



PLANNING ADVISORY COMMITTEE MEETINGS

THURSDAY, JUNE 21, 2018

9:00 a.m.

COUNCIL CHAMBERS

A G E N D A

PLANNING ADVISORY COMMITTEE MEETING

Page

1. Meeting to Order
2. Roll Call
3. Amendments to Agenda
4. Approval of the Agenda
5. Approval of Minutes
6. Business Arising from the Minutes
7. Disclosure of Conflict of Interest Issues
8. Business
 - a. Introduction of Citizen Member, Evan Fairn
9. Other Business
 - a. Recommendations Report for Draft Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) – continued at section 2.8 of the draft MPS (Planning & Development Services Staff)
10. Correspondence
11. Date of Next Meeting – June 22, 2018 – 10:00 am
12. Public Comments
13. Adjournment

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Municipality of the County of Kings
Report to the Planning Advisory Committee
Recommendations Report
May 28, 2018
Prepared by: Planning and Development Services

1. INTRODUCTION

Over the past several months, Staff have been seeking direction from the Planning Advisory Committee related to potential edits to the Draft Municipal Planning Strategy (MPS) and the Draft Land Use By-law (LUB) in order to produce what is known as a 'red-line' version of the document where additions, deletions and edits are tracked and can be reviewed.

On [December 18, 2017](#), the Planning Advisory Committee provided recommendations related to the Shoreland Designation and Alternative Energy sections based on comments from the public. On [January 22, 2018](#), [May 4, 2018](#) and then continued on May 8, 2018 the Planning Advisory Committee provided direction on Growth Centre policies. The meetings in May adopted a new approach wherein staff reviewed each of the policies of the Municipal Planning Strategy with committee members as opposed to only reviewing comments from the public on a given section. This approach seeks to review the policies as well as comments from the public on section of the MPS in question. Additionally, staff will be providing recommendations for additional edits that have been identified by staff since the release of the documents. The chart outlining the comments from the public has been included as Appendix A of this report.

Staff are continuing with this approach for this, and future, meetings. Staff will be providing a summary of comments from the public within staff reports as well as information related to staff recommendations.

2. RECOMMENDATIONS

2.1 SECTION 2.1 - GROWTH CENTRE RECOMMENDATIONS

Recommendations related to comments from the public regarding Growth Centres were reviewed by the Planning Advisory Committee at its meetings on January 22, 2018, May 4th, 2018 and May 8, 2018. This report will list the motions that were deferred by the Planning Advisory Committee. Staff will report back on those motions at a later date.

2.1.1 Comments from the public

2.1.1.1 Deferred motions

The following motions were deferred at PAC's meeting of January 22, 2018. Staff are continuing to work on responses to these motions.

On motion of Mr. Cosman and Councillor Winsor, that the Planning Advisory Committee refer the motion back to staff for discussion at a later date with the following questions:

- 1. How much farmland is in Growth Centres?*
- 2. Are there any other possible mechanisms to find an intermediary approach to protecting farmland within Growth Centres?*

On motion of Mr. Cosman and Councillor Winsor, that the Planning Advisory Committee direct staff to place all active farmland within Greenwich within the Agricultural (A1) Zone.

On motion of Mayor Muttart and Councillor Hodges, that the Planning Advisory Committee direct staff to review the north portion of North Kentville and report back to the Planning Advisory Committee with amended zoning for the area.

On motion of Councillor Hodges and Councillor Allen, that the Planning Advisory Committee refer recommendation # 7 back to staff for further information and discussion at a later date.

For reference, recommendation #7 related to the language used to determine the boundaries of Growth Centres. Members of the public indicated that the language was uncertain.

At its meeting of May 4th, 2018, the following motion was carried:

That PAC direct staff to bring back a discussion around the Growth Centre boundaries of the Growth Centres of Canning, Waterville and Cambridge.

Staff will be reporting back to PAC at a later date with responses to these motions.

2.1.2 Staff Initiated

2.1.2.1 Characteristics of a Growth Centre

Staff are recommending that a list of characteristics that are exhibited within Growth Centre boundaries be incorporated into the draft Municipal Planning Strategy to provide additional guidance to Council when a change to a Growth Centre boundary is considered. It has been the intention of Council to direct urban types of development and other elements such as sewer and water service, public transit, institutional uses and main transportation arteries to Growth Centres. These characteristics should be taken into account when adjusting Growth Centre boundaries.

The list is intended to include, but would not be limited to, the following characteristics:

- Sewer and/or water services
- Higher density development including multi-unit residential developments
- Mix of urban uses
- Main transportation routes

- Public Transit services
- Major institutional uses
- Active transportation infrastructure such as sidewalks

Potential Motion:

That the Planning Advisory Committee direct staff to incorporate, as a new policy, a list of characteristics of Growth Centres.

2.1.2.2 Section 2.1.7 Criteria

Staff are recommending an addition to the criteria in policy 2.1.7 related to the determination of Growth Centre boundaries. When Growth Centres were initially established in the 1970's, the historic development patterns of a given area were considered and informed the determination of the boundaries. Staff are recommending that recognition of this be included as an additional criterion within the list of other criteria in policy 2.1.7. This edit will not serve to change any of the current proposed boundaries but will assist in informing future Councils when considering an adjustment to Growth Centre boundaries.

Potential Motion:

That the Planning Advisory Committee direct staff to include 'historic development patterns' within the list of criteria provided in policy 2.1.7.

2.2 SECTION 2.2 – RURAL AREAS RECOMMENDATIONS

2.2.1 Comments from the public

2.2.1.1 Development on Private Roads in Rural Areas

Staff heard from members of the public regarding development on private roads in rural areas. Two comments were in favour of development in rural areas on private roads. Eight comments were against development on private roads and suggested that development in the rural areas should be discouraged.

Staff recommend that no changes be made to the draft Municipal Planning Strategy with regard to development on private roads in rural areas. 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).

Potential Motion:

That the Planning Advisory Committee affirm the policies of the draft Municipal Planning Strategy with regard to limited development on private roads in rural areas.

2.2.1.2 Industrial and Commercial Uses in Rural Areas

Staff heard one comment from the public suggesting that there should be more justification for the Rural Commercial (C4) Zone. Staff heard two comments suggesting that there should be more explicit language detailing permitted industrial uses in rural areas.

Staff recommend that no changes be made to the draft Municipal Planning Strategy with regard to industrial and commercial uses in rural areas because rural areas provide appropriate opportunities for industrial and commercial uses that require large tracts of land and ensure that conflicts with residential uses are significantly reduced.

Potential Motion:

That the Planning Advisory Committee affirm the policies of the draft Municipal Planning Strategy with regard to industrial and commercial uses in rural areas.

2.2.1.3 Permitted uses in the Rural Commercial (C4) Zone

Staff heard two comments from the public suggesting that the uses permitted within the Rural Commercial (C4) Zone could undermine the protection of agricultural land.

Staff recommend that no changes be made to the draft Municipal Planning Strategy with regard to the permitted uses in the Rural Commercial (C4) Zone because the Rural Commercial (C4) Zone is intended to provide services to rural industries, rural residents and visitors to the rural areas of the Municipality. Furthermore, there is no ability to rezone land from the Agricultural (A1) Zone to any other zone, including the Rural Commercial (C4) Zone, this zone cannot be used as way to remove prime agricultural land from production.

Potential Motion:

That the Planning Advisory Committee affirm the policies of the draft Municipal Planning Strategy with regard to permitted uses in the Rural Commercial (C4) Zone.

2.2.1.4 Ability to Re-zone from the Agricultural (A1) Zone to the Rural Commercial (C4) and Rural Industrial (M4) Zones

Staff heard one comment that was against the ability to re-zone from the Agricultural (A1) Zone to the Rural Commercial (C4) and Rural Industrial (M4) Zones

Staff recommend amending policies 2.2.11 and 2.2.12 to clarify that there is no ability to rezone from the Agricultural (A1) zone to either the C4 or M4 zones. The draft Municipal Planning Strategy does not give Council the ability to consider a proposal to re-zone a property from the Agricultural (A1) Zone to any other zone. It is staff's opinion that the policy direction could be made more clear, particularly is Policies 2.2.11 and 2.2.12 of the draft MPS.

Potential Motion:

That the Planning Advisory Committee direct staff to amend policies 2.2.11 and 2.2.12 to clarify that Council does not intend to consider rezoning from the Agricultural (A1) Zone to either the Rural Commercial (C4) Zone or the Rural Industrial (M4) Zone.

2.2.2 Staff Initiated

2.2.2.1 Household Livestock

Staff are recommending that policies be added to Section 2.2.6 of the draft Municipal Planning Strategy to state Council's intention to permit household livestock uses in all Resource, Agricultural and Shoreland Designations, with the exception of the Lakeshore Residential (S1) Zone, and to regulate the scale of such use according to the size of the property and the zone within which the property is located.

Potential Motion:

That the Planning Advisory Committee direct staff to include as a new policy within Section 2.2.6 of the draft Municipal Planning Strategy Council's intention to permit household livestock uses in all Resource, Agricultural and Shoreland Designations, with the exception of the Lakeshore Residential (S1) Zone, and to regulate the scale of such use according to the size of the property and the zone within which the property is located.

2.3 SECTION 2.3 – INFRASTRUCTURE RECOMMENDATIONS

2.3.1 Comments from the public

No comments from the public were received on this topic.

2.3.2 Staff Initiated

No staff initiated recommendations are being brought forward.

Potential Motion:

That the Planning Advisory Committee endorse the policies contained in Section 2.3 of the Draft Municipal Planning Strategy.

2.4. SECTION 2.4 – ENVIRONMENTAL PROTECTION RECOMMENDATIONS

2.4.1 Comments from the public

No comments from the public were received on this topic.

2.4.2 Staff Initiated

No staff initiated recommendations are being brought forward.

Potential Motion:

That the Planning Advisory Committee endorse the policies contained within Section 2.4 of the Draft MPS.

2.5 SECTION 2.5 – ECONOMIC DEVELOPMENT RECOMMENDATIONS

2.5.1 Comments from the public

No comments from the public were received on this topic.

2.5.2 Staff Initiated

2.5.2.1 Wastewater Management Districts

Staff are recommending the addition of a policy which would enable the extension of municipal services through the use of a wastewater management district by-law. Staff recommend that this policy be added to those related to business-friendly practices. Staff recommend that Council only consider the extension of services through a wastewater management district for non-residential development to ensure that non-residential development is not encouraged outside of Growth Centres.

Potential Motion:

That the Planning Advisory Committee direct staff to include an additional policy in Section 2.5 stating Council’s intent to enable the extension of municipal services for non-residential development through the establishment of a wastewater management district.

2.5.2.2 Tourism-Related Development Agreement

Staff are recommending including a criterion within policy 2.5.12 related to the development of tourism business opportunities within the Municipality’s rural areas – those that fall under the Agriculture, Resource, and Shoreland designations, with the exception of land in the Agriculture (A1) Zone. Staff recommend including a criterion related to the size of the lot to ensure that these types of uses occur on a lot that is large enough to reduce potential negative impacts on neighbouring properties.

The purpose of this additional criterion is to ensure there is sufficient area for a proposed visitor oriented business use, but also to balance the prioritization of lands under the Agriculture, Resource, and Shoreland designation for resource based businesses. Land that is in the Agriculture (A1) Zone is excluded for consideration of a development agreement because the intent of this land is for agriculture and agriculture-related uses exclusively.

Potential Motion:

That the Planning Advisory Committee direct staff to include a criterion related to an appropriate lot size to Policy 2.5.12 of the draft Municipal Planning Strategy

2.5.2.3 Municipal Business Park

Staff are recommending the removal of policies 2.5.16 and 2.5.17 from the draft Municipal Planning Strategy. At the time of publication of the draft MPS, these policies were included because they specifically pertained to the Municipal Business Park which required unique development standards.

Municipal Council has since approved the appropriate planning approvals required for the development of the Municipal Business Park on the former municipal airport lands. These policies are no longer required.

Potential Motion:

That the Planning Advisory Committee direct staff to remove policies 2.5.16 and 2.5.17 from the draft Municipal Planning Strategy.

2.5.2.4 Sensitive Uses in Relation to Airports

Staff are suggesting that the addition of language to clarify Council's intent with regard to the development of sensitive uses within Noise Exposure Forecast (NEF) contours surrounding CFB Greenwood. Sensitive uses typically consist of residential uses, daycares, or schools. Typically, development of sensitive uses within these areas is prohibited in other municipalities, however, within the Municipality, these uses have, in the past, been permitted to be developed.

Policies 2.5.19-2.5.22 concern land use planning around the Military infrastructure in the Municipality, specifically around CFB Greenwood. Policy 2.5.19 concerns limiting the development of sensitive uses within NEF 35, which is the closest contour to the base due to the noise impact from jets at CFB Greenwood. Staff are recommending clarifying this policy so that it is clear as to whether the development of sensitive uses is discouraged within this contour or if it is prohibited. Staff does not have a specific recommendation.

2.6 SECTION 2.6 – DRINKING WATER RECOMMENDATIONS

2.6.1 Comments from the public

No comments from the public were received on this topic.

2.6.2 Staff Initiated

No staff initiated recommendations are being brought forward.

Potential Motion:

That the Planning Advisory Committee endorse the policies contained within Section 2.6 of the Draft Municipal Planning Strategy.

2.7 SECTION 2.7 – RECREATION RECOMMENDATIONS

2.7.1 Comments from the public

There were no comments from the public received for this section.

2.7.2 Staff Initiated

2.7.2.1 Exemptions from Open Space Dedication

The draft Municipal Planning Strategy currently proposes an exemption from open space dedications for commercial and industrial subdivisions. It is the opinion of staff that there should be certain conditions where an exemption to an open space dedication is appropriate. However, rather than listing all the exemptions within the Municipal Planning Strategy, it is recommended that a new policy be added indicating Council's intent to regulate these exemptions through the Municipality's Subdivision By-law.

The current Subdivision By-law contains a greater number of exemptions to open space dedication than the current draft Municipal Planning Strategy. The listing of such exemptions is most appropriate within the Subdivision By-law, leaving the Municipal Planning Strategy to provide guidance and direction.

Potential Motion:

That the Planning Advisory Committee direct staff to amend policy 2.7.3 by stating Council's intent to regulate exemptions to open space dedication requirements within the Subdivision By-law.

2.7.2.2 Criteria for Priority of Development of Parks

Staff are recommending that an additional criteria be added to the list of priority areas for the development of parks within the Resource Designation. Specifically, the additional priority area should be lands that provide public access to a lake.

While the Resource Designations are not explicitly intended for shoreline development, they are intended to provide recreation opportunities. The Resource Designations are not intended to provide for private development around the Municipality's lakes, but it would be appropriate for public access to a lake to be provided within the Resource (N1) Zone as the impact is considered to be low.

Potential Motion:

That the Planning Advisory Committee direct staff to add to the list of priority areas in policy 2.7.5 lands that provide public access to a lake.

2.7.2.3 Low-Impact Recreation Uses

Staff are recommending that policy 2.7.10, along with the preamble for low-impact recreation uses, be deleted. This type of use was originally created to allow for more passive recreational uses that did not require permanent structures. However, in considering the application of low-impact recreation uses, it is now staff's opinion that they are too closely related to an 'activity' on the land, rather than a use that should be regulated. The distinction for recreation uses should not be on the level of impact on the land, but on whether or not the activity/use is personal or commercial in nature. Commercial recreation uses, regardless of their level of impact, require parking and signage and should therefore be regulated and restricted to appropriate zones.

Potential Motion:

That the Planning Advisory Committee direct staff to remove policy 2.7.10 and the preamble for low-impact recreation uses from the draft MPS.

2.7.2.4 High-Impact Recreation Uses

Staff are recommending that the draft Municipal Planning Strategy be amended to better distinguish between those high-impact recreation uses that have more predictable land use impacts and are therefore permitted as-of-right within the Commercial Recreation (P1) Zone and those high-impact recreation uses that have less predictable impacts and require greater separation from other uses and are therefore only to be considered by development agreement.

The distinction between high-impact recreation uses that are permitted as-of-right and high-impact recreation uses that are only considered by development agreement requires greater clarification within policies 2.7.11 and 2.7.14.

Potential Motion:

That the Planning Advisory Committee direct staff to amend policies 2.7.11 and 2.7.14 and the preamble for the High-Impact Recreation Uses section to better distinguish between high-impact recreation uses that are permitted within the Commercial Recreation (P1) Zone and those that are considered only by development agreement.

2.7.2.5 Requirement to first Re-zone to the Commercial Recreation (P1) Zone

Staff are recommending that the requirement for a property to be within the Commercial Recreation (P1) Zone before a development agreement for a high-impact recreation use with less predictable impacts will be considered be removed and replaced with criteria that specify the locations within which these development agreements will be considered.

The rezoning and development agreement processes are both public processes that are assessed using the same criteria. Therefore, requiring that a property first re-zone to the Commercial Recreation (P1) Zone prior to applying for a development agreement for a high-impact recreation use is a duplication of staff's review. This duplication also places an unnecessary burden on the applicant.

The following motion was passed in support of this recommendation on December 18, 2017.

That the Planning Advisory Committee direct staff to amend policy 2.7.14 by removing the requirement for a property to be within the Commercial Recreation (P1) Zone before a development agreement for a high-impact recreation use will be considered and by adding criteria related to the locations within which these development agreements will be considered.

2.7.2.6 Commercial Recreation (P1) Re-zoning Criteria

Staff are recommending that additional criteria be added to policy 2.7.15 which allows Council to consider rezoning land within any designation to the Commercial Recreation (P1) Zone. While this policy does include some zones that cannot be re-zoned to Commercial Recreation (P1), there are still areas such as within Residential Designations that should have greater controls in place to ensure compatibility of uses.

Potential Motion:

That the Planning Advisory Committee direct staff to amend policy 2.7.15 by adding additional criteria to ensure land use compatibility when considering re-zoning application to the Commercial Recreation (P1) Zone.

2.8 SECTION 2.8 - ENERGY RECOMMENDATIONS

Recommendations related to comments from the public regarding Energy were reviewed by the Planning Advisory Committee at its meetings on [December 18, 2017](#). This report will list the motions that were deferred by the Planning Advisory Committee. Staff will report back on those motions at a later date. Since the Planning Advisory Committee has not had an opportunity to review the direction previously provided as part of an overall policy review, a summary of the motions previously passed on December 18, 2017 is also provided.

2.8.1. Comments from the public

2.8.1.1 Alternative Wind Proposal

The alternative wind energy proposal was submitted by a member of the public and proposed a dedicated area where large scale wind turbines would be permitted as-of-right, without the need for a planning process. Staff reviewed the proposal and were of the opinion that it had value and presented it for consideration to the public during public consultation meetings held in September 2017. The public were generally supportive of the proposal and, therefore, on December 18, 2017, staff recommended to the Planning Advisory Committee to adopt this

approach. Information related to this proposal can be found in the agenda package from the [December 18, 2017](#) meeting. The following motion was passed at that time:

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.

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

It was suggested to staff that consultation with property owners within 5 kilometres of the proposed alternative wind energy proposal area be consulted with separately. Staff were supportive of this suggestion and recommended the adoption of the following motion by Planning Advisory Committee:

That the Planning Advisory Committee direct staff to notify property owners within 5 kilometres of the proposed large scale wind turbine overlay and provided options and the opportunity to submit feedback with will also be available to all other residents of the Municipality.

This motion was adopted by the Planning Advisory Committee. Staff have not yet conducted this consultation and do not currently have a schedule to do so, however, this will be conducted prior to the redline versions of the draft planning documents being released.

2.8.1.3 Large Scale Wind Turbine Separation Distance

Staff also brought forward a discussion around separation distances to large scale wind turbines. This was brought forward because, notwithstanding the alternative wind energy proposal, separation distances could also be used to determine appropriate locations for permitting large scale wind turbines more broadly across the Municipality. The Planning Advisory Committee passed the following motion:

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.

As a result of this motion, all other motions related to large scale wind turbines were deemed to be redundant with the exception of a recommendation related to the decommissioning of large scale wind turbines and with regard to the distinction between small and large scale wind turbines.

2.8.1.4 Decommissioning of Large Scale Turbines

The Planning Advisory Committee was informed that there are regulations contained in the draft Land Use By-law requiring the decommissioning. As a result, the Planning Advisory Committee adopted the following motion:

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.

2.8.1.5 Distinction between small and large turbines

With regard to the distinction between small and large scale wind turbines, staff informed Planning Advisory Committee that the province places the distinction between small and large turbines at a height of 115 feet which is inconsistent with the draft planning documents. As a result, Planning Advisory Committee passed the following motion:

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.

2.8.1.6 Tidal Energy

There was one motion related to tidal energy resulting from a comment indicating that the Municipality's approach should be cautious. The Planning Advisory Committee passed the following motions:

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.

2.8.1.4 Deferred Motions

There was one deferred motion passed by Planning Advisory Committee related to large scale solar farms on Agricultural (A1) land. Staff are still working on a response to this motion. The motion is as follows:

That 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.

2.8.2 Staff Initiated

There are no staff initiated recommendations.

2.9.0 SECTION 2.9 – HERITAGE RECOMMENDATIONS

2.9.1 Comments from the public

No comments from the public were received on this topic.

2.9.2 Staff Initiated Recommendations

No staff initiated recommendations are being brought forward.

Potential Motion:

That the Planning Advisory Committee endorse the policies contained within Section 2.9 of the Draft Municipal Planning Strategy.

3. APPENDICES

Appendix A – Recommendations Charts

Appendix B – Statements of Provincial Interest

Appendix A – Recommendations Charts

Section 2.1 – Growth Centres

No. of responses	Topic	Nature of Comments	Relevant MPS policies	Relevant LUB sections	Staff recommendation	Rationale
1	Distinction between small and large growth centres.	Respondent indicated that separate policy direction should be included for large vs. small Growth Centres.	Settlement Vision Statement	N/A	Staff recommend maintaining the policies that do not distinguish between small and large Growth Centres, as currently drafted.	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 community plan.
6	Designation of Greenwich as a Growth Centre	Respondents indicated that they were opposed to the inclusion of Greenwich as a Growth Centre due to the loss in agricultural land.	s. 2.1.1	N/A	Staff recommend maintaining the conversion of the existing Hamlet of Greenwich to a Growth Centre.	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.

3	Designation of Avonport as a Growth Centre	Residents were not supportive of the inclusion of Avonport as a Growth Centre.	s. 2.1.1	N/A	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>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 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.</p>
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.	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.	<p>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.</p> <p>South Berwick does not benefit from public sewer or water services. As such the intensity of development is restricted.</p>
13	Accounting for vacant land in the Towns of Berwick, Kentville and Wolfville when	Respondents indicated that vacant land within the	s. 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	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

	considering the expansion of Growth Centres	Towns should be developed prior to any expansion to Growth Centres.			Growth Centre cluster boundaries, vacant land and growth potential within each cluster.	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.
1	Growth Centre clusters	Respondent indicated that they were concerned that this would lead to a loss of agricultural land.	s. 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.
15	Expansion of Growth Centres onto lands zoned Agricultural (A1)	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 Appendix B of the report dated January 22, 2018.(Cambridge south of Hwy 1, Port Williams)	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 of the report dated January 22, 2018 for more information related to this recommendation.
1	Future Expansion Areas	Respondent indicated that this is	s. 2.1.8-2.1.10	N/A	Staff recommend removing from the proposed Growth Centre boundaries lands identified on the attached map	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

		premature given that the demographics do not show significant growth in the Municipality.			included as Appendix B.(Cambridge south of Hwy 1, Port Williams)	these lands should be retained for agricultural production. See Appendix B of the report dated January 22, 2018 for more information related to this recommendation.
20	Expansion of New Minas Growth Centre boundaries to include area within the Village located south of Highway 101	Respondents indicated that they would like to see this area included in the Growth Centre	Contextual text between policies 2.1.7 and 2.18	N/A	Staff recommend that the draft Municipal Planning Strategy be updated to recognize that the development of a community plan for New Minas is a priority of primary importance. Proposed revised text can be reviewed as part of C of the report dated January 22, 2018.	The development of a secondary plan is 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 of the report dated January 22, 2018 for more information.
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	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 be considered in determining the exact placement of the boundaries. The text prior to

applied. It is the opinion of Staff that clarity would be beneficial.

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.

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.

Other Growth Centre Comments

No. of responses	Topic	Nature of Comments	Relevant MPS policies	Relevant LUB sections	Staff recommendation	Rationale
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.	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 dated January 22, 2018)

13	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.	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 have heard from the public that information related to demographics would provide important context to the policies of the MPS. See Appendix B of the report dated January 22, 2018 for additional information related to this recommendation.
3	Plans for the contraction of Growth Centres	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.	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>The Growth Centre boundaries, as currently proposed generally reflect the areas that have already been developed. There continue to be vacant parcels of 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.</p> <p>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.</p>
1	Population Growth Cap	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.
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	N/A	North Kentville Zoning Map	<p>Staff recommend that lands requested for removal from the Growth Centre be retained within the Growth Centre.</p> <p>Staff are seeking direction regarding the lands owned by Mr. Alan Moore located northeast of the current Growth Centre Boundary.</p>	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

		Agricultural (A1) Zone			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 of the report dated January 22, 2018 for more information).	
6	Site/Area specific zoning: Eagle Landing Subdivision, North Kentville	The comments received on this topic indicated that residents were not in agreement with the Residential One and Two Unit Zone applied to the subdivision.	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.
		6 comments opposed				

Section 2.2 – Rural Areas

No. of responses	Topic	Nature of Comments	Relevant MPS policies	Relevant LUB sections	Staff recommendation	Rationale
10	Development in rural areas (private roads)	Two members of the public were in favour of allowing development on private roads in the Resource (N1) Zone, other members of the public felt that private roads in the rural areas should not be permitted and rural development should be discouraged	2.2	N/A	No change to current draft	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.
3	Industrial and commercial uses in rural areas	One comment from the public suggested that there should be more justification for	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.

the rural commercial (C4) Zone, the other comments suggested that there should be more explicit language detailing under what circumstances an industrial use could locate in a rural area

2	Wording of and permitted uses in the Rural Commercial (C4) Zone	One comment was submitted twice suggesting that the uses permitted within the Rural Commercial (C4) zone could undermine protection of agricultural	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.
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land						
1	Ability to rezone from the Agricultural (A1) Zone to permit rural commercial and rural industrial uses	One comment from the public was against the ability to re-zone from the A1 zone to the rural commercial or rural industrial zone	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.

Other Rural Comments

No. of Responses	Topic	Nature of Comments	Related MPS Policy(ies)	Related LUB Section(s)	Staff Recommendation	Rationale
1	Household livestock	One member of the public commented that the allowance for one animal unit should be increased	-	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.

Section 2.3 – Infrastructure

No comments received from the public

Section 2.4 – Environmental Protection

No comments received from the public

Section 2.5 – Economic Development

No Comments received from the public.

Section 2.6 – Drinking Water

No Comments received from the public.

Section 2.7 - Recreation

No. of Responses	Topic	Nature of Comments	Related MPS Policy(ies)	Related LUB Section(s)	Staff Recommendation	Rationale
1	Parkland dedication through cash-in-lieu of land	There was one comment that was not supportive of the concept of cash-in-lieu of parkland.	s. 2.7.2	N/A	No recommendation	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. 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.
0	Development Agreement option for high-impact recreation uses	This is a staff initiated recommendation	2.7.14	N/A	Amending the Development Agreement option for high-impact recreation uses in Policy 2.7.14 so that a rezoning to the Commercial Recreation (P1) Zone is not required.	Since the rezoning and Development Agreement processes are public processes assessed using the same criteria, a rezoning and a Development Agreement represents a duplication of staff's review.
0	Development Agreement option for high-impact recreation uses within the Shoreland Designation	This is a staff initiated recommendation	2.7.14	N/A	Amend Policy 2.7.14 to specify that only high-impact recreational uses directly related to lakeshore or coastal activities such as overnight accommodations, campgrounds and camps be permitted by Development Agreement within the Shoreland Designation.	Rather than permitting the Commercial Recreation (P1) Zone within the Shoreland Designation, a development agreement for appropriate uses will allow Council to have greater control over the development. 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.

Section 2.8 – Energy

No. of Responses	Topic	Nature of Comments	Related MPS Policy(ies)	Related LUB Section(s)	Staff Recommendation	Rationale
19	Large Scale Wind Turbine Separation Distance	<p>These comments related to what was considered an appropriate separation distance between a wind turbine and a dwelling. Comments on various distances were supplied.</p> <p>A breakdown of the comments can be found in Appendix B of the report to Planning Advisory Committee dated December 18,</p>	s. 2.8.9(a)	s. 15.1.3	<p>Staff are seeking direction from the Planning Advisory Committee on the following:</p> <ol style="list-style-type: none"> 1. If permitting large scale wind turbines widely across the Municipality is preferred either instead of or in addition to the alternative wind proposal. It is understood that a separation distance is to be adopted if permission for large scale turbines outside of the proposed overlay area is preferred. 2. What separation distance should be applied between large scale wind turbines and existing dwellings 	<p>Regulation related to the location of large scale wind turbines has traditionally been regulated through separation distance, which is the approach in the draft MPS and LUB, proposing 1,000 metres from existing dwellings. This has been met with mixed reviews.</p> <p>Please see Appendix B of the report dated December 18, 2017 for more information.</p>

2017.

4	Separation distance from large scale wind turbines to be measured to existing dwellings or property lines	These comments indicate a preference of measuring to a dwelling or to a lot line. 2 comments in support of measuring to a dwelling. 2 comments were supportive of measuring to lot lines.	s. 2.8.9(a)	s. 15.1.3	No change to current draft	The more permanent nature of dwellings compared to lot lines offers a more effective method of applying a separation distance.
3	Large scale solar farms on lands within the Agricultural (A1) Zone	There were two comments opposed to permitting large scale solar farms on land within the Agricultural (A1) Zone.	s. 2.8.16	s. 15.3.4	No change to current draft	Large scale solar farms are proposed to be permitted by Development Agreement. The criteria to be considered include that the system be mounted in a way that is easily removed, thereby retaining the value and potential productivity of agricultural land. The Development Agreement must also include a decommissioning plan and bonding or other financial arrangements acceptable to Council.

2	Approach to tidal energy should be cautious	There were two comments supportive of a cautious approach to tidal energy.	2.8.17	N/A	Policies specify that all required government approvals be received prior to a Development Agreement coming into force.	The draft MPS has policies on alternative energy other than solar and wind power generation. Any others, including associated infrastructure or accessory buildings and structures, must be approved by Development Agreement. Tidal energy is within federal jurisdiction.
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Other Energy Comments

No. of Responses	Topic	Nature of the Comments	Related MPS Policy(ies)	Related LUB Provision(s)	Staff Recommendation	Rationale
15	Alternative Wind Proposal: dedicated area in southwest portion of Municipality where large scale wind turbines would be permitted as-of-right.	All comments received were supportive of the Alternative Wind Proposal 13 comments in support	N/A	N/A	Incorporate this option into the draft MPS and LUB through the application of an overlay that would continue to permit uses within the underlying or Resource (N1) Zone, as well as large scale wind turbines	This proposal was presented at the three Public Consultation meetings held in September for review by the public. There was support from the public for this proposal. The benefits to this proposal are as follows: <ol style="list-style-type: none"> 1. the area identified provides a minimum of 3,000 metre separation from all existing dwellings; 2. the lands within the proposed area are Crown lands owned by various departments of the provincial government; and, 3. the proposed area is within a reasonable distance of a large electrical transmission corridor.
2	Consultation with residents within 5 kilometres of the proposed alternative wind overlay area	Comments received were supportive of consulting with residents within 5 kilometres of the alternative wind overlay	N/A	N/A	Property owners within 5 kilometres of the proposed wind area overlay be notified in writing of the final Public Consultation meeting and invited to comment via email, the Municipality's website, or telephone.	To provide additional public input opportunity, as the previous draft planning documents did not include the proposal.

		area.			Provide public information by website and social media inviting comments on the proposal.	
		2 comments in support				
3	Development Agreement option if separation distance is under the required separation distance.	These comments relate to a proposed development agreement option that would allow the installation of turbines closer than 1,000 metres. 1 comment in support, 2 opposed	N/A	N/A	This matter is subject to PAC affirming a separation distance approach in recommendation 24. If a separation distance from large scale wind turbines is affirmed (by recommendation 24), a Development Agreement should be offered to applicants per criteria currently proposed in section 15.1.3(f) of the LUB.	A Development Agreement option offers public input and municipal regulation where separation distances are reduced.
1	Responsibility for decommissioning of large scale turbines.	The comment received was supportive of making turbine owners responsible for decommissioning.	N/A	s. 15.1.3(m)	No change to current draft	The owner of the land on which large scale turbines are located must notify the Municipality following 1 year of turbine inactivity and are required to remove the turbine(s) and any associated infrastructure within 2 years of turbine inactivity.

1	Wind Turbines in the Agricultural (A1) Zone	The comment received was opposed to turbines being located on Agricultural (A1) Zoned lands.	N/A	N/A	No change to current draft	The draft MPS and draft LUB do not permit the establishment of large scale wind turbines on lands within the Agricultural (A1) Zone.
1	The development of large scale wind turbines should be subject to a planning process	One comment was received that was supportive of turbines being required to be permitted through a planning process.	N/A	N/A	Staff recommend that regulations be established that would permit the development of large scale wind turbines as-of-right in appropriate locations.	It is the opinion of staff that the public good would be better served in a more equitable and predictable manner through the use of regulations that permit the development of large scale wind turbines as-of-right except where the regulations cannot be met. In this context staff are proposing that a Development Agreement option be available as referenced in Recommendation 26 in the report dated December 18, 2017
1	The definition of small vs large scale wind turbines with regard to height.	The comment received was related to a different height than proposed to distinguish between small and large turbines.	N/A	s. 15.1.2(a), 15.1.3(a), Definitions	The distinction between small and large scale wind turbines in the LUB match those of provincial agencies such as the Department of Energy and Nova Scotia Power Inc. The numbers provided by these agencies would be replace the current heights that mark the distinction between small and large turbines.	Mirroring provincial regulations is appropriate.

1	Request for permission to build a large scale wind turbine on a specific property	There was one comment requesting that a turbine be permitted on a specific property.	N/A	N/A	Site-specific proposals should not be considered.	Properties with similar characteristics should be afforded the same permissions to promote equitable treatment throughout the Municipality.
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Section 2.9 – Heritage

No comments received from the public.

Appendix B – 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.

[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.]

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 Flood Risk Areas

Goal

To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.

Basis

Floodplains are nature's storage area for flood waters.

New development in a floodplain can increase flood levels and flows thereby increasing the threat to existing upstream and downstream development.

Five floodplains have been identified as *Flood Risk Areas* under the Canada-Nova Scotia Flood Damage Reduction Program.

Application

This statement applies to all *Flood Risk Areas* that are designated under the Canada-Nova Scotia Flood Damage Reduction Program. These are

- (1) **East River**, Pictou County,
- (2) **Little Sackville River**, Halifax County,
- (3) **Sackville River**, Halifax County,
- (4) **Salmon and North Rivers**, Colchester County, and
- (5) **West and Rights Rivers and Brierly Brook**, Antigonish County.

There are other areas in the Province that are subject to flooding which have not been mapped under the Canada-Nova Scotia Flood Damage Reduction Program. In these areas, the limits of potential flooding have not been scientifically determined. However, where local knowledge or information concerning these floodplains is available, planning documents should reflect this information and this statement.

Provisions

1. Planning documents must identify *Flood Risk Areas* consistent with the Canada-Nova Scotia Flood Damage Reduction Program mapping and any locally known floodplain.
2. For *Flood Risk Areas* that have been mapped under the Canada-Nova Scotia Flood Damage Reduction Program planning documents must be reasonably consistent with the following:
 - (a) within the *Floodway*,
 - (i) development must be restricted to uses such as roads, open space uses, utility and service corridors, parking lots and temporary uses, and
 - (ii) the placement of off-site fill must be prohibited;
 - (b) within the *Floodway Fringe*,
 - (i) development, provided it is flood proofed, may be permitted, except for
 - (1) residential institutions such as hospitals, senior citizen homes, homes for special care and similar facilities where flooding could pose a significant threat to the safety of residents if evacuation became necessary, and
 - (2) any use associated with the warehousing or the production of hazardous materials,

- (ii) the placement of off-site fill must be limited to that required for flood proofing or flood risk management.
3. Expansion of existing uses must be balanced against risks to human safety, property and increased upstream and downstream flooding. Any expansion in the *Floodway* must not increase the area of the structure at or below the required flood proof elevation.
4. For known floodplains that have not been mapped under the Canada-Nova Scotia Flood Damage Reduction Program, planning documents should be, at a minimum, reasonably consistent with the provisions applicable to the *Floodway Fringe*.
5. Development contrary to this statement may be permitted provided a hydrotechnical study, carried out by a qualified person, shows that the proposed development will not contribute to upstream or downstream flooding or result in a change to flood water flow patterns.

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 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