



TOWN OF PARADISE AND TOWN OF PORTUGAL COVE-ST.  
PHILIP'S

## **Boundary Adjustment Feasibility Study**

Final Report

January, 2022

January 17, 2022

**Sent via Email**

Town of Paradise and Town of Portugal Cove-St. Philip's  
Newfoundland and Labrador

***Paradise and Portugal Cove – St. Philip's Boundary Adjustment Feasibility Study***

Dillon Consulting Limited (Dillon) is pleased to provide the enclosed Feasibility Study required as part of the request to change the Municipal Boundary between the Towns of Paradise and Portugal Cove-St. Philip's.

The document package includes several attachments requested by the Province's Department of Municipal and Provincial Affairs; specifically direction from their department to have an open comment period in place of an in-person or virtual public hearing. This information was requested as there was uncertainty of the validity of this advice. The advice appears to have been in line with the Department's directive to cancel public hearings under the Urban and Rural Planning Act despite this process being undertaken under the Municipalities Act. As the advice was provided by a senior employee of the Province, it was trusted and followed. We trust that the Minister will, therefore, find the 30-day public comment period sufficient replacement for the required single-session public hearing.

Sincerely,

**DILLON CONSULTING LIMITED**



Jennifer Brown  
Project Manager

cc: Taylor Parsons, Municipal and Provincial Affairs, Government of  
Newfoundland and Labrador

Our file: 20-3832

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## Executive Summary

The Towns of Paradise and Portugal Cove-St. Philip's have agreed to adjust their Municipal Boundary to accurately reflect the development pattern and servicing responsibilities within the Country Gardens Subdivision. The requested adjustment would correct a 2.75 hectare encroachment of lands serviced by the Town of Portugal Cove-St. Philip's but currently within the Town of Paradise's municipal boundary. The *Municipalities Act, 1999* requires the undertaking of a Feasibility Report as part of the Municipal Boundary adjustment process, this includes and an analysis of existing conditions, tax and capital considerations, and a public comment period to allow for feedback from residents and affected property owners.

The land use planning frameworks for both Towns as well as the St. John's Urban Region Regional Plan were reviewed for possible conflicts and needed changes. It was determined that amendments will need to be undertaken to both Town's Municipal Plans and Development Regulations should the boundary adjustment be approved. It was also determined that an amendment to the St. John's Urban Region Regional Plan will also be required as a result of an approved boundary adjustment.

The Town of Paradise does not receive tax revenue or provide municipal services of any kind to the subject properties within the Country Gardens Subdivision. These properties are assessed under the Town of Portugal Cove – St. Philip's and therefore the Town receives tax revenue from each property and in turn provides all municipal services.

The public comment period was open between May 18 and June 18, 2021 and generated five responses; three requests for the draft report, and two letters of concern. Residents expressed concern about the intention of the requested boundary change as well as apprehension around future development on lands adjacent to their properties which would be within the Town of Paradise jurisdiction.

The analysis generate four resulting actions:

**Resulting Action #1:** *Upon approval of a Municipal Boundary Adjustment, it is recommended the Town of Portugal Cove-St. Philip's amend their Future Land Use Map and Zoning Map to accommodate the additional lands. Amendments are recommended to accommodate the watercourse that is identified on the Town of Paradise's Future Land Use Map and Zoning Map.*

**Resulting Action #2:** *Upon approval of the Municipal Boundary Adjustment, it is recommended the Town of Paradise amend their Future Land use Map and Zoning map to reflect the adjusted boundary. No changes to the land use designations or zoning is required.*

**Resulting Action #3:** *Upon approval of the Municipal Boundary Adjustment and in coordination with amendments to their Future Land Use Map and Zoning Map, it is recommended the Town of Portugal Cove-St. Philip's request the Province undertake an amendment to the SJURRP to ensure newly acquired lands are in conformity with the Regional Plan.*

**Resulting Action #4:** *Upon approval of the Municipal Boundary Adjustment and in coordination with amendments to their Municipal Plan and Development Regulations, it is recommended the Town of Paradise accommodate appropriate consultation requirements to ensure affected property owners are notified regardless of municipal boundary or jurisdiction.*

The requested Municipal Boundary Adjustment was determined to be reasonable as it is anticipated to have minimal impact on the operations of the Towns or the residents of the affected properties. It is recommended that the Minister approve the proposed Municipal Boundary Adjustment. It was determined that it is feasible for the Town of Portugal Cove-St. Philip's to continue to service the subject lands within the Country Gardens Subdivision. It has also been determined that the removal of the subject lands from the Town of Paradise will have no impact on the Town's operations.

## 1.0 Introduction

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The Towns of Paradise and Portugal Cove-St. Philip's have agreed to adjust their Municipal Boundary to accurately reflect the development pattern and servicing responsibilities within the Country Gardens Subdivision. The *Municipalities Act, 1999* requires the undertaking of a Feasibility Study as part of the Municipal Boundary adjustment process. The following report is intended to satisfy the legislative requirement and provide a recommendation for the Municipal Boundary Adjustment.

### 1.1 Legislative Process

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Section 9 of the *Municipalities Act, 1999* outlines the process under which a Feasibility Study must be undertaken, including parameters for public input and engagement:

*“ 9. (1) The minister shall order the preparation of a feasibility report in the required form before making a recommendation for an order of the Lieutenant-Governor in Council under section 3.*

*(2) The minister shall appoint a committee of at least one and not more than 3 persons to prepare the feasibility report.*

*(3) The minister may, where he or she considers it necessary, appoint a chairperson for the committee from among those persons appointed under subsection (2).*

*(4) The persons appointed under subsection (2) have the powers of a commissioner under the Public Inquiries Act .*

*(5) The committee shall, before preparing a feasibility report under this section, hold a public hearing with respect to a proposed order under subsection 3(1) and shall, where reasonable, hold the hearing in the affected area.*

*(6) Notwithstanding subsection (5), where the committee specifies that a written or oral submission is to be made by a specified date before a public hearing, and where a written or oral submission is not made by that date, the minister may cancel that public hearing and a further public hearing shall not be required.*

*(7) Where a feasibility report is ordered prepared under subsection (1) as a result of the request of a municipality or an unincorporated area, the cost of that preparation and the feasibility study required to produce the report shall be a cost of that municipality or unincorporated area. ”*

Section 9(2) of the *Municipalities Act, 1999* requires the Minister to appoint a person or committee to undertake a Feasibility Report. Dillon was appointed by the Minister on October 27, 2020 to carry out the legislative requirements of the Feasibility Report including the Public Hearing. Due to the COVID-19 Pandemic, in-person Public Hearings were suspended indefinitely. It was determined in consultation with the Province's Department of Municipal and Provincial Affairs that a public feedback period no fewer than 30 regular days, whereby members of the public could provide written comment on the Municipal Boundary Adjustment, would replace the in-person Public Hearing.

The Public Comment Period was open between May 18 and June 18, 2021. The Public Comment Period was advertised from May 18 to June 18, 2021 on the Towns of Paradise and Portugal Cove-St. Philip's websites, and letters to the affected property owners were sent between May 17 and May 18, 2021.

## 2.0

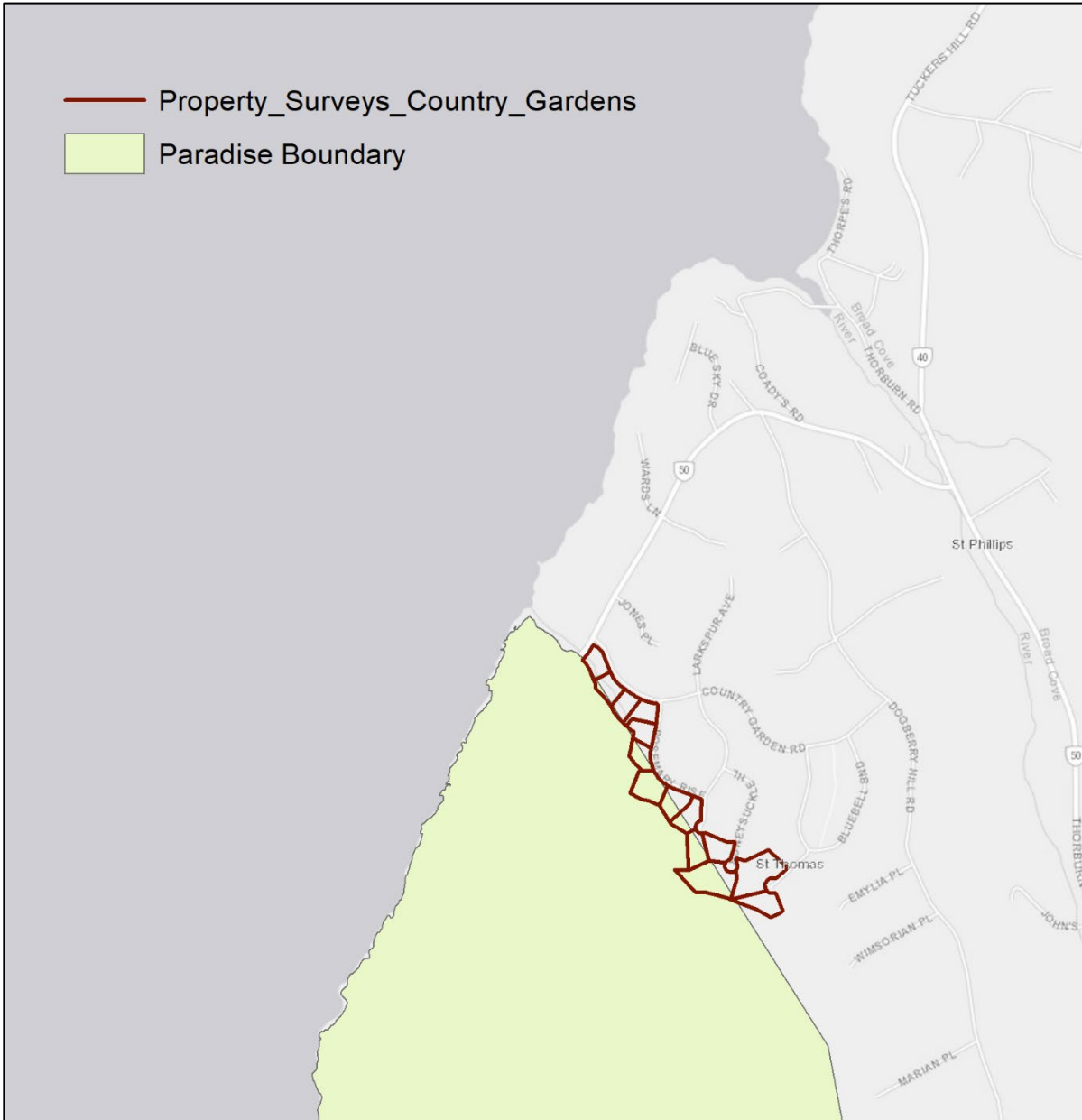
# Municipal Boundary Description

The shared municipal boundary between Paradise and Portugal Cove-St. Philip's does not accurately reflect the existing land use pattern. In September of 1999, the Town of Portugal Cove-St. Philip's received a subdivision application to create a series of residential lots which would come to be known as Country Gardens. The shared municipal boundary between Paradise and Portugal Cove-St. Philip's runs through a total of 14 of the lots created through this subdivision application. Figure 1 describes the extent of these properties and the degree to which they encroach into the Town of Paradise. The lots affected are as follows:

- 7 Garden Hill;
- 4-6 Garden Hill;
- 10 Honeysuckle Hill;
- 8 Honeysuckle Hill;
- 10 Plumtree Place;
- 8 Plumtree Place;
- 10 Rosemary Rise;
- 8 Rosemary Rise;
- 6 Rosemary Rise;
- 4 Rosemary Rise;
- 2 Rosemary Rise;
- 25 Country Garden Road;
- 27 Country Garden Road; and
- 29 Country Garden Road.

The total area of the encroachment is 2.75 hectares.





**Figure 1: Subject Properties**

### 3.0

## Existing Conditions

The subject properties are within an area characterized by low- to medium-density residential development accessed from a series of cul-de-sacs. The development pattern is primarily larger-lot, single unit dwellings. The area is accessed from St. Thomas Line with the subject properties fronting onto streets within the Town of Portugal Cove- St. Philip's. The sections that follow provide an overview of the legislative development framework in the area.

### 3.1

## St. John's Urban Region Regional Plan

The St. John's Urban Region Regional Plan (SJURRP) is a regional land use plan managed by the Province's Department of Environment, Climate Change and Municipalities. The SJURRP encompasses an area that includes 15 municipalities and the Butterpot/Witless-Bay Environs Development Control area. The Towns of Paradise and Portugal Cove – St. Philip's are within the area controlled by the SJURRP.

The subject properties are within the Urban Development, Rural, and Restricted Development designations of the SJURRP.

### 3.2

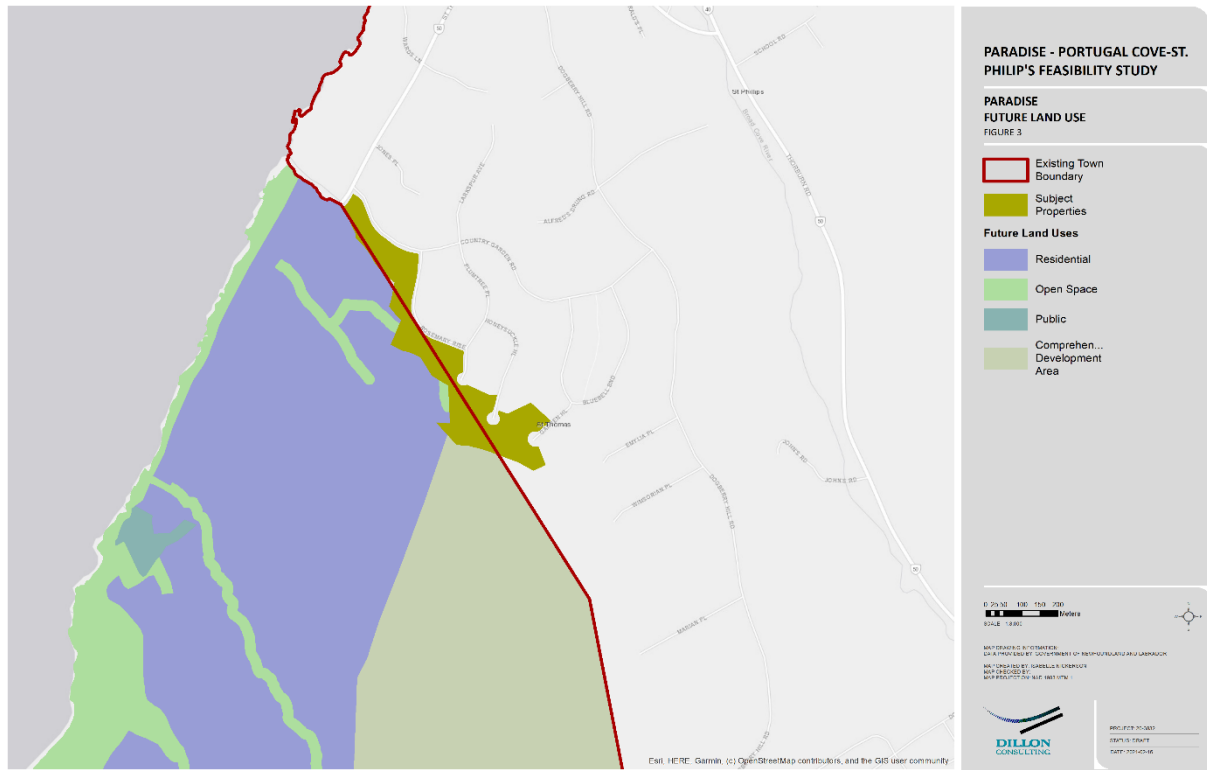
## Municipal Plan and Zoning Regulations

The subject properties were reviewed against each town's Municipal Plan and Zoning Regulations to provide an understanding of the existing development pattern and the future intentions for the area. The context for each town is provided in the sections below.

### 3.2.1

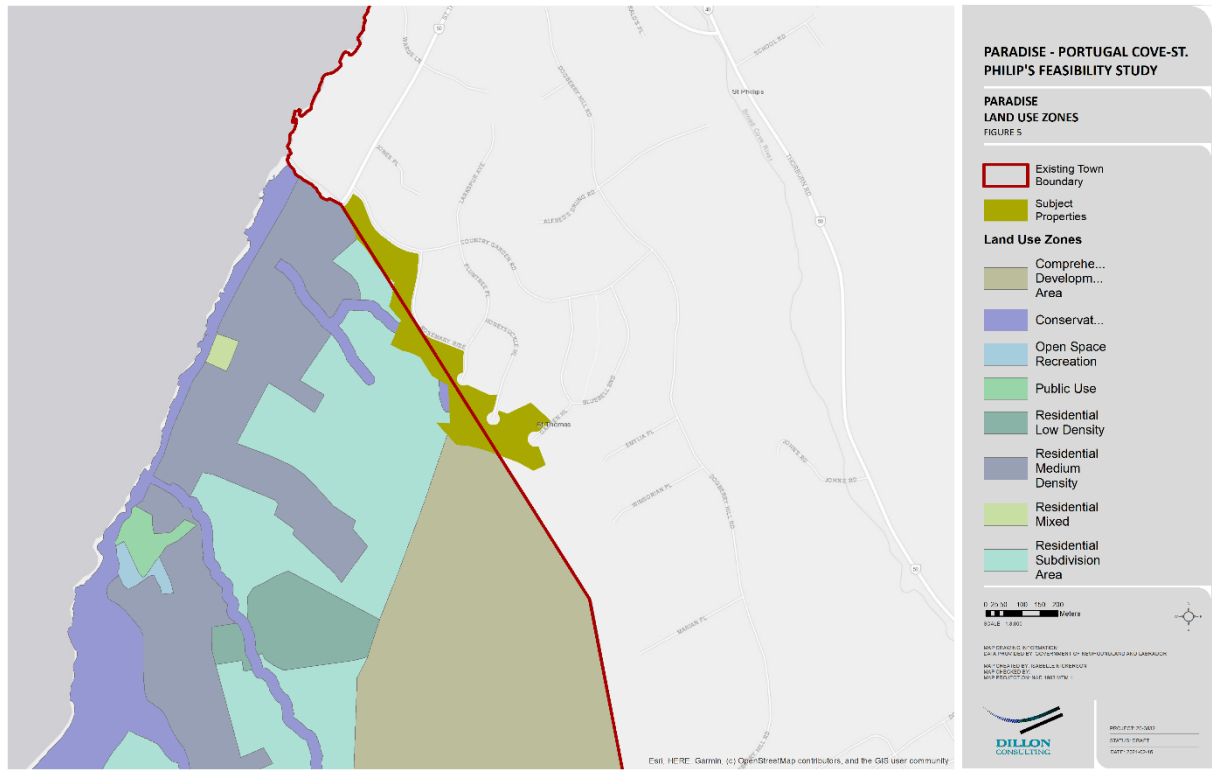
## Town of Paradise

The Town of Paradise's Municipal Plan designates lands through its Future Land Use map. The subject sites fall within three land use designations; Residential, Open Space, and Comprehensive Development Area. Figure 2 shows the subject properties in the context of the Future Land Use Map.



**Figure 2: Town of Paradise Future Land Use Map**

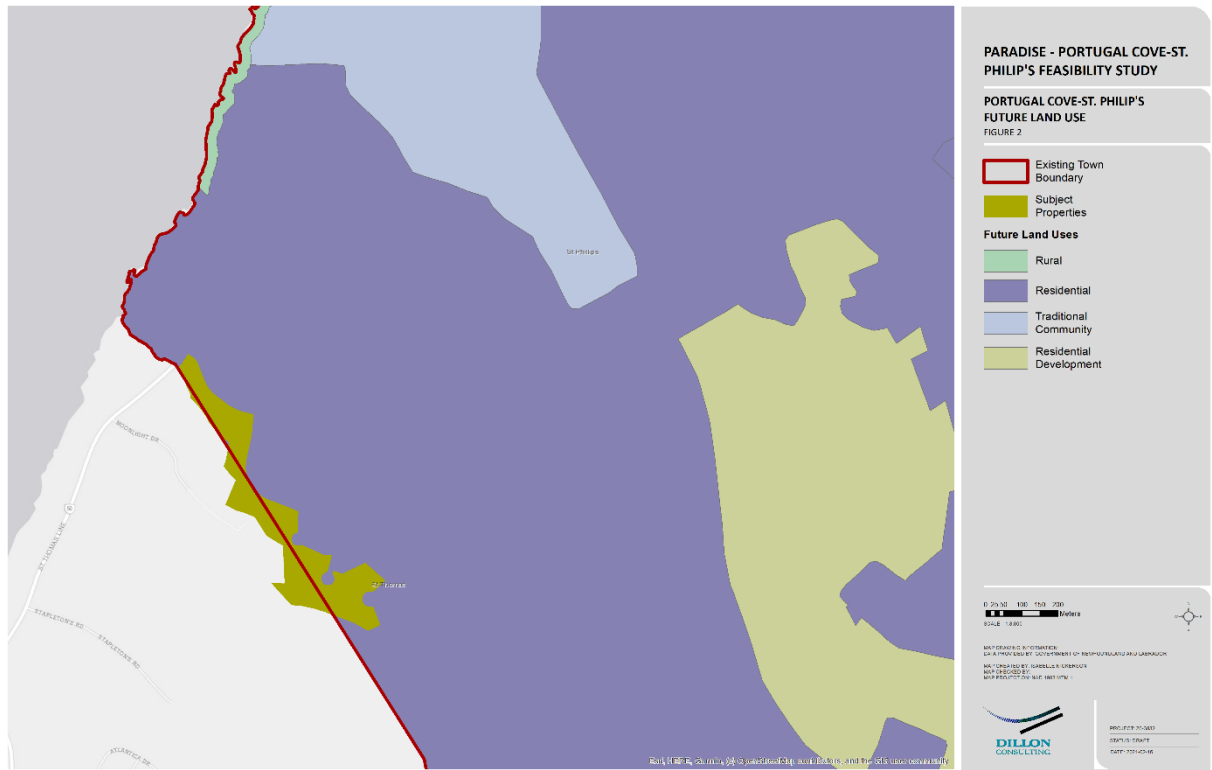
The Town of Paradise's Zoning Regulations divides land into zones via its Zoning Map. The subject sites fall within the Residential Medium Density, Residential Subdivision Area, Comprehensive Development Area, and Conservation zones. Figure 3 shows the subject properties in the context of the Zoning Map.



**Figure 3 Town of Paradise Zoning Map**

### 3.2.2 Town of Portugal Cove-St. Philip's

The Town of Portugal Cove-St. Philip's Municipal Plan designates lands through its Future Land Use map. The subject sites fall within the Residential land use designation. Figure 4 shows the subject properties in the context of the Future Land Use Map.



**Figure 4 Town of Portugal Cove - St. Philip's Future Land Use Map**

The Town of Portugal Cove – St. Philip's Zoning Regulations divides land into zones via its Zoning Map. The subject sites fall within the Residential Medium Density zone. Figure 5 shows the subject properties in the context of the Zoning Map.

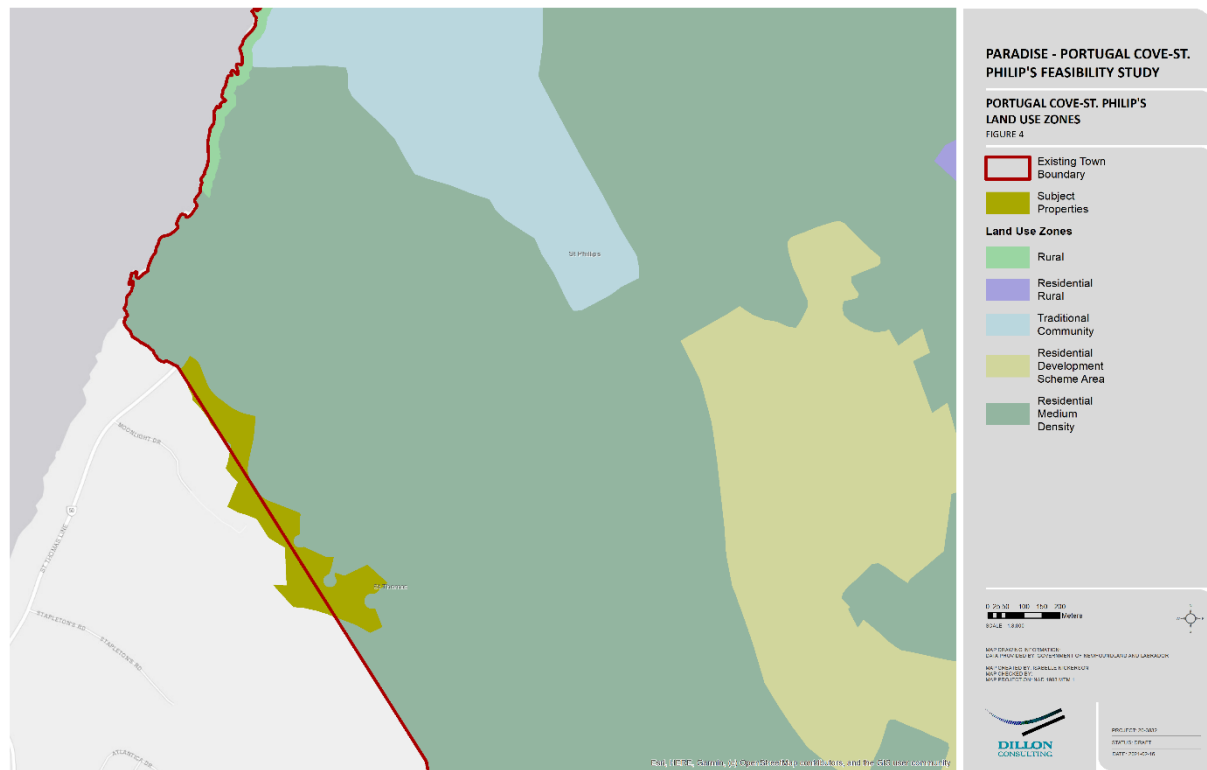


Figure 5: Town of Portugal Cove-St. Philip's Zoning Map

## 4.0 Tax and Capital Considerations

### 4.1 Town of Paradise

The Town of Paradise does not receive tax revenue from the subject properties. There is no available or known record of the subject properties ever being considered in the Town of Paradise property assessments. Additionally, the Town of Paradise does not provide municipal services of any kind to the subject properties.

### 4.2 Town of Portugal Cove – St. Philip's

The subject properties are assessed under the Town of Portugal Cove – St. Philip's and therefore the Town receives tax revenue from each property. Each of the subject properties have frontage onto and are accessed by a street within the Town's municipal boundary. The subject properties receive all municipal services from the Town of Portugal Cove – St. Philip's.

## 5.0 Public Engagement & Consultation

As noted in section 1.1, members of the public as well as impacted property owners were notified of the requested boundary change and given an opportunity to provide feedback through a public comment period that was open from May 18 to June 18, 2021. A notice was placed on each Town's website and ran between May 18 and June 2021. Property owners were notified through letters mailed between May 17 and May 18, 2021. Copies of these notices and letters are provided in Appendix 2.

In total, 5 emails were received through the public comment period. A copy of each email is attached in Appendix 1. Of the emails received, three requested a copy of the draft Feasibility Study with no follow up comments received. The other two emails expressed concerns around future development on lands abutting their property that are within the Town of Paradise. There were concerns around consultation requirements should development be proposed in the future on lands adjacent to the property owners within the Country Gardens Subdivision.

## 6.0 Analysis and Draft Recommendation

The intent of this report is to provide a recommendation on the feasibility of adjusting the shared Municipal Boundary between the Towns of Paradise and Portugal Cove – St. Philip's. Considerations were given to the services both Towns provide to the properties that are transected by the boundary as well as the revenue each Town generates from these properties. An understanding of the regional and municipal development framework provided insight into the impact of the boundary change on each Town and needed actions resulting from a municipal boundary adjustment.

The Country Gardens Subdivision appears to have reached full build out as described by the original subdivision plan. The Town of Portugal Cove-St. Philip's has accommodated the existing development through an appropriate land use designation in their Municipal Plan and an appropriate zone in their Development Regulations. An adjustment to the Municipal Boundary would necessitate an amendment to the Town's Municipal Plan and Development Regulations to accommodate the additional lands and to accurately reflect the land use designation and zoning. These amendments should consider the Town of Paradise's existing Municipal Plan and Development Regulations to ensure consistent consideration for site features, specifically the watercourse identified by the Town of Paradise's Open Space Land Use Designation and Conservation Zone.

**Resulting Action #1:** *Upon approval of a Municipal Boundary Adjustment, it is recommended the Town of Portugal Cove-St. Philip's amend their Future Land Use Map and Zoning Map to accommodate the*

*additional lands. Amendments are recommended to accommodate the watercourse that is identified on the Town of Paradise's Future Land Use Map and Zoning Map.*

Adjusting the shared Municipal Boundary will require the Town of Paradise to update their Future Land Use Map and Zoning Map to reflect the updated boundary. The existing land use designations and zones appear to match the development pattern and therefore no changes to how the development framework is applied would be required.

**Resulting Action #2:** *Upon approval of the Municipal Boundary Adjustment, it is recommended the Town of Paradise amend their Future Land use Map and Zoning map to reflect the adjusted boundary. No changes to the land use designations or zoning is required.*

A review of the SJURRP identified a portion of the subject lands to be within the Rural and Restricted Development designations of the Regional Plan. This is a result of the lands being designated Comprehensive Development Area and Open Space in the Town of Paradise's Future Land Use Map and zoned Comprehensive Development Area and Conservation in the Town's Zoning Map. The lands within the Town of Portugal Cove-St. Philip's subject to the boundary adjustment are designated Urban Development in the SJURRP. The SJURRP generally restricts residential development within these designations. An amendment to the SJURRP will be required to bring the Regional Plan into conformity with the anticipated changes to the Town of Portugal Cove-St. Philip's Future Land Use Map and Zoning Map.

**Resulting Action #3:** *Upon approval of the Municipal Boundary Adjustment and in coordination with amendments to their Future Land Use Map and Zoning Map, it is recommended the Town of Portugal Cove-St. Philip's request the Province's Department of Environment, Climate Change and Municipalities undertake an amendment to the SJURRP to ensure newly acquired lands are in conformity with the Regional Plan.*

Feedback from the affected property owners suggests a need for collaboration with respect to development within a reasonable vicinity of the shared municipal boundary. Required notice provisions described by each Town's development framework should consider the inclusion of impacted properties regardless of jurisdiction. Should an amendment or variance to the Town of Paradise's Municipal Plan or Development Regulations be proposed in a way that may impact the Country Gardens Subdivision, it is recommended the property owners be notified and provided an opportunity to comment.

**Resulting Action #4:** *Upon approval of the Municipal Boundary Adjustment and in coordination with amendments to their Municipal Plan and Development Regulations, it is recommended the Town of Paradise accommodate appropriate consultation requirements to ensure affected property owners are notified regardless of municipal boundary or jurisdiction.*



## Recommendation

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This Study has determined that the proposed Municipal Boundary Adjustment is reasonable and is not anticipated to create undue hardship or unreasonable impact to either Town. The Town of Paradise has no known history of benefiting from the Country Gardens Subdivision and has no known history of providing municipal services to the subject lands. The Town of Portugal Cove-St. Philip's provided the development approvals for the subject lands and subsequently provided all municipal services and received all tax revenue associated with the subject lands. The Town of Portugal Cove-St. Philip's has therefore proven their capacity to service the subject lands and this Study has determined it to be feasible that they continue to do so. **It is therefore recommended that the Minister approve the proposed Municipal Boundary Adjustment. It has been determined that it is feasible for the Town of Portugal Cove-St. Philip's to continue to service the subject lands within the Country Gardens Subdivision. It has also been determined that the removal of the subject lands from the Town of Paradise will have no impact on the Town's operations.**

## Appendix 1

### Public Comment Period Responses



Brown, Jennifer &lt;jbrown@dillon.ca&gt;

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**Country Gardens / Paradise border**

2 messages

Fri, Jun 18, 2021 at 3:54 PM

To: jbrown@dillon.ca

Hello

I am responding to the letter I received on the Paradise / PCSP border.

My greatest concern is that the reason for the proposed change, and the implications are not explained. If the purpose of the change is an effort to remove any rights of consultation on development on the boundary then I would express strong concerns. I do not believe that the proposed change is simply some bureaucratic tidying up effort.

I would like to register my objections until such time as the reasons and implications are explained and the two towns involved are more forthcoming and transparent about the reasons this is happening now.



---

**Brown, Jennifer** <jbrown@dillon.ca>

Tue, Jun 22, 2021 at 1:24 PM

Hello [REDACTED],

Thank you for your feedback regarding the proposed boundary change. I will ensure your comments are included in the feasibility study associated with the boundary change process.

Enjoy your day,

Jennifer

[Quoted text hidden]



**Jennifer Brown**  
**Dillon Consulting Limited**  
274 Sydney Street Suite 200  
Saint John, New Brunswick, E2L 0A8  
T - 506.633.5000 ext. 5409  
F - 506.633.5110  
M - 506.653.7904



Brown, Jennifer &lt;jbrown@dillon.ca&gt;

**Country Gardens**

6 messages

Thu, May 27, 2021 at 3:17 PM

To: "jbrown@dillon.ca" &lt;jbrown@dillon.ca&gt;

Hi Jill,  
My name is [REDACTED] and I am located at [REDACTED] in Country Gardens. I became aware today through a neighbour that the boundary lines between Paradise and PCSP are being adjusted and according to the map the boundary line goes right through the centre of my property. I was never notified of this only through a neighbour. What implications does this have for me and my property? Do I continue paying taxes to St. Philip's or will it change to Paradise? What is the reasoning behind the boundary change? If you could provide me with some information that would be great as I am only hearing of this today. My neighbour sent me a map and I have highlighted below where my property is located.

Thanks,  
[REDACTED]

15:40



◀ Mail

pcsp.ca

# Boundary Adjustment

Paradise Cove-St. Philip's have agreed to adjust their shared boundary to accurately reflect the development pattern and servicing of Country Gardens Subdivision.

The Provincial Affairs has appointed Dillon Consulting Limited to prepare the documents for a Municipal Boundary Adjustment under the

# Requests for a Municipal Boundary Adjustment under the

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mail to Jennifer Brown at [jbrown@Dillon.ca](mailto:jbrown@Dillon.ca), or by mail to  
e at 45 Hebron Way, Suite 202, St. John's, Newfoundland

Sent from my iPhone

**Brown, Jennifer** <jbrown@dillon.ca>

Fri, May 28, 2021 at 12:39 PM

Hello [REDACTED]  
I am away from the office until Monday and will send you a full package of information on the proposed boundary adjustment. I wanted to make sure to touch base today to ensure you were aware that the boundary change would not affect how you pay taxes or who you pay taxes to. The intent of the boundary change is to capture the properties in Country Gardens within PCSP entirely.

I will follow up with you on Monday.

Enjoy your weekend,

Jennifer

[Quoted text hidden]

--



**Jennifer Brown**  
**Dillon Consulting Limited**  
274 Sydney Street Suite 200  
Saint John, New Brunswick, E2L 0A8  
T - 506.633.5000 ext. 5409  
F - 506.633.5110  
M - 506.653.7904  
JBrown@dillon.ca  
www.dillon.ca



To: "Brown, Jennifer" <jbrown@dillon.ca>

Fri, May 28, 2021 at 12:48 PM

Hi Jennifer,

Thanks for the reply. I will await the package on Monday. From what I am hearing in the neighbourhood, the reason for the change in boundary lines is that we would no longer have a say in any development behind us (in Paradise) as our complete boundary line will now be in St. Philip's. In that case, Paradise can decide to develop anything behind us that they want and we would just have to deal with it. We chose this neighbourhood because of its beauty and if you know the area, people here try their best to maintain their properties to a high standard. For that reason, this boundary line change really concerns us. In any event I will wait til Monday and review the documents. Thanks again and enjoy your weekend,

Sent from my iPhone

On May 28, 2021, at 13:09, Brown, Jennifer <jbrown@dillon.ca> wrote:



Hello [REDACTED],

I am away from the office until Monday and will send you a full package of information on the proposed boundary adjustment. I wanted to make sure to touch base today to ensure you were aware that the boundary change would not affect how you pay taxes or who you pay taxes to. The intent of the boundary change is to capture the properties in Country Gardens within PCSP entirely.

I will follow up with you on Monday.

Enjoy your weekend,

Jennifer

On Thu, May 27, 2021 at 3:17 PM [REDACTED] wrote:

Hi Jill,

My name is [REDACTED] and I am located at [REDACTED] in Country Gardens. I became aware today through a neighbour that the boundary lines between Paradise and PCSP are being adjusted and according to the map the boundary line goes right through the centre of my property. I was never notified of this only through a neighbour. What implications does this have for me and my property? Do I continue paying taxes to St. Philip's or will it change to Paradise? What is the reasoning behind the boundary change? If you could provide me with some information that would be great as I am only hearing of this today. My neighbour sent me a map and I have highlighted below where my property is located.

Thanks,

[REDACTED]

Sent from my iPhone



**Jennifer Brown**  
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www.dillon.ca



This message is directed in confidence solely to the person(s) named above and may contain privileged, confidential or private information which is not to be disclosed. If you are not the addressee or an authorized representative thereof, please contact the undersigned and then destroy this message.

Ce message est destiné uniquement aux personnes indiquées dans l'entête et peut contenir une information privilégiée, confidentielle ou privée et ne pouvant être divulguée. Si vous n'êtes pas le destinataire de ce message ou une personne autorisée à le recevoir, veuillez communiquer avec le soussigné et ensuite détruire ce message.

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**Brown, Jennifer** <jbrown@dillon.ca>

Mon, May 31, 2021 at 12:02 PM

Hello [REDACTED],

As promised, I'm attaching the draft feasibility report for your review.

I am collecting feedback on the proposed boundary change. I know you have included some initial feedback in your previous email but I wanted to ensure you knew that any additional feedback is welcomed until the end of the Public Comment Period which closes at midnight on June 18, 2021.

Please let me know if you have any questions,


Jennifer

[Quoted text hidden]

---

**2 attachments**

 **Boundary adjustment11x17 Map.pdf**  
2072K

 **Paradise PCSP Boundary Feasibility Study - Report Draft.pdf**  
1344K

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**Brown, Jennifer** <jbrown@dillon.ca>

Mon, May 31, 2021 at 12:12 PM

Hello again [REDACTED]

I forgot to mention that as a resident of the Country Gardens Subdivision, you were mailed a notice of the boundary change request. I have confirmed a notice was mailed to [REDACTED]. I'm currently looking into why you have not received this notice and will inform you of any information or reasoning I receive.

Thank you and enjoy your day,

Jennifer

[Quoted text hidden]

---

To: "Brown, Jennifer" <jbrown@dillon.ca>

Mon, May 31, 2021 at 8:11 PM

Thanks Jennifer that's great. I will review the documents and get back to you. I will also let you know if I do receive the letter in the mail soon.  
Have a nice day,  
[REDACTED]





Brown, Jennifer &lt;jbrown@dillon.ca&gt;

---

**Draft Feasibility Study,**

2 messages

Mon, May 31, 2021 at 11:44 AM

To: jbrown@dillon.ca

Good Afternoon Jennifer, Will you please send me a copy of the Draft Feasibility Study and Proposed Municipal Boundary Adjustment for the towns of Portugal Cove-St.Philips-Paradise.

Thank You

---

**Brown, Jennifer** <jbrown@dillon.ca>

Mon, May 31, 2021 at 11:48 AM

Hello [REDACTED]  
Please find the draft report attached.

Please let me know if you have any questions or require anything further.

Jennifer  
[Quoted text hidden]

--



**Jennifer Brown**  
**Dillon Consulting Limited**  
274 Sydney Street Suite 200  
Saint John, New Brunswick, E2L 0A8  
T - 506.633.5000 ext. 5409  
F - 506.633.5110  
M - 506.653.7904  
JBrown@dillon.ca  
www.dillon.ca



---

**2 attachments**

**Paradise PCSP Boundary Feasibility Study - Report Draft.pdf**  
1344K

**Boundary adjustment11x17 Map.pdf**



Brown, Jennifer &lt;jbrown@dillon.ca&gt;

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**draft Feasibility Study and proposed Municipal Boundary Adjustment**

3 messages

Wed, May 19, 2021 at 1:10 PM

To: jbrown@dillon.ca

Jennifer,

Could I please get a copy of the study materials?

Thank you  
[REDACTED]

Wed, May 19, 2021 at 3:03 PM

**Brown, Jennifer** <jbrown@dillon.ca>  
[REDACTED]

Hello [REDACTED],

Please see the attached draft of the Feasibility Report as requested.

Please let me know if you have any questions.

Jennifer

[Quoted text hidden]

--



**Jennifer Brown**  
**Dillon Consulting Limited**  
274 Sydney Street Suite 200  
Saint John, New Brunswick, E2L 0A8  
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M - 506.653.7904  
JBrown@dillon.ca  
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---

 **Paradise PCSP Boundary Feasibility Study - Report Draft.pdf**  
1344KThu, May 20, 2021 at 10:09 AM  
[REDACTED]

To: "Brown, Jennifer" <jbrown@dillon.ca>

Thank you for quick response Jennifer.

[Quoted text hidden]

[Quoted text hidden]

This message is directed in confidence solely to the person(s) named above and may contain privileged, confidential or private information which is not to be disclosed. If you are not the addressee or an authorized representative thereof, please contact the undersigned and then destroy this message.

Ce message est destiné uniquement aux personnes indiquées dans l'entête et peut contenir une information privilégiée, confidentielle ou privée et ne pouvant être divulguée. Si vous n'êtes pas le destinataire de ce message ou une personne autorisée à le recevoir, veuillez communiquer avec le soussigné et ensuite détruire ce message.





Brown, Jennifer <jbrown@dillon.ca>

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## Request for Materials

2 messages

[REDACTED]

Mon, May 24, 2021 at 12:17 PM

To: jbrown@dillon.ca

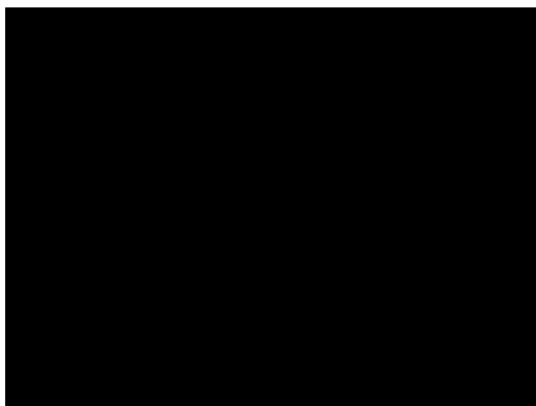
Hi there,

I would like to request a copy of the draft Feasibility Study and proposed Municipal Boundary Adjustment for the County Gardens subdivision.

Thanks,

[REDACTED]

--



---

Brown, Jennifer <jbrown@dillon.ca>

Mon, May 31, 2021 at 9:30 AM

[REDACTED]

Hello [REDACTED],

My apologies for the late reply. I was away from the office last week.

Please find the draft report attached for your review. Please let me know if you have any questions.

Enjoy your day,

Jennifer

[Quoted text hidden]



## Appendix 2

### Public Hearing Notices

# Request for Feedback: Municipal Boundary Adjustment

The Towns of Paradise and Portugal Cove-St. Philip's have agreed to adjust their shared municipal boundary line to accurately reflect the development pattern and servicing responsibilities within the Country Gardens Subdivision.

The Minister of Municipal and Provincial Affairs has appointed Dillon Consulting Limited to carry out the legislative requirements for a Municipal Boundary Adjustment under the *Municipalities Act, 1999*.

In- person Public Hearings are currently suspended due to COVID-19. In lieu of an in-person Public Hearing, the public are invited to provide their feedback on the proposed Municipal Boundary Adjustment through a 30-day Public Comment Period between **May 18 and June 18, 2021.**



Feedback can be provided, via email to Jennifer Brown at [jbrown@Dillon.ca](mailto:jbrown@Dillon.ca), or by hardcopy letter to Dillon's St. John's office at 45 Hebron Way, Suite 202, St. John's, Newfoundland and Labrador, A1A 0P9.

A copy of the draft Feasibility Study and proposed Municipal Boundary Adjustment are available upon request from Dillon.

May 19, 2021

## Request for Feedback: Municipal Boundary Adjustment

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A copy of the draft Feasibility Study and proposed Municipal Boundary Adjustment are available upon

Share



A copy of the draft Feasibility Study and proposed Municipal Boundary Adjustment are available upon request from Dillon.




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- Page Change History

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English

420 items found, displaying 1 to 20.

[First/Prev] 1, 2, 3, 4, 5, 6, 7, 8 [Next/Last]

Name	File	Revision	Updated by	Modified date	Options
Planning Notices	planning-notices-.aspx	420	dhawco@paradise.ca	06/30/2021 10:15:19	Options...
Planning Notices	planning-notices-.aspx	419	dhawco@paradise.ca	06/30/2021 10:13:30	Options...
Planning Notices	planning-notices-.aspx	418	dhawco@paradise.ca	06/30/2021 10:12:37	Options...
Planning Notices	planning-notices-.aspx	417	dhawco@paradise.ca	06/18/2021 11:15:49	Options...
Planning Notices	planning-notices-.aspx	416	dhawco@paradise.ca	06/09/2021 15:02:03	Options...
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Planning Notices	planning-notices-.aspx	401	dhawco@paradise.ca	05/18/2021 13:44:41	Options...



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## Planning Notices

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The Town of Paradise regularly issues a variety of Planning Notices (Variance Use Applications, Discretionary Use Notices, and others).

The Town [Discretionary Use Policy](#) and [Accessory Building Permit Policy](#) outline applicable guidelines, requirements and procedures.

Public Notice - Municipal Boundary Adjustment, Town's of Paradise and Portugal Cove-St.Philip's



[Request for Feedback: Municipal Boundary Adjustment Ad](#) (PDF)

Notice of Variance Application, 45 Sunderland Drive



Notice of Discretionary Use Application, Restaurant/Liquor License, 1310 Topsail Road



Notice of Land Transfer





## Request for Feedback: Municipal Boundary Adjustment

The Towns of Paradise and Portugal Cove-St. Philip's have agreed to adjust their shared municipal boundary line to accurately reflect the development pattern and servicing responsibilities within the Country Gardens Subdivision.

The Minister of Municipal and Provincial Affairs has appointed Dillon Consulting Limited to carry out the legislative requirements for a Municipal Boundary Adjustment under the *Municipalities Act, 1999*.

In- person Public Hearings are currently suspended due to COVID-19. In lieu of an in-person Public Hearing, the public are invited to provide their feedback on the proposed Municipal Boundary Adjustment through a 30-day Public Comment Period between **May 18 and June 18, 2021**.



Feedback can be provided, via email to Jennifer Brown at [jbrown@dillon.ca](mailto:jbrown@dillon.ca), or by mail to Dillon Consulting St. John's office at 45 Hebron Way, Suite 202, St. John's, Newfoundland and Labrador, A1A 0P9.

A copy of the draft Feasibility Study and proposed Municipal Boundary Adjustment are available upon request from Dillon.



Dear Property Owner:

The Towns of Paradise and Portugal Cove-St. Philip's have agreed to adjust their Municipal Boundary to accurately reflect the development pattern and servicing responsibilities within the Country Gardens Subdivision. The process by which a Municipal Boundary Adjustment is undertaken is outlined under Section 9 the *Municipalities Act, 1999*. The Municipal Boundary Adjustment would see an area of 2.75 hectares be added to the Town of Portugal Cove-St. Philip's and subsequently removed from the Town of Paradise. A map of the proposed change is attached for reference.

Section 9(2) of the *Municipalities Act, 1999* requires the Minister to appoint a person or committee to undertake a Feasibility Report. Dillon Consulting Ltd (Dillon) was appointed by the Minister on October 27, 2020 to carry out the legislative requirements of the Feasibility Report including the Public Hearing. Due to the COVID-19 Pandemic, in-person Public Hearings were suspended indefinitely. It was determined that a public feedback period no fewer than 30 regular days, whereby members of the public could provide written comment on the Municipal Boundary Adjustment, would replace the in-person Public Hearing.

The public feedback period will be held between May 18 and June 18, 2021.

This letter is being sent to affected property owners to inform them of, and request their feedback on the Municipal Boundary Adjustment. Feedback will be collected until June 18, 2021. It is preferred that feedback be sent via email to the undersigned at [jbrown@dillon.ca](mailto:jbrown@dillon.ca). Hardcopies may be mailed to or dropped off at Dillon's St. John's office to the attention of the undersigned: 45 Hebron Way, Suite 202, St. John's, Newfoundland and Labrador, A1A 0P9.

Sincerely,



Jennifer Brown

**DILLON CONSULTING LIMITED**

Cc: Tony Pollard, CAO, Town of Portugal Cove-St. Philip's  
Darren Randell, Planner, Town of Paradise

Attachment: Map of Proposed Municipal Boundary Adjustment







## Appendix 3

### Proposed Municipal Boundary Legal Descriptions

## Proposed Boundary Description

The following description describes the shared boundary between the Towns of Paradise and Portugal Cove-St. Philip's.

Beginning at a point on the south-west property corner of the lot south west of the junction of Country Garden Road and St. Thomas Line Roads (29 Country Garden Road), at co-ordinates north 5271551 metres and east 312762 metres.

Then in a south easterly direction along the back property line of the lots along County Garden Road, S 45-58-11 E 12.05 metres to a point at co-ordinates north 5271543 metres and east 312771 metres.

Then S 31-10-27 E 24.945 metres to a point at co-ordinates north 5271521 metres and east 312784 metres.

Then S 17-11-37 E 17.323 metres to a point at co-ordinates north 5271505 metres and east 312789 metres.

Then S 26-24-8 E 13.074 metres to a point at co-ordinates north 5271493 metres and east 312794 metres, at the northwest corner of 27 Country Garden Road.

Then S 26-24-6 E 9.752 metres to a point at co-ordinates north 5271484 metres and east 312799 metres.

Then S 6-13-21 E 12.709 metres to a point at co-ordinates north 5271472 metres and east 312800 metres.

Then S 42-32-2 E 35.568 metres then S 37-19-36 E 27.390 metres to a point at co-ordinates north 5271424 metres and east 312841 metres, at a point approximately 1.75m north of the property corner of 25 Country Garden Road.

Then S 26-33-24 E 20.377 metres to a point at co-ordinates north 5271405 metres and east 312850 metres.

Then S 37-36-2 E 21.269 metres to a point at co-ordinates north 5271389 metres and east 312863 metres.

Then S 43-14-56 E 32.008 metres to a point at co-ordinates north 5271365 metres and east 312885 metres, at the property corner of 2 Rosemary Rise and 4 Rosemary Rise.

Then N 37-28-8 E 1.000 metre to the property corner of 4 Rosemary Rise on the east property line of 2 Rosemary Rise.

Then S 49-7-23 E 21.248 metres to a point at co-ordinates north 5271352 metres and east 312902 metres.

Then S 62-33-36 E 6.388 metres to a point at co-ordinates north 5271349 metres and east 312907 metres.

Then S 11-10-36 W 50.584 metres to a point at co-ordinates north 5271300 metres and east 312897 metres.

Then S 18-19-37 W 17.858 metres to a point at co-ordinates north 5271283 metres and east 312892 metres.

Then S 38-18-57 E 33.222 metres to a point at co-ordinates north 5271257 metres and east 312912 metres.

Then S 46-26-7 E 18.964 metres to a point at co-ordinates north 5271244 metres and east 312926 metres.

Then S 38-18-42 W 6.979 metres to a point at co-ordinates north 5271238 metres and east 312922, at the property corner of 6 Rosemary Rise and 8 Rosemary Rise.

Then S 22-32-0 W 66.594 metres to a point at co-ordinates north 5271177 metres and east 312896 metres.

Then S 61-53-26 E 35.083 metres to a point at co-ordinates north 5271160 metres and east 312927 metres.

Then S 76-4-43 E 23.216 metres to a point at co-ordinates north 5271154 metres and east 312950 metres.

Then S 66-5-42 E 30.924 metres to a point at co-ordinates north 5271142 metres and east 312978 metres, at the property corners of 8 Rosemary Rise and 10 Rosemary Rise.

Then S 32-31-53 E 60.768 metres to a point at co-ordinates north 5271091 metres and east 313011 metres.

Then S 58-57-11 E 52.513 metres to a point at co-ordinates north 5271064 metres and east 313056 metres at the property corner of 8 Plumtree Place and 10 Plumtree Place.

Then S 2-25-0 E 104.517 metres to a point at co-ordinates north 5270959 metres and east 313060 metres, at the south west property corner of 10 Plumtree Place.

Then N 85-49-59 W 38.426 metres to a point at co-ordinates north 5270962 metres and east 313022 metres.

Then S 42-9-34 E 84.768 metres to a point at co-ordinates north 5270899 metres and east 313079 metres.

Then S 86-5-8 E 31.362 metres to a point at co-ordinates north 5270897 metres and east 313110 metres.

Then S 76-30-18 E 31.012 metres then S 73-39-0 E 33.240 metres then S 69-3-45 E 6.730 metres to a point at co-ordinates north 5270878 metres and east 313110 metres, at the property corner of 10 Honey Suckle Hill and 4-6 Garden Hill.

Then S 69-7-47 E 20.427 to where the new boundary meets the original boundary at co-ordinates north 5270871 metres and east 313197 metres.

DRAFT



## Appendix 4

Emails from the Provincial Department of  
Municipal and Provincial Affairs Re: Public  
Hearing Direction



Brown, Jennifer &lt;jbrown@dillon.ca&gt;

---

**FW: Requirement for Public Hearing re. Boundary Change**

---

**Lindsay Church** <lchurch@paradise.ca>  
To: "Brown, Jennifer" <jbrown@dillon.ca>

Thu, Dec 16, 2021 at 8:09 AM

---

**From:** Wright, Andrew <AndrewWright@gov.nl.ca>  
**Sent:** Monday, August 17, 2020 11:39 AM  
**To:** Lindsay Church <lchurch@paradise.ca>  
**Subject:** RE: Requirement for Public Hearing re. Boundary Change

Mary advises that the consultants should be advised to use same process for hearings as found within the Circular, which is attached.

the Province will temporarily waive the requirement to hold a physical public hearing if social distancing protocols cannot be accommodated. Municipalities/consultants are required to continue to give notice of public hearings, which must include notice that the Commissioner/consultant will only be accepting written submissions, which will be considered and reflected, where appropriate, in the Commissioner's/Consultant's report to Council.

Councils/Consultants should provide the public with a minimum of 30 days to provide written submissions. The public should be able to submit comments electronically, as well as in hardcopy by mail.

---

**From:** Lindsay Church <lchurch@paradise.ca>  
**Sent:** Monday, August 17, 2020 11:19 AM  
**To:** Wright, Andrew <AndrewWright@gov.nl.ca>  
**Cc:** Cotter, Robert <rcotter@gov.nl.ca>  
**Subject:** RE: Requirement for Public Hearing re. Boundary Change

Thanks. Any further information would be helpful.

Is there a required 30 day period for written submissions?

---

**From:** Wright, Andrew [<mailto:AndrewWright@gov.nl.ca>]  
**Sent:** Monday, August 17, 2020 11:18 AM  
**To:** Lindsay Church  
**Cc:** Cotter, Robert  
**Subject:** RE: Requirement for Public Hearing re. Boundary Change

Hi Lindsay – the requirement is also waived in this situation as a hearing in this setting would be similar. I'll discuss with Mary about any other direction that can be provided at this time.

---

**From:** Lindsay Church <[lchurch@paradise.ca](mailto:lchurch@paradise.ca)>  
**Sent:** Monday, August 17, 2020 11:08 AM  
**To:** Wright, Andrew <[AndrewWright@gov.nl.ca](mailto:AndrewWright@gov.nl.ca)>  
**Cc:** Cotter, Robert <[rcotter@gov.nl.ca](mailto:rcotter@gov.nl.ca)>  
**Subject:** Requirement for Public Hearing re. Boundary Change

Hi Andrew,

The requirement to hold a physical public hearing under s. 18 of the *Urban and Rural Planning Act, 2000* has been temporarily waived if physical distancing protocols cannot be met. Have similar accommodations been put in place regarding the requirement to hold a public hearing under the *Municipalities Act, 1999* prior to preparing a feasibility report?

We're in contact with a few consultants who are interested in preparing the feasibility report for the Towns of Paradise and Portugal Cove-St. Philip's and all were asking to confirm the timeline for the project which could be affected by new public hearing procedures.

Thanks in advance,

Lindsay



**Lindsay Church, MCIP | Planner**

Planning and Protective Services

709.782.1400

[ldchurch@paradise.ca](mailto:ldchurch@paradise.ca)

[www.paradise.ca](http://www.paradise.ca)



Please consider whether it is necessary to print this email

\*\*\*\*\*

This e-mail message (including attachments, if any) is confidential and may be privileged. Any unauthorized distribution or disclosure is prohibited. Disclosure to anyone other than the intended recipient does not constitute waiver of privilege. If you have received this e-mail in error, please notify us and delete it and any attachments from your computer system and records.

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**2 attachments**

**image001.jpg**  
34K



**Planning Circular (003).docx**  
188K



Brown, Jennifer &lt;jbrown@dillon.ca&gt;

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## Paradise - Portugal Cove-St. Philip's Boundary

---

**Wright, Andrew** <AndrewWright@gov.nl.ca>

Fri, Mar 19, 2021 at 9:30 AM

To: "Brown, Jennifer" &lt;jbrown@dillon.ca&gt;

Hi Jennifer – ECCM has already done the Notice of Intent and the Order of Appointment so neither of these are required by you. You will need to handle postings for the open period for the Public Hearing(written feedback due to Covid).

We have done, and have instructed municipalities, that we all have to continue with mandatory public hearings. However, they must proceed by way of written feedback, by email or mail. We have been, and instructed municipalities to, give 30 days' notice of a public hearing date, and to accept written submissions up to, and including, that date. I think this would be the appropriate approach for the boundary alteration. Sound Ok?

Andrew

**From:** Brown, Jennifer <jbrown@dillon.ca>

**Sent:** Tuesday, March 16, 2021 9:51 PM

**To:** Wright, Andrew <AndrewWright@gov.nl.ca>

**Subject:** Paradise - Portugal Cove-St. Philip's Boundary

Hi Andrew,

[Quoted text hidden]

This message is directed in confidence solely to the person(s) named above and may contain privileged, confidential or private information which is not to be disclosed. If you are not the addressee or an authorized representative thereof, please contact the undersigned and then destroy this message.

12/19/21, 7:17 PM

Dillon Consulting Limited Mail - Paradise - Portugal Cove-St. Philip's Boundary

Ce message est destiné uniquement aux personnes indiquées dans l'entête et peut contenir une information privilégiée, confidentielle ou privée et ne pouvant être divulguée. Si vous n'êtes pas le destinataire de ce message ou une personne autorisée à le recevoir, veuillez communiquer avec le soussigné et ensuite détruire ce message.

[Quoted text hidden]

COR/2020/XXXX

**CIRCULAR TO MUNICIPALITIES & PLANNING CONSULTANTS**

***URBAN AND RURAL PLANNING ACT, 2000***  
**PUBLIC HEARINGS, REGISTRATIONS & APPEALS**

As a result of the current COVID-19 public health emergency, municipalities must adapt to all public health restrictions while still carrying on necessary activities. To that end, the requirement for public hearings under section 18 of the *Urban and Rural Planning Act, 2000* (“URPA”), still stands; however, the Province will temporarily waive the requirement to hold a physical public hearing if social distancing protocols cannot be accommodated. Municipalities are required to continue to give notice of public hearings, which must include notice that the Commissioner will only be accepting written submissions, which will be considered and reflected, where appropriate, in the Commissioner’s report to Council.

Councils should provide the public with a minimum of 30 days to provide written submissions. The public should be able to submit comments electronically, as well as in hardcopy by mail. In addition, the requirements in subsections 21(1) & (2) of URPA, which allow for the cancellation of a public hearing and for scheduling the public hearing, respectively, are temporarily waived.

With respect to the registration of plans and amendments, the Province is working to develop a way to register plans electronically. Until the COVID-19 public health emergency is over, please submit all plans and amendments electronically. Please send all submissions to [landuseplanning@gov.nl.ca](mailto:landuseplanning@gov.nl.ca). We will deal with the physical copies once employees are able to re-enter the physical workspace. Please also be aware that as a result of provincial requirements to work remotely, there will be delays in releasing and registering plans.

The Department will continue to accept appeals pursuant to subsection 42(1), and subsection 42(4), the requirement that an appeal must be filed within 14 days of the applicant receiving Council’s decision, is still being applied. Section 45 also continues to apply to all appeals. Section 45 requires all activities/work associated with the property subject to the appeal must halt pending the Board issuing a decision on the appeal. However, until the current public health emergency is over, no appeals will be scheduled for hearings. Once the public health requirements for social distancing are lifted, scheduling of appeals will resume.



If you have any questions, please contact Mary Oley, Director of Local Governance and Land Use Planning, at 709-729-1953 or [maryoley@gov.nl.ca](mailto:maryoley@gov.nl.ca).

Sincerely,



**DAN MICHIELSEN**  
Deputy Minister  
Department of Municipal Affairs and Environment