



PLANNING ADVISORY COMMITTEE MEETINGS

FRIDAY, JUNE 26, 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
9. Other Business
 - a. Recommendations Report for Draft Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) – Section 3 of the MPS (Planning & Development Services Staff)
10. Correspondence
11. Date of Next Meeting – July 10, 2018 – 1:00 pm
12. Public Comments
13. Adjournment

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Municipality of the County of Kings
Report to the Planning Advisory Committee
Recommendations Report
June 26, 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 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. Subsequent meetings in May and June reviewed the balance of the policies in Section 2 of the MPS.

As the Planning Advisory Committee moves into its review of Section 3.0 of the Municipal Planning Strategy, Staff have prepared a new recommendations chart outlining comments from the public related to section 3.0 General Policies, section 3.1 Residential Designation, section 3.2 Commercial Designation and section 3.3 Industrial Designation. This chart has been included as Appendix A of this report. Staff will also be bringing forward their recommendations which are also outlined in this report.

Recommendations and comments related to section 3.4 Agricultural Designation, section 3.5 Shoreland Designation, and section 3.6 Resource Designation will appear in subsequent reports.

2. RECOMMENDATIONS

2.1 SECTION 3.0 – GENERAL POLICY RECOMMENDATIONS

Section 3.0 of the Municipal Planning Strategy provides direction on matters that are general in nature and apply to all areas of the Municipality. There are no overarching goals since it is expected that the vision, goals and objectives contained throughout the Draft Municipal Planning Strategy are intended to guide the application of the policies contained in this section. The ability to draft regulations and requirements, which are contained in, and administered from, the draft Land Use By-law, is contained in this section of the MPS.

2.1.1 Comments from the public

Staff received comments from the public related to building heights and parking standards.

With regard to building heights, staff received 2 comments indicating that the draft planning documents should apply height restrictions. As with the in force Land Use Bylaw, the draft Land Use By-law applies building height restrictions within every zone. No change to the draft documents is required to address these comments.

There was one comment related to the proposed parking requirements indicating that the requirements would, in the commenter's opinion, result in an oversupply of parking. Staff agree that the parking rates in the Municipality's existing Land Use By-law can result in an oversupply of parking. This is especially true for small businesses and large retailers. Small retail operations are currently required to provide a minimum of 6 parking spaces, regardless of the size of the store. Larger retailers are required to provide parking at a rate that is identical to smaller retailers, but, this has led to a recognized oversupply of parking for these retailers. While staff have reduced some parking rates, such as eliminating the requirement for small businesses to provide 6 spaces, regardless of the size of the commercial use, in light of this comment, staff are seeking direction from the Planning Advisory Committee to review the proposed parking requirements contained in section 14.5 of the draft Land Use By-law.

Potential Motion:

That the Planning Advisory Committee direct staff to review parking requirements and adjust the required rate in the draft Land Use By-law, where necessary.

2.1.2 Staff Initiated

2.1.2.1 Urban Chickens

Staff are recommending that a policy be included in Section 3.0 that addresses the ability for residents, living in residential zones, in Growth Centres to keep a limited number of chickens on their property. This is not currently addressed in the in force Municipal Planning Strategy, but is permitted in the Land Use Bylaw. Adding this policy to the draft Municipal Planning Strategy will provide policy direction as to the rationale for the permission and what the policy is intended to achieve including increased self-sufficiency for residents and contributing to the promotion of local food sources.

Potential Motion:

That the Planning Advisory Committee direct staff to include within section 3.0 of the draft Municipal Planning Strategy, a section enabling urban chickens within residential zones in Growth Centres.

2.1.2.2 Non-conforming

Policies 3.0.1-3.0.3 addresses non-conforming uses. The Planning Advisory Committee discussed non-conforming uses within wellfields during its meeting on June 15, 2018. At that

time, there was some confusion regarding the ability to relax the direction of the *Municipal Government Act* particularly with regard to the ability to recommence a non-conforming use that has been discontinued longer than six months and the ability for Council to permit a non-conforming non-residential structure to be rebuilt if it has been entirely destroyed or damaged by fire. Staff have reviewed the relevant sections of the *Municipal Government Act*. Section 242 of the *Municipal Government Act* provides direction on the relaxation of restrictions described in prior sections related to non-conforming uses, non-conforming structures and non-conforming uses in structures. Section 242 states:

242 (1) *A municipal planning strategy may provide for a relaxation of the restrictions contained in this Part respecting non-conforming structures, nonconforming uses of land, and nonconforming uses in a structure and, in particular, may provide for:*

- (a) the extension, enlargement, alteration or reconstruction of a nonconforming structure;*
- (b) the extension of a nonconforming use of land;*
- (c) the extension, enlargement or alteration of structure containing nonconforming uses, with or without permitting the expansion of the nonconforming use into an addition;*
- (d) the reconstruction of structures containing nonconforming uses, after destruction;*
- (e) the recommencement of a nonconforming use of land or a nonconforming use in a structure after it is discontinued for a continuous period in excess of six months;*
- (f) the change in use of a nonconforming use of land or a nonconforming use in a structure, to another nonconforming use.*

(2) *The policies adopted in accordance with this Section shall be carried out through the land-use by-law and may require a development agreement.*

As a reminder, sections 2.6.8 of the draft Municipal Planning Strategy contemplated permitting non-conforming structures to be rebuilt that have been damaged or destroyed up to 100% by fire, permitting the expansion of a non-conforming use through a development agreement and permitting the recommencement of non-conforming uses if they have been discontinued for up to a year. These policies applied only to properties and uses located within wellfield protection overlays. Two development agreement options are proposed in that section of the draft Municipal Planning Strategy. The first option allows Council to consider the expansion or redevelopment of non-conforming uses within a wellfield protection overlay. The second option allows Council to consider applications for development agreements that would contemplate the relocation of a non-conforming use within a wellfield protection overlay to a site that is further away from the wellhead than where the use was originally located

Section 3.0.1 regarding non-conforming uses proposes that the maximum restrictions within the *Municipal Government Act* for non-conforming uses should be maintained for wellfield and environmental zones and a relaxation of these restrictions should occur in other zones. This

creates an inconsistency with the policies contained in Section 2.6 which does contemplate a relaxation of the maximum restrictions outlined in the *Municipal Government Act*, even within wellfield protection overlays.

Section 3.0.2 addresses non-conforming structures and indicates that non-conforming structures should be able to be used for uses permitted within the zone, that the restrictions outlined in the *Municipal Government Act* related to non-conforming structures be maintained, and provides direction on establishing conditions for the use, expansion and repair of non-conforming structures.

The *Municipal Government Act* also provides direction on non-conforming uses within structures. These have not been addressed in the current draft Municipal Planning Strategy.

In summary, there are inconsistencies and omissions within the draft Municipal Planning Strategy with regard to non-conforming uses, non-conforming structures and non-conforming uses within structures. These inconsistencies provide greater leniency for uses within wellfields than those not affected by wellfield protection. Therefore, staff are seeking the direction from the Planning Advisory Committee to review and revise these affected sections in order to provide consistent and appropriate policy direction.

Potential Motion:

That the Planning Advisory Committee direct staff to review and revise the policies related to non-conforming uses, non-conforming structures and non-conforming uses within structures to ensure that the policies are appropriate and consistent.

2.2 SECTION 3.1 – RESIDENTIAL RECOMMENDATIONS

2.2.1 Comments from the public

2.2.1.1 Comprehensive Residential Development District and Zone

Staff heard from members of the public regarding the comprehensive residential development district and zone. One member of the public expressed support for this approach. No change is proposed by staff.

2.2.2 Staff Initiated

2.2.2.1 Residential Development Agreement Option

Staff are recommending that a development agreement option be added to section 3.1 of the draft Municipal Planning Strategy to enable Council to consider applications for a development agreement that would permit residential uses that may not meet the requirements of the zone.

The purpose of this policy is to enable flexibility within Growth Centres to allow for a broad range of residential options. This could facilitate the development of greater density within Growth Centres by permitting townhouses or small apartment buildings within established neighbourhoods while still providing staff and Council a measure of control to minimize and

mitigate negative impacts that could result from more dense development. The policy has been incorporated into many other sections of the Municipal Planning Strategy.

The policy to be incorporated would be similar to the following:

It shall be the policy of Council to:

consider only by development agreement in all Residential Zones, residential proposals that cannot meet the standards of the applicable residential zone. In considering such development agreements, Council shall be satisfied that:

- a. the condition(s) that prevents the proposal from being permitted as-of-right in the zone is addressed by the development agreement including but not limited to enhanced buffering and the positioning and design of buildings and structures; and*
- b. the proposal meets the general development agreements criteria set out in section 5.3 Development Agreements and Amending the Land Use By-law.*

The Planning Advisory Committee may want to consider including mixed use proposals or small scale commercial proposals within residential zones. These types of development can contribute to the development of complete communities which can reduce vehicle trips, promote active transportation and encourage entrepreneurship within communities.

Potential Motion:

That the Planning Advisory Committee direct staff to include a policy within section 3.1 of the draft Municipal Planning Strategy that would allow Council to consider development agreements to permit residential uses and proposals that may not be permitted as-of-right.

2.3 SECTION 3.2 – COMMERCIAL 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.

2.4. SECTION 3.3 – INDUSTRIAL RECOMMENDATIONS

2.4.1 Comments from the public

No comments from the public were received on this topic.

2.4.2 Staff Initiated

Staff are recommending that a development agreement option, similar to the one proposed above for the Residential Designation, be added to section 3.3 of the draft Municipal Planning Strategy to enable Council to consider applications for a development agreement that would permit industrial uses that may not meet the requirements of the zone.

Again, the purpose of this policy is to enable flexibility within Growth Centres to allow for a broad range of industrial options. This could enable uses that are not in existence today due to new technologies or practices.

The policy to be incorporated would be similar to the following:

It shall be the policy of Council to:

consider only by development agreement in all Industrial Zones, industrial proposals that cannot meet the standards of the applicable industrial zone. In considering such development agreements, Council shall be satisfied that:

- a. the condition(s) that prevents the proposal from being permitted as-of-right in the zone is addressed by the development agreement including but not limited to enhanced buffering and the positioning and design of buildings and structures; and*
- b. the proposal meets the general development agreements criteria set out in section 5.3 Development Agreements and Amending the Land Use By-law.*

Potential Motion:

That the Planning Advisory Committee direct staff to include a policy within section 3.3 of the draft Municipal Planning Strategy that would allow Council to consider development agreements to permit industrial uses and proposals that may not be permitted as-of-right.

No comments from the public were received on this topic.

3. APPENDICES

Appendix A – Recommendations Charts

Appendix B – Statements of Provincial Interest

Appendix A – Recommendations Charts

Section 3.0 – General Policies Recommendations

No. of Responses	Topic	Nature of the comments	Related MPS Policy(ies)	Related LUB Sections	Staff Recommendation	Rationale
2	Building heights	Two comments were supportive of the concept of regulating building heights in the Land Use By-law. 2 comments in support	N/A	Zone requirements in LUB	No recommendation	Staff heard at public consultation from the public a desire to regulate building height. The Municipality already regulates the heights of buildings in each zone and proposes to continue to do so in the draft planning documents.
1	Parking Standards	The one comment received indicated that they were disappointed with the parking rates proposed indicating that an oversupply of parking would	N/A	s. 14.5	Staff recommend reviewing parking standards for consistency and appropriateness	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.

result.

Section 3.1 - Residential Designation Recommendations

No. of Responses	Topic	Nature of the comments	Related MPS Policy(ies)	Related LUB Sections	Staff Recommendation	Rationale
1	Comprehensive Neighbourhood Development	There was one comment that was supportive of the concept of the comprehensive neighbourhood development designation and zone.	s. 3.1.13-3.1.18	s. 4.7	No recommendation	The public was generally supportive of the proposal for the Comprehensive Neighbourhood Development (R5) Zone. This zone seeks to give greater flexibility to developers to develop innovative neighbourhoods and greater ability for staff to ensure that neighbourhoods are at an appropriate density and provide both vehicular and active transportation linkages, open space and other elements to encourage the development of vibrant and efficient communities.

Other Residential Comments

No. of Responses	Related MPS Policy(ies)	Related LUB	Staff Recommendation	Rationale
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Topic		Sections				
1	Greater clarity in residential definitions, specifically secondary suites	This comment related to there being no definition of 'secondary suite' in the draft land use by-law.	N/A	s. 4.3.2.2	Staff recommend including the definition for secondary suite as it appears in the National Building Code in the definitions section of the LUB.	Using the definition from the National Building Code provides consistency.
		1 comment in support				
3	Secondary Suites	These comments were supportive of permitting secondary suites.	N/A	s. 4.3.2.2	No recommendation	Staff received several comments supportive of this proposal.
		3 comments in support				
8	Residential Zone standards such as minimum requirements for lot frontage and lot area.	The comments received related to the proposed reduced requirements for lot frontage and lot area.	N/A	s. 4.3.3, 4.4.3, 4.5.3, 4.6.3	Staff recommend maintaining lot standards as proposed for the Residential One Unit (R1) Zone, and the Residential One and Two Unit (R2) Zone. Staff recommend reviewing minimum lot area and minimum lot	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 requirements for lot frontage and lot area in both the
		6 comments in				

		support, 2 opposed			frontage requirements as proposed for the Residential Mixed Density (R3) Zone and the Residential Medium Density (R4) Zone.	Residential Mixed Density (R3) Zone and the Residential Medium Density (R4) Zone are currently proposed to be identical. The Residential Multi-Unit (R4) is intended to be a higher density zone, however, the identical requirements for lot frontage and lot area does not provide as-of-right permissions for greater density. Staff are proposing to review
1	Combination of the Residential One Unit (R1) Zone and the Residential One and Two Unit (R2) Zone	The comment received on this topic was supportive of the concept of combining the Residential One Unit (R1) Zone and the Residential One and Two Unit (R2) Zone.	N/A	N/A	Staff recommend retaining the two distinct zones.	The Residential One Unit (R1) Zone has been applied only to existing subdivisions that are generally entirely developed. The policies of the MPS provide for a rezoning either from the Residential One Unit (R1) Zone to the Residential One and Two Unit (R2) Zone, provided the policies of the MPS are met, and vice versa.
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 3.2 – Commercial Recommendations

No comments received from the public.

Section 3.3 – Industrial Recommendations

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