

Assessment of Legislative Framework for Farmland Protection

Municipality of the County of Kings, Nova Scotia

REPORT

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Executive Summary

In this report I present the results of a comparative assessment of the current Municipal Planning Strategy (MPS 1979) and proposed Municipal Planning Strategy (draft MPS 2016) for the Municipality of the County of Kings (hereafter, Kings County). My purpose was to assess the strength of policy focus for farmland protection for each MPS. The MPS documents were evaluated individually and then compared. The comparison lends insight to the nature and extent of changes proposed to the current MPS and to potential benefits and impacts on the agricultural land base.

Overall, the results of the assessment show that the strength of the policy focus for protecting farmland in the draft MPS (2016) is weaker than the current MPS (1979). As shown in the table below, the overall strength of policy focus has changed from “somewhat strong” to “moderate.” Based on the analysis using four principles as criteria, I found that the County’s commitment to protecting farmland is still present and important, but the language is weaker when compared to the language used in the current MPS. At the same time, it appears that the County’s interest in accommodating both urban expansion and non-farm rural development has increased, thus tipping the balance further away from protecting farmland. This shift in priority is of particular concern given that agricultural land is presently under low pressure for conversion. It will be far more difficult to manage non-farm development should the demand for urban expansion and non-farm rural development increase.

Strengths of Municipal Planning Strategies for Kings County: Current and Proposed

	Overall Strength	Maximise stability	Integrate across jurisdictions	Minimise uncertainty	Accommodate flexibility
County of Kings MPS (1979)	Somewhat Strong	****	***	***	****
County of Kings Draft MPS (2016)	Moderate	***	**	**	***

* = Very weak, ***** = Very strong

Several changes to the draft MPS make positive contributions to the legislative framework for protecting farmland. First, the agricultural land previously designated as the Agricultural District has been maintained as Agriculture Zone A1. In addition, less emphasis on soil capability as a primary basis for land use decisions helps reduce uncertainty about non-prime agricultural lands. Changes to where new lots can be established also help to minimise alienation of farmland. The continued approach to treat agricultural land differently, with stronger interests in protecting active and high capability lands, leaves other agricultural lands exposed to non-farm development. Likewise, a continued focus on converting all agricultural land within Growth Centres will lead to a continued loss of farmland.

Containing urban growth is a necessary complement to protecting farmland, as has been and continues to be recognised by Kings County. A critical issue in the draft MPS relates to the permanence and integrity of the boundaries of the Growth Centres. Notably, the draft MPS refers specifically to the “arbitrariness” of some boundaries. Although the reference is brief, the implications of the statement are significant, as the statement raises questions about the over-riding purpose of the dual approach established in the original MPS of 1979. An open-ended

approach to containing urban development in Growth Centres is reflected in the numerous opportunities for development agreements and amendments that could impact the agricultural land base. The willingness of the County to accommodate urban expansion is demonstrated through the re-designation of three settlement areas previously designated as Hamlets to Growth Centres. Another important change is the conversion of some former Forestry District land to Mixed Rural Use (A2), which changes from a strong commitment to protecting agricultural land and activities to accommodating mixed-use development. This re-designation increases the potential for land use conflicts and likely contributes to speculation in agricultural land, thereby raising land prices.

As a general recommendation, we suggest that readers consider our observations as a mirror that reflects the cumulative outcome of the County's decisions when drafting the MPS. There remains an opportunity to maintain – and strengthen – the County's commitment to protecting its agricultural land base while also accommodating future non-farm development. Rather than rely on flexibility to achieve a desired balance, the County has an opportunity to reconsider some of its goals, objectives, and policies that help to maximise the expressed commitment to protecting farmland, better integrate local priorities with the provincial interest in protecting farmland, and minimise uncertainty through a firmer commitment to existing Growth Centre boundaries.

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Introduction

In this report we present the results of a comparative assessment of the current Municipal Planning Strategy (MPS 1979) and proposed Municipal Planning Strategy (draft MPS 2016) for the Municipality of the County of Kings (hereafter, Kings County), a rich agricultural area located in Nova Scotia's Annapolis Valley. The purpose was to assess the strength of policy focus for farmland protection for each MPS. Each MPS was evaluated individually and then compared. The comparison lends insight to the nature and extent of changes made to policies for protecting agricultural lands and to potential benefits and impacts on the agricultural land base.

An MPS and accompanying Land Use Bylaw (LUB) are part of a local legislative framework that consists of statutes (bylaws), regulations, policies, and governance structures. A local framework can be linked with regional and provincial legislative frameworks. Policy documents can be identified as enforceable, aspirational, or enabling (refer to the appended glossary for definitions of these and other terms). Table 1 displays the three tiers of agricultural land use planning policies and legislation for Kings County.

At the municipal level, the Municipal Planning Strategy (MPS) is the statutory plan and foundation for Kings County's legislative framework. The MPS was developed initially in 1979. Its agricultural policies were reviewed most recently in 2006, and its urban policies in 1992, with a steady stream of amendments over the years. The current MPS includes three secondary plans (Secondary Planning Strategies) for Centreville, Coldbrook, and Port Williams. The draft MPS adds secondary plans (Community Plans) for Kingston, Greenwood, and Grand Pré. New Minas has a separate Sector Plan last reviewed in 2004.

At the regional level, several aspirational documents from the Kings 2050 planning initiative are relevant. This long-term planning effort is regional because it includes the Kings County and the three towns of Kentville, Wolfville, and Berwick. The effort covers infrastructure, climate change, and land use planning. As shown in the legislative framework table, the Kings 2050 project has produced several relevant reports. These documents include a final vision report, background report on agriculture (2012), climate action plan (2013), and report on regional governance (c2014). The latter includes materials from the vision report and proposes a set of "statements of regional interest." The purpose of the report is to examine formal governance structures to adopt and implement these statements. The Kings 2050 initiative is also, or was to be, the basis for the new draft MPS and LUB for Kings County.

Most importantly, the Kings 2050 vision affirms the region's strong interest in protecting agricultural land. The Umbrella Vision for the region includes a statement that envisions protecting farmland, as follows:

We have protected important areas of land for future agricultural development and production. Our agricultural heritage is enhanced through diversification and innovation in the sustainable use of agricultural land. We have a robust industry characterized by ongoing stability, viability and best practice, and we are recognized as leaders in the agricultural sector (Kings County 2050, Umbrella Vision).

This vision for agriculture is supported by the following goals:

- Identify and continue to protect valuable agricultural land.
 - Identify and prioritize agricultural lands for protection
 - Use regulations and programs, such as land banking, to protect agricultural land (Kings 2050 Vision: Agriculture)

Table 1. Legislative Framework for Kings County Nova Scotia

	POLICY	LEGISLATION	GOVERNANCE
PROVINCIAL		<i>Municipal Government Act</i> <i>(includes Statement of Provincial Interest Regarding Agricultural Land, Schedule B) (MGA 1998)</i> <i>Farm Practices Act (2000)</i> <i>Agricultural Marshland Conservation Act (2000)</i>	Provincial Director of Planning Utility and Review Board
REQUIRED INTEGRATION	<p><i>MGA C.18, s.193:</i> The Governor in Council, on the recommendation of the Minister, may adopt or amend a statement of provincial interest necessary to protect the provincial interest in the use and development of land.</p> <p><i>MGA C. 18, s. 213 Purpose of municipal planning strategy</i> (c) policies that are reasonably consistent with the intent of statements of provincial interest</p> <p><i>MGA [Statement of Provincial Interest Regarding Agricultural Land, Schedule B]:</i> To protect agricultural land for the development of a viable and sustainable agriculture and food industry [...] 1. Planning documents must identify agricultural lands within the planning area [...] 2. Planning documents must address the protection of agricultural land.</p>		
REGIONAL	Kings 2050 Vision (c2013) Kings 2050 Background Paper II: Agriculture (2012) Kings 2050 Regional Approach Report (c2014) Kings 2050 Climate Change Action Plan (2013)		
LOCAL	Kings County Five Year Strategic Plan (2014)	<i>County of Kings Municipal Planning Strategy</i> (includes secondary plans) County of Kings Land Use Bylaw <i>New Minas Sector Plan</i> New Minas Land Use Bylaw	Planning Advisory Committee Area Advisory Committees (Centreville, Kingston, New Minas, Port Williams)

Acts (provincial laws), bylaws (local government laws, e.g., official municipal plan) [italicised]

Enforceable policy, regulations pursuant to acts [bold]

Aspirational policy at all levels [plain text]

The Kings 2050 vision is most important because it guided Kings County's current review of its MPS and LUB. Completed as part of this regional planning process, the background report on agriculture represents a comprehensive review of the agricultural sector and current land use planning issues. The report provides detailed background information, goals and objectives, and a set of maps for agricultural land use planning. Collectively, however, the policy documents of the Kings 2050 initiative lack detail with regard for the legislative context that governs agricultural land use planning.

Within this regional planning context, the Kings County drafted a new MPS that was available to the public in 2016. My purpose was to review Kings County's draft MPS (2016) to assess the strength of the goals, objectives, and policies to protect agricultural land within its jurisdiction, the results of which were compared with an evaluation of the current MPS (1979). The comparative assessment works with and builds upon a previous assessment of Kings County's current MPS (1979). This previous assessment was completed in September, 2016.¹

The assessments were completed strictly through the lens of using land use planning tools to protect Kings County's agricultural land base. The benchmark against which Kings County's legislative framework was assessed is based on an ideal sense of the maximum protection possible (e.g., "very strong"). The measure of "very strong" is based on the author's knowledge of agricultural land use planning and experience of completing assessments of legislative frameworks for local governments in Canada. The results themselves are not prescriptive; each local government must reflect upon its priorities and choose a level of farmland protection that meets its needs. In this context, the results of the assessment act as a mirror that reflects the priorities and intent related to farmland protection. In the same way, the results represent, in part, a local government's concept of its desired "balance" among competing land use interests.

A few limitations of this comparative assessment report should be noted. As will be discussed in detail below, the focus of this assessment is based on the MPS documents *as they are written*; I do not assess the planning process or past practices. My knowledge of the land base of Kings County is limited, based on a short visit in early December, 2016, and supplemented by Internet-based information such as Google Map. With respect for this limited knowledge of the land base, I am not able to comment fully on policies relevant to areas (such as the amount of infrastructure present) or to aspects of specific parcels. Correspondingly, my efforts are focussed more on what I see as major points. A better comprehension of the finer details of the MPS documents may change my results.

Methods

An agricultural land use planning legislative framework provides the context and constraints for what local governments must and can do to protect its agricultural lands. Within this context it is

¹ Connell, David. J., and Greg Cameron (2016). "Agricultural Land Use Planning in Canada: Case Study of the Municipality of the County of Kings, Nova Scotia." Prince George, BC: University of Northern British Columbia. On-line: <http://www.unbc.ca/agricultural-land-use-planning/case-study-reports>. It should be noted that the summary results of this prior evaluation have been revised as an outcome of the present review. The revisions are an outcome of the author having a year's worth of additional experience completing assessments of local governments. The methods, discussed below, continue to be developed.

helpful to be able to assess the quality of agricultural land use planning and understand how well it works and why.

The assessment is based on four principles to evaluate the strength of policy focus². These principles are maximise stability, integrate public priorities across jurisdictions, minimise uncertainty, and accommodate flexibility. Each of these principles is explained below. These four principles provide a set of concepts that help to articulate the “balance” of desirable land uses embodied in each legislative framework. The principles also serve as the criteria to evaluate the strength of a legislative framework to protect farmland. For example, the following table shows how a legislative framework for a local government was assessed using the four principles on a scale from very weak to very strong. In the example, the overall strength of the framework, which represents the combined results of the four principles,³ rests upon a high level of stability and effective use of mechanisms to accommodate flexibility. However, these strengths are undermined by a failure to minimise uncertainty.

Sample of evaluation of strength of local legislative framework

Name of site	Overall strength	Maximise stability	Integrate across jurisdictions	Minimise uncertainty	Accommodate flexibility
Local Government	Somewhat strong	****	***	**	****

* = Very weak; ***** = Very strong

The assessment is premised on the idea that we can evaluate the ‘strength’ of a legislative framework, by which we mean the efficacy of the framework *as it is written* to protect farmland. Importantly, efficacy is different from effectiveness. Efficacy is about evaluating the quality of the documents. In contrast, effectiveness is related to measuring the outcomes of applying the framework. Thus, effectiveness is a measure of outcomes of implementing a plan, whereby one is concerned with the extent to which the policy or plan has protected the land base, the loss of farmland, alienation, and fragmentation.

This assessment of policy strength for protecting agricultural land in Kings County is based on the following four principles.

Maximise stability

Something that is stable is difficult to topple; it stands strong and cannot be easily moved. Likewise, a stable legislative framework for protecting farmland is one that is not easily changed at the whim of shifting political interests; it is well-entrenched in acts of legislation, policy, and governance structures that are based on clear, concise language, and can hold up to court challenge. It is something that people can count on to secure the land base for agriculture and to know what the rules are. In this sense, a measure of stability is a measure of the thing itself – the

² For a detailed discussion of plan evaluation and policy focus, please see Connell, David J., and Lou-Anne Daoust-Filiatrault (2017). Better Than Good: Three Dimensions of Plan Quality. *Journal of Planning Education and Research*, 1-8. DOI: 10.1177/0739456X17709501

³ Note that the overall strength is neither an average nor sum of the individual scores for the principles. The overall strength involves a weighting system that, among other factors, treats maximise stability as most important.

legislative framework – as it is written in its present form. Thus, stability is a critical measure of the strength of an agricultural land use planning framework.

Integrate public priorities across jurisdictions

Integrating policies and priorities across jurisdictions is a foundation for building cohesion across provincial, regional, and local governments. This principle of integration can be viewed as a “policy thread” that weaves together traditional areas of responsibility (Smith, 1998). One can also think of integration as a formal “linkage” between policies that provides consistency among them. Such formal linkages can come in the form of a provincial policy that requires a lower-level policy “to be consistent with” provincial statements. The aim of such vertical mechanisms is to ensure that lower-level policies are set within the context of broader public priorities. The same principle of integration applies horizontally, too, so that plans and strategies are co-ordinated and consistent across local governments. In order to successfully integrate policies across jurisdictions there must be sufficient details about the legislative context that guides and constrains local government plans and strategies.

Minimise uncertainty

In addition to maximising the stability of a legislative framework through clear rules and regulations we must also consider how the framework will be implemented and applied to land use decisions. People want to know they can rely on these rules and regulations to be applied consistently and to know how it will be applied under different circumstances. In this sense, people want not only a stable land base for agriculture but also a legislative framework that provides some certainty about how it will be used to make agricultural land use decisions. However, what we do not know is boundless so we must accept that we cannot eliminate uncertainty. What governments can do is to minimise uncertainty by eliminating loop-holes, ambiguous language, and open-ended conditions. Perhaps more importantly, uncertainty can be minimised through consistent interpretations and applications of the legislative framework. In this sense, a measure of uncertainty is a future-oriented measure of expectations about how the legislative framework will be applied to land use decisions. Thus, the presence of uncertainty is a critical measure of the weakness of an agricultural land use planning framework.

Accommodate flexibility

Creating an effective legislative framework is an act of balance without being too stable so that it cannot be changed when needed or too strict so that it cannot be applied in a range of circumstances. Thus, flexibility is necessary in order to moderate the restrictive effects of maximising stability and minimising uncertainty. The principle is to enable decision-makers to accommodate a controlled level of flexibility without compromising the primary functions of the legislative framework to provide stability and reduce uncertainty. The means to accommodate flexibility is typically done through governance mechanisms, such as quasi-judicial provincial commissions, advisory committees, and application processes.

Overview of site

The Municipality of the County of Kings, located in central Nova Scotia along the shore of the Bay of Fundy (Figure 1), is part of the Annapolis Valley, which is the agricultural centre for the province. The Valley is just over 100 km from the major urban centre of Nova Scotia that surrounds the cities of Halifax and Dartmouth. Very good highway access between the Valley and the urban population centres ensures an efficient flow of goods and people. The County covers 2,122 square kilometers and borders the counties of Hants, Lunenburg, and Annapolis.

Figure 1. Location of Kings County in Nova Scotia



Source Google Maps 2015

Land use planning in Kings County is very challenging with several unique factors. The area consists of a varied landscape that includes the North and South Mountains with valley bottoms of high agricultural capability. The area also has marshlands and extensive dyking systems. This landscape is home to a provincially-significant agricultural sector and Grand Pré, a historic settlement recognised internationally by UNESCO for its universal heritage value. Towns, villages, and hamlets are interspersed throughout the area. Accommodating this wide range of unique features and interests contributes to a complicated planning scenario.

Kings County is a rural area predominantly with a corridor of development and higher density populations along the major highways (#1 and #101). The latter is known as the

Coldbrook-Wolfville Urban Corridor. The corridor is a mix of urban and rural settlement areas. The urban centres include the Towns of Kentville, Wolfville, and Berwick, which are separate municipalities. The three towns are not part of the assessment.

The population of the County increased by 12.1% between 1986 and 2006, but has declined since then (Table 1). Although the County outpaced the province during the first period, this relationship has reversed since 2006. The County's average annual growth rates during the last two Census periods have been negative (Chart 1). As shown in Table 2, the growth rates for the rural centres follow a similar pattern with a negative average annual growth rate recently, however the growth rates among the urban centres varied significantly. Overall, the slowing growth rates indicate a low demand for urban development.

Table 1. Population Data for Kings County and Towns

	1986	1991	1996	2001	2006	2011	2016	Change 2006- 2011	Change 2011- 2016	Change 2006- 2016
Kings County	42,662	45,095	47,486	47,159	47,814	47,569	47,404	-0.5%	-0.3%	-0.9%
Berwick	2,058	2,150	2,195	2,282	2,454	2,554	2,509	4.1%	-1.8%	2.2%
Kentville	5,208	5,510	5,551	5,610	5,815	6,094	6,271	4.8%	2.9%	7.8%
Wolfville	3,277	3,475	3,833	3,658	3,771	4,269	4,195	13.2%	-1.7%	11.2%
Sub-total Towns	10,543	11,135	11,579	11,550	12,040	12,917	12,975	7.3%	0.4%	7.8%
Indian Reserves	65	93	128	157	180	203	221	12.8%	8.9%	22.8%
Total: County + Towns	53,275	56,315	59,193	58,866	60,035	60,589	60,600	0.9%	0.0%	0.9%
Nova Scotia	873,199	899,940	909,282	908,007	913,462	921,727	923,598	0.9%	0.2%	1.1%

Source Kings County (<http://www.countyofkings.ca/information/population.aspx>)

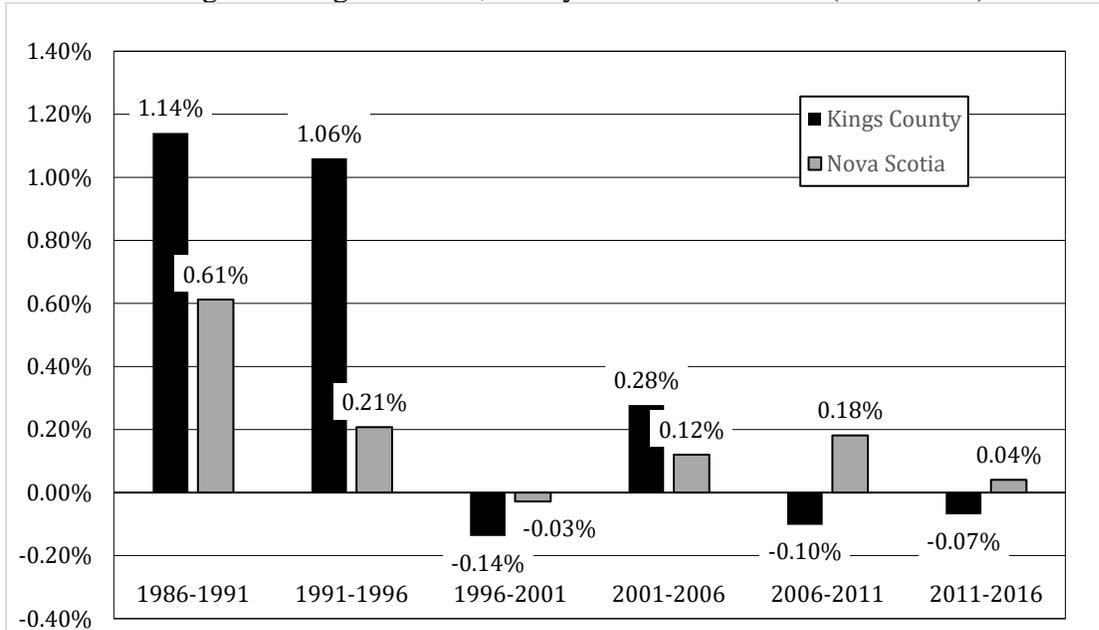
Table 2. Population Data for Designated Growth Centres in Kings County

Growth Centre	1986	1991	1996	2001	2006	2011	2016	% Change 2006-11	% Change 2011-16	% Change 2006-16
Aylesford	710	748	766	807	829	892	913	7.60%	2.4%	10.13%
Cambridge	424	508	563	723	737	758	464	2.85%	-38.8%	-37.04%
Canning	781	742	745	811	831	761	712	-8.42%	-6.4%	-14.32%
Centreville	627	896	887	1047	1046	1073	1064	2.58%	-0.8%	1.72%
Coldbrook	1168	1838	2926	2189	2234	2328	2347	4.21%	0.8%	5.06%
Greenwood ⁴	1488	1548	1849	1901	1761	1662	1980	-5.62%	19.1%	12.44%
Hants Border	528	485	452	515	515	553	543	7.38%	-1.8%	5.44%
Kingston	2263	2283	2835	3009	3023	3039	3093	0.53%	1.8%	2.32%
New Minas	4120	4240	4432	4289	4082	4273	4231	4.68%	-1.0%	3.65%
North Kentville	2454	2961	3151	3212	3282	3787	3423	15.39%	-9.6%	4.30%
Port Williams	787	852	856	931	993	1018	930	2.52%	-8.6%	-6.34%
Waterville	975	899	873	808	856	846	893	-1.17%	5.6%	4.32%
Total	16325	18000	20335	20242	20189	20990	20593	3.97%	-1.9%	2.00%

Source Kings County (<http://www.countyofkings.ca/information/population.aspx>)

⁴Growth Centres are sewer serviced (some also have water services) communities within the Municipality of Kings where urban densities of development are encouraged.

Chart 1. Average annual growth rate, Five-year Census Periods (1986-2016)



Primary resource districts encompass the majority of the rural area, with agricultural areas along the floor of the valley between the North and South Mountains. Notwithstanding its efforts to protect this farmland, the County's agricultural lands have been subject to many pressures. These factors include rural residential development, urban expansion, non-farm uses, and concurrent permitted uses such as wind energy development. As stated in the draft MPS (2016, S. 1.1),

The agricultural industry also faces challenges such as demographic and labour issues. Rising land prices threaten the financial viability of farms and encourage farmers to develop land for non-agricultural uses. Changes in food processing and distribution systems, combined with other market conditions, have resulted in a loss of viability in some agricultural industries.

In spite of a low rate of population growth, agricultural land is under development pressure, although the level of pressure for development of agricultural land is low compared to other places in Canada.

The County believes that past efforts to protect farmland have been successful. As stated in the draft MPS (2016, S. 1.1),

For most of the 2000s the proportion of new housing built within agricultural areas has been between 10 and 12 percent; the majority of new housing has been successfully directed to the Growth Centres or to lands with low agricultural soil capability. The policies have reduced non-farm development on lands which are reserved for agricultural uses.

As noted in the current MPS, the proportion of permits for residential development of lands within the Agricultural District declined after the first MPS of 1979 was adopted and remained steady through the early 1990s before starting to rise.

It is important to note that water supply is a critical issue for the County and affects planning for both urban and rural development, including how various types of domestic, commercial and agricultural uses may affect groundwater quantity and quality. For example, the current and draft MPS and LUB include policies and regulations that protect the County's wellfields. In addition, the land use plans identify concerns related to the impact of the agricultural sector's irrigation demands and fertiliser use.

Also, although this analysis does not formally include the three towns of Kentville, Berwick, and Wolfville, it is important to recognise their influence on the land base of the region. Kentville, the largest town in the Annapolis Valley, is the commercial and financial center of the area with a strong demand for residential development. The Town of Berwick is a service center for the nearby Michelin tire plant and the Greenwood Military Base. The Town of Wolfville, which is home to Acadia University, is home to many vineyards, restaurants, and a well-known farmers' market. Both Berwick and Kentville are moving towards developing agricultural land within their municipal boundaries, which could affect agricultural land within Kings County. The Town of Berwick MPS states their intent "to ensure the ability for existing agricultural activities located within the Town to continue and provide specific opportunities for new uses to locate while understanding that residential and commercial development requirements and the presence of municipal services make serviced urban-type development more suitable in the long term" (p. 9). The Kentville MPS speaks to one 70 acre parcel of agricultural land within the Town boundary. The MPS states,

[T]his entire area surrounding the subject site has been fully developed for residential purposes. Therefore, existing land use patterns, location and its size would not be conducive to the on-going use of this property for agriculture. Additionally, the Stirling property is the single largest undeveloped parcel of land in the Town of Kentville, north of the Cornwallis River, and as such will play an important future role in the development of the town (p. 9).

Of the three Towns, Wolfville is the only one to have policy in place within the MPS to protect agricultural land, primarily due to the dykelands being within their jurisdiction that must be protected for agricultural use under the *Agricultural Marshland Conservation Act* (AMCA).

Agricultural profile

Throughout its history, Kings County has been an active and important part of Nova Scotia's agricultural lands. At the start of the twentieth century, Kings County was known as the "orchard of the British Empire" and produced 75% of the apples exported by Canada (Conrad, 1980). However, following the Second World War, agricultural production in Kings County shifted dramatically in response to changes in national and multinational markets, technology, and government regulations (Conrad 1980). Consequently, many orchards converted to other forms of agriculture or were abandoned. Today, Kings County is home to 48,605 hectares of agricultural land. The top four farming operations of beef, dairy, tree fruit/grapes, and nursery crops make up 52% of total farm area and almost half of all farming operations in the County (Kings 2050, 2012). According to the Kings 2050 report, there were 604 farms in 2006, a which is a decrease of 40 farms since 2011 (Kings County Agricultural Profile, 2006). Use of farmland is 45% cultivated land, 13% pasture, and 42% other uses (Kings 2050, 2012). Kings County makes up 18 percent of agriculture in Nova Scotia (Government of Nova Scotia, n.d.).

The map of soil capability (Figure 2) shows the band of high-capability soils that make up the Annapolis Valley. This band of soil also coincides with the higher density development of the Coldbrook-Wolfville Urban Corridor. There is no Canada Land Inventory (CLI) Class 1 soil in Kings County. The initial MPS of 1979 protected Class 2 and 3 soils in agricultural zones; active Class 4 soils were added in 1988 (MCK, 2012).

Results

In this section, I present the results of the assessments of the current MPS (1979) and the draft MPS (2016) separately. I compare the results in the next section of the report.

Assessment of Strength: Current MPS (1979)

The overall strength of the current MPS (1979) for the protection of agricultural land in Kings County is somewhat strong (Table 3). The strongest aspect of the current MPS is the County’s long-standing commitment (since 1979) to the dual need to accommodate growth and preserve the agricultural land base. This commitment is complemented by moderate efforts to integrate priorities across jurisdictions and minimise uncertainty. Considerable effort is made to accommodate non-farm uses in agricultural areas through the use of various planning tools.

Table 3. Strength of current MPS (1979): Summary Assessment

	Overall Strength	Maximise stability	Integrate across jurisdictions	Minimise uncertainty	Accommodate flexibility
Kings County: current MPS 1979	Somewhat Strong	****	***	***	****

* = Very weak; ***** = Very strong

Maximise stability

A stable legislative framework for protecting farmland is one that is not easily changed at the whim of shifting political interests; it is well-entrenched in acts of legislation, policy, and governance structures that are based on clear, concise language, and can hold up to court challenge. A key element of stability is a clear statement of purpose regarding farmland protection among the primary goals and objectives within each enforceable document. Thus, stability is a critical measure of the strength of an agricultural land use planning framework.

Kings County is strong for maximising stability. A statutory plan plays a very important role to express the public interest in agriculture and farmland protection. The current MPS (1979) for the County contributes substantially to the stability of the framework. The desire to protect farmland and encourage farming as its primary use is identified clearly as a public priority – and has been in place for almost 40 years, which reflects the economic value and cultural value of agriculture in the region. The first MPS created in 1979 was driven by the dual need to accommodate growth and preserve the agricultural land base (MPS 1979 s.1.2.1). These early efforts directed urban development to designated growth centres and rural development to hamlets, while maintaining the rural character elsewhere. The current MPS was last reviewed in 1992, at which time the dual approach to land use planning was affirmed and strengthened.

The commitment to protect the area’s farmland is prevalent throughout the MPS, from the general aims through the goals, objectives, and policies. Furthermore, the language in the current MPS (1979) is frequently expressed in direct terms as “protect” farmland. In addition to protecting agricultural land, the related concerns about minimising fragmentation and

encroachment are also addressed, as well as alienation of farmland by building non-farm dwellings on large parcels.

The most important policy regarding agricultural land is the land use designation of Agricultural Districts. The primary purpose of the Agricultural District designation is “protection of the prime agricultural lands and encouragement of farming activity” (MPS 1979 s. 3.1). This policy is implemented through a restrictive designation for agricultural lands. The Agricultural (A1) Zone (Figure 3) provides for “agriculture as a dominant use which is to have priority over all other uses” (LUB 1979 s. 11.1.1). These statements are supported by additional policies that relate to specific uses and areas.

1.2.3 The Municipal Planning Strategy – 1992

1.2.3.2 To protect and enhance the high capability natural resource base in rural areas for primary resource development and associate rural land use activities.

1.3.3 Kings County Municipal Planning Strategy - Rural Goals

- 1.3.3.1 To facilitate the growth of the agricultural industry in the county by:
- designating lands with high agricultural soil capability as protected Agricultural Districts;
 - reducing the undue fragmentation of farmland which limits future expansion of agricultural activity;
- 1.3.3.2 To minimize and reduce conflicts between the agricultural industry and non-agricultural development by:
- protecting the prime agricultural areas from the intrusion of uses which are incompatible with or adverse to the future growth of the agricultural sector;

3.1 Resource and Rural Development Districts

Of overriding importance in planning for the rural areas is the protection and enhancement of the County's natural resources. Council's rural policies are directed towards accommodating some rural and resort development without compromising the future capability of the County's natural resources or the integrity of community health. With the county's economy having evolved around its agricultural land base, protection of the prime agricultural lands and encouragement of farming activity is the fundamental objective in establishing the Agricultural Districts designation.

3.2 Agricultural Districts

3.2.3.1 Goals

3.2.3.1.1 Council's goals shall be to:

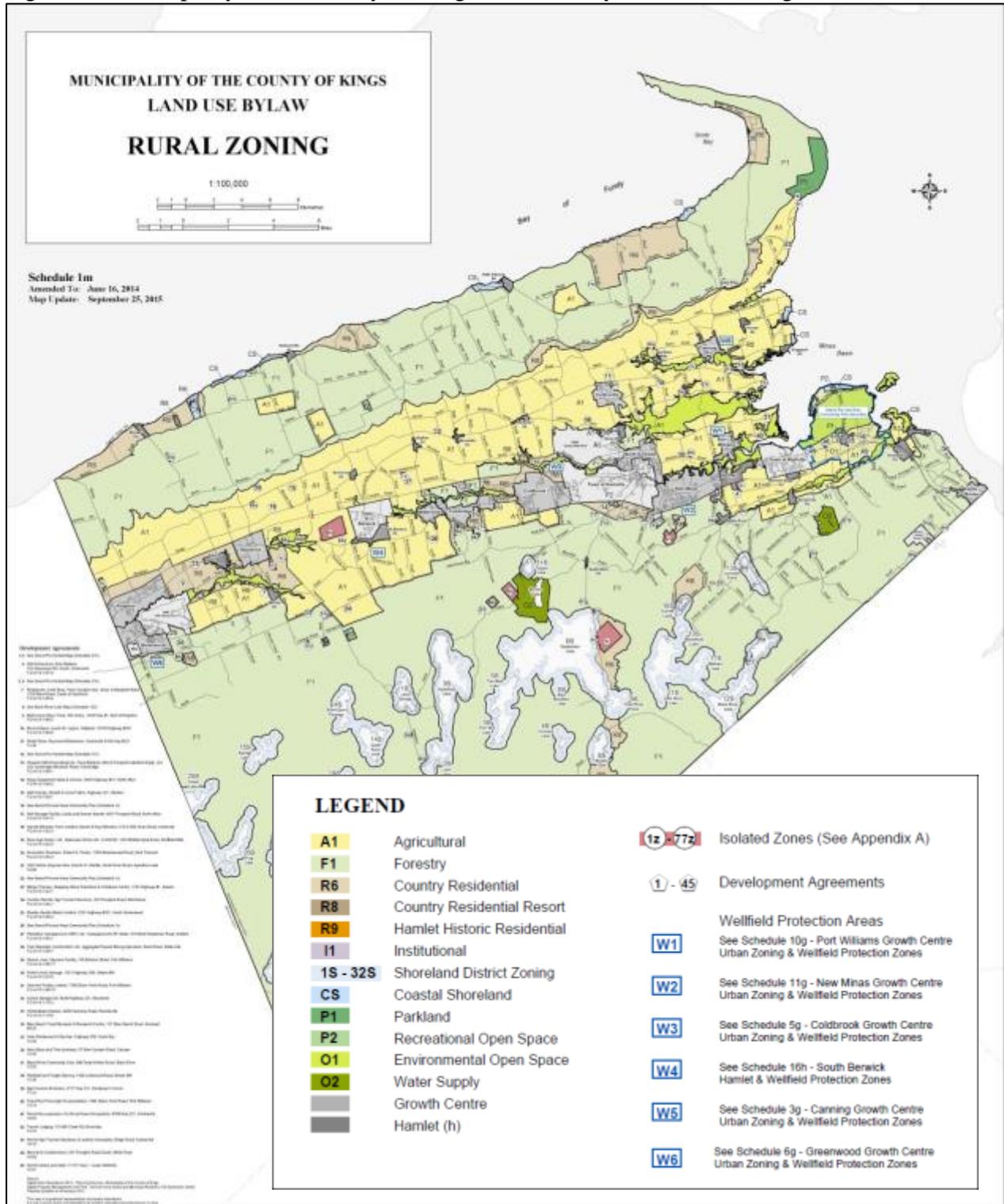
- a. protect and enhance the agricultural resource base; and

3.2.3.2 Objectives

3.2.3.2.1 Council's objectives shall be to:

- b. protect the prime agricultural areas from the intrusion of use that are incompatible with, or unnecessary to the future growth of, the agricultural sector
- c. reduce the undue fragmentation of farmland which limits future expansion of agricultural activity

Figure 3. Municipality of the County of Kings Land Use Bylaw Rural Zoning



Integrate across jurisdictions

Integration is important for a strong legislation as it creates linkages between the municipality and the province. Cross-jurisdictional cohesion in policy is imperative for a strong foundation. In order to maintain consistency within provincial and municipal policy, local policy should be set in the priorities of provincial, or a wider set of policy.

Altogether, the elements of the local legislative framework for Kings County provide a moderate level of integration between local and provincial policies and legislation. The most important opportunity for local governments in Nova Scotia to align local interests in protecting agricultural land with provincial interests is to refer to the Statement of Provincial Interest Regarding Agricultural Land. Section 3.2.3 Agricultural Goals and Objectives of the current MPS (1979) refers directly to the SPI as follows:

The Municipality's goal of providing for the protection of prime agricultural lands is consistent with and supported by the Statement of Provincial Interest Regarding Agricultural Land. As mandated by the Statement of Provincial Interest, the Municipality has identified and provided for the protection of agricultural land as well as adopted land use regulation and development control provisions which directly support preservation measures.

Although brief, the above statement is very important to strengthen Kings County's planning policies for agriculture. The current MPS also refers to the *Agricultural Marshland Conservation Act* (AMCA), which is an important policy governing management of the dykelands.

The references to the SPI and AMCA in the current MPS provide an important degree of integration of priorities for protecting farmland across jurisdictions. An important element that is missing is reference to the *Farm Practices Act*. This Act provides protection for farmers from nuisance complaints and is particularly effective in areas where rural residential development has encroached on farmland. As noted above, although the initial adoption and subsequent reviews of the MPS predate the enactment of the *Farm Practices Act*, the current MPS could have been amended to include reference to the Act. Such a change would strengthen the framework by integrating the local interest in reducing conflict between normal farming practices and non-agricultural uses.

Minimise uncertainty

The presence of uncertainty, typically introduced via ambiguous language, exceptions or gaps, is a critical measure of the weakness of an agricultural land use planning framework. Thus, in addition to maximising the stability of a legislative framework through enforceable policies, people want to know they can rely on these rules and regulations to be applied consistently under different circumstances.

Overall, the framework serves to minimise uncertainty with a moderate rating. The policies to manage growth serve to reinforce the policies to protect farmland; they strengthen each other. This dual approach has been reviewed and re-affirmed in the current MPS, as reflected in the following statements:

1.2 Planning Program

...confirms the Urban Growth Centre and Rural Land Capability Concept to:

- 1.2.3.1 Direct the majority of future population growth and associated urban services into designated growth centres

1.3.2 Kings County Municipal Planning Strategy - Urban Goal

1.3.2.1 To direct urban growth and development to designated Growth Centres by:

- designating growth centre development boundaries.

2.1 Urban Development Policies – Growth Centres

A major goal of this Municipality is to direct urban growth to designated growth areas. Council has identified and designated twelve areas as Growth Centres.

2.1.7 Urban Objectives

2.1.7.1 To identify urban areas within the Municipality and designate them as Growth Centres.

2.1.7.2 To provide a policy framework to accommodate urban growth and development within defined areas.

A key component of the current MPS growth management plan is the designation of eleven Growth Centres within the municipal boundary. The County's aims to adopt Secondary Planning Strategies for each Growth Centre but, to date, have completed only three that cover Centreville, Coldbrook, and Port Williams. The Secondary Plans provide for detailed urban planning of faster growing Growth Centres and emphasise each centre's objectives for future development. The secondary plans are included, via amendments, in the current MPS, in sections 2.10.3, 2.10.4, and 2.10.5, respectively. These plans are particularly important for protecting farmland because they cover areas of land use conflict and pressure for urban and rural residential development on agricultural lands. The dual approach of the MPS is supported also by land use zoning bylaw. The LUB provides an appropriate level of detail to implement the MPS policies effectively.

Notwithstanding the above, a few elements contribute to uncertainty regarding the future of farmland. Several of these elements relate to future urban expansion. Under its general urban policies, the current MPS states directly that "Council shall plan for the gradual phasing out of agricultural land uses within the Growth Centres by designating lands for urban land uses" (s. 2.1.8.6). Looking further ahead, there are policies for future expansion of Growth Centres as well as New Growth Centre. Such policies undermine the integrity of the designated boundaries of the established Growth Centres while exposing agricultural lands to potential future development. Specifically, section 2.11.7.1 states that the future expansion of Growth Centre development boundaries is subject to the availability of farmland for conversion to urban development. Section 2.11.8 New Growth Centres refers to "the path of inevitable urban expansion" in areas adjacent to urban development.

Accommodate flexibility

Creating an effective legislative framework is an act of balance, without being too stable so that it cannot be changed when needed or too strict so that it cannot be applied in a range of circumstances. Thus, flexibility is necessary in order to moderate the restrictive effects of maximising stability and minimising uncertainty. One means to accommodate flexibility is to identify possible exceptions, with corresponding criteria to guide decisions, to the general rules and regulations that reflect local priorities and interests. Governance structures that represent local interests in agriculture are also effective means to accommodate flexibility.

Overall, Kings County is very good at accommodating flexibility without contributing unnecessarily to uncertainty. The dual approach used in the MPS to protect farmland and manage urban growth presents a challenge to communicate how a balance will be achieved. This challenge is reflected in the following statement that introduces the planning districts for rural and resource development.

Of overriding importance in planning for the rural areas is the protection and enhancement of the County's natural resources. Council's rural policies are directed towards accommodating some rural and resort development without compromising the future capability of the County's natural resources or the integrity of community health. (s.3.1)

A similar statement is made under s.3.2.3 Agricultural Goals and Objectives, as follows:

Council's goals reflect a longstanding notion that farmland should be used for farming. However, this is also tempered by the fact that there are a significant number of non-farm uses in the Agricultural District that have development rights by virtue of their existence. The challenge facing Council is to ensure that the amount, and type, of future non-farm development is limited and appropriate, to ensure that its impact on farming activities, present and future will be minimized.

These statements help to frame the current MPS and provide guidance for how its policies should be interpreted.

The future expansion of existing Growth Centres and creation of new Centres are two important areas of policy that seek to maintain a balance between urban development and farmland protection. Several elements of these policies help to protect farmland while also accommodating growth. Importantly, the policies for urban expansion (s.2.11.2) include a set of criteria that must be considered, including the impact of urban expansion on resource development (i.e., agriculture).

More importantly, the criteria for considering the expansion or creation of Growth Centres also include the results of an agricultural impact assessment (AIA), as per section 2.11.2.2 of the MPS. An AIA is required when the expansion of a Growth Centre boundary into the Agricultural District is more than 20 acres of land zoned A1 or upon request from the Kings County Federation of Agriculture or the Nova Scotia Department of Agriculture. The AIA must be completed by a qualified professional, such as a Planner, an Agrologist or an Agricultural Economist, who has a background in agricultural assessments, and must address the following issues:

- a. impact of the loss of the agricultural lands on the farming industry in Kings County
- b. economic impact of the loss of agricultural land to the Kings County economy
- c. the quantity and quality of soil lost from agriculture
- d. possible impacts on adjacent farms
- e. cultural and tourism impacts

In this regard, the AIA provides mechanism that, ideally, accommodates urban expansion while taking agricultural interests into account.

Similar to the need for an AIA when considering urban expansion, the current MPS requires that an Agricultural Suitability Report (ASR) be completed when considering non-farm development. As stated in section 3.2.6 Non-farm Residential Uses, the County recognises that the construction of new dwellings resulted in the loss of too much prime farmland and created compatibility issues with surrounding agricultural activities. The policy states,

The existence of a number of circumstances and characteristics on a specific property or in a specific area may, in combination, contribute to limiting the suitability of certain lands for agricultural production. In 2001 the Municipality established a process where agricultural suitability of a specific property could be assessed in detail by a qualified professional as a means of determining suitability of use of the property for non-farm dwelling development. In 2009 the agricultural suitability criteria were refined and strengthened.

Section 3.2.6.4 sets out the requirements for the ASR. The question of suitability focusses on the agricultural capability of the soils, characteristics of the land, and adjacent farming activities. In addition to the criteria included in the AIA and ASR planning tools, the MPS includes similar policies throughout the document that help to accommodate flexibility. For example, these include statements to direct non-agricultural development to areas of low agricultural capability.

Another planning tool in the MPS is the Residential Comprehensive Development Districts (RCDD). An RCDD is required when a Growth Centre expands into the Agricultural District (s.2.4.12). Its purpose is to provide increased flexibility in development form, increased site controls for Council, and the opportunity to explore development schemes that focus on environmental sustainability or alternate development patterns. One of the aims is to buffer existing and future agricultural activities from residential development.

The use of buffers is not limited to RCDDs; they are mentioned as a planning tool throughout the MPS and implemented through the LUB. The general aim of buffers is to minimise potential conflicts between agriculture and incompatible uses. While buffers do not necessarily limit or prevent the loss of farmland, they can be used to accommodate non-farm development more easily without contributing to greater uncertainty.

There are two levels of governance for land use planning within Kings County. For the County as a whole, there is a Planning Advisory Committee (PAC). Within Kings County, there is an Area Advisory Committee (AAC) for each of Centreville, Kingston, New Minas, and Port Williams. The purpose of a PAC, which is established by and a committee of County Council, is to review and provide recommendations to Council regarding all land use planning matters. The PAC also receives and considers all recommendations from the AACs. The PAC membership

consists of five councilors and three residents of the municipality. The purpose of an AAC is similar to the PAC but is responsible only for its applicable area. The AAC reviews and provides recommendations to the PAC with respect to all land use bylaw map and text amendment, development agreement, and amending development agreement applications. The AAC also advises the PAC concerning periodic changes to the MPS and any other matters of planning concern. County Council appoints members to the AACs, which consists of representatives of the Village or group responsible for the AAC, citizens, and a local Councillor. The number of representatives from responsible organisation and citizens varies between two and four among the four AACs.

Assessment of Strength: MPS (Draft, 2016)

The strength of the Draft MPS (2016) for the protection of agricultural land in Kings County is moderate (Table 4). The framework has a moderate commitment to protecting farmland. However, this interest is compromised by what appears to be a stronger desire to minimise barriers to urban development and accommodate more non-farm development in rural areas.

Table 4. Strength of Draft MPS (2016): Summary Assessment

	Overall Strength	Maximise stability	Integrate across jurisdictions	Minimise uncertainty	Accommodate flexibility
County of Kings (Draft MPS 2016)	Moderate	***	**	**	***

* = Very weak; ***** = Very strong

Maximise stability

Kings County is moderate for maximising stability. The draft MPS (2016) for the County clearly states a desire to protect farmland and encourage farming as its primary use, thereby continuing the public policy of the current MPS (1979). Importantly, the vision for a future Kings County, drawing from the vision created as part of the Kings 2050 planning effort, refers to “the benefits of robust farms and agricultural services.” This explicit acknowledgement of agriculture is complemented by a vision statement for agriculture that emphasises protecting farmland as a priority, as follows:

Vision Statement: Agriculture

The Municipality has protected important areas of land for future agricultural development and production. The agricultural heritage is enhanced through diversification and innovation in the sustainable use of agricultural land. There is a robust industry which is recognized as a leader in the agricultural sector and is characterized by ongoing stability, viability, and best practices.

Agriculture priorities:

Identify and continue to protect agricultural land

However, the terms used in relation to agricultural lands is not as strong in the plan’s goals, objectives, and policies, as follows:

3.4 Agricultural Designation

Context

There is a distinction between more urban areas that provide a range of residential options and services, and rural lands that are devoted to agricultural uses. Planning policies have helped to reinforce this distinction and the result is a balanced approach that directs the bulk of urban-type development into established Growth Centres while

encouraging agriculture to thrive in areas that enhance the industry by reducing conflict and controlling the amount of land that can be used for non-farm uses.

Goal

To identify lands where agricultural and related land uses are encouraged, promoted and given priority over other types of land uses.

Objective

To limit and manage non-farm development that could otherwise be located in Growth Centres.

To protect active agricultural lands for future generations.

Agricultural Policy

3.4.1 The Agricultural Designation is intended to encompass the rural parts of the Municipality where agriculture is a dominant land use;

3.4.2 establish the following Agricultural Zones in the Land Use By-law:

(a) Agricultural (A1): lands located in this zone are those which have been identified as high-capability agricultural lands for future agricultural production. This zone will provide maximum flexibility for agricultural and complementary uses and limit non-farm development, including housing

In addition to the weaker language in the above statements (weaker than the vision statement), not all agricultural lands are treated equally. The draft MPS refers explicitly to high capability lands and active agricultural land, which leaves other agricultural lands more exposed to future non-farm development. Lands designated as Resource also focus on “active agricultural lands.” Altogether, there are several treatments of agricultural land, which undermines the stability of the policy focus on protecting farmland, and seems to contradict the vision statement. As per existing policy, the intention is to convert agricultural land within Growth Centres to urban uses. As part of the Coldbrook secondary plan, only “existing farms” are recognised, and only as a permitted use rather than being protected agricultural land. In addition, three settlements formerly designated as Hamlets were re-designated as Growth Centres, thereby (possibly) removing some agricultural land from the protected land base.

The Land Use By-law (draft 2016) appears to be consistent with the draft MPS.

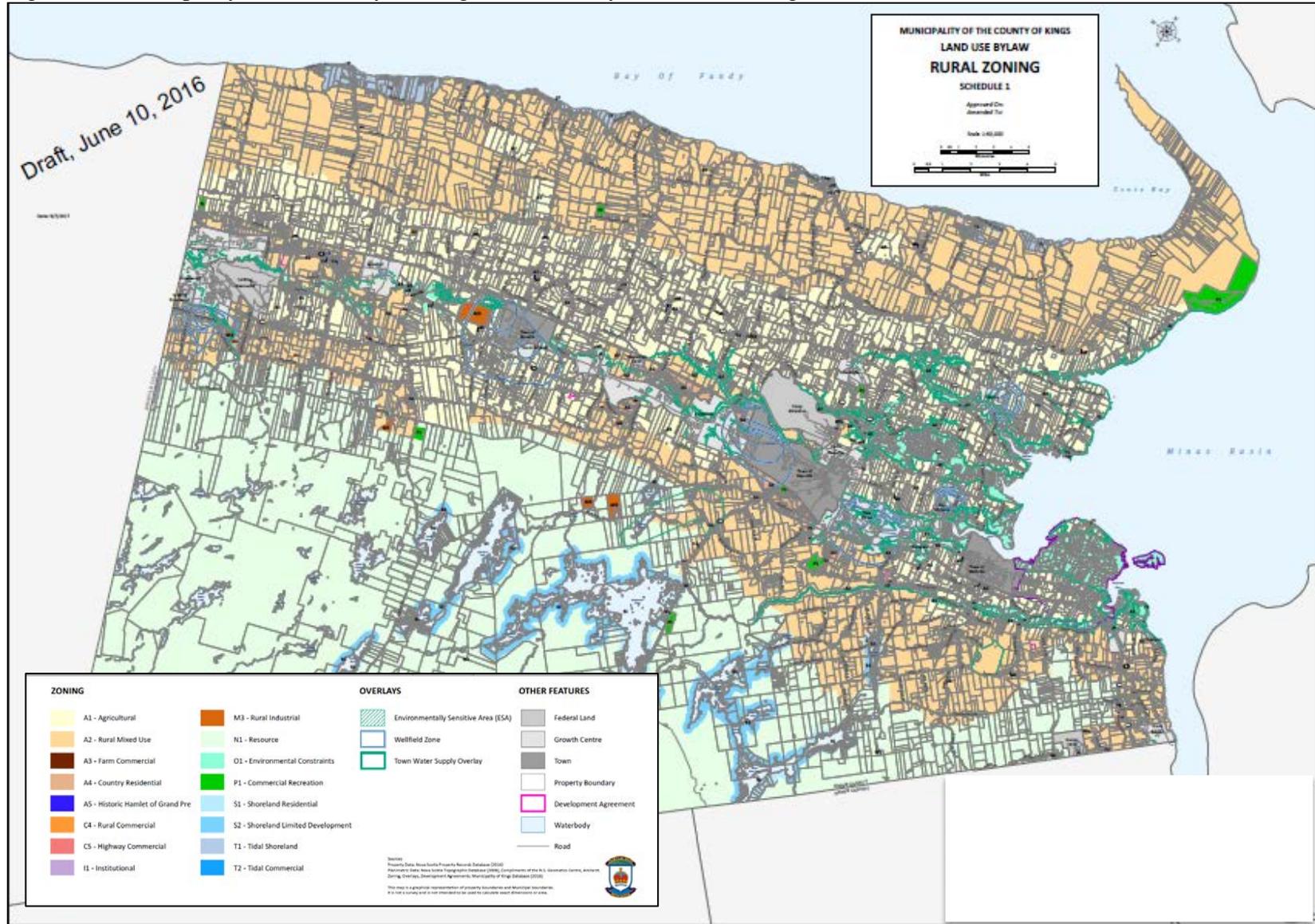
Interestingly, there appears to be an error in the document where the word “protect” might appear. Instead, there appears to be a word missing from the statement that defines the purpose of the zone – e.g., protect, maintain, support. The bylaw asserts the priority of agricultural uses of the land in the A1 and A2 zones. The land use zones are shown in Figure 4.

8.3 Agricultural (A1) Zone

8.3.1 Zone Purpose

The purpose of the Agricultural (A1) Zone is to [*sic* (word missing)] agricultural land for a viable and sustainable agriculture and food industry. This zone will provide maximum flexibility for agricultural and complementary uses and limit non-farm development, including housing. In the event of a conflict between an agricultural use and a non-agricultural use, the interests of the agricultural use shall take priority.

Figure 4. Municipality of the County of Kings Land Use Bylaw Rural Zoning (draft 2016)



Integrate across jurisdictions

The draft MPS (2016) provides a somewhat weak level of integration between local and provincial policies and legislation. The draft MPS includes multiple references to the *Municipal Government Act*, including a paragraph that clearly states the authority of the County to carry out land use planning. Similar statements note the authority of the County to establish Growth Centres, Community Plans, and Development Agreements. Importantly, however, except for reference to the Province’s decision regarding the expansion of the Port Williams Growth Centre Boundary, there is no reference to the Provincial Statement of Interest (SPI) for Agriculture. Also, although the draft MPS refers to accepting a level of conflict between residential uses and normal farming practices, there is no direct reference to the *Farm Practices Act*. There are no references to the Planning Advisory Committee (PAC) or its role in the land use planning process. Finally, there is limited discussion about how the MPS draws from and is consistent with Kings 2050 or with the land use priorities and policies of towns of Kentville, Wolfville, and Berwick.

Minimise uncertainty

Overall, the draft MPS serves to minimise uncertainty about the future of agricultural lands with a somewhat weak rating. The dual approach to protecting agricultural land and containing urban development is acknowledged as the general planning approach. The commitment to directing urban development to designated Growth Centres is reflected in the following statements:

Vision Statements: Settlement priorities

Concentrate new commercial and residential development, including mixed uses, in the Growth Centres with clearly defined boundaries

2.1 Growth Centres

Goal: To encourage within Growth Centres the development of vibrant, complete communities that provide municipal services, contribute to a high quality of life, promote economic development, and reinforce the distinct character of each Growth Centre.

Objectives: To support the preservation of agricultural land and rural character by directing development to clearly defined Growth Centres.

Similar statements appear in the secondary plans. For example, the objectives of the Port Williams Community Plan include the following: “To maintain a compact and walkable community”; “To ensure infill development opportunities which reduce the need to expand the Growth Centre are thoroughly explored.”

The dual planning approach is reflected in other aspects of the draft MPS. For example, the policy for Infrastructure states, “Council intends to strengthen its strategy for directing urban development and associated infrastructure to existing Growth Centres to further encourage the maintenance and development of cost-effective infrastructure networks.” Importantly, the goal to direct urban development to designated Growth Centres is often stated with specific reference to protecting farmland, thereby affirming the County’s dual approach. For example, a stated objective of the Coldbrook Community Plan is “To prevent Growth Centre expansion into land

currently zoned agricultural.” All of these statements support the commitment to contain urban growth within defined boundaries of the Growth Centres, thus minimising uncertainty about the future uses of agricultural lands generally.

However, a critical issue in the draft MPS relates to the permanence and integrity of the boundaries of the Growth Centres. Notably, with regard for expanding Growth Centre boundaries, the draft MPS states,

2.1 Growth Centres

Amendments: Future Consideration of Growth Centre Boundary Expansions

Given the potential for controversy around the expansion of Growth Centres, the Municipality has conducted extensive study and consultation in establishing the Growth Centre boundaries indicated on Schedule A. 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. The following policy is intended to guide future Councils when considering future Growth Centre boundary expansions.

Policy

As a result, it shall be the policy of Council to:

2.1.11 periodically review the boundaries of Growth Centres and consider the expansion of Growth Centre Boundaries. When considering any expansion of Growth Centre boundaries, Council shall consider the following:

- (a) the Growth Centre Boundaries policies contained in this section; and
- (b) the future Growth Centre Expansion Areas policies contained in this section.

This policy statement contributes to uncertainty. Although the reference is brief, the implications of the statement are significant. The Growth Centre boundaries are essential to containing growth and minimising uncertainty about where future development will take place. If “some” of these boundaries are arbitrary then one might question the basis of all the policies related to Growth Centres. This open-ended approach to containing urban development in Growth Centres is reflected in the numerous opportunities for development agreements and amendments that could impact the agricultural land base. On similar grounds, the purpose and operationalisation of “regional clusters” is vague, raising questions about the future use of agricultural land within and adjacent to these “regions.”

With regard for non-farm development of agricultural lands, there are mixed results. On the one hand, the draft MPS de-emphasises soil capability as a condition for determining whether a particular parcel can be used for non-farm development. Apparently, this has been an issue for the County and the change removes what is recognised as a loophole within the legislative framework, thereby minimising uncertainty. The inclusion of additional conditions for where new non-farm dwellings are permitted in agricultural zones (i.e., between an existing dwelling on a public road, no more than 500 feet apart measured at the required front setback) mitigates impacts on agricultural lands in a positive way.

On the other hand, the A1 Zone aims to “provide maximum flexibility for agricultural and complementary uses.” Although the corresponding aim is to limit non-farm development, basing land use planning on flexibility creates a more open-ended approach that can lead to unintended consequences. This aim to maximise flexibility is more problematic in the absence

of corresponding statements to protect agricultural land. For example, under Agricultural Designation (3.4), the MPS states,

There is a distinction between more urban areas that provide a range of residential options and services, and rural lands that are devoted to agricultural uses. Planning policies have helped to reinforce this distinction and the result is a balanced approach that directs the bulk of urban-type development into established Growth Centres while encouraging agriculture to thrive in areas that enhance the industry by reducing conflict and controlling the amount of land that can be used for non-farm uses.

In the absence of an explicit statement to protect agricultural land, the open possibilities of interpreting the ways of “encouraging agriculture to thrive” through maximum flexibility leaves agricultural land exposed to non-farm uses. The same may be said regarding policy for Non-Farm Dwellings (8.3.4.1), which permits a new non-farm dwelling under specific circumstances. Although the conditions limit the impact of the new dwelling, it is unclear why these new dwellings are permitted.

Changes related to the Rural Mixed Use (A2) Zone may have mixed effects on agricultural lands. The remaining hamlets (those not re-designated as Growth Centres) have been rezoned as Rural Mixed Use (A2). If this change contributes to more clearly defined boundaries and consistent policies then the change will help to reduce uncertainty about future land uses. In contrast, the conversion of lands previously zoned as Forestry Districts (F) to A2 land appears to have introduced more uncertainty, whereby A2 is intended to accommodate rural residential development.

In addition to the above aspects that contribute to uncertainty, the absence of a clear rationale for accommodating non-farm rural development and urban expansion heightens uncertainty about the future use of agricultural lands. For example, the policy aim to “accommodate the demand for rural dwellings” is not supported by population projections or housing studies that demonstrate that such demand exists.

Accommodate flexibility

The draft MPS (2016) is moderate at accommodating flexibility without contributing unnecessarily to uncertainty. Importantly, and positively, the MPS includes policies regarding the future expansion of existing Growth Centres and creation of new Centres. While acknowledging the possibility of future land use changes, these sections also articulate conditions that help to protect farmland while also accommodating growth. Areas identified as potential future Growth Centres take impacts on agricultural lands into account. Similarly, formally documenting conditions for both development agreements and amendments, in principle, is a proactive step to articulate the conditions that reflect the public interest in future land use decisions. The large number of potential exceptions may be difficult to manage.

Several additional elements help to accommodate flexibility. For example, as reflected in the following statements in the Port Williams secondary plan, the draft MPS requires the uses of buffers, seeks a balance of growth with long-term protection of agricultural lands, and allows the largest amount of agricultural land to remain in production.

4.5 Port Williams Community Plan

Residential: To provide a buffer between residential developments and agricultural

activities.

Development Agreements

4.5.24 consider only by development agreement in the Comprehensive Neighbourhood Development (R6) Zone, residential development which is sympathetic to neighbouring farms and will not interfere with normal agricultural activities. In considering such development agreements Council shall be satisfied that:

- (a) the density of the overall development is a minimum of 4 units per acre;
- (b) development of the area shall be phased in such a manner as to allow the largest amount of agricultural land to remain in production as possible;

Growth Centre Boundary

Overall, these adjustments to the Growth Centre boundary were intended to strike a balance between urban growth, ground water protection and the long-term preservation of the surrounding agricultural lands.

Goal To balance urban growth with the long-term protection of ground water resources and the surrounding agricultural lands.

However, given the various non-farm developments on agricultural land and opportunities for urban expansion, more detailed and explicit statements that seek to accommodate these uses without contributing to fragmentation and alienation of farmland would strengthen the MPS. These statements could be formally developed as part of policies that require agricultural impact assessments (AIAs) and establish development permit areas (DPAs). The latter could be supported by edge planning guidelines. The draft MPS does not refer to the Planning Advisory Committee or the possibility of establishing an agricultural advisory committee. All of these tools can be used to help accommodate non-farm development in agricultural areas without contributing unnecessarily to uncertainty.

Comparative Assessment

In this report, my aim is to evaluate the strength of policy focus of the current and draft Municipal Planning Strategies for the Municipality of the County of Kings, Nova Scotia. In this section I will compare the results. In addition, a set of tables, included in the Appendix, present side-by-side statements for relevant sections of the two MPS documents. These statements are organised by each of the four principles.

Overall, we see an important decrease in the strength of the draft MPS for protecting its agricultural land base for agricultural uses, from a measure of “somewhat strong” for the current MPS to “moderate.” The County’s commitment to protecting farmland is present in the draft MPS and remains a priority. This commitment is evident most clearly in the Vision Statement for Agriculture, which is a very positive addition to the MPS, as follows (and worth repeating):

Vision Statement: Agriculture

The Municipality has protected important areas of land for future agricultural development and production. The agricultural heritage is enhanced through diversification and innovation in the sustainable use of agricultural land. There is a robust industry which is recognized as a leader in the agricultural sector and is characterized by ongoing stability, viability, and best practices.

Agriculture priorities:

Identify and continue to protect agricultural land

The language used in the supporting goals, objectives, and policies for agricultural lands are somewhat consistent with this priority of protecting farmland. Importantly, the commitment to protecting farmland in the Agricultural (A1) Zone is consistent with the current MPS, but not stated as clearly or directly. Albeit, an unequal treatment of all agricultural lands persist, whereby “active” and “high capability” lands, as well as rural versus urban agricultural lands, exist under different policies that range from strong to no protection.

Notwithstanding limitations, it is possible that a few key changes have strengthened the protection of agricultural lands. Namely, the de-emphasis on soil capability is intended to eliminate a problematic loophole in the current MPS that enables land owners to argue for the conversion or alienation of agricultural lands. The other positive change is policy that is designed to for the County to restrict where new non-farm dwellings can be built. Given this ongoing commitment to lands in the A1 Zone and positive changes, our concerns about the farmland protection policies lie elsewhere.

While the commitment to protecting farmland has been upheld somewhat, there appears to be a shift to accommodating more non-farm development in agricultural areas and the future expansion of urban areas. Although this shift in policy does not need to weaken the level of protection for farmland, several of the policy changes weaken the strength of the policy focus for protecting farmland, primarily by contributing to greater uncertainty about the future use and loss of agricultural lands.

Given the low demand for urban development (based on population trends) and low pressure to convert agricultural lands, any need to relax restrictions on non-farm development

outside of the A1 Zone seems unwarranted. If the shift is not a response to urban pressures on the agricultural land base then it may be motivated by a desire to eliminate potential barriers to any future development. The result is a legislative framework that relies in accommodating flexibility. The desire for flexibility is evident clearly within the A1 Zone policies, which are designed to “maximise flexibility” to accommodate uses that support the agricultural sector. As a matter of principle, it is very problematic to premise land use policies on flexibility because this approach undermines other elements of a legislative framework. Policies that accommodate flexibility should be considered *only after* the other three principles of land use planning have been addressed appropriately, including that the stability of the policy focus for farmland protection is at least strong.

Containing urban growth is a necessary complement to protecting farmland, as has been and continues to be recognised by Kings County. However, as we noted, the draft MPS refers specifically to the “arbitrariness” of some of the Growth Centre boundaries. Since its inception in 1979, the Growth Centre boundaries have served to protect agricultural land. If the boundaries are no longer guided by this premise then the rationale for the long-standing dual approach to planning in Kings County appears to be open for discussion – and future applications for non-farm development. Although the inclusion of this statement about “arbitrariness” may have been well intended, it seems an odd statement to make, unless the intent is to keep the boundary open to future possible development that the County has not foreseen. Although this approach has merit, it does introduce uncertainty unnecessarily.

The greater level of uncertainty for agricultural land is also reflected in the change in land use designation of some Forestry District (F) lands to Rural Mixed Use (A2). Under the current MPS, the Forestry District policies included the following statements:

Of overriding importance in planning for the rural areas is the protection and enhancement of the County's natural resources. Council's rural policies are directed towards accommodating some rural and resort development without compromising the future capability of the County's natural resources or the integrity of community health.

Within the Forestry Districts, Council's policies place a dominant emphasis on resource production and associated industrial development. New permanent residential uses are permitted along existing public roads as a rural residential option. However, Council will not promote the Forestry District for residential development. Likewise, provisions for commercial, and community and recreation facilities are aimed at permitting a minimum level of basic conveniences for rural residents.

All forms of agricultural uses will be permitted in the Forestry Districts. Special policy provisions are included which are designed to protect existing agricultural operations from encroachment by non-resource related uses.

3.3.1.2 To establish provisions for forestry and agricultural uses as the first priority in the Forestry Districts.

In contrast, the Rural Mixed Use (A2) designation states, “lands located in this zone are intended to contain a mix of agricultural, residential and resource uses, in order to enable the expansion of

the agricultural industry as well as accommodate demand for rural housing.” This change in land designation reflects a change from a strong commitment to protecting agricultural land and activities to accommodating mixed-use development, thereby increasing the potential for land use conflicts.

In spite of some success to restrict non-farm development in agricultural areas, the draft MPS acknowledges that land prices threaten the financial viability of farms. Such rising prices are often a result of land speculation, whereby agricultural land is purchased in anticipation of capturing benefits of non-farm development. If this is the case in Kings County then changes to the MPS that reflect an interest in accommodating more urban and non-farm development present potential concerns. The failure to minimise uncertainty within a statutory plan is a weak aspect of a legislative framework that can lead to land speculation. Kings County can make changes that help to minimise uncertainty.

Although there is an explicit interest by the County to attract new residents, especially younger ones and the corresponding need for generating employment opportunities, there is little attention given to the fact that there has been very little growth in the population over the past ten years (see population tables above). The absence of any discussion about projected population growth rates makes it difficult for the reader to evaluate the need to accommodate more rural residential development and future urban expansion. The following are some statements included in the draft MPS about future population growth rates.

Kingston/Greenwood/Aylesford

The rate of residential development in this cluster peaked in 1996 and has experienced a slow decline since 2001. The population change here reflects provincial trends of smaller family size and an aging population to a lesser degree than other parts of Kings County due in part to the prevalence of younger military families in the area.

Berwick to Coldbrook

The Growth Centre of Coldbrook has grown substantially, both residentially and commercially, since sewer services were provided in the community in 1978. Factors such as proximity to major employers in Waterville, Cambridge and Kentville, easy access to Highway 101, a burgeoning commercial sector, and an elementary school combined to make Coldbrook one of the fastest growing communities in Nova Scotia in the 1980s and 1990s. Population and residential development have slowed somewhat in recent years but Coldbrook, in the Kings County context, continues to be a leader in growth.

Kentville to Wolfville

The population grew substantially in the 1980s and 1990s when new residential activity peaked. Since 2001, the population has declined slightly.

Canning

The population of Canning remained stable at approximately 800 people for many years and residential development has been modest. The community’s role as a commercial service centre, and as the site of one of four regional high schools in the Municipality, would indicate that the population will remain stable over the coming years.

Avonport and Hants Border

The Growth Centres of Avonport and Hants Border are the two most easterly communities with sewer service in the Municipality. Though both currently have relatively small populations, their location nearby Highway 101 and proximity to Halifax could impact future development trends.

Future Growth Centre Expansion Areas

The location and size of each Growth Centre is intended to provide ample development opportunities for the next 30 years. Council recognizes that there may be a need for future expansion if population and economic growth meet or exceed the highest growth projections. Areas identified as appropriate for future urban development are described below [Canaan Ridge, North Alton, and North Cambridge].

The above statements are consistent with low pressure for conversion of agricultural lands.

Several other aspects of the draft MPS represent decisions to either delete or omit elements that can strengthen the protection of agricultural land in the County. These aspects include the following:

- The reference to the Statement of Provincial Interest Regarding Agricultural Land was deleted;
 - Although there are two references to “normal farming practices” in the draft MPS, there is no corresponding reference to the *Farm Practices Act*. Although it is reasonable that this Act is not referenced in the current MPS, the County can add this to the draft MPS in order to acknowledge the rights of farmers to practice normal farming activities.
 - The draft MPS deleted the requirement for an Agricultural Impact Assessment for changes to Growth Centre boundaries.
 - The draft MPS deleted the requirements for an Agricultural Suitability Report when developing lots in the former Agricultural District.

These changes removed elements of the current MPS that contributed to the overall strength of the draft MPS. It is possible that the ways they are used in the current MPS are no longer needed. However, there may be other ways to integrate them, as they do remain relevant and important tools for agricultural land use planning.

Recommendations

As a general recommendation, I suggest that readers consider the observations in this report as a mirror that reflects the cumulative outcome of the County's decisions when drafting the MPS. There remains an opportunity to strengthen the County's commitment to protecting its agricultural land base while also accommodating future non-farm development. Rather than rely on flexibility to achieve a desired balance, the County has an opportunity to reconsider some of its goals, objectives, and policies. As presented below, there are steps available to the County that can help to maximise the expressed commitment to protecting farmland, better integrate your local priorities with the provincial interest in protecting farmland, and minimising uncertainty through a stronger commitment to containing urban development within existing Growth Centres.

Maximise stability

- Clearly state the commitment to protect agricultural land throughout the MPS;
- Treat all agricultural land equally with regard to protection;
- Develop and formally adopt a secondary plan for all agricultural lands; include appropriate references to the secondary plan for agriculture within the MPS;
- Develop and formally adopt an agricultural economic development strategy; include appropriate references to the strategy within the MPS;
- Complete a comprehensive agricultural land use inventory; use the information to inform land use planning decisions.

Integrate public priorities across jurisdictions

- Include sets of statements that explain the relationship between the MPS and each of the following provincial legislation:
 - *Statement of Provincial Interest Regarding Agricultural Land*;
 - *Farm Practices Act*;
- Describe, as appropriate, the relationship between the MPS and Kings 2050;
- Describe the relationship between the MPS and the planning aims and objectives for the towns of Berwick, Kentville, and Wolfville.

Minimise uncertainty

- Affirm the County's commitment to existing Growth Centre boundaries;
- Delete reference to the arbitrariness of some Growth Centre boundaries; clearly state the criteria for establishing and maintaining Growth Centre boundaries;
- Provide population and housing projections that substantiate the demand for rural dwellings and future expansion of Growth Centre boundaries;
- Establish population thresholds, or other mechanisms, that can guide the timing and implementation of future development;
- Eliminate vague terms by deleting or clearly explaining them.

Accommodate flexibility

- Establish an Agricultural Advisory Committee with the responsibility for reviewing land use planning decisions that affect agricultural lands and their uses; provide recommendations to Council;
- Require a comprehensive agricultural impact assessment for all non-farm developments in rural areas and expansion of Growth Centre boundaries;
- Develop and adopt Development Permit Areas that are designed to manage farm/non-farm interface areas;
- Develop and implement guidelines for edge planning; all buffers must be accommodated on the urban and non-farm sides of the interface.

For more information about the project, please visit the project website or contact

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Appendix: Glossary

Policy:

A formal statement of intent; principles, rules, or guidelines that are designed to determine or influence major decisions or actions and all activities that fall within the domain of the policy.

Enforceable policy:

Policy with clear statements of intent to enforce (often with penalty for failing to follow the policy)

Aspirational policy:

Policy without clear statements of intent to enforce (often with penalty for failing to follow the policy); a broad statement about desired outcomes, objectives, or activities

Enabling policy:

Policy with clear statements of intent to implement a policy (e.g., provide resources)

Policy regime:

A policy regime and its changes refer to the combination of issues, ideas, interests, actors and institutions that are involved.

Legislation:

A law (or Order in Council) enacted by a legislature or governing body; can have many purposes: to regulate, to authorize, to proscribe, to provide (funds), to sanction, to grant, to declare or to restrict.

By-law (bylaw):

Local laws established by municipalities as regulated by the provincial government. Note: for our purposes, a by-law is considered part of legislation.

Regulation (pursuant to Act):

Is a form of legislation (law) designed with the intent to regulate; a rule or law designed to control or govern conduct; creates, limits, constrains a right, creates or limits a duty, or allocates a responsibility.

Governance:

Methods, systems, or processes of governing; the act of implementing policy and legislation. For our purposes we are concerned with groups (e.g., commissions, advisory committees) that have the authority to apply, review, or enforce policy and legislation specific to agricultural land use planning.

APPENDIX: Comparative tables of current and draft MPS documents

The following set of tables presents statements from the current MPS and draft MPS. In order to facilitate comparison, the statements are organised in two ways. First, consistent with the results presented above, relevant statements are organised under each of the four principles. Second, within each principle, the statements are organised by policy area, e.g., vision, Growth Centres, agricultural land designations, etc.

Principle: Maximise Stability

MPS (1979)	Draft MPS (2016)
<p>1.2.3 The Municipal Planning Strategy – 1992 confirms the Urban Growth Centre and Rural Land Capability Concept to:</p> <p>1.2.3.2 To protect and enhance the high capability natural resource base in rural areas for primary resource development associated rural land use activities Policies for the Rural Districts have been refined to strengthen the protection of the County's valuable resource base.</p> <p>1.3.3 Kings County Municipal Planning Strategy - Rural Goals The Rural Goals are:</p> <p>1.3.3.1 To facilitate the growth of the agricultural industry in the County by:</p> <ul style="list-style-type: none"> designating lands with high agricultural soil capability as protected Agricultural Districts; reducing the undue fragmentation of farmland which limits future expansion of agricultural activity; <p>1.3.3.2 To minimize and reduce conflicts between the agricultural industry and non-agricultural development by:</p> <ul style="list-style-type: none"> protecting the prime agricultural areas from the intrusion of uses which are incompatible with or adverse to the future growth of the agricultural sector; <p>3.2 Agricultural Districts 3.2.1 Agricultural District - Introduction Municipal Council believes that prime farmland should be used for farming. Kings County has the most abundant and diverse range of agricultural production in Nova Scotia. By examining trends, it is thought that, without intervention, there would be a significant amount of non-farm development on prime agricultural land. For this reason, Municipal Council has defined an Agricultural District where an expansion of farming activities is promoted and new non-farm uses are discouraged. The District is to be the 'home' for agricultural development with few limitations on farming activities.</p> <p>3.2.3 Agricultural Goals and Objectives Council's goals reflect a longstanding notion that farmland should be used for farming.</p> <p>3.2.3.1.1 Council's goals shall be to:</p> <p>a. protect and enhance the agricultural resource base; and</p> <p>3.2.3 Agricultural Goals and Objectives 3.2.3.2 Objectives 3.2.3.2.1 Council's objectives shall be to:</p>	<p>Vision Umbrella Vision Local communities reap the benefits of robust farms and agricultural services, a multifaceted economy, proximity to Halifax, knowledge-based institutions, a world renowned cultural environment, and scenic landscapes.</p> <p>Agriculture The Municipality has protected important areas of land for future agricultural development and production. The agricultural heritage is enhanced through diversification and innovation in the sustainable use of agricultural land. There is a robust industry which is recognized as a leader in the agricultural sector and is characterized by ongoing stability, viability, and best practices.</p> <p>Agriculture priorities:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Identify and continue to protect agricultural land; <p>3.4 Agricultural Designation Context There is a distinction between more urban areas that provide a range of residential options and services, and rural lands that are devoted to agricultural uses. Planning policies have helped to reinforce this distinction and the result is a balanced approach that directs the bulk of urban-type development into established Growth Centres while encouraging agriculture to thrive in areas that enhance the industry by reducing conflict and controlling the amount of land that can be used for non-farm uses.</p> <p>Goal To identify lands where agricultural and related land uses are encouraged, promoted and given priority over other types of land uses.</p> <p>Objective To limit and manage non-farm development that could otherwise be located in Growth Centres. To protect active agricultural lands for future generations.</p> <p>Agricultural Policy 3.4.1 The Agricultural Designation is intended to encompass the rural parts of the Municipality where agriculture is a dominant land use; 3.4.2 establish the following Agricultural Zones in the Land Use By-law: (a) Agricultural (A1): lands located in this zone are those which have</p>

<p>b. protect the prime agricultural areas from the intrusion of use that are incompatible with, or unnecessary to the future growth of, the agricultural sector</p> <p>c. reduce the undue fragmentation of farmland which limits future expansion of agricultural activity;</p>	<p>been identified as high-capability agricultural lands for future agricultural production. This zone will provide maximum flexibility for agricultural and complementary uses and limit non-farm development, including housing;</p> <p>(b) Rural Mixed Use (A2): lands located in this zone are intended to contain a mix of agricultural, residential and resource uses, in order to enable the expansion of the agricultural industry as well as accommodate demand for rural housing;</p> <p>(c) Farm Commercial (A3): lands located in this zone are those which contain existing farm operations in Greenwich, either within or outside of the Growth Centre, and are developed with, or are intended to be developed with, commercial uses directly related and complementary to agricultural activities; and</p> <p>(d) Country Residential (A4): lands located in this zone are intended to provide opportunities for rural residential development while accommodating resource development and agriculture and limiting the potential for new public roads to be constructed in rural areas; and</p> <p>(e) Historic Hamlet of Grand Pré (A5): lands located in this zone are intended to contribute to the maintenance of existing residential areas in the Historic Hamlet of Grand Pré while allowing for residential care facilities, non-profit camps, and small-scale tourist commercial lodging facilities, with or without a public restaurant component;</p> <p>Agricultural Uses The Agricultural Designation gives priority to agricultural uses. From crops and barns to greenhouses and processing, a broad variety of agricultural and related uses needs to be permitted to enable farms to grow and adapt to changing conditions and opportunities.</p> <p>3.4.4 permit within all agricultural zones a broad range of agricultural and related uses, which may be tailored to the intent of the specific zone, including but not limited to farm buildings, the processing of agricultural products, and the direct sale of farm products; and</p> <p>3.4.5 require flexible lot and building standards for agricultural uses, while also providing appropriate separation from adjacent properties and sensitive environmental features.</p>
<p>3.1 Resource and Rural Development Districts Of overriding importance in planning for the rural areas is the protection and enhancement of the County's natural resources. With the county's economy having evolved around its agricultural land base, protection of the prime agricultural lands and encouragement of farming activity is the fundamental objective in establishing the Agricultural Districts designation.</p> <p>3.2.17 Farming Outside the Agricultural District 3.2.17.1.1 It shall be the policy of Council to recognize the high value of Cornwallis Soils lands and certain boglands for agriculture. Council shall seek to protect these lands for agriculture by means other than including them in the Agricultural District.</p> <p>3.3 Forestry Districts Of overriding importance in planning for the rural areas is the protection and enhancement of the County's natural resources. Council's rural policies are directed towards accommodating some rural and resort</p>	<p>2.2 Rural Areas Goal To identify lands where maintaining the existing rural character and ecologic and economic functions of rural areas is given priority over other uses. Objectives To discourage residential developments in agricultural areas by providing a variety of development opportunities within Growth Centres; and To encourage and promote agricultural activities in areas identified as having agricultural capability. Rural Policy 2.2.1 identify areas located outside of Growth Centres as rural areas. These areas are intended to contain primarily agricultural and resource-related uses, industries that are complementary to rural commercial and rural industrial uses, recreational uses, renewable energy resource uses, and limited residential development;</p> <p>3.6 Resource Designation</p>

<p>development without compromising the future capability of the County's natural resources or the integrity of community health.</p> <p>Within the Forestry Districts, Council's policies place a dominant emphasis on resource production and associated industrial development. New permanent residential uses are permitted along existing public roads as a rural residential option. However, Council will not promote the Forestry District for residential development. Likewise, provisions for commercial, and community and recreation facilities are aimed at permitting a minimum level of basic conveniences for rural residents.</p> <p>All forms of agricultural uses will be permitted in the Forestry Districts. Special policy provisions are included which are designed to protect existing agricultural operations from encroachment by non-resource related uses.</p> <p>3.3.1.2 To establish provisions for forestry and agricultural uses as the first priority in the Forestry Districts.</p> <p>4.7 Topsoil Removal Municipal Council has enacted policies and regulations that prohibit the removal of topsoil for commercial purposes in the Agricultural (A1) Zone and limits its removal in other Zones in the County.</p> <p>2.1.6 Growth Centre Designation Originally the Growth Centre boundaries were based on the goal of conserving resource lands and recognized the existing settlement patterns and municipal servicing availability. These considerations are equally valid in the 1990's and have been expanded to include the following eleven factors....</p> <p>2.1.1 The Coldbrook - Wolfville Urban Corridor Growth Centres The Coldbrook Secondary Planning Strategy focuses on supporting the balanced growth of residential and commercial uses in the community, protection of existing agricultural operations, protection of the environment, and supporting the community's transportation goals of improving pedestrian and automobile traffic circulation.</p> <p>Coldbrook Secondary Planning Strategy 2.10.4.9 Agriculture It is essential that the rural flavour that is part of the heritage of the community be preserved, to protect the existing agriculture as already mandated by the County; and to strive for harmony where residential and agriculture uses co-exist. 2.10.4.9.2.1 To protect existing agricultural operations and lands by continuing to list "Existing Farms" as permitted uses in the R1, R2 and R3 Zones.</p> <p>4.4.9 Grand Pré and Area Council recognizes the importance of maintaining the strong</p>	<p>To protect active agricultural lands by providing space for other types of resource-based industries in areas not suitable for agriculture.</p> <p>Topsoil Removal 3.4.31 prohibit the removal of topsoil for sale in the Agricultural (A1) Zone, other than removal incidental to sod farming, the sale of plants by nurseries and greenhouses, peat moss extraction and excavation associated with the construction of buildings and infrastructure such as roads;</p> <p>2.1 Growth Centres The continued development of Growth Centres represents an opportunity for the efficient use of existing investments in infrastructure while maintaining the viability and vitality of rural areas. To support the preservation of agricultural land and rural character by directing development to clearly defined Growth Centres.</p> <p>Growth Centre Boundary Overall, these adjustments to the Growth Centre boundary were intended to strike a balance between urban growth, ground water protection and the long-term preservation of the surrounding agricultural lands. Goal <input type="checkbox"/> To balance urban growth with the long-term protection of ground water resources and the surrounding agricultural lands.</p> <p>4.4 Coldbrook Community Plan It is essential that the rural flavour that is part of the heritage of the community be preserved to protect the existing agriculture as already mandated by the Municipality and to strive for harmony where residential and agricultural uses co-exist. Objectives 4.4.9 protect existing agricultural operations and lands by continuing to list "existing farms" as permitted uses in the Residential Zones.</p> <p>4.6 Grand Pre Community Plan Agriculture</p>
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<p>agricultural land protection measures for this area by limiting non-farm industrial and residential development.</p> <p>4.4.9 Grand Pre A Agriculture</p> <ul style="list-style-type: none"> • To recognize the significant role of agriculture and of the Grand Pré Marsh Body in preserving agricultural land in the area • To reduce land use conflicts by controlling and limiting land uses and establishing requirements for agricultural land within Grand Pré and Area <p>A1 Council shall recognize the importance of existing Agricultural District policies in preserving agricultural land for agricultural use while reducing the potential for land use conflicts with controls on non-farm uses.</p> <p>4.4.9 Grand Pre B Business</p> <p>Objectives</p> <ul style="list-style-type: none"> • To protect and preserve agricultural lands for farming <p>B1 Council shall preserve and protect lands within the Agricultural District within the Grand Pré and Area Plan.</p> <p>Port Williams Secondary Planning Strategy</p> <p>Goal</p> <p>To balance urban growth with the long-term protection of ground water resources and the surrounding agricultural landscape.</p>	<p>One of the goals of this land use planning initiative is to reduce the potential for land use conflicts in the agricultural community.</p> <p>Goal</p> <ul style="list-style-type: none"> <input type="checkbox"/> To sustain the agricultural community within its rural setting. <p>Objectives</p> <ul style="list-style-type: none"> <input type="checkbox"/> To recognize the significant role of agriculture and of the Grand Pré Marsh Body in preserving agricultural land in the area; <input type="checkbox"/> To reduce land use conflicts by controlling and limiting land uses and establishing requirements for agricultural land within Grand Pré and Area; <p>Council recognizes the importance of maintaining the strong agricultural land protection measures for this area by limiting non-farm industrial and residential development.</p> <p>Agriculture</p> <p>4.6.8 recognize the importance of existing agricultural policies in preserving agricultural land for agricultural use while reducing the potential for land use conflicts by establishing controls on non-farm uses;</p> <p>4.5 Port Williams Community Plan</p> <p>Development Agreements</p> <p>(b) development of the area shall be phased in such a manner as to allow the largest amount of agricultural land to remain in production as possible;</p> <p>Goal</p> <p>To balance urban growth with the long-term protection of ground water resources and the surrounding agricultural lands.</p> <p>2.8 Energy</p> <p>Objectives</p> <p>To protect prime agricultural land from inappropriate energy development;</p>
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Principle: Integrate Priorities across Jurisdictions

MPS (1979)	Draft MPS (2016)
<p>3.2.3 Agricultural Goals and Objectives The Municipality’s goal of providing for the protection of prime agricultural lands is consistent with and supported by the Statement of Provincial Interest Regarding Agricultural Land. As mandated by the Statement of Provincial Interest, the Municipality has identified and provided for the protection of agricultural land as well as adopted land use regulation and development control provisions which directly support preservation measures. As also envisioned in the Statement of Provincial Interest, the Municipality recognizes the need to acknowledge and address existing non-agricultural development in the Agricultural District as well as the need to be able respond to potential new non-agricultural uses. It is recognized that certain non-agricultural uses can be successfully integrated into the Agricultural District with minimal impact on farming activities due to their specific nature or their location on specific lands which are unsuitable for agricultural production. Lands may be deemed unsuitable for agricultural production due to land use, property characteristics and economic conditions. The ability to provide for limited and appropriate non-agricultural uses is supported through the Statement of Provincial Interest and has been integrated into various policy provisions of this Strategy.</p> <p>Coldbrook Secondary Planning Strategy 2.10.4.9.1 Objectives 2.10.4.9.1.1 To accept a level of conflict between residential uses and normal farming practices.</p> <p>Port Williams Secondary Planning Strategy Residential R3 Residential development in these areas is intended to be sympathetic with neighbouring farms and not interfere with normal agricultural activities.</p> <p>6.1.1 Council's Policy Framework and Further Considerations 6.1.1.1 The Municipal Planning Strategy for the County of Kings is the prime policy document providing the framework by which the future growth and development of the County shall be encouraged, controlled, and co-ordinated. The policies of the Strategy will be implemented through the powers of Council as provided by the Nova Scotia <i>Municipal Government Act</i> and other statutes as may apply. 6.1.1.2 In addition to employing specific implementation measures it shall be the policy of Council to maintain a program of ongoing planning through its Planning Advisory Committee (PAC). Such a program shall include, but shall not be restricted to the preparation of Secondary Planning Strategies for the Growth Centres, programs of public information and participation, and further studies respecting such matters as recreation, transportation, extractive resources, lakeshore capacity, shoreland management, forestry and any others which Council deems suitable.</p>	<p>1.2 Introduction Planning Context This Municipal Planning Strategy is the policy framework used by Municipal Council to guide development, land use, and other matters of interest within the terms of Parts 8 and 9 of the Municipal Government Act. The Land Use By-law and the Subdivision By-law are the companion documents and are the regulatory tools used to "carry out the intent of the Municipal Planning Strategy" as set out in Section 212 of the Municipal Government Act. This Municipal Planning Strategy has been prepared in accordance with the requirements of the Municipal Government Act, as amended from time-to-time.</p> <p>2.1 Growth Centres Under the Municipal Government Act, villages may provide a variety of services including the provision of central water and sewer services, snow and ice removal, libraries, and fire and emergency services. Villages do not have the power to make decisions related to land use planning. Therefore, properties located within villages are subject to the policies of this Strategy. There are seven (7) villages located within Kings County: Kingston, Greenwood, Aylesford, Cornwallis Square, New Minas, Port Williams and Canning.</p> <p>Policy 2.1.9 collaborate with the appropriate towns, villages, and other regional stakeholders to develop and implement a comprehensive land use plan for any area within a Future Growth Centre Expansion Area under consideration for inclusion in a Growth Centre or classification as a new Growth Centre if there is a demonstrated need for more land for development within the general region;</p> <p>4.0 Community Plans Policies 4.0.1 consider Community Plans contained within this Part and which form an integral component of this Municipal Planning Strategy as secondary plans enabled by the Municipal Government Act;</p> <p>5.2 Administration This Municipal Planning Strategy is the policy framework used by Municipal Council to guide development, land use, and other matters within the terms of Parts 8 and 9 of the <i>Municipal Government Act</i>. This section identifies administration tools related to this Municipal Planning Strategy.</p> <p>Development Agreements Policy As a result, it shall be the policy of Council to: 5.3.6 consider proposals to enter into a development agreement, pursuant to Sections 225 through 230 inclusive of the <i>Municipal Government Act</i> on the terms and conditions set forth in this Municipal Planning Strategy, and a development agreement shall: (a) specify the development, expansion, alteration, or change permitted; (b) specify the conditions under which the development may occur; and (c) set terms by which Municipal Council may terminate and discharge an agreement.</p>

Principle: Minimise uncertainty

MPS (1979)	Draft MPS (2016)
<p>1.2.2 A Review of Performance: 1979 – 1990 Since the introduction of the Agricultural District designation and policies this figure has reduced significantly to 18% during the latter part of the eighties. The majority of new housing has successfully been directed to the Growth Centres or to lands with low soil capability for agriculture. The policies have, therefore, reduced non-farm development on lands which are reserved for agricultural uses.</p> <p>1.2 Planning Program confirms the Urban Growth Centre and Rural Land Capability Concept to:</p> <p>1.2.3.1 Direct the majority of future population growth and associated urban services into designated growth centres</p> <p>1.3.2 Kings County Municipal Planning Strategy - Urban Goal The Urban Goal is:</p> <p>1.3.2.1 To direct urban growth and development to designated Growth Centres by:</p> <ul style="list-style-type: none"> • designating growth centre development boundaries. <p>2.1 Urban Development Policies – Growth Centres A major goal of this Municipality is to direct urban growth to designated growth areas. Council has identified and designated twelve areas as Growth Centres.</p> <p>2.1.1 The Coldbrook - Wolfville Urban Corridor Growth Centres There is a trend towards physical merging of the urban areas as they expand towards each other. This may eventually lead to a settlement pattern with little or no distinct separation between the Towns and the County's Growth Centres. The Coldbrook Secondary Planning Strategy focuses on supporting the balanced growth of residential and commercial uses in the community, protection of existing agricultural operations, protection of the environment, and supporting the community's transportation goals of improving pedestrian and automobile traffic circulation.</p> <p>2.1.6 Growth Centre Designation Originally the Growth Centre boundaries were based on the goal of conserving resource lands and recognized the existing settlement patterns and municipal servicing availability. These considerations are equally valid in the 1990's and have been expanded to include the following eleven factors</p> <p>2.1.7 Urban Objectives</p> <p>2.1.7.1 To identify urban areas within the Municipality and designate them as Growth Centres.</p> <p>2.1.7.2 To provide a policy framework to accommodate urban growth and development within defined areas.</p> <p>2.1.8 General Urban Policies</p> <p>2.1.8.1 Council shall define specific areas in which urban growth is to be concentrated.</p>	<p>1.1 The Regional Context: Past to Present For most of the 2000s the proportion of new housing built within agricultural areas has been between 10 and 12 percent; the majority of new housing has been successfully directed to the Growth Centres or to lands with low agricultural soil capability. The policies have reduced non-farm development on lands which are reserved for agricultural uses. The agricultural industry also faces challenges such as demographic and labour issues. Rising land prices threaten the financial viability of farms and encourage farmers to develop land for non-agricultural uses. Changes in food processing and distribution systems, combined with other market conditions, have resulted in a loss of viability in some agricultural industries.</p> <p>Vision Statements: Settlement priorities Concentrate new commercial and residential development, including mixed uses, in the Growth Centres with clearly defined boundaries</p> <p>2.1 Growth Centres Goal: To encourage within Growth Centres the development of vibrant, complete communities that provide municipal services, contribute to a high quality of life, promote economic development, and reinforce the distinct character of each Growth Centre. Objectives: To support the preservation of agricultural land and rural character by directing development to clearly defined Growth Centres.</p> <p>4.4 Coldbrook Community Plan Objectives: To prevent Growth Centre expansion into land currently zoned agricultural.</p> <p>4.5 Port Williams Community Plan Growth Centre Boundary Goal: To balance urban growth with the long-term protection of ground water resources and the surrounding agricultural lands. Objectives - To maintain a compact and walkable community; - To ensure infill development opportunities which reduce the need to expand the Growth Centre are thoroughly explored;</p> <p>2.3 Infrastructure Growth Centre Policy: Council intends to strengthen its strategy for directing urban development and associated infrastructure to existing Growth Centres to further encourage the maintenance and development of cost-effective infrastructure networks.</p>

2.1.8.6 Council shall plan for the gradual phasing out of agricultural land uses within the Growth Centres by designating lands for urban land uses.

2.9 Urban Municipal Services

Centralized growth is important from the standpoint of protecting the rural land resource base for agriculture, forestry and open space.

2.11 Future Growth Centre Expansion and New Growth Centres

Directing growth into designated Growth Centres will eventually lead to the need for future urban expansion, either through development boundary extension or the creation of new Growth Centres.

2.11.3 Coldbrook-Wolfville Urban Corridor Expansion

In planning for future corridor expansion, Council must consider its objective of minimizing the encroachment of urban development into prime agricultural land. This goal, therefore limits opportunity for major expansion north and east of the corridor as this would impinge into Agricultural Districts. While some future development boundary adjustments north and east may be considered, the main option for urban expansion in future may be to the south into the Country Residential and Forestry District. This would be in keeping with Council's commitment to the preservation of the agricultural land resources.

The areas south of Kentville and New Minas are designated Country Residential and Forestry respectively. A redesignation for urban development would require an amendment to this Strategy.

2.11.4 Coldbrook-Wolfville Urban Corridor Expansion Policies

2.11.4.1 Council may consider the areas south of Kentville between the Town boundary and Highway # 101 and south of New Minas between Highway # 101 and the White Rock Road east of the Highbury School Road for future urban expansion of the Coldbrook-Wolfville Urban Corridor.

2.11.6 General Growth Centre Expansion

At current development rates the Growth Centres have a sufficient supply of land to accommodate future growth needs for at least twenty years. (Refer to Part 7 Growth Centres Growth Performance Charts). The question of land availability, however, is most critical in Canning, Port Williams and Coldbrook where successful commercial farms occupy much of the internal serviceable land base. This factor may require Council to consider alternative growth expansion directions or strategies for inducing the conversion to urban development of farmland within the Growth Centres.

2.11.7 General Growth Centre Expansion Policy

2.11.7.1 Council shall consider the future expansion of Growth Centre development boundaries subject to Policy 2.11.2.1 and the availability of Growth Centre farmland for conversion to urban development.

2.11.8 New Growth Centres

Some rural residential areas and Hamlets located between or immediately adjacent to urban areas lie in the path of inevitable urban expansion. Where circumstances warrant, a new Growth Centre may be designated. Council will determine the timing of the designation and decide whether to expand an existing Growth Centre, or establish a new one.

2.11.9 New Growth Centres Policies

Future Growth Centre Expansion Areas

The location and size of each Growth Centre is intended to provide ample development opportunities for the next 30 years. Council recognizes that there may be a need for future expansion if population and economic growth meet or exceed the highest growth projections. Areas identified as appropriate for future urban development are described below.

Canaan Ridge

Its proximity to the rapidly growing Growth Centre of New Minas and to Highway 101 characterized the area as a logical extension for urban development, especially since this location did not include agricultural land.

North Alton

The area is not particularly suited to high-value forestry or agricultural activities, so intensification of urban uses, should the need arise, is likely the best use of land in the future.

Policy

2.1.8 identify areas for Future Growth Centre Expansion Areas in order to plan for transportation networks and central service connections to areas that could be developed in the future; and

2.1.9 collaborate with the appropriate towns, villages, and other regional stakeholders to develop and implement a comprehensive land use plan for any area within a Future Growth Centre Expansion Area under consideration for inclusion in a Growth Centre or classification as a new Growth Centre if there is a demonstrated need for more land for development within the general region;

Amendments: Future Consideration of Growth Centre Boundary Expansions

Given the potential for controversy around the expansion of Growth Centres, the Municipality has conducted extensive study and consultation in establishing the Growth Centre boundaries indicated on Schedule A. 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. The following policy is intended to guide future Councils when considering future Growth Centre boundary expansions.

Policy

As a result, it shall be the policy of Council to:

2.1.11 periodically review the boundaries of Growth Centres and consider the expansion of Growth Centre Boundaries. When considering any expansion of Growth Centre boundaries, Council shall consider the following:

- (a) the Growth Centre Boundaries policies contained in this section; and
- (b) the future Growth Centre Expansion Areas policies contained in this section.

Amendments and Development Agreements

2.11.9.1 Council may amend this Strategy to include serviced Hamlets or parts thereof as extensions to existing Growth Centres or as new Growth Centres.
 2.11.9.2 Council may recognize Greenwich as a serviced Hamlet which will continue to have an intermixture of agricultural, residential and related uses.
 2.11.9.3 Council may redesignate a serviced hamlet to a Growth Centre when there is an increased demand for urban development within the Community combined with the phasing out of agricultural activity.
 2.11.9.4 Policies of Section 6.1 Hamlet shall apply to any serviced hamlet unless otherwise stated in this Strategy.

Coldbrook Secondary Planning Strategy

Objectives

2.10.4.9.1.3 To prevent Growth Centre expansion into currently zoned agricultural land.

Coldbrook Secondary Planning Strategy

2.10.4.13 Growth Centre Boundary

Council intends to review the boundary again within a reasonable time period.

Policy

2.10.4.13.1.1 Council intends to review the Growth Centre boundary, and in particular the possible inclusion of adjacent Country Residential (R6) Zoned lands, within fifteen (15) years of the adoption of the Coldbrook Secondary Planning Strategy.

Port Williams Secondary Planning Strategy

G – Growth Centre Boundary

By 2010, the majority of the undeveloped land placed within the Growth Centre had been developed for residential subdivisions. Overall, these adjustments to the Growth Centre boundary strived to strike an appropriate balance between urban growth, ground water protection and the long-term preservation of the surrounding agricultural landscape.

1.3.3 Kings County Municipal Planning Strategy - Rural Goals

The Rural Goals are:

- discouraging rural residential subdivision development where services would be expensive and where such development will be detrimental to the future use of the land for agricultural development;
- controlling the physical development of communities within or adjacent to the Agricultural District to minimize the impact of urban expansion on the agricultural industry.

3.1 Resource and Rural Development Districts

Council's rural policies are directed towards accommodating some rural and resort development without compromising the future capability of the County's natural resources or the integrity of community health.

3.1.1 Rural Planning Objectives

- 3.1.1.1 To delineate rural land use districts on the basis of soil capability for resource activities.
- 3.1.1.2 To delineate rural residential and recreational resource areas on the basis of land use suitability.

Anticipating appropriate places to locate rural commercial and industrial businesses can be difficult. While areas zoned Rural Commercial (C4) and Rural Industrial (M4) will provide some opportunities, Council recognizes that these uses may wish to locate in other appropriate places either through new development or the reuse of existing structures.

Policy

As a result, it shall be the policy of Council to:

- 2.2.10 consider only by development agreement in the Resource Designation, proposals for uses that are not otherwise permitted or cannot meet zone standards and which support rural commercial or rural industrial uses. In considering such development agreements, Council shall be satisfied that:
 - (a) if the use is a listed, permitted use, the condition(s) that prevents the proposal from being permitted as-of-right in the designation is addressed by the development agreement including but not limited to enhanced buffering and the positioning and design of buildings and structures; and
 - (b) the proposal meets the General Development Agreement Requirements set out in section 5.3 Development Agreements and Amending the Land Use By-law;
- 2.2.11 consider proposals to rezone lands within the Agricultural Designation or Resource Designation from any other zone to the Rural Commercial (C4) Zone. In considering such proposals, Council shall be satisfied that the proposal:
 - (a) complements, rather than competes, with established commercial uses in the area;
 - (b) meets any specific rezoning criteria contained in the designation applicable to the lot. For the Agricultural Designation, these can be found in section 3.4 and for the Resource Designation, these can be found in section 3.6; and
 - (c) meets the general criteria for amending the Land Use By-law set out in section 5.3 Development Agreements and Amending the Land Use By-law; and
- 2.2.12 consider proposals to rezone lands within the Agricultural Designation or the Resource Designation from any other zone to the Rural Industrial (M4) Zone. In considering such proposals, Council shall be satisfied that the proposal:
 - (a) will not create undue conflict with nearby agricultural uses or rural residents;
 - (b) meets any additional rezoning criteria contained in the designation applicable to the lot. For the Agricultural Designation, these can be found in section 3.4 and for the Resource Designation, these can be found in section 3.6; and
 - (c) meets the general criteria for amending the Land Use By-law set out in section 5.3 Development Agreements and Amending the Land Use By-law.

2.2 Rural Areas

Context: The rural areas also include small clusters of residential, commercial and industrial development that are intended to provide opportunities for rural living and provide services that support rural activities such as agriculture and resource extraction generally within the existing developed area. Council does not intend significant expansions to the developed area in these locations.

Objectives

- To minimize development opportunities for uses that are intended to be located in Growth Centres.
- To discourage residential developments in agricultural areas by providing a variety of development opportunities within Growth Centres; and

<p>3.2 Agricultural Districts</p> <p>3.2.1 Agricultural District - Introduction Municipal Council believes that prime farmland should be used for farming.</p> <p>3.2.4 Agricultural District The Agricultural District, as shown on the Future Land Use Map, represents areas where there is a significant amount of land that is used, or has a high capability of being used, for common field crop production based on the Canada Land Inventory Capability Classification for Agriculture rating.</p> <p>3.6.1 Hamlet Communities As central sewerage services are not intended for Hamlets they are not expected or intended to generate significant growth. Most have experienced very little growth, but some show signs of increasing development pressure.</p> <p>3.6.3 Function of Hamlets Moreover the objective will be to strictly limit the size of Hamlets surrounded by agricultural uses in Agricultural Districts.</p> <p>3.6.4 Types of Hamlets Hamlets in Agricultural Settings dotted east and west along the valley floor and within the centre of the prime Agricultural Districts are the six Hamlets of Somerset, Grafton, Woodville, Lakeville, Sheffield Mills and Pereau. ... There does not appear to be a great deal of pressure to develop in these communities but the Hamlet boundaries encompass lands for expansion.</p>	<p>Rural Policy 2.2.4 recognize existing areas of clustered development and limit the expansion of these areas;</p> <p>3.4 Agricultural Designation Context: There is a distinction between more urban areas that provide a range of residential options and services, and rural lands that are devoted to agricultural uses. Planning policies have helped to reinforce this distinction and the result is a balanced approach that directs the bulk of urban-type development into established Growth Centres while encouraging agriculture to thrive in areas that enhance the industry by reducing conflict and controlling the amount of land that can be used for non-farm uses. Objective: To limit and manage non-farm development that could otherwise be located in Growth Centres.</p> <p>Agricultural (A1) Zone Given the generalized nature of the mapping, Council does not intend to base site-specific land use controls on the soils mapping - for example, whether a non-farm development is permitted. When it comes to non-farm housing, Council intends to refine its approach by strictly limiting non-farm housing; exceptions will be permitted only when it can be determined that the impact on surrounding agricultural uses will be limited, rather than on the age of a lot.</p> <p>Rural Mixed Use (A2) Zone Large areas of the North and South Mountains, as well as pockets on the Valley floor are characterized by a mix of agricultural, residential, and resource-based land uses. While the soils and climate on the North and South Mountains are not generally as productive as the Annapolis and Gaspereau Valley floors, agricultural uses are still dominant and many agricultural businesses flourish there. Unlike the Valley floors there are also large stretches of forested lands which have provided space and natural buffers for residential development to take place. The intent of the Rural Mixed Use (A2) Zone is to permit a mix of agricultural, residential and resource uses to enable the expansion of the agricultural industry, as well as accommodate demand for rural housing.</p> <p>Policy 3.4.15 zone as Rural Mixed Use (A2) portions of the North and South Mountains, as well as pockets on the Valley floor. It is intended to include: (a) areas of the North Mountain which contain large stretches of forests interspersed with agricultural uses, agricultural-related uses and limited residential development; (b) geographically distinct portions of the South Mountain where agriculture is a significant land use, as shown on the 2012 Land Cover Map; (c) geographically distinct portions of the Annapolis Valley and Gaspereau Valley floors containing blocks of land that are either defined by physical and natural features such as roads and rivers that contain less than 60 percent combined Class 2 and 3 agriculture capability soils and active agricultural land, as shown on the 2012 Land Cover Map; and (d) distinct communities on the Annapolis and Gaspereau Valley floors characterized as residential clusters and often containing a community meeting place, including but not limited to a place of worship, school, or community centre; 3.4.16 permit within the Rural Mixed Use (A2) Zone: (a) uses permitted in the Agricultural (A1) zone; (b) farm business dwellings and tenements to enable workers and</p>
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<p>3.4.2 Country Residential Districts - General Policies</p> <p>3.4.2.1 Council shall establish a "Country Residential" (CR) District designation. This designation is intended to provide an alternative to urban residential development, but resource related uses will also be permitted. Land with medium or low resource value for agriculture or forestry will be designated Country Residential on the County Future Land Use Map.</p> <p>The designation will be based on the following:</p> <p>a. Canada Land Inventory (C.L.I) soil capability for agriculture and forestry</p>	<p>owners to live on the farm business property;</p> <p>(c) residential development on public roads in existence on (projected approximate date of adoption of this MPS); and</p> <p>(d) a single residential structure containing up to two (2) dwelling units;</p> <p>3.4.17 regulate the pattern of development and limit potential conflicts with agricultural uses by:</p> <p>(a) controlling the frontage, lot size and lot setbacks intended to encourage an efficient development pattern while also maintaining a rural character; and</p> <p>(b) establishing maximum front yard setback requirements to prevent new dwellings from fragmenting the rural landscape;</p> <p>Country Residential (A4) Zone</p> <p>Council will maintain the Country Residential (A4) Zone in areas located next to Growth Centres in order to accommodate demand for rural housing, but no additional areas will be zoned Country Residential (A4).</p> <p>Amendments</p> <p>3.4.23 prohibit any rezoning to the Country Residential (A4) Zone without an amendment to this Strategy.</p>
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Principle: Accommodate flexibility

MPS (1979)	Draft MPS (2016)
<p>2.1.6 Growth Centre Designation Originally the Growth Centre boundaries were based on the goal of conserving resource lands and recognized the existing settlement patterns and municipal servicing availability. These considerations are equally valid in the 1990's and have been expanded to include the following eleven factors:</p> <ul style="list-style-type: none"> • the impact of urban expansion on resource development; • the goals and objectives of this Strategy; • the financial impact on the Municipality; • the availability, reliability, feasibility and practicality of providing municipal water and/or sewer services; • projected growth and development demand; • the existing development pattern; • urban form; • street pattern, function, extension and improvements; • land use compatibility; • commercial and community facilities; and, • neighbourhood traffic and pedestrian linkages and circulation <p>2.1.7 Urban Objectives 2.1.7.3 To ensure the transition area between rural and urban environments is planned in a way that is sensitive to resource activities in the surrounding rural area.</p> <p>2.1.8 General Urban Policies 2.1.8.2 The boundaries of each Growth Centre shall be delineated on the Growth Centre Future Land Use Maps. In delineating the boundaries of the Growth Centres, Council shall have regard to the following:</p> <ol style="list-style-type: none"> a. the impact of urban development on resource development b. the goals and objectives of this Strategy c. the financial impact on the Municipality d. the availability, feasibility and practicality of providing municipal water and/or sewer services e. projected growth and development demand f. the existing development pattern g. urban form h. street pattern, function, extension and improvements i. land use compatibility j. commercial and community facilities k. neighbourhood traffic and pedestrian linkages and circulation <p>2.11 Future Growth Centre Expansion and New Growth Centres Directing growth into designated Growth Centres will eventually lead to the need for future urban expansion, either through development boundary extension or the creation of new Growth Centres. To ensure the efficient and economical provision of municipal services Council must plan in advance for urban growth. Considering options for future expansion, general growth directions, and the timing of infrastructure extensions is necessary to ensure that the required municipal services and infrastructure will not become a financial burden on the Municipality and its citizens.</p> <p>2.11.1 Growth Centre Expansion and New Growth Centre Designation Objectives 2.11.1.1 To establish criteria for evaluating potential new urban areas and directions for future urban expansion. 2.11.1.2 To indicate preferred expansion directions or new areas to be considered for future urban designation.</p>	<p>Growth Centre Boundaries Policy 2.1.7 place Growth Centre boundaries according to the following criteria:</p> <ol style="list-style-type: none"> (a) ensuring the cluster, but not necessarily the particular Growth Centre, has an adequate supply of vacant or underused land to provide a variety of residential development opportunities for the next 30 years; (b) minimizing the spread of urban development into active agricultural areas; (c) encouraging cost effective water, sewer, and transportation networks; (d) aligning, where possible, Growth Centre boundaries with distinct geographic features and natural breaks, such as rivers, floodplains, ravines, natural or agricultural corridors, rights-of-way, and roads to create a clear edge between urban and rural landscapes; (e) discouraging strip development along major roads that stretch between Growth Centres, Highway 1 in particular; and (f) aligning, where appropriate, Growth Centre boundaries with political and service boundaries, such as village, municipal and/or General Service Area (GSA) boundaries. <p>Future Consideration of Growth Centre Boundary Expansions Policy As a result, it shall be the policy of Council to: 2.2.10 consider only by development agreement in the Resource Designation, proposals for uses that are not otherwise permitted or cannot meet zone standards and which support rural commercial or rural industrial uses. In considering such development agreements, Council shall be satisfied that:</p> <ol style="list-style-type: none"> (a) if the use is a listed, permitted use, the condition(s) that prevents the proposal from being permitted as-of-right in the designation is addressed by the development agreement including but not limited to enhanced buffering and the positioning and design of buildings and structures; and (b) the proposal meets the General Development Agreement Requirements set out in section 5.3 Development Agreements and Amending the Land Use By-law;

2.11.2 Urban Expansion Policies

2.11.2.1 Council shall take into account the following factors, in addition to those contained in the Rural part of this Strategy, when considering the expansion of Growth Centre boundaries or the designation of new Growth Centres:

- a. the impact of urban expansion on resource development
- k. the results of an agricultural impact assessment

2.11.2.2 Agricultural Impact Assessment

2.11.2.2.1 Council shall require an Agricultural Impact Assessment when considering the expansion of a Growth Centre boundary into the Agricultural District, under any of the following circumstances:

- a. when more than 20 acres of land zoned A1 is proposed to be taken out of the Agricultural District
- b. upon request from the Kings County Federation of Agriculture or the Nova Scotia Department of Agriculture

2.11.2.2.2 The Agricultural Impact Assessment shall address the following issues:

- a. impact of the loss of the agricultural lands on the farming industry in Kings County
- b. economic impact of the loss of agricultural land to the Kings County economy
- c. the quantity and quality of soil lost from agriculture
- d. possible impacts on adjacent farms
- e. cultural and tourism impacts

2.4.12.1 Residential Comprehensive Development District – Objectives

2.4.12.1.2 To ensure that development provides for adequate buffering between agricultural and residential uses.

2.4.12.3 Council may consider requests to establish an RCDD, subject to an amendment to the Future Land Use Map of this Strategy.

When considering such proposals, Council shall have regard to the following:

- a. the goals and objectives of this Strategy;
- b. the potential for conflict with permitted existing surrounding uses;
- c. the impact on agricultural lands;

2.4.12.12 Development Agreements for the RCDD (R10) Zone shall address the following:

- b. that the proposal provides an adequate buffer area from abutting agricultural uses or the Agricultural (A1) Zone, in order to mitigate any negative impacts on agricultural activity. A 100 foot wide agricultural buffer area, consisting of land where there are strict development restriction as outlined in section (d) of this policy, is required along property lines where there is active agriculture and may include a vegetative buffer. The vegetative buffer, based on the following guidelines, shall be required, except in cases where other types of buffering are shown to be sufficient (fencing, topographical features, etc.) to reduce noise, provide a visual break, or provide privacy and security:
 - i. single row of trees consisting of both coniferous and deciduous species, that can achieve a minimum height of 20 feet. A double row of trees is preferable;
 - ii. the line of trees, at planting, shall be no smaller than 4 feet tall, and should be no further than 30 feet apart;
 - iii. in cases where there is existing vegetation, the developer must demonstrate that the existing vegetation successfully acts as a buffer.

Rural Commercial (C4) Zone

2.2.11 consider proposals to rezone lands within the Agricultural Designation or Resource Designation from any other zone to the Rural Commercial (C4) Zone. In considering such proposals, Council shall be satisfied that the proposal:

- (a) complements, rather than competes, with established commercial uses in the area;
- (b) meets any specific rezoning criteria contained in the designation applicable to the lot. For the Agricultural Designation, these can be found in section 3.4 and for the Resource Designation, these can be found in section 3.6; and
- (c) meets the general criteria for amending the Land Use By-law set out in section 5.3 Development Agreements and Amending the Land Use By-law;

Rural Industrial (M4) Zone

2.2.12 consider proposals to rezone lands within the Agricultural Designation or the Resource Designation from any other zone to the Rural Industrial (M4) Zone. In considering such proposals, Council shall be satisfied that the proposal:

- (a) will not create undue conflict with nearby agricultural uses or rural residents;
- (b) meets any additional rezoning criteria contained in the designation applicable to the lot. For the Agricultural Designation, these can be found in section 3.4 and for the Resource Designation, these can be found in section 3.6; and
- (c) meets the general criteria for amending the Land Use By-law set out in section 5.3 Development Agreements and Amending the Land Use By-law.

3.1 Residential Comprehensive Neighbourhood Developments Development Agreements

(h) provides, at a minimum, a 100-foot-wide vegetated buffer within Comprehensive Neighbourhood Development (R6) Zones that are adjacent to the Agricultural (A1) Zone. This buffer area must be entirely contained within the development and may be used for park, recreation and service utility purposes, but must not contain buildings for any other use. The width of the buffer area may be reduced where natural or built features, including but not limited to a ravine or watercourse create a natural buffer with the Agricultural (A1) Zone;

Comprehensive Business Development (C6) Zone Development Agreements

(f) provides appropriate buffering along Comprehensive Business Development (C6) Zone boundaries that abut the Residential or Agricultural Designation;

<p>Existing vegetation may also be augmented to meet the requirements of this policy.</p> <p>c. no residential or commercial uses may occur within the agricultural buffer area. Recreational uses are permitted;</p> <p>d. if possible, the 100-foot agricultural buffer between the residential uses and adjacent agricultural uses/zone shall be in public ownership or subject to a registered easement or covenant</p> <p>2.1.1 The Coldbrook - Wolfville Urban Corridor Growth Centres The Coldbrook Secondary Planning Strategy focuses on supporting the balanced growth of residential and commercial uses in the community, protection of existing agricultural operations, protection of the environment, and supporting the community's transportation goals of improving pedestrian and automobile traffic circulation.</p> <p>2.10.4.9.1 Objectives 2.10.4.9.1.1 To accept a level of conflict between residential uses and normal farming practices.</p> <p>Port Williams Secondary Planning Strategy Objectives To direct higher density developments to central locations. To direct lower density developments to the Growth Centre fringe. To provide a buffer between residential developments and agricultural activities. To buffer urban development from surrounding agriculture. To ensure infill development opportunities, which reduce the need to expand the Growth Centre, are thoroughly explored. To direct urban growth to low-capability agricultural lands, where feasible.</p> <p>Residential R3 Council shall designate as Residential Comprehensive Development District (RCDD) large parcels of undeveloped land. Residential development in these areas is intended to be sympathetic with neighbouring farms and not interfere with normal agricultural activities.</p> <p>b. Development of the area shall be phased in such a manner as to allow the largest amount of agricultural land to remain in production as possible.</p> <p>c. A separation distance of a minimum of 100 feet (30.5 metres) shall be maintained between any residential building and land actively used for crop land and 600 feet (183 metres) shall be maintained between any residential building and land used for intensive livestock operations.</p> <p>d. Pursuant to policies 2.4.12.8 and 2.4.12.9, any required vegetative buffer shall include plant material that will grow to an approximate height of 20 feet (6.1 metres) or more in order to minimize the spread of fertilizer, pesticides and other sprays.</p> <p>f. Higher density areas are centrally located while lower density areas are located towards the Growth Centre fringe.</p> <p>G – Growth Centre Boundary Overall, these adjustments to the Growth Centre boundary strived to strike an appropriate balance between urban growth, ground water protection and the long-term preservation of the surrounding agricultural landscape.</p> <p>3.4 Country Residential Districts In establishing Country Residential Districts the Strategy reflects two</p>	<p>4.4 Coldbrook Community Plan Objectives To accept a level of conflict between residential uses and normal farming practices;</p> <p>4.5 Port Williams Community Plan Residential: To provide a buffer between residential developments and agricultural activities. Development Agreements 4.5.24 consider only by development agreement in the Comprehensive Neighbourhood Development (R6) Zone, residential development which is sympathetic to neighbouring farms and will not interfere with normal agricultural activities. In considering such development agreements Council shall be satisfied that: (a) the density of the overall development is a minimum of 4 units per acre; (b) development of the area shall be phased in such a manner as to allow the largest amount of agricultural land to remain in production as possible;</p> <p>Growth Centre Boundary Overall, these adjustments to the Growth Centre boundary were intended to strike a balance between urban growth, ground water protection and the long-term preservation of the surrounding agricultural lands. Goal To balance urban growth with the long-term protection of ground water resources and the surrounding agricultural lands. Objectives - To buffer urban development from surrounding agriculture; - To maintain a compact and walkable community; - To ensure infill development opportunities which reduce the need to expand the Growth Centre are thoroughly explored; and - To direct urban growth to low-capability agricultural lands where feasible.</p> <p>Country Residential (A4) Zone Council will maintain the Country Residential (A4) Zone in areas</p>
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goals. One, is to provide opportunities for rural residential development as an alternative to serviced Growth Centres. The second goal is to accommodate non-residential resource development.

The mix of uses intended for Country Residential Districts may result in land use conflicts.

Country Residential Districts will be low in density and will not require or justify the installation or extension of public services (other than those which are normally provided in the rural areas). Although residential development is permitted in the Country Residential Districts, there are few restrictions placed on the resource related uses that may surround them.

Although residents seeking a rural lifestyle must be prepared to co-exist with traditional rural uses, some separation of uses is desirable.

Therefore, the Country Residential

District policies include minimum lot standards and require separation distances between existing residential uses and agricultural, forestry or aggregate processing industries.

Objectives

3.4.1.1 To designate areas with low resource capability and suitable for rural residential development, community facilities and local commercial conveniences.

General Policies

3.4.2.1 Council shall establish a "Country Residential" (CR) District designation. This designation is intended to provide an alternative to urban residential development, but resource related uses will also be permitted. Land with medium or low resource value for agriculture or forestry will be designated Country Residential on the County Future Land Use Map.

The designation will be based on the following:

- a. Canada Land Inventory (C.L.I) soil capability for agriculture and forestry

1.3.3 Rural Goals

The Rural Goals are:

1.3.3.2 To minimize and reduce conflicts between the agricultural industry and non-agricultural development by:

- protecting the prime agricultural areas from the intrusion of uses which are incompatible with or adverse to the future growth of the agricultural sector;
- establishing standards for rural uses including separation distance requirements between certain agricultural uses and incompatible uses and ensuring proper waste disposal practices;
- discouraging rural residential subdivision development where services would be expensive and where such development will be detrimental to the future use of the land for agricultural development;
- controlling the physical development of communities within or adjacent to the Agricultural District to minimize the impact of urban expansion on the agricultural industry.

3.1.1 Rural Planning Objectives

3.1.1.1 To delineate rural land use districts on the basis of soil capability for resource activities.

3.1.1.2 To delineate rural residential and recreational resource areas on the basis of land use suitability.

3.1.1.3 To provide for residential, commercial, industrial and community facility development opportunities which are related to, and supportive of, the primary resource industries.

3.2 Agricultural Districts

3.2.3 Agricultural Goals and Objectives

Council's goals reflect a longstanding notion that farmland should be

located next to Growth Centres in order to accommodate demand for rural housing, but no additional areas will be zoned Country Residential (A4).

Development Agreements

3.4.22 consider only by development agreement within the Country Residential (A4) Zone clustered housing developments. In considering such development agreements, Council shall be satisfied that the proposal:

- (a) is on a lot with a minimum area for each proposed dwelling unit that is equal to or greater than the minimum lot size for a single-unit dwelling in the Country Residential (A4) Zone;
- (b) consists of a maximum of eight (8) dwelling units contained in either grouped dwellings or low rise structure(s);
- (c) clusters the residential buildings, lawns, on-site services and accessory structures together in a way that helps preserve productive agricultural areas and sensitive natural features, and provides a natural buffer with any adjacent agricultural or resource uses; and
- (d) is consistent with the general development agreement policies set out in section 5.3 Development Agreements and Amending the Land Use By-law; and

Amendments

3.4.23 prohibit any rezoning to the Country Residential (A4) Zone without an amendment to this Strategy.

Rural Policy

2.2.5 provide controls related to setbacks, coverage, and buffering to ensure that large tracts of undeveloped land are maintained in the rural areas.

3.6 Resource Designation

To protect active agricultural lands by providing space for other types of resource-based industries in areas not suitable for agriculture.

2.7 Recreation

Objective To provide opportunities for people to enjoy the agricultural landscape, without negatively impacting agricultural activities.

Policy

2.7.10 provide opportunities for rural areas to be used for low-impact recreational purposes by:

- (b) permitting low-impact recreational uses in Agricultural and Resource designations subject to location and buffering controls consistent with the intent of the zone; and

3.4 Agricultural Designation

Agricultural Policy

3.4.2 establish the following Agricultural Zones in the Land Use By-

used for farming. However, this is also tempered by the fact that there are a significant number of non-farm uses in the Agricultural District that have development rights by virtue of their existence. The challenge facing Council is to ensure that the amount, and type, of future non-farm development is limited and appropriate, to ensure that its impact on farming activities, present and future will be minimized.

3.2.6 Non-farm Residential Uses

Municipal Council has the goal of retaining farmland for farming and is concerned that the construction of new dwellings is resulting in the loss of too much prime farmland and is therefore creating potential compatibility issues with surrounding agricultural activities. However, it is recognized that, prior to the adoption of the Municipality’s policies, some lots may have been created for the anticipated construction of dwellings.

In addition, in a few places in the Agricultural (A1) Zone, it may be possible to create new building lots and enable non-farm dwelling development without hindering farming activities.

In 2009 the agricultural suitability criteria were refined and strengthened. Prior to these changes lots may have been created in the anticipation of residential use. Such lots might also contain physical characteristics which serve to limit agricultural production capability such as a small lot size or limited road frontage.

Where such discrepancies [of soil analysis] can be documented through accepted scientific methodologies, lands may be developed for non-farm use without contributing to a loss of agriculturally productive lands.

In terms of limiting impacts on adjacent agricultural uses, the principle of limiting non-agricultural uses to infill situations should be considered.

Given the existing subdivision and development patterns, it is also recognized that the development of new non-farm dwellings, which are located in close proximity to existing residential development and which occupy infill type lots, can maximize the use of lands which are otherwise not suitable for agricultural production due to their proximity to non-agricultural uses. This infill development does not contribute to the lineal expansion of the existing non-agricultural uses and does not contribute to a loss of lands which are suitable for agricultural production.

Ensuring an adequate separation distance from commercial livestock operations would also serve to limit impacts on adjacent agricultural uses.

The development of such lands for non-agricultural use would not otherwise contribute to the loss of high capability lands nor would their development represent undue impact on the integrity or viability of adjacent agricultural operations.

3.2.6.1 General Policies

3.2.6.1.1 It shall be the policy of Council to recognize residential uses developed or issued a development permit prior to the policies under 3.2.6 coming into effect, as “existing uses”.

3.2.6.1.2 It shall be the policy of Council to consider new non-farm residential uses in the Agricultural (A1) Zone, subject to the criteria contained in subsections 3.2.6.2 and 3.2.6.3.

3.2.6.1.3 All new non-farm dwellings shall require site plan approval, and are subject to the criteria in 3.2.6.3.2.

3.2.6.2 Existing Vacant Lot Policies

3.2.6.2.1 It shall be the policy of Council to permit the development of one non-farm dwelling per lot created prior to August 1, 1994, by site plan approval subject to the following criteria:

- a. lots shall have frontage on a Public Road

law:

(a) Agricultural (A1): lands located in this zone are those which have been identified as high-capability agricultural lands for future agricultural production. This zone will provide maximum flexibility for agricultural and complementary uses and limit non-farm development, including housing;

(b) Rural Mixed Use (A2): lands located in this zone are intended to contain a mix of agricultural, residential and resource uses, in order to enable the expansion of the agricultural industry as well as accommodate demand for rural housing;

(c) Farm Commercial (A3): lands located in this zone are those which contain existing farm operations in Greenwich, either within or outside of the Growth Centre, and are developed with, or are intended to be developed with, commercial uses directly related and complementary to agricultural activities; and

(d) Country Residential (A4): lands located in this zone are intended to provide opportunities for rural residential development while accommodating resource development and agriculture and limiting the potential for new public roads to be constructed in rural areas; and

General Agricultural Policy

Agricultural Uses

Policy

3.4.5 require flexible lot and building standards for agricultural uses, while also providing appropriate separation from adjacent properties and sensitive environmental features.

Agri-tourism

Council intends to permit a variety of agri-tourism developments in the Agricultural Designation while also ensuring these developments do not spoil the agricultural character that is the key to its appeal to visitors.

3.4.9 regulate agricultural related tourism uses to ensure that the agri-tourism use is accessory to a farm business and to control the scale, nature and location of the use to limit the potential impact on surrounding agricultural and residential uses;and

3.4.10 consider only by development agreement proposals for visitor-oriented proposals not permitted as-of-right within the Agriculture, Resource, and Shoreland Designations in accordance with policy 2.5.12.

Agricultural (A1) Zone

Policy

3.4.13 limit within the Agricultural (A1) Zone residential development not related to a farm business and its potential to remove lands from production as well as conflict with agricultural uses by establishing a maximum setback for any proposed structure from the road in order to minimize disruption to land in production;

Development Agreements

3.4.14 consider only by development agreement proposals for event venues or restaurants to be developed as accessory to an operating farm business within the Agricultural (A1) Zone. In considering such development agreements Council shall be satisfied that the proposal:

- (a) establishes a maximum setback from the road for any proposed structure in order to minimize disruption to land in production;
- (b) includes an agrologists report containing the information specified by the Municipality demonstrating that any proposed building, parking area, or driveway is in a location which has little or no impact on agricultural production;
- (c) has a maximum footprint of 1,000 sq. ft.;
- (d) includes, if the ability to use temporary structures is requested:
- (i) a maximum number of times each year that temporary structures

<p>3.2.6.3 New Lots</p> <p>3.2.6.3.1 It shall be the policy of Council to permit the development of lots, created after August 1, 1994, for non-farm dwellings by site plan approval subject to the following criteria:</p> <p>a. lots shall have frontage on a Public Road; and</p> <p>b. the lands to be developed are comprised of 60% poor quality soils, as identified on the 2001 Generalized Soil Capability Map or as determined by an Agricultural Suitability Report; or</p> <p>c. the lands to be developed have limited potential for agricultural production by virtue of there being houses on both sides of the land, within 400 feet of each other</p> <p>d. The lands to be developed are comprised of and contain the following characteristics which contribute to limiting the lands potential for agricultural production:</p> <p>i. the lot has been created prior January 29, 2009;</p> <p>ii. the lot contains an area of less than 1.4 acres;</p> <p>iii. the lot has frontage on a public road which does not exceed 160 feet;</p> <p>iv. the lot exists between two non-farm dwellings wherein the adjacent existing side lot line of the dwelling on both sides are no greater than a total of 375 feet apart;</p> <p>vii. the dwelling is located a minimum of 1000 feet from an existing commercial livestock operation;</p> <p>viii. the lot to be developed is comprised of 60% or greater CLI Class 4 or lower capability soils, as determined by an Agricultural Suitability Report prepared by a qualified professional with demonstrated expertise in the area of soil science, agricultural suitability and agricultural land assessment, such as an Agrologist, or the lot was created before January 29, 2009 by a plan which bears either a notation referring to non-farm dwellings in accordance with Section 11.1.8 of the Land Use Bylaw or that the dwelling is to be located on poor soils;</p> <p>x. written acknowledgement is provided by the property owner that the dwelling is located in an agricultural district.</p> <p>3.2.6.3.2 Non-farm dwellings permitted in 3.2.6.2 and 3.2.6.3 are subject to site plan approval and must conform to the following:</p> <p>a. the lot, or the portion of the lot, that is to be used for a residential use will be developed in such a way that the amount of arable land that will be lost to development is minimized. For example, the development of lands close to roads rather than in the middle of croplands is viewed as preferable. Exceptions will be made only where topographic or other site constraints dictate</p> <p>b. the lot, or the portion of the lot, that is to be used for a residential use will have, where necessary, vegetative buffering between it and surrounding croplands to minimize the spread of fertilizer, pesticides and other sprays. This shall be a consideration even where there is a common ownership of the lot in question and surrounding lands</p> <p>c. the dwelling shall be located as close to the front lot line and one of the side lot lines as is reasonable</p> <p>3.2.6.4 Agricultural Suitability Report</p> <p>Council shall permit the development of lots in the Agricultural District subject to the following:</p> <p>a. a non-farm dwelling may be constructed by site plan approval if an Agricultural Suitability Report demonstrates to the satisfaction of the Development Officer that a minimum of 60% of the lot is not class 2, 3 or active class 4</p> <p>b. the Development Officer may circulate the report to the Nova Scotia Department of Agriculture and the Kings County Federation of</p>	<p>may be located on the lot;</p> <p>(ii) a maximum duration for each time temporary structures are located on the lot;</p> <p>(iii) a maximum total size for temporary structures of 1,100 sq. ft.; and</p> <p>(iv) the location on the lot of any proposed temporary structure;</p> <p>(e) excludes the ability to obtain or use a cabaret licence;</p> <p>(f) includes sufficient parking for the proposed permanent structure and any proposed temporary structures; and</p> <p>(g) is consistent with the general development agreement policies set out in section 5.3 Development Agreements and Amending the Land Use By-law.</p>
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Agriculture for comment and input

c. the professional preparing the Agricultural Suitability Report must have a demonstrated expertise in the area of soil science, agricultural suitability and agriculture land assessments, such as an Agrologist.

d. the Report shall include the following:

i. a map detailing the current soil classification, according to the Generalized Soil Map adopted by the Municipality, and another map showing the findings of the professional regarding the agricultural capability on the parcel in question

ii. analysis of the Canada Land Inventory (CLI) criteria and other relevant factors such as, but not limited to those below, to demonstrate why the lot in question should not be considered class 2, 3 or 4 soils. The report must use accepted and scientifically defensible approaches:

- Slope
- Climate
- Soil Classification
- Land use history
- Soil test pits, if deemed necessary
- Stoniness
- Drainage and salinity
- Other issues as required
- Location of adjacent farming activities and type

e. in the opinion of the Development Officer, if the Report submitted by the professional is , incomplete or inconclusive, the Development Officer may require the report to be reviewed by another professional, at the expense of the applicant

3.6 Hamlets

Designated Hamlets are intended to provide housing opportunities for those associated with the resource industries. They are also intended to provide opportunities for commercial uses serving the residents in the immediate area as well as those in the surrounding rural areas.

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Hamlets provide opportunities for people to stay within their own rural communities whether retired farmers or others with social ties but no direct involvement in the resource industries. As central sewerage services are not intended for Hamlets they are not expected or intended to generate significant growth.

3.6.4 Types of Hamlets

While recognition of their common characteristics is essential, planning for 21 different Hamlets must take into consideration the different features which distinguishes each.

3.6.6 Hamlets - General Policies

3.6.6.2 In defining the boundaries of Hamlets, Council shall have regard to the following:

- a. agricultural capability of the subject lands and the surrounding area
- b. the impact on resource development
- c. the existing land use pattern and planning goals and objectives
- d. the transportation network
- e. natural features and processes
- f. soil capability for on site sewage system
- g. well water supplies
- h. development trends
- i. financial impact on the Municipality
- j. land use compatibility
- k. property boundaries
- l. service boundaries where applicable

Rural Mixed Use (A2) Zone

The intent of the Rural Mixed Use (A2) Zone is to permit a mix of agricultural, residential and resource uses to enable the expansion of the agricultural industry, as well as accommodate demand for rural housing.

Policy

3.4.17 regulate the pattern of development and limit potential conflicts with agricultural uses by:

- (a) controlling the frontage, lot size and lot setbacks intended to encourage an efficient development pattern while also maintaining a rural character; and
- (b) establishing maximum front yard setback requirements to prevent new dwellings from fragmenting the rural landscape; and

Amendments

3.4.18 consider re-zoning from Agricultural (A2) only to Rural Industrial (M4) or Rural Commercial (C4). In considering such amendments, Council shall be satisfied that:

- (a) the application applies only to:
 - (i) land which is not identified as active agriculture on the 2012 Land Cover Map;
 - (ii) land where an agrologists report accompanying the application and containing the information specified by the Municipality demonstrates that any proposed building, parking area, or driveway is in a location which has little or no impact on agricultural production; or
 - (iii) land which involves the conversion of a development in existence on (projected approximate date of adoption of this MPS), including but not limited to a gravel pit, dwelling, barn or church;
- (b) the proposal would not re-zone more land than required for the specific development cited in the application;
- (c) complements, rather than competes with, established commercial uses in the area;
- (d) will not create undue conflict with nearby agricultural uses or rural residents; and

<p>3.6.6.5 Council shall have regard to the criteria outlined in Policy 3.6.6.2 and the following in considering alterations to the boundaries of the Hamlets or in establishing new Hamlets:</p> <ul style="list-style-type: none">a. the availability of vacant land within the existing boundariesb. agricultural soil capability and the policies of Section 3.2c. resource activityd. proximity of livestock operationse. soil capability for on-site services where applicable	<p>(e) is consistent with the general policies for amending the Land Use By-law set out in section 5.3 Development Agreements and Amending the Land Use By-law.</p>
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