of byproduct should address issue of vermin;

INTEGRATED COMMUNITY SUSTAINABILITY MUNICIPAL PLAN AMENDMENT No. 2, 2023

TEXT AMENDMENTS

FROM:

Policy UR-4 The ICSMP designates the majority of the area within the Growth Management Boundary as Residential and through the implementation of the Development Regulations, within the designated Residential area, three different zone categories for varied forms and densities of housing, based upon minimum lot sizes, varying development standards, and/or general design guidelines, will be provided. Three zones shall be shown on the land use zoning map:

- **Residential Low Density (RLD**) Zone which has as Permitted Uses: Detached Dwelling; Personal Care Home-Residential; Conservation – All Uses; and Discretionary uses: Home business, urban agriculture; and Prohibited Uses; Mobile homes/mini-homes.
- **Residential Medium Density (RMD)** Zone which has as Permitted Uses: Detached Dwelling; Semi-Detached Dwelling; Cluster Residential; Home business-home office only, Personal Care Home-Residential, Conservation-All Uses; and Discretionary uses: Townhomes, Apartments, home business, urban agriculture; and Prohibited Uses; Mobile homes/mini-homes.
- **Residential Rural (RR)** which has as Permitted Uses: Detached Dwelling; Personal Care Home-Residential Care; Conservation-All Uses; Home business-home office only, urban agriculture; and Discretionary uses: Public Gathering Places-Indoor, home business;

TO:

Policy UR-4 The ICSMP designates the majority of the area within the Growth Management Boundary as Residential and through the implementation of the Development Regulations, within the designated Residential area, three different zone categories for varied forms and densities of housing, based upon minimum lot sizes, varying development standards, and/or general design guidelines, will be provided. Three zones shall be shown on the land use zoning map:

- **Residential Low Density (RLD**) Zone which has as Permitted Uses: Detached Dwelling; Personal Care Home-Residential; Conservation – All Uses; and Discretionary uses: Home business, urban agriculture, domestic sawmill; and Prohibited Uses; Mobile homes/mini-homes.

- **Residential Medium Density (RMD)** Zone which has as Permitted Uses: Detached Dwelling; Semi-Detached Dwelling; Cluster Residential; Home business-home office only, Personal Care Home-Residential, Conservation-All Uses; and Discretionary uses: Townhomes, Apartments, home business, urban agriculture; and Prohibited Uses; Mobile homes/mini-homes.
- **Residential Rural (RR)** which has as Permitted Uses: Detached Dwelling; Personal Care Home-Residential Care; Conservation-All Uses; Home business-home office only, urban agriculture; and Discretionary uses: Public Gathering Places-Indoor, Domestic sawmill, home business;

TOWN OF PASADENA

DEVELOPMENT REGULATIONS, 2019-2029
AMENDMENT No. 2, 2023

(Domestic Sawmill & Height of Accessory Building
-Text amendment only)

JANUARY 2023

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE

TOWN OF PASADENA
DEVELOPMENT REGULATIONS, 2019-2029
AMENDMENT No. 2, 2023

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act, 2000,* the Town Council of Pasadena:

a) adopted the Amendment No. 2, 2023 to the Town of Pasadena Development Regulations Plan on the 15th day of May, 2023.

b) gave notice of the adoption of the Amendment No. 2, 2023 to the Town of Pasadena Development Regulations by publication in the West Coast Wire on May 31, 2023 and June 7, 2023;

c) set the 14th day of June, 2023, at 6 p.m. for the Public Hearing for the Commissioner to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Pasadena approves the Amendment No. 2, 2023 to the Town of Pasadena Development Regulations Plan as adopted.

SIGNED AND SEALED this 28 day of June, 2023 .

Mayor _____

Town Clerk Sharon Braun

Development Regulations/Amendment
REGISTERED
Number 3685-2023-002
Date 7 AUG 2023
Signature _____

(Council seal)

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

TOWN OF PASADENA
DEVELOPMENT REGULATIONS, 2019-2029
AMENDMENT No. 2, 2023

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000,* the Town Council of Pasadena adopts the Amendment No. 2, 2023 to the Pasadena Development Regulations, 2019-2029.

Adopted by the Town Council of Pasadena on the 15th day of May, 2023.

Signed and sealed this 28 day of June, 2023.

Mayor: _____

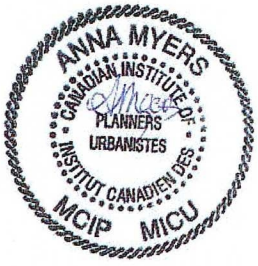
Town Clerk: Sharon Brown

(Council Seal)

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Amendment No. 2, 2023 to the Town of Pasadena Development Regulations, 2019-2029, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000.*

Anna Myers, MCIP
Member of Institute of Planners (MCIP)



TOWN OF PASADENA
DEVELOPMENT REGULATIONS AMENDMENT No. 2, 2023

BACKGROUND

The Town Council of Pasadena wishes to amend its Development Regulations, 2019-2029. The proposed amendment seeks to change the 2019-2029 Development Regulations text.

In general terms, the purpose of this change is to add Domestic Sawmill use as a Discretionary Use in the Residential Low Density zone and the Residential Rural zone and provided development conditions regarding this activity.

The Town also wishes to set out height standards for residential accessory buildings in the Development Regulations, 2019-2029.

PUBLIC CONSULTATION

During the preparation of this proposed amendment, Council undertook the following initiatives so that individuals could provide input.

A Notice was placed in the local newspaper, the West Coast Wire, on March 1, 2023 to inform and to invite the public for input to the proposed changes. The notice was also placed on the Town Facebook page on February 17, 2023.

There were two submissions received by the Town Clerk. A summary of the issues raised in the submissions is provided below:

Submission #1 – overall supportive; but has concerns regarding specific conditions as follows:
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Submission #2: Strong objection to allowing domestic sawmills on Residential properties:
Issue #1: Noise infringes on enjoyment of backyard use;
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Issue #4: noise and nuisance of boom trucks dropping of wood and other trucks picking up product;
Issue#5: Overrun by vermin; Obliged to pay monthly for Vermin control to deal with rats living on the property next door;

TOWN RESPONSE

Response to issues in submission 1:

- Domestic sawmill activity is a use that can be controlled by the Town; in order to control these operations, the Town needs to issue a permit with conditions that are set out in the Development Regulations; therefore, key issues such as prohibition on sales and frequency of byproduct removal is needed for the Town enforcement; (Items # 1 and #4)
- Technical specification are needed in order to evaluate potential for nuisance during the application stage, rather than dealing with complaints after the permit is issued; (Item #2)
- Frequency of byproduct removal on a weekly basis is needed as a preventative measure against vermin infestation; (Item #3)
- Limiting the source of wood to that harvested domestically by the domestic sawmill operator is required to reduce the nuisance effect of the activity; after all, the wood is for the personal use of the operator only. (Item #4)
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to the restriction to only the wood harvested by the home-owner, together these measures will reduce the hours of activity and noise.

Response to issues in Submission 2:

Issue #1: Consider other limitations on hours of operation?
Note that limiting the use to the owner of the property, limiting the source of wood to that harvested on a domestic harvesting permit held by the owner of the property and prohibiting sale of wood, somewhat limits the hours of use;

Issue #2: Requiring the technical specifications as part of the application and having this use as a discretionary use where public input is required, partially addresses this concern; might require that all neighbours within a radius where the sound could be heard shall be notified of the application;

Issue #3: Consider prohibiting activity on weekends when everyone is home from school/work?

Issue #4: Response for #1 addresses the issue of boom trucks;

Issue #5: Requirement for weekly disposal of byproduct should address issue of vermin;

DEVELOPMENT REGULATONS AMENDMENT No. 2, 2023.

The following text additions will be made to the Development Regulations, 2019-2029:

FROM:

3.1.1 Residential Low Density -Detached Dwelling Zone

USE ZONE TABLE: RESIDENTIAL LOW DENSITY (RLD) ZONE		
PERMITTED USES	**DISCRETIONARY USES**	**PROHIBITED USES**
-Detached Dwelling (4.7.1) *-Personal Care Home-Residential (4.7.7)* *-Conservation – All Uses categories (4.5))* *-Home Business – home office only (5.4)* *-Uses permitted in all zones (2.3.2.5)*	*-Home business (5.4) other than home office which is listed as permitted* *-Urban agriculture (4.2.2)*	-Mobile homes/mini-homes

TO:

3.1.1 Residential Low Density -Detached Dwelling Zone

USE ZONE TABLE: RESIDENTIAL LOW DENSITY (RLD) ZONE		
PERMITTED USES	**DISCRETIONARY USES**	**PROHIBITED USES**
-Detached Dwelling (4.7.1) *-Personal Care Home-Residential (4.7.7)* *-Conservation – All Uses categories (4.5))* *-Home Business – home office only (5.4)* *-Uses permitted in all zones (2.3.2.5)*	*-Home business (5.4) other than home office which is listed as permitted* *-Urban agriculture (4.2.2)* - Domestic Sawmill (4.4.19)	-Mobile homes/mini-homes

FROM:

3.1.3 Residential Rural

This zone is intended for areas suitable for residential development but cannot be economically provided with municipal services.

USE ZONE TABLE: RESIDENTIAL RURAL	
PERMITTED USES	**DISCRETIONARY USES**
- Detached Dwelling (4.7.1) *- Personal Care Home-Residential Care (4.7.7)* *-Conservation – All Uses categories (4.5)* *-Home Business – home office only (5.4)* *-Uses permitted in all zones (2.3.2.5)* *-Urban agriculture (4.2.2)*	*-Home business (5.4) other than home office which is listed as permitted* *-Public Gathering Places-Indoor (4.6.4)*

TO:

3.1.3 Residential Rural

This zone is intended for areas suitable for residential development but cannot be economically provided with municipal services.

USE ZONE TABLE: RESIDENTIAL RURAL	
PERMITTED USES	**DISCRETIONARY USES**
- Detached Dwelling (4.7.1) *- Personal Care Home-Residential Care (4.7.7)* *-Conservation – All Uses categories (4.5)* *-Home Business – home office only (5.4)* *-Uses permitted in all zones (2.3.2.5)* *-Urban agriculture (4.2.2)*	*-Home business (5.4) other than home office which is listed as permitted* *-Public Gathering Places-Indoor (4.6.4)* - Domestic Sawmill (4.4.19)

NEW PROVISION TO
4.4 INDUSTRIAL LAND USE CLASS:

4.4.19 Domestic Sawmill: Domestic Sawmill means a domestic sawmill licensed under the *Forestry Act, 1990*, which is approved for personal and private (i.e., non-commercial) use only. The conditions regarding domestic sawmills are as follows:

a. Use of operation limited to 9:00 a.m.-4:00 p.m.
b. Limited to personal use/no sale of product
c. Sawmilling by-product/waste to be removed weekly
d. Require an annual permit review/renewal
e. Permits and fees require annual renewal with confirmation of cutting permit from Government of Newfoundland and Labrador
f. Minimum lot size for domestic sawmill is 670 m^2;
g. Minimum distance from any dwelling is 5 metres;
h. Applicant must reside on the property and must provide evidence of cutting permit issued in the name of the resident proof of residence at this address;
i. The application must set out technical details of sawmill to be used;
j. Sawmills cannot be operated beyond the property boundary of that of which the permit is issued
k. Resident is producing product for personal use only and resale is limited to what is allowed under Provincial Government regulations

NEW PROVISION TO
5.2.2 Accessory Buildings - Residential Use Classes

Conditions

12. Height:
a. Where the residence (primary use) is one-storey in height, the accessory building shall not exceed the height of the primary building;
b. Where the primary building (single detached dwelling, detached dwelling, townhome, etc.) is more than two stories in height, the accessory building cannot be greater than 2/3 the height of the primary building;