

Municipality of the District of Digby



Municipal Planning Strategy

to support provisions of the

Subdivision By-law

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1. Introduction

1.1 Context

The Municipality of the District of Digby (Digby Municipality) has a distinct rural character. A brief profile of the area is contained in Section 1.5 of this document.

The focus of this Municipal Planning Strategy (MPS) is to provide policy for the Municipality's Subdivision By-law. Since 1984, *Provincial Subdivision Regulations* have been in place throughout the province to provide consistent minimum requirements for subdividing land. These regulations became the Municipality's Subdivision By-law by virtue of provincial legislation adopted in the late 1990s.

In 2007 the Municipality decided to begin the process to adopt a new Subdivision By-law. The new By-law has been prepared under the guidance of the Planning Advisory Committee (PAC).

The major changes in the By-law are as follows:

- Establishing minimum lot frontage and area requirements in serviced areas which are not covered by a Land Use By-law.
- Establishing standards for the design and construction of new private roads. The construction standards will not apply until or unless the private road provides access to more than six lots. Construction standards are higher in the serviced areas of the municipality. Where a subdivision involving a new private road is proposed in a serviced area, the subdivider will be required to install services to connect to the existing public system.

- Subdivisions involving new municipal public streets will not be approved pursuant to the By-law anywhere in the municipality.
- Where a lot without road frontage has been subdivided from an area of land, an additional lot without frontage may be subdivided from the area of land.

It is the last two changes above which are required by provincial legislation to be supported by policies in a MPS.

1.2 Legislative Mandate

The *Municipal Government Act*, Chapter 18 of the Statutes of Nova Scotia, 1998, gives municipalities the authority to adopt policy with respect to the subdivision of land.

The Act also gives municipalities the authority to regulate land use and development within its boundaries and the Municipality has done so for two areas. In 2003 the Municipality adopted a Municipal Planning Strategy and Land Use By-law for lands in the Mt. Pleasant/Culloden area which comprised the “wellfield area” for the Town of Digby’s water supply. This Strategy and By-law seek to protect the quality of lake and ground water resources which are used as the source of the Town’s municipal water supply.

Also in 2003 the Municipality adopted a Municipal Planning Strategy and Land Use By-law for the Conway area as a means of managing growth and development in the Municipality’s primary commercial district.

These Municipal Planning Strategies will become Secondary Planning Strategies upon the adoption of this document. (Please see Section 2.3).

1.3 Planning Process and Public Consultation

The *Municipal Government Act* requires municipalities to incorporate public participation into the planning process. Digby Municipality has adopted a Public Participation Resolution which provides the details for seeking public input.

During the preparation of the Subdivision By-law, the PAC held two meetings with stakeholders. Suggestions from the stakeholders led to a number of changes to the Bylaw. In November of 2008 the PAC held a Public Information Session to receive comments from the public and on December 15, 2008 Council held a Public Hearing on the documents.

1.4 Statements of Provincial Interest

The *Municipal Government Act* requires that a municipal planning strategy be reasonably consistent with Statements of Provincial Interest which have been adopted by the Province. At the time of the preparation of this Strategy the Province had adopted 5 separate statements respecting the following issues – the quality of water within municipal water supply watersheds, protection of public safety and property in designated and recognized floodplains, the protection of agricultural lands, the efficient use of municipal water and wastewater infrastructure and the provision of housing opportunities which meet the needs of communities.

In considering the issues addressed in this Strategy the Statements of Provincial Interest have been assessed. As this Strategy focuses on specific issues relating to subdivision, there is no impact on the interest statements.

1.5 Municipal Profile

Digby Municipality lies along the Bay of Fundy, on the western coast of Nova Scotia. The population of the Municipality has been declining for some years, going from 9230 in 1991 to 7986 in 2006. The Town of Digby, the largest urban

centre in the area, is also losing population going from 2311 to 2092 in the same time period.

Digby Town is 227 km (2.5 hours driving time) from Halifax via Highway 101 and a three hour ferry-ride from Saint John, New Brunswick. The area is the heart of the picturesque and history-rich Southwest Shore region.

The area which is bounded on the west by the Bay of Fundy and on the south by a forested land base, is characterized by an economy based on marine and forest resources. Given the cycles typical of marine resource development and the demand for commodities such as lumber the economy of the Digby and Annapolis Counties, and of the southwestern region of Nova Scotia in general, experiences the kinds of highs and lows that have shaped the history of the Atlantic Provinces.

However, during the 1990s the ground fish crisis that shook the whole Atlantic region the area was spared some of the impact through some diversification of species together with good catches of lobsters and scallops. Mink farming has become an important industry. Tourism is also a strong contributor to the economy.

The region which includes the Municipality of Clare and Annapolis County has a diverse population with many cultures contributing to the area. This area's population includes a Mi'kmaq community dating back 10,000 years, and is the site of Canada's first permanent European settlement. It is also home to some of the nation's earliest Black settlements, and to Nova Scotia's largest Acadian population.

2. Subdivision of Land

2.1 Prohibiting New Public Roads through the Subdivision Approval Process

Except for the industrial area of Conway there are no municipal public roads in the Municipality of the District of Digby. The public roads in the Municipality are owned and maintained by the provincial government. The Municipality pays a fee to the province each year which goes towards the maintenance of a specific list of local public roads.

Municipalities generally provide for new municipal public roads in their subdivision by-law. The process is that a subdivider will make application for approval of a subdivision showing lots on a proposed public road. If the road is designed and constructed in accordance with the specifications contained in the Subdivision By-law, the road becomes a municipal public road upon approval of the subdivision. The municipality is then fully responsible for the maintenance of the road.

There have been very few if any proposals for new public roads in Digby Municipality. There have been a number of subdivision applications for lots on new private roads which have been approved over the years. The Municipality is not responsible for the maintenance of private roads.

Because the Municipality does not directly maintain public roads, it does not have staff or equipment to carry out this important function. Therefore Council has decided not to provide for new municipal public roads in its Subdivision By-law at this time. Council will periodically review this decision and may amend the Subdivision By-law in future to allow new municipal public roads. This review shall be undertaken no later than five years from the effective date of this Strategy and may occur at an earlier date, as determined by Council.

The Subdivision By-law will continue to provide for private roads in the Subdivision By-law and will also introduce new design and construction specifications for these roads.

Policy 1 **It shall be a policy of Council to prohibit new municipal public roads throughout the Municipality in its Subdivision By-law.**

2.2 Increasing the Potential for Lots Not Having Road Frontage

The *Provincial Subdivision Regulations* provide for the subdivision of a lot without road frontage from an area of land as it existed on August 1, 1987. This provision is also contained in the Municipality's Subdivision By-law.

Over the years a number of landowners have used this provision to create a lot without frontage from their land holding. Council would like to expand the use of this provision by changing the date from 1987 to the effective date of the new Subdivision By-law. By doing so the potential for subdividing lots without road frontage will be increased.

One reason for Council's decision to change the date relates to put new design and construction standards for private roads in the Subdivision By-law. Without a change in the date some landowners would have to design and construct a private road to subdivide an additional lot. Because of the higher standards for private roads, Council feels it is appropriate to allow for one further lot without requiring the design and construction of a private road.

Policy 2 **It shall be a policy of Council to change the date in the provision that permits the subdivision of a lot without road frontage from August 1, 1987 to the effective date of the new Subdivision By-law.**

2.3 Secondary Planning Strategies

The Municipality has adopted two separate Municipal Planning Strategy and Land Use By-laws for the Digby Wellfield Area and the Conway Area. These planning documents will become Secondary Planning Strategies

- Policy 3** It shall be the intention of Council to consider and if deemed appropriate adopt secondary planning strategies for specific areas of the Municipality or relating to specific issues and that secondary planning strategies shall take precedence over this Strategy within the designated secondary planning areas.
- Policy 4** It shall be the intention of Council to establish a Secondary Municipal Planning Strategy which provides for the control of land use and development activities within the Digby Wellfield Area for the purposes of protecting surface and ground water resources used for the Town of Digby's municipal water supply.
- Policy 5** It shall be the intention of Council to establish a Secondary Municipal Planning Strategy which provides for the planning and development regulation within the Conway Area for the purposes of managing orderly growth and development within the Municipality's primary commercial area.

This is to certify that the Municipal Planning Strategy which this is a true copy was duly passed at a duly called meeting of the Council of the Municipality of the District of Digby, held the 15th day of December, 2008.

Given under the hands of the Municipal Clerk and under the seal of the Municipality of the District of Digby this 19th day of December, 2008.



Linda Fraser, CAO/ MUNICIPAL CLERK

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February 4, 2009.

**Municipality of the District of Digby
Amendments to the Municipal Planning Strategy**

Adopted by Council on December 15, 2008

I acknowledge receipt of these amendments to the Municipal Planning Strategy dealing with policies to support the Municipality's new Subdivision Bylaw, adopted at a meeting of the Council of the Municipality of the District of Digby held on December 15, 2008.

I have reviewed the documents pursuant to Section 208 of the *Municipal Government Act* and have not determined that the documents fall within any of the categories requiring approval listed in subsection 208(3), therefore the documents are not subject to the approval of the Minister of Service Nova Scotia and Municipal Relations.



Dave Smith
Assistant Provincial Director of Planning

Dated: JAN 21 2009