



# MUNICIPAL PLANNING STRATEGY PREPARATION

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Municipality of Clare



# MUNICIPAL PLANNING

## Strategy Preparation



### MINIMUM PLANNING REQUIREMENTS

The Clare Municipal Planning Strategy (MPS) was approved on July 21, 2010. The MPS is past due for review in accordance with its own Policy – A-24 which committed to review the document within five years of its adoption. In addition, to its own policy commitment, the Municipality needs to revise the Plan to respond to the requirements of Bill 58, adopted by the Province of Nova Scotia on October 11, 2018. The Bill requires all municipalities to adopt a plan or plans sufficient to satisfy the “minimum planning requirements” set out in the Municipal Government Act (MGA). The minimum planning requirements are as follows under the Province’s Minimum Planning Requirements Regulations:

*In addition to the requirements prescribed in subsection 214(1) of the Act, a municipal planning strategy must contain all of the following:*

- a. *a discussion of the background and contextual information that informed the goals and objectives of the municipal planning strategy;*
- b. *a map of the lands within a municipality that depicts the intended future uses of the lands as contemplated by the municipality’s municipal planning strategy;*
- c. *statements of policy with respect to the lands subject to the municipal planning strategy in relation to all of the following:*
  - i. *(i) residential uses,*
  - ii. *(ii) commercial and industrial uses,*
  - iii. *(iii) institutional uses,*

- iv. *(iv) recreational facilities and public open spaces, and*
- v. *(v) resource uses, where resources are present within a municipality;*
- d. *a statement of policy describing the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice.*

In short, all municipalities must adopt comprehensive planning documents that apply to their entire area. In accordance with subsection (c), a comprehensive plan must address the full range of land uses and support a land use bylaw that must include a zoning map as required by subsection (b). Municipalities are granted the discretion to apply zoning to lands and employ other planning tools to regulate land use, protect the environment, and promote orderly and cost-effective development. Zoning is a standard tool for implementing land use intents. Zones are normally represented on a Zoning Map, as required by Section 4 (b) of Bill 58. Subject to public input and consideration of Council, a revised zoning map with related LUB requirements will be created for all areas covered by the new MPS when its review is complete.

The creation of a comprehensive MPS will be a change for rural areas in Clare. It will create standards for property development which have generally not been experienced by residents of the community under the current planning documents.

Comprehensive plans and bylaws can be effective tools for directing development in the County’s key denser areas. Some areas are already identified as community hubs, because of the existing piped services, the university and mixed land uses. However, most of the Municipality is rural with well-separated land uses, extensive open space, and only occasional clusters of housing and businesses. Development is more dispersed and land uses are typically well-separated. Many rural residents have expressed reservations about land use planning through the consultation meetings that have been carried out. It is important to keep in mind that the Municipality is complying with a requirement of the Provincial Government, but there can be many benefits attributed to modernized planning systems and the Municipality is committed to ensure that future policy and regulations are clear, implementable, and tailored to rural conditions of Clare.

The Department Of Municipal Affairs & Housing for the Province of Nova Scotia has produced a [Guidebook on Municipal Planning Strategy and Land-Use By-Law Preparation](#) that helps explain the Minimum Planning Requirements.



# STATEMENTS OF PROVINCIAL INTEREST

The Province has declared its specific interests in land in five Statements of Provincial Interest dealing with drinking water, flood risk areas, agricultural land, infrastructure, and housing.

The following are key points concerning application of the Statements in the Municipality of the District of Clare:

- *Drinking Water* – Whether users obtain drinking water from wells or a surface water source like a lake, land uses and activities that involve the storage or handling of hazardous substances can threaten drinking water quality. Chemicals, hydrocarbons, and agricultural wastes are typical concerns. The Provincial Statement Regarding Drinking Water requires municipalities to restrict such land uses within their water supply watersheds. This usually means prohibiting most land uses in the immediate vicinity of a wellhead or wellfield, or the shore of a surface water source, and permitting limited uses at greater distances, where the natural ability of soil and vegetation to remove contaminants will lower risks.
- *Flood Risk Areas* – The flood risk statement specifically identifies six watercourses for which floodplains have been mapped under the Canada-Nova Scotia Flood Damage Reduction Program, none of which are within the Municipality of the District of Clare. The statement, however, adds that for other areas “where local knowledge or information concerning these floodplains is available, planning documents should reflect this information and this statement.” The Bay

of Fundy, and other features, such as the Meteghan River, are key features to consider in Clare. The statement recommends identifying the floodway and floodway fringe on either side of a watercourse and adopting restrictions to limit development in each area. We expect to apply restrictions of this type to the fringe of these water based features, and to other significant watercourses in the planning area and have obtained the best available data from the Province of Nova Scotia that will define the floodplain of any watercourse in the County.

- *Agricultural Land* – There is agricultural activity in Clare. The Province is seeking to protect agricultural land given its ongoing loss to urban development. The statement recommends identifying agricultural land within the planning area and directing development to areas with low agricultural value. It also recommends measures to restrict subdivision in agricultural areas, separate agricultural uses from other land uses to avoid conflicts, and reduce the removal of topsoil. Several rural Nova Scotia municipalities have implemented detailed measures to protect agriculture land and their approaches can be assessed for incorporation in the new MPS.

- *Infrastructure* – The Statement of Provincial Interest concerning Infrastructure seeks to ensure development of municipal water and wastewater systems. This largely means ensuring dense and contiguous development on water and sewer networks. It is costly to extend pipes over a large distance to reach one or two isolated homes or businesses. Planners consequently define serviced areas and encourage development within those limits, while discouraging it beyond whatever service boundary is defined. Where services are not present and cannot be easily extended, development is usually limited to lower density building types supportable by onsite wells and septic systems to minimize the prospect of contamination that may create pressure to extend services in an uneconomic manner.
- *Housing* – The Province’s interest in housing is to ensure all Nova Scotians have adequate residential accommodation. Housing has recently become a prominent concern as Canada has confronted a nation-wide housing shortage and many people have migrate to Nova Scotia from higher cost housing markets looking for affordable housing options. The Provincial statement requires communities to provide diverse housing types (e.g., affordable housing, special-needs housing, and rental

accommodation) and to consider means to increase housing density. The statement will be an important consideration in the MPS review process given the recent influx of new residents to Clare, the need for student and senior housing, and the related rise in home prices, which creates barriers for young potential homeowners, and has displaced some long-time residents, and the evolving needs of county residents as they age.

Consideration of compliance with Statements of Provincial Interest is a critical component of the overall MPS approval process illustrated in Figure 1. The steps to approval are set out in legislation. Each step must be followed to the letter to ensure compliance with the law.



# PLANNING PROCESS

The steps to approval are set out in legislation. Each step must be followed to ensure compliance with the law. Consultation is particularly important. The public must be consulted throughout review and preparation of the MPS and LUB. The Provincial Minister of Municipal Affairs and Housing must ultimately review the documents. Staff under the Minister in the Department of Municipal Affairs and Housing will scrutinize not only the planning documents that the Municipality must submit to them but also the process by which they were prepared with particular attention to the meetings required to present the documents to the public. This includes compliance with requirements for informing the public through newspaper advertising.

Figure 1 sets out the steps in the MPS approval process, which will ensue when Stantec has prepared the new MPS and Land Use By-law (LUB) documents. After the MPS and LUB are prepared in consultation with the public and recommended to Council for approval by the Planning Advisory Committee, it is up to Council to notify the public of its intention to adopt the documents and schedule a public hearing. A public hearing is an opportunity for all interested persons to express their opinion concerning the proposed planning documents. Legislation requires that the municipality advertise at least "two clear weeks in

advance" of the hearing. The ad must be placed in successive weeks in a newspaper circulating in the subject area. Nowadays, it will also normally be advertised on the Municipality's website and, perhaps, through other online channels, although legislation does not require it.

The Municipality must make the proposed documents available to the public and circulate them to abutting municipalities that their provisions may affect. Council is expected to approve the documents "as advertised" without substantive changes. The Public Hearing is primarily an opportunity for members of the public to express concerns or objectives. Council, advised by municipal staff, must decide to either approve the documents as presented or refuse them at second reading as shown on the chart. If Council chooses to refuse, it usually does not terminate the process. It is more likely that it will refer the documents to the planners who authored them for changes to address whatever issue caused their refusal. This might require additional public meetings and would certainly require review by the PAC before repeating First Reading and re-advertising to again start the approval process as shown.

If Council determines to approve the documents following the Public Hearing either without change or with minor amendments, the Municipality sends copies to the Provincial Director of Planning whose staff must review them in consideration of the matters noted in Figure 1, first of which is consistency with the Statements of Provincial

Interest, which are addressed below in this report. The Province then has 60 days to approve the documents. If the Minister of Municipal Affairs and Housing approves, the Municipality will publish notification after which the documents will come into effect.

Figure 1: MPS APPROVAL PROCESS



