



PLANNING ADVISORY COMMITTEE MEETINGS

MONDAY, JANUARY 22, 2018

10:00 a.m.

COUNCIL CHAMBERS

A G E N D A

PUBLIC INFORMATION MEETING

➤ Planning application to permit the expansion of the non-conforming structure at #85 Q-12 Road, Lake George – File 17-13

1. Meeting to Order
2. Presentation by Leanne Jennings, Planner
3. Presentation by Mark Legros, Applicant (if he wishes)
4. Comments from the Public
5. Adjournment

PLANNING ADVISORY COMMITTEE MEETING

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1. Meeting to Order
2. Roll Call
3. Amendments to Agenda
4. Approval of the Agenda
5. Approval of Minutes
 - a. Planning Advisory Committee Minutes – December 18, 2017 1
6. Business Arising from the Minutes
7. Disclosure of Conflict of Interest Issues
8. Business
9. Other Business
 - a. Recommendations Report for Draft Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) (Planning & Development Services Staff) 19
10. Correspondence
 - a. Keith & Rebecca Pulsifer – 840 Thompson Road, Waterville 81
11. Date of Next Meeting – February 13, 2018 at 1:00 pm
12. Public Comments
13. Adjournment

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PLANNING ADVISORY COMMITTEE

Meeting, Date and Time	A meeting of the Planning Advisory Committee (PAC) was held on Monday, December 18, 2017 at 10:00 a.m. in the Council Chambers of the Municipal Complex, Kentville, NS.
Attending	In Attendance:
PAC Members	Councillor Meg Hodges – District 1 Councillor Brian Hirtle – District 3 Deputy Mayor Emily Lutz – District 7 Councillor Jim Winsor – District 8 Councillor Peter Allen – District 9 (Alternate) Tom Cosman – Citizen Member Emile Fournier – Citizen Member Bob Smith – Citizen Member
Regrets	Councillor Paul Spicer – District 5
Municipal Staff	Scott Conrod – CAO Trish Javorek – Manager of Community Development Services Laura Mosher – Supervisor of Planning and Development Services Leanne Jennings – Planner Mark Fredericks – GIS Planner Will Robinson-Mushkat – Planner and Recorder Mandy Burgess – Development Officer Megan Armstrong – Development Officer
Others in Attendance	Mayor Peter Muttart Councillor Pauline Raven
Public	29 Members
1. Meeting to Order	Scott Conrod will preside as Chair until after the election of the Chairperson of the Planning Advisory Committee. The meeting was called to order.
2. Roll Call	Roll call was taken and all Committee members were in attendance with the exception of Councillor Spicer.
3. Election of Chair	Scott Conrod called for nominations for the position of Chairperson of the Planning Advisory Committee. Councillor Peter Allen nominated Councillor Brian Hirtle for the position of Chairperson of the Planning Advisory Committee. Councillor Hirtle accepted the nomination. There being no further nominations for the second or third call, nominations ceased. Councillor Hirtle was acclaimed the Chairperson.
4. Election of Vice Chairperson	The Chair called for nominations for the position of Vice Chairperson of the Planning Advisory Committee.

Councillor Jim Winsor nominated Deputy Mayor Emily Lutz as the Vice Chairperson of the Planning Advisory Committee. Deputy Mayor Lutz accepted the nomination.

There being no further nominations for the second or third call, nominations ceased.

Deputy Mayor Lutz was acclaimed the Vice Chairperson of the Planning Advisory Committee.

5. Amendments to Agenda

Tom Cosman asked to discuss the format of the Recommendations Report.

Laura Mosher explained that the purpose of the meeting is to seek direction from PAC on feedback received from the public pertaining to the policies and regulations. The format of the report is intended to ensure that every single comment has been addressed. Staff will draft the actual text as a redline version as part of the review following these meetings where staff receive recommendations and direction from PAC. Following PAC’s review of the redline documents prior to their public release, a Public Participation Meeting will be held to provide public input.

Laura Mosher further outlined the process following the recommendations meeting.

Tom Cosman stated that he would like to see in future reports a short synopsis of what each respondent actually said.

Laura Mosher stated that the purpose of this report was to provide clarity to comments that were made; some of the responses were brief/vague.

On motion of Mr. Cosman and Mr. Smith, that the Planning Advisory Committee direct staff to provide a written synopsis with the number of respondents. Motion Deferred.

On motion of Deputy Mayor Lutz and Councillor Hodges, that the Planning Advisory Committee defer the motion until after consideration of the report and be included on the agenda as Item 11 b. Motion Carried.

6. Approval of the Agenda

On motion of Councillor Hodges and Mr. Fournier, that the agenda be approved as circulated. Motion Carried.

7. Approval of Minutes

7a. PAC – October 10, 2017

On motion of Deputy Mayor Lutz and Mr. Cosman, that the minutes of the Planning Advisory Committee meeting held on Tuesday, October 10, 2017 be approved as circulated. Motion Carried.

- 8. **Business Arising from the Minutes** There was no business arising from the minutes.

- 9. **Disclosure of Conflict of Interest Issues** There was no disclosure of conflict of interest issues.

- 10. **Business** There was no regular business.

- 11. **Other Business**

- 11a. **Recommendations Report for Suggested Edits to the Draft Municipal Planning Strategy and Land Use Bylaw**

Laura Mosher presented the Recommendations Report for Suggested Edits to the draft Municipal Planning Strategy (MPS) and Land Use By-law (LUB). The report is attached to the December 18, 2017 Planning Advisory Committee agenda package.

Laura Mosher presented a brief overview of the planning process to date. The five topic areas for discussion included the Shoreland Designation, Resource/Rural Areas, Alternative Energy, Residential Designation and miscellaneous comments.

Shoreland Designation Lakeshore Zones

Leanne Jennings presented the topic of the Shoreland Designation, starting with the Lakeshore Zones. She gave a brief overview of the Lake Monitoring Program and how the lakeshore zones were arrived at.

The Lakeshore Residential (S1) Zone is intended for areas around the lakes that experience development. These are areas that are close to a public road or an existing private road. This is the only area in the Municipality where development is allowed on private roads.

The Lakeshore Limited Development (S2) Zone is applied to all other areas around a lake that are not developed or are special characteristic areas. The areas are not currently intended to have a great deal of development and are not near areas that are already highly developed.

Lakeshore Limited Development (S2) Zone

Leanne Jennings brought forward Recommendation # 1 from the staff report in response to public comments made regarding the Lakeshore Limited Development (S2) Zone.

Discussion took place in which there was concern raised over reducing the minimum shoreline and road frontage from 400 feet to 250 feet. Water quality studies show that the lakes need to be protected. It will contribute to further water quality issues.

Leanne Jennings explained that other recommendations in the report would strengthen control of lot development, e.g., site plan approval. She noted that an important distinction between the S1 and S2 Zones is that the S2 Zone allows for the creation of only 1 lot per year on any given property which will reduce the number of new lots that will be created.

On motion of Deputy Mayor Lutz and Mr. Smith, that the Planning Advisory Committee direct staff to amend the

Lakeshore Limited Development (S2) Zone by reducing the minimum shoreline and road frontage requirements from 400 ft to 250 ft and by including a maximum building footprint chart. Motion Defeated.

On motion of Councillor Hodges and Mr. Cosman, that the Planning Advisory Committee direct staff to amend the Lakeshore Limited Development (S2) Zone by including a maximum building footprint chart. Motion Carried.

Shoreline Treatment in Lakeshore Zones

Leanne Jennings brought forward Recommendation # 2 from the staff report in response to public comments made regarding shoreline treatment within the Lakeshore Zones.

Leanne Jennings commented on the desire from a few members of the public to have more stringent requirements regarding the treatment of waterfront areas on lakefront properties. This would involve the retention of vegetation and the planting of new vegetation.

On motion of Deputy Mayor Lutz and Councillor Hodges, that the Planning Advisory Committee direct staff to amend the Lakeshore Residential (S1) and Lakeshore Limited Development (S2) Zones by placing greater restriction on the removal of vegetation along the shoreline. Motion Carried.

Recreational Vehicles in Shoreland Zones

Leanne Jennings brought forward Recommendation # 3 from the staff report in response to public comments made regarding Recreational Vehicles in Shoreland Zones.

Public concerns were largely around the impact on lake water quality within the lakeshore zones, as well as the ability to enforce the visiting RV provision.

Leanne Jennings commented that it is being recommended that 1 RV be permitted as a main use on a property, and the provision for 30-day visiting RVs be removed.

Discussion took place on an RV not requiring a septic system as it is a registered motor vehicle that can be easily removed from the property; it is not a structure. The main use RV could have electrical, a septic system and an unattached deck but not the visiting RV.

Concern was expressed over the disposal of waste if a septic system is not required.

Laura Mosher commented that the RV as a main use is not intended to be permanent. It still needs to meet the requirements of a motor vehicle and it would be the owner's responsibility to ensure that proper disposal of grey and black water occurs. If not, this would become an enforcement issue with Nova Scotia Environment.

Concern was expressed over the enforcement surrounding a derelict RV located on a property.

Laura Mosher commented that if a warranted complaint is made it would be rectified as being a Dangerous and Unsanitary (derelict vehicle) violation and/or a Land Use Bylaw violation.

In clarifying the proposed Staff recommendation, Ms. Jennings explained the difference between an activity versus a use on the property. Under the current draft, an RV locating on the property in addition to the main RV would be enforceable if it became a 'use'. It would be a contravention of the Land Use Bylaw and enforcement would take place.

On motion of Deputy Mayor Lutz and Mr. Fournier, that the Planning Advisory Committee direct staff to amend the draft Land Use Bylaw by removing Section 9.3.4.4 (d) i. and ii. which are the provisions permitting visiting Recreational Vehicles in all zones within the Shoreland Designation. Motion Carried.

Permitting Recreational Cabins in the Lakeshore Zones

Leanne Jennings brought forward Recommendation # 4 from the staff report in response to public comments made regarding permitting recreational cabins in the Lakeshore Zones.

In discussing permitting a recreational cabin as a main use in the lakeshore zones, Ms. Jennings commented that it is being proposed that no change be made to the current draft. The owner is required to verify that the recreational cabin has a valid septic system approval, but is not required to install a system. This allows for lakeshore development without the large investment needed to build a one unit dwelling.

Trish Javorek explained the difference between a recreational cabin and a single unit dwelling as per the National Building Code. The intent is to ensure that the property can support a septic system so that if further development occurs there are no issues.

Concern was expressed over not requiring an approved septic system to be installed before the development of the property. The proposed site plan approval process can include criteria as to where waste disposal will be taking place.

On motion of Mr. Smith and Councillor Allen, that the Planning Advisory Committee direct staff to amend the draft Land Use Bylaw by removing permission for recreational cabins within the Lakeshore Zones. Motion Deferred.

For greater clarification, Laura Mosher commented that a septic system is what essentially distinguishes a cabin from a dwelling. Effectively removing the permission for a recreational cabin requires that every development be considered a dwelling with a fully approved installed septic system. By requiring a recreational cabin to have an installed septic system, it essentially becomes a dwelling.

Laura Mosher inquired if there would be a more comfort level with the permission of recreational cabins provided there was a way to require an outhouse versus a septic system. It was agreed that an

outhouse would be an appropriate means of managing solid waste.

On motion of Deputy Mayor Lutz and Councillor Hodges, that the Planning Advisory Committee defer this item to the next PAC meeting to enable staff to find a provision for disposal of waste and grey water under the recreational cabin definition in the Land Use Bylaw. Motion Carried.

Outdated Septic Systems

Leanne Jennings brought forward Recommendation # 5 from the staff report in response to public comments made regarding outdated septic systems.

A comment was received from the public that the County should be doing something about outdated septic systems.

Leanne Jennings commented that even though outdated septic systems are likely having a negative impact on lake water quality, the Municipality only has the jurisdiction to ensure that existing septic systems are adequate as part of the issuance of permits for new or renovated dwellings.

Concern was raised on lake water quality and it was noted that incentive programs aimed at improving the water quality should be looked at.

On motion of Councillor Hodges and Mr. Smith, that the Planning Advisory Committee affirm the draft Land Use Bylaw as it relates to outdated septic systems. Motion Carried.

Use of Lake Monitoring Data and Protection of Lake Water Quality

Leanne Jennings brought forward Recommendation # 6 from the staff report in response to public comments made regarding the use of lake monitoring data and protection of lake water quality.

A number of the public commented that it is important to protect the lake water quality. A few mentioned the need of using the data from the Lake Monitoring Program more appropriately.

Leanne Jennings outlined the purpose of the Lake Monitoring Program and the role of the Lake Monitoring Technical Advisory Committee. She noted that through discussions with the Technical Advisory Committee there is disagreement in the scientific community as to the validity of the Lakeshore Capacity Model.

Leanne Jennings commented that there is a need, in the future, for staff, in partnership with the Lake Monitoring Technical Advisory Committee, to undertake a detailed review of the Lake Capacity Model as it relates to the Shoreland Designation policies. The review could ultimately result in further amendments to the Municipal Planning Strategy and Land Use Bylaw.

In response to the comment as to whether or not site plan approval will safeguard water quality, Leanne Jennings explained the site plan approval process. She also indicated that the number of units on a lake is not as important as ensuring that all units are developed appropriately with limited removal of vegetation at the shoreline.

On motion of Deputy Mayor Lutz and Councillor Hodges, that the Planning Advisory Committee direct staff to amend the policies of the Shoreland Designation by requiring that all new development within the Lakeshore Residential (S1) and Lakeshore Limited Development (S2) Zones take place through Site Plan Approval. Motion Carried.

On motion of Councillor Hodges and Deputy Mayor Lutz, that the Planning Advisory Committee direct staff to amend the Shoreland Designation policies by replacing the policies that limit the re-zoning of the Lakeshore Residential (S1) Zone based on the maximum lake percentages with a policy that prohibits any re-zoning to the Lakeshore Residential (S1) Zone. Motion Carried.

Break for Lunch

On motion of Councillor Allen and Deputy Mayor Lutz, the meeting adjourned at 12:10 p.m. for lunch. Motion Carried.

Meeting Reconvened

The meeting reconvened at 12:42 p.m.

General Rezoning and Development Agreement Criteria

Leanne Jennings brought forward Recommendation # 7 from the staff report in response to public comments made regarding general rezoning and development agreement criteria.

A number of the public brought forward the initiative to better protect the lake water quality.

On motion of Councillor Hodges and Deputy Mayor Lutz, that the Planning Advisory Committee direct staff to amend the General Development Agreement and General Land Use By-law amendment criteria to include the protection of lake water quality. Motion Carried.

Development Agreement Option for Large or Unique Developments in the Lakeshore Zones

Leanne Jennings brought forward Recommendation # 8 from the staff report in response to public comments made regarding the development agreement option for large or unique developments in the Lakeshore Zones.

A few people were concerned that this option was ambiguous as to what 'large' or 'unique' really meant and that it didn't describe the types of uses that would be permitted.

Leanne Jennings stated that the intent of the development agreement options was to allow such things as resorts, campgrounds and summer camps to locate in the Shoreland Designation. Upon further review, it was found that resorts can be accommodated through a development agreement option for tourist-related uses within the Shoreland Designation and campgrounds are permitted within the Commercial Recreation (P1) Zone. All zones within the Shoreland Designation should be permitted to re-zone to the Commercial Recreation (P1) Zone as long as certain criteria are met.

On motion of Mr. Smith and Councillor Allen, that the Planning Advisory Committee direct staff to amend the Shoreland

Designation policies by removing the development agreement option for large and unique developments. Motion Carried.

In allowing all Commercial Recreation (P1) Zone uses within the Shoreland Designation, concern was raised over the number of permitted uses that this would allow.

On motion of Deputy Mayor Lutz and Councillor Allen, that the Planning Advisory Committee direct staff to amend Section 2.7.15 of the draft Municipal Planning Strategy of the recreation policies to allow the Commercial Recreation (P1) Zone within the Shoreland Designation. Motion Deferred.

Ms. Jennings commented that criteria such as requiring a shoreline setback could be included. Within the Land Use Bylaw amendment process, there is a review of the general criteria including lake water quality.

The question was called on the motion to defer. Motion Carried.

Development Agreement Option for High Impact Recreation Uses

Leanne Jennings brought forward Recommendation # 9 from the staff report in response to public comments made regarding the development agreement options for high impact recreation uses.

Ms. Jennings commented that since the rezoning and development agreement processes are public processes assessed using the same criteria, it represents a duplication of staff's review.

On motion of Deputy Mayor Lutz and Mr. Smith, that the Planning Advisory Committee direct staff to amend the high-impact recreation uses development agreement option by removing the requirement to first re-zone to the Commercial Recreation (P1) Zone and by enabling this development agreement option within the Shoreland Designation and by adding in criteria to further control these types of development. Motion Carried.

Outhouses in the Lakeshore Zones

Leanne Jennings brought forward Recommendation # 10 from the staff report in response to public comments made regarding outhouses in the Lakeshore Zones.

Staff heard a mix of responses on this topic. Some believe outhouses should not be allowed within the Lakeshore Zones while others, due to new technology in outhouses, feel that they are appropriate. The Municipality does not require all residential uses such as recreation cabins and RVs to connect to septic systems. Nova Scotia Environment permits outhouses and some owners may wish to have an outhouse as a backup.

Leanne Jennings commented that the current regulations suggest a 65 foot setback from the shoreline be used for outhouses, the same setback for a main dwelling.

Concern was expressed over the 65 foot setback requirement. It was suggested that the setback be 100 feet from the shoreline, the

same required by Nova Scotia Environment for a septic system, to ensure the development has no impact on lake water quality.

It was noted that the difference between an outhouse and a septic system is basically the septic system has water such as showers, dishwaters, etc. The outhouse does not have water going through so is allowed closer to the lake.

Increasing the setback requirement to 100 feet can ultimately affect development on smaller lots.

On motion of Councillor Winsor and Councillor Hodges, that the Planning Advisory Committee direct staff to increase the shoreline setback distance for outhouses within the Lakeshore Zones from a minimum of 65 ft to 100 ft. Motion Deferred.

Would like some more information from the scientific community.

On motion of Mr. Cosman and Councillor Winsor, the motion be deferred. Motion Carried.

Island Development

Leanne Jennings brought forward Recommendation # 11 from the staff report in response to public comments made regarding island development.

Heard concerns from a few members of the public over development on islands. It is very rare for islands to have electrical access; therefore, are not properties serviced by a septic system but by outhouses. Zoning all islands, with the exception of Dodge Island in Aylesford Lake, to Lakeshore Limited Development (S2) will protect lake water quality by requiring larger minimum lot areas. The Lakeshore Residential (S1) Zone to remain on Dodge Island as it has subdivision taking place on it already for development purposes under the current S1 zone standards.

On motion of Mr. Smith and Councillor Hodges, that the Planning Advisory Committee direct staff to amend the County Zoning Map of the draft Land Use Bylaw by re-zoning all islands, except Dodge Island in Aylesford Lake, to the Lakeshore Limited Development (S2) Zone. Motion Carried.

Placement of the Lakeshore Residential (S1) and Lakeshore Limited Development (S2) Zones

Leanne Jennings brought forward Recommendation # 12 from the staff report in response to public comments made regarding the placement of the Lakeshore Residential (S1) and Lakeshore Limited Development (S2) Zones.

Public comments related to the placement of the S1 and S2 Zones around the remote lakes. The intent of the Lakeshore Residential (S1) Zone is to have it apply to properties around lakes that contain existing or intended residential development or have access to a public or private road. The Lakeshore Limited Development (S2) Zone is intended to be placed around the areas of lakes not zoned S1 or areas that are deemed special character areas. The shorelines along lakes not currently developed or part of the lake monitoring program have been rezoned to the Resource (N1) Zone.

New public or private roads are not permitted in the N1 Zone; development can only take place along existing public and private roads.

On motion of Mr. Smith and Councillor Allen, that the Planning Advisory Committee direct staff to maintain the placement of the Lakeshore Residential (S1) and Lakeshore Limited Development (S2) Zones as described in Map 1 of the draft Land Use Bylaw. Motion Carried.

Houseboats on Lakes

Leanne Jennings brought forward Recommendation # 13 from the staff report in response to public comments made regarding houseboats on lakes.

Public concerns were received pertaining to the houseboat on Black River Lake as well as concerns from others regarding the impact houseboats could have on surrounding properties and particularly the lake water quality.

The Municipality has jurisdiction over structures permanently attached to the bottom of a lake. In order to regulate these types of structures it is being recommended that PAC direct staff to zone lands underneath the lakes within the lakeshore areas to the Environmental Constraint (O1) Zone. It would be made explicitly clear that development within the lake is prohibited.

It was noted that the O1 Zone does not permit any new permanent structures or buildings. There are jurisdictional issues pertaining to water. It is not within the Municipality's jurisdiction to regulate activities on water. This extends to temporary moorings associated with houseboats which are regulated by the Province.

Scott Conrod referenced the rationale pertaining to houseboats as depicted in the report. Municipalities are creatures of the Province. A municipality's jurisdiction applies to land and land covered by water (non-tidal areas). A Land Use By-law cannot supersede the authority of Provincial law. Provincial legislation governs moorings. To the extent that the Province does not have jurisdiction, a Municipality may regulate. The Municipality should encourage the Province to actively exercise its jurisdiction and issue mooring permits for houseboats.

On motion of Councillor Hodges and Councillor Winsor, that the Planning Advisory Committee direct staff to amend the County Zoning Map of the draft Land Use Bylaw by rezoning all land under the lakes to the Environmental Constraint (O1) Zone. Motion Carried.

Development on Remote Lakes

Leanne Jennings brought forward Recommendation # 14 from the staff report in response to public comments made regarding development on remote lakes.

A few property owners have indicated that they want the opportunity to have residential development on remote lakes. The lakes are not available for development because new public or private roads are

not allowed within the Resource (N1) Zone.

Ms. Jennings inquired if there is an interest in including a development agreement option to allow Council to consider the development of remote lakes in the Municipality. The possible criteria that would be used to assess the appropriateness of the application for a development agreement were reviewed.

During discussion it was indicated that an option could be to allow access to the lake by a floatplane.

It was noted that this proposal does not encourage healthy and responsible development on the lakes already opened up for development. On the other hand it was mentioned that there are potential tourist attractions on some of the remote lakes that perhaps should be pursued.

Laura Mosher stated that staff is seeking direction from PAC on this matter as it is a significant change and represents an opportunity for development that is currently not allowed.

On motion of Councillor Winsor and Mr. Fournier, that the Planning Advisory Committee direct staff to include within the Shoreland Designation policies a provision which allows Council to consider by development agreement the development of remote lakes within the Resource (N1) and Lakeshore Limited Development (S2) Zones which are accessed by a private road. Motion Defeated.

The Chair inquired if there was a will to move a change to the sequence of the agenda to consider Alternative Energy as the next topic of discussion.

On motion of Councillor Hodges and Councillor Winsor, that the Planning Advisory Committee, following discussion on the Tidal Shoreland (T1) Zone, change the sequence of the agenda to have the Alternative Energy Recommendations considered as the next topic of discussion. Motion Carried.

Tidal Shoreland (T1) Zone

Leanne Jennings brought forward Recommendation # 15 from the staff report in response to public comments made regarding the Tidal Shoreland (T1) Zone.

Comments were received dealing with the Tidal Shoreland (T1) Zone that has been applied to all land currently zoned Coastal Shoreland (CS), certain lands along the marine coast zoned Country Residential (R6), as well as all current Hamlets located along the coast. Concerns raised were mainly regarding the types of uses permitted in the zone and that the application of the zone may result in an unintended loss of development rights related to home based businesses for some properties that would be more appropriate in the Rural Mixed Use (A2) Zone. The zone is not focused on water quality preservation.

On motion of Councillor Allen and Mr. Cosman, that the Planning Advisory Committee direct staff to review the extent and location of the Tidal Shoreland (T1) Zone in an effort to minimize the loss of development rights for properties not directly on the coastline. Motion Carried.

Alternative Energy Recommendations

Laura Mosher stated that alternative energy typically consists of anything other than traditional energy sources such as coal, natural gas and hydroelectric. The draft documents regulate and propose policies on wind energy, solar energy and options for other alternative forms of energy.

Alternative Wind Proposal: dedicated area in southwest portion of the Municipality where large scale wind turbines would be permitted as-of-right

Laura Mosher brought forward Recommendation # 22 from the staff report in response to public comments made regarding the alternative wind proposal to have a dedicated area in the southwest portion of the Municipality where large scale wind turbines would be permitted as-of-right.

The proposal received from a member of the public was presented at the three Public Participation Meetings for review by the public. The alternative energy overlay for wind energy in a dedicated area in the southwest portion of the Municipality was reviewed. The overlay would continue to permit uses within the underlying or Resource (N1) Zone, as well as permit large scale wind turbines as-of-right.

Benefits of the proposal were reviewed. The area identified provides a minimum 3,000 metre separation distance from any existing dwelling; provides a similar separation distance from the Cloud Lake Wilderness Protection area; the lands within the proposed area are Crown lands owned by various Provincial departments and the proposed area is within a reasonable distance of a large electrical transmission line.

The comment was made that this is a great initiative to alleviate the fear surrounding large scale wind turbines. This overlay, in the future, could be expanded by an amendment to the Municipal Planning Strategy.

On motion of Councillor Winsor and Councillor Hodges, that the Planning Advisory Committee direct staff to incorporate the Alternative Wind Proposal by applying an overlay that would permit large scale wind turbines to the southwest portion of the Municipality. Motion Carried.

Consultation with residents within 5 kilometres of the proposed alternative wind overlay area

Laura Mosher brought forward Recommendation # 23 from the staff report in response to public comments made regarding consultation with residents within 5 kilometres of the proposed alternative wind overlay area.

Laura Mosher commented that where the previous draft planning documents did not include the overlay proposal, that an opportunity for additional public input be provided to all property owners within 5 kms. of the proposed wind area overlay. All owners to be notified in writing of the final Consultation meeting and be invited to comment

via email, County website or telephone. The general public to also be provided the opportunity to comment on the proposal.

On motion of Deputy Mayor Lutz and Mr. Smith, that the Planning Advisory Committee direct staff to notify property owners within 5 kilometres of the proposed large scale wind turbine overlay and provide options and opportunity to submit feedback which will also be available to all other residents of the Municipality. Motion Carried.

Large Scale Wind Turbine Separation Distance

Laura Mosher brought forward Recommendation # 24 from the staff report in response to public comments made regarding large scale wind turbine separation distance.

Regulation related to the location of large scale wind turbines has traditionally been regulated through a separation distance, as proposed in the draft Municipal Planning Strategy and Land Use Bylaw with a 1,000 metre separation distance from existing dwellings.

Laura Mosher showed a series of maps showing separation distances from existing dwellings at 1,000 metres, 1,500 metres, 2,500 metres, 3,000 metres, and 3,500 metres. It was noted that there was no overwhelming preference from the public in terms of whether a separation distance was preferred and what it is.

On motion of Councillor Hodges and Councillor Winsor, that the Planning Advisory Committee direct staff to edit the draft Municipal Planning Strategy and draft Land Use By-law to remove any proposed policies and regulations related to permitting large scale wind turbines using a separation distance approach. Motion Carried.

The Chair, Councillor Hirtle, left the Chair and the Vice Chair, Deputy Mayor Lutz, took the Chair at 2:51 p.m.

Separation Distance from large scale wind turbines to be measured to existing dwellings or property lines

There was consensus of the members that the proposed recommendation # 25 be skipped as the motion to remove any proposed policies and regulations related to permitting large scale wind turbines using a separation distance approach makes it redundant.

Development Agreement option if separation distance is under the required separation distance

There was consensus of the members that the proposed recommendation # 26 be skipped as the motion to remove any proposed policies and regulations related to permitting large scale wind turbines using a separation distance approach makes it redundant.

Responsibility for decommissioning of large scale wind turbines

Laura Mosher brought forward Recommendation # 27 from the staff report in response to public comments made regarding the responsibility for decommissioning of large scale wind turbines.

A comment was received requesting that the proponents of large scale wind turbines be responsible for decommissioning the turbines.

Ms. Mosher stated that Section 15.1.3 m of the proposed draft Land Use Bylaw already requires that proponents of large scale wind turbines be responsible for decommissioning those turbines after a period of one year after inactivity.

The Chair resumed the Chair and the Vice Chair resumed her regular seat at 2:54 p.m.

On motion of Mr. Fournier and Mr. Smith, that the Planning Advisory Committee direct staff to maintain the regulations related to the decommissioning of large scale wind turbines and adding that all structures be included in the decommissioning process. Motion Carried.

Wind Turbines in the Agricultural (A1) Zone

Laura Mosher commented that the proposed recommendation # 28 is redundant.

The development of large scale wind turbines should be subject to a planning process

Laura Mosher commented that the proposed recommendation # 29 is redundant.

The definition of small vs large scale wind turbines with regard to height

Laura Mosher brought forward Recommendation # 30 from the staff report in response to public comments made regarding the definition of small vs large scale wind turbines with regard to height.

Laura Mosher commented that a Provincial fact sheet puts the delineation between small and large scale wind turbines at 115 feet. The current draft Land Use By-law defines a large scale wind turbine as any turbine with a height greater than 170 feet. Staff feel that it makes sense to align the height with the Provincial fact sheet.

On motion of Councillor Winsor and Councillor Hodges, that the Planning Advisory Committee direct staff to amend the proposed distinction between small and large scale wind turbines to be 115 feet, in accordance with the provincial guidelines. Motion Carried.

Request for permission to build a large scale wind turbine on a specific property

Laura Mosher commented that the proposed recommendation # 31 is redundant.

Large scale solar farms on lands within the Agricultural (A1) Zone

Laura Mosher brought forward Recommendation # 32 from the staff report in response to public comments made regarding large scale solar farms on lands within the Agricultural (A1) Zone.

Laura Mosher stated that three members of the public were not supportive of permitting large scale solar farms on Agricultural (A1) land. For clarification, this is currently proposed to be enabled through a development agreement. One of criteria for a development agreement includes that the system be developed in such a way that it is easily removed thereby maintaining and retaining the agricultural productivity of the land underneath the solar panels. The development agreement would also require a

decommissioning plan including bonding. The rationale for including the development agreement option is that the land within the Agricultural (A1) Zone is fairly flat and has lots of solar exposure.

The members acknowledged the contribution by Warren Peck and the benefit of engaging public citizens.

The comment was made that agricultural land should be kept for agricultural purposes. The need is to protect actual agricultural activity. It is 'absolutely needless' to have solar farms in the Agricultural (A1) Zone.

Reference was made to the Elmridge Farm initiative in Centreville. A solar farm has been installed on agricultural land to power the farm which helps to subsidize costs. It is an exciting thing to see in the community. Do not want to squash the potential for innovation and development in the agricultural sector if we cannot allow farms to be more sustainable.

On motion of Mr. Fournier and Mr. Smith, the Planning Advisory Committee direct staff to maintain the proposed policies and regulations related to locating large scale solar farms on lands within the Agricultural (A1) Zone as currently drafted. Motion Deferred.

In discussing the distinction between large and small scale solar farms, Ms. Mosher reviewed the four classifications of solar collector systems: an on-building system, small scale system is less than 215 square feet, a medium solar collector system is 215 square feet to 1,715 square feet and a large scale solar collector system is greater than 1,715 square feet. No distinction is made as to whether or not the large scale solar collector system is commercial.

Trish Javorek commented that an amendment to the proposed motion could include directing staff to look at our current definitions with regard to use versus square footage. Is it self-sustaining or is it feeding into the grid.

On motion of Mr. Cosman and Councillor Allen, that the Planning Advisory Committee defer the motion to enable staff to look for possible solutions. Motion Carried.

Approach to tidal energy should be cautious

Laura Mosher brought forward Recommendation # 33 from the staff report in response to public comments made regarding the approach to tidal energy should be cautious.

There is currently a development agreement option in the draft Municipal Planning Strategy that contemplates other alternative energy aside from wind and solar, e.g., tidal energy and biomass energy generation. Even though tidal energy is within the federal jurisdiction (coastal waters), there is required infrastructure on the land associated with tidal energy generation.

On motion of Councillor Winsor and Councillor Allen, that the Planning Advisory Committee direct staff to include as criteria

for development agreements permitting alternative energy generation other than wind or solar energy the requirement that all other governmental approvals be acquired. Motion Carried.

11b. Written Synopsis with number of Respondents

Tom Cosman commented that even though it was a great report there was not a clear sense of what the public was saying on each issue being discussed. A brief synopsis of all comments made by the public is preferred for each topic.

The motion was brought back on the floor for discussion.

During discussion, Trish Javorek asked for clarity if they wanted a breakdown for the number of responses for each topic showing the numbers in support. It was suggested that the numbers be included in the Rationale column of the report.

On motion of Mr. Cosman and Councillor Allen, that the Planning Advisory Committee direct staff to include in the report the number of public responses in support, against or unclear for each topic being discussed. Motion Carried.

In discussing the value of having a synopsis of the public comments, the CAO commented that staff has prepared a database of all public comments and the information requested by Mr. Cosman is not unreasonable. Some interpretation will be required while looking out for privacy issues but the information can be provided in a separate column in the report.

Councillor Winsor stated that dedicated staff focus on the initiative to finalize the draft Municipal Planning Strategy and Land Use Bylaw. If staff resources become an issue, Council needs to know.

The question was called on the motion. Motion Carried.

12. Correspondence

The Chair referenced the 3 pieces of correspondence received as attached to the December 18, 2017 agenda package.

12a. Gloria & Mike Armstrong

For information – Houseboats on Kings County Lakes

12b. The Flower Cart Group

For information – Rezoning 9503 Commercial Street, New Minas, to Institutional Zone

12c. Rebecca Ritchie & Arthur Backman

For information – Properties on Hall Road, South Greenwood, to A4

Tom Cosman inquired how correspondence read into the record and received by the Planning Advisory Committee is dealt with. Do the individuals get a response from staff?

Laura Mosher explained that when correspondence is received it is included in the agenda package and the writer is notified that it has been received.

Trish Javorek commented that since the correspondence is directed to the Planning Advisory Committee, the Committee could address it

in some manner depending on the topic or what the correspondence is. There are avenues for PAC to address the correspondence that has come to them.

13. Date of Next Meeting

Laura Mosher advised that the Council Chambers has been booked by the Supreme Court on Tuesday, January 9, 2018, the next PAC meeting date.

Following a brief discussion on meeting dates, there was consensus that the next meeting take place in the Council Chambers on Monday, January 22, 2018 from 10:00 a.m. to 4:00 p.m.

14. Public Comments

Warren Peck – Black River Road

- Offered his most sincere gratitude for the Committee's consideration and in-depth discussions. Six years ago this started out with a complete different mindset; there has been a transfer of growth and knowledge since that time.
- He cares about his neighbours and his neighbourhood.
- He has met unbelievable people with skills, training and experience that helped all along the way in the process.
- In discussing decommissioning it is good to have flexibility in the wording. Referenced what the Department of Natural Resources has in its policy. With regard to large scale wind turbines or any other major considerations that may need third party surety bonding, does not want to see the burden on the property owners for decommissioning.
- There was fear starting out. With time there was enlightenment and clarity with legitimate concerns.

John Cummings – Old Fuller Road

- Thanked everyone for their hard work and for listening to the citizens of the community.
- Brought up the reactive ad hoc thinking about energy. Questioned why Kings County can't be strategic about energy as opposed to just being reactive and dependant on what Nova Scotia Power does.
- What can we do as a community to ensure our energy needs are met?
- Need to look at our future energy needs and not just this ad hoc departmentalized response to companies coming in to the community.
- In speaking about the information pertaining to the meeting he commented that the draft recommendations on the County website were not easily accessible. They were only available within the agenda.

Arthur Backman – Hall Road

- Liked that items were deferred to ensure that proper information is obtained before decisions are made. A lot of the information pertaining to the on-site and environment is not quite right.
- Hopes that the correspondence attached to the agenda will be reviewed during the process pertaining to the proposed A4 zoning.

Chris Cann – Baxter’s Harbour Road

- Grateful that his neighbours have stuck with the amount of work that has taken place throughout the process.
- It is important to draw attention to biomass; need a strategy rather than being reactive.
- Referenced the large international electrical grid machine that generates electricity.

15. **Adjournment**

On motion of Mr. Fournier and Mr. Cosman, there being no further business, the meeting adjourned at 3:56 p.m.

Approved by:

Councillor Brian Hirtle
PAC Chairperson

Will Robinson-Mushkat
Recorder



Municipality of the County of Kings
Report to the Planning Advisory Committee
Recommendations Report
January 22, 2018
Prepared by: Planning and Development Services

1. INTRODUCTION

On December 18, 2017, the Planning Advisory Committee provided staff with direction related to comments and feedback received from the public on the following topics:

- Shoreland Designation
- Alternative Energy

This report continues to provide staff recommendations to PAC on the following topics:

- Growth Centres
- Agricultural Designation

In addition to these topics, staff have included the recommendations that were not reviewed by the Planning Advisory Committee at its previous meeting on the following topics:

- Rural Areas
- Resource Areas
- Residential Designation
- Miscellaneous Comments

Given the interest in the topics of Growth Centres and Agriculture at the public consultation meetings, these appear following recommendations related to Growth Centres and Agriculture in this report.

In the next section of this report, staff report back on three recommendations that were deferred at the December 18th, 2017 meeting of Planning Advisory Committee.

Staff's final report to Planning Advisory Committee will contain recommendations related to staff initiated edits that have been identified over the course of using the draft planning documents. This will be presented at a later meeting.

2. DEFERRED MOTIONS

Recommendation 10

Deferred Motion - That the Planning Advisory Committee directs Staff to increase the shoreline setback distance for outhouses within lakeshore zones from a minimum 65 feet to 100 feet.

The intent of this recommendation was to regulate the location of outhouses relative to the shoreline to protect lake water quality. This is a newly proposed regulation within the draft Land Use By-law as the existing Land Use By-law is silent on pit privies which are seen as a residential accessory building and are required to meet the setbacks for an accessory building.

Staff consulted with Nova Scotia Environment (NSE) and found that their *On-site Sewage Disposal Systems Regulations* permit both a pit privy and a vault privy as acceptable on-site sewage disposal systems, where a **pit privy** means *a pit where human solid waste is stored and from which liquid waste is emitted into the soil, and includes the structure that sits over the pit* and a **vault privy** means *a closed watertight receptacle that stores human solid waste and is required to be pumped out regularly, and includes the structure that sits over the receptacle*. Nova Scotia Environment recently removed pit privies from their list of uses which require a land owner to notify NSE when constructed because they are seen as low-risk. Pit privies are only permitted on properties with no piped water system within the building, or in addition to a system that is connected to a piped water system. This means that pit privies do not handle grey water. The contaminants from a pit privy tend to stay localized because there is a very low volume of water to facilitate the transportation of contaminants. NSE requires that pit privies be located a minimum of 30 m (98 ft) from a watercourse and vault privies be located a minimum of 15 m (49 ft) from a watercourse.

Given this information, the Planning Advisory Committee may choose to either:

- a) remove any regulations related to pit privies from the Land Use By-law as they are regulated by NSE; or
- b) increase the proposed shoreline setback in the draft Land Use By-law from 65 ft to 100 ft to better align with NSE's requirements.

Recommendation 4

***Deferred motion* – That the Planning Advisory Committee directs Staff to amend the draft Land Use By-law by removing permission for recreational cabins within the lakeshore zones.**

***Deferral motion* – That this item be deferred to the next PAC meeting to enable staff to find a provision for disposal of waste and grey water under the recreational cabin definition in the Land Use By-law.**

The draft Land Use By-law currently permits recreational cabins in all Shoreland zones, namely, Lakeshore Residential (S1) Zone, Lakeshore Limited Development (S2) Zone, Tidal Shoreland (T1) Zone and Tidal Commercial (T2) Zone. A recreational cabin is defined as *a building intended for recreational overnight accommodation and lacking interior finishes and plumbing and is not considered a dwelling under the Municipal Government Act*. For greater clarity, a recreational cabin does not meet the definition of a dwelling under the Land Use By-law or the National Building Code. This means that recreational cabins do not have piped water and are not connected to septic systems (i.e. are not fully-serviced). The rationale for permitting recreational cabins in all Shoreland zones is to provide property owners with more options for the use of their property, in a recreational setting, without having to construct a fully-serviced dwelling.

Staff heard both support for and concerns with allowing recreational cabins in the Shoreland Designation from the public. Two residents were concerned with the impact on lake water quality, while one member of the public was concerned that these structures will have a negative impact on the attractiveness of existing developments along the Fundy shore.

Members of the Planning Advisory Committee have shared concerns of allowing habitable structures around the lakes that are not connected to a septic system. Some members of the committee expressed a willingness to permit recreational cabins as long as the Municipality can require an appropriate alternative on-site sewage disposal system (e.g. a pit privy).

Staff are not able to recommend the inclusion of a provision within the Land Use By-law that requires a property owner to install an on-site sewage disposal system (a pit privy or otherwise) because this is solely within the jurisdiction of NSE. Therefore, if the Planning Advisory Committee wishes to maintain the permission for recreational cabins within the draft Land Use By-law, it can only regulate the location of a pit privy associated with the cabin.

Recommendation 8b

Deferred motion – That the Planning Advisory Committee directs Staff to amend Section 2.7.15 of the draft Municipal Planning Strategy’s recreation policies to allow the Commercial Recreation (P1) Zone within the Shoreland designation.

The intent of this recommendation was to allow Council to consider permitting campgrounds on properties located around lakes. Staff heard concerns from the Planning Advisory Committee regarding the variety of uses that are permitted within the Commercial Recreation (P1) Zone and their compatibility with the intent of the Shoreland designation around the Municipality’s lakes. Concerns were also expressed regarding the inability for Council to further control these types of uses once a re-zoning had been approved.

To address PAC’s concerns, Staff recommend PAC direct Staff to draft amendments that would allow Council to consider campgrounds within the Shoreland Designation by Development Agreement only. This Development Agreement option would be linked to the existing high-impact recreation Development Agreement option, but would specify that only those uses that are directly related to lakeshore or coastal activities be permitted.

Staff believe that these uses should be limited to overnight accommodations (including rental cabins and resorts), campgrounds, and camps (defined as recreational institutions providing facilities for outdoor activities, sports, crafts and other special interests and typically featuring rustic overnight accommodations). The Development Agreement policies would contain criteria related to ensuring that lake water quality and coastal areas are protected and the impact on neighbouring residential uses is minimized.

Proposed Motion – That the Planning Advisory Committee directs Staff to amend the draft Municipal Planning Strategy by including policies that limit the types of high-impact recreation uses considered by Development Agreement within the Shoreland Designation to uses directly related to lakeshore or coastal activities including overnight accommodations, campgrounds and camps.

Growth Centre Recommendations

Reco mme ndati on #	# of respon ses	Topic	Nature of Comments	Nature of Comments	MPS section	LUB section	Staff recommendation	Rationale
1	46	Protection of agricultural land within Growth Centre boundaries either through the zoning of agricultural lands as Agricultural (A1) or through some other method.	Respondents requested that the Agricultural (A1) Zone be applied to farmland within Growth Centres. 46 comments in favour	Respondents requested that the Agricultural (A1) Zone be applied to farmland within Growth Centres.	N/A	N/A	Staff recommend that the Agricultural (A1) Zone not be extended into Growth Centre Areas.	Existing agricultural uses are listed, permitted uses within all zones enabled in Growth Centres and are permitted to continue without non-conforming status. Since Growth Centres are intended to accommodate growth in order to alleviate development pressure on agricultural areas, the lands within Growth Centres needs to be available for development in order to provide effective relief of the pressure to develop within the rural areas. This has been the approach of the Municipality since the adoption of the initial planning documents in 1979. There has never been a plan to change this paradigm or philosophy within the planning framework of the Municipality. (see Appendix A of the report for more information)
2	15	Expansion of Growth Centres onto lands zoned Agricultural (A1)	Respondents expressed that they were not supportive of Growth Centres expanding onto agricultural lands	Respondents expressed that they were not supportive of Growth Centres expanding onto agricultural lands.	s. 2.1.7	N/A	Staff recommend removing from the proposed Growth Centre boundaries lands identified on the attached map included as	The lands, consisting of a total of 120 acres, identified on the maps are agricultural lands that are not currently serviced. Staff have determined that these lands should be retained for agricultural production. See Appendix B

			14 comments opposed 1 comment in favour				Appendix B.(Cambridge south of Hwy 1, Port Williams)	for more information related to this recommendation.
3	29	Population trends do not support the expansion of Growth Centres or the creation of new Growth Centres	Respondents indicated that the population in the Municipality is shrinking and that staff should contemplate contracting Growth Centres. 29 comments in favour	Respondents indicated that the population in the Municipality is shrinking and that staff should contemplate contracting Growth Centres.	s. 2.2	N/A	Staff recommend updating the Kings 2050 Background Paper 2 – Demographics, Development Activity and Land Use with the latest census and development data. Staff recommend incorporating salient demographic and development data in the draft Municipal Planning Strategy as necessary.	Staff have heard from the public that information related to demographics would provide important context to the policies of the MPS. See Appendix B for additional information related to this recommendation.
4	1	Future Expansion Areas	Respondent indicated that this is premature given that the demographics do not show significant growth in the Municipality. 1 comment opposed	Respondent indicated that this is premature given that the demographics do not show significant growth in the Municipality.	s. 2.1.8-2.1.10	N/A	Staff recommend maintaining the identification of Future Expansion Areas within the text of the draft Municipal Planning Strategy for potential inclusion in existing Growth Centres.	Staff heard at our public meetings that identifying these areas, with the exception of the portion of the Village of New Minas located south of Highway 101, is premature since the demographic information does not support the position that these lands will be necessary for development until such time as there is not adequate vacant land within Growth Centre boundaries. Since these lands are not intended to be incorporated into

Growth Centres for the foreseeable future, staff recommend that these areas continue to be identified since they provide direction to future Councils and the public. These areas represent logical extensions of existing Growth Centres since they generally exhibit a higher density development pattern than other rural areas, and, as such, they are more easily serviceable than other rural areas since they abut existing Growth Centres and represent orderly development.

5	3	Plans for the contraction of Growth Centres	Respondents indicated that Growth Centres should be reduced in area due to a shrinking population	Respondents indicated that Growth Centres should be reduced in area due to a shrinking population	N/A	N/A	Staff recommend that the area within Growth Centres not be contracted.	<p>The development of Growth Centre boundaries dates back, in part, to the original 1979 Municipal Planning Strategy. Many of the current and proposed Growth Centre boundaries were identified at that time and were based on existing community development pattern, existing or proposed sewer systems, recent development activity, farm activity and soil capability, flood plains and steep slopes. These criteria were generally utilized in the 1992 Municipal Planning Strategy to guide any changes in boundaries and have also contributed to the determination of proposed boundaries in the draft planning documents.</p> <p>The Growth Centre boundaries, as currently proposed generally reflect the areas that have already been developed. There continue to be vacant parcels of</p>
			3 comments in favour					

								land within Growth Centres identified for future Growth, but they tend to represent gaps between areas previously developed; the boundaries reflect the extent of this existing development.
								While the population of the Municipality is not exhibiting significant rates of growth, the population is not exhibiting significant rates of contraction either. Staff do not feel it is necessary at this time to contemplate policies to consider a contraction in Growth Centre boundaries.
6	1	Population Growth Cap	Respondent indicated that the Municipality should be considering a cap on population. 1 respondent in favour	Respondent indicated that the Municipality should be considering a cap on population.	N/A	N/A	Staff recommend that a population cap not be adopted within the draft Municipal Planning Strategy.	The Municipality does not have the ability to refuse residence to someone. Furthermore, given the demographics of the Municipality, it is recommended that policies and regulations that would encourage more growth are the preferred approach.
7	4	Language around the determination of Growth Centre Boundaries (eg. Arbitrary)	Comments from the public around this section indicated that there was significant uncertainty around how the policies would be applied. It is the opinion of Staff that clarity would be beneficial. 4 comments	Comments from the public around this section indicated that there was significant uncertainty around how the policies would be applied. It is the opinion of Staff that clarity would be beneficial.	Contextual text prior to policy 2.1.11	N/A	Staff recommend clarification of this language to ensure that a clear context is provided for understanding the policy direction for the identification of Growth Centre boundary expansion.	Growth Centre boundaries have been determined based on the policies contained in section 2.1.7 of the Municipal Planning Strategy. The only reference to the arbitrariness is contained in the contextual text prior to section 2.1.11 which is related to the determination of Growth Centre boundaries for future expansions. It should be noted, that in the instance that Growth Centre boundaries need to be expanded, that the criteria in 2.1.7 would

		opposed					<p>be considered in determining the exact placement of the boundaries. The text prior to section 2.1.11 states, "Council also recognizes that there is a degree of arbitrariness to setting boundaries in some areas, and that development needs and conditions can change over time." It is because development needs and conditions can change over time that the setting of boundaries can be arbitrary. Regardless, in considering the location of Growth Centre boundaries, the policies of section 2.1.7 must be considered by Council.</p> <p>Staff is recommending clarifying the text in this section to ensure that it is clear that the policies of 2.1.7 must be considered by Council through the inclusions of a reference to section 2.1.7.</p>	
8	1	Distinction between small and large growth centres.	<p>Respondent indicated that separate policy direction should be included for large vs. small Growth Centres.</p> <p>1 comment in favour</p>	<p>Respondent indicated that separate policy direction should be included for large vs. small Growth Centres.</p>	Settlement Vision Statement	N/A	<p>Staff recommend maintaining the policies that do not distinguish between small and large Growth Centres, as currently drafted.</p>	<p>Staff received comments requesting clarification in how large and small growth centres are treated from a policy perspective. The vision statement states, "The large Growth Centres within the Municipality are centrally-located communities...The smaller Growth Centres are spread throughout the region..." These statements are intended to be descriptive only and are not intended to indicate different applicable policies. All Growth Centres are subject to the same policies unless otherwise indicated in a</p>

								community plan.
9	22	Accounting for vacant land in the Towns of Berwick, Kentville and Wolfville when considering the expansion of Growth Centres	Respondents indicated that vacant land within the Towns should be developed prior to any expansion to Growth Centres. 22 comments in favour	Respondents indicated that vacant land within the Towns should be developed prior to any expansion to Growth Centres.	s. 2.1, 2.1.7	N/A	Staff recommend that policies related to Growth Centre clusters be clarified within the text and through the inclusion of Schedule A showing Growth Centre cluster boundaries, vacant land and growth potential within each cluster.	The three towns are each included in a Growth Centre cluster, as described in the beginning of section 2.1 of the MPS. Vacant land within the towns is included in the calculation of available land in the determination of Growth Centre boundaries, as described in section 2.1.7 whereby it was ensured that the cluster, and not necessarily each individual Growth Centre, has an adequate supply of vacant or underused land to provide a variety of residential development opportunities for the next 30 years. Since the Municipality does not have jurisdiction of land use planning in the three Towns, the Towns are not considered Growth Centres but will be used to consider if additional lands for urban growth are required within the relevant clusters.
10	1	Growth Centre clusters	Respondent indicated that they were concerned that this would lead to a loss of agricultural land. 1 comment opposed	Respondent indicated that they were concerned that this would lead to a loss of agricultural land.	s. 2.1, 2.1.7	N/A	Staff recommend clarifying policies related to Growth Centre clusters and include Schedule A showing Growth Centre boundaries, vacant land and growth potential within each cluster.	Staff received comments indicating concerns that this approach might lead to the non-protection of agricultural lands around Growth Centres. The clusters consist only of the land within the Towns and Growth Centres which are groupings of urban areas for the purposes of growth management, and not the rural lands outside of the Town and Growth Centre boundaries.
11	3	Increase Density in	Respondents	Respondents	s. 3.1.13- s.		Staff recommend that the	The permitted density within Growth

Growth Centres to build up and not out	indicated that they would like to see higher density development and less sprawl in Growth Centres. 3 comments in favour	indicated that they would like to see higher density development and less sprawl in Growth Centres.	3.1.18	4.3.3, 4.4.3, 4.5.3, 4.6.3, 5.3.3, 5.4.3, 5.5.3, 5.7.3, 6.4.3	current height regulations of the draft Land Use By-law be maintained. Staff recommend that reduced minimum lot standards from the in force Land Use By-law be incorporated in the draft Land Use By-law.	Centres is proposed to increase within the draft documents through reduced requirements for minimum lot size and minimum lot frontage in most Growth Centre Residential Zones. Additional opportunities for increased density and multi-unit development have also been proposed and are thereby facilitated. Height restrictions within the draft planning documents will allow for a range of building heights, depending on zone. Current development trends do not indicate that height restrictions need to be increased beyond what is currently contained in the in force planning documents. The Comprehensive Neighbourhood Development zone is a zone applied to parcels of land greater in size than 5 acres. Development on these parcels is by way of Development Agreement. The policies of the MPS require that a mix of housing types be included within any parcel developed in this zone. A minimum density of 4 units per acre is also required, ensuring development occurs at higher densities than previously required. Height restrictions within the draft planning documents will allow for a range of building heights, depending on zone. Current development trends do not indicate that height restrictions need to be
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								increased beyond what is currently contained in the in force planning documents.
12	6	Designation of Greenwich as a Growth Centre	<p>Respondents indicated that they were opposed to the inclusion of Greenwich as a Growth Centre due to the loss in agricultural land.</p> <p>6 comments opposed</p>	<p>Respondents indicated that they were opposed to the inclusion of Greenwich as a Growth Centre due to the loss in agricultural land.</p>	s. 2.1.1	N/A	<p>Staff recommend maintaining the conversion of the existing Hamlet of Greenwich to a Growth Centre.</p>	<p>Greenwich meets the criteria of a Growth Centre outlined in section 2.1.7. The area proposed to be identified as a Growth Centre is based on the former hamlet boundaries but has excluded parcels of land fronting on the Greenwich Connector that are not sewer serviced and proposes to include the lands south of Highway 101 to Ridge Road which are also sewer serviced. All of the lands included within the proposed Growth Centre boundaries are sewer serviced and many also benefit from municipal water service. There is a significant amount of existing residential and non-residential development within the proposed boundaries. Those parcels of land that were excluded were previously located within the former Hamlet boundaries and are currently farmed.</p>
13	3	Designation of Avonport as a Growth Centre	<p>Residents were not supportive of the inclusion of Avonport as a Growth Centre.</p> <p>3 comments opposed</p>	<p>Residents were not supportive of the inclusion of Avonport as a Growth Centre.</p>	s. 2.1.1	N/A	<p>Staff recommend placing the lands identified as being within the proposed Growth Centre of Avonport into appropriate rural zones and removing the identification as a Growth Centre.</p>	<p>Avonport was initially identified as a Growth Centre due to the presence of sewer services and due to the level of development within its boundaries.</p> <p>Staff have since consulted with Engineering and Public Works, the operators of the sewer treatment plant, and have determined that, when</p>

								accounting for existing and approved development within Avonport, there is very little excess capacity in the existing sewer system. Therefore, further intensification of this area is not appropriate.
14	0	Designation of South Berwick as a Growth Centre	There were no comments specific to South Berwick, however, staff did receive responses that were opposed to the creation of any new Growth Centres.	There were no comments specific to South Berwick, however, staff did receive responses that were opposed to the creation of any new Growth Centres.	s. 2.1.1	N/A	Staff recommend placing the lands identified as being within the proposed Growth Centre of South Berwick into appropriate rural zones and removing the identification as a Growth Centre.	South Berwick was initially identified as a Growth Centre due to the intensity of development that is similar in characteristic to the patterns of development generally seen in Growth Centres. South Berwick does not benefit from public sewer or water services. As such the intensity of development is restricted.
15	22	Farmland in North Kentville: the residents of the area have requested that the lands be removed from the Growth Centre boundaries and be zoned Agricultural (A1)	Respondents request that certain lands in North Kentville be removed from the Growth Centre and be placed in the Agricultural (A1) Zone 16 comments in favour	Respondents request that certain lands in North Kentville be removed from the Growth Centre and be placed in the Agricultural (A1) Zone	N/A	N/A	Staff recommend that lands requested for removal from the Growth Centre be retained within the Growth Centre. Staff are seeking direction regarding the lands owned by Mr. Alan Moore located northeast of the current Growth Centre Boundary.	The lands requested for removal from the Growth Centre have been located within the Growth Centre of North Kentville since the Municipality first established planning controls in 1979 in part due to a sewer line that runs through the largest farmed property in the area, which also pre-dates the establishment of planning controls. In order to efficiently service land, it is generally understood, from a planning perspective, that where services exist, development should be intensified in order to ensure the efficient and cost-effective provision of the services. (see Appendix B for more information).
16	20	Expansion of New Minas	Respondents	Respondents	Contextu	N/A	Staff recommend that the	The development of a secondary plan is

<p>Growth Centre boundaries to include area within the Village located south of Highway 101</p>	<p>indicated that they would like to see this area included in the Growth Centre</p> <p>19 comments in favour</p> <p>1 comment opposed</p>	<p>indicated that they would like to see this area included in the Growth Centre</p>	<p>al text between policies 2.1.7 and 2.18</p>	<p>draft Municipal Planning Strategy be updated to recognize that the development of a community plan for New Minas is a priority of primary importance.</p> <p>Proposed revised text can be reviewed as part of Appendix C.</p>	<p>long overdue for New Minas and has not been able to be prioritized since New Minas has been developed under the policies and regulations of the New Minas Sector Plan and New Minas Land Use Bylaw, which are independent of the Municipal Planning documents. The development of a secondary plan will allow the community of New Minas to develop a new vision for the orderly development of infrastructure and undeveloped land in the community moving forward, which is intended to include the lands located south of Highway 101. Please see Appendix B for more information.</p>
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Agricultural Recommendations

<u>Reco</u> <u>mme</u> <u>ndati</u> <u>on</u>	<u>Number</u> <u>of</u> <u>Respon</u> <u>ses</u>	<u>Topic</u>	<u>Nature of</u> <u>Comments</u>	<u>Summary of</u> <u>Responses</u>	<u>MPS</u> <u>Section</u>	<u>LUB</u> <u>Section</u> <u>n</u>	<u>Recommendation</u>	<u>Rationale</u>
17	43	Definition of Agricultural Land and vocabulary surrounding agriculture in Municipal Planning Strategy	The majority of the comments received on this topic indicate support for strengthening the language surrounding the definition of agriculture and removing vague and ambiguous language. 40 comments in favour 3 comments opposed	The majority of the comments received on this topic indicate support for strengthening the language surrounding the definition of agriculture and removing vague and ambiguous language.	3.4.1 3.4.2 3.4.4	8.3 8.4 8.5 8.6 8.7	Staff recommends strengthening contextual and interpretive language to clarify the importance of agriculture to the Municipality and its economy. Staff recommends maintaining the current vocabulary in the draft MPS policies pertaining to the agricultural designation.	The MGA permits Municipalities the ability to regulate land use and the types of activity which can occur on land that is governed by the Municipality. Restrictions and other forms of land use controls can be implemented, but outright prohibition is an over-extension of the authority of a Municipality, as derived from the MGA. Where appropriate, there can be some enhancement of the contextual language, indicating strong support and rationale behind agricultural protection. However, the approach of MPS needs to be balanced in all land use needs within the Municipality. In the Agricultural Designation (particularly in the Agricultural (A1) Zone) agricultural uses are prioritized. In Growth Centres, urban development needs are prioritized to encourage growth/densification.
18	22	Removal of statements which do not support protection of agricultural land as priority	The majority of comments received on this topic supported the removal of	The majority of comments received on this topic supported the removal of statements	3.4.4 3.4.5	8.3 8.4 8.5 8.6	Staff recommends maintaining the current definitions pertaining to agricultural practices and uses found in the draft	Agricultural uses have been given priority within the Agricultural Designation. Outside of this designation, the priority is not the protection of agricultural lands or uses.

			statements that did not support agriculture as a land use priority over all over types of land use; however there were comments that reflected the opposite.	that did not support agriculture as a land use priority over all over types of land use; however there were comments that reflected the opposite.			LUB.	
			21 comments in favour 1 comment opposed				Staff recommends maintaining the current policy direction regarding protection and prioritization of agricultural lands found in the draft MPS and LUB.	
19	1	Attracting and retaining new farmers to achieve economic growth and stability	The comment indicated a desire to see the Municipality attract and retain young farmers 1 comment in favour	The comment indicated a desire to see the Municipality attract and retain young farmers	3.4	N/A	Staff recommends strengthening contextual and interpretive language in draft MPS to support commitment to attract and retain farmers	While it is outside of the scope of the Kings 2050 exercise to create policy with regard to attracting and retaining new farmers, it is recognized by staff that there is need to be supportive of this goal.
20	75	Protection of Agricultural Land	The majority of comments received on this subject were supportive of measures that enhanced protection of agricultural designated land. 71 comments in	The majority of comments received on this subject were supportive of measures that enhanced protection of agricultural designated land.	3.4.11 3.4.12 3.4.13 3.4.14 3.4.15 3.4.16 3.4.17 3.4.18 3.4.19 3.4.20	8.3 8.4 8.6	Staff recommends maintaining the current policy direction pertaining to the protection of agricultural land as found in the draft MPS and LUB.	The policies of the Agricultural Designation including those related to rezoning and development agreements are some of the strongest in Canada with regard to protecting and preserving agricultural land, as defined by the Statement of Provincial Interest. The Agricultural (A1) Zone is comprised of land which has been determined to be comprised of a minimum of 60% of Class 2, 3, and active Class 4

			favour		3.4.21 3.4.22 3.4.23			soils – ideal for agricultural uses. There are no mechanisms within the MPS and LUB to rezone out of the Agricultural (A1) Zone because of the agricultural value.
								Outside of the Agricultural (A1) Zone, the Rural Mixed Use (A2) Zone allows a greater degree of flexibility in land uses, but ensures that agricultural uses remain a priority use. The Resource (N1) Zone acknowledges the value of resource uses, including agricultural uses, through restrictions on non-resource development. Further, the renaming of the designation from forestry to resource is in recognition that the use of these lands is not limited to forestry, or other resource based industries as there is potential for agricultural purposes in resource designated lands.
21	7	Limit non-farm development (dwellings) that could be located in urban centres	The majority of comments regarding this topic were supportive of limiting non-farm development when	The majority of comments regarding this topic were supportive of limiting non-farm development when it	3.4.12 3.4.13	8.3.4	Staff recommends maintaining current policy direction found in the draft MPS with regard to encouraging the location of non-farm	The draft Municipal Planning Strategy encourages non-farm dwellings (residential development) in Growth Centres because of access to services and employment within close proximity in these areas. By encouraging this type of growth, density

			it could be located in an urban centre.	could be located in an urban centre.			dwelling within Growth Centres.	can be concentrated within Growth Centres. Further, non-farm dwellings are restricted through the elimination of 6 existing provisions such as the pre-94 lot provision and the use of Agricultural Suitability Reports to construct non-farm dwellings.
			7 comments in favour					
22		Overlay maps/inventory that identify and protect all agricultural land	The majority of comments were supportive of utilizing overlay maps to identify and protect agricultural land	The majority of comments were supportive of utilizing overlay maps to identify and protect agricultural land			Staff recommends maintaining the utilization of the 2012 Land Cover Map as the means of identifying	Designations were established through the 2012 Land Cover Map. This map is a compilation of previous maps and photos from the 1980s up to 2010. The Agricultural (A1) Zone has been developed through the use of soil classification, a 60% minimum of class 2, 3 and active 4. The Rural Mixed Use (A2) Zone has been developed through identifying areas where agricultural uses are prevalent. The Agricultural Designation prioritizes agricultural uses over all other uses, regardless of agricultural history or lack thereof.
			4 comments in favour					
23	21	Provisions for the Development of Non-Farm Dwellings in Agricultural Designation - 5 acre, 1000 feet. frontage and small farm lots provision	The comments received on this topic indicate no clear public consensus regarding this issue. While the majority were not in favour of allowing exemptions	The comments received on this topic indicate no clear public consensus regarding this issue. While the majority were not in favour of allowing exemptions for non-farm	3.4.11 3.4.12	8.3.4	Staff recommends maintaining the policy direction found in the draft MPS with regard to the 5 acre, 1000ft. lot frontage provision allowing for the development of non-farm dwellings in the	Provision is necessary to allow for very limited non-farm development in agricultural designation (therefore no prohibition) but makes non-farm development very challenging as the number of lots with a minimum of 1,000 feet of public road frontage and a maximum of five acres is limited. Further, any dwellings constructed under this provision

			for non-farm development within the agricultural designation, others expressed strong support for these provisions.	development within the agricultural designation, others expressed strong support for these provisions.			Agriculture (A1) Zone.	are not permitted to be set back more than 150 feet from the public road in order to provide further protection for fertile agricultural land. The benefit of this provision is it allows for farmers and their families to plan from transition of the farm and allows for new farmers to establish small-scale farms to commence operation on an incremental basis. See Appendix D for greater discussion on the provisions for the development of non-farm dwellings in the Agricultural Designation and the implications.
			19 comments opposed 2 comments in favour					
24	17	Lots in existence on date of MPS/LUB adoption (with 1000ft. frontage)	A small number of respondents, through submitted comments, did not support this provision.	A small number of respondents, through submitted comments, did not support this provision.	3.4.11 3.4.12	8.3.4	Staff recommend maintaining the policy direction found in the draft LUB with regard to the provision for lots in existence with 1000ft. lot frontage on the date of the MPS/LUB adoption, allowing for the development of non-farm dwellings in the Agriculture (A1) Zone.	This is an option to protect some property owner's existing development rights. Property owners have an expectation to maintain these development rights and given there is a finite number of lots which could qualify under these provisions, this is a known quantity for the Municipality. See Appendix D for a greater discussion on the rationale and implications with regard to this provision.
			3 comments opposed					
25	14	Infill development (permitting residential development on lots	There was no consensus on this topic based on the	There was no consensus on this topic based on the	3.4.11 3.4.12	8.3.4	Staff recommend maintaining the policy direction found in the	The land located between two existing residential dwellings can be challenging to incorporate into active farms due to the

		between two existing dwellings)	comments received with regard to this topic. 11 comments opposed 3 comments in favour	comments received with regard to this topic.			draft MPS with regard to the provision for infill development, allowing for the development of non-farm dwellings in the Agriculture (A1) Zone.	limited area available. Infill residential (non-farm) development between two existing non-farm dwellings concentrates non-farm development thereby minimizing potential conflicts in new areas where non-farm development does not currently exist. Whereas under the current MPS the measurement was taken from the lot lines, the draft MPS alters this to measure the distance between two dwellings existing on the date of adoption of the Municipal Planning Strategy and Land Use By-law to be a maximum of 500 feet since lot lines are altered more easily than the location of a dwelling. This provides a greater degree of certainty and predictability in the creation of infill residential lots in the Agricultural (A1) Zone.
26	2	Dwellings permitted on existing undersized lots	Respondents' comments indicated comfort with this provision. 2 comments in favour	Respondents' comments indicated comfort with this provision.	3.4.11	8.3.4 14.2.9 (b)	Staff recommend maintaining the policy direction found in the draft LUB with regard to the provision for dwellings to be permitted on existing undersized lots within the Agricultural designation.	Non-farm dwellings are permitted on properties within the Agricultural Designation, except within the Agricultural (A1) Zone, provided that they meet all other requirements of the zone in which they are developed. Within the Agricultural (A1) Zone, non-farm dwellings are not permitted to be developed on existing undersized lots unless the non-farm dwelling meets the requirements for an infill development.

27	3	Allowing less than 50% of revenue to come from non-farm sources	The comments received on this topic indicated support for allowing less than 50% of revenue to come from non-farm sources 3 comments in favour	The comments received on this topic indicated support for allowing less than 50% of revenue to come from non-farm sources				Staff recommend maintaining the policy direction found in the draft MPS with regard to ensuring that 50% of revenue is generated through agricultural operations in order for the Municipality to permit the construction of a farm dwelling, tenement or bunkhouse.	It is the intent of the draft Municipal Planning Strategy and Land Use By-law to have a more clear and verifiable determination of the definition of a farmer for the purposes of the development of farm dwellings. Permitting the development of farm dwellings to owners who derive less than 50% of their income from farming contributes to a situation whereby the development of farm dwellings, tenements, or bunkhouses is opened to non-farmers.
28	3	Newly constructed dwellings on farm lots be classified as 'accessory uses'	Respondents indicated support for classifying farm dwellings as accessory uses 3 comments in favour	Respondents indicated support for classifying farm dwellings as accessory uses	3.4.12	8.3 8.4	Staff recommend no change to section 8.3.4.2 of the draft LUB .	This provision ensures that the newly constructed dwelling cannot be subdivided from the lot on which the farm business is located, to be sold separately from the farm. Enabling the subdivision of the newly constructed farm dwelling following construction allows the owner to mortgage the house separately from the farm business, providing a measure of security should the farm fail.	
29	7	Elimination of pre-1994 lot development	While the majority of commented	While the majority of commented	N/A	N/A	Staff recommend maintaining the policy	This is policy within draft MPS documents and has been well-publicized as part of	

			supported the elimination of this provision, support was not unanimous	supported the elimination of this provision, support was not unanimous			direction found in the draft MPS with regard to removing the provision for pre-1994 lot non-farm dwelling development found in the current MPS.	Kings 2050 process. By eliminating the pre-1994 lot provision, an unpredictable means of permitting non-farm development in the Agricultural (A1) Zone non-farm development within the Agricultural (A1) Zone will be significantly reduced.
			6 comments in favour 1 comment opposed					
30	4	20 acre lot provision for agricultural land	Respondents indicated support for lots that were less than 20 acres but are being actively farmed	Respondents indicated support for lots that were less than 20 acres but are being actively farmed	N/A	N/A	Staff recommend maintaining the policy direction found in the draft MPS with regard to removing the provision for 20 acre lot farm dwelling development found in the current MPS.	Respondents indicated comfort with less than 20 acre lot provision for agricultural land provided the land is actively, and continually, farmed. This allows small-scale farms to be established within the Municipality, encouraging start-up farms. The current provision requires that simply that the property be assessed as Resource/Agricultural, not that the lands be actively farmed. The Municipality does not have the ability to require individuals to farm their farmland.
			4 comments opposed					
31	1	Permitting replacement of existing houses	Comment indicated support to allow for the replacement of existing houses	Comment indicated support to allow for the replacement of existing houses	3.4.12	8.3 8.4	Staff recommend incorporating into the draft LUB regulatory language included in the current LUB with regard to the replacement of an existing dwelling.	The current planning documents permit the replacement of any dwelling, in any zone. This is a permission granted under the MGA but staff see the merit in including this language for the purposes of clarity for the public.
			1 comment in favour					

32	1	Incorporate enrollment statistics from AVRSB into MPS and LUB	The comment pertained to demonstrating a population decline in youth in the Municipality. 1 comment in favour	The comment pertained to demonstrating a population decline in youth in the Municipality.	N/A	N/A	Staff recommend updating the Kings 2050 Background Paper 2 – Demographics, Development Activity and Land Use with the latest census and development data. Staff recommend incorporating salient demographic and development data in the draft Municipal Planning Strategy as necessary.	It is the opinion of staff that demographic information from the census is more appropriate for inclusion.
33	23	Incorporate/Reference into MPS – Statement of Provincial Interest (Agriculture) and Farm Practices Act	Respondents indicated support for incorporating references to the Statement of Provincial Interest and the Farm Practices Act into the Municipal Planning Strategy 23 comments in favour	Respondents indicated support for incorporating references to the Statement of Provincial Interest and the Farm Practices Act into the Municipal Planning Strategy	3.4.4	N/A	Staff recommend including references to all Statements of Provincial Interest in the draft Municipal Planning Strategy.	The Statements of Provincial Interest (SPI) are intended to be a high-level guiding document for municipalities across Nova Scotia and all Municipal Planning Strategies within the province must be reasonably consistent with the Statements of Provincial Interest. Along with the Agriculture SPI, reference to the direction contained in all other SPIs relevant to the Municipality should be incorporated into the MPS. The Farm Practices Act (FPA) is intended to establish normal farm practices and protect farmers who follow the FPA from civil action. It does not have any applicability with regard to land use. The Statements of Provincial Interest are

								included as Appendix E.
34	12	Creation of Independent Agricultural Advisory Committee	Respondents indicated support for an Independent Agricultural Advisory Committee 12 comments in favour	Respondents indicated support for an Independent Agricultural Advisory Committee	N/A	N/A	Staff recommend that the Planning Advisory Committee continue to act as the body for assessing planning matters in the Municipality.	This is outside the scope of the planning documents.
35	3	Develop and adopt a Secondary Plan specific to agriculture, within the MPS	Respondents indicated support for the development of an Agriculture SPS 3 comments in favour	Respondents indicated support for the development of an Agriculture SPS	N/A	N/A	Staff recommend maintaining the current policy direction with regard to an agriculture specific Secondary Planning Strategy.	Under Section 216 (a) and (b) of the Municipal Government Act, a Secondary Planning Strategy is land use planning tools which are tailored to a specific area(s) and/or community as part of the overall Municipal Planning Strategy. They are utilized by Council when, in the opinion of Council, the Municipal Planning Strategy does not, or cannot, adequately address the land use planning needs of the community in question or if the community in question has unique characteristics within the broader municipality. Given that there is a dedicated Agricultural Designation and several agricultural zones, any additional policy or regulatory direction can be incorporated within the documents without the need for a Secondary Planning

								Strategy.
36	2	Use European model to plan future growth around farmland	Two separate comments from one respondent indicated using European growth models to plan agricultural land use development. 2 comments in favour	Two separate comments from one respondent indicated using European growth models to plan agricultural land use development.	N/A	N/A	Staff recommend maintaining the current Growth Centres model to plan for future growth.	<p>The practice of land use planning is grounded in planning principles but is also largely based on the specific context of a location including, but not limited to, history, traditional development patterns, topography, climate, and culture.</p> <p>The European context, both agriculturally and from a legal perspective, represent very different contexts. It is not possible, within our legal framework, to adopt the practices that are described as they are outside the scope of the planning documents.</p>
37	8	Identify 'highly capable' soils and use in determining and protecting agricultural lands	Respondents indicated support for identification of 'highly capable' soils in determining agricultural lands 8 comments in favour	Respondents indicated support for identification of 'highly capable' soils in determining agricultural lands	3.4.15	8.3 8.4 8.6	Staff recommend maintaining the current policy and methods used to identify high capability soils in the Municipality.	The general extent of the Agricultural (A1) Zone was established through the use of soil capability mapping in the 1980s. The area to which this zone applies has remained generally consistent since it was first identified. This approach has not changed in the development of the Agricultural (A1) Zone as part of the draft MPS and LUB.

38	3	Setbacks for livestock operations are not far enough to protect residential development	<p>Respondents offered differing comments on setbacks for livestock operations</p> <p>2 comments in favour 1 comment opposed</p>	<p>Respondents offered differing comments on setbacks for livestock operations</p>	<p>3.4.12 3.4.16 3.4.17 3.4.21</p>	<p>8.3 8.4 8.5 8.6 14.3</p>	<p>Staff recommend maintaining current policy direction with regard to setbacks from livestock operations as they are currently written in the draft MPS and LUB.</p>	<p>Within the Agricultural Designation, the agricultural uses, including livestock operations have priority over non-farm residential development. The proposed setbacks of 40 feet from the front/flankage lot lines, and 100 feet from the side and rear lot lines for livestock operations occurring in the Agricultural Designation and Resource (N1) Zone provide adequate separation distances between agricultural and non-agricultural uses. In addition to the setback requirements noted above, section 14.3 of the Land Use By-law notes that new and expanded buildings intended for livestock operations must adhere to a minimum setback of 100 feet from any watercourse. Further, any new or expanded livestock operations must be a minimum of 500 feet from the boundaries of Growth Centres. This ensures that there is sufficient separation and buffering between intensive livestock operations and areas of the Municipality which are intended for non-agricultural uses and will prevent land-use conflict between each. Finally, any new or expanded livestock operations must provide written confirmation from the Nova Scotia Department of Agriculture that the operation meets Provincial nutrient management guidelines; this ensures that animal waste produced by the operation is handled and disposed of in a manner that</p>
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								will not have a negative impact on nearby residents or the natural environment.
39	2	Number of animals permitted for household livestock	Respondents indicated that the number of animals permitted should be increased. 2 comments in favour	01.16.00.00 01.16.00.01	3.4.6 3.4.7	8.3 8.4 8.5 8.6 8.7	Staff recommend reviewing the number of animals in each animal unit and develop an appropriate ratio of animal units to lot area if necessary, based on review.	The draft Municipal Planning Strategy and draft Land Use By-law address the number of animal units permitted as household livestock and where household livestock is permitted to be located. The objective is to strike the appropriate balance between the permitting non-farming residents to own and keep a variety of livestock, which has increasingly become a popular hobby, and the maintaining the appropriate number of livestock for residential purposes so that they do not become a nuisance to adjoining property owners. The development of a ratio will provide an appropriate restriction on the total number of animals permitted based on the size of the lot.
40	1	Discuss impact of land speculation for Agriculture	One respondent commented on the need for more control over land speculation in Agriculture Zones 1 comment in favour	One respondent commented on the need for more control over land speculation in Agriculture Zones	3.4	N/A	Staff recommends incorporation of a more in-depth contextual discussion of land speculation and the potential effects and repercussions on agricultural lands in the Municipality within the draft MPS.	The effect and repercussions of land speculation on land well-suited for agricultural use is a challenging aspect of land use planning and is not a limited or isolated phenomenon to the Municipality. In many instances, land that is best suited for agricultural activities is also prime for residential and non-farm development thereby resulting in conflicts over appropriate land use.

One of the principal objectives in the creation of a Municipal Planning Strategy and Land Use By-law is to ensure that undeveloped land is developed in an orderly way and to minimize conflict between different land uses. The draft Municipal Planning Strategy and Land Use By-law seek to limit the degree of land speculation for non-farm purposes in agricultural zones through stringent controls over how non-farm development can occur while providing ample opportunities for non-farm development within the Growth Centres as well as providing criteria for Council to consider the expansion of Growth Centres if conditions that merit the considered expansion occur. By including these policies, the potential for unchecked land speculation outside of Growth Centres and within the Agricultural designation will be mitigated.

41	3	Studies on future needs for Agricultural lands	Respondents comments on further studies on the need for agricultural land vs. Growth Centres and other non-agricultural land	Respondents comments on further studies on the need for agricultural land vs. Growth Centres and other non-agricultural land uses	N/A	N/A	Staff recommends maintaining current policy direction.	The expansion of existing Growth Centres and the designation of new Growth Centres has been addressed in previous recommendations.
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uses								
3 comment in favour								
42	4	Determination of boundaries and setback requirements; 1000 feet. maximum setback in Rural Mixed Use (A2) Zone	Respondents comments indicated varying opinions on the Rural Mixed Use (A2) Zone boundaries and setback requirements	Respondents comments indicated varying opinions on the Rural Mixed Use (A2) Zone boundaries and setback requirements	3.4.15 3.4.16 3.4.17	8.4	Staff recommends maintaining current policy direction with regard to the boundaries and setback requirements in the Rural Mixed Use (A2) Zone.	The intent of the 1000 foot maximum setback front yard in the Rural Mixed Use (A2) Zone, is to protect back lands for agricultural and resource uses. There is the ability for a property owner to apply for a variance to increase this maximum setback.
			2 comments in favour					
			2 comments opposed					
43	1	A3 Commercial land in Greenwich	One commenter noted concern with non-agricultural uses in A3 zoned land	One commenter noted concern with non-agricultural uses in A3 zoned land	3.4.24 3.4.25 3.4.26 3.4.27 3.4.28 3.4.29 3.4.30	8.5	Staff recommend maintaining the current policy direction with regard to the Farm Commercial (A3) Zone.	The Farm Commercial (A3) Zone is a zone specific to Greenwich. The existing Farm Commercial (C13) Zone was developed through a planning process. The list of permitted uses in the proposed Farm Commercial (A3) Zone is virtually identical to the Farm Commercial (C13) Zone within the existing planning documents. This represents no change. It is the opinion of staff that, since there was a planning process, the development rights from that process should be maintained.
			1 comment opposed					
44	3	Use of 2012 land cover	Comments indicated	Comments indicated	N/A	N/A	Staff recommend	Contextual text on page 3.4-6 of draft

		maps to identify agricultural lands in a site-specific manner	concern with the use of these maps to identify agricultural lands 3 comments opposed	concern with the use of these maps to identify agricultural lands			maintaining current policy direction with regard to the use of the 2012 land cover maps.	Municipal Planning Strategy justifies why use of 2012 land cover maps is not applicable in a site-specific manner – “Given the generalized nature of the mapping, Council does not intend to base site-specific land-use controls on mapping”. This is separate from the use of 2012 land cover map to identify agricultural activity generally, which was used to delineate the Rural Mixed Use (A2) Zone on the South Mountain.
45	10	Rezoning of lands within agricultural designation	The majority of comments did not support the ability to rezone lands out of the agricultural designation 7 comments opposed 3 comments in favour	The majority of comments did not support the ability to rezone lands out of the agricultural designation	3.4.16 3.4.18	8.3 8.4 8.5 8.6	Staff recommends maintaining policy direction, specifically that within the Agricultural Designation, rezoning to the Agricultural (A1) Zone is permitted but rezoning from the Agricultural (A1) Zone to another zone is not permitted.	The intent of the Agricultural (A1) Zone is to ensure that lands outside of the Growth Centres, are protected from non-farm development consistent with the Statement of Provincial Interest. The ability of rezoning out of the Agricultural (A1) Zone is not permitted under the proposed draft. However, it is proposed to be permitted to rezone lands into the Agricultural (A1) Zone, provided they are already within the Agricultural Designation and not within a Growth Centre.
46	3	Require a comprehensive agricultural impact assessment for expanded growth centres	Comments indicated support for requiring an agricultural assessment for non-farm dwellings in rural areas and expanded Growth	Comments indicated support for requiring an agricultural assessment for non-farm dwellings in rural areas and expanded			Staff recommend that a soil capability assessment is required as part of future Growth Centre expansions beyond the adopted boundaries in the draft	The issue with comprehensive agricultural assessments is that the scope of such a report would extend well beyond the property in question and its suitability for agricultural uses and could potentially impact a wide range of neighbouring properties and land uses. It is appropriate

			Centres	Growth Centres			MPS and LUB	to assess the impacts on the broader agricultural community when Growth Centres are expanded.
			3 comments in favour					
47	2	Permit two-unit dwellings in A1 Zone	Comments on this topic indicated no majority opinion 1 comment in favour 1 comment opposed	Comments on this topic indicated no majority opinion	3.4.12	8.3	Staff recommend maintaining the current policy direction permitting two-unit dwellings in the Agriculture (A1) Zone.	The current draft of the Municipal Planning Strategy and the Land Use Bylaw permit the development of two-unit dwellings in the Agricultural (A1) Zone.
48	5	Tax incentives to promote agricultural production and active use	Comments on this topic indicate support for tax incentives 5 comments in favour	Comments on this topic indicate support for tax incentives	N/A	N/A	Staff recommend that PAC affirm that tax incentives cannot be contemplated within planning documents.	The Municipal Planning Strategy and Land Use Bylaw are documents which inform the Municipality's policies and regulations related to land use. Tax policy and incentives are outside of the scope of the Municipality's planning documents.
49	1	No large scale processing in the Agricultural (A1) Zone	Comment indicated support for not allowing large scale processing 1 comment in favour	Comment indicated support for not allowing large scale processing	3.4.11 3.4.12 3.4.13	8.3	Staff recommend maintaining current policy direction with regard to prohibition on large scale processing in the Agricultural (A1) Zone.	Large scale commercial and industrial processing is not appropriate in the Agriculture (A1) Zone. This is reflected in the list of uses permitted within the Agricultural (A1) Zone in the draft Land Use By-law. It is suitable in other rural land use designations such as the Rural Mixed Use (A2) Zone, and the Resource (N1) Zone.
50	2	Allow multiple houses on generational family farms	Comment indicated support for multiple houses on generational family	Comment indicated support for multiple houses on generational family	3.4.11 3.4.12 3.4.13 3.4.16	8.3 8.4 8.5 8.6	Staff recommend maintaining current policy direction with regard to permitting farm	Staff do not recommend allowing for multiple houses on generational family farms. Within the draft LUB, there are provisions that allow for dwellings, farm

farms	farms	3.4.17	dwellings, farm tenements, and bunkhouses.	<p>tenements, and bunkhouses on commercial farms. These provisions allow for more than one dwelling to be located on a farm property. However, the dwelling, tenement, and/or bunkhouse cannot be the first building on the lot, there is a maximum of 2 units per building, the dwelling unit must be a demonstrated part of the farming business operation, and, at the time of application, the farm must demonstrate that the farm's gross revenue from the applicant is greater than all other income sources.</p>
1 comment in favour				<p>While staff understand that generational family farms are unique and that there is a need for succession plans for these types of farms, there are a number of issues that could potentially arise in the event that multiple houses are permitted on family farms. Principally, subdivision of lots with dwellings would be problematic as older generations potentially would need to vacate their dwellings, leaving the only options to have vacant dwellings. This would result in undue fragmentation of farmland and potential disruption to active agricultural lands. A preferred option would be to have property subdivided prior to the construction of dwellings through the non-farm dwelling provisions permitted under</p>

the MPS and LUB, which would ensure that multiple generations could remain on, or adjacent to, the farm. Another option would be to build a secondary unit onto an existing farm dwelling to allow for multiple generations to remain on a family farm without incurring the cost or challenge of subdivision.

51	1	Farm stays	One comment did not support farm stays within the Agricultural designation	One comment did not support farm stays within the Agricultural designation	3.4.11 3.4.12 3.4.13 3.4.16 3.4.17	5.6 8.3 8.4 8.5 8.6	Staff recommend maintaining the current policy direction with regard to farm stays.	<p>Farm stays are currently permitted in all zones within the Agricultural Designation, as an accessory to the farm, as well as the Rural Commercial (C4) Zone. Farm stays are an important agritainment use for some agricultural businesses and provide for greater exposure to the agricultural industry. Draft policies and regulations place the following limitations on farm stays:</p> <ul style="list-style-type: none"> a) Must be associated with a farm business b) Located in repurposed farm building, dwelling, place of worship, or seasonal structures not permanently affixed c) The number of rental units is limited to five or less d) The total combined floor area of units is 2,500 square feet or less e) Seasonal structures, outdoor amenities, and guest gathering areas must meet main building setback requirements for
			1 comment opposed					

agricultural uses
f) Complies with all other applicable
provincial regulations

Rural and Resource Recommendations

Recom mendati on	No. of Respon ses	Topic	Related MPS Policy(ies)	Related LUB Section(s)	Staff Recommendation	Rationale
52	9	Resource (N1) Zone	3.6.9	10.3	<p>Include more information on the importance of the Forestry Sector in the contextual section of the Resource (N1) Zone.</p> <p>Staff are seeking direction from the Planning Advisory Committee on whether to increase the proposed minimum frontage within the Resource (N1) Zone from 100 feet to 200 feet.</p>	<p>Forest protection is within provincial jurisdiction. Increasing the required road frontage in the Resource (N1) Zone would effectively limit residential development in the rural areas.</p>
53	10	Development in rural areas (private roads)	2.2, 3.5, 3.6	N/A	No change to current draft	<p>The MPS directs development in Growth Centres, and limits rural areas to resource uses, recreation uses, limited residential development and uses requiring large tracts of land, none of such uses which require development on private roads (with the exception of Shoreland zones). It is not the intent of Resource (N1) Zone to protect agricultural land.</p>

54	3	Industrial and commercial uses in rural areas	2.2	5.6, 6.5	No change to current draft	The rural areas of the Municipality are appropriate areas to allow industrial and commercial uses that require large tracts of land removed from residential development.
55	1	Household livestock	-	14.3.12, Part 6	Change the maximum number of animal units from one to a number that corresponds to the size and zoning of the property.	The household livestock category allows for a limited range of livestock for personal use that are not subject to the more stringent requirements of commercial livestock. The permitted number should be tailored to the property considering factors such as size and zoning, with a larger allowable number for larger properties in agricultural zones.
56	1	Ability to rezone from the Agricultural (A1) Zone to permit rural commercial and rural industrial uses	2.2.11, 2.2.12	N/A	Amend Sections 2.2.11 and 2.2.12 to specify that proposals to re-zone from A1 to either Rural Commercial (C4) or Rural Industrial (M3) will not be considered in the Agricultural (A1) Zone.	This recommended change is to provide clarity.
57	2	Wording of and permitted uses in the Rural Commercial (C4) Zone	2.2.6 and 2.2.7	5.6	No change to current draft.	The Rural Commercial (C4) Zone is intended to provide services to rural industries, rural residents and visitors to the rural areas of the Municipality. Since there is no ability to re-zone land from the Agricultural (A1) Zone to the Rural Commercial (C4) Zone, this zone cannot be used as way to develop on prime agricultural land.

Residential Designation Recommendations

Recomm endation #	No. of Respon ses	Topic	Related MPS Policy(ies)	Related LUB Section(s)	Staff Recommendation	Rationale
58	1	Greater clarity in residential definitions, specifically secondary suites	N/A	4.3.2.2	The LUB secondary suite definition should correspond to the National Building Code.	To ensure consistency.
59	3	Secondary Suites	N/A	4.3.2.2	No change to current draft	Staff received several comments supportive of this proposal.
60	8	Residential Zone standards such as minimum requirements for lot frontage and lot area.	N/A	4.3.3, 4.4.3, 4.5.3, 4.6.3	Maintain lot standards as proposed for the Residential One Unit (R1) Zone, and the Residential One and Two Unit (R2) Zone. Review requirements for minimum lot frontage and lot area in the Residential Mixed Density (R3) Zone and Residential Multi-Unit (R4) Zone to differentiate the zones.	The reduced requirements for lot frontage and lot area ensure that development can occur at a greater density thereby increasing the efficiency of providing services in lower density neighbourhoods. Staff heard from residents in Eagle Landing that the reduced lot frontage and lot area requirements were too small, however, these are minimum requirements that will most likely be incorporated into new, as opposed to existing, subdivisions and will contribute to greater efficiency across the Municipality. The Residential Multi-Unit (R4) is intended to be a higher density zone, permitting 16 unit dwellings vs 8-unit dwellings in the Residential Mixed Density (R3) Zone; however, the identical requirements for lot

						frontage and lot area in both zones does not provide as-of-right permissions for greater density in the Residential Medium Density (R4) Zone.
61	1	Combination of the Residential One Unit (R1) Zone and the Residential One and Two Unit (R2) Zone	N/A	N/A	No change to current draft	The Residential One Unit (R1) Zone has been applied only to existing developed subdivisions. The MPS permits rezoning from R1 to R2 and vice versa provided policy compliance.
62	1	Comprehensive Neighbourhood Development	3.1.13-3.1.18	4.7	No change to current draft	The Comprehensive Neighbourhood Development (R5) Zone offers flexibility to developers for innovative neighbourhoods and capacity for staff to regulate density and provide both vehicular and active transportation linkages, open space and other elements for dynamic communities.
63	1	Parkland dedication through cash-in-lieu of land	2.7.2	N/A	No change to current draft	A parkland dedication, either through the dedication of land to the Municipality or cash-in-lieu of land, is required when a final Plan of Subdivision is approved by the Municipality. The comment from the public expressed concern that there would not be parkland available to future residents in new subdivisions. The cash-in-lieu option is available to municipalities for capital costs related to parkland including but not limited to, purchasing land for parkland that may not be within the boundaries of the subdivision plan, parkland equipment or other capital projects related to parks. The cash-in-lieu option is intended to only be used if none of the land within the boundaries of the

subdivision are suitable for dedication, as determined by the Municipal Engineer, or if there are other, more appropriate capital expenditures in other nearby parks that could benefit from the funds. This could include extending existing parks, trails and pathways. The draft MPS provides additional direction on these expenditures in policies 2.7.4, 2.7.5, 2.7.6 and 2.7.7.

64	6	Site/Area specific zoning: Eagle Landing Subdivision, North Kentville	N/A	North Kentville Zoning Map	Place Eagle Landing in the Residential One Unit (R1) Zone	The Residential One Unit (R1) Zone has been applied generally to established residential subdivisions that consist of one unit dwellings. The balance of lower density subdivisions have been placed within the Residential One and Two Unit (R2) Zone. The Eagle Landing subdivision has not been fully developed and continues to have vacant lots. It is for this reason that a Residential One and Two Unit Zone was proposed. The residents of Eagle Landing have been vocal that they would prefer that the Residential One Unit (R1) Zone be applied, as has been the case under the existing zoning.
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Miscellaneous Comments

Recomm endation #	No. of Respo nses	Topic	Related MPS Policy(ies)	Related LUB Sections(s)	Staff Recommendation	Rationale
65	1	Additional Development opportunities in Wallbrook/West Brooklyn/Gaspereau Mountain	N/A	N/A	No change to current draft	Much of this area is within the Rural Mixed Use (A2) Zone that permits a maximum of a Two Unit dwelling on a lot. The minimum lot frontage required is 200 feet, identical to the Forestry (F1) Zone. This zoning balances residential development with retention of rural character and limited impact on resource and agriculture.
	3	Climate Change Adaptation	2.4, 2.8	N/A	No change to current draft	<p>Public input directed greater emphasis on climate change.</p> <p>Accordingly, staff have used the Municipal Climate Change Action Plan and associated research such as floodplain mapping, to guide policy.</p> <p>With regard to climate change adaptation, policies related to alternative energy generation seek to address climate change. Other adaptive measures, both known, and unknown at this time, generally do not fall under the jurisdiction of land use planning documents. Staff have made every effort to accommodate innovative solutions either through</p>

					Development Agreements or rezonings as necessary and appropriate.
2	Building heights	N/A	Zone requirements in LUB	No change to current draft	Public input emphasized building height restriction, which is currently regulated in each zone.
5	Active transportation	2.3.16-2.3.20	N/A	No change to current draft	Public input highly supported active transportation. Per one comment suggesting horses, this option is not within land use jurisdiction.
1	Safety concerns related to presence of highways in Growth Centres with regard to policies for safe and healthy communities	2.3.16-2.3.19	N/A	No change to current draft	Communities within the Municipality have traditionally been established at the crossroads of major transportation routes that provide linkages between communities and have, over time, become higher order roads and have been identified as such by the Department of Transportation and Infrastructure Renewal. The Province is the owner of these roads and maintain jurisdiction over them. All of the Municipality's Growth Centres are located on a provincial highway, most along Highway 1. Port Williams is located along Highway 358, Centreville is located at the intersection between Highway 359 and Highway 221 and Canning is located at the intersection of Highway 358 and Highway 221.

1	Sidewalks and streetlights	2.3.16-2.3.18	N/A	No change to current draft	There is public appetite for sidewalk requirements in all new subdivisions. This requires substantial collaboration with Villages as maintenance and snow clearing is costly and is a Village responsibility when applicable. Streetlights also involve shared responsibilities; these issues should be pursued and discussed with the applicable Villages.
1	Parking Standards	N/A	14.5	Review parking standards for consistency and suitability	Staff have sought to reduce parking requirements, where appropriate. There is a recognition that parking rates in the existing LUB can lead to an oversupply of parking, especially with regard to very small and very large businesses. Alternately, significant reductions of parking requirements are generally accompanied by significant public transit ridership and rates of cycling and other alternative means of transportation. Should rates of cycling and transit ridership increase significantly in the future, it would be appropriate to review required rates of parking at that time.
2	Adequate water supply from New Minas wells to service Greenwich not confirmed prior to extension of services.	N/A	N/A	No change to current draft.	This is not an MPS or LUB matter but rather that of the New Minas Water Utility (Village of New Minas).

1	Water runoff control	5.3.9	N/A	No change to current draft.	Staff can require, as per section 5.3.9(d) of the MPS, a drainage and stormwater management plan as part of an application for a rezoning or Development Agreement. It is the current policy of the Engineering and Public Works that post-development stormwater flows cannot be greater than pre-development stormwater flows.
2	Control of aggregate extraction	N/A	10.4	No change to current draft.	Aggregate extraction licensing is within provincial jurisdiction. The LUB regulates associated uses such as asphalt processing and recycling, concrete batching, and materials storage by Aggregate Related Industry (N2) zoning.
2	Development and subdivision off private roads in Growth Centres	N/A	N/A	No change to current draft.	Public input desiring development and subdivision capacity on public roads. Residential development outside of Growth Centres is intended to be strictly limited. Within Growth Centres, development and subdivision on private roads can interfere with infrastructure and emergency service provision.
1	Home-based business in Growth Centres	2.5.6	14.4	No change to current draft.	This comment was supportive of home based businesses generally, which have been permitted in the Draft MPS and Draft LUB.

1	Permission to develop a larger residential facility in the Mixed Use (C3) Zone			No change to current draft.	Applicants wishing to develop a residential facility in the Mixed Use (C3) Zone that is larger than would be permitted as-of-right are able to apply for a Development Agreement to increase the permitted size.
3	Fixed Roof Accommodations	2.5.8-2.5.12	5.3.2, 5.4.2, 5.5.2, 5.6.2, 5.7.2, 8.3.2, 8.4.2, 8.5.2, 8.6.2, 9.6.2	No change to current draft	Public comment requesting fixed roof overnight accommodations in Agricultural (A1) Zone. Hotel fixed roof overnight accommodation is widely permitted, including in all commercial zones, much of the Agricultural zoning and in coastal commercial areas. Farm stays are permitted in all Agricultural zones including A1. Bed and Breakfast operations are permitted as home-based businesses occupations in all zones permitting residential uses. Accordingly, there is ample policy provision for such uses.

Appendix A – Growth Centres

The Growth Centre concept was developed and adopted as part of the Municipal Planning Strategy adopted by the Municipality in 1979. The concept, at its core, recognizes that both rural and urban areas are inextricably linked. The 1979 MPS states,

“The interdependence of the urban centres and the rural County provides a complementary incentive for future planning. However, urban and rural areas cannot be planned within the same context. In urban centres land allocation for different uses is essentially based on locational relationships whereas in rural areas the relationships between land uses and soil capability are of primary importance...This concept is intended to encourage both urban and rural development within their respective areas. Urban land uses which may be defined as those uses dependent upon the urban community will be encouraged to develop within the broad range of growth centres where the provision of municipal and community services is economical, efficient and more easily managed. By the same token rural land uses, defined as either uses dependent upon the land resource such as agriculture and forestry or uses serving the rural population such as farm equipment sales, will be encouraged in rural resource districts.”

The concept establishes clear boundaries between the urban and rural areas of the Municipality and identifies the areas where each type of use is to be directed. This concept has generally served the Municipality well as evidenced by the fact that the concept has remained constant in the Municipality's planning documents ever since. The Municipality has been recognized across many jurisdictions as a leader in agricultural protection and this approach is now being incorporated into provincial and regional plans elsewhere in the country. Notwithstanding this approach, the latest planning documents dating from 1992 have been amended many times which has weakened the planning concept and has allowed urban development, particularly non-farm residential development, to spread out into the rural areas of the Municipality. This was a contributing factor to the decision of the Municipality to embark on the Kings 2050 endeavour.

There was no indication throughout the Kings 2050 process that the approach of identifying areas of the Municipality as Growth Centres and rural areas should be amended or abandoned in favour of an alternate approach. It is for that reason that staff have maintained this approach which identifies areas wherein non-farm development is directed to Growth Centres and encouraged to be planned at a scale and density that will allow the Municipality to provide services in efficient and cost-effective ways, and rural areas where the primary uses should be agriculture and resource uses. This strong distinction between the two areas is intended to be maintained in the draft documents. Throughout the latest public consultation meeting and through comments from the public, staff have heard that a portion of the population would prefer to see greater protection of agricultural resources in Growth Centres. This runs counter to the general concept of Growth Centres. In fact, the 1979 MPS indicated, in policy 4.1(7) that, “It shall be the policy of Council to plan for the gradual phasing out of agricultural productivity within the growth centres to permit the development of urban land uses.” This policy was carried forward in the 1992 MPS as policy 2.1.8.6. In order to effectively direct non-farm development to Growth Centres, it is necessary that development be facilitated through as-of-right zoning in general. The application of protection for agricultural resources would increase the difficulty of developing land within Growth Centres that contribute to the tax base of the Municipality. By applying similar restrictions and regulations on the development of land within Growth Centres, the incentive for the development of efficient and desirable communities is significantly reduced. Facilitating development within Growth Centres provides for an easier alternative to the development of rural land, contributes to the Municipality's tax base and ensures that services are provided efficiently and cost-effectively.

Given the renewed interest in the protection of agricultural lands, Staff have included 'existing agricultural uses' to the lists of permitted uses within all zones enabled in Growth Centres to give farmers within Growth Centres the ability to keep farming the land without the use being considered non-conforming, however, it is not in the interest of the Municipality to further protect agricultural land within Growth Centres since it would serve to unduly and onerously restrict non-farm development within Growth Centres that will significantly reduce the Municipality's ability to grow in the future and lead to a form, scale and density of development that is undesirable.

While current demographic information indicates that the population of the Municipality is not experiencing significant levels of growth, the provincial mandate and direction through the development of the Ivany Report and the One Nova Scotia initiative, would indicate that it is in the Municipality's and the province's best interest to ensure that the Municipality can accommodate and encourage growth in appropriate locations.

The determination and adjustment of Growth Centre boundaries in the draft planning documents have also been guided by similar criteria as those criteria used to initially establish the Growth Centre boundaries in the 1979 MPS, the primary being the recognition of the extent of existing development along existing roads and the extent of public services. Of the existing Growth Centres, only Canning, Cambridge and Waterville, Port Williams, New Minas, and North Kentville are proposed to be expanded. The Growth Centre of Canning is proposed to expand to reflect the areas that are now serviced by public sewer, along Pereau Road and Highway 221, which are currently zoned R6(Country Residential). The lands included only include those lots that have road frontage on Pereau Road and Highway 221 and most lots are already developed. The area of expansion of Cambridge includes lands between Cambridge and Coldbrook along Highway 1, lands south of the former railway and lands north of the river that generally runs northeast from Randolph Road to Cambridge Mountain Road. The last two parcels of land have been included as a result of policy 2.1.7(d) of the draft MPS that indicates that, where possible, boundaries shall be aligned with distinct geographic features such as rivers and rights-of-way. With regard to the lands between Cambridge and Coldbrook, the lands to the south of Highway 1 are proposed to be removed from the Growth Centres as part of recommendation #2. The lands to the north of Highway 1 are already developed in part with a residential subdivision and other residential properties along the frontage. It is important to note that these lands are currently located within a Country Residential District and Country Residential zone and are therefore currently seen as areas to be developed under the Municipality's existing planning documents. Expansion to the west of the current boundary in Waterville is proposed to expand to reflect the areas that are now serviced by public sewer. The expansion of the Growth Centre of Port Williams includes lands north of the current Growth Centre boundary and have were originally included at the request of the Village of Port Williams due to the location of two village wells. In response to public comments, these lands are proposed to be removed from the Growth Centre boundary as part of recommendation #2. Similarly, the expansion of New Minas has been requested by the Village of New Minas and includes vacant lands and those that have been developed and are currently sewer serviced. The lands within North Kentville to be included are sewer serviced and the current owner intends to develop the land in the near future.

North Kentville

With regard to North Kentville, the owners of certain lands that have been located in the Growth Centre since the 1979 MPS have requested that these lands be removed from the Growth Centre and placed within the Agricultural District and the Agricultural (A1) Zone. The lands are sewer serviced and the largest parcel, owned by Kennie has a main sewer line installed along the western edge of the property, which was installed in 1973, prior to the adoption of the 1979 MPS. This line serves residences to the south of the property in question. As previously indicated, the agricultural activity is permitted to continue under the draft documents, however, it is not in the Municipality's interest to

remove these lands from the Growth Centre since the potential development of these lands would serve to increase the efficiency and cost-effectiveness of providing the sewer service. It is staff's recommendation that the requested lands continue to be included in the Growth Centre. There is one parcel of land owned by Mr. Alan Moore that is currently located within the Agricultural District and Agricultural (A1) zone. Mr. Moore wishes to develop this parcel of land that has sewer service available to it. The parcel has frontage on Highway 341 and abuts the lands owned by Mr. Kennie. Staff are looking to the Planning Advisory Committee for direction on this parcel of land as to whether it should be included in the North Kentville Growth Centre boundary.

The Village of New Minas

In 2013, following a decision of the Utility and Review Board, the boundary of the Village of New Minas was extended to an area south of Highway 101. Since that time, the Village of New Minas has requested that this new area within the Village boundaries be included in the area of the Growth Centre as part of the Kings 2050 process. The decision of the Utility and Review Board states that, "it is clear that under the MGA the responsibility for all land use and planning policy decisions remains with the Municipality, irrespective of the result of this application. While a successful application would extend the service territory of the Village in terms of services like the volunteer fire department, the water utility, sewer services, recreational services and sidewalks..., any ultimate decision about the approval of development applications within the expansion area, or whether development should occur at all, rests with Municipal Council."

Development in New Minas is currently governed by the New Minas Sector Plan (Bylaw #42) and the New Minas Land Use Bylaw (Bylaw #57). These documents are separate and independent from the County of Kings Municipal Planning Strategy (Bylaw #56) and the County of Kings Land Use Bylaw (Bylaw #75). Since New Minas has been governed by a slightly different planning framework than the balance of the Municipality as well as its unique characteristics including, but not limited to, extensive and concentrated commercial development, and significant residential development, there is merit in pursuing the development of a Community Plan for New Minas to provide detailed policy direction based on this unique context. Staff have made a commitment to the Village Commission to seek the approval of Council following the adoption of the Municipal Planning Strategy and Land Use By-law to pursue a secondary planning process in the Village of New Minas to develop a Community Plan applicable to the entire Village area.

Community Plans are often called secondary plans. This is because the Community Plan is secondary to the policies of the Municipal Planning Strategy. As such, Community Plans must be consistent with the Municipal Planning Strategy. Given this structure, Community Plans must, by definition, be developed after the adoption of a Municipal Planning Strategy. It was not possible to pursue a secondary planning process to develop a Community Plan prior to now because part of New Minas is not subject to the policies of the Municipal Planning Strategy (Bylaw #56).

Community Plans add tailored policy direction for a specific area within the overarching planning regime. They can also provide direction on the location of roads and other utilities including water and sewer service, parks, sidewalks and other infrastructure. As part of a secondary planning process, studies are initiated, consultation with the residents of the community occurs in order to determine an overarching vision, objectives and goals for the community. As part of this process, additional studies will likely be required including an updated engineering study with updated costs for road construction, hydrogeological studies to ensure that there is adequate water to service the area, sewer capacity study to ensure that there is capacity to service any new development, updated stormwater management and drainage studies and any other studies that become pertinent as the process moves forward. With specific regard to servicing studies (water, sewer), the nature and intensity of development needs to be known prior to making the determination related to required vs. available capacity. The secondary planning process needs to be holistic and comprehensive to ensure that

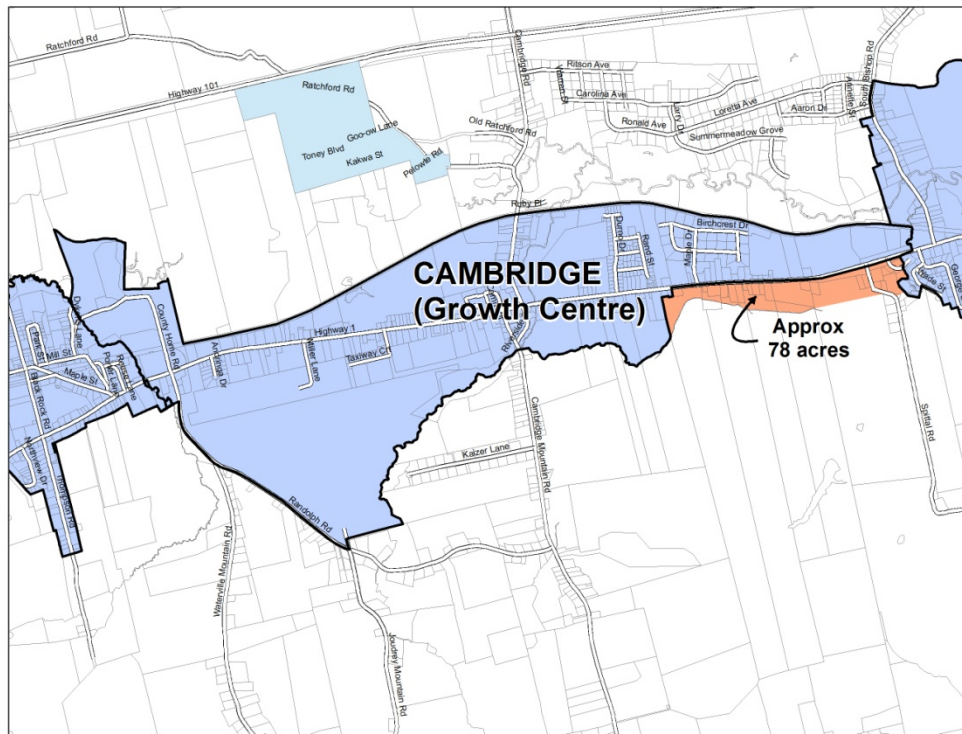
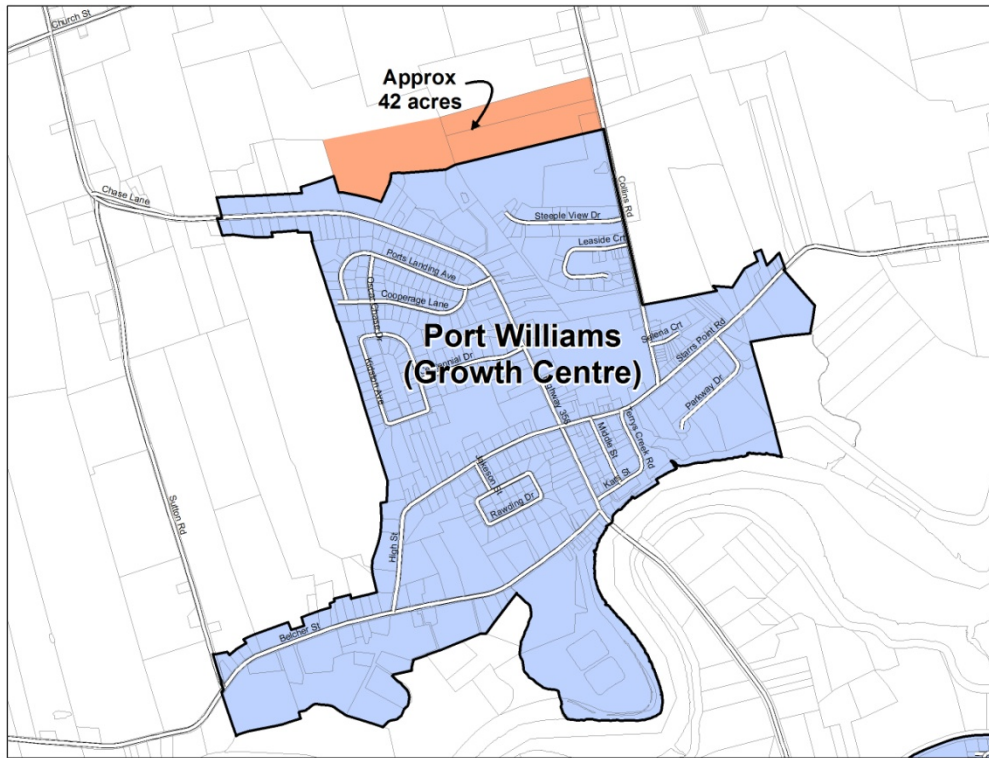
orderly development occurs.

There have been comments from the Village and the public requesting that the area within the Village of New Minas that is located south of Highway 101 be included in the Growth Centre as part of this planning process. Some of the respondents have provided a conceptual development plan for the area within the Village of New Minas located south of Highway 101 based on an engineering study commissioned by the Municipality in 2008. There are currently 2 roads that access the area within the Village of New Minas, south of Highway 101: Highbury School Road and Forsyth Road. Currently, only two parcels of land within the expanded village area have frontage on one of these roads. There are many parcels within the area that do not currently have road frontage, and therefore are not able to be developed in accordance with the Municipality's current or proposed policies. The lands without road frontage have an approximate area of 740 acres. Conversely, the total area of the two developable parcels is approximately 120 acres for a total area of 860 acres. The development of the undevelopable 740 acres lands cannot occur until such time as an additional road is constructed in this area. Pursuing a secondary planning process to develop a Community Plan for New Minas will assist in determining the location of the required road and also give all of the residents of New Minas the opportunity to participate in a planning process to determine the future planning direction of their entire community, including those lands located south of Highway 101 in a democratic way.

Staff have drafted revised policy language for the Municipal Planning Strategy to clarify Council's commitment to the Village in pursuing a secondary planning process following the adoption of the Municipal Planning Strategy and Land Use By-law. This text is included as Appendix C.

Appendix B

The orange areas on the following maps indicate the lands that are proposed to be removed from the draft Growth Centre boundaries.



Appendix C

The following text is proposed to replace the text in the section entitled 'Canaan Heights' within the Future Growth Centre Expansion Areas in Section 2.1 of the draft Municipal Planning Strategy.

South New Minas

Immediately south of Highway 101 is an area within the Village of New Minas that is not currently part of the Growth Centre of New Minas. The area is characterized by rocky outcrops and is largely forested. Existing development is contained along major thoroughfares. In the early 1990s, Municipal Council identified this area as a potential location for future development. Its proximity to the rapidly growing Growth Centre of New Minas and to Highway 101 characterized the area as a logical extension for urban development, especially since this location did not include agricultural land.

Interest in developing the South New Minas area continued into the 2000s. The Nova Scotia Department of Transportation began preliminary planning for a highway interchange at Granite Drive. While the purpose of the interchange was to address traffic issues on Commercial Street, the interchange was also planned to provide access to the area that is now within the Village boundaries. In anticipation of this interchange, the Municipality conducted a preliminary design study for a new collector road that would connect to the new interchange. In 2012, the New Minas Village Commission successfully applied to the Nova Scotia Utility and Review Board to include the area within the Village boundary in anticipation of future development. Council recognizes that South New Minas remains a likely location for future urban development.

Historically, planning decisions in the Growth Centre of New Minas have been determined on the basis of a Sector Plan and Land Use Bylaw separate and independent from the Municipality of the County of Kings Municipal Planning Strategy and Land Use Bylaw. Given this history, it is Council's intention to begin a process to develop a community plan that will establish a new vision for the community of New Minas, including road and utility design and future land use policies for the entire community, including South New Minas. It is Council's intention that this process would begin following the approval of this Municipal Planning Strategy.

Appendix D – Agriculture

The Municipality of the County of Kings consists of some of the richest and fertile soil in the province contributing to conditions for bountiful agricultural production. Since the inception of European settlement in the Municipality, agriculture has been an economic engine as well as a social and cultural mainstay for the region. There is an abundance of agricultural production that takes place in the Municipality. Traditionally, agricultural production has focused on fruit, vegetable, and grain production, along with livestock cultivation. In recent decades agricultural production within the Municipality has diversified to include vineyards, hop production, bees, and other products. There has been a significant growth in both ‘value-added’ agricultural productions – the processing of raw agricultural materials into finished, consumable products such as honey, wine, beer, and ready-to-consume food. Further, growth has also occurred in ‘agritainment’ uses. These are services offered on farms that offer visitors unique experiences directly related to agricultural production and land. Agritainment uses can encompass a variety of aspects of agricultural and farming land use, such as hosting weddings and other events on a working farm, or inviting the general public to tour a farm and pick their own fruits and vegetables, or participate in a corn maze.

Owing to the long and rich tradition of farming and agricultural production within the Municipality, agriculture was recognized in the 1979 Municipal Planning Strategy (MPS) as an integral sector of the economy and, as a result, it was important to emphasize that “prime farmland should be used for farming”. The Agricultural District was established on prime farmland and land use controls were implemented with regard to areas that fell within this District. It was also recognized in the 1979 MPS that the objective of protecting prime agricultural land for agricultural purposes was “tempered by the fact that there are a significant number of non-farm uses in the Agricultural District that have development rights by virtue of their existence. The challenge facing Council is to ensure that the amount, and type, of future non-farm development is limited and appropriate, to ensure that its impact on farming activities, present and future will be minimized.” In order to balance the goal and objective of protecting prime farmland chiefly for agricultural land uses, the Growth Centre model was introduced to the Municipality as part of the 1979 MPS. This model established delineated boundaries around the more urbanized areas of the Municipality where services, employment, and housing were concentrated and encouraged through land-use planning policy. The Growth Centres within the Municipality contained a sufficient supply of land to direct and encourage further growth and development thereby facilitating the protection of fertile lands outside of Growth Centres for agricultural uses. This model has proven to be effective at encouraging density and urbanization in concentrated areas with pre-determined boundaries that are based on the projected needs for urban land supply over the course of the Municipal Planning Strategy.

The Statement of Provincial Interest (SPI) with regard to agriculture affirmed the approach that was adopted by the Municipality through the 1979 MPS to protect, where possible, prime farmland within the Municipality. The SPI also acknowledged the need to recognize that non-agricultural land use may need to be incorporated into lands designated for agricultural production and would therefore require balancing between competing land uses. Policy 3.2.5.1 of the 1992 Municipal Planning Strategy enabled the creation of the Agricultural (A1) Zone through which land use controls would allow for agricultural production to occur and would limit non-agricultural uses which could occur within this zone; subsequent policies found in the MPS would allow for special conditions related to commercial livestock and farm dwellings. Non-farm residential dwellings were permitted under certain conditions,

as outlined in policy 3.2.6. Since 1992, the last time the land use planning documents of the Municipality were substantially reviewed and updated, a number of amendments have been made to the Municipal Planning Strategy that have significantly increased the opportunities for non-farm development in the Agricultural (A1) Zone, resulting in an overall weakening of the protections on agricultural land within the Municipality. Over time, amendments to the Municipal Planning Strategy provided additional ways to construct a non-farm dwelling such that many non-farm dwellings were constructed in the Agricultural (A1) Zone, contributing to conflict between farmers and non-farming rural residents. This trend has, in part, spurred the Kings 2050 undertaking.

There has been no indication throughout the Kings 2050 process that the Municipality should consider straying from the approach of protecting prime agricultural land for the paramount purpose of agricultural uses and directing development to Growth Centres. On the contrary, there has been widespread and vocal comment from the residents of the Municipality that there is an acute need to strengthen the land use controls within the draft MPS and accompanying Land Use By-Law (LUB) that will aid in the protection of agricultural lands within the Municipality. The Municipality intends to take an approach that incorporates the Statement of Provincial Interest with regard to Agriculture and then, through the new Municipal Planning Strategy, build upon the goals and objectives outlined in the statement and the previous iterations of the Municipal Planning Strategy, guiding land use planning in the Municipality for the next several decades.

In total, the Municipality received 337 comments directly related to agriculture land use and the need to ensure its continued protection. This was, by far, the single largest category of comments which were received. It is important to note that of the 337 comments, 289 comments were received from one advocacy organization and its known membership, representing 86% of the total comments that were received pertaining to agriculture. The views of this advocacy organization are well-known and well-publicized but, given the total number of residents within the Municipality, it may not fully be indicative of the diverse viewpoints of residents.

A total of 49 comments were received with regard to how agricultural land is defined within the draft MPS and LUB; of the 49 comments, 46 centred on either the inclusion of stronger, definitive language e.g. “prohibit”, or removing language interpreted as weak and/or vague such as “encourage” or “promote”. Under the Nova Scotia Municipal Government Act, in section 213, a Municipal Planning Strategy is intended to, “provide statements of policy to guide the development and management of the municipality.” It is not intended to be used as a regulatory document that expressly permits or prohibits certain types of uses. The Land Use By-law is the implementation document that provides the regulatory direction to implement the policy direction of the Municipal Planning Strategy. The MGA indicates, in section 220 that a Land Use By-law is intended to divide the municipality into zones wherein each zone a list of permitted or prohibited uses is included for each zone. Additional regulatory responsibilities can also be included in the Land Use By-law.

Six comments were received regarding assurance that agriculture is considered the primary priority of land use across the Municipality, above all other land uses, in all areas. Similarly, the highest number of comments received (83) on any agricultural related topic concerned the protection of agricultural land. A total of 27% of these comments (22 responses) directly related to the protection of agricultural land within Growth Centres. Agriculture has long been recognized as a key component to the Municipality of the County of Kings, both in terms of the Municipality’s economy as well as the social and cultural fabric. However, there is a critical need for Council to provide a balance between various

types of land uses wherein appropriate locations for various types of uses are identified, as has been the practice through the identification of Growth Centres. By encouraging and concentrating growth in pre-determined areas with sufficient vacant land to ensure orderly and sustainable growth, agricultural lands outside of these areas will not be as threatened by non-agricultural development.

While the Growth Centre model does not preclude the use of lands for agriculture practices within the boundaries of Growth Centres these lands should not be afforded the same level of stringent protection as those outside of Growth Centres in the Agricultural (A1) Zone. While existing agricultural operations within Growth Centres can continue to operate, staff recommend that, in order to preserve the relationship between Growth Centres and Agricultural designated lands, agricultural lands which fall within the Growth Centre should not be afforded enhanced protection. Providing the same level of protection for agricultural uses within Growth Centres as in the Agricultural (A1) Zone will not effectively reduce development pressure on lands outside of Growth Centres within the Agricultural (A1) Zone. The implication for allowing the same level of protection to agricultural lands within the Growth Centre would be that there would not be an adequate supply of land within an area designated for densification and efficient servicing, therefore pressure would be placed upon future Municipal Councils to lessen the protection of lands within the Growth Centre— requiring amendments to the Municipal Planning Strategy but, more critically, it would increase the pressure to open lands outside of the Growth Centre for further development. This would encourage the potential loss of land which is zoned Agriculture (A1) and would also potentially result in less efficient and more costly servicing.

Other topics of discussion surrounding protection of lands which fall within the Agricultural designation is the protection of lands outside of the Agricultural (A1) Zone , for example, lands located on the North and South Mountains or lands within the Resource Designation which are currently being farmed. Staff recognize that there are pockets of agricultural activity on the North and South Mountains, as well as within parts of the Resource Designation. It is for this reason that the Rural Mixed Use (A2) Zone was developed. This zone recognizes the importance of agricultural activity, and prioritizes those uses over non-farm uses, in the locations where it was applied. This zone was delineated, particularly on the South Mountain, through the use of a land cover map that identified areas of active agriculture. Moreover, agricultural uses are permitted to operate within any rural designation, with some restrictions related to large scale livestock operations. There are also opportunities for landowners within the Agricultural Designation to pursue a rezoning to the Agricultural (A1) Zone; however, owners should be aware that properties within the Agricultural (A1) Zone are not permitted to be rezoned to a different zone without an amendment to the Municipal Planning Strategy.

A total of 69 comments were received on the topic of provisions for the development of non-farm dwellings on land within the Agricultural Designation. The Agricultural (A1) Zone is comprised of land that has been determined to consist of a concentration of Class 2, 3, and active 4 soils – ideal for agricultural uses. There are no mechanisms within the draft Municipal Planning Strategy and the draft Land Use By-Law to rezone out of the Agricultural (A1) Zone because of the agricultural value of the land and the objective to protect agricultural land for agricultural purposes. There are some uses, related to agritourism, which are permitted in the Agricultural (A1) Zone by Development Agreement. These uses are related to agricultural production and are required to be located on a farm but require an additional level of control and consideration on the part of staff and Council, which makes a development agreement appropriate. Outside of the Agricultural Zone, both the Rural Mixed Use (A2) Zone and Resource (N1) Zone allow for a greater degree of flexibility in land uses, but ensure that the

agricultural uses and resource uses, in the Resource (N1) Zone, remain the primary priority use. Further, the renaming of the designation from Forestry to Resource is a cognizant change to acknowledge that the use of these lands should not be limited to forestry, or other resource based industries as there is potential for agricultural uses in the Resource Designation, but there is a need for flexibility and adaptability with regard to use. Through concentration and prioritization of agricultural and other resource uses on lands within the Agricultural Designation, the intention is to encourage increased density and population within Growth Centres. A number of services, such as water and sewer, are available within Growth Centres. Encouraging compact, serviced residential and commercial growth allows for greater protection of agricultural land outside of Growth Centres.

Therefore, there is a strict set of criteria proposed which aims to limit but perhaps more critically allow for prediction, of where non-farm development could potentially occur within the Agriculture (A1) Zone. Furthermore, the proposed policies and regulations related to the location of non-farm dwellings are predictable based on property mapping. By striking the appropriate balance, staff has sought to ensure clear, predictable, limited development options, thereby reducing the need for future amendments to the Municipal Planning Strategy to permit additional ways to build a non-farm dwelling or to site-specific development. It is important to note the intention is not to provide exemptions for non-farm development to occur in a manner that permanently fragments large-scale tracts of land but rather to strictly manage and concentrate non-farm development so that active agriculture land or land with active agriculture potential is protected.

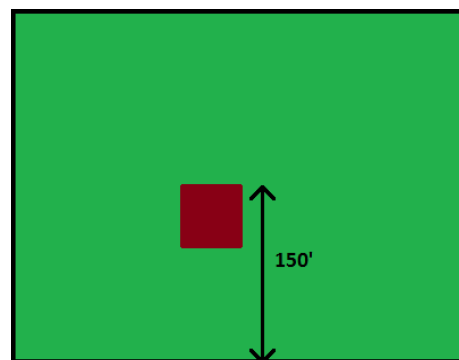
There are three proposed ways to build a non-farm dwelling in the Agriculture (A1) Zone:

- 1,000 foot lots –newly created
- 1,000 foot lots - existing
- Infill

The rear building wall of all non-farm dwellings are required to be located a maximum of 150 feet of the front lot line, thereby protecting the rear portion of any land for agricultural uses.

1000 feet and 5 acre maximum (Newly Created)

This provision is applicable to a lot with 1,000 feet of public road frontage and a maximum of five acres. This ensures that a limited number of lots are potentially enabled through subdivision. Through the use of digital mapping, the total number of such lots is predictable. Staff conducted snapshot



examples to test the worst-case scenario for the potential loss of Agriculture (A1) Zone land in various parts of the Municipality. In one scenario, the total acreage of Agriculture (A1) Zone in Centreville and the surrounding area is 10,000 acres. Within this area the total number of new potential lots which could be created under this provision is 91. This would represent a total of 4.5% of the Agriculture (A1) Zoned land. In Cambridge and the surrounding area, a total of 12,903 acres of Agriculture (A1) Zone land is available and 78 lots which meet the criteria could be sub-divided. This would represent a total of 3% of the land in the Agriculture (A1) Zone in this area.

This provision was developed with the intent that these lots could be used in a farmer's succession planning to allow for children, or other relatives to live on the farm in a separate household unit that would allow the farmer to continue farming. It was also seen as a means to promote new farmers to begin farming on a small scale, by purchasing a portion of a sub-divided farm from an existing farm. The implication for not allowing this type of provision would be that future councils could be pressured to amend the MPS to permit non-farm residential development in response to a resident's specific situation on a property within the Agricultural (A1) Zone either on a site-specific basis or through additional general criteria that could lead to significant, unpredictable losses of agricultural land and an increase in land use conflict between farming and non-farming development. It should be noted that, in the past, when a council has adopted a site specific amendment in the Agricultural (A1) Zone, the province has indicated that this is not appropriate.

1,000 Foot Lots (Existing)

Lots which are in existence on the date of adoption of the land use planning documents and have a minimum of 1,000 feet of public road frontage are proposed to be able to be developed for non-farm dwelling purposes, provided the rear of the dwelling is located within 150 feet of the front lot line. This ensures that development rights, where currently applicable, are not lost but at the same time a predictable and finite number of lots can be identified. By limiting the provision to existing lots, it precludes the possibility of additional lots being created and ensures impartial treatment to owners of the existing lots. The implication for removing this provision is that residents who have already subdivided their properties would lose developments rights that they had previously held and the value of their land holdings would decrease as a result. This may result in requests for future Municipal Councils to examine and evaluate site-specific amendments to the Municipal Planning Strategy or other ways for non-farm dwellings to be permitted on a larger scale, which would contribute to a weakening of the farmland protection initiatives in the proposed documents.

Infill Provision

The infill provision allows a new; non-farm dwelling to be constructed on land that is situated between two existing dwellings (or a dwelling and a public road) that are separated by a maximum of 500 feet at the required front lot line setback. The intent of this provision is to concentrate non-farm dwelling construction to areas where there has already been an impact on agricultural uses, as opposed to introducing a new non-farm dwellings in an area where there has been little non-farm development. This ensures that prime agricultural area is left undisturbed and remains suitable for agricultural purposes. In determining where infill lots are located, the use of dwellings existing on the date of adoption of the planning documents ensures that additional ribbon development will not occur, whereby small strips of development become scattered throughout the Agricultural (A1) Zone. This provision presents an opportunity for farmers to subdivide a small portion of their property to construct a second dwelling for other family members and plan for succession of their agricultural operation, or sell a small portion of their property with adequate public road frontage. The implications of not offering an infill provision are as follows:

1. Family owned and operated agriculture businesses could face challenges in succession planning and enabling both older and younger members of families to remain close to their agriculture operations and be able to work together in order to smoothly transition from one generation to the next.

2. There will be an increase in applications to amend the Municipal Planning Strategy to permit non-farm dwellings within the Agricultural (A1) Zone that will serve to weaken the agricultural protection policies of the Municipal Planning Strategy.

Replacement of Existing Houses

A provision to allow for the replacement of existing houses within the Agricultural (A1) Zone is found in the current MPS. A new dwelling would be permitted to be constructed provided it is in substantially the same location as the existing house thereby not drastically altering the current effect on lands which are designated for agricultural purposes. This provision has accounted for approximately 20% of building permits issued in the Agricultural (A1) Zone between 2001 and 2016. This includes both farm and non-farm dwellings. This does not contribute to additional losses of agricultural lands since the existing house is required to be demolished. No new agricultural land is being lost to non-farm dwellings with the existence and inclusion of this provision in the Municipal Planning Strategy.

Undersized Lots (Existing)

This provision for the development of non-farm residential development is not permitted in Agricultural (A1) Zone but would be permitted in Rural Mixed Use (A2) Zone and the Country Residential (A4) Zone. However, existing undersized lots must still comply with setback requirements. This rationale behind this provision is that while these zones place agricultural uses as a priority, they are not expressly for agricultural in the same manner as the Agricultural (A1) zone, do not feature as rich and fertile soil conditions, and have a wider variety of land uses already in existence. Therefore, lots which do not meet the proposed area and frontages are still proposed to have development rights, but must still meet the new setback provisions. The implication for not accepting this provision is that a number of existing lots would lose a significant amount of inherent value, which would negatively affect the property owners and the Municipality would also potentially lose a revenue source as the land could not be developed for housing purposes.

Staff further recommends that, in order to protect agricultural lands, that the classification of agricultural operations is tied to the revenue of a farm business. While this would not prevent hobby farms from operating within the Municipality, and would be encouraged through other means of support, it would provide clear delineation amongst commercial agricultural operations. If not accepted, a potential exists to create situations whereby very small-scale farming operations, whose occupants have full-time, non-farming jobs can claim to be an agricultural operation, thereby exploiting provisions in the Municipal Planning Strategy and Land-Use Bylaw that allow them to live in an area intended for agricultural use. By ensuring that over 50% of household revenue is generated through farming and agricultural work, it allows a benchmark to be set that ensures a majority of income is derived from farming sources – this is in line with the standards set out by the Canada Revenue Agency in determining the threshold of actively practicing farming on a principally commercial scale and protects farming operations within the Municipality. If an individual or family wishes to reside in the Agriculture (A1) Zone, and derive some, but not the majority, of their income from an agricultural operation they have the ability to do so under the proposed provisions which allow for non-farm dwellings to be constructed in the Agriculture (A1) Zone.

Staff also propose that any farm dwelling constructed as part of a farming business on a farm property be classified as an accessory use to the farm business. This provision provides greater protection to

agricultural land because it ensures that the dwelling unit cannot be subdivided from the farm property to be sold at a later date as a non-farm dwelling within the Agricultural Designation. It prevents the ownership of the farm and the dwelling from being separate, further tying the dwelling and the agricultural operation together.

The 20-acre lot provision, which in the current MPS had enabled the creation of lots within the Agricultural (A1) Zone, has proven over time been a contentious means of development within the Agricultural Designation. This is due to a perception that non-farmers have been using it as a means to construct dwellings within the Agriculture (A1) Zone, but not actively farming the land. While respondents indicated support for maintaining the provision, there is a desire to see that enforcement with regard ensuring the land which a dwelling is developed on is actively and continuously used for agricultural purposes. This presents challenges, specifically with regard to whom is responsible for the enforcement and the ability to enforce active and continuous Agricultural uses. As a result, it is proposed that this provision for development within the Agricultural (A1) Zone is eliminated and that those who wish to establish farms utilize other provisions for the development of agricultural land.

Appendix E – Statements of Provincial Interest

**Statements of Provincial Interest
made under Section 193 and subsections 194(2) and (5) of the
Municipal Government Act
S.N.S. 1998, c. 18
N.S. Reg. 101/2001 (April 1, 1999)
N.S. Reg. 272/2013 (August 6, 2013)**

N.S. Reg. 101/2001

[N.S. Reg. 101/2001 consists of the statements of Provincial interest set out in Schedule B to the Act, which, in accordance with subsections 194(2) and (5) of the *Municipal Government Act*, are regulations within the meaning of the *Regulations Act*.]

Introduction

Nova Scotia's land and water resources are fundamental to our physical, social and economic well-being. But they are finite resources and using them in one way can mean the exclusion of other uses forever. Therefore, it is important that decisions about Nova Scotia's land and water be made carefully. Ill-advised land use can have serious consequences for the physical, economic and social well-being of all Nova Scotians.

These statements of Provincial interest recognize the importance of our land and water resources. The statements also address issues related to the future growth of our communities. They are intended to serve as guiding principles to help Provincial Government departments, municipalities and individuals in making decisions regarding land use. They are supportive of the principles of sustainable development.

Development undertaken by the Province and municipalities should be reasonably consistent with the statements.

As the statements are general in nature, they provide guidance rather than rigid standards. They reflect the diversity found in the Province and do not take into account all local situations. They must be applied with common sense. Thoughtful, innovative and creative application is encouraged.

Definitions

These definitions apply to the Statements of Provincial Interest.

Agricultural Land means active farmland and land with agricultural potential as defined by the Canada Land Inventory as Class 2, 3 and Class 4 land in active agricultural areas, speciality crop lands and dykelands suitable for commercial agricultural operations as identified by the Department of Agriculture and Marketing.

Floodplain means the low lying area adjoining a watercourse.

Floodproofed means a measure or combination of structural and non-structural measures incorporated into the design of a structure which reduces or eliminates the risk of flood damage, usually to a defined elevation.

Floodway means the inner portion of a flood risk area where the risk of flooding is greatest, on average once in twenty years, and where flood depths and velocities are greatest.

Floodway Fringe means the outer portion of a flood risk area, between the floodway and the outer boundary of the flood risk area, where the risk of flooding is lower, on average once in one hundred years, and floodwaters are shallower and slower flowing.

Groundwater Recharge Area means the area of land from which water flows to supply a well.

Hazardous Materials means dangerous goods, waste dangerous goods and pesticides as defined in the *Environment Act* c.1, S.N.S. 1994-95.

Municipal Water Supply Watershed means an area encompassing a surface watershed or recharge area, or a portion of it, serving as a water supply area for a municipal water system.

Off-site Fill means fill that has been imported from outside the floodplain or fill which is transported from the Floodway Fringe to the Floodway.

Planning Documents means a municipal planning strategy, land-use by-law, development agreement and subdivision by-law.

Statement of Provincial Interest Regarding Drinking Water

Goal

To protect the quality of drinking water within municipal water supply watersheds.

Basis

A safe supply of drinking water is a basic requirement for all Nova Scotians.

Inappropriate development in municipal water supply watersheds may threaten the quality of drinking water.

Some water supply watersheds are located outside the municipality using the water. The municipality depending on the water therefore has no direct means of protecting its supply.

Application

This statement applies to all municipal water supply watersheds in the Province including surface watersheds and groundwater recharge areas.

Provisions

1. Planning documents must identify all municipal water supply watersheds within the planning area.
2. Planning documents must address the protection of drinking water in municipal water supply watersheds. Measures that should be considered include
 - (a) restricting permitted uses to those that do not pose a threat to drinking water quality;
 - (b) balancing the expansion of existing uses against the risks posed to drinking water quality;

- (c) limiting the number of lots. Too many lots may result in development which cumulatively affects drinking water quality. The minimum size of lots and density of development should be balanced against the risks posed to the quality of drinking water;
 - (d) setting out separation distances between new development and watercourses to provide protection from run-off;
 - (e) establishing measures to reduce erosion, sedimentation, run-off and vegetation removal associated with development.
3. Existing land use and the location, size and soil conditions of a municipal water supply watershed will determine the land-use controls that should be applied. Large surface watersheds, for example, may be able to sustain more development than a small groundwater recharge area.

It is recognized that in some situations the long-term protection of the drinking water supply may be impractical. In these cases planning documents must address the reasons why the water supply cannot be protected. Municipalities in this situation should consider locating an alternate source of drinking water where long-term protective measures can be applied.

4. The Province supports the preparation of watershed management strategies for all municipal water supply watersheds. These strategies should be prepared by the concerned municipalities and the municipal water utility, in consultation with all affected parties, including landowners.

Statement of Provincial Interest Regarding Agricultural Land

Goal

To protect agricultural land for the development of a viable and sustainable agriculture and food industry.

Basis

The preservation of agricultural land is important to the future of Nova Scotians. Agricultural land is being lost to non-agricultural development.

There are land-use conflicts between agricultural and non-agricultural land uses.

Application

This statement applies to all active agricultural land and land with agricultural potential in the Province.

Provisions

1. Planning documents must identify agricultural lands within the planning area.
2. Planning documents must address the protection of agricultural land. Measures that should be considered include:
 - (a) giving priority to uses such as agricultural, agricultural related and uses which do not eliminate the possibility of using the land for agricultural purposes in the future. Non-agricultural uses should be balanced against the need to preserve agricultural land;

- (b) limiting the number of lots. Too many lots may encourage non-agricultural development. The minimum size of lots and density of development should be balanced against the need to preserve agricultural land;
 - (c) setting out separation distances between agricultural and new non-agricultural development to reduce land-use conflicts;
 - (d) measures to reduce topsoil removal on lands with the highest agricultural value.
3. Existing land-use patterns, economic conditions and the location and size of agricultural holdings means not all areas can be protected for food production, e.g., when agricultural land is located within an urban area. In these cases, planning documents must address the reasons why agriculture lands cannot be protected for agricultural use. Where possible, non-agricultural development should be directed to the lands with the lowest agricultural value.

Statement of Provincial Interest Regarding Infrastructure

Goal

To make efficient use of municipal water supply and municipal wastewater disposal systems.

Basis

All levels of government have made significant investment in providing municipal water supply and municipal wastewater disposal infrastructure systems.

Unplanned and uncoordinated development increases the demand for costly conventional infrastructure.

Application

All communities of the Province.

Provisions

1. Planning documents must promote the efficient use of existing infrastructure and reduce the need for new municipal infrastructure. Measures that should be considered include:
 - (a) encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
 - (b) discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
 - (c) directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered;
 - (d) identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.
2. Where on-site disposal systems are experiencing problems, alternatives to the provision of conventional wastewater disposal systems should be considered. These include the

replacement or repair of malfunctioning on-site systems, the use of cluster systems and establishing wastewater management districts.

3. Installing municipal water systems without municipal wastewater disposal systems should be discouraged.
4. Intermunicipal solutions to address problems and provide infrastructure should be considered.

Statement of Provincial Interest Regarding Housing

Goal

To provide housing opportunities to meet the needs of all Nova Scotians.

Basis

Adequate shelter is a fundamental requirement for all Nova Scotians.

A wide range of housing types is necessary to meet the needs of Nova Scotians.

Application

All communities of the Province.

Provisions

1. Planning documents must include housing policies addressing affordable housing, special-needs housing and rental accommodation. This includes assessing the need and supply of these housing types and developing solutions appropriate to the planning area. The definition of the terms affordable housing, special-needs housing and rental housing is left to the individual municipality to define in the context of its individual situation.
2. Depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.
3. There are different types of group homes. Some are essentially single detached homes and planning documents must treat these homes consistent with their residential nature. Other group homes providing specialized services may require more specific locational criteria.
4. Municipal planning documents must provide for manufactured housing.

Implementation

1. These statements of provincial interest are issued under the *Municipal Government Act*. The Minister of Housing and Municipal Affairs, in cooperation with other provincial departments, is responsible for their interpretation.
2. Provincial Government departments must carry out their activities in a way that is reasonably consistent with these statements.
3. New municipal planning documents as well as amendments made after these statements come into effect must be reasonably consistent with them.

4. Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements. Where appropriate, the preparation of intermunicipal planning strategies is encouraged.
5. Reasonably consistent is defined as taking reasonable steps to apply applicable statements to a local situation. Not all statements will apply equally to all situations. In some cases, it will be impractical because of physical conditions, existing development, economic factors or other reasons to fully apply a statement. It is also recognized that complete information is not always available to decision makers. These factors mean that common sense will dictate the application of the statements. Thoughtful innovation and creativity in their application is encouraged.
6. Conflicts among the statements must be considered and resolved in the context of the planning area and the needs of its citizens.
7. The Department of Housing and Municipal Affairs, with other Provincial departments, may prepare guidelines and other information to help municipalities in implementing the statements. Provincial staff are available for consultation on the reasonable application of the statements.

[Note: Effective February 24, 2006, the reference to the Department of Agriculture and Marketing should be read as a reference to the Department of Agriculture in accordance with Order in Council 2006-121 under the *Public Service Act*, R.S.N.S. 1989, c. 376.]

[Note: Effective April 1, 2014, the references in Items 1 and 7 to the Minister of Housing and Municipal Affairs and Department of Housing and Municipal Affairs should be read as references to the Minister of Municipal Relations and Department of Municipal Relations in accordance with O.I.C. 2014-71 under the *Public Service Act*, R.S.N.S. 1989, c. 376.]

N.S. Reg. 272/2013

January 1, 2018

Dear Planning Advisory Committee

We Keith & Rebecca Pulsifer are writing to you today regarding our circumstances concerning our home property located at 840 Thompson Road in Waterville. Our property at 840 Thompson Road is an 11-acre lot that is located just 250 feet from the Growth Centre. Thompson Road is a dead-end street and $\frac{3}{4}$ of it is growth centre residential up to the house before our property and the remainder of the road is zoned as A1. And because from our house to the end of the street is not town sewer we have been cut off from the remainder of the road and are being unfairly penalized and it all should be zoned residential for at least 200 to 250-foot road frontage building opportunity, the same as the rest of the road. This would not impact any agricultural opportunity for the land. Upon purchasing this property four years ago we never considered we would be faced with this circumstance in our lives. We recently looked at selling our home property with one acre of land and building a one level house on a cement slab with an attached in-law Granny suite on our remaining land. But with our land being zoned as A1 our plans were shut down immediately.

My wife's mother is eighty-one years of age and with this we know that she will need to live with us in the very near future. With our property at 840 Thompson Road we know this is not even a possibility due to stairs and the bedrooms being on the second level of the home. We need a home on one level that we can care for her properly. We already have the land to do this and we feel that we are being penalized and being treated unfairly. We do not feel that we should have to move our Mom out of her hometown to another town when we have what we need right here on our own property.

With our home property being located where it is we feel that we already have residential character and that we are being unfairly penalized, and we just want to be treated fairly.

We recently spoke to our local Waterville Historian Randy Rockwell and dating back some 100 years this land was never used for farming but has always been forestry land. We are confused as to why this land was ever zoned A1.

We have recently had a meeting with our councillor Emily Lutz and she is assisting us in this matter and is supportive of finding an option for us to move forward in our endeavor.

We are hoping for a positive conclusion that will enable us to build a house that will help accommodate our dear sweet Mom.

Kind Regards,

Keith & Rebecca Pulsifer