



MINIMUM PLANNING REQUIREMENTS IN NOVA SCOTIA

Guidebook on the Requirement to Engage with Abutting Municipalities

Department Of Municipal Affairs & Housing

December 2020

© Crown copyright, Province of Nova Scotia, 2020

Department of Municipal Affairs and Housing

ISBN 978-1-77448-097-7

CONTENTS

1.0 OVERVIEW 1

2.0 ENGAGEMENT OF ABUTTING MUNICIPALITIES 2

3.0 LEGISLATION AND REGULATION 3

4.0 ENGAGEMENT TIMELINE 5

5.0 ENGAGEMENT TOPICS 7

6.0 NOTIFICATION AREAS 8

1.0 OVERVIEW

This guide is written for municipal planners, administration, elected officials, and other staff as a tool to

- further clarify the intent of the Regulations respecting the Content for Engagement Programs
- provide context on the legislative authority for the regulations
- provide information on the process for engagement
- highlight mechanisms through which engagement can occur
- give examples of land-use and policy changes for which the Department of Municipal Affairs and Housing would encourage notification
- offer suggestions about what kinds of geographical areas might be considered when developing a policy for the adoption of an engagement program

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 jurisdictions 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. *Model Land-Use By-Law*
6. *Locus User Guide: Municipal Online Mapping Application*
(step-by-step guide to using the Locus mapping web application)
7. *Brochure on Economic Development and Planning*

2.0 ENGAGEMENT OF ABUTTING MUNICIPALITIES

The intent of the legislation and regulations is to reduce land-use conflict and increase cooperative opportunities. It does not limit the ability of councils to make decisions regarding land-use planning in their respective jurisdictions.

The legislation requires policy in the Municipal Planning Strategy (MPS) to adopt an engagement program. The regulations have mandatory and permissive components. The mandatory component is to ensure comments are received and considered within the regular process of adoption or amendment of an MPS. The permissive component allows for flexibility on the location and the topics that will require engagement with abutting municipalities.

The following guide lays out the specific legislation and regulations, provides information on the general process and potential mechanisms for implementation, and gives examples of engagement topics and physical areas to be considered when developing policy for the adoption of an engagement program as set out in s.204A of the Municipal Government Act (MGA) and the Regulations respecting the Content for Engagement Programs.

3.0 LEGISLATION AND REGULATION

214 (1) *A municipal planning strategy must include statements of policy respecting*

(d) *the engagement by the municipality with abutting municipalities when amending the municipal planning strategy or adopting a new municipal planning strategy to replace the existing one*
Municipal Government Act

204A (1) *A council shall adopt, by policy, an engagement program for engaging with abutting municipalities when the council is adopting or amending a municipal planning strategy.*

(2) *Subject to the regulations, the content of an engagement program is at the discretion of the council.*

(3) *The Minister may make regulations respecting the content of an engagement program.*
Municipal Government Act

The legislative requirement to have policy about engagement with abutting municipalities is in both the Municipal Government Act (MGA) and the Halifax Regional Municipality Charter (Charter).

MGA s.214(1)(d) and Charter s.229(1)(d) require that municipalities engage abutting municipalities when amending or adopting a Municipal Planning Strategy.

MGA s.204A and Charter s.219A requires that municipal council make its engagement program explicit by adopting it through written policy and, further, that the “Minister may make regulations respecting the content of an engagement program” (Clause 5 of Bill 58, respecting MGA s.204 (3)). The policy respecting an engagement program can exist as a policy of council (MGA s.47; Charter s.58) or as part of the Municipal Planning Strategy.

The regulations are found in Schedule “A” – Regulations Respecting the Content for Engagement Programs. The regulations define an engagement program as a “program, which council must adopt by policy, as required by subsection 20A(1) of the Act [Charter s.219A(1)] for engaging with abutting municipalities when a council is adopting or amending a municipal planning strategy.”

“Mandatory content of an engagement program

4 An engagement program must include all of the following:

- a) a requirement that council solicit comments from abutting municipalities on the proposed adoption or amendment;
- b) provisions ensuring that engagement deals with topics associated with the statements of provincial interest;
- c) a means for council to consider any comments received from abutting municipalities; and
- d) a requirement that engagement with abutting municipalities be complete before the first notice for a public hearing for considering a proposed adoption or amendment.

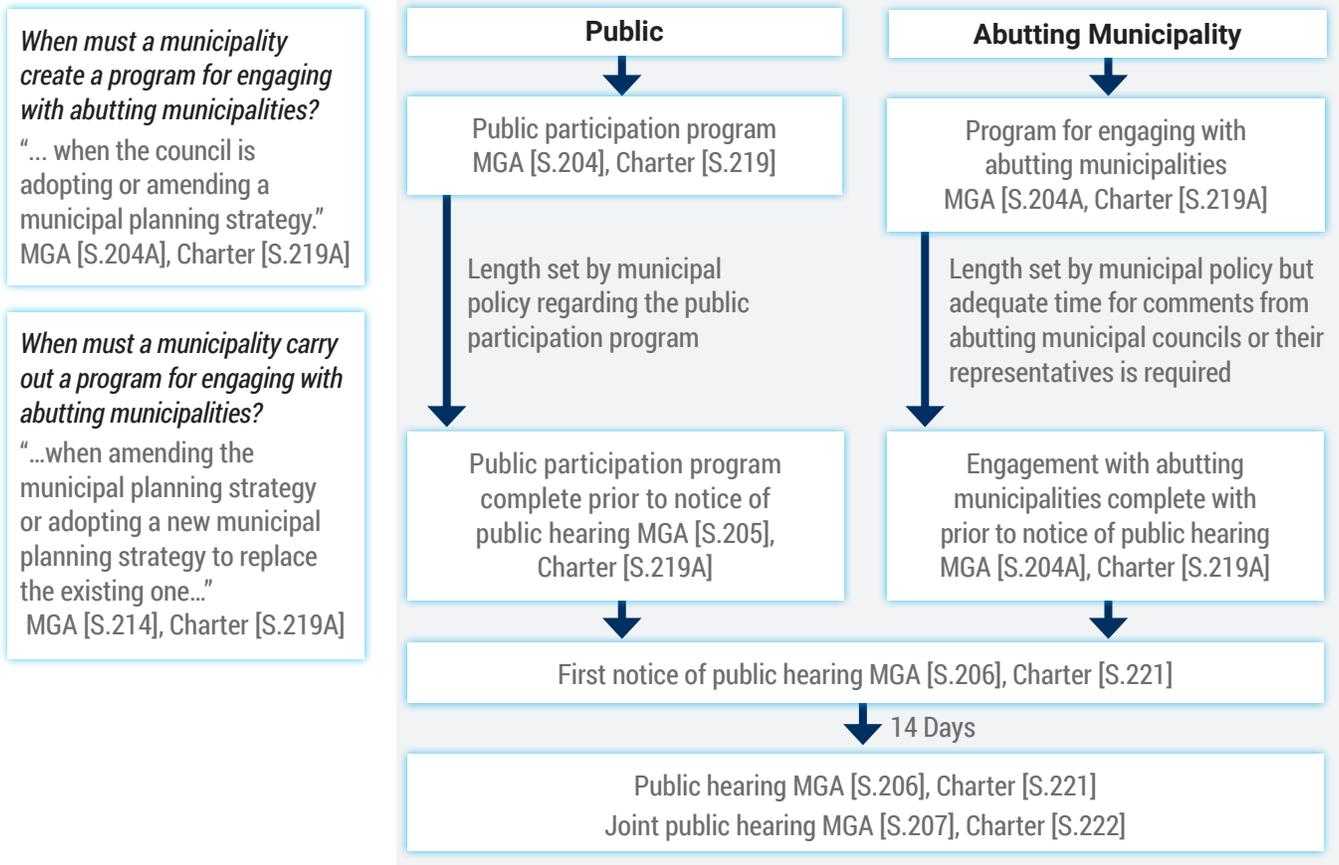
Limiting engagement program to areas impacted

5 An engagement program may provide that engagement with an abutting municipality be limited to the geographical area or areas or topics that are likely to be impacted by a proposed adoption or amendment.

4.0 ENGAGEMENT TIMELINE

Engagement with abutting municipalities can be carried out concurrently with a municipality’s public engagement program; the flow chart below illustrates this process.

Engagement Process



When must a municipality create a program for engaging with abutting municipalities?
 "... when the council is adopting or amending a municipal planning strategy."
 MGA [S.204A], Charter [S.219A]

When must a municipality carry out a program for engaging with abutting municipalities?
 "...when amending the municipal planning strategy or adopting a new municipal planning strategy to replace the existing one..."
 MGA [S.214], Charter [S.219A]

Engagement Program for Abutting Municipalities
 If the engagement program meets the mandatory content requirements in Schedule A regulations, engagement may occur through existing mechanisms of the MGA and Charter, including:

- A regular or other council meeting MGA [S.19], Charter [S.16]
- Responsibility of the chief administrative officer MGA [S.31], Charter [S.35]
- Joint planning advisory committee MGA [S.200], Charter [S.215]
- Area advisory committee MGA [S.201], Charter [S.216]
- Part of a public participation program MGA [S.204], Charter [S.219]

5.0 ENGAGEMENT TOPICS

Other than the Statements of Provincial Interest, the land-use planning topics that municipalities can engage abutting municipalities on are not proscribed in legislation or regulations. As section 5 of the regulations specifies, the topics are determined by each municipality. This means engagement could take place on broad topics ranging from climate change to something as specific as an individual property that borders a municipality.

Ideally, abutting municipalities agree on the engagement topics and mirror it in their own policy as much as makes sense in the local context. Though it is not required that abutting municipalities agree on and mirror each other's engagement policy, it is strongly encouraged, as the intent of these regulations is to reduce land-use conflict and increase cooperative opportunities.

Drawing on the Statements of Provincial Interest, the following are a few examples of what land-use planning topics could be useful to engage on:

1. **Drinking Water Supplies:** Water supplies are generally regional in nature, with catchment and recharge areas spanning multiple municipalities. In addition, municipalities could have their drinking water sourced entirely from outside of their borders. Abutting municipalities could create policy to engage whenever development is occurring in or around drinking water supplies, so as to better understand the potential effects on the entire system.
2. **Flood Risk Areas:** Most of the major rivers in Nova Scotia cross multiple municipalities, and coastal development could affect neighbouring coastlines. If a municipality has identified flood risk areas and restricted development in these areas, an opportunity to comment on land-use changes upstream or in an area of potential impact could save lives and reduce the financial risk for all taxpayers.
3. **Agricultural Land:** Prime agricultural land in the province is limited. Certain development restrictions or even a lack of development control on agricultural land in one municipality might have unforeseen effects on abutting municipalities far beyond their immediate borders. To reduce unintended consequences, abutting municipalities could engage on policy regarding agricultural land on a regional scale.
4. **Infrastructure Expansion:** Major extensions of roads, water, sewer, and other municipal infrastructure could impact an abutting municipality, even if they don't cross jurisdictional boundaries. Policy to engage could include major municipal infrastructure projects, supporting certain development types (e.g., commercial and industrial) or projects of a certain size (e.g., residential developments over 10 lots or any project over \$500,000). Engagement could lead to a recognition of co-operative opportunities to reduce costs and to service key areas more efficiently.
5. **Major Development:** The definition of "major" might vary among municipalities, but large residential, commercial, or industrial development near an abutting municipality would present an important engagement topic. It could motivate a more regional focus on economic development and prevent future nuisance complaints.

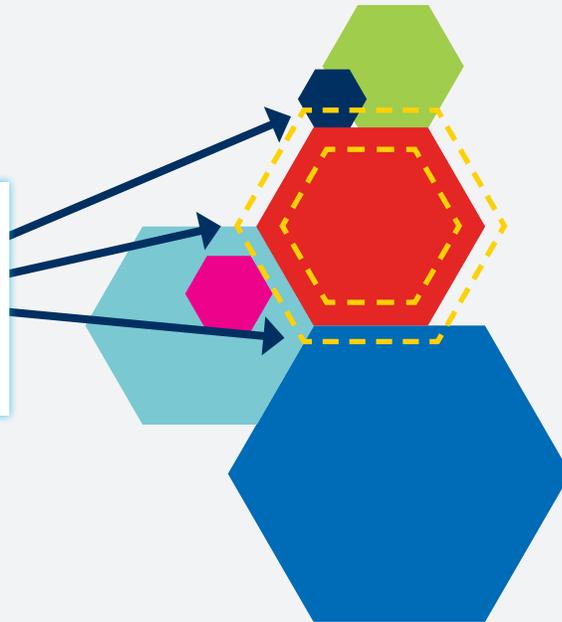
6.0 NOTIFICATION AREAS

In addition to defining engagement topics, section 5 of the regulations enables municipalities to limit the geographic area respecting their engagement program with abutting municipalities. Policy could indicate one distance for all (Example #1) or different distances for each abutting municipality (Example #2).

Consultation Boundaries

Example #1: Mirroring policy for adjacent municipalities

Red has policy to consult all neighboring municipalities on specific land-use change topics 15km from their shared border. All adjacent municipalities have the same policy with Red.



Consultation Boundaries

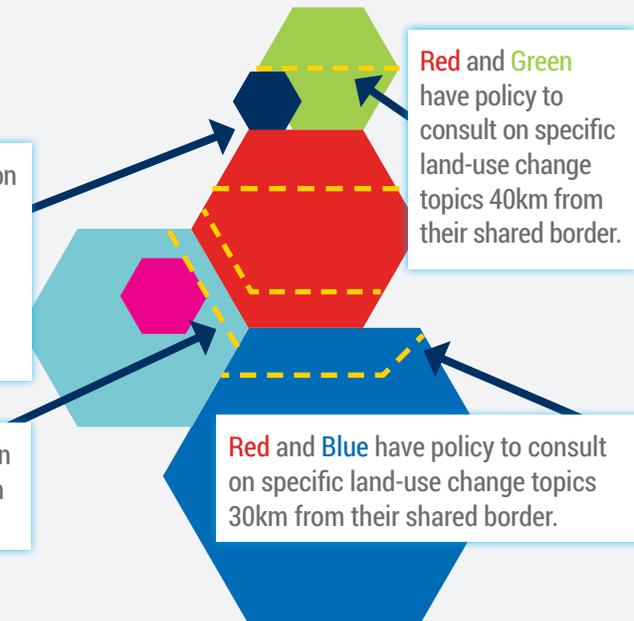
Example #2 Variable mirroring policy for adjacent municipalities

Red has policy to consult with purple on specific land-use change topics within 40km of their shared border. Navy is less than 40km wide and thus has policy to consult on specific land-use changes for the entire municipality.

Red and Teal have policy to consult on specific land-use change topics 15km from their shared border.

Red and Green have policy to consult on specific land-use change topics 40km from their shared border.

Red and Blue have policy to consult on specific land-use change topics 30km from their shared border.



Though the legislation requires only that engagement policy be developed with abutting municipalities, there might be a desire to engage with non-adjacent municipalities (Example #3) or to develop engagement policy among several municipalities that all abut the same significant feature, such as a river (Example #4).

