

(as drafted September 14, 2000)

# **Truro - Colchester Inter-municipal Planning Strategy on Inter-jurisdictional Properties**

*(as approved January 5, 2000 by Town Council)  
(Policy 3 amended by Minister, approved February 19, 2000)*

**Appendix 2**

# **Truro - Colchester Inter-municipal Planning Strategy on Inter-jurisdictional Properties**

*(as approved January 5, 2000 by Town Council)*

*(Policy 3 amended by Minister, approved February 19, 2000)*

**(as drafted September 12, 2000)**

## **Background**

This plan is prepared as a result of various studies and reviews of the issue of how to manage properties and projects which cross municipal boundaries of the Town of Truro and the Municipality of the County of Colchester. In the last few years this issue has been brought to the attention of the two municipalities with the Town carrying out a major amendment to better manage applications on the west boundary. It is clear that there are changing circumstances which have occurred since the last time the two communities have adopted their last official plans. Given the most recent application both Councils asked their staff to consider the issue and make a recommendation on what approach should be taken. An inter-municipal planning strategy was viewed as the appropriate solution. This plan is the result of the above recommendation and a public participation meeting held on this subject.

## **Introduction**

This plan is prepared under the Municipal Government Act (MGA) and is intended to resolve issues with regard to land use and development standards for properties which cross over municipal boundaries between the Town of Truro and County of Colchester. In accordance with Section 214 (2) of the MGA, this plan will be subject to review five (5) years after its adoption.

### *Policy 1*

*Therefore, it shall be a policy of Councils to:*

*Review this plan on or about the fifth (5<sup>th</sup>) anniversary of the adoption.*

This plan is intended to deal with commercial and light industrial land uses and only when these uses involve municipal services, land uses and/or development approvals which require the cooperation of both municipal units. These lands exist only along the west Town boundary from Robie Street to the vicinity of Exit 13 Interchange of the Highway 102.

### *Policy 2*

*Therefore, it shall be a policy of Councils to:*

*Designate lands that could in a development proposal cross over into both municipal units as inter-jurisdictional lands on the Future Land Use Map (Schedule "A") of this Strategy.*

As a result of a study of this issue and current legislation, it has been determined that the development agreement approach would be the best approach to be employed where development requires the services and or development approvals of both municipal units.

### *Policy 3*

*Therefore, it shall be a policy of Councils to:*

*Consider commercial or light industrial land uses for lands which have been designated under Policy 2 above by development agreement only which:*

- 1. Require services from one jurisdiction to be provided by another;*
- 2. Require approval from planning documents from both jurisdictions; and/or*
- 3. Potentially could expand into the other jurisdiction as a result of future expansion of the use;*

*and such developments may involve multiple main buildings being considered on one lot. This policy shall subscribe to the floodplain policies and standards of the current and future planning documents for both municipalities.*

### *Policy 4*

*Therefore, it shall be a policy of Councils to:*

*Make such development agreements conditional upon the prior or concurrent approval by both Councils of an inter-municipal agreement regarding the sharing and distribution of tax revenues and municipal costs from the development between the two municipalities.*

## **Implementation Standards**

When Councils consider a development agreement subject to the policies of this plan, certain matters must be examined such as; a clear proposal, general development conditions and evaluation criteria.

## **Clear Proposal Required**

Before Councils will consider any application for a development agreement, a clear written description and site proposal must be presented for examination. By requiring such a proposal Councils, staff, the Planning Advisory Committee and the public will be able to examine the application more clearly. The applicant will also benefit from having proper plans prepared. This requirement is mandatory, and no application may proceed without it.

### *Policy 5*

*Therefore, it shall be a policy of Councils to:*

*Require a clear proposal to be submitted before considering any application for a development agreement.*

### *Policy 6*

*Therefore, it shall be a policy of Councils to:*

*Require a proposal under Policy 5 (above) to clearly show in graphic terms the following:*

- a) the location of the subject property, to scale, showing lot dimensions (existing and proposed), area, and street frontages;*
- b) the means by which the site is to be serviced by sanitary sewers and storm water management, water, electrical service, and telephone service;*

- c) *the proposed location of all driveways and parking areas;*
- d) *areas that are to be landscaped and/or buffered;*
- e) *the proposed location of all buildings on the site; and*
- f) *proposed final topography and site drainage.*

### General Criteria

In addressing any proposal, there are factors which are to be considered by Councils in order to ensure that the development is appropriate. These factors are common to all developments, and each is to be considered in turn.

#### *Policy 7*

*Therefore, it shall be a policy of Councils to:*

*Include in any agreement to be entered into under this plan, terms and conditions to ensure that the development is consistent with the policies of this plan and Councils shall consider, but shall not be limited to, some or all of the following issues:*

- a) *the specific use and size of the structure whether new, or an expansion, or renovation of an existing structure is proposed;*
- b) *the compatibility of the structure with adjacent uses in terms of architecture and appearance;*
- c) *the compatibility of the site, in terms of landscape design, with adjacent uses;*
- d) *provision for adequate buffering to screen the development from adjacent and dissimilar land uses which conform to this plan;*
- e) *provision for adequate setbacks from adjacent land use;*
- f) *any matter which may be addressed in the Land Use By-law (of Truro or Colchester County);*
- g) *time limits for the initiation and completion of construction (and may include phased construction);*
- h) *the provision of services and utilities;*
- i) *flood damage reduction controls with regards to possible floodplain development;*
- j) *hours of operation;*
- k) *maintenance and upkeep of the property;*
- l) *any other matter which Councils feel is necessary to ensure the general compatibility of the use and structure with adjacent uses and structures;*
- m) *the financial ability of the Councils to absorb any costs relating to the development;*
- n) *the adequacy of sewer and water services and utilities;*
- o) *the adequacy of the road network in, adjacent to, or leading to the development;*
- p) *suitability of the site in terms of grades, soil and bedrock conditions, location of watercourses, marshes, swamps, or bogs; and*
- q) *the location of highway ramps and railway rights-of-way.*

## **Land Use By-law Considerations**

A joint application for development approval on inter-jurisdictional properties is an opportunity to have comprehensive land uses occur with cooperation of two independent councils, who are interested in resolving issues that transcend jurisdictional boundaries.

### *Policy 8*

*Therefore, it shall be a policy of Councils to:*

*Consider an application for inter-municipal developments, which would not otherwise be possible under the Land Use By-laws of the Town of Truro and County of Colchester, by development agreement only, as provided for by the policies of this Strategy. For greater certainty, the requirements of individual Municipal Planning Strategies and Land Use By-laws applicable to the Town of Truro or the Municipality of Colchester shall be waived in the event of a development agreement application made pursuant to this Strategy, with the exception of floodplain policies and standards as prescribed by current and future policies of both municipalities.*

### *Policy 9*

*Therefore, it shall be a policy of Councils to:*

*Amend their respective by-laws to enable the Councils to consider applications by development agreement pursuant to this Strategy, setting aside the standard Land Use By-law of each municipality in such instances.*

### *Policy 10*

*Therefore, it shall be a policy of Councils to:*

*Enter into a development agreement which is approved by each of the two Councils following a joint public hearing.*

## **Interpretation**

The Future Land Use Map is a policy reference document which is intended to guide the application of policy decisions. When a development agreement proposal is put before Councils which consolidates or subdivides land for the purpose of a development, Councils shall be able to consider properties which are adjacent to the designation without requiring an amendment to the Future Land Use Maps. Such an interpretation will enable Councils within reason to include properties which currently do not cross over the municipal boundary or appear not to be within the mapped designation provided they are a part of a proposal which ultimately does cross municipal boundary.

### *Policy 11*

*Therefore, it shall be a policy of Councils to:*

*In interpreting the Future Land Use Map, an area immediately adjacent to the generalized land use designation may be considered for a development agreement without requiring an Inter-municipal Planning Strategy amendment.*



### IMPS Declaration of Intent

After the adoption of the Inter-Municipal Planning Strategy (IMPS), Councils considered and approved a development agreement for property near Exit 13. That development agreement was found by the Utility and Review Board to be inconsistent with the IMPS, after having regard for the identification of lands eligible to be developed under the IMPS. One purpose for amending the IMPS is to ensure that the intention of Councils regarding the lands eligible for development under the IMPS is manifested as clearly as possible within the four corners of the Strategy, for all present or future proposals, to be considered under the Strategy and to clarify that individual Planning Strategies of Truro and Central Colchester do not apply to developments carried out under the IMPS.

Another purpose of these amendments to the IMPS is to clearly express the intent of Councils, in that, this Strategy authorizes by development agreement proposals, such as, the Exit 13 application which was previously considered by Councils on March 29, 2000, or any similar proposal. Councils and staff of Truro and Colchester have and will give careful review and consideration of such a proposal. The development of inter-municipal lands on the western portion of the Truro-Colchester boundary for light industrial or commercial purposes including a retail shopping center are important objectives of both municipal units. Any adverse consequences of such development are intended to be tolerated if Councils are satisfied that those consequences are adequately mitigated or otherwise within acceptable limits. The aforementioned Exit 13 proposal is an excellent example of a development intended to be allowed by Councils by inter-municipal co-operation under this Strategy. The consequences resulting from such proposed development, including the associated increases in traffic, the diversion of a stream, potential future sidewalk installation costs or other effects, costs or consequences as mitigated by such a project, are examples of tolerable development consequences.

#### *Policy 12*

*Therefore it shall be a policy of Councils to:*

*In addition to approving any other projects consistent with this Strategy, to consider by development agreement, a retail shopping centre on lands near Exit 13 off Highway 102 under a proposal substantially the same as, or reasonably similar to, that proposal presented to Councils on March 29, 2000, with such changes or variations as Councils may consider to be not inconsistent with this Strategy.*

#### *Policy 13*

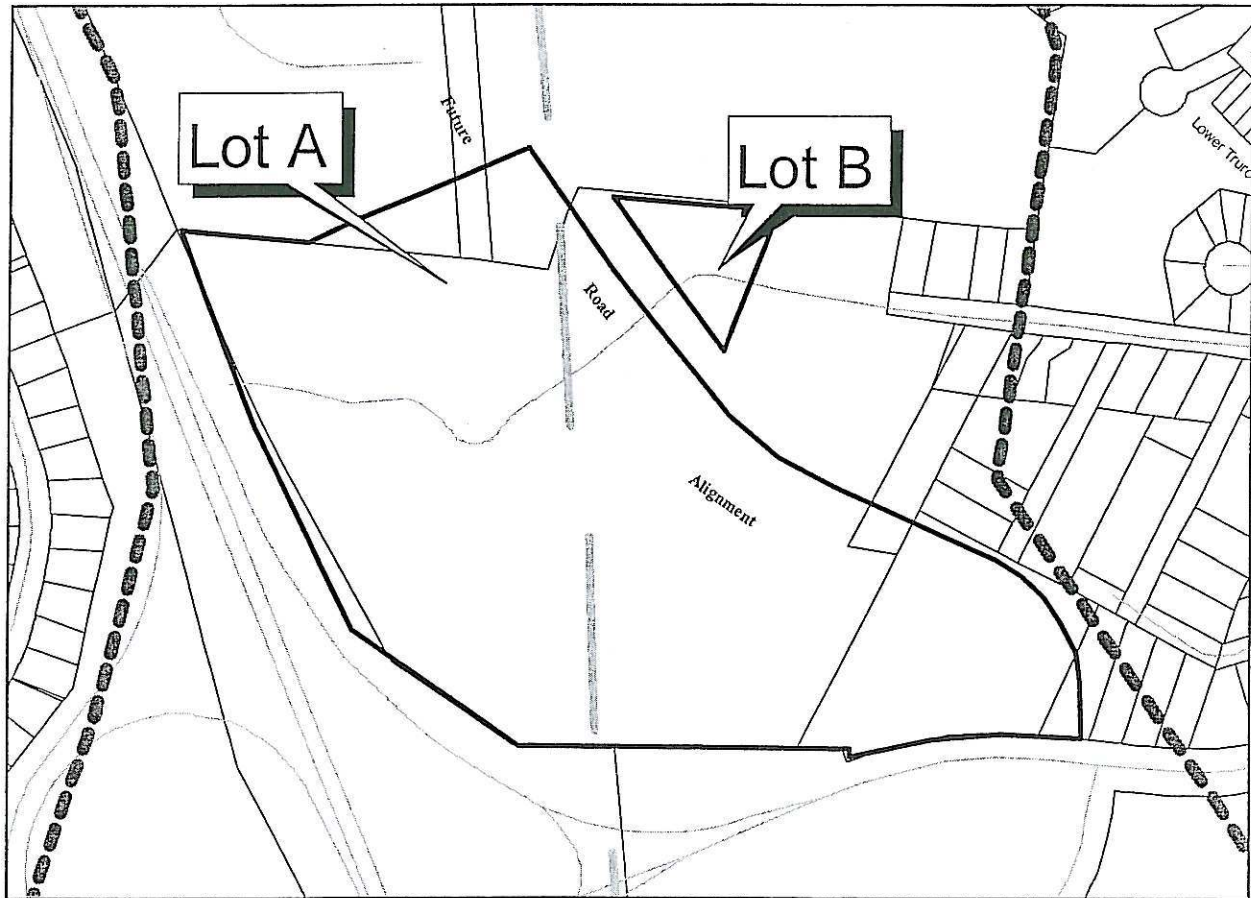
*Therefore it shall be a policy of Councils to:*

*Confirm that notwithstanding any other provision in this Strategy, all lands referenced on Schedule "B" (Attached) as presented to Councils on March 29, 2000 are intended to be, and shall be treated as being either within the inter-jurisdictional lands designated pursuant to the Policy 2 of this Strategy, or eligible for consideration for development by development agreement under Policy 11 of this Strategy.*

# Schedule "A"



## Schedule "B"





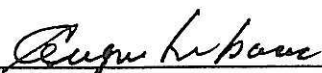
**Municipality of the County of Colchester**  
**Truro - Colchester Inter-municipal Planning Strategy**  
**on Inter-jurisdictional Properties and Land Use Bylaw Amendments**

**Adopted by Colchester Municipal Council on January 5, 2000**

This Inter-municipal Planning Strategy and Land Use Bylaw Amendment for the Municipality of the County of Colchester which was adopted at a meeting of Municipal Council held on January 5, 2000 is approved pursuant to Section 208(6)(b) of the *Municipal Government Act*, with the following amendment:

1. Policy 3 is amended by adding the following sentence to the end thereof:  
"This policy does not apply to any lands zoned E-1 Floodway Protection."

Dated at Halifax, Nova Scotia this        19        day of February        , 2000.

  
\_\_\_\_\_  
Hon. Angus MacIsaac  
Minister of Housing and Municipal Affairs