

Lawrencetown Water Supply Area

Municipal Planning Strategy



Effective Date: June 5, 2008

PART I	INTRODUCTION - AUTHORITY AND CONTEXT	Page
i.	Preamble.....	1
ii.	Background – Study, Supply and Location.....	1
iii.	The Planning Process.....	2
iv.	Goals.....	3
v.	Limitations.....	3
vi.	Components – Text and Maps.....	3
vii.	Statements of Provincial Interest.....	4
PART II	- POLICIES	
1.0	Water Supply Management.....	6
1.1	Lawrencetown Water Supply Protection Activities.....	6
1.2	Lawrencetown Water Supply Planning Area.....	7
1.3	Land Use Planning Designation.....	8
1.4	Parks Levy and Water Supply Protection.....	8
2.0	Lawrencetown Water Supply Area Development.....	9
2.1	Lawrencetown Water Supply (LWS-1) Zone.....	9
2.2	Lawrencetown Water Supply (LWS-2) Zone.....	11
2.3	Lawrencetown Water Supply (LWS-3) Zone.....	13
2.4	Lawrencetown Buffer (LB-4) Zone.....	16
2.5	Lawrencetown General (LG-5) Zone.....	18
3.0	Environmental Protection.....	19
3.1	Well Head and Water Features Protection.....	19
3.2	Altering of Land Levels and Soil Removal.....	21
3.3	Erosion and Sedimentation Control.....	22
4.0	General Development Standards.....	22
5.0	Implementation.....	24
5.1	Planning Document Review Timeline.....	24
5.2	Land Use By-law and Amendments.....	24
5.3	Development Agreements.....	26
5.4	Completeness of Applications.....	28
5.5	Public Participation Program.....	29
5.6	Notification and Advertising Cost Recovery.....	30
5.7	Administration Processing Cost Recovery.....	30
5.8	Notes to Reader.....	30
6.0	Lawrencetown Water Supply Area Public Education Program.....	31

PART I: INTRODUCTION – Authority and Context

i. Preamble

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

ii. Background – Study, Supply and Location

The water supply to the Village of Lawrencetown is a blended source. The wells are located at the base of the South Mountain, approximately 1.5 km from the center of the Village. Water from the wells is pumped into a 500,000 imperial gallon steel reservoir for eventual chlorination and distribution.

As background to the development of this MPS and LUB, in 2004, the Municipality of the County of Annapolis engaged Jacques Whitford Limited to assess the technical characteristics of the two existing production wells. In the study, “The Village of Lawrencetown Groundwater Model and Well Head Protection Study”, the consultants documented the present well field conditions in terms of hydraulic capacity and water quality. The consultants also prepared a conceptual groundwater flow model and developed a three dimensional finite difference model of the groundwater flow conditions for the two production wells. The study deliverables also included the establishment of the water supply contribution area and well head protection zones based on 0 to 250 days, 250 days to 5 years and 5 years to 25 years capture zones and the possible location of a third production well. It is also important to note here that as part of the study modelling; the capture area delineation results are dependent on a number of assumptions that play a major role in the delineation of a planning area boundary. The applicable assumptions are that the recharge boundary is the highland area near Inglisville Road, groundwater and surface water interact with Mud Lake Brook and there is a north-south influence fracture zone that follows Barteaux Brook separating the area’s production wells. In terms of water quality protection, the consultants recommended using an integrated watershed approach with Mud Lake Brook as the designated watershed. This approach would provide a sufficient area for possible future well field expansion and provide a reasonable degree of protection to the groundwater and the surface water ecosystem in Mud Lake Brook.

iii. The Planning Process

At the request of the Lawrencetown Water utility, Municipal 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 Village of Lawrencetown and the outlying County regions.

For this, staff of Annapolis County Planning Services (ACPS), acting at the direction of the community-based Lawrencetown Water Supply Area Advisory Committee (LWSAAC), the Annapolis County Planning Advisory Committee (PAC) and Annapolis County Municipal Council, carried out the preparation of the Lawrencetown Water Supply Area MPS and LUB. To facilitate the preparation a consultation process was undertaken including:

- The establishment of the community-based advisory committee called the Lawrencetown Water Supply Area Advisory Committee comprised of membership representation from Village of Lawrencetown, Annapolis County Municipal Council and water supply end users.
 - The completion of various background and information studies by the staff of the Annapolis County Planning Services and the background study consultants, Jacques Whitford Limited, all of which serve as background reports to the development of this MPS and LUB.
 - Extensive consultations with the Village Commission and Municipal Council officials, municipal staff for both jurisdictions, members of the LWSAAC, residents and landowners of the Lawrencetown Water Supply Planning Area.
 - Completion of Annapolis County Council initiated public participation program that consisted of local area newspaper advertisements giving notice of PAC sponsored public meetings and open LWSAAC meetings.
 - The holding of a statutory public hearing concerning the adoption of the Lawrencetown Water Supply Area MPS and LUB.
 - The posting of an advertisement in the local newspaper, the Annapolis County Spectator, giving notice that the Lawrencetown Water Supply Area MPS and LUB had come into effect.
-

iv. 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, program and project evaluation and considering amendments to the Lawrencetown Water Supply Area Municipal Planning Strategy or the Lawrencetown Water Supply Area Land Use By-law or the entering into development agreements for specific developments authorized by the Lawrencetown Water Supply Area Municipal Planning Strategy and Land Use By-law. Specific goals of this Municipal Planning Strategy include the following:

- G-1 To protect the quality of the raw water supplies from the well fields located in the Lawrencetown Water Supply Planning Area.
- G-2 To protect the quality and quantity of the groundwater and the surface water ecosystem in the Mud Lake Brook watershed.
- G-3 To preserve the rural character of the Lawrencetown Water Supply Planning Area and to require/encourage or limit development as being consistent with the existing low-density rural character of the Planning Area and compatible with the water supply/watershed nature of the Planning Area.
- G-4 Provide a basis for Municipal Council to guide and direct new development in the Planning Area in a manner that is environmentally safe, sustainable and compatible with the water supply/watershed nature of the Planning Area.

v. Limitations

This Municipal Planning Strategy sets out policies directed toward the attainment of the goals set out in Section IV 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 new production well) 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.

vi. Components - Text and Maps

The Lawrencetown 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 Lawrencetown Water Supply Planning Area to the "**Water Supply Protected Area**" designation.

vii. Statements of Provincial Interest

The *Municipal Government Act* 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 quality of the raw water supplies from the well fields located in the Lawrencetown Water Supply Planning Area and to protect the ground and surface water ecosystems of the Mud lake watershed. While the Lawrencetown Water Supply Area Municipal Planning Strategy and its accompanying Land Use By-law make provisions for development within the Planning Area, development is limited to residential single, double and duplex dwelling units, forestry uses and agricultural uses to be located on large lots with yard and setback requirements that reflect the rural character of the area along with water feature and well field setback requirements, altering of land levels provisions, sedimentation and erosion controls and requirements for the retention or replacement of natural vegetation.

b. Flood Risk

The Lawrencetown 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, all wetland areas including streams in the Lawrencetown Water Supply Planning Area, by policy, have been included within the definition of a protected water feature. As such, water features within the Lawrencetown Water Supply Planning Area are protected in the sense that a water feature setback requirement prohibits development, with the exception of water extraction, treatment or retention uses, from being located within a specified distance of a water feature or well field.

c. Agricultural Land

Agricultural activity, at present, within the Lawrencetown Water Supply Planning Area is limited consisting of occasional hay crop production, animal pasturing, sugar maple sap harvesting, Christmas tree harvesting and blueberry farming. While some previously cleared areas are starting to regenerate its forest cover the remaining areas are used for limited scope animal pasturing and recreational horse back riding. Traditional agricultural activities, in the form of crop production, is limited and this is perhaps not unexpected due to the elevation, steep slopes and poor quality of the reddish-brown silt, clay and sand glacial till overburden characteristic of the soils along the flanks of the South Mountain. However, the land base is conducive to rough pasturing, sugar maple sap harvesting, Christmas tree harvesting and blueberry farming. Because the soils on the valley floor are rich and productive, Council's policy in other municipal planning documents has been to identify, protect and encourage agricultural development in those areas. As this area is a water supply area, Council's opinion is that the goals of the plan can be met while permitting certain agricultural development in parts of the Planning Area and this is reflected in Council's policies and provisions of the Lawrencetown General (LG-5) Zone.

d. Infrastructure

The total landmass of the Lawrencetown Water Supply Planning Area is approximately 359 hectares (888 acres). Infrastructure related development here is limited to water extraction, storage, treatment and distribution structures and a power transmission line. Notwithstanding the fact that the Planning Area is a watershed and water supply area and given that the majority of development in the general area is outside of the Planning Area, following along existing roads, the provision of municipal services in the Planning Area would be an unwise decision for three basic reasons. Primarily, the goals of this Municipal Planning Strategy are to protect the quality of the raw water supplies from the area's well fields, to protect the groundwater and surface water ecosystems 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 potentially have serious repercussions on the health of the water supply well fields within the Planning Area.

Secondly, 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 to the existing rural character of the area.

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 generally 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 to two unit residential development. Given the mixed housing form residential nature of the general area surrounding the Planning Area, 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 town houses, 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 by-law controls.

Additionally, the Village of Lawrencetown itself, a municipally serviced community, provides for a wide array of unregulated thus permissible housing types. Council's opinion is that there is ample land available elsewhere within the Municipality or the Village for further residential development and higher density or more intensity residential development.

PART II: POLICIES

1.0 Water Supply Management

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 villages and municipalities through supply management. The goal of Annapolis County's overall water supply management program is to maintain and protect a watershed's groundwater and surface water in terms of its raw water quality and quantity from threats of contamination, while encouraging the development of compatible land uses and development practices.

Understandably, a safe and reliable water supply is not just important, but essential to public health and community stability. As a foundation of a viable social and economic base, the quality and abundance of water is the definitive indicator of sustainable development. Without a safe and adequate water supply and some measure of future assurance, all other development objectives become secondary.

1.1 Lawrencetown Water Supply Protection Activities

Water supply management and protection options include the ownership of the critical lands within a water supply area, the development of resource based best management practices guidelines, public education and 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*.

The Village of Lawrencetown has actively been pursuing a water supply protection program by purchasing critical lands surrounding its well fields and recharge areas; the Municipality of the County of Annapolis also owns land in the Planning Area.

As to protection via a regulatory regime, the Lawrencetown Water Utility requested the Municipality of the County of Annapolis to implement a Municipal Planning Strategy and Land Use By-law for the Mud Lake Brook watershed and its water supply area. The Municipality agreed on the basis of its principle that the protection of the raw water quantity and quality is one of the most efficient means of ensuring ongoing supplies of potable water. Thus, in conjunction with the Village's program to purchase land within the Mud Lake Brook watershed/water supply area, the development of a municipal planning strategy and land use by-law for the area was seen by both the Village and the County as a way to provide a complimentary level of protection for the water users within both the Village of Lawrencetown and the outlying County regions.

1.2 Lawrencetown Water Supply Planning Area

A watershed is a geographic area bounded peripherally by a topographic surface water runoff divide (watershed divide) where direct overland runoff drains to a common outlet, such as a point on a larger stream or river or a bay. The Lawrencetown water supply wells are situated within the Mud Lake Brook watershed, a north-flowing tributary of the Annapolis River. A well field simply defined is an area of land that surrounds a well head derived from where the water is pumped from a well that passes through the surface and subsurface land surrounding the well. Particular to the Lawrencetown Water Supply Planning Area, based on the groundwater model, set out in the Jacques Whitford Limited study called “The Village of Lawrencetown Groundwater Model and Well Head Protection Study”, it is expected that of all the rain falling within the Mud Lake Brook watershed, on an annual basis, 20% would recharge into the subsurface as groundwater and 54% would directly runoff into Mud Lake Brook.

The Lawrencetown Water Supply Planning Area boundary is defined as including the well field capture zones, the recharge areas and the majority of the watershed of Mud Lake Brook and the outer boundaries of those properties within the up-gradient recharge area; as recommended by the consultant, including those lands:

- (a) of the Village of Lawrencetown or Municipality of the County of Annapolis;
- (b) fronting on Highway 201 but generally starting at and extending southerly from the power transmission line, being generally the northern boundary;
- (c) west of Barteaux Brook, being generally the eastern boundary;
- (d) upon which the 0 to 250 days, 250 days to 5 years and 5 years to 25 years capture zones of the existing production wells are located on; and
- (e) the remainder of the Mud Lake Brook watershed, being generally the south and western boundaries.

It is important to note that the majority of the Mud Lake Brook watershed makes up the Planning Area with the exception of those privately held lands to the north of the power transmission line. Here development is mostly residential and the lots, being long and slender front on Highway 201 and extend into the Planning Area. The frontage of these lots are not included in the Planning Area because the areas are either hydraulically down-gradient to the existing well fields or outside the water recharge area. As the Village of Lawrencetown is not subject to land use controls, it was felt that it wasn't appropriate that these frontage portions be treated differently than other property in the Village outside of the Planning Area.

In terms of political jurisdiction, the majority of the Lawrencetown Water Supply Planning Area is located within the Municipality of the County of Annapolis with a small portion located within the boundary of the Village of Lawrencetown.

1.3 Land Use Planning Designation

The desired long-range land use plan for the Lawrencetown Water Supply Planning Area is that it be maintained as a low-density rural area so as to minimize the possibility of polluting the area's groundwater, surface water and the water supply well fields. To achieve this, the Lawrencetown Water Supply Planning Area will be designated as "Water Supply Protected Area" on the Future Land Use Map with only five land use zones being considered in the Land Use By-law.

Policy 1.3.1

It is the policy of Council, in order to minimize the possibility of impairing the raw water quantity and quality of the groundwater, surface water and water supply well fields within the Lawrencetown Water Supply Planning Area, and to maintain the rural character of the area, to designate the entire Lawrencetown Water Supply Planning Area as "Water Supply Protected Area" on the Future Land Use Map.

1.4 Parks Levy and Water Supply Protection

Along with the development of municipal regulatory land use planning regimes, as stated in Section 1.0 and Section 1.1, another management option available to the Municipality to support water supply protection efforts includes the ownership of the critical lands within the water supply area.

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

Policy 1.4.1

As part of a management plan for the Lawrencetown Water Supply Well Field 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 to be approved on a final plan of subdivision.

2.0 LAWRENCETOWN WATER SUPPLY AREA DEVELOPMENT

The total landmass of the Lawrencetown Water Supply Planning Area is approximately 359 hectares or just over 888 acres. Other than water supply related extraction, retention, treatment and distribution facilities, development within the Planning Area consists of a power transmission line, some cleared land for occasional hay cropping, animal pasturing and recreational horse back riding and a combination sugar maple, Christmas tree, blueberry and raspberry farm and two residential dwellings.

With reference to the “The Village of Lawrencetown Groundwater Model and Well Head Protection Study”, produced by Jacques Whitford Limited, well head protection zones were established based on 0 to 250 days, 250 days to 5 years and 5 years to 25 years capture zones for the existing production wells. Development within these three critical zones is currently limited to water supply related extraction, retention, treatment and distribution facilities. As to the remainder of the Planning Area two additional zones were established. It is in these two additional zones that the occasional hay cropping, animal pasturing, combination sugar maple, Christmas tree, blueberry and raspberry farm and two residential dwellings are located.

2.1 Lawrencetown Water Supply (LWS-1) Zone

Based on the sensitive nature of the 0 to 250 day capture zone, developing these lands for alternate uses would not be appropriate - a conservation type of zoning, however, would be appropriate. Thus, it is the intention of Municipal Council to include a Lawrencetown Water Supply (LWS-1) Zone in the Lawrencetown Water Supply Area Land Use By-law that would limit the uses permitted to be developed within the LWS-1 Zone to government owned, operated and maintained water supply related extraction, retention, treatment and distribution facilities, including structures or facilities for the display and interpretation of the waterworks and its groundwater and surface water management plan and protection strategy.

Policy 2.1.1

It is the policy of Council to establish a Lawrencetown Water Supply (LWS-1) Zone in the Lawrencetown Water Supply Area Land Use By-law which would limit the permitted uses in the Lawrencetown Water Supply (LWS-1) Zone to government owned, operated and maintained water extraction, water treatment, water retention, water distribution uses including structures or facilities for the display and interpretation of the waterworks and its groundwater and surface water management plan and protection strategy

Because of the sensitive nature of the 0 to 250 day capture zone Municipal Council is of the opinion that the rezoning of LWS-1 zoned land would not be a wise decision. Thus Council shall not consider applications to rezone any land in the “Water Supply Protected Area” designation from the LWS-1 Zone to any other zone.

Policy 2.1.2

It is the policy of Council, in order to preserve the integrity of the water supply, to refuse to consider applications to rezone any land within the “Water Supply Protected Area” designation from the Lawrencetown Water Supply (LWS-1) Zone.

However, if an existing production well is decommissioned Council may consider applications to rezone land from the Lawrencetown Water Supply (LWS-1) Zone.

Policy 2.1.3

Notwithstanding Policy 2.1.2, it is the intention of Council that should an existing production well be properly decommissioned, in accordance with Provincial regulations and guidelines, so that there is no hydraulic interaction between the decommissioned well and any other existing production well, Council may consider applications to rezone land from the Lawrencetown Water Supply (LWS-1) Zone to the Lawrencetown Buffer (LB-4) Zone.

Additionally, Council recognizes that the Village of Lawrencetown Water Utility may wish to develop additional production wells or reserve land for additional future production wells in the Lawrencetown Water Supply Planning Area. Thus, should the Village of Lawrencetown Water Utility wish to develop additional production wells or reserve additional lands for future production wells elsewhere in the “Water Supply Protected Area” designation, Council may, upon application by the Village of Lawrencetown Water Utility, rezone additional land to the Lawrencetown Water Supply (LWS-1) Zone.

Policy 2.1.4

It is the intention of Council to consider applications to rezone additional land within the “Water Supply Protected Area” designation to the Lawrencetown Water Supply (LWS-1) Zone. In considering such proposals Council shall have regard to the evaluative criteria set out in Policy 5.2.2.

2.2 Lawrencetown Water Supply (LWS-2) Zone

With reference to “The Village of Lawrencetown Groundwater Model and Well Head Protection Study”, based on the sensitive nature of the 250 days to 5 year capture zone, it is the intention of Municipal Council to include a Lawrencetown Water Supply (LWS-2) Zone in the Lawrencetown Water Supply Area Land Use By-law that would limit the uses permitted to be developed within the Lawrencetown Water Supply (LWS-2) Zone to government owned, operated and maintained water supply related extraction, retention, treatment and distribution facilities, including structures or facilities for the display and interpretation of the waterworks and its groundwater and surface water management plan and protection strategy.

Policy 2.2.1

It is the policy of Council to establish a Lawrencetown Water Supply (LWS-2) Zone in the Lawrencetown Water Supply Area Land Use By-law which would limit the permitted uses in the Lawrencetown Water Supply (LWS-2) Zone to government owned, operated and maintained water extraction, water treatment, water retention, water distribution uses including structures or facilities for the display and interpretation of the waterworks and its groundwater and surface water management plan and protection strategy

Because of the sensitive nature of the 250 day to 5 year capture zone, Municipal Council is of the opinion that LWS-2 zoned land should not be rezoned to any other zone other than the Lawrencetown Water Supply (LWS-1) Zone.

Policy 2.2.2

It is the policy of Council, in order to preserve the integrity of the water supply, to refuse to consider applications to rezone any land within the “Water Supply Protected Area” designation from the Lawrencetown Water Supply (LWS-2) Zone, with the exception of the Lawrencetown Water Supply (LWS-1) Zone.

However if an existing production well is decommissioned Council may consider applications to rezone land from the Lawrencetown Water Supply (LWS-2) Zone.

Policy 2.2.3

Notwithstanding Policy 2.2.2, it is the intention of Council that should an existing production well be properly decommissioned, in accordance with Provincial regulations and guidelines, so that there is no hydraulic interaction between the decommissioned well and any other existing production well, Council may consider applications to rezone land from the Lawrencetown Water Supply (LWS-2) Zone to the Lawrencetown Buffer (LB-4) Zone.

Additionally, Council recognizes that the Village of Lawrencetown Water Utility may wish to develop additional production wells or reserve land for additional future production wells in the Lawrencetown Water Supply Planning Area. Thus, should the Village of Lawrencetown Water Utility wish to develop additional production wells or reserve additional lands for future production wells elsewhere in the “Water Supply Protected Area” designation, Council may, upon application by the Village of Lawrencetown Water Utility, rezone additional land to the Lawrencetown Water Supply (LWS-2) Zone.

Policy 2.2.4

It is the intention of Council to consider amendment applications to rezone additional land within the “Water Supply Protected Area” designation to the Lawrencetown Water Supply (LWS-2) Zone. In considering such proposals Council shall have regard to the evaluative criteria set out in Policy 5.2.2.

2.3 Lawrencetown Water Supply (LWS-3) Zone

The third capture zone recommended by the consultants, Jacques Whitford Limited, in “The Village of Lawrencetown Groundwater Model and Well Head Protection Study”, is the 5 to 25 year capture zone. The purpose of the 5 to 25 year capture zone is to protect against persistent contaminants that can persist for decades in groundwater environments. Like the other two capture zones there is no development within the 5 to 25 year capture zone. Even though the third zone is considered a long range influence zone, the 5 to 25 year capture zone is of a sensitive nature and a conservation type of zoning is warranted. Thus, it is the intention of Municipal Council to include a Lawrencetown Water Supply (LWS-3) Zone in the Lawrencetown Water Supply Area Land Use By-law that would limit the uses permitted to be developed as-of-right within the LWS-3 Zone to government owned, operated and maintained water supply related extraction, retention, treatment and distribution facilities, including structures or facilities for the display and interpretation of the waterworks and its groundwater and surface water management plan and protection strategy and storm water management facilities.

Policy 2.3.1

It is the policy of Council to establish a Lawrencetown Water Supply (LWS-3) Zone in the Lawrencetown Water Supply Area Land Use By-law which would limit the permitted uses in the Lawrencetown Water Supply (LWS-3) Zone to passive recreation uses, public and private utilities, municipal service facilities and government owned, operated and maintained water extraction, water treatment, water retention, water distribution uses including structures or facilities for the display and interpretation of the waterworks and its groundwater and surface water management plan and protection strategy and storm water management facilities.

In consideration of the size of the third capture zone Municipal Council is of the opinion that single unit detached residential dwellings could be developed permitted within the Lawrencetown Water Supply (LWS-3) Zone provided appropriate precautions are taken.

Accordingly, Part VIII, Section 214 (1) (g) of the Municipal Government Act allows a municipality to require studies to be undertaken by a qualified person to be carried out prior to undertaking specified developments or developments in specified areas. As such, it is the opinion of Municipal Council that single unit detached residential dwellings could be developed in the Lawrencetown Water Supply (LWS-3) Zone by way of a development agreement, provided that the applicant support such an

application to develop a single unit detached residential dwelling in the Lawrencetown Water Supply (LWS-3) Zone with a hydrogeological study conducted by a qualified hydrogeologist that identifies all possible impacts of the development of the single unit residential dwelling structure on the watershed surface and ground waters and the well field or recharge areas and recommends remedial actions or constraints that must be incorporated into the specific housing construction form.

Policy 2.3.2

It is the intention of Council to consider the development of single unit detached residential dwellings in the Lawrencetown Water Supply (LWS-3) Zone by way of a development agreement. It is the policy of Council that an application for the development of a single unit detached residential dwelling by way of a development agreement must be supported with a hydrogeological study conducted by a qualified hydrogeologist that identifies all possible impacts of the development of the single unit detached residential dwelling structure on the quality and quantity of the surface water and groundwater within the Lawrencetown Water Supply Planning Area, and where appropriate, the hydrogeological study shall prescribe design, construction and ongoing operational standards directed at mitigating the risk of contamination and degradation of the surface and groundwater resource. In considering such proposals Council shall have regard to the evaluative criteria set out in Policy 5.3.1.

Because of the sensitive nature of the 5 to 25 year capture zone, Council is of the opinion that land included in the LWS-3 Zone should not be rezoned to any other zone other than the Lawrencetown Water Supply (LWS-1) Zone or the Lawrencetown Water Supply (LWS-2) Zone.

Policy 2.3.3

It is the policy of Council, in order to preserve the integrity of the water supply, to refuse to consider applications to rezone any land within the “Water Supply Protected Area” designation from the Lawrencetown Water Supply (LWS-3) Zone, with the exception of the Lawrencetown Water Supply (LWS-1) Zone or the Lawrencetown Water Supply (LWS-2) Zone.

However, if an existing production well is decommissioned Council may consider applications to rezone land from the Lawrencetown Water Supply (LWS-3) Zone.

Policy 2.3.4

Notwithstanding Policy 2.3.3, it is the intention of Council that should an existing production well be properly decommissioned, in accordance with Provincial regulations and guidelines, so that there is no hydraulic interaction between the decommissioned well and any other existing production well, Council may consider applications to rezone land from the Lawrencetown Water Supply (LWS-3) Zone to the Lawrencetown Buffer (LB-4) Zone.

Additionally, Council recognizes that the Village of Lawrencetown Water Utility may wish to develop additional production wells or reserve land for additional future production wells in the Lawrencetown Water Supply Planning Area. Thus, should the Village of Lawrencetown Water Utility wish to develop additional production wells or reserve additional lands for future production wells elsewhere in the “Water Supply Protected Area” designation, Municipal Council, upon application by the Village of Lawrencetown Water Utility, may rezone additional land to the Lawrencetown Water Supply (LWS-3) Zone.

Policy 2.3.5

It is the intention of Council to consider amendment applications to rezone additional land within the “Water Supply Protected Area” designation to the Lawrencetown Water Supply (LWS-3) Zone. In considering such proposals Council shall have regard to the evaluative criteria set out in Policy 5.2.2.

2.4 Lawrencetown Buffer (LB-4) Zone

The fourth land use zone within the Lawrencetown Water Supply Planning Area is the Lawrencetown Buffer (LB-4) Zone. Generally, the Lawrencetown Buffer (LB-4) Zone extends one-hundred metres to the west and south of the land included in the LWS-1, LWS-2 and LWS-3 zones. The LB-4 Zone also includes the land surrounding the surface water bodies in the Planning Area, such as Mud Lake and Mud Lake Brook to a depth of one hundred metres on either side of the surface water body. The LB-4 Zone also includes the remaining portions of those lands owned by the Village of Lawrencetown or the Municipal of the County of Annapolis which have not been included in the LWS-1, LWS-2 or the LWS-3 zones. The Lawrencetown Buffer (LB-4) Zone is considered as an area where future water supply production wells may be located. While intended to be a buffer area against more intensive and potentially incompatible land uses, the Lawrencetown Buffer (LB-4) Zone does include provisions to permit the development of specific types of low-density, seasonal or permanent, residential dwellings. These types of residential dwelling structures would be permitted in the Lawrencetown Buffer (LB-4) Zone subject to development conditions which would reflect the sensitive nature of the watershed/water supply area such as land parcels have to be fairly large lots with fairly large yard and watercourse setback requirements.

Policy 2.4.1

It is the policy of Council to establish a Lawrencetown Buffer (LB-4) Zone in the Lawrencetown Water Supply Area Land Use By-law. Use permitted in the Lawrencetown Buffer (LB-4) Zone shall include passive recreation uses, public and private utilities, municipal service facilities and government owned, operated and maintained water extraction, water treatment, water retention, water distribution uses including structures or facilities for the display and interpretation of the waterworks and its groundwater management plan and protection strategy, storm water management facilities and public passive recreation uses.

Policy 2.4.2

It is also the policy of Council to consider single unit residential dwellings, double dwellings, and duplexes permitted uses within the Lawrencetown Buffer (LB-4) Zone and to establish appropriate lot size, frontage, setback and yard coverage development standards in the Lawrencetown Water Supply Area Land Use By-law related to the development of such residential buildings, structures and uses.

Policy 2.4.3

It is the policy of Council to permit the development of home occupations within the Lawrencetown Buffer (LB-4) Zone. It is also the policy of Council that the types of home occupations that may be considered in the Lawrencetown Buffer (LB-4) Zone be limited to artist and craft workshops, business and professional offices, counseling offices, domestic and household arts, home instruction studios, household article repair shops, personal grooming shops and personal service clinics. It is also the policy of Council that development of a home occupation 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 be limited to storage purposes in connection with, or accessory to the operation of the home occupation and that there is no outdoor storage associated with, used in connection with, or accessory to the operation of the home occupation, in the front yard of the lot.

Because of the intent of the Lawrencetown Buffer (LB-4) Zone being a buffer, Council is of the opinion that land included in the LB-4 Zone should not be rezoned to the Lawrencetown General (LG-5) Zone. However, there may be circumstances where LB-4 zoned land lies outside of the one-hundred metres LWS-1, LWS-2 or LWS-3 zoned buffer area. These lands Council would consider rezoning to the LG-5 Zone. Additionally, land may need to be added to the LB-4 Zone from the LG-5 Zone.

Policy 2.4.4

It is the policy of Council, in order to preserve the integrity of the water supply, to refuse to consider applications to rezone any land within the “Water Supply Protected Area” designation from the Lawrencetown Buffer (LB-4) Zone to the Lawrencetown General (LG-5) Zone, however, Council may consider amendment applications to rezone LB-4 zoned land that is located more than one-hundred metres from any land included in the LWS-1, LWS-2 and LWS-3 Zones. It is also the intention of Council to consider amendment applications to rezone additional land within the “Water Supply Protected Area” designation to the Lawrencetown Buffer (LB-4) Zone. In considering such proposals Council shall have regard to the criteria set out in Policy 5.2.2.

2.5 Lawrencetown General (LG-5) Zone

The remaining lands within the Lawrencetown Water Supply Planning Area, not zoned LWS-1, LWS-2, LWS-3 or LB-4, are included in a Lawrencetown General (LG-5) Zone. The intent of the LG-5 Zone to prohibit the development of certain types of uses which present a significant risk to the soil, ecosystems and surface and groundwater in the Mud Lake Brook watershed such as salt storage facilities, petroleum, oil, lubricant and chemical storage facilities, gas stations and landfills.

Policy 2.5.1

It is the policy of Council to establish a Lawrencetown General (LG-5) Zone in the Lawrencetown Water Supply Area Land Use By-law. Permitted uses in the Lawrencetown General (LG-5) Zone shall include all uses except for those uses specifically prohibited. Prohibited uses in the LG-5 Zone shall include uses such as, but not limited to: all Motor or Motorized Vehicle Sales, Service, Repair, Storage and/or Maintenance Facilities, Gas Stations, Car Wash and Detailing Shops, Bulk Chemical and Salt Storage Facilities, Laundry and Dry Cleaning Establishments, All Recycling, Scrap Metal and Salvage, Storage and/or Processing Facilities, Waste Transfer Stations, Septic Disposal Service Facilities, Commercial Composting Facilities, Landfills, Construction and Demolition Debris Disposal Facilities, All Fertilizer, Herbicide or Pesticide Production, Mixing, Blending, Storage and/or Distribution Facilities, All Production, Storage and/or Distribution of Petroleum Fuels, Solvents or Chemical Facilities, Main or Accessory Buildings or Structures Related to Surface, Subsurface, Aggregate or Sand Extraction, Quarrying, Mining, Processing or Storage Facilities, Operations, or Industries, Soil Mixing, Blending or Storage Operations or Facilities, Warehouses, Wholesale and Cold Storage Facilities, Machine Shops and Metal Working Shops, Furniture Manufacturing, Restoration or Repair Facilities, Transport and Trucking Facilities, Cemeteries and Crematoria Facilities, Animal Burial Facilities, Golf Courses and Golf Driving Ranges, Asphalt, Paint or Cement Plants, Facilities for the Manufacture, Processing or Reprocessing of Radioactive Materials or Other Dangerous Goods, Heavy Water Plants, Pulp and Paper Mills, Oil Refineries, Metal Smelters, Ferro-alloy Plants, Non-ferrous Metal Smelters, Abattoirs, Dismembering or Rendering Plants, Facilities for the Treatment of Timber Resources, Fishmeal Production Facilities and Electricity Production Facilities, except for Wind or Solar Energy Production Facilities.

3.0 ENVIRONMENTAL PROTECTION

The protection of the quality and quantity of the surface and groundwater in the 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 a well head or water feature in the Planning Area.

3.1 Well Head and Water Features Protections

Section 220 (5) (d), of the *Municipal Government Act* states that if set out in a municipal planning strategy, in connection with a development, a land use by-law may regulate or require the planting or retention of, trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control. Section 220 (5) (o), of the *Municipal Government Act* also states that where a municipal planning strategy so provides, a land use by-law may regulate or prohibit development within a specified distance of a watercourse or a municipal water supply well head.

For the purposes of this planning document, Municipal Council considers any watercourse (a stream, brook, wetland area or any other body of water) in the Planning Area a water feature. Given that the recharge area groundwater and surface water interact with the watercourses within the Lawrencetown Water Supply Planning Area; inappropriate or poor development practices 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 include changes in watercourse flow patterns, peaks and velocities, leading to flooding or erosion, siltation and sedimentation of watercourses or the loss of vegetation along watercourses. Increased levels of phosphorous, nitrates, pesticides, herbicides, insecticides, fungicides, 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 due to such things as unintentional releases of home heating fuels or accidental spills resulting from highway or vehicle accidents. Thus Municipal Council will include a protected water feature setback requirement in the Land Use By-law whereby specific developments shall be prohibited from being located.

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 supply related extraction, retention, treatment and distribution facilities, including structures or facilities for the display and interpretation of the waterworks and its groundwater management plan and protection strategy, roads, bridges, storm water management facilities, public passive recreation uses and passive recreation uses, within 30 metres (98.4 feet) of any production or monitoring well head or the edge of the shoreline of any protected water feature in the Lawrencetown Water Supply Planning Area shall be prohibited.

Policy 3.1.2

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 shall be retained a distance of 30 metres (98.4 feet) surrounding a production or monitoring well head or 30 metres (98.4 feet) back from the edge of the shoreline of a protected water feature on all properties within the Lawrencetown Water Supply Planning Area, except in relation to works associated with the development of those exempted uses identified in Policy 3.1.1 or for the purpose of removing diseased or dead trees.

Policy 3.1.3

It is the policy of Council, where the natural living vegetation has been removed or previously disturbed, 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 their property to a depth of 30 metres (98.4 feet) surrounding a production or monitoring well head or 30 metres (98.4 feet) back from the edge of the shoreline of a protected water feature on all properties within the Lawrencetown Water Supply Planning Area, except in relation to works associated with the development of those exempted uses identified in Policy 3.1.1.

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. 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 a well head and water feature setback, but permit the altering of land levels on all other lands if the developer first submits a site grading and drainage plan and receives approval for the same.

Policy 3.2.1

It is the policy of Council, in relation to a development, to regulate the altering of land levels, the excavation or filling in of land, the placement of fill and the removal of soil on or from all land within the Planning Area, except in relation to the works associated with the development of those exempted uses identified in Policy 3.1.1.

Policy 3.2.2

Notwithstanding Policy 3.2.1, it is the policy of Council that, in relation to a development, to prohibit the altering of land levels, the excavation or filling in of land, the placement of fill and the removal of soil on or from all land within 30 metres (98.4 feet) surrounding a production or monitoring well head or 30 metres (98.4 feet) back from the edge of the shoreline of a water feature within the Lawrencetown Water Supply Planning Area, except in relation to the works associated with the development of the exempted uses identified in Policy 3.1.1.

Policy 3.2.3

Notwithstanding Policy 3.2.2, it is the policy of Council, in relation to a development, , to regulate the altering of land levels, the filling in of land and the placement of fill on all land within 30 metres (98.4 feet) surrounding a production or monitoring well head or 30 metres (98.4 feet) back from the edge of the shoreline of a water feature within the Planning Area, except in relation to the works associated with the development of the exempted uses identified in Policy 3.1.1, where the natural living vegetation has been removed or previously disturbed and the reinstatement of the natural living vegetation, as set out in Policy 3.1.3, necessitates the placing of soil or fill on that land.

3.3 Erosion and Sedimentation Control

With reference to Section 220 (5) (I) of the *MGA*, in relation to a development, a MPS and LUB may prescribe methods for controlling erosion and sedimentation during the construction of a development. These 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 during the construction of a development on all lands within the Lawrencetown Water Supply Planning Area, except in relation to the works associated with the development of the exempted uses identified in Policy 3.1.1.

4.0 GENERAL DEVELOPMENT STANDARDS

The Lawrencetown Water Supply Area Land Use By-law sets out development standards which may vary according to the use, zone and location. The common theme shall be to set relatively restrictive standards to maintain sufficient control to ensure good quality development in a potable water supply area.

Policy 4.0.1

The Land Use By-law shall contain a “General Provisions For All Zones” section which allows development permits to be issued and sets out development standards relating to provisions respecting: permitted and prohibited uses, frontage, yard and setback requirements; reduction of frontage requirement to 90 % of the established zone requirement, the use, size, height and number of main and accessory buildings permitted to be developed on a lot, cases where lots may be created without public or private road frontage, the creation of lots along private roads, the ability to use existing lots that lack frontage, water course and well head setback requirements, types of uses that may be permitted to be developed without requiring a development permit to be issued, temporary uses permitted and their removal time, sedimentation and erosion controls, altering of land level provisions and provisions for limiting lot coverage.

Policy 4.0.2

It is the policy of Council to prohibit the development of commercial uses, facilities or operations involving tracks for the racing of animals in all zones in the Lawrencetown Water Supply Planning Area.

Policy 4.0.3

It is the policy of Council to prohibit the development of commercial uses, facilities or operations involving tracks, roads, trails, stadiums, arenas or any other such form of sporting facility for motorized vehicles including, but not limited to, automobiles, motorcycles, snowmobiles, or all terrain vehicles in all zones in the Lawrencetown Water Supply Planning Area.

Policy 4.0.4

It is the policy of Council to prohibit the development of commercial or industrial uses, facilities or operations involving any activity connected with wholesale, retail or consignment sale or resale, construction, building, maintenance or repair of all forms of motorized vehicles, whether the motorized vehicle is intended for use and required to be licensed for use on public roads or highways or whether the motorized vehicle is considered a recreational type of vehicle, and as such, is not intended for use on public roads or highways or is not required to be licensed for use, in all zones in the Lawrencetown Water Supply Planning Area.

Policy 4.0.5

It is the policy of Council to prohibit the development of public or private utilities and municipal service facilities such as, sewage pumping stations and public transit facilities in the LWS-1 Zone, LWS-2 Zone, LWS-3 Zone, the LB-4 Zone and the well head and water feature setback. It is also the Policy of Council to prohibit the development of public or private utilities and municipal service facilities such as, sewage treatment plants, waste disposal facilities, landfills, construction debris disposal sites and facilities and solid waste transfer stations in all zones in the Lawrencetown Water Supply Planning Area.

5.0 IMPLEMENTATION

5.1 Planning Document Review Timeline

This Municipal Planning Strategy has been prepared as a five year plan based on the assumption that the area will continue to be the sole source supply of potable water for the Village of Lawrencetown and the outlying areas of the County.

Policy 5.1.1

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

5.2 Land Use By-law and Amendments

The Lawrencetown Water Supply Area Land Use By-law's standards, which reflect the policies set out in the Lawrencetown Water Supply Area Municipal Planning Strategy, are made pursuant to the *Municipal Government Act*.

Policy 5.2.1

The Lawrencetown Water Supply Area Land Use By-law shall be the principle mechanism by which the policies of the Lawrencetown Water Supply Area Municipal Planning Strategy shall be implemented. The Lawrencetown 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 Lawrencetown Water Supply Area Municipal Planning Strategy as, enabled by the Municipal Government Act.

The Zoning Map, appended as Schedule "A" to the Lawrencetown Water Supply Area Land Use By-law, shall represent the geographical extent of all zones in the Lawrencetown Water Supply Planning Area. The following zones shall be established in the Lawrencetown Water Supply Area Land Use By-law:

Lawrencetown Water Supply	LWS-1
Lawrencetown Water Supply	LWS-2
Lawrencetown Water Supply	LWS-3
Lawrencetown Buffer	LB-4
Lawrencetown General	LG-5

Policy 5.2.2

In considering an application for an amendment to the Lawrencetown Water Supply Area Land Use By-law, Council shall ensure that the amendment is in conformity with the intent and policies of this Municipal Planning Strategy and 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, impact of lot coverage, noise, dust or odour;**
 - iii. the potential for the contamination of well fields and water features such as watercourses, wetlands, marshes, fens, swamps and bogs;**
 - iv. the potential for the creation of erosion, sedimentation, or pollution;**
 - v. the adequacy of physical site conditions for storm water management and on-site sewage disposal;**
 - vi. the presence of significant natural features or buildings or sites of historical or architectural significance;**
 - vii. the suitability of the proposed site in terms of steepness of grades, soil or geological conditions;**
 - viii. the relative location of well fields and water features such as watercourses, wetlands, marshes, fens, swamps and bogs;**
 - ix. 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**
 - x. 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 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 of this Municipal Planning Strategy and implemented by the Land Use By-law.

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 impact of the proposed development in terms of buffering, landscaping, setbacks, lot coverage and any other potential land use conflicts such as noise, dust or odour, between the proposed development and abutting properties, uses and structures;**
 - ii. the suitability of the proposed site in terms of steepness of grades, soils and geological conditions;**
 - iii. the suitability of the proposed site in terms of the location of well fields and water features such as watercourses, wetlands, marshes, fens, swamps and bogs and the ability to support on-site sewage disposal;**
 - iv. the potential for the contamination of well fields and water features such as watercourses, wetlands, marshes, fens, swamps and bogs;**
 - v. the potential for the creation of erosion or sedimentation and the adequacy of existing or proposed roads; and**
 - vi. 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 main or accessory structure, either new or an expansion of an existing structure or accessory use;**
 - 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 subdivision of land, minimum lot size requirements, the location of any structure on the lot, the percentage of land area that may be built upon, setbacks, the size of yards or other open spaces, access and roads;**
 - iv. landscaping, buffering, erosion, sedimentation or pollution control/ abatement requirements;**
 - v. security or performance bonding;**
 - vi. the construction, in whole or in part, of a stormwater system, wastewater and/or water system or facility;**
 - vii. easements for the construction, maintenance or improvement of watercourses, ditches, land drainage works, stormwater systems, wastewater facilities, water systems and other utilities;**
 - viii. the grading or alteration in elevation or the contouring of land and provisions for the disposal of storm and surface water;**
 - ix. ongoing operational standards directed at mitigating the risk of contamination and degradation of the surface and groundwater resource;**
 - x. matters which are not substantive or matters which are substantive;**
 - xi. timelines and conditions for discharging the development agreement with or without the consent of the property owner;**
 - xii. timelines for commencing, completing or phasing of the development; and**
 - xiii. 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.**
-

5.4 Completeness of Applications

Applications for development agreements or land use by-law amendments require careful consideration of the circumstances surrounding the request. As such the applicants must supply adequate information so Council can evaluate the proposal. Requests vary in complexity, thus the nature of the information that Council will require to assess the request will also vary.

Policy 5.4.1

An application for a land use by-law amendment, development agreement or a development agreement amendment shall be submitted to the Municipal Clerk. Municipal Council shall determine if an application is complete and may require that any or all of the following be submitted (in text, map or photographic form) by the applicant with respect to applications for land use by-law amendments, development agreements or development agreement amendments:

- 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 and well fields, 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 lot access;**
 - v. information as to provision of an appropriate buffering between the proposed development and the adjacent structures and/or uses;**
 - vi. information as to the presence of significant natural features, buildings or sites of historical or archaeological significance;**
 - vii. information as to the suitability of the proposed site in terms of steepness of grades, soils and geological conditions, location of well fields, water features such as watercourses, wetlands, marshes, fens, swamps and bogs;**
 - viii. information as to the potential for the contamination of well fields, water features, creation of erosion or sedimentation, or pollution; and**
 - ix. 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 Public Participation Program

The public, defined as landowners, residents and water users were invited to participate in the development of this municipal planning strategy and land use by-law. As set out in the policy sections of this Municipal Planning Strategy, where applicable, text changes, rezonings, development agreements and amendments are enabled. As a public document, Municipal Council feels that the public must be informed of changes to the planning documents or agreements made pursuant to them, above and beyond the statutory public hearing as set out in the *MGA*.

Policy 5.5.1

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 Lawrencetown Water Supply Area Advisory Committee;**
- ii. Setting the date of the Planning Advisory Committee Public Meeting (which may be after the meeting of the Lawrencetown Water Supply Area Advisory Committee);**
- iii. Advertising 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. When the 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.**

Policy 5.5.2

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 5.5.1 is met.

5.6 Notification and Advertising Cost Recovery

The MGA permits a municipality to recover notification and advertisement costs.

Policy 5.6.1

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 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.

5.7 Administration Processing Cost Recovery

The MGA permits a municipality to recover application processing costs.

Policy 5.7.1

It is the intention of Council to include provisions in the 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.

5.8 Notes To Readers

This MPS and LUB includes unofficial notes to the readers in the form of examples, diagrams, or explanations.

Policy 5.8.1

It is the policy of Council to include a number of “Notes to Readers” in this Municipal Planning Strategy and the Lawrencetown Water Supply Area Land Use By-law. These “Notes to Readers” are for information and clarification purposes only, and do not form part the Lawrencetown 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 Lawrencetown Water Supply Area Land Use By-law.

6.0 Lawrencetown 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. Examples of inappropriate development are land uses that rely on the storage of large quantities of petroleum or chemical products. Examples of poor development practices are the underground storage of petroleum tanks, not inspecting or maintaining home heating oil storage tanks or not ensuring that the drainage from new roads is directed away from well head areas.

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 well fields and water bodies and/or the provincial designation of a water supply area. The most important factor though and as the key to success; is that development and human activities within the Lawrencetown 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.

Policy 6.0.1

It is the intention of Municipal Council to develop a series of resource based best management practices guidelines for the Lawrencetown 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 Lawrencetown Water Supply Area as a potable water supply area among Lawrencetown Water Supply Planning Area residents, landowners and area users.
