Municipal & Provincial Planning Trends

Background Report
Plan Review



reVISION Plan Review
Some Community Assembly Required

This report is a scan of major land use planning trends in Nova Scotia. It is a review of Provincial policies and the planning approach of neighbouring and nearby Municipalities.

Halifax

Halifax Regional Municipality is the largest and most populous part of Nova Scotia. It covers all of Halifax County, an area larger than Prince Edward Island. Its total population in 2011 was 390,096. Statistics Canada estimated the 2014 population at over 414,000. Over 300,000 people live in the urban area and inner suburbs.

As the largest centre in Atlantic Canada, Halifax has a major impact on other communities. Halifax is the fastest growing area in Nova Scotia. Its population grew by over 17,000, or almost 5%, between 2006 and 2011. For decades, most of the growth in Halifax has been in suburbs like Bedford, Clayton Park, Cole Harbour, Hammonds Plains and Fall River. Central areas of Halifax and Dartmouth lost population over the same time period. This trend appears to be reversing somewhat, with recent population growth in the city centre.

In 2006, Halifax adopted its first Regional Plan. This plan set out a strategy for where growth should occur over two and a half decades. This is a growth management approach. The major goal is to grow in a cost effective, environmentally friendly way. Urban services – especially water, wastewater and local roads – are expensive to provide to large areas. Houses and businesses spread across the region increase the length of pipes and roads needed.

To decrease service costs, the Regional Plan uses a growth management approach. There are growth targets for where new units should be built. The targets are 25% of growth in the rural areas, 50% of growth in the suburbs, and 25% of growth in the city centre. Controls are in place to limit large rural subdivisions and new roads. Growth is instead directed into growth centres across the region. There are rural growth centres, suburban growth centres and urban growth centres.

One part of Halifax's Regional Plan is to concentrate growth. A related part of the Plan is to limit low density suburban and rural growth. There are limits on how many lots can be subdivided outside of growth centres. These limits are in place to reduce the physical size of the city, and to protect undeveloped land. A 'greenbelting' plan will start shortly. It may result in more restrictions or more protected land for parks.

If growth controls are too strict, people hoping to build homes on large lots may look outside of HRM. After speaking with HRM staff, there are still many places to create un-serviced suburban lots. Growth spilling over from HRM may occur, but staff feels this is unlikely to happen at a high rate.

Hubbards

HRM has designated a portion of Hubbards as a growth centre; officially a Rural Local Growth Centre. An outcome of the Regional Plan was to start creating Secondary Plans for all growth centres. Some secondary plans are finished, but there is no timeline to create one for Hubbards. Secondary plans tend to lay out in more detail how a community will grow. A Comprehensive Development District (CDD) zone is already in place for some parts of Hubbards. New subdivisions have to go through the Development Agreement process, and must use a conservation design approach. Approving a Development Agreement can be slow and is uncertain for the developer.

If HRM continues to make planning stricter in Hubbards, there will be a large divide within the community. On the HRM side of the county line, there are strict controls and a longer process to approve new development. On our side of the line

there are limited controls and a faster process. This may encourage growth in our Municipality, but not necessarily the growth that communities want.

The growth centre in Hubbards is planned to grow as a small village, with low to moderate density. It should provide small scale, convenience commercial areas for nearby residents. Most residents will continue to have on-site sewage systems, but a central sewage system might be possible in the future.

Other Notes on Halifax

Two approaches in Halifax may be applicable in the Municipality. HRM encourages conservation subdivision design in rural areas, to preserve open space and reduce environmental impact. HRM also restricts coastal construction within 3.8 metres elevation of mean high water.

The Greenbelting and Public Open Spaces Priorities Plan could further restrict the amount of land for development. It could also designate land bordering the Municipality of Chester as open space or conservation land. The Road Network Functional Plan will prioritize road changes or road widening, which could affect the commute time from Chester Municipality to Halifax. The existing plan suggests road capacity will only be added for transit or carpooling. The Plan will be updated shortly, with public consultation expected in June.

HRM has many studies and plans that work together to implement the Regional Plan:

- Water Resource Management Study (2002);
- Watershed Advisory Boards, and specific Watershed Studies;
- Community Energy Plan;
- Urban Forest Master Plan;
- Transit Plans;
- Secondary Planning Strategies;
- Urban Design Studies and Form Based Codes;
- Wind Energy studies and Zones; and
- Infrastructure Charges and Studies.

The list is not meant to suggest how the Municipality should proceed, rather it shows just how broad and comprehensive planning can be in larger centres.

District of West Hants

West Hants planning documents attempt to control residential growth. They expect more residential development once Highway 101 is twinned between Halifax and Windsor. The West Hants plan uses zoning and development agreements to limit residential development in rural areas. Many developments in West Hants require development agreements. This attempts to protect rural areas for resource industries. Most residential growth is directed to three urban growth centres. Growth centres are serviced areas with higher residential densities. The higher density makes sewer and water services more cost-effective to provide.

West Hants and Windsor share an industrial park, which straddles the Town-County line. The land use policies for both Windsor and West Hants are identical for the industrial park.

District of Lunenburg

Like the District of Chseter, Lunenburg only has detailed land use controls that communities ask for. This is due to poor experiences and "lively public debates" about zoning. Seven communities have land use controls; each of them having their own Secondary Planning Strategy. The Lunenburg Municipal Planning Strategy exists only to enable the Secondary Plans and associated zoning. There is zoning in: Blockhouse; Riverport; Hebbville; Oakland; Prince's Inlet; Osprey Village; and Lunenburg Municipal Industrial Park.

The District of Lunenburg is creating a coastal policy, which is based partly on public input. Seven options have been presented to Council:

- Developing material on coastal hazards for builders and home owners
- Creating a uniform setback from the coast
- Creating a range of regulations, from most at risk to least at risk, plus buffers and transition zones
- Incorporating building design standards in areas at risk of coastal flooding and storm surges
- Working with the province on guidelines for erosion protection measures and maintenance of vegetative buffering along the coast
- Introducing a "waiver" in the permitting process, disassociating the municipality from responsibility of potential loss
- Taking no new action

Kings County

The Municipality of the County of Kings' planning approach is to limit residential development in agricultural areas. The goal is to protect agricultural land for farming. This has been the goal since 1979. The majority of residential growth occurs in growth centres, which are serviced hamlets and villages. The newest plan for Kings continues this approach. It describes the approach as such:

> "The Growth Centre … concept provided for two lifestyles within the County, urban and rural, while remaining sensitive to the pressures that each brings upon the other. The Strategy encouraged urban environments in Growth Centres, a rural development focus in Hamlets, and a strictly rural environment in the remainder of the County …"

Kings County is in the process of adopting a new Municipal Planning Strategy, called Kings 2050. The approach taken is once again a strong growth management approach. This approach places significant restrictions on subdivisions and residential development outside of serviced growth centres. This is done to preserve agricultural land and also to limit the spread of sewer and water services. Providing services to a small number of units over a large area is expensive per unit.

Each growth centre has a hard boundary; urban growth cannot occur outside that boundary. In most cases the boundary for urban services and the boundary of the growth centre are the same. The amount of land in growth centres is enough to ensure the region, not each growth centre, has an adequate supply of vacant land for thirty years. The new Plan makes it easier to build multi-unit housing. This can increase the supply of affordable housing and decrease the amount of land consumed.

The growth centre concept relies on projected housing demand over a long time span. Because projections may be off, Council can periodically adjust urban growth boundaries to compensate. An 'Urban Holding' zone is also being proposed to identify areas for future growth.

A major goal of Kings County's planning is to keep rural areas rural. It is difficult to subdivide land or build non-farm housing outside of the growth centres. There are opportunities to build in some areas where there is housing, but it is difficult to get permission to build on high-capability agricultural areas. There is more flexibility for agriculture and other rural businesses.

Kings County's new plan has updated floodplain mapping and storm surge mapping. There is a new flood risk zone where new construction must have flood protection. Like many municipalities, Kings County also has new regulations for stormwater that will help protect water quality.

Region of Queens

The Municipality of the Region of Queens was created in 1996 by the voluntary amalgamation of the Queens County and the Town of Liverpool. The major planning division in Queens is between the Urban Development Area and the Rural Development Area. Most of the Urban Development Area is serviced with sewer and water. It has comprehensive land use policies and regulations. The rural area has fewer regulations, which are designed to minimize land use conflicts.

Five zones in Queens are of interest. There is a Land Lease Residential zone for parcels with three or more mini-homes. The Mixed Use Rural Residential zone allows a broad mix of uses but has special provisions to reduce the impact of different land uses. A Mixed Use Coastal Residential Zone is in place to protect coastal character; there is no mention of sea level rise, climate change or protecting the coastal environment. A Seasonal Residential Zone is in place around lakes. The intensity of these uses is limited to protect the lakes. Finally, there is a conservation designation and zone to limit development on dunes, beaches and wilderness areas.

Wetlands in Queens are mapped in the Land Use By-law, and a 7.5 metre buffer is required from wetlands. Natural vegetation must be maintained along significant water courses.

Bridgewater

Bridgewater recently adopted a new Municipal Planning Strategy. Three major planning ideas in Bridgewater are notable. The first is the explicit recognition of Smart Growth as a guiding philosophy. Smart Growth is a growth management approach for creating compact development that is efficient to service. To support more compact communities, Smart Growth encourages higher density development, a mix of land uses and more transportation choices. This is a contrast to decades of planning that separated uses, limited density and focused on free flowing car traffic.

Second, Bridgewater has performance requirements for water quality. New developments must demonstrate that their stormwater quality will meet certain objective standards. Peak stormwater flows from developments cannot be greater than flows before development. These standards are in addition to setbacks from streams, which are also required in Bridgewater. Stormwater requirements protect lakes and streams from silt, pollutants and erosion that can be caused by urbanization.

Finally, Bridgewater established urban design requirements for their downtown area. These design requirements are part of the Land Use By-law. They set out standards for building size, massing, frontages, window patterns and setbacks. The purpose of the standards is to ensure buildings in the downtown contribute to the existing pedestrian oriented streetscape.

District of East Hants

The Municipality of the District of East Hants' plan is based on a growth management approach. The Municipality identifies Growth Management Areas for urban development. Growth is directed into or next to built up areas. The purpose of the growth controls are to strengthen village cores, to reduce the cost of services and to protect farmland.

The suburban areas near Elmsdale and Enfield are also among the fastest growing parts of Nova Scotia. East Hants has created an Agriculture Reserve Zone that allows farming and agricultural uses. It is difficult to rezone agricultural lands.

East Hants is in the middle of a plan review. They do not anticipate strict zoning for their rural areas. Instead, they plan on dealing with coastal flooding, erosion and other pressing issues. Coastal setbacks are a potential tool to address these issues. In urban areas, they expect to move away from

development agreements, and instead use site plan approval in their place.

Trends across Nova Scotia

Trying to concentrate serviced growth is common across the province. Some municipalities even restrict unserviced development. Sewer and water systems are expensive to build and maintain. Concentrating units within an urban service area is efficient, as there is less pipe needed per unit.

Municipalities are allowing or encouraging multi-unit development. This housing often provides less expensive options and is less expensive to service per unit. Also, many old houses are now too large for one family. Allowing these homes to be converted to multi-unit homes is an effective way to provide more housing units.

Urban design regulations are becoming more common across Nova Scotia. Bridgewater, Amherst, Antigonish and Halifax are some of the communities with urban design standards.

Provincial Policies and Studies

This section provides a scan of the Provincial legislation and policies that impact local planning.

Statements of Provincial Interest

The *Municipal Government Act* gives municipalities the power and responsibility to plan. Generally, each municipality can take their own goals and approach to planning. There are, however, certain issues that municipalities must address. Statements of Provincial Interest (the Statements) in the *Act* are five areas that must be addresed:

- Drinking water supplies
- Flood risk areas
- Infrastructure
- Agricultural land protection
- Housing

Municipalities must identify and take steps to protect **drinking water** supplies. Each municipality may decide what tools to use, but they must take action to minimize impacts and threats to drinking water. The Statement on drinking water suggests five possible approaches: limiting uses that pose a threat to water quality; limiting the expansion of existing uses that may pose a threat; limiting the number of lots; setting out separation distances between new development and water courses; and establishing erosion and sediment control measures. The Municipality's existing planning documents designate Spectacle Lake as a potential water source. The amount and types of development allowed in the Spectacle Lake watershed are therefore limited.

Municipalities must take steps to control development in **flood risk areas**. There are provincially identified floodplains, for which the Statement on flood risk provides specific guidance. Planning documents must also identify any locally known floodplains. For local floodplains, plans must consider appropriate measures. Measures could include restricting sensitive uses (daycares, schools, nursing homes), limiting the storage of hazardous materials, and limiting the use of on-site fill. The Climate Change Action Plan identified low-lying areas prone to inland flooding. These areas should be considered during the Plan Review.

There is a Statement on protecting **agricultural land**. It applies to class 2,3 and 4 agricultural land. It also applies to lands where specialty crops are grown, such as grapes, blueberries and cranberries.. There is limited agricultural land in the Municipality, but it should be considered during the Plan Review.

The Statement on **infrastructure** requires municipalities to make efficient use of water and sewer infrastructure. This means municipalities should consider encouraging development in already serviced areas, and discouraging development that could result in a need to extend services.

Finally, there is a Statement on **housing**. Municipalities must have appropriate policies to allow rental housing, affordable housing and special needs housing. Policies must allow manufactured housing in at least some areas.

Subdivision Regulations

The Province has issued a set of subdivision regulations. Unless a municipality creates more stringent rules for subdivisions, these rules apply. The Municipality of Chester has a Municipal Planning Strategy. Subdivision policies in the Municipal Planning Strategy are implemented through the Subdivision By-law.

The Municipal Government Act allows municipalities to regulate many things through a sudivision by-law, including:

- access requirements for lots
- the shape and size of lots
- design requirements for streets, sidewalks and other hard infrastructure
- lands reserved for transportation
- width of public and private roads
- grading or drainage plans
- infrastructure charges

Municipalities can enter into agreements to ensure that drainage and grading are carried out properly. Municipalities also have the ability to collect bonds to ensure infrastructure and drainage plans are carried out properly. Subdivision can also regulate the following:

- the construction of new public roads
- the construction of new private roads
- the rate at which lots are created

Municipalities have broad power to direct and regulate how subdivisions can occur. Often, subdivision policies are found in the Municipal Planning Strategy and implemented through the subdivision by-law.

Coastal Framework

The Province began a coastal framework in 2009 with a State of Nova Scotia's Coast Report. This led to a draft Coastal Strategy in 2011. As the work of a previous government, the Coastal Strategy is now on hold. The State of Nova Scotia's Coast Report, however, provides information on major threats and possible actions the Province might consider.

Issues that are raised in the State of the Coast Report include:

- increased development and intensive human use of land in coastal areas
- degraded habitats and loss of biodiversity (the number and variety of plants and animals within an area)
- unsustainable harvesting of resources
- increased land-based pollution
- loss of traditional access to the coast
- non-resident ownership of coastal properties
- poor water quality
- uncoordinated legislation
- sea level rise and flooding

In Nova Scotia, 80% of all land within 2km of the coast has little or no development. 11% all coastal land is intensely developed. Intensely developed coasts are mostly in and around Halifax, Yarmouth, Antigonish, New Glasgow and Sydney. Across the Municipality, the most intense coastal development is in and around Chester Village. There are also light levels of coastal development in Hubbards, Mill Cove, Blandford and Western Shore. Some stretches of coastline remain undeveloped, although most coastal areas have some development.

Even though much of Nova Scotia's coastline

is undeveloped or lightly developed, there are water quality issues in many areas. Sediments and pollutants in runoff, along with under-treated discharges from wastewater treatment plants and septic systems, are large threats to water quality. These threats can results in shellfish bed closures, beach closures, fish kills and algal blooms. The numbers of shellfish closures, for example, doubled between 1985 and 2000.

About 1,500 kilometres of coast line is publicly owned. Some publically owned coastal land may not be publicly accessible. The coastline is about 13,300 kilometres long, including bays and islands.

Although the State of the Coast Report did not lead to policy, it does recognize the large role for Municipalities in coastal management:

> "Generally, coastal risks need to be dealt with at the municipal level, with support from the provincial and federal governments, particularly with research. There are many programs currently underway. However, there are some gaps in information. For example, there's no current method to define socio-economic values of natural systems and human structures at risk. We also need more detailed information for better flood-risk mapping."
>
> State of Nova Scotia's Coast - Summary Report 2009. pg. 15. https://www.novascotia.ca/coast/documents/state-of-the-coast/

The information gap - in particular the need for more mapping - is a critical problem for long term planning. Detailed mapping and studies to predict local rates of coastal erosion are complex and expensive. Provincial support will be needed to obtain this important information.

One Nova Scotia Commission

In February of 2014 The One Nova Scotia Commission released a report (now known as the Ivany Report) warning that the province was on the verge of slipping into a prolonged period of declining population, increasing debt and declining services and jobs. Unless the economy starts growing, the future of Nova Scotia is at risk.

The One NS Commission continues to work to build support for fundamental changes in how Nova Scotia approaches economic growth. The Province is also looking at ways to support and implement the Ivany Report. In some areas community groups have come together to work on the goals of the report. These groups include Now Lunenburg County, Pictou County 20/20, Chebucto Connections and the New Ross Development Society.

The six focus areas of the Ivany Report are:

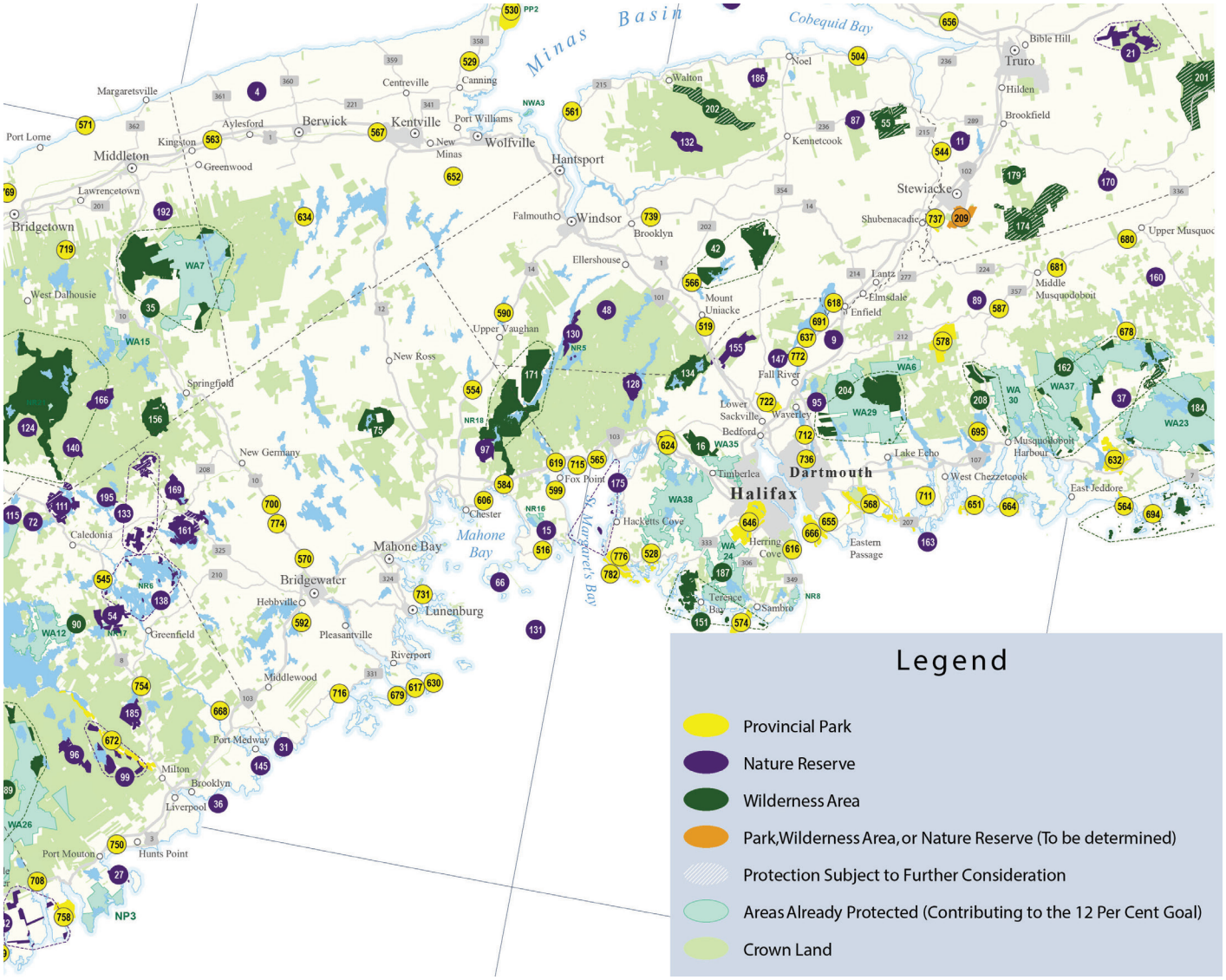
- Attract and retain more inter-provincial and international immigrants to grow the population and labour force
- Increase entrepreneurship and innovation
- Rebuild a global trading economy
- Responsible development of natural resources
- Renewing education
- Increasing partnerships and opportunities with universities and colleges

Parks and Protected Areas Plan

In 2013, the Province released a Protected Areas Plan. The Plan's purpose is to increase the amount of natural areas in the province from 9.3% in 2012 to just over 13% in 2015. The conservation approach designates specific geographic areas for the long-term protection of nature.

Three types of designations are given to natural areas:

> "Wilderness areas protect nature and support wilderness recreation, hunting, sport fishing, trapping, and other uses. Nature Reserves offer the highest level of protection for



unique or rare species or features; the reserves are mostly used for education and research. Provincial parks and reserves protect nature and support a wide range of heritage values and opportunities for outdoor recreation, nature-based education, and tourism."

Our Parks and Protected Areas - A Plan for Nova Scotia. pg. 5. http://www.novascotia.ca/parksandprotectedareas/pdf/Parks-Protected-Plan.pdf

There are three designated areas in the Municipality. Holden Lake Wilderness Area is a proposed protected area, with 1,503 hectares (3,700 acres). Long Lake Nature Reserve has been expanded and now contains 386 hectares of land (950 acres). Half of the proposed South Panuke Wilderness Area is in the Municipality. The entire area, which stretches into Halifax Regional Municipality, is 6,847 hectares (16,900 acres).

Wetlands and Watercourses

The Province has primary responsibility for managing wetlands in Nova Scotia. Their goal is to prevent the loss of wetlands and limit the alterations to wetlands.

Developments that seek to alter a wetland bigger than 2 hectares (5 acres) require approval from the Nova Scotia Department of Environment. Alterations (draining, filling, flooding, excavating)

to some types of wetlands are approved only if necessary, and require wetland restoration elsewhere to offset any losses due to alteration. This process is called compensation. If wetlands constructed for wastewater or stormwater treatment have natural wetland functions, they may be used to compensate for wetland alterations.

Some wetlands are especially important and always need approval for alterations. They are given extra care and there are few options to alter them. These include:

- Coastal salt marshes
- Wetlands with species at risk
- Wetlands in protected water areas
- Wetlands in wilderness areas and nature reserves

The Province encourages property owners to minimize their impact on wetlands. This can be done by avoiding wetlands, leaving a buffer between construction and wetlands, minimizing roads, and building proper culverts and drains.

In general, not developing wetlands is the simplest and least disruptive option.

Some alterations to stream banks or lake shores also require approval from the Department of Environment. The Department regulates the design, construction and site clean up for the following projects:

- Culverts and bridges
- Wharfs and docks
- Water intakes
- Utilities crossing streams
- Removing materials from a bank
- Boat launches

Provincial Housing Strategy

The Provincial Government's existing housing programs address housing for seniors and for vulnerable persons or persons with disabilities, and improvement programs for landlords, developers, and homeowners.

In 2013, the Province released "A Housing Strategy for Nova Scotia," within which the following elements appeared:

- Fostering healthy, vibrant and diverse communities;
- Ensuring affordable housing choices for owners and renters;
- Providing paths to equity and home ownership;
- Building partnerships: drawing on the strengths of Nova Scotia's local communities, business and governments;
- Independence and dignity: Serving seniors, the disabled and vulnerable Nova Scotians.

There are no specific targets and few clear actions in the strategy. With a change in government, provincial housing policy beyond individual programs is uncertain, but must be considered when examining housing in Chester Municipality.

Arts and Culture in Nova Scotia

In 2014, the previous government produced an "Arts and Culture Five-Point Plan" involving legislation, arts funding, communications, interdepartmental co-ordination of arts/culture programs, and the formation of a Leadership Council.

That same year, the Creative Nova Scotia Leadership Council issued a report that points to a history of underfunding of the cultural sector. However, it also says that the sector itself is growing and outpaces many other sectors in GDP. The

report identifies Chester Village as one of a dozen communities having a concentration of workers in the arts and culture (anywhere from 50 to 100 artists, and about 200 cultural sector workers overall).

The report then goes on to advocate for support of communities that show promise as "creative clusters" but does not identify those communities. It is easy to speculate, however, that while the Town of Lunenburg is a regional focal point for arts and culture, Chester Village's might also be recognized as a place specializing in visual and performing arts, in addition to the strong presence of other forms of cultural and arts in the Municipality

Sustainable Transportation Strategy

The goal of the 2013 Sustainable Transportation Strategy is to build healthy communities, supported by the right transportation systems. The guiding principles of the strategy are to:

- Drive less distance
- Move more efficiently and use cleaner energy
- Provide access to employment and essential services
- Engage with our communities to create locally designed, regionally integrated solutions

The province set aside dedicated funding for active transportation infrastructure, transit and community development under this strategy. The Department of Energy has been designated as the lead department.