

Bridgetown Water Supply Area

Municipal Planning Strategy



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PART I: INTRODUCTION – Authority and Context

i. Preamble

This Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for the Bridgetown Water Supply Area of Annapolis County has been prepared according to the provisions of the ***Municipal Government Act (MGA)***. This Municipal Planning Strategy is a legal document, a policy document and the Bridgetown Water Supply Area's major framework for water supply watershed protection. Where land and development issues are dealt with in this Municipal Planning Strategy, the accompanying Bridgetown Water Supply Area Land Use By-law shall implement them. The Bridgetown Water Supply Area Municipal Planning Strategy applies to all lands within the Bridgetown Water Supply Area, as defined by Map 1, The Future Land Use Map, and shall be referred to as the Bridgetown Water Supply Planning Area or the Planning Area.

ii. Background – Location and History

The Bridgetown Water Supply Planning Area is located wholly within the jurisdiction of the Municipality of the County of Annapolis. The Town's water source is comprised of Crosskill Lake and Foster Lake, both of which are located on the North Mountain, are the sole source of potable water and fire protection for the Town and its outlying areas.

The original town water supply went into operation in 1887. The water source then was a small earthen open reservoir at the base of the North Mountain, which impounded mountainside surface runoff. While recognized as inadequate from the start, in 1906 it was decided to supplement the reservoir with water from Crosskill Lake. Improvements at that time consisted of blocking the northeast natural discharge and installing a new discharge on the south side of the Crosskill Lake and the construction of a dam to provide storage. In 1944 the dam was then raised and a concrete spillway added. Shortly after, in 1948, the original mountain base reservoir was reconstructed so as to provide additional water storage capacity. It was not until 1961, however, that chlorination facilities were constructed. In 1971 improvements continued where, based on a 1969 recommendation, Crosskill Lake was supplemented with water from Foster Lake. Because Foster Lake was approximately half of a kilometre west and at an elevation of 25 metres below Crosskill Lake a new intake, pumping station and forcemain was added to move the water from Foster Lake to Crosskill Lake. Water, now, after leaving Foster and Crosskill Lake gravity feeds via a buried pipe to an out source on the face of the North Mountain where it continues overland until collected in an open concrete settling reservoir at the base of the mountain. From here the water gravity transfers via an underground pipe to another open storage reservoir to the east for eventual chlorination and distribution.

iii. Introduction – Water Supply Watershed Options and Progress

The Municipality of the County of Annapolis is dedicated to the principle of protecting the quality and availability of both the County's raw water supplies and those of its neighbouring municipalities through supply management. Some of the management options available to a Municipality to support water supply preservation/protection efforts include the ownership of the critical lands within a water supply area, particularly those lands adjacent to the water supply water bodies, the development of resource based best management practices guidelines and public education. Additionally there is the development of regulatory regimes such as provincial designation of a water supply area as a protected water area and the development of a land use planning management regime, as enabled by the *Municipal Government Act*.

With regard to available management options, the Town of Bridgetown has actively been purchasing the critical lands surrounding both Crosskill and Foster Lake. Its most recent acquisition has been the purchase of land abutting the settling reservoir and storage reservoir located at the base of the North Mountain. Additionally, at the request of the Bridgetown Water utility, via the principle that the protection of the raw water quality is one of the most efficient means of ensuring ongoing supplies of potable water, that Council for the Municipality of the County of Annapolis agreed to implement a Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to provide a complimentary level of protection for the water users within both the Town of Bridgetown and the outlying County regions.

iv. The Planning Process

Staff of Annapolis County Planning Services, acting at the direction of the community-based Bridgetown Water Supply Area Advisory Committee, the Annapolis County Planning Advisory Committee and Municipal Council, carried out the preparation of the Bridgetown Water Supply Area Municipal Planning Strategy and Land Use By-law. To facilitate the preparation a consultation process was undertaken including:

- The establishment of the community-based advisory committee called the Bridgetown Water Supply Area Advisory Committee (BWSAAC) comprised of membership representation from Annapolis County Municipal Council, the Town of Bridgetown Water Utility, the Town of Bridgetown Municipal Council, end water users and the provincial Department of Natural Resources.
 - The completion of various information studies by Annapolis County Planning Services, which served as background reports to this Municipal Planning Strategy and the accompanying Land Use By-law.
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- Extensive consultations with Town Council and County Municipal Council representatives, municipal staff for both jurisdictions, members of the Bridgetown Water Supply Area Advisory Committee, persons with landholdings within the Bridgetown Water Supply Planning Area as well as with members of the general public.
- Completion of Annapolis County Municipal Council initiated public participation program that consisted of local area newspaper advertisements giving notice of public meetings and open Bridgetown Water Supply Area Advisory Committee and Annapolis County Planning Advisory Committee meetings.
- The holding of a statutory public hearing related to the adoption of the Bridgetown Water Supply Area Municipal Planning Strategy and Land Use By-law on XXX xxth, 2003 in Municipal Council Chambers, Annapolis Royal.
- The posting of an advertisement in the local newspapers, the Monitor, Spectator and the Mirror-Examiner, giving notice that the Bridgetown Water Supply Area Municipal Planning Strategy and Land Use By-law had come into effect as of the date of the newspaper advertisement.

v. Goals

In order to direct this Strategy, Council has adopted specific goals. These goals articulate the desired future; set the direction; focus the County's programs and activities; and act as a guide for daily decision making with respect to budgeting, projects and program evaluation. Specific goals of this Municipal Planning Strategy include the following:

- G-1. To protect the availability and quality of the raw water supplies from the waters of the water bodies located in the Bridgetown Water Supply Planning Area.
 - G-2. To preserve the rural character of the Bridgetown Water Supply Planning Area and to require/encourage or limit development as being consistent with the existing rural character of the Planning Area.
 - G-3. Provide a basis for Municipal Council to guide and direct new development in the Bridgetown Water Supply Planning Area in an orderly, environmentally safe and sustainable manner.
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vi. Limitations

This Municipal Planning Strategy sets out policies directed toward the attainment of the goals set out in Section v. of this Part. In adopting these policies Council does not commit itself to undertaking any of the projects therein suggested or outlined but Council is prevented from undertaking any development within the scope of the Municipal Planning Strategy in any manner inconsistent or at variance with this Municipal Planning Strategy (MGA Section 217). In other words, Council is not legally bound to undertake projects suggested in this Municipal Planning Strategy (such as the construction of a sewage treatment plant) but Council is legally bound not to contravene the policies by, for example, approving a zoning amendment which the Municipal Planning Strategy clearly indicates should not be approved.

vii. Components - Text and Maps

The Bridgetown Water Supply Area Municipal Planning Strategy is divided into a number of sections, each dealing with one or more subject areas. Each section contains policies prefaced with explanatory material. The map contained in and forming an integral part of this Strategy, is the Future Land Use Map (Map 1). The Future Land Use Map designates all lands within the Planning Area to the “**Water Supply Watershed**” designation. In addition, the Future Land Use Map shows the natural watershed boundary of Foster and Crosskill Lake.

viii. Statements of Provincial Interest

The *MGA* requires that planning documents be reasonably consistent with the Provincial Statements of Interest. There are five Provincial Statements of Interest: drinking water supplies, flood risk areas, agricultural land, infrastructure and housing.

a. Drinking Water

As stated in Section v., the goal of this Municipal Planning Strategy is to protect the availability and quality of the raw water supplies from the water bodies located in the Bridgetown Water Supply Planning Area. While the Bridgetown Water Supply Area Municipal Planning Strategy and Land Use By-law make provisions for development within the Planning Area, development is limited, such as including a provincially owned and operated campground accommodation and day use picnic facility and residential dwellings to be located on large lots with yard and setback requirements that reflect the rural character of the area along with a water feature setback requirement, altering of land levels provisions, sedimentation and erosion controls and requirements for the retention or replacement of natural vegetation.

b. Flood Risk

The Bridgetown Water Supply Planning Area is not one of the flood risk areas designated under the Canada-Nova Scotia Flood Damage Reduction Program. Although not flood risk areas, wetland areas in the Planning Area adjacent to the area's lakes and streams, by policy, have been included within the definition of a protected water feature in the same manner a lake or stream has been. As such, water features within the Planning Area are protected in the sense that a water feature setback requirement prohibits development, with the exception water extraction, treatment or retention uses, from being located within a specified distance of a water feature.

c. Agricultural Land

Nowhere in the Bridgetown Water Supply Planning Area was there evidence of agricultural activity. This is perhaps not unexpected due to the elevation, steep slopes and thin soils in the area as a whole. The main soil series in the Bridgetown Water Supply Planning Area is that of the Rossway series. The Rossway Series soils are characteristically well drained, shallow and excessively stony with frequent rock outcrops. The excessive stoniness and lack of soil depth characteristic of the Rossway soils of the Planning Area, coupled with the rolling landscape, impose a serious handicap for cultivation, thus Rossway soils are rated poor for cropping.

While the agricultural industry is a mainstay of economic life in Annapolis County, the majority of agricultural development is located on the valley floor along the Annapolis River. Here the soils are rich and productive. Council's policy in other municipal planning documents have been to identify, protect and encourage agricultural development in those areas. Large-scale or intensive commercial agricultural development in the Planning Area is not compatible, thus not permitted in the Bridgetown Water Supply Planning Area. Given however the rural nature of the Planning Area, limited agricultural development of a personal home use or consumption is envisioned, with appropriate development controls.

d. Infrastructure

The total landmass of the Bridgetown Water Supply Planning Area is approximately 176 hectares (435 acres) and development is limited. Within the natural watershed portion of the Planning Area, other than water storage, retention and distribution structures, existing development is limited to two communication towers, a fire watchtower and a privately owned cottage. Additionally, while all of the Valley View Provincial Park property is within the Planning Area, the developed portion of the Park is outside of the natural watershed portion of the Planning Area.

The provision of municipal services throughout the Bridgetown Water Supply Planning Area would be an unwise decision for three reasons. First, the goals of this Municipal Planning Strategy are to protect the availability and quality of the raw water supplies from Crosskill and Foster Lake and to guide and direct new development in an orderly, environmentally safe and sustainable manner. High-density development, the desired outcome of servicing an area with municipal infrastructure, could have serious repercussions on the health of the water bodies within the Planning Area. Second, this Municipal Planning Strategy seeks to preserve the rural characteristic of the area. The development pattern is characteristically low and land holdings are large. Again high-density development would not be considered as being compatible. Finally, the third reason for not servicing a water supply area exhibiting an extremely low-density development pattern with thin soils, a hilly terrain and bedrock that is too close to the surface can be found in Section 222 (5) (n) of the *Municipal Government Act*. The cost of providing municipal services would be prohibitive and premature.

e. Housing

This Municipal Planning Strategy seeks to achieve a balance between conservation and development. The housing form this Municipal Planning Strategy seeks to promote is single unit residential development. Given the nature of the general area in and around the Planning Area being predominantly seasonal use, other dwelling forms such as mobile homes, camps, cottages and cabins are included within the definition of single unit residential dwellings.

However, higher density residential development, such as duplexes, apartment buildings, row housing, et cetera, are also not considered by Municipal Council to be development forms that support the goals of this Municipal Planning Strategy. It should be noted however that there are many areas within Annapolis County where housing forms, types and density are not regulated by way of land use controls. Additionally, the Town of Bridgetown itself, a municipally serviced community, provides for a wide array of permissible housing types. Council's opinion is that there is ample land available elsewhere within the Municipality or the Town for further residential development.

PART II: POLICIES

1.0 Bridgetown Water Supply Area

A watershed simply defined is an area of land that is a drainage basin for precipitation, in the form of rain and snow, that drains or seeps the precipitation into the ground in the form of groundwater or a water feature, such as a lake, river, stream or a wetland, such as a marsh, bog, fen or swamp. The watershed boundary can also be simply defined as the highest point of land that divides a watershed from another watershed.

The Bridgetown Water Supply Planning Area is located north of the Town on the North Mountain. The boundary of the Planning Area is defined as including:

- (a) the natural watershed area of Foster Lake, Crosskill Lake and the brook from Crosskill Lake which flows to the settling reservoir; and
- (b) those lands owned by the Town of Bridgetown or the Province of Nova Scotia that lie outside of the natural watershed boundary.

In terms of political jurisdiction, the Planning Area is wholly within the Municipality of the County of Annapolis. Together, the waters of the Bridgetown Water Supply Planning Area form the sole water supply for the Town of Bridgetown and the outlying areas of the County, north and south of the Town, including portions of the communities of Clarence West, Church Road and Carleton Corner.

1.1 Water Supply Watershed Management

The goal of water supply watershed management is to maintain and, if necessary, improve the quality of water at the water supply intake, while encouraging the development and continuation of compatible land use and development practices. Inappropriate development or poor development practices in a watershed, however, can result in environmental problems that can potentially threaten the water quality in a watershed which can be both costly to resolve and very disruptive to the water users. Some of these environmental problems include: changes in watercourse flow patterns and increased peak flows that may cause flooding and/or erosion, loss of vegetation along watercourses and shorelines promoting erosion and degradation of water quality and reduced surface and groundwater quality and quantity. Additionally, human settlement and activities related to development in a watershed can lead to harmful and often irrecoverable environmental damages from increased levels of phosphorous, nitrates, bacteria and pathogens through stormwater runoff; and specific point sources of pollution such as road salts and leachate from malfunctioning on-site sewage disposal systems.

Some of the management options available to a Municipality to support water supply preservation/protection efforts include the ownership of the critical lands within a water supply area, particularly those lands adjacent to the water bodies, provincial designation of a water supply area, the development of resource based best management practices guidelines and public education, as well as the development of regulatory land use planning and management regimes as enabled by the *MGA*.

1.2 Bridgetown Water Supply Protection Activities

The Town of Bridgetown has actively been pursuing a water supply protection program. With regard to the purchase of land within a watershed option, the Town has been purchasing the critical lands surrounding both Crosskill and Foster Lake. Its most recent acquisition has been the purchase of land abutting the settling reservoir and storage reservoir located at the base of the North Mountain. As to protection via a regulatory regime, the Bridgetown Water Utility requested the Municipality of the County of Annapolis to implement a Municipal Planning Strategy (MPS) and a Land Use By-law (LUB) for the water supply area. The Municipality agreed on the basis of its principle that the protection of the raw water quality is one of the most efficient means of ensuring ongoing supplies of potable water. Thus, in conjunction with the Town's program to purchase land within the water supply area, the development of a municipal planning strategy and land use by-law for the Bridgetown Water Supply Area was seen by both the Town and the County as a way to provide a complimentary level of protection for the water users within both the Town of Bridgetown and the outlying County regions.

1.3 Land Use Planning and Water Supply Watershed Protection

The desired long-range plan for the Bridgetown Water Supply Planning Area is that it be maintained as a low-density rural area so as to minimize the possibility of polluting the water in the area. To achieve this the Bridgetown Water Supply Area will be designated as a "Water Supply Watershed" area on the Future Land Use Map with only three land use zones being considered in the Land Use By-law.

Policy 1.3.1

It shall be the policy of Council, in order to minimize the possibility of impairing the raw water quality of the watercourses, such as and including the lakes, streams and wetlands of the Bridgetown Water Supply Area, and to maintain the rural character of the area, to designate the entire Bridgetown Water Supply Area as WATER SUPPLY WATERSHED on the Future Land Use Map.

2.0 BRIDGETOWN WATER SUPPLY AREA DEVELOPMENT

Development in the Bridgetown Water Supply Planning Area, functionally, is limited exhibiting an extremely sparse development pattern. Lot sizes in and around the Planning Area are typical of rural areas: very large. There is only one public road; the Hampton Mountain Road, a paved provincially designated highway, which effectively divides the Planning Area on a north south axis. The largest landholdings within the Planning Area belong to either the Town of Bridgetown or the Department of Natural Resources. Access roads traverse the Planning Area, but with the exception of the Hampton Mountain Road, all are unpaved and of varying width.

The total landmass of the Bridgetown Water Supply Planning Area is approximately 176 hectares or just over 435 acres. Other than water supply related extraction, retention and distribution facilities, development within the Planning Area consists of two communication towers, one fire watchtower, one private cottage dwelling and a Provincial camping and day use picnic park.

2.1 Town Owned Conservation Land

Other than water supply related extraction, retention and distribution facilities or access roads and hiking trails, the Town does not plan to develop its lands for alternate uses. Based on discussions with Town officials, it was decided that a conservation type of zoning would be appropriate for Town owned lands within the Planning Area. Thus, it is the intention of Municipal Council to include a Conservation (BC) Zone in the Bridgetown Water Supply Area Land Use By-law that would limit the uses permitted to be developed within the Conservation (BC) Zone to government owned, operated and maintain water supply related extraction, retention and distribution facilities, public or private utilities or municipal service facilities or public passive recreation uses.

Policy 2.1.1

It is the policy of Council to establish a Conservation (BC) Zone in the Bridgetown Water Supply Area Land Use By-law which would limit the permitted uses in the Conservation (BC) Zone to government owned, operated and maintained water extraction, water treatment, water retention, water distribution and/or storm water management uses or facilities along with any related accessory buildings or structures, public or private utilities and municipal service facilities and public passive recreation uses such as cross-country ski trails and hiking or walking trails with appropriate provisions for signage, interpretative displays and any associated accessory structures.

In consideration of Town lands that lie outside the natural watershed boundary, Council is of the opinion that should the Town wish to subdivide and dispose of land outside of the natural watershed boundary, Council would consider rezoning such to the Rural Residential (BR-1) Zone. However, Council is of the opinion that Town owned lands that lie within the natural watershed boundary should remain in the Conservation (BC) Zone, at least until such time that circumstances change, such as improvements being made in the water storage or treatment process.

Policy 2.1.2

In order to provide a degree of flexibility, it is the intention of Council to consider amendment applications to rezone those existing Town owned lands, or portions thereof, within the “Water Supply Watershed” designation, that lie outside of the natural watershed boundary to the Rural Residential (BR-1) Zone. In considering such proposals Council shall have regard to the evaluative criteria set out in Policy 5.2.2.

It is also the policy of Council, in order to preserve the integrity of the water supply characteristics, to refuse to consider amendment applications to rezone any Town owned land within the “Water Supply Watershed” designation that lie within the natural watershed boundary from the Conservation (BC) Zone, until changes warrant.

Additionally, Municipal Council recognizes that the Town may acquire additional lands within the Planning Area. Should the Town wish to include such future land acquisitions in the Conservation (BC) Zone, it is the opinion of Council that, upon application, that those lands be rezoned to the Conservation (BC) Zone.

Policy 2.1.3

It is the intention of Council to consider amendment applications to rezone additional Town owned, leased or controlled land within the “Water Supply Watershed” designation to the Conservation (BC) Zone. In considering such proposals Council shall have regard to the evaluative criteria set out in Policy 5.2.2.

2.2 Provincial Park Land

Valleyview Provincial Park, a seasonally operated day use picnic park and campground facility (June 21st to October 15th) occupying fifty-nine hectares (146 acres) is wholly located within the Bridgetown Water Supply Planning Area. However, the developed portion of the Park is located outside the natural watershed boundary. In terms of land use, Valleyview Provincial Park consists of thirty camping sites complete with picnic tables and open fireboxes that are all located in a wooded area of the Park. The picnic area is located in a large clearing, with a picnic shelter, and is available for group camping. There are look-off viewing platforms, with interpretative panels in both the camping and picnic area, providing an excellent view of the valley floor below. As to infrastructure support facilities, there is one well where water is pumped to fourteen camping area water outlets. There are eight pit privies throughout the Park; two of which are wheelchair accessible. The vehicle parking area, approximately 409 square metres in area, is limited; providing parking for only twenty vehicles. In terms of retail activity, firewood and limited convenience items are sold to park patrons through the Park Administration Building. There are just over two kilometres of roads within the Park, none of which area paved and park trails are limited to passive recreation uses such as hiking trails. In terms of long-range planning and facility provision, there is a demonstrated need for a comfort station (showers, toilets and washing facilities) and a covered wood shelter to be constructed in the campground portion of the Park.

It is the opinion of Council that additional camping, picnic park facilities and passive use recreation trails could be developed in the Park because these types of low intensity recreational uses can occur without creating any deleterious impact on the quality of water. As such it is the intention of Council to include a Provincial Park (BP) Zone within the Bridgetown Water Supply Area Land Use By-law.

Policy 2.2.1

It is the policy of Council to establish a Provincial Park (BP) Zone in the Bridgetown Water Supply Area Land Use By-law which would limit the permitted uses in the BP Zone to government owned, operated and maintained water extraction, water treatment, water retention, water distribution and/or storm water management uses or facilities, public or private utilities and municipal service facilities and provincially owned, operated and maintained overnight campground accommodation facilities, day use picnic park facilities and passive recreational uses such as cross-country ski trails, walking and hiking trails along with appropriate standards related to such uses or facilities, including provisions for signage, interpretative displays and any related accessory buildings, uses and structures.

Whilst the intent of Policy 2.2.1 is to include all Provincial Park land within the Provincial Park (BP) Zone, with the exception of that parcel of land upon which the provincially owned communication tower and fire-watch tower is located (those are to be included within the Rural Residential (BR-1) Zone) Council is of the opinion that because there is land within the Provincial Park (BP) Zone that lies outside of the natural watershed boundary of Foster Lake and Crosskill Lake, Council may consider rezoning such land, or portions thereof, to the Conservation (BC) Zone. However, it is also Council's policy to refuse to rezone any land included within the Conservation (BC) Zone to the Rural Residential (BR-1) Zone.

Policy 2.2.2

In order to provide a maximum degree of protection of the natural watershed area of Foster Lake, Crosskill Lake and the brook from Crosskill Lake which flows to the settling reservoir, it is the intention of Council to consider amendment applications to rezone those existing Provincially owned lands, or portions thereof, that lie outside of the natural watershed boundary from the Provincial Park (BP) Zone to the Conservation (BC) Zone. In considering such proposals Council shall have regard to the evaluative criteria set out in Policy 5.2.2.

Policy 2.2.3

It is also the policy of Council, in order to preserve the integrity of the water supply characteristics of the Bridgetown Water Supply Planning Area, to refuse to consider amendment applications to rezone any land included in the Provincial Park (BP) Zone to the Rural Residential (BR-1) Zone.

Council also recognizes that, via the Provincial Parks Act and Regulations, the Province will, at a future time, apply its own form of provincial Park Zoning that will include a Preservation Zone, Resource Conservation Zone and a Recreation Development Zone. As such, it is the intention of Council that this plan and its accompanying land use by-law be revised to align municipal zoning with the Provincial Park Zoning Plan.

Policy 2.2.4

It is the intention of Council to amend the Bridgetown Water Supply Area Municipal Planning Strategy and Land Use By-law, when changes warrant, aligning with a Provincial Park (Zoning) Plan that may be developed sometime in the future.

2.3 Rural Residential

The remaining land within the “Water Supply Watershed” designation is to be included in a Rural Residential (BR-1) Zone. Here development is limited to one private seasonal residential use, one private communication tower, and a publicly owned fire watchtower and communication tower. There are seven privately held parcels of land in the Planning Area; of which five are only partially included. The intent of the Rural Residential (BR-1) Zone is to encourage the development of residential dwellings while respecting the sensitive nature of the water supply area these dwellings are to be located within. To achieve this, Council will include a Rural Residential (BR-1) Zone in the Bridgetown Water Supply Area Land Use By-law which shall also set out requirements permitting the development of seasonal or permanent residential developments on large lots with setback and yard requirements that promote the continued development of a rural landscape type.

Policy 2.3.1

It is the policy of Council to establish a Rural Residential (BR-1) Zone in the Bridgetown Water Supply Area Land Use By-law which would limit the permitted uses in the BR-1 Zone to single detached dwellings with appropriate standards related to such, including provisions for accessory buildings and structures, passive recreation uses, government owned, operated and maintained water extraction, water treatment, water retention, water distribution and/or storm water management uses or facilities, public or private utilities and municipal service facilities, communication towers and fire watch towers.

Whilst the intent of Policy 2.3.1 is to encourage, primarily, the development of residential dwellings within the Rural Residential (BR-1) Zone, Council is of the opinion that limited low intensity home based commercial development may also take place within the Rural Residential (BR-1) Zone. However, due to the sensitive nature of the area as a water supply area, Council feels that an appropriate safety measure would be to consider the development of home occupations within the Rural Residential (BR-1) Zone by way of development agreements. As an additional safety measure, Council will also limit the types of home occupations that may be considered. Additionally, Council’s consideration of permitting the development of home occupations by development agreement comes with a number of provisos. These provisos include that the dwelling be occupied as a residence by the operator of the home occupation, that the home occupation is to be wholly contained within the residential dwelling, that accessory buildings or structures, or any part thereof, be limited to storage purposes in connection with or accessory to the operation of the home occupation and there is no outdoor storage or outdoor display associated with, used in connection with or accessory to the operation of the home occupation.

Policy 2.3.2

It is the intention of Council to consider the development of home occupations within the Rural Residential (BR-1) Zone by way of a development agreement. It is also the policy of Council that the types of home occupations that may be considered by development agreement within the Rural Residential (BR-1) Zone be limited to artist workshops, business offices, craft workshops, counseling offices, domestic and household arts, home instruction studios, household article repair shops, personal grooming shops, personal service clinics and professional offices. It is also the policy of Council that development of a home occupation by way of a development agreement is conditional upon the dwelling being occupied as a residence by the operator of the home occupation, the home occupation being wholly contained within the dwelling, that the use of any accessory buildings or structures, or any part thereof, be limited to storage purposes in connection with, or accessory to the operation of the home occupation and that there is no outdoor storage or outdoor display associated with, used in connection with, or accessory to the operation of the home occupation. Additionally, in considering such proposals Council shall have regard to the evaluative criteria set out in Policy 5.2.2.

The desired long-range plan for the Planning Area is to maintain the area as a low-density rural area so as to minimize the possibility of polluting the area's water bodies. However, in the event that any existing parcel of privately held land included within the Rural Residential (BR-1) Zone becomes publicly owned, Council shall consider rezoning such land as either Provincial Park (BP) or Conservation (BC).

Policy 2.3.3

In order to preserve the integrity of the water supply characteristics of the Bridgetown Water Supply Planning Area, it is the intention of Council to consider amendment applications to rezone land zoned as Rural Residential (BR-1) to either the Provincial Park (BP) Zone or the Conservation (BC) Zone. In considering such proposals Council shall have regard to the evaluative criteria set out in Policy 5.2.2.

2.4 Forestry Development

Commercial forestry operations, for the purposes of this planning document, are considered industrial operations, classified as being either a primary forestry operation or a secondary forestry product processing operation. A primary forestry operation, solely, is the use of land for commercial silviculture (the growing of trees) or the cultivation, harvesting or gathering of trees and as such there is no processing of the trees on-site. Due to their operational nature, primary forestry operations do not require any buildings or structures to be erected accessory to their operations other than the erecting or locating of temporary trailers for the use by forestry employees or other persons engaged in the cultivation, harvesting or gathering of trees such as a subcontractor. In accordance with an interpretation of the *MGA* and legal precedence, land use planning regulations are not applicable to situations that are considered as being of a land activity or a land consumption nature such as the growing of trees or the cultivation, harvesting or gathering of trees. However, buildings or structures, integral to or accessory to a primary forestry operation such as a temporary trailers for the use by forestry employees or persons engaged in the cultivation, harvesting or gathering of trees are subject to planning documents.

A secondary forestry product processing operation is the use of land for the processing of harvested or gathered trees. Usually processing is done off-site such as at a mill, however, with the advent of portable sawmills, this is not always the case. Examples of secondary forestry product processing operations are operations processing either soft or hardwood for the production of fuel wood, construction lumber, pulpwood for paper manufacturing or the production of secondary products such as pallets, hardwood flooring, wall panelling and other hardboard products such as pegboard or siding. Secondary forestry product processing operations, by virtue of their operational nature of processing a tree, then known as a wood product, are not considered a land activity or an activity of a land consumption nature. Thus, secondary forestry product processing operations can be regulated through or by land use planning documents.

To date, there has been little commercial forestry activity been carried out in the Bridgetown Water Supply Planning Area other than thinning operations and there are no secondary wood products processing operations located in the Planning Area

Commercial forestry activities and operations are regulated by various other governmental agencies. The provincial Department of Environment and Labour, for example, oversees the application of herbicides through a permitting process with herbicide application being restricted to individuals that have been trained and met federal certification standards. The Province also has adopted Wildlife Habitat and Watercourse Protection Regulations. These regulations contain operational requirements that include the preservation of a buffer along waterways with a limitation of the harvesting percentage of product within the prescribed buffer. The

Wildlife Habitat and Watercourse Protection Regulations also prescribe a machine exclusion zone around all waterways and include provisions for coarse woody debris to be left on site. The maintenance of wildlife islands on harvested areas in excess of three hectares, as well as silviculture programs are also discussed in these regulations.

It is with this in mind that Council is reasonably assured that forestry harvesting operations in the Planning Area should not negatively impact on the goals of this Municipal Planning Strategy to protect the availability and quality of the raw water supplies from the various water bodies located in the Planning Area. As such, it is Council's intention to consider the erecting or locating of temporary forestry employee use trailers and portable sawmills, provided a development permit has been issued, as a permitted use in the Conservation (BC) Zone or the Rural residential (BR-1) Zone.

Policy 2.4.1

It is the policy of Council to consider the erecting or locating of temporary trailers accessory to commercial forestry harvesting operations and portable sawmills, as permitted uses in the Conservation (BC) Zone or Rural Residential (BR-1) Zone.

2.5 Agricultural Development

Nowhere in the Bridgetown Water Supply Planning Area was there evidence of agricultural activity. This is perhaps not unexpected due to the elevation, steep slopes and thin soils in the area. The main soil series in the Bridgetown Water Supply Planning Area is that of the Rossway series. The Rossway series soils are characteristically well drained, shallow and excessively stony with frequent rock outcrops and rated poor for cropping. The agricultural industry is, however, a mainstay of economic life in Annapolis County. The majority of agricultural development is located on the valley floor along the Annapolis River. Here the soils are rich and productive. Council's policy in other municipal planning documents have been to identify, protect and encourage agricultural development in those areas. However, commercial agricultural operations are industrial developments. Like other industrial development, noise, dust, odour or other commonly recognized offensive conditions are characteristic. Generally speaking, however, these types of consequences of agricultural development are classified as nuisances. It is the application of natural or artificial source soil amendments or enhancers such as manure or chemical fertilizers that can potentially cause problems in a water supply area. Runoff from these sources, the application of which is commonplace in agricultural industries, has been proven to be harmful, resulting in nitrogen and

phosphorus overloading of waterways. Unfenced or improperly fenced animal pastures are just one more source of water pollution problems with permitting agricultural development to occur in a water supply area.

Council is of the opinion that the development of large-scale or intensive commercial agricultural activities in the Planning Area is not compatible with the nature of the area as a potable water supply. Thus it is the intention of Council to specifically exclude commercially oriented large-scale or intensive agricultural operations anywhere in the Bridgetown Water Supply Planning Area.

However, given the also rural nature of the Planning Area, limited or small-scale agricultural development, accessory to a residential use, of a personal home use nature is envisioned, with the appropriate development controls. Accordingly, agricultural uses shall be considered a permitted use provided they are developed in conjunction with a residential use and primarily developed for personal home use or consumption. The sale of the excess or surplus agricultural product from the residential accessory agriculture use is an inherent part of rural life and as such also permitted provided the sale of excess or surplus product is of a limited for-gain basis.

For clarification purposes, agricultural operations such as crop, silage or forage production operations shall also be considered agricultural operations accessory to a residential use and as such permitted on a personal home use or consumption basis. The intent here is to permit the development of what is commonly known as home gardens. However, commercially oriented large-scale or intensive agricultural crop, silage or forage production operations shall be considered a prohibited use.

Additionally, provisions shall also be set out in the Bridgetown Water Supply Area Land Use By-law governing the keeping of agricultural animals in the Rural Residential (BR-1) Zone, tying the number of agricultural animals to a unit area factor. Agricultural animal pens, holding areas or pasture lands shall also be required to be fenced as per Section 220 (5) (BC) of the *Municipal Government Act*.

Policy 2.5.1

It is the policy of Council to prohibit the development of all forms of commercially oriented large-scale or intensive agricultural uses, development or operations anywhere within the Planning Area. It is also the policy of Council to prohibit the development of any form of agricultural development, uses or operations in the Provincial Park (BP) Zone or the Conservation (BC) Zone.

Policy 2.5.2

It is the policy of Council to consider all forms of agricultural uses as an accessory use to a residential use and as such are permitted to be developed only on a personal home use or consumption and limited for-gain basis and only within the Rural Residential (BR-1) Zone. Additionally, for clarification purposes, residential accessory agricultural uses shall only be permitted to be located on the same lot as the main residential use and shall not be permitted to be developed prior to the construction and completion of the main residential building or structure, which thus forms the main use of the property.

Policy 2.5.3

It is the policy of Council that residential accessory agricultural uses involving the keeping of agricultural animals, including horses, shall be permitted in the Rural Residential (BR-1) Zone and prohibited in the Provincial Park (BP) Zone and the Conservation (BC) Zone.

Policy 2.5.4

It is the policy of Council to establish special regulations governing residential accessory agricultural uses involving the keeping of agricultural animals in the Bridgetown Water Supply Area Land Use By-law to regulate the number of agricultural animals that may be kept on a lot in the Rural Residential (BR-1) Zone.

Policy 2.5.5

It is the policy of Council to establish special regulations governing residential accessory agricultural uses involving the keeping of agricultural animals in the Bridgetown Water Supply Area Land Use By-law to require that all agricultural animal holding areas, exercise yards, pens or pasture or grazing land be properly and adequately fenced so as to fully enclose the agricultural animal holding areas, exercise yards, pens or pasture or grazing land.

2.6 Water Supply Watershed Management Options

There are various management options available to support the aims and goals of water supply watershed management; the goal being to maintain and, if necessary, improve the quality of water at the water supply intake, while encouraging the development and continuation of compatible land use and development practices.

Land use planning is one option within a range of management options for the protection of a water supply. However, the limitation of land use planning, in accordance with legal interpretation and precedence, is that land use planning regulations are not applicable to situations that are defined as being of a land activity or a land consumption nature. Activities such as swimming or bathing or the washing of motor vehicles in a lake that supplies potable water or the excavation or gravel, rock or minerals from an area of land within a water supply watershed thus cannot be regulated via a municipal planning strategy or land use by-law.

The regulation of land activity or consumption, both of which may include activities that could potentially be deleterious to the quality of the water of a water supply can, however, be regulated through the designation of the water supply as a protected water area via the *Environment Act*. As such this may be an option Council may wish to explore independently so as to offer an additional degree of protection in relation to controlling negative land activities that potentially may impair the water supply's water quality.

Policy 2.6.1

It is the intention of Council, in cooperation with the Town of Bridgetown, to explore the option of having the Minister of Environment and Labour designate the area of land within the natural watershed boundary as a “Protected Water Area” under the *Environment Act*.

Another tool available as a supplementary form of regulation to protect water supplies is Section 180 of the *Municipal Government Act*. In accordance with MGA Section 180, Council is permitted, by by-law, to designate lands owned by a municipality as a protected water supply area. Related to land activity, for those lands owned by the Town of Bridgetown, should it be deemed to be necessary, an Annapolis County By-law could be enacted. This by-law can supersede the *Angling Act*, and address such issues as fishing or bathing in Foster or Crosskill Lake, camping or cutting wood on Town owned lands or the placing of, or the permitting the escape of any matter or thing of an offensive nature or deleterious nature on Town owned land which could impair the quality of water from Foster Lake, Crosskill Lake or the brook from Crosskill Lake which flows to the settling reservoir because these waters are used for domestic purposes.

Policy 2.6.2

Subsequent to a request by the Town, in order to preserve the integrity of the water supply characteristics of the Bridgetown Water Supply Planning Area, it is the intention of Council to consider, and if deemed advisable, enact a by-law to designate those lands owned by the Town of Bridgetown within the natural watershed boundary, as described on Map 1, the Future Land Use Map, as a protected water supply area in accordance with the powers conferred via Section 180 of the *Municipal Government Act*.

Along with the development of municipal regulatory land use planning regimes, another management option available to the Municipality to support their water supply preservation/protection efforts includes the ownership of the critical lands within the water supply areas, particularly those lands adjacent to the water supply water bodies.

In accordance with Section 271 (3)(h)(ii) of the *Municipal Government Act*, it is the intention of Municipal Council to include in the Subdivision By-law for Annapolis County requirements for the transfer of useable land for park, playgrounds or similar public purposes, ten per cent (10%) of the area of lots shown on a final plan of subdivision.

Policy 2.6.3

As part of a management plan for the preservation/protection of the water supply water features within the Bridgetown Water Supply Planning Area, it shall be the policy of Council to include in the Subdivision By-law for Annapolis County requirements for the transfer to the Municipality of useable land for park, playground or similar public purposes, ten per cent (10%) of the area of lots shown on a final plan of subdivision.

3.0 ENVIRONMENTAL PROTECTION

The protection of the availability and quality of the raw water supplies from the various water bodies located in the Bridgetown Water Supply Planning Area is one of the main goals of this Municipal Planning Strategy. The authorities set out in the *Municipal Government Act*, specifically Sections 214 and 220, permit a municipality to achieve this goal through the establishment of policy, which is then implemented by a land use by-law. Topics that are to be addressed in this section include the following:

- a. for the purposes of landscaping, buffering, sedimentation or erosion control, in connection with a development, the requirement to plant trees and vegetation or to require the retention of trees and vegetation;
- b. in connection with a development, the requirement for or prohibiting of the altering of land levels, the excavation or filling in of land, the placement of fill or the removal of soil;
- c. the prescription of methods for controlling erosion and sedimentation during the construction of a development; and
- d. the prohibiting of development within a specified distance of any water feature in the Bridgetown Water Supply Planning Area.

3.1 Protected Water Features Setback

A watercourse, in accordance with Section 191 (r) of the *Municipal Government Act*, means “a lake, river, stream, ocean or other body of water.” With reference to Section 220 (5) (o), of the *Municipal Government Act*, where a municipal planning strategy so provides, a land use by-law may prohibit development within a specified distance of a watercourse.

It is the intention of Council to include any body of water, including the lakes, brooks, streams as well as the wetland areas adjacent to the lakes, brooks and streams in the Bridgetown Water Supply Planning Area, in policy, as a protected water feature. It is also the intention of Council to include a protected water feature setback requirement in the Land Use By-law that would prohibit development from being located within a protected water feature setback, excepting special developments such as government owned, operated and maintained water extraction, water treatment, water storage, storm water management facilities along with any associated water management accessory buildings or structures and roads or bridges. The rationale for requirement is that inappropriate development or poor development practices in a watershed can result in environmental problems that can potentially threaten water quality, which can be costly to resolve and very disruptive to the water users. Examples of the environmental problems associated with human settlement and inappropriate activities in a watershed include changes in

watercourse flow patterns, peaks and velocities, leading to flooding or erosion or the loss of vegetation along watercourses, which can result in the degradation of water quality. Increased levels of phosphorous, nitrates, bacteria and pathogens may occur through stormwater runoff or specific point sources such as road salts and leachate from septic systems. Additionally, the likelihood of petroleum pollutants entering the water supply escalates with population growth and human activity.

Policy 3.1.1

It is the policy of Council to include a protected water feature setback requirement in the Land Use By-law in which development, with the exception of government owned, operated and maintained water extraction, water treatment, water storage, storm water management facilities and roads, trails or bridges, within 30 metres (98.43 feet) of the edge of the shoreline of any protected water feature in the Provincial Park (BP) Zone or the Rural Residential (BR-1) Zone, shall be prohibited.

Policy 3.1.2

It is the policy of Council to include a protected water feature setback requirement in the Land Use By-law in which development, with the exception of government owned, operated and maintained water extraction, water treatment, water storage, storm water management facilities and roads, trails or bridges, within 75 metres (246.06 feet) of the edge of the shoreline of any protected water feature in the Conservation (BC) Zone, shall be prohibited.

Policy 3.1.3

It is the policy of Council, for the purposes of landscaping, buffering, sedimentation or erosion control, in connection with a development, that an area of natural living vegetation surrounding a protected water feature shall be retained for a distance of 30 metres (98.4 feet) back from the edge of the shoreline of the protected water feature on all properties within the Provincial Park (BP) Zone or the Rural Residential (BR-1) Zone, except in relation to works associated with special uses as set out in Policy 3.1.1.

Policy 3.1.4

It is the policy of Council, for the purposes of landscaping, buffering, sedimentation or erosion control, in connection with a development, that an area of natural living vegetation surrounding a protected water feature shall be retained for a distance of 75 metres (246.06 feet) back from the edge of the shoreline of the protected water feature on all properties within the Conservation (BC) Zone, except in relation to works associated with the development of those specific uses set out in Policy 3.1.2.

Policy 3.1.5

It is the policy of Council, for the purposes of landscaping, buffering, sedimentation or erosion control, in connection with a development, that the developer plant natural living trees and vegetation on the property along a protected water feature within the Provincial Park (BP) Zone or the Rural Residential (BR-1) Zone to a depth of 30 metres (98.4 feet) from the edge of the shoreline of the protected water feature where the natural living vegetation has been removed or previously disturbed.

Policy 3.1.6

It is the policy of Council, for the purposes of landscaping, buffering, sedimentation or erosion control, in connection with a development, that the developer plant natural living trees and vegetation on the property along a protected water feature within the Conservation (BC) Zone to a depth of 75 metres (246.06 feet) from the edge of the shoreline of the protected water feature where the natural living vegetation has been removed or previously disturbed.

3.2 Altering of Land Levels and Soil Removal

Land level alteration, by both excavation and filling, can potentially have significant impact on the relative proportions of surface runoff and infiltration of precipitation and snowmelt. Changes in these phenomena and their relative proportions can affect the yield of a lake as a water supply. With reference to Section 220 (5) (g) of the *Municipal Government Act*, where a municipal planning strategy so provides, a land use by-law may, in relation to a development, regulate or prohibit the altering of land levels, the excavation or filling of land, the replacement of fill or the removal of soil unless these matters are regulated by another enactment of the Province. It is thus the opinion of Council to prohibit the altering of land levels within the water feature setback but permit the altering of land levels, in association with a development, on all other lands within the Bridgetown Water Supply Planning Area if the developer first submits a site grading and drainage plan and receives approval for the site grading and drainage plan.

Policy 3.2.1

It is the policy of Council to regulate altering of land levels, the excavation and filling of land, the placement of fill and the removal of soil, in association with development anywhere in the Bridgetown Water Supply Planning Area except for within the special circumstances set out in Policy 3.2.2 and Policy 3.2.3.

Policy 3.2.2

It is the policy of Council that, in association with a development, to prohibit the altering of land levels, the excavation and filling of land, the placement of fill and the removal of soil from all land within 30 metres (98.4 feet) of the edge of the shoreline of a water feature within the Provincial Park (BP) Zone or the Rural Residential (BR-1) Zone, except in relation to works associated with the development of those specific uses set out in Policy 3.1.1.

Policy 3.2.3

It is the policy of Council that, in association with a development, to prohibit the altering of land levels, the excavation and filling of land, the placement of fill and the removal of soil from all land within 75 metres (246.06 feet) of the edge of the shoreline of a water feature within the Conservation (BC) Zone, except in relation to works associated with the development of those specific uses set out in Policy 3.1.2.

3.3 Erosion and Sedimentation Control

Activities associated with excavation, filling and the storage of soil can create unnecessary water quality risks. Excavation, embankment and stockpile areas are, during surface runoff events, major sources of eroded silt and clay particles. The particles, when suspended in the water, degrade the condition of the water and are very difficult to remove to a degree that renders the water compliant with Drinking Water Standards. Protection of surface runoff water quality requires the use of erosion control and sedimentation features that reflect conditions such as the ground cover, the ground surface gradient, the permeability of the soil, the intensity and duration of rainfall events and the susceptibility of different, relevant soil-types associated with the development to erosion.

With reference to Section 220 (5) (l) of the *Municipal Government Act*, where a municipal planning strategy so provides, a land use by-law may, in relation to a development, prescribe methods for controlling erosion and sedimentation during the construction of a development. Thus it is the intention of Council to prescribe erosion and sedimentation controls to apply during the construction of any development in the Bridgetown Water Supply Planning Area. Erosion and sedimentation controls shall include the control, disposal or runoff of water containing suspended material or other harmful substances with the use of siltation fences, sedimentation ponds, diversion ditches, silt curtains, sedimentation blankets, slope stabilization and the like, in accordance with the Nova Scotia Department of Environment and Labour Erosion and Sedimentation Control Handbook for Construction Sites.

Policy 3.3.1

It is the policy of Council to prescribe methods for controlling erosion and sedimentation, in association with the construction of a development in the Bridgetown Water Supply Planning Area.

4.0 GENERAL DEVELOPMENT STANDARDS

4.1 Subdivision Controls

Annapolis County has a Subdivision By-law that applies to the entire County. The Subdivision By-law regulates the subdivision of land and sets out standards with respect to the construction of new roads and the installation of water and sewer services. The Subdivision By-law for Annapolis County requires developers to pay for the construction of new roads, whether the road is to be a municipal or a private road, and the installation of water and sewer services, if applicable to the circumstances.

Policy 4.1.1

Regulations for the subdivision of land shall be set out in the Subdivision By-law for Annapolis County. This Subdivision By-law shall include standards for the design and construction of roads, water and sewer services, and stormwater facilities as well as the parks levy and other requirements in accordance with the Provincial Subdivision Regulations and the *Municipal Government Act*.

4.2 Development and Private Roads

The Annapolis County Subdivision By-law requires that where Council wishes to permit development along private roads, the Municipal Planning Strategy must contain policies that provides for both the subdivision and development of such roads and lots along private roads. Council is of the opinion that private road development is an acceptable transportation alternative for new roads in the Planning Area and as such Council shall establish policy to permit the subdivision and development of both private roads and lots along private roads and establish regulations in the Land Use By-law to permit development permits to be issued for lots fronting on private roads.

Policy 4.2.1

It is the policy of Council that all lots created in the Planning Area shall abut a municipal street or highway, a provincial public street or highway or a private road and provisions shall be set out in the Land Use By-law to permit development permits to be issued for lots created along private roads. Thus the provision within the Subdivision By-law for Annapolis County concerning subdivision of land to create lots that front on a municipal street or highway, provincial public street or highway or a private road is operative.

4.3 New Lot Creation and Development

The Annapolis County Subdivision By-law requires that all new lots created meet the minimum lot area and frontage requirement contained within a land use by-law. Thus it is the intention of Council to set out minimum lot area and minimum frontage requirements in the Land Use By-law for each of the zones.

Policy 4.3.1

It is the policy of Council to establish minimum lot area and minimum lot frontage requirements for each land use zone in the Land Use By-law. It is also the policy of Council that all new lots created via the Subdivision By-law for Annapolis County meet the applicable land use zone minimum frontage and area requirements. For further clarification, it is the policy of Council to prohibit the relaxation of the minimum lot frontage or minimum lot area requirements set out in the Bridgetown Water Supply Area Land Use By-law, unless otherwise stated in the Bridgetown Water Supply Area Municipal Planning Strategy and Land Use By-law except to provide for the relaxation of requirements of frontage and/or lot area for the subdivision of a maximum of two lots, shown on a plan of subdivision, provided that the lot area and/or frontage are no less than 90 per cent of the required minimums for lot area and frontage, in accordance Act.

4.4 Existing Lots – Lot Area Requirement Flexibility

As described in Section 4.3, it is Council's intention that lots meet the minimum lot area requirements set out in the Bridgetown Water Supply Land Use By-law before a development permit be issued. With the exception of some private properties in the Rural Residential (BR-1) Zone, the lots in the Planning Area are large. However, due to the area being a potable water supply area, Council is of the opinion that, with the exception of the Rural Residential (BR-1) Zone, providing for the variation of lot area requirements for existing lots is not an appropriate option.

Policy 4.4.1

It is the policy of Council to include provisions in the Land Use By-law to prohibit development and to prohibit the issuance of development permits for development on existing lots, with the exception of existing lots in the Rural Residential (BR-1) Zone, which have less than the required lot area as set out in the Bridgetown Water Supply Area Land Use By-law.

4.5 Existing Lots – Subdivision Flexibility

Where a municipality wishes to exercise some flexibility by allowing for the subdivision of land without first granting variances, provisions must be made for these circumstances both in the plan and by-law.

Council's opinion is that two situations warrant this special consideration. The first is where a development component is encroaching upon an abutting parcel of land. The second deals with the ability to alter boundaries between two lots without affecting the existing lot frontage or lot area.

Policy 4.5.1

As a relaxation to Policy 4.3.1, it is the policy of Council to include provisions in the Land Use By-law to permit the subdivision of land and allow for the issuance of development permits so that new lots may be created where a development component of a permanent nature is encroaching on an abutting lot provided that the lots affected are subdivided only to the extent necessary and practical to remove the encroachment.

Policy 4.5.2

As a relaxation of Policy 4.3.1, it is the policy of Council to include provisions in the Land Use By-law to permit the subdivision of land and allow for the issuance of development permits so that new lots may be created by altering the boundaries of two or more existing lots provided that no additional new lots are created and the frontage and/or area of any lot so created has not been reduced.

4.6 Existing Lots – Lot Frontage Requirement Flexibility

As described in Section 4.3, it is Council's intention that lots meet the minimum lot frontage requirements set out in the Bridgetown Water Supply Land Use By-law before a development permit be issued. However, Council feels it appropriate that special consideration should be given to existing lots within the Bridgetown Water Supply Planning Area, which lack frontage or have less than the minimum required frontage on a public, private or municipal street. In order to avoid placing undue hardship on the owners of these properties, Council wishes to include provisions in the Bridgetown Water Supply Area Land Use By-law to allow the use of such lots provided access is provided to these lots by means of an easement for right-of-way and access.

Policy 4.6.1

It is the policy of Council to include provisions in the Bridgetown Water Supply Area Land Use By-law to permit the issuance of a development permit for a development permitted by the Bridgetown Water Supply Area Land Use By-law on an existing lot that has less than the required lot frontage on a municipal street, provincial public street or highway or a private road.

Policy 4.6.2

It is the policy of Council to include provisions in the Bridgetown Water Supply Area Land Use By-law to permit issuance of a development permit for a development permitted by the Bridgetown Water Supply Area Land Use By-law on an existing lot which has no frontage on a municipal street, provincial public street or highway or private road, provided that:

- i. the existing lot is serviced by an easement for right-of-way and access to a municipal street, provincial public street or highway or a private road that has a minimum width of 6 metres (19.7 feet) which is assignable and perpetual and has been clearly granted by deed and registered in the Registry of Deeds; and**
 - ii. all other applicable requirements of the Bridgetown Water Supply Area Land Use By-law are met.**
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4.7 General Standards

The Bridgetown Water Supply Area Land Use By-law sets out development standards regarding yards, setback, lot coverage, accessory uses and structures and other matters, which may vary according to the use, zone and location. The common theme throughout the By-law shall be to set relatively restrictive standards to maintain sufficient control to ensure good quality development in a potable water supply area.

Policy 4.7.1

The Land Use By-law shall contain a “General Provisions For All Zones” section that sets out the development standards relating to:

- i. provisions respecting temporary buildings or structures with appropriate time restrictions;**
- ii. provisions respecting yard and setback requirements;**
- iii. provisions with respect to the number of main and accessory buildings including lot coverage provisions; and**
- iv. provisions with respect to the height of buildings and structures and permitted encroachments into yards.**

4.8 Signage Standards

As provided for in the *Municipal Government Act*, Council wishes to regulate signs in order to strike a balance between the public right to be informed, the business/service right to advertise and the community right to limit unsafe signage practices and limit visual pollution of signage on public property.

Policy 4.8.1

Sign requirements shall be included in the Bridgetown Water Supply Area Land Use By-law, which, for public safety reasons, shall include provisions dealing with safety, illumination, type or location of signs. In addition, certain types of signs, as specified, shall be either permitted or prohibited completely from being erected. It is also the policy of Council not to require the issuance of development permits for signs, unless otherwise specified via a development agreement.

5.0 IMPLEMENTATION

The topics to be addressed in this section concern policies governing the review of this planning document, procedures for amending the land use by-law, procedures for the consideration of entering into a development agreement, completeness of an application and advertising, notification and processing cost recovery.

5.1 Planning Document Review Timeline

This Municipal Planning Strategy has been prepared on the assumption that the water bodies located within the Planning Area shall continue to be the sole source supply of potable water for the Town and the outlying areas of the County, north and south of the Town, including portions of the communities of Clarence West, Church Road and Carleton Corner. The focus of the plan is that the Planning Area will continue as a low-density rural area. It is with this in mind that this plan has been prepared as a five-year plan. However, at some time in the future, the area the plan covers may be increased or a more complex approach to development control may wish to be employed. A review of this Municipal Planning Strategy may be undertaken at that time.

Policy 5.1.1

It is the intention of Council to commence a review of the Bridgetown Water Supply Area Municipal Planning Strategy and the Bridgetown Water Supply Area Land Use By-law every five years.

5.2 Land Use By-law and Amendments

A land use by-law is the principle mechanism by which land use policies shall be implemented. A land use by-law is similar to a municipal planning strategy in that it becomes a law of a municipality, adopted by Municipal Council. Normally a land use by-law sets out the applicable land use zones, both in word and graphic form by the inclusion of maps that divide a planning area into land use zones along with a listing of permitted uses within each of the land use zones with development standards. Additionally, a land use by-law may contain such things as development to be considered by development agreement or site-plan approval and performance standards as well as future transportation reserves. Usually found in a land use by-law are sections dealing with definitions, signs, administration, interpretation and general provisions. A land use by-law can only be adopted or amended to carry out the intent of a municipal planning strategy. The Bridgetown Water Supply Area Land Use By-law's standards, which reflect the policies set out in the Bridgetown Water Supply Area Municipal Planning Strategy, are pursuant to the *Act*.

Policy 5.2.1

The Bridgetown Water Supply Area Land Use By-law shall be the principal mechanism by which the policies of the Bridgetown Water Supply Area Municipal Planning Strategy shall be implemented. The Bridgetown Water Supply Area Land Use By-law shall state - in text and map form - the zones, permitted uses, and development standards, which shall be generally compatible with the policies of the Bridgetown Water Supply Area Municipal Planning Strategy as, enabled by the Act. The Zoning Map, appended a Schedule "A" to the Bridgetown Water Supply Area Land Use By-law, shall represent the geographical extent of all zones in the Bridgetown Water Supply Planning Area. The following zones shall be established in the Land Use By-law:

Conservation	BC
Provincial Park	BP
Rural Residential	BR-1

Policy 5.2.2

In considering an application for an amendment to the Bridgetown Water Supply Area Land Use By-law Municipal Council shall ensure that the amendment is in conformity with the intent and policies of this Municipal Planning Strategy and with the requirements of the *Municipal Government Act*, and Municipal Council shall ensure that the proposal is not premature or inappropriate by reason of:

- i. the financial capability of the County to absorb any costs relating to the development;
 - ii. the extent to which development which would be enabled might conflict with any adjacent or nearby land uses by reason of the type of use, compatibility of design, impact of height, bulk or lot coverage, illumination, noise, dust, open storage, and signs;
 - iii. the adequacy and proximity of schools, recreation, and any other community facilities if such are relevant to the development;
 - iv. the adequacy of road networks, in, adjacent to, or leading to the development to reflect concerns for congestion and traffic hazards;
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- v. **pedestrian and vehicle access to and from the site, on-site parking and loading;**
- vi. **the potential for the contamination of watercourses, creation of erosion or sedimentation, or pollution;**
- vii. **the adequacy of stormwater management and sewer and water services and utilities or, if central piped services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems and stormwater management;**
- viii. **the presence of significant natural features or buildings or sites of historical or architectural significance;**
- ix. **the suitability of the proposed site in terms of steepness of grades, soil or geological conditions, and the relative location of watercourses and wetlands such as marshes, fens, swamps and bogs;**
- x. **the potential for changes in the proportion of surface runoff to the groundwater infiltration and the resultant impact on the long-term yield of the water supply; and**
- xi. **that the proposal is in conformity with the intent and policies of this Municipal Planning Strategy and any other applicable Municipal By-laws and Regulations.**

5.3 Development Agreements

A development agreement, like traditional zoning, is a tool for implementing a municipal planning strategy but, unlike traditional zoning techniques, the use of a development agreement can provide a flexible or negotiated approach to the development process without a loss of development control. A development agreement is a formal written agreement between Municipal Council and a developer and is binding on both parties. Where a Municipal Council intends to regulate development by development agreement, a municipal planning strategy is required to have policy with regard to the types of development to be considered by development agreement, those items which may form a part of the development agreement and the evaluation criteria, which Council shall consider prior to entering into a development agreement. As such, the types of development subject to development agreements are discussed in the policies section and implemented by the Land Use By-law. Reference to items to be included in a development agreement and evaluative criteria are found within the policy discussions sections as well as in this section.

Policy 5.3.1

In considering an application for a development agreement or an application for an amendment to a development agreement Municipal Council shall ensure that the application for a development agreement or an application for an amendment to a development agreement is in conformity with the intent and policies of this Municipal Planning Strategy and with the requirements of the *Municipal Government Act*, and Municipal Council shall ensure that the proposal is not premature or inappropriate by reason of:

- i. the adequacy and proximity of the proposed development to recreational and community facilities;**
 - ii. the impact of the proposed development on existing adjacent or nearby land uses in the area with particular regard to the use and size of the structures that are proposed, buffering and landscaping, hours of operation for the proposed use (where applicable) and other similar features of the use and structure in order to minimize any potential land use conflicts with adjacent uses;**
 - iii. the adequacy of municipal services with particular regard to the adequacy of the existing and proposed street network to handle the traffic to be generated by the development, and the demands on the municipal stormwater system, sanitary sewer systems, water system, fire protection, refuse collection, police protection, existing schools and churches;**
 - iv. the adequacy of provisions for on-site sewage disposal and on-site water where not connected to a centralized municipal system;**
 - v. the impact of and the adequacy of the proposed pedestrian and vehicular traffic circulation, with particular regard to the traffic that the development will generate and the adequacy of the proposed accesses to and from the site, traffic flows in and around the site in terms of its ability to handle any new traffic and the adequacy of the proposed on-site parking and loading;**
 - vi. the impact of the proposed development on structures on the immediately abutting lots in terms of such things as height, roof line, setbacks and lot coverage to minimize any potential land use conflicts between the proposed development and abutting properties;**
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- vii. the adequacy of the proposed lot to ensure that adequate screening and landscaping can be undertaken to minimize the potential for any land use conflicts with adjacent uses;
- viii. the suitability of the proposed site in terms of steepness of grades, soils and geological conditions, location of watercourses, wetlands such as marshes, fens, swamps and bogs and other nuisance factors;
- ix. the potential for the contamination of watercourses, creation of erosion or sedimentation, or pollution; and
- x. the potential for changes in the proportion of surface runoff to the groundwater infiltration and the resultant impact on the long-term yield of the water supply.

Policy 5.3.2

It is the policy of Council, when considering an application for a development agreement or an application for an amendment to a development agreement that the development agreement may include, but is not limited to the following:

- i. the specific use and size of a structure, either new or an expansion of an existing structure, the minimum lot sizes and accessory uses;
 - ii. the regulating or prohibiting the use of land or the erection or use of structures except for such purposes as may be set out in the agreement;
 - iii. the location of any structure within the development;
 - iv. the percentage of land area that may be built upon, setbacks and the size of yards or other open spaces;
 - v. the external appearance of structures, in particular the compatibility with adjacent structures and uses in terms of architecture and appearance with respect to, but not limited to, height, roof type, window type, building cladding, and building footprint;
 - vi. adequacy of access to and from streets, and parking;
 - vii. adequacy of the proposed landscaping or buffering of development, which may include fencing, vegetation, walkways and lighting and their compatibility with adjacent structures and uses;
 - viii. signs and other forms of advertising, open storage, screening and buffering;
 - ix. the subdivision of land;
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- x. security or performance bonding;
- xi. the hours of operation and property maintenance;
- xii. easements for the construction, maintenance or improvement of watercourses, ditches, land drainage works, stormwater systems, wastewater facilities, water systems and other utilities;
- xiii. the grading or alteration in elevation or contour of land and provision for the disposal of storm and surface water;
- xiv. the construction, in whole or in part, of a stormwater system, wastewater facility and water system;
- xv. the maximum density of the population within the development;
- xvi. matters which are not substantive or matters which are substantive;
- xvii. timelines and conditions for discharging the development agreement with or without the consent of the property owner;
- xviii. timelines for commencing, completing or phasing of the development; and
- xix. any other matters that may be addressed in a Land Use By-law, which Council feels are necessary to ensure the compatibility of the proposed development within a water supply area and with adjacent uses, structures and areas.

Policy 5.3.3

Further to Policy 5.3.2, it is also the policy of Council that when considering an application for a development agreement or an application for an amendment to a development agreement that the development agreement, where applicable, be accompanied by a site plan or other clear description showing the existing and proposed site characteristics and the existing and proposed development, which shall form part of the agreement. For clarification, a development agreement shall not require amendment to the Bridgetown Water Supply Area Land Use By-law, but shall be binding to the property until the agreement or part thereof is discharged by Municipal Council. Information required for evaluation of a proposed development agreement or an amendment to an existing development agreement may be required to be submitted (in text, map, or photographic form) by the applicant pursuant to Policy 5.4.2.

5.4 Completeness of Applications

Applications for development agreements or land use by-law amendments, whether a rezoning or a text amendment, require careful consideration of the circumstances surrounding the request. In such instances, the applicant must supply adequate information. However, requests vary in complexity, thus the nature of the information that Council will require to assess the request will also vary. Thus, Council feels it is appropriate that the applicant provide as much information as possible.

Policy 5.4.1

A completed application shall be required to be submitted to the Municipal Clerk of the Municipality of the County of Annapolis with sufficient information included to support the request.

Policy 5.4.2

Council may require that any or all of the following information be submitted (in text, map or photographic form) by the applicant with respect to applications for land use by-law amendments, development agreements or amendments to an existing development agreement:

- i. information as to the physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, existing watercourses, vegetative cover and proposed lot size and location;**
 - ii. information as to the proposed location, height, dimensions and use of all buildings or structures proposed to be built, erected, or altered on the lands;**
 - iii. information as to the adequacy of the proposed provisions for site drainage and servicing with water supply and sewage disposal or, if central piped services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems and stormwater management;**
 - iv. information as to the adequacy of the proposed access to and from the lands and estimated traffic flows to be generated and parking provisions;**
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- v. information as to intended hours of operation, open storage and on-site or off-site signs;
- vi. information as to provision of an appropriate buffering between the proposed development and the adjacent structures and/or uses;
- vii. information as to the presence of significant natural features or buildings or sites of historical or archaeological significance;
- viii. information as to the suitability of the proposed site in terms of steepness of grades, soils and geological conditions, location of watercourses, wetlands such as marshes, fens, swamps and bogs and other nuisance factors;
- ix. information as to the potential for the contamination of watercourses, creation of erosion or sedimentation, or pollution; and
- x. information as to the potential for changes in the proportion of surface runoff to the groundwater infiltration and the resultant impact on the long-term yield of the water supply.

5.5 Notification and Advertising Cost Recovery

The *MGA* permits a municipality to recover notification and advertisement costs associated with land use by-law amendments, variances, site plan approvals and development agreements, including amendments to existing development agreements.

Policy 5.5.1

It is the intention of Council to include provisions in the Land Use By-law regarding an administration deposit fee to recover the cost of advertising for Land Use By-law Amendments, Variances, Site Plan Approvals and Development Agreements, including the amendment thereto of an existing development agreement and the processing costs for notification of affected property owners. As estimated by the Municipal Clerk, the applicant shall deposit an amount sufficient to pay the cost of all advertising and notification with respect to the application with the Municipality. Should the notification or advertising cost be more than the established deposit, then the applicant may be billed for the difference, or if the cost is less than the established deposit, the applicant shall be refunded the difference.

5.6 Administration Processing Cost Recovery

The *Municipal Government Act* permits a municipality to recover processing costs associated with development permits, land use by-law amendments, site plan approvals, variances and development agreements, including amendments to existing development agreements.

Policy 5.6.1

It is the intention of Council to include provisions in the Bridgetown Water Supply Area Land Use By-law regarding an administrative processing fee to recover costs associated with applications for Development Permits, Land Use By-law Amendments, Site Plan Approvals, Variances and Development Agreements, including the amendment thereto of an existing development agreement.

5.7 Development Officer

The *Municipal Government Act* requires a municipality to appoint a Development Officer to administer its land use by-law and subdivision by-law.

Policy 5.7.1

In accordance with the *Municipal Government Act*, it is the policy of Council to appoint a Development Officer to administer the Bridgetown Water Supply Area Land Use By-law and the Subdivision By-law for the Municipality of the County of Annapolis.

5.8 Public Participation Program

As outlined at the beginning of this Municipal Planning Strategy, Council undertook a public consultation process. The public participation program was designed to involve the Planning Area's residents, landowners and water and area users and to solicit their input in the development of this Municipal Planning Strategy and Land Use By-law. This public participation process involved meeting notice advertisements, open Bridgetown Water Supply Area Advisory Committee and Planning Advisory Committee meetings and open house format public meetings. As defined by the policies of this Municipal Planning Strategy, where applicable, text changes, rezonings, development agreements and amendments are enabled. As part of these processes, public notification is required. Council, however, feels that because the Bridgetown Water Supply Area Municipal Planning Strategy is a public document, the public must be informed of changes to the documents or agreements made pursuant to the documents, above and beyond the statutory public hearing as set out in the *MGA*.

Policy 5.8.1

It is the intention of Council that a public participation program for land use by-law text or rezoning amendments, development agreements or their subsequent amendment and amendments to this Municipal Planning Strategy shall consist of the following:

- i. Referral of the application to the Planning Advisory Committee and the Bridgetown Water Supply Area Advisory Committee;**
 - ii. Setting the date of the Planning Advisory Committee Public Meeting (which may be after the meeting of the Bridgetown Water Supply Area Advisory Committee);**
 - iii. Advertises the Planning Advisory Committee Public Meeting in at least one local newspaper (with the advertisement specifying the date, time and place of public meeting, the matter to be discussed, the specific property affected, where applicable, and the place where specific application information is available); and**
 - iv. Planning Advisory Committee meets. Prior to any discussion among Planning Advisory Committee members, any citizens in attendance are afforded an opportunity to ask questions or obtain further information about the application.**
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Policy 5.8.2

It is the intention of Council that the public participation program for land use by-law text or rezoning amendments, development agreements or their subsequent amendment and amendments to this Municipal Planning Strategy may be extended to require all landowners within a minimum 100 metre (328 ft.) radius of the affected property be notified by personal service or regular mail, require more advertisements or more information in the advertisement or otherwise vary the public participation process, so long as the minimum set out in Policy 5.8.1 is met.

5.9 Notes To Readers

To assist in the use of this Municipal Planning Strategy and the accompanying Land Use By-law, it is useful to include unofficial notes to the readers in the form of examples, diagrams, or explanations.

Policy 5.9.1

It is the policy of Council to a number of “Notes to Readers” in this Municipal Planning Strategy and the Bridgetown Water Supply Area Land Use By-law. These “Notes to Readers” are for information and clarification purposes only, and do not form part the Bridgetown Water Supply Area Municipal Planning Strategy or Land Use By-law. Altering, deleting or adding such “Notes to Readers” shall be by resolution of Council and shall not require official amendment of this Municipal Planning Strategy or the Bridgetown Water Supply Area Land Use By-law.

6.0 Bridgetown Water Supply Area Public Education Program

The goal of watershed management is to maintain and, if necessary, improve the quality of water at the water supply intake, while encouraging the development and continuation of compatible land use and development practices. The problem is however that inappropriate development or poor development practices in a watershed may lead to irrecoverable environmental and water quality damage. Remediation is also costly to resolve and very disruptive to the end water user. Examples of environmental problems associated with human settlement and inappropriate activities in a watershed include changes in watercourse flow patterns, peaks and velocities which can lead to flooding or erosion and the loss of vegetation

along watercourses result in the degradation of water quality. Increased levels of phosphorous, nitrates, bacteria and pathogens may occur through stormwater runoff or specific point sources such as road salts, and leachate from septic systems. And, the likelihood of petroleum pollutants entering the water supply escalates with population growth and activity.

Outside of the development of municipal regulatory land use planning and management regimes there are a number of management options available to support water supply preservation/protection efforts such as the ownership of the critical lands around the water bodies and/or the provincial designation of a water supply area. The most important factor though is that the key to success is that development and human activities within the Bridgetown Water Supply Planning Area occur in a sustainable manner. Sustainable means focusing on pollution prevention rather than remediation and the development of resource based best management practices guidelines are an additional tool to achieve this goal. Best Management Practices or BMP, as they are commonly known, are specific conservation practices designed to protect the environment and specifically water quality from the effects of development. In terms of protecting water bodies, Best Management Practices advocate preventing phosphorous and sediment by reducing the risk of soil erosion by stabilizing exposed soils; minimizing vegetation loss, or replacing vegetation that has been removed; reducing stormwater runoff volumes and velocities by minimizing the amount of impervious area; and diverting runoff from developed or disturbed areas to vegetated buffers or areas where runoff can filter into the ground.

Policy 6.0.1

It is the intention of Council to develop a series of resource based best management practices guidelines for the Bridgetown Water Supply Planning Area and encourage the use of Best Management Practices through a program of public education and involvement aimed at raising the awareness of the importance of the Bridgetown Water Supply Area as a potable water supply among Bridgetown Water Supply Planning Area residents, landowners and area users.
