



PLANNING STAFF REPORT

SUBJECT: *Plaza Subdivision - Plan 04-1, 3rd Amendment - City of Miramichi - Parish of Newcastle - County of Northumberland - Province of New Brunswick*

MEETING DATE: November 19th, 2024

Pursuant to subsections 88(1) and 88(4)(a) of the *Community Planning Act* (c.19), the laying out of public streets in a subdivision shall be assented to by municipal council, but the recommendation of the regional service commission (PRAC) is first required in order to receive assent.

Application Overview

The application of *Plaza Subdivision - Plan 04-1, 3rd Amendment - City of Miramichi - Parish of Newcastle - County of Northumberland - Province of New Brunswick* was submitted by Randy Waye of T.G. Williston Surveys Ltd., representing the City of Miramichi, the property owner. The property, bearing PID 40476103, is located at the Northeastern end of Alexis Street in the former Village of Douglastown section of the City of Miramichi.

The subdivision plan is an amendment of registered subdivision plan 18280041 in which Parcel 04-A was created for public land use. This current application proposes to create Lot 2024-1 for future residential purposes, Parcel 2024-A to remain as land for public purposes, and a public access from the subject property. The subject property is currently vacant. The street parcel, being the extension of Alexis Street and giving access to the proposed lot, is already vested in the City of Miramichi and will be a part of the adjoining street system on registration of this subdivision plan. Municipal water is available to the proposed lot, but there are no sanitary services at the moment.

As mentioned previously, this property has been designated as land for public purposes, therefore it was assigned the Passive Recreation/Greenspace (PR) zoning as per *Miramichi Zoning By-law No. 110*. The Zoning By-law is expected to be amended to permit residential use on Lot 2024-1. The Passive Recreation/Greenspace (PR) zoning should be kept on Parcel 2024-A. As for the eventual conveyance of Lot 2024-1 by the City of Miramichi, Council will need to assent it before the transfer can be executed. This matter was initially addressed in PRAC Item 2024-7-2 that was tabled during meetings 2024-7, 2024-8, and 2024-9.

Planning Considerations

This subdivision plan is being assented as per Section 88(1) of the *Community Planning Act* (c.19)

that states "...approval of the plan by the development officer shall not be given until the plan has been assented to by the council."

The Planning Review and Adjustment Committee (PRAC) of the Greater Miramichi Service Commission must recommend the location of the street extension to council for assent as per Section 88(4) of the Act which states "An assent under this section shall not be given until a) subject to subsection (8), the advisory committee or regional service commission has recommended the location of the streets referred to in subsection (1) or (2) or the land for public purposes referred to in subsection (1) or (3), or both...". The committee must also consent to council the sale of land for public purposes as per Section 76(1) that states "...council may sell the land if (a) the council receives the consent of the advisory committee or regional service commission for the sale..."

Alexis Street is designated "Local" as per Schedule D of the *City of Miramichi Municipal Plan By-law No. 109* so the proposed extension will measure 20 metres in width to meet the designation requirement as per Section 8.3(c) of the *City of Miramichi Subdivision By-law No. 127*. It will also measure 34.514 metres in length (62.145 metres from the Norma Street intersection) before ending in a cul-de-sac with an 18-metre radius turnaround as required by Section 8.1 of the Subdivision By-law. Although the City of Miramichi Municipal Plan policy on new road infrastructure encourages connectivity between subdivisions, the intent of this subdivision is to only provide access to Lot 2024-1 for the moment. Further extension of Alexis Street is still possible in the future to enable a connection to eventual development coming from Douglastown Boulevard, but a subdivision application would need to be presented to a planning committee for approval.

Also, Section 9 of the Subdivision By-law requires that land for public purposes be set aside when a subdivision plan creating two lots or more front on a new public access. Since Parcel 2024-A is designated as land for public purposes, this requirement is fulfilled.

Because the Passive Recreation/Greenspace (PR) zoning regulations do not regulate minimum lot dimensions, both the lot and the parcel are deemed acceptable as presented. Additionally, a subdivision assessment report (soil test) is not required considering that any proposed development would be serviced by municipal sewer.

The hydrographic network webmapping from the Department of Natural Resources and Energy Development (DNRED) identifies no presence of watercourse. The wetland webmapping from the Department of Environment and Local Government (DELG) shows no presence of wetland either. However, should the presence of wetland or watercourses on the property be identified in-person, any alteration taking place within 30 metres of these may require a permit under the Watercourse and Wetland Alteration Regulation (Reg 90-80) as per subsection 15(2) of the *NB Clean Water Act*.

Neighbouring property owners were not notified by letter of this application since no variances are involved (Planning Review and Adjustment Committee By-law, Appendix A, Responsibility). The public however does have access to the PRAC meeting agenda and can attend said meeting.

Staff Recommendation

It is recommended that the Planning Review and Adjustment Committee (PRAC) of the Greater Miramichi Service Commission recommends the location of the street parcel being the extension of

Agenda item: 2024-10-3

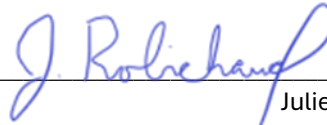
Alexis Street and consents to the sale of Lot 2024-1 as per sections 88(4)(a) and 76(1)(a) of the *Community Planning Act* (c.19), and for the final plan to receive assent of council as per Section 88(1) of said *Act*.

Attachments

1. Property Location Map
2. Tentative Subdivision Plan
3. *Community Planning Act* (c.19) sections 88(1) and 88(4)(a)

Report Prepared On: Thursday, November 14, 2024

Report Prepared by:



Julien Robichaud
Development Officer

Report Reviewed by:



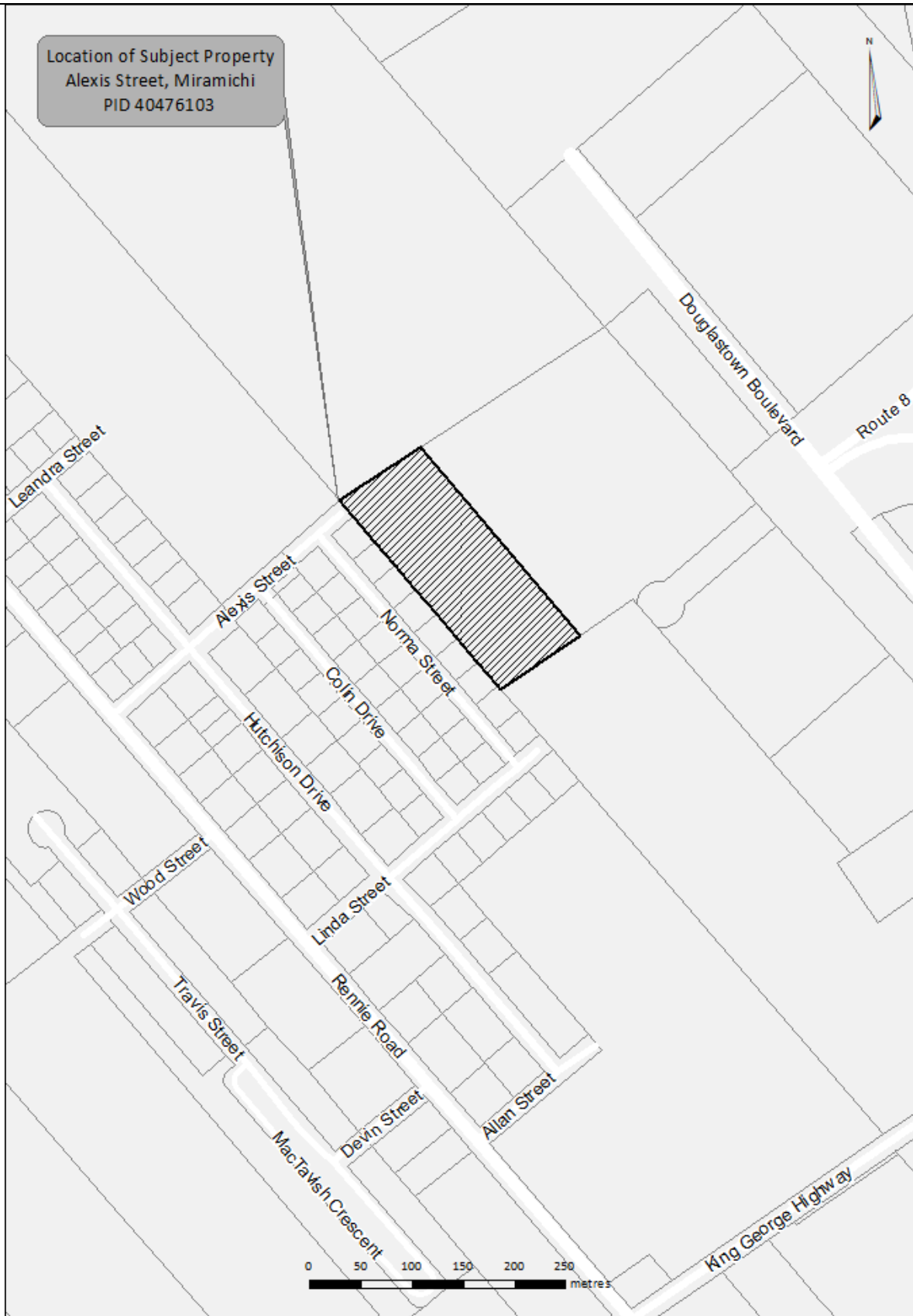
Nicholas O'Dette, RPP, MCIP
Planning Services Manager

Report Reviewed and Approved by:



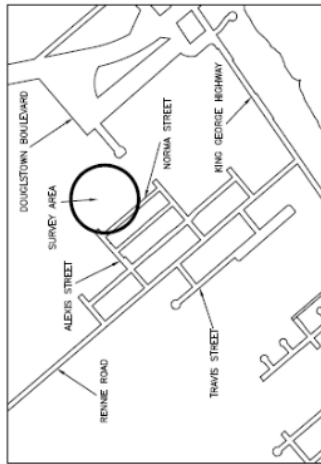
Justin Forbes, RPP, MCIP
Planning Director

ATTACHMENT 1 - PROPERTY LOCATION MAP



Sources: Greater Miramichi Regional Service Commission | Commission de services régionaux du Grand Miramichi; Service New Brunswick | Service Nouveau Brunswick
Drawn by | tracé par Julien Robichaud 2024 11 07

ATTACHMENT 2 - TENTATIVE SUBDIVISION PLAN



TENTATIVE AMENDING SUBDIVISION PLAN **PLAZA SUBDIVISION**

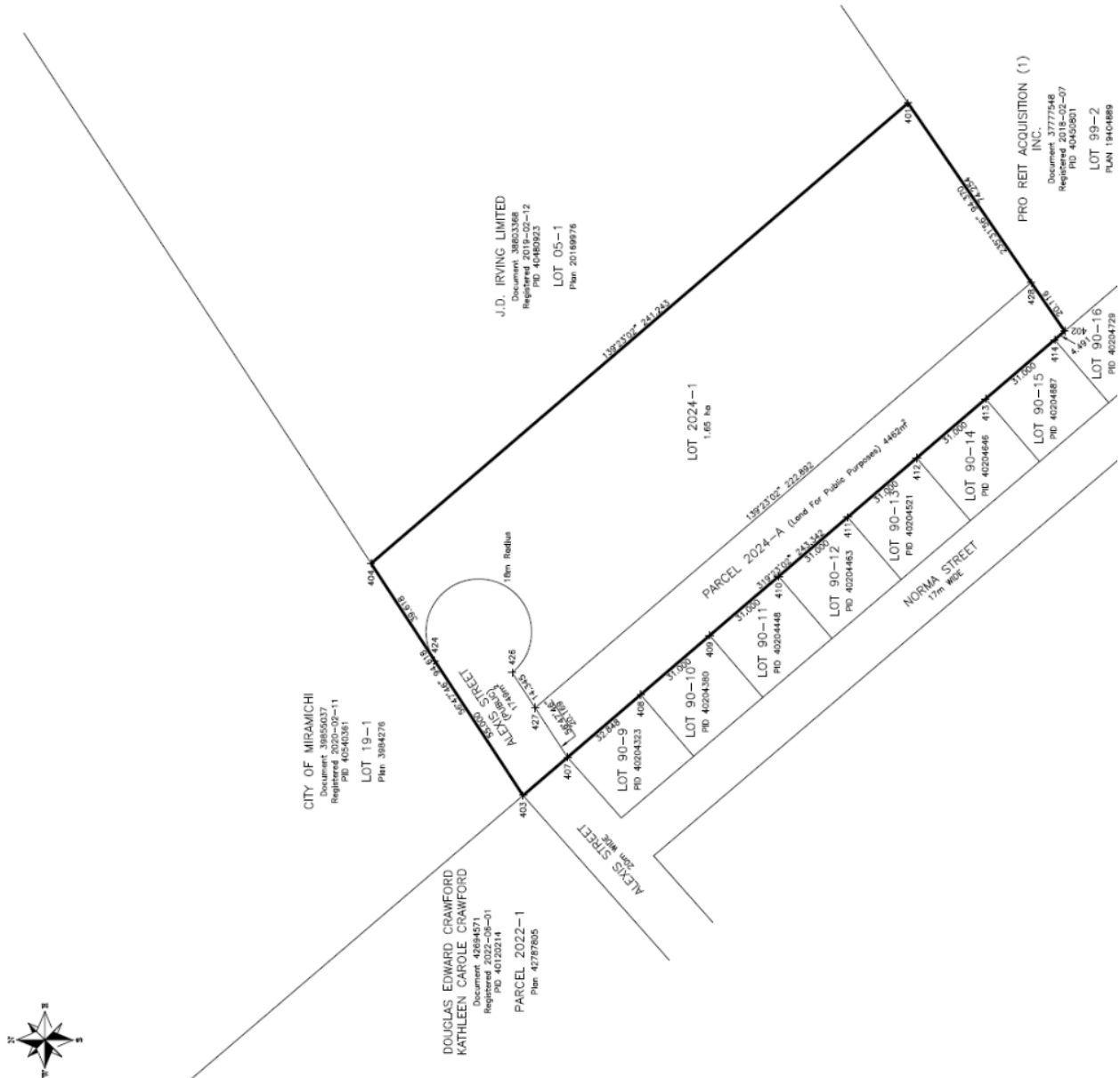
PLAN 04-1, 3RD AMENDMENT
CITY OF MIRAMICHI
PARISH OF NEWCASTLE
COUNTY OF NORTHUMBERLAND
PROVINCE OF NEW
BRUNSWICK

SCALE 1: ~~10000~~ SEPTEMBER 16, 2024

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NOTES

- 1) THE PURPOSE OF THIS PLAN IS AS FOLLOWS:
 - A) TO CREATE LOT 2024-1.
 - B) TO CREATE PARCEL 2024-A TO BE USED AS LAND FOR PUBLIC LANDS.
 - C) TO CREATE AN EXTENSION OF ALEXIS STREET BEING KNOWN AS "ALEXIS STREET".
 - D) TO DELETE PARCEL 04-A AS PER PLAN 18280041, REGISTERED 2004-05-04.
- 2) THIS PLAN IF A COMPLETE DIVISION OF PID 40476103 24206.dwg 24206.crd



ATTACHMENT 3 - COMMUNITY PLANNING ACT (C.19) SECTIONS 88(1) AND 88(4)(A)

Community Planning Act

2017, c.19

(a) in the Crown, or

a) soit la Couronne;

(b) in the public utility indicated on the face of the plan.

b) soit l'entreprise de services publics indiquée au recto du plan.

87(7) For the purposes of paragraphs (6)(b) and 88(7)(b), "public utility" means a person owning, operating, managing or controlling an undertaking for the supply of electricity, gas or telephone service.

87(7) Pour l'application des alinéas (6)b) et 88(7)b), le terme « entreprise de services publics » s'entend de la personne qui est propriétaire d'une entreprise fournissant de l'électricité, du gaz ou un service téléphonique ou qui l'exploite, la gère ou la contrôle.

87(8) If the requirements of subparagraph (2)(b)(i) have been satisfied in respect of a water or sanitary sewer system, or both, and certified under paragraph (2)(d),

87(8) S'il a été satisfait aux exigences du sous-alinéa (2)b)(i) concernant un réseau de distribution d'eau ou un réseau d'égouts pour eaux usées, ou les deux, la conformité étant certifiée tel que le prévoit l'alinéa (2)d) :

(a) the Minister shall file in the land registration office a document signed by the Minister stating that the Minister accepts on behalf of the Crown the system as certified, and

a) le ministre dépose au bureau d'enregistrement des biens-fonds un document revêtu de sa signature et déclarant qu'il accepte pour le compte de la Couronne le réseau dont la conformité est certifiée;

(b) on the filing of the document in the land registration office, the system as certified, together with the land on or within which the system was installed, as shown on the plan referred to in the document, vests in the Crown as represented by the Minister, free from any lien or encumbrance, whenever created, but this paragraph shall be deemed not to affect the administration and control of land that is vested in the Crown under subsection (5) as a highway or for highway purposes.

b) ce réseau ainsi que le terrain sur lequel ou dans les limites duquel il a été installé, tel qu'il est indiqué sur le plan visé dans le document, sont, au moment du dépôt du document au bureau d'enregistrement des biens-fonds, dévolus à la Couronne représentée par le ministre, libres de tout privilège ou grèvement, indépendamment de leur date de constitution, toutefois, le présent alinéa est réputé ne pas viser l'administration et le contrôle de tout terrain qui lui est dévolu conformément au paragraphe (5) à titre de route ou à des fins de voirie.

87(9) A document referred to in subsection (8) shall be received and filed by the registrar without acknowledgment or proof of the signature of the Minister and, on filing in the land registration office, the registrar shall endorse on the plan referred to in the document that the document was filed.

87(9) Le registrateur reçoit le document visé au paragraphe (8), puis le dépose sans qu'il y ait besoin d'attester ou de prouver l'authenticité de la signature du ministre, et, au moment du dépôt au bureau d'enregistrement des biens-fonds, porte mention de ce dépôt sur le plan visé dans le document.

2020, c.25, s.29; 2021, c.44, s.1; 2022, c.56, s.1; 2023, c.40, s.15

2020, ch. 25, art. 29; 2021, ch. 44, art. 1; 2022, ch. 56, art. 1; 2023, ch. 40, art. 15

Approval of subdivision plan for streets and land for public purposes

Approbation des plans de lotissement pour rues et terrains d'utilité publique

2021, c.44, s.1

2021, ch. 44, art. 1

88(1) If a subdivision plan of land in a municipality provides for the laying out of public or future streets or the setting aside of land for public purposes, approval of the plan by the development officer shall not be given until the plan has been assented to by the council.

88(1) Si le plan de lotissement d'un terrain situé dans une municipalité prévoit le tracé de rues publiques ou futures ou la mise de côté de terrains à des fins d'utilité publique, son approbation émanant de l'agent

d'aménagement ne peut être accordée tant que le plan n'a pas reçu l'assentiment du conseil.

88(1.1) Subsection (1) does not apply to the laying out of public or future streets referred to in subsection 87(1.1).

88(1.1) Le paragraphe (1) ne s'applique pas au tracé de rues publiques ou futures visé au paragraphe 87(1.1).

88(2) If a subdivision plan in a rural community that has made a by-law under section 10 of the *Local Governance Act* with respect to the service of roads and streets provides for the laying out of public or future streets, approval of the plan by the development officer shall not be given until the plan has been assented to by the rural community council.

88(2) Lorsque le plan de lotissement d'un terrain situé dans une communauté rurale qui a pris un arrêté relative-ment à la voirie en vertu de l'article 10 de la *Loi sur la gouvernance locale* prévoit le tracé de rues publiques ou futures, son approbation émanant de l'agent d'aménage-ment ne peut être accordée tant que le plan n'a pas reçu l'assentiment du conseil de la communauté rurale.

88(3) If a subdivision plan in a rural community pro-vides for the setting aside of land for public purposes, approval of the plan by the development officer shall not be given until the plan has been assented to by the rural community council.

88(3) Lorsque le plan de lotissement d'un terrain situé dans une communauté rurale prévoit la mise de côté de terrains à des fins d'utilité publique, son approbation émanant de l'agent d'aménagement ne peut être accor-dée tant que le plan n'a pas reçu l'assentiment du conseil de la communauté rurale.

88(4) An assent under this section shall not be given until

88(4) L'assentiment que prévoit le présent article ne peut être donné tant que n'ont pas été remplies les condi-tions suivantes :

(a) subject to subsection (8), the advisory commit-tee or regional service commission has recommended the location of the streets referred to in subsection (1) or (2) or the land for public purposes referred to in subsection (1) or (3), or both, as the case may be, or the recommendation has been rejected by a majority of the members of council, and

a) sous réserve du paragraphe (8), le comité consul-tatif ou la commission de services régionaux a recom-mandé l'emplacement ou bien des rues tel que le mentionne le paragraphe (1) ou (2) ou bien des ter-rains d'utilité publique tel que le mentionne le para-graphe (1) ou (3), ou bien des deux, selon le cas, ou cette recommandation a été rejetée par un vote de la majorité des membres du conseil;

(b) paragraph 75(1)(i) has been complied with.

b) l'exigence prescrite à l'alinéa 75(1)i) a été res-pectée.

88(5) The assent shall be certified under the corporate seal of the local government, signed by the clerk and en-dorsed on the face of the subdivision plan.

88(5) Le greffier certifie l'assentiment en le signant et en y apposant le sceau du gouvernement local, cet assen-timent étant porté au recto du plan de lotissement.

88(6) If a subdivision plan has been assented to under this section and approved by the development officer, the land indicated on the plan as being streets or land for public purposes vests, on the filing of the plan in the land registration office, in the local government in the following manner:

88(6) Lorsque le plan de lotissement a reçu l'assenti-ment tel quel le prévoit le présent article ainsi que l'ap-probation émanant de l'agent d'aménagement, les terrains y indiqués comme constituant des rues ou des terrains d'utilité publique sont, au moment du dépôt du plan au bureau d'enregistrement des biens-fonds, ainsi dévolus au gouvernement local :

(a) land indicated on the plan as a public street vests, free from any lien or encumbrances, as a local government street,

a) étant identifiés comme constituant des rues publi-ques, lui sont dévolus à titre de rues du gouvernement local, libres de tout privilège ou grèvement;