



PLANNING ADVISORY COMMITTEE MEETINGS

FRIDAY, JUNE 15, 2018

1:00 p.m.

COUNCIL CHAMBERS

A G E N D A

PLANNING ADVISORY COMMITTEE MEETING

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PLANNING ADVISORY COMMITTEE

Meeting, Date and Time	A meeting of the Planning Advisory Committee (PAC) was held on Friday, May 4, 2018 at 9:00 a.m. in the Council Chambers of the Municipal Complex, Kentville, NS.
Attending	In Attendance:
PAC Members	Deputy Mayor Lutz – District 7 Councillor Meg Hodges – District 1 Councillor Brian Hirtle – District 3 (Chair) Councillor Jim Winsor – District 8 Councillor Paul Spicer- District 5 Tom Cosman – Citizen Member Emile Fournier – Citizen Member Bob Smith – Citizen Member
Municipal Staff	Trish Javorek – Director of Community Development Services Laura Mosher – Manager of Planning and Development Services Mark Fredericks –Planner Leanne Jennings - Planner Will Robinson-Mushkat – Planner
Councillors	Mayor Muttart
Public	6 Members
1. Meeting to Order	The Chair, Councillor Brian Hirtle, called the meeting to order
2. Roll Call	Roll call was taken and all Committee members were in attendance
3. Amendments to Agenda	There was one amendment to the agenda to add an item as 9b to discuss a potential review of the Vision statements. .
4. Approval of the Agenda	On motion of Councillor Spicer, and Emile Fournier that the agenda be approved as circulated. Motion Carried.
5. Approval of Minutes April 10, 2018	Minutes of the meeting of April 10th, 2018 to be included as part of the agenda package for May 8th, 2018 meeting for PAC.
6. Business Arising from the Minutes	None
7. Disclosure of Conflict of Interest Issues	There was no disclosure of conflict of interest issues.
8. Business	
9. Other Business	Laura Mosher presented the purpose: to provide direction to staff on policy changes, additions, deletions that will assist in making a red line document to take back to the public. A new comprehensive approach will be used to provide PAC members an opportunity to review, and provide direction on all of the policies as well as public comments. Staff have a responsibility to present the entirety of the documents and PAC members have a responsibility to review all of the documents. The MPS is the policy direction document and it provides guidance on how staff is to draft the
9a: Recommendations report for Draft Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) (Planning and	

Development Services Staff)

Land Use Bylaw. It is imperative that there is an agreement on the policy direction before getting into the details of the Land Use Bylaw.

Mr. Cosman: Process is being bogged down by motions on each item; wishes to not create motions so there are no snap decisions made with out careful consideration. Councillor Winsor and Spicer also raised concerns about making decisions today.

Policy 2.1.1

Laura Mosher reviewed the proposed boundaries of the Growth Centres listed in Section 2.1.1.

A discussion occurred regarding the western boundary of the Growth Centre of Waterville where sewer extends beyond the boundary.

On motion of Councillor Hodges and Deputy Mayor Lutz, that Planning Advisory Committee direct staff to contract the proposed boundary of the Growth Centre of Waterville at the western boundary to the end of the serviced area, along Maple Street to extend north 150 feet, along Maple Street. Motion carried.

Ms. Mosher informed the committee that a motion had previously been made to remove the lands located on the south side of Highway 1 between Cambridge and Coldbrook from the Growth Centre boundary. The Planning Advisory Committee agreed to discuss the boundary of the Growth Centre of Cambridge between Cambridge and Coldbrook, along the south side of Highway 1, at a later date, following budget discussions due to proposed sewer extension. .

Ms. Mosher informed the committee that a motion had previously been passed related to the northern area of North Kentville wherein staff are going to review the zoning with regard to active agricultural land.

Ms. Mosher also informed the committee that motions had previously been adopted directing staff to remove the identification of Greenwich as a Growth Centre and to place all active agricultural lands in the Agricultural (A1) Zone.

A discussion occurred regarding the boundary of Port Williams with regard to agricultural land and wellfield protection.

On motion of Councillor Hodges and Councillor Spicer that PAC direct staff to reinstate the northern boundary of the Growth Centre of Port Williams proposed in the March 2016 draft MPS. Motion carried.

Ms. Mosher reviewed the boundaries of the Growth Centre of Canning and discussion occurred regarding areas in the north end of the Growth Centre and the wellfields.

On motion of Deputy Mayor Lutz and Councillor Hodges, Motion to table the motion on discussion to be addressed at the end of the session to be able to include all Growth Centres that should be included. Motion carried.

Ms. Mosher indicated that direction had previously been received to remove

Policy 2.1.3 South Berwick and Avonport as Growth Centres.
Ms Mosher indicated that policy 2.1.3 identifies the communities for which we have “Community Plans”. Ms Mosher indicated that neither New Minas nor Greenwich have current Community Plans so staff will be correcting that by removing Greenwich and New Minas from that policy.

Policy 2.1.4 Ms. Mosher indicated that policy 2.1.4 provides direction on the development on new Community Plans. Communities that do not have Community Plans are governed completely by the policies of the MPS. Staff propose to edit this section by removing South Berwick, Avonport and adding New Minas to that list.

On motion of Councillor Hodges and Bob Smith, that PAC direct staff to bring back a discussion around the Growth Centre boundaries of the Growth Centres of Canning, Waterville and Cambridge. Motion carried.

Policy 2.1.5 Ms. Mosher outlined that policy 2.1.5 establishes the direction and criteria for prioritizing the development of community plans for those growth centres mentioned in Policy 2.1.4.

Policy 2.1.6 Ms Mosher indicated that policy 2.1.6 permits a growth centre to contain a range of uses, which may include uses such as residential, commercial and industrial.

A discussion occurred as to whether agricultural uses should be included in the policy.

Mr. Cosman forwarded a motion which was seconded by Councillor Winsor to add the word ‘agriculture’ to the list of permitted uses in policy 2.1.6. Staff drafted the motion as follows:

That PAC direct staff to include in section 2.1.6 existing agricultural uses as a permitted use within Growth Centres.

Ms. Mosher explained that she added the word ‘existing’ since this is consistent with the overall direction of the draft MPS as agricultural uses are recognized but it is not recommended that new agriculture be included in the list of uses permitted within growth centre since these are the areas where urban type growth is intended to occur, which can cause conflicts with agricultural uses and vice versa.

Discussion:

Deputy Lutz and Councillor Hodges expressed concern regarding conflict for farmers.

Ms. Mosher provided clarification that this document is used when contemplating planning applications; it is not used for enforcement purposes.

There was discussion surrounding the use of the word “may”.

Ms. Mosher indicated that the word ‘may’ is used because not all growth

centres include all types of uses but it is not intended that uses not currently existing within Growth Centres would be excluded.

Point of order raised by Mr. Cosman regarding the use of the word existing.

Ms. Mosher explained that the word existing is included to allow current agricultural operations to continue but that new agricultural uses are discouraged in Growth Centres since these areas are intended for urban growth and agricultural uses can introduce new conflicts to these areas.

A friendly amendment was entertained and the motion on the floor was amended to read:

That PAC direct staff to include in section 2.1.6 agricultural uses as a permitted use within Growth Centres.

Deputy Lutz is concerned about conflicts and proposed to amend the policies to state that a range of uses are permitted. She indicated that the purpose of Growth Centres is to protect agricultural land outside Growth Centres.

Councillor Winsor wonders if we can avoid any conflict. There is potential for conflict with any new requested use such as industrial uses.

Ms. Mosher indicated that with regard to conflicts between industrial and non-industrial uses, conflict is minimized through setbacks, buffering, and fencing. The implication of including agriculture is opening a door for increased conflict within the Growth Centres. It would not be possible to set the same type of extended setbacks as for industrial uses. Industrial is typically contained within buildings and any that does not occur inside are considered outdoor storage or outdoor sales and can be required to meet the setback whereas the growing of crops or the pasturing of livestock is not something that can necessarily be subject to a setback. Therefore, it would be possible to have animals or agricultural spraying right next to a residential lot line. This creates the potential for many conflicts. Using the word "existing" does allow for current agriculture to continue in perpetuity.

Councillor Hodges proposed an amendment to the motion to include the word "existing" prior to 'agriculture'. Motion seconded by Deputy Lutz.

Discussion occurred regarding the definition of 'existing'

Mr. Cosman: indicated that he was concerned about stopping small-scale agriculture from happening ie: 5-acre farms, growing mushrooms in their barn or beehives in the back yard.

Councillor Hodges expressed concern about rural uses encroaching on residential areas as some people want to live in urban areas and do not want to be next to rural use properties. There needs to be protection for people who do not want to be in rural areas.

Deputy Lutz indicated that she believed that the 1979 documents were a good document, which set up the protection of both rural and urban areas.

Growth Centres is not a majority of the land in Kings County

Councillor Winsor wondered if agriculture included backyard animals like chickens and goats.

Staff outlined permissions related to the keeping of chicken and livestock, such as goats, within Growth Centres.

Vote to amend motion passed.

Amended motion:

That PAC direct staff to include in section 2.1.6 existing agricultural uses as a permitted use within Growth Centres. Motion carried.

9 b) Review of Vision Statements

Mr. Cosman spoke about the visions statements and indicated that they were passed in 2013 by previous council and previous PAC committee. He believes that the vision statements should be reviewed and amended to bring to current understandings.

Discussion:

Deputy Mayor Lutz inquired as to whether the decision was a Council or PAC decision.

Ms. Mosher indicated that the development of the Vision was a regional process involving the three towns as well as the Municipality. The process included extensive public consultation. Ms. Mosher also reminded that the current planning documents were adopted by a Council 6 or 7 terms ago and they are still in use. She indicated that reopening the discussion has significant implications for the Municipality and its regional partners.

Additional discussion on the implications occurred.

On motion of Mr. Cosman and Deputy Mayor Lutz, that PAC ask Council if PAC can review and make recommendations to amend the Vision Statements. Motion defeated.

10. Correspondence

Michelle Ball

Question

Councillor Winsor requested an updated timeline document. Staff indicated that they would be able to accommodate this request.

11. Date of Next Meeting

May 8, 2018 at 1:00 pm

12. Public Comments

Chris Cann, Baxters Harbour spoke to the belief that Wolfville has adopted a process were by public can speak at the beginning of a meeting. Questions the productivity of the PAC.

13. Adjournment

Scott Vere, Village of Port Williams, thanked PAC for their work.

On motion of Emile Fournier and Bob Smith, there being no further business, the meeting adjourned at 12:55 p.m.

Approved by:

Councillor Brian Hirtle
PAC Chairperson

Susan Gray
Recording Secretary

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Municipality of the County of Kings Report to the Planning Advisory Committee

Application: Application to enter into a development agreement to permit an tourist accommodations, tourist cabins and an event venue at 440 Canaan Road, Nicholsville (PID 55526461) (File 18-03)

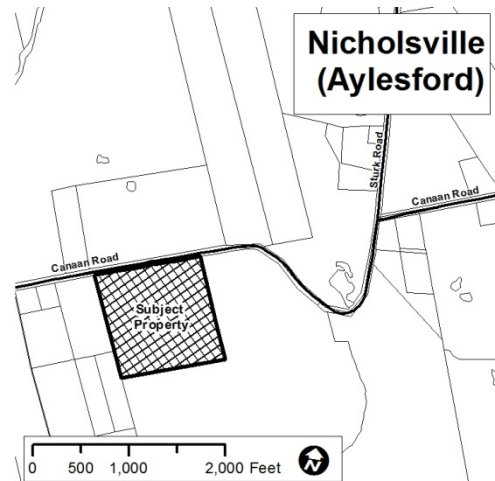
Date: June 15, 2018

Prepared by: Planning and Development Services

Applicants	Michelle and Jason Dingwall
Land Owner	Michelle and Jason Dingwall
Proposal	To develop tourist accommodations, tourist cabins and an event venue
Location	440 Canaan Road, Nicholsville, NS PID 55526461
Lot Area	Approximately 28 acres
Designation	Forestry (F) Designation
Zone	Forestry (F1) Zone
Surrounding Uses	Residential, Agriculture, Salvage Yard, Rural Industrial
Neighbour Notification	Letters were sent to the 10 owners of property within 500 feet of the subject property notifying them of the Public Information Meeting (PIM).

1. PROPOSAL

Michelle and Jason Dingwall have applied for a development agreement to allow for tourist accommodations, tourist cabins and event venue on their property located at 440 Canaan Rd., Nicholsville. They intend to run the inn from their existing home and the event venue out of their existing barn. The proposed tourist cabins will be new construction.



2. OPTIONS

In response to the application, the Planning Advisory Committee may:

- A. Recommend that Council approve the development agreement as drafted;
- B. Recommend that Council refuse the development agreement as drafted;
- C. Provide alternative direction, such as requesting further information on a specific topic, or recommending changes to the draft development agreement.

3. BACKGROUND

The property located at 440 Canaan Road was owned by the Sturk family from 1845-2015. For many years it functioned as a cattle farm under the name Maple Glade Farm. The main barn was built in 1912 and was last used for cattle in 1996. The former owner of the property recalls many newlyweds visiting the land for photos due to the panoramic views of the Annapolis Valley, beautiful maple grove and heritage buildings on the site.

The applicants purchased the property in 2015 and wish to run a commercial tourist operation on the site by offering different forms of tourist accommodations and re-purposing the old barn to host weddings and other special events. Through the Land Use Bylaw's Temporary Commercial Use regulation, which permits one special event to take place on a property per calendar year, a few special events have already been successfully hosted on the site.

4. INFORMATION

4.1 Site Information

The subject property is located on the south side of Canaan Road, between Sturk Road and Victoria Road. It falls within the community of Nicholasville, but is also very close to the community of Morristown. The area surrounding the subject property is dominated by forested land with some residential, agricultural and industrial uses spread throughout (see Zoning Map attached as Appendix A). The subject property is predominantly fields, with some forested areas. In addition to the farm house and barn, there are a few old storage buildings on the site. The house and barn are at a high point of land which slopes down toward Canaan Road. The area behind the house and barn appears to be relatively flat.



4.2 Site Visit

A Planner and Development Officer visited the subject property on February 27, 2018. At this time, one of the applicants was available to discuss in more detail their intentions for the subject property with staff.

4.3 Public Information Meeting

Council's Planning Policy PLAN-09-001 requires a Public Information Meeting (PIM) for all new uses which are to be considered by development agreement. The required Public Information Meeting was held on April 10, 2018 in the Council Chambers of the Municipal Complex with 16 members of the public in attendance. The complete notes from the PIM are attached as Appendix B.

4.4 Request for Comments

Comments were requested from the following groups with the results as described:

4.4.1 Department of Transportation and Infrastructure Renewal

The Department of Transportation and Infrastructure Renewal has issued a permit for the proposed new uses on the property.

4.4.2 Municipality of the County of Kings Engineering and Public Works (EPW)

- EPW indicated that, whether through this process, or another provincial or municipal approval process, that it be determined if the private septic system is adequate for the change of use on the property.

4.4.3 Nova Scotia Environment

Nova Scotia Environment did not respond to planning staff's request for comments.

4.4.4 Municipal Business Development Specialist

The Municipal Business Development Specialist has indicated that this proposal could result in substantial direct and indirect impacts to the economy as well as direct benefits to the Municipality from increased tax revenue and revenue generated through the necessary development and building permits. He suggests that the small-scale, seasonal nature of the proposed operation makes its success dependent on both the tourist accommodations as well as the event venue. Mr. Strickland notes, "To be economically viable, both types of activities would be required. The inn and cabins would not be successful without the event venue. The remote location is a significant factor. The inns and cabins help support the additional revenue by eliminating the wedding party, hosts and some guests leaving the site to stay elsewhere. The convenience of having onsite accommodations would be a value added feature to help market the business."

4.4.5 Building and Enforcement Services

Terry Brown, Manager of Building and Enforcement Services was asked about whether any permits were issued on this property in recent years and whether there were any concerns, from a building code perspective, regarding the proposed use. Mr. Brown was also asked to confirm whether there was adequate coverage from local fire departments for emergency purposes. Mr. Brown provided the following comments:

- A building permit was issued in 2017 for the replacement of the floors and the electrical wiring in the barn. The permit was closed in early 2018.
- It was indicated that, if there is water running to the barn, where washrooms will be required to be installed for the guests of the event venue. Otherwise, portable toilets are appropriate.
- The building code will require upgrades to the tourist accommodation use should there be more than 10 individuals sleeping in the dwelling including fire alarm systems, exits, washrooms and barrier free access.
- There is adequate fire coverage for the proposed uses.

4.5 **Draft Municipal Planning Strategy/Land Use Bylaw Analysis**

The draft Municipal Planning Strategy currently being considered for adoption contains a set of Tourism Policies that direct Council to encourage and promote opportunities for visitor-oriented businesses in the Municipality. These policies include the ability for Council to consider visitor-oriented proposals for uses such as lodging, restaurants, event venues and other types of special attractions by development agreement within the Municipality's rural designations.

5. **POLICY REVIEW**

5.1 **Ability to enter into a Development Agreement**

Section 5.4.1 of the Land Use Bylaw states that "Tourist commercial uses for lodging, food services and ancillary uses in accordance with the policies of the Municipal Planning Strategy Section 4.4.8 and the provisions of the Land Use Bylaw Section 10.1.5 within the Forestry (F1) Zone, Country Residential (R6) Zone, and the Hamlet Historic Residential (R9) Zone" will be considered by development agreement. Policy 3.3.2.8 f. of the Municipal Planning Strategy also provides direction for Council to consider the provision of tourist commercial facilities within the Forestry Districts. Policy 4.4.8.5 of the Municipal Planning Strategy provides the policy direction and criteria for approving proposals for tourist commercial facilities by development agreement.

5.2 **Relevant Land Use Bylaw Regulations**

Section 10.1.5 I outlines general provisions for all tourist commercial development in rural zones. These regulations are intended to apply to tourist commercial developments that are regulated through as-of-right permitting as well as those considered by development agreement. Section 10.1.5.1 specifies signage requirements for all tourist commercial developments. The

maximum sign area and maximum number of signs permitted through these regulations has been reflected in the draft development agreement with the exception of the prohibition of internally illuminated signs. Section 10.1.5.2 specifies parking requirements for all tourist commercial developments. The location, minimum number and parking area treatment criteria have also been reflected in the draft development agreement.

5.3 Relevant Municipal Planning Strategy Policies

Tourist Commercial Facilities Policies

Within the MPS Council acknowledges the benefits of tourism development within the Municipality. Section 4.4.1.4 states Council's objective "to provide opportunities for expanded tourism development and encourage tourist-related commercial uses." Section 4.4.8.5 of the MPS allows Council to consider large-scale tourism commercial uses such as tourist cabins and full-service restaurants in most rural areas of the County through development agreement. Staff reviewed this application against the evaluation criteria contained in MPS Section 4.4.8.5. The criteria include requirements for architectural compatibility, buffering, landscaping and ground water protection (see Appendix C for more detail).

General Policies

Planning in the Municipality is guided by a series of general goals that are outlined in Section 1.3.1 of the Municipal Planning Strategy (MPS). One of the main goals in this list is: to facilitate a broad economic base. Some of the ways Council intends to fulfill this goal are by supporting the continued growth of the agricultural industry and providing opportunities for expanded industrial, commercial and tourism development.

5.4 General Development Agreement Policies

Municipal Planning Strategy section 6.3.3.1 contains the criteria to be used when considering all development agreement proposals (see Appendix D for more detail). These consider the impact of the proposal on the road network, services, development pattern, environment, finances, and wellfields, as well as the proposal's consistency with the intent of the Municipal Planning Strategy. The proposal meets the general criteria in that it will not result in any costs to the Municipality, raises no concerns in terms of traffic or access, is suitable for the development and appears to be free of hazards, will be serviced by a private on-site septic system, is compatible with adjacent uses, and raises no concerns regarding emergency services.

MPS subsection 6.3.3.1 (c) specifies a number of controls a development agreement may put in place in order to reduce potential land use conflicts. The draft development agreement implements controls on the permitted uses, maintenance of the property, parking, signage, lighting, buffering and the hours of operation.

6. SUMMARY OF DRAFT DEVELOPMENT AGREEMENT

The draft development agreement has been attached as Appendix E to this report. The main content of the proposed development agreement includes:

Draft Development Agreement Location	Content
2.1	specifies that development must be in general conformance with the attached site plan
2.2	regulates the uses permitted on the site
2.3	regulates signs
2.4	regulates appearance of the property
2.5	regulates exterior lighting
2.6	regulates parking
2.7	regulates access and egress
2.8	includes architectural controls
2.9	regulates buffering
2.10	addresses servicing
2.11	regulates hours of operation
2.12	addresses erosion and sediment control
3.3	<p>substantive matters in a development agreement are those that would require the entire process, including a public hearing, in order to change them within the development agreement.</p> <p>In the draft development agreement the only substantive matters are the uses regulated in Section 2.2 of the development agreement.</p>

7. CONCLUSION

Staff have reviewed the application for consistency and compliance with the MPS including the policies for tourist commercial facilities. Since the terms of the draft development agreement are in keeping with and carry out the policies of the MPS, Staff are forwarding a positive recommendation to the Planning Advisory Committee.

8. STAFF RECOMMENDATION

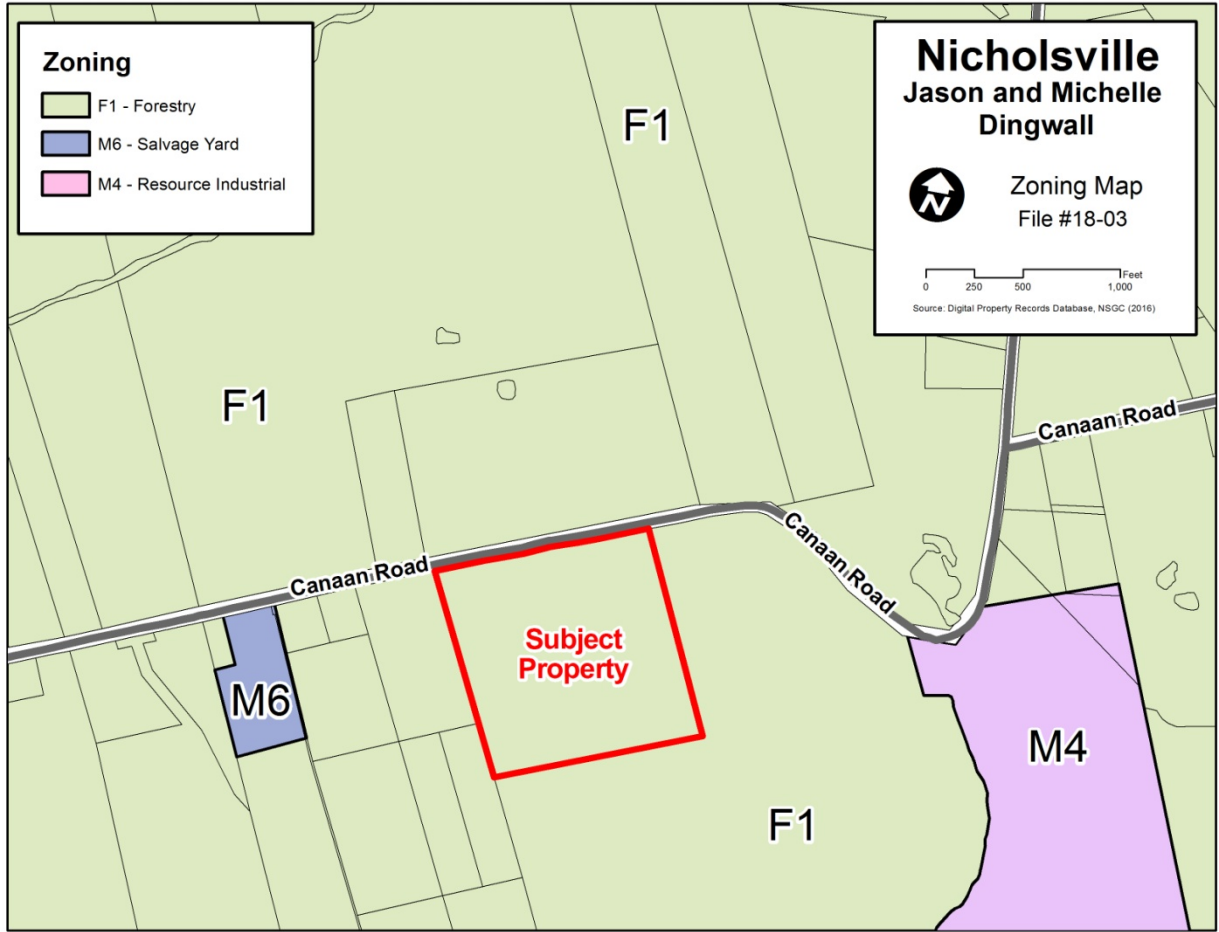
Staff recommends that the Planning Advisory Committee forward a positive recommendation to Council by passing the following motion:

The Planning Advisory Committee recommends that Council give Initial Consideration to and hold a Public Hearing regarding entering into a development agreement to permit tourist commercial facilities and an event venue at 440 Canaan Road, Nicholasville, which is substantively the same (save for minor differences in form) as the draft set out in Appendix E of the report dated June 12, 2018.

9. APPENDICES

Appendix A	Zoning Map
Appendix B	Public Information Meeting Notes
Appendix C	MPS 4.4.8.5 (Tourist Commercial Facilities Policies)
Appendix D	MPS 6.3.3 (General Development Agreement Criteria)
Appendix E	Draft Development Agreement

APPENDIX A - Zoning Map



MUNICIPALITY OF THE COUNTY OF KINGS

PLANNING AND DEVELOPMENT SERVICES

PUBLIC INFORMATION MEETING NOTES

**Planning Application to Permit an Inn, Tourist Cabins and Event Venue
at 440 Canaan Road, Nicholasville
(File 18-03)**

<i>Meeting, Date and Time</i>	A Public Information Meeting was held on Tuesday April 10, 2018 at 1 p.m. in the Council Chambers of the Municipal Complex, 87 Cornwallis Street, Kentville, NS.
<i>Attending</i>	In Attendance:
<i>Planning Advisory Committee Members</i>	Councillor Brian Hirtle (Chair) Councillor Meg Hodges – District 1 Councillor Paul Spicer – District 5 Councillor Jim Winsor – District 8 Councillor Peter Allen – District 9 (Alternate) Emile Fournier – Citizen Member Tom Cosman – Citizen Member
<i>Regrets</i>	Deputy Mayor Emily Lutz – District 7 Bob Smith – Citizen Member
<i>Councillors</i>	
<i>Planning Staff</i>	Leanne Jennings – Planner Trish Javorek – Director of Community Development Laura Mosher – Manager of Planning and Development Services Mark Fredericks – GIS Planner Will Robinson-Mushkat – Planner
<i>Applicants</i>	Michelle and Jason Dingwall
<i>Public</i>	16 Members
<i>Welcome and Introductions</i>	The Chair, Brian Hirtle, called the meeting to order, introductions were made and the members of the public were welcomed to the meeting.
<i>Presentations</i>	Leanne Jennings explained that the purpose of the meeting was to inform the public of the application, to explain the planning policies that enable the application to occur and to receive preliminary feedback from the public. No evaluation has been completed and no decisions have been made at this point.

Mrs. Jennings provided a brief overview of the planning process and the criteria that will be used to evaluate the application. The proposal is to enter into a development agreement to permit an inn, tourist cabins and event venue at 440 Canaan Road, Nicholasville (PID 55526461)

Mrs. Jennings stated that the Public Information Meeting provides an opportunity for the public to express concerns and/or receive clarification on any aspect of the proposal.

Following the presentation, Michelle / Jason Dingwall were given the opportunity to speak to their proposal and declined.

The floor was then opened for comments from the public.

***Comments from
the Public***

Phyllis Lutz – 400 Canaan Road

- I was wondering where the tourist cabins will be located? Will they be put behind the house or along the property line?

Michelle Dingwall responded that they will be located behind the house.

Adjournment

There being no further discussion, the Chair thanked those in attendance and adjourned the meeting at 1:11 p.m.

Susan Grey
Recording Secretary

Eric O. Sturk
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959 Cleveland Road
Berwick NS BOP IEO
esturk@wnns.ca
902-538-8342

March 26, 2018

Municipality of the County of Kings
P.O. Box 100
Kentville NS B4N 3W3

Attention: County Council

**Re Janson Dingwall & Muchelle Dingwall Application for Development Agreement
440 Canaan Road, Nicholsville/Morristown PID 55526461**

This letter is to support Jason and Michelle Dingwall's application for a development agreement.

My family has had a long association with this property, and the Morristown community. This property was owned by my family from 1845 to 2015. We still own land on the Sturk Road, which has been in our family since 1867.

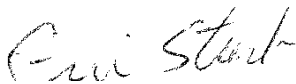
My father took over the family farm in 1946. They named it Maple Glade Farm. The barn was built in 1912. It was last used for cattle in 1996. It was obsolete as a cattle barn long before 1996.

In the 1970's my parents hosted farm vacationers in a program promoted by the NS Department of Agriculture. Guests experienced life on a historic farm. Not as old as "Ross Farm", but still an old fashioned or bygone era.

One of the nicer features of the property is the panoramic view of the Annapolis Valley. The property is picturesque. Over the years, newlyweds would come to have their wedding photos taken in the maple grove, and around the old buildings.

Jason and Michelle vision to renovate the barn to host weddings and events is a wonderful repurposing of the barn. I like to say "From cow bells to wedding bells". If my parents were still living, they would also have been proud about what Jason and Michelle have done with the property.

Yours very truly,



Eric O. Sturk

APPENDIX C – Municipal Planning Strategy Policy 4.4.8.5: Criteria for considering tourist commercial facilities through development agreement.

“Proposals for larger scale tourist commercial facilities for lodging, food services, and ancillary uses or proposals for small scale tourist commercial facilities for lodging, food services, and ancillary uses which do not fulfill the requirements of the Land Use Bylaw Section 10.1.5 II (Provisions for Tourist Commercial Uses Permitted as of Right) in the Forestry, Country Residential, Hamlet Historic Residential and Shoreland Districts and all such proposals in the Shoreland Districts in the South Mountain, including facilities for food service which cater to the general public, (i.e., a full service restaurant) shall be considered by Development Agreement, in accordance with the provisions below:

MPS Policy	Proposal
a. the facilities must be constructed in a manner which are architecturally compatible with other buildings in the surrounding area, and feature a pitched roof, natural, wood, stone, or brick cladding materials	The draft DA requires that all newly constructed buildings be architecturally compatible with surrounding buildings including a pitched roof and the use of natural cladding materials. The majority of uses will re-purpose existing farms buildings which have been well maintained.
b. the site facilities must be adequately buffered and well separated from surrounding residential dwellings, (other than a residential dwelling occupied by the operator), with a significant vegetative buffer, or other significant visual buffer, to mitigate noise, light, and other visual impacts	The proposed uses will be adequately separated and buffered from the neighbouring residential dwelling on the property to the west of the subject property. The draft development agreement includes a site plan that places the Development Envelope 50 feet from the western property line which is required to have natural vegetation.
c. proposed site alteration, grading and landscaping must be sympathetic to the natural landscape and any significant natural features on the site, including significant woodland areas, watercourses and wetland areas, and steep slopes	There does not appear to be any significant natural features on the site.
d. the site must be capable of accommodating on-site sewage disposal systems and must also not pose any threat to the ground water supply, in term of water quality or water quantity, for surrounding properties	The site appears to be able to accommodate both an adequate on-site sewage disposal system and an adequate water supply. The building permit process will require confirmation that the private septic system is adequate for the use.

Appendix D – MPS policy 6.3.3: General Development Agreement Criteria

MPS Policy	Proposal
6.3.3.1 ... in addition to all other criteria as set out in various policies of this Strategy, Council shall be satisfied:	The proposal conforms to all other policies outlined in the MPS.
a) that the proposal is in keeping with the intent of the MPS	The proposal is in keeping with the intent of the MPS, in particular policies 3.3.2.8 and 4.4.8.5.
b) that the proposal is not premature or inappropriate by reason of:	
i. financial capability of the municipality	No Municipal investment required.
ii. the adequacy of municipal sewer and water services if services are to be provided. Alternatively, the adequacy of the physical site conditions for private on-site sewer and water systems	The site appears to be able to accommodate both an adequate on-site sewage disposal system and an adequate water supply. For all other permitted uses, all necessary permits required by Nova Scotia Environment must be submitted at the time of permitting.
iii. the potential for creating, or contributing to, a pollution problem including the contamination of watercourses or the creation of erosion or sedimentation during construction	No pollution problem is anticipated with this proposal.
iv. the adequacy of storm drainage and the effect of same on adjacent uses	There are no concerns regarding storm drainage anticipated.
v. the adequacy of street or road networks in, adjacent to, and leading to, the development	The Department of Transportation and Infrastructure Renewal has issued an access permit for the proposed use.
vi. the adequacy, capacity and proximity of schools, recreation and other community facilities	Not applicable as this is not a residential development.
vii. adequacy of municipal fire protection services and equipment	The local Fire Chief has stated that he has no concerns with the proposal. Municipal fire protection is considered adequate for this development.
viii. creating extensive intervening parcels of vacant land between the existing developed lands and the proposed site, or a scattered or ribbon development pattern as opposed to compact development	Not applicable.
ix. the suitability of the proposed site in terms of steepness of grades, soil and/or geological conditions, and the relative location of watercourses, marshes, swamps or bogs	The rural setting, surrounding forested areas and views of the valley make this an ideal site for tourist-oriented uses. The site itself appears suitable for the proposed uses.

x. traffic generation, access to and egress from the site, and parking	It is anticipated that local roads will be able to accommodate any increase in traffic. An access permit has been issued by the Department of Transportation and Infrastructure. The parking provided meets the requirements of the draft development agreement.
xi. compatibility with adjacent uses	The proposed uses appear to be compatible with adjacent residential uses. The subject site is quite large and allows for a significant separation between the proposed uses and neighbouring residential uses. The provision for buffering has also been included in the draft development agreement.
c) ...controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:	
i. the type of use	The type of use has been restricted with the draft development agreement.
ii. the location of positioning of outlets for air, water and noise within the context of the Land Use Bylaw	No special requirements are necessary.
iii. the height, bulk and lot coverage of any proposed buildings or structures	The draft development agreement regulates the size of the structures used for the main uses on the site.
iv. traffic generation	No special requirements are necessary.
v. access to and egress from the site and the distance of these from street intersections	As shown on the Site Plan.
vi. availability, accessibility of on-site parking	The Property Owner is required to provide a minimum for on-site parking.
vii. outdoor storage and/or displays	No special requirements are necessary.
viii. signs and lighting	Sign limitations and restrictions on exterior lighting are included in the draft development agreement.
ix. hours of operation	Hours of operation are set out in Section 2.11 of the draft development agreement.
x. maintenance of the development	The draft development agreement requires that the property be maintained in good repair and kept in a neat and presentable condition.

xi. buffering, landscaping, screening and access control	Within the draft development agreement, buffering is required along a portion of the western boundary of the Development Envelope.
xii. the suitability of the site in terms of the landscape and environmental features	No special requirements necessary.
xiii. the terms of the agreement provide for the discharge of the agreement or parts thereof upon the successful fulfillment of its terms	Provision is made for discharge.
xiv. appropriate phasing and stage by stage control	No special requirements necessary.
d. performance bonding or security shall be included in the agreement if deemed necessary by Council to ensure that components of the development such as, but not limited to, road construction or maintenance, landscaping or the development of amenity areas, are completed in a timely manner	No performance bonding or security is needed.

Appendix E – Draft Development Agreement

THIS DEVELOPMENT AGREEMENT made this ____ day of _____, A.D., 2018

BETWEEN:

JASON C. DINGWALL AND MICHELLE L. DINGWALL, of Nicholville, Nova Scotia, hereinafter called the "Property Owner"

of the First Part

and

MUNICIPALITY OF THE COUNTY OF KINGS, a body corporate pursuant to the Municipal Government Act, S.N.S., 1998, Chapter 18, as amended, having its chief place of business at Kentville, Kings County, Nova Scotia, hereinafter called the "Municipality",

of the Second Part

WHEREAS the Property Owner is the owner of certain lands and premises (hereinafter called the "Property") which lands are more particularly described in Schedule 'A' attached hereto and which are known as Property Identification (PID) Number 55526461; and

WHEREAS the Property Owner wishes to use the Property for tourism commercial and ancillary uses; and

WHEREAS the Property is situated within an area designated Forestry on the Future Land Use Map of the Municipal Planning Strategy, and zoned Forestry (F1); and

WHEREAS Policy 4.4.8.5 and Policy 6.3.2.1 of the Municipal Planning Strategy and Clause 5.4.1 of the Land Use Bylaw provide that the proposed use may be developed only if authorized by development agreement; and

WHEREAS the Property Owner has requested that the Municipality of the County of Kings enter into this development agreement pursuant to Section 225 of the Municipal Government Act so that the Property Owner may develop and use the Property in the manner specified; and

WHEREAS the Municipality by resolution of Municipal Council passed at a meeting on _____, 2018, approved this Development Agreement;

Now this Agreement witnesses that in consideration of covenants and agreements contained herein, the parties agree as follows:

PART 1 AGREEMENT CONTEXT

1.1 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A	Property Description
Schedule B	Site Plan

1.2 Municipal Planning Strategy and Land Use Bylaw

- (a) *Municipal Planning Strategy* means Bylaw 56 of the Municipality, approved on August 6, 1992, as amended, or successor bylaws.
- (b) *Land Use Bylaw* means Bylaw 75 of the Municipality, approved on August 6, 1992, as amended, or successor bylaws.
- (c) *Subdivision Bylaw* means Bylaw 60 of the Municipality, approved September 5, 1995, as amended, or successor bylaws.

1.3 Definitions

Unless otherwise defined in this Agreement, all words used herein shall have the same meaning as defined in the Land Use Bylaw. Words not defined in the Land Use Bylaw but used herein are:

- (a) *Development Officer* means the Development Officer appointed by the Council of the Municipality.
- (b) *Development Envelope* means the portion of the Property within which the development may take place.
- (c) *Indoor Event Venue* means an indoor location for the hosting of weddings, conferences, galas, and other similar events. Such a use may include a commercial kitchen serving such events. For greater clarity, this definition does not include a restaurant serving the traveling public.
- (d) *Tourist Cabin* means overnight accommodations within separate buildings servicing the travelling public.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Site Plans

The Developer shall develop and use the lands in general conformance with the Site Plan attached as Schedules 'B' to this Agreement.

2.2 Use

2.2.1 The Property Owner's use of the Property shall be limited to:

- (a) those uses permitted by the underlying zoning in the Land Use Bylaw (as may be amended from time to time); and
- (b) tourist commercial uses wholly contained within the Development Envelope, consisting of one or more of the following uses and in accordance with the terms of this Agreement:
 - i. Tourist accommodations contained within the existing residential dwelling and containing no more than three (3) guest rooms;
 - ii. Up to five (5) Tourist Cabins. Each cabin may not exceed 500 square feet in size and shall contain no more than two guest rooms each. Cabins shall be located within the treeline south of the dwelling; and,
 - iii. An Indoor Event Venue that is wholly contained within the existing barn as identified on Schedule B - Site Plan. The existing barn may be expanded by as much as 50% of the existing building footprint to accommodate a commercial kitchen and bathrooms in the future.

2.2.2 Except as otherwise provided in this Agreement, the provisions of the Land Use Bylaw, as may be amended from time to time, apply to any development undertaken pursuant to this Agreement.

2.3 Signs

- (a) The total sign area of a ground sign shall not exceed 12 square feet if single sided, and 24 square feet if double sided;
- (b) The total sign area of a facial sign shall not exceed 16 square feet;
- (c) The total sign area of a projecting sign shall not exceed 12 square feet;
- (d) The total number of signs on the property shall not exceed two;
- (e) Internally illuminated signs are prohibited; and
- (f) The Developer shall obtain a development permit from the Development Officer prior to the erection or installation of any sign.

2.4 Appearance of Property

The Property Owner shall at all times maintain all structures and services on the Property in good repair and a useable state, and maintain the Property in a neat and presentable condition.

2.5 Lighting

The Property Owner shall ensure that any lights used for illumination of the Property or signage shall be so arranged as to divert light away from any streets and neighbouring properties.

2.6 Parking

The Developer shall meet the following criteria and standards for parking and shall locate all parking in general conformance with Schedule 'B':

- (a) Parking spaces shall be provided at the following rates:
 - a. one space for each guest room within the tourist accommodations;
 - b. one space for each guest room within each Tourist Cabin;
 - c. one space for every 60 (sixty) square feet of floor area for the Indoor Event Venue; and
 - d. one space for every employee, up to a total of 10 spaces.
- (b) The parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles.
- (c) Parking locations shall comply with the *National Building Code*, Part 3, Fire Truck Access Route.

2.7 Access and Egress

- (a) Vehicle access and egress shall be in general conformance with Schedule 'B'.
- (b) The Property Owner must submit current permits from Nova Scotia Transportation and Infrastructure Renewal, or any successor body, before receiving any development or building permits for uses permitted by this Agreement.
- (c) Road access points shall comply with the *National Building Code*, Part 3, Fire Truck Access Route.

2.8 Architectural Design

Construction and any subsequent alterations of a proposed structure or structures shall be constructed in a manner which is architecturally compatible with other buildings in the surrounding area. Construction of all buildings shall feature a pitched roof and use natural cladding materials including, but not limited to, wood, stone, stucco or brick.

2.9 Buffering

The Property Owner shall provide buffering on the Property in the following locations:

- (a) the area located between the western property line in proximity to the parking area, being no less than 50 feet in width, shall be maintained in a natural vegetated state;

If vegetation acting as a buffer is destroyed or removed for any reason, including vegetation in the treeline area in proximity to the location of the tourist cabins, the Property Owner shall replace it with vegetation or an opaque fence. Replacement vegetation shall be at least four (4) feet in height and capable of growing to at least six (6) feet in height. A replacement fence shall have a height of 6 feet. The replacement shall be completed within 1 month.

2.10 Servicing

- (a) The Property Owner shall be responsible for providing adequate water and sewage services to the standards of the authority having jurisdiction and at the Property Owner's expense.

2.11 Hours of Operation

The hours of operation for the Indoor Event Venue permitted in Section 2.2.1 (b) iii. of this Agreement shall be between the hours of 7:00 am and 11:00 pm Sunday through Thursday, inclusive, except when a Sunday precedes a holiday Monday when the hours of operation shall be between the hours of 7:00 am and 12:00 am, inclusive. Hours of operation on Fridays and Saturdays shall be between the hours of 7:00 am and 12:00 am, inclusive.

2.12 Erosion and Sedimentation Control

- (a) During any site preparation or construction of a structure or parking area, all exposed soil shall be stabilized immediately and all silt and sediment shall be contained within the site as required by the Municipal Specifications and according to the practices outlined in the Department of Environment *Erosion and Sedimentation Control Handbook for Construction*, or any successor documents, so as to effectively control erosion of the soil.

PART 3 CHANGES AND DISCHARGE

- 3.1** The Property Owner shall not vary or change the use of the Property, except as provided for in Section 2.2, Use, of this Agreement, unless a new development agreement is entered into with the Municipality or this Agreement is amended.

3.2 Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed by Council without a public hearing.

3.3 The following matters are substantive matters:

(a) Changes to the uses permitted on the property by Section 2.2 of this Agreement; and

(b) Changes to or substitution of the Site Plan contained in Schedule 'B' of this Agreement.

3.4 Upon conveyance of land by the Property Owner to either:

(a) the road authority for the purpose of creating or expanding a public street over the Property; or

(b) the Municipality for the purpose of creating or expanding open space within the Property;

registration of the deed reflecting the conveyance shall be conclusive evidence that that this Agreement shall be discharged as it relates to the public street or open space, as the case may be, as of the date of registration with the Land Registry Office but this Agreement shall remain in full force and effect for all remaining portions of the Property.

3.5 Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter and this Agreement may be discharged by Council at the request of the Property Owner without a public hearing.

PART 4 IMPLEMENTATION

4.1 Commencement of Operation

No construction or use may be commenced on the Property until the Municipality has issued any Development Permits, Building Permits and/or Occupancy Permits that may be required.

4.2 Expiry Date

(a) The Property Owner shall sign this Agreement within 180 calendar days from the date the appeal period lapses or all appeals have been abandoned or disposed of or the development agreement has been affirmed by the Nova Scotia Utility and Review Board or the unexecuted Agreement shall be null and void.

PART 5 COMPLIANCE

5.1 Compliance With Other Bylaws and Regulations

Nothing in this Agreement shall exempt the Property Owner from complying with Federal, Provincial and Municipal laws, bylaws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority or approval required thereunder.

5.2 Municipal Responsibility

The Municipality does not make any representations to the Property Owner about the suitability of the Property for the development proposed by this Agreement. The Property owner assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the development.

5.3 Warranties by Property Owner

The Property Owner warrants as follows:

- (a) The Property Owner has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance, or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Developer has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Developer to sign the Development Agreement to validly bind the Lands.
- (b) The Property Owner has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

5.4 Costs

The Property Owner is responsible for all costs associated with recording this Agreement in the Registry of Deeds or Land Registration Office, as applicable.

5.5 Full Agreement

This Agreement constitutes the entire agreement and contract entered into by the Municipality and the Property Owner. No other agreement or representation, oral or written, shall be binding.

5.6 Severability of Provisions

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

5.7 Interpretation

Where the context requires, the singular shall include the plural, and the masculine gender shall include the feminine and neutral genders.

5.8 Breach of Terms or Conditions

Upon the breach by the Property Owner of the terms or conditions of this Agreement, the Municipality may undertake any remedies permitted by the Municipal Government Act.

THIS AGREEMENT shall enure to the benefit of and be binding upon the parties hereto, their respective agents, successors and assigns.

IN WITNESS WHEREOF this Agreement was properly executed by the respective parties hereto and is effective as of the day and year first above written.

SIGNED, SEALED AND ATTESTED to be the proper signing officers of the Municipality of the County of Kings, duly authorized in that behalf, in the presence of:

MUNICIPALITY OF THE COUNTY OF KINGS

Witness

Peter Muttart, Mayor

Witness

Janny Postema, Municipal Clerk

SIGNED, SEALED AND DELIVERED
In the presence of:

Witness

Jason C. Dingwall

Witness

Michelle L. Dingwall

Schedule 'A'
Property Description

Copied from Property Online on May 14, 2018

PID 55526461

All that lot of land situate at Nicholsville/Morristown, in the County of Kings, and Province of Nova Scotia, more particularly bounded and described as follows:

Beginning at a point on the south sideline of the Canaan Road, at the northeast corner of lands conveyed by Hilton Lutz to Phyllis Lutz, by deed dated March 6, 1996, and recorded in the Registry of Deeds for Kings County on March 11, 1996 in Book 1051 at Page 312 as Document number 1850;

Thence in a southerly direction along the east side line of lands of Phyllis Lutz, and lands conveyed by Nellie Lutz to Hilton Lutz by deed dated June 17, 2008 and recorded in the Registry of Deeds for Kings County on June 17, 2008, as Document number 90936841, a total distance of 1,100 feet;

Thence in an easterly direction, and parallel to the south sideline of the Canaan Road, a distance of 1,100 feet to a point;

Thence in an northerly direction, and parallel to the east sideline of lands of Hilton Lutz and Phyllis Lutz, a distance of 1,100 feet to the south sideline of the Canaan Road;

Thence in a westerly direction, along the south sideline of the Canaan Road, a distance of 1,100 feet to the point of Beginning. Containing 27.778 acres.

*** Municipal Government Act, Part IX Compliance ***

Exemption:

The parcel is exempted from subdivision approval under the Municipal Government Act because the parcel was created by a subdivision

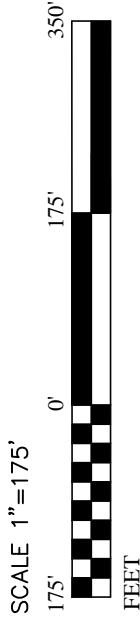
Reason for exemption:

Clause 268(2)(a) where all lots to be created, including the remainder lot exceed ten hectares in area.

Schedule 'B' - Site Plan

SITE PLAN SHOWING
PID 55526461
 LANDS CONVEYED TO
JASON C. DINGWALL
& MICHELLE LYNN DINGWALL
 440 CANAAN ROAD
 NICHOLSVILLE

NOTES
 1. PARKING SPACES ARE 9' X 18'



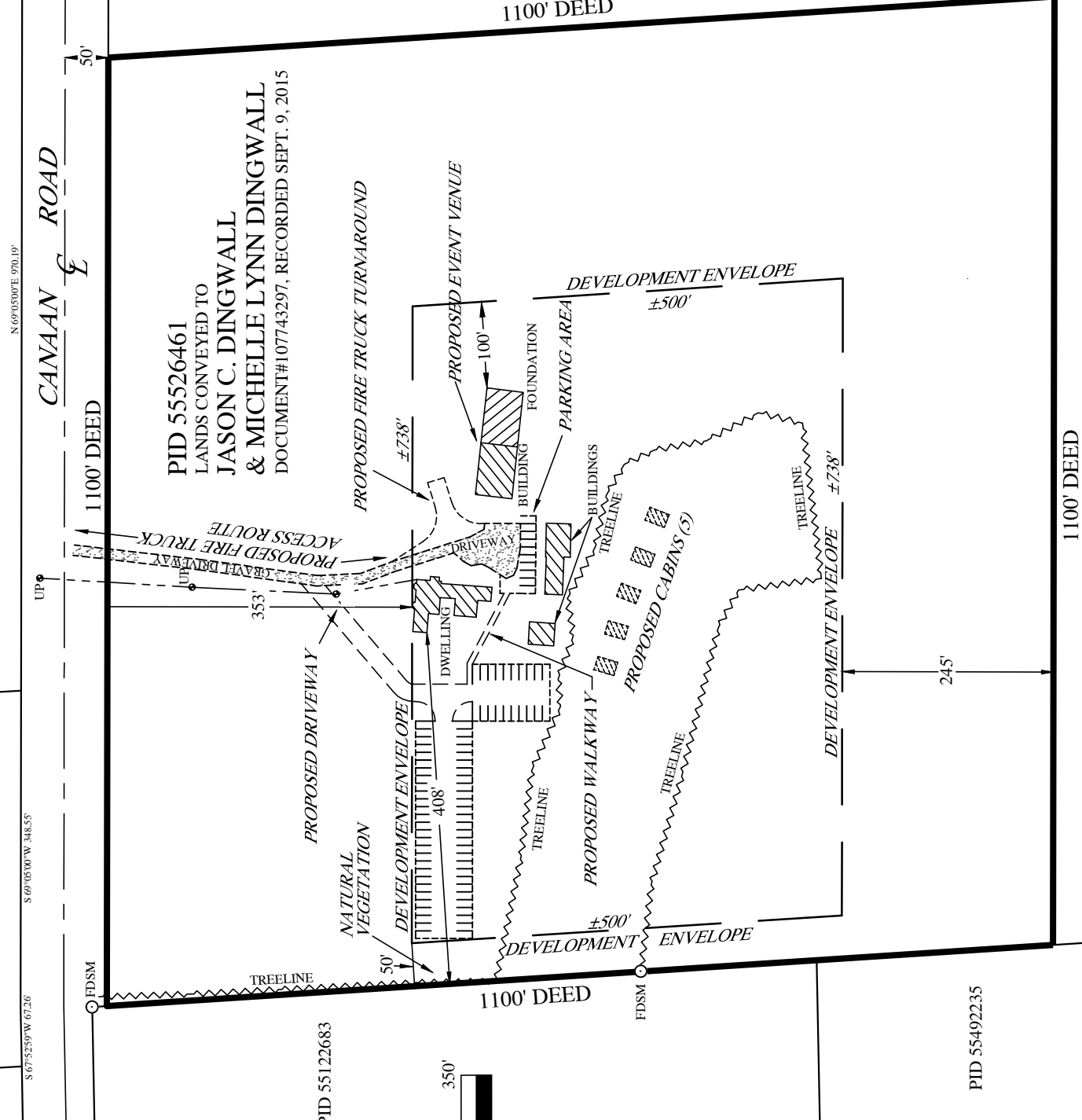
DATE: JUNE 5, 2018
 PLAN No. 2018-059 Rev2

LEGEND

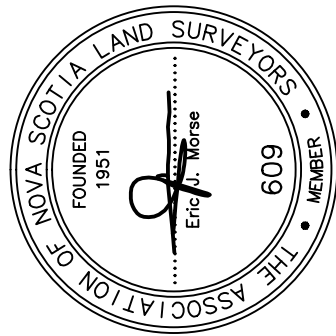
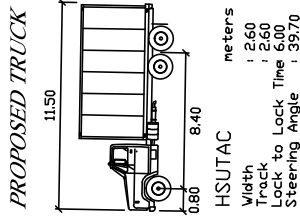
SURVEY MARKERSMO
IRON PIPEI.P.O
WITNESSWIT
FOUNDFD
UTILITY POLEUP
OVERHEAD WIRESOHW
NOT TO SCALE	---
FIELD MEASUREMENTF
PLAN MEASUREMENTP
DEED MEASUREMENTD

DeWOLFE & MORSE
SURVEYING LIMITED

P. O. BOX 520
 MIDDLETON
 NOVA SCOTIA
 BOS 1P0



PID 55137012



PID 55137012



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