



MINIMUM PLANNING REQUIREMENTS IN NOVA SCOTIA

# **Guidebook on Implementing the “Statements of Provincial Interest”**

**Department Of Municipal Affairs & Housing**

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# 1.0 OVERVIEW

This *Guidebook on Implementing the “Statements of Provincial Interest”* (SPI) has been prepared to

- provide further clarity on how the SPI are interpreted
- offer suggestions for approaches that might be used in municipal planning documents
- indicate what the Department of Municipal Affairs and Housing expects regarding the SPI in municipal planning documents

This guidebook is part of a series of documents created by the Department of Municipal Affairs and Housing to assist municipalities as they carry out land-use planning in their jurisdiction to meet the minimum planning standards for Nova Scotia. The following resources are also available on the department’s [website](#):

1. *Guidebook for Municipal Councils in Rural Municipalities*
2. *Guidebook on Municipal Planning Strategy and Land-Use By-Law Preparation*
3. *Guidebook on Implementing the “Statements of Provincial Interest”*
4. *Guidebook on the Requirement to Engage with Abutting Municipalities*
5. *Locus User Guide: Municipal Online Mapping Application*  
(step-by-step guide to using the Locus mapping web application)
6. *Brochure on Economic Development and Planning*

# 2.0 INTRODUCTION

## 2.1 PLANNING FOR THE PUBLIC GOOD

Planning is a process to achieve an objective. We plan to encourage what we want to happen, prepare for what we expect to happen, or avoid unwanted outcomes. When we don't plan, decisions might have unintended consequences and strategic opportunities might be missed.

The provincial government's interests in land are broad, and they include public health and safety, protection of our environment, sustainable use of our natural resources, and effective investment in infrastructure. The province has developed five strategic priorities with the Statements of Provincial Interest (SPI) to define these interests and encourage municipalities toward more sustainable development. The purpose of the SPI is to protect the common public interest; their purpose is not to restrict or regulate development. The Province's Minimum Planning Requirements are meant to ensure that the SPI are applied similarly across the entire province.

The SPI are only one means of expressing the province's interest in the use and development of land; legislation, guidelines, and programs are examples of other means. However, the Municipal Government Act provides for the adoption of additional SPIs in the future, should the province believe doing so to be in the public's best interest.

## 2.2 STATEMENTS OF PROVINCIAL INTEREST

The SPI are policy statements adopted by the provincial government under the powers of the Municipal Government Act (MGA s.193). They are set out in Schedule "B" of the MGA and came into effect on April 1, 1999. The five SPI deal with

1. Drinking Water
2. Flood Risk Areas
3. Agricultural Land
4. Infrastructure
5. Housing

Schedule B of the MGA has four components:

1. The Introduction provides context and indicates that the SPI are "guiding principles" for land-use decisions.
2. The Definitions section defines specific terms used in the SPI.
3. The Statements form the main part of Schedule B; these include
  - a. Goal – the result that the SPI is intended to achieve
  - b. Basis – the reasons or rationale for the SPI
  - c. Application – the area to which the SPI applies, whether it is a specific geographic area or more widely applied
  - d. Provisions – the specific actions or measures essential to meeting the requirements of the SPI
4. The Implementation section reinforces the MGA text and provides additional guidance.

## 2.3 APPLYING THE STATEMENTS

Legislation requires that municipal planning documents<sup>1</sup> are “reasonably consistent” with the SPI. Reasonably consistent<sup>2</sup> means that municipalities must take practical steps to apply the SPI to the local situation when preparing or amending planning documents. Specifics about how consistency is maintained in planning documents are a municipal decision. One recommended approach is to have a section in a Municipal Planning Strategy dedicated to the SPI. This section should reference any policies the municipality is establishing to address specific statements.

The SPI do not provide rigid standards. Rather, they set the direction and provide a framework for dealing with an issue. Local circumstances and informed decision-making will direct how the SPI are applied. No SPI is intended to take precedence over any other.

## 2.4 OUTLINE OF THIS GUIDE

Each of the following sections will look at a specific SPI with direct quotations from Schedule B and explanatory information as required. This material is presented in the same order as it appears in Schedule B – Goal, Basis, Application and Provisions. Definitions taken directly from Schedule B are included below, with defined terms appearing throughout the rest of this guidebook in bold and italicized font (e.g., **Planning documents**). Each section of this guidebook includes references to specific sections of the Municipal Government Act (MGA) and the Halifax Regional Municipality Charter (Charter). Finally, each section includes a resource list with links to further information. We will attempt to keep the links up-to-date; however, if a weblink in this document is no longer active, please contact the Department of Municipal Affairs and Housing.

## 2.5 DEFINITIONS

These are the definitions from the Statements of Provincial Interest (Schedule B of the MGA) applicable to this guidebook.

**Agricultural land**—means active farmland and land with agricultural potential as defined by the Canada Land Inventory as Class 2, 3 and Class 4 land in active agricultural areas, specialty croplands and dykelands suitable for commercial agricultural operations as identified by the Department of Agriculture and Marketing<sup>3</sup>.

**Floodplain**—means the low-lying area adjoining a watercourse.

**Floodproofed**—means a measure or combination of structural and non-structural measures incorporated into the design of a structure which reduces or eliminates the risk of flood damage, usually to a defined elevation.

**Floodway**—means the inner portion of a flood risk area where the risk of flooding is greatest, on average once in twenty years<sup>4</sup>, and where flood depths and velocities are greatest.

1 Defined in the MGA s.196 and Schedule B.

2 Defined in Schedule B, Implementation section.

3 Now known as the Department of Agriculture.

4 Or annual 5 per cent chance of flooding.

**Floodway fringe**—means the outer portion of a flood risk area, between the floodway and the outer boundary of the flood risk area, where the risk of flooding is lower, on average once in one hundred years<sup>5</sup>, and floodwaters are shallower and slower-flowing.

**Groundwater recharge area**—means the area of land from which water flows to supply a well.

**Hazardous materials**—means dangerous goods, waste dangerous goods and pesticides as defined in the Environment Act C.1, S.N.S. 1994-95.<sup>6</sup>

**Municipal water supply watershed**—means an area encompassing a surface watershed or recharge area, or a portion of it, serving as a water supply area for a municipal water system.

**Off-site fill**—means fill that has been imported from outside the floodplain or fill which is transported from the floodway fringe to the floodway.

**Planning documents**—means a municipal planning strategy, land use by-law, development agreement and subdivision by-law.

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<sup>5</sup> Or annual 1 per cent chance of flooding.

<sup>6</sup> As amended by 1998, c. 18, s. 557; 1999 (2nd Sess.), c. 12, s. 76; 2001, c. 6, s. 103; 2004, c. 3, ss. 20, 21; 2006, c. 2, s. 3; 2006, c. 30; 2011, c. 61; 2017, c. 10.

## DRINKING WATER

**GOAL:** To protect the quality of drinking water within municipal water supply watersheds

**BASIS:** A safe supply of drinking water is a basic requirement for all Nova Scotians.

Inappropriate development in municipal water supply watersheds may threaten the quality of drinking water.

Some water supply watersheds are located outside the municipality using the water. The municipality depending on the water therefore has no direct means of protecting its supply.

**APPLICATION:** This statement applies to all municipal water supply watersheds in the Province including surface watersheds and groundwater recharge areas.

### PROVISIONS:

1) Planning documents must identify all municipal water supply watersheds within the planning area.

# 3.0 DRINKING WATER

## 3.1 APPLICATION

All existing surface watershed areas (watersheds) and **Groundwater recharge areas** (recharge areas), and those identified as future sources of drinking water for municipally owned or operated water utilities, are subject to this SPI. Private, community, and First Nations owned/operated drinking-water supplies also exist in Nova Scotia but are not the focus of this SPI. However, municipalities are encouraged to work with other owners and operators to protect the quality of all drinking water supplies.

## 3.2 PROVISIONS

1. A municipality must identify watersheds and recharge areas for all municipally owned or operated drinking-water supplies. This includes the watersheds and recharge areas for other municipalities that fall within the boundary of the planning area.

The natural drainage area boundary is the key factor in identifying the extent of a watershed or recharge area. This boundary forms the limit beyond which the water flows to another watershed. This flow might be overland by way of streams, rivers, and lakes, or it might seep into and move through the ground. **Planning documents** must identify the natural drainage area for the **Municipal water supply watersheds** for surface water supplies. Watersheds, including primary, secondary, and tertiary watersheds, can be mapped using the LOCUS application<sup>7</sup>. If information is available, recharge areas for groundwater supplies (wells) should also be identified.

Some water supply areas have been designated as Protected Water Areas (PWA) under the provisions of the Environment Act. A PWA boundary typically differs from that of the natural drainage area, since property lines are often used to define the PWA designation area.<sup>8</sup>

In a PWA, activities that could impair water quality, such as logging, swimming, fishing, and boating, may be regulated or prohibited. This kind of regulation differs from regulation under a municipal planning strategy and land-use by-law, as the latter deals with the use and development of land and focuses mainly on buildings and structures. **Planning documents** should include any PWA designated under the Environment Act.

<sup>7</sup> For more information on the Locus application refer to the Locus User Guide.

<sup>8</sup> Refer to the provincial Registry of Regulations website at [gov.ns.ca/just/regulations/search.htm](http://gov.ns.ca/just/regulations/search.htm) for details on any municipal water supply watersheds in Nova Scotia that have been designated as Protected Water Areas under the Environment Act. Search for "Protected Water Areas."

## MGA Schedule B

### DRINKING WATER

#### PROVISIONS:

2. Planning documents must address the protection of drinking water in municipal water supply watersheds.

Measures that should be considered include:

a) restricting permitted uses to those that do not pose a threat to drinking water quality;

2. Understanding the context is important in effectively protecting drinking-water supply. **Planning documents** should have background information that includes information about the following:
  1. **Type:** surface water supply (watershed) or groundwater supply (recharge area).
  2. **Environment:** information about the natural conditions and man-made changes; includes soil conditions, topography, vegetation cover, property ownership, existing development, etc.
  3. **Threats:** land uses and activities that could affect water quality (e.g., “point” sources such as industrial facilities and “non-point” sources such as lawn-care chemicals).
  4. **Intake:** the location of the water supply intake, since land closest to the intake typically requires the greatest level of protection. For groundwater supplies, the intake is the site of the well (i.e., the wellhead).

Legislation provides municipalities with several tools to protect drinking-water supply.

- Zoning (MGA s.220 [Charter s.235])
- Development agreements (MGA s.225-227 [Charter s.240-242])
- Site-plan controls (MGA s.231 [Charter s.246])

Most of these tools relate to **Planning documents**, although there are other powers. The municipality chooses the specific development control tools to use. Environmental conditions, size of watershed or recharge area, extent of development, and other local issues will influence these decisions.

**Planning documents** should recognize both the impact of individual activities and the cumulative impact of development. Minimizing the amount of new development in a **Municipal water supply watershed** is one of the key ways to protect the municipal water supply.

Where applicable, **Planning documents** should address the matter of serviced land (e.g., water and sewer) within the watershed or recharge area. Allowing new development on existing serviced lands is reasonable in most situations, as doing so would support the SPI regarding Infrastructure. New and unserved development should be discouraged.

Regardless of the approach used, a **planning document** must contain enough information and explanation to support it. The following provisions provide five suggested measures that a municipality might use in its

#### **Planning documents.**

2. a) Not all land uses pose the same threat to water quality. Even the same land use can have different consequences, depending on design features, operating procedures, and the type of water source. A land use that produced contaminants would, for example, place groundwater supplies at high risk due to the difficulty of removing contaminants once they enter the ground.

## MGA Schedule B

### DRINKING WATER

#### PROVISIONS:

2. b) balancing the expansion of existing uses against the risks posed to drinking water quality;
- c) limiting the number of lots. Too many lots may result in development which cumulatively affects drinking water quality. The minimum size of lots and density of development should be balanced against the risk posed to the quality of drinking water;
- d) setting out separation distances between new development and watercourses to provide protection from
- e) establishing measures to reduce erosion, sedimentation, runoff and vegetation removal associated with development.

Threats to drinking water can come from single events such as chemical spills (point source), or long-term cumulative effects of run-off carrying automotive oils, road salt, or lawn-care chemicals (non-point source). Although the overall health of the watershed is important, contaminants that enter the water supply system are the main concern; these can include

- *organic compounds* (e.g., petroleum products, solvents, pesticides)
- *inorganic compounds* (e.g., road salt, nitrogen, heavy metals)
- *microorganisms* (e.g., E. coli bacteria, Norwalk virus, Giardia)

Since **Planning documents** cannot manage contaminants directly, regulation must be done indirectly, by controlling land use. Land uses of higher risk include dry cleaning, petrochemical industries, landfills, and outdoor storage of fertilizers, pesticides, and de-icing compounds.

2. b) Allowing expansion of existing uses depends on the impact. For example, permitting a dwelling enlargement might not have the same impact as permitting the expansion of industrial activity; thus, the type of development control might differ. Basic zoning might be appropriate for a dwelling, but site-plan control or a development agreement might be required for an industrial use.
2. c) Development in a watershed could be influenced by the number of lots that exist. Fewer lots could mean less pressure from landowners for new development, reducing the risk of cumulative effects. Legislation allows municipalities, through their subdivision by-law, to limit the number of lots created by the subdivision of a parcel of land in a calendar year (MGA s.271(4)(c) [Charter s.281(4)(c)]). This will require supporting policy in the municipality's MPS.
2. d) Runoff can carry contaminants (e.g., nitrogen, petroleum, micro-plastics). Establishing minimum setbacks, or separation distances from water courses and drinking-water intakes, reduces the risk of contamination. Section 220(5)(o) of the MGA [Charter s.235(5)(o)] enables a municipality to establish setbacks, or separation distances, from watercourses in its LUB with policy support in its MPS. This separation distance provision is relevant to surface as well as groundwater supplies.  
  
Generally, a setback of 15m (50 ft) is acceptable, though developments within a **Municipal water supply watershed** could require larger setbacks. However, when a larger setback acts as a prohibition on development, such interference with property rights is not justified without thorough and reasoned policy support.
2. e) Municipalities should consider measures that will minimize land clearing and ground alteration during and following construction. Land that is stripped of vegetation, cleared, and graded is at higher risk of erosion and flooding. Legislation enables a municipality to

## MGA Schedule B

### DRINKING WATER PROVISIONS:

3) Existing land use and the location, size and soil conditions of a municipal water supply watershed will determine the land-use controls that should be applied. Large surface watersheds, for example, may be able to sustain more development than a small groundwater recharge area.

It is recognized that in some situations the long-term protection of the drinking water supply may be impractical. In these cases, planning documents must address the reasons why the water supply cannot be protected. Municipalities in this situation should consider locating an alternate source of drinking water where long-term protective measures can be applied.

- regulate or prohibit the excavation or filling in of land and the placement of fill or the removal of soil (MGA s.220(5)(g) [Charter s.235(5)(g)])
- prescribe measures to control erosion and sedimentation during construction (MGA s.220(5)(l) [Charter s.235(5)(l)])
- regulate or require the planting or retention of trees and vegetation for sedimentation or erosion control (MGA s.220(5)(d) [Charter s.235(5)(d)])

Such measures can be implemented through standard zoning, a development agreement, or a site-plan control process. Site-plan control can deal with retention of existing vegetation (MGA s.231(4)(e) [Charter s.246(3)(e)]), lot grading, and storm and surface water matters [MGA s.231(4)(j) [Charter s.246(3)(j)]].

3. No “one size fits all” regulations protect drinking water. In Nova Scotia, **Municipal water supply watersheds** range in size from half a square kilometre to nearly 500 km<sup>2</sup>. Each watershed or recharge area has a unique natural environment (in terms of soil type, vegetation cover, size) and human-made environment (extent of existing development, roads, buildings). These factors will influence what land uses are appropriate.

The municipality decides upon the type of development control tool (i.e., zoning, development agreement or site-plan control), the specific uses permitted, and the area to which they are applied. The simplest approach is to adopt a uniform set of development controls across the whole watershed or recharge area. However, in very large watersheds this might result in unnecessary development restrictions over a large area.

An alternative approach is to establish controls that relate the risk of contamination to specific land uses. This approach is commonly used when the boundaries of a recharge area are difficult to define. When the drinking-water source is groundwater, contamination from uses near the wellhead are a serious concern, and the distance from the intake is a key consideration.

If the available planning tools are inadequate to address the safety of the drinking-water supply due to the size of existing development, the best option might be for the municipality to seek out another source of drinking water. This would enable a municipality to do proper planning and establish development controls that offer more protection of the water supply. When **Planning documents** do not provide protection of the **Municipal water supply watershed**, reasons for not doing so must be provided.

## MGA Schedule B

### DRINKING WATER PROVISIONS:

4) The Province supports the preparation of watershed management strategies for all municipal water supply watersheds. These strategies should be prepared by the concerned municipalities and the municipal water utility, in consultation with all affected parties, including landowners.

4. Municipal **Planning documents** are valuable tools for protecting **Municipal water supply watersheds**. However, they only regulate land use and do not address the broad range of matters associated with the protection of **Municipal water supply watersheds**. A municipal watershed management strategy is a comprehensive document addressing a wider range of matters, including land acquisition, emergency preparedness, and water treatment.

Typically, experts are hired to work with the municipality, its water utility, landowners, and other stakeholders to prepare the watershed management strategy. **Planning documents** should be referenced in a watershed management strategy and form part of its overall implementation package.

In cases where the municipality owns the land in the watershed or recharge area, legislation provides by-law powers (MGA s.180 [Charter s.198]) allowing the municipality to designate the land as a protected water supply area. This situation is different from one in which a PWA is designated under the Environment Act. In a protected water supply area, legislation prohibits certain prescribed activities, such as camping, swimming, and fishing. Also, legislation states that the Angling Act, which otherwise would permit fishing, does not apply in these areas. A by-law established under these provisions could form part of the watershed management strategy.

## 3.3 RESOURCES

### Department of Environment

- Drinking Water:  
[novascotia.ca/nse/water/drinking.water.asp](http://novascotia.ca/nse/water/drinking.water.asp)
- Public Drinking Water Supplies:  
[novascotia.ca/nse/water/publicwater.asp](http://novascotia.ca/nse/water/publicwater.asp)
- Developing a Municipal Source Water Protection Plan:  
[novascotia.ca/nse/water/sourcewater.asp](http://novascotia.ca/nse/water/sourcewater.asp)
- Drinking Water Quality and Treatment:  
[novascotia.ca/nse/water/waterquality.asp](http://novascotia.ca/nse/water/waterquality.asp)
- The Drinking Water Interpretation Tool:  
This tool allows you to compare your drinking water sample results to Health Canada drinking water quality guidelines and provides links to additional sources of information. [novascotia.ca/nse/dwit](http://novascotia.ca/nse/dwit)

### Department of Energy and Mines–Geoscience & Mines Branch

- Water Resources:  
[novascotia.ca/natr/meb/water-resources](http://novascotia.ca/natr/meb/water-resources)

## MGA Schedule B

### FLOOD RISK AREAS

**GOAL:** To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.

**BASIS:** Floodplains are nature's storage area for flood waters.

New development in a floodplain can increase flood levels and flows thereby increasing the threat to existing upstream and downstream development.

Five floodplains have been identified as Flood Risk Areas under the Canada-Nova Scotia Flood Damage Reduction Program.

**APPLICATION:** This statement applies to all Flood Risk Areas that are designated under the Canada-Nova Scotia Flood Damage Reduction Program. These are:

- (1) East River, Pictou County,
- (2) Little Sackville River, Halifax County,
- (3) Sackville River, Halifax County,
- (4) Salmon and North Rivers, Colchester County, and
- (5) West and Rights Rivers and Brierly Brook, Antigonish County.

There are other areas in the Province that are subject to flooding which have not been mapped under the Canada-Nova Scotia Flood Damage Reduction Program. In these areas, the limits of potential flooding have not been scientifically determined. However, where local knowledge or information concerning these floodplains is available, planning documents should reflect this information and this statement.

# 4.0 FLOOD RISK AREAS

## 4.1 APPLICATION

Under the Canada–Nova Scotia Flood Damage Reduction Program (FDRP), five rivers in the province were designated and mapped during the 1980s. These rivers were considered at that time the most significant in the province in terms of flood risk as it related to the amount of existing development and the likelihood for flooding. Hence, they posed a high potential for flood damage. An important condition in the federal-provincial FDRP agreement was that any new development in a designated flood risk area was not eligible for government flood damage assistance. An integral part of this program was the mapping of the flood risk areas on these five rivers.

Numerous other areas in the province are known to be subject to flooding, including many watercourses and coastal floodplains. "Watercourses," as defined in legislation refers to "a lake, river, stream, ocean or other body of water" (MGA s.191(r) [Charter s.209(s)]).

Documentation of flooding events in these areas varies in type and extent. In areas without flood mapping, documentation can take the form of historical records, such as narrative descriptions, photographs, and recorded flood marks on buildings or structures. If such or some other documentation is available, a municipality should attempt to develop models or scenarios regarding the flooding. For example, historical documentation, such as photos and recorded flood levels, could be used to develop elevation maps to help define flood areas.

Municipalities are also encouraged to undertake scientific studies to more precisely document flood risk in areas not covered by the FDRP mapping. If a municipality identifies in its **Planning documents** locally known **Floodplains** (non-FDRP flood risk areas), and establishes land-use controls for these areas, care should be taken to ensure that these controls can be justified. The rationale for these land-use controls should be set out in policy in the **Planning documents**.

## MGA Schedule B

### FLOOD RISK AREAS PROVISIONS:

1. Planning documents must identify Flood Risk Areas consistent with the Canada-Nova Scotia Flood Damage Reduction Program mapping and any locally known floodplain.

2. For Flood Risk Areas that have been mapped under the Canada-Nova Scotia Flood Damage Reduction Program planning documents must be reasonably consistent with the following:

2.a) within the Floodway,

(i) development must be restricted to uses such as roads, open space uses, utility and service corridors, parking lots and temporary uses, and

(ii) the placement of off-site fill must be prohibited;

2. b) within the Floodway Fringe,

(i) development, provided it is flood proofed, may be permitted, except for

- (1) residential institutions such as hospitals, senior citizen homes, homes for special care and similar facilities where flooding could pose a significant threat to the safety of residents if evacuation became necessary, and
- (2) any use associated with the warehousing or the production of hazardous materials,

## 4.2 PROVISIONS

1. The first step is to identify any FDRP and other flood risk areas within the municipality and delineate them on maps in the **Planning documents**. These maps should identify the areas in terms of both the **Floodway** and **Floodway fringe**. FDRP areas should be dealt with separately from other flood risk areas since the federal-provincial agreement specifies there will be no government flood damage assistance for new developments in FDRP flood risk areas.
2. a) (i) This provision applies only to the flood risk areas for the five rivers that were designated under the FDRP. Each flood risk area is divided into two sub-areas: **Floodway** and **Floodway fringe**. The **Floodway** is the area where flooding will be the deepest, with the fastest flow and greatest potential for damage. The **Floodway** has a 5 per cent chance of being flooded in any given year. More stringent restrictions should be placed on development in the **Floodway**, including prohibiting permanent structures and restricting land uses to activities that would create minimal impact. Permitted uses could include those involving the following:
  - cropland
  - recreation and open spaces (athletic fields, golf courses, parks)
  - utility or service corridors (underground piped infrastructure)
  - mobile enterprises (those easily moved in case of flooding, such as a mobile canteen or flea market)
  - seasonal activities (permitted only when the potential for flooding is low)
  - minimal impact activities (will not alter flood patterns and rates, or the capacity of the **Floodplain**)
2. a) (ii) Placing fill in a flood risk area can alter the flow patterns and rates of floodwaters, as well as the storage capacity of the **Floodplain** itself. Adding new fill reduces the storage capacity and increases the likelihood that lands previously not subject to flooding will be flooded. Hence, a municipality's **Planning documents** must prohibit the placing of **Off-site fill** in the **Floodway**.
2. b) (i) Flooding is less likely to occur in the **Floodway fringe** than in the **Floodway**, and when floods do occur the depth and speed of the floodwaters is also less. The **Floodway fringe** has a 1 per cent chance of being flooded in any given year. Buildings and structures for certain uses may be permitted, provided they are built in a way that minimizes the impact. Since ice floes are often associated with flooding in Nova Scotia, the design of structures should take this into account.

## MGA Schedule B

### FLOOD RISK AREAS

#### PROVISIONS

#### 2. b) within the Floodway Fringe,

(i) development, provided it is flood proofed, may be permitted, except for

(1) residential institutions such as hospitals, senior citizen homes, homes for special care and similar facilities where flooding could pose a significant threat to the safety of residents if evacuation became necessary, and

(2) any use associated with the warehousing or the production of hazardous materials,

(ii) the placement of off-site fill must be limited to that required for flood proofing or flood risk management.

3. Expansion of existing uses must be balanced against risks to human safety, property and increased upstream and downstream flooding. Any expansion in the Floodway must not increase the area of the structure at or below the required flood proof elevation.

4. For known floodplains that have not been mapped under the Canada-Nova Scotia Flood Damage Reduction Program, planning documents should be, at a minimum, reasonably consistent with the provisions applicable to the Floodway Fringe.

5. Development contrary to this statement may be permitted provided a hydrotechnical study, carried out by a qualified person, shows that the proposed development will not contribute to upstream or downstream flooding or result in a change to flood water flow patterns.

2. b) (i)(1) Concern about the possible damage or destruction of buildings and property is one of the reasons for the statement on Flood Risk Areas. Some uses, such as for emergency services or care facilities, should not be permitted in the **Floodway fringe**, since access is always essential.
2. b) (i)(2) additionally, allowing **Hazardous materials** to be stored or produced in a **Floodway fringe** could pose serious health and environmental risks. Uses associated with these materials, including petrochemical storage, must be prohibited in the **Floodway fringe**.
2. b) (ii) since floodwaters are shallower and slower-moving in the **Floodway fringe**, the placement of **Off-site fill** when raising the elevation of the ground under and around a building to provide **floodproofing** is acceptable. **Off-site fill** can also be used for dyke construction, flood control, or improving the flow of floodwaters.
3. This applies to FDRP mapped areas but can be applied to other known **Floodplains**. The objective of this provision is to maintain the storage capacity of the **Floodplain** and prevent alteration of floodwater flow. This can be achieved by limiting building and structure expansions to vertical additions through development agreements or site-plan control.
4. This pertains to flood risk areas that have not been designated under the FDRP. At a minimum, the requirements of a flood fringe area should be used for these flood risk areas. However, using **Floodway fringe** requirements does not preclude a municipality from establishing more stringent requirements if more detailed information (such as flood risk mapping) or local conditions warrant doing so.
5. This applies to both FDRP and other flood risk areas. It enables a municipality to permit development if a hydrotechnical study demonstrates that doing so will not increase flooding or change flow patterns. A hydrotechnical study is a specialized scientific investigation of water flows and factors contributing to floods (e.g., tides, ice, storm surges, etc.).

Municipalities with flood risk areas mapped under the FDRP should not assume that the approved FDRP mapping or the conditions that apply under that program to those lands will change because of the hydrotechnical study. Additional matters, related to factors such as climate change and development that has occurred in the last 30 years or more since the creation of the mapping, might cause the areas of concern to expand.

## 4.3 RESOURCES

- Flood Damage Reduction Program (Archived information): [ec.gc.ca/eau-water/default.asp?lang=en&n=0365F5C2-1](http://ec.gc.ca/eau-water/default.asp?lang=en&n=0365F5C2-1)
- Coastal Community Adaptation Toolkit:  
The Atlantic Climate Adaptation Solutions Association (ACASA) identified the need for the toolkit as a means for supporting and enabling long-term planning in coastal Atlantic Canada, by helping decision-makers select and implement locally appropriate adaptation strategies and instruments. [atlanticadaptation.ca/en/CCAT](http://atlanticadaptation.ca/en/CCAT)
- Emergency Coastal Flooding Decision Support System:  
The Applied Geomatics Research Group of the Nova Scotia Community College developed this web-based platform to present coastal flood risk from storm surges and long-term sea-level rise in the Maritimes. [agrgims.cogs.nsc.ca/CoastalFlooding/Map/](http://agrgims.cogs.nsc.ca/CoastalFlooding/Map/)
- Nova Scotia Flood Event Database (1992 To 2015): [nsfloodhistory.management.dal.ca/](http://nsfloodhistory.management.dal.ca/)

### 4.3.1 Provincial Department Resources

#### Department of Environment

- Flooding: [novascotia.ca/nse/climate-change/nsfaf-flooding.asp](http://novascotia.ca/nse/climate-change/nsfaf-flooding.asp)
- Flood Assessment Fund: [novascotia.ca/nse/climate-change/nova-scotia-flood-assessment-fund.asp](http://novascotia.ca/nse/climate-change/nova-scotia-flood-assessment-fund.asp)
- Flood Mitigation Framework: [novascotia.ca/nse/climate-change/nsfaf-flood-mitigation-framework.asp](http://novascotia.ca/nse/climate-change/nsfaf-flood-mitigation-framework.asp)

#### Department of Municipal Affairs and Housing

- Emergency Management Office: [novascotia.ca/dma/emo/](http://novascotia.ca/dma/emo/)
- Flood Risk Infrastructure Investment Program: [novascotia.ca/dma/funding/infrastructure/flood-risk-infrastructure-investment-program.asp](http://novascotia.ca/dma/funding/infrastructure/flood-risk-infrastructure-investment-program.asp)

#### Department of Agriculture

- Agricultural Marshlands: [novascotia.ca/agri/programs-and-services/industry-protection/#marshlands](http://novascotia.ca/agri/programs-and-services/industry-protection/#marshlands)

#### Department of Energy and Mines – Geoscience & Mines Branch

- Coastal Flooding and Erosion: [novascotia.ca/natr/meb/hazard-assessment/coastal-flooding-erosion.asp](http://novascotia.ca/natr/meb/hazard-assessment/coastal-flooding-erosion.asp)

## AGRICULTURAL LAND

**GOAL:** To protect agricultural land for the development of a viable and sustainable agriculture and food industry.

**BASIS:** The preservation of agricultural land is important to the future of Nova Scotians. Agricultural land is being lost to non-agricultural development.

There are land-use conflicts between agricultural and non-agricultural land uses.

**APPLICATION:** This statement applies to all active agricultural land and land with agricultural potential in the Province.

### PROVISIONS:

1) Planning documents must identify agricultural lands within the planning area.

# 5.0 AGRICULTURAL LAND

## 5.1 APPLICATION

The focus of this statement is on lands currently being used for agriculture or those with soil conducive to agricultural development. The term **Agricultural land** is defined in Schedule B of the MGA. It clarifies that agricultural potential refers to land defined by the Canada Land Inventory as Class 2, 3, or 4 and situated in active agricultural areas. It also includes specialty croplands and dykelands, as identified by the Department of Agriculture.

## 5.2 PROVISIONS

- 1) Land suitable for agriculture is limited in Nova Scotia, and so it is important to recognize and protect it. **Planning documents must** identify lands that meet the **Agricultural land** definition. Such lands include
  1. active agriculture land and land with agricultural potential
  2. lands on which specialty crops such as blueberries, cranberries, and grapes are cultivated
  3. dykelands suitable for commercial agricultural purposes

Specialty crops are highlighted because they often have specific growing requirements and specific infrastructure investments, and these are important to recognize. They can also be grown in lower-class soils. Dykelands are highlighted because they represent some of the most fertile land in the province, and the dykes that sustain these areas are maintained at public expense. The Nova Scotia Department of Agriculture should be contacted to ensure that all dykeland areas have been identified in the municipality.

**Planning documents** should also distinguish between actively farmed land and land with agricultural potential. Doing so provides a better picture of the agricultural industry in the planning area and can help in decision-making regarding land use and development. Where possible, active **Agricultural land** that has undergone land improvements such as ditching and tile drainage should be identified, since these typically represent public investments. A good starting point for identifying **Agricultural land** is the Locus application, which includes an agricultural layer based on land cover. For more in-depth **Agricultural land**-use information, contact the Nova Scotia Department of Agriculture for data from the Agriculture Land Information Program (ALIP) (2018).

## MGA Schedule B

### AGRICULTURAL LAND

#### PROVISIONS

- 2. a)** giving priority to uses such as agricultural, agricultural related and uses which do not eliminate the possibility of using the land for agricultural purposes in the future. Non-agricultural uses should be balanced against the need to preserve agricultural land;
- b)** limiting the number of lots. Too many lots may encourage non-agricultural development. The minimum size of lots and density of development should be balanced against the need to preserve agricultural land;
- c)** setting out separation distances between agricultural and new non-agricultural development to reduce land-use conflicts;

2. a) The statement sets out ways **Agricultural land** may be protected in **Planning documents**. When **Agricultural land** is not protected in **Planning documents**, municipalities must identify the area and state why these lands are not protected. The priority should be to enable agricultural production of (but not limited to)

- field vegetables
- fruit and sap tapping trees
- grapes and other vine fruits
- berries
- haying and pasture

Agricultural uses involve the construction and maintenance of associated buildings, such as livestock structures, grain, equipment, and manure storage facilities, and residences directly related to the farm operation. Industries that process agricultural products may also be considered.

Renewable resources, forestry, and passive recreation may also be permitted, since they do not eliminate the possibility of using the land for agricultural purposes in the future. Permitted non-agricultural uses should be ones that do not negatively affect the **Agricultural land** base itself (i.e., Do not remove good soil or otherwise alter the landscape) or require financial investment for buildings and infrastructure (e.g., Paved surfaces, extensive piped water, wastewater, etc.), Which make it impractical to convert the land to agriculture.

It is recognized that not all viable **Agricultural land** can be protected. There are situations where growth and development should be accommodated. **Planning documents** should attempt to concentrate development in growth centres, rather than have them dispersed throughout agricultural areas. These centres could be where existing development or centralized services (e.g., water, sewer) exist or are designated to be in the future.

2. b) Development can be influenced by the number of lots in an area. Limiting the number of new lots created in an agricultural area could mitigate development pressure.

Legislation allows municipalities, through their subdivision by-law, to limit the number of lots created by the subdivision of a parcel of land in a calendar year (MGA s.271(4)(c) [Charter s.281(4)(c)]). However, this requires supporting policy in the municipal planning strategy (MPS).

2. c) Agricultural activities can cause odours, dust, and noise and can be carried out at all hours, often requiring lighting at night. These factors could become nuisances when activities are carried out adjacent to residential and urban areas. Therefore, consideration should be given to establishing separation distances between lands for agricultural uses and those for non-agricultural uses in **Planning documents**.

## MGA Schedule B

### AGRICULTURAL LAND PROVISIONS

2. d) measures to reduce topsoil removal on lands with the highest agricultural value.
3. Existing land-use patterns, economic conditions and the location and size of agricultural holdings means not all areas can be protected for food production, e.g., when **Agricultural land** is located within an urban area. In these cases, **Planning documents** must address the reasons why agriculture lands cannot be protected for agricultural use. Where possible, non-agricultural development should be directed to the lands with the lowest agricultural value.

Farm sizes and activities vary considerably, and so creating a standard separation distance could be difficult. However, separation distances for siting farms should be mirrored by separation distances for new non-agricultural land uses. For example, if a separation distance from existing residential uses is required for a new hog barn, a similar one should exist for new residential uses from existing hog barns. Some sources of information that might be of assistance in developing separation distances can be found in the Resources section at the end of this chapter.

2. d) Good soil is essential for most agriculture. Removing topsoil can make highly valued **Agricultural land** virtually useless for farming. Legislation provides municipalities with the power to “regulate or prohibit the removal of topsoil” by way of the LUB, when there is supporting policy in the MPS (MGA s.220 (5)(h) [Charter s.235 (5)(h)]).
- 3) Providing for non-agricultural uses (e.g., residential, commercial, industrial, resource, etc.) is an important objective of **Planning documents**. Encouraging infilling and allowing higher densities in existing developed areas is one way of protecting adjacent **Agricultural land**. Another is to direct growth to lands with the lowest potential for agriculture. However, it is not always possible or in the best public interest to protect all land capable of agricultural production. There could be situations in which **Agricultural land** abuts or is within highly developed areas, and making efficient and effective use of existing municipal infrastructure (e.g., drinking water and wastewater) makes best use of that infrastructure.

## 5.3 RESOURCES

### Department of Agriculture

- *Protecting and Preserving Agricultural Land in Nova Scotia: A Policy Framework*. Nova Scotia Department of Agriculture: [unbc.ca/sites/default/files/sections/agricultural-land-use-planning/protectingandpreservingagriculturallandinnsapolicyframework.pdf](http://unbc.ca/sites/default/files/sections/agricultural-land-use-planning/protectingandpreservingagriculturallandinnsapolicyframework.pdf)
- Open Data: [data.novascotia.ca/Agriculture-and-Agri-business/Agricultural-Land-Protection/y8ky-5igs/data](http://data.novascotia.ca/Agriculture-and-Agri-business/Agricultural-Land-Protection/y8ky-5igs/data)
- Agriculture Land Information Program (ALIP) (2018).

### Other Resources

- Nova Scotia Federation of Agriculture: [nsfa-fane.ca/](http://nsfa-fane.ca/)
- *Siting and Management of Hog Farms in Nova Scotia*: [nsfa-fane.ca/efp/wp-content/uploads/2018/01/Siting-and-Management-of-Hog-Farms-in-Nova-Scotia-2000.pdf](http://nsfa-fane.ca/efp/wp-content/uploads/2018/01/Siting-and-Management-of-Hog-Farms-in-Nova-Scotia-2000.pdf)
- Agriculture and Agri-Food Canada: [agr.gc.ca/eng/home/?id=1395690825741](http://agr.gc.ca/eng/home/?id=1395690825741)
- Canadian Agricultural Partnership: [novascotia.ca/canadian-agricultural-partnership/](http://novascotia.ca/canadian-agricultural-partnership/)

## INFRASTRUCTURE

**GOAL:** To make efficient use of municipal water supply and municipal wastewater

**BASIS:**

1. All levels of government have made significant investment in providing municipal water supply and municipal wastewater disposal infrastructure systems.
2. Unplanned and uncoordinated development increases the demand for costly conventional infrastructure.

**APPLICATION:** All communities of the Province.

**PROVISIONS:**

1. Planning documents must promote the efficient use of existing infrastructure and reduce the need for new municipal infrastructure.

# 6.0 INFRASTRUCTURE

## 6.1 APPLICATION

This statement applies to the entire municipality. The primary focus is on areas served or intended to be served by municipal water and/or wastewater disposal systems. However, it also applies to other areas since development in unserved areas impacts the demand for development in areas with municipal infrastructure.

## 6.2 PROVISIONS

The statement sets out four provisions

1. A municipality's **Planning documents** shall include provisions that address their existing municipal water supply and wastewater disposal systems. These provisions must **encourage** development that makes greater use of current systems and **discourage** development that increases the demand for new municipal infrastructure.

Making a basic inventory of existing infrastructure, including service areas and the capacity and location of assets (e.g., pipes, culverts, manholes, lift stations, etc.) is an important first step. However, further details on supply and demand, age and condition of assets, and the risk and consequences of asset failure will provide for a more comprehensive understanding of municipal infrastructure. The Asset Registry Mapping Application created by DMAH allows municipalities to upload asset information to map, query, analyse, and create reports and should be used when developing policy in relation to this SPI.

Factors specific to the municipality, such as the size of the serviced area, the level of development pressure, and the type and extent of water and wastewater issues, will affect the comprehensiveness of the policy required.

One method to address infrastructure issues is to develop an infrastructure strategy. The level of detail in the strategy depends on the needs and resources of the municipality and the issues to be addressed. The infrastructure strategy could be included in the MPS or exist as a separate document referred to in the MPS.

Legislation provides other tools, such as wastewater by-law powers (MGA/Charter, Part 14, Sewers) and area tax rates (MGA/Charter, Part 4, Finance) that a municipality might use in conjunction with planning to meet the goal of this statement. However, an MPS is a key tool to provide the overall framework for dealing with this issue in a comprehensive way.

## MGA Schedule B

### PROVISIONS:

1. Planning documents must promote the efficient use of existing infrastructure and reduce the need for new municipal infrastructure.

Measures that should be considered include:

- a) encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;

1. a) Municipal infrastructure is costly to install and maintain. Development utilizing existing systems is usually more cost effective than development requiring new systems. Municipalities cannot recoup the cost of growth that requires new infrastructure without an adequate amortization period.

The issue is compounded when the increased operating and maintenance costs associated with adding new infrastructure are not covered by the rates and charges for the new development. This can lead to municipal deficits or make established developments subsidize the infrastructure cost for new development. Thus, it is important for a municipality to include provisions in its **Planning documents** that encourage the maximum use of existing municipal infrastructure.

Provisions may encompass the following:

- **Existing undersized lots:** Allow for development on existing serviced lots that do not meet the regular minimum lot-size requirements of its zone (MGA s.220(4)(a)&(f) [Charter s.235(4)(a)&(g)])
- **Lot size and frontage:** If vacant land in a serviced area is not being developed, reduce the lot-size and frontage requirements to promote the development of the land (MGA s.220(4)(a)&(f) [Charter s.235(4)(a)&(g)])
- **Lot density:** Allow a greater percentage of a serviced property to be built upon than would normally be allowed in the zone (MGA s.220(4)(c)&(e) [Charter s.235(4)(c)&(f)]), or increase the allowable floor area ratio zone (MGA s.220(4)(ka) [Charter s.235(4)(m)]). Thus, for example, additional structures could be built on a lot, or the required floor area ratio for additional buildings could be decreased (MGA s.220(4)(b) [Charter s.235(4)(b)]).
- **Bonus zoning**<sup>9</sup>: Provide density incentives for development in serviced areas (MGA s.220(5)(k); [Charter s.235(5)(k)]) (requires policy support in the MPS).
- **Dwelling conversion:** List permitted uses that allow for the conversion of existing dwellings to permit additional units—for example, the conversion of a single-unit dwelling to permit a basement suite (MGA s.220(2)(a) [Charter s.235(2)(a)]). And, if desired, include requirements to address possible concerns; these might include
  - ▶ limiting the maximum size of a new converted-use suite (MGA s.220(4)(b) [Charter s.235(4)(b)])
  - ▶ regulating off-street parking (MGA s.220(4)(h) [Charter s.235(4)(i)])
  - ▶ requiring fences (MGA s.220(5)(c) [Charter s.235(5)(c)]) (requires policy support in the MPS)

9 The Halifax Regional Municipality Charter (ss.245A–245C) has additional legislation concerning Incentive or Bonus Zoning Agreements. This deals specifically with the Centre Plan Area and requires that affordable housing be included as a contribution in addition to any other requirements adopted by council [Charter s.245A(4)].

## MGA Schedule B

### PROVISIONS:

1. Planning documents must promote the efficient use of existing infrastructure and reduce the need for new municipal infrastructure.

Measures that should be considered include:

**b)** discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;

- ▶ requiring landscaping and buffering (MGA s.220(5)(d)&(e) [Charter s.235(5)(d)&(e)](requires policy support in the MPS)
  - ▶ regulating the external appearance of structures (MGA s.220(5)(i) [Charter s.235(5)(i)]) (requires policy support in the MPS)
  - **Height restrictions:** Increase the height limit for buildings (MGA s.220(4)(d) [Charter s.235(4)(e)]) (sometimes done in conjunction with increasing dwelling density).
  - **Dwelling unit density:** Permit increased density of residential dwelling units (MGA s.220(4)(g) [Charter s.235(4)(h)])—for example, by permitting some multiple-unit residences in low-density residential areas. There are three main approaches to doing this (each of which requires policy support in the MPS):
    - ▶ a development agreement (MGA s.225 & s.227 [Charter s.240 & s.242])
    - ▶ rezoning (MGA s.219(2) [Charter s.234(2)])
    - ▶ site-plan approval (MGA s.231–233 [Charter s.246–248]). Unlike rezoning or a development agreement, site-plan approval allows the actual development “as of right” and does not require a public hearing process. Still, it allows for regulation of some of the details of a development (MGA s.231(4)), such as concerning driveways, vegetation, buffering of adjacent uses, pedestrian access, solid waste storage, and signage.
  - **Enable Variances:** Allow the development officer to grant variances for parking, ground-floor area, and building height for home-based businesses (MGA s.220(5)(r) [Charter s.235(5)(r)]) (requires policy support in the MPS).
- 1.b) Determining where growth should take place is a key part of land-use planning. These considerations should be made carefully, as they will not only impact the growth potential but also affect the character of the municipality. For example, within the service area boundary lot sizes are typically smaller and the development denser (i.e., greater building height, lot coverage, floor ratio, etc.).

Through an MPS and LUB a municipality can identify

- areas currently served by municipal infrastructure
- areas to be serviced in the future
- areas to remain without municipal infrastructure

This information can be used to direct development accordingly.

The municipality can establish land-use controls (e.g., type of use, lot size, etc.) compatible with the type of servicing (i.e., municipal or on-site). Where the intention is to limit development in unserved areas, policies in the MPS should address this issue, with a map showing the service area boundary (MGA s.214(1)(b) [Charter s.229(a)(b)]) and the corresponding Regulations s.4(b) & s.11(b)). In situations where the cost of providing the municipal infrastructure would be prohibitive or doing

## MGA Schedule B

### PROVISIONS:

**1.** Planning documents must promote the efficient use of existing infrastructure and reduce the need for new municipal infrastructure.

Measures that should be considered include:

**c)** directing community growth that will require the extension of infrastructure to areas where servicing costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered;

so premature (MGA s.220(5)(n) [Charter s.235(5)(n)]), and where there is supporting policy in the MPS, an LUB can prohibit development. For example, an LUB could set very large lot-size and frontage requirements in the unserved area (MGA s.220(4)(a) [Charter s.235(4)(a)]), and/or limit the percentage of land that can be built upon (MGA s.220(4)(e) [Charter s.235(4)(f)]) to decrease the volume of new development.

Regulating the number of lots available for development in areas not served by municipal infrastructure is another way to discourage development in these areas. If policy in the MPS exists, a subdivision by-law can “prohibit subdivisions on private roads” (MGA s.271(4)(b) [Charter s.281(4)(b)]) and limit “the number of lots that may be created from an area of land in a calendar year” (MGA s.271(4)(c) [Charter s.281(4)(c)]).

1.c) The costs of municipal infrastructure are increasing, and so it is logical to direct growth to areas less costly to service. A municipality, through its **Planning documents**, can direct growth to areas where costs are lower by using powers referred to in section 1(b), as well as providing policy to encourage alternative infrastructure.

For example, an MPS could include policy stating that a feasibility study of alternative wastewater disposal systems will form part of a municipal infrastructure strategy. Also, the MPS could indicate that the municipality will promote the use of alternative wastewater disposal systems in new developments by providing appropriate controls enabling this to occur.

Although it may be appropriate in some situations, municipalities should not try to minimize costs by directing growth to unserved areas. Instead, the municipality should direct growth to reflect the desired form of the community as reflected in the MPS and minimize costs for pipe installation (e.g., by avoiding bedrock), pumping stations (e.g., by considering terrain difficulties), and distance from a treatment plant. Besides capital costs, operating costs should be considered, and an infrastructure strategy will help a municipality address costs in a comprehensive manner. Considering a review of municipal engineering specifications might also be important, as existing specifications could be outdated or excessive, or conflict with other initiatives to make efficient use of municipal infrastructure.

Conventional municipal wastewater disposal systems involve the collection of sewage from individual households piped to a centralized sewage treatment facility. These systems are effective in dealing with sewage but are often beyond the financial capacity of municipalities. When building municipal facilities or regulating developments, consideration should be given to alternative collection and treatment systems.<sup>10</sup>

<sup>10</sup> See Appendix: Infrastructure

## MGA Schedule B

### PROVISIONS:

1. Planning documents must promote the efficient use of existing infrastructure and reduce the need for new municipal infrastructure.

Measures that should be considered include:

d) identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

2. Where on-site disposal systems are experiencing problems, alternatives to the provision of conventional wastewater disposal systems should be considered. These include the replacement or repair of malfunctioning on-site systems, the use of cluster systems and establishing wastewater management districts.

1. d) Environmental or health issues related to municipal infrastructure are critical concerns. They can deter development and be a financial and legal liability. An MPS can identify major issues and include policies to address these problems. For example, policies relating to a capital works program or financial plan could be part of a municipal infrastructure strategy. This would help municipalities deal with existing problems and determine the location and extent of new development. There are two powers under the MGA pertaining to the provision of municipal infrastructure in relation to the subdivision of land that could be included as policy statements:

- require the subdivider to install municipal infrastructure (MGA s.271(5)(c) [Charter s.281(5)])
- institute infrastructure charges (MGA s.274-276 [Charter s.284-286]), enabling the municipality to levy charges on the subdivider to pay for upgrades to infrastructure in existing streets and oversizing in new streets<sup>11</sup>

2. In areas where on-site sewage disposal systems are not functioning properly, property owners may look to government for help<sup>12</sup>.

Sometimes issues are isolated incidents; however, development patterns and soil conditions could make them a problem common to a larger area. Though these issues could be addressed in other ways, dealing with them in a comprehensive way under a municipal planning strategy might be more effective.

To address current concerns and head off future ones, municipalities are encouraged to identify<sup>13</sup> areas of existing and potential on-site sewage disposal system issues. These sites can be either identified directly in the MPS or reference made in the MPS to the appropriate documents. The MPS could then include policies to deal with these problems.

<sup>11</sup> See Appendix: Infrastructure

<sup>12</sup> MGA s.81A (Charter s.104A) allows municipalities to make by-laws regarding the installation of on-site sewage disposal equipment and define how that may be paid for by the property owner. Additionally, Housing Nova Scotia provides financial assistance for qualifying homeowners to make repairs to their homes to meet the minimum level of health and safety standards.

<sup>13</sup> Doing so in consultation with the Nova Scotia Department of Environment.

## MGA Schedule B

### PROVISIONS:

3. Installing municipal water systems without municipal wastewater disposal systems should be discouraged.

In addition to matters that can be regulated through conventional zoning (MGA s.220(4)&(5) [Charter s.235(4)&(5)]), the MPS and the accompanying land-use by-law (LUB) could establish a comprehensive development district (CDD) (MGA s.226 [Charter s.241]) in areas with on-site sewage disposal problems. Under a CDD, development is approved by way of a development agreement (MGA s.225 & 227 [Charter s.240 & 242]). Through a development agreement, details

can be addressed, such as

- the subdivision of the land (MGA s.227(1)(g) [Charter s.242(1)(g)])
- the construction of water and wastewater systems (MGA s.227(1)(f) [Charter s.242(1)(f)])
- easements for water and wastewater systems (MGA s.227(1)(d) [Charter s.242(1)(d)])

3. Areas with a municipal water system typically have greater water use, as there is no concern about wells going dry. If properties with municipal water are using on-site disposal, there is the potential to overburden the disposal system. Installing a municipal wastewater system to correct this type of problem is usually more expensive than if one had been installed at the same time as the municipal water system. In addition, unserviced lot sizes are commonly larger and the length of sewer pipe required is therefore greater, also increasing the overall cost.

To reduce costs, the municipality should carefully consider where servicing would be most cost effective, and **Planning documents** should include provisions that encourage or require installation of both services at the same time. This would mean policy support in the municipal planning strategy, which could involve

- smaller lot sizes in the land-use by-law (MGA s.220(4)(a) [Charter s.235(4)(a)]) for areas that have both municipal water and wastewater disposal systems
- requirements in a municipal subdivision by-law (MGA s.271(3)(g) [Charter s.281(3)(f)]) stipulating that new subdivisions must include both types of municipal infrastructure

Often, development does not stop at a municipal boundary. This is routinely the case with towns and their neighbouring county or district municipalities. It can have an impact on existing municipal water supplies and wastewater disposal systems, as well as present opportunities and challenges for future systems. Municipalities are encouraged to cooperate with their neighbouring municipalities when issues concerning development and municipal water and wastewater servicing cross municipal boundaries. Under the MGA, two powers specifically relate to intermunicipal cooperation:

- **Intermunicipal service agreement** (MGA s.60 [Charter s.74]): enables a town, for example, to enter into an agreement with its neighbouring

county or district municipality to extend its municipal sewer and/or water lines into the county or district municipality to service nearby properties. This agreement could also deal with other features of the municipal water supply or wastewater disposal systems, such as water or sewage treatment plants. Expanding these plants to deal with additional uses in an adjacent municipality might improve the economies of scale and hence the cost per property served.

- **Intermunicipal planning strategy** (MGA s.215 [Charter s.230]): enables the councils of two or more municipalities to adopt an intermunicipal planning strategy to address matters of mutual interest. An intermunicipal planning strategy can deal with the same matters as a conventional municipal planning strategy, including the use and development of land, the staging of development, and the provision of municipal infrastructure. Refer to section 1 of this guidebook for suggestions regarding the types of measures that should be considered in a municipal planning strategy.

## 6.3 RESOURCES

### Department of Environment

#### Environmental & Natural Areas Management Division.

- On-site Sewage Disposal Systems Standard (2017):  
[novascotia.ca/nse/wastewater/docs/On-site-Sewage-Disposal-Systems-Standard.pdf](https://novascotia.ca/nse/wastewater/docs/On-site-Sewage-Disposal-Systems-Standard.pdf)

#### Other websites:

- USEPA, Office of Wastewater Management: [epa.gov/owm/](https://epa.gov/owm/)
- National Small Flows Clearinghouse (NSFC): [nesc.wvu.edu](https://nesc.wvu.edu)

## HOUSING

**GOAL:** To provide housing opportunities to meet the needs of all Nova Scotians

**BASIS:** Adequate shelter is a fundamental requirement for all Nova Scotians.

**APPLICATION:** All communities in Nova Scotia.

### PROVISIONS:

1) Planning documents must include housing policies addressing affordable housing, special-needs housing and rental accommodation. This includes assessing the need and supply of these housing types and developing solutions appropriate to the planning area. The definition of the terms affordable housing, special-needs housing and rental housing is left to the individual municipality to define in the context of its individual situation.

# 7.0 HOUSING

## 7.1 PROVISIONS

1. Housing is a basic component of every community. To address housing issues in **Planning documents**, it is important to know both the current housing situation and projected future demand. Gathering information about existing housing can range from compiling housing statistics and collecting information from the real estate community, to more elaborate studies using consultants and numerous reports. The size and complexity of your community are key factors in determining what level of information is necessary and appropriate.

Once the housing need and supply research is complete, it can be used to guide housing policies in the municipal planning strategy (MPS). Since every community is different, this SPI does not set rigid definitions for rental housing, affordable housing, and special-needs housing; however, there are some generally accepted definitions:

- **Rental Housing:** Includes both primary and secondary rentals. The primary rental market consists of occupied rental units in privately initiated, purpose-built rental structures of three units or more. These can be in apartments or row houses. The secondary rental market consists of all rental-occupied housing units not explicitly built for rental purposes, which includes condominiums, subsidized units, freehold row houses, and structures with no more than two units.
- **Affordable Housing:** A commonly accepted measure is that housing should not exceed 30 per cent of a household's gross income. However, the size and growth rate of the community, age and condition of housing stock, and mix of housing tenure should also be considered. For more information on defining affordability refer to **Section 8.3**.
- **Special-needs or supportive housing:** Residents require some form of support services, for either a physical or developmental disability.

When **Planning documents** are being developed for an entire municipality or a major portion of it, they are expected to address these matters or provide reasons why this is not possible. When a municipality is preparing or amending a plan for only a portion of its jurisdiction this might not be necessary. Over time, a municipality should prepare **Planning documents** which address the matters identified in this SPI and provide the context for localized amendments. If a municipality intends to include affordable housing policies, it is suggested that the municipality consult the Housing Division of the Department of Municipal Affairs and Housing.

## MGA Schedule B

### HOUSING

#### PROVISIONS:

2) Depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.

3) There are different types of group homes. Some are essentially single detached homes and planning documents must treat these homes consistent with their residential nature. Other group homes providing specialized services may require more specific locational criteria.

2. An underlying objective of this SPI is to enable a full range of housing types so that people can live their entire lives in their chosen community. Unfortunately, this might not interest private-market developers. If a municipality intends to become more actively involved in housing solutions, additional powers are available under the MGA. A municipality may
- acquire and assemble land for a development consistent with MPS policy (MGA s.218(1)(a) [Charter s.233(1)(a)])
  - enter into and carry out agreements with Housing Nova Scotia, Canada Mortgage and Housing (CMHC), or similar agencies that help address housing issues (MGA s.59(b) [Charter s.73(b)])
  - expend money to carry out agreements (MGA s.65(as) [Charter s.79(1)(at)])

Providing for a wide variety of housing in every part of a municipality might not be practical. However, where applicable, municipalities should include provisions in their **Planning documents** allowing for a range of housing types (e.g., single detached, duplex, multi-unit row houses, apartment buildings, etc.). The following measures enabled through the MGA could reduce the cost of development and make housing more affordable:

- 1) **dwelling unit density:** permit increased density of residential dwelling units (MGA s.220(2)(a)&(4)(g) [Charter s.235(2)(a)&(4)(h)]) or areas of increased density without requiring a developer to go through a development agreement or re-zoning process
  - 2) **lot size and frontage:** reduce the lot-size and frontage requirements to promote the development of specific parcels (MGA s.220(4)(a) [Charter s.235(4)(a)])
  - 3) **yard sizes:** reduce the size of the yards (front, side, rear) between the dwelling unit and the property lines (MGA s.220(4)(f) [Charter s.235(4)(g)])
3. The demand for group homes is increasing as the benefits of a home-like environment for those with complex health needs are recognized. A group home might be a place of long-term residence or provide transitional housing. When a group home retains the physical characteristics of a conventional residential dwelling and functions as a home-like environment, it must be treated as such. The notion of “family dwelling” cannot be used to exclude group homes from residential neighbourhoods. The Supreme Court of Canada<sup>14</sup> and subsequent group-home-related cases have upheld this.

In cases where a group home does not preserve the character of a conventional residential dwelling, the municipality should include enabling policy in its MPS and LUB. Enabling policy could also allow group homes to exist in institutional zones, as proximity to a hospital might be necessary for some residents. Alternatively, a municipality could enable these uses through a development agreement

14 Bell v. R., [1979] 2 S.C.R. 212

## MGA Schedule B

### HOUSING PROVISIONS:

4) Municipal **Planning documents** must provide for manufactured housing.

(MGA ss.225 & 227 [Charter s.240 & 242]). A development agreement would allow the municipality to regulate details of the development and could permit the use in various land-use designations, depending on the needs of the residents in the group home.

- 4) Manufactured homes are dwellings fabricated off-site and then transported to the residential property. In some cases, the manufactured home could require assembly upon arrival. Manufactured housing can take slightly different forms and go by different names, such as “mobile home,” “mini home,” or “modular housing.”

A municipality in its **Planning documents** must allow for manufactured housing as a permitted use in some part or parts of the municipality. Manufactured housing cannot be excluded outright from an entire municipality, although it might not be appropriate in all parts. One basis for prohibiting manufactured homes in an area is for architectural reasons. The external appearance of a manufactured home might not fit with the character of a historic area of a municipality and may be prohibited from that area. This requires supporting rationale and policy in the MPS. The external appearance of structures can be regulated in the LUB (MGA s.220(5)(i) [Charter s.235(5)(i)]).

## 7.2 RESOURCES

### Housing Nova Scotia:

- Housing Nova Scotia offers programs to help lower-income households rent and maintain safe and affordable housing. [housing.novascotia.ca/programs-and-services](https://housing.novascotia.ca/programs-and-services)

### Statistics Canada:

- Look here for information about the census, community profiles, and small area data. [statcan.ca](https://www150.statcan.gc.ca/n1/pub/92-629-x/00001-eng.htm)

### Canada Mortgage and Housing Corporation:

- Look here for rental market information, research highlights, the annual Canadian Housing Observer, and the annual Housing Outlook (for the nation and each province). [cmhc.ca](https://www.cmhc.ca)

### Canadian Real Estate Association (Nova Scotia Association of REALTORS):

- The CREA provides regional real estate forecasts, monthly statistics for housing sales, building starts. [crea.ca](https://www.crea.ca)

# APPENDIX

## FLOOD RISK AREAS

### Minimizing Impact for Buildings in the Floodway Fringe

Buildings or structures can be built to minimize flood impact in several ways:<sup>15</sup>

**Raised Infrastructure:** involves raising the critical use areas of a structure above flood levels. This idea can also be used to adapt vital infrastructure components such as utilities and roads. Elevation can be increased using stilts or raised foundations, with the non-living space under the building used as a garage or patio area. Another way to increase a building's elevation is to increase the height of the land with fill before the building is constructed. But it is usually easier to build a brand-new, raised building than to raise an existing building. Building code regulations may restrict the use of this adaptation technique.

**Dry Proofing:** includes floodwalls around high-value built up areas where other coastal protection or management options are limited, or when individual property owners want to protect their assets beyond whatever measures are already in place. Permanent floodwalls are usually made of concrete or mounded earth. Emergency floodwalls are made of a variety of materials and often have mechanisms that allow them to be deployed only during flood events. The purpose of floodwalls is to enclose a property and prevent floodwater or storm surge from impacting the more valuable structures within. Dry proofing can also involve applying protective (waterproof) coatings to the structures that prevent water from penetrating the structure. These are not primary protection strategies and should only be considered as backup for emergency events.

**Wet Proofing:** accommodates the possibility of flooding into the structure. This type of building technique is only applicable for building levels that are not used for residential space. It is best used for parking structures and storage of goods that would not be damaged by water. This technique allows water to flow in and out of the lower level of buildings. Significant cleanup will often still be necessary after a flood.

**Floating Building:** Several techniques for floating buildings have evolved over the last few decades. Some of the most stable are based on a reinforced concrete exterior shell with a core of buoyant, expanded polystyrene. Large floating foundations, such as pontoons, docks, or floats, are often built in one piece close to the construction site where launching and transportation of the foundation is practical. Foundations can also be built in components off-site and assembled as a single piece close to the construction location. Structures are built upon this foundation once it is in place. Floating sections, such as walkways, can be joined to allow some mobility between different sections.

<sup>15</sup> Adapted from Leys, V., and Bryce, D. (March 2016). Adapting to Climate Change in Coastal Communities of the Atlantic Provinces, Canada: Land Use Planning and Engineering and Natural Approaches. Part 3 Engineering Tools Adaptation Options. Atlantic Climate Adaptation Solutions Association. Retrieved from: [atlanticadaptation.ca/en/islandora/object/acasa%3A789](http://atlanticadaptation.ca/en/islandora/object/acasa%3A789)

**Amphibious Foundation:** Amphibious foundations are a relatively recent innovation. The building rests on the ground, with a fixed foundation, but rises and allows water to flow underneath during floods. A wet dock under the building collects water and lifts the building during an extreme flood. Fixed vertical posts hold the building in place and prevent it from floating away. Estimates from various sources suggest that an amphibious home's construction costs might be 20–30 per cent more than a standard fixed-foundation home.

## INFRASTRUCTURE

### Alternative Wastewater Management

A municipality has other tools available in the MGA to complement what is done through **Planning documents:**

1. Adopt an **on-site sewage disposal standards by-law** (MGA s.336 [Charter s.346]). Under this by-law a municipality may require owners of private on-site sewage disposal systems, for example individual homeowners, to maintain their systems. This by-law can include requirements to have a system checked, pumped, cleaned, and maintained in accordance with the standard.
2. Establish a **wastewater management district (WMD)** (MGA s.342 [Charter s.352])<sup>16</sup> through a by-law. WMDs are areas established by a municipality to enable it to manage public and private wastewater disposal systems. In a WMD, a municipality has the power to enter onto private property for purposes of inspecting, repairing, upgrading or replacing wastewater systems. It also has the power to establish charges to carry out the above noted duties. The four main wastewater solutions possible within a WMD are to
  - maintain existing, properly functioning, on-site sewage disposal systems
  - upgrade or replace existing, malfunctioning, on-site sewage disposal systems
  - establish cluster sewage disposal systems
  - establish a conventional piped sewer-collection and treatment system

In Nova Scotia, WMDs are generally created to address existing on-site sewage disposal problems. However, a WMD can be used for new developments as well. For example, it could be established for an area covered by a CDD, allowing a municipal council to

- set the boundaries of the district
- determine the type of wastewater system or systems to be used in the WMD
- specify the extent to which the municipality is responsible for these systems
- establish charges for property owners served by the system

<sup>16</sup> Although a plebiscite is not required to establish a WMD, municipalities are encouraged to solicit the views of the residents of an area where a WMD is being considered to ensure that they have support.

## Alternative Collection and Treatment

### Collection

The sewage collection system typically represents over two-thirds of overall total system costs. Regardless of the type of system used, the need for extensive collection systems can be reduced if the sewage is disposed of close to the source. Alternative systems might include

- **pressure sewers:** The two major types are the grinder pump and the septic-tank effluent pumping system. The former system employs individual grinder pumps to convey raw wastewater to the pressure sewer. In the latter system, only septic tank effluent (liquid portion of sewage) from individual households is pumped to the pressure main.
- **small diameter sewers:** This system handles only the liquid portion of the waste, with the solids being accumulated and digested in a septic tank. This might result in lower costs of materials (e.g., for smaller pipes), but it requires deep excavations and pumping stations just like conventional systems.
- **vacuum sewers:** These depend on a central vacuum pump to create a differential pressure between the main and the sewage entering the main at atmospheric pressure. Both the vacuum and pressure systems might achieve significant reductions in material costs, pipe size, excavation costs, and in some cases treatment costs. However, some increase in operating costs will also be experienced.

### Treatment

**Centralized treatment:** Wastewater is collected and transported to a central location where it is treated and then discharged to surface waters or percolated into the ground. Typical centralized treatment systems include mechanical and biological facilities, including lagoon, activated sludge, packed bed filters, fixed film treatment, membrane bioreactor and wetlands treatment. Primary clarification is no longer acceptable as adequate treatment due to federal regulations.

**Decentralized treatment:** Systems handle smaller amounts of wastewater at dispersed locations with effluent disposal occurring near the sewage source. This eliminates the need for costly transmission of sewage to distant disposal sites. Several technologies are available to provide decentralized treatment either on-site or at sites near the point of sewage generation. The primary method of on-site treatment is the septic tank and soil absorption field, with variations to assist in overcoming site constraints and improve efficiency. These include:

- **mound systems**, which enable a septic system where soils are deemed unusable for septic purposes. It has three components: septic tank, dosing chamber, and mound. The septic tank is the same as in a traditional septic system, allowing wastewater from the home to separate into three layers—liquid solids, sludge, and clarified wastewater. The clarified water moves into a dosing chamber, which distributes it in metered doses to a mound of gravel, sand, and soil before reaching the ground surface.
- **sloping sand filter systems**, a variation on the more commonly used vertical flow, under drained sand filters. Due to its smaller size, it was typically used on lots with inadequate room for the installation of a replacement system due to lot-size restrictions or slowly permeable soils but can now be used for new lots. Effluent is pre-treated in a septic tank and then flows through a sand filter. The effluent receives treatment during lateral flow through the length of the filter.

- **alternating soil absorption systems** decrease overloading of soils by switching effluent distribution between two or more sets of septic drain fields. The alternating areas can be uniformly distributed or parallel in the same area or located in different areas of the property. The layout choice for alternating septic bed systems depends on the soil characteristics and space available.
- **alternative treatment units** are proprietary engineered designs specifically for small flows. By using more advanced treatment mechanisms than conventional septic systems the alternative treatment units often require less area and may allow for septic systems to be installed on a smaller lot. They can provide treatment of nutrients.

Some of the above-noted systems can also be used in off-site treatment and disposal through clustering. Clustering is the sharing of common systems by properties near one another. A key advantage of clustering is that it reduces the need for lengthy common collection pipes and their associated costs. Although a range of technologies are available, no one system represents the optimum solution in all situations. The optimum solution could involve a combination of systems, including

- common septic tank and soil disposal systems or sand filter systems
- individual septic tanks and common soil disposal systems or sand filter systems
- common small-scale lagoons, with seasonal discharge of treated effluent to surface waters
- package treatment plants with effluent discharge to surface waters

### Infrastructure Charges

To levy an infrastructure charge, provisions must be set out in the subdivision by-law with policy support in an MPS. The subdivision by-law must identify the areas where charges are levied, the purposes for the charges, and the amount or the method (formula) of calculating the charge (MGA s.274(3) [Charter s.284(3)]), with each charge set and identified separately. An infrastructure charge must be used for the purpose for which it was collected (MGA s.274(6) [Charter s.284(6)]). Infrastructure charges can include costs for new or expanded transit facilities, water systems, wastewater facilities, stormwater systems, and streets (MGA s.274(2) [Charter s.284(2)])<sup>17</sup>. Costs that may be included in the capital costs of these services are for land, planning, studies, engineering, surveying, and legal services.

Infrastructure charges may be set at different levels related to the proposed land use, zoning, lot size, and number of lots. If infrastructure charges will vary, this must be set out in the subdivision by-law. Charges for capital costs that are anticipated but have not yet been incurred should be based on reasonable estimates provided by appropriate professionals. Anyone proposing to subdivide should be able to calculate the charge from the by-law (MGA s.274(4) [Charter s.284(4)]). Infrastructure charges may not be levied if they have already been collected for the same land, unless further subdivision will impose additional costs (MGA s.274(5) [Charter s.284(5)]).

Infrastructure charges should be paid by the subdivider before final approval is given (MGA s.274(7) [Charter s.284(7)]); however, legislation authorizes an infrastructure charges agreement (MGA s.275 [Charter s.285]) to provide for the payment of the charges over time. This would allow final approval and sale of lots to occur before the charges are paid in full. The subdivision by-law should include a determination of the circumstances in which

<sup>17</sup> The HRM Charter includes additional items that may have infrastructure charges.

an infrastructure agreement will be entered into, as well as the general terms that should be in the agreement (MGA s.275(2) [Charter s.285(2)]). The agreement may

- allow the payment of the charges by installments
- allow an applicant to pay the charges in kind, through the provision or extension of services
- provide for security to ensure the charges are paid when due

Infrastructure charges are a lien on the land subdivided (MGA s.274(8) [Charter s.284(8)]). Accordingly, they will show on a tax certificate. The infrastructure agreement is binding on the land subdivided and must be registered in the registry of deeds. It binds the individual lots in the subdivision to the extent specified in the agreement (MGA s.276 [Charter s.286]), which allows the subdivider to release lots individually from the agreement as they are sold, paying a portion of the total amount outstanding. The agreement should also provide for interest on the outstanding balance, and a time period in which all charges must be paid, regardless of the number of lots sold. The full charge should be paid before the last lot is sold.

## HOUSING

### Affordable Housing

The key to a thriving housing sector is a stable market. When housing prices crash or raise too quickly, ripple effects through the rest of the economy can occur, as well as impacting the social and cultural health of a community. According to Canadian Mortgage and Housing Corporation (CMHC), 80 per cent of housing needs in the country are met through market housing.<sup>18</sup> For the remaining population whose housing needs are not met by the market, other solutions are necessary. This often requires governments, non-profit organizations, and community groups to get involved in the market, sometimes through partnerships with the private sector, to create affordable and accessible housing.

Many organizations, including CMHC, consider housing affordable if it costs less than a certain percentage of household income before taxes.<sup>19</sup> The 30 per cent cost level is considered core housing need, while paying more than 50 per cent of household income on shelter are in the extreme housing need category.<sup>20</sup> This measure is a useful tool, but housing affordability is based on a combination of factors, and every situation is different.

Housing price is not the only consideration. Living costs include a range of factors such as accessibility, utility costs, and sustainable transportation. Housing is of course not just another optional commodity. It is a fundamental necessity for health and well-being, and therefore a problem that is relevant to public policy. Adequate housing, like adequate healthcare, is a

18 CMHC. (2017). "About Affordable Housing in Canada." Canada Mortgage and Housing Corporation (website). Accessed from [cmhc-schl.gc.ca/en/inpr/afhoce/afhoce\\_021.cfm](http://cmhc-schl.gc.ca/en/inpr/afhoce/afhoce_021.cfm)

19 CMHC (2017). In Canada, housing is considered affordable if shelter costs account for less than 30 per cent of before-tax household income. The term "affordable housing" is often used interchangeably with "social housing"; however, social housing is just one category of affordable housing and usually refers to rental housing subsidized by the government. Affordable housing is a much broader term and includes housing provided by the private, public, and not-for-profit sectors, as well as all forms of housing tenure (i.e., rental, ownership, and cooperative ownership). It also includes temporary as well as permanent housing. In other words, the term "affordable housing" can refer to any part of the housing continuum from temporary emergency shelters through transition housing, supportive housing, subsidized housing, market rental housing, and market homeownership.

20 CMHC. (2017). "About Affordable Housing in Canada." Canada Mortgage and Housing Corporation (website). Accessed from [cmhc-schl.gc.ca/en/inpr/afhoce/afhoce\\_021.cfm](http://cmhc-schl.gc.ca/en/inpr/afhoce/afhoce_021.cfm)

recognized human rights obligation. Households that are unable to generate market demand for a basic need in a society that relies almost exclusively on markets are generating social need (or “non-market demand”). Society can respond to social need only by changing the institutional arrangements that are responsible for the failure to meet that need.

The term “affordable housing” covers an array of housing options, from government-subsidized housing through below-market to market housing (See the housing spectrum figure below). This spectrum of affordability ranges from small starter homes with mortgage-helper suites to large multi-unit complexes with a mix of commercial, office, community, and residential uses.

Affordability is only one, albeit significant, component of housing need.<sup>21</sup> Even if the cost is low, housing is not adequate if it is unsafe or does not provide access to other basic needs, including places of employment, food sources, recreation, health facilities, educational institutions, and other primary facilities (i.e., banking, government services, etc.)

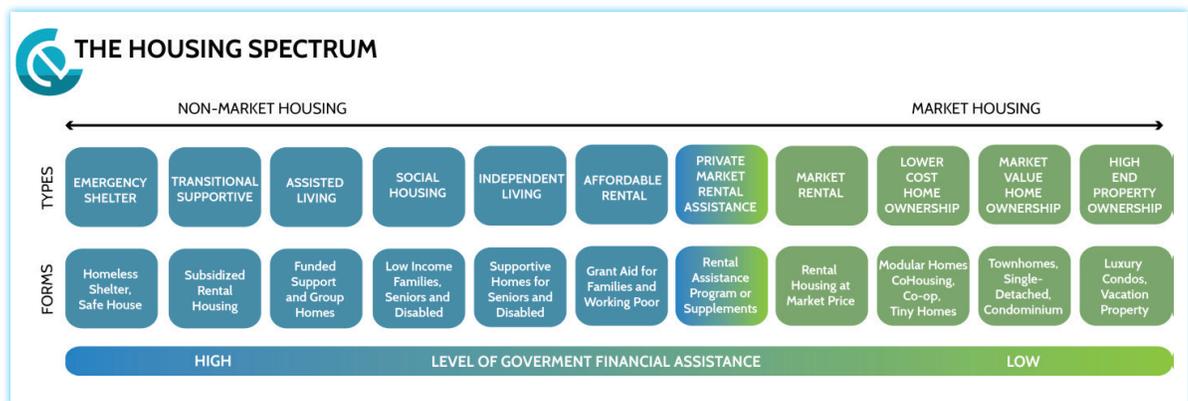


Figure property of Daniel Bryce. Used with permission.

Adequate housing was recognized as part of the right to an adequate standard of living in the 1948 Universal Declaration of Human Rights and in the 1966 International Covenant on Economic, Social and Cultural Rights.<sup>22</sup>

The right to adequate housing covers measures that are needed to prevent homelessness, prohibit forced evictions, address discrimination, focus on the most vulnerable and marginalized groups, ensure security of tenure to all, and guarantee that everyone’s housing is adequate. Further reasons municipalities should pursue affordable housing include more general economic, social, and legal matters.

### Economic

Research by the Center for Housing Policy<sup>23</sup> (CHP) reveals that affordable housing development is more likely to have a neutral or positive impact than a negative impact on

21 Canadian Home Builders’ Association. (2010). Housing Affordability and Accessibility: A Synopsis of Solutions. Accessed from [vancouver.ca/files/cov/HousingAffordability-HousingAffordabilityAndAccessibility-2010.pdf](http://vancouver.ca/files/cov/HousingAffordability-HousingAffordabilityAndAccessibility-2010.pdf)

22 United Nations Habitat. 2000. *Human Rights: The Right to Adequate Housing*. Fact Sheet No. 21/Rev.1. Accessed from: [ohchr.org/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](http://ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf)

23 Center for Housing Policy. 2011. “The Role of Affordable Housing in Creating Jobs and Stimulating Local Economic Development: Evidence in Brief.” Insights from Housing Policy Research. Accessed from: [communitypreservation.org/sites/macpc/files/uploads/housingjobs\\_factsheet\\_jan\\_2011.pdf](http://communitypreservation.org/sites/macpc/files/uploads/housingjobs_factsheet_jan_2011.pdf)

neighbouring property values, especially when the housing replaces vacant lots or buildings in need of repair. The quality of design, management, and maintenance are significant contributing factors. Also, local governments could receive increased tax revenue often equal to or greater than what would be received from lower-density market housing on the same site.

A significant issue for businesses operating in smaller communities can be recruitment of employees at wages that are possible to maintain. A lack of affordable housing often means that a household cannot live off the wages that businesses are able to pay and must look outside of the community for work<sup>24</sup>.

A community with diverse and affordable housing might also attract young professionals and entrepreneurs who are looking to start a business. In the modern economy, online and hybrid brick-and-mortar/digital businesses allow for flexibility of place. If a community has features that make it attractive for relocation, including support for small-business incubation, flexible and affordable offices or workspace, and an appealing natural environment and culture, entrepreneurship becomes much more likely.

### **Social**

In the housing context, the term “accessibility” is often associated with the provision of accommodations for individuals with physical or mental disabilities, but it can include all demographics.<sup>25</sup> Housing accessibility goes beyond the built structure itself to include places of work and necessary services. A tenuous housing arrangement can result in difficulties keeping a job and recovering from a catastrophe, whether financial, physical or mental in nature. When households are living close to their financial limit, even small issues such as minor illness can have a major effect on the ability to remain adequately housed. Having household instability, especially in smaller communities, has an impact on overall sustainability.

### **Legal**

In Canadian municipalities, planning regulations have a significant impact on affordability and housing access. Since housing is protected under federal and provincial human rights codes, it becomes the legal responsibility of municipalities not to implement policy that will directly prevent individuals from accessing housing. This has been clearly understood through legal precedent.<sup>26</sup> Less clear are the legal consequences of indirect planning policy and regulations that affect lot sizes, number of bedrooms, required parking, access to services, or short-term land use by specific groups (e.g., tourists). Though the courts have not been thoroughly tested in the case of indirect effects upon housing access, proactive municipalities are best to avoid future legal issues by providing for the needs of their residents.<sup>27</sup>

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24 [globalnews.ca/news/3696455/rent-in-the-city-own-in-small-towns-canadas-new-real-estate-trend/](https://globalnews.ca/news/3696455/rent-in-the-city-own-in-small-towns-canadas-new-real-estate-trend/)

25 Leisk, S., and Moher, S. (2017). “Can we plan for affordable housing?” Plan Canada. v. 57 n. 2. Craig Kelman & Assoc.: Winnipeg.

26 Bell v. R., [1979] 2 S.C.R. 212

27 Leisk, S., and Moher, S. (2017).

## Housing Need and Market Demand Studies

### Benefits of a Housing Needs and Market Demand Study

Municipalities typically undertake local housing studies for one or more reasons, commonly to

- *contribute to more effective community planning efforts and broader social and economic development planning.* Housing is fundamental to quality of life, and one of the key factors people consider when making decisions about where to live and work. If new businesses and people are to be attracted to the region, they will want to have reasonable housing choices (e.g., tenure, price, types, and locations).
- *develop a better understanding of local needs and problems, in hope of finding ways to address them.* With more knowledge about potential housing demands and needs, the municipality, the province, and developers can embark on a strategy for acting on opportunities.
- *assess market potential for new housing development.* New information can be obtained about the depth and breadth of housing needs and can potentially lead to a new investment of public funds to address pressing problems.

### Key Steps for Doing a Housing Study

1. Understand why the study is being done.
2. Profile the existing housing stock.
3. Assess various housing needs in the municipality.
4. Assess potential future housing demand.

Two key actions that typically emerge from such a study are

- the development of a proposal for funding assistance to build new affordable housing to meet the needs of households experiencing affordability problems
- the development of feasibility studies or proposals for new market housing

### Step 1 – Understand why the study is being done: set objectives and gather primary and secondary information

Any municipality undertaking a needs assessment or market demand analysis must have answers to the following questions before beginning:

- Why are we doing a housing needs assessment or market demand analysis?
- What is the intended audience for the results of the work?
- What human, technical, and financial resources do we have to work with?
- How much time do we have to complete the assessment or analysis?

Answers to these questions will help to dictate the level of detail in the study and whether to collect primary or secondary data. It can be expensive and time consuming to obtain current, primary information from people in the community about their housing situation and needs, and thereby to understand demand, but published and unpublished secondary data might not be up-to-date. Ideally, a combination of primary and secondary data sources would be used.

**Primary Information Considerations:** Depending on which method is used (telephone interviews, face-to-face interviews, mail surveys, online surveys, etc.), there can be limitations associated with data accuracy, staff training, and response rate. In addition, technical expertise will be required to evaluate the data. If a survey is going to be used, a staff person or external consultant with expertise in survey methodologies and statistical analysis will be needed.

**Secondary Information Considerations:** The advantage is that the information has already been collected, preferably using a standardized methodological, collection, and reporting approach. Common sources include Statistics Canada (censuses), CMHC (rental market surveys), and provincial authorities maintaining waiting lists for social-housing units. The disadvantage is that the information might be out of date, partial, or not available for very small communities. However, secondary information sources can be supplemented with other, contextual information, such as from

- **local documents:** **Planning documents**, by-laws, economic reports, feasibility studies, etc.
- **published literature:** related to housing trends, markets, and affordability (e.g., CMHC offers a wide range of housing literature, including the Canadian Housing Observer)
- **expert and stakeholder interviews:** municipal staff, builders, developers, real estate agents, federal and provincial housing staff, community services staff, and others will have knowledge related to the local and regional housing situation

### **Step 2—Profile the existing housing stock**

A basic housing profile provides an overview of current housing before doing an in-depth housing needs or demand study. A profile generally includes census information about the housing stock, characteristics of households and families, and housing-market information.

Breaking a basic housing profile into topic-based tables<sup>28</sup> provides more details. For example, if the basic data shows that 75 per cent of the dwellings are owner-occupied and 25 per cent are rented, a topic-based table can illustrate the demographics related to owners and renters.

### **Step 3—Assess various housing needs in the municipality**

A housing needs assessment quantifies the number and type of households, such as those of vulnerable groups, with housing issues not being addressed by the current housing supply (see text box A1 for examples). An assessment helps when developing a strategy to address housing issues.

*Core housing need* is the term used for the standard measure across Canada to quantify the number of households and individuals who have a readily quantifiable housing need and are the focus of most social-housing programs<sup>29</sup>. A two-step procedure is used to assess need:

1. It must be determined whether households (or individuals) are subject to one or more of the following conditions:
  - a. *adequacy standard*—living in a unit that needs major repair
  - b. *suitability standard*—living in a unit that is crowded, based on National Occupancy Standards
  - c. *affordability standard*—paying 30 per cent or more of their income for housing

#### **A1. Vulnerable Groups that Often Have Housing Needs**

- Seniors living alone
- Single persons with low income
- People working at or near minimum wage
- Lone-parent families
- People with disabilities

28 Census example of topic-based table: “Household Type, Structural Type of Dwelling, and Tenure for Private Households.”

29 Pomeroy, Steve. 2004. *Leaks in the Roof, Cracks in the Floor: Identifying Gaps in Canada’s Housing System*. Ottawa: Canadian Housing and Renewal Association.

2. A means test is applied to determine if households have enough income capacity to address their housing needs. An income threshold is derived for the local market for each household size, based on the median rent of market housing that passes all three conditions (a, b, and c above). If they do not have enough income to address their need, then they are in *core housing need*.

Published census profiles and topic-based tables do not provide core-housing data on a community basis. It would have to be ordered as a special custom tabulation from Statistics Canada. It is difficult to construct a core housing need profile using surveys because people are sensitive about giving the specific income information, and, without knowing a specific income, it is impossible to calculate core housing need. However, a series of proxy measures for people in housing need can be taken directly from the census.

Households at risk of homelessness is a term that includes households that don't have security of tenure or that spend 50 per cent or more of gross household income on shelter costs regardless of tenure<sup>30</sup>. A special custom tabulation concerning gross household incomes can be requested at a cost from Statistics Canada, if having this statistic reported at the municipal level is desired. With information about the number and type of households with housing needs, plans can be made to develop a strategy to meet some or all needs.

#### **Step 4 – Assess potential future housing demand**

The purpose of assessing potential future housing demand is to understand some of the broader housing requirements over the short to medium term (see text box A2). This understanding will inform municipal planning and be the basis for better decision-making by investors and developers. Predicting the future is of course very difficult because of the numerous influences that affect how a community changes over time. Assessing potential future housing demand requires an in-depth understanding of recent trends (housing and demographics), the present situation, and planning documents. Broad statistical evidence might show enough households demanding a specific housing type; but deviation can occur because of a change in the local economy or the delivery of public services. However, there are basic steps

<sup>30</sup> Tota, K. 2004. Homelessness in Halifax Regional Municipality (HRM): A Portrait of Streets and Shelters. Halifax Regional Municipality, Planning and Development Services.

#### **A2. Potential New Housing-Market Demand Segments**

- Older households nearing retirement and downsizing.
- Elderly couples and single persons reducing housing responsibilities and improving mobility.
- Young families seeking entry-level home ownership.
- Employees of a new or expanding business.
- New households in all income groups.

that can be taken to help a municipality understand future demand (see text box A3).

There is a difference between *potential* and *actual* demand for new housing. Individuals make choices based on personal preferences and circumstances, and so unpredictable results can occur. For example, enough individuals might express interest in living in a new form of development that a developer feels confident enough to build. However, when the units are available, these individuals might reassess their preferences and circumstances and not follow through with their expressed interest. Perhaps the location, price, design, amenities, or other features do not suit them; perhaps they are unable to sell their existing property; or perhaps their personal circumstances have changed.

CMHC has developed a model for estimating potential housing demand on national and provincial bases.<sup>31</sup> The model requires a series of assumptions about future scenarios for tenure and for choices about dwelling types, based on various sorts of information (such as demographic trends), to project increases in the number and types of households. The key features of the model include

- **Population Projection:** Starting with a base population today, calculate the combined effect of fertility rates, life expectancy, immigration, emigration, and interprovincial migration on population estimates (by age cohorts).
- **Household Projection:** Given the projected population and age cohorts, calculate the number and type of households (families with or without children, lone parents, single persons, etc.).
- **Demand Projection:** Given the number and types of household, calculate the mix of tenure choices (ownership or rental) and structural type choices (single detached, apartments, etc.) required to meet their needs.

With information about the projected number and type of dwelling units required in the municipality in the short- and medium-term future, plans can be made to develop a strategy to facilitate the construction of these units. This might involve revising or updating municipal planning strategies, undertaking feasibility studies, and sharing the results with potentially interested builders and developers.

31 Lewis, Roger. 1991. *Potential Housing Demand Projections: Canada and the Provinces, 1986–2011*. Ottawa: CMHC.

### A3. Basic Steps for Projecting Future Demand

1. Use current population demographics as a base for determining market segments.
2. Understand broad demographic trends and project the population by age group and the number and type of households.
3. Look at trends in residential tenure and structure type and project numbers for each.
4. Develop reasonable assumptions about the future of the municipality.
5. Identify which market segments will demand housing, based on local information and projections.
6. Analyze the results.
7. Additional considerations might include
  - a. estimating the number of units in the stock to be lost due to fire, abandonment, etc.
  - b. considering the type and price of housing local people are asking for
  - c. matching new units required against potential demand segments
  - d. considering issues of price and incomes of households in each demand segment





