

Lake Cady 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 Lake Cady 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 Lake Cady 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 Lake Cady Water Supply Area Land Use By-law shall implement them. The Lake Cady Water Supply Area Municipal Planning Strategy applies to all lands within the Lake Cady Water Supply Area, as defined by Map 1, The Future Land Use Map, and shall be referred to as the Lake Cady Water Supply Planning Area or the Planning Area.

ii. Background – Location and History

The Lake Cady Water Supply Planning Area is located wholly within the jurisdiction of the Municipality of the County of Annapolis approximately five kilometres from the community of Clementsvale in the western end of the County. The Lake Cady Water Supply Planning Area includes several named and unnamed water bodies including Lake Cady, Potter Lake, Shell Camp Lake and the upper portion of the West Moose River. Together these water bodies form the water supply for the Annapolis County community of Cornwallis Park. In terms of other regulatory controls, the Lake Cady Watershed was prescribed on June 16, 1965 by the Nova Scotia Water Authority, pursuant to Section 16 of the Water Act as enacted by Chapter 42 of the Acts of 1963 as being the source water supply for the then HMCS Cornwallis. HMCS Cornwallis, also formerly known as CFB Cornwallis was decommissioned in March of 1995 is now referred to as Cornwallis Park. Today, Cornwallis Park is a vibrant community consisting of approximately 248 houses, a 52-unit condominium complex and some 40 commercial, industrial and institutional uses. Some of the larger business and community facilities located within Cornwallis Park include: the Western Valley Development Authority, the Clark Rutherford School, Acadian Seaplants Ltd., Darnos Enterprises Inc., the Pearson Peacekeeping Centre, a training facility for peacekeepers, and the Shaw Group, a furniture manufacturing facility for IKEA; all of which rely on the waters of the Lake Cady Water Supply Planning Area as their continued sole potable water supply.

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 the County's raw water supplies through supply management. Some of the possible management options available to the Municipality to support their water supply preservation/protection efforts include the ownership of the critical lands within a water supply area and particularly those lands adjacent to the water supply water bodies, provincial designation of a water supply area, the development of resource based best management practices guidelines and public education and involvement, as well as the development of regulatory land use planning and management regimes as enabled by the *Municipal Government Act*. It is through this principle that the protection of the raw water quality is one of the most efficient means of ensuring ongoing supplies of potable water that led Council to implement a Municipal Planning Strategy (MPS) and a Land Use By-law (LUB) for the Lake Cady Water Supply Planning Area in order to provide some degree of protection for the individual and corporate investments that have been incurred within Cornwallis Park.

Additionally, with regard to the other management options available to the Municipality, the Lake Cady watershed is already designated as a protected water area having been prescribed in 1965 by the Nova Scotia Water Authority, pursuant to Section 16 of the Water Act. Accompanying this designation are strict regulations, although general in nature, which specify that no person shall: place, deposit, discharge or allow to remain therein any material of any kind that may impair the quality of water; or bathe, wash or otherwise impair the quality of the water. In terms of the management strategy issue of the ownership of critical lands, on July 1, 1998 as part of a service exchange, the former base utilities, including the water works, were turned over to the Municipality that included several various sized parcels of land that entirely encompass Lake Cady. Notwithstanding the foregoing, the Municipality is taking further steps to protect the Lake Cady Water Supply Area through the implementation of a land use plan and by-law with the intent being that all of these documents and strategies are to work together to achieve the objective of keeping the waters of the Lake Cady Water Supply Planning Area healthy and clean. While the protection of the quality and availability of the County's raw water supplies is a paramount goal of the Municipality of the County of Annapolis, there are many other benefits that can be derived from watershed management and planning. In terms of land use planning, via municipal plans and land use by-laws, some of the benefits include providing guidance for site-specific water resource planning, wildlife habitat preservation, biological diversity enhancement, environmental protection/pollution prevention, increased groundwater recharge, discharge and storage, erosion and sedimentation control and the maintenance of or improvement of surface water quality.

iv. The Planning Process

Staff of Annapolis County Planning Services, acting at the direction of the community-based Lake Cady Water Supply Area Advisory Committee and Municipal Council, carried out the preparation of the Lake Cady 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 Lake Cady Water Supply Area Advisory Committee comprised of membership representation from Municipal Council, the commercial / industrial sector of Cornwallis Park, residential property owners of Cornwallis Park, property owners and forestry sector representatives with substantial land holdings within the Planning Area and property owners who reside either on a seasonal or permanent basis in the Lake Cady Water Supply Planning Area.
 - The completion of the Lake Cady Watershed / Water Supply Management Options Study by Jacques Whitford Environment Ltd., which served as the background report to this Municipal Planning Strategy, in March of 2001.
 - Extensive consultations with Municipal Council representatives, municipal staff, members of the Lake Cady Water Supply Area Advisory Committee as well as with members of the general public.
 - Completion of a Council initiated public participation program that involved advertisements giving notice of public meetings and open Area Advisory Committee and Planning Advisory Committee meetings.
 - The formation of the Lake Cady Landowners' Committee by a group of landowners who felt that their interests were not sufficiently represented by the Lake Cady Water Supply Area Advisory Committee. The Landowners' Committee reviewed the documents, made recommendations to change the documents and met with representatives of the Water Utility and the Councillor for the area to discuss points of consensus and disagreement.
 - The holding of statutory public hearings related to the adoption of the Lake Cady Water Supply Area Municipal Planning Strategy and Land Use By-law on July 16th, 2002 in Forrester Hall in the Community of Clementsvale and on July 20th, 2004 in Council Chambers, Annapolis Royal.
 - The posting of an advertisement in the November 16th, 2004-edition of the local newspaper, The Spectator, giving notice that the Lake Cady Water Supply Area Municipal Planning Strategy and Land Use By-law have come into effect as of the date of the newspaper advertisement.
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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 various water bodies located in the Lake Cady Water Supply Planning Area.
- G-2. Preserve the rural characteristic of the Lake Cady Water Supply Planning Area.
- G-3. Provide a basis for Municipal Council to guide and direct new development in the Lake Cady Water Supply Planning Area in an orderly, environmentally safe and sustainable manner.

vi. Limitations

This Municipal Planning Strategy sets out policies directed toward the attainment of the general 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 (Municipal Government Act, 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 Lake Cady Water Supply Area Municipal Planning Strategy is divided into a number of sections. Each section deals 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 Lake Cady Water Supply Planning Area to the "**Water Supply Watershed**" designation.

viii. 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. They deal with: drinking water supplies, flood risk areas, agricultural land, infrastructure and housing.

a. Drinking Water

The majority of the Lake Cady Water Supply Planning Area is an identified surface water supply area in the Provincial Statements of Interest, Table 1, Municipal Water Supply Watersheds. The Watershed Reference Number is 1DC-1C and the area is a protected water area having been designated since 1965.

The primary goals of this Plan are stated in Section v of this Part. The first goal is “to protect the availability and quality of the raw water supplies from the waters of the various water bodies located in the Lake Cady Water Supply Planning Area”.

The Lake Cady Water Supply Area Municipal Planning Strategy and Land Use By-law make provisions for development within the Planning Area. However, development is limited to mostly low-density residential with home occupation provisions on large lots with yard and setback requirements that reflect the rural character of the area. No provision is made for commercial, industrial or more intensive uses of land, excepting where they are associated with residential uses of land and, in a limited number of situations, where they already exist.

The Municipal Planning Strategy provides for a 30 metre (98.43 foot) setback from all bodies of water, including wetland areas and small streams. The exception to the setback provision is the area included within the Lakeside Residential (LCR-1) Zone, wherein existing development is located within the setback area. In the Lakeside Residential (LCR-1) Zone, the water feature setback has been reduced to 15 metres (49.21 feet). Government owned water extraction facilities, associated water management accessory buildings and structures, roads and bridges, recreational trails for non-motorized use and seasonally placed removable docks are permitted in the water feature setback area.

b. Flood Risk

The Lake Cady Water Supply Planning Area is not one of the flood risk areas designated under the Canada-Nova Scotia Flood Damage Reduction Program. Flood risk is not considered to be an issue in the Lake Cady Water Supply Planning Area, thus not an issue dealt with by policy in the Lake Cady Water Supply Area Municipal Planning Strategy.

c. Agricultural Land

Nowhere in the Lake Cady Water Supply Planning Area was there evidence of agricultural activity. There is some agricultural activity outside the boundaries of the Planning Area. Some of this agricultural activity is located on parcels of land that extend into the Planning Area. Reportedly, in the past, there have been small-scale mixed farming, sheep farming and fox ranching within the Planning Area. The current lack of agricultural activity is perhaps not unexpected because the predominant soils in the area are of the Gibraltar and Bridgewater series. The Gibraltar series soils are characteristically well drained but shallow and excessively stony with frequent rock outcrops. They are considered to be unsuitable for crop production. Bridgewater series soils are also shallow in depth, well drained and stony. Generally this series would support some crops and pastureland, but the presence of many boulders combined with the rough terrain of the area imposes severe limitations on the usefulness of the lands in the Planning Area for agricultural activity. 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 has been to identify, protect and encourage agricultural development in those areas. Large-scale or intensive commercial agricultural development in the Planning Area is not seen as being compatible, thus not permitted in the Lake Cady Water Supply Planning Area. Given however the rural character of the Planning Area, limited agricultural development on a small-scale and as an extension of a residential use is envisioned with appropriate development controls.

d. Infrastructure

Development in the Lake Cady Water Supply Planning Area is limited and characteristically rural exhibiting a sparsely populated low-density development pattern. Lot sizes in the majority of the Planning Area average over thirty-five acres in area, five thousand feet in length and characteristically narrow relative to the length. The average lot is somewhere in the area of three hundred feet in width. As part of the background research of this Municipal Planning Strategy it was noted that there are approximately seventeen legally existing residential dwellings located in the Planning Area. Also the total landmass of the Lake Cady Water Supply Planning Area is approximately 2302 hectares (5688 acres). In terms of municipal infrastructure, there are only the water collection and distribution structures. Services to the existing residential dwellings are on-site. The provision of municipal services throughout the Lake Cady Water Supply Planning Area would be an unwise decision for two reasons. First, the goals of this Municipal Planning Strategy are to protect the availability and quality of the raw water supplies from the various water bodies located in the Planning Area and to preserve the rural characteristic of the Lake Cady Water Supply Planning Area. Increased development of a high-density

nature, the desired outcome of servicing an area with municipal infrastructure, could have serious repercussions on the health of the water bodies that are potable water supplies. Additionally, along with services comes the pressure for development of incompatible commercial or industrial uses, such as a processing plant, which in itself is a high volume water user. Both these types of development go against not only the first two goals of this Municipal Planning Strategy but the third goal as well. The third goal being to provide a basis for Municipal Council to guide and direct new development in the Lake Cady Water Supply Planning Area in an orderly, environmentally safe and sustainable manner. The second reason for not servicing a water supply area exhibiting an extremely low-density development pattern can be found in the rationale of 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 area being predominantly seasonal use, other dwelling forms such as camps, cottages and cabins are included within the definition of single unit residential dwellings and as such considered a permitted use within all three of the land use zones. Only one zone, however, the Lakeside Residential (LCR-1) Zone, limits the development of homes that are mobile in nature. Higher density residential development, such as a triplex, an apartment building, a row housing, et cetera, are 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, Cornwallis Park is the closest municipally serviced community. The land use controls, via the Cornwallis Park Land Use By-law, provides for a wide array of housing types to be permitted to be developed within the General Residential (GR-1) Zone. And there is land available within Cornwallis Park for further, serviced residential development.

PART II: POLICIES

1.0 Water Supply Watershed Management

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 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. Inappropriate development or poor development practices in a watershed, however, can result in environmental problems that can potentially threaten the quality of the water from 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, a loss of vegetation along the water courses and/or erosion along watercourses and shorelines promoting not only the degradation of water quality, but the degradation of the aquatic habitat environment. 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.

1.1 Lake Cady Water Supply Area

The Lake Cady Water Supply Planning Area, as shown on Map 1, the Future Land Use Map, is located to the northeast and southwest of Virginia Road, approximately 4.5 kilometres from Clementsvale in the western area of the County. In terms of political jurisdiction, the Planning Area is wholly within the boundaries of the Municipality of the County of Annapolis and includes several named and unnamed water bodies, being either streams, rivers, lakes or wetlands, including Lake Cady, Potter Lake, Shell Camp Lake and the upper portion of the West Moose River. The Lake Cady Water Supply Area was prescribed on June 16, 1965 by the Nova Scotia Water Authority, pursuant to Section 16 of the Water Act as enacted by Chapter 42 of the Acts of 1963. Together, the waters of the Lake Cady Water Supply Planning Area form the water supply for the community of Cornwallis Park, a vibrant Annapolis County community that is home to some 248 residential dwellings, a 52-unit condominium complex and over 40 commercial, industrial and institutional uses.

As to the development pattern of the Lake Cady Water Supply Planning Area; the area is characteristically rural in nature given that there are only a limited number of seasonal and full-time residential dwellings, no commercial uses and only one industrial use: a small-scale heavy equipment contractor. The desired long-range plan for the Lake Cady 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 Lake Cady Water Supply Area will be designated as a "Water Supply Watershed" area on the Future Land Use Map with only four residentially oriented zones being considered in the Land Use By-law.

Policy 1.1.1

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

1.2 Parks Levy and Water Supply Protection

Along with the development of municipal regulatory land use planning regimes, another management option available to the Municipality to support its water supply preservation/protection efforts includes the ownership of the critical lands within the water supply areas, particularly those lands adjacent to the water body. 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, 10% of the area of lots shown on a final plan of subdivision.

Policy 1.2.1

As part of a management plan for the preservation/protection of the water supply water features within the Lake Cady 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.

2.0 LAKE CADY WATER SUPPLY AREA DEVELOPMENT

The total landmass of the entire Planning Area is approximately 2302 hectares (5688 acres). Development in the Lake Cady Water Supply Planning Area is limited and characteristically rural exhibiting a sparsely populated low-density development pattern. Lot sizes in the majority of the Planning Area are typical of rural areas, averaging over thirty-five acres in area, five thousand feet in length and characteristically narrow relative to the length with the average lot being somewhere in the area of three hundred feet in width. Subdivision activity in the Planning Area can also be described as limited due to the fact that the lotting arrangements typically reflect the division patterns of the original land grants. There are few public roads traversing the Planning Area and with the exception of a portion of the Virginia Road, all are unpaved and of limited and varying width. There are however a number of forestry access roads.

2.1 Lakeside Residential

There is a grouping of existing dwellings, being seasonal in nature, located along the northwestern shore of Lake Cady, immediately off that portion of the Virginia Road that bisects the Lake Cady Water Supply Planning Area. Comprised of ten residential single unit dwellings, the development pattern of this area is tight and compact with the lot sizes ranging from approximately one quarter of an acre to three-quarters of an acre. The remaining undeveloped lots are of such a size that the possibility of receiving approval for the installation of an on-site sewage disposal system is limited. However, given that this development pattern is established, it is the intention of Council to include a Lakeside Residential (LCR-1) Zone in the Land Use By-law that would reflect this established development pattern subject to a watercourse setback requirement.

Policy 2.1.1

It is the policy of Council to establish a Lakeside Residential (LCR-1) Zone in the Lake Cady Water Supply Area Land Use By-law which would limit the permitted uses in the Lakeside Residential (LCR-1) Zone to single detached dwellings with appropriate standards related to such, including provisions for limited home occupations and accessory buildings and structures.

All of the existing dwellings in the Lakeside Residential (LCR-1) Zone are small and regular shaped. While Council recognises that mobile homes provide for affordable housing choice, Council is concerned with the impact, in terms of architectural

compatibility, of introducing these long, slender, housing units into an existing residential area where all of the other dwellings are relatively small in size.

To protect the existing lakeside residential cottage area from undesirable change or variation in housing design, Council shall include provisions in the Land Use By-law that will restrict the development of long, slender housing units in the existing lakeside residential area.

Policy 2.1.2

In keeping with the predominant and desired character of the residential area identified and referred to in Policy 2.1.1, it is the policy of Council that special architectural design standards shall be included in the Lake Cady Water Supply Area Land Use By-law to regulate the average length to average width ratio of single detached residential dwelling structures within a range of 2:1 to 4:1 in the Lakeside Residential (LCR-1) Zone to restrict the development of long, slender single detached dwelling structures.

It is the opinion of Council that development close to the lakes, streams or wetland areas could potentially be detrimental to the health of these water bodies, particularly where the lot size requirements of the Lakeside Residential (LCR-1) Zone are much less than those of the other residential zones. Recognizing the fact that the area is a water supply area and the goal of this Municipal Planning Strategy is to protect the availability and quality of the raw water of the various water bodies located in the Lake Cady Water Supply Planning Area, it is the intention of Council to refuse to consider applications to rezone any additional lands within the "Water Supply Watershed" designation to the Lakeside Residential (LCR-1) Zone.

Policy 2.1.3

In order to preserve the integrity of the water supply characteristics of the Lake Cady Water Supply Planning Area, it is the policy of Council to refuse to consider amendment applications to rezone any additional land in the "Water Supply Watershed" designation to the Lakeside Residential (LCR-1) Zone.

2.2 Residential Low Density

Where the Virginia Road passes through the Planning Area are four residential structures: three permanently occupied and one abandoned. As to commercial /industrial activity, along this road, there is only one active industrial use, a small-scale heavy equipment-contracting business and an inactive, automobile repair facility garage. Lot sizes vary; the smaller lots are about two acres in area with some two hundred foot road frontage.

It is the opinion of Council that a Residential Low Density (LCR-2) Zone be included in the Land Use By-law that would permit residential single unit dwellings, duplex or double dwellings and mobile homes along with associated accessory structures and limited home occupation development. It is also the opinion of Council, in an effort to be flexible in its approach to development control in the water supply watershed, that in the LCR-2 Zone that Council consider the development of a second, separate, residential single unit dwelling on the same lot as a residential single unit dwelling by way of a development agreement.

Policy 2.2.1

It is the policy of Council to establish a Residential Low Density (LCR-2) Zone in the Lake Cady Water Supply Area Land Use By-law which would limit the permitted uses in the LCR-2 Zone to single unit dwellings, double dwellings and duplex or semi-detached dwellings with appropriate standards related to such, including provisions for limited home occupations and accessory buildings and structures. It is also the intention of Council to consider the development of a second, separate, residential single unit dwelling on a lot in the LCR-2 Zone by way of a development agreement in accordance with the evaluative criteria set out in Policy 5.3.1. In considering such agreements Council shall have particular regard to the impact the second dwelling will have on adjacent uses and the water supply, especially in terms of the lots capability to support appropriate on-site sewage disposal systems.

Due to the area being within a water supply watershed, Council is of the opinion that additional industrial or commercial development is not appropriate. However, given the existence of only two properties presently possessing industrial infrastructure, these two uses should be considered non-conforming uses. Additionally, Council also feels that it is appropriate that should these two businesses wish to expand, be rebuilt or change in use, the development agreement procedure is the best means by which to consider such.

Policy 2.2.2

With reference solely to the existing heavy equipment contracting use and the automobile repair facility within the Residential Low Density (LCR-2) Zone, it is the policy of Council that these two existing industrial or commercial uses, existing as of the effective date of the Lake Cady Water Supply Area Land Use By-law coming into effect, shall be considered non-conforming uses. In relation to these two non-conforming uses, it is also the intention of Council to consider the expansion, enlargement or reconstruction of a nonconforming structure, the extension of a nonconforming use of land, the extension, enlargement or alteration of structures containing nonconforming uses, the reconstruction of structures containing nonconforming uses, after destruction, or the change in use of a nonconforming use of land or nonconforming use in a structure to another nonconforming less obnoxious use by development agreement in accordance with the evaluative criteria set out in Policy 5.3.1. In considering such agreements Council shall have particular regard to the impact the change in the structure or the use of the structure or use of the land will have on adjacent uses, the water supply, in terms of potential for contamination and other issues such as buffering and spill control provisions.

While the Residential Low Density (LCR-2) Zone encompasses already developed lands, there is also some vacant undeveloped land set aside. The undeveloped lands for the most part are unencumbered by protected water features. Given, however, that the area is a water supply area, Council, in terms of balancing development with conservation, must first consider the primary aim of this strategy, which is the protection of the health of the lakes, streams and wetland areas as a potable water supply. As such, no additional land should be rezoned to or from the Residential Low Density (LCR-2) Zone than has been allotted through this Municipal Planning Strategy and Land Use By-law.

Policy 2.2.3

In order to preserve the integrity of the water supply characteristics of the Lake Cady Water Supply Planning Area, it is the policy of Council to refuse to consider amendment applications to rezone any additional land in the “Water Supply Watershed” designation to the Residential Low Density (LCR-2) Zone and to refuse to consider amendment applications to rezone any land zoned Residential Low Density (LCR-2) to any other zone in the “Water Supply Watershed” designation.

2.3 Lake Cady Residential

Other than the development of the seasonal residential dwellings in the Lakeside Residential (LCR-1) Zone, there has been no new residential development along the shores of Lake Cady. Lake Cady is an attractive location for seasonal residences. Additional residential development could be accommodated along the shores of Lake Cady provided appropriate development criteria are established. To support the vision of the Lake Cady Planning Area being maintained as a low-density rural area, it is the intention of Council to include a Lake Cady Residential (LCR-3) Zone in the Land Use By-law that would allow for single unit residential dwellings to be developed along the shores of Lake Cady. It is also the opinion of Council, so as to support its goal of minimizing the possibility of impairing the water quality of Lake Cady, that in the LCR-3 Zone, residential single unit dwellings be permitted provided such developments are to be located on large lots with substantial water frontage.

Policy 2.3.1

It is the policy of Council to establish a Lake Cady Residential (LCR-3) Zone in the Land Use By-law which would limit the permitted uses in the LCR-3 Zone, solely, to residential single unit dwellings and their associated accessory buildings and structures on large lots with substantial water frontage.

Given that the Lake Cady Residential (LCR-3) Zone encompasses Lake Cady and the area is a water supply area, Council, in terms of balancing development with conservation, must always consider the primary aim of this strategy, which is the protection of the health of the lakes, streams and wetland areas as a potable water supply. As such, no additional land should be rezoned to or from the Lake Cady Residential (LCR-3) Zone than has been allotted through this Municipal Planning Strategy and Land Use By-law.

Policy 2.3.2

In order to preserve the integrity of the water supply characteristics of the Lake Cady Water Supply Planning Area, it is the policy of Council to refuse to consider amendment applications to rezone any additional land in the “Water Supply Watershed” designation to the Lake Cady Residential (LCR-3) Zone and to refuse to consider amendment applications to rezone any land zoned Lake Cady Residential (LCR-3) to any other zone in the “Water Supply Watershed” designation.

2.4 Rural Residential

The remaining land within the “Water Supply Watershed” designation is to be zoned as Rural Residential (LCR-4). According to the land use survey, the existing development pattern within the Rural Residential (LCR-4) Zone is limited: recording only six structures. Of these six, four are seasonal residential uses and one is a nonconforming forestry accessory use. The remaining structure, having deteriorated to the point that is not functional, should be considered abandoned.

The Rural Residential (LCR-4) Zone makes up the majority of the Lake Cady Water Supply Planning Area, occupying approximately 2266 hectares (5599 acres) of a total landmass of approximately 2302 hectares (5688 acres). Land division patterns are characteristically rural with the average lot size being over thirty-five acres in area. The average lot is relatively long and narrow of approximate dimension of five thousand feet in length with some three hundred feet in width. Subdivision activity in the Rural Residential (LCR-4) Zone can also be described as limited due to the fact that the lotting arrangements typically reflect the division patterns of the original land grants. There are few public roads traversing the area and all are unpaved with varying widths. There are however a number of forestry access roads.

The desired long-range plan for the Lake Cady Water Supply Planning Area is to maintain the area as a low-density rural area so as to minimize the possibility of polluting the water bodies in the Planning Area. To achieve this, Council shall include a Rural Residential (LCR-4) Zone in the Land Use By-law and set out requirements to allow for both seasonal and permanent residential dwelling to be developed on large lots with setback and yard requirements that would promote the continued development of a rural type landscape.

Policy 2.4.1

It is the policy of Council to establish a Rural Residential (LCR-4) Zone in the Lake Cady Water Supply Area Land Use By-law which would limit the permitted uses in the LCR-4 Zone to residential single unit dwellings, double dwellings and duplex or semi-detached dwellings with appropriate standards related to such, including provisions for limited home occupations and accessory buildings and structures. It is also the intention of Council to consider the development of a second, separate, residential single unit dwelling on a lot in the Rural Residential (LCR-4) Zone by way of a development agreement in accordance with the evaluative criteria set out in Policy 5.3.1. In considering such agreements Council shall have particular regard to the impact the second dwelling will have on adjacent uses and the water supply, especially in terms of the lots capability to support appropriate on-site sewage disposal systems.

The intent of the Rural Residential (LCR-4) Zone is to permit the development of residential dwellings, subject to large lot sizes, ample setbacks and substantial yard requirements, while respecting the water feature setback requirement. The essence of these provisions is that residential development can be located in a water supply area while respecting the sensitive nature of the water supply area they are to be located within. Council is however of the opinion that no land zoned as Rural Residential (LCR-4) should be rezoned to one of the other residential zones because the area is a water supply area and the protection of the health of the lakes, streams and wetland areas is paramount to successfully achieving the goals of this Municipal Planning Strategy. The rationale behind limiting rezoning of Rural Residential (LCR-4) zoned land is that the more intensive the development in the Lake Cady Water Supply Planning Area the greater the potential for the contamination of the water bodies which make up the potable water supply for Cornwallis Park. Therefore, Council's policy is to refuse to consider applications to rezone any additional lands within the "Water Supply Watershed" designation from the Rural Residential (LCR-4) Zone.

Policy 2.4.2

In order to preserve the integrity of the water supply characteristics of the Lake Cady Water Supply Planning Area, it is the policy of Council to refuse to consider amendment applications to rezone any land zoned as Rural Residential (LCR-4) to any other zone in the "Water Supply Watershed" designation.

2.5 Forestry Development

Commercial forestry operations are industrial operations, classified as being either a primary forestry operation or a secondary forestry product processing operation. A primary forestry operation is the use of land for commercial silviculture (the growing of trees) or the cultivation, harvesting or gathering of trees. A secondary forestry product processing operation is the use of land for the processing of harvested or gathered trees to produce a secondary or value-added product such as construction lumber or fuel wood. Commercial forestry activity, in the form of primary forestry operations, is carried out in the Lake Cady Water Supply Planning Area with the largest forestry operator being the Bowater Mersey Paper Company Limited. The nature of such primary forestry operations are characterized by the on-site storage of small stockpiles of cut wood, remaining in place for periods of relatively short duration. While there was no temporary forestry use trailers recorded during the land use survey periods the occasional locating of temporary forestry trailer for employee use or equipment storage is commonplace. As for secondary forestry products processing operations, none were recorded as taking place in the Planning Area. This is not unexpected as the processing of harvested or gathered trees is usually done off-site such as at a mill, however, with the advent of portable sawmills, their use on-site is also becoming much more prevalent. It is with this in mind that Council is reasonably assured that the continuation of forestry harvesting operations in the Lake Cady Water Supply 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 Lake Cady Water Supply Planning Area. As such, it is Council's intention to consider commercial forestry operations, excluding the erection of main or accessory structures, excepting the erecting or locating of temporary forestry employee use/equipment storage trailers and portable sawmills, provided a development permit has been issued, as a permitted use in the Residential Low Density (LCR-2) Zone, the Lake Cady Residential (LCR-3) Zone or the Rural Residential (LCR-4) Zone.

Policy 2.5.1

It is the policy of Council to consider forestry operations, excluding the erection of both main or accessory forestry operation buildings and structures, except for the erecting or locating of temporary trailers for the use by on-site forestry workers and equipment storage and portable sawmills, as a permitted use in the Residential Low Density (LCR-2), Lake Cady Residential (LCR-3) or the Rural Residential (LCR-4) Zone

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 and silviculture programs are also discussed in these regulations. Overall, while Council is confident that resulting from good sustainable forestry management practices, forestry harvesting operations should not negatively impact the availability or quality of the raw water supplies from the various water bodies located in the Planning Area, Council is concerned with Christmas tree operations. Operationally speaking, forestry operations usually, with the exception of Christmas tree operations, do not rely on the application of natural or artificial source soil amendments or enhancers such as manure or chemical fertilizers. Runoff from manure and areas where artificial soil enhancers or amendments have been placed, the application of which is commonplace in agricultural industries, has been proven to be harmful, resulting in nitrogen and phosphorus overloading of waterways. Thus it is Council's intention to specifically prohibit commercial Christmas tree operations within 200 metres (656 feet) of watercourses or wetlands within the Residential Low Density (LCR-2) Zone, the Lake Cady Residential (LCR-3) Zone or the Rural Residential (LCR-4) Zone.

Policy 2.5.2

In relation to Policy 2.5.1, it is the policy that commercial Christmas tree operations shall not be permitted within 200 metres (656 feet) of any watercourse or wetland within the Residential Low Density (LCR-2) Zone, the Lake Cady Residential (LCR-3) Zone or the Rural Residential (LCR-4) Zone.

2.6 Agricultural Development

Nowhere in the Lake Cady Water Supply Planning Area was there any appreciable amount of agricultural activity taking place. This is perhaps not unexpected because the predominant soils in the area are of the Gibraltar and Bridgewater series. The Gibraltar series soils are characteristically well drained but shallow, excessively stony with frequent rock outcrops and are considered to be unsuitable for crop production. Bridgewater series soils are also shallow in depth, well drained and stony. Generally this series would support some crops and pastureland, but the presence of many boulders combined with the rough terrain of the area imposes severe limitations on the usefulness of these lands for agricultural activity. 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 associated with permitting agricultural development to occur in a water supply area. Thus it is the intention of Council to specifically exclude large-scale or intensive agricultural operations anywhere in the Lake Cady Water Supply Planning Area.

Council is however of the opinion that, given the rural nature of the Planning Area, limited or small scale agricultural development accessory to a residential use can be supported. Accordingly, residential accessory agriculture uses shall be considered a permitted use provided that the residential accessory agriculture use is of a small-scale. Provisions shall also be set out in the Lake Cady Water Supply Area Land Use By-law governing the keeping of agricultural animals in the Residential Low Density (LCR-2) Zone and the Rural Residential (LCR-4) Zone, tying the number of agricultural animals to a unit area factor. The keeping of agricultural animals in the Lakeside Residential (LCR-1) Zone or the Lake Cady Residential (LCR-3) Zone shall not be permitted. Where permitted, agricultural animal pens, holding areas or pasturelands shall also be required to be fenced as per MGA Section 220 (5) (c).

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 small-scale. The intent here is to permit the development of what is commonly known as home gardens. However, large-scale or intensive agricultural crop, silage or forage production operations shall be considered a prohibited use.

Policy 2.6.1

It is the policy of Council to prohibit the development of large-scale or intensive agricultural uses, development or operations anywhere within the Lake Cady Water Supply Planning Area.

Policy 2.6.2

It is the policy of Council that any form of agricultural use to be developed within the Lake Cady Water Supply Planning Area be restricted to a small-scale non-intensive nature, developed as an accessory use to a residential use. Additionally, for clarification purposes, residential accessory agricultural uses and their associated accessory buildings or structures shall be located on the same lot as the main residential use and not developed prior to the construction and completion of the main residential use on the property.

Policy 2.6.3

It is the policy of Council that residential accessory agricultural uses involving the keeping of agricultural animals, including horses, shall be permitted in the Residential Low Density (LCR-2) Zone and the Rural Residential (LCR-4) Zone and prohibited in the Lakeside Residential (LCR-1) Zone and the Lake Cady Residential (LCR-3) Zone.

Policy 2.6.4

It is the policy of Council to establish special regulations governing residential accessory agricultural uses involving the keeping of agricultural animals in the Residential Low Density (LCR-2) Zone and the Rural Residential (LCR-4) Zone in the Land Use By-law to:

- a. regulate the number of agricultural animals that may be kept on a lot tying the number of agricultural animals to a unit area factor; and**
- b. require that all agricultural animal holding areas, exercise yards, pens or pasture or grazing land be fenced.**

3.0 ENVIRONMENTAL PROTECTION

The protection of the availability and quality of the raw water supplies from the various water bodies located in the Lake Cady Water Supply Planning Area is one of the goals of this Municipal Planning Strategy. The authorities set out in Sections 214 and 220 of the MGA, 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 Lake Cady Water Supply Planning Area.**
-

3.1 Protected Water Features Setback

According to MGA Section 191(r), a watercourse means “a lake, river, stream, ocean or other body of water” and Section 220 (5) (o) provides that a land use by-law may prohibit development within a specified distance of a watercourse. Development, thus “includes the erection, construction, alteration, placement, location, replacement or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures.” There are several named and unnamed water bodies with the Planning Area. Named bodies include Lake Cady, Potter Lake, Shell Camp Lake and the upper portion of the West Moose River. There are also numerous wetland areas adjacent to these lakes, rivers and streams.

It is the intention of Council to include any body of water, including lakes, ponds, rivers, streams as well as the wetland areas adjacent to the lakes, rivers and streams in the 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 water extraction facilities along with any associated water management accessory buildings or structures, roads or bridges, private seasonally placed and removable docks or recreational trails for non-motorized use. The rationale for this 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 water extraction facilities along with any associated water management accessory buildings or structures, roads or bridges, or private seasonally placed and removable docks or recreational trails for non-motorized use, within 30 metres (98.43 feet) of the edge of the shoreline of any protected water feature in the Residential Low Density (LCR-2) Zone, the Lake Cady Residential (LCR-3) Zone or the Rural Residential (LCR-4) 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 water extraction facilities, roads or bridges, or private seasonally placed and removable docks or recreational trails for non-motorized use, within 15 metres (49.21 feet) of the edge of the shoreline of any protected water feature in the Lakeside Residential (LCR-1) 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 Residential Low Density (LCR-2), the Lake Cady Residential (LCR-3) and the Rural Residential (LCR-4) Zones, except in relation to works associated with those exempted uses set out in Policy 3.1.1 or for the purpose of removing diseased or dead trees.

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 15 metres (49.21 feet) back from the edge of the shoreline of the protected water feature on all properties within the Lakeside Residential (LCR-1) Zone, except in relation to works associated with the development of those uses set out in Policy 3.1.2 or for the purpose of removing diseased or dead trees.

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 Residential Low Density (LCR-2) Zone or the Rural Residential (LCR-4) Zone for a distance 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 Lakeside Residential (LCR-1) Zone for a distance of 15 metres (49.21 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 Lake Cady 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 Lake Cady 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 Residential Low Density (LCR-2) Zone, the Lake Cady Residential (LCR-3) Zone or the Rural Residential (LCR-4) 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 15 metres (49.21 feet) of the edge of the shoreline of a water feature within the Lakeside Residential Single Unit (LCR-1) 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 Lake Cady 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 Lake Cady 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 all new roads, whether municipal or private, 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 Lake Cady Water Supply Planning Area and as such Council shall include policies in this Municipal Planning Strategy to permit the subdivision and development of both private roads and lots along private roads and set out regulations in the Lake Cady Water Supply Area 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 Lake Cady Water Supply 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 Lake Cady Water Supply Area 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. It is the intention of Council to set out minimum lot area and minimum frontage requirements in the Lake Cady Water Supply Land Use By-law for each of the land use 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 Lake Cady Water Supply Area Land Use By-law. It is 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 Lake Cady Water Supply Area Land Use By-law, unless otherwise stated.

4.4 Existing Lots – Subdivision Flexibility

Where a municipality wishes to exercise some flexibility by approving the subdivision of land without first granting variances, provisions must be made for these circumstances both in the municipal planning strategy and the land use by-law. Council feels that three situations warrant this special consideration. The first flexibility considered 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. The third flexibility considered by Council is where an existing lot containing more than one main building is to be subdivided.

Policy 4.4.1

As a relaxation to Policy 4.3.1, it is the policy of Council to include provisions in the Lake Cady Water Supply Area 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 4.4.2

As a relaxation of Policy 4.3.1, it is the policy of Council to include provisions in the Lake Cady Water Supply Area 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.

Policy 4.4.3

As a relaxation to Policy 4.3.1, it is the policy of Council to include provisions in the Lake Cady Water Supply Area Land Use Bylaw to permit the subdivision of land and allow for the issuance of development permits for development on lots subdivided from an existing area of land which abuts a municipal street or highway, a provincial public street or highway or a private road where the normal lot area and frontage requirements cannot be met, providing that the existing lot contains two or more main buildings or structures and each new lot so created contains at least one main building or structure and retains a minimum of 6 metres (19.7 feet.) of frontage along a municipal street or highway, a provincial public street or highway or a private road.

Policy 4.4.4

As a relaxation to Policy 4.3.1, it is the policy of Council to include provisions in the Lake Cady Water Supply Area Land Use Bylaw to permit the subdivision of land and allow for the issuance of development permits for development on lots subdivided from an existing lot that lacks frontage on a municipal street, provincial public street or highway or private road, where the normal lot area and frontage requirements cannot be met, providing that the existing lot contains two or more main buildings or structures and each new lot so created contains at least one main building or structure, provided that all new lots created, including the remainder, are serviced individually by a separate 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 all other applicable requirements of the Lake Cady Water Supply Area Land Use By-law are met.

4.5 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 Lake Cady 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 Lake Cady 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 Lake Cady 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 4.5.1

It is the policy of Council to include provisions in the Lake Cady Water Supply Area Land Use By-law to permit the issuance of a development permit for a development permitted by the Lake Cady 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 4.5.2

It is the policy of Council to include provisions in the Lake Cady Water Supply Area Land Use By-law to permit issuance of a development permit for a development permitted by the Lake Cady 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 Lake Cady Water Supply Area Land Use By-law are met.**
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4.6 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 Lake Cady Water Supply Land Use By-law before a development permit be issued. With the exception of the Lakeside Residential (LCR-1) Zone, the lots in the remainder of the Lake Cady Water Supply Planning Area are characteristically rural, being of a large lot size. However, due to the nature of the Lake Cady Water Supply Planning Area being a potable water supply area, Council is of the opinion that, with the exception of the Lakeside Residential (LCR-1) Zone, providing for the variation of lot area requirements for existing lots is not an appropriate option for development in the Lake Cady Water Supply Planning Area.

Policy 4.6.1

It is the policy of Council to include provisions in the Lake Cady Water Supply Area 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 Lakeside Residential (LCR-1) Zone, which have less than the required lot area as set out in the Lake Cady Water Supply Area Land Use By-law.

4.7 Expansions and Existing Buildings

Occasionally some of the existing buildings constructed in the Lake Cady Water Supply Planning Area have been located in such a manner that the required yard setback cannot be met. This situation is especially evident in the Lakeside Residential (LCR-1) Zone. It is Council's intent to permit these existing buildings to be enlarged provided the expansion does not further reduce the setbacks set out in the Lake Cady Water Supply Area Land Use By-law for the zone the existing building is located within.

Policy 4.7.1

It is the policy of Council to include provisions in the Lake Cady Water Supply Area Land Use By-law to permit existing buildings which do not meet the required yard setbacks to be expanded or enlarged, provided the expansion or enlargement does not further reduce the required setback.

4.8 General Standards

The Lake Cady 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 unrestrictive standards while maintaining sufficient control to ensure good quality development.

Policy 4.8.1

The Lake Cady Water Supply Area 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;**
- iv. provisions with respect to the height of buildings and structures and permitted encroachments into yards;**
- v. provisions respecting home occupations.**

5.0 IMPLEMENTATION

Topics addressed here concern the review of this document, land use by-law amendment and development agreement procedures, advertising, notification and processing cost recovery.

5.1 Planning Document Review Timeline

This Plan has been prepared on the assumption that the waters of the Lake Cady Planning Area shall continue being the source supply of potable water for the Community of Cornwallis Park. The focus of the plan is such that the development pattern in 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, should the planning area be increased or a more complex approach to development control be desired and early review of this document may be considered and undertaken.

Policy 5.1.2

It is the intention of Council to commence a review of the Lake Cady Water Supply Area Municipal Planning Strategy and the Lake Cady 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 are implemented. A land use by-law can only be adopted or amended to carry out the intent of a municipal planning strategy. The Lake Cady Water Supply Area Land Use By-law’s standards, which reflect the policies set out in the Lake Cady Water Supply Area Municipal Planning Strategy, are developed pursuant to the *MGA*.

Policy 5.2.1

The Land Use By-law shall be the principal mechanism by which the policies of the Lake Cady Water Supply Area Municipal Planning Strategy shall be implemented. The 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 Lake Cady Water Supply Area Municipal Planning Strategy. The Zoning Maps, appended as Schedules "A" and "B" to the Land Use By-law, shall represent the geographical extent of all zones in the Lake Cady Water Supply Planning Area. The following zones shall be established in the Land Use By-law:

Residential Single Unit	LCR-1
Lakeside Residential	LCR-2
Lake Cady Residential	LCR-3
Rural Residential	LCR-4

Policy 5.2.2

In considering amendments to the Lake Cady Water Supply Area Land Use By-law, Municipal Council shall ensure that the amendment is in conformity with the intent and policies of this Plan and with the requirements of the *MGA*, and that the amendment 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 might conflict with 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 of road networks, in, adjacent to, or leading to the development, pedestrian and vehicle access to and from the site, on-site parking and loading;
- iv. the potential for the contamination of watercourses, creation of erosion or sedimentation, or pollution;
- v. the adequacy of physical site conditions for, and the provision of, on-site sewage disposal, water and storm water management, where not connected to a municipal system;

- 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, and the relative location of watercourses and wetlands, swamps and bogs;
- viii. 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
- ix. that the proposal is in conformity with the intent and policies of any other applicable Municipal By-laws and Regulations.

5.3 Development Agreements

A development agreement is a binding agreement between Council and a developer used to provide a flexible or negotiated approach to the development process without a loss of development control. As provided for under the *MGA*, where a Municipal Council intends to regulate development by development agreement, the plan 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.

Policy 5.3.1

In considering an application for a development agreement or an amendment to a development agreement Council shall have regard to the following, where applicable:

- i. the impact of the proposed development on adjacent or nearby land uses with particular regard to hours of operation and the use and size of proposed structures;
 - ii. the adequacy of physical site conditions for, and the provision of, buffering, screening, landscaping and other similar features in order to minimize any potential land use conflicts with adjacent uses;
 - iii. the adequacy of physical site conditions for, and the provision of, on-site sewage disposal, water and storm water management, where not connected to a municipal system;
 - iv. the adequacy of the existing and proposed street network to handle the pedestrian and vehicular traffic to be generated by the development and the adequacy of the proposed on-site parking and loading;
 - v. the compatibility of the proposed development on structures on the immediately abutting lots in terms height, roof line, setbacks and lot coverage;
 - vi. the suitability of the proposed site in terms of steepness of grades, soils and geological conditions, location of watercourses, wetlands, swamps and bogs;
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- vii. the potential for the contamination of watercourses, creation of erosion or sedimentation, or pollution; and
- viii. 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 intention 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, some or all of the following terms:

- i. the specific use and size and locations of new or expanded existing structures and accessory uses or structures;
 - 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. minimum lot sizes or the percentage of land area that may be built upon, setbacks and size of yards or other open spaces;
 - iv. 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;
 - v. adequacy of access to and from streets, and parking;
 - vi. landscaping or buffering of development, which may include fencing, vegetation, walkways and lighting and their compatibility with adjacent structures and uses;
 - viii. open storage, screening and buffering, the subdivision of land and security or performance bonding;
 - ix. the hours of operation and property maintenance;
 - x. easements for the construction, maintenance or improvement of watercourses, ditches, land drainage works, stormwater systems, water or wastewater facilities and other utilities;
 - xi. the grading or alteration in elevation/contour of land and provision for the disposal of storm and surface water;
 - xii. the construction, in whole or in part, of a stormwater system, wastewater facility and water system;
 - xiii. the maximum population density in the development;
 - xiv. matters which are substantive or not substantive;
 - xv. timelines and conditions for discharging the development agreement with or without the consent of the property owner;
 - xvi. timelines for commencing, completing or phasing of the development; and
 - xvii. 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 with adjacent uses, structures and areas.
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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. Thus it is incumbent on the applicant to supply adequate information to Municipal Council so as to evaluate the application.

Policy 5.4.1

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;**
 - 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.**
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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 and 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 *MGA* 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 and requires the appointment of a Development Officer.

Policy 5.6.1

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

Policy 5.6.2

It is the policy of Council, in accordance with the *Municipal Government Act*, to appoint a Development Officer to administer the Lake Cady Water Supply Area Land Use By-law and the Subdivision By-law for the Municipality of the County of Annapolis who shall be responsible for the granting of development permits and approvals of plans of subdivision.

5.7 Public Participation Program

It is the opinion of Council that this plan and by-law are public documents and the public must be informed of changes to, or the entering into of development agreements made pursuant to the documents, above and beyond the statutory public hearing as set out in the *MGA*.

Policy 5.7.1

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 to the Planning Advisory Committee and Lake Cady Water Supply Area Advisory Committee;**
- ii. Setting Planning Advisory Committee Public Meetings;**
- iii. Advertising Public Meetings in a local newspaper, specifying the date, time and place of public meeting, the matter to be discussed, the specific property affected and the place where information is available; and**
- iv. Prior to any discussion among Planning Advisory Committee members at Public Meetings, citizens are afforded the opportunity to speak or ask questions first.**

Policy 5.7.2

It is the intention of Council that, where applicable, the public participation program be extended to give landowners within a minimum 100 metre (328 ft.) radius of the affected property notification by personal service or regular mail, to require more advertisements or more information in the advertisement or to otherwise vary the public participation process, so long as Policy 5.7.1 minimums are met.

Policy 5.7.3

It is the intention of Council that in the case of a land use by-law amendment undertaken in accordance with the Lake Cady Water Supply Area Municipal Planning Strategy or a land use by-law amendment not required to carry out a concurrent amendment to the Lake Cady Water Supply Area Municipal Planning Strategy, which are not subject to the review of the Provincial Director of Planning or Ministerial approval, or in the case of a development agreement or the subsequent amendment to a development agreement to permit the Municipal Clerk to refer the application to the Planning Advisory Committee and the Lake Cady Water Supply Area Advisory Committee, set and advertise a date of a Planning Advisory Committee Public Meeting and to set and advertise a Public Hearing date.

5.8 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 5.8.1

It is the intention of Council to include a number of “Notes to Readers” in this Planning Strategy and its accompanying Land Use By-law. These “Notes to Readers” are for information and clarification purposes only, and does not form part the Lake Cady 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 Planning Strategy or the Land Use By-law.

6.0 Lake Cady 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 Lake Cady 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 Lake Cady 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 Lake Cady Water Supply Area as a potable water supply among Lake Cady Water Supply Planning Area residents, landowners and area users.

Policy 6.0.2

It is the intention of Council, as part of managing the water supply, to post the Lake Cady Water Supply Area as a protected water supply and to identify potential sources of contamination of the water supply and to develop plans to mitigate such.
