



WEST HANTS REGIONAL MUNICIPALITY
Regular Meeting of Council Agenda **AMENDED**
January 26, 2021 - 6:00 p.m.
In-Person at Sanford Council Chambers, 76 Morison Drive, Windsor, NS
Also held Via Zoom and Facebook Livestreamed

1. Call to Order
2. Attendance
3. Announcements
 - a) Introductions
 - a. S/Sgt David Ferguson, RCMP
 - b. Cpl Matt Tucker (also Acting Operations Sergeant), RCMP
4. Approval of the Agenda, including additions or deletions
 - a) Dashboard – Action Items
5. Declaration of Conflict of Interest
6. Approval of Previous Meeting Minutes
 - a) 2020-11-24 Council Meeting minutes
 - b) 2020-11-24 Public Hearing Minutes - 426 Ashdale Road (opening)
 - c) 2020-11-24 Public Hearing Minutes - 543 O'Brien Street (opening)
 - d) 2020-11-24 Public Hearing Minutes - 583 Highway 236 (opening)
 - e) 2020-11-24 Public Hearing Minutes - Cannabis in Hantsport (conclusion)
 - f) 2020-11-24 Public Hearing Minutes - Civic Addressing By-law (conclusion)
7. Presentations - None
8. Unfinished Business/Postponed Motions – None
9. Public Hearings
 - a) Repeal of Police Advisory Board By-law Public Hearing (conclusion)
 - b) Heritage Property By-law Public Hearing (conclusion)
 - c) 426 Ashdale Rd Dev. Agreement Public Hearing (conclusion)
 - d) 543 O'Brien Street Rezoning Public Hearing (conclusion)
 - e) 583 Highway 236 Dev. Agreement Public Hearing (conclusion)
10. Second Readings for the Public Hearing Matters in 9(a)
 - a) Repeal of Police Advisory Board By-law Second Reading - Recommendation Report
 - b) Heritage Property By-law Second Reading – Recommendation Report
 - c) 426 Ashdale Rd Dev. Agreement Second Reading - Recommendation Report
 - d) 543 O'Brien Street Rezoning Second Reading – Recommendation Report
 - e) 583 Highway 236 Dev. Agreement Second Reading – Recommendation Report
11. Mayor's Report

12. Committees of Council Recommendations
 - a) Committee of the Whole Excerpts – January 12, 2021
 - i. Parking Enforcement
 - ii. Hantsport Fire Station Design Build
 - iii. Family Resource Centre of West Hants
 - iv. Property Owners Association
 - v. Creation of RCMP Operating Reserve
 - vi. Region 6 2021/22 Budget
 - vii. Fire Services Temporary Borrowing Resolutions
 - viii. MCCAP 2021 Work Plan
 - ix. West Hants Ground Search & Rescue Funding
 - x. Planning Process Review
 - b) Planning Advisory Committee
 - i. 20 Main Street Rezoning First Reading – Recommendation Report
 - ii. Food Security and Sustainability in Hantsport – Recommendation Report
13. Councillor Municipal Activity Reports – Verbal Committee Updates
14. Correspondence
 - a) Hantsport & Area Historical Society (Jan. 15, 2021) – Thank you letter.
 - b) Attorney General Justice (Jan. 19, 2021) - 1-yr extension for WHRM Accessibility Plan to be established.
 - c) NSTIR Corres (Jan. 12, 2021) - Re. WHRM Letter of Nov 30, 2020 re Speed Zones on Hwy 14
 - d) NSTIR Corres (Jan. 13, 2021) - Re WHRM Letter of Aug 14, 2020 re Avon River Aboiteau & Causeway Upgrading
15. New Business
 - a) Windsor Area Solid Waste Contract - Recommendation Report
 - b) Police Advisory Board, Resident-member Appointment – Recommendation Report
 - c) **Future Meeting - Hybrid Model**
16. In-Camera
 - a) 2020-10-27 Council In-camera Minutes
 - b) Labour Relations/Contract Negotiations - MGA Section 22(2)(d & e)
17. Next Meeting Date / Adjournment

<u>Matter</u>	<u>Meeting</u>	<u>M/D</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status</u>	<u>Resp.</u>
Land Matter	COTW (IC)	D	2020-04-14			CAO
Internet Access Business Plan - CAO to initiate process for dev of a business plan to present to Council (may req. consultation with market/industry experts for the delivery of high-speed internet access for WHRM residents. (Cross-ref with 2020-09-08 COTW direction)	Council	M	2020-04-28			CAO
Sewer Billing Review - Staff explore what the sewer rates would be if sewer util. fees were put back on the taxes. (Tabled until after budget) (Also at 2020-04-14 COTW mtg)	COTW	M	2020-05-12	2021-02 COTW		CAO/Fin
Asset Mgmt (Strategic Sustainability) - Strategic Sustainability Plan is needed	COTW	D	2020-05-12	On-going until approx. Oct. 2022		PW
Avon River Causeway (Aboiteau/Hwy. 101 Twinning) - CAO to initiate process for financial evaluation which may include feasibility study on potential economic opportunities that exist with each of the causeway/aboiteau options being considered with Hwy. 101 twinning proj. (Table motion until after Community Liaison Committee (CLC) meets)	COTW	M	2020-05-12			CAO
Branding for Region - proceed with Branding project	Council	M	2020-05-26	2021-03		CAO
RCMP (Policing) - Staff explore other policing models to determine best cost per officer including all overhead costs. A review will be needed and if changing models, one-year notice would need to be given	COTW	D	2020-06-01	2021-02		CAO

<u>Matter</u>	<u>Meeting</u>	<u>M/D</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status</u>	<u>Resp.</u>
Blended Rates (restructuring of existing tax rate) - Staff and council to review over the next year.	COTW	D	2020-06-01	2021-02		CAO/Fin
PID 45245578 and portions of 45182797, 45245560, 45245552, 45184025, and 45182904 (Cogmagun Lands) - purchase as per Letter of Offer presented at 2020-06-09 COTW in-camera	Council	M	2020-06-23			CAO
Hantsport Fire Station Design - staff explore a space in Hantsport for a community space and warming centre	Council	M	2020-07-28			PW/Comm. Dev
Rural Internet - Send 'heatmap' survey to WHRM residents asking if they have internet	COTW	D	2020-09-08	2021-03		CAO
Internet Access Business Plan - Keep as standing COTW agenda item and monitor Develop NS projects to see if WHRM needs to establish its own strategy/plan (Also see 2020-04-28 Council motion)	COTW	D	2020-09-08	On-going		CAO
James Salter (Funding Req) - Resurrection of wooden statue. Staff to meet with Mr. Salter re proposed project cost(s) and meet with Hantsport Fire Dept. to discuss potential preservation options & report back.	Council	M	2020-09-22	2021-03		CAO
Restaurants/Mobile Canteens - Staff review existing by-laws/policies/fees (incl sidewalk cafes and mobile vending units). Report to include info on location permissions as well as comparable fees in our region for similar services along with any recommended changes.	Council	M	2020-09-22	2021-02		CAO/Planning

M - Motion
D - Direction/Discussion

**West Hants Regional Municipality
Dashboard (Action List) 2020/21**
Jan 19, 2021

Green - Complete
Yellow - In-progress
Red - Not started

<u>Matter</u>	<u>Meeting</u>	<u>M/D</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status</u>	<u>Resp.</u>
Racial Profiling Assertion - Staff write letter to local RCMP re recent assertion of racial profiling in our community (see motion)	Council	M	2020-09-22	2020-10		CAO
Pedestrian Signage and Barriers - Have consistent and align with Branding outcomes. Staff prepare report for 2021/22 Capital & Operating budgets. (These items should be incorporated into our growth centres). Staff report back.	Council	M	2020-09-22	2021-02 COTW		PW/Comm. Dev
Comms Plan/Process for Staff-Council	Council	D	2020-09-22	2021-02		CAO
Property Owners Assoc - Fees Review (if requested by POA)	Sp COTW	D	2020-09-23	2021-01 Council 2021-02 (also with Rad Consulting Engagement Sessions)		Fin
Diversity & Inclusion Committee (from Meeting & Committee Procedural Policy Amendments) - Advertise for Committee members and mobilize the committee	COTW	M	2020-10-13			CAO
Rezoning Application (20 Main St, Hantsport PIDs 45043312 & 45043304) - Work with Planning Dept for Rezoning	COTW	M	2020-10-13	2021-02	on-going	CAO/ Planning
Financial Status Updates - Staff to look at new structure to include more frequent reporting	COTW	D	2020-10-13	2021-01		CAO/Fin
Burning Permit - Staff reviewing existing Fire-related by-laws	COTW	D	2020-11-10	2021-02		CAO/Fire Chiefs
In-Camera - (b)MGA 22(2)(a) Acquisition, Sale, Lease and Security of Municipal Property – Land Sale - Proceed with next steps/presentation	COTW	D	2020-11-10	2021-01		CAO

M - Motion
D - Direction/Discussion

West Hants Regional Municipality
Dashboard (Action List) 2020/21
Jan 19, 2021

Green - Complete
Yellow - In-progress
Red - Not started

<u>Matter</u>	<u>Meeting</u>	<u>M/D</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status</u>	<u>Resp.</u>
W.B. Stephens Building Design Project Management - On-hold. Get appraisals of Morison & King St Complexes, review of staffing complement, and review parking availability at King.	Council	D	2020-11-24	2021-02		CAO
Hantsport Municipal Office Surplus - Put on the market for sale.	Council	M	2020-11-24	2021-01		CAO
West Hants Dial-a-Ride - Financial request to be added as a budget line item. (Staff to review WH Dial-a-Ride financials and report back at Feb. COTW)	COTW	D	2021-01-12	2021-02		Fin
Hantsport Fire Station Design Build - Staff release an RFP for Option 1	COTW	M	2021-01-12	2021-02		PW
CAO Report - Sports Complex sponsorship update	COTW	D	2021-01-12	2021-02 COTW		CAO / Comm Dev.
Property Owners Assoc - Enter new Agreement with the POA	COTW	M	2021-01-12	2021-02		CAO/Fin
Sewer Billing Review - Staff explore what the sewer rates would be if sewer util. fees were put back on the taxes.	COTW	M	2021-01-12	2021-02 COTW		Fin/CAO
West Hants Ground Search & Rescue - Staff prepare a report on how other provincial GSARs are funded and report back	COTW	M	2021-01-12	2021-02 COTW		CAO/Fin
Tax Dollars/Billing Breakdown - Send out the breakdown when bills are issued	COTW	M	2021-01-12	2021		Fin
Planning Process Review - Staff review existing processes to see if it can be streamlined (shortened)	COTW	M	2021-01-12	2021-02		CAO / Planning



Repeal of Police Advisory Board By-laws

Public Hearing
January 26, 2021

Authority for a Police Advisory Board By-law

- ▶ *Police Act*, Section 57-68 – All Municipalities receiving police service from the Royal Canadian Mounted Police (RCMP) will have a Police Advisory Board (PAB).
- ▶ *Police Regulations*, Section 82-84 - Details the selection process and qualifications of PAB members.



<https://www.oakbaynews.com/news/rcmp-youth-committee-looking-for-new-team-members/>

History

- ▶ The purpose of the PAB is to provide advice to Council about law enforcement, maintenance and prevention, it does not have jurisdiction over complaints discipline, personnel or internal management of the RCMP.
- ▶ A by-law for a PAB is only required if additional or specific roles and responsibilities or rules and regulations governing proceedings are prescribed for the PAB. Such a by-law is subject to approval by the Minister of Justice
- ▶ The former Municipality of the District of West Hants currently has a Police Advisory Board By-law by Council approved Sept. 13, 2016 and amended on Sept. 12, 2017 and approved by the Minister of Justice.



This Photo by Unknown Author is licensed under [CC BY-SA-NC](#)

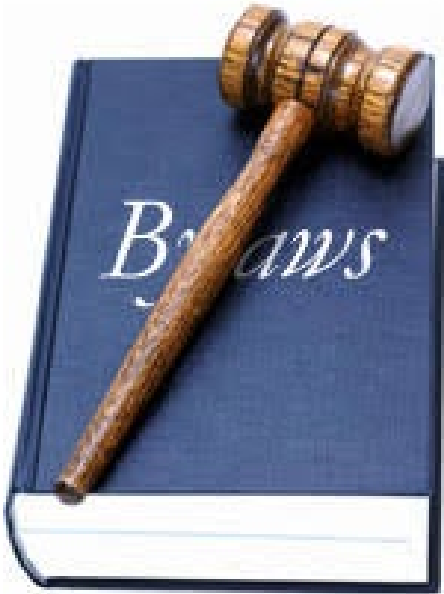
History Continued

- ▶ The former Town of Hantsport has a RCMP Advisory Board By-Law (2008-4) approved by Council on April 1, 2008; however, this by-law was not submitted to the Dept of Justice for approval.
- ▶ The current By-laws do not include additional or specific roles and responsibilities or rules and regulations governing proceedings.
- ▶ A repeal of the former Town of Hantsport RCMP Advisory Board By-Law has previously been attempted however was unsuccessful.
- ▶ The former Town of Windsor repealed their Police Services Advisory Committee By-law in 2006, the PAB of the former Town functioned solely under the *Police Act* and Police Regulations.

Proposed Repeal of Police Advisory Board By-laws, REPEAL-002

- ▶ Repeals the two current by-laws of the former Town of Hantsport and Municipality of the District of West Hants and all previous similar by-laws of the Town of Hantsport.
- ▶ Without a by-law the currently established PAB for the West Hants Regional Municipality would function as authorized in the Police Act and Police Regulations.

By-law Approval Process



- ▶ *Municipal Government Act*, Section 168
 - ▶ By-law must be read twice.
 - ▶ Notice of Councils intent to approve a by-law is published in the newspaper 14 days before the Second Reading, which states the date & time of when the by-law will be considered and where it may be inspected.
 - ▶ That Council may by policy determine other procedures to be followed.
- ▶ Meeting and Committee Procedural Policy, Section 15.5 a)
 - ▶ Requires all by-laws to have Public Hearing before Second Reading.
- ▶ Other notifications may be required dependent on the by-law.

Process Timeline

The Public Hearing was advertised in the Valley Journal Advertiser on January 5, 2021 as well as on the Regional website and Facebook.

Regional Council First Reading - November 21, 2020



Advertisements and Notifications – January 5, 2021



Public Hearing – January 26, 2021



Regional Council Second Reading



Ministerial Approval



Notice of Approval in Local Paper

Questions and Comments

- ▶ Residents and members of the public can submit all questions and comments related to this proposed by-law by January 25, 2021 to Rhonda Brown.
 - ▶ E-mail: rbrown@westhants.ca
 - ▶ Phone: 902-798-8391 ext 110
 - ▶ Drop Off At: 76 Morison Dr., Windsor
 - ▶ Mail: Rhonda Brown, c/o West Hants Regional Municipality
PO Box 3000, Windsor, NS B0N 2T0



Questions and Comments Received

- ▶ The following questions and comments were received:
(this section will be completed after January 25, 2021)

- 1) XX
- 2) XX
- 3) XX



Recommendation

Should Council wish to proceed with the Repeal of Police Advisory Board By-laws after the Public Hearing and consideration of any comments made by the public, the recommended motion would be:

- ▶ **...that Council give Second Reading and approves the Repeal of Police Advisory Board By-laws, REPEAL-002, substantively the same as that presented to Council on November 24, 2020.**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Committee of the Whole

Submitted by: Rhonda Brown
Rhonda Brown, Municipal Clerk

Date: November 10, 2020

Subject: Repeal of Police Advisory Board By-laws

LEGISLATIVE AUTHORITY

Police Act, Sections 57 - 68

Municipal Government Act, Section 168

Police Regulations, Section 82 - 84

RECOMMENDATION or DECISION REQUEST

... Committee of the Whole recommends that Council give First Reading and proceed to a Public Hearing for the Repeal of Police Advisory Board By-laws, REPEAL-002 as recommended in the report entitled Repeal of Police Advisory Board By-laws to the Committee of the Whole dated November 10, 2020.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
------------	---	--------------------------------------	---------------------------------	-----------------------------------	--

Section 57-68 of the *Police Act* prescribes that all municipalities receiving policing service from the Royal Canadian Mounted Police (RCMP) or a provincial police service shall have a Police Advisory Board (PAB). The purpose of the PAB is to provide advice to Council about law enforcement, maintenance and prevention, it does not have jurisdiction over complaints discipline, personnel or internal management of the RCMP. The *Police Act* and Police Regulations outlines the formation and duties of the PAB. Section 68(2) of the *Police Act* also allows a Municipality, by by-law, to set additional or

specific roles and responsibilities of the PAB; and rules governing the proceedings of the advisory board.

Both the former Municipality of the District of West Hants (MWH) and former Town of Hantsport (Hantsport) have a current PAB By-laws (or similar titled by-law). PAB By-laws and repeals of such, require approval from both the Department of Municipal Affairs and Housing and the Department of Justice.

MWH has twice attempted to repeal the Hantsport 2008-4 RCMP Advisory Board By-law which MWH had on file. The first attempt in 2016 was not approved as By-law 2008-4 had not been filed with the Province. The second attempt at the repeal was made in September 2019 by adding a generic clause to repeal all previous Hantsport RCMP Advisory Board By-law or similar By-laws, however approval of the repeal was still pending as of Consolidation on April 1, 2020 and the Province could not approve a by-law of a municipal unit which did not exist.

The former Town of Windsor repealed their Police Services Advisory Committee By-law in 2006. The former Town's PAB had been functioning successfully under the Police Act and Police Regulations since 2006.

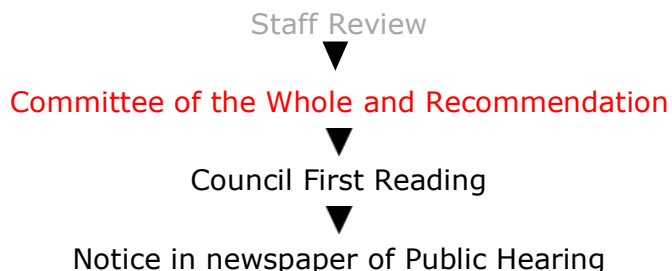
DISCUSSION

A PAB may be established base on the provisions in the Police Act and Police Regulations, a by-law is not required for establishment. Both the PAB By-laws of MWH and Hantsport provided no additional or specific roles for the PAB and other than items such as meeting times and position title names it did not specify rules governing procedure different than that of any other committee. As the current PAB By-laws only re-state what is already provided for in the Provincial documents, they are not required.

It is the intent to establish a new five-member PAB for the Regional Municipality based solely on the provisions in the Police Act and Police Regulations. Repealing the current PAB By-laws would eliminating any confusion there may be between the current PAB By-laws and actual practice of the new PAB. If Council wishes to have PAB By-law which adds additional roles or meeting rules for the PAB, then a new by-law would be recommended which repeals both the former PAB By-laws.

NEXT STEPS

Should the Repeal of Police Advisory Board By-laws be recommended to Council the following process would be followed:



▼
Council Public Hearing and Second Reading

▼
Notice to Municipal Affairs and Housing (they notify Justice for approval)

▼
Notice of Approval in newspaper

A call for resident members for the Police Advisory Board has been issued and will come before Council soon for appointments.

FINANCIAL IMPLICATIONS

There are no financial implications for the repeal of the Police Advisory Board By-laws of the former Municipality of West Hants and Town of Hantsport.

ALTERNATIVES

Committee of the Whole could not recommend that Council give first reading of REPEAL-002 proceed with a Public Hearing and Second Reading. This is not recommended and would mean both current By-laws would remain in effect.

ATTACHMENTS

1. Repeal of Police Advisory Board By-laws, REPEAL-002
2. Police Advisory Board By-law, P-001 Consolidated, of the former Municipality of the District of West Hants
3. RCMP Advisory Board By-law, 2008-4, of the former Town of Hantsport

CHIEF ADMINISTRATIVE OFFICER REVIEW

Not Applicable.

Report Prepared by: Rhonda Brown
Rhonda Brown, Municipal Clerk

Report Reviewed by: _____
Carlee Rochon, Director of Finance

Report Approved by: Mark Phillips
Mark Phillips, Chief Administrative Officer

WEST HANTS REGIONAL MUNICIPALITY
REPEAL OF POLICE ADVISORY BOARD BY-LAWS

1. AUTHORITY

Pursuant to Section 68 (2) of the Police Act, Council may adopt a By-law prescribing the additional or specific roles and responsibilities of Police Advisory board and the rules governing proceedings of the advisory board.

Repeal of a Municipal by-law is subject to the same requirements as the legislative authority that established the by-law. Section 168 of the *Municipal Government Act* outlines the adoption procedures of a by-law.

2. TITLE

This By-law is entitled the "Repeal of Police Advisory Board By-laws".

3. PURPOSE

- 3.1. By-law REPEAL-002 hereby repeals the Police Advisory Board By-law, P-001, dated September 13, 2016 as amended to September 12, 2017 of the former Municipality of the District of West Hants.
- 3.2. By-law REPEAL-002 hereby repeals the RCMP Advisory Board By-law, 2008-4, dated April 1, 2008 and all previous such Police Advisory Board By-laws of the former Town of Hantsport.

4. EFFECTIVE DATE

This By-law is effective upon publication of passage of the By-law.

I, Rhonda Brown, Municipal Clerk of the West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the ____ day of _____, ____.

R. N. Brown
Municipal Clerk

WEST HANTS REGIONAL MUNICIPALITY
REPEAL OF POLICE ADVISORY BOARD BY-LAWS

By-law Adoption	
First Reading:	
Notice Published:	
Second Reading & Approval	
Final Publication	
Notice to Municipal Affairs	
Description: Initial approval of Repeal of Police Advisory Board By-laws, REPEAL-002.	



MUNICIPALITY OF THE DISTRICT OF WEST HANTS
A By-law Respecting the West Hants Police Advisory Board (Consolidated)

1. Citation

- 1.1. This By-law may be cited as the Police Advisory Board By-law.

2. Legislative Authority

- 2.1. This By-law has been prepared in accordance with the provisions of Sections 57 to 68 of the Police Act, S.N.S. 2004, c31 and amendments thereto and may be cited as the Police Advisory Board By-law.
- 2.2. This By-law is subordinate to the *Police Act* and *Regulations* made under that Act, including any amendments to the *Act* or *Regulations* from time to time affecting Police Advisory Boards. The Advisory Board created by this By-law is bound by the *Police Act* and *Regulations* and, except only to the extent of any inconsistency with the *Act* and *Regulations*, by the provisions of this By-law.

3. Definitions

- 3.1. "Advisory Board" means the Police Advisory Board established by the Municipality of the District of West Hants.
- 3.2. "Chief Officer" means the commanding officer for the Windsor District Detachment of the Royal Canadian Mounted Police.
- 3.3. "Chief Administrative Officer" means the Chief Administrative Officer of the Municipality of the District of West Hants.
- 3.4. "Council " means the Municipal Council of the Municipality of the District of West Hants.
- 3.5. "Municipality " means the Municipality of the District of West Hants.
- 3.6. "Minister" means the Minister of Justice
- 3.7. "Police Act" means *An Act Respecting Policing in Nova Scotia*.
- 3.8. "Regulations" means the Police Regulations made under Section 97(1) of the Police Act.

4. Purpose and Function

- 4.1. The over all purpose of the Advisory Board is to provide advice to Council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the Municipality, but the Advisory Board does not exercise jurisdiction relating to the complaints, discipline, personnel conduct or the internal management of the Royal Canadian Mounted Police.
- 4.2. Subject to applicable police contract(s) or police agreement(s), and without limiting the generality of section 4.1, the function of the Advisory Board is to :
- a) Determine, in consultation with the Chief Officer or the Chief Officer's designate, priorities, objectives and goals respecting police services in the community;
 - b) Ensure the Chief Officer establishes programs and strategies to implement the priorities objectives and goals respecting police services;
 - c) Ensure that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies;
 - d) Ensure that police services are delivered in a manner consistent with community values, needs and expectations;
 - e) Act as a conduit between the community and the police department;
 - f) Recommended policies, administrative and organizational direction for the effective management of the police departments; and
 - g) Review with the chief officer or the chief officer's designate information provided by the chief officer respecting complaints and internal discipline.

5. General Membership

- 5.1. The Advisory Board shall be comprised of five (5) members as follows:
- a) Two members of Council appointed by resolution of Council,
 - b) Two citizen members appointed by resolution of Council, who are neither members of Council or employees of the Municipality, and
 - c) One member appointed by the Minister.
- 5.2. The Chief Officer and the Chief Administrative Officer, or their designates, must receive notice of the meetings of the Advisory Board and are entitled to attend such meetings, but not to vote.
- 5.3. A member of the Advisory Board may be dismissed by
- a) The Minister, if the Minister appointed the member; or
 - b) Resolution of Council, if the Council appointed the member.

- 5.4. The citizen members shall be persons who have residency within one of the municipal polling districts of the Municipality, or have considerable interest in serving on the advisory board.
- 5.5. An Advisory Board member appointed by Council who ceases to meet the residency requirements or has no interest in serving on the Advisory Board or is otherwise unable to carry out his or her duties as a member of the Advisory Board, ceases to be qualified to serve as a member of the Advisory Board; and Council shall, by resolution, fill such vacancy with an interim appointment.

6. Qualifications of Board Members

- 6.1. The selection process used by Council for appointing members to the Advisory Board shall be consistent with the *Police Act* and *Regulations*.
- 6.2. To be a candidate for appointment as an Advisory Board member, a person shall demonstrate all the qualifications and meet all requirements to the satisfaction of the Council as specified in the *Regulations*.
- 6.3. To be a candidate for appointment as a citizen member on the Advisory Board, a person may not be a member of Council, employee of the Municipality, nor be a current member of any police force.
- 6.4. Each member of the Advisory Board shall take an oath of office or affirmation as prescribed by the *Regulations* and adhere to the code of conduct prescribed in the *Regulations*.
- 6.5. All members of the Advisory Board shall make themselves available and participate in training that may be provided for members of the board or required by the Minister or by *Regulations*.
- 6.6. An Advisory Board member must not make public any matter of a confidential nature, including any matter inadvertently discussed in open session at a meeting or in private conversation.
- 6.7. Subject to paragraph 5.3 and 5.5, or any other direction of Council, the appointment of Advisory Board members shall be:
 - a) For Council members, two year; and
 - b) For citizen members, two years

7. Meetings

- 7.4. The Chair and Vice-Chair of the Advisory Board shall be chosen by the members of the Advisory Board, annually, at the first meeting in each year.
- 7.5. The Advisory Board shall hold meetings every three months which may be called by the Chair whenever the Chair deems it advisable, and the Chair or the Vice –Chair, in the Chair’s absence, illness or inability to act, shall call additional meetings of the Advisory Board whenever requested in writing to do so by a majority of the members of the Advisory Board.
- 7.6. The Vice-Chair shall have the same authority as the Chair when presiding at a meeting in the Chair’s absence.
- 7.7. Any other member of Council may attend the meetings of the Advisory Board, but may not vote and may only take part in any discussion or debate of the Advisory Board with the permission of the majority of the Advisory Committee members present. Other members of Council shall not attend in-camera sessions of the Advisory Board.
- 7.8. Meetings of the Advisory Board are open to the public, but all matters relating to discipline, personnel conduct, contract negotiations and security of police operations shall be conducted in private.

8. Voting

- 8.4. All members of the Advisory Board shall vote at the meeting, and any members not indicating their votes will be considered as voting in the negative.

9. Quorum

- 9.4. The quorum for the Advisory Board shall be a majority of the members.
- 9.5. Where no quorum is present within twenty minutes after the hour set for the Advisory Board meeting, the secretary shall take down the names of members present and the Chair shall adjourn the meeting.

10. Decorum and Parliamentary Procedure

- 10.4. The Chair shall preserve order and decorum at Advisory Board meetings and decide all questions of order, subject to an appeal to the Advisory Board upon motion which may be made at any time and shall be put to the meeting immediately and decided



BY-LAW

P-001

forthwith. Where the Chair is called upon to decide a point of order or practice, the Chair shall state the question without unnecessary comment and decide the issue citing the rule or authority applicable hereto.

10.5. Every member upon speaking to a question, motion, or matter, shall address himself/herself to the Chair.

10.6. A citizen member, who without leave of the Advisory Board, is absent from three consecutive meetings of the Advisory Board during their term of appointment, ceases to be qualified to serve as a citizen member of the Advisory Board.

10.7. All meetings of the Advisory Board shall be conducted pursuant to the rules of order for the Municipality and defaulted to the most current edition of Bourinot's Rules of Order.

11. Remuneration and Expenditures

11.4. Upon submission of a travel expense report, the two citizen members appointed to the Advisory Board by Council shall be reimbursed for meeting attendance and travel cost pursuant to the Municipality's prevailing policies and rates, and for other activities approved by the Advisory Board as may be required.

11.5. Members of Council appointed to the Advisory Board shall be compensated according to the Municipality's budget for general government services and other prevailing policies and rates.

12. Repeal

12.4. All previous Police Advisory Board By-laws are hereby repealed.

I, Rhonda Brown, Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the 13th day of **September, 2016**.

R.N. Brown
Municipal Clerk

By-Law Adoption	
First Reading:	August 9, 2016
Notice Published:	August 29, 2016
Second Reading & Approval	September 13, 2016
Final Publication	September 11, 2018
Notice to Municipal Affairs	September 19, 2016
Description: Approval of P-001 Police Advisory Board By-law and repeal of all previous Police Advisory Board By-laws.	
First Amendment	
First Reading:	July 11, 2017
Notice Published:	August 29, 2017
Second Reading & Approval	September 12, 2017
Final Publication	September 11, 2018
Notice to Municipal Affairs	September 14, 2017
Description: Amendments provided as outlined in P-002 First amendment to the Police Advisory Board By-law.	

TOWN OF HANTSPORT

BY-LAW 2008-4

**RESPECTING THE MEMBERSHIP AND RESPONSIBILITIES OF THE
RCMP ADVISORY BOARD**

The Council of the Town of Hantsport, in the Province of Nova Scotia, enacts as follows:

Short Title:

1. This By-Law shall be known as and may be cited as the " RCMP Advisory Board By-Law".

Interpretation:

2. In this By-Law:

2.1 "Board" means the Hantsport RCMP Advisory Board, a body to provide advice to Council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the Town of Hantsport

2.2 "Code of Conduct" means the Code of Conduct for the members of the Board adopted by Council

2.3 "Chief Officer" means the District Commander in the Windsor District RCMP

2.4 "NCO" means the Non-Commissioned Officer in charge of the Hantsport Community office.

2.5 "Minister" means the Minister of Justice

2.6 "RCMP" means the Royal Canadian Mounted Police.

3. Membership

3.1 The Board shall be composed of five members:

- (a) Two members of Council appointed by Council
- (b) Two members appointed by Council who are neither members of Council nor employees of the Town of Hantsport, and
- (c) One member appointed by the Minister
- (d) The CAO must receive notice of the meetings and is entitled to attend but does not have a vote.

3.2 A Chair and Vice-Chair shall be chosen by the members of the Board at the

first meeting in each year.

3.3 Each member of the Board shall take an oath of office, or affirmation, as prescribed by regulation and adhere to the Code of Conduct.

3.4 Where a member of the Board is unable to carry out the duties as a member of the Board by reason of illness, absence or any other reason, the person or the body that made the initial appointment may appoint some other person to act as or be a member of the Board in the place or stead of the absent member.

3.5 A Board member shall undergo any training that may be provided for members of the Board or required by the Minister or by regulation.

3.6 A member of the Board may be dismissed by:

- (a) The minister, if the Minister appointed the member; or
- (b) Resolution of Council, if Council appointed the member.

3.7 Members other than the ex officio members and Councilors, may serve for no more than three consecutive years, but may be reappointed after an absence of at least one year.

4. Member Selection

4.1 Council shall follow the following procedure in appointing a Board member:

- (a) Advertise the vacancy;
- (b) Solicit applications for the vacancy;
- (c) Establish a panel to review applications; and.
- (d) Submit each application to the panel for review.

4.2 A person must demonstrate all of the following qualifications, to the satisfaction of Council: to be a candidate for appointment as a member of the Board:

- (a) Residence in the Town of Hantsport
- (b) Knowledge of community issues;
- (c) A good character
- (d) The skills and abilities to make the commitment of time and effort required to carry out board responsibilities

4.3 A person must consent to criminal and background checks to be a candidate for appointment as a member of the Board

4.4 No person shall be appointed as a member of the Board if criminal and background checks show that the person has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of Council, would reasonably be expected to have a negative impact on their acting as a Board member or on the Board generally.

5. Meetings

5.1 Regular meetings of the Board shall be held at the Council Chambers on the second Thursday of each of the months of January, April, July and October of each year, commencing at 1800 hours or at such other time or place as the Board shall determine, provided that there shall be at least one such meeting every three months.

5.2 Board meetings shall be open to the public, except as to all matters relating to discipline, personnel conduct, contract negotiations and security of police operations which may be conducted in private.

5.3 The Non-Commissioned Officer in charge of the Hantsport Community Office or the Chief Officer shall attend all meetings of the Board.

5.4 A majority of the voting members of the Board shall constitute a quorum.

5.5 The Chief Administrative Officer of the Town or his or her designate shall be the non-voting secretary of the Board.

6. Responsibilities of Members:

The role of a member of the Board includes the following responsibilities subject to the police contract or policing agreement:

- (a) Determine in consultation with the Chief Officer, or the Chief Officer's designate, priorities, objectives, and goals respecting police services in the community;
- (b) Ensure the Chief Officer establishes programs and strategies to implement the priorities, objectives and goals respecting police services;
- (c) Ensure that community needs and values are reflected in policing priorities objectives, goals, programs and strategies;
- (d) Ensure that police services are delivered in a manner consistent with community values, needs and expectations;
- (e) Act as a conduit between the community and the police;
- (f) Recommend policies, administrative and organizational direction for the effective management of the police department; and
- (g) Review with the chief officer, or the chief officer's designate, information provided by the chief officer respecting complaints and internal discipline.
- (h) On behalf of the Board, the Board Chair may, in accordance with an agreement made pursuant to clause 36(1)(b) of the Police Act, give advice in writing to the Chief Officer, but not to other members of the police department and, for greater certainty, no other member of the board shall give advice or direction to a member of the police department.

- (i) To provide annually to Council and the NCO an evaluation of the policing services within the Town with reference to the Policing Goals and Objectives as stated.

7. Role of Board Chair

The role of a Chair of a Board includes the following responsibilities:

- (a) To preside over the Board and to manage, organize, set agendas for and attend meetings, ensuring that all policies developed by the Board are appropriately implemented;
- (b) To develop an operations and policy manual that will assist in the orientation of new appointees and direct acting Board members regarding their roles and responsibilities;
- (c) To ensure that Board members are informed of matters within the Board's jurisdiction;
- (d) To act as the sole spokesperson for the Board;
- (e) In conjunction with Board members and in consultation with the CAO of the Town of Hantsport, to evaluate the performance of the Chief Officer on a yearly basis.

8. Code of Conduct for Board members

8.1 Council may adopt and amend by policy a Code of conduct for the members of the Board.

8.2 The Chair or the majority of the Board may determine that a Board member has breached the Code of Conduct for Board members

8.3 The Board shall record any breach of the code of Conduct by a member of the Board in the Board's minutes.

8.4 On determining that a Board member has breached the Code of Conduct for Board members, the Board may take one or more of the following actions:

- (a) Issue a reprimand to the Board member;
- (b) Order a period of suspension for the Board member;
- (c) Recommend to the Minister or the council that the Board member be dismissed under subsection 57(7) of the Police Act.

9. Member Complaint

Any public or internal complaint respecting a member of the RCMP assigned to the Hantsport Community Office including the Non-Commissioned Officer in charge shall be dealt with only as prescribed by the RCMP.

10. Expenditures and Credit

10.1 Neither the Board nor any member of the Board has any power to authorize any expenditure to be charged to the Town or to pledge the credit of the Town for any member.

10.2 Each member of the Board is entitled to reimbursement of expenses actually incurred when attending Board business or for attending meetings.

11. Repeal

All former Policing By-Laws and amendments of the Town of Hantsport are hereby repealed.

I, Jeffrey A. Lawrence, Chief Administrative Officer for the Town of Hantsport, do hereby certify that the foregoing is a true copy of a by-law duly passed at a duly called meeting of the Town Council of the Town of Hantsport and held on the day of

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Town this day of

JEFFREY A. LAWRENCE Chief Administrative Officer



Heritage Property By-law
Council January 26, 20201 – Public Hearing and Second Reading
Madelyn LeMay

PRESENT HERITAGE PROPERTY BY-LAWS

- West Hants: September 18, 2018 Minister of Municipal Affairs approval
- Windsor: April 13, 1994 Ministerial approval
January 2020 Council approval; not approved by Minister due to timing

Intent of Process: one by-law for WHRM



HERITAGE PROPERTY BY-LAW

- establishes Heritage Advisory Committee
- establishes a Registry of Municipal Heritage Properties & specifies management



HERITAGE ADVISORY COMMITTEE

- may advise Council respecting:
 - inclusion of buildings, public-building interiors, streetscapes, cultural landscapes or areas in the Registry;
 - application for permission to substantially alter or demolish a Municipal Heritage Property;
 - preparation, amendment, revision or repeal of a Conservation Plan & By-law;
 - administration of Heritage Conservation Districts
 - application for a certificate related to a Conservation Plan and Conservation By-law
- any other matters conducive to the effective carrying out of the intent and purpose of this By-law and the Act

REGISTRATION

Federal: importance to the nation as a whole

"The Blockhouse is a Classified Federal Heritage Building because of its historical associations, and its architectural and environmental value..."



Provincial: importance to the Province

The Clockmaker's Inn is valued for its association with Rufus Curry, a significant Nova Scotian industrialist in the late nineteenth and early twentieth centuries...



Municipal: importance primarily to local area

All Saints Anglican Church is valued for its role as a church and focal point in the community of Leminster as well as a representation of Gothic Revival architecture



PROCESS FOR REGISTRATION



DEREGISTRATION

- Municipality may deregister a Municipal Heritage Property at request of owner or on its own
- process:
 - 30 days notice
 - public hearing
 - Note: no Public Hearing required for registration, only opportunity for the owner to be heard by Council
- Reasons for deregistration:
 - property destroyed or damaged by any cause
 - property has lost heritage value (identified in the notice of recommendation) except when caused by neglect, abandonment or other action/inaction of owner



HERITAGE PROPERTY ACT 2010 CHANGES

- purpose of Act broadened: identification, designation, preservation, conservation, protection and rehabilitation of "*buildings, public-building interiors, structures, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value*"
- added definition of "*substantial alteration*" which clarifies intent & application: "*any action that affects or alters the character-defining elements of a property*"



ALTERATION OR DEMOLITION

- substantial alteration requires Council approval: *"any action that affects or alters the character-defining elements of a property"* (includes demolition)
- application in writing required
- staff report to HAC
- within 30 days>HAC recommends to Council
- Council: decision within 3 years
- decision: grant heritage permit with or without conditions or refuse



REFUSAL

HPA:

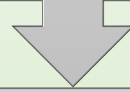
“Where the municipality does not approve the application, the property owner may, notwithstanding Section 17, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application”

- prior to 2010, the time frame was at any time after 1 year from the date of the application but not more than 2 years from the date of application

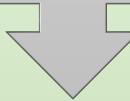


RESULT OF “REFUSAL”

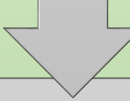
Sept 2020 Application: Heritage House to add front porch



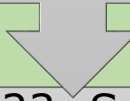
Report and Recommendation to HAC



HAC recommendation to Council



January 2020 Council refuses permission



September 2023- September 2024

(former: Sept 2021-Sept 2022)

Heritage House may add front porch

REGISTRY INFORMATION

For each Registered property:

- Notice of Recommendation
- Notice of Registration

filed in the Registry of Deeds/LRO

- information now inaccurate for any Notice of Registration filed before December 2010
- to ensure owners have correct information, Notice of Registration for each property will be replaced with a Notice bearing the correct time frames once there is a Heritage property By-law for the Region

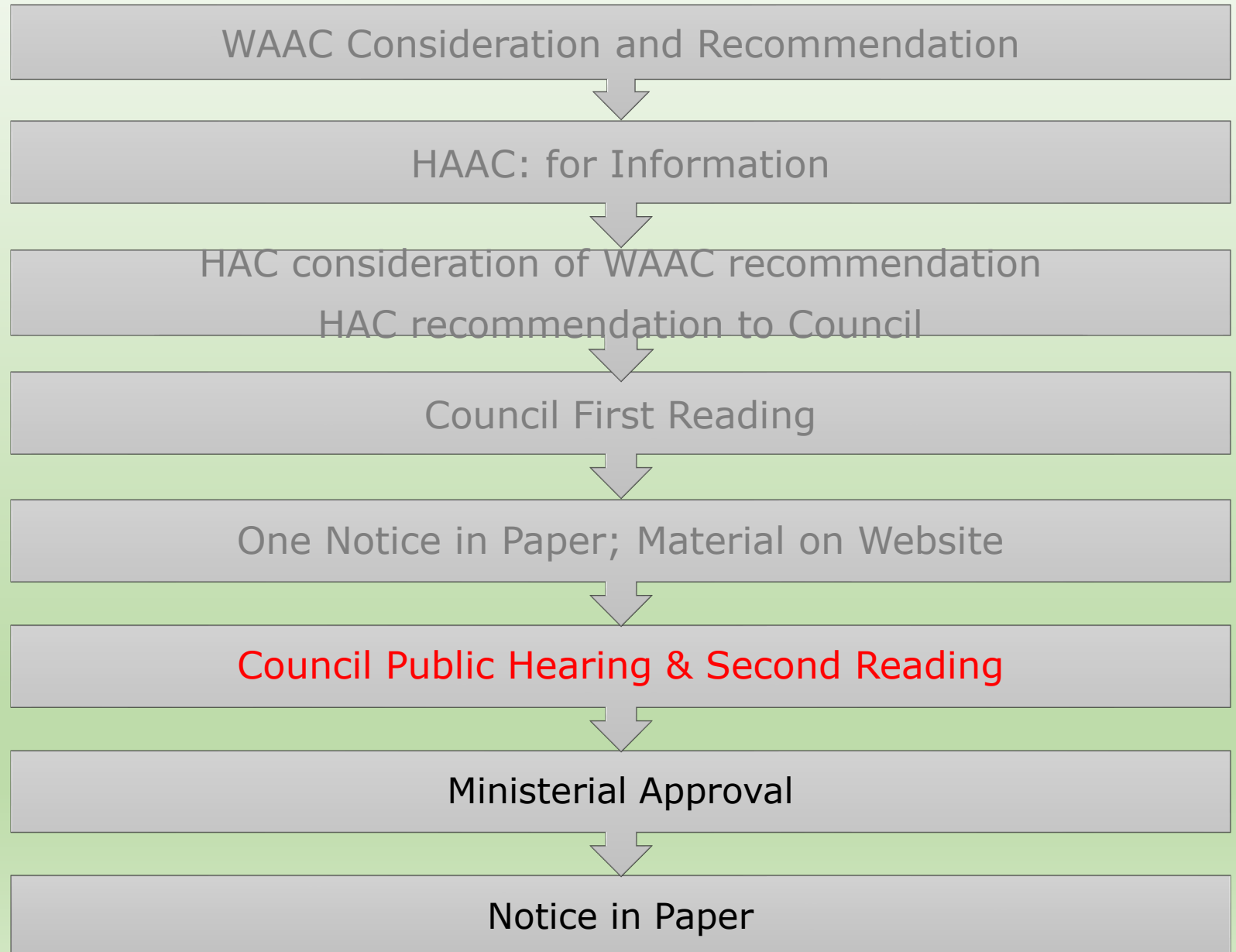
REGIONAL HERITAGE PROPERTY BY-LAW

- one By-law for the Region reasonable
- ensure that regulations and opportunities regarding heritage are the same across the Region



BY-LAW ADOPTION PROCESS

All statutory
requirements
will have been
met at the
time of Public
Hearing



POSSIBLE MOTION FOLLOWING PUBLIC HEARING

.. that Council replace the existing Heritage Property By-laws for the former Town of Windsor and Municipality of West Hants with the Heritage Property By-law (RH-001) contained in Appendix C of the November 5, 2020 report to the Windsor Area Advisory Committee.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information	Recommendation	Decision Request X	Councillor Activity
-------------	----------------	--------------------	---------------------

To: Mayor and Members of WHRM Council

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: January 26, 2021

Subject: Heritage Property By-law; File #20-10D

POSSIBLE MOTION

Should Council wish to approve the proposed Heritage Property By-law for the Region following the public hearing, the following motion would be in order:

that Council rescind any existing Heritage Property By-laws for the former Town of Windsor and Municipality of West Hants and replace them with the Heritage Property By-law (RH-001) contained in Appendix C of the November 5, 2020 report to the Windsor Area Advisory Committee.

BACKGROUND

Staff recommended a *Heritage Property By-law* for the Region to the Windsor Area Advisory Committee (WAAC) on November 5, 2020.

The Windsor Area Advisory Committee recommended in favour of the proposed *Heritage Property By-law* on November 5, 2020.

The Planning and Heritage Advisory Committee recommended that Council hold a public hearing regarding the proposed *Heritage Property By-law* on November 12, 2020.

Council declared its intention of holding a public hearing on November 24, 2020.

ATTACHMENTS

Attachment A Heritage Property By-law Report, November 5, 2020, File #20-10

Report Prepared by: _____
Madelyn LeMay, Director, Planning and Development

Report Approved by:  _____
Mark Phillips, CAO



**WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT**

To: Members of Hantsport Area Advisory Committee (HAAC)
(information only)
Members of Windsor Area Advisory Committee (WAAC)

Submitted by:
Madelyn LeMay, Director, Planning and Development

Date: HAAC November 3, 2020
WAAC November 5, 2020

Subject: Heritage Property By-law
File #20-10

1.0 LEGISLATIVE AUTHORITY

Nova Scotia Heritage Property Act

2.0 RECOMMENDATIONS

If WAAC wishes to forward positive recommendations the following motions would be in order:

..that WAAC recommends that PAC/HAC recommend that Council hold a public hearing to consider replacing the existing Heritage Property By-laws for the former Town of Windsor and Municipality of West Hants with the Heritage Property By-law (RH-001) contained in Appendix C of the November 5, 2020 report to the Windsor Area Advisory Committee.

...that WAAC recommends that PAC/HAC recommend that Council approval the replacement of the present Notice of Registration in the Land Registry Office with a Notice bearing the corrected time frames for each of the five (5) Windsor Municipally Registered Heritage Properties.

3.0 BACKGROUND

The former Town of Windsor and the former Municipality of West Hants each have a Heritage Property By-law in place which applies to the respective geographic

area. In order to ensure that regulations regarding heritage are the same across the Region, it would be reasonable to have one Heritage Property By-law for the Region.

There are other heritage related issues which need to be addressed for the Region; these will be addressed in individual reports.

4.0 DISCUSSION

4.1 West Hants

On September 18, 2018, the Minister of Municipal Affairs approved a revised Heritage Property By-law for West Hants which had been approved by Council on July 10, 2018. The revised By-law had followed the usual West Hants process of review and recommendation by the Planning/Heritage Advisory Committee. The changes from the 1992 By-law were primarily changes to reflect the 2010 amendments to the Heritage Property Act which need to appear in the By-law.

The changes made to the Act that are reflected in the revised West Hants By-law (Appendix B) included:

- broadening the By-law to include the identification, designation, preservation, conservation, protection and rehabilitation of *"buildings, public-building interiors, structures, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value"* rather than just *"buildings, streetscape and areas"* to incorporate all elements enabled by the Provincial legislation.

Since interiors can be the reason for registration of public buildings, the word "exterior" was removed throughout the By-law

- adding the definition of *"substantial alteration"* as *"any action that affects or alters the character-defining elements of a property"* to provide direction to Council on what constitutes a substantial alteration.
- The 2010 amendments to the Heritage Property Act allow municipality to take up to three (3) years to consider an application to substantially alter a municipal heritage property. If following consideration Council refuses the request to alter, the property owner may make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application. Prior to 2010, the time frame was at any time after one year from the date of the application but not more than two years from the date of application. For some owners this a significant change.

4.2 West Hants Notices

One additional change was made in 2018 to the West Hants Heritage Property By-law which was not required by the Heritage Property Act. The time frame for

altering a property following Council's refusal of a permit is stated in both Form A and B of the Heritage Property By-law. Since there is no requirement that the Forms be part of the By-law, they can be attached as templates to be used without forming part of the official By-law. This would make changes to the Forms easier to accomplish in the future.

There are six (6) West Hants Municipally Registered Heritage properties. These each had inaccurate information attached to them in the Land Registry office. To ensure that owners and potential purchasers had the correct information, the Notice of Registration for each property was replaced with a Notice bearing the correct time frames.

4.3 Windsor By-law

On January 28, 2020, Windsor Town Council approved a revised Heritage Property By-law which was intended to be identical in content (although somewhat different in form) to the 2018 West Hants Heritage Property By-law. The Council-approved By-law had followed the usual process of review and recommendation by the Heritage Advisory Committee. The By-law was submitted to Municipal Affairs by the Windsor Clerk, but was not approved by the Minister prior to the April 1 consolidation of Windsor and West Hants. It could not be approved following consolidation as the Town no longer exists. As a result, the April 13, 1994 Heritage Property By-law is still in place for the community of Windsor.

The Council-approved changes to the By-law included all of those listed above for West Hants; there were no substantive additional changes.

4.4 Windsor Notices

There are five (5) Windsor Municipally Registered Heritage properties. These each have inaccurate information attached to them in the Land Registry Office. To ensure that owners and potential purchasers have the correct information, it is recommended that the Notice of Registration for each property be replaced with a Notice bearing the correct time frames.

4.5 Heritage Advisory Committee

Municipal Affairs has advised that the Committee of the Whole cannot be named as the Heritage Advisory Committee. As a result, the Planning Advisory Committee is now the only existing committee that can also be named as the Heritage Advisory Committee. An entirely separate committee which contains both Council and resident members may be established if Council prefers.

5.0 NEXT STEPS

The following process is being used for adoption of the proposed by-law:

Staff Review

e
Hantsport Area Advisory Committee for Information
e
Windsor Area Advisory Committee Review and Recommendation
e
Planning Advisory Committee Review and Recommendation
e
Regional Council First Reading
e
Public Hearing
(notice in local paper once)
e
Regional Council Public Hearing and Second Reading
e
Notice of Approval in Local Paper
e
Notice of Approval to Municipal Affairs and Housing

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with replacing the existing By-laws with the proposed new By-law.

The cost of replacement of the Notice of Registration for each property in the Land Registry files will be approximately \$1,375.00 for the five (5) Windsor Municipally registered properties. This money is included within the budget.

7.0 ALTERNATIVES

WAAC may recommend that PAC/HAC:

- not recommend in favour of the Heritage Property By-law included as Attachment C;
- not recommend in favour of replacing the Notices in the Land Registry Office;
- provide alternate direction such as requesting further information on a specific topic.

8.0 ATTACHMENTS

Attachment A	Windsor Heritage Property By-law
Attachment B	West Hants Heritage Property By-law
Attachment C	Proposed Heritage Property By-law, RH-001

Report Prepared by: _____
Madelyn LeMay, Director, Planning and Development

Report Reviewed by: _____
Rhonda Brown, Municipal Clerk

ATTACHMENT A



TOWN OF WINDSOR BYLAW # 25 HERITAGE PROPERTY BYLAW

Town of Windsor, NS

Walter B. Stephens Building, PO Box 158, 100 King Street,
Windsor, NS B0N 2T0

HERITAGE PROPERTY BYLAW

Approved April 13, 1994

Hon. Sandy Jolly, Minister of Municipal Affairs
Province of Nova Scotia

APPENDIX A
TOWN OF WINDSOR
HERITAGE PROPERTY BYLAW,

Approved 15 February 2001

- 25.01** This Bylaw shall be known and may be cited as the *Heritage Property Bylaw*.
- 25.02** In this Bylaw:
- (a) "Act" means the Heritage Property Act;
 - (b) "Applicant" means the person, persons or organization, requesting registration of a property for municipal heritage status under this Bylaw;
 - (c) "Area" includes such visibly physical features as cemeteries, historical gardens, statues and monuments, where they are of architectural, historical or cultural value;
 - (d) "Council" means the Town Council of the Town of Windsor;
 - (e) "Clerk" means the Clerk of the Town of Windsor;
 - (f) "Committee" means the Heritage Advisory Committee, established pursuant to this Bylaw;
 - (g) "Town" means the Town of Windsor;
 - (h) "Municipal Heritage Property" means a building, streetscape or area registered in a Municipal Registry of Heritage Property;
 - (i) "Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Registry of Deeds, and includes a person assessed with respect to the occupancy of the land;
 - (j) "Registry" means the Municipal Registry of Heritage Property, within the meaning of the Act;
- 25.03** There shall be established for the Town of Windsor, a Municipal Registry of Heritage Property, where all prescribed documents relating to the registration of heritage property under this Bylaw shall be filed.
- 25.04** The maintenance of the Registry shall be the responsibility of the Town Clerk.
- 25.05** The Heritage Advisory Committee shall be appointed by Council, in accordance with the following criteria:

- (a) all members of the Windsor Planning Advisory Committee shall be members, and two other members shall be selected from residents of the Town who are not Council members and have a demonstrated interest in heritage properties;
- (b) following the coming into force of this Bylaw, Council shall appoint the members of the Committee as follows;
 - (i) the members of the Planning Advisory Committee shall serve for the same period as they are members of the Planning Advisory Committee.
 - (ii) on the initial appointment of the two additional members, one shall serve a term of approximately two years, such term to expire in the November following one full year of appointment, and one shall serve a term of approximately three years, such term to expire in the November following two full years of appointment; thereafter each member shall serve for two years;

and Council shall on or before the last day of November of each and every succeeding year make appointments in accordance with this paragraph to fill vacancies created by the termination of any term of office.

- (c) Council may at any time upon determining that a vacancy or vacancies exist on the Committee appoint one or more individuals to fill said vacancies. Such individual or individuals shall serve the remainder of the term of the individual or individuals to be replaced;
- (d) a member of the Committee may be reappointed upon the expiry of the member's term of office;
- (e) all members of the Committee including those that are members of Council shall be appointed with no remuneration by the Town for attendance at Committee meetings, except for the position of secretary;
- (f) all members appointed shall remain members only during such time as they continue to be residents of Windsor.

25.06 The Heritage Advisory Committee shall operate under the following rules of procedure:

- (a) the committee shall appoint a chair and vice-chair from amongst its members at the first meeting of the committee;
- (b) a secretary shall be appointed to the committee who shall be responsible for the recording and keeping of minutes of committee meetings;
- (c) if a committee member is absent for three successive meetings, that member shall cease to be a member;

- (d) the committee shall meet monthly, when required, to discuss applications for registration of properties, applications to substantially alter or demolish a Municipal Heritage Property, or discuss the criteria for evaluation of a heritage property, or other matters necessary for the effective carrying out of the intent of the Bylaw; such meetings generally to be held on the same evening as the Planning Advisory Committee meeting; special meetings may be held as and when determined by the committee chair or on request of the majority of committee members;
- (e) quorum shall be five committee members;
- (f) a member of the Town's Planning Staff shall serve as advisor to the committee.

25.07 The Committee may advise the Town Council respecting:

- (a) the inclusion of buildings, streetscapes and areas in the Registry of Heritage Property;
- (b) an application for permission to substantially alter or demolish a Municipal Heritage Property;
- (c) building or other regulations that affect the attainment of the intent and purposes of this Bylaw;
- (d) any other matters conducive to the effective carrying out of the intent and purpose of this Bylaw.

25.08 The Committee may recommend to the Town that a building, streetscape or area be registered as a Municipal Heritage Property in the Registry.

25.09 (a) The Town shall cause notice of the recommendation of the Committee, in the format of Form "A" appended hereto, to be served upon each registered owner, of the building, streetscape or area that is the subject of the recommendation at least thirty (30) days prior to registration of the building, streetscape or area in the Municipal Registry of Heritage Properties.

(b) The notice shall contain:

- (i) a statement that the building, streetscape or area described in the notice has been recommended for registration in the Municipal Registry of Heritage Property;
- (ii) a brief statement of the reasons for the recommendation;
- (iii) a summary of the consequences of registration;
- (iv) a statement that no person shall substantially alter the exterior appearance of or demolish the building, streetscape or area for one hundred and twenty (120) days after the notice is served unless the Town sooner refuses to register the property; and

(v) notification of the right of the owner to be heard and of the date, time and place of the hearing.

(c) No person shall substantially alter the exterior appearance of or demolish a building, streetscape or area for one hundred and twenty (120) days after notice respecting the building, streetscape or area has been served pursuant to Subsection (a) except in those cases where, prior to the expiration of one hundred and twenty (120) days, the Town refuses to register the property.

(d) A copy of the notice served pursuant to Subsection (a) shall be deposited at the Registry of Deeds at Windsor, Nova Scotia.

25.10

(a) The Town may register, in the format of the notice in Form "B" appended hereto, the building, streetscape or area as a Municipal Heritage Property in the Municipal Registry of Heritage Property at anytime not less than thirty (30) days nor more than one hundred and twenty (120) days after service of the notice pursuant to Section 25.09 hereof and on the advice of the Heritage Advisory Committee.

(b) No registration pursuant to Subsection (a) shall take place until the Council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three (3) weeks after service of the notice pursuant to Subsection (a).

(c) Notice of the registration shall be sent to each registered owner of the building, streetscape or area and a copy thereof shall be deposited at the Registry of Deeds at Windsor, Nova Scotia.

25.11

(a) On the application of an owner of a Municipal Heritage Property or on its own motion, the Town may deregister a Municipal Heritage Property where:

(a) the property has been destroyed or damaged by any cause;
or

(b) the continued registration of the property appears to the Council to be inappropriate;

after holding a public hearing to consider the proposed deregistration.

(b) Such public hearing shall be held not less than thirty (30) days after notice of the hearing is served on the registered owner of the Municipal Heritage Property and published in a newspaper circulating in the area.

(c) Where a Municipal Heritage Property is deregistered, Council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited at the Registry of Deeds at Windsor, Nova Scotia.

- 25.12** Council shall require fees associated with:
- (a) the costs required by the Registry of Deeds for registration of documents prescribed in this Bylaw; and
 - (b) the costs of a public hearing for the registering and de-registering of municipal heritage property;
- be payable by the applicant.
- 25.13**
- (a) A Municipal Heritage Property shall not be substantially altered in exterior appearance or demolished without the approval of the Town.
 - (b) An application for permission to substantially alter the exterior appearance of or demolish Municipal Heritage Property shall be made in writing to the Town.
 - (c) Upon receipt of the application, the Town shall refer the application to the Heritage Advisory Committee for its recommendations.
 - (d) Within thirty (30) days after the application has been referred by the Town, the Heritage Advisory Committee shall submit a written report and recommendation to the Town, respecting the Municipal Heritage Property.
 - (e) The Town may grant the application either with or without conditions or may refuse it.
 - (f) The Town shall advise the applicant of its determination.
- 25.14** Notwithstanding Section 25.13, where the owner of Municipal Heritage Property has made an application for permission to alter the exterior appearance of or demolish the property and the application is not approved, the owner may make the alteration or carry out demolition at any time after one (1) year from the date of the application, provided that the alteration or demolition shall not be undertaken more than two (2) years after the date of the application.
- 25.15** The Town may cause a sign, plaque or other marker to be placed on a Municipal Heritage Property indicating the significance of that property, with the cost of the sign, plaque or other marker to be borne by the Town.
- 25.16**
- (a) Service of any notice required to be made by this Bylaw shall be sufficient if served upon the person by registered mail at the person's last known address.
 - (b) Where a person upon whom service should be made cannot be identified or the address is not known, service shall be sufficient if notice is affixed in a conspicuous place on the building, streetscape or area and a copy is delivered to any occupant of the property.

FORM "A"

TOWN OF WINDSOR

**NOTICE OF RECOMMENDATION
TO REGISTER AS A
MUNICIPAL HERITAGE PROPERTY**

1. Under the Heritage Property Bylaw, the Town of Windsor hereby gives notice that the property of (*insert name of owner*) located at (*insert brief description and address*) has been recommended for registration in the Municipal Registry of Heritage Property for the Town of Windsor.
2. The property has been recommended for registration for the following reasons:
(*describe reasons for recommendation*)
3. The Heritage Property Act provides that no person shall substantially alter the exterior appearance of or demolish a building, streetscape or area for 120 days from the date of service of this notice upon you, unless the Town Council sooner refuses to register the property.
4. Take notice that you have the right to be heard concerning the recommended registration, and this hearing shall take place at the Council Chambers, 100 King Street, Windsor, Nova Scotia on (*insert date*) at the hour of (*insert time*). You may make submissions orally or in writing and a written submission by you may be presented at any time prior to the hearing.
5. The Heritage Property Bylaw provides that if a property is registered as a Municipal Heritage Property:
 - a. the property shall not be substantially altered in exterior appearance or be demolished without the approval of the Town;
 - b. an application for permission to substantially alter the exterior appearance or to demolish a property may be made to the Town;
 - c. the Heritage Advisory Committee shall be given an opportunity to comment on any application;
 - d. the Town may grant or refuse permission or attach conditions;
 - e. if the application is not approved, the alteration or demolition may take place at least one (1) year but not more than two years after the date of the application;
 - f. penalties for violation of the Bylaws are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations;
 - g. the Town has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the Bylaw, or for an Order directing the restoration of the property or for any other

Order to enforce the provisions of this Bylaw and as to costs and the recovery of expenses;

- h. a copy of this notice has been recorded at the Registry of Deeds at Windsor, Nova Scotia.

FORM "B"

TOWN OF WINDSOR

**NOTICE OF REGISTRATION
OF
MUNICIPAL HERITAGE PROPERTY**

1. Under Section 25.10 of the Heritage Property Bylaw, the Town of Windsor hereby gives notice that the property of (*insert name of owner*), located at (*insert brief description and address*), has been registered in the Municipal Registry of Heritage Property for the Town of Windsor.
2. The Heritage Bylaw provides that where a property is registered as Municipal Heritage Property:
 - (a) the property shall not be substantially altered in exterior appearance or be demolished without the approval of the Town;
 - (b) an application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Town;
 - (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;
 - (d) the Town may grant or refuse permission or attach conditions;
 - (e) if the application is not approved, the alteration or demolition may take place at least one (1) year but not more than two (2) years after the date of the application;
 - (f) penalties for violation of the Bylaw are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations;
 - (g) the Town has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the Bylaw, or for an Order directing the restoration of the property or for any other Order to enforce the provisions of this Bylaw and as to costs and the recovery of expenses.
3. A copy of this notice has been registered at the Registry of Deeds at Windsor, Nova Scotia.

THIS IS TO CERTIFY that I, Larry A. Armstrong, Town Administrator of the Town of Windsor, in the County of Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the resolution to amend the Town of Windsor Heritage Property By-law passed by a majority of the whole Council of the Town of Windsor at a meeting duly called and held on the 18th day of **December, 2000**.

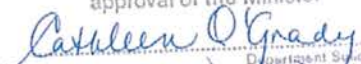
GIVEN under the hand of the Town Administrator and under the corporate seal of the Town of Windsor this 20th day of **December, 2000**.



LAWRENCE A. ARMSTRONG
TOWN ADMINISTRATOR

Service Nova Scotia
and Municipal Relations

Recommended for
approval of the Minister



Deputy Minister

APPROVED this 15 day

of February 15, 2000



Minister of Service Nova Scotia and Municipal Relations



WEST HANTS
NOVA SCOTIA

BY-LAW

H-001

MUNICIPALITY OF THE DISTRICT OF WEST HANTS

Heritage Property By-law

1.0 Title and Definitions

- 1.1 This By-law is made pursuant to the Heritage Property Act, R.S.N.S. 1989, Chapter 199 as amended from time to time, hereinafter referred to as the "Act", and shall be known and may be cited as the "Heritage Property By-law".
- 1.2 This By-law shall be administered in accordance with the Heritage Property Act, R.S.N.S. 1989.
- 1.3 In this By-law:
 - (a) "Act" means the Heritage Property Act;
 - (b) "Area" includes such physical features as cemeteries, historical gardens, statues and monuments;
 - (c) "Council" means the Municipal Council of the Municipality of the District of West Hants;
 - (d) "Committee" means the Heritage Advisory Committee, established pursuant to this By-law;
 - (e) "Municipality" means the Municipality of the District of West Hants;
 - (f) "Municipal Heritage Property" means a building, public-building interior, streetscape, cultural landscape or area registered in the West Hants Municipal Registry of Heritage Property;
 - (g) "Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Land Registry Office, and includes a person assessed with respect to the occupancy of the land;
 - (h) "Registry" means the Municipal Registry of Heritage Property of the Municipality;
 - (i) "Substantial Alteration" means any action that affects or alters the character-defining elements of a property.

2.0 Registry

- 2.1 The Municipality shall establish and maintain a Municipal Registry of Heritage Property where all prescribed documents relating to the registration of Municipal Heritage Property pursuant to the Act or this By-law shall be filed.
- 2.2 The Registry shall contain information with respect to recommendations, registrations and deregistrations, recording particulars of documents required to be lodged at the Land Registry Offices, and true copies of all notices required by the Act;
- 2.3 The Registry shall be accessible to the public at no charge during regular business hours of the Municipality.

3.0 Heritage Advisory Committee

- 3.1 Council shall appoint either of the following as the Heritage Advisory Committee:
 - (a) the Committee of the Whole; or
 - (b) the Planning Advisory Committee.
- 3.2 The Heritage Advisory Committee shall be governed, where not inconsistent with the Act or this By-law, by the general rules of procedure applicable to Committees contained in the Council Procedural Policy.
- 3.3 The Committee may advise Council respecting:
 - (a) The inclusion of buildings, public-building interiors, streetscapes, cultural landscapes or areas in the in the Registry;
 - (b) an application for permission to substantially alter or demolish a Municipal Heritage Property;
 - (c) the preparation, amendment, revision or repeal of a Conservation Plan and Conservation By-law;
 - (d) the administration of Heritage Conservation Districts pursuant to the provisions of the Act;
 - (e) an application for a certificate that is required by this Act or the referral



of a Conservation Plan and Conservation By-law to Council for a public hearing; and

- (f) any other matters conducive to the effective carrying out of the intent and purpose of this By-law and the Act.

4.0 Notice of Recommendation

- 4.1 The Municipality shall cause the Notice of Recommendation to be served upon each registered owner of the building, public-building interior, streetscape, cultural landscape or area that is the subject of the recommendation at least thirty (30) days prior to registration of the building, streetscape or area in the Municipal Registry of Heritage Properties.

One copy of the Notice of Recommendation shall be deposited in the Land Registry Office and one copy of the registration shall be filed in the Municipal Registry of Heritage Property.

- 4.2 The notice shall contain:
 - (a) a statement that the building, public-building interior, streetscape, cultural landscape or area described in the notice has been recommended for registration in the Registry;
 - (b) a brief statement of the reasons for the recommendation;
 - (c) a summary of the consequences of registration;
 - (d) a statement that no person shall demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area for one hundred and twenty (120) days after the notice is served unless the Municipality sooner refuses to register the property;
 - (e) the location of the building and the extent of the recommendation; and
 - (f) notification of the right of the owner to be heard and of the date, time and place where they may be heard.

5.0 Registration and Notification

- 5.1 Council may register a building, public-building interior, streetscape, cultural landscape or area as a Municipal Heritage Property in accordance with the

provisions of the Act and notice of the registration shall include all of the information set out in Section 4.2 above.

5.2 Notice of such registration shall be:

- (a) served upon each registered owner;
- (b) deposited with the Land Registry Office; and
- (c) filed in the Municipal Registry of Heritage Property.

5.3 The Municipality may register the building, public-building interior, streetscape, cultural landscape or area in the Registry at any time not less than thirty (30) days nor more than one hundred and twenty (120) days after the service of the notice required by Section 5.2 above.

5.4 No registration pursuant to Section 5.1 shall take place until Council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three (3) weeks after the service of the notice required by Section 5.2.

6.0 Deregistration

6.1 The owner of a Municipal Heritage Property may apply to, or the Municipality on its own motion, may deregister a Municipal Heritage Property after holding a public hearing to consider the proposed deregistration where:

- (a) the property has been destroyed or damaged by any cause; or
- (b) the continued registration of the property appears to the Council to be inappropriate as a result of the loss of the property's heritage value as identified in the notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner.

6.2 Such public hearing shall be held not less than thirty (30) days after notice of the hearing is served on the registered owner of the Municipal Heritage Property and published in a newspaper circulating in the area.

6.3 Where a Municipal Heritage Property is deregistered, the Council shall cause notice of the deregistration to be sent to the registered owner of the property



and a copy thereof to be deposited at the Land Registry Office.

7.0 Alteration or Demolition

- 7.1 A Municipal Heritage Property shall not be substantially altered in appearance or demolished without the approval of the Municipality.
- 7.2 An application for permission to demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area which is entered in the Municipal Heritage Registry shall be made in writing to the Municipality.
- 7.3 The application shall be reviewed by staff and a report prepared for the Heritage Advisory Committee for recommendation to Council.
- 7.4 Within thirty (30) days after receiving a report, the Heritage Advisory Committee shall submit a written report and recommendation to Council respecting the application.
- 7.5 The Municipality may take up to three (3) years to consider an application and may require public notice of the application and information meetings respecting the application.
- 7.6 Council may grant the heritage permit either with or without conditions or may refuse the permit, and the Municipality shall advise the applicant of its determination.
- 7.7 Where the owner of a building, public-building interior, streetscape, cultural landscape or area which is entered in the Registry has made application for permission to substantially alter the appearance of or demolish the property and the permission is not received, the owner may make the alteration or carry out the demolition at any time after three (3) years from the date of the application, provided that the alteration or demolition shall not be undertaken more than four (4) years after the date of the refusal.

8.0 Acquisition

- 8.1 The Municipality may acquire a building, public-building interior, streetscape, cultural landscape or area which is entered in the Municipal Heritage Registry or any right therein.

9.0 General

**BY-LAW****H-001**

- 9.1 The Municipality may cause a sign, plaque or other marker to be placed on a Municipal Heritage Property indicating the significance of that property.
- 9.2 Service of any notice required to be made by this By-law shall be sufficient if served upon the person by registered mail at his last known address.
- 9.3 Where a person upon whom service should be made cannot be identified or their address is not known, service shall be sufficient if the notice is affixed in a conspicuous place on the building, public-building interior, streetscape, cultural landscape or area and a copy is delivered to any occupant of the property.

10.0 Repeal

- 10.1 The Heritage Property By-law dated November 10, 1992 as amended is hereby repealed.

I, Rhonda Brown, Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the **10th** day of **July, 2018**.

R. N. Brown
Municipal Clerk

By-Law Adoption	
First Reading:	May 8, 2018
Notice Published:	June 26, 2018 and July 3, 2018
Second Reading & Approval	July 10, 2018
Final Publication	October 2, 2018
Notice to Municipal Affairs	July 11, 2018
Ministerial Approval	September 18, 2018
Description: Initial approval of the Heritage Property By-law H-001, which states the Repeal of Heritage Property By-law date November 10, 1992 as amended.	

Original By-law signed by Rhonda Brown, Municipal Clerk



WEST HANTS
NOVA SCOTIA

BY-LAW

H-001

**NOTE: A and B forms (following) are not part of the
By-law but will be used as templates.**



BY-LAW

H-001

FORM "A"

**MUNICIPALITY OF THE DISTRICT OF WEST HANTS
NOTICE OF RECOMMENDATION
TO REGISTER AS A MUNICIPAL HERITAGE PROPERTY**

1. Under the Heritage Property By-law, the Municipality of the District of West Hants hereby gives notice that the property of (insert name of owner) located at (insert brief description and address) has been recommended for registration in the Municipal Registry of Heritage Property for the Municipality of the District of West Hants.
2. The property has been recommended for registration for the following reasons:
(describe reasons for recommendation)
3. The Heritage Property By-law provides that no person shall substantially alter the appearance of or demolish a building, public-building interior, streetscape, cultural landscape or area for 120 days from the date of service of this notice upon you, unless the Municipal Council sooner refuses to register the property.
4. Take notice that you have the right to be heard concerning the recommended registration, and you shall be heard at the Sanford Council Chambers, Municipal Building, 76 Morison Drive, Windsor, Nova Scotia on (Insert date) at the hour of (insert time). You may make submissions orally or in writing and a written submission by you may be presented at any time prior to the hearing.
5. The Heritage Property By-law provides that if a property is registered as a Municipal Heritage Property:
 - (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;
 - (b) an application for permission to substantially alter the appearance or to demolish a property may be made to the Municipality;
 - (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;
 - (d) the Municipality may grant or refuse permission or attach conditions;
 - (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;
 - (f) penalties for violation of the By-law are a maximum fine of \$10,000.00 and in default of payment thereof to imprisonment for a term not exceeding six months for individuals and \$250,000.00 for corporations;



WEST HANTS
NOVA SCOTIA

BY-LAW

H-001

- (g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law, or for an Order directing the restoration of the property or for any other Order to enforce the provisions of the By-law and as to costs and the recovery of expenses;
- (h) a copy of this notice has been recorded at the Land Registry Office.



WEST HANTS
NOVA SCOTIA

BY-LAW

H-001

FORM "B"

**MUNICIPALITY OF THE DISTRICT OF WEST HANTS
NOTICE OF REGISTRATION OF MUNICIPAL HERITAGE PROPERTY**

1. Under Section 5 of the Heritage Property By-law, the Municipality of the District of West Hants hereby gives notice that the property of (insert name of owner), located at (insert brief description and address), has been registered in the Municipal Registry of Heritage Property for the Municipality of the District of West Hants.
2. The Heritage Property By-law provides that where a property is registered as Municipal Heritage Property:
 - (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;
 - (b) an application for permission to substantially alter the appearance or to demolish the property may be made to the Municipality;
 - (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;
 - (d) the Municipality may grant or refuse permission or attach conditions;
 - (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;
 - (f) penalties for violation of the By-law are a maximum fine of \$10,000.00 and in default of payment thereof to imprisonment for a term not exceeding six months for individuals and \$250,000.00 for corporations;
 - (g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law or for an Order directing the restoration of the property or for any other Order to enforce the provisions of this By-law and as to costs and the recovery of expenses.
3. A copy of this notice has been registered at the Land Registry Office.

ATTACHMENT C
West Hants Regional Municipality
Draft Heritage Property By-law

1.0 Title and Definitions

- 1.1 This By-law is made pursuant to the Heritage Property Act, R.S.N.S. 1989, Chapter 199 as amended from time to time, hereinafter referred to as the "Act", and shall be known and may be cited as the "Heritage Property By-law".
- 1.2 This By-law shall be administered in accordance with the Heritage Property Act, R.S.N.S. 1989.
- 1.3 In this By-law:
 - (a) "Act" means the Heritage Property Act;
 - (b) "Area" includes such physical features as cemeteries, historical gardens, statues and monuments;
 - (c) "Council" means the Municipal Council of West Hants Regional Municipality;
 - (d) "Committee" means the Heritage Advisory Committee established pursuant to this By-law;
 - (e) "Municipality" means West Hants Regional Municipality;
 - (f) "Municipal Heritage Property" means a building, public-building interior, streetscape, cultural landscape or area registered in the West Hants Regional Municipality Registry of Heritage Property;
 - (g) "Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Land Registry Office, and includes a person assessed with respect to the occupancy of the land;
 - (h) "Registry" means the Municipal Registry of Heritage Property of the Municipality;
 - (i) "Substantial Alteration" means any action that affects or alters the

BY-LAW

character-defining elements of a property.

2.0 Registry

- 2.1 The Municipality shall establish and maintain a Municipal Registry of Heritage Property where all prescribed documents relating to the registration of Municipal Heritage Property pursuant to the Act or this By-law shall be filed.
- 2.2 The Registry shall contain information with respect to recommendations, registrations and deregistrations, recording particulars of documents required to be lodged at the Land Registry Offices, and true copies of all notices required by the Act;
- 2.3 The Registry shall be accessible to the public at no charge during regular business hours of the Municipality.

3.0 Heritage Advisory Committee

- 3.1 Council shall appoint the Planning Advisory Committee as the Heritage Advisory Committee.
- 3.2 The Heritage Advisory Committee shall be governed, where not inconsistent with the Act or this By-law, by the general rules of procedure applicable to Committees contained in the Council Procedural Policy.
- 3.3 The Committee may advise Council respecting:
 - (a) The inclusion of buildings, public-building interiors, streetscapes, cultural landscapes or areas in the Registry;
 - (b) an application for permission to substantially alter or demolish a Municipal Heritage Property;
 - (c) the preparation, amendment, revision or repeal of a Conservation Plan and Conservation By-law;
 - (d) the administration of Heritage Conservation Districts pursuant to the provisions of the Act;
 - (e) an application for a certificate that is required by this Act or the

BY-LAW

referral of a Conservation Plan and Conservation By-law to Council for a public hearing; and

- (f) any other matters conducive to the effective carrying out of the intent and purpose of this By-law and the Act.

4.0 Notice of Recommendation

- 4.1 The Municipality shall cause the Notice of Recommendation to be served upon each registered owner of the building, public-building interior, streetscape, cultural landscape or area that is the subject of the recommendation at least thirty (30) days prior to registration of the building, streetscape or area in the Municipal Registry of Heritage Properties.

One copy of the Notice of Recommendation shall be deposited in the Land Registry Office and one copy of the registration shall be filed in the Municipal Registry of Heritage Property.

- 4.2 The notice shall contain:

- (a) a statement that the building, public-building interior, streetscape, cultural landscape or area described in the notice has been recommended for registration in the Registry;
- (b) a brief statement of the reasons for the recommendation;
- (c) a summary of the consequences of registration;
- (d) a statement that no person shall demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area, for one hundred and twenty (120) days after the notice is served unless the Municipality sooner refuses to register the property;
- (e) the location of the property and the extent of the recommendation; and
- (f) notification of the right of the owner to be heard and of the date, time and place where they may be heard.

5.0 Registration and Notification

BY-LAW

- 5.1 Council may register a building, public-building interior, streetscape, cultural landscape or area as a Municipal Heritage Property in accordance with the provisions of the Act and notice of the registration shall include all of the information set out in Section 4.2 above.
- 5.2 Notice of such registration shall be:
- (a) served upon each registered owner;
 - (b) deposited with the Land Registry Office; and
 - (c) filed in the Municipal Registry of Heritage Property.
- 5.3 The Municipality may register the building, public-building interior, streetscape, cultural landscape or area in the Registry at any time not less than thirty (30) days nor more than one hundred and twenty (120) days after the service of the notice required by Section 5.2 above.
- 5.4 No registration pursuant to Section 5.1 shall take place until Council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three (3) weeks after the service of the notice required by Section 5.2.

6.0 Deregistration

- 6.1 The owner of a Municipal Heritage Property may apply to, or the Municipality on its own motion may, deregister a Municipal Heritage Property after holding a public hearing to consider the proposed deregistration where:
- (a) the property has been destroyed or damaged by any cause; or
 - (b) the continued registration of the property appears to the Council to be inappropriate as a result of the loss of the property's heritage value as identified in the notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner.
- 6.2 Such public hearing shall be held not less than thirty (30) days after notice of the hearing is served on the registered owner of the Municipal Heritage Property and published in a newspaper circulating in the area.

BY-LAW

- 6.3 Where a Municipal Heritage Property is deregistered, the Council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited at the Land Registry Office.

7.0 Alteration or Demolition

- 7.1 A Municipal Heritage Property shall not be substantially altered in appearance or demolished without the approval of the Municipality.
- 7.2 An application for permission to demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area, which is entered in the Municipal Heritage Registry shall be made in writing to the Municipality.
- 7.3 The application shall be reviewed by staff and a report prepared for the Heritage Advisory Committee for recommendation to Council.
- 7.4 Within thirty (30) days after receiving a report, the Heritage Advisory Committee shall submit a written report and recommendation to Council respecting the application.
- 7.5 The Municipality may take up to three (3) years to consider an application and may require public notice of the application and information meetings respecting the application.
- 7.6 Council may grant the heritage permit either with or without conditions or may refuse the permit, and the Municipality shall advise the applicant of its determination.
- 7.7 Where the owner of a building, public-building interior, streetscape, cultural landscape or area which is entered in the Registry has made application for permission to substantially alter the appearance of or demolish the property and the permission is not received, the owner may make the alteration or carry out the demolition at any time after three (3) years from the date of the application, provided that the alteration or demolition shall not be undertaken more than four (4) years after the date of the application.

8.0 Acquisition

- 8.1 The Municipality may acquire a building, public-building interior, streetscape, cultural landscape or area which is entered in the Municipal

BY-LAW

Heritage Registry or any right therein.

9.0 General

- 9.1 The Municipality may cause a sign, plaque or other marker to be placed on a Municipal Heritage Property indicating the significance of that property.
- 9.2 Service of any notice required to be made by this By-law shall be sufficient if served upon the person by registered mail at their last known address.
- 9.3 Where a person upon whom service should be made cannot be identified or their address is not known, service shall be sufficient if the notice is affixed in a conspicuous place on the building, public-building interior, streetscape, cultural landscape or area and a copy is delivered to any occupant of the property.

10.0 Repeal

- 10.1 The Heritage Property By-law dated September 18, 2018, of the former Municipality of the District of West Hants, the Heritage Property By-law dated April 13, 1994, of the former Town of Windsor as amended and any other earlier Windsor By-laws related to Heritage Property are hereby repealed.

I, Rhonda Brown, Municipal Clerk of West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Region of Windsor and West Hants Municipality at a meeting duly called and held on the ____ day of _____, **2021**.

R. N. Brown
Municipal Clerk

By-Law Adoption	
First Reading:	
Notice Published:	
Second Reading & Approval	

BY-LAW

Final Publication	
Notice to Municipal Affairs	
Description: Initial approval of the Heritage Property By-law which states the Repeal of Windsor Heritage Property By-laws dated April 13, 1994, as amended and West Hants Heritage Property By-law dated September 18, 2018.	

NOTE: A and B forms (following) are not part of the
By-law but will be used as templates.

FORM "A"
REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
NOTICE OF RECOMMENDATION
TO REGISTER AS A MUNICIPAL HERITAGE PROPERTY

1. Under the Heritage Property By-law, the Region of Windsor and West Hants Municipality hereby gives notice that the property of (insert name of owner) located at (insert brief description and address) has been recommended for registration in the Municipal Registry of Heritage Property for the Region of Windsor and West Hants.
2. The property has been recommended for registration for the following reasons: (describe reasons for recommendation)
3. The Heritage Property By-law provides that no person shall substantially alter the appearance of or demolish a building, public-building interior, streetscape, cultural landscape or area for 120 days from the date of service of this notice upon you, unless the Municipal Council sooner refuses to register the property.
4. Take notice that you have the right to be heard concerning the recommended registration, and you shall be heard at the Sanford Council Chambers, Municipal Building, 76 Morison Drive, Windsor, Nova Scotia on (insert date) at the hour of (insert time). You may make submissions orally or in writing and a written submission by you may be presented at any time prior to the hearing.
5. The Heritage Property By-law provides that if a property is registered as a Municipal Heritage Property:
 - (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;
 - (b) an application for permission to substantially alter the appearance or to demolish a property may be made to the Municipality;
 - (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;
 - (d) the Municipality may grant or refuse permission or attach conditions;
 - (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;
 - (f) penalties for violation of the By-law are a maximum fine of \$10,000.00 and in default of payment thereof to imprisonment for a

BY-LAW

term not exceeding six months for individuals and \$250,000.00 for corporations;

- (g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law, or for an Order directing the restoration of the property or for any other Order to enforce the provisions of the By-law and as to costs and the recovery of expenses;
- (h) a copy of this notice has been recorded at the Land Registry Office.

FORM "B"
REGION OF WINDSOR AND WEST HANTS
NOTICE OF REGISTRATION OF MUNICIPAL HERITAGE PROPERTY

1. Under Section 5 of the Heritage Property By-law, the Region of Windsor and West Hants hereby gives notice that the property of (insert name of owner), located at (insert brief description and address), has been registered in the Municipal Registry of Heritage Property for the Region of Windsor and West Hants.
2. The Heritage Property By-law provides that where a property is registered as Municipal Heritage Property:
 - (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;
 - (b) an application for permission to substantially alter the appearance or to demolish the property may be made to the Municipality;
 - (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application to substantially alter the property;
 - (d) the Municipality may grant or refuse permission or attach conditions;
 - (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;
 - (f) penalties for violation of the By-law are a maximum fine of \$10,000.00 and in default of payment thereof to imprisonment for a term not exceeding six months for individuals and \$250,000.00 for corporations;
 - (g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law or for an Order directing the restoration of the property or for any other Order to enforce the provisions of this By-law and as to costs and the recovery of expenses.
3. A copy of this notice has been registered at the Land Registry Office.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☒	Recommendation ☐	Decision Request ☐	Councillor Activity ☐
---	---	---	--

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Saira Shah, Planner

Date: 2020-11-24

Subject: File # 20-20C 426 Ashdale Rd

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230.

POSSIBLE MOTION

Should Council wish to approve the development agreement to permit an automotive repair shop at 426 Ashdale Rd. following completion of the Public Hearing, the following motion would be in order:

that Council gives Second Reading to and approves entering into a development agreement to allow an automotive repair shop at 426 Ashdale Rd., Ashdale which is substantively the same as the draft set out in Appendix C of the report to the Planning Advisory Committee dated October 8, 2020.

BACKGROUND

An application was received on June 26, 2020 from Adrian and Nicole Parker to permit an automotive repair shop at 426 Ashdale Rd., Ashdale, West Hants. The West Hants Land Use By-law does not permit an automotive repair shop on their property as it is zoned Agricultural Priority Two (AR-2).

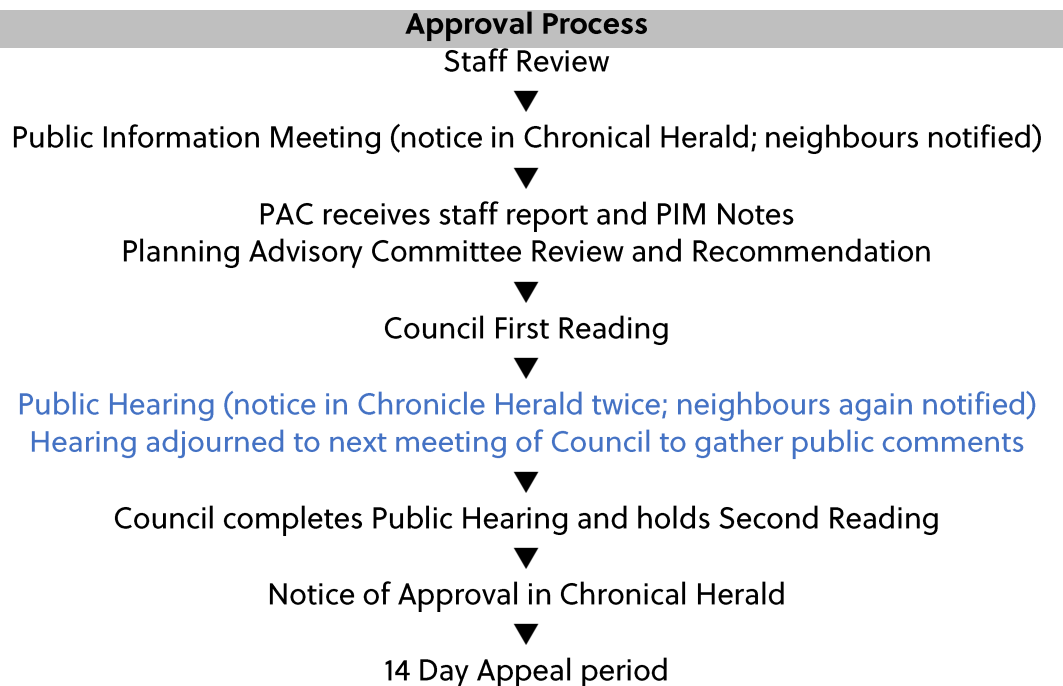
Policy 8.9.4 of the West Hants Municipal Planning Strategy enables Council to consider permitting an automotive repair shop at 426 Ashdale Rd. by development agreement.

A Public Information Meeting (PIM) was held virtually on September 21, 2020 and broadcast live on the Municipal Facebook page to receive public feedback on the application (Attachment A).

On October 8, 2020 staff presented a recommendation report to the Planning Advisory Committee (Attachment B).

PAC/HAC recommended in favour of the development agreement to permit an automotive repair shop at 426 Ashdale Rd. on October 8, 2020.

NEXT STEPS



ATTACHMENTS

Attachment A 2020-10-07 File#20-20A Public Information Meeting Notes
September 21, 2020

Attachment B 2020-10-08 File #20-20 426 Ashdale Rd Recommendation Report

Report Prepared by: _____
Saira Shah, Planner

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

Attachment A
2020-10-07 File#20-20A Public Information
Meeting Notes September 21, 2020

Public Information Meeting Notes
September 21, 2020
426 Ashdale Rd.

Meeting date and time	A public information meeting was held on September 23, 2020 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: Councillor McLean Director LeMay Planner Shah Planner Poirier As this meeting was held virtually there were no members of the public present.
Applicant name and address Site Location (Civic and PID)	Planner Shah outlined the request from Adrian and Nicole Parker to permit an automotive repair shop at 426 Ashdale Rd., Ashdale.
File Number	20-20
Comments	No written or verbal comments were received from the public.
Adjournment	The presentation portion of the PIM ended at 6:23 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Planner Shah until October 6, 2020.

**Attachment B
2020-10-08 File #20-20 426 Ashdale
Rd Recommendation Report**



**WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT**

To: Members of Planning Advisory Committee

Submitted by: _____
Saira Shah, Planner

Date: 2020-10-08

Subject: 426 Ashdale Rd Automotive Repair Shop Development Agreement

File: 20-20

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230.

RECOMMENDATION

In order to allow the requested development, staff recommends that the Planning Advisory Committee (PAC) forward a positive recommendation by passing the following motion:

that PAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a automotive repair shop at 426 Ashdale Rd., Ashdale which is substantively the same as the draft set out in Appendix C of the report to the Planning Advisory Committee dated October 8, 2020.

BACKGROUND

An application was received on June 26, 2020 from Adrian and Nicole Parker to permit an automotive repair shop at 426 Ashdale Rd., Ashdale, West Hants. All necessary material for the application was submitted July 16th.

The property is approximately 5.5 acres and the automotive repair shop will be confined to within the existing garage. There will be up to five (5) parking spaces permitted on the site for the automotive repair shop.

DISCUSSION

The property is designated Agriculture on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1) and zoned Agricultural Priority Two (AR-2) on the Zoning Map of the West Hants Land Use By-law (WHLUB) (Figure 2). The property is bound on all sides by properties zoned Agricultural Priority Two (AR-2).

An automotive repair shop is not permitted in the Agricultural Priority Two (AR-2) zone.

Section 6.1 of the WHLUB, *Development Agreements*, states that “*The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:*

(s) Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the Agricultural Priority Two (AR-2) zone and the Agricultural Priority Three (AR-3) zone outside the Growth Centre, Village and Hamlet designations in accordance with Policies 8.9.4 and 8.10.5 respectively of the Municipal Planning Strategy;

Although there is no specific definition for a Resource Industrial (M-1) use, the best basis for determining what is considered a Resource Industrial (M-1) use is the list of permitted uses in that zone in the WHLUB. An automotive repair shop is a listed permitted use in the Resource Industrial (M-1) zone.

Part 8 of the WHMPS contains the overall intention for areas designated Agriculture in West Hants; Section 8.9 indicates the intention of Council for non-agricultural development in areas zoned Agricultural Priority Two (AR-2).

Development Agreements

A development agreement is a legal contract between the Municipality and a property owner that describes the type of development permitted on a property. Development agreements provide an opportunity for Council to exercise a greater degree of control over aspects of a development proposal and allow Council to consider uses that would otherwise not be permitted in the underlying zone. A development agreement is binding upon a property until the agreement is discharged by Council.

The draft development agreement can be found in Appendix C.

Applicant Requests

In the WHLUB an automotive repair shop is defined as: a commercial establishment for the repair or replacement of parts in automotive, farm or forestry vehicles, machinery or equipment. The applicant has specifically stated they have no plans to include farm or forestry vehicles in their business. A definition for minor automotive

repair shop based on what the applicant has requested is included in the development agreement.

For the hours of operation, the applicant has stated they intend to operate the business on a part-time basis to start and hope to turn it into a full-time operation. To ensure the applicant has flexibility, the development agreement permits the automotive repair shop to operate between the hours of 8 a.m. and 9 p.m. daily.

Staff discussed parking needs with the applicant and determined that five (5) parking spots for the automotive repair shop would be sufficient. In terms of signage, the number of signs permitted in the WHLUB is adequate for the applicant.

WHMPS Specific Criteria

Policy 8.9.4 of the WHMPS establishes Council's intention to consider new non-resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the Agricultural Priority Two (AR-2) zone. The above policy establishes the criteria to be considered by Council, which are examined in detail in Appendix A.

Policy 8.9.4 (a) requires an agrologist report to determine that the development site has little or no agricultural capability in accordance with Policy 8.6.1. However, the automotive repair shop will only take place in an existing garage not resulting in any new buildings and the parking will only be up to a maximum of five (5) spaces on unpaved surface to reduce potential impact on soil. Staff considered the challenges in obtaining an agrologist and determined that an agrologist report is not necessary for this application. Although this criterion has not been met staff is making a positive recommendation due to the application meeting the overall intent of Council's policies.

In summary, the remaining criteria are met since:

- the automotive repair shop will be in an existing building and the parking will be unpaved and will therefore have no new impact on agricultural capability;
- the automotive repair shop and accessory parking is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet; and
- Department of Transportation and Infrastructure Renewal confirmed the existing access is acceptable for the automotive repair shop.

WHMPS General Criteria

Policy 16.3.1 of the WHMPS states general criteria for any development agreement considered in West Hants. These criteria are examined in detail in Appendix B. In summary:

- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and

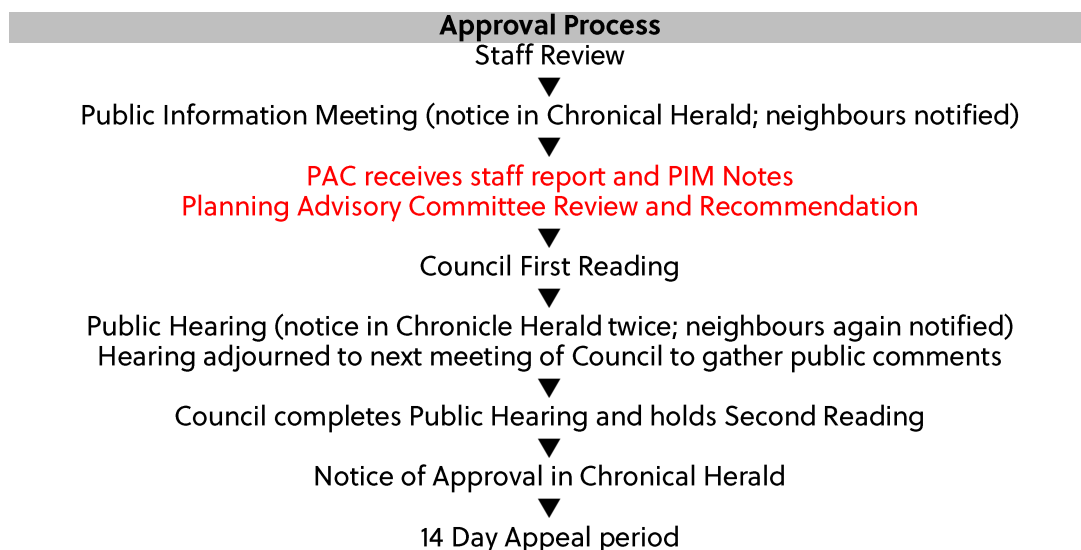
- the Fire Chief, Manager, Building and Fire Inspection, Director of Public Works and DTIR have no major concerns.

Municipal Climate Change Action Plan

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property.

Next Steps

As noted above, the proposed development has been considered within the context of both the specific and general policies of the WHMPS and is consistent with the intent, objectives and policies of the WHMPS. The development meets the intent of the specific and general criteria for development agreements as outlined in the WHMPS. As a result, it is reasonable to consider approving the development agreement to permit an automotive repair shop at 426 Ashdale Rd., Ashdale, West Hants.



FINANCIAL IMPLICATIONS

There are no financial implications associated with this application.

ALTERNATIVES

In response to the application, PAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the Development Agreement as drafted or as specifically revised by direction of PAC;
- provide alternative direction such as requesting further information on a specific topic.

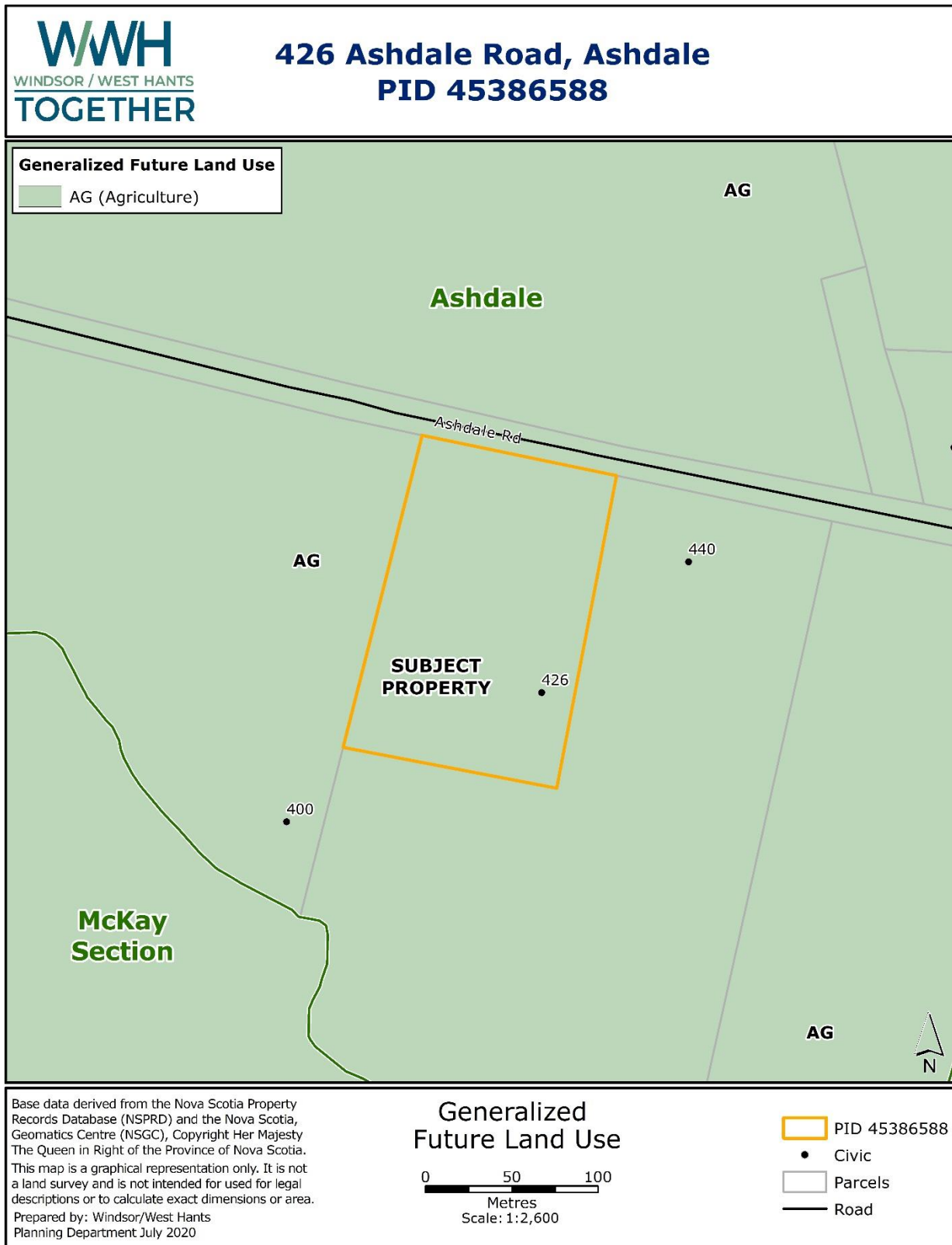
ATTACHMENTS

Figure 1 Generalized Future Land Use Map

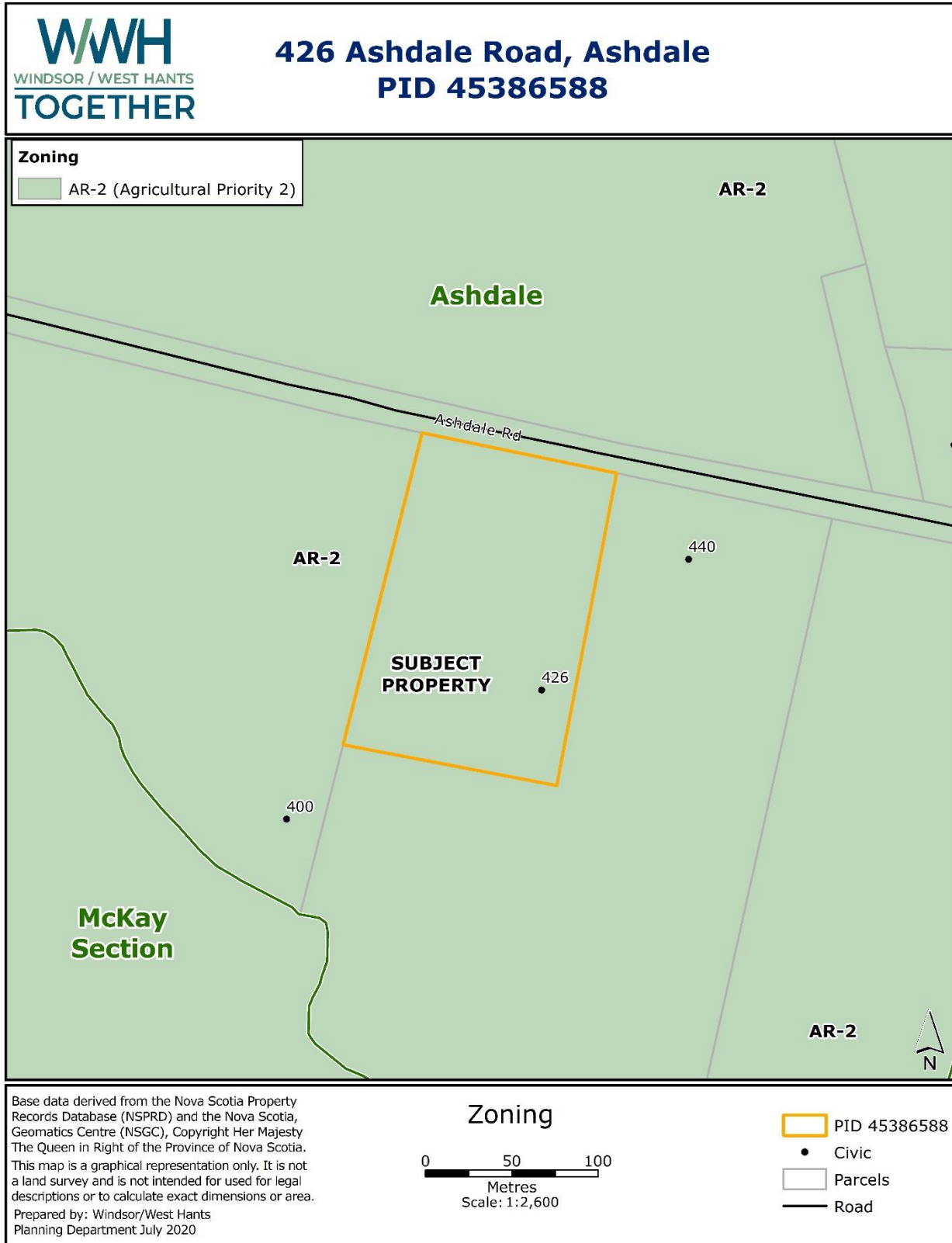
Figure 2 Existing Zoning Map
Appendix A Specific Criteria for Development Agreement
Appendix B General Criteria for Development Agreement
Appendix C Draft Development Agreement

Report Approved by: _____
Madelyn LeMay, Director of Planning and Development

**FIGURE 1
GENERALIZED FUTURE LAND USE MAP**



**FIGURE 2
EXISTING ZONING MAP**



APPENDIX A
SPECIFIC CRITERIA FOR DEVELOPMENT AGREEMENT

Policy 8.9.4 *It shall be the intention of Council to consider new non-resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the AR-2 zone by development agreement subject to the following:*

CRITERIA	COMMENT
<i>(a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;</i>	An agrologist report which is required by Policy 8.6.1 was not provided as the automotive repair shop will be in an existing building and the parking will be limited to five (5) spaces on an unpaved surface. Therefore, there will be no new impact on agricultural capability.
<i>(b) the proposed use will not compromise or adversely affect the operation or integrity of existing agricultural operations;</i>	The automotive repair shop will be contained in the existing garage and the parking will be limited to five (5) spaces on an unpaved surface. The uses will not compromise or adversely affect the operation or integrity of existing agricultural operations.
<i>(c) the predominant agricultural character of the area will not be adversely affected;</i>	The automotive repair shop will be contained in the existing garage and the parking will be limited to five (5) spaces on an unpaved surface. The uses will not impact the agricultural character of the area.
<i>(d) adequate separation distances and buffering between agricultural and non-agricultural uses can be provided;</i>	The automotive repair shop will be contained in the existing garage with the existing separation distances and the parking will be limited to five (5) spaces on an unpaved surface. The property is five and a half (5.5) acres and provides sufficient space between agricultural and non-agricultural uses.
<i>(e) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet;</i>	The automotive repair shop is limited based on the size of the existing garage and the accessory parking is limited to a maximum of five (5) spaces.
<i>(f) safe and efficient roadway access is provided;</i>	Department of Transportation and Infrastructure Renewal confirmed the

	existing access is acceptable for the proposed future commercial use and a negative impact to the Provincial Road network is not anticipated.
<i>(g) adequate on-site parking is provided;</i>	Five (5) additional parking spaces are permitted in the development agreement for the automotive repair shop.
<i>(h) the development is compatible with adjacent land uses with respect to:</i>	
<i>(i) traffic generation and traffic safety;</i>	Please see 8.9.4 (f) for further details.
<i>(ii) hours of operation;</i>	The hours of operation are limited in the development agreement to 8 a.m. to 9 p.m. daily to ensure there are quiet hours for neighbours.
<i>(iii) size and design of building(s);</i>	The automotive repair shop will be in an existing garage.
<i>(iv) signage; and</i>	All signage must meet the requirements of the West Hants Land Use By-law.
<i>(v) pedestrian circulation and safety;</i>	No impact on pedestrian traffic or safety is anticipated.
<i>(i) any other matter which may be addressed in a development agreement;</i>	No other matters have been raised.
<i>(j) Policy 16.3.1.</i>	See Appendix B.

APPENDIX B
GENERAL CRITERIA FOR DEVELOPMENT AGREEMENT

Policy 16.3.1 *In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*

CRITERIA	COMMENT
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Director of Public Works stated that the property does not currently have municipal water or sewer, nor are there plans to extend services to the site. As a result, the applicant is responsible for determining adequate services for the proposed use. The applicant has been informed.
<i>(ii) the adequacy of school facilities;</i>	No impact on school facilities is anticipated.
<i>(iii) the adequacy of fire protection and other emergency services;</i>	The Manager, Building and Fire Inspection and Fire Chief for the area have no concerns with regards to fire protection and emergency services. The Manager, Building and Fire Inspection has noted that the garage is only 20 feet from one property line. The Building Code requires that when the applicant applies for their permit for the automotive repair shop the exterior wall that is only 20 feet from the property line will be required to have a one (1) hour Fire Rating with non-combustible cladding. The applicant has been informed.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	Please see 8.9.4 (f) for further details.
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	No municipal costs related to this amendment are anticipated.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply</i>	As noted above in 16.3.1 (a) (i), the applicant will be responsible for the

<i>and either central sewer or an approved on-site sewage disposal system;</i>	provision of water and on-site sewage disposal.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	Please see 8.9.4 (f) for further details.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The property is five and a half (5.5) acres in area and has sufficient space for the intended use.
<i>(e) the pattern of development which the proposal might create;</i>	The use permitted by the development agreement will not create a pattern of development that is unusual for the area.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;</i>	Based on a preliminary visual assessment there are no evident concerns in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding. The MCCAP Inland and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property. The applicant will be responsible if any issues arise in terms of the suitability of the area for the proposed uses.
<i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and</i>	The proposed amendment meets all relevant municipal, provincial and federal regulations.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	Please see Appendix A for further details.

**APPENDIX C
DRAFT DEVELOPMENT AGREEMENT**



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2020.

BETWEEN:

WEST HANTS REGIONAL MUNICIPALITY, a body corporate pursuant to the Municipal Government Act, having its chief place of business at 76 Morison Drive, Wentworth Creek, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the "Municipality")

OF THE FIRST PART

- and -

Adrian and Nicole Parker, of 426 Ashdale Rd., Ashdale, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the "Owners")

OF THE SECOND PART

WHEREAS the Owners are the registered owners of a parcel of land located at 426 Ashdale Rd., Ashdale, (PID 45386588), hereinafter referred to as the "Property", which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Agriculture on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (June 26, 2008) (the "Municipal Planning Strategy") and zoned Agricultural Priority Two (AR-2) on the Zoning Map of the West Hants Land Use By-law (June 26, 2008) (the "Land Use By-law"); and

WHEREAS the Owners have requested that the Municipality enter into a development agreement to permit an Minor Automotive Repair Shop on the Property (the "Development") and Section 6.1 (s) of the Land Use By-law enables Council to consider an Automotive Repair Shop as it is a listed permitted use in the Resource Industrial (M-1) zone; and

WHEREAS the Council of the Municipality, at a meeting held on (DATE), approved this request and adopted this Agreement by policy;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

PART 1 AGREEMENT CONTEXT

1.1 Definitions

In this Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the Land Use Bylaw, except those defined as follows:

“Minor Automotive Repair Shop” means a commercial establishment for the repair or replacement of parts in automotive machinery or equipment excluding farm and forestry vehicles.

1.2 Schedules

The following attached schedules shall form part of this agreement:

- Schedule A - Legal Description
- Schedule B –Site Layout

1.3 Municipal Planning Strategy, Land Use By-law and Subdivision By-law

- (a) *Municipal Planning Strategy* means the West Hants Municipal Planning Strategy, approved on May 13, 2008, as amended, or successor By-laws;
- (b) *Land Use By-law* means the West Hants Land Use By-law, approved on May 13, 2008, as amended, or successor By-laws;
- (c) *Subdivision By-law* means the West Hants Subdivision By-law, approved on May 13, 2008, as amended, or successor By-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

The Parties agree that uses on the Property shall be limited to the following:

- (a) those uses permitted by the underlying zoning in the Land Use By-law; and
- (b) Minor Automotive Repair Shop.

Except as otherwise provided in this Agreement, the provisions of the Land Use By-law and the Subdivision By-law apply to any development undertaken pursuant to this agreement.

2.2 Development Location and Design

The proposed Minor Automotive Repair Shop use shall be located entirely within the existing garage located as shown on the Site Layout, Schedule B.

2.3 Access and Egress

The Owners shall maintain the existing driveway. The Development Officer, after consultation with the Municipal Engineer, may in their sole discretion approve minor incidental changes to the layout of the driveway.

2.4 Parking

A maximum of five (5) parking spaces may be used as part of the Minor Automotive Repair Shop. The parking shall not be constructed using a paved surface and is to be located approximately as shown on Schedule B.

2.5 Signs and Lighting

Signage and illumination shall be in accordance with sections 5.18 and 7.0 of the Land Use By-law which control lighting, size, location, and number of signs. Exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to minimize light spilling, glare or light cast over neighbouring properties or the street.

2.8 Water and Sewer Services

The property is not serviced by municipal water and sewer. The Owners shall be responsible for ensuring adequate water and sewer services are available for the uses permitted.

2.9 Hours of Operation

The hours of operation for the Minor Automotive Repair Shop shall be limited to between 8 a.m. and 9 p.m. daily, Monday to Sunday, inclusive.

2.10 Maintenance

- (a) The Owners shall keep the Property and buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.
- (b) The Owners shall maintain the driveway to a level adequate to allow for access by emergency services vehicles.

PART 3 CHANGES and DISCHARGE

3.1 The Owners shall not vary or change the use of the Property from that provided for in Section 2.1 of this Agreement, Use, unless a new agreement is entered into with the Municipality or this agreement is amended.

3.2 Any matters in this agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without

a public hearing provided that Council determines that the changes do not significantly alter the intended effect of these aspects of this agreement.

3.3 The following matters are substantive matters:

- (a) the uses permitted on the property as listed in Section 2.1 *Use of this agreement*; and
- (b) the development location on the property as listed in Section 2.2 *Development Location and Design* and Schedule B of this agreement.

3.4 Notwithstanding the foregoing, discharge of this agreement is not a substantive matter and this agreement may be discharged by Council without a public hearing.

3.5 Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owners following a resolution of Council to give such Notice:

- (a) as provided for in Section 4.1, *Commencement of Development*, of this Agreement; or
- (b) at the discretion of the Municipality, with or without the concurrence of the Owners, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or
- (c) at any time upon the written request of the Owners, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.

3.6 Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

- (a) The Owners may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required.
- (b) Development as provided in Part 2 of this Agreement shall commence not later than 24 months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act 30 days after giving Notice of Intent to Discharge to the Owners. Upon the written request of the Owners, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be an amendment to this Agreement.
- (c) If the Owners are bona fide delayed from commencing the development for reasons which are beyond the Owners' control, the determination of which

shall be at the sole discretion of the Development Officer, then performance by the Owners is excused for the period of the delay and the time period for the Owners to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

4.2 Material to be Provided

- (a) The Owners shall provide record drawings to the Development Officer for any portion of the development for which an engineered design is required, within ten days of completion of any work which requires the engineered design.
- (b) The Owners shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with Other Bylaws and Regulations

- (a) Nothing in this Agreement shall exempt the Owners from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.
- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

5.2 Severability of Provisions

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

5.3 Interpretation

- (a) Where the context requires, the singular shall include the plural and the masculine gender shall include the feminine and neutral gender.
- (b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

5.4 Municipal Responsibility

- (a) The Municipality does not make any representations to the Owners about the suitability of the Property for the development proposed by this agreement. The Owners assume all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the Development.

- (b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement, the Municipality may notify the Owners in writing. In the event that the Owners have not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of the Development Agreement.

5.6 Costs

The Owners shall pay all costs associated with the advertising required for this Agreement, the costs of registering this Agreement, and all costs associated with any amendment thereof.

5.7 Development Agreement Bound to Land

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the *Municipal Government Act*.

5.8 Assignment of Agreement

The Owners may, at any time and from time to time, transfer or assign this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this Agreement.

5.9 Written Notice

- (a) The Municipality may serve notice on the Owners personally or by ordinary mail which shall be deemed to have been received within three business days of mailing, addressed to Adrian and Nicole Parker, 426 Ashdale Road, Ashdale, Nova Scotia, B0N 2A0 or at any other address provided by the Owners.
- (b) The Owners may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0.

5.10 Full Agreement

This agreement constitutes the entire agreement and contract entered into by the Municipality and the Owners. No other agreement or representation, oral or written, shall be binding.

IN WITNESS WHEREOF this Agreement was properly executed by the respective parties hereto on the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of:

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

)

Per: _____

Witness

) Abraham Zebian, Mayor

)

) Per: _____

Witness

) Rhonda Brown, Municipal Clerk

)

)

)

)

)

)

)

Per: _____

Witness

) Adrian Parker

)

)

Per: _____

Witness

) Nicole Parker

)

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2020, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **THE WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

ON THIS day of , A.D. 2020, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **THE WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2020, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **ADRIAN PARKER**, one of the parties thereto, signed, sealed and delivered the same in h presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2020, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **NICOLE PARKER**, one of the parties thereto, signed, sealed and delivered the same in h presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK
THE REGION OF WINDSOR AND WEST HANTS MUNICIPALITY

I, Rhonda Brown of _____, Hants County, Nova Scotia make oath and swear that:

1. I am the Clerk of the West Hants Regional Municipality (The "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. The Municipality is a body corporate pursuant to the Municipal Government Act, S.N.S. 1988, c.18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the Municipal Government Act, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.
4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

Sworn before me at _____, Nova Scotia,
this _____, 2020.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA
Print name/affix seal

RHONDA BROWN

I CERTIFY that on this date Rhonda Brown personally came before me and swore under oath the foregoing Affidavit.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA
Print name/affix seal

CANADA
PROVINCE OF NOVA SCOTIA
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (INDIVIDUAL)

We, Adrian Parker and Nicole Parker, the "Deponents", make oath and swear that:

1. **We acknowledge that we executed the foregoing instrument on the date of this affidavit; this acknowledgement is made for the purpose of registering such instrument pursuant to s.31(a) of the *Registry Act*, R.S.N.S. 1989, c.392 or s.79(1)(a) of the *Land Registration Act* as the case may be.**
2. We are nineteen years of age or older and are residents of Canada under the *Income Tax Act* (Canada).
3. For the purpose of this affidavit "spouse" means an individual who is married to another individual; is married to another individual by a marriage that is voidable and has not been voided by a declaration of nullity; has gone through a form of marriage with an individual, in good faith, that is void and they are cohabiting or have cohabited within the preceding year; or is a party to a registered domestic-partner declaration made in accordance with Section 53 of the *Vital Statistics Act* as amended, but does not include an individual who becomes a former domestic partner pursuant to section 55(1) of the Act.
4. We are the spouses of each other. Neither of us has any other spouse nor, with respect to the within property, any former domestic partner with the rights contemplated by Section 55 of the *Vital Statistics Act*, or any former spouse with rights under the *Matrimonial Property Act*. We consent to this disposition.

I certify that on this _____, 2020
the Deponent came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Adrian Parker

Nicole Parker

Schedule A
Legal Description – PID 45386588

Registration County: HANTS COUNTY
Street/Place Name: ASHDALE ROAD /ASHDALE
Title of Plan: PLAN OF S/D OF LOT P-1, LANDS CONVEYED TO ROSS EUGENE PARKER,
ASHDALE RD, ASHDALE
Designation of Parcel on Plan: LOT P-1
Registration Number of Plan: 98914501
Registration Date of Plan: 2011-08-15 14:57:03

Subject to a Nova Scotia Power Inc. Easement, more fully described in Document
#100457804, registered on April 12, 2012.

*** Municipal Government Act, Part IX Compliance ***

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry
Act or registered under the Land Registration Act

Registration District: HANTS COUNTY

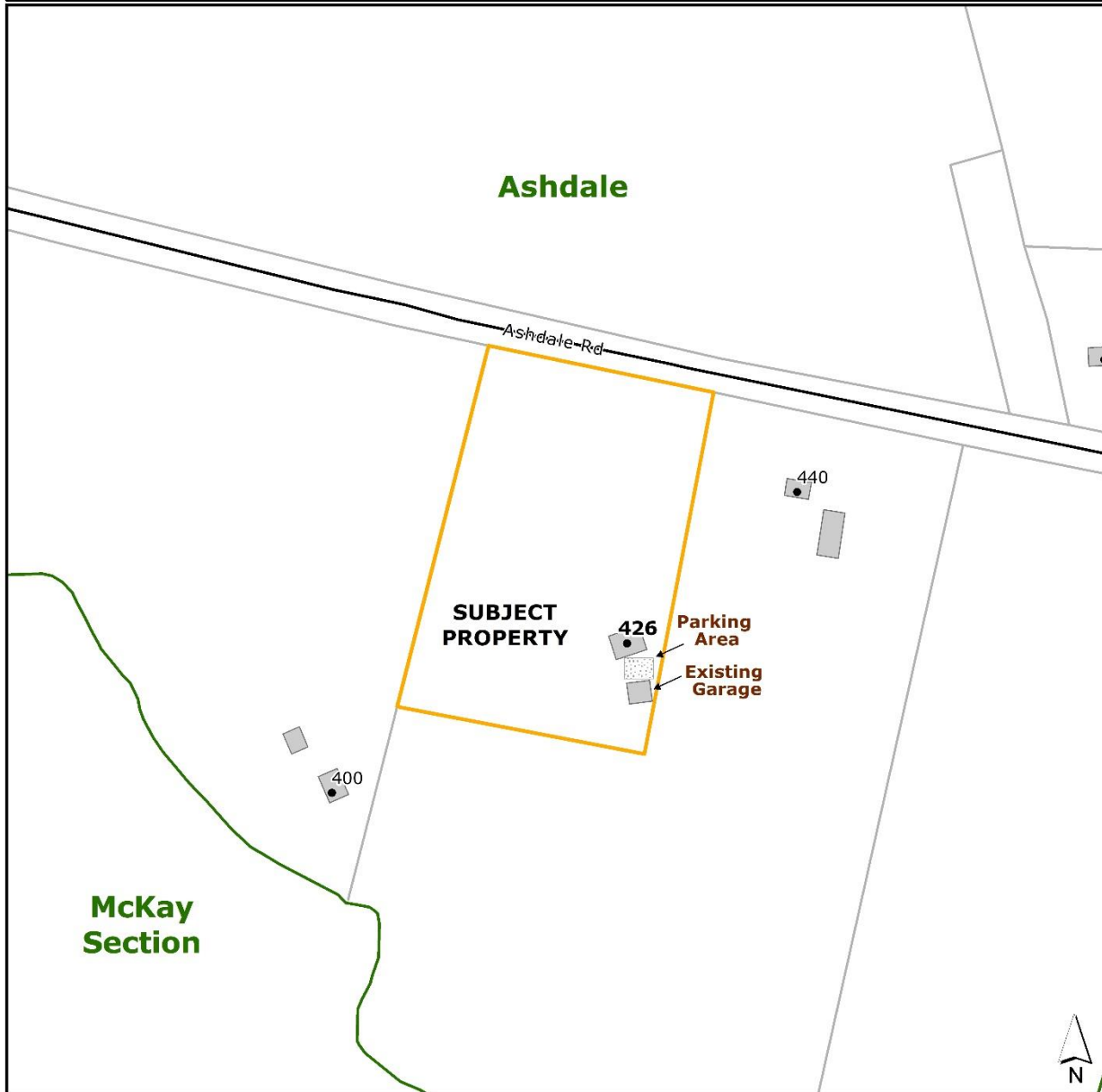
Registration Year: 2011

Plan or Document Number: 98914501

Schedule B
Site Layout

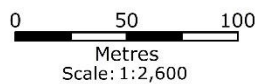


426 Ashdale Road, Ashdale
PID 45386588



Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia. This map is a graphical representation only. It is not a land survey and is not intended for use for legal descriptions or to calculate exact dimensions or area. Prepared by: Windsor/West Hants Planning Department August 2020

Site Layout



- PID 45386588
- Building Footprints
- Parking Area
- Civic
- Parcels
- Road



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☒	Recommendation ☐	Decision Request ☐	Councillor Activity ☐
---	---	---	--

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Sara Poirier, Planner

Date: 2020-11-24

Subject: File # 20-17 D - 543 O'Brien Street, Windsor; PID 45055928

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210.

POSSIBLE MOTION

Should Council wish to approve the rezoning of 543 O'Brien Street to Highway Commercial (HC) following completion of the Public Hearing, the following motion would be in order:

...that Council gives Second Reading to and approves amending the zoning map of the Windsor Land Use By-law to enable the lot located at 543 O'Brien Street, Windsor, PID 45055928 to be rezoned from the General Commercial (GC) Zone to the Highway Commercial (HC) Zone, as shown on Figure 2 and amending the text of the Windsor Land Use By-law to ensure adequate separation and buffering is provided for residential uses abutting commercial uses in commercial zones, in a manner substantively the same as Attachment A, all as attached to the Windsor Area Advisory Committee report #20-17 dated October 1, 2020.

BACKGROUND

An application was received on June 3, 2020 from Clark Wilkins to rezone the property at 543 O'Brien Street, Windsor (PID 45055928) from General Commercial (GC) to Highway Commercial (HC) to permit an automobile service station and a drive-through restaurant. Policy 8.2.2 of the Windsor Municipal Planning Strategy enables Council to consider rezoning the property to Highway Commercial (HC).

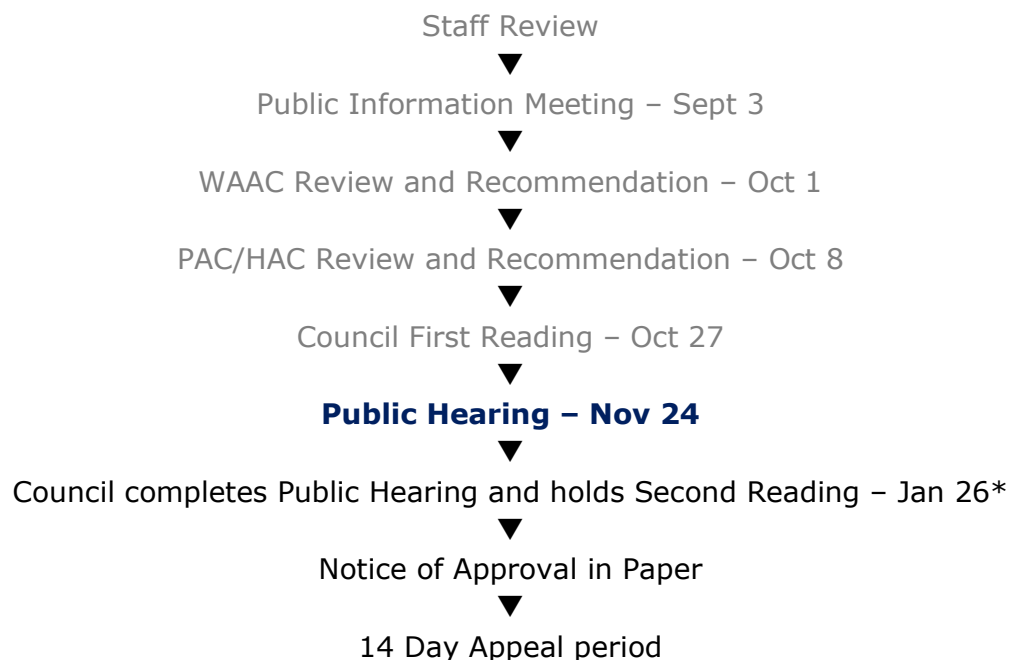
A Public Information Meeting (PIM) was held virtually and broadcast live on the Municipal Facebook page on September 3, 2020 to consider the requested amendment (Appendix A).

On October 1, 2020 staff presented a recommendation report to the Windsor Area Advisory Committee (WAAC) (Appendix B). The WAAC recommended in favour of the application.

The Planning Advisory Committee / Heritage Advisory Committee (PAC/HAC) recommended in favour of the application on October 8, 2020.

Council held first reading on October 27, 2020.

NEXT STEPS



*anticipated dates; final dates will be set by Council

ATTACHMENTS

Appendix A 2020-10-01 Public Information Meeting Notes – File 20-17 A

Appendix B 2020-10-01 Staff Report - Land Use By-law Map Amendment: 543
O'Brien Street, Windsor; PID 45055928 – File 20-17

Report Prepared by: _____
Sara Poirier, Planner

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

-

Appendix A

Public Information Meeting Notes

September 3, 2020

File 20-17 A

543 O'Brien Street, Windsor; PID 45055928

Meeting date and time	A virtual Public Information Meeting was held on September 3, 2020 beginning at 6:00 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Councillor Murley Four (4) Windsor Area Advisory Committee members: • Shelley Bibby • Denise Forand • Jamie O'Hanlon • John Wilson Three (3) members of staff: • Director LeMay • Planner Poirier • Meeting Secretary, Vanessa Lake As this meeting was held virtually there were no members of the public present.
Applicant: Clark Wilkins Site Location: 543 O'Brien Street, Windsor; PID 45055928	Planner Poirier outlined the request from Clark Wilkins to amend the Land Use By-law to rezone the property at 543 O'Brien Street from General Commercial (GC) to Highway Commercial (HC) to permit a proposed automobile service station and drive-through restaurant.
Comments	Comments from the public were submitted to Planner Poirier by mail, e-mail and telephone between August 22 and September 23, 2020. Three (3) written comments were received and one (1) verbal comment was made by phone. The questions and comments from the public are summarized below. The full written comments are attached to this report. Staff responses are included in purple.

	Questions from the public included: • Is this truly just a proposal, and we as a community have the ability to have our voices heard? Yes, the PIM is one of the first steps in the application process and is the first invitation to have residents' comment on the proposal. The comments received are considered by WAAC prior to a recommendation (in favour or against) being made. • If we are not happy with the outcome of the meeting, will we have the opportunity to further discuss and follow up regarding the proposal? Yes, Council will host a Public Hearing prior to making their final decision. • What assurance is the municipality and committee offering to ensure that the community are being taken seriously on this matter? As staff, we evaluate an application based on the criteria in the Municipal Planning Strategy policy. When we receive comments from residents, we also compare those to the criteria. All comments and questions from residents are provided to the Area Advisory Committee and Council to review, discuss and consider prior to any decision being made. • What will the hours of operation be? Staff cannot restrict hours of operation through rezoning. The applicant commented that it would be normal gas bar / restaurant / coffee shop hours. • Why a service station in that location? Staff do not evaluate the application based on the business plan or viability of the business in the proposed location, only what is being requested by the property owner against the criteria of the policies. • How will this effect the tax base or the assessed value of my property? The assessed value of the subject lot will change if development occurs. The assessed values of surrounding properties should not change unless they are renovating, etc.
--	--

	• Is the property owner / applicant also the developer or is a large retailer (Irving, Ultramar, etc.) going to be developing the proposed uses? The applicant responded that “all options are open, but as of now, I’m the owner and developer with no commitment or affiliation to any other company.” Discussion points included: • Resale value of property adjacent to a gas station • Potential contamination on site from the previous uses • Increased noise, odors, damage to property, increased traffic and commercial lighting, and quality of life of surrounding residents • Potential health and environmental impacts of living next to a gas station • The already existing service stations in Windsor • Potential other uses that could be developed on the property instead (i.e. affordable housing) The applicant responded to some of the discussion points and questions raised with the following: • He is aware of the history of the property and is working with an environmental consultant to ensure the remediation of the site meets the Department of Environment’s requirements for the proposed uses. Additionally, 47 comments were received on the Municipal Facebook post. The responses are summarized below: • Six (6) in favour of development of the lot • Nine (9) opposed (either citing the amount of gas stations or drive-throughs already available, or emphasizing the need for affordable housing) • Some listed alternative uses such as affordable housing / apartments, a competitive/cheaper grocery store, a Walmart, a Giant Tiger, a meat
--	--

	market or possibly a craft brewery as more accepted uses • A concern regarding traffic on the corner however another commented that the previous use (Co-op) did not have any issues
Adjournment	The meeting was adjourned at 6:23 p.m.

Sara Poirier

From: Adam Myles [REDACTED]
Sent: Friday, August 28, 2020 9:09 AM
To: Sara Poirier
Subject: 543 O'Brien Street - RE-Zoning
Attachments: 543 O'Brien Street Re-Zone Response.pdf

Caution

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Hello Sara,

I am writing to you, as a land owner within 500 feet, regarding the proposed rezoning and land use of 543 O'Brien Street. My household is in full opposition of this situation based on the suggested land use.

Please find our official letter in opposition attached, for review and discussion amongst the municipality and advisory committee.

I will be in virtual attendance of the September 3rd meeting, and want to ensure that the municipality and committee have understood our letter and opposition.

My questions to you, after you have read this letter, are as follows:

- 1) Is this truly just a proposal, and we as a community have the ability to have our voices heard? or is this a scenario where it is simply the committee doing its due diligence and "offering" to accept/receive concerns/questions and comments? I wish to ensure that this has not progressed beyond the stated stage.
- 2) If we are not happy with the outcome of the meeting, will we have the opportunity to further discuss and follow up regarding the proposal?
- 3) What assurance is the municipality and committee offering to ensure that the community and local residents are in fact being taken seriously on this matter?

Thank you for your time,
Adam Myles
515 O'Brien Street, Windsor.

Adam & Sally-Jo "Mick" Myles

August 27, 2020

██████████ 515 O'Brien Street
Windsor, NS B0N2T0

To Sara Poirier,

**RE: Public Information Meeting
543 O'Brien Street, Windsor (PID 45055928)**

We are writing this letter to you, and the municipality, in strong opposition to the re-zoning and proposed land use of the aforementioned property, located directly adjacent our own home and property.

The re-zoning, and its proposed use, came as quite a surprise to us as we read through the letter recently received. Due to the proposed use of the property, pending re-zoning, there are quite a few serious concerns that we require the municipality of Windsor / West Hants to understand.

First and foremost please understand the personal situation we face with this proposal. It is well documented and discussed in the Real Estate Market that housing which surrounds and or connects with Gas Stations / Automobile Service Stations, do not hold as much market value as they would otherwise. It is one situation if someone purchases or rents property surrounding a service station, knowing quite well that this is the case, however being forced into a change of property and new construction that creates this problem after settling into a home is hurtful towards those who have invested in their family home.

We did not purchase the property and home beside any form of existing or functioning Service Station, and would not have done so if one had already existed. We are also well aware of the history of the property, as we received a written guarantee that the damage and polluting of the soil on the property in question did not in any way shape or form contaminate the property of 515 O'Brien Street before our purchase.

The decrease in property value will most definitely hurt any potential future sale of our home, however the simple existence of the Service Station alone is not all that we must be concerned of. With the construction comes a myriad of further issues we must contend with, both in the short and long term, such as construction noise, and traffic hold ups.

With an increase of vehicular traffic around our property, and on our road specifically, both during construction and when the property is "open for business", we are guaranteed to experience increased Noise, increased odors & smells (ozone issues and potential health risks), damage to property as well as increased difficulty entering and exiting our own property / driveway. This development will also increase foot traffic surrounding our property and home causing a further increase of noise and chances of crime and or damage to our property & home. All of this forced upon us by an unwanted development.

Despite all the modern health and safety guidelines they must follow, automobile service stations can still pose significant hazards to neighbors, especially children. Some of the major issues include ground-level ozone caused in part by gasoline fumes, groundwater hazards from petroleum products leaking into the

ground, and exposure hazards from other chemicals that might be used at the station if it's also a repair shop.

Ozone pollution is caused by a mixture of volatile organic compounds, some of which are found in gasoline vapors, and others, like carbon monoxide, that come from car exhaust. Most gas pumps today must have government-regulated vapor-recovery boots on their nozzles, which limit the release of gas vapors while you're refueling your car. A similar system is used by the station when a tanker arrives to refill the underground tanks. But if those boots aren't working properly, the nearly odorless hydrocarbon fumes, which contain harmful chemicals like benzene, can be released into the air. According to a 2004 study, published by the Globe and Mail, exposure to the chemical Benzene has previously been linked to leukemia in adults, but the link has now been made to children.

While the developer may provide what some consider a good rebuttal against the environmental hazards alone discussed within this letter, there is no absolute guarantee that this situation will be problem and health risk free for anyone. We once again repeat that we did not openly purchase our property and home beside an existing Automobile Service Station, and would not have done so.

It is also interesting to note that there currently exists 5 operational Automobile Service Stations, most of which contain a form of food sales, within a 5 minute driving distance of the property in question. If this location is being considered to potentially load balance the traffic, then we implore the town to consider opposition to the re-zoning and allowing of such an establishment. We would also like to make clear that we are not in opposition of development occurring, as long as the proposed use of the land makes sense, and does not create or cause complications for established residents. Many times throughout the past few years there have been multiple "rumors" as to land use opportunities, which included items such as apartments / condos, etc. And for the most part we have not felt such a strong opposition to the development moving forward, if the rumors were in fact true, as that form of land use could potentially be beneficial to the location. The same feelings occurred when we were made aware of the re-zoning for the old Windsor United Baptist Church, on King Street. The proposed re-zoning and land use made sense, caused no alarms and we did not voice any form of concern.

We close this letter with a final reiteration of the fact that we are in entire opposition to the currently proposed re-zoning and use of land. We are not, in any way shape or form, looking to entertain the idea of owning property, and living, adjacent to an automobile service station.

Sincerely,

Adam & Sally-Jo "Mick" Myles

Sources:

<https://www.scientificamerican.com/article/is-it-safe-to-live-near-gas-station/>

<https://www.theglobeandmail.com/life/leukemia-rates-high-for-kids-living-near-gas-stations/article20434890/>

<https://www.lowestrates.ca/blog/homes/cemeteries-highways-gas-stations-can-decrease-property-value>

Sara Poirier

From: [REDACTED]
Sent: Tuesday, September 1, 2020 9:07 PM
To: Sara Poirier
Subject: 543 O'Brien Street, Windsor Rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

Caution

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Dear Ms Poirier
Re 543 O'Brien Street, Windsor

We are the owners of 531 King Street, Windsor and wish to inform you we are against the rezoning of 546 OBrien Street Windsor to highway commercial.

The area currently has a number of residential properties and a service station/drive through restaurant would impact the quality of life with an increase in noise, traffic and commercial lighting. The addition of a service station/restaurant will further erode the character of the neighbourhood.

In the Windsor area there currently are 3 service stations on Wentworth Road. Nearby in Falmouth and Garlands Crossing there are 2 additional service stations. Windsor does not need a sixth service station when the trend is towards electric vehicles.

We also want to mention that to the best of our knowledge 543 OBrien Street, Windsor is contaminated from a fuel spill from the Coop gas bar. The environmental issues on the property have not been corrected - a full environmental cleanup is required on the site.

If you wish to speak with us, we can be contacted at [REDACTED]

Sincerely,

Greg and Alla Helpard

Sara Poirier

From: Rachael Smith [REDACTED]
Sent: Thursday, September 3, 2020 10:27 AM
To: Sara Poirier
Subject: Former Co-OP site 543 O'Brien Street

Follow Up Flag: Follow up
Flag Status: Flagged

Caution

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Good morning Ms. Porrier,

I am writing to communicate my surprise at the proposed development at the former Co-OP site located at 543 O'Brien Street in Windsor. I do not believe we need another fast food restaurant and gas station in Windsor, especially at this near-central location.

I propose that the suggested plan be set aside in favor of affordable housing.

All through the province we are experiencing housing shortages as rental rates increase and need grows. I have been watching "For Rent" groups online for several years and people scramble and search to find adequate and affordable housing for themselves and/or their families for between 4 and 7 months, sometimes longer. Families are left with multiple people sharing bedrooms, members sleeping on couches in living rooms, having to "crash" with extended family and friends while putting belongings in storage or losing them completely. Single people on pensions who have no partner income to help support them are often left paying as much as 70% of their pension to have a roof over their heads. Medications and food at that point become neglected. Many single parent families are in the same situation.

I urge the Municipality to deny the application for development of the former Co-OP site and seek out a plan to provide housing options on the site instead.

Sincerely

Rachael Smith

Appendix B



WEST HANTS REGIONAL MUNICIPALITY RECOMMENDATION REPORT

To: Members of Windsor Area Advisory Committee

Submitted by: _____
Sara Poirier, Planner

Date: 2020-10-01

Subject: Land Use By-law Map Amendment: 543 O'Brien Street,
Windsor; PID 45055928

File: 20-17

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

To allow the requested development, staff recommends that the WAAC forward a positive recommendation by passing the following motion:

WAAC recommends that PAC recommend that Council give First Reading and hold a Public Hearing to consider amending the zoning map of the Windsor Land Use By-law to enable the lot located at 543 O'Brien Street, Windsor, PID 45055928 to be rezoned from the General Commercial (GC) Zone to the Highway Commercial (HC) Zone, as shown on Figure 2 and amending the text of the Windsor Land Use By-law to ensure adequate separation and buffering is provided for residential uses abutting commercial uses in commercial zones, in a manner substantively the same as Attachment A, all as attached to the Windsor Area Advisory Committee report #20-17 dated October 1, 2020.

BACKGROUND

A completed application was received on June 3, 2020 from Clark Wilkins to rezone the property at 543 O'Brien Street, Windsor (PID 45055928) from General Commercial (GC) to Highway Commercial (HC) to permit an automobile service station and a drive-through restaurant. The property is owned by 3331814 Nova Scotia Limited; Mr. Wilkins is the Director.

This site was once the location of the Co-op Atlantic store and gas bar which were demolished in 2011 and 2009, respectively. A development agreement from 1992 permitted *"a retail gas bar for members of the developer only and all accessory uses normally associated with a retail gas bar, business and professional office, existing dwelling, garden centre, and grocery store"* and prohibited the development of uses permitted in the underlying zone. The current property owner requested this development agreement be discharged and the discharge was approved by Council on June 23, 2020 and recorded at the Land Registry Office on August 27, 2020.

DISCUSSION

The lot is designated Commercial (C) on the Generalized Future Land Use Map of the Windsor Municipal Planning Strategy (WMPS). Part 8.0 of the WMPS contains the overall intention for properties designated Commercial (C) in Windsor.

The property is zoned General Commercial (GC) on the Zoning Map of the Windsor Land Use By-law (WLUB). Figure 1 shows the current zoning of the property. Automotive service stations and drive-through restaurants are not permitted in the General Commercial (GC) Zone.

The applicant requests that Council consider rezoning the property from General Commercial (GC) to Highway Commercial (HC) to permit the automobile service station and drive-through restaurant. If the application for rezoning is approved, any use permitted in the Highway Commercial (HC) Zone would be permitted on the lot as-of-right (Attachment B).

Previous Uses

The site is vacant but was once the site of the Co-op Atlantic store and gas bar. The gas bar was for members of the Co-op Atlantic only. The gas bar pump island and two associated underground storage tanks were decommissioned and removed in 2009 and the Co-op Atlantic building was demolished in 2011. The gas bar was permitted through a development agreement (1992) which has been discharged from the property.

Brownfield Development

In 2003, the National Roundtable on the Environment and the Economy published a report called *"Cleaning up the Past, Building the Future - A National Brownfield Redevelopment Strategy for Canada"*. This paper (2003) defines Brownfields as *"An abandoned, vacant, derelict or underutilized commercial or industrial property where past actions have resulted in actual or perceived contamination and where there is an active potential for redevelopment."* The report outlines that brownfield sites are the remnants of industrialization and the sites can *"pose threats to human health and environmental quality"*. Once brownfield sites are remediated to an acceptable standard which is suitable for the proposed use, they can generate economic, environmental and often social benefits.

Potential Site Remediation

Staff reviewed the existing file for the subject lot which was compiled by the previous Windsor Planning Department. The Planning Department's file includes a copy of a Remedial Action Plan from 2011 written by CBCL which details potential remediation to be completed on 543 O'Brien Street. This CBCL report specifies that *"in 1994 fuel oil was discovered leaking from an underground storage tank"*. The underground storage tank in question was removed from the property in 1994. The CBCL report discusses how the site should be remediated and the recommendations were accepted by the Nova Scotia Department of Environment in 2011. The letter from Department of Environment (2011) states that *"a final report must be prepared and submitted to the Department of Environment following the completion of the remedial program"*.

Upon review of this information, staff contacted an Inspector with the Department of Environment who advised that *"There are no entries following the receipt of the Remedial Action Plan. The file would not be considered closed, following a regulatory process."* The Inspector added that they were *"unable to tell if the remedial action plan was ever implemented, and/or whether remediation was successful in reducing contaminants to an acceptable level."*

The Inspector could not *"speak to any restrictions for the site"* as *"it will depend on the location and concentration of contaminants remaining on the site."* They stated that *"the next steps for the property owner would be to hire a site professional to determine if Notification under the Contaminated Sites Regulations is required. A site professional will have to determine if the work completed meets the current requirements."*

Contaminated Sites

The Nova Scotia Department of Environment states that *"contamination normally refers to concentrations of chemicals in the soil, water and air that have been determined to exceed acceptable standards for the particular land use"*. In Nova

Scotia, a property owner assumes the responsibility to ensure any contamination is cleaned up in accordance with the Contaminated Sites Regulations (2013). The Regulations outline the process to remediate a contaminated site. The Regulations specify that only site professionals, who are either a geologist or engineer with experience in the management and remediation of contaminated sites, are qualified to manage the cleanup of contaminated sites. Once a site is remediated by a site professional in accordance with the Regulations, the Department of Environment would supply the property owner with closure documentation which could be in the form of a Certificate of Compliance, Record of Site Condition or Declaration of Property Condition.

Section 220 (5) of the *Municipal Government Act* specifies that

"where a municipal planning strategy so provides, a land-use by-law may
(p) prohibit development on land that
(v) is known to be contaminated within the meaning of the
Environment Act"

The planning documents for the community of Windsor do not discuss or prohibit development of contaminated or brownfield sites.

The applicant, Mr. Wilkins, became the owner of the property in 2019. Mr. Wilkins is aware of the history of the site, the potential contaminants, and the Nova Scotia Department of Environment standards and process for remediation that would need to be followed. He is also aware that the Municipality would not be able to issue building permits for any development on the lot until there was confirmation from the Department of Environment that the site is remediated to a standard suitable for the proposed use. Mr. Wilkins is working with an environmental consultant through the process. Mr. Wilkins has stated that it was his *"understanding that 543 O'Brien was cleaned to commercial guidelines and the final piece was a summer and winter monitoring well inspection."*

Mr. Wilkins is also the owner of the abutting property 555 O'Brien Street where a development agreement was entered into by the Town of Windsor Council in 2010 for a mixed-use development consisting of dwelling units in addition to commercial space. The development agreement specifically requires the site be remediated and a Certificate of Compliance be provided to the Development Officer prior to the Municipality being able to issue development permits for the proposed uses. Regarding the current application for rezoning at 543 O'Brien Street, Mr. Wilkins has stated that *"if there is any further site cleanup, it will be done in conjunction with my residential build out on the neighbouring site."*

Proposed Uses

O'Brien Street is an arterial road as shown on the Transportation Map (Map 2) of the WMPs and is a main thoroughfare to and from downtown Windsor. The subject lot is currently vacant and has been vacant for almost a decade. Any new uses, whether permitted in the underlying General Commercial (GC) zone or permitted through rezoning to Highway Commercial (HC), will generate traffic to the property. The Municipal Traffic Authority stated they had no concerns in regards to traffic impact or the ability to provide safe and efficient roadway access to the lot.

The applicant, Mr. Wilkins, would like to develop an automobile service station and a drive-through restaurant on the subject lot. Facilities where a petroleum product is sold or kept for sale require approval by the Nova Scotia Department of Environment. To avoid traffic problems and ensure safe product delivery, Council created specific requirements in the WLUB for automotive service stations (Section 5.2). There are also special requirements regarding stacking space for drive-through restaurants in Section 5.9 of the WLUB.

The permitted signage as outlined in Section 7.18 of the WLUB for the Highway Commercial (HC) zone is the same as that permitted in the General Commercial (GC) zone. Additionally, Section 7.17 of the WLUB states that automobile service stations are also permitted one ground sign exceeding the size permitted in Section 7.18 up to a maximum of 120 ft² (11.15 m²) provided the sign is setback at least 15 ft from any property line. Signs are permitted to be illuminated as per Section 5.18 of the WLUB as long as the illumination is directed away from adjoining properties and any adjacent street.

The Development Officer has commented that due to the size of the subject lot there should be no problem in meeting the parking and loading space requirements in the WLUB.

Surrounding Neighbourhood

The subject lot directly abuts lots zoned General Commercial (GC) to the north, east and west, and lots zoned High Density Residential (R-4) to the south.

Table 1: Use Abutting Subject Lot by Direction

North	The former Windsor United Baptist Church which was recently rezoned to General Commercial (GC).
East	The lot directly abutting the subject lot to the east is owned by the applicant. It is currently vacant and has a development agreement (2010) for a mixed-use development consisting of dwelling units in addition to commercial space. The lot adjacent to that is the Lawtons Drugs and Medical Clinic.

South	The lots are zoned High Density Residential (R-4). Two of the buildings have four (4) dwelling units and the other building has two (2) dwelling units.
West	Two residential properties zoned General Commercial (GC) and the Baby Panda Chinese food restaurant.

Policy 8.2.2 allows Council to consider this request for rezoning to Highway Commercial based on specific criteria. Policy 8.2.2 (b) requires that the proposed use will not conflict with adjacent uses.

During the staff review, consideration was given to *Section 13 General Provisions for Commercial Zones* of the WLUB. Section 13 states that if a commercial use permitted in a commercial zone abuts a lot in a residential zone, the commercial use should provide a minimum 5 ft (1.52 m) planting strip along the part of the lot directly adjoining the residential zone. Additionally, if a commercial use permitted in the commercial zones abuts a lot in a residential or institutional zone, the commercial use must have a minimum 20 ft (6.10 m) side yard from the abutting lot line and no open storage or outdoor display is permitted in the abutting yard of the commercial use. These requirements decrease the potential for the commercial use to pose a conflict with the adjacent residential zones, however, do not currently benefit residential uses located outside of residential zones.

Staff recommend an amendment to the abutting zone and planting strip requirements to ensure they apply to commercial properties which abut any residential use as opposed to properties with residential zoning (Attachment A). This will ensure the application meets Policy 8.2.2 (b).

DOCUMENT REVIEW

Municipal Planning Strategy

For the lot to be used for the uses requested an amendment to the Zoning Map of the WLUB is required. Figure 2 shows the proposed changes to the Zoning Map.

Section 8.0 of the WMPS contains the commercial policies for Windsor. Policy 8.2.2 establishes Council's intention to "*consider the creation of new Highway Commercial zones in the Commercial and Industrial designations, excluding the Wentworth Road Gateway District and the designated Industrial Parks, by amendment to the Land Use By-law*". The subject lot is designated Commercial and is not within the Wentworth Road Gateway District or the Industrial Parks, therefore the rezoning to Highway Commercial (HC) can be considered under this policy.

WMPS Specific Criteria

Policy 8.2.2 establishes Council's intention to "*consider the creation of new Highway Commercial zones in the Commercial and Industrial designations, excluding the*

Wentworth Road Gateway District and the designated Industrial Parks, by amendment to the Land Use By-law” and establishes the criteria to be considered by Council. These criteria are examined in detail in Attachment C. In summary, the criteria are met since:

- the subject lot has direct access to an arterial road;
- the proposed uses will not conflict with adjacent existing uses; and
- the proposal meets the WMPS general criteria.

WMPS General Criteria

The proposal meets the general criteria for amendment set out in WMPS Policy 16.3.1. These criteria are examined in detail in Attachment D. In summary:

- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated;
- the Fire Chief, Development Officer, Senior Building and Fire Official, Director of Public Works and Traffic Authority have no concerns.

Land Use By-law

Text Amendment

The definitions of the WLUB, although not directly applicable to the WMPS, can be used as a guide to the intent of the WMPS. On the subject lot, the applicant proposes to develop an automobile service station and drive-through restaurant. Should the lot be amended from the General Commercial (GC) zone to the Highway Commercial (HC) zone, the proposed uses would be allowed “as-of-right”, as they are each listed as a permitted use in the Highway Commercial (HC) zone (Attachment B).

Staff are recommending that the text of Section 13 of the WLUB be amended as part of this application to ensure the abutting zone and planting strip requirements apply to commercial properties which abut any residential use as opposed to properties with residential zoning (Attachment A).

Map Amendment

The proposed uses are not permitted in the General Commercial (GC) zone. There is a policy option to allow Council to consider rezoning the subject lot to the Highway Commercial (HC) zone. The proposed uses are permitted in the Highway Commercial (HC) zone. An amendment to the WLUB Zoning Map is required for this application. The proposed map amendment is shown in Figure 2.

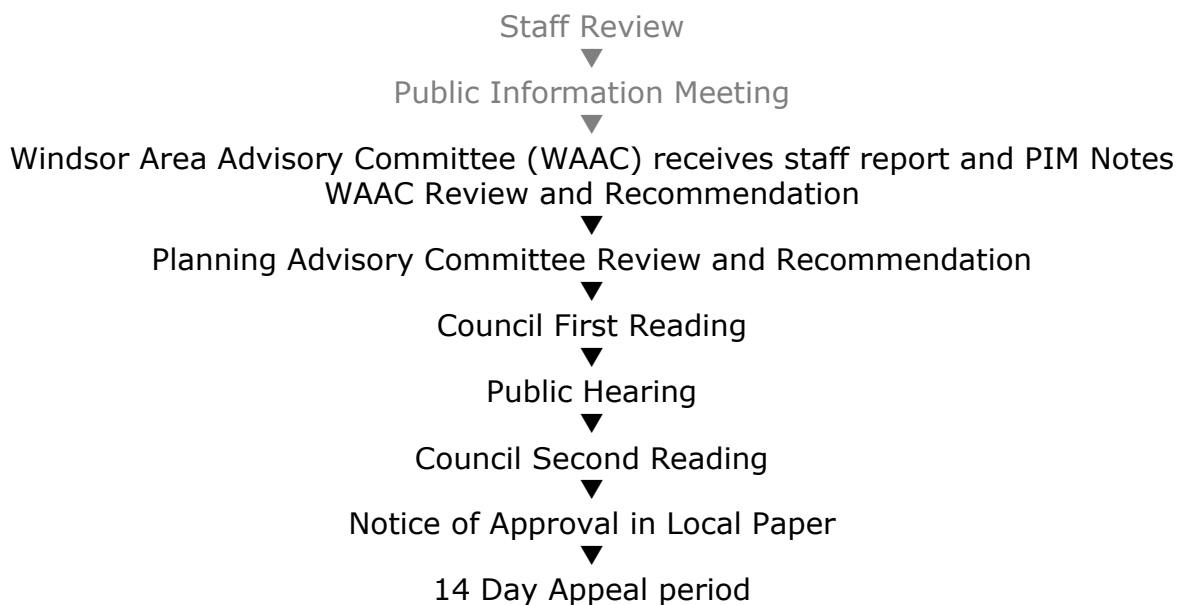
MCCAP

This amendment has not been examined in relation to the Municipal Climate Change Action Plan (MCCAP).

NEXT STEPS

As noted above, the proposed amendment has been considered within the context of both the specific and general policies of the WMPS and is consistent with the intent, objectives and policies of the WMPS. The amendment meets the specific and general criteria for amendment to the WLUB or WMPS. As a result, it is reasonable to amend the zoning of the lot located at 543 O'Brien Street, Windsor, PID 45055928 from the General Commercial (GC) Zone to the Highway Commercial (HC) Zone on the Zoning Map of the Windsor Land Use By-Law and the text of the WLUB to amend the abutting zone and planting strip requirements for the commercial zones.

Process



FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality in regard to this development.

ALTERNATIVES

In response to the application, WAAC may recommend that PAC:

- recommend that Council hold First Reading and authorize a Public Hearing to approve the WLUB amendment as drafted or as specifically revised by direction of WAAC;
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A	Draft Amendments to the Windsor Land Use By-law
Attachment B	Highway Commercial (HC) Zone
Attachment C	Specific Criteria for Amendment
Attachment D	General Criteria for Amendment
Figure 1	Windsor Zoning Map – Existing
Figure 2	Draft Windsor Zoning Map – Proposed Amendment

Report Prepared by: _____

Sara Poirier, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Attachment A
Draft Amendments to the Windsor Land Use By-law

Text amendments to the Windsor Land Use By-law to ensure the abutting zone and planting strip requirements in Section 13 *General Provisions for Commercial Zones* apply to abutting residential uses not solely abutting residential zones.

1. **Amend Section 13.1 *Lots Abutting Residential and Institutional Zones* in Part 13 of the Windsor Land Use By-law, *General Provisions for Commercial Zones*, by replacing:**
 - (a) the title “**Lots Abutting Residential and Institutional Zones**” with “**Lots Abutting Residential and Institutional Uses**”, and
 - (b) the phrase “**Except in the Local Commercial (LC) zone, where the yard of a lot located in a commercial zone abuts a lot in a residential or institutional zone, the following standards apply**” with “**Except in the Local Commercial (LC) zone, where the yard of a lot located in a commercial zone abuts a lot with residential uses or uses permitted in the Institutional (I) zone, the following standards apply**” so that it reads as follows:

13.0 GENERAL PROVISIONS FOR COMMERCIAL ZONES

Lots Abutting Residential and Institutional Uses

- 13.1 Except in the Local Commercial (LC) zone, where the yard of a lot located in a commercial zone abuts a lot with residential uses or uses permitted in the Institutional (I) zone, the following standards apply:
 - (a) the minimum side yard requirement for the commercial use from the abutting lot line shall be 20 ft (6.10 m); and
 - (b) no open storage or outdoor display shall be permitted in the abutting yard of the commercial use.
2. **Amend Section 13.2 *Planting Strip* in Part 13 of the Windsor Land Use By-law, *General Provisions for Commercial Zones*, by replacing: the phrase “**Where a commercial use in a commercial zone abuts a residential zone, the part of the lot directly adjoining the residential zone shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to said lot line.**” with “**Where a commercial use in a commercial zone abuts a residential use, the part of the lot directly adjoining the residential use shall be used for no purpose other than a planting strip having a****

minimum width of 5 ft (1.52 m) measured perpendicular to said lot line.”

Planting Strip

- 13.2 Where a commercial use in a commercial zone abuts a residential use, the part of the lot directly adjoining the residential use shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to said lot line.

Attachment B
Highway Commercial (HC) Zone

18.0 HIGHWAY COMMERCIAL (HC)

Permitted Uses

18.1 The following uses shall be permitted in the Highway Commercial (HC) zone:

- Arts and crafts studios including photography
- Automobile service stations, car washes and repair centres
- Automobile, truck and motorcycle sales, service, or rental establishments
- Building supply establishments
- Day care centres, licensed and non-licensed
- Dry cleaning and laundry establishments
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Farm equipment sales and service
- Farm markets
- Funeral homes
- Garden and nursery sales and supplies
- Hotels and motels
- Kennels
- Licensed liquor establishments
- Manufactured home sales
- Microbrewery, Microdistillery, Winery (*Amended WLUB 18-01 Effective January 29, 2019*)
- Offices (not on the ground floor)
- Recreational vehicle sales, service and rental establishments
- Recycling depots
- Repair and rental establishments
- Residential uses (not on the ground floor)
- Restaurants, including drive-through and take-out establishments
- Retail stores
- Self storage operations (*Amendment WLUB 10-02 Effective February 25, 2011*)
- Service shops
- Taxi, train and bus stations
- Veterinary clinics and animal hospitals
- Wholesaling and wholesale sales
- Existing residential uses

HC Zone General Requirements

18.2 In the HC zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	10,000 ft ² (929.00 m ²)
Minimum lot frontage	100 ft (30.48 m)
Minimum front yard	40 ft (12.19 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	15 ft (4.57 m)
Maximum height of main building	3 storeys
Maximum height of accessory building	15 ft (4.57 m)

Open Storage and Outdoor Display

18.3 In the HC zone, open storage and outdoor display shall:

- (a) be located at least 10 ft (3.05 m) from any lot line;
- (b) be accessory to a permitted commercial use; and
- (c) not be located in any required parking spaces or loading spaces.

Residential Uses

18.4 Residential uses as part of the same building as a commercial use are permitted provided the total floor area of the residential use does not exceed two-thirds (66 percent) of the total floor area of the building.

Access

18.5 Entrance to and exit from properties zoned HC shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot.

Attachment C
Specific Criteria for Amendment

8.0 COMMERCIAL

8.2 Highway Commercial

Policy 8.2.2 *It shall be the policy of Council to consider the creation of new Highway Commercial zones in the Commercial and Industrial designations, excluding the Wentworth Road Gateway District and the designated Industrial Parks, by amendment to the Land Use By-law subject to the following criteria: (Amendment WMPS 09-02 Effective September 3, 2009)*

CRITERIA	COMMENT
<i>(a) the proposed use has direct access to an arterial road shown on the Transportation Map (Map 2);</i>	O'Brien Street is an arterial road as shown on the Transportation Map (Map 2) of the Windsor Municipal Planning Strategy.
<i>(b) the proposed use will not conflict with adjacent uses;</i>	The lot is currently vacant and was once the location of the Co-op Atlantic store and gas bar. Any new uses, whether permitted in the underlying General Commercial (GC) zone or permitted through rezoning to Highway Commercial (HC), will generate traffic to the property. The Municipal Traffic Authority stated they had no concerns in regard to traffic impact or the ability to provide safe and efficient roadway access to the lot. Council has specific requirements in the WLUB for automotive service stations (Section 5.2) to avoid traffic issues and ensure safe product delivery. There are also special requirements regarding stacking space for drive-through restaurants in Section 5.9 of the WLUB. The permitted signage as outlined in Section 7.18 of the WLUB for the Highway Commercial (HC) zone is the same as that permitted in the General Commercial (GC) zone. Section 7.17 states that automobile service stations are also permitted one ground sign

	exceeding the size permitted in Section 7.18 up to a maximum of 120 ft² (11.15 m²) provided the sign is setback at least 15 ft from any property line. Signs are permitted to be illuminated as per Section 5.18 of the WLUB as long as the illumination is directed away from adjoining properties and any adjacent street. The Development Officer does not have any concerns regarding any of the uses permitted in the Highway Commercial zone being located at this location. The lot is approximately two (2) acres in size and would meet the requirements of the Highway Commercial (HC) Zone. A planting strip and increased minimum side yard are required if the commercial use abuts a lot in a residential zone. However, this does not apply to residential uses in the General Commercial (GC) zone. Staff are recommending an amendment to ensure these requirements benefit all residential uses adjacent to the property regardless of the zone (Attachment A). The adjacent uses include the former Windsor United Baptist Church to the north, the vacant lot and Lawtons Drugs and Medical Clinic to the east, four (4) unit and two (2) unit dwellings on the south side of O'Brien Street, and two residential properties and the Baby Panda Chinese food restaurant to the west. Following the regulations in the WLUB for Highway Commercial (HC) uses, specifically automobile service stations and drive through restaurants, and the proposed amendments for planting strip and increased minimum side yards,
--	---

	potential areas of conflict with adjacent uses would be prevented.
<i>(c) adequate parking and loading areas can be provided;</i>	The Development Officer commented that this is a large lot of approximately two (2) acres and they do not anticipate any issues with regards to parking or a loading zone. They added that drive-through and take out restaurants require four (4) parking spaces for the first 200 sq. ft. of usable floor area plus one (1) parking space for each additional 200 sq. ft. of useable floor area and any other commercial use requires one (1) parking space for every 300 sq. ft. of commercial floor area. The Development Officer stated that a loading space is not required for any building less than 2,000 sq. ft. in floor area. Depending on the building size it may or may not require a loading space. If the commercial floor area is over 2,000 sq. ft. then one (1) loading space would be required of a minimum of 12' x 40' and minimum 14' height clearance. Loading spaces cannot be located in the required front yard or located within any yard which abuts a residential zone. Loading spaces must also have access to the street by means of a minimum 20' wide driveway.
<i>(d) traffic flow and pedestrian safety will not be adversely affected;</i>	The Municipal Traffic Authority stated they had no concerns in regard to traffic impact or the ability to provide safe and efficient roadway access to the lot.
<i>(e) limited access and exit points can be provided;</i>	The provisions of the Highway Commercial (HC) zone restricts the entrance to and exit from the lot to a maximum of two (2) driveways on any street. Section 5.2 of the Windsor Land Use By-law stipulates the driveway requirements for automobile service stations. The requirements state that the lot should have a minimum of 150

	ft (45.72 m) of frontage and be a minimum distance of 100 ft (30.48 m) from a street intersection. The subject lot has approximately 200 ft of frontage and driveway entrances would be further than 100 ft from the O'Brien Street and King Street intersection and the O'Brien Street and Wentworth Road intersection. Section 5.2 also states that the minimum distance between driveways shall be 30 ft (9.14 m) and the width of the driveways shall not be less than 25 ft (7.62 m). The Municipal Traffic Authority confirmed that the existing driveway is suitable as a commercial access for the property.
<i>(f) any other matter which may be addressed in a Land Use By-law; and</i>	All other matters have been addressed elsewhere in this report.
<i>(g) the provisions of Policy 16.3.1.</i>	See Attachment D.

Attachment D
General Criteria for Amendment

16.0 IMPLEMENTATION

16.3 Land Use By-law Amendments and Development Agreements

Policy 16.3.1 *In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*

CRITERIA	COMMENT
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Director of Public Works confirmed that the lot has access to water and sewer services. They added that they do not have concerns regarding either the supply of water to the uses permitted in the Highway Commercial (HC) zone or effluent which may be discharged into the sewer service as long as all the rules and regulations and/or by-laws are followed.
<i>(ii) the adequacy of school facilities;</i>	Not applicable.
<i>(iii) the adequacy of fire protection;</i>	The local Fire Chief had no concerns with the possible future uses of the site. The Fire Chief mentioned that a site plan which takes into consideration items such as the location of bulk propane storage tanks and similar items, and apparatus access to the perimeter of the building(s) should be provided at the building permit stage to ensure any construction has adequate access for fire and emergency services.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	O'Brien Street is an arterial road as shown on the Transportation Map (Map 2) of the Windsor Municipal Planning Strategy. The Traffic Authority had no concerns in regard to the adequacy of

	road networks adjacent to, or leading to the development.
<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Traffic Authority has confirmed that the existing driveway is suitable as a commercial access and has no concerns. There is a sidewalk along O'Brien street which abuts the front of the subject lot for pedestrian traffic. There is no rail transportation in this area.
<i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that the lot is currently approximately two (2) acres and should be adequate in meeting the general requirements for Highway Commercial zone. The lot exceeds the minimum lot area of 10,000 sq. ft. and minimum lot frontage required in the Highway Commercial (HC) zone. The Development Officer would ensure any development on the lot met the minimum front yard, rear yard and side yard of the Highway Commercial (HC) zone when the property owner applies for development and building permits.
<i>(d) the pattern of development which the proposal might create;</i>	The Development Officer has no concerns as to the pattern of development which the proposal might create.
<i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i>	The subject lot is relatively flat and is already partially paved from the previous uses. There are no watercourses, marshes or bogs identified on the mapping for the site.

	A small portion of the north side of the lot is within the Environmental Constraints area. Any new buildings proposed on that portion of the site would be required to meet Section 27.0 of the Windsor Land Use By-law. It is the responsibility of the property owner to ensure the site is suitable for the proposed uses.
<i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i>	The property owner is working with an environmental consultant to ensure the remediation of the site meets the Department of Environment's requirements for the proposed uses. Facilities where a petroleum product is sold or kept for sale require approval by the Nova Scotia Department of Environment. The property owner will have to meet the Department of Environment's requirements prior to building and development permits being issued. All Municipal, Provincial and Federal regulations will have to be met.
<i>(g) any other matter required by relevant policies of this Strategy.</i>	All other matters have been addressed elsewhere in this report.

Figure 1
Windsor Zoning Map – Existing

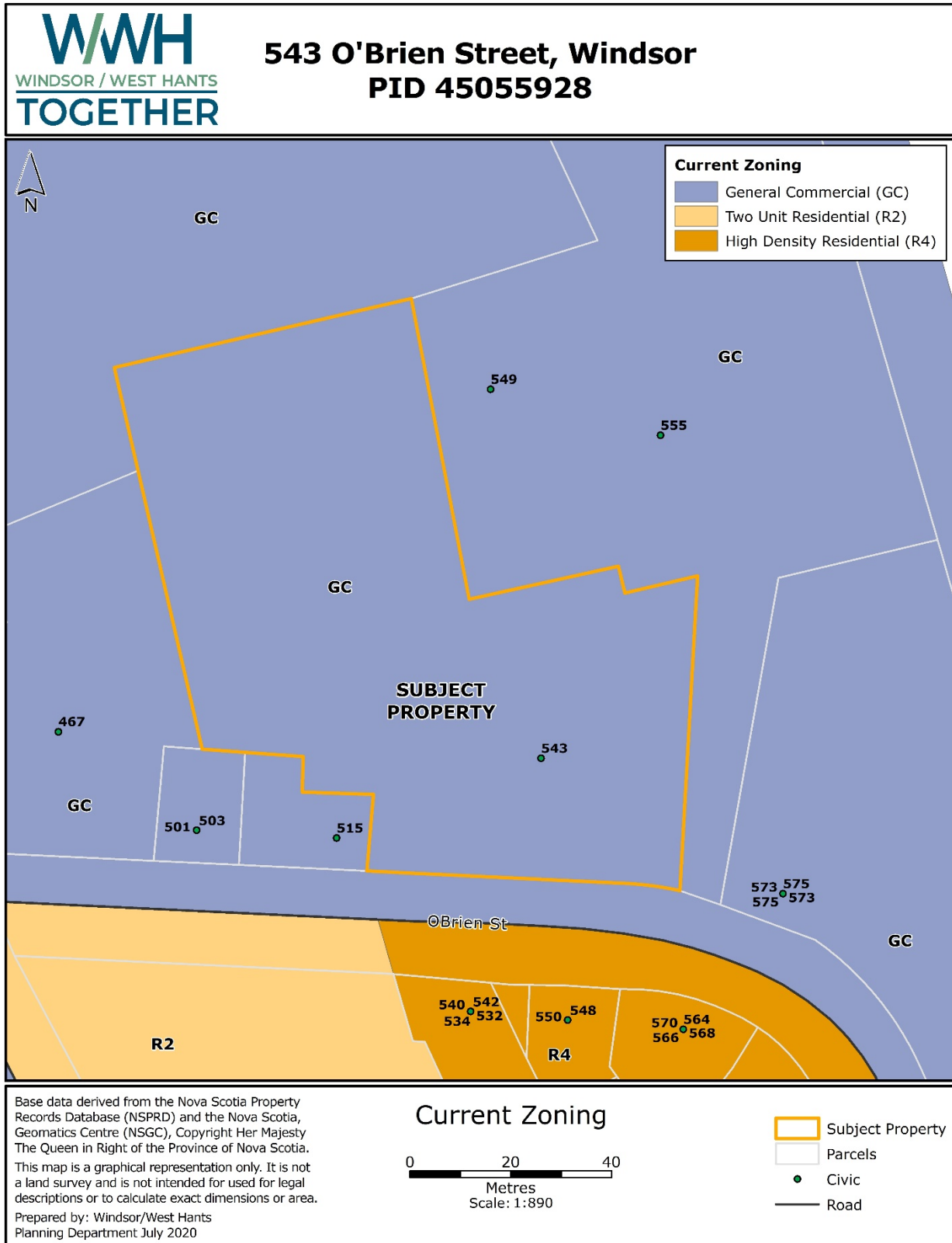
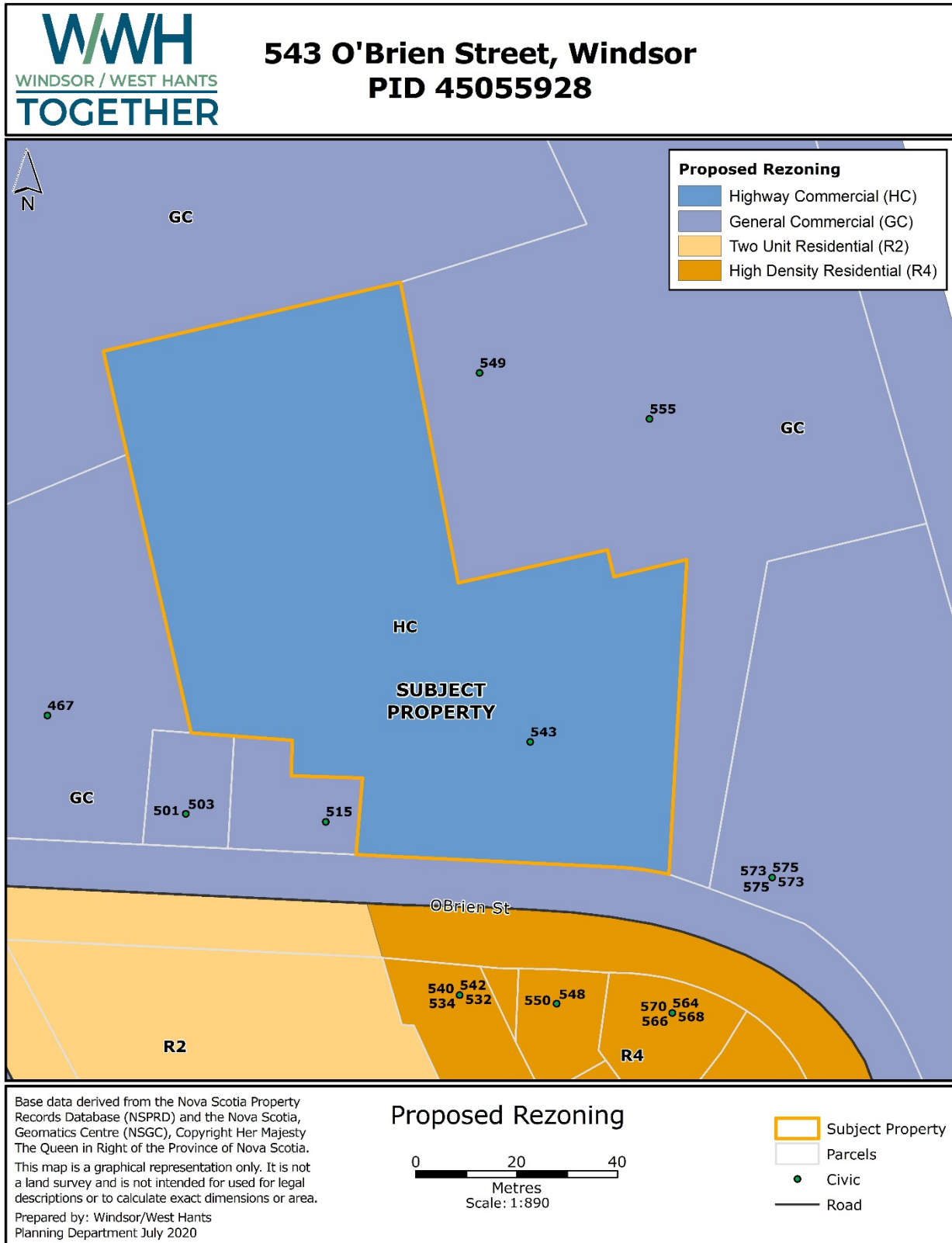


Figure 2
Draft Windsor Zoning Map – Proposed Amendment





WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☒	Recommendation ☐	Decision Request ☐	Councillor Activity ☐
---	---	---	--

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Saira Shah, Planner

Date: 2020-11-24

Subject: File # 20-03C 583 Highway 236

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230.

RECOMMENDATION

Should Council wish to approve the development agreement to permit a licensed day care at 583 Hwy#236, following completion of the Public Hearing, the following motion would be in order:

that Council gives Second Reading to and approves entering into a development agreement to allow a licensed day care at 583 Hwy#236, Scotch Village, which is substantively the same as the draft set out in Appendix C of the report to the Planning Advisory Committee dated October 8, 2020.

BACKGROUND

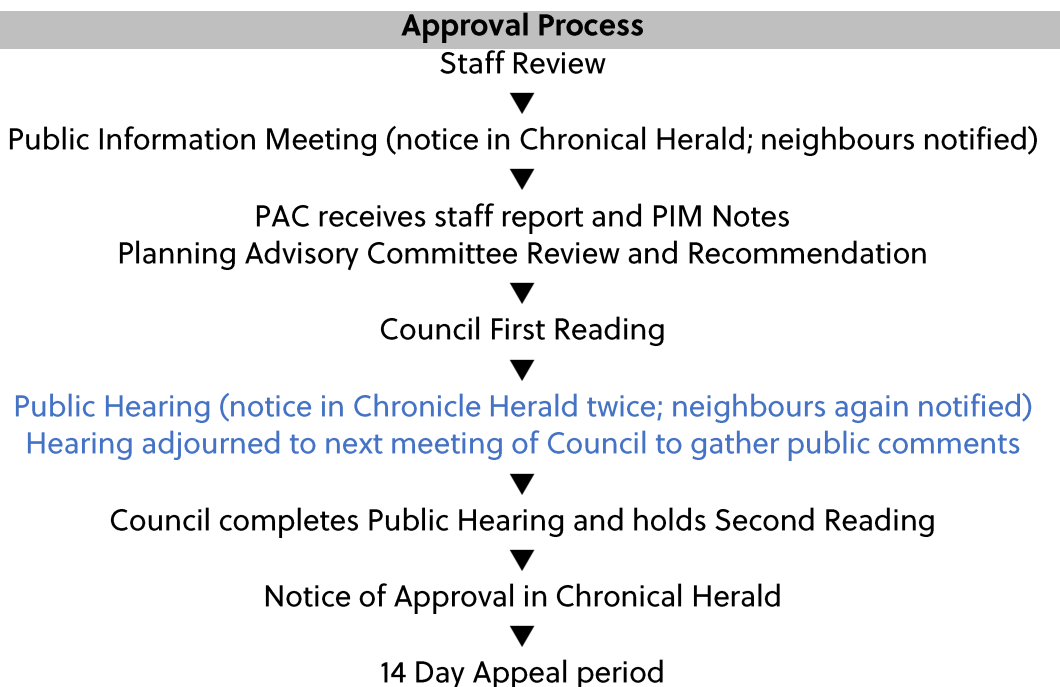
An application was received on April 7, 2020 from Sarah Hein to permit a licensed day care at 583 Hwy#236, Scotch Village, West Hants. A non-licensed day care is permitted as a home-based business in the West Hants Land Use By-law. However, a non-licensed day care is limited to six or fewer children and the applicant wishes to operate a licensed day care with approximately 20 children. Policy 8.9.4 of the West Hants Municipal Planning Strategy enables Council to consider permitting a licensed daycare by development agreement.

A Public Information Meeting (PIM) was held virtually on September 23, 2020 and broadcast live on the Municipal Facebook page to receive public feedback on the application (Attachment A).

On October 8, 2020 staff presented a recommendation report to the Planning Advisory Committee (Attachment B).

PAC/HAC recommended in favour of the development agreement to permit a licensed day care at 583 Hwy#236 on October 8, 2020.

NEXT STEPS



ATTACHMENTS

- Attachment A 2020-10-07 File#20-03A Public Information Meeting Notes September 23, 2020
- Attachment B 2020-10-08 File #20-03 583 Highway 236 Recommendation Report

Report Prepared by: _____
Saira Shah, Planner

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

Attachment A
2020-10-07 File#20-03A Public Information
Meeting Notes September 23, 2020

Public Information Meeting Notes
September 23, 2020
583 Highway 236

Meeting date and time	A public information meeting was held on September 23, 2020 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: Councillor McLean Director LeMay Planner Shah Planner Poirier As this meeting was held virtually there were no members of the public present.
Applicant name and address Site Location (Civic and PID)	Planner Shah outlined the request from Sarah Hein to permit a licensed day care at 583 Hwy#236, Scotch Village.
File Number	20-03A
Comments	Comments from the public could be submitted by mail, drop-off at the Municipal Office, e-mail and telephone to Planner Shah. Two (2) written comments were received from the public and no verbal comments were submitted. The comments from the public were related to a day care operated by the applicant in Brooklyn. Staff have considered the concerns raised and determined they do not relate to the West Hants Municipal Planning Strategy policy criteria.
Adjournment	The presentation portion of the PIM ended at 6:36 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Planner Shah until October 6, 2020.

Attachment B
2020-10-08 File #20-03 583 Highway 236
Recommendation Report



WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT

To: Members of Planning Advisory Committee

Submitted by: _____
Saira Shah, Planner

Date: 2020-10-08

Subject: 583 Hwy#236

File: 20-03

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230.

RECOMMENDATION

In order to allow the requested development, staff recommends that the Planning Advisory Committee (PAC) forward a positive recommendation by passing the following motion:

that PAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a licensed day care at 583 Hwy#236, Scotch Village, which is substantively the same as the draft set out in Appendix C of the report to the Planning Advisory Committee dated October 8, 2020.

BACKGROUND

An application was received on April 7, 2020 from Sarah Hein to permit a licensed day care at 583 Hwy#236, Scotch Village, West Hants. All necessary material for the application was submitted July 30, 2020.

The property is approximately 2.8 acres and the day care will be confined to the existing building and 1,500 square feet of outdoor play space. There will also be a maximum of five (5) parking spaces for the day care.

DISCUSSION

The property is designated Agriculture on the Generalized Future Land Use Map of the MPS (Figure 1) and zoned Agricultural Priority Two (AR-2) on the Zoning Map of the WHLUB (Figure 2). The property is bound on all sides by properties zoned Agricultural Priority Two (AR-2).

A non-licensed day care is permitted as a home-based business. However, a non-licensed day care is limited to six or fewer children and the applicant wishes to operate a licensed day care with approximately 20 children.

Section 6.1 of the WHLUB, *Development Agreements*, states that “*The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:*

(s) Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the Agricultural Priority Two (AR-2) zone and the Agricultural Priority Three (AR-3) zone outside the Growth Centre, Village and Hamlet designations in accordance with Policies 8.9.4 and 8.10.5 respectively of the Municipal Planning Strategy;

Although there is no specific definition for a Rural Commercial (RC) use, the best basis for determining what is considered a Rural Commercial (RC) use is the list of permitted uses in that zone in the WHLUB. A Licensed Day Care is a listed permitted use in the Rural Commercial (RC) zone.

Part 8 of the WHMPS contains the overall intention for areas designated Agriculture in West Hants; Section 8.9 indicates the intention of Council for non-agricultural development in areas zoned Agricultural Priority Two (AR-2).

Development Agreements

A development agreement is a legal contract between the Municipality and a property owner that describes the type of development permitted on a property. Development agreements provide an opportunity for Council to exercise a greater degree of control over aspects of a development proposal and allow Council to consider uses that would otherwise not be permitted in the underlying zone. A development agreement is binding upon a property until the agreement is discharged by Council.

The draft development agreement can be found in Appendix C.

Applicant Requests

The applicant requested the ability to have an outdoor play space for the day care up to 1,500 sq. feet. Outdoor play space is defined in the development agreement and must be located in the rear yard and not within 20 feet of a property line. An opaque fence is required to surround the outdoor play space to reduce noise for neighbours. A planting strip is typically required along the property line for a commercial business

and can be a combination of trees, bushes, and fences used as a buffer between commercial and residential uses. However, as the property is much larger than the outdoor play space and a fence is already required in the Nova Scotia Day Care Regulations (Section 22 (3) (c)) an opaque fence instead of a planting strip will be required around the outdoor play space. Several commercial zones in West Hants including Rural Commercial (RC) and Local Commercial (LC) have similar requirements for commercial businesses.

The applicant has stated they will not require a large amount of parking as they intend to have only two (2) staff and will stagger pick-up and drop-off times. A maximum of five (5) parking spaces are permitted in the development agreement and the parking area is outlined in Schedule B.

The applicant intends to operate the day care as an after-school facility during the school year and offer full-day service during summer, winter, and March break holidays. To ensure flexibility for the application the hours of operation shall be limited to 6:30 a.m. to 5:30 p.m. Monday to Friday daily.

WHMPS Specific Criteria

Policy 8.9.4 of the WHMPS establishes Council's intention to consider new non-resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses. Policy 8.9.4 establishes the criteria to be considered by Council, which are examined in detail in Appendix A.

Policy 8.9.4 (a) requires an agrologist report to determine that the development site has little or no agricultural capability in accordance with Policy 8.6.1. However, the day care will only take place in an existing garage not resulting in any new buildings. There will also be minimal parking consisting of up to five (5) spaces and an outdoor play space. The parking and the outdoor play space cannot be constructed of paved material to reduce potential impact on soil. Staff considered the challenges in obtaining an agrologist and determined that an agrologist report is not necessary for this application. Although this criterion has not been met staff is making a positive recommendation due to the application meeting the overall intent of Council.

In summary, the remaining criteria are met since:

- the day care will be in an existing building and the parking and outdoor play space will not be on a paved surface and will therefore have no new impact on agricultural capability;
- the day care and accessory parking and outdoor play space are not a use which, because of its size or nature would be more appropriately located in a Growth Centre, Village or Hamlet; and
- Department of Transportation and Infrastructure Renewal confirmed the existing access is acceptable for the day care.

WHMPS General Criteria

Policy 16.3.1 of the WHMPS states general criteria for any development agreement considered in West Hants. These criteria are examined in detail in Appendix B. In summary:

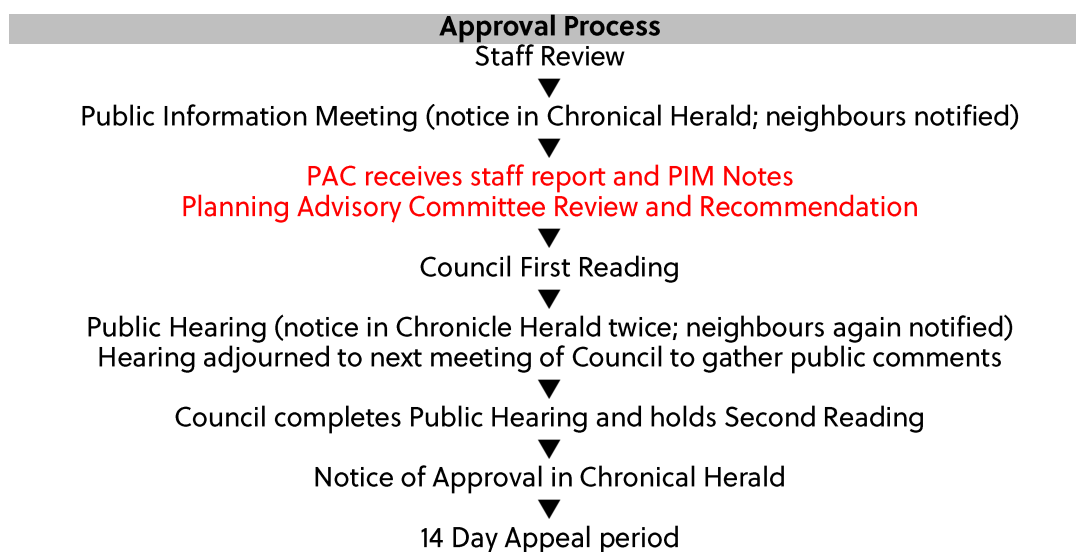
- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Senior Building Official, Director of Public Works and DTIR have no major concerns.

Municipal Climate Change Action Plan

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property.

Next Steps

As noted above, the proposed development has been considered within the context of both the specific and general policies of the WHMPS and is consistent with the intent, objectives and policies of the WHMPS. The development meets the intent of the specific and general criteria for development agreements as outlined in the WHMPS. As a result, it is reasonable to consider approving the development agreement to permit a licensed day care at 583 Hwy#236, Scotch Village, West Hants.



FINANCIAL IMPLICATIONS

There are no financial implications associated with this application.

ALTERNATIVES

In response to the application, PAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the Development Agreement as drafted or as specifically revised by direction of PAC;
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1 Generalized Future Land Use Map

Figure 2 Existing Zoning Map

Appendix A Specific Criteria for Development Agreement

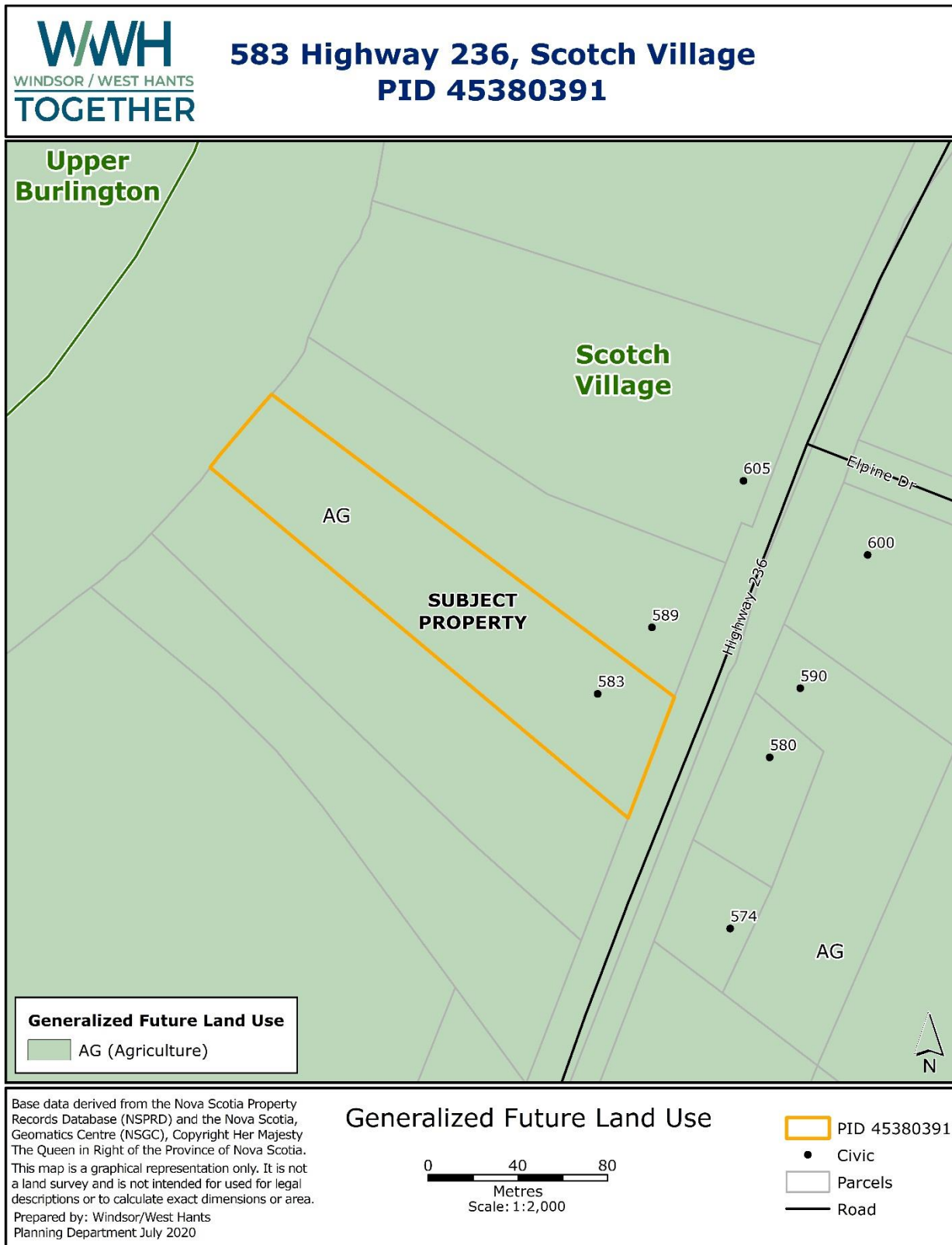
Appendix B General Criteria for Development Agreement

Appendix C Draft Development Agreement

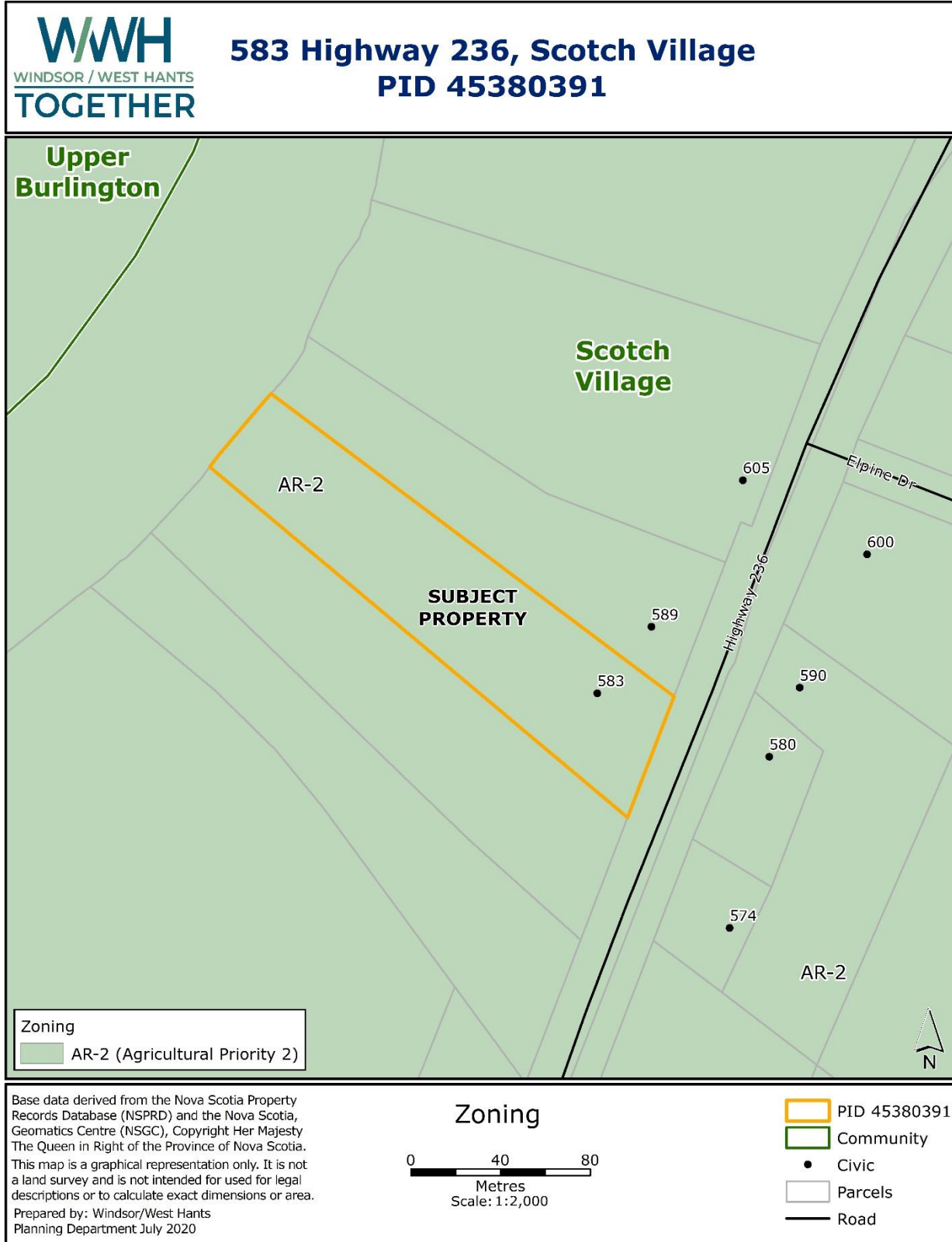
Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

**FIGURE 1
GENERALIZED FUTURE LAND USE MAP**



**FIGURE 2
EXISTING ZONING MAP**



APPENDIX A
SPECIFIC CRITERIA FOR DEVELOPMENT AGREEMENT

Policy 8.9.4 *It shall be the intention of Council to consider new non-resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the AR-2 zone by development agreement subject to the following:*

CRITERIA	COMMENT
<i>(a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;</i>	An agrologist report which is required by Policy 8.6.1 was not provided as the day care will be in an existing building and the parking and outdoor play space will be on an unpaved surface. The uses will therefore have no new impact on agricultural capability.
<i>(b) the proposed use will not compromise or adversely affect the operation or integrity of existing agricultural operations;</i>	The day care will be contained in the existing building and the parking and outdoor play space will be on an unpaved surface. The uses will not compromise or adversely affect the operation or integrity of existing agricultural operations.
<i>(c) the predominant agricultural character of the area will not be adversely affected;</i>	The day care will be contained in the existing building and the parking and outdoor play space will be on an unpaved surface. The uses will not impact the agricultural character of the area.
<i>(d) adequate separation distances and buffering between agricultural and non-agricultural uses can be provided;</i>	The day care will be contained in the existing building with the existing separation distances. The outdoor play space must be 20 feet from any property line and will be required to have an opaque fence surrounding the outdoor play space to ensure adequate separation.
<i>(e) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet;</i>	The day care is limited based on the size of the existing building and the accessory parking is limited to five (5) spaces. The outdoor play space is limited to 1,500 sq. feet.
<i>(f) safe and efficient roadway access is provided;</i>	Department of Transportation and Infrastructure Renewal confirmed the

	existing access is acceptable for the proposed future commercial use and a negative impact to the Provincial Road network is not anticipated.
<i>(g) adequate on-site parking is provided;</i>	Five (5) parking spaces are permitted for the day care in the development agreement.
<i>(h) the development is compatible with adjacent land uses with respect to:</i>	
<i>(i) traffic generation and traffic safety;</i>	Please see 8.9.4 (f) for further details.
<i>(ii) hours of operation;</i>	The hours of operation are limited in the development agreement to 6:30 a.m to 5:30 p.m. Monday to Friday daily.
<i>(iii) size and design of building(s);</i>	The day care will be in an existing building.
<i>(iv) signage; and</i>	All signage must meet the requirements of the West Hants Land Use By-law.
<i>(v) pedestrian circulation and safety;</i>	No impact on pedestrian traffic or safety is anticipated.
<i>(i) any other matter which may be addressed in a development agreement;</i>	No other matters have been raised.
<i>(j) Policy 16.3.1.</i>	See Appendix B.

APPENDIX B
GENERAL CRITERIA FOR DEVELOPMENT AGREEMENT

Policy 16.3.1 *In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*

CRITERIA	COMMENT
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Director of Public Works stated that the property does not currently have municipal water or sewer, nor are there plans to extend services to the site. As a result, the applicant is responsible for determining adequate services for the proposed use. The applicant has been informed.
<i>(ii) the adequacy of school facilities;</i>	No impact on school facilities is anticipated.
<i>(iii) the adequacy of fire protection and other emergency services;</i>	The Manager, Building and Fire Inspection and Fire Chief for the area have no concerns with regards to fire protection and emergency services. The Manager, Building and Fire Inspection has noted that if the day care includes infants a sprinkler system would be required by the Building Code. The applicant has been informed.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	Please see 8.9.4 (f) for further details.
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	No municipal costs related to this amendment are anticipated.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i>	As noted above in 16.3.1 (a) (i), the applicant will be responsible for the provision of water and on-site sewage disposal.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	Please see 8.9.4 (f) for further details.

<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The property is almost three (3) acres in size and has sufficient space for the intended uses.
<i>(e) the pattern of development which the proposal might create;</i>	The uses permitted by the development agreement will not create a pattern of development that is unusual for the area.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;</i>	Based on a preliminary visual assessment there are no evident concerns in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding. The MCCAP Inland and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property. The applicant will be responsible if any issues arise in terms of the suitability of the area for the proposed uses.
<i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and</i>	The proposed amendment meets all relevant municipal, provincial and federal regulations.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	Please see Appendix A for further details.

**APPENDIX C
DRAFT DEVELOPMENT AGREEMENT**



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2020.

BETWEEN:

WEST HANTS REGIONAL MUNICIPALITY, a body corporate pursuant to the Municipal Government Act, having its chief place of business at 76 Morison Drive, Wentworth Creek, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the "Municipality")

OF THE FIRST PART

- and -

Sarah, Judith, and Erik Hein, of Newport and Tantallon, in the County of Hants and Halifax, Province of Nova Scotia,

(Hereinafter referred to as the "Owners")

OF THE SECOND PART

WHEREAS the Owners are the registered owners of a parcel of land located at 583 Hwy#236, Scotch Village, (PID 45380391), hereinafter referred to as the "Property", which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Agriculture on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (June 26, 2008) (the "Municipal Planning Strategy") and zoned Agricultural Priority Two (AR-2) on the Zoning Map of the West Hants Land Use By-law (June 26, 2008) (the "Land Use By-law"); and

WHEREAS the Owners have requested that the Municipality enter into a development agreement to permit a Licensed Day Care on the Property (the "Development") pursuant to Section 6.1 (s) of the Land Use By-law which enables Council to consider a licensed day care as it is a listed permitted use in the Rural Commercial (RC) zone; and

WHEREAS the Council of the Municipality, at a meeting held on (DATE), approved this request and adopted this Agreement by policy;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

PART 1 AGREEMENT CONTEXT

1.1 Definitions

In this Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the Land Use Bylaw, except those defined as follows:

“Outdoor Play Space” means an area of land used for outdoor recreation accessory to a Licensed Day Care.

1.2 Schedules

The following attached schedules shall form part of this agreement:

- Schedule A - Legal Description
- Schedule B – Site Layout

1.3 Municipal Planning Strategy, Land Use By-law and Subdivision By-law

- (a) *Municipal Planning Strategy* means the West Hants Municipal Planning Strategy, approved on May 13, 2008, as amended, or successor By-laws;
- (b) *Land Use By-law* means the West Hants Land Use By-law, approved on May 13, 2008, as amended, or successor By-laws;
- (c) *Subdivision By-law* means the West Hants Subdivision By-law, approved on May 13, 2008, as amended, or successor By-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

The Parties agree that uses on the Property shall be limited to the following:

- (a) those uses permitted by the underlying zoning in the Land Use By-law; and
- (b) Licensed Day Care.

Except as otherwise provided in this Agreement, the provisions of the Land Use By-law and the Subdivision By-law apply to any development undertaken pursuant to this agreement.

2.2 Development Location and Design

- (a) The proposed Licensed Day Care shall be located entirely within the existing building located as shown on the Site Layout, Schedule B.

- (b) Outdoor Play Space of up to approximately 1,500 sq. feet in area shall be permitted in the rear yard of the property as shown on Schedule B. The Outdoor Play Space shall not be within 20 feet of a property line. A fence with a minimum height of 4 ft. (1.2 m) shall surround the Outdoor Play Space and be opaque. The Outdoor Play Space shall not be constructed using a paved surface.

2.3 Access and Egress

The Owners shall maintain the existing driveway. The Development Officer, after consultation with the Municipal Engineer, may in his/her sole discretion approve minor incidental changes to the layout of the driveway.

2.4 Parking

A maximum of five (5) parking spaces may be used as part of the Licensed Day Care. The parking shall not be constructed using a paved surface and shall be located as shown on Schedule B.

2.5 Signs and Lighting

Signage and illumination shall be in accordance with sections 5.18 and 7.0 of the Land Use By-law which control lighting, size, location, and number of signs. Exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to minimize light spilling, glare or light cast over neighbouring properties or the street.

2.6 Water and Sewer Services

The Owners shall be responsible for ensuring adequate water and sewer services are available for the uses permitted.

2.7 Hours of Operation

The hours of operation for the Licensed Day Care shall be limited to 6:30 a.m. to 5:30 p.m. daily, Monday to Friday.

2.8 Maintenance

- (a) The Owners shall keep the Property and buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.
- (b) The Owners shall maintain the driveway to a level adequate to allow for access by emergency service vehicles.

PART 3 CHANGES and DISCHARGE

- 3.1** The Owners shall not vary or change the use of the Property from that provided for in Section 2.1 of this Agreement, *Use*, unless a new agreement is entered into with the Municipality or this agreement is amended.

- 3.2** Any matters in this agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing provided that Council determines that the changes do not significantly alter the intended effect of these aspects of this agreement.
- 3.3** The following matters are substantive matters:
- (a) the uses permitted on the property as listed in Section 2.1 *Use of this agreement*; and
 - (b) the development location on the property as listed in Section 2.2 *Development Location and Design* and Schedule B of this agreement.
- 3.4** Notwithstanding the foregoing, discharge of this agreement is not a substantive matter and this agreement may be discharged by Council without a public hearing.
- 3.5** Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owners following a resolution of Council to give such Notice:
- (a) as provided for in Section 4.1, *Commencement of Development*, of this Agreement; or
 - (b) at the discretion of the Municipality, with or without the concurrence of the Owners, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or
 - (c) at any time upon the written request of the Owners, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.
- 3.6** Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

- (a) The Owners may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required.
- (b) Development as provided in Part 2 of this Agreement shall commence not later than 24 months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act 30 days after giving Notice of Intent to Discharge to the Owners. Upon the written request of the Owners, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be an amendment to this Agreement.

- (c) If the Owners are bona fide delayed from commencing the development for reasons which are beyond the Owners' control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Owners is excused for the period of the delay and the time period for the Owners to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

4.2 Material to be Provided

- (a) The Owners shall provide record drawings to the Development Officer for any portion of the development for which an engineered design is required, within ten days of completion of any work which requires the engineered design.
- (b) The Owners shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with Other Bylaws and Regulations

- (a) Nothing in this Agreement shall exempt the Owners from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.
- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

5.2 Severability of Provisions

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

5.3 Interpretation

- (a) Where the context requires, the singular shall include the plural and the masculine gender shall include the feminine and neutral gender
- (b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

5.4 Municipal Responsibility

- (a) The Municipality does not make any representations to the Owners about the suitability of the Property for the development proposed by this agreement. The Owners assume all risks and must ensure that any proposed development

complies with this Agreement and all other laws pertaining to the Development.

- (b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement, the Municipality may notify the Owners in writing. In the event that the Owners have not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of the Development Agreement.

5.6 Costs

The Owners shall pay all costs associated with the advertising required for this Agreement, the costs of registering this Agreement, and all costs associated with any amendment thereof.

5.7 Development Agreement Bound to Land

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the *Municipal Government Act*.

5.8 Assignment of Agreement

The Owners may, at any time and from time to time, transfer or assign this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this Agreement.

5.9 Written Notice

- (a) The Municipality may serve notice on the Owners personally or by ordinary mail which shall be deemed to have been received within three business days of mailing, addressed to Sarah Hein 98 Millard Court Newport, NS B0N 2A0 and Erik & Judith Hein 15 Inlet Drive Tantallon, NS B3Z 2L3, or at any other address provided by the Owners.

- (b) The Owners may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0.

5.10 Full Agreement

This agreement constitutes the entire agreement and contract entered into by the Municipality and the Owners. No other agreement or representation, oral or written, shall be binding.

IN WITNESS WHEREOF this Agreement was properly executed by the respective parties hereto on the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of:

Witness

Witness

Witness

Witness

Witness

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

)

Per: _____

) Abraham Zebian, Mayor

)

) Per: _____

) Rhonda Brown, Municipal Clerk

)

)

)

)

)

)

)

)

Per: _____

) Sarah Hein

)

)

Per: _____

) Judith Hein

)

)

Per: _____

) Erik Hein

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2020, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **THE WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2020, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **THE WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2020, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **SARAH HEIN**, one of the parties thereto, signed, sealed and delivered the same in h presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2020, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **JUDITH HEIN**, one of the parties thereto, signed, sealed and delivered the same in h presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2020, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **ERIK HEIN**, one of the parties thereto, signed, sealed and delivered the same in h presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK
WEST HANTS REGIONAL MUNICIPALITY

I, Rhonda Brown of _____, Hants County, Nova Scotia make oath and swear that:

1. I am the Clerk of the West Hants Regional Municipality (The "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. The Municipality is a body corporate pursuant to the Municipal Government Act, S.N.S. 1988, c.18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the Municipal Government Act, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.
4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

Sworn before me at _____, Nova Scotia,
this _____, 2020.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA
Print name/affix seal

RHONDA BROWN

I CERTIFY that on this date Rhonda Brown personally came before me and swore under oath the foregoing Affidavit.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA
Print name/affix seal

CANADA
PROVINCE OF NOVA SCOTIA
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (INDIVIDUAL)

I, Sarah Hein, the "Deponent", make oath and swear that:

1. **I acknowledge that I executed the foregoing instrument on the date of this affidavit; this acknowledgement is made for the purpose of registering such instrument pursuant to s.31(a) of the *Registry Act*, R.S.N.S. 1989, c.392 or s.79(1)(a) of the *Land Registration Act* as the case may be.**
2. I am nineteen years of age or older and am a resident of Canada under the *Income Tax Act* (Canada).
3. For the purpose of this affidavit "spouse" means an individual who is married to another individual; is married to another individual by a marriage that is voidable and has not been voided by a declaration of nullity; has gone through a form of marriage with an individual, in good faith, that is void and they are cohabiting or have cohabited within the preceding year; or is a party to a registered domestic-partner declaration made in accordance with Section 53 of the *Vital Statistics Act* as amended, but does not include an individual who becomes a former domestic partner pursuant to section 55(1) of the Act.
4. I am not a spouse and, with respect to the within property, I have no former domestic partner with the rights contemplated by section 55 of the *Vital Statistics Act*, nor any former spouse with rights in the within property under the *Matrimonial Property Act*, as amended.

I certify that on this _____, 2020
the Deponent came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA
Print name/affix seal

Sarah Hein

CANADA
PROVINCE OF NOVA SCOTIA
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (INDIVIDUAL)

We, Judith Hein and Erik Hein, the "Deponents", make oath and swear that:

1. **We acknowledge that we executed the foregoing instrument on the date of this affidavit; this acknowledgement is made for the purpose of registering such instrument pursuant to s.31(a) of the *Registry Act*, R.S.N.S. 1989, c.392 or s.79(1)(a) of the *Land Registration Act* as the case may be.**
2. We are nineteen years of age or older and are residents of Canada under the *Income Tax Act* (Canada).
3. For the purpose of this affidavit "spouse" means an individual who is married to another individual; is married to another individual by a marriage that is voidable and has not been voided by a declaration of nullity; has gone through a form of marriage with an individual, in good faith, that is void and they are cohabiting or have cohabited within the preceding year; or is a party to a registered domestic-partner declaration made in accordance with Section 53 of the *Vital Statistics Act* as amended, but does not include an individual who becomes a former domestic partner pursuant to section 55(1) of the Act.
4. We are the spouses of each other. Neither of us has any other spouse nor, with respect to the within property, any former domestic partner with the rights contemplated by Section 55 of the *Vital Statistics Act*, or any former spouse with rights under the *Matrimonial Property Act*. We consent to this disposition.

I certify that on this _____, 2020
the Deponent came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Judith Hein

Erik Hein

Schedule 'A'
Legal Description – PID 45380391

Registration County: HANTS COUNTY

Street/Place Name: NO 236 HIGHWAY /SCOTCH VILLAGE

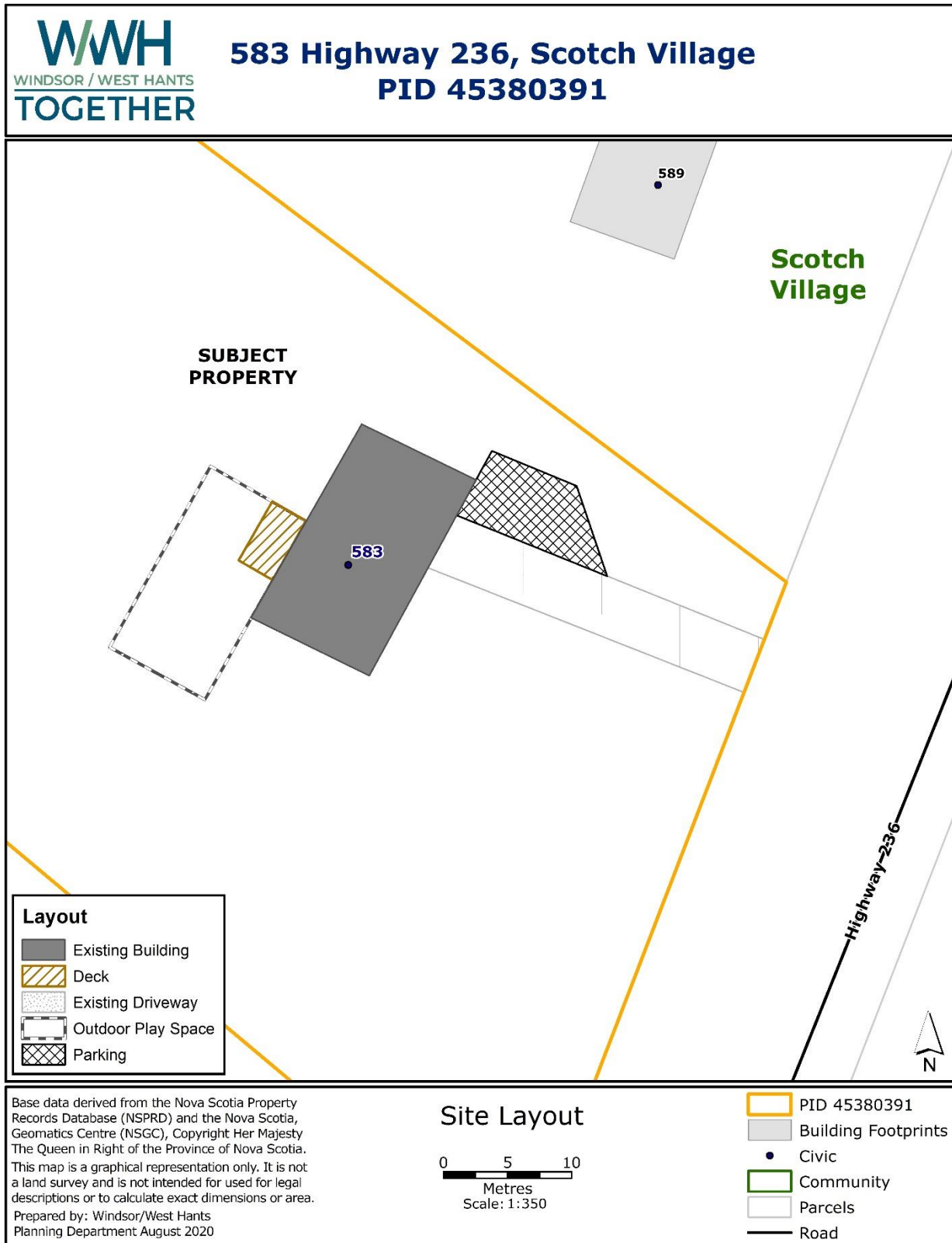
Title of Plan: PLAN OF S/D OF LOTS C-3, C-4 & C-5, LANDS OF ELIZABETH A CROCKETT, NO
236 HWY, SCOTCH VILLAGE

Designation of Parcel on Plan: LOT C-3

Registration Number of Plan: 95010766

Registration Date of Plan: 2009-12-29 13:09:29

Schedule 'B'
Site Layout





WEST HANTS REGIONAL MUNICIPALITY
Mayors Report

To: **West Hants Regional Municipality Council**

Submitted by: **Mayor Zebian**

Date: **January 26, 2021**

2021 looks like it is going to be a very busy year with much happening. Since our last Council meeting, I represented the Municipality at Christmas Angels. Along side Councillor Ivey, we entertained the many watching safely from their homes and began a push for donations that saw Christmas Angels achieve their most successful fundraiser ever, with over \$70,000 being raised. A very huge thank you to all the businesses, organizations, individuals, and volunteers who really stepped up and showcased why we are Hants County Strong!

I attended a virtual Nova Scotia Federation of Municipalities (NSFM) meeting where we discussed housing, Covid, program supports, and other topics facing us. I am constantly keeping West Hants Regional Municipality on the minds of all levels of Government by meeting, calling, and visiting organizations and politicians on all levels.

I am also cold calling investors and businesses to introduce them to our community and showcase what we are building. We have many successes from this strategy, and I'll continue doing it. It is very apparent that we lack affordable housing options, mid range options, and even higher end. We are fortunate here in our region to have such a need for all forms of housing and I'll keep pushing developers in this regard.

I was part of a Valley Mayors meeting in December. The purpose of the meeting was to discuss the VCFN, VREN, and other organizations that we are all partners on. I'll update Council more if anything comes about from that initial meeting.

The branding team had its kick-off meeting back in December to brand the new Regional Municipality. The team has issued an RFP to review all the various studies both former municipalities had undertaken and to engage the public on various aspects of our community. The next meeting will see the team select a proponent as a result of the RFP and to begin the process. As more develops, I will update Council.

The VREN continues to meet biweekly. We have met over 30 times since March as Council was updated at COTW. I have referred many individuals and businesses to the VREN looking for support and advice in setting up, dealing with issues, or looking for support. I will remind Council to always send any business or individual who reaches out to you for help to the VREN.

I've also been studying the CAP and the discussion to remove it. I've been using the online tool issued by the NSFM before Christmas to see who it would affect and how much it would affect them. While I understand the CAP is not a perfect program, I still do not agree with the reasoning behind why other Municipalities want to remove it. Under the CAP program, I believe Municipalities have to be much more transparent in regard to the budget and setting the tax rate. I'm always available for a conversation if anyone wishes to discuss as it is quite a big topic.

Develop NS seems to be expanding on its 97% internet coverage for all of NS and I'm hopeful that we have everyone in our region connected in the near future. I appreciate the urgency, but any project of this size requires time and patience. It will definitely be worth it.

The roads that we partnered on with the Province of NS through the 50/50 cost share program have all been paved and look fantastic. Residents on Dill Road, Underwood, and Aylward have been reaching out to express their gratitude to Council for helping expedite the paving projects by partnering on this program. They have expressed to me that they understand it is not a municipal "responsibility" but at the same time it is a service that we can help with. So, thank you to Council from all those who have reached out. It was a successful program.

I would like to recognize staff at the sports complex as well for responding to our residents wishes and adding more family skate times over the extended winter break for students. The demand is certainly there as I have been observing on a daily and nightly basis the amount of people using the complex. The walking/running track is at full capacity most times, the sports turf is engulfed with giggles and laughter, and watching kids learn to skate on the ice is priceless. It was definitely worth every stressful meeting, discussion, and long nights and weekends getting to this point. Also, the quality of the recreation programming has been incredible with great success. One that stands out is the play program that introduces children to the basics of physical activity by running, throwing, jumping, crawling, and many other things. As well, it is introducing children from all districts to the complex and to each other. I also want to acknowledge Council for supporting recreation here in our region. It is more important now than ever as I've been reading a lot about preventative medicine being emphasized now to help reduce the burden that is being placed on our health care system. The more physical activity we can promote and get our residents involved in, the better and more productive our future looks. Thank you for this Council. Our residents appreciate you very much for it.



Committee of the Whole Excerpts
November 10, 2020

Parking Enforcement

By-law Enforcement Officers are responsible for enforcing various by-laws of the Municipality and parking on Municipal roads mainly in the community of Windsor and Hantsport. Parked vehicles can be monitored using the valve stem position, if in violation a parking tickets can be issued in amount as determined by the offence.

Prior to Consolidation Commissioners were used for enforcement in Windsor, but since Consolidation enforcement has been complaint driven. Between January and April 2020, 70 parking tickets were issued in Windsor.

The recommended motion was:

... that Council require parking regulations to be enforced as deemed necessary by the Traffic Authority, primarily in the communities of Hantsport and Windsor, and any other Municipal owned roads outside of Windsor and Hantsport when deemed necessary and that paper parking tickets continue to be used.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
--------------------------------------	------------------	---	--

To: Committee of the Whole

Submitted by: Shawn Levy

Date: January 12, 2021

Subject: Parking Enforcement

LEGISLATIVE AUTHORITY

Motor Vehicle Act

Sections 143-160, all parking violations pursuant to the Act

RECOMMENDATION or DECISION REQUEST

...that Council require parking regulations to be enforced as deemed necessary by the Traffic Authority, primarily in the communities of Hantsport and Windsor, and any other Municipal owned roads outside of Windsor and Hantsport when deemed necessary and that paper parking tickets continue to be used.

BACKGROUND

Prior to consolidation the former Town of Windsor had parking enforcement approximately 3 days per week, enforced by Commissionaires. Hantsport did not have parking enforcement.

DISCUSSION

By-law Enforcement Officers are responsible to enforce more than twelve by-laws in the Region, including existing West Hants, Windsor and Hantsport by-laws. We try to gain compliance by means of education or issuing fines. Some of the commonly used by-laws are:

Dog By-Laws (2: Windsor & West Hants)- dogs running at large, capturing and transporting lost dogs to the pound, fierce and dangerous dogs, barking dogs and ensuring dogs are registered yearly with the Region among other duties.

Solid Waste By-laws (2: Windsor & West Hants) which includes illegal dumping and solid waste related complaints.

Fire Protection By-laws: (3: Windsor, West Hants & Hantsport) illegal burning

Noise By-laws (2: Windsor and Hantsport)

Dangerous or Unsightly Premises- Investigate and remedy dangerous or unsightly premises. Includes issuing clean up letters and Orders for the Dangerous or Unsightly Premises Administrator or recommendations to demolish for Council. At times involves having contractors remedy conditions when an Order is not complied with.

Parking Enforcement: for mainly Windsor, Hantsport and other municipal owned roads as required.

By-Law Enforcement Officers are primarily responsible for enforcing parking violations pursuant to the Motor Vehicle Act on Municipally owned roads, mainly the former towns of Windsor and Hantsport, and including any other Municipal owned roads outside of Windsor and Hantsport when deemed necessary where the Traffic Authority has identified there to be the need for parking restrictions. RCMP also can enforce parking violations.

Rather than chalking tires, meaning marking with chalk on a tire to monitor duration of time parked, officers generally digitally and manually record the location of valve stems. This method does not leave any markings on the vehicle and done with a camera and notebook. For example, if a driver's side front tire is in the 12 o'clock position drivers rear in 6 o'clock position, passenger front at 2 o'clock position and passenger rear 9 o'clock position they are noted, and pictures taken of each. Chalking of tires may still be done when required. When drivers violate the parking restrictions, the By-Law Enforcement Officer may issue a warning or a citation for a specific offence. Vehicles may also be towed at the owner's expense particularly during snowstorms should the vehicle be obstructing snow clearing operations.

The Administrative aspect of parking tickets was done in Windsor by an Administrative Assistant; it is currently the responsibility of the By-Law Enforcement Officers. This includes recording all issued tickets, issuing Form "C" letters to the owners of the license plate, Form "D" letters to Department of Justice and tracking payments.

Most parking infractions are a \$15.00 ticket if paid within 60 days to the Municipality, if made after 60 the payment is \$51.60 only payable to Kentville Justice Center.

Parked in a Handicapped zone carries a fine of \$75.00 if paid within 60 days to the Municipality and \$136.60 if made after 60 days only payable to Kentville Justice Center.

After a parking ticket has been issued it is logged in our tracking system. The owner has 60 days to make the payment to the Municipality from date of issue. After 60 days, the payment must be made to Kentville Justice Center. Should the municipality receive no payment within 30 days of issuance an officer will get the license plate owners name and mailing address from the RCMP. Next the Administrator will draft and send a Form "C" letter advising the date, street their vehicle was found in violation and the section of the Motor Vehicle Act the vehicle violated. The letter also gives a court date and directions should payment be sent after 60 days. Once 60 days expires and no payment is received a Form "D" is sent to Kentville Justice along with a copy of the ticket and Form "C". Both Form "C" and Form "D" have a court date and time if not paid. All steps are tracked in our tracking system

- Issue a ticket, ensure photos of the offence are taken
- Log ticket in our tracking system
- Contact RCMP for license plate owners name and mailing address
- Issue Form "C" by mail
- Ensure no in person or online payments received
- Issue Form "D"
- Log all payments, Form "C" and "D" sent in our tracking system

NEXT STEPS

Nothing further is needed.

FINANCIAL IMPLICATIONS

There is an immediate need to order paper Parking Tickets. A quote received was in the amount of \$2639.00 plus HST for 5000 tickets.

Staff attended a demonstration presented by a digital permitting company that would GPS the vehicle and valve stem mark a vehicle. A digital handheld ticket machine would generate a parking ticket to be placed under the wiper blade. Other Provinces would allow the company to access license plates owner information to forward a form "C" letter too automatically if not paid within 30 days. It is not possible in Nova Scotia as Justice Enterprise Information Network will not release the plate information unless it is to the RCMP. As a result, we would still rely on RCMP to provide license plate information and manually type Form "C" and Form "D" letters. Therefore, there would be little staff time saved by investing in the digital ticketing system at this time. The cost of the system is \$10,000 per year over a three-year contract.

The first round of paper tickets purchased will be a transition cost.

ALTERNATIVES

Council can choose not to enforce parking restrictions in Windsor and Hantsport and on other Municipal owned roads. The main goal of parking enforcement is to keep traffic flowing and from vehicles being parked in such a manner to be dangerous. Should parking not be enforced there could be unsafe parking practices as well no time limits for parking which would reduce the traffic flowing, especially in the downtown merchant area.

ATTACHMENTS

Attachment A	Form "C"
Attachment B	Form "D"
Attachment C	Windsor Parking Ticket
Attachment D	Municipal Roads Parking Authority Map
Attachment D1	Municipal Roads Parking Authority: Windsor and Falmouth
Attachment D2	Municipal Roads Parking Authority: Three Mile Plains

Attachment D3 Municipal Roads Parking Authority: Hantsport

Report Prepared by: _____
Ryan Parker; Shawn Levy

Report Reviewed by: _____
Tim Leslie, Manager, Building and Fire Inspection services

Report Reviewed by: _____
Troy Burgess, Traffic Authority

Report Approved by: _____
Madelyn LeMay, Director, Planning and Development

Report Approved by:  _____
Mark Phillips CAO

Attachment A
Form C – Notice of Parking Infraction

In the Provincial Court
For the Province of Nova Scotia

**NOTICE OF PARKING INFRACTION
(Summons to Appear)**

Ticket #**XXXXXX**

To: **Name**
Mailing address

The informant, By-Law Officer, **Name**, says that:

On **date**, Nova Scotia vehicle number plate **ABC123** registered in your name was found parked **violation** at **Street** in **Windsor/Hantsport**, Nova Scotia, contrary to **Section** of the Motor Vehicle Act.

Therefore, you are ordered to attend Court on **date** at 9:30 A.M. at Windsor Provincial Court before the presiding Judge or Justice and to attend as required by the Court.

Dated at Wentworth Creek, Windsor Nova Scotia, on **date**.

Parking-Infraction Ticket Administrator
Town of Windsor

PAYMENT OPTIONS (Voluntary Payment: Guilty Plea)

If you pay the amount of **\$15.00 (or \$75.00)** within **60 days from the date this ticket was issued**, you do not have to appear on the court date, time, and place indicated on the above notice. Payments in this case must be made by either mail or in person at: The West Hants Regional Municipality, 76 Morison Drive, Windsor , NS, B0N 2T0 or on line at <http://www.town.windsor.ns.ca>.

Should you choose to settle out of court after the expiry of the 60 days but prior to the date of appearance before the presiding judge, pay the penalty of \$51.60 (or 136.60). This payment will only be accepted at the Kentville Justice Centre, 87 Cornwallis Street, Kentville Nova Scotia. Note: This notice MUST accompany payment.

IMPORTANT: Failure to attend court (if payment has not been made) will result in an automatic conviction and Registry of Motor Vehicles being advised, which will result in you having to pay all outstanding fines before renewing your license and/or vehicle registration.

Attachment B

**Form D – Certificate of Service
(Parking-Infraction Ticket Information)**

1. I hereby certify that

- (a) Town of Windsor parking infraction ticket # issued for violation at street in Windsor, Nova Scotia, and was affixed to the vehicle bearing Nova Scotia number plate AAA111 in a conspicuous place or served on the operator of the vehicle(s) date, and
- (b) Notice of the parking infraction was sent by ordinary mail on date to the last known name and address, as indicated by the records of the registrar of Motor Vehicles, of the owner of Nova Scotia plate number AAA111 requiring the owner, namely name of civic, mailing address, to appear in Provincial Court at 240 King Street, Windsor, Nova Scotia on date at 9:30 AM.

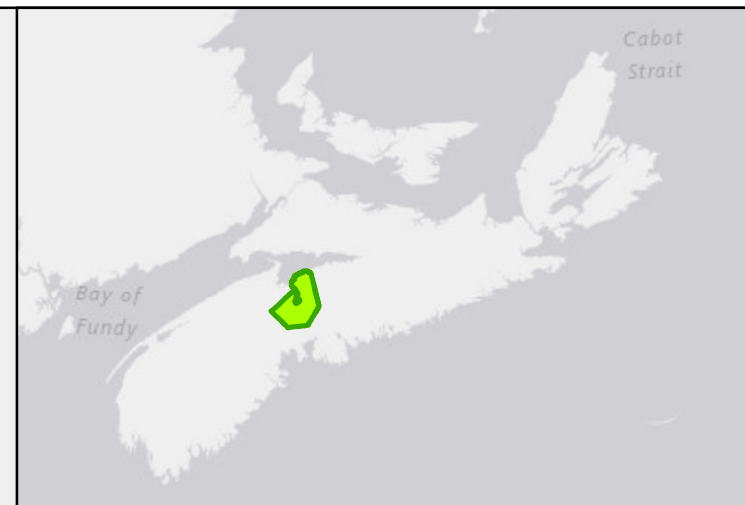
2. The out of court penalty for this violation is \$61.60.

Dated at Windsor, Nova Scotia, on date

Parking Infraction Ticket Administrator
Town of Windsor

Attachment D

N



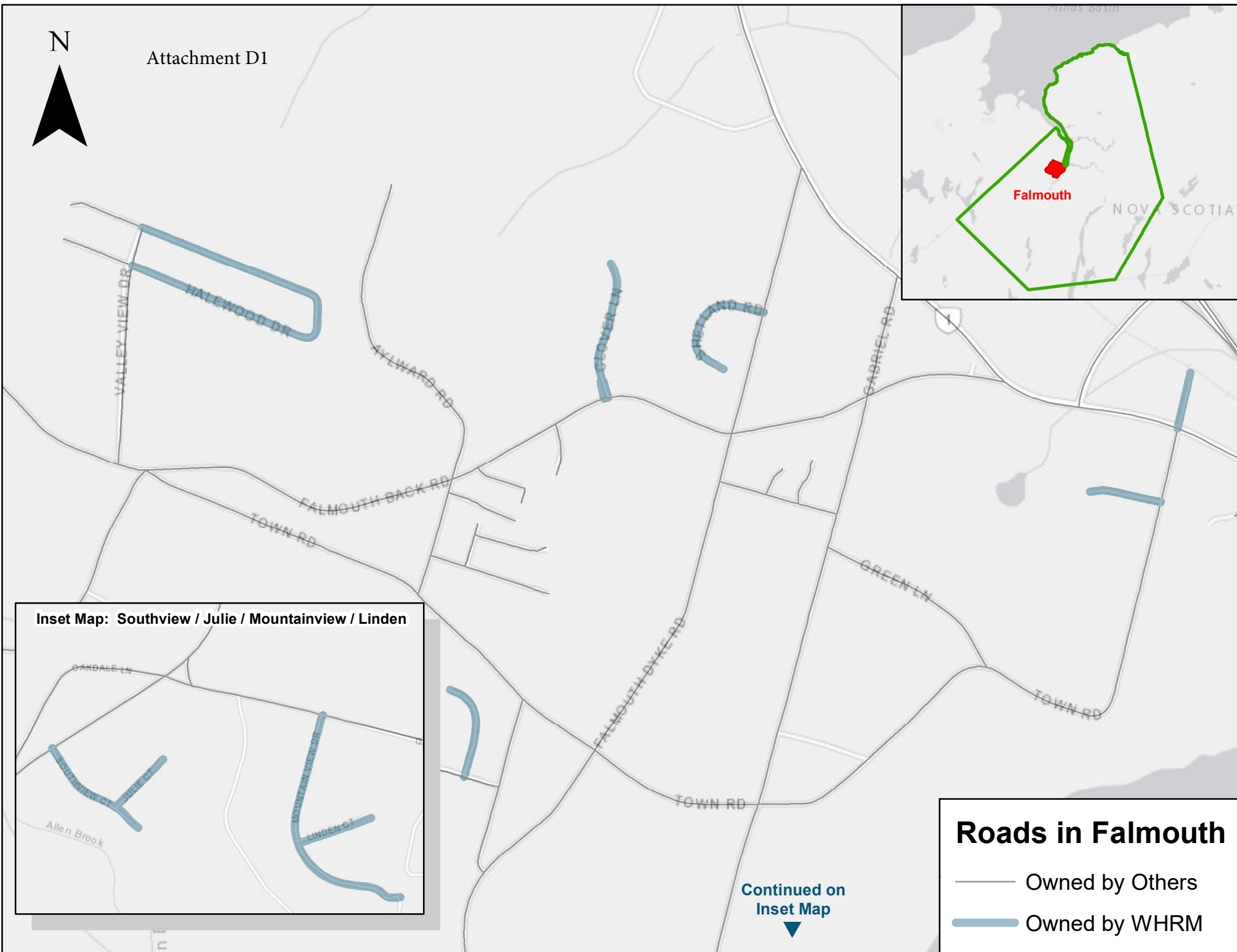
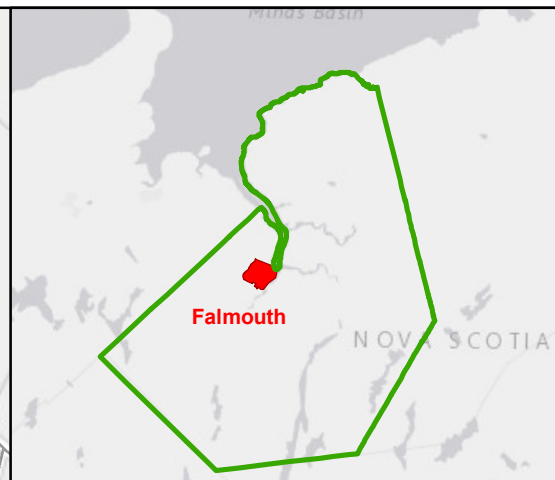
Refer to Hantsport Map

Refer to Falmouth Map

**Refer to Windsor /
Three Mile Plains Map**

N

Attachment D1



Inset Map: Southview / Julie / Mountainview / Linden

Roads in Falmouth

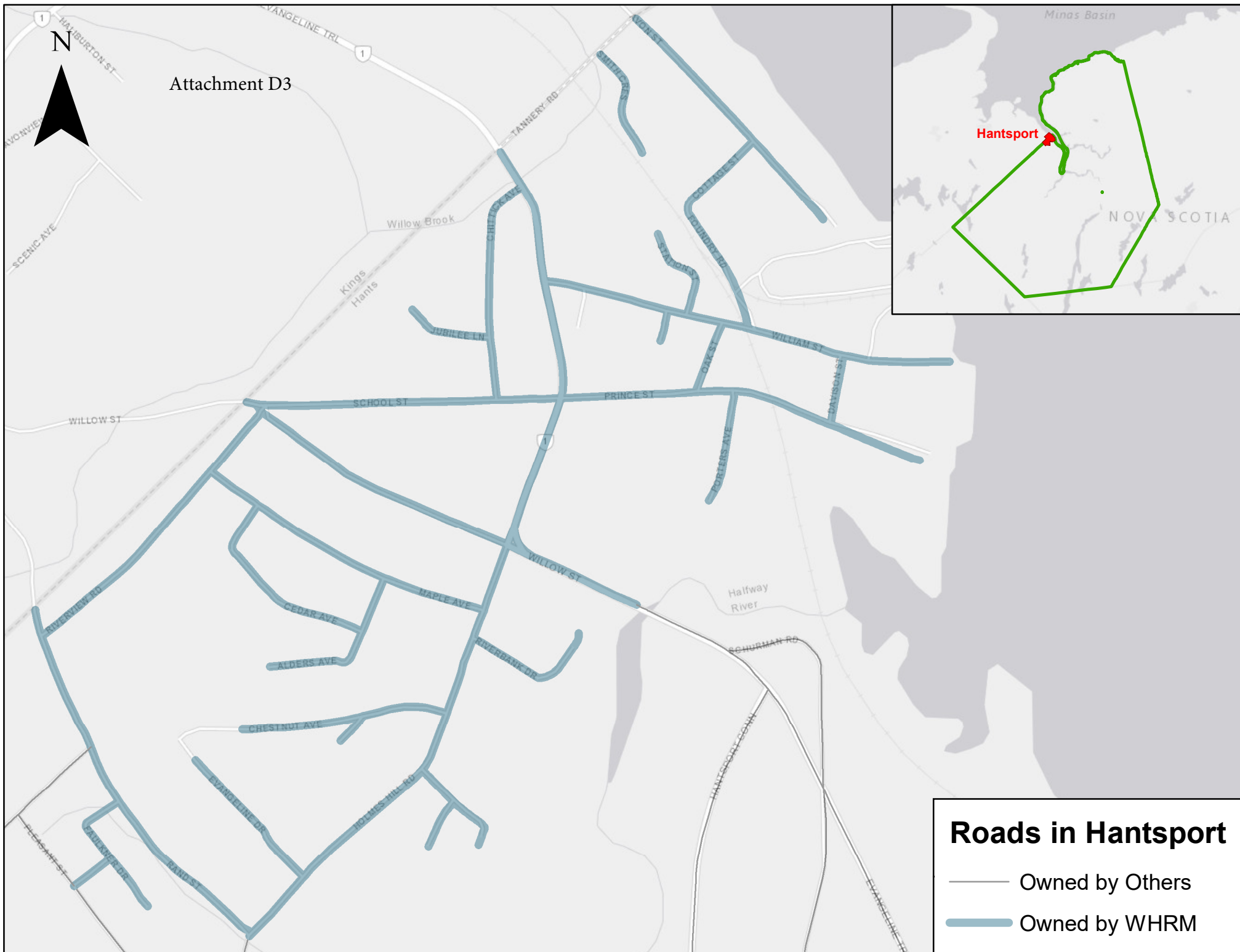
- Owned by Others
- Owned by WHRM

Continued on
Inset Map

N



Attachment D3





Committee of the Whole Excerpts
January 12, 2021

Hantsport Fire Station Design Build

The Hantsport Fire Station has been on a list for repairs or replacement since 2014 as supported by the 2014 OPUS study and the 2019 Regional Fire Service Review. In July 2020, a contract for design of a new fire station was awarded to HarveyARCHITECTURE. A working group consisting of Municipal staff; Hantsport Fire Department members; and Wade Noiles and Mike Harvey of Harvey Architecture was formed to create the design. Based on needs of HFD and layout of the property Design Option 1 was created with an estimate cost of \$3,307,167. However, given the proposed budget, Design Option 2 was created with an estimated cost of \$3,067,817.

At Committee of the Whole three members of HFD spoke of the safety and space needs as well the importance of the station to the community, the members advocated for Design Option 1. Discussion highlighted the need to build the fire station for the future not just the needs of today, and that funding from Kings County and grants is possible. The Municipality does have financial capacity for Design Option 1.

The recommended motion was:

... that Council gives direction to staff to proceed with Option 1, general design for the new replacement Hantsport Fire Station, as provided by HarveyARCHITECTURE Limited;

And,

Council provides direction for staff to proceed with the release of a 2-Part public Request for Proposal for the evaluation and selection of the project general contractor, in accordance with the approved Municipal procurement process.

Further,

Council approves the creation of capital reserve fund for Hantsport Fire Department fundraising and donations.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☒	Councillor Activity ☐
--------------------------------------	---	--	--

To: Committee of the Whole

Submitted by: 
Todd Richard

Date: January 12, 2021

Subject: Hantsport Fire Station Design Report

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, Section 65 authorizes Council to expend funds for municipal purposes.

DECISION REQUEST / REQUEST FOR DIRECTION

It is recommended for Committee of the Whole to recommend to Council that:

Council gives direction to staff to proceed with Option 2, general design for the new replacement Hantsport Fire Station, as provided by HarveyARCHITECTURE Limited;

And,

Council provides direction for staff to proceed with the release of a 2-Part public Request for Proposal for the evaluation and selection of the project general contractor, in accordance with the approved Municipal procurement process.

Further,

Council approves the creation of capital reserve fund for Hantsport Fire Department fundraising and donations.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
---	---	---	------------------------------------	--------------------------------------	--

The existing Hantsport Fire Station building constructed in 1961, is a one-story building consisting of an assembly hall and truck garage with five bays. The 2014 OPUS Report classified the building in "fair" condition, with numerous recommendations for upgrade and/or immediate improvement.

In 2018, following an independent renovation feasibility report by Architect Vincent den Hartog, an information report was presented to Municipality of the District of West Hants Committee of the Whole with the preliminary cost analysis of construction for a combined use facility to be shared by the Hantsport Fire Department and Public Works Department. In November 2019, a directive was received by the Public Works department to proceed with the development of a Request for Proposal (RFP) to perform the Design Services for the Hantsport Fire Department.

Additionally, in 2019 a Regional Fire Services Review was completed by Goudreault Associates. In this review the consultants endorsed the recommendation of the Hantsport Fire Station replacement and further identified the location of this station remain as close as possible to the densely populated, high-risk area in the center of the community.

In 2019, staff issued a Request for Proposal for the provision of Design Services for a replacement Fire Station in the community of Hantsport to be modelled from the new fire station and municipal complex in Canning, NS. With only a single bid received for the Design, Municipality of the District of West Hants Council decided not to proceed with the design contract for a new fire station and deferred any further actions until a new Council and budget was in place for the consolidated Municipality.

In 2020 the replacement of the Hantsport fire station was included and approved by Regional Council. Design was approved for 2020 with forecasted construction in the 2021 capital budget.

In accordance with Regional Council direction in 2020, staff authorized a Geotechnical evaluation at the existing Hantsport Fire Station site by Harbourside Engineering as well as the work to perform a Hazardous Materials evaluation at the existing Hantsport Fire Station and the Hantsport Food Bank buildings by Strum Environmental.

In July 2020, as a result of a favorable assessment of environmental conditions at the proposed site, 5 Oak Street, it was recommended by West Hants Regional Municipality Council to award a contract to HarveyARCHITECTURE to proceed with the design component.

DISCUSSION

In October, the design working group initiated biweekly in-person meetings with Wade Noiles and Mike Harvey of HarveyARCHITECTURE to establish a base design and refine design options to be considered for the Hantsport Fire Station. The original conceptual design incorporated the recommended user space allocations that were previously established in the 2018 Hantsport Fire Hall Renovation Feasibility Report.

The project site has proven challenging to fit the required building features into the relatively small and unique shaped property lot. With the subject property located on a corner lot, there was consideration for the building to face Oak Street (as existing) or

[illegible][illegible]

Figure 2: HFD Conceptual Plan (Original Concept)

Due to the property shape constraints, it was determined the preferred configuration was to have the apparatus bays face Oak Street, with the administrative offices along William Street. A limited number of parking spaces would be located along Oak Street, with supplemental parking available in the rear of the building adjacent to the rail corridor walking trail (as per existing parking conditions). Building location then required modification to accommodate bylaw requirements for setback distances from adjacent properties. Refined concept design drawings are shown in Figure 3 and Figure 4 below, showing both apparatus bay facing configurations.

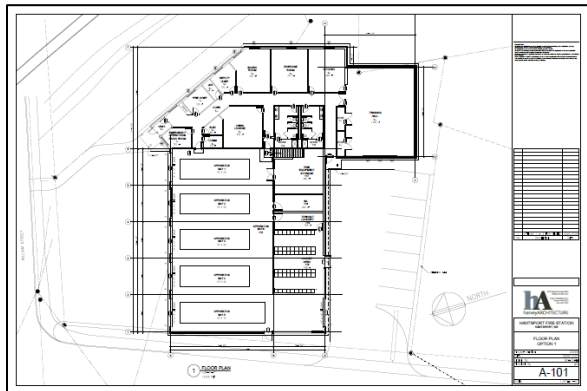


Figure 3: Concept Facing William Street

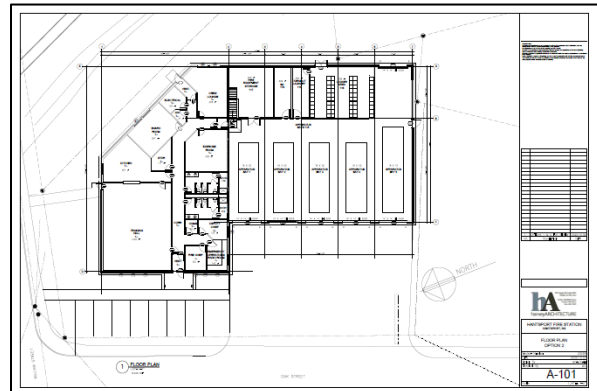


Figure 4: Concept Facing Oak Street

The design working group turned their attention to the architectural review of room and space sizes, overall ergonomic configuration, and flow of users throughout the building. Included in this was appropriate allocation of space for building electrical, mechanical, and emergency generator.

It was decided the most appropriate use of space was to locate the main electrical room, mechanical room (including compressor room), and emergency generator in the mezzanine second floor space behind the fire apparatus. HFD members were consulted to ensure the space was adequate to accommodate the current and future needs for fire apparatus, locker space for 60 members, breathing air room requirements, laundry and degassing space, and workshop and storage spaces.

A preliminary review was conducted by HFD admin members for administrative requirements for the spaces allocated for kitchen space, training room, exercise room, crew lounge space, suitable accessible washroom spaces, radio room, offices and boardroom. This review has also included a review of required kitchen appliances to accommodate the needs of the HFD. User-benefit features were added to allow access to washrooms and crew lounge directly from the fire apparatus floor. During this review it was also determined that a drive-through bay was not practical with the existing size, shape and topography of the site. The working group realized the proposed budget for this project would be tight, therefore the decision to remove the drive-through bay was considered an area to reduce costs and influenced the decision. This along with other concessions to keep the project budget from escalating too high.

1 FLOOR PLAN

CONCEPTUAL PLAN ONLY

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

301

302

303

304

305

306

307

308

309

310

311

312

313

314

315

316

317

318

319

320

321

322

323

324

325

326

327

328

329

330

331

332

333

334

335

336

337

338

339

340

341

342

343

344

345

346

347

348

349

350

351

352

353

354

355

356

357

358

359

360

361

362

363

364

365

366

367

368

369

370

371

372

373

374

375

376

377

378

379

380

381

382

383

384

385

386

387

388

389

390

391

392

393

394

395

396

397

398

399

400

401

402

403

404

405

406

407

408

409

410

411

412

413

414

415

416

417

418

419

420

421

422

423

424

425

426

427

428

429

430

431

432

433

434

435

436

437

438

439

440

441

442

443

444

445

446

447

448

449

450

451

452

453

454

455

456

457

[illegible]

Figure 6: OPTION 2 Hantsport Fire Station (reduced space layout)

Option 1 Design Plan

With the Option 1 design plan established, HarveyARCHITECTURE engaged QS Online to produce a Class D Order of Magnitude Cost Estimate. The Class D estimate for construction (excluding demolition and contingency) was **\$3,307,167**. Based on the 14,353 sf building space, budget costs equated to \$230.42 per square foot.

Option 2 Design Plan

The design working group looked at all possible ways to reduce the overall building footprint to reduce the overall construction cost. The Option 2 design plan was achieved by reducing approximately 1,200 sf of apparatus bay space and administrative space from the design layout. Reducing this space would eliminate the plan for a stand-alone board room and would reduce the facility to a single shared space office (combines 2 administrative offices and boardroom into one space). Option 2 also minimizes the bay floor space for the largest apparatus, reduces the locker and storage spaces, breathing air filling and laundry space, workshop space, electrical, mechanical and generator spaces. Overall a reduction of 1491 sf.

Although the Option 2 space has been identified as the **absolute minimum space required**, it leaves no contingency space for future expansion or for a modified use of the space, i.e. reduces capacity to be used as an emergency warming centre. It is important to note reducing the square footage in these spaces for a building that is planned to meet the needs for the next 50 plus years should be considered.

HarveyARCHITECTURE engaged QS Online to produce a second, Class D Order of Magnitude Cost Estimate. The Class D estimate for construction (excluding demolition and contingency) was **\$3,063,817**. Based on the 12,862 sf building space, budget costs equated to \$238.21 per square foot.

Class D Order of Magnitude Estimates

The Quantity Surveyor has noted that the Mechanical and Electrical rates seem higher than expected at roughly 45% of the budget, where they typically come in at the range of 35% of the budget. One factor being a major contributor to this influx is the outline specification completed that the estimator based the rates upon has a large level of incompleteness to it. Architectural and Civil design has additional detail that allows the project site, building systems and envelope to be marginally priced correctly.

The designer's hesitation with resting on this Class D being assumed to be the final cost is that these numbers always err on the high side, as very little design has been completed by the project team; this is clearly the case here. In most Class D estimate deliveries, the rough overage factor is near 25% of the total project budget. As the design progresses through the various stages of completion that pricing accuracy comes down significantly to be in the range of 5-10% of the real estimated project value.

Option 1 and Option 2 estimates are summarized in Table 1 below (detailed estimates have been included as Appendix D & E).

	OPTION 1	OPTION 2
Floor Area: Ground Floor	12,450 sf	11,045 sf
Floor Area: Mezzanine	1,903 sf	1,817 sf
Floor Area: Total Area	14,353 sf	12,862 sf
Shell	\$1,104,684	\$1,019,994
Interiors	\$491,484	\$424,353
Mechanical Services	\$614,455	\$597,495
Electrical Services	\$419,750	\$397,197
Site & Ancillary Work	\$204,990	\$187,690
General Requirements (8%)	\$226,829	\$210,138
Contractor Fee (8%)	\$244,975	\$226,949
Total – Excluding Contingency	\$3,307,167	\$3,063,817
Unit Rate	\$230.42 /sf	\$238.21 /sf
Estimated Demolition	\$66,982	\$66,982

Table 1: Summary Comparison of Design Option 1 vs Option 2

NEXT STEPS

Pending decision of Council; the preparation of the 2-part Request for Proposal procurement documents will begin immediately. Awarding the construction tender to the successful proponent is planned for award in conjunction with the 2021/2022 fiscal budget.

Staffs forecasted schedule is demolition of the existing buildings, and new building construction by the successful proponent, to begin early spring 2021 with occupancy planned around December 31, 2021.

Community Use

It should also be noted that the designs reflected in Options # 1 and #2 are rooted with the principle that the building is designed for the purpose of serving the needs of the fire service and not the community. Similarly, as sports facilities are designed for recreational use vs. large event use. Both Options #1 and #2 allow for and assume minimal community use.

During the discussions at Council, concerns were expressed that the comfort centre needs of the community be met. It was determined that the fire station would not be designed as the primary space to service these needs. This should be noted. However, the kitchen and training areas do have the capacity if need be to accommodate community use. To-date, staff have explored the usage of all schools in our Region for Comfort Centre and Shelter support if need be. We further recognize there are some limitations to the full utilization of schools due to lack of generators. Other community centres / halls and municipal buildings continue to be explored in addition.

FINANCIAL IMPLICATIONS

The financial implications for the estimated construction costs of both design options, are identified above for consideration.

There are no substantial financial implications for the preparation of documents for the public release of the Request for Proposal. This RFP would be prepared by Public Works staff with the technical support of HarveyARCHITECTURE Limited.

Current Project Funding

As per 2020-2021 Capital Budget, the Hantsport Fire Stations is to be funded through Municipal Finance Corporation (MFC). Any budgeted debt servicing from 2019-2021, will be used to reduce the final borrowing amount with MFC.

Budgeted Debt Servicing:

2019/20 Budgeted Debt Servicing Carryover (WH Portion)	\$139,825.06
2020/21 Debt Servicing Carryover (Phase 1, Spring Debenture)	<u>\$7,084.30</u>
Total Carryover Reserve	\$146,909.36

Capital Budget:

2020/2021 Capital Budget (Phase 1)	<u>\$200,000.00</u>
2021/2022 Capital Budget (Phase 2)	<u>\$2,420,800.00</u>
Total Budget	\$2,620,800.00

Expenditures

Geotechnical Investigation	\$12,123.25
HarveyARCHITECTURE Limited	<u>\$207,132.85</u>
Total Expenditures	\$219,256.10

Pending Kings County Council approval, a percentage of the debt servicing costs determined by a three-year fire call average is funded by Kings County area rate. Hantsport Volunteer Fire Department would like to setup a special capital reserve for fundraising to be used for furniture, fixtures, and equipment for the new station and future needs of Hantsport Fire Department.

ALTERNATIVES

Not applicable as this is a request for direction for a decision on which option to proceed with for the detailed design of the new Hantsport Fire Station.

ATTACHMENTS

Appendix A: OPTION 1 Hantsport Fire Station Design Drawing Package

Appendix B: OPTION 2 Hantsport Fire Station Design Drawing Package

Appendix C: Architectural Drawing Package

Appendix D: OPTION 1 Class D Order of Magnitude Estimate

Appendix E: OPTION 2 Class D Order of Magnitude Estimate

Appendix F: 2018 Hantsport Fire Hall Renovation Feasibility Report

Appendix G: November 3, 2020 Hantsport Fire Department Reserve Request Letter

CHIEF ADMINISTRATIVE OFFICER REVIEW

The following report is the culmination of the meetings and design direction given to the architect by the working group. All working group members want an appropriately sized facility that will meet the current needs of the fire service while providing for a minimal amount of future proofing. Past studies, as well as the November 2019 study titled, "The Region of Windsor and West Hants Municipality, Regional Fire Services Review", have heavily influenced the design and facility components reflected in Options #1 and #2.

To put it simply Option #1 represents the ideal layout for the fire service based on the feedback from the HFD leadership team, studies, municipal staff and the architect. Option #2 is a result of final revisions reflecting the reduction of floor space in an attempt to reduce the projected construction costs while providing the core space requirements of a modern fire service.

I have participated in the final two meetings associated with the reduction in floor space and the creation of Option #2. I endorse Option #2 as the option for Council's consideration but encourage Council to explore components noted in Option #1 as this version does provide added benefits to the fire service and potentially the community.

Report Prepared by: _____

Brad Carrigan, P.Eng., Capital Projects Engineer

Todd Richard, Director of Public Work

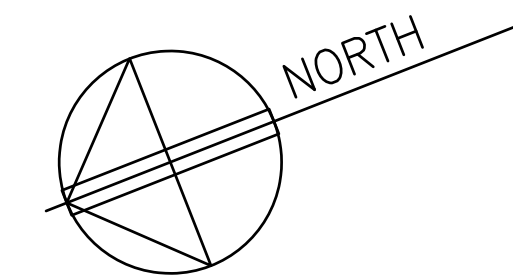
Carlee Rochon, Director of Financial Services

Report Reviewed by: _____

Todd Richard, Director of Public Works

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer



CONCEPTUAL PLAN ONLY

General Notes:

- All levels and dimensions are to be checked on site by the contractor prior to fabrication, and any discrepancies must be reported immediately to the Architect.
- All dimensions are to be read off this drawing and NOT scaled.
- All work to be executed in strict accordance with the by-laws and regulations of the local authorities and in accordance with the British Construction Standards.
- All work to conform to applicable British Standards as indicated within the master specifications or as indicated in the drawing.

Where indicated / required, all drawings are to be read in conjunction with all other documents issued. This drawing is only to be used for obtaining Local Authority Consents and should not be used for any other purpose unless otherwise stated on drawing.

[illegible]

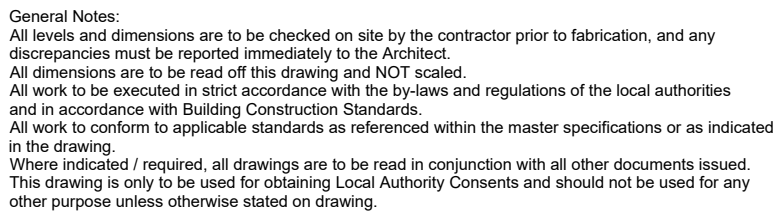
HANTSPORT FIRE STATION
HANTSPORT, NS

FLOOR PLAN

Project Number	20068
Date	2020.10.07
Drawn By	BPA/MAH
Checked By	WN

A-101

Scale	1/8"=1'-0"
-------	------------

[illegible]

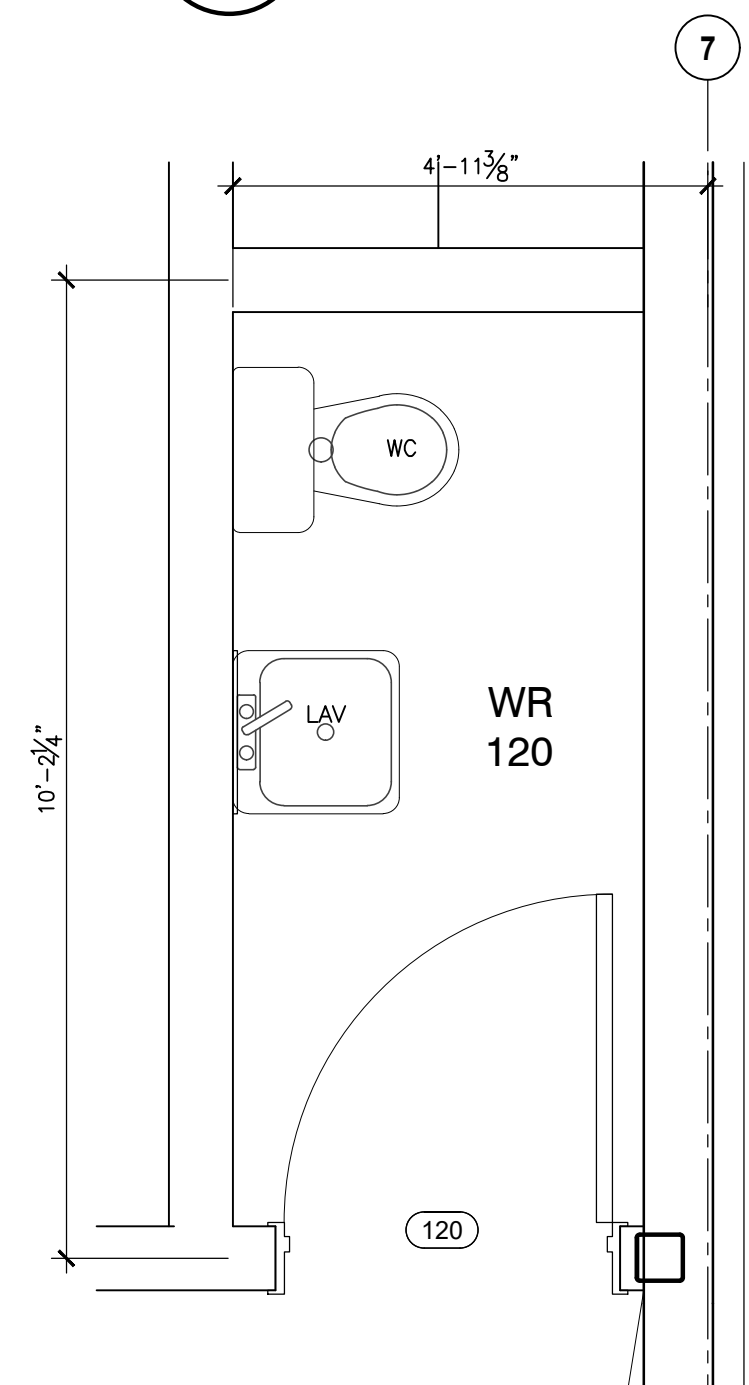
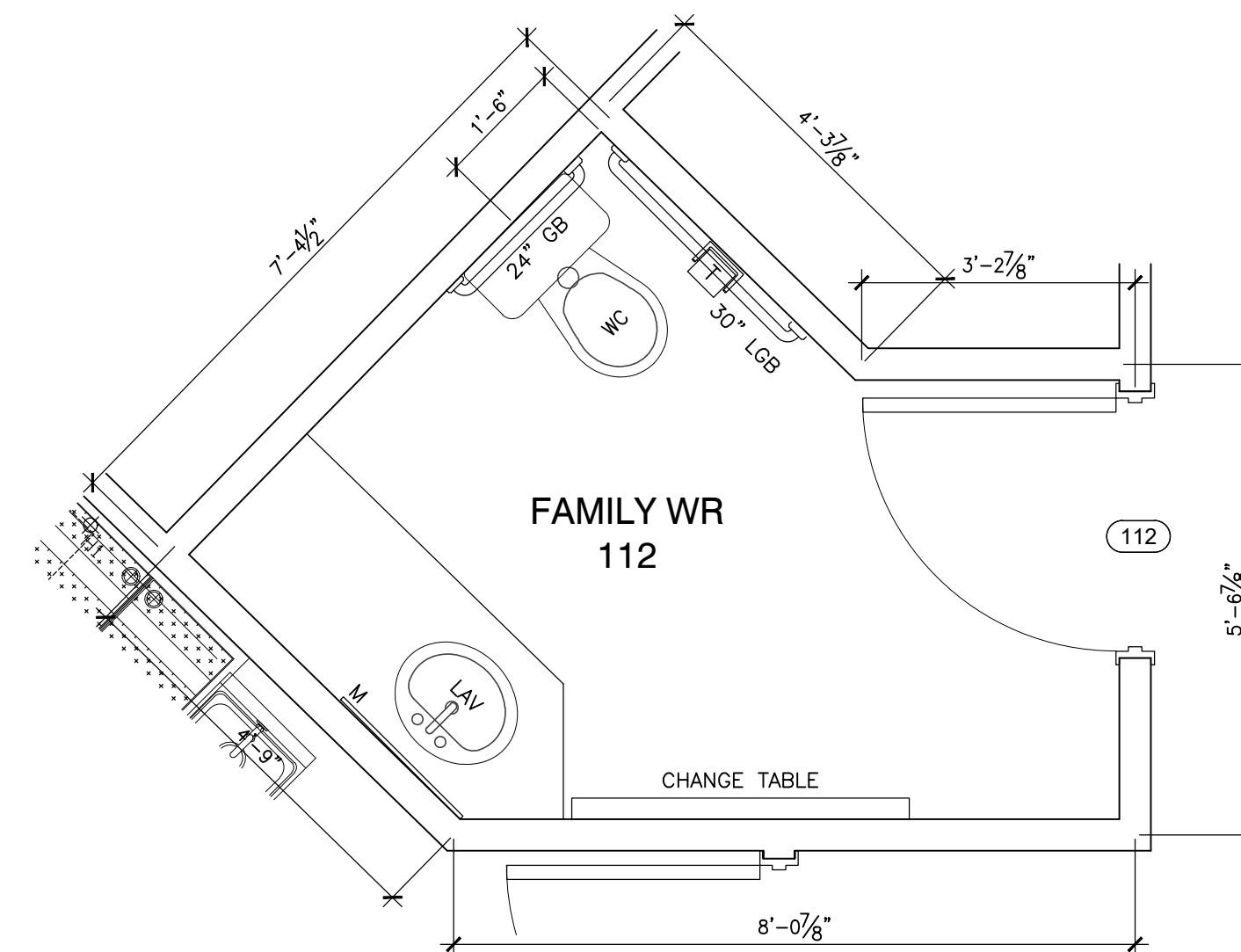
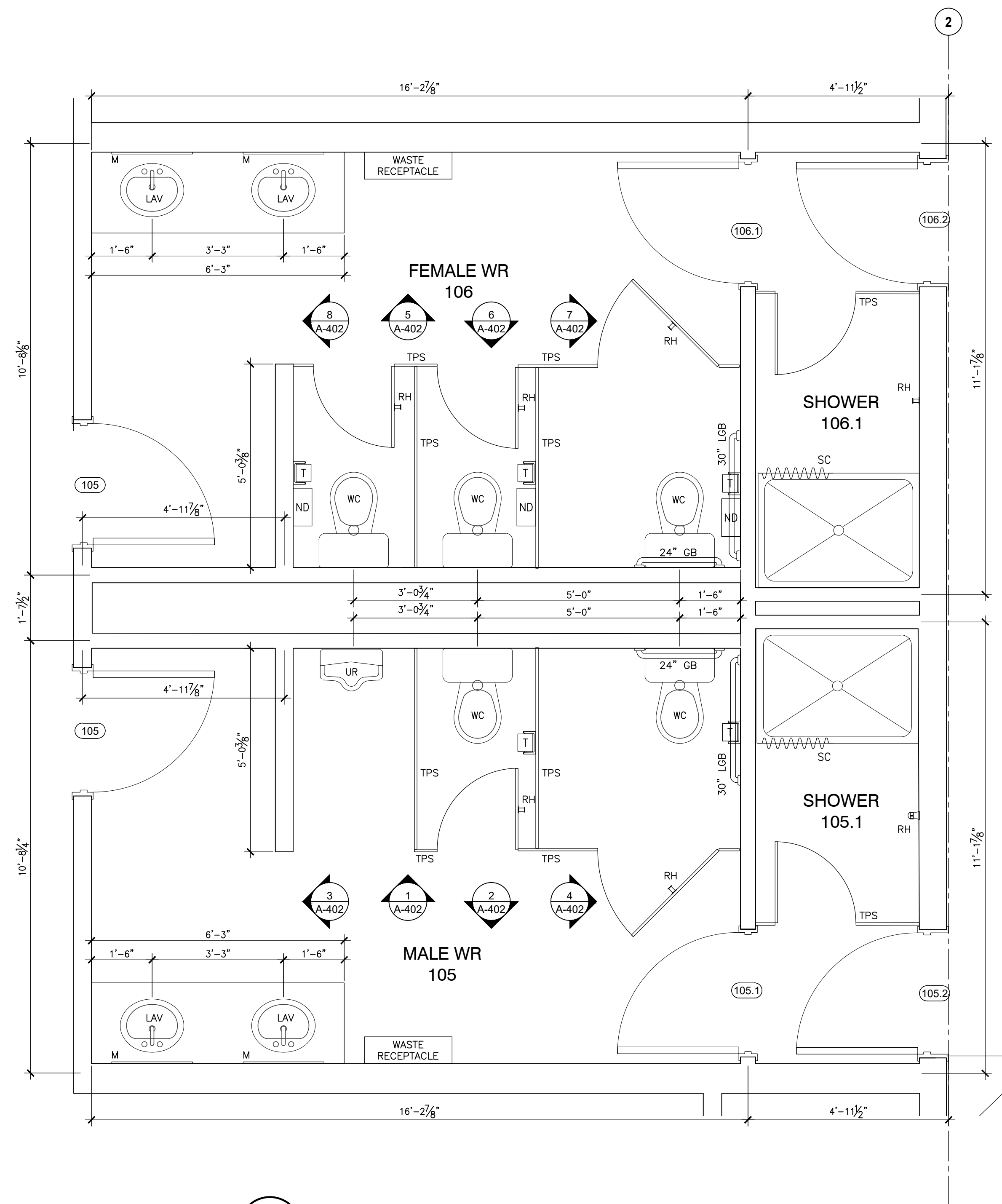
HANTSPORT FIRE STATION
HANTSPORT, NS

CROSS SECTIONS

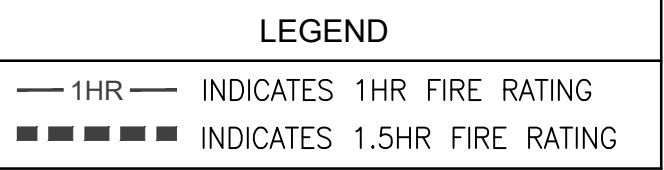
Project Number	20068
Date	2020.10.07
Drawn By	BPA/MAH
Checked By	WN

A-302

Scale $1/4" = 1'-0"$



Scale	1/2"=1'-0"
-------	------------



- PREFINISHED METAL SIDING –7/8" CORRUGATED
- AIR SPACE
- TREATED 1X3 WOOD STRAPPING
- 1½" RIGID INSULATION
- AIR BARRIER
- 1/2" PLYWOOD SHEATHING (GYPSUM BASED SHEATHING BOARD WHERE NOTED)
- 2x8 WOOD STUDS SEE STRUCTURAL DRAWINGS
- R28 SPRAY FOAM INSULATION INTEGRAL VAPOUR BARRIER
- 5/8" GYPSUM BOARD, TAPED, FILLED & PAINTED (TYPE X WHERE NOTED)

E2

- PREFINISHED METAL SIDING –7/8" CORRUGATED
- AIR SPACE
- TREATED 1X3 WOOD STRAPPING
- 1½" RIGID INSULATION
- AIR BARRIER
- 1/2" PLYWOOD SHEATHING (GYPSUM BASED SHEATHING BOARD WHERE NOTED)
- 2x8 WOOD STUDS SEE STRUCTURAL DRAWINGS
- R28 SPRAY FOAM INSULATION INTEGRAL VAPOUR BARRIER
- 5/8" GYPSUM BOARD, TAPED, FILLED & PAINTED (TYPE X WHERE NOTED)

P1

- 5/8" GYPSUM BOARD TAPED & FILLED, PAINTED WHERE EXPOSED
- 3½" WOOD STUDS @ 16" OC (5½" WHERE REQUIRED FOR MECH SERVICES)
- 5/8" GYPSUM BOARD TAPED & FILLED, PAINTED WHERE EXPOSED
- FULL HEIGHT TO U/S ROOF TRUSSES

P1A	AS FOR P1 BUT ACOUSTIC BATT INSULATION AND SEALANT FULL HEIGHT TO U/S ROOF TRUSSES
P1F	AS FOR P1 OR P1F BUT TYPE X GYPSUM BOARD C/W FIRESTOPPING 1 HOUR RATING
P1FF	AS FOR P1 BUT TYPE X GYPSUM BOARD C/W FIRESTOPPING 1.5 HOUR RATING
P2	8" CONCRETE BLOCK

3	MEETING UPDATE, CLASS D	2020.11.15
2	MEETING	2020.10.29
1	MEETING	2020.10.15
No.	Description	Date



HANTSPORT FIRE STATION

HANTSPORT, NS

ADMINISTRATION PLAN

Project Number	20068
Date	2020.10.07
Drawn By	BPA/MAH
Checked By	WN

A-403

Scale $3/16"=1'-0"$



No	DESCRIPTION	Qty	MANUF'R.	MODEL No	SUPPLIER	HOT WATER	COLD WATER	DIRECT DRAIN	INDIRECT DRAIN	PROPANE CONN.		VOLTS	PHASE	CONN.	HP	Kw	AMPS	REMARKS
1	HAND SINK	1	BY OTHERS		MECH	1/2"	1/2"	1 1/2"										
2	SOILED DISHTABLE/POT SINKS	1	CUSTOM		FSC	1/2"	1/2"	1 1/2"										
3	RECYCLE BINS	3	R'MAD	9669	FSC													
4	DISHWASHER	1	STERO	SUH-1	FSC	3/4"		1 1/2"				120/208	1	DIR		6.5	30.5	SINGLE POINT CONNECTION
5	WALL SHELF	1	CUSTOM		FSC													
6	FREEZER	1	EPI	F1-28CC	FSC							120	1	C&P	1/2		7.2	NEMA-5-15R
7	REFRIGERATOR	1	EPI	C1-28CC	FSC							120	1	C&P	1/5		2.6	NEMA-5-15R
8	MILLWORK COUNTERS	1LOT	MILLWORK		FSC/WILL													
9	WORK TABLE	1	CUSTOM		FSC													
10	WALL SHELF & POT UTENSIL RACK	1	CUSTOM		FSC													
11	EXHAUST HOOD, FAN & FIRE PROTECTION	1	MECHANICAL		MECH													
12	RANGE	1	GARLAND	S686	FSC													
13	WORK TABLE	1	CUSTOM		FSC							208	3	DIR		15	48	
14	DOUBLE S/S SINK C/W OVERHEAD SPRAY	1	CUSTOM		FSC	1/2"	1/2"	1 1/2"				120	1	C&P				TWO PER SIDE UNDER
15	MICROWAVE OVEN	1	PANASONIC	NE1064C	FSC							120	1	C&P			13.1	
16	TOASTER	1	HATCO	TFPT208	FSC							208	1	C&P		1.83	8.8	NEMA-6-15R
17	COFFEE MAKER	1	BUNN	CWTIF 2/2	FSC							120/208	1	DIR		6.65	27.7	

KITCHEN EQUIPMENT SCHEDULE

General Notes:
All levels and dimensions are to be checked on site by the contractor prior to fabrication, and any discrepancies must be reported immediately to the Architect.
All dimensions are to be read off this drawing and NOT scaled.
All work to be executed in strict accordance with the by-laws and regulations of the local authorities and in accordance with Building Construction Standards.
All work to conform to applicable standards as referenced within the master specifications or as indicated in the drawing.
Where indicated / required, all drawings are to be read in conjunction with all other documents issued. This drawing is only to be used for obtaining Local Authority Consents and should not be used for any other purpose unless otherwise stated on drawing.

[illegible]

HANTSPORT FIRE STATION
HANTSPORT, NS

KITCHEN PLAN, ELEVATIONS & SCHEDULE

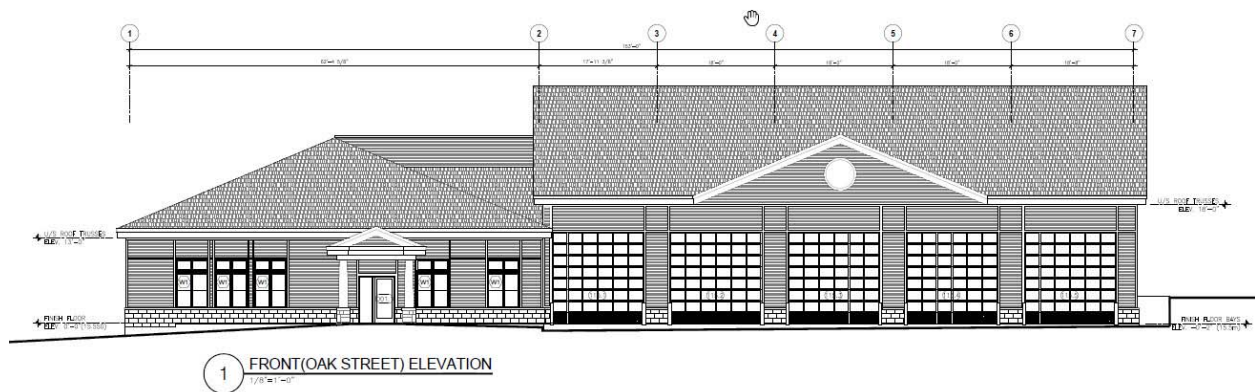
Project Number	20068
Date	2020.10.07
Drawn By	BPA/MAH
Checked By	WN

A-408

Scale	AS NOTED
-------	----------

QS Online

HANTSPORT FIRE STATION
NEW CONSTRUCTION



CLASS D – ORDER OF MAGNITUDE ESTIMATE

1. Estimate Approach and Methods

This Class D Order of Magnitude Estimate is intended to provide a realistic allocation of direct construction costs for the intended new construction work to the Hantsport Fire Station located within the Community of Hantsport Nova Scotia.

From the documentation and information provided, quantities for all major elements were assessed or measured where possible and priced at rates considered competitive for a project of this type under a stipulated form of contract in this region of Nova Scotia.

The estimate is a determination of fair market value for the construction of this project and is not a prediction of low bid, as pricing assumes competitive bidding for every portion of work.

For building components and systems where specifications and design details are not available, quality standards have been established by discussions with the design team and typical quality standards for a structure of this type. Allowances for various "miscellaneous" may be used within the body of the estimate, this is to attempt to capture the value of specific project items or elements which are not fully drawn, specified or developed.

2. Basis of Costs Used in Estimate

QS Online makes reasonable efforts to determine conditions of market for construction work in the intended area of the project. QS Online cannot and will not guarantee that bids or actual construction costs will not vary from this or subsequent cost estimates due to lack of competitive bidding, market conditions, or any other factors.

This opinion of probable construction costs is made on the basis of experience, qualifications, and best judgement of the professional cost consultants assigned to this project. QS Online has no control over the eventual cost of labour, materials, and equipment, or the Contractor's method of determining prices.

QS Online has prepared this estimate in accordance with generally accepted principles and practices. We remain available to discuss the contents of this estimate with any interested party.

3. Compare to Contractor Quotes

All costs are estimated on the comparative basis of competitive bidding by at least 5 (five) General Contractors who call on at least 3 (three) Sub-Contractor's quotes for each major scope of trade work as well as similar calls to Suppliers, all based on stipulated lump sum form of Contracting.

The unit rates used in the preparation of this estimate, include labour, material, equipment, Sub-Contractor's overhead, and profits.

4. Scope of Work

QS Online recommends that the Owner, the Design Team, and all other proponents with interest to this estimate, carefully review this document, including line item description, unit prices, clarifications, exclusions, assumptions, contingencies, escalation, and mark-ups if applicable.

Requests for modifications of any apparent errors or omissions to this document must be made to QS Online within 10 (ten) days of receipt of this estimate. Otherwise, it will be understood that the contents have been concurred and accepted.

5. Allowances

The Construction Allowance is intended to provide the owner with a reasonable reserve of funds to help mitigate and resolve any potential change orders which may present themselves during the course of the development of the work of the project.

The Design and Pricing allowance is not intended to cover the costs of any program space modifications.

The intention is to provide some flexibility for the designers and cost planners during the remaining design stages of the project.

The Construction Cost Escalation Allowance is used when the project is anticipated to begin a minimum of 6 (six) months to a year, or more, from the date of this estimate, then it is suggested that a % rate of the estimate should be considered to cover potential project cost escalations which may be incurred during that period.

An Escalation allowance should be considered if the projects duration extends beyond 1 year from the date of project award for potential cost increases during the work and it's commissioning.

6. Sources of Information

This Estimate has been prepared from the documentation listed herein at Appendix B, Drawing List and Documents.

All of the documentation may be supplemented with information gathered in meetings, telephone calls, emails, and internet searches.

Documents provided are sourced as follows;

- Architectural – Harvey Architecture
- Structural – BMR Engineering
- Mechanical and Electrical – MCW Engineering
- Surveyor – B. Davison
- Surveyor – Design Point

7. Areas of the Project

Floor Areas - GFA

Ground Floor	12,450	SF
Mezzanine	1,903	SF
		SF
		SF
Total Gross Floor Area	<u>14,353</u>	SF

Site Developed Area

Area of site	25,871	SF
Building Footprint	12,450	SF
Total Site Developed Area	<u>13,421</u>	SF

Site Developed Area is the area of the site less the footprint area of the building.

The above areas have been measured in accordance with the Canadian Institute of Quantity Surveyors Method of Measurement of Buildings by Area and Volume.

Project Hantsport Fire Station Title New 5 Bay Facility Location Hantsport, Nova Scotia Owner West Hants Regional Municipality Architect Harvey Architecture	Executive Summary		
	Class D - Order of Magnitude Estimate		
	New Fire Station		
	December 2, 2020		
	GFA : 14,353 SF		
	Quantity	Unit Rate	Total
SHELL	14,353 SF	76.97	1,104,684
A1 SUBSTRUCTURE	12,450 SF	9.86	122,722
A2 STRUCTURE	14,353 SF	40.10	575,523
A3 EXTERIOR ENCLOSURE	14,353 SF	28.32	406,438
B INTERIORS	14,353 SF	34.24	491,484
B1 PARTITIONS & DOORS	8,689 SF	27.91	242,521
B2 FINISHES	14,353 SF	8.25	118,384
B3 FITTINGS & EQUIPMENT	14,353 SF	9.10	130,578
C SERVICES	14,353 SF	72.05	1,034,205
C1 MECHANICAL	14,353 SF	42.81	614,455
C2 ELECTRICAL	14,353 SF	29.24	419,750
NET BUILDING COST - EXCL. SITE	14,353 SF	183.26	2,630,373
D SITE & ANCILLARY WORK	14,353 SF	14.28	204,990
D1 SITE WORK	13,421 SF	15.27	204,990
D2 ANCILLARY WORK	25,871 SF	0.00	0
NET BUILDING COST - INCL. SITE	14,353 SF	197.54	2,835,363
Z1 GENERAL REQUIREMENTS & FEE	14,353 SF	32.87	471,804
Z15 GENERAL REQUIREMENTS	8.00%		226,829
Z16 CONTRACTOR FEE	8.00%		244,975
TOTAL-EXCLUDING CONTINGENCY	14,353 SF	230.42	3,307,167
Z2 ALLOWANCES	14,353 SF	4.67	66,982
Z21 DESIGN AND PRICING ALLOWANCE	-		0
Z22 ESCALATION ALLOWANCE	-		0
Z23 CONSTRUCTION ALLOWANCE	-		0
Z24 ADDITIONAL LUMP SUMS	14,353 SF	4.67	66,982
1 Demolition Existing Town Hall - 1 1/2 storey wood framed	3,117 SF		14,027
2 Demolition Existing Fire Station - 1 storey brick and wood framed	7,810 SF		42,955
3 Grub and site removals by machine - allow	1 Sum		10,000
TOTAL ESTIMATE	14,353 SF	235.08	3,374,149
TAX	-		0
TOTAL CONSTRUCTION ESTIMATE	14,353 SF	235.08	3,374,149

APPENDIX A
DETAILED ELEMENTAL ESTIMATE

Project	Hantsport Fire Station	Class D - Order of Magnitude Estimate		
Title	New 5 Bay Facility			
Location	Hantsport, Nova Scotia			
Owner	West Hants Regional Municipality			
Architect	Harvey Architecture			
		New Fire Station		
		December 2, 2020		
		GFA : 14,353 SF		
		Quantity	Unit Rate	Total
SHELL		14,353 SF	76.97	1,104,684
A1 SUBSTRUCTURE		12,450 SF	9.86	122,722
A11 Foundations		12,450 SF	9.86	122,722
A2 STRUCTURE		14,353 SF	40.10	575,523
A21 Lowest Floor Construction		12,450 SF	10.64	132,498
A22 Upper Floor Construction		1,903 SF	51.80	98,585
A23 Roof Construction		12,450 SF	27.67	344,440
A3 EXTERIOR ENCLOSURE		14,353 SF	28.32	406,438
A31 Walls Below Grade		0 SF	0.00	0
A32 Walls Above Grade		7,602 SF	18.43	140,142
A33 Windows & Entrances		1,716 SF	87.29	149,790
A34 Roof Covering		12,450 SF	6.83	85,007
A35 Projections		14,353 SF	2.19	31,500
B INTERIORS		14,353 SF	34.24	491,484
B1 PARTITIONS & DOORS		8,689 SF	27.91	242,521
B11 Partitions		7,954 SF	16.87	134,156
B12 Doors		735 SF	147.44	108,365
B2 FINISHES		14,353 SF	8.25	118,384
B21 Floor Finishes		14,353 SF	2.61	37,417
B22 Ceiling Finishes		14,353 SF	4.00	57,458
B23 Wall Finishes		23,510 SF	1.00	23,510
B3 FITTINGS & EQUIPMENT		14,353 SF	9.10	130,578
B31 Fittings & Fixtures		14,353 SF	5.96	85,578
B32 Equipment		14,353 SF	3.14	45,000
C SERVICES		14,353 SF	72.05	1,034,205
C1 MECHANICAL		14,353 SF	42.81	614,455
C11 Plumbing & Drainage		14,353 SF	10.19	146,295
C12 Fire Protection		14,353 SF	0.10	1,500
C13 HVAC		14,353 SF	28.65	411,160
C14 Controls		14,353 SF	3.87	55,500
C2 ELECTRICAL		14,353 SF	29.24	419,750
C21 Service & Distribution		14,353 SF	5.26	75,450
C22 Lighting, Devices & Heating		14,353 SF	15.76	226,150
C23 Systems & Ancillaries		14,353 SF	8.23	118,150
NET BUILDING COST - EXCL. SITE		14,353 SF	183.26	2,630,373
D SITE & ANCILLARY WORK		13,421 SF	15.27	204,990
D1 SITE WORK		13,421 SF	15.27	204,990
D11 Site Development		13,421 SF	9.58	128,615
D12 Mechanical Site Services		13,421 SF	4.20	56,375
D13 Electrical Site Services		13,421 SF	1.49	20,000
NET BUILDING COST - INCL. SITE		14,353 SF	197.54	2,835,363
Z1 GENERAL REQ'S & FEE		14,353 SF	32.87	471,804
Z15 General Requirements		8.00%		226,829
Z16 Contractor Fee		8.00%		244,975
TOTAL-EXCLUDING CONTINGENCY		14,353 SF	230.42	3,307,167
Z2 ALLOWANCES		14,353 SF	4.67	66,982
Z21 Design & Pricing Allowance		0.00%		0
Z22 Escalation Allowance		0.00%		0
Z23 Construction Allowance		0.00%		0
Z24 Additional Lump Sums		14,353 SF	4.67	66,982
TOTAL ESTIMATE		14,353 SF	235.08	3,374,149
TAX		0.00%		0
TOTAL CONSTRUCTION ESTIMATE		14,353 SF	235.08	3,374,149

APPENDIX B
EXCLUSIONS LIST

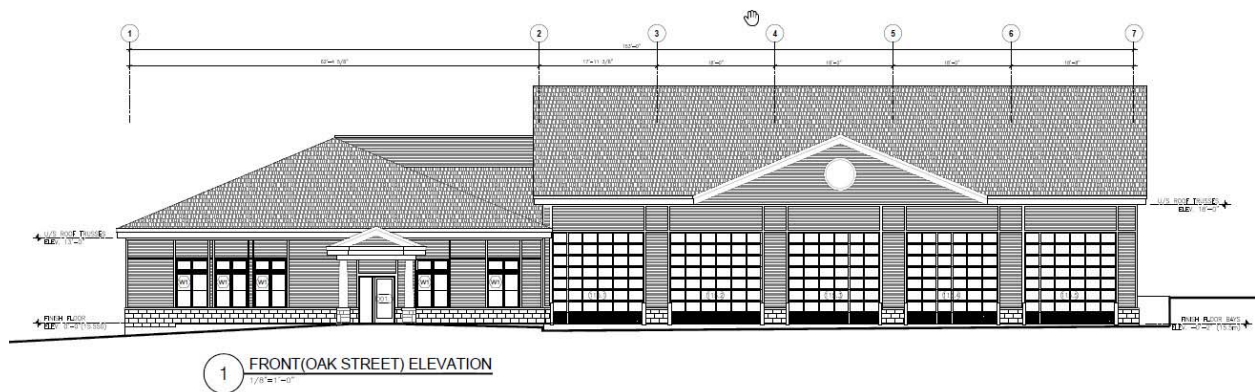
EXCLUSIONS LIST

If any of these excluded items are included in the body of the estimate, then their inclusion shall only be limited to the amounts allowed within the estimate for those items.

The following items if applicable to your project, are excluded from the estimate:

1. Cost of Design Exclusions, Omissions and Errors
2. Professional Fees and Expenses
3. Location Factor
4. Phasing Allowance
5. Escalation Contingency
6. Infection Control
7. Preventative Maintenance Contracts
8. Land Acquisition and Impost Charges
9. Development Charges
10. Legal Fees and Expenses or other Insurance Related Fees
11. Value Added Tax
12. Right of Way Charges or Easement Requirements
13. Financing Fees and Carrying Costs
14. Fund Raising Requirements
15. Owner's Staff and Associated Management
16. Owner Furnished Material or Associated Labour
17. Impact of Adjacent Properties and their Conditions
18. Removal or Mitigation or Remediation of Contaminated Soils
19. Removal of Asbestos or Mitigation of any Hazardous Material
20. Removal of PCB Contaminated Electrical Equipment
21. Trucking beyond 10 kilometers Return (excavation work)
22. Mitigation of Water Conditions
23. Winter Conditions Affecting the Work
24. Salvage Costs from Woodlot Clearing or Demolition, or any other materials
25. Mitigation or Handling of any Explosives or Ordinances
26. Partial Load Restrictions on Roads to Project

THE TOWN OF HANTSPORT NEW 5 BAY FIRE STATION



CLASS D – ORDER OF MAGNITUDE ESTIMATE

1. Estimate Approach and Methods

This Class D Order of Magnitude Estimate is intended to provide a realistic allocation of direct construction costs for the intended new construction work to the Hantsport Fire Station located within the Community of Hantsport Nova Scotia.

From the documentation and information provided, quantities for all major elements were assessed or measured where possible and priced at rates considered competitive for a project of this type under a stipulated form of contract in this region of Nova Scotia.

The estimate is a determination of fair market value for the construction of this project and is not a prediction of low bid, as pricing assumes competitive bidding for every portion of work.

For building components and systems where specifications and design details are not available, quality standards have been established by discussions with the design team and typical quality standards for a structure of this type. Allowances for various "miscellaneous" may be used within the body of the estimate, this is to attempt to capture the value of specific project items or elements which are not fully drawn, specified or developed.

2. Basis of Costs Used in Estimate

QS Online makes reasonable efforts to determine conditions of market for construction work in the intended area of the project. QS Online cannot and will not guarantee that bids or actual construction costs will not vary from this or subsequent cost estimates due to lack of competitive bidding, market conditions, or any other factors.

This opinion of probable construction costs is made on the basis of experience, qualifications, and best judgement of the professional cost consultants assigned to this project. QS Online has no control over the eventual cost of labour, materials, and equipment, or the Contractor's method of determining prices.

QS Online has prepared this estimate in accordance with generally accepted principles and practices. We remain available to discuss the contents of this estimate with any interested party.

3. Compare to Contractor Quotes

All costs are estimated on the comparative basis of competitive bidding by at least 5 (five) General Contractors who call on at least 3 (three) Sub-Contractor's quotes for each major scope of trade work as well as similar calls to Suppliers, all based on stipulated lump sum form of Contracting.

The unit rates used in the preparation of this estimate, include labour, material, equipment, Sub-Contractor's overhead, and profits.

4. Scope of Work

QS Online recommends that the Owner, the Design Team, and all other proponents with interest to this estimate, carefully review this document, including line item description, unit prices, clarifications, exclusions, assumptions, contingencies, escalation, and mark-ups if applicable.

Requests for modifications of any apparent errors or omissions to this document must be made to QS Online within 10 (ten) days of receipt of this estimate. Otherwise, it will be understood that the contents have been concurred and accepted.

5. Allowances

The Construction Allowance is intended to provide the owner with a reasonable reserve of funds to help mitigate and resolve any potential change orders which may present themselves during the course of the development of the work of the project.

The Design and Pricing allowance is not intended to cover the costs of any program space modifications.

The intention is to provide some flexibility for the designers and cost planners during the remaining design stages of the project.

The Construction Cost Escalation Allowance is used when the project is anticipated to begin a minimum of 6 (six) months to a year, or more, from the date of this estimate, then it is suggested that a % rate of the estimate should be considered to cover potential project cost escalations which may be incurred during that period.

An Escalation allowance should be considered if the projects duration extends beyond 1 year from the date of project award for potential cost increases during the work and it's commissioning.

6. Sources of Information

All of the documentation may be supplemented with information gathered in meetings, telephone calls, emails, and internet searches.

Documents provided are sourced as follows;

- Architectural – Harvey Architecture
- Structural – BMR Engineering
- Mechanical and Electrical – MCW Engineering
- Surveyor – B. Davison
- Surveyor – Design Point

7. Areas of the Project

Floor Areas - GFA

Ground Floor	11,045	SF
Mezzanine	1,817	SF
Total Gross Floor Area	<u>12,862</u>	SF

Site Developed Area

Area of site	25,871	SF
Building Footprint	11,045	SF
Total Site Developed Area	<u>14,826</u>	SF

Site Developed Area is the area of the site less the footprint area of the building.

The above areas have been measured in accordance with the Canadian Institute of Quantity Surveyors Method of Measurement of Buildings by Area and Volume.

Project The Town of Hantsport Title New 5 Bay Fire Station Location Hantsport, Nova Scotia Owner West Hants Regional Municipality Architect Harvey Architecture	Executive Summary		
	Class D - Order of Magnitude Estimate		
	New Fire Station		
	December 14, 2020		
	GFA : 12,862 SF		
	Quantity	Unit Rate	Total
SHELL	12,862 SF	79.30	1,019,994
A1 SUBSTRUCTURE	11,045 SF	10.22	112,934
A2 STRUCTURE	12,862 SF	40.55	521,500
A3 EXTERIOR ENCLOSURE	12,862 SF	29.98	385,560
B INTERIORS	12,862 SF	32.99	424,353
B1 PARTITIONS & DOORS	7,477 SF	28.62	214,021
B2 FINISHES	12,862 SF	6.94	89,313
B3 FITTINGS & EQUIPMENT	12,862 SF	9.41	121,018
C SERVICES	12,862 SF	77.34	994,692
C1 MECHANICAL	12,862 SF	46.45	597,495
C2 ELECTRICAL	12,862 SF	30.88	397,197
NET BUILDING COST - EXCL. SITE	12,862 SF	189.63	2,439,039
D SITE & ANCILLARY WORK	12,862 SF	14.59	187,690
D1 SITE WORK	14,826 SF	12.66	187,690
D2 ANCILLARY WORK	25,871 SF	0.00	0
NET BUILDING COST - INCL. SITE	12,862 SF	204.22	2,626,729
Z1 GENERAL REQUIREMENTS & FEE	12,862 SF	33.98	437,088
Z15 GENERAL REQUIREMENTS	8.00%		210,138
Z16 CONTRACTOR FEE	8.00%		226,949
TOTAL-EXCLUDING CONTINGENCY	12,862 SF	238.21	3,063,817
Z2 ALLOWANCES	12,862 SF	5.21	66,982
Z24 ADDITIONAL LUMP SUMS	12,862 SF	5.21	66,982
1 Demolition Existing Town Hall - 1 1/2 storey wood framed	3,117 SF		14,027
2 Demolition Existing Fire Station - 1 storey brick and wood framed	7,810 SF		42,955
3 Grub and site removals by machine - allow	1 Sum		10,000
TOTAL ESTIMATE	12,862 SF	243.41	3,130,798
TAX	-		0
TOTAL CONSTRUCTION ESTIMATE	12,862 SF	243.41	3,130,798

Project The Town of Hantsport Title New 5 Bay Fire Station Location Hantsport, Nova Scotia Owner West Hants Regional Municipality Architect Harvey Architecture	ESTIMATE COMPARISON									
	Class D Order of Magnitude December 2 2020				Class D Order of Magnitude December 14, 2020				DELTA IN COSTS	
	GFA : 14,353 SF				GFA : 12,862 SF				(Current less Previous)	
	Quantity	Unit Rate	Total		Quantity	Unit Rate	Total		Total	
SHELL	14,353 SF	76.97	1,104,684		12,862 SF	79.30	1,019,994		-84,689	
A1 SUBSTRUCTURE	12,450 SF	9.86	122,722		11,045 SF	10.22	112,934		-9,788	
A2 STRUCTURE	14,353 SF	40.10	575,523		12,862 SF	40.55	521,500		-54,023	
A3 EXTERIOR ENCLOSURE	14,353 SF	28.32	406,438		12,862 SF	29.98	385,560		-20,878	
B INTERIORS	14,353 SF	34.24	491,484		12,862 SF	32.99	424,353		-67,131	
B1 PARTITIONS & DOORS	8,689 SF	27.91	242,521		7,477 SF	28.62	214,021		-28,500	
B2 FINISHES	14,353 SF	8.25	118,384		12,862 SF	6.94	89,313		-29,071	
B3 FITTINGS & EQUIPMENT	14,353 SF	9.10	130,578		12,862 SF	9.41	121,018		-9,560	
C SERVICES	14,353 SF	72.05	1,034,205		12,862 SF	77.34	994,692		-39,513	
C1 MECHANICAL	14,353 SF	42.81	614,455		12,862 SF	46.45	597,495		-16,960	
C2 ELECTRICAL	14,353 SF	29.24	419,750		12,862 SF	30.88	397,197		-22,553	
NET BUILDING COST - EXCL. SITE	14,353 SF	183.26	2,630,373		12,862 SF	189.63	2,439,039		-191,334	
D SITE & ANCILLARY WORK	14,353 SF	14.28	204,990		12,862 SF	14.59	187,690		-17,300	
D1 SITE WORK	13,421 SF	15.27	204,990		14,826 SF	12.66	187,690		-17,300	
D2 ANCILLARY WORK	25,871 SF	0.00	0		25,871 SF	0.00	0		0	
NET BUILDING COST - INCL. SITE	14,353 SF	197.54	2,835,363		12,862 SF	204.22	2,626,729		-208,634	
Z1 GENERAL REQUIREMENTS & FEE	14,353 SF	32.87	471,804		12,862 SF	33.98	437,088		-34,717	
Z15 GENERAL REQUIREMENTS	8.00%		226,829		8.00%		210,138		-16,691	
Z16 CONTRACTOR FEE	8.00%		244,975		8.00%		226,949		-18,026	
TOTAL-EXCLUDING CONTINGENCY	14,353 SF	230.42	3,307,167		12,862 SF	238.21	3,063,817		-243,350	
Z2 ALLOWANCES	14,353 SF	4.67	66,982		12,862 SF	5.21	66,982		0	
Z24 ADDITIONAL LUMP SUMS	14,353 SF		66,982		12,862 SF		66,982		0	
TOTAL ESTIMATE	14,353 SF	235.08	3,374,149		12,862 SF	243.41	3,130,798		-243,350	
TAX	0.00%		0		-		0		0	
TOTAL CONSTRUCTION ESTIMATE	14,353 SF	235.08	3,374,149		12,862 SF	243.41	3,130,798		-243,350	

APPENDIX A
DETAILED ELEMENTAL ESTIMATE

Project	The Town of Hantsport			Class D - Order of Magnitude Estimate
Title	New 5 Bay Fire Station			
Location	Hantsport, Nova Scotia			
Owner	West Hants Regional Municipality			
Architect	Harvey Architecture			
New Fire Station				
December 14, 2020				
GFA : 12,862 SF				
Quantity		Unit Rate	Total	
SHELL		12,862 SF	79.30	1,019,994
A1 SUBSTRUCTURE		11,045 SF	10.22	112,934
A11 Foundations		11,045 SF	10.22	112,934
A2 STRUCTURE		12,862 SF	40.55	521,500
A21 Lowest Floor Construction		11,045 SF	10.71	118,342
A22 Upper Floor Construction		1,817 SF	53.34	96,925
A23 Roof Construction		11,045 SF	27.73	306,232
A3 EXTERIOR ENCLOSURE		12,862 SF	29.98	385,560
A31 Walls Below Grade		0 SF	0.00	0
A32 Walls Above Grade		7,602 SF	18.98	144,308
A33 Windows & Entrances		1,541 SF	89.82	138,415
A34 Roof Covering		11,045 SF	6.46	71,337
A35 Projections		12,862 SF	2.45	31,500
B INTERIORS		12,862 SF	32.99	424,353
B1 PARTITIONS & DOORS		7,477 SF	28.62	214,021
B11 Partitions		6,805 SF	16.48	112,151
B12 Doors		672 SF	151.59	101,870
B2 FINISHES		12,862 SF	6.94	89,313
B21 Floor Finishes		12,862 SF	2.41	30,946
B22 Ceiling Finishes		12,862 SF	2.89	37,155
B23 Wall Finishes		21,212 SF	1.00	21,212
B3 FITTINGS & EQUIPMENT		12,862 SF	9.41	121,018
B31 Fittings & Fixtures		12,862 SF	6.49	83,518
B32 Equipment		12,862 SF	2.92	37,500
C SERVICES		12,862 SF	77.34	994,692
C1 MECHANICAL		12,862 SF	46.45	597,495
C11 Plumbing & Drainage		12,862 SF	11.37	146,295
C12 Fire Protection		12,862 SF	0.12	1,500
C13 HVAC		12,862 SF	30.65	394,200
C14 Controls		12,862 SF	4.32	55,500
C2 ELECTRICAL		12,862 SF	30.88	397,197
C21 Service & Distribution		12,862 SF	5.87	75,450
C22 Lighting, Devices & Heating		12,862 SF	16.34	210,222
C23 Systems & Ancillaries		12,862 SF	8.67	111,525
NET BUILDING COST - EXCL. SITE		12,862 SF	189.63	2,439,039
D SITE & ANCILLARY WORK		14,826 SF	12.66	187,690
D1 SITE WORK		14,826 SF	12.66	187,690
D11 Site Development		14,826 SF	7.51	111,315
D12 Mechanical Site Services		14,826 SF	3.80	56,375
D13 Electrical Site Services		14,826 SF	1.35	20,000
NET BUILDING COST - INCL. SITE		12,862 SF	204.22	2,626,729
Z1 GENERAL REQ'S & FEE		12,862 SF	33.98	437,088
Z15 General Requirements		8.00%		210,138
Z16 Contractor Fee		8.00%		226,949
TOTAL-EXCLUDING CONTINGENCY		12,862 SF	238.21	3,063,817
Z2 ALLOWANCES		12,862 SF	5.21	66,982
Z24 Additional Lump Sums		12,862 SF	5.21	66,982
TOTAL ESTIMATE		12,862 SF	243.41	3,130,798
TAX		0.00%		0
TOTAL CONSTRUCTION ESTIMATE		12,862 SF	243.41	3,130,798

EXCLUSIONS LIST

If any of these excluded items are included in the body of the estimate, then their inclusion shall only be limited to the amounts allowed within the estimate for those items.

The following items if applicable to your project, are excluded from the estimate:

1. Cost of Design Exclusions, Omissions and Errors
2. Professional Fees and Expenses
3. Location Factor
4. Phasing Allowance
5. Infection Control
6. Preventative Maintenance Contracts
7. Land Acquisition and Impost Charges
8. Development Charges
9. Legal Fees and Expenses or other Insurance Related Fees
10. Value Added Tax
11. Right of Way Charges or Easement Requirements
12. Financing Fees and Carrying Costs
13. Fund Raising Requirements
14. Owner's Staff and Associated Management
15. Owner Furnished Material or Associated Labour
16. Impact of Adjacent Properties and their Conditions
17. Removal or Mitigation or Remediation of Contaminated Soils
18. Removal of Asbestos or Mitigation of any Hazardous Material
19. Removal of PCB Contaminated Electrical Equipment
20. Trucking beyond 10 kilometers Return (excavation work)
21. Mitigation of Water Conditions
22. Winter Conditions Affecting the Work
23. Salvage Costs from Woodlot Clearing or Demolition, or any other materials
24. Mitigation or Handling of any Explosives or Ordinances
25. Partial Load Restrictions on Roads to Project

2018

Hantsport Fire Hall Renovation Feasibility Report: Final Report



Vincent den Hartog

Architect

3/26/2018

Contents

Mandate:..... 2

Assumptions:..... 2

Tasks:..... 2

Observations: 3

Conclusions: 4

Appendix A: Preliminary Building Program..... 5

Appendix B: Preliminary Renovation Budget..... 9

Appendix C: Photographs of existing conditions 10

Mandate:

The given mandate was to prepare a preliminary concept and construction budget for renovations to the existing fire hall. The intent would be that renovations be completed that will serve the fire department's needs for the next 2 to 3 decades. It is understood that this report will provide a comparison to building a new fire hall on a separate site as another means to meet the fire department's needs. The report is expected to be used as a discussion point around a request for funding for either a renovation of the existing facility or the construction of a new fire hall.

Assumptions:

It is understood that the neighbouring building on PID 45048188 is owned by the municipality and that it currently houses the area food bank, but has no other current uses. We were told that the building requires significant deferred maintenance. For the purposes of this report it is assumed that this building will be removed.

The existing fire hall has a community hall with a bar, and kitchen facility. It has been used for rental income. During our initial meeting we were told that the use of the hall for rental purposes has been discontinued due to conflicts that arise during fire calls. For the purpose of this report it is assumed that there is no community space within the fire hall program.

Any renovation plan for this site will have to be undertaken in a manner that maintains the Fire Department operations throughout the work. Therefore we have investigated potential solutions that would incorporate new truck bays as an addition to the building. Renovations to the existing building could be undertaken once the new addition is operational.

Tasks:

The tasks we have undertaken are as follows:

- Visual survey of the building to become familiar with the layout of the existing conditions
- Measurements of the existing conditions to prepare a base plan
- Photographic survey
- Review of the property survey information provided by the client
- Review of the property information available on Viewpoint.ca
- Preparation of a building program for the fire hall
- Preparation of a preliminary construction budget

Observations:

Based upon our review of the property information available on viewpoint.ca we have the following observations

1. There appears to be an encroachment of the existing fire hall building on the PID number 45043825. The existing building straddles that property. On Viewpoint.ca PID 45043825 is listed for sale. It is recommended that this situation be investigated and resolved prior to sale of that property, if indeed there is a conflict
2. There are three separate properties upon which the fire hall development is proposed. PID's 45048170, 45048188, and 45048162. It is noted that consolidation of the properties would likely be required to develop the renovation /addition project on this location.
3. Note that the building on PID 45048188 that is assumed to be demolished also appears to be encroaching with the railroad property.
4. Note that most of the existing parking area is actually on the rail right-of-way. Any new development, whether building or parking area, cannot be located on the rail right-of-way.
5. The total area of the PID's 45048170, 45048188, and 45048162 is only +- 24,000 sq.ft. This is less than half the area, 55,000 sq.ft., required to accommodate the building program. (see appendix A).

Based upon our visual survey of the building, we have the following observations;

1. The building has had several additions built over the years. Enough have been created that each new addition becomes more complex to achieve.
2. The original building does not have an energy efficient envelope. It appears to be mostly concrete block backup wall with veneer brick exterior, with little to no insulation. It was not possible to determine the composition of the existing roof during our site visit.
3. The size of the existing truck bays is inadequate for the fleet of apparatus. The doors are only a few inches wider than the trucks. In order to leave as much room as possible between the trucks and the gear lockers at the rear some of the trucks must be parked so close to the front doors that it is not possible to walk around the front of them (see photo 2, appendix C). The space between the trucks and the gear lockers is so narrow that in some places fire fighters are leaning against the truck to put on their gear. The situation is hazardous.
4. There is currently only one storage room for the fire department's use. It is not adequate.
5. There is no administrative space, and no designated meeting space or training space.
6. There is currently no exercise space or equipment.

Based upon an analysis of the preliminary building program versus the review of the site and existing building, we have the following observations;

1. The building program including the exterior space requirements for fire fighter parking is more than 2 times the size of the existing site, making it impossible to fit all the program requirements on this property.
2. We have illustrated the minimum space required to accommodate 30 fire fighter parking spaces on the existing site plan. It is clear that this cannot be accommodated on the site.
3. We have illustrated three options for new truck bays on the existing site plan. It is clear from this exercise that the addition of truck bays cannot be accommodated on the site. Also illustrated at the same scale as the site is an example for a parking lot of 30 vehicles for fire fighter parking. When compared to the existing site it is also clear that the number of parking spaces required for fire fighter parking cannot be accommodated on the existing site.
4. It is also desirable to have space in front of the truck bays to accommodate at least the full length of the trucks on the property. It is clear that this cannot be accommodated on this property.

Conclusions:

Upon our initial site visit it was apparent that existing fire hall is in need of significant upgrades to meet the functional requirements of the Fire department for the next 20 to 30 years. Current deficiencies include no administrative space, no showers, no exercise space or equipment, and no dedicated training space. The storage space for equipment is too small. All the laundry, storage and equipment is located in one small room.

The most glaring deficiency is the size of the truck bays themselves. The current apparatus barely fit within the building. The space remaining for the fire fighter gear lockers is so close to the trucks that the situation is not safe. There is no room for laying out hoses for drying.

As soon as we prepared the building program and compared it to the size of existing site it became clear that the existing site is simply not large enough to accommodate the needs of the Fire Department.

The existing site is approximately 24,000 sq.ft. The minimum lot size required to accommodate the building program is 55,000 sq.ft.

Although the program does not fit on the existing site, as a theoretical exercise only, we prepared a preliminary budget for a renovation on this property so that you could make some comparisons with construction costs for new fire-halls of similar size that have been built recently in the Annapolis Valley. The preliminary budget is presented with a high and low range.

Prepared by Vincent den Hartog, Architect

Appendix A: Preliminary Building Program

This program is preliminary, intended for review and acceptance by the Hantsport Fire Department.

It comprises information from visiting the new Canning Fire Hall and recent RFP for a new Fire Hall in Middleton. Both these fire departments have approximately 40-50 fire fighters, similar in size to Hantsport Department.

The building program states the user needs. The same program could be used for both a new build or to renovate the existing facility. When renovating the existing conditions might lead to modifying slightly the parameters due to the implications of changing specific things about the building.

Building Program

Trucks & Support: **8387 sq.ft.**

Truck bays: (5) 20'x70' bays. 7000sq.ft.
 alternative (3) double length 20'x100' drive thru type 6000sq.ft.

- At least one bay shall be drive thru type
- The additional space at the back of truck bays accommodates space to lay hoses for drying.
- Ceiling height 20'
- Concrete hardener on floor surface
- Trucks (80,000 lbs)
- Cord reels are required to power trucks from above
- Garage doors 14'Wx 16'H min. to include vision lites

Fire Fighters Gear Stalls: 50 stalls 22'x36', 792 sq.ft.

- open wire locker bins 2'x 1'-6" dp.
- Ideally located adjacent to the truck bays, but planned so that there is no conflict with moving trucks and fire fighters accessing their gear
- Gear locker space should also be located conveniently adjacent to parking area where fire fighters arrive at the station

Radio Room: 8'x12' 96 sq.ft.

- visibility to front of truck bays and the street
- space for two people to work
- (2) chairs and work stations

Hazmat Storage: 5'x5' 25 sq.ft.

- exhaust directly to the outdoors

SCBA: 12'x15' 180 sq.ft.

- breathing air equipment storage and refill
- shall have fresh air intake and exhaust

Laundry Room: 10'x15' 150 sq.ft.

- industrial washer, specialty drying machine
- drying racks for gear

Tools & Equipment: 12'x12' 144 sq.ft.

- Storage for equipment
- Work bench for repairs

Office & Administration: 1100 sq.ft.

Fire Chief Office: 10'x12' 120 sq.ft.

- (1) 30x60 desk, (1) desk chair
- (2) guest chairs, file, shelves

Office Storage: 8'x10', 80 sq.ft.

- copier, files, storage shelves

Conference / Board Room: 15'x20' 300 sq.ft.

- conference table and chairs for 14,
- AV equipment,
- storage cabinet

Training Room: 20'x30' 600 sq.ft.

- fold up tables and chairs for 30 people
- AV equipment,
- storage cabinet

Fire Fighters' Services: 1680 sq.ft.

Exercise Room: 20'x24', 480 sq.ft.

- (10) pieces of exercise equipment
- Flooring to be athletic rubber for weights

Club Room: 20'x30'	600 sq.ft.
- w/ kitchenette, sink, microwave, fridge, dishwasher, stove - large screen TV , soft seating for 12, - table and chairs for 8	
Washrooms: 20'x30'	600 sq.ft.
- mens and womens with shower stalls 1 per gender / (2)WC , (2) sinks, 1 shower stall in each - Showers to be tiled, not prefab	
Common Spaces:	400 sq.ft.
Entrance Lobby: 10'x10'	100 sq.ft.
Utility: 20'x15'	300 sq.ft.
- Power entrance - HVAC / heating equipment - Water entrance	
Subtotal:	11,550 sq.ft.
Circulation space, mechanical space, walls and structure 20%	2,310 sq.ft.
Construction Area:	13,860 sq.ft.
Exterior:	41,600 sq.ft.
Fire Fighter Parking: up to 30 stalls with direct access to gear stalls area	10,500 sq.ft.
- Should be identified for fire fighter use only - Easy access for arrival - Easy access to fire hall 9'x18' typical parking stall size	
Visitor Parking	600 sq.ft.
3-5 spaces / 9'x18' - Adjacent to entrance lobby - Ideally distant from fire fighter parking and front of truck bays	

Space in front of truck bays 3500 sq.ft.

- There should be an area in front of the truck bays large enough that trucks can pull entirely out of the truck bays and be entirely within the property lines prior to pulling onto the street.

Landscaping & building setbacks 20,000 sq.ft.

Future Expansion area 7,000 sq.ft.

- Any project with a long term outlook should have a consideration for future expansion

The minimum lot size to accommodate the program identified above is **55,000 sq.ft.** = **1.25 acres**

End Appendix A

Appendix B: Preliminary Renovation Budget

Optimistic Outlook:

New Addition: Truck Bays	6000 sq.ft. @ \$100 / sq.ft.	\$600,000.00
Renovations: Interior renovations	6000 sq.ft. @ \$60 /sq.ft.	\$360,000.00
Demolition Neighbouring building		\$25,000.00
Demolition old kitchen addition		\$10,000.00
Consolidation of land parcels:		\$10,000.00
Exterior site upgrades:		\$30,000.00
Subtotal:		1,035,000.00

Pessimistic Outlook:

New Addition: Truck Bays	7000 sq.ft. @ \$125 / sq.ft.	\$875,000.00
Renovations: Interior renovations	6500 sq.ft. @ \$80 /sq.ft.	\$520,000.00
Demolition Neighbouring building		\$30,000.00
Demolition old kitchen addition		\$15,000.00
Consolidation of land parcels:		\$10,000.00
Exterior site upgrades:		\$40,000.00
Subtotal:		1,490,000.00

The budget numbers above for renovation space do not address building energy efficiency of either the envelope or the mechanical or electrical systems.

End Appendix B

Appendix C: Photographs of existing conditions



Space at rear of trucks



No space between trucks and doors



Doors are barely wider than trucks



The only space for storage is too small to accommodate the current needs



Hantsport Fire Department

5 Oak Street
Box 503
Hantsport, Nova Scotia B0P 1P0
Telephone: 902-684-9187



To: Mr. Mark Phillips, CAO West Hants Regional Municipality

From: Captain Karrie Ritchie, Hantsport Fire Department

Date: November 3, 2020

Re: Request to establish a Capital Reserve Fund

On behalf of the firefighters of the Hantsport Fire Department, we are requesting the Municipality of the District of West Hants establish a capital reserve fund for furniture, fixtures and equipment (FF&E). Funds for this capital reserve will be obtained from the revenues collected as participants in the provincial fire service 50/50 draws. These draws were established at the onset of the COVID 19 pandemic to assist fire departments with fundraising initiatives that would not be possible in the current environment.

The capital reserve money would be used for FF&E to help reduce the costs of outfitting a new station or other future needs within the Hantsport Fire Department.

We would ask that the Municipality of the District of West Hants provide confirmation that this capital reserve can be established on behalf of the Hantsport firefighters and that the monies held in this reserve can be used for future purchases of FF&E within the Hantsport Fire Department.

On behalf of the members of the Hantsport Fire Department, we thank you for the consideration of this request. Please contact me if you have any questions.

Karrie Ritchie
Captain, Hantsport Fire
CC. Chief Peter Johnston, Deputy Chief Paul Maynard



Committee of the Whole Excerpts
January 12, 2021

Family Resource Centre of West Hants Request to Waive Fees

The Family Resource Centre of West Hants is requesting that the Planning fees associated with their Land Use By-law amendment for the provision of secondary suites in one-and two-unit dwellings in all residential zones be waived. The Family Resource Centre believes the proposed amendment will help address the issue of homelessness by increasing the number of housing opportunities. The application will be brought to Council for consideration through the normal Planning process.

The recommended motion was:

... that the application fees be waived for the Family Resource Centre of West Hants.



Family Resource Centre of West Hants
61 Morison Drive
P.O. Box 2847
Windsor, NS
B0N 2T0
Email: frcowh@gmail.com
Phone: 902-798-5961

To Whom It May Concern,

Kayla Todd the Housing Support Worker, with the support of the Family Resource Centre of West Hants is applying for an amendment through the Planning and Development Department and request that council consider waiving the application, advertising, and processing fees for this application.

The reason we are requesting these fees be waived is because we are a non-profit organization, and we may not have a means to cover the application, advertising and processing fees associated with this application. However, we believe this amendment will help address the issue of homelessness in the community by increasing the number of housing opportunities available.

Our hope is that if there are increased numbers of housing opportunities available in our community that we can decrease the number of people suffering from or at risk of being homeless.

Sincerely,

Sara Downing
Executive Director



Committee of the Whole Excerpts
January 12, 2021

Property Owners Association

Property Owners Associations (POAs) are seeking a lower service fee for the collection of their association fees by the Municipality based on the incremental cost of providing the service and a reduction of services to create fairness to all POAs. Association fees are charged for the maintenance of their private roads. The proposed base services would be two remittances and 1 report annually for a fee of \$5 per lot. Several options for lot fees were given noting the Municipal cost per lot for the base service would be \$17.57.

POAs provide significant benefits and savings to the Municipality through increased property assessments and reduced services provided. Some POAs have Municipal parks however the Municipality is not charged POAs fees for the road Maintenance. A flat per lot fee for all POAs should be used for fairness. Annually the service fee will be reviewed to ensure POAs are not over charged and then rate will be set by Council through the annual budget.

The recommended motion was:

... that Council approves the method of billing set out in Property Owner Association Services for Private Road Agreements to Committee of the Whole on January 12, 2021, for services provided under R-002 Maintenance and Improvement of Private Roads By-Law, including a 71.5% reduction from base charge or \$5.00 per lot fee.

... that Council directs staff to enter into new agreements with the current Property Owners Associations, based on the service billing model approved.

Further,

That Council approved the extension of the Property Owner Association reporting deadline from January 31, 2021 to March 15, 2021.

Lot Owners Associations Joint Proposal

Municipal Collection Services Proposal – Lot Owner Fees

October 2020

The five Property Owners' Associations thank you for the service you have provided and for attending the Committee of the Whole meetings in July and in September when this item was discussed.

We would like to continue this service in a more efficient way for you and for us. We do appreciate the concept of municipal collection.

However, upon reflection, some of the current services are not necessary to the operation of our associations and, as a result, we are proposing reduced services along with a proposed reduced service fee.

Guiding Principles to our Proposal:

After discussions with Municipal Council and staff regarding their concerns about workload to provide the current service we would like to partner with the Municipality to lower our cost footprint so that only necessary services are provided. Similarly, we would hope the municipal staff and Council would partner with our associations to determine a fee based on the incremental cost that we create instead of charging a fee for costs that the Municipality already incurs, irrespective of whether they do this service for us.

We are proposing a service charge based on a *per lot collected fee* which we believe is a more reasonable representation of costs than charging a *percentage of the Associations' revenue figure, as shown in Note 1 below.*

Proposed services to be provided:

- a)** Municipality receives by January 31 from each association the information required by the Municipality to provide for the collection of annual dues service. This will ensure that our minutes provide for the authorization of our membership to have the Municipality provide the collection service and what rate of annual dues needs to be entered into the tax billing system for each association. As well, verification that the associations are in good standing with the Registry of Joint Stocks, and our annual financial statements.
- b)** Download and e-mail to each association the tax roll information as provided at time of tax billing for each association's record keeping. This listing would be provided once per year and would include the PID number, current registered owner, contact information and lot identification.
- c)** Billing of annual dues on tax bills as currently done with the information provided by each association before January 31
- d)** Issue cheques or bank transfers to each association as follows:
 - 75% of current annual dues for each association by November 15
 - 25% of remaining annual dues for each association by May 15

Note: Our logic for these two payments is that there is a very traditional pattern for association fee collections on average with 75% of taxes collected from each year's billing prior to October 31. As well there is a pattern of at least another 10% being collected by April 30 in the following year. At that point, 15% of our revenue, maybe less, would be left and could take up to the next two years to realize. Realization is guaranteed through tax sale threat and/or procedures. Interest charged on these overdue amounts by the Municipality is kept by the Municipality, ensuring that the Municipality is well compensated for the cost of carrying the unpaid amounts.

No reporting to the associations is required for either of these two payments because this system ensures 100% payment of dues within each association's fiscal year. Some form of transitional arrangement can be made for current

arrears that have not yet been remitted to the associations, say paying that out with the next occurring May 15th.

With respect, we feel a sufficient allowance for the incremental cost required for these functions would be in the range of \$2,500. At roughly 500 lots, we are proposing a \$5 cost per lot collected.

We are proposing an initial startup fee when an association grows through the addition of a new subdivision phase or a new association wants to participate in the municipal collection system, to take into account other setup costs associated with adding new lots to the collection system.

Our Appeal to Council

Please consider that we are trying to make this service a very low cost item for your administration. We believe it is low enough that in fact that you could consider providing this service for free in recognition of the value of our associations' tax dollars as well as lower costs to Municipality to provide services to residents through the bulk garbage stations and private road arrangements that you do not service.

Also, a recognition for the hundreds of thousands of dollars we have spent each year, and the \$3 million our associations intend to spend in the coming 10 years, supporting local businesses and improving roads in Windsor West Hants that also provide access to municipal parks and beaches. We hope that our Council values the community of private subdivisions and the socio-economic benefit that our property owners bring to Windsor West Hants.

We are asking you to give serious consideration to our proposal. We have worked to show you a less expensive and more efficient way to do what we really need at a reduced cost in the range of \$5 per lot for this service.

On behalf of the Associations,

Blomidon View Residents Association Authentisign
Heather Simpson
10/27/2020 10:57:43 PM ADT Heather Simpson, Chairperson

Chateau Village Property Owners' Association Authentisign
Barbara Regan
10/28/2020 9:34:31 AM ADT Barbara Regan, Treasurer

Chalet Hamlet Property Owners' Association Authentisign
Linda Skinner
10/28/2020 12:17:12 PM ADT Linda Moxsom-Skinner, Chairperson

Falls Lake West Owners Association Authentisign
Wout DeKoe
10/28/2020 10:29:27 AM ADT Wout DeKoe, Chairperson

North Canoe Lake Property Owners Association Authentisign
Judy Lynch
10/29/2020 10:05:40 AM ADT Judy Lynch, Secretary

Note1: The fees assessed per property for the municipality to collect POA fees varies by Association and ranges from \$5.96 to \$47.54 for the same service.

Property Owner Association	Type of Property	Annual Dues	Amount Landowner pays to Municipality to collect Annual Dues
Blomidon View	Vacant Lot	\$105.00	\$10.50
	Seasonal	\$210.00	\$21.00
	Full-time	\$420.00	\$42.00
Chalet Hamlet	All	\$426.65	\$42.67
Chateau Village	All	\$475.41	\$47.54
Falls Lake West	All	\$287.50	\$28.75
North Canoe Lake	Lots before bridge	\$59.53	\$5.96
	Lots after bridge	\$238.13	\$23.81



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: WHRM Committee of the Whole

Submitted by:

Carlee Rochon

Carlee Rochon, Director of Financial Services

Date: January 12, 2021

Subject: Property Owner Association Services for Private Road Agreements

LEGISLATIVE AUTHORITY

Municipal Government Act, Section 81

RECOMMENDATION

That Committee of the Whole recommends to Council

... that Council approves the method of billing set out in Property Owner Association Services for Private Road Agreements to Committee of the Whole on January 12, 2021, for services provided under R-002 Maintenance and Improvement of Private Roads By-Law, including a 15% subsidy on the per lot fee.

Further

... that Council directs staff to enter into new agreements with the current Property Owners Associations, based on the service billing model approved.

Further

.. that Council approved the extension of the Property Owner Association reporting deadline from January 31, 2021 to March 15, 2021.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☒	Councillor Activity ☐
-----------------------------------	---	--------------------------------------	---------------------------------	--	--

Private roads exist because during development projects, developers elect to construct a private road vs a public road. Private roads are often not built to the same standards as a Municipal and Provincial roads are required to be at. Therefore, the Municipality is

unable to take possession or provide services for maintenance and improvements. Through R-002 Maintenance and Improvement of Private Roads By-Law, Private Property Owners Associations could request Council approval to administer a fee with annual property tax notices for the maintenance and improvements to these roads. The collected fees are then remitted back to the Property Owner Association with reports to help with the ongoing maintenance and improvements.

This allows residents who own properties on these private roads, to receive services that the Municipality is unable to provide but would normally be responsible for.

As the collection service provider, the Municipality charges an administration service fee to cover the cost of providing this service and so the general operating budget and resources of the municipality are not subsidizing this service request. The current service cost is 10% of the lot fees set by the association, and included the following service exchange:

- Up to 10 remittances with collection reports.
- An annual lot report in October.
- Billing and collection services guarantee.

As Property Owner Associations (hereinafter called the "Associations") changed their lot fees for growing maintenance and improvements the administrative costs charged by the Municipality would also increase, reducing the amount the Associations can put back into the roads. This has led to a revaluation of our current model requested by the group of Associations and it was clear upon staff review that some Associations were under paying for services they were receiving while others were overpaying. But collectively we still were able to provide the service without impacting the general operating budget. Staff also found that some Associations required more services than others, but all were paying the 10% admin fee.

Following a special Committee of the Whole meeting staff began to investigate a fair and equitable model for all rate payers. A joint Proposal from the Associations was received, and before staff prepared a recommendation to Council some assumptions were made during the analysis:

- Council would like to avoid any impacts the general taxpayer
- Council would like to see the fees lowered to support the value added from the Associations

DISCUSSION

Staff reviewed the proposal and incorporated several of the proposed items into the staff recommendation. Staff met with the Property Owner Association groups on December 17th, 2020, to discuss their proposal and present the staff recommended model.

Currently the Municipality provides collection services to five associations with 513 lots. On average it would cost the Municipality \$60.32 per lot to provide the current level of services, and the average service fee collected was \$29.77 per lot.

Staff are recommending reduced service as proposed by the Associations, along with the two remittance a year and one annual report. This reduced service model lowers the cost of providing the services to \$17.57 per lot. At the Associations proposed rate of \$5.00 a lot, the Municipality would need subsidized the service by \$12.57 per lot to

cover the cost of providing the service. Based on the assumptions staff made this would not be recommended as the subsidy would impact the general taxpayer.

Staff are proposing the following, which matches the proposal submitted by the Associations apart from the cost per lot. Some additional items were added to ensure clarity in reporting, and that supports are available should they be requested.

- One annual report – November
- Remittances twice a fiscal year (April to March)
 - May 25%
 - November 75%, with the total administrative fee deducted
 - Municipality to hold collection liability, so associations can utilize their fees when needed
- Standardize services for all associations
 - With additional services provided per association request at additional charge
- *Estimated collection service base fee of \$17.57 per lot plus HST, reviewed annually
 - Rolling average to ensure internal efficiencies are passed along to the Property Owners Associations
- Same filing requirement with one alternation:
 - Include in motion fee per lots and total expected fees to be collected (to support remittance method above)

*In addition to the points raised in this section of the report and the determinants influencing the service base fee, members of the Associations presented the argument that should the initial developer have chosen to construct a public road The Municipality would have had to incur the ongoing cost of maintaining the roads. Although there are competing arguments that the cost of constructing a public road would have been transferred to the buyer of the lot in order to recover their costs or that the public roads would have resulted in higher property assessments therefore generating higher tax collection by the Municipality, the savings from the ongoing road maintenance should be recognized and reflected in the service fee. To ensure the value added by the Associations was reflective in model, staff added a subsidy to the base service fee as displayed in the table below. At this time staff are recommending a subsidy or reduction of 15% to the base service fee resulting in a revised estimated service fee of \$14.93 per lot. The final fee per lot will be set annual by Council during budget deliberations through a taxing resolution.

*Base Service Fee per Lot 2021/22 <i>(fee revisited annually)</i>	\$17.57	\$17.57	\$17.57	\$17.57	\$17.57	\$17.57
Public Road Cost Saving Subsidy	5%	10%	15%	20%	25%	71.5%
Amount per lot subsidize	\$0.88	\$1.76	\$2.64	\$3.51	\$4.39	\$12.57
Revised Service Fee per Lot	\$16.69	\$15.81	\$14.93	\$14.06	\$13.18	\$5.00

The proposed \$5.00 per lot requested the Associations, represents a 71.5% subsidy through the general operating budget.

One other item included in the Associations' proposal was the outstanding receivable balances from 2018-2020. This amount totals \$64,517.30, and still would be applicable under the previous agreements and Council resolutions. Which means it would be applicable to the 10% administrative fee. During the meeting with the association this was discussed, and the association requested the amount less the 10% to be remitted in May 2021. Staff are recommending Council approve this request, as it will not impact the cash position of the Municipality.

The staff recommendation does not require any adjustments to the R-002 Maintenance and Improvement of Private Roads By-law. While it includes all but one of the proposed items from the Associations, this is a fair model for general taxpayers and for the Associations. It ensures each Association is paying for standardize service that is proportionate to the number of lots within the association. But still allowed for additional services to be sought by the Associations should they be needed, similar to other services provided, like a tax certificate or building permit.

Most will see a reduction in the total fees collected, while some will see an increase. It is up to the Property Owner Association if they wish to continue with the service based on what works best for them. If we have multiple agreements with different reporting requirements, different levels of services, etc., it will take more staff time to administer the agreements. So, staff are recommending we use a consistent model for all current and future associations to ensure accuracy and efficiency.

NEXT STEPS

1. Revised agreements to reflect service billing model.
2. Wait for Property Owner Associations applications and agreements.
3. Prepare taxing resolutions for West Hants Regional Council, during budget deliberations.

FINANCIAL IMPLICATIONS

No financial implications for 2020-21, going forward the proposed model will be operated on a breakeven basis.

ALTERNATIVES

1. Council could choose to not approve the staff recommend model and go with the Property Owner Association model and include the deficit in the 2021-22 operating budget.
2. Council could choose to not proceed with either of the proposed models and stay with the current model.
3. Council could choose to proceed with the proposed model but not take on the liability on collections.

ATTACHMENTS

- Property Owner Association Joint Proposal

CHIEF ADMINISTRATIVE OFFICER REVIEW

I have been fully engaged in this review and support the recommendation.

Report Prepared by: Carlee Rochon
Carlee Rochon, Director of Financial Services

Report Approved by: Mark Phillips
Mark Phillips, Chief Administrative Officer

Lot Owners Associations Joint Proposal
Municipal Collection Services Proposal – Lot Owner Fees
October 2020

The five Property Owners' Associations thank you for the service you have provided and for attending the Committee of the Whole meetings in July and in September when this item was discussed.

We would like to continue this service in a more efficient way for you and for us. We do appreciate the concept of municipal collection.

However, upon reflection, some of the current services are not necessary to the operation of our associations and, as a result, we are proposing reduced services along with a proposed reduced service fee.

Guiding Principles to our Proposal:

After discussions with Municipal Council and staff regarding their concerns about workload to provide the current service we would like to partner with the Municipality to lower our cost footprint so that only necessary services are provided. Similarly, we would hope the municipal staff and Council would partner with our associations to determine a fee based on the incremental cost that we create instead of charging a fee for costs that the Municipality already incurs, irrespective of whether they do this service for us.

We are proposing a service charge based on a *per lot collected fee* which we believe is a more reasonable representation of costs than charging a *percentage of the Associations' revenue figure, as shown in Note 1 below.*

Proposed services to be provided:

- a)** Municipality receives by January 31 from each association the information required by the Municipality to provide for the collection of annual dues service. This will ensure that our minutes provide for the authorization of our membership to have the Municipality provide the collection service and what rate of annual dues needs to be entered into the tax billing system for each association. As well, verification that the associations are in good standing with the Registry of Joint Stocks, and our annual financial statements.
- b)** Download and e-mail to each association the tax roll information as provided at time of tax billing for each association's record keeping. This listing would be provided once per year and would include the PID number, current registered owner, contact information and lot identification.
- c)** Billing of annual dues on tax bills as currently done with the information provided by each association before January 31
- d)** Issue cheques or bank transfers to each association as follows:
 - 75% of current annual dues for each association by November 15
 - 25% of remaining annual dues for each association by May 15

Note: Our logic for these two payments is that there is a very traditional pattern for association fee collections on average with 75% of taxes collected from each year's billing prior to October 31. As well there is a pattern of at least another 10% being collected by April 30 in the following year. At that point, 15% of our revenue, maybe less, would be left and could take up to the next two years to realize. Realization is guaranteed through tax sale threat and/or procedures. Interest charged on these overdue amounts by the Municipality is kept by the Municipality, ensuring that the Municipality is well compensated for the cost of carrying the unpaid amounts.

No reporting to the associations is required for either of these two payments because this system ensures 100% payment of dues within each association's fiscal year. Some form of transitional arrangement can be made for current

arrears that have not yet been remitted to the associations, say paying that out with the next occurring May 15th.

With respect, we feel a sufficient allowance for the incremental cost required for these functions would be in the range of \$2,500. At roughly 500 lots, we are proposing a \$5 cost per lot collected.

We are proposing an initial startup fee when an association grows through the addition of a new subdivision phase or a new association wants to participate in the municipal collection system, to take into account other setup costs associated with adding new lots to the collection system.

Our Appeal to Council

Please consider that we are trying to make this service a very low cost item for your administration. We believe it is low enough that in fact that you could consider providing this service for free in recognition of the value of our associations' tax dollars as well as lower costs to Municipality to provide services to residents through the bulk garbage stations and private road arrangements that you do not service.

Also, a recognition for the hundreds of thousands of dollars we have spent each year, and the \$3 million our associations intend to spend in the coming 10 years, supporting local businesses and improving roads in Windsor West Hants that also provide access to municipal parks and beaches. We hope that our Council values the community of private subdivisions and the socio-economic benefit that our property owners bring to Windsor West Hants.

We are asking you to give serious consideration to our proposal. We have worked to show you a less expensive and more efficient way to do what we really need at a reduced cost in the range of \$5 per lot for this service.

On behalf of the Associations,

Blomidon View Residents Association
Simpson, Chairperson

Authentisign
Heather Simpson
10/27/2020 10:57:43 PM ADT

Heather

Chateau Village Property Owners' Association
Treasurer

Authentisign
Barbara Regan
10/28/2020 9:34:31 AM ADT

Barbara Regan,

Chalet Hamlet Property Owners' Association
Chairperson

Authentisign
Linda Skinner
10/28/2020 12:17:12 PM ADT

Linda Moxsom-Skinner,

Falls Lake West Owners Association
Chairperson

Authentisign
Wout DeKoe
10/28/2020 10:29:27 AM ADT

Wout DeKoe,

North Canoe Lake Property Owners Association
Secretary

Authentisign
Judy Lynch
10/29/2020 10:05:40 AM ADT

Judy Lynch,

Note1: The fees assessed per property for the municipality to collect POA fees varies by Association and ranges from \$5.96 to \$47.54 for the same service.

Property Owner Association	Type of Property	Annual Dues	Amount Landowner pays to Municipality to collect Annual Dues
Blomidon View	Vacant Lot	\$105.00	\$10.50
	Seasonal	\$210.00	\$21.00
	Full-time	\$420.00	\$42.00
Chalet Hamlet	All	\$426.65	\$42.67
Chateau Village	All	\$475.41	\$47.54
Falls Lake West	All	\$287.50	\$28.75
North Canoe Lake	Lots before bridge	\$59.53	\$5.96
	Lots after bridge	\$238.13	\$23.81



Committee of the Whole Excerpts
January 12, 2021

Creation of RCMP Operating Reserve

As part of the Municipal Policing Service Agreement (MPSA), the Municipality is responsible for retroactive RCMP wages once current collective bargaining is completed at the Federal Level. In anticipation of the collective bargaining finalization, the retroactive wages were included in the 2020-21 budget. However recent correspondence has stated the collective bargaining will not be completed this fiscal year. If the budgeted amount is placed in an operational reserve, it can be used once collective bargaining is complete without impacting the taxpayer in a future budget.

The recommended motion was:

... that Council approve the creation of a "RCMP Operating Reserve," and transfer \$582,688 of the budgeted 2020/21 operating cost for RCMP services into the reserve.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: WHRM Committee of the Whole

Submitted by:

Carlee Rochon

Carlee Rochon, Director of Financial Services

Date: January 12, 2021

Subject: Creation of RCMP Operating Reserve

LEGISLATIVE AUTHORITY

Municipal Government Act, Part IV Finance, Section 65

RECOMMENDATION

That Committee of the Whole recommends that

Council approve the creation of a "RCMP Operating Reserve," and transfer \$582,688 of the budgeted 2020/21 operating cost for RCMP services into the reserve.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☒	Councillor Activity ☐
-----------------------------------	--	--------------------------------------	---------------------------------	--	---

As part of the Municipal Policing Service Agreement (MPSA), the Municipality is responsible for their portion of the retroactive adjustment to RCMP wages once the collective bargaining has been completed at the federal level. These retro adjustments are shared across the country to those communities serviced by the RCMP. The full anticipated cost of retroactive pay adjustments for The Municipality were accounted for in the 2020/21 RCMP Service / Operation Budget for the Region, anticipating the RCMP Collective Agreement would be finalized within the current fiscal year. As noted in the attached letter to CAO, Mark Phillips dated December 18, 2020, the bargaining process is not anticipated to be finalized before the end of the current fiscal year.

The Region has been paying for a portion of the pay adjustments on our quarterly invoices to-date. Since this settlement will not be paid out within this fiscal year, the final two quarters we be adjusted to reflect the full credit of \$582,688 in favor of the

municipality.

DISCUSSION

It is staff's recommendation that we take the full adjustment of \$582,688 that was already built into the 2020-21 tax rates and place it in an operating reserve titled "RCMP Operating Reserve." This will also allow The Municipality to draw on the established reserve once the contract negotiations have been finalized and we are billed for the retroactive pay and compensation package, without impacting the taxpayer in future fiscals.

As per The Municipality's reserve policy, we need a motion of Council to create a reserve fund and to set out any applicable restrictions.

NEXT STEPS

N/A

FINANCIAL IMPLICATIONS

No implications for 2020-2021.

ALTERNATIVES

1. Council could choose to not set the money aside in a reserve but would need to ensure the funds are available through the tax rate in the operating budget for 2021-22.

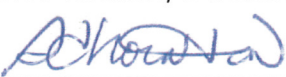
ATTACHMENTS

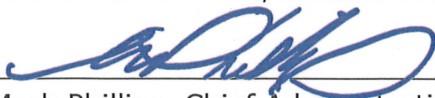
- RCMP Letter, dated December 18, 2020

CHIEF ADMINISTRATIVE OFFICER REVIEW

I have had ongoing communications with the RCMP and Director Rochon and have been made aware of the reduction in the annual cost of service / operating budget for 2020/21 and fully support the recommendation for the establishment of the "RCMP Operating Reserve" for the reasons noted above.

Report Prepared by: 
Carlee Rochon, Director of Financial Services

Report Reviewed by: 
Shelleena Thornton, Administrative Supervisor

Report Approved by: 
Mark Phillips, Chief Administrative Officer



Royal Canadian Mounted Police Gendarmerie royale du Canada
Commanding Officer Commandant divisionnaire

RCMP Mailstop H-001
80 Garland Avenue
Dartmouth, Nova Scotia
B3B 0J8

December 18, 2020

Mr. Mark Phillips
Chief Executive Officer
West Hants Regional Municipality
100 King Street
Windsor, Nova Scotia
B0N 2T0

Dear Mr. Phillips:

Re: Municipal Policing Agreement - 2020/21 Reduction of Invoice Amount for Regular Member Pay and Compensation Package Funding

As you are likely aware, collective bargaining is currently underway between the National Police Federation (NPF), the bargaining agent of RCMP Regular Members (RMs), and the Treasury Board of Canada. In anticipation of a ratified agreement, the RCMP has been invoicing its contract partners for an estimated value of current and retroactive pay raises. However, as an agreement with the NPF is not anticipated this fiscal year and retroactive pay raises are only billable in the year they are paid out, the 2020/21 Q3 and Q4 invoices to the West Hants Regional Municipality will be reduced accordingly. Specifically, the total reduction on the invoices will be in the amount of \$359,608 for the estimated current year impact of the RM pay and compensation package (April 1, 2020 - March 31, 2021) and \$223,080 for the estimated retroactive impact of the RM pay and compensation package (January 2017-March 31, 2020).

Based on conversations with Carlee Rochon, West Hants Regional Municipality Director of Financial Services, it is understood the Municipality will put in place an accrual to set aside funds for future pay raises that may be realized from collective bargaining with the NPF.

The Q3 invoice will be forthcoming in January 2021.

If you have any questions regarding this matter, please do not hesitate to contact either myself or Allison Matthews, Manager of Strategic Planning and Client Services at (902) 209-6695.

Yours truly,

A/Commr. Lee Bergerman
Commanding Officer "H" Division
Royal Canadian Mounted Police, Nova Scotia

Canada



Committee of the Whole Excerpts
January 12, 2021

Region 6 2021/22 Budget

The Municipality is part of Region 6 Solid Waste Management a liaison group of 12 Municipalities dedicated to reducing waste and promoting proper waste sorting and diversion. In accordance with the Inter-Municipal Agreement each Council of a participating Municipality must approve the Region 6 proposed budget. If approved the Municipality will contribute \$15,196.99 to Region 6 for the 2021-22 fiscal year and paid through the diversion credit reserve so there is no impact to the general tax rate.

The recommended motion was:

... that Council approves the 2021-22 budget for Region 6 as presented in the January 12, 2021 report.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: WHRM Committee of the Whole

Submitted by: Carlee Rochon
Carlee Rochon, Director of Financial Services

Date: January 12, 2021

Subject: Region 6 2021-2022 Budget

LEGISLATIVE AUTHORITY

Municipal Government Act, Part IV Finance, Section 65

Region 6 Solid Waste Management Services Inter-Municipal Agreement, items 34-39

RECOMMENDATION

That Committee of the Whole recommends that

Council approves the 2021-20 budget for Region 6 as presented in the January 12, 2021 report.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☒	Social ☐	Economic ☒	Councillor Activity ☐
-----------------------------------	---	---	---------------------------------	--	--

Region 6 Solid Waste Management is a liaison group for 12 Municipalities, including those located along the South Shore and West Hants in Nova Scotia. It is dedicated to reducing waste in homes, businesses, and communities. Through programs and educational outreach, they promote proper waste sorting and waste diversion.

As outlined in the Inter-Municipal Agreement, section 35 indicates that each participating Council must approve the proposed budget, or refuse, by March 14th the year the budget applies.

DISCUSSION

After the audit was completed for the 2019-20 fiscal, Region 6, has an operational surplus of \$20,935. This amount will be deducted from the total municipal contributions in 2021-22, paid by each participating Municipality.

Region 6 prepares their annual budget for review by their Technical Committee, and Inter-Municipal Board. Each participating Municipality elects an official to sit on the Inter-Municipal Board. The Region's representative is Councillor M. McLean.

Once presented to the Inter-Municipal Board, Region 6 request each participating Council to approve the annual budget in the amount of \$913,830.

NEXT STEPS

Notify Region 6 Solid Waste Management once ratified by Council.

FINANCIAL IMPLICATIONS

For 2021-22 fiscal year, West Hants Regional Municipality contribution will be \$15,196.99, down \$1,586.72 from last fiscal year. This amount will be paid by money in the diversion credit reserve, so there will be no impact on the general tax rate.

ALTERNATIVES

1. Council could refuse to approve the Region 6 budget and ask that changes be made.

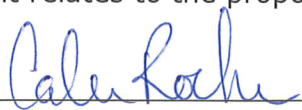
ATTACHMENTS

- Letter from Region 6 with Budget

CHIEF ADMINISTRATIVE OFFICER REVIEW

With the obvious reduction in the cost to the Regional Municipality it is a favorable recommendation for consideration. I would request that District 2, Councillor Scott McLean who is also the Vice Chair for Region 6 speak to the details and discussions by the Region 6 Board as it relates to the proposed budget.

Report Prepared by:



Carlee Rochon, Director of Financial Services

Report Approved by:



Mark Phillips, Chief Administrative Officer



PO Box 639 / 45 School St, Suite 304

Region 6 Solid Waste-Resource Management

Phone: 902-624-1339

Mahone Bay, NS B0J 2E0

E-mail: Valda.Walsh@Region6SWM.ca

Mark Phillips
of West Hants Regional Municipality
PO Box 3000
76 Morison Rd.
Windsor, NS B0N 2T0

December 10, 2020

RE: Budget Approval 2021-22

Dear Mr. Phillips,

On Friday, December 4, 2020, the Region 6 Inter-Municipal Committee met regarding the budget for the upcoming fiscal April 1, 2021 – March 31, 2022.

The following motion was passed:

MOTION: to recommend approval of the 2021-22 Region 6 Inter-Municipal Committee Budget in the amount of \$913,830 to member councils as presented. **M/C**

Pursuant to FINANCES of the Region 6 Inter-Municipal Agreement; items 34 – 39

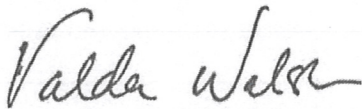
- “34. The proposed Committee budget shall be submitted to the Councils of each of the Parties prior to 4:30 p.m. on December 31st of each year.
35. The Councils of each of the Parties shall approve said budget, or refuse to do so, by 4:30 p.m. on March 14th of the year to which said budget applies.
36. Should the Council of any of the Parties fail to approve or refuse to approve the proposed Committee budget and so notify in writing the Committee by the stated deadline, then the said budget is deemed to have been approved by that Council.
37. The proposed Committee budget shall be binding on all of the Parties if approved by the Councils of 75% or more of the Parties, so long as the Parties whose Councils have approved represent a minimum of 50% of the total population represented by the Parties to this agreement – said figures to be taken from the most recent available Census of Canada statistics.
38. In the event that motions of refusal to approve result in a proposed Committee budget not receiving approval of the necessary majority of Councils, the Committee shall revise the proposed budget taking into account any comments that may have been provided and submit a revised budget to the Councils of the Parties.
39. Should the Council of any of the Parties fail to approve or refuse to approve a revised proposed Committee budget within 45 days after receipt of same then the said budget is deemed to have been approved by that Council.”

Respecting the enclosed budget, please review with your council and respond to Region 6 before 4:30 pm, March 14, 2021 on your approval or refusal.

Should you have any questions on either document please feel free to contact myself at 902-624-1339 or Chair, Wayne Thorburne at 902-543-7771.

I would be happy to attend the council meeting when the budget is up for discussion, feel free to contact me by phone or email.

Regards,

A handwritten signature in cursive script, appearing to read 'Valda Walsh'.

Valda Walsh BSc TME EP
Regional Coordinator

encl.

Region 6 Solid Waste Management

INCOME	2020-21 Projection	2020-21 Budget	2021-22 ESTIMATE
Contracts/Service Agreements			
Education Contract ¹	80,392	70,163	80,392
Coordinator Agreement	43,286	43,286	43,286
Enforcement Contract	89,425	89,425	89,425
Services	3,000	3,000	0
Sub-total	\$ 216,103	\$ 205,874	\$ 213,103
Stewardship/Incentives			
Dairy Stewardship	99,256	87,000	87,000
Diversion ²	432,219	365,200	440,000
Municipal Approved Programs	80,500	80,500	80,500
Interest		0	
Sub-total	\$ 611,975	\$ 532,700	\$ 607,500
Municipal Contribution			
Municipal Billing ³	94,699	94,699	93,227
Sub-total	\$94,699	\$94,699	\$93,227
TOTAL	\$ 922,777	\$ 833,273	\$ 913,830

INTER-MUNICIPAL RESERVES Schedule				
	F2021 Forecast	Approved Expense	Program amount remaining	
Public Bins Program 2021	\$ 5,400	\$ 30,000	\$ 24,600	

On June 12, 2020 Region 6 Inter-Municipal Committee approved a cap of \$30,000 from Future Project Reserves to achieve the goal of 1. Removal of catch-all garbage cans; and 2. Purchase and proper placement of multi-stream sorting containers throughout Region 6.

This schedule shows the anticipated application amount in the current year and the remainder left in the program to be carried over for the next fiscal



Region 6 Solid Waste Management

EXPENSES	2020-21 Projection	2020-21 Budget	2021-22 ESTIMATE
OPERATING EXPENSE			
Coordinator Salary ⁴	74,664	67,448	65,000
Coordinator Benefits ⁴	12,643	10,334	10,327
Travel (Coordinator)	1,000	5,500	5,500
Training and conference	1,600	2,040	2,040
Office Rental	9,198	8,760	9,198
Cleaning	300	780	780
Cell phones	1,027	1,100	1,100
Phone/internet	1,254	1,500	1,300
Office supplies and services	3,500	3,500	3,500
Advertising ⁵	700		500
Computer/materials ⁴	3,631	1,500	3,000
Insurance	3,364	3,100	3,400
Administration	9,390	9,390	9,390
Legal	1,000	1,000	1,000
Auditor	8,239	8,240	8,866
Sub-total	\$ 131,509	\$ 124,192	\$ 124,901
EDUCATION			
Education salary	52,284	52,284	53,330
Educator Benefits	9,397	7,971	9,474
Travel (education)	10,500	10,500	10,500
Advertising ⁵	1,800	-	2,500
R6RECYCLES	10,800	12,000	12,000
Program materials	1,200	4,200	4,200
Sub-total	\$ 85,981	\$ 86,955	\$ 92,004
PAYMENTS TO UNITS			
Enforcement Contract	89,425	89,425	89,425
Dairy Stewardship	99,256	87,000	87,000
Diversion ²	432,219	365,200	440,000
Municipal Approved Programs	80,500	80,500	80,500
Sub-total	\$ 701,400	\$ 622,125	\$ 696,925
TOTAL	\$ 918,890	\$ 833,273	\$ 913,830
Revenue/Expenditure	\$ 3,886	-\$ 0	0



Region 6 Solid Waste Management

Notes to BUDGET:

1. Education Contract - The schedule for this year's contract included an extra \$10,000 to support strategic direction by our partners at Divert NS. These included generating nominations for the annual Mobius Awards, promotion of the Divert Scholarship, Organizing a WRW contest, and collaborative social media content.

2. Diversion Credits - Due to anticipated constraints as a result of COVID-19, Divert NS added \$1M to the provincial Diversion account (borrowed from future reserves). Region 6 typically receives 8 - 8.5% of this based on waste diverted from landfill.

3. Municipal Billing (details below) - this line pays for the operations that are not covered through grant and contracted services. \$93,227 estimate will be offset by \$20,935 surplus made up from the \$32,287 as reported in the 2019-20 audited financial statements less the cost of the R6RECYCLES from 2018-19 that was not transferred from our future projects fund for 11,352.

Actual to be billed to municipal members will be **\$ 72,292**

4. Coord. Salary and benefits plus computer – Forecast for March 31 is higher than expected due to anticipated overlap with Valda leaving and a new coordinator starting. New laptop and programs will need to be purchased as well as paying extra salary during the transition time.

5. Advertising - Due to our experiences with COVID-19 and our new obligations under the Education contract, Region 6 will incur new costs for advertising. A website was developed as well as paid stories and some social channel promotions to aid in outreach to areas we cannot reach in person (ex. in schools and general public since we cannot be present at community events). Some advertising expenses were also incurred to post jobs - this is carried under our operations.

TABLE 1: Municipal billing 2021-22			
Municipal area serviced:	Pop'n	% of Region	2021-22
Shelburne Shared Services	6,562	7.25%	\$ 5,244.14
Town of Bridgewater	8,532	9.43%	\$ 6,818.51
Town of Mahone Bay	1,036	1.15%	\$ 827.94
Municipality of Lunenburg	24,863	27.49%	\$ 19,869.73
Municipality of Barrington	6,646	7.35%	\$ 5,311.28
Town of Clark's Harbour	758	0.84%	\$ 605.77
Municipality of Chester	10,432	11.53%	\$ 8,336.93
Town of Lunenburg	2,263	2.50%	\$ 1,808.52
West Hants Regional Municipality	19,016	21.02%	\$ 15,196.99
Region of Queens Municipality	10,351	11.44%	\$ 8,272.20
Total	90,459	100.00%	\$ 72,292.00





Committee of the Whole Excerpts
January 12, 2021

Fire Services Temporary Borrowing Resolutions

Temporary Borrowing Resolutions are a required step to secure funding for significant purchases. The 2020-21 Capital Budget included \$20,000 for repairs to Pumper #4 for Brooklyn Fire Department Station 1 and \$35,000 for command scene lights for Hantsport Fire Station. Borrowing amounts are based on actual cost less the debt servicing amounts.

The recommended motion was:

... that Council approves a temporary borrowing resolution in the amount of \$15, 444, for major repairs to pumper #4 for Brooklyn Fire Department Station 1.

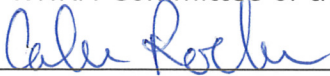
... that Council approves a temporary borrowing resolution in the amount of \$27,506, for command scene lighting for Hantsport Fire Department.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: WHRM Committee of the Whole

Submitted by: 
Carlee Rochon, Director of Financial Services

Date: January 12, 2021

Subject: Fire Services Temporary Borrowing Resolutions

LEGISLATIVE AUTHORITY

Municipal Government Act, Part IV Finance, Section 65 & 66

RECOMMENDATION

That Committee of the Whole recommends that

Council approves a temporary borrowing resolution in the amount of \$15,444, for major repairs to pumper #4 for Brooklyn Fire Department station 1.

Council approves a temporary borrowing resolution in the amount of \$27,506, for command scene lighting for Hantsport Fire Department.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☒	Councillor Activity ☐
-----------------------------------	---	--------------------------------------	---------------------------------	--	--

A Temporary Borrowing Resolution (TBR) is a required step in the process to secure the necessary borrowing to support the purchase of items of significant cost required by the Municipality. A TBR requires Council's approval to move forward.

West Hants Regional Council approved the following capital projects in the 2020-2021 capital budget on June 3rd, 2020:

- Repairs to pumper #4 in services at Brooklyn Fire Department Station 1, in the amount of \$20,000.
- Purchase of command scene lights for Hantsport Fire Department in the amount of \$35,000.

DISCUSSION

Brooklyn Fire Department

There were major repairs required for pumper #4 in service at Brooklyn Station 1. The total cost after rebates was \$39,698.77, of which Council approved \$20,000. The remaining is being funded by Brooklyn Fire Department.

In the 2020-21 Operating budget Council approved the amount of \$4,555.83 as debt servicing. The amount is then reduced by the budgeted debt servicing for the total amount borrowed of \$15,444.

Hantsport Fire Department

Command scene light tower was purchased and installed on Pumper #12 on December 2nd, 2020. This is specialized equipment and went through alternative procurement practices under item 3.

"3. To ensure compatibility with existing products, or to maintain specialized products that must be maintained by the manufacturer or its representative."

The total cost after rebates for this light tower was \$30,197.17, which is under the \$35,000 that Council approved in the capital budget. It is then further reduced by the 2020-21 operating budget debt servicing amount of \$2,691 for a total amount borrowed of \$27,506.

The ongoing debt servicing cost of this purchase are also being funded through the Municipality of Kings County. For 2020-21 this amount is \$807.30 or 30% of the debt servicing cost, this amount changes year to year based on the three-year call average.

NEXT STEPS

1. Minister approval of temporary borrowing resolutions.
2. Recommendation report to West Hants Regional Council to apply for Spring 2021 Debenture once announced.

FINANCIAL IMPLICATIONS

The full financing charges for all the above already makes up part of the current fiscal year's budget, so they will have no impact on the budget.

ALTERNATIVES

1. Council could reject the proposed TBR's, but in doing so would have to direct staff as to how the items are to be funded.

ATTACHMENTS

- TBR RESO - 20 21 Pumper 4 Major Repairs – BFD
- TBR RESO – 20 21 Command Scene Lights - HFD

CHIEF ADMINISTRATIVE OFFICER REVIEW

Not Applicable

Report Prepared by: 
Carlee Rochon, Director of Financial Services

Report Approved by: 
Mark Phillips, Chief Administrative Officer

MUNICIPAL COUNCIL OF THE

TEMPORARY BORROWING RESOLUTION

Amount: \$ 15,444

Purpose: 20/21 Pumper #4 Major Repairs - BFD

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the West Hants Regional Municipality, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the West Hants Regional Municipality has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for a capital purpose as identified in their capital budget; and

WHEREAS the Council of the West Hants Regional Municipality has determined to borrow the aggregate principal amount of Fifteen Thousand Four Hundred Forty-Four Dollars (\$ 15,444) for the purposes of 20/21 Pumper #4 Major Repairs - BFD;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the West Hants Regional Municipality borrow a sum or sums not exceeding Fifteen Thousand Four Hundred Forty-Four Dollars (\$ 15,444) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the West Hants Regional Municipality to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Council borrow from time to time a sum or sums not exceeding Fifteen Thousand Four Hundred Forty-Four Dollars (\$ 15,444) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the West Hants Regional Municipality held on the 26 day of January, 2021.

GIVEN under the hands of the Clerk and under the seal of the West Hants Regional Municipality this ____ day of _____, 2021.

Clerk

MUNICIPAL COUNCIL OF THE

TEMPORARY BORROWING RESOLUTION

Amount: \$ 27,506

Purpose: 20/21 Command Scene Lights - HFD

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the West Hants Regional Municipality, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the West Hants Regional Municipality has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for a capital purpose as identified in their capital budget; and

WHEREAS the Council of the West Hants Regional Municipality has determined to borrow the aggregate principal amount of Twenty-Seven Thousand Five Hundred and Six Dollars (\$ 27,506) for the purposes of 20/21 Command Scene Lights - HFD;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the West Hants Regional Municipality borrow a sum or sums not exceeding Twenty-Seven Thousand Five Hundred and Six Dollars (\$ 27,506) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the West Hants Regional Municipality to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Council borrow from time to time a sum or sums not exceeding Twenty-Seven Thousand Five Hundred and Six Dollars (\$ 27,506) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the West Hants Regional Municipality held on the 26 day of January, 2021.

GIVEN under the hands of the Clerk and under the seal of the West Hants Regional Municipality this ____ day of _____, 2021.

Clerk



Committee of the Whole Excerpts
January 12, 2021

MCCAP 2021 Work Plan

Annually the Municipal Climate Change Action Plan (MCCAP) Committee creates a workplan identifying the goals and projects of the Committee. Projects for 2021 include a local business recognition program for green initiatives and working with the community to address sea-level rise in Avondale.

As part of the Partners for Climate Protection Program, various milestones have been set by MCCAP. Having completed Milestone 1, Milestones 2 and 3 will be worked on in 2021-22 to set greenhouse gas reduction targets and create a local action plan. A request of \$10,000 will be made for the 2021-22 budget to hire a student to help with projects. Grants will be applied for as opportunities arise.

The recommended motion was:

... that the MCCAP 2021 Work Plan be placed on file in a manner substantively the same as Appendix A attached to the planning staff report dated January 6, 2021.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Mayor Zebian and Members of West Hants Regional Municipality Council.

Submitted by: _____
Saira Shah, Planner

Date: 2021-01-12

Subject: MCCAP 2021 Work Plan

LEGISLATIVE AUTHORITY

Municipal Climate Change Action Plan (MCCAP) Committee Terms of Reference Section 4.

RECOMMENDATION

Should the Committee of the Whole wish to accept the 2021 Work Plan, the following motion would be in order:

that the MCCAP 2021 Work Plan be placed on file in a manner substantively the same as Appendix A attached to the planning staff report dated January 6, 2021.

BACKGROUND

The MCCAP Committee intends to work on several new projects in 2021 including a local business recognition program for green initiatives and working with Avondale community members on sustainable solutions to address sea-level rise.

Several studies have been completed in recent years including the National Disaster Mitigation Program Risk Assessment Study and impressive student projects on low impact development and sea-level rise. The MCCAP Committee has requested that staff consider implementation options for the Plan Review based on the findings from these studies.

The former Municipality of the District of West Hants joined the Partners for Climate Protection (PCP) program in 2018. Due to consolidation, the West Hants Regional Municipality is a member of this program. This program assists Municipalities by using a milestone system to determine existing emissions, set reduction targets and create and

implement a local action plan to reduce emissions. Using funding from the 2020-2021 budget, a student has been working on a regional GHG inventory to establish a baseline for GHG emissions which will complete Milestone 1 of the PCP program. The MCCAP Committee intends to proceed with Milestone 2 and 3 in 2021 which involve Council setting GHG reduction targets and creating a local action plan. The MCCAP Committee anticipates a budget request of \$10,000 for the 2021-2022 budget to hire a student to assist with this project. Previous student positions have been partially covered by the Nova Scotia Department of Labour and Advanced Education Co-op Education Incentive which can cover half of the salary for a student completing a co-op program. Staff would apply to this program and review other opportunities to utilize funding available.

The MCCAP Committee recommended in favour of the 2021 Work Plan on January 6, 2021.

ATTACHMENTS

Appendix A 2020-01-06 MCCAP 2021 Work Plan Recommendation Report

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

Appendix A
2020-01-06 MCCAP 2021 Work Plan Recommendation Report



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
--------------------------------------	------------------	---	--

To: Members of Municipal Climate Change Action Plan Committee

Submitted by: _____
Saira Shah, Planner

Date: 2020-01-06

Subject: MCCAP 2021 Work Plan

LEGISLATIVE AUTHORITY

Municipal Climate Change Action Plan (MCCAP) Committee Terms of Reference Section 4.

RECOMMENDATION

Should the MCCAP Committee wish to forward the 2021 Work Plan to Committee of the Whole, the following motion would be in order:

that the MCCAP 2021 Work Plan be submitted to the Committee of the Whole to be placed on file in a manner substantively the same as Appendix A attached to the planning staff report dated January 6, 2021.

BACKGROUND

Based on the MCCAP Committee Terms of Reference, a work plan needs to be submitted to the Committee of the Whole for review on an annual basis.

Staff presented a draft workplan on November 10, 2020. The committee discussed these topics at length and determined the addition of Plan Review actions related to the MCCAP would be beneficial and requested that sea-level rise in Avondale be made a priority. These changes have been made to the updated workplan attached as Appendix A.

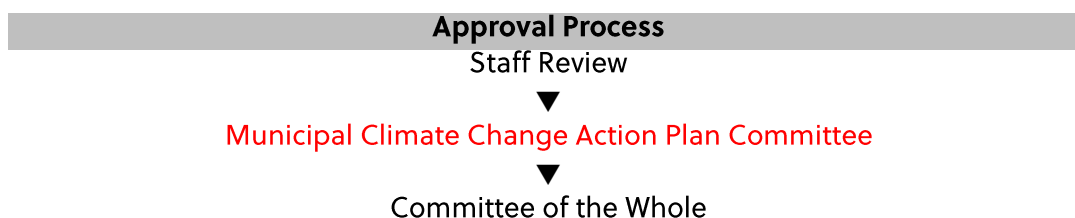
DISCUSSION

Staff reviewed the Plan Review MCCAP actions and considered how to incorporate the actions into the draft MCCAP 2021 Work Plan. There were several items that overlapped with existing goals such as developing restrictions for flood prone areas and developing solutions for the community of Avondale as a pilot project. However, there were some

additions to existing goals such as considering a requirement for coastal erosion site assessments in flood prone areas. As for new goals, staff added a review of wetland and watercourse protections, a water conservation by-law to address drought conditions, and an overall goal to consider incorporating the findings from recent student projects on low impact development and coastal planning into the planning documents. There are no budget requests for any of the new actions added as only staff time will likely be required and the timeline for completion is the Plan Review. Staff had identified a water conservation by-law as a Plan Review task but, as this would be a separate by-law from the planning documents, staff have set a start date of Spring 2021 for this item. Several actions listed under On-going Tasks are associated with the Regional Emergency Management Organization (REMO). As the current appointment for REMO is intended for emergencies only these tasks will likely not be completed until a permanent appointment is made for the REMO position.

The timeline for the Avondale pilot project has been updated to start in Winter 2021 based on direction from the MCCAP Committee. A meeting was held in Avondale on November 12th with some community members, staff, and Victoria Fernandez who presented the findings from the National Disaster Mitigation Program project illustrating potential long-term solutions for the area. The Chief Administrative Officer intends to form a working group consisting of staff and community members to consider mitigation options for Avondale.

NEXT STEPS



FINANCIAL IMPLICATIONS

There are budget requests associated with the 2021 Work Plan. These requests would be submitted to Council for consideration for the MCCAP Committee 2021 budget.

ALTERNATIVES

In response to the report, the MCCAP Committee may:

- request staff revise the MCCAP 2021 Work Plan based on direction from the MCCAP Committee;
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Appendix A MCCAP 2021 Work Plan

Report Reviewed by: _____
 Madelyn LeMay, Director of Planning and Development

Appendix A
MCCAP 2021 Work Plan

Tasks to Complete		Cost of Action	Funding	Partners	Timing
Goal: Reduce the impact of anticipated climate change on infrastructure and development	Consider options to restrict development in areas at risk to flooding and erosion	Staff Time	Staff Time	Planning	Plan Review
	Consider requiring coastal erosion site assessments or flood proofing in areas at risk	Staff Time	Staff Time	Planning	Plan Review
Goal: Increase awareness of local best practices	Create a recognition program for businesses and community groups	Staff Time	Staff Time	Planning/Community Development	Summer 2021
Goal: Develop sustainable solutions to address sea-level risk in Avondale (Pilot project for flooding and erosion mitigation)	Work collaboratively with community groups, government organizations, and non-profits to assess sustainable solutions	Staff Time	Staff Time	Planning Department of Agriculture	Winter 2021
Goal: Reduce Greenhouse Gas Emissions	Complete Milestone 2 in the PCP program by providing the necessary information for Council to set an emissions reduction target for	Staff Time	Staff Time	Planning/Public Works	Spring 2021

	corporate and community emissions				
	Complete Milestone 3 in the PCP program by developing a local action plan	\$10,000	Co-op Education Incentive	Planning/ Public Works	Summer 2021
Goal: Ensure wetlands and watercourses are adequately protected	Review existing setbacks for wetlands, water courses, and marsh boundaries based on updated data	Staff Time	Staff Time	Planning	Plan Review
Goal: Create a process to address drought conditions	Draft a water conservation by-law that allows for a conservation order restricting water use from Municipal services	Staff Time	Staff Time	Planning/ Public Works	Spring 2021
Goal: Incorporate the findings from recent student projects into the planning documents to address climate change	Review the findings from Kristyn Remme on Low Impact Development and Emma Stucke on Coastal Planning	Staff Time	Staff Time	Planning	Plan Review
Ongoing Tasks					
Goal: Implement MCCAP	Annual action items review and update	Staff Time	Staff Time	Planning	Annual
	Annual review and update Terms of Reference	Staff Time	Staff Time	Planning	Annual

Goal: Heighten resident's awareness of flood risk and emergency preparedness	Public education	Staff Time	Staff Time	REMO	On-going
	Develop planning processes, policy and ordinances	Staff Time	Staff Time	REMO	On-going
Goal: Build mapping (GIS) capabilities	Update software as needed	Staff Time	Staff Time	Planning	On-going
Goal: Climate-informed Emergency Preparedness Plans	Annual review and update of All-Hazards Plan	Staff Time	Staff Time	REMO	On-going
Goal: Record storm surge impacts	Record storm surge impact details as means of improving emergency preparedness and response planning	Staff Time	Staff Time	REMO	On-going
Goal: Secure local source of aggregate	Identify possible sources of local aggregate in inventory of municipal land	Staff Time	Staff Time	REMO	On-going
Goal: Stormwater management planning	Implement findings from the Hantsport, Three Mile Plains and Falmouth Storm Water Management Studys	Staff Time	Staff Time	Public Works, Planning, Department of Infrastructure and Renewal	On-going
Completed					
Goal: Stormwater management planning	Complete plan for Falmouth	\$50,000	PW Budget	Public Works	Completed 2016
	Complete plan for Hantsport	\$50,000	PW Budget	Public Works	Completed 2018

	Complete plan for Three Mile Plains	\$50,000	PW Budget	Public Works	Completed 2019
Goal: Build mapping (GIS) capabilities	Hire a GIS Technician	N/A	Planning	Planning	Completed 2015
Goal: Reduce the impact of anticipated climate change on municipal infrastructure along the Minas Shore	Complete the National Disaster Mitigation Program Risk Assessment Study	\$80,000	MCCAP Budget and National Disaster Mitigation funding	CBCL Limited Consulting and Government of Canada	Completed Spring 2019
Goal: Reduce Greenhouse Gas Emissions	Complete an updated GHG emissions inventory for corporate emissions	\$9,000	MCCAP Budget, Co-op Education Incentive	Clean Foundation	Completed Fall 2019
	Complete a GHG emissions inventory for community emissions	\$25,000	MCCAP Budget, Co-op Education Incentive	Clean Foundation	Completed Fall 2019
	Complete a GHG emissions forecasting model	\$36,000	MCCAP Budget	Clean Foundation	Completed Winter 2020



Committee of the Whole Excerpts
January 12, 2021

West Hants Ground Search and Rescue Funding

West Hants Ground Search and Rescue is a non-profit organization providing search and rescue services within their local zone. WHGSAR owns its own building to provide monthly training sessions and administration, the building also acts a community centre for the Mount Denson area.

WHGSAR has historically applied for and received funding through Municipal grants. Other municipalities provide an annual amount in their budgets to their ground search and rescue groups, rather than through the grant process.

Caution should be given when putting a non-profit organization as a budgetary line item. However, WHGSAR is an emergency service provider like a fire department.

The recommended motion was:

... that Council direct staff prepare a report on how other Ground Search & Rescues (GSARs) are funded.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
--------------------------------------	------------------	---	--

To: Committee of the Whole

Submitted by: Richard Murphy- District 9 Falmouth

Date: January 12, 2021

Subject: WH Ground Search Rescue Funding

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Sections 295 and 296

RECOMMENDATION or DECISION REQUEST

That the municipality add West Hants Ground Search & Rescue as an Emergency Services Provider with a budgeted amount each year.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
-----------------------------------	---	--------------------------------------	---------------------------------	-----------------------------------	--

West Hants Ground Search and Rescue is a small, but vibrant rural team located in Mount Denson, Hants County, Nova Scotia. The team has been in existence since 1977 and has a good mix of long serving members and new recruits, with members coming from a variety of backgrounds. New members are always welcome, and while experience is nice, we will gladly work with new members to improve their skills and knowledge. The team has been active in searches for the local Search and Rescue zone as well as providing mutual aid for searches across the province as needed.

The team actively trains and holds realistic and engaging training sessions two to three times a month in addition to having some members participate in provincial level training throughout the year at other locations. On a typical team training night, the team members may train in the base, practice in the woods below the base or the woods of the area or have a combination of the two. The team also meets the last Sunday of every month at the Base in Mt. Denson from 7:00 p.m. for administrative work and training.

The Team owns and operates its own building and the building acts as a community center for the Mount Denson area, In a normal (non-Covid) times there are weekly jam/music sessions and the monthly meeting of the Mount Denson Garden Club, along with many private groups/parties. It is also available as a emergency drop in center, if needed.

History of Grants from Windsor/West Hants

	WH	Windsor	Total
2016	\$7,500.00	\$1,000.00	\$8,500.00
2017	\$7,500.00	\$500.00	\$8,000.00
2018	\$7,500.00	\$300.00	\$7,800.00
2019	\$7,500.00	\$600.00	\$8,100.00
2020	\$7,075.00		\$7,075.00

The group also receives a \$3000 grant per year from the Province.

DISCUSSION

To look at ways to provide a stable funding formula to this important group by having them no longer apply for grants from the municipality, but instead receive an annual budgeted amount. Most of our neighboring municipalities now support there GSAR groups in this way.

CHIEF ADMINISTRATIVE OFFICER REVIEW

Background

- Recognition of the value of service to the Region both through the support of Fire and RCMP as well as the general public.
- Further research should be conducted to identify what levels of municipal support is provided across the province at all levels of government as well as the RCMP.
- Sections 295 and 296 of the Municipal Government Act (MGA) provide the capacity for Council to support the request.

Department / Staff Responsibility / Workload

- A report of this nature, as suggested in the preferred strategy section, would require minimal time from staff.

Budget

- There appears to be no additional request for funding when compared to historic levels of support.

Options

- Deny the request and continue to administer GSAR funding requests as historically done so.
- As noted in preferred strategy.

Preferred Strategy

- To direct staff to prepare a report detailing the level of support and funding provided to GSAR units across the province
Further
Explore the ability for the municipality to secure funding annually within the operating budget as requested.

Report Reviewed by: 
Mark Phillips, Chief Administrative Officer



Committee of the Whole Excerpts
January 12, 2021

Planning Process

Many aspects of the Planning process are regulated by the Municipal Government Act as well as Municipal by-laws and policies. The Municipality has several committees that review applications to planning documents or for development agreement which incur processing and staff time. The Municipality should be as investor ready as possible, therefore the ability to shorten the planning processes should be reviewed for efficiencies.

The recommended motion was:

... that Council direct staff to look at the pros and cons in shortening the Planning process.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☒	Councillor Activity ☐
--------------------------------------	---	--	--

To: **Committee of the Whole**

Submitted by: Councillor Mark McLean

Date: January 12, 2021

Subject: Planning Processes and Development Readiness

LEGISLATIVE AUTHORITY

MGA sections 200, 201 and 204

RECOMMENDATION or DECISION REQUEST

I move that council direct staff to look at the pros and cons in shortening the planning process to approve building permits so we can be competitive with our neighbouring municipalities when it comes to attracting businesses and development. Adopt an "as of right" policy.

BACKGROUND

Property ☐	Public Opinion	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
-----------------------------------	----------------	--------------------------------------	---------------------------------	-----------------------------------	--

DISCUSSION

- ~ to shorten the process to approved building permits in a timely manner
- ~ make our municipality investor ready
- ~ adopt an "as of right" policy the best suits West Hants
- ~ not needing so many planning committees with the consolidation

NEXT STEPS

- ~ Look at pros and cons of a decision like this

FINANCIAL IMPLICATIONS

- ~ less staffing needed to accommodate planning committees
- ~ more tax base because feature development

CHIEF ADMINISTRATIVE OFFICER REVIEW

Background

My interpretation is that the Councillor wants to ensure the Municipality has the most efficient process that can be achieved and is permitted by policy and legislation in order to accommodate development opportunities. Further, that the Municipality is "open for business" and has a streamlined process which does not discourage or delay the application process. The Councillor's comments appear to express concerns regarding timing and the length of time it takes to carryout "process" . *(This should be confirmed during Council discussion)*. It is important to note and explore the process to apply for a development permit when existing language permits the applicant's development or construction and a separate process when an amendment (s) is required as existing language does now allow for the development or construction.

Council is reminded that there are many aspects and conditions of the planning process that are regulated by both external and internal conditions (MGA, MPS, LUB, etc...). The external legislation is provided to municipal units and must be adhered to. Other internal strategies, bylaws, and policies are generally at the discretion of Council.

The current planning process includes various committees such as Area Advisory Committees, PAC / HAC and Council. The current sequence and timing of the various committees is well coordinated to ensure timing and process is as efficient as it can be with the number of committees that exist and the legislated or policy requirements in place. I would suggest that one of the current priorities and purpose of the advisory committees is to ensure thorough public engagement and that discussion occurs by appointed council and community representatives from the communities in which the amendment or application originates. If directed by Council to prepare a report, the current practice should be compared to the "minimum standards" and review the various sections of the MGA (including MGA sections 200, 201 and 204) so that Council can reflect and compare in order to determine their desired process.

Department/staff Responsible and Workload

The time requirement by staff to prepare a report of this nature would be low to medium and could be provided at the February or March COTW.

Budget

N/A to prepare a report.

Options

1. For Council to maintain the current processes.
2. Noted in the Preferred Strategy section.

Preferred Strategy

For Council to direct the Chief Administrative Officer, in conjunction with the Director of Planning, to prepare a report regarding the current planning processes and to comment on the items in the Councillor section of this report and other relevant planning matters

Further

Provide comments regarding existing and alternative public engagement options for Council's consideration and the "pros and cons" of the advisory committees as they relate to Council, citizen and public engagement.

Report Prepared by: Mark McLean, Councillor

Report Reviewed by:



Mark Phillips, Chief Administrative Officer





20 Main Street, Hantsport Land Use By-law Amendment

Council First Reading
January 26, 2021

Application

- ▶ The property is owned by West Hants Regional Municipality
- ▶ On October 27, Council approved a motion to allow the Chief Administrative Officer (CAO) to submit an application to the Planning and Development Department for the rezoning of the property
- ▶ A completed application was received on October 29 from Mark Phillips, CAO, to rezone two lots at 20 Main Street, Hantsport from Institutional (I) to Mixed Commercial / Residential (C-2)

Application Cont.

- ▶ The property is the former location of the Town Hall of the former Town of Hantsport, and most recently the West Hants Public Works Office
- ▶ Since consolidation with the former Town of Windsor in April 2020, the Regional Municipality no longer actively uses the property
 - ▶ The building still contains furniture, IT equipment and files
- ▶ On November 24, Council passed a motion to deem the property surplus and to list the property for sale at market value

Application Cont.

- ▶ The rezoning is being requested to allow the opportunity for the existing building to be sold and used for commercial or residential uses
- ▶ The applicant has advised that they are proceeding with migration and consolidation of the two lots

20 Main Street *Orthophoto*



Document Review

- ▶ Section 4.0 of the HMPS contains the residential policies for Hantsport
- ▶ There are no policies or criteria within Section 4.0 that outline a path to rezone to a commercial zone within the residential designation

Document Review Cont.

- ▶ However, there is a general policy in Section 9.0, *Implementation*, which would allow Council to consider the rezoning
- ▶ **Policy IM-4** enables Council to “*consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied*”

Additional Amendments

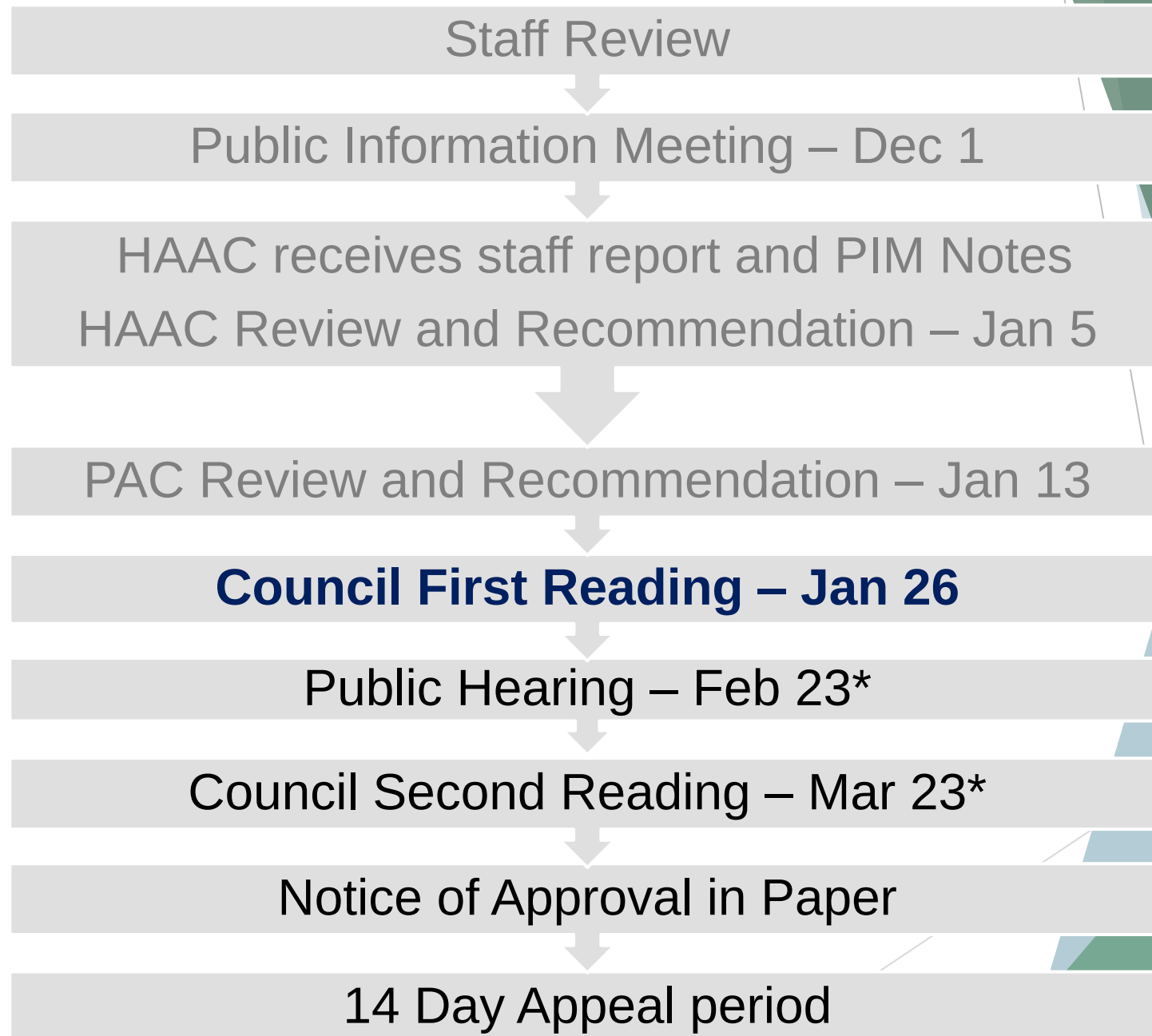
- ▶ The applicant has suggested that in the future the Municipality may decide that it would like to use the property as a government office again
- ▶ Staff are recommending amendments to Part 9.2.1 of the HLUB, *Permitted Uses* in the Mixed Commercial / Residential (C-2) Zone, to permit the property at 20 Main Street to be used by the Municipality as a government office

Process

- ▶ A virtual Public Information Meeting was held on December 1
- ▶ HAAC recommended in favour of the proposed amendments on January 5
- ▶ PAC recommended in favour of the proposed amendments on January 13

Process

*anticipated dates;
final dates will be
set by Council



Recommendation

- ▶ **that Council give First Reading and hold a Public Hearing to consider amending the Zoning Map of the Hantsport Land Use By-law to enable the lots located at 20 Main Street, Hantsport, now identified as PID 45043312 and 45043304 and after consolidation of the lots by their joint successor PID, to be rezoned from the Institutional (I) Zone to the Mixed Commercial / Residential (C-2) Zone, as shown on Figure 2, and to consider amending the text of the Hantsport Land Use By-law to add “20 Main Street, West Hants Regional Municipality, Government Office” to the list of permitted institutional uses existing as of May 1, 2018 in the Mixed Commercial / Residential (C-2) Zone, in a manner substantively the same as Attachment A, all as attached to the report to the Hantsport Area Advisory Committee dated January 5, 2021, conditional on consolidation of the lots.**





WEST HANTS REGIONAL MUNICIPALITY

Recommendation Report

To: Members of Council

Submitted by: _____
Sara Poirier, Planner

Date: 2021-01-26

Subject: Land Use By-law Map Amendment: 20 Main Street, Hantsport;
PID 45043312 and 45043304; File #20-22

File: 20-22 C

Background

An application was received from Mark Philips, CAO, to rezone the property at 20 Main Street, Hantsport (PID 45043312 and 45043304) from Institutional (I) to the Mixed Commercial / Residential (C-2) to allow the opportunity for the existing building to be sold and used for commercial or residential uses (Appendix A).

A Public Information Meeting (PIM) was held virtually and broadcast live on the Municipal Facebook page on December 1, 2020 to consider the requested amendment (Appendix B).

Hantsport Area Advisory Committee Recommendation

The Hantsport Area Advisory Committee (HAAC) recommended in favour of the application on January 5, 2021.

Planning Advisory Committee Recommendation

The Planning Advisory Committee / Heritage Advisory Committee (PAC/HAC) recommended in favour of the application on January 13, 2021.

Possible Motion

Should Council wish to proceed to Public Hearing, the following motion would be in order:

that Council give First Reading and hold a Public Hearing to consider amending the Zoning Map of the Hantsport Land Use By-law to enable the lots located at 20 Main Street, Hantsport, now identified as PID 45043312 and 45043304 and after consolidation of the lots by their joint successor PID, to be rezoned from the Institutional (I) Zone to the Mixed Commercial / Residential (C-2) Zone, as shown on Figure 2, and to consider amending the text of the Hantsport Land Use By-law to add "20 Main Street, West Hants Regional Municipality, Government Office" to the list of permitted institutional uses existing as of May 1, 2018 in the Mixed Commercial / Residential (C-2) Zone, in a manner substantively the same as Attachment A, all as attached to the report to the Hantsport Area Advisory Committee dated January 5, 2021, conditional on consolidation of the lots.

Appendices

Appendix A 2021-01-05 Staff Report - Land Use By-law Map Amendment: 20 Main Street, Hantsport; PID 45043312 and 45043304; File #20-22

Appendix B 2020-12-01 Public Information Meeting Notes – File 20-22 A

Report Reviewed by:

Madelyn LeMay, Director of Planning and Development

Report Approved by:



Carlee Rochon, Acting CAO

Appendix A



WEST HANTS REGIONAL MUNICIPALITY

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
--------------------------------------	------------------	---	--

To: Members of Hantsport Area Advisory Committee (HAAC)

Submitted by: _____
Sara Poirier, Planner

Date: 2021-01-05

Subject: Land Use By-law Map Amendment: 20 Main Street, Hantsport;
PID 45043312 and 45043304; File #20-22

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

To allow the request, staff recommends that the HAAC forward a positive recommendation by passing the following motion:

HAAC recommends that PAC recommend that Council give First Reading and hold a Public Hearing to consider amending the Zoning Map of the Hantsport Land Use By-law to enable the lots located at 20 Main Street, Hantsport, now identified as PID 45043312 and 45043304 and after consolidation of the lots by their joint successor PID, to be rezoned from the Institutional (I) Zone to the Mixed Commercial / Residential (C-2) Zone, as shown on Figure 2, and to consider amending the text of the Hantsport Land Use By-law to add "20 Main Street, West Hants Regional Municipality, Government Office" to the list of permitted institutional uses existing as of May 1, 2018 in the Mixed Commercial / Residential (C-2) Zone, in a manner substantively the same as Attachment A, all as attached to the report to the Hantsport Area Advisory Committee dated January 5, 2021, conditional on consolidation of the lots.

BACKGROUND

On October 27, 2020 Council approved a motion to allow the Chief Administrative Officer to submit an application to the Planning and Development Department for the rezoning of 20 Main Street, Hantsport. A completed application was received on October 29, 2020 from Mark Phillips, Chief Administrative Officer of West Hants Regional Municipality, to rezone two lots at 20 Main Street, Hantsport (PID 45043312 and 45043304) from Institutional (I) to Mixed Commercial / Residential (C-2). The lots are owned by the Municipality.

The applicant has stated that they are proceeding with migration and consolidation of the two lots. The migration of the lots was completed on December 7, 2020. The Municipal Solicitor has advised that the deemed consolidation of the lots is in process.

The office and the associated parking area on these lots was once the location of the Town Hall of the former Town of Hantsport, and most recently the West Hants Public Works Office. Since consolidation with the former Town of Windsor in April 2020, the Regional Municipality no longer actively uses the property. The building still contains furniture, IT equipment and files which are being inventoried and moved to the Windsor offices.

On November 24, 2020, Council passed the motion to deem the property as surplus and list the property for sale at market value. The rezoning is being requested to allow the opportunity for the existing building to be sold and used for commercial or residential uses.

DISCUSSION

The lots are designated Residential on the Generalized Future Land Use Map of the Hantsport Municipal Planning Strategy (HMPS). Part 4.0 of the HMPS contains the overall intention for properties designated Residential in Hantsport.

The lots are zoned Institutional (I) on the Zoning Map of the Hantsport Land Use By-law (HLUB). Figure 1 shows the current zoning of the lots. Commercial or residential uses are not permitted in the Institutional (I) Zone.

The subject lots are on the corner of Main Street and Prince Street in Hantsport. They directly abut properties with a variety of different zoning and designations (Table 1).

Table 1: Use Abutting Subject Lots by Direction

North	Properties on the north side of Prince Street are zoned Commercial (C-1) and within the Commercial designation. The lot across the street from the subject lots to the North is the Hantsport Pizzeria and Deli.
East	There is a single unit dwelling zoned Single Unit Residential (R-1) within the Residential designation to the east of the subject lots. The subject lots also

	abut the Hantsport Memorial Community Centre open space which is zoned Recreation Open Space (ROS) and within the Open Space designation.
South	The lot directly abutting the subject lots to the south is used as a single unit dwelling which is zoned Single Unit Residential (R-1) and within the Residential designation.
West	The lots neighbouring the subject lots on the west of Main Street are zoned Multiple Residential (R-3) and Single Unit Residential (R-1). They are both within the Residential designation.

The applicant requests that Council consider rezoning the lots from Institutional (I) to Mixed Commercial / Residential (C-2) to allow the opportunity for commercial or residential development on the lots. If the application for rezoning is approved, any use permitted in the Mixed Commercial / Residential (C-2) Zone would be permitted on the lots as-of-right (Attachment B).

DOCUMENT REVIEW

Municipal Government Act

Currently the property at 20 Main Street, Hantsport is two separate lots, PID 45043312 and PID 45043304. The Development Officer has specified that the lot line runs through the existing structure and consolidation of the lots should be pursued to remove the encroachment.

Upon direction from the CAO, the Municipal Solicitor has advised that they are proceeding with deemed consolidation of the lots as per Section 268A, *Deemed Consolidation*, of the *Municipal Government Act*. Section 268A (1) specifies that "*Two or more lots that are contiguous, are parcels registered pursuant to the Land Registration Act and are and have been in common ownership and used together since April 15, 1987, or earlier are deemed to be consolidated if the owner or the owner's agent registers a statutory declaration in the parcel registers for the lots stating that the lots were in common ownership and used together on or before April 15, 1987, and have continued to be so owned and used, and including the facts that support the statement.*" Section 268 (2) specifies that registration of the statutory declaration referred to in Section 268 (1) is deemed to consolidate the lots as of the date of registration.

The lots were migrated (registered) in the online property registration system on December 7, 2020. The statutory declaration to consolidate the lots was prepared by the Municipal Solicitor, however, it has not yet been registered on the online property registration system. Once the statutory declaration is registered on the online property registration system the lots will be considered consolidated as one lot and a new PID number will be assigned.

Hantport Municipal Planning Strategy

For the lots to be used for the uses requested, an amendment to the Zoning Map of the HLUB is required. Figure 2 shows the proposed changes to the Zoning Map.

Section 4.0 of the HMPS contains the residential policies for Hantsport. There are no policies or criteria within Section 4.0 that outline a path to rezone to a commercial zone within the residential designation. However, there is a general policy (Policy IM-4) in Section 9.0, *Implementation*, which allows Council to *"consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied."* Section 3.3 of the Hantsport Land Use By-law states that *"where a zone boundary is indicated as following a street or highway the boundary shall be the centre line of such street or highway"*. Therefore, as the Commercial zone and designation is immediately adjacent to the zone and designation of the area under consideration along Prince Street, following consolidation, the lot under consideration can be considered for rezoning to a zone permitted in the Commercial designation without requiring an HMPS amendment, as specified in Policy IM-4 (Attachment C).

In the understanding that the Municipal Solicitor is working on the consolidation of the lots, that the lots have been used together for at least the last three decades and that the lot line runs through the existing structure, staff are confident that the consolidation will proceed, and that Policy IM-4 can be used to consider the rezoning. The motion in this recommendation report states that the recommendation is conditional on the consolidation of the lots and identifies that the PID number will change during consolidation.

HMPS Specific Criteria

Policy IM-4 establishes Council's intention to consider *"a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied"*. As there are no criteria within this policy staff used the general criteria in Policy IM-3 to to evaluate the application.

HMPS General Criteria

Once the lots are consolidated the proposal will meet the general criteria for amendment set out in HMPS Policy IM-3. These criteria are examined in detail in Attachment D. In summary:

- the proposal is not premature or inappropriate for the area;
- minimal municipal costs related to the proposal are anticipated;

- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Director of Public Works and Traffic Authority have no concerns.

Hantsport Land Use By-law

Text Amendment

Since the building is no longer actively being used by the West Hants Public Works Department, the applicant proposes the rezoning of the subject lots to allow a greater variety of uses to be developed on the lots to encourage the sale of the lots. Should the lots be consolidated and amended from the Institutional (I) Zone to the Mixed Commercial / Residential (C-2) Zone, a variety of commercial and residential uses would be permitted as-of-right (Attachment B).

Although the Municipality is not currently actively using the building to accept payments or as staff offices, the building is still being used for the storage of Municipal administrative and REMO items. The applicant has suggested that in the future the Municipality may decide that it would like to use the property as a government office again. Therefore, staff are requesting that a government office at 20 Main Street be added to the list of permitted institutional uses existing as of May 1, 2018 in the Mixed Commercial / Residential (C-2) Zone. The property was used as a Municipal Office prior to May 1, 2018 and continues to be owned and used by the Municipality at this time. This amendment would ensure the building could be converted back to a government office if the owner so chooses without going back through the amendment process (Attachment A).

Map Amendment

The proposed potential uses are not permitted in the Institutional (I) zone. There is a policy option to allow Council to consider rezoning the subject lots to zones permitted in the abutting Commercial designation following consolidation of the lots. The Commercial (C-1) and Mixed Commercial / Residential (C-2) Zones are permitted in the Commercial designation. The proposed uses are permitted in the Mixed Commercial / Residential (C-2) Zone. An amendment to the HLUB Zoning Map is required for this application. The proposed map amendment is shown in Figure 2.

MCCAP

The Municipal Climate Change Action Plan (MCCAP) for the community of Hantsport (2013) states that the municipal office is *"located in an area which is not subject to flooding and is not vulnerable to any other climate change risk"*.

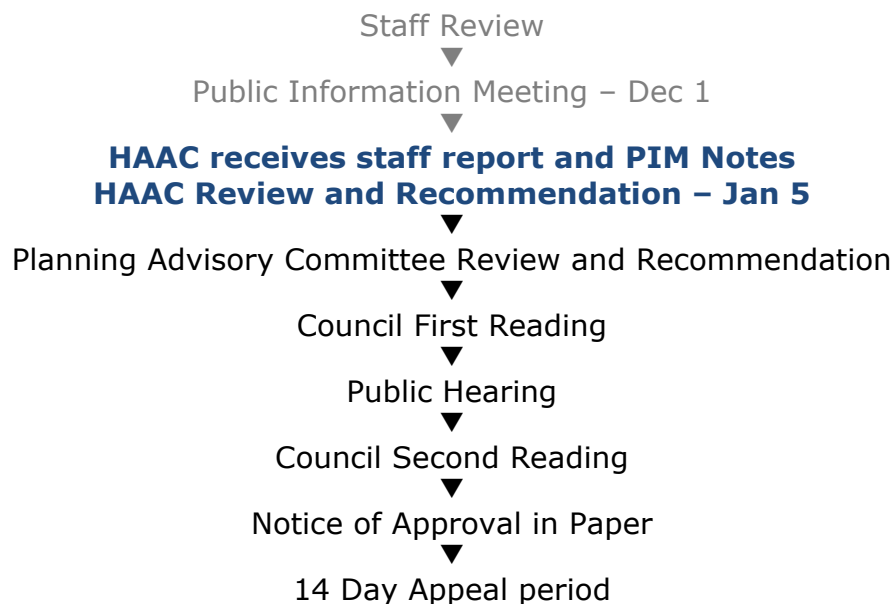
The Hantsport Stormwater Management Study (2018) completed a series of simulations to identify areas that may be potentially vulnerable to flooding. The

sections of Main Street and Prince Street that abut the subject lots were not identified as areas that could be potentially vulnerable to flooding, although other sections of those streets were.

NEXT STEPS

As noted above, the proposed amendment has been considered within the context of the general policies of the HMPS and, upon consolidation of the lots, is consistent with the intent, objectives and policies of the HMPS. Upon consolidation of the lots the amendment also meets the general criteria for an amendment to the HLUB. As a result, it is reasonable to amend the zoning of the lot located at 20 Main Street, Hantsport (PID 45043312 and 45043304) from the Institutional (I) Zone to the Mixed Commercial / Residential (C-2) Zone on the Zoning Map of the HLUB and the text of the HLUB to amend the list of permitted institutional uses existing as of May 1, 2018 to include a government office at 20 Main Street in the Mixed Commercial / Residential (C-2) Zone, conditional on consolidation of the lots.

Process



FINANCIAL IMPLICATIONS

As the property owner, the Municipality will cover the cost of the migration and consolidation of the lots, and any advertising associated with the public meetings as required through the Public Participation Policy and *Municipal Government Act* for planning applications. There are no concerns with the Municipality being able to absorb any of these costs.

ALTERNATIVES

In response to the application, HAAC may recommend that PAC:

- recommend that Council hold First Reading and authorize a Public Hearing to approve the HLUB amendment as drafted or as specifically revised by direction of HAAC;
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A	Draft Amendments to the Hantsport Land Use By-law
Attachment B	Mixed Commercial / Residential (C-2) Zone
Attachment C	Hantsport Municipal Planning Strategy (HMPS) Policy for Amendment
Attachment D	General Criteria for Amendment
Figure 1	Hantsport Zoning Map – Existing
Figure 2	Draft Hantsport Zoning Map – Proposed Amendment

Report Prepared by: _____

Sara Poirier, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Attachment A
Draft Amendments to the Hantsport Land Use By-law

Text amendments to the Hantsport Land Use By-law to permit the property at 20 Main Street to be used by the Municipality as a government office.

Amend Part 9.2.1 *Permitted Uses* in Part 9.2 of the Hantsport Land Use By-law, *Mixed Commercial/Residential (C-2)*, to include 20 Main Street to the list of permitted institutional uses existing as of May 1, 2018, by adding:

- (a) "20 Main Street" under the title "Civic Address"**
- (b) "West Hants Regional Municipality" under the title "Owner", and**
- (c) "Government Office" under the title "Use" so that it reads as follows:**

Part 9 Commercial

9.2 Mixed Commercial/Residential (C-2)

9.2.1 Permitted Uses

The following uses are permitted in this zone:

- all commercial uses
- artisan workshops
- offices
- medical clinics
- museums
- residential uses existing as of May 1, 2018
- single detached dwellings
- two-unit dwellings
- multiple unit dwellings
- residential day care centres
- guest houses
- bed and breakfast homes
- boarding rooms
- institutional uses existing as of May 1, 2018 as follows:

Civic Address	Owner	Use
20 Main Street	West Hants Regional Municipality	Government Office
58 Main Street	3262992 NOVA SCOTIA LIMITED	Nursing Home
59 Main Street 61 Main Street	Parish of Avon Valley Rector Wardens and Vestry of Saint Andrews Church	Place of Worship
67 Main Street	Roman Catholic Episcopal Corporation	Place of Worship

19 Chittick Avenue Municipality of The District of West Hants Department of Public Works

1 Oak Street Municipality of The District of West Hants Food Bank
3 Oak Street
36 William Street

5 Oak Street Municipality of The District of West Hants Fire Station
(Amendment HMPS LUB 17-01 – effective May 1, 2018)

9.2.2 Lot Specifications

	Minimum Specifications for all Commercial and New Residential uses
Minimum Lot Area	4004 sq. ft. (372 square metres)
Minimum Lot Frontage	39.4 feet (12 metres)
Required Side Yards	9.8 feet (3 metres)
Maximum number of units per building	4 for Townhouse Development 20 for Apartment Buildings and Grouped Homes

(Amendment HMPS LUB 17-01 – effective May 1, 2018)

9.2.3 Increased Density in Existing Residential Buildings

Single and two-unit dwellings existing as of May 1, 2018 may be converted to the maximum number of units permitted in the Two Unit Residential (R-2) or Multiple Unit Residential (R-3) Zone provided all units are contained within the existing residential building.

(Amendment HMPS LUB 17-01 – effective May 1, 2018)

Attachment B
Mixed Commercial / Residential (C-2) Zone

Part 9 Commercial

9.2 Mixed Commercial/Residential (C-2)

9.2.1 Permitted Uses

The following uses are permitted in this zone:

- all commercial uses
- artisan workshops
- offices
- medical clinics
- museums
- residential uses existing as of May 1, 2018
- single detached dwellings
- two-unit dwellings
- multiple unit dwellings
- residential day care centres
- guest houses
- bed and breakfast homes
- boarding rooms
- institutional uses existing as of May 1, 2018 as follows:

Civic Address	Owner	Use
58 Main Street	3262992 NOVA SCOTIA LIMITED	Nursing Home
59 Main Street 61 Main Street	Parish of Avon Valley Rector Wardens and Vestry of Saint Andrews Church	Place of Worship
67 Main Street	Roman Catholic Episcopal Corporation	Place of Worship
19 Chittick Avenue	Municipality of The District of West Hants	Department of Public Works
1 Oak Street 3 Oak Street 36 William Street	Municipality of The District of West Hants	Food Bank
5 Oak Street	Municipality of The District of West Hants	Fire Station

(Amendment HMPS LUB 17-01 – effective May 1, 2018)

9.2.2 Lot Specifications

	Minimum Specifications for all Commercial and New Residential uses
Minimum Lot Area	4004 sq. ft. (372 square metres)

Minimum Lot Frontage	39.4 feet (12 metres)
Required Side Yards	9.8 feet (3 metres)
Maximum number of units per building	4 for Townhouse Development 20 for Apartment Buildings and Grouped Homes

(Amendment HMPS LUB 17-01 – effective May 1, 2018)

9.2.3 Increased Density in Existing Residential Buildings

Single and two-unit dwellings existing as of May 1, 2018 may be converted to the maximum number of units permitted in the Two Unit Residential (R-2) or Multiple Unit Residential (R-3) Zone provided all units are contained within the existing residential building.

(Amendment HMPS LUB 17-01 – effective May 1, 2018)

Attachment C
Hantsport Municipal Planning Strategy (HMPS) Policy for Amendment

Part 9 Implementation

11.3 Amendments of the Land Use By-law

11.3.2 Amendments not Requiring a MPS Amendment

When a rezoning to a zone is in an area not consistent with the Generalized Future Land Use Map, the rezoning should not be approved unless the Map is amended. However, since the designations on the GFLUM are meant to be general, a rezoning in an area adjacent to a required land use designation may be considered without amending the GFLUM.

Policy IM-4 *It shall be a policy of Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.*

Attachment D
General Criteria for Amendment

Part 9 IMPLEMENTATION

11.3 Amendments of the Land Use By-law

11.3.1 Criteria

Policy IM-3 *In considering amendments to the Town of Hantsport Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*

CRITERIA	COMMENT
<i>(a) whether the proposal is considered appropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Director of Public Works confirmed that the lots have access to both water and sewer service.
<i>(ii) the adequacy of school facilities;</i>	Not applicable.
<i>(iii) the adequacy of fire protection;</i>	The local Fire Chief and the Manager of Building and Fire Inspection Services do not feel that this proposal is premature or inappropriate in terms of adequacy of fire protection.
<i>(iv) the impact on adjacent uses;</i>	The Development Officer has no concerns regarding the impact on adjacent uses.
<i>(v) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Traffic Authority does not have any concerns with the adequacy of road networks adjacent to or leading to the lots.
<i>(vi) the financial capacity of the Town to absorb any costs relating to the development.</i>	As the property owner, the Municipality will cover the cost of the migration and consolidation of the lots, and any advertising associated with the public meetings required through the Public Participation Policy and <i>Municipal Government Act</i> for planning applications. There are no concerns with the Municipality being able to absorb these costs.

<i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Traffic Authority has confirmed that the existing driveways are suitable for both commercial and residential access to the lots. They also commented that they do not have any concerns regarding traffic generation or traffic safety based on the proposed rezoning change. There is a sidewalk to accommodate pedestrian traffic along the north and west side of the property. There is also a marked crosswalk at the intersection of Main Street and Prince Street. There is no rail traffic in close proximity to the lots.
<i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that the lot line runs through the existing structure. The Development Officer suggested that the two lots be consolidated to remove the encroachment and be migrated into the online property registration system. The migration of the lots was completed on December 7, 2020. The Municipal Solicitor has advised that the deemed consolidation of the lots is in process. Once consolidated, the Development Officer has no concerns regarding the lot size or dimensions for any of the uses permitted in the Mixed Commercial / Residential (C-2) Zone.
<i>(d) the pattern of development which the proposal might create;</i>	The Development Officer has no concerns regarding the pattern of development the proposal might create.
<i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of</i>	The lots are relatively flat and there are no water courses, marshes or bogs on the lots or in close proximity to the lots. The Coastal Flood Risk map in the Hantsport MCCAP (2013) does not show

<i>water courses, marshes or bogs and susceptibility of flooding;</i>	that the property will be affected by sea level rise or storm surge.
<i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations;</i>	All Municipal, Provincial and Federal regulations will have to be met.
<i>(g) the impact of not only the use being proposed but all uses permitted in the zone;</i>	The subject lots combined are a relatively large corner lot on the Main Street in Hantsport. There are already commercial uses at the intersection of Prince Street and Main Street with the Pharmasave and the Hantsport Pizzeria and Deli. As advised by the Traffic Authority, the current driveway is suitable for both commercial or residential uses, and there are no concerns on traffic generation or safety. Staff do not foresee any negative impact on adjacent uses with any of the permitted uses in the Mixed Commercial / Residential (C-2) Zone.
<i>(h) the site meets all of the zone requirements for the zone sought; and</i>	The Development Officer commented that the lot line runs through the existing structure. The Development Officer suggested that the two lots be consolidated to remove the encroachment and be migrated into the online property registration system. The migration of the lots was completed on December 7, 2020. The Municipal Solicitor has advised that the deemed consolidation of the lots is in process. The minimum lot specifications for all commercial and new residential uses in the Mixed Commercial / Residential (C-2) are:

	• 4,004 ft² (372 m²) minimum lot area, • 39.4 ft (12 m) minimum lot frontage, and • 9.8 ft (3 m) required side yards. Once consolidated, the subject lot will exceed the minimum lot specifications with approximately: • 10,400 ft² in lot area, • 110 ft of lot frontage, • and approximately 14 ft of side yard from the existing building to the exterior lot lines.
<i>(i) any other matter required by relevant policies of this Strategy.</i>	All other matters have been addressed elsewhere in this report.

**Figure 1
Hantsport Zoning Map – Existing**

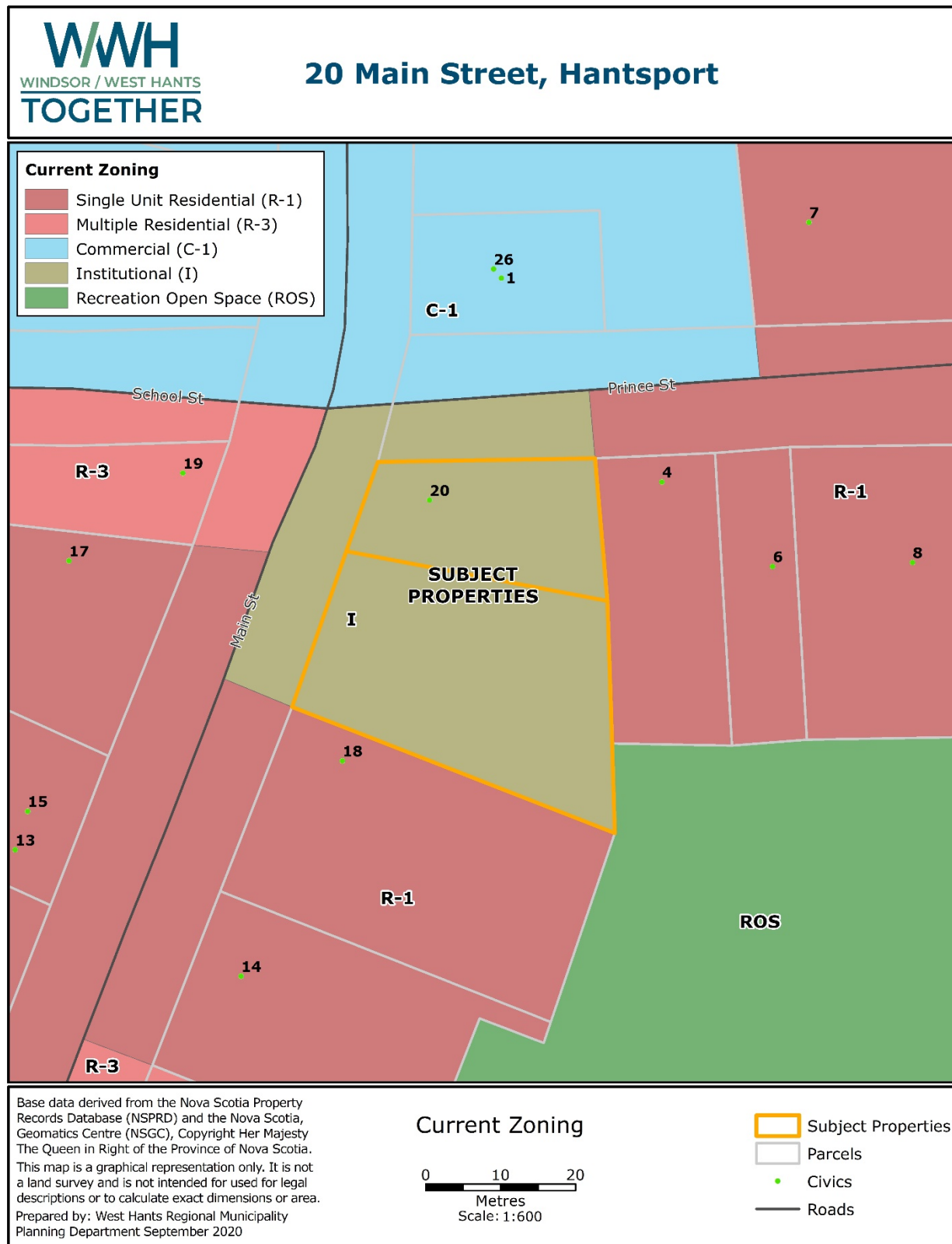
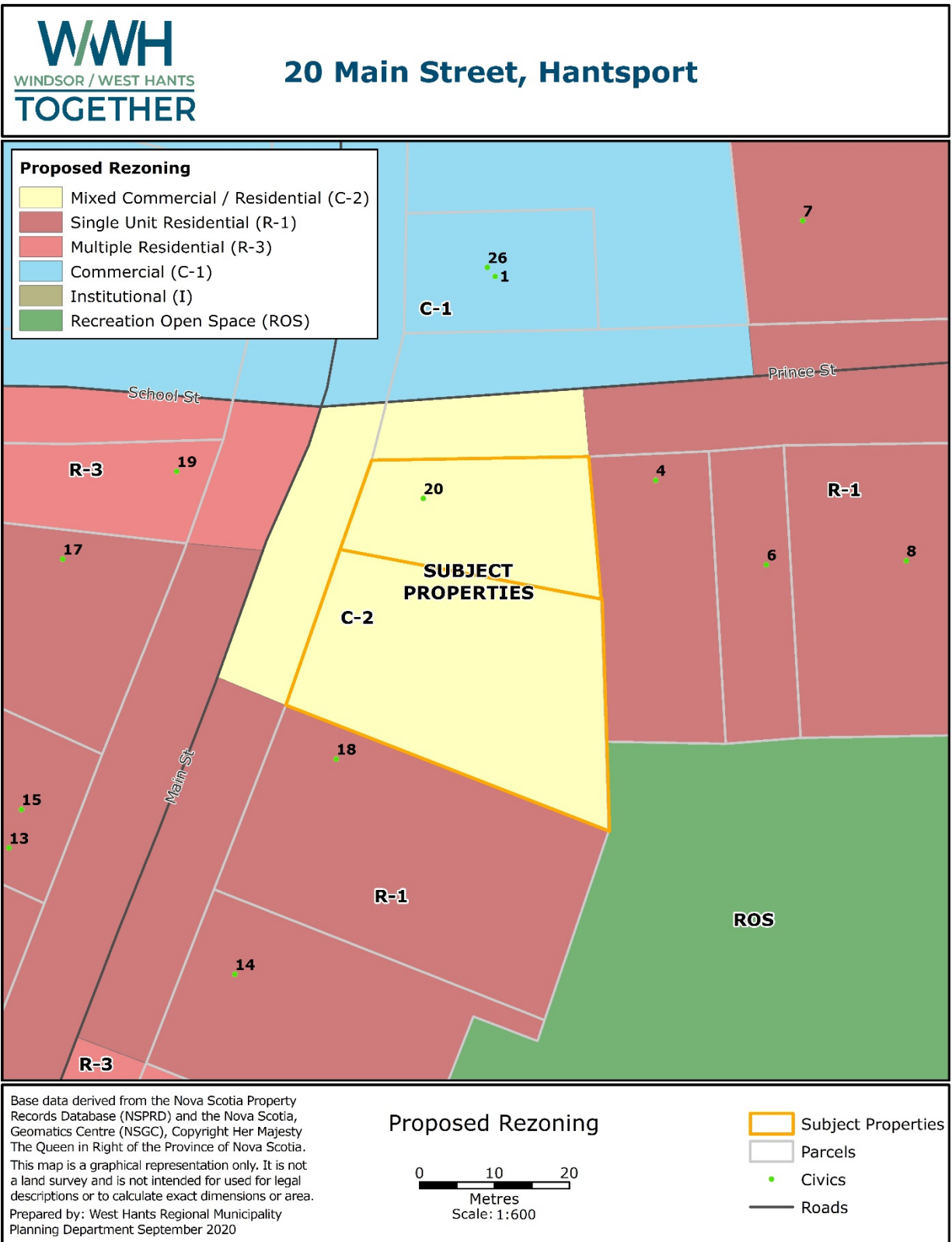


Figure 2
Draft Hantsport Zoning Map – Proposed Amendment



Appendix B

Public Information Meeting Notes

December 1, 2020

File 20-22 A

20 Main Street, Hantsport; PID 45043312 and 45043304

Meeting date and time	A virtual Public Information Meeting was held on December 1, 2020 beginning at 6:30 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Deputy Mayor Morton Five (5) Hantsport Area Advisory Committee members: • Angela Carver • Bill Preston • Glenn Deering • Jane Davis • Jason Tucker Four (4) members of staff: • Director LeMay • Planner Shah • Planner Poirier • Meeting Secretary, Vanessa Lake As this meeting was held virtually there were no members of the public present.
Applicant: CAO Mark Phillips Site Location: 20 Main Street, Hantsport; PID 45043312 and 45043304	Planner Poirier outlined the request from CAO Phillips, as per direction from Council, to amend the Land Use By-law to rezone the property at 20 Main Street from Institutional (I) to Mixed Commercial / Residential (C-2) to allow the opportunity for the existing building to be sold and used for commercial or residential uses.
Comments	Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between December 1 and December 18, 2020. No written or verbal comments were received from the public.
Adjournment	The meeting was adjourned at 6:40 p.m.



Food Security and Sustainability Hantsport MPS Amendment

January 26, 2021

Background

- ▶ At the September 11, 2019 HAAC meeting, committee members requested staff reinvestigate the household livestock amendment with a focus on food security and sustainability.
- ▶ Due to consolidation, staff were unable to address this request until the fall of 2020.
- ▶ From September to October, staff worked with the HAAC to develop the amendments which would permit a variety of livestock in Hantsport.

Amendment- HMPS

- ▶ Food insecurity is when individuals must compromise on the quality or quantity of food or reduce their food intake.
- ▶ Nova Scotia is the province with the highest percentage of households experiencing food insecurity in Canada*
- ▶ Residents have expressed a desire to raise livestock for personal enjoyment and as a sustainable food resource to improve food security.
- ▶ Council wishes to encourage the raising of sustainable livestock for personal use.

*Canadian Community Health Survey completed by Statistics Canada in 2017/2018

Amendment- HMPS

► GP-8

It shall be the policy of Council to establish regulations in the Land Use By-law to improve food security by permitting sustainable livestock in residential and commercial zones.

Amendments- HLUB

- ▶ In the HLUB, a new section for “Sustainable livestock” will be added and include the following regulations:
 - ▶ livestock will have to be contained on the property;
 - ▶ livestock buildings will be considered accessory buildings;
 - ▶ animals can winter on one property as long as the property owner has enough land (abutting properties);
 - ▶ animals can be killed on the property; and
 - ▶ for lots greater than five (5) acres, manure will need to be kept away from water wells and neighbouring properties.

Number of Animals Permitted

- ▶ If you have less than a $\frac{1}{4}$ of an acre (10,890 sq. feet)

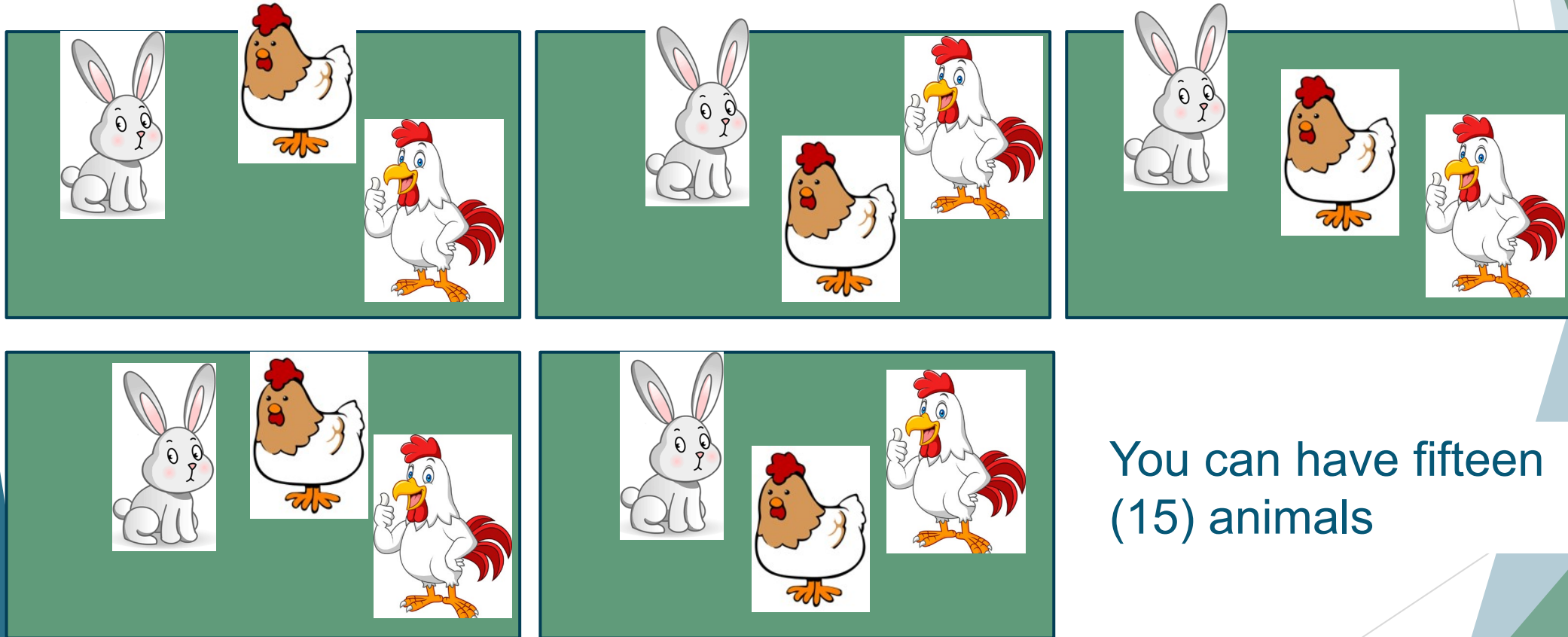


You can have five (5) animals



Number of Animals Permitted

- If you have more than $\frac{1}{4}$ of an acre up to 5 acres (217,800 sq. feet)



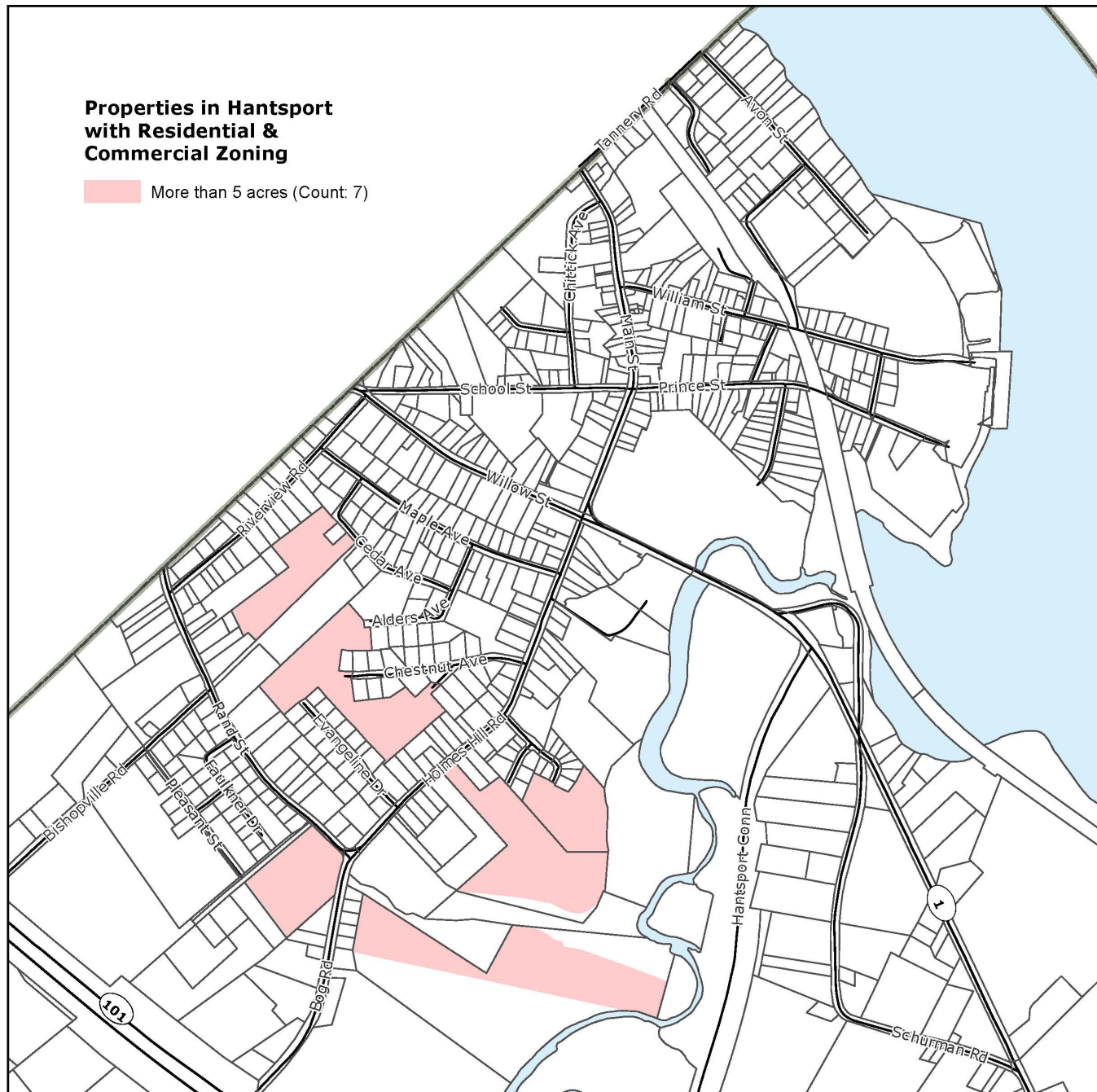
You can have fifteen
(15) animals

Amendments- HLUB

- ▶ If you have a property larger than five (5) acres (217,800 sq. feet) you can have **animal units**
- ▶ **Animal unit-** allows for a greater variety of animals based on the size of your property
- ▶ One (1) animal unit for first five (5) acres and one (1) animal unit for each additional acre to a maximum of eight (8) animal units
- ▶ Example: a property with seven (7) acres could have three (3) animal units

**Properties in Hantsport
with Residential &
Commercial Zoning**

More than 5 acres (Count: 7)



Amendments- HLUB

	Sustainable Livestock Animal Units
Cows	1
Dairy Heifers	1
Beef Cows	1
Beef Feeders (150 - 500 kg)	2
Veal calves	3
Miniature horses and ponies (<225 kg)	2
Sheep	4
Sows (Breeding/Gestation)	2

Amendments- HLUB

	Sustainable Livestock Animal Units
Weaners	3
Hogs (Feeders)	2
Laying Hens (whole year)	25
Broiler Chickens	25
Turkey Broilers (5 kg)	25
Rabbits (female including young)	20
Llamas/Alpacas	1
Ostriches/Emus	1
Sows (Farrow to Finish)	1
Sows (Farrow to Wean)	2

Amendments- HLUB

- ▶ Specific animals will not be permitted in Hantsport:
 - ▶ Peacocks
 - ▶ Bulls
 - ▶ Minks
 - ▶ Guinea Fowl

Amendments- HLUB

- ▶ The requirements for horses will not change
- ▶ Horses will be added to the Commercial (C-1) and Mixed Commercial/Residential (C-2) zones to ensure residential properties in these zones are permitted to have horses

HMPS General Criteria

- ▶ Policy IM-3 of the HMPS states general criteria for any HLUB amendment.
- ▶ In summary,
 - ▶ this is a text amendment and most of the considerations will depend on individual lots at the time of application for a specific use
 - ▶ Most properties in Hantsport would be limited to 15 animals or less which would reduce the potential impact on adjacent uses.
 - ▶ The proposed amendments would not create a new pattern of development as Council permits horses in Hantsport.

PIM

- ▶ A Public Information Meeting was held on November 3
- ▶ Comments could be submitted by email, mail, or telephone until November 23
- ▶ 38 written responses were received from the public
- ▶ Six (6) residents were in support of the amendments
 - ▶ One (1) resident stated the importance of improving food insecurity with livestock based on current food sources and affordability.

PIM

- ▶ 32 residents were against the amendments for the following reasons:
 - ▶ the potential impact on property values;
 - ▶ the similarities between development in Hantsport and the Growth Centres as household livestock is not permitted on lots smaller than one (1) acre in Growth Centres;
 - ▶ the potential nuisances such as rats/raccoons, odour and noise associated with livestock; and
 - ▶ the potential impact of permitting the slaughter of animals on properties.

HAAC

- ▶ The HAAC recommended in favour of the amendments on December 1, 2020.
- ▶ Two (2) committee members voted against the recommendation and stated concerns regarding the number of residents that submitted comments for the Public Information Meeting in opposition to the amendments.

PAC

- ▶ The PAC recommended against the proposed amendments on January 13, 2021.
- ▶ The committee discussed these changes at length and had concerns regard the number of residents in opposition to the amendment and discussed the impact of livestock in Windsor.

Process



Recommendation

If Council agrees with the recommendation from PAC/HAC the following motion would be in order:

that Council accepts the recommendation from PAC made on January 13, 2021 for the Food Security and Sustainability Hantsport Municipal Planning Strategy amendment and not hold a Public Hearing.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
--------------------------------------	------------------	---	--

To: Mayor Zebian and Members of West Hants Regional Municipality Council.

Submitted by: _____
Saira Shah, Planner

Date: 2021-01-26

Subject: File 20-06E Food Security and Sustainability in Hantsport

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

The Planning Advisory Committee (PAC) recommended that Council not approve the food security and sustainability amendments.

PAC Recommendation:

PAC recommends that Council not give First Reading and not hold a Public Hearing to consider amending the Hantsport Municipal Planning Strategy and Land Use By-law to improve food security by permitting a variety of livestock in Hantsport, in a manner substantially the same as attached to the staff report to HAAC dated December 1, 2020 as Appendix A.

If Council agrees with the recommendation from PAC/HAC the following motion would be in order:

that Council accepts the recommendation from PAC on January 13, 2021 for the Food Security and Sustainability Hantsport Municipal Planning Strategy amendment and not hold a Public Hearing.

BACKGROUND

At the September 11, 2019 Hantsport Area Advisory Committee (HAAC) meeting, committee members requested staff reinvestigate the household livestock amendment with a focus on food security and sustainability. Due to consolidation, staff were unable to address the request until the fall of 2020. From September to October, staff worked with the HAAC to develop the amendments which would permit a variety of livestock in Hantsport.

A Public Information Meeting was held on November 3, 2020 (Attachment A).

On December 1, 2020 staff presented a report to the HAAC (Attachment B), and recommended amending the Hantsport Municipal Planning Strategy and Land Use By-law to improve food security by permitting a variety of livestock in Hantsport,

The HAAC recommended in favour of the proposed amendment on December 1, 2020. Two (2) committee members voted against the proposed amendment.

The PAC recommended that Council not hold a public hearing regarding the proposed amendments on January 13, 2021. PAC is not in favour of further consideration of the proposed amendments.

ATTACHMENTS

Attachment A	2020-12-01 File#20-06C Public Information Meeting Notes November 3, 2020
Attachment B	2020-12-01 File #20-06B Food Security and Sustainability in Hantsport Recommendation Report

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

Attachment A
2020-12-01 File#20-06C Public Information Meeting
Notes November 3, 2020

Public Information Meeting Notes
November 3, 2020
Food Security and Sustainability in Hantsport

Meeting date and time	A public information meeting was held on November 3, 2020 beginning at 6:30p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: Deputy Mayor Morton Six (6) Committee members: Angela Carver, Resident Member Bill Preston, Resident Member (Chair) Jane Davis, Resident Member Glenn Deering, Resident Member Elaine Warner, Resident Member Rob Frederick, Resident Member (Vice Chair) Director LeMay Planner Shah Meeting Secretary Vanessa Lake As this meeting was held virtually there were no members of the public present.
Topic	Planner Shah outlined the request from the Hantsport Area Advisory Committee to amend the Hantsport Municipal Planning Strategy and Land Use By-law to permit a variety of livestock in Hantsport.
File Number	20-06C
Comments	Comments from the public could be submitted by mail, drop-off at the Municipal Office, e-mail and telephone to Planner Shah. 36 written comments were received from the public. The comments from the public are summarized below. The full written comments are attached to this report. Four (4) residents were in support of the amendments. One (1) resident stated the importance of improving food insecurity with livestock based on current food sources and affordability. 32 residents were against the amendments for the following reasons: • the potential impact on property values; • the similarities between development in Hantsport and the Growth Centres as household

	livestock is not permitted on lots smaller than one (1) acre in Growth Centres; • the potential nuisances such as rats/raccoons, odour and noise associated with livestock; and • the potential impact of permitting the slaughter of animals on properties.
Adjournment	The presentation portion of the PIM ended at 6:38 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Planner Shah until November 23, 2020.

Rhonda Brown

From: Bertina evers [REDACTED]
Sent: Thursday, November 12, 2020 9:53 AM
To: Saira Shah
Subject: Hantsport - food security & Sustainability By-law

Follow Up Flag: Follow up
Flag Status: Flagged

Caution

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Saira Shah

I would like to forward my support for residents within Hantsport to keep some forms of livestock, for it is a welcome growing trend during these most uncertain times across North America. It would also be great if there was a program to encourage the planting of vegetable gardens, planting of fruit trees in our many parks, have a drop off station for local gardeners to make donations of fresh produce, advertise within your newsletters to make cash donations to food banks, and a community garden for those living in apartments.

Food Security has been an ongoing concern globally with the effects of climate change continues to wipe out entire crops within hours with a single frost, fire, flood or droughts. As Canadians, we become extremely vulnerable during our winters for our heavy dependance on other countries to provide products to keep our stores shelves plentiful.

In the bigger picture, with our primary food source being the US, is troubling for it has been poorly managed by their Agricultural Dept. within the last 4 years with anti immigration policies. This has exasperated the food industry crisis for entire crops were left to rot for the lack of harvesting hired help. The cost of food is getting more unaffordable with each passing month.

Add to that the lack of affordable housing where rent has gone up to the cost of mortgage payments, and then the Covid 19 pandemic that has a many lives turned upside down with the loss of employment, needing to care for family members, and home schooling. This mix has left many simply overwhelmed and financially dire.

Do take this 'Food Security and Sustainability By-law' very seriously. Look beyond a few chickens and perhaps ambitious pig owner or two to see the bigger picture, I implore you all to be progressive with food growing opportunities to help those most vulnerable - single income earners young and old, and single parents who go hungry now.

Thank you for your time.

Sincerely,

Bertina Evers
Hantsport

Rhonda Brown

From: [REDACTED]
Sent: Thursday, November 12, 2020 11:33 AM
To: Saira Shah
Subject: Food Security and Sustainability By-law

Follow Up Flag: Follow up
Flag Status: Flagged

Caution

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Dear Ms. Shah,
Please add my name in supporting the proposed Food Security and Sustainability By-law as proposed by the Hantsport and Area Advisory Committee.
Thank you,

Cindy DeMont

Rhonda Brown

From: Elsie Wetmore [REDACTED]
Sent: Thursday, November 12, 2020 1:33 PM
To: Saira Shah
Subject: Food sustainability by-law

Follow Up Flag: Follow up
Flag Status: Flagged

Caution

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

As a resident of Hantsport, I'm writing to state my support for the food sustainability by-law .
Thank you
Elsie Wetmore

Sent from my iPhone

Rhonda Brown

From: ejdavis [REDACTED]
Sent: Thursday, November 12, 2020 8:49 AM
To: Saira Shah
Subject: Food Security and Sustainability

Caution

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Good morning Saira,

Please accept this as a positive vote for the new by-law proposed by the HAAC and presented in the public information session on November 3, 2020.

Thanks,
Jane Davis

Sent from my Galaxy

To: Staff and Councillors of the West Hants Regional Municipality

From: Joseph Foy, 16 William Street, Hantsport

Date: 2020-11-16

Subject: A presentation in opposition to Amendment item 3.2.5 entitled "Household Livestock" which was discussed at a Virtual Public Hearing on Nov. 3, 2020.

Chickens & Roosters in Hantsport *by Joe Foy*

Summary

I think Residential zoning rules are very important. So changing them is very serious business. That being so, the reasons offered for changing them should be crystal clear and very weighty.

In this case, it is very unclear why this whole project was ever initiated, and, to me, the reasons offered for this proposed change seem, well, flimsy at best.

By contrast, the potential harm to the value of our homes in Hantsport seems quite real...and quite weighty. However, WHRM Staff seem to believe that that factor is irrelevant to the discussion. I definitely disagree. I think that, on the contrary, it is one of fundamental responsibilities of both Staff and Council to take that factor very seriously when considering changing residential zoning rules.

In 2019, Council clearly agreed, when they decided NOT to impose this zoning rule change in the new residential areas ("growth centres") of Three Mile Plains and Falmouth. Having done that, how on earth is it fair for them to turn around and impose it on Hantsport?

Not all nice ideas are good ideas. This is a case in point. Because the potential harm to some – or even all -- of the owners of the 582 properties zoned Residential in Hantsport far outweigh the potential good to the very small (2?) owners who have asked for the change. Especially since the problem they are said to have does not, so far as I can see, actually exist.

I had a bad dream last night. We pulled into the driveway and saw that our

neighbor had fenced in her yard and 15 chickens and roosters were running around. Bursting with excitement, I called our real estate agent with the good news. "What? Are you kidding me? Chickens and roosters living next door are NOT good news for the value of your house!" Then I woke up, a bit shaken.

Seven Starting Points on which we might agree

First, as I see it, the fundamental responsibility of Municipal Government is to protect & foster the Common Good. Nothing trumps that. In our society, property values are a very central part of the Common Good. For many of us, our homes are our primary asset, and threats to their value are a serious threat to our security. No such threat, actual or potential, is trivial.

Second, that is what Zoning and zoning rules are for: to protect property values. They spell out the things you can do, and the things you cannot do, in a given zone, so that home owners and home buyers don't have to deal with nasty surprises. [Note: Real Estate markets do NOT like surprises. If you don't believe me, ask an experienced agent]

Third, Municipal Councils have the power to **make** the rules, and to **change** the rules. When they do, their primary responsibility is to consider how rule or change of rule will affect the Common Good: what will be the upsides, and the downsides of the changes. Whether, on balance, the good outweighs the bad.

Fourth, Staff is empowered to **apply** the rules. They are civil servants, and as such, their responsibility is to be even-handed in doing that. If I have a house in an R1 zone, and I want to reshape it into two separate living units and rent one out, staff face a legal question: Is that allowed or not allowed in the R1 zone? My wealth, position, religion, colour, creed, motives, and the impact of this change on the value of adjacent properties....are all irrelevant in this situation. If the R1 rules say No, the answer must be 'No'.

Fifth, sometimes a property owner says: "Since the rules don't let me do what I want to do with my property, I want you to **change** the rules". Whoa! Applying a set of rules is one thing; changing the rules is something very different. This is clearly indicated by the fact that Staff are not allowed to do this.

Sixth, faced with a request for a rules change, Staff now face, not a legal question, but a policy question: **should** the rules be changed? They now have new, important and very different responsibilities: to gather data, describe options & alternatives, identify the pros and cons of each, and forward all of that to Council (not just the parts they agree with). And again, as civil servants, they must be even-handed, fairly presenting both pros and cons, and carefully assessing the arguments supporting each side.

Seventh, the rights of the property owner are also different. They still have a

civic right to an even-handed application of the rules. But they do NOT have any civic right to **a change** in the rules! There the Council, responsible for the Common Good, has all the rights, including the right to say 'No!'

Concerns I have with this Proposed Change [Amendment 3.2.5]

1) **Dubious Origins** As I see it, this Proposal is basically about raising chickens & roosters in Hantsport's residential zones. When I first heard about the recent Public Hearing [Nov. 3], my first question was: How did this proposal to change the zoning rule get started?

I think it goes like this. Three years ago, the WHRM Planning Advisory Committee of the day requested staff to explore the idea. [The technical statement was "lot size requirements for household livestock in both Hantsport and West Hants."] Almost exactly 2 years ago (Nov. 15, 2018), the then Council [of which only 4 members of the present Council were members], began to discuss that request. Nothing is recorded about either the source or the rationale of that request. As a result, we have no idea what they thought was the major civic problem that needed to be fixed by taking the very serious step of changing the rules governing the residential zones in West Hants.

2) **The Importance of Fair Play** Two months later (January 17, 2019). Planning Staff submitted a "Household Livestock Land Use" amendment proposal to Council, and recommended that the residential zoning rules should be changed to allow the chickens & roosters. Later that year, the proposal came to Council for final approval – and they approved it.

BUT.... NOT until they had specified that certain designated residential areas in Falmouth and Three-Mile Plains (called "growth centres") are excluded from the changes! Those two areas remain 'no fly' zones for the chickens. Again, the curtains come down: Minutes of that meeting do not reveal why those exclusions were made. Personally, I don't think it takes a rocket scientist to figure it out; it is called 'lobbying.' I believe the Real Estate industry quietly made it clear to the Councillors that such a change would put a big damper on selling lots and houses in those areas, and could also devalue those already sold. In moment of wisdom, Council clearly agreed.

The old saying is, What is sauce for the goose is sauce for the gander. Why should Hantsport not be treated the same as Falmouth and Three-Mile Plains? I think that is a fair question.

3) Weak Rationale Why are those proposed changes in the rules still under consideration here? On Sept. 11, 2019, the Hantsport Area Advisory Committee requested WHRM staff to “reinvestigate the household livestock amendment...” with respect to Hantsport. On September 1, 2020, Staff submitted a report to the HAAC with draft Amendments, under the heading of “Sustainable Livestock in Hantsport.” This is the report which was presented at the Virtual Public Hearing on November 3. **Item #3.2.5** of the proposed amendment reads:

“Residents have expressed a desire to raise livestock for personal enjoyment and as a sustainable food resource to alleviate food insecurity. Council wishes to encourage the raising of livestock for personal use.”
(Underlining mine)

This rationale baffles me. Usually, the term ‘food security’ means something like ‘we should be producing our food here, and not depend on the South Americans for our supply.’ On that level, the argument goes nowhere, because there are enough chickens raised locally to feed an army.

In contrast, so far as I can see, here the term seems to mean ‘those folks who have nutritional / health concerns about the quality of commercial raised chickens should be allowed to raise their own at home.’ Clearly someone has forgotten to tell them that right out on the Gaspereau Road you can purchase free-range, organic, never-doped chickens any day of the week, that many local outlets now handle a wide array of such chicken products..... not to mention the weekly Wolfville Market! So this argument also goes nowhere.

Therefore, since Hantsportians have very easy access to a solution to their problem, I can’t figure out why we should we take the very serious step of changing the zoning laws to solve what is, in fact, a non-existing problem.

4) Urban & Rural I have always thought that there is a pretty big difference between a ‘rural environment’ and an ‘urban environment.’ The two can overlap, as when we have Windsor and Hantsport (urban) within a rural municipality. But that does NOT mean that they are the same. When we moved to Hantsport, to the central square in the town, we did so deliberately. We like an urban environment, its amenities and its restrictions. If we wanted to live where the next door neighbor was raising chickens & roosters, or pigs or other “Domestic livestock”, we could have moved to the Bog Road.

3.2.5 Proposal seems to ignore the difference; worse, it seems to obliterate the difference. “Council wishes to encourage the raising of livestock for personal use”...in urban residential zones. I am not happy with that at all.

5) Scale of Impact in Hantsport An important document produced by WHRM staff shows that there are **582** properties zoned Residential in Hantsport. This Proposal would allow chickens & roosters in all of them (!) The **216** which are smaller than 1/4 acre would be allowed 5; the **366** which are larger than 1/4 acre could each have 15 ! Those are formidable numbers.

In my own case, my neighbors on 3 sides could each have 15. Now no one expects scores of Hantsport property owners to immediately get into chickens. But that is not the point. The 1st real impact is this: at any time, anyone in Hantsport could drive into their driveway.....and get a very nasty surprise. [See Bad Dream above.] OK, that won't happen to everyone. But why should it happen to anyone?

(I will skip for now the fascinating question as to just how many residents originally asked to change this zoning rule. My own guess is 2.)

The 2nd impact is this: I suspect that making Hantsport's R1 zone more permissive will scare off some home buyers who prefer a genuinely 'urban' environment. [Some prospective buyers do check out zoning....]

Considering the Common Good, one has to weigh anticipated good effects against the possible or probable bad ones. In this case, the potential damage to the owners of 582 properties should be weighed against a potential good to a very few property owners — whose stated 'needs' are already taken care of [See item #2]. My conclusion is that the case for changing zoning rules is very, very weak.

6) Burden of Proof Who has the burden of proof here? Those who want to change the rules, or those who do not? Changing important civic rules is serious business. Those who think that a given idea is a bad idea should not have to prove it is bad. Rather, those who think it good idea to must make a decisive case that it is good. That it is not just a 'nice idea,' but good for the Common Good. I do not think has been done. The rationale offered for this Amendment is baffling, and the negative effects are glossed over.

"If it ain't broke, don't fix it." So far as the chickens & roosters are concerned, I don't think our residential rules are broken, and I see no good reason for 'fixing' them.

7) Importance of Considering Potential Devaluation of Properties

At the Nov 3 Virtual Public Hearing on this proposal affecting Hantsport residential zoning, a slice was presented listing factors which Planning Committees are not to talk about and which are "Not Considered." One of them was:

"Property values or potential effects on property values."

With respect to applying zoning rules, I agree. In considering changing zoning rules, I completely disagree. In my view: (1) When Council is considering such changes, the over-riding issue is the Common Good. Therefore Council is obliged to consider the various ways any proposal will impact on the Common Good. (2) Property values are central to our Common Good. Therefore Council's deliberations, and any policy advice offered by Staff to Council to assist them, and all committee advice offered to assist them, should factor in possible effects – both positive and negative – on property values. What is the alternative? To leave out of the discussion one of the matters most important to the discussion?

If Staff and/or Committees, in their advice to Council, are unwilling (or unable) to comment on how a proposal will affect residential property values, then.. Who will? The answer is obvious: lobbyists and special interest groups. Oh great. The foxes get into the hen house.

In fifty years of studying and teaching both General and Business Ethics, I have never seen such a position successfully defended in situations like these. I believe it to be a false premise, and a bad starting point.

By contrast, in twenty-five years working as a Policy Analyst in the Nova Scotia Government, we were obliged, when presenting a proposal for Cabinet, to assemble both pros and cons (and multiples of each!) and their financial implications. I believe that was and remains good procedure.

In the end, that factor may not decide the issue, but it is never irrelevant.

* * * * *

To Whom it May Concern

I am writing this letter with regards to residents of Hantsport owning chickens.

I feel if this is continued to allow to happen, the local rat problem will only increase. We live in an area of Hantsport that takes pride in their properties/yard etc. and this is the first year (20yrs) that we have noticed a rat problem. Chickens in Hantsport is a definite "no" for me.

Sincerely,

Laura-Lee Mitchell

15 Cedar Ave,
Hantsport, N.S.
902-670-8381

To whom it may concern,

I am writing this letter in regards to homeowners owning chickens in Hantsport, Nova Scotia. I do not want live chickens in Hantsport. We already have a rat problem in our area and live chickens will only make the situation worse.

Yours truly,

Gary Mitchell
15 Cedar Avenue
Hantsport, N.S.
902-300-0211

Joseph & Rosanne Foy
16 William Street
Hantsport, NS B0P 1P0

Nov. 22, 2020

To: Paul Morton, Councillor

We write to express our opposition to the proposed amendments to the Hantsport Municipal Planning Strategy, i.e. draft sections 3.2.5 and 5.21.

Respectfully,



Rosanne Foy



SIR GRAHAM DAY

O.C., O.N.S., C.D., Q.C.

17 November 2020

Mayor & Councillors
Windsor West Hants Municipality

Ladies and Gentlement:

I write to protest the possibility that the Council may act so as to permit household livestock to a number and on a lot size, both to be determined, to be maintained in Hantsport.

Should the Council act to permit this I look forward to encouraging citizens to appeal collectively their real property assessments as the value of those properties would have been diminished materially. I am confident that I and they will be able to call professional evidence which would support this allegation. Doubtless this view of property values was one of the reasons that Falmouth and Three Mile Plains appear to be protected from such a provision. This would also be a significant piece of evidence to be adduced. If the "growth centre" concept is a valid consideration why not add Mount Denson and, albeit in a different municipality, Eastern Kings County?

My wife and I may be two of a very small number of citizens who have lived next door to a property, (King Street, Windsor, NS), where the smell, flies and early morning wake up calls emanating from a very small flock of hens were a daily reality. We sold, took our loss and left.

I recommend that you act in the interests of the whole of the Municipality and not in the interests of a very few Hantsport residents who seek to maintain livestock but who yet to experience the consequences should this be permitted.

Yours sincerely


Sir Graham Day

PO BOX 422, HANTSPORT, NOVA SCOTIA, CANADA B0P 1P0

T: 902-684-3570 F: 902-684-3880

E: "sirgraham@win.eastlink.ca"

November 15, 2020

To: Mayor Abe Zebian, West Hants Regional Municipality
All Councillors, West Hants Regional Municipality

Re: HAAC Land Use Amendment - Food Security and Sustainability in Hantsport

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use amendment being proposed.

I am against having livestock in residential areas in Hantsport, where the houses are all very closely situated.

Another reason I am against the proposed amendment is that it allows for slaughter of livestock in backyards,

Hantsport is not a rural area and should not be treated as one.

As far as food security is concerned, gardens are not intrusive to a neighbour. Livestock will be.

I urge you to vote against this by-law for our beautiful community.

Respectfully submitted,

Shirley Ritchie

(29 Holmes Hill)

November 15, 2020

To: Mayor Abe Zebian, West Hants Regional Municipality
All Councillors, West Hants Regional Municipality

Re: HAAC Land Use Amendment - Food Security and Sustainability in Hantsport

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use amendment being proposed.

I am against having livestock in residential areas in Hantsport, where the houses are all very closely situated.

Another reason I am against the proposed amendment is that it allows for slaughter of livestock in backyards,

Hantsport is not a rural area and should not be treated as one.

As far as food security is concerned, gardens are not intrusive to a neighbour. Livestock will be.

I urge you to vote against this by-law for our beautiful community.

Respectfully submitted,


(29 Holmes Hill)

November 15, 2020

To: Mayor Abe Zebian, West Hants Regional Municipality
All Councillors, West Hants Regional Municipality

Re: HAAC Land Use Amendment - Food Security and Sustainability in Hantsport

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use amendment being proposed.

I am against having livestock in residential areas in Hantsport, where the houses are all very closely situated.

Another reason I am against the proposed amendment is that it allows for slaughter of livestock in backyards,

Hantsport is not a rural area and should not be treated as one.

As far as food security is concerned, gardens are not intrusive to a neighbour. Livestock will be.

I urge you to vote against this by-law for our beautiful community.

Respectfully submitted,



441 B₁ Rd, Hantsport

November 15, 2020

To: Mayor Abe Zebian, West Hants Regional Municipality
All Councillors, West Hants Regional Municipality

Re: HAAC Land Use Amendment - Food Security and Sustainability in Hantsport

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use amendment being proposed.

I am against having livestock in residential areas in Hantsport, where the houses are all very closely situated.

Another reason I am against the proposed amendment is that it allows for slaughter of livestock in backyards,

Hantsport is not a rural area and should not be treated as one.

As far as food security is concerned, gardens are not intrusive to a neighbour. Livestock will be.

I urge you to vote against this by-law for our beautiful community.

Respectfully submitted,

Maie Doucette
12 Rand St.
Hantsport, N.S.
B0P 1P0

November 15, 2020

To: Mayor Abe Zebian, West Hants Regional Municipality
All Councillors, West Hants Regional Municipality

Re: HAAC Land Use Amendment - Food Security and Sustainability in Hantsport

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use amendment being proposed.

I am against having livestock in residential areas in Hantsport, where the houses are all very closely situated.

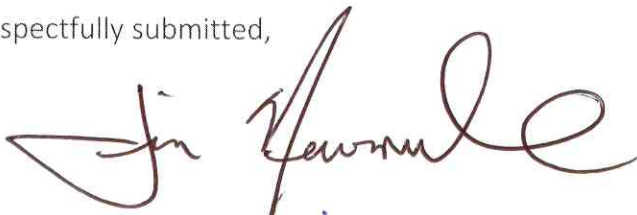
Another reason I am against the proposed amendment is that it allows for slaughter of livestock in backyards,

Hantsport is not a rural area and should not be treated as one.

As far as food security is concerned, gardens are not intrusive to a neighbour. Livestock will be.

I urge you to vote against this by-law for our beautiful community.

Respectfully submitted,



12 Rand St
Hantsport

November 15, 2020

To: Mayor Abe Zebian, West Hants Regional Municipality
All Councillors, West Hants Regional Municipality

Re: HAAC Land Use Amendment - Food Security and Sustainability in Hantsport

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use amendment being proposed.

I am against having livestock in residential areas in Hantsport, where the houses are all very closely situated.

Another reason I am against the proposed amendment is that it allows for slaughter of livestock in backyards,

Hantsport is not a rural area and should not be treated as one.

As far as food security is concerned, gardens are not intrusive to a neighbour. Livestock will be.

I urge you to vote against this by-law for our beautiful community.

Respectfully submitted,

Jean Doucette
17 Alder Ave
Hantsport NS
B0P 1P0

November 15, 2020

To: Mayor Abe Zebian, West Hants Regional Municipality
All Councillors, West Hants Regional Municipality

Re: HAAC Land Use Amendment - Food Security and Sustainability in Hantsport

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use amendment being proposed.

I am against having livestock in residential areas in Hantsport, where the houses are all very closely situated.

Another reason I am against the proposed amendment is that it allows for slaughter of livestock in backyards,

Hantsport is not a rural area and should not be treated as one.

As far as food security is concerned, gardens are not intrusive to a neighbour. Livestock will be.

I urge you to vote against this by-law for our beautiful community.

Respectfully submitted,

Joseph Danetto
17 Alder Ave
Hantsport N.S.
B0P1P0

November 15, 2020

To: **Mayor Abe Zebian, West Hants Regional Municipality**
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use.

I live on Maple Avenue which has always been a lovely and clean subdivision with a beautiful view of the Avon River. We have made a considerable investment in our home.

Using Maple Avenue as an example, there are 32 residences on our street. Of those 32 residential properties, 30 would fall under the 15 animals allowed and 2 would fall under the 5 animals allowed.

In total, for Maple Avenue, the by-law would allow 460 animals in our beautiful subdivision. Our street is 1,820 feet long, resulting in 2.5 animals for every ten feet of street.

I also have other concerns about people having animals not properly cared for, the attraction of rats and disease to migrating birds and the threat of disease to commercial poultry operations.

The by-law would also allow for slaughter in the backyards. This is a very unpleasant sight to behold and I don't want to look out at my beautiful view and see this happening.

I am asking/urging you to please vote against this Livestock section of the by-law.

Respectfully submitted,



Andrea Stevens

7 Maple Ave,
Hantsport, N.S.
B0P 1P0

November 15, 2020

To: **Mayor Abe Zebian, West Hants Regional Municipality**
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use.

I live on Maple Avenue which has always been a lovely and clean subdivision with a beautiful view of the Avon River. We have made a considerable investment in our home.

Using Maple Avenue as an example, there are 32 residences on our street. Of those 32 residential properties, 30 would fall under the 15 animals allowed and 2 would fall under the 5 animals allowed.

In total, for Maple Avenue, the by-law would allow 460 animals in our beautiful subdivision. Our street is 1,820 feet long, resulting in 2.5 animals for every ten feet of street.

I also have other concerns about people having animals not properly cared for, the attraction of rats and disease to migrating birds and the threat of disease to commercial poultry operations.

The by-law would also allow for slaughter in the backyards. This is a very unpleasant sight to behold and I don't want to look out at my beautiful view and see this happening.

I am asking/urging you to please vote against this Livestock section of the by-law.

Respectfully submitted,

D.W. Porter

D. W. PORTER

7 MAPLE AVE,
HANTSFORT, N.S.

November 15, 2020

To: **Mayor Abe Zebian, West Hants Regional Municipality**
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use.

I live on Maple Avenue which has always been a lovely and clean subdivision with a beautiful view of the Avon River. We have made a considerable investment in our home.

Using Maple Avenue as an example, there are 32 residences on our street. Of those 32 residential properties, 30 would fall under the 15 animals allowed and 2 would fall under the 5 animals allowed.

In total, for Maple Avenue, the by-law would allow 460 animals in our beautiful subdivision. Our street is 1,820 feet long, resulting in 2.5 animals for every ten feet of street.

I also have other concerns about people having animals not properly cared for, the attraction of rats and disease to migrating birds and the threat of disease to commercial poultry operations.

The by-law would also allow for slaughter in the backyards. This is a very unpleasant sight to behold and I don't want to look out at my beautiful view and see this happening.

I am asking/urging you to please vote against this Livestock section of the by-law.

Respectfully submitted,



November 15, 2020

To: **Mayor Abe Zebian, West Hants Regional Municipality**
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use.

I live on Maple Avenue which has always been a lovely and clean subdivision with a beautiful view of the Avon River. We have made a considerable investment in our home.

Using Maple Avenue as an example, there are 32 residences on our street. Of those 32 residential properties, 30 would fall under the 15 animals allowed and 2 would fall under the 5 animals allowed.

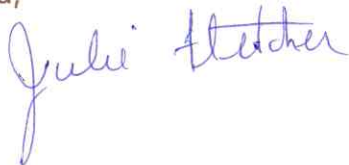
In total, for Maple Avenue, the by-law would allow 460 animals in our beautiful subdivision. Our street is 1,820 feet long, resulting in 2.5 animals for every ten feet of street.

I also have other concerns about people having animals not properly cared for, the attraction of rats and disease to migrating birds and the threat of disease to commercial poultry operations.

The by-law would also allow for slaughter in the backyards. This is a very unpleasant sight to behold and I don't want to look out at my beautiful view and see this happening.

I am asking/urging you to please vote against this Livestock section of the by-law.

Respectfully submitted,



November 15, 2020

To: **Mayor Abe Zebian, West Hants Regional Municipality**
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use.

I live on Maple Avenue which has always been a lovely and clean subdivision with a beautiful view of the Avon River. We have made a considerable investment in our home.

Using Maple Avenue as an example, there are 32 residences on our street. Of those 32 residential properties, 30 would fall under the 15 animals allowed and 2 would fall under the 5 animals allowed.

In total, for Maple Avenue, the by-law would allow 460 animals in our beautiful subdivision. Our street is 1,820 feet long, resulting in 2.5 animals for every ten feet of street.

I also have other concerns about people having animals not properly cared for, the attraction of rats and disease to migrating birds and the threat of disease to commercial poultry operations.

The by-law would also allow for slaughter in the backyards. This is a very unpleasant sight to behold and I don't want to look out at my beautiful view and see this happening.

I am asking/urging you to please vote against this Livestock section of the by-law.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ken Zebian", is written over a horizontal line.

November 15, 2020

To: **Mayor Abe Zebian, West Hants Regional Municipality**
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use.

I live on Maple Avenue which has always been a lovely and clean subdivision with a beautiful view of the Avon River. We have made a considerable investment in our home.

Using Maple Avenue as an example, there are 32 residences on our street. Of those 32 residential properties, 30 would fall under the 15 animals allowed and 2 would fall under the 5 animals allowed.

In total, for Maple Avenue, the by-law would allow 460 animals in our beautiful subdivision. Our street is 1,820 feet long, resulting in 2.5 animals for every ten feet of street.

I also have other concerns about people having animals not properly cared for, the attraction of rats and disease to migrating birds and the threat of disease to commercial poultry operations.

The by-law would also allow for slaughter in the backyards. This is a very unpleasant sight to behold and I don't want to look out at my beautiful view and see this happening.

I am asking/urging you to please vote against this Livestock section of the by-law.

Respectfully submitted,

Clarence Warrington

November 15, 2020

To: **Mayor Abe Zebian, West Hants Regional Municipality**
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use.

I live on Maple Avenue which has always been a lovely and clean subdivision with a beautiful view of the Avon River. We have made a considerable investment in our home.

Using Maple Avenue as an example, there are 32 residences on our street. Of those 32 residential properties, 30 would fall under the 15 animals allowed and 2 would fall under the 5 animals allowed.

In total, for Maple Avenue, the by-law would allow 460 animals in our beautiful subdivision. Our street is 1,820 feet long, resulting in 2.5 animals for every ten feet of street.

I also have other concerns about people having animals not properly cared for, the attraction of rats and disease to migrating birds and the threat of disease to commercial poultry operations.

The by-law would also allow for slaughter in the backyards. This is a very unpleasant sight to behold and I don't want to look out at my beautiful view and see this happening.

I am asking/urging you to please vote against this Livestock section of the by-law.

Respectfully submitted,

Charlotte Wauington

November 15, 2020

To: **Mayor Abe Zebian, West Hants Regional Municipality**
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use.

I live on Maple Avenue which has always been a lovely and clean subdivision with a beautiful view of the Avon River. We have made a considerable investment in our home.

Using Maple Avenue as an example, there are 32 residences on our street. Of those 32 residential properties, 30 would fall under the 15 animals allowed and 2 would fall under the 5 animals allowed.

In total, for Maple Avenue, the by-law would allow 460 animals in our beautiful subdivision. Our street is 1,820 feet long, resulting in 2.5 animals for every ten feet of street.

I also have other concerns about people having animals not properly cared for, the attraction of rats and disease to migrating birds and the threat of disease to commercial poultry operations.

The by-law would also allow for slaughter in the backyards. This is a very unpleasant sight to behold and I don't want to look out at my beautiful view and see this happening.

I am asking/urging you to please vote against this Livestock section of the by-law.

Respectfully submitted,

A handwritten signature in black ink, reading "Kellie Drefus". The signature is written in a cursive, flowing style.

November 15, 2020

To: **Mayor Abe Zebian, West Hants Regional Municipality**
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use.

I live on Maple Avenue which has always been a lovely and clean subdivision with a beautiful view of the Avon River. We have made a considerable investment in our home.

Using Maple Avenue as an example, there are 32 residences on our street. Of those 32 residential properties, 30 would fall under the 15 animals allowed and 2 would fall under the 5 animals allowed.

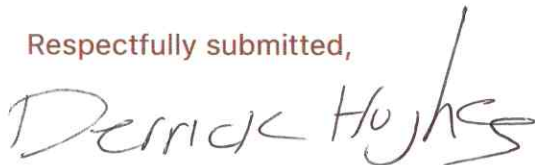
In total, for Maple Avenue, the by-law would allow 460 animals in our beautiful subdivision. Our street is 1,820 feet long, resulting in 2.5 animals for every ten feet of street.

I also have other concerns about people having animals not properly cared for, the attraction of rats and disease to migrating birds and the threat of disease to commercial poultry operations.

The by-law would also allow for slaughter in the backyards. This is a very unpleasant sight to behold and I don't want to look out at my beautiful view and see this happening.

I am asking/urging you to please vote against this Livestock section of the by-law.

Respectfully submitted,

A handwritten signature in black ink that reads "Derrick Hughes". The signature is written in a cursive, flowing style with a long, thin vertical stroke extending upwards from the top of the "H".

November 15, 2020

To: **Mayor Abe Zebian, West Hants Regional Municipality**
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use.

I live on Maple Avenue which has always been a lovely and clean subdivision with a beautiful view of the Avon River. We have made a considerable investment in our home.

Using Maple Avenue as an example, there are 32 residences on our street. Of those 32 residential properties, 30 would fall under the 15 animals allowed and 2 would fall under the 5 animals allowed.

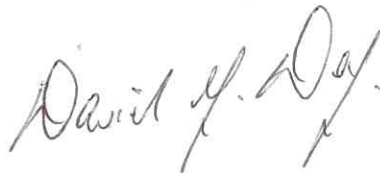
In total, for Maple Avenue, the by-law would allow 460 animals in our beautiful subdivision. Our street is 1,820 feet long, resulting in 2.5 animals for every ten feet of street.

I also have other concerns about people having animals not properly cared for, the attraction of rats and disease to migrating birds and the threat of disease to commercial poultry operations.

The by-law would also allow for slaughter in the backyards. This is a very unpleasant sight to behold and I don't want to look out at my beautiful view and see this happening.

I am asking/urging you to please vote against this Livestock section of the by-law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David G. Day". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

November 15, 2020

To: **Mayor Abe Zebian, West Hants Regional Municipality**
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use.

I live on Maple Avenue which has always been a lovely and clean subdivision with a beautiful view of the Avon River. We have made a considerable investment in our home.

Using Maple Avenue as an example, there are 32 residences on our street. Of those 32 residential properties, 30 would fall under the 15 animals allowed and 2 would fall under the 5 animals allowed.

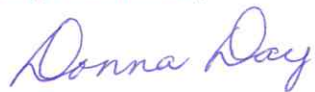
In total, for Maple Avenue, the by-law would allow 460 animals in our beautiful subdivision. Our street is 1,820 feet long, resulting in 2.5 animals for every ten feet of street.

I also have other concerns about people having animals not properly cared for, the attraction of rats and disease to migrating birds and the threat of disease to commercial poultry operations.

The by-law would also allow for slaughter in the backyards. This is a very unpleasant sight to behold and I don't want to look out at my beautiful view and see this happening.

I am asking/urging you to please vote against this Livestock section of the by-law.

Respectfully submitted,



November 15, 2020

To: **Mayor Abe Zebian, West Hants Regional Municipality**
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use.

I live on Maple Avenue which has always been a lovely and clean subdivision with a beautiful view of the Avon River. We have made a considerable investment in our home.

Using Maple Avenue as an example, there are 32 residences on our street. Of those 32 residential properties, 30 would fall under the 15 animals allowed and 2 would fall under the 5 animals allowed.

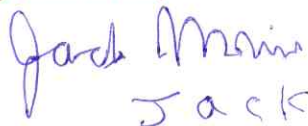
In total, for Maple Avenue, the by-law would allow 460 animals in our beautiful subdivision. Our street is 1,820 feet long, resulting in 2.5 animals for every ten feet of street.

I also have other concerns about people having animals not properly cared for, the attraction of rats and disease to migrating birds and the threat of disease to commercial poultry operations.

The by-law would also allow for slaughter in the backyards. This is a very unpleasant sight to behold and I don't want to look out at my beautiful view and see this happening.

I am asking/urging you to please vote against this Livestock section of the by-law.

Respectfully submitted,


Jack MORINE

November 15, 2020

To: **Mayor Abe Zebian, West Hants Regional Municipality**
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use.

I live on Maple Avenue which has always been a lovely and clean subdivision with a beautiful view of the Avon River. We have made a considerable investment in our home.

Using Maple Avenue as an example, there are 32 residences on our street. Of those 32 residential properties, 30 would fall under the 15 animals allowed and 2 would fall under the 5 animals allowed.

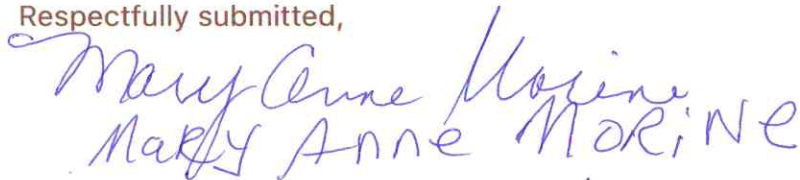
In total, for Maple Avenue, the by-law would allow 460 animals in our beautiful subdivision. Our street is 1,820 feet long, resulting in 2.5 animals for every ten feet of street.

I also have other concerns about people having animals not properly cared for, the attraction of rats and disease to migrating birds and the threat of disease to commercial poultry operations.

The by-law would also allow for slaughter in the backyards. This is a very unpleasant sight to behold and I don't want to look out at my beautiful view and see this happening.

I am asking/urging you to please vote against this Livestock section of the by-law.

Respectfully submitted,


Mary Anne Morine

November 15, 2020

To: **Mayor Abe Zebian, West Hants Regional Municipality**
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use.

I live on Maple Avenue which has always been a lovely and clean subdivision with a beautiful view of the Avon River. We made a considerable investment in our home and made the decision to build on, based on a February 2019 decision by Council to not allow the Livestock.

Using Maple Avenue as an example, there are 32 residences on our street. Of those 32 residential properties, 30 would fall under the 15 animals allowed and 2 would fall under the 5 animals allowed.

In total, for Maple Avenue, the by-law would allow 460 animals in our beautiful subdivision. Our street is 1,820 feet long, resulting in 2.5 animals for every ten feet of street.

I also have other concerns about people having animals not properly cared for, the attraction of rats and disease to migrating birds and the threat of disease to commercial poultry operations.

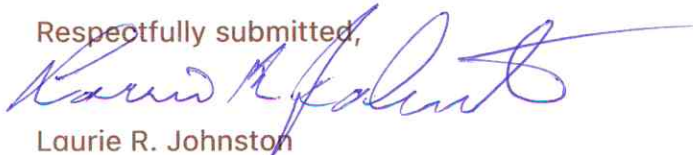
The by-law would also allow for slaughter in the backyards. This is a very unpleasant sight to behold and I don't want to look out at my beautiful view and see this happening.

I am not sure how this is being brought back before Council, after being turned down in February 2019, not even two years ago.

I was told by the planner in 2019 that the Municipality did not think everyone would participate. I reiterate, that I don't really concern myself with what people think — I concern myself with what the law allows.

I am asking/urging you to please vote against this Livestock section of the by-law.

Respectfully submitted,



Laurie R. Johnston
24 Maple Avenue
Hantsport, NS

November 15, 2020

To: **Mayor Abe Zebian, West Hants Regional Municipality**
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use.

I live on Maple Avenue which has always been a lovely and clean subdivision with a beautiful view of the Avon River. We made a considerable investment in our home and made the decision to build on, based on a February 2019 decision by Council to not allow the Livestock.

Using Maple Avenue as an example, there are 32 residences on our street. Of those 32 residential properties, 30 would fall under the 15 animals allowed and 2 would fall under the 5 animals allowed.

In total, for Maple Avenue, the by-law would allow 460 animals in our beautiful subdivision. Our street is 1,820 feet long, resulting in 2.5 animals for every ten feet of street.

I also have other concerns about people having animals not properly cared for, the attraction of rats and disease to migrating birds and the threat of disease to commercial poultry operations.

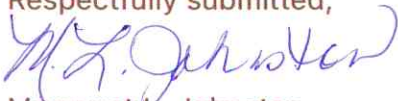
The by-law would also allow for slaughter in the backyards. This is a very unpleasant sight to behold and I don't want to look out at my beautiful view and see this happening.

I am not sure how this is being brought back before Council, after being turned down in February 2019, not even two years ago.

I was told by the planner in 2019 that the Municipality did not think everyone would participate. I reiterate, that I don't really concern myself with what people think — I concern myself with what the law allows.

I am asking/urging you to please vote against this Livestock section of the by-law.

Respectfully submitted,



Margaret L. Johnston
24 Maple Avenue
Hantsport, NS

November 15, 2020

To: Mayor Abe Zebian, West Hants Regional Municipality
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use amendment being proposed.

I live on Porters Avenue, where the houses are all very closely situated.

I am against having livestock in residential areas in Hantsport, especially on my street, where raccoons run rampant now because they love the green bins. That will only get worse when chickens/eggs start appearing in the area.

I definitely do not want to look out and see animals being slaughtered in backyards.

Hantsport is not a rural area and should not be treated as one.

As far as food security is concerned, gardens are not intrusive to a neighbour. Livestock will be.

I urge you to vote against this by-law for our beautiful community.

Respectfully submitted,



Pat Cuvilier
Porters Avenue
Hantsport, NS

November 15, 2020

To: Mayor Abe Zebian, West Hants Regional Municipality
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use amendment being proposed.

I live on Porters Avenue, where the houses are all very closely situated.

I am against having livestock in residential areas in Hantsport, especially on my street, where raccoons run rampant now because they love the green bins. That will only get worse when chickens/eggs start appearing in the area.

I definitely do not want to look out and see animals being slaughtered in backyards.

Hantsport is not a rural area and should not be treated as one.

As far as food security is concerned, gardens are not intrusive to a neighbour. Livestock will be.

I urge you to vote against this by-law for our beautiful community.

Respectfully submitted,

Craig Cuvilier
Porters Avenue
Hantsport, NS



November 15, 2020

To: **Mayor Abe Zebian, West Hants Regional Municipality**
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use.

I live on Maple Avenue which has always been a lovely and clean subdivision with a beautiful view of the Avon River. We have made a considerable investment in our home.

Using Maple Avenue as an example, there are 32 residences on our street. Of those 32 residential properties, 30 would fall under the 15 animals allowed and 2 would fall under the 5 animals allowed.

In total, for Maple Avenue, the by-law would allow 460 animals in our beautiful subdivision. Our street is 1,820 feet long, resulting in 2.5 animals for every ten feet of street.

I also have other concerns about people having animals not properly cared for, the attraction of rats and disease to migrating birds and the threat of disease to commercial poultry operations.

The by-law would also allow for slaughter in the backyards. This is a very unpleasant sight to behold and I don't want to look out at my beautiful view and see this happening.

I am asking/urging you to please vote against this Livestock section of the by-law.

Respectfully submitted,

Michael A. McLaerty
30 Maple Ave
Hantsport N.S.

November 15, 2020

To: **Mayor Abe Zebian, West Hants Regional Municipality**
All Councillors, West Hants Regional Municipality

Re: **HAAC Land Use Amendment - Food Security and Sustainability in Hantsport**

I live in Hantsport and I am against the Livestock section of the Food Security and Sustainability land use.

I live on Maple Avenue which has always been a lovely and clean subdivision with a beautiful view of the Avon River. We have made a considerable investment in our home.

Using Maple Avenue as an example, there are 32 residences on our street. Of those 32 residential properties, 30 would fall under the 15 animals allowed and 2 would fall under the 5 animals allowed.

In total, for Maple Avenue, the by-law would allow 460 animals in our beautiful subdivision. Our street is 1,820 feet long, resulting in 2.5 animals for every ten feet of street.

I also have other concerns about people having animals not properly cared for, the attraction of rats and disease to migrating birds and the threat of disease to commercial poultry operations.

The by-law would also allow for slaughter in the backyards. This is a very unpleasant sight to behold and I don't want to look out at my beautiful view and see this happening.

I am asking/urging you to please vote against this Livestock section of the by-law.

Respectfully submitted,

Donna J. McCarthy
30 Maple Avenue
Hantsport N.S.

Mayors & Councillors:

For 2 years I lived next to a house in Windsor, N.S. that had a flock of hens, it was awful.

Our children had to play in the front yard, the windows in the back of the house were never opened. The smell was appalling and rarely could I hang out the wash.

In the early mornings especially the noise was

constant.

I don't think the neighbours will be silent. Surely there are existing by-laws in their favour. House values will surely drop and hence taxes!

We sold our house, after renting it for 2 years, at a loss.

Please consider all those living in the neighbourhood.

Sincerely,

Ann Day

Attachment B
2020-12-01 File #20-06B Food Security and
Sustainability in Hantsport Recommendation Report



WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT

To: Members of Hantsport Area Advisory Committee

Submitted by: _____
Saira Shah, Planner

Date: 2020-12-01

Subject: Food Security and Sustainability in Hantsport

File 20-06B

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

Should the Hantsport Area Advisory Committee (HAAC) wish to forward a positive recommendation, the following motion would be in order:

HAAC recommends that PAC recommend that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Municipal Planning Strategy and Land Use By-law to improve food security by permitting a variety of livestock in Hantsport, in a manner substantially the same as attached to the staff report to HAAC dated December 1, 2020 as Appendix A.

BACKGROUND

At the October 6, 2020 HAAC meeting, the HAAC requested staff start the amendment process by preparing for a Public Information Meeting at the next HAAC meeting on November 3, 2020 based on the amendment attached as Appendix A to the October 6, 2020 information report.

DISCUSSION

The amendments to the Hantsport Municipal Planning Strategy (HMPS) and Hantsport Land Use By-law (HLUB) illustrate the importance of food security in Nova Scotia and

would permit residents within Hantsport to own a limited number of livestock on their properties to provide an alternative food source for residents (Appendix A)

Properties less than ¼ an acre (10,890 sq. feet) would be permitted to have:

- a combination of rabbits and chickens (including Roosters, Broilers, and Laying Hens) to a total of five (5) animals.

Properties from ¼ an acre (10,890 sq. feet) to 5 acres (217,800 sq. feet) inclusive would be permitted to have:

- a combination of rabbits and chickens (including Roosters, Broilers, and Laying Hens) to a total of fifteen animals.

Properties greater than five (5) acres (217,800 sq. feet) would be limited to one (1) sustainable livestock animal unit and one (1) additional animal unit for each additional full acre to a maximum of eight (8) animal units. There are only seven (7) properties in Hantsport larger than five (5) acres. The definition of animal unit is included in the draft amendment.

As horses are currently permitted in Hantsport, the lot size requirements for horses will not be altered in the proposed changes. However, horses have been added as a proposed use in the Commercial (C-1) and Mixed Commercial/Residential (C-2) zones to ensure residential properties in these zones are permitted to have horses.

HMPS General Criteria

Policy IM-3 of the HMPS states general criteria for any HLUB amendment. These criteria are examined in detail in Appendix B.

In summary:

- most properties in Hantsport would be limited to less than 16 animals and only permitted to have chickens and rabbits which would reduce the potential impact on adjacent uses;
- the proposed amendments would not create a new pattern of development as Council permits horses in Hantsport; and
- the remaining criteria do not apply as this is a text amendment.

MCCAP

As this is a text amendment it has not been examined in relation to the Municipal Climate Change Action Plan (MCCAP).

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the HMPS and are consistent with the intent, objectives and policies of the HMPS. The amendments meet the general criteria for

amendment to the HLUB. As a result, it is reasonable to consider approving the Hantsport Municipal Planning Strategy and Land Use By-Law amendments to improve food security by permitting a variety of livestock in Hantsport



FINANCIAL IMPLICATIONS

There are no financial implications associated with this application.

ALTERNATIVES

In response to the application, HAAC may recommend that PAC:

- recommend that Council hold First Reading and authorize a Public Hearing to approve the HMPS and HLUB amendments as drafted or as specifically revised by direction of HAAC;
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Appendix A Draft Amendments

Appendix B General Criteria for Hantsport Land Use-By-law Amendment

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Appendix A Draft Amendments

1.Text Amendments to the Hantsport Municipal Planning Strategy to allow sustainable livestock in all residential and commercial zones to improve food security.

Insert Section 3.2.5, below, in Part 3 of the Hantsport Municipal Planning Strategy as a new section following Section 3.2.4:

3.2.5 Food Security and Sustainability

Food insecurity is when individuals must compromise on the quality or quantity of food or reduce their food intake. Based on the Canadian Community Health Survey completed by Statistics Canada in 2017/2018 Nova Scotia is the province with the highest percentage of households experiencing food insecurity in Canada. Residents have expressed a desire to raise livestock for personal enjoyment and as a sustainable food resource to improve food security. Council wishes to encourage the raising of sustainable livestock for personal use.

GP-8

It shall be the policy of Council to establish regulations in the Land Use By-law to improve food security by permitting sustainable livestock in residential and commercial zones.

2.Text Amendments to the Hantsport Land Use By-law to allow sustainable livestock in all residential and commercial zones to improve food security.

Insert Section 5.22, below, in Part 5 of the Hantsport Land Use By-law as a new section following Section 5.21:

5.22 Sustainable livestock shall be permitted in order to improve food security in any residential or commercial zone subject to the following:

(a) livestock shall be contained within the limits of the lot by means of fencing, enclosures or non-residential buildings;

(b) any structure containing livestock shall be considered an accessory building and shall meet the requirements of Section 5.1 of this By-law;

(c) for purposes of this section, a lot may include multiple abutting properties held by the same owner;

(d) the slaughtering of livestock shall be permitted on the lot;

(e) for lots greater than five (5) acres, manure storage shall not be located within:

- (i) 50 ft (15.24 m) of an adjoining lot; and
- (ii) 100 ft (30.48 m) of a water well or watercourse.

(f) the number of animals permitted on a lot shall be limited to:

(i) Lots up to and including $\frac{1}{4}$ an acre (10,890 sq. feet)

- a combination of rabbits and chickens (including Roosters, Broilers, and Laying Hens) to a total of five (5) animals.

(ii) Lots greater than $\frac{1}{4}$ acre (10,890 sq. feet) up to and including 5 acres (217,800 sq. feet)

- a combination of rabbits and chickens (including Roosters, Broilers, and Laying Hens) to a total of fifteen animals.

(iii) Lots greater than five (5) acres (217,800 sq. feet) shall be limited to one (1) animal unit and one (1) additional animal unit for each additional full acre to a maximum of eight (8) animal units.

	Number of Sustainable Livestock Equal to One (1) Animal Unit
Cows	1
Dairy Heifers	1
Beef Cows	1
Beef Feeders (150 - 500 kg)	2
Veal calves	3
Miniature horses and ponies (<225 kg)	2
Sheep	4
Sows (Breeding/Gestation)	2
Sows (Farrow to Finish)	1
Sows (Farrow to Wean)	2
Weaners	3
Hogs (Feeders)	2
Laying Hens (whole year)	25
Broiler Chickens	25
Turkey Broilers (5 kg)	25
Rabbits (female including young)	20
Llamas/Alpacas	1
Ostriches/Emus	1

(g)

The following animals shall not be permitted in the area regulated by the Hantsport Land Use By-law:

- Peacocks
- Bulls

- Minks
- Guinea Fowl

Amend Section 9.1.1 of Part 9 of the Hantsport Land Use By-law by adding the following use “the keeping of horses provided they are kept in a fenced area with a minimum area of 0.4 hectares (44,560 sq. ft.) for each horse” so that Section 9.1.1 reads as follows:

9.1.1 Permitted Uses

The following uses are permitted in this zone:

- all commercial uses
- artisan workshops
- offices
- medical clinic
- museums
- residential uses existing as of May 1, 2018
- residential uses in accordance with Section 9.1.5
- the keeping of horses provided they are kept in a fenced area with a minimum area of 0.4 hectares (44,560 sq. ft.) for each horse

Amend Section 9.2.1 of Part 9 of the Hantsport Land Use By-law by adding the following use “the keeping of horses provided they are kept in a fenced area with a minimum area of 0.4 hectares (44,560 sq. ft.) for each horse.” so that Section 9.2.1 reads as follows:

9.2.1 Permitted Uses

The following uses are permitted in this zone:

- all commercial uses
- artisan workshops
- offices
- medical clinics
- museums
- residential uses existing as of May 1, 2018
- single detached dwellings
- two-unit dwellings
- multiple unit dwellings
- residential day care centres
- guest houses
- bed and breakfast homes

- boarding rooms
- the keeping of horses provided they are kept in a fenced area with a minimum area of 0.4 hectares (44,560 sq. ft.) for each horse
- institutional uses existing as of date of amendment as follow:

Civic Address	Owner	Use
58 Main Street	3262992 NOVA SCOTIA LIMITED	Nursing Home
59 Main Street 61 Main Street	Parish of Avon Valley Rector Warden and Vestry of Saint Andrews Church	Place of Worship
67 Main Street	Roman Catholic Episcopal Corporation	Place of Worship
19 Chittick Avenue	Municipality of The District of West Hants	Department of Public Works
1 Oak Street 3 Oak Street 36 William Street	Municipality of The District of West Hants	Food Bank
5 Oak Street	Municipality of The District of West Hants	Fire Station

Appendix B

General Criteria for Hantsport Land Use By-Law Amendment

Policy IM-3 of the MPS *"In considering amendments to the Town of Hantsport Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider"*:

	Food Security and Sustainability Amendments
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	As this is a text amendment, this consideration will depend on individual lots.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection;	As this is a text amendment, this consideration will depend on individual lots.
(iv) the impact on adjacent uses	Most properties in Hantsport would be limited to less than 16 animals and only permitted to have chickens and rabbits which would reduce the potential impact on adjacent uses.
(v) the adequacy of road networks adjacent to, or leading to the development; and	This consideration is not applicable to this amendment.
(vi) the financial capacity of the Town to absorb any costs relating to the development.	No municipal costs related to this amendment are anticipated.
(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	This consideration is not applicable to this amendment.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	As this is a text amendment, this consideration will depend on individual lots.
(d) the pattern of development which the proposal might create;	Policy RP-4A states Council's intention to permit the keeping of horses in the Single Unit Residential (R-1) and Two Unit Residential (R-2) zones. The proposed amendments would not create a new pattern of development as Council permits horses in Hantsport.
(e) the suitability of the area in terms of steepness of grade, soil and	As this is a text amendment, the criterion does not apply.

geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;	
(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and	The proposed amendment meets all relevant municipal, provincial and federal regulations.
(g) the impact of not only the use being proposed but all uses permitted in the zone	As this is a text amendment, the criterion does not apply.
(h) the site meets all of the zone requirements for the zone sought;	As this is a text amendment, the criterion does not apply.
(h) any other matter required by relevant policies of this Strategy.	There is no other matter to address.



McDade Heritage Centre
PO Box 525
50 Main Street
Hantsport, Nova Scotia
Canada B0P 1P0

15 January 2021

Mr. Abraham Zebian
Mayor
West Hants Regional Municipality

Paul Morton
Deputy Mayor
West Hants Regional Municipality

Dear Abe & Paul:

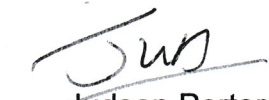
On behalf of the Hantsport & Area Historical Society, I would like to formally thank you and the West Hants Regional Municipality for your support of our 'Honour Our Veterans' Banner Program in 2020.

We greatly appreciated assistance in putting up the pole standards and banners in the fall of 2020 and also taking down the banners after Remembrance Day.

As you may know, we have recently announced that we will be carrying on with this important program in 2021. We were very pleased with the number of individuals and families who took part in the initial program and are hoping for several new banners to be sponsored this year. In part, the success of our program is due to the help you provided.

It was greatly appreciated.

Best Regards,


Judson Porter
President

Please also follow us on:

Our New Website – mcdadeheritagecentre.ca

Facebook – <https://www.facebook.com/HantsportAreaHistoricalSociety/>

Roy Bishop – Chair, Heritage Centre Campaign:

“A community that does not know, protect, and honour its history is the poorer for it”



**Attorney General
Justice
Office of the Minister**

PO Box 7, Halifax, Nova Scotia, Canada B3J 2L6 • Telephone 902 424-4044 Fax 902 424-0510 • novascotia.ca

January 19, 2021

Warden Abraham Zebian
Municipality of the District of Hants West
PO Box 3000
76 Morrison Dr
Windsor NS B0N 2T0

Dear Warden Zebian:

On December 3rd, 2019, the Government of Nova Scotia announced that the Municipality of the District of Hants West will be prescribed as a public sector body under the *Accessibility Act* as of April 1st, 2020.

Last spring, some public sector bodies shared concerns about capacity to meet their obligations under the Act, given the impact of Covid-19. I recognize the unprecedented challenges facing all Nova Scotians, and I committed to adjusting the timelines to ensure there is sufficient time and capacity to support the development of your accessibility plan.

I am pleased to announce a one-year extension to the prescription deadline. This means that the Municipality of the District of Hants West will be prescribed as a public sector body under the Act as of April 1st, 2021. The Municipality of the District of Hants West must form an accessibility advisory committee and have an accessibility plan in place by April 1st, 2022. Despite this extension, I encourage you to continue progressing with your accessibility planning.

The Accessibility Directorate has developed several resources to assist you in meeting your obligations under the *Accessibility Act*, including Accessibility Planning Toolkit for Prescribed Public Sector Bodies, the Accessibility Planning Toolkit for Municipalities, and the Interim Accessibility Guidelines for Indoor and Outdoor Spaces. These resources are all available online at novascotia.ca/accessibility. In addition, the Accessibility Directorate is developing a series of webinars, which will be available soon to further guide our collaborative efforts.

Work is well underway across the province, as accessibility advisory committees are being established and the development of accessibility plans are beginning. Some prescribed bodies have formed a joint accessibility advisory committee and are developing a joint accessibility plan with other prescribed public sector bodies that share similar interests, as this is permitted under the Act.

We look forward to continuing to support you in this important work. For assistance to further information, please contact Carla Bezanson at 902-440-5007 or Carla.bezanson@novascotia.ca.

Thank you for your continued commitment to building an inclusive province for all Nova Scotians.

Yours truly,

A handwritten signature in blue ink, appearing to read "Mark Furey". The signature is fluid and cursive, with the first name "Mark" being more prominent than the last name "Furey".

Mark Furey



**Transportation and Infrastructure Renewal
Office of the Minister**

PO Box 186, Halifax, Nova Scotia, Canada B3J 2N2

JAN 12 2021

Mayor Abraham Zebian
West Hants Regional Municipality
76 Morrison Drive
Windsor, NS B0N 2T0

Via e-mail: azebian@westhants.ca

Dear Mayor Zebian:

Thank you for your letter dated November 30, 2020, regarding the speed zones along Highway 14.

The Department of Transportation and Infrastructure Renewal (TIR) sets appropriate speed limits with the safety of the travelling public as the primary concern. TIR conforms to the *Guidelines for Establishing Posted Speed Limits* produced by the Transportation Association of Canada.

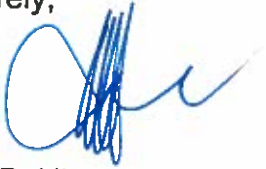
Most drivers will select a speed which is reasonable and prudent for conditions which they encounter on a highway. Generally, drivers will not adjust their speed based on a regulatory sign if they do not also perceive a condition, either consciously or subconsciously, which requires them to slow down. The posted speed should approximate the speed that a prudent driver would choose for the roadway conditions. When determining speed limits, radar speed studies are conducted, historical collision history is collected, road geometry assessed, and development levels identified.

The request to have speed limits reviewed along Highway 14, specifically in more densely populated communities such as Gypsum Mines, Sweets Corner and Brooklyn, was referred to our District Traffic Supervisor for review and comment. A speed zone review takes into consideration factors such as housing density, prevailing vehicle speeds, alignment characteristics, surface condition and collision history.

The results of this review will dictate if a change in speed zone is warranted and can be shared with you upon request.

Again, thank you for bringing your concerns to our attention. If you would like to discuss this further, you can reach Acting Area Manager Matt Clarke through the Operations Contact Centre (OCC) at 1-844-696-7737.

Sincerely,



Lloyd P. Hines
Minister

c: Guy Deveau, District Director Central
Matt Clarke, Acting Area Manager Hants
Rob Jerrott, District Traffic Supervisor
Cpl. Luc Cote, RCMP



**Transportation and Infrastructure Renewal
Office of the Minister**

PO Box 186, Halifax, Nova Scotia, Canada B3J 2N2

JAN 13 2021

Mayor Abraham Zebian
West Hants Regional Municipality

Via e-mail: azebian@westhants.ca

Dear Mayor Zebian:

Thank you for your letter received via email on August 14, 2020 and for sharing your concerns regarding the replacement of the Avon River Aboiteau and Causeway Upgrading in Windsor. I apologize for the delay in responding.

As you are likely already aware, the replacement of the Avon River Aboiteau and associated Causeway Upgrading is a complex undertaking with a wide range of interests. However, first and foremost it is critical to ensuring continued public safety in Windsor, Falmouth and surrounding area by protecting these communities and approximately 1,600 hectares of agricultural marshland from the Bay of Fundy tides. The project also allows for the completion of the twinning of Highway 101 through the Windsor area which will improve the overall safety for highway users travelling between Halifax and the Annapolis Valley.

The planning and design process to replace the existing aboiteau and upgrade the causeway has been underway since 2018 and is nearing completion. Satisfying regulatory requirements such as improving fish passage has been a major focus, while also attempting to balance a wide range of societal interests. It is our goal that the final design will provide a balanced solution that will minimize any negative impacts to all groups and/or stakeholders. If you have any more questions or concerns, please contact Justin Tanner, Manager, Highway Planning and Design by phone at 902-424-3508 or by email at justin.tanner@novascotia.ca.

Your feedback is important, and we thank you for sharing your concerns.

Sincerely,

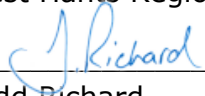
Lloyd P. Hines
Minister



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: West Hants Regional Municipality Council

Submitted by: 
Todd Richard

Date: January 26, 2021

Subject: Windsor Area Solid Waste Collection Contract

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, Section 65 authorizes Council to expend funds for municipal purposes.

RECOMMENDATION or DECISION REQUEST

It is recommended to Council that:

Council approve the award of the Waste Collection and Transportation contract for the Windsor area to Green for Life Environmental (GFL Environmental) for the two-year period effective April 1, 2021 to March 31, 2023, as per the response provided to the request for proposal WWHPW20-19 received by the Department of Public Works on January 12, 2021;

And,

Council give direction to staff to review the alternative collection schedule as proposed by GFL Environmental and implement, if feasible and conducive.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☒	Social ☐	Economic ☐	Councillor Activity ☐
--------------------------------------	--	--	------------------------------------	--------------------------------------	---

In Windsor, solid waste consisting of garbage, recyclables and organics are collected every two weeks on alternating weeks, metal items collected twice a year, leaf and yard waste monthly (April through October) and an annual Christmas tree collection is provided. Garbage, metals and leaf & yard waste are taken to the GFL Landfill in Cogmagun, recyclables are taken to Scotia Recycling in Kentville and organics are taken to Northridge Farms in Aylesford. High Tide Eco Management has been providing solid waste collection and hauling services in the former Town of Windsor boundaries for the past 21 years.

In West Hants, solid waste consisting of garbage, recyclables and organics are also collected every two weeks on alternating weeks, metal items collected once per year, leaf and yard waste does not have special collections but are collected along with organics year-round and Christmas trees are collected only in the organics cart or community drop off locations throughout West Hants. Any extra services are optional and at an additional cost. The waste material streams are taken to the same facilities as the Windsor area. Although Royal Environmental (ReGroup) was awarded the collection and transportation contract for West Hants in 2018, the solid waste services have been subcontracted to GFL Environmental. The contract for the former Municipality of West Hants, runs until March 31, 2023 and includes three (3) one-year extensions to March 31, 2026.

At the October 2020 Committee of the Whole meeting, Council provided direction to Public Works staff to release the solid waste contract for all three waste streams for the Windsor area to public tender. The new contract would start April 1, 2021 and extend to March 31, 2023, with one optional extension year, to align with the former Municipality of the District of West Hants solid waste contract.

DISCUSSION

Staff released a public Request for Proposal for Waste Collection and Transportation for the Windsor area with a closing on Tuesday, January 12 at 2:00 pm local time, in accordance with municipal procurement policy.

Bid opening was held on January 12 at 2:15 pm for the first part (technical component) of the two-envelope bid. Four members of Public Works staff performed an independent review of the technical bids, to produce an average score for each bid proponent.

A technical score of 80% was required to move forward into second part (financial component). A total of six (6) proposals were received, with four proponents meeting the 80% minimum technical score. The attached table summarizes the bid results of part 1 and part 2 for each of the proponents; which was utilized as the basis for recommendation to Council.

Bid Evaluation:

Proponent	Technical /80	Financial /20	Total Score	2-year Price	Alternative Bid
GFL Environmental Inc.	71.3	20.0	91.3%	\$323,078.	\$233,098.
High Tide Eco Management	71.1	16.6	87.7%	\$388,946.	\$340,762.
Miller Waste Systems Inc.	69.4	7.5	76.9%	\$866,384.	\$661,252.
Royal Environmental Inc.	71.3	15.2	86.5%	\$425,752.	\$395,441.
Dinka Enterprises Inc.	Did not qualify on technical component				
Leo J. Beazley (1996) Ltd.	Did not qualify on technical component				

Alternative proposals were encouraged from each of the proponents. Alternative proposals could include restructuring of existing collections days or collection streams, or other modified services to improve the overall financial and/or logistic provision of services.

In summary, GFL has proposed the following alternative collection services:

- All Windsor residents receive waste services every second Friday. GFL will employ the use of 2 rear load garbage trucks in order to achieve this goal. It is well within the capabilities of these two trucks to achieve the servicing of all homes in the tender during the allotted pick up time between 7:00–4:00.
- All Windsor residents receive recycling services every second Friday. GFL will employ the use of 2 rear load organics trucks with toter tipper and 2 side load recycling trucks. This collection method will ensure that source separation of the materials is maintained from pick up through to disposal at the appropriate receiving facility.

Benefits of the alternative collection service have been stated by the proponent as follows:

- Cost reduction. Due to condensing the collection services into one day, GFL proposes to take advantage of the reduced hours required and therefore reduce the costs associated with the current schedule of collection and pass those savings onto the Municipality.
- Reduced number of days waste is placed at the curb. GFL proposes that curbside collection can sometimes be unsightly and unappealing to the eye. Reducing collection days from three to one will minimize this issue.
- Reduced truck time on the road. Doing so will reduce emissions, wear and tear on the roads and minimize the effects of collections efforts on local traffic.
- Simplicity of scheduling. GFL believes that condensing the pick-up schedule will simplify any service changes that may result due to weather impacts and statutory holidays.

- As the service provider in Windsor, GFL will enable the former Town of Windsor to recognize and further leverage disposal cost savings as part of the greater Municipality of West Hants.
- As the only service provider for both the former Town of Windsor and West Hants, it will reduce the efforts and coordination of all contract management activities by Public Works staff.

NEXT STEPS

Pending approval of Council; staff will evaluate the feasibility of the alternative proposal from the successful proponent. Awarding the tender to the successful proponent is planned for award in conjunction with the 2021/2022 fiscal budget.

FINANCIAL IMPLICATIONS

There are no financial implications for budget 2020-21. New contract costs will be presented to Council during 2021-22 budget deliberations.

Waste Collection Contract 2020-21 Budget	
Recycling, Special*, Organics, Garbage	\$194,473
*Special Collections includes, Leaf & Yard Waste, Fuel Surcharge	

Waste Collection Contract Project for Fiscal 2021-22	\$196,666
Based on current contract with High Tide Eco, with fuel adjustment	
GFL Waste Collection Proposal for fiscal 2021-22	\$159,669
2021/2022 Cost Savings	\$36,997
GFL Waste Collection Alternative for fiscal 2021-22	\$115,234
2021/2022 Cost Savings	\$81,432

ALTERNATIVES

1. Council may choose to proceed with an alternative proponent.

This is not the recommendation of staff.

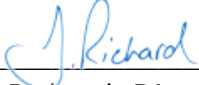
ATTACHMENTS

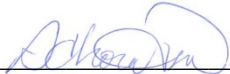
None

CHIEF ADMINISTRATIVE OFFICER REVIEW

It is noted the report highlights that Windsor residents will continue to receive the same collection services under the newly proposed agreement with regards to the collected items and frequency. It is further noted the timing associated with alternative collection options will provided added cost savings without impacting the service level. I support the recommendation as well the alternative method of collection so that the residents from Windsor can benefit from this option and cost savings.

Report Prepared by: 
Brad Carrigan, P.Eng., Capital Projects Engineer

Report Reviewed by: 
Todd Richard, Director of Public Works

Report Reviewed by: 
Shelleena Thornton, Administrative Supervisor

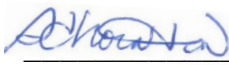
Report Approved by: 
Mark Phillips, Chief Administrative Officer



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: West Hants Regional Municipality Council

Submitted by: 
Shelleena Thornton, Administrative Supervisor

Date: January 26, 2021

Subject: Resident Member Appointment to Committees of Council – Police Advisory Board

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act (MGA) – Sections 24-27, Standing, special and advisory committees; Vacancy on Boards, Commissions and Committees; Citizen Advisory Committees; and Community Committees.

Police Act of NS – Section 57 - Establishment and composition of Police Advisory Boards, and Section 68(1) – Function of Advisory Board

Police Regulations of NS – Part 3

RECOMMENDATIONS

...that Council approves the following resident member be appointed to the Police Advisory Board for the term April 01, 2020 to October 31, 2022, Ken Swan.

BACKGROUND

Property ☐	Public Opinion ☒	Environment ☐	Social ☒	Economic ☐	Councillor Activity ☐
-----------------------------------	--	--------------------------------------	--	-----------------------------------	--

Police Regulations, Part 3 outlines Board member qualifications, selection process, Code of Conduct of Board members, and the role of the Chair. The Police Act of NS outlines the composition and functions of the Police Advisory Board. The Meeting and Committees Procedural Policy RCOGE-003.00 (as amended) was approved by Council at the October 27,

2020 Council meeting and outlines procedures while conducting Committees of Council meetings.

The Police Advisory Board By-laws of the former Municipality of the District of West Hants and Town of Hantsport are under consideration (at this Council meeting) for repeal. Town of Windsor did not have a Police Advisory Board By-law as it was not required. A new by-law is not required for the Regional Municipality as the functions of the Board are defined in the Act.

DISCUSSION

Police Advisory Board (as per Sections 57 and 68(1) of the Police Act of NS)

The function of the advisory board is to provide advice to the council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the municipality, but the advisory board shall not exercise jurisdiction relating to complaints, discipline, personnel conduct or the internal management of the Royal Canadian Mounted Police.

A five-member advisory board consists of:

- (a) two members of council appointed by resolution of the council;
- (b) two members appointed by resolution of the council, who are neither members of council nor employees of the municipality; and
- (c) one member appointed by the Minister.

Current appointments include:

- Deputy Mayor Paul Morton (2-year term)
- Councillor Mark McLean (2-year term)
- Resident-member Belinda Bezanson (2-year term)

The recommended resident appointment would fulfil the resident-member requirement and comply with the Police Act of NS.

One vacancy would remain, that of the Ministerial appointed member. Staff have been advised by the NS Dept. of Justice that we could forward any other received applications to them for their consideration of the Minister's appointment. Staff will follow this direction until such time as the appointment is made.

At the time of writing this report, the Regional Police Advisory Board is scheduled to meet on Monday, Jan. 25, 2021.

NEXT STEPS

Resident members will be contacted and notified of their appointments and meetings arranged. An Administrative Terms of Reference will be established.

FINANCIAL IMPLICATIONS

Resident members appointed to Committees of Council receive remuneration in accordance with West Hants Regional Municipality's Council Remuneration Policy, which is identified in the annual Operating Budget.

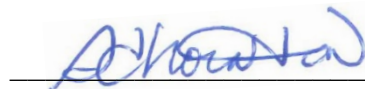
ALTERNATIVES

Council could choose to not support the recommendation.

ATTACHMENTS

None

Report Prepared by:



Shelleena Thornton, Administrative Supervisor

Report Approved by:



Mark Phillips, Chief Administrative Officer