

WEST HANTS REGIONAL MUNICIPALITY
Council Meeting Agenda **AMENDED**
November 22, 2022 - 5:00 p.m.
Virtual via Zoom (also FB Livestream)



1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda, including additions or deletions
 - a) Dashboard Action Items – Information Log
 - b) Dashboard Action Items – Dangerous and Unsightly Premises
5. Declaration(s) of Conflict of Interest
6. Approval of Previous Meeting Minutes
 - a) 2022-10-25 Council Meeting Minutes
 - b) 2022-10-25 Public Hearing Meeting Minutes, 65 Fort Edward Street, PID 45059797
 - c) 2022-10-25 Public Hearing Meeting Minutes, Property Assessed Clean Energy (PACE) By-Law RP-001
7. Presentations
8. Public Hearings
 - i. Hantsport, West Hants and Windsor MPS and LUB Amendments: Secondary Suites in Accessory Buildings (three reports, one presentation, three motions) – Planner Poirier
 - ii. WHLUB Amendments: Wentworth Road PID 45190386 and Cole Drive PID 45366457 (one report, one motion) – Planner Poirier
 - iii. 697 Greenhill Road, Greenhill, PID 45026010, WHLUB Map Amendment (one report, one motion) - Planner Dunphy
 - iv. 4245 Hwy 14, PID 45038361, WHLUB Amendment (one report, one motion) - Planner Dunphy
 - v. 4701 Hwy 1, Three Mile Plains, Development Agreement (one report, two motions) – Planner Poirier
 - vi. Hantsport, West Hants, Windsor MPS and LUB Amendments: Small Options Housing (three reports, three motions) - Director LeMay
 - vii. Outdoor Fires By-Law RO-001 (one report, one motion) – Supervisor Thornton
9. Second Readings

- i. Hantsport, West Hants and Windsor MPS and LUB Amendments: Secondary Suites in Accessory Buildings (three reports, one presentation, three motions) – Planner Poirier
- ii. WHLUB Amendments: Wentworth Road PID 45190386 and Cole Drive PID 45366457 (one report, one motion) – Planner Poirier
- iii. 697 Greenhill Road, Greenhill, PID 45026010, WHLUB Map Amendment (one report, one motion) - Planner Dunphy
- iv. 4245 Hwy 14, PID 45038361, WHLUB Amendment (one report, one motion) - Planner Dunphy
- v. 4701 Hwy 1, Three Mile Plains, Development Agreement (one report, two motions) – Planner Poirier
- vi. Hantsport, West Hants, Windsor MPS and LUB Amendments: Small Options Housing (three reports, three motions) - Director LeMay
- viii. Outdoor Fires By-Law RO-001 (one report, one motion) – Supervisor Thornton

- 10. Unfinished Business/Postponed Motions
 - a) Debt Reconciliation Information Report -Director Gibson

~~11. Mayor's Report~~

- 12. Committee(s) of Council Excerpts/Recommendations
 - a) Committee of the Whole Excerpts (November 8, 2022)
 - i. December Meeting Dates
 - ii. Falmouth Family Dog Park
 - iii. REMO Mutual Aid Agreement
 - iv. Security Camera
 - v. Streetlights in the Crossing
 - vi. Thermal Imaging Camera Capital Purchase
 - vii. Updating the 2022-23 Tax Resolution
 - b) Planning and Heritage Recommendations (November 10th, 2022) (First Readings)
 - i. Cole Drive, PID 45366432 West Hants and Windsor MPS and LUB Amendments (two reports, two motions) - Planner Dunphy
 - ii. 394 Greenhill Road, Greenhill, PID 45118502 Development Agreement (one report, two motions) - Planner Dunphy
 - iii. Hantsport Coastal Protection and Flood Planning Policy (one report, one motion) – Planner Dunphy
 - iv. West Hants Coastal Protection and Flood Planning Policy (one report, one motion) – Planner Dunphy
 - v. Windsor Coastal Protection and Flood Planning Policy (one report, one motion) – Planner Dunphy

13. Councillor Municipal Business/Activity Reports
 - a) Councillor Ivey, District 11 Activity Report
14. Correspondence
 - a) Information
 1. Avon Causeway Activity Log as of November 17, 2022- No new correspondence
 2. Correspondence Received Activity Log as of November 17, 2022
 - i. 2022-11-06 Andrea Parker Re Road repair work needed
 - ii. 2022-11-07 WAEFA Recipient Confirmation - 2022 (Awards sponsored by the West Hants Regional Municipality)
 - iii. 2022-11-10 CAO Letter - Comfort Centre Designation - Garden of Eden Community Centre
 - iv. 2022-11-10 David Old, President Hantsport Seniors and Elders Club re Community Generator Program
 - v. 2022-11-12 Juanita Wilcox re Expression of Thanks
 - vi. 2022-11-14 Emily McNeil re Renewal of the Operating Approval for the Avon Hydro System
 - vii. 2022-11-16 Paul Beazley re Boundary Review Questions
 3. Fort Edward Activity Log as of November 17, 2022
 4. Storm Wastewater Activity Log as of November 17, 2022 - No new correspondence
 - b) Requests – None
 - c) Outgoing Correspondence Log as of November 17, 2022
15. New Business
16. In-Camera
17. Next Meeting Date / Adjournment

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
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)	2020-05-12		In progress	CAO/Fin
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.	2020-09-22	Align with Branding outcomes 2021-07, On-going	Pending Beautification Strategy. Street and Community sign options currently being explored	PW/Comm. Dev
W. B Stephens Building Design Project Management Tender Award (Municipal Office) - Draft an RFP that will look at A) the 100 King Street Building B) The 76 Morison Building and C) or an alternative new location is required to facilitate the needs of the Municipality.	2020-10-27	2022-on going	Approved, awaiting the RFP	CAO
Panuke Rd Event - Event to be arranged by Mayor	2021-03-09	2022	Unknown	Mayor
Noise By-law - Staff revise by-law (Peace and Good Order)	2021-03-23	Jan. 2023	Staff are reviewing the existing By-Laws, gathering information on Noise By-Laws created by other Municipalities and potential costs associated	Planning/ CAO
WHRM Land Dispute Policy - CAO Office to establish a practice to keep council informed.	2021-04-27	2022-12	Policy review in December 2022	CAO
Glooscap First Nation & WHRM Council Meeting - Send formal invite for a meeting to discuss many topics including reconciliation.	2021-06-22		Met on March 15, 2022	Mayor
Request to Meet with Avon Causeway Gate Stakeholders - Send letter to Glooscap First Nation requesting immediate joint council mtg. to discuss Avon River Causeway/Aboiteau Gate System and Ministerial Order	2021-06-22		Ongoing informal communication continues through the Mayor	Mayor/CAO

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Outdoor Fires By-Law - Staff review existing Fire-related By-laws and have an all encompassing Regional By-Law	2021-09-28	2022-12	Approved First Reading at the October 25, 2022 mtg. Public Hearing and Secoond Reading will be on November 22, 2022	CAO
Capped Assessment - Staff provide a new aggregated report that will coincide with PVSC's presentation in January/February.	2021-09-28	2022	Presented at the November COTW mtg	Finance
Hantsport Fire Station - Provide ongoing progress updates to Council	2022-02-22	ongoing	Waiting on contractor availability and backordered controls parts to complete, anticipating 4 more weeks until completion.	PW
High School Bursaries - staff to bring back a report advising on policy changes with respects to the bursaries to reflect an equal opportunity for all students within West Hants regardless of the high school of their chosing.	2022-06-14	February 2023	Staff are gathering information and consulting with schools to create a Regional approach for equal distribution of bursaries.	CAO
CAO'S Review - Annual review to be completed by Council.	2022-06-28	October 2022	Remiains in progress	Council
65 Fort Edward Street (Municipal Lands) - the Public Hearing be adjourned until 6:00 pm on October 25 and postpones the Second Reading until October 25th, 2022	2022-06-28	2022-10-25	Awaiting the completion of a Phase 2 Archaeological Resource Impact Assessment and consider the result prior to a decision being made. POSTPONED SECOND READING UNTIL OCTOBER, 2023	CAO/Planning
Invasive Plant Species - Prepare a report for a future discussion re: Invasive plant species with a view to establish a policy/plan to address within the municipality.	2022-09-13	2022	Staff are gathering information. A report will be presented to Council.	Plan/CD
Debt Servicing - create a report outlining the total debt for West Hants Regional Municipality, debt financing amounts, and the amounts per category (ie: fire, water/sewer, vehicles, etc.) with percentages.	2022-10-25	2022-11-22	Being presented at November 22, Council Meeting	Finance

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Closed Cogmagun Landfill - Staff to review further and bring a report forward to Council (potentially at the October Council mtg) on the information found. Report will follow at a later date.	2022-10-11	2022-11	Will be discussed in more detail during Budget discussions.	Finance
December Meeting Date - COTW will meet on December 6th and Council will meet on December 13th, 2022	2022-11-08	2022-11-22	Pending Council Approval	CAO
Falmouth Family Dog Park - staff to meet with Mr. Dunfield to determine the next steps if the municipality was to assume ownership of the park and bring a report to Council.	2022-11-08	2022-11-22	Pending Council Approval	CD
Thermal Imaging Cameras (WFD) - purchase two (2) thermal imaging cameras (TICS) for WFD from Cuming's Fire & Safety Equipment Ltd. at a cost of \$27,151.00 plus applicable taxes.	2022-11-08	2022-11-22	Pending Council Approval	CAO
Updating the 2022-23 Tax Resolution - approve the updated 2022-2023 taxing resolution as presented at COTW on November 8, 2022.	2022-11-08	2022-11-22	Pending Council Approval	CAO/Finance
Streetlights within the Crossing - investigate what the costs of streetlights at the Crossing would be and further that staff work with the office on strategic locations for the lights.	2022-11-08	2022-11-22	Pending Council Approval	PW
Security Cameras - Undertake a review and investigation to bring a report back to Council for further discussion and decision making re: security cameras within the West Hants and that it be in consultation with IT and RCMP on locations.	2022-11-08	2022-11-22	Pending Council Approval	CAO/PW
REMO Mutual Aid Agreement - Mayor and clerk to sign the REMO-Kings County- West Hants Mutual Aid Agreement.	2022-11-08	2022-11-22	Pending Council Approval	CAO

West Hants Regional Municipality Dangerous and Unsightly Premises Dashboard (Action List)

Matter

Textile Building - the owner was contacted to inform them that part of the security fence was down and a section of roofing had come off and was hanging over the edge of the back wall. Arrangements for repairs are being made. **November 8, 2022 COTW**

74 Bowman Road - the file remains open as staff and CAO are not satisfied with the response provided by the vendor. Review continues on a monthly basis. This has been communicated to the property owner. **November 8, 2022 COTW update**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Sara Poirier, Senior Planner

Date: 2022-11-22

Subject: Hantsport MPS and LUB Amendments: Detached Secondary Suites; File #22-12 C

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to approve the amendments following Public Hearing, the following motion would be in order:

...that Council gives Second Reading to and approves amending the Hantsport Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-12 dated October 13, 2022.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received on July 4, 2022, from the Family Resource Centre to amend all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

A Public Information Meeting was held on September 6, 2022.

On October 13, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC). PAC/HAC recommended in favour of the amendments as drafted on October 13, 2022.

On October 22, 2022 staff presented the PAC/HAC recommendation to Council for First Reading (Appendix A).

NEXT STEPS

The process for this application is as follows:



APPENDICIES

Appendix A 2022-10-25 PAC/HAC Recommendation to Council: Hantsport MPS and LUB
Amendments: Detached Secondary Suites; File #22-12 B

CHIEF ADMINISTRATIVE OFFICER REVIEW

As noted in previous reports, this recommendation and amendments reflect progressive steps towards the addition of housing opportunities within existing developed lots and areas.

I support the recommendation.

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Report Approved by:  _____
Mark Phillips, CAO



Appendix A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Sara Poirier, Senior Planner

Date: 2022-10-25

Subject: Hantsport MPS and LUB Amendments: Detached Secondary Suites; File #22-12 B

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending the Hantsport Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-12 dated October 13, 2022.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received on July 4, 2022, from the Family Resource Centre to amend all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

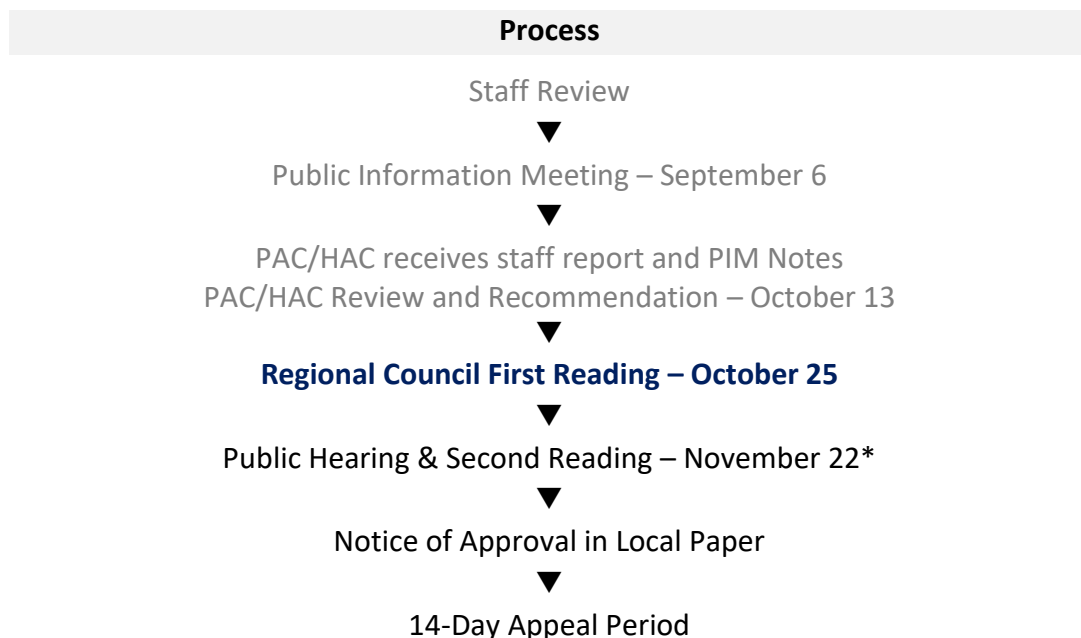
DISCUSSION

A Public Information Meeting was held on September 6, 2022.

On October 13, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). There was significant discussion at PAC/HAC on whether these detached secondary suites would be putting an additional burden on the current water supply in rural areas of the Municipality and on the potential for increased stormwater runoff on smaller lots due to increasing the lot coverage with a detached secondary suite. PAC/HAC recommended in favour of the amendments as drafted on October 13, 2022.

NEXT STEPS

The process for this application is as follows:



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of Council;

- provide alternative direction such as requesting further information on a specific topic.

APPENDICIES

Appendix A 2022-10-13 Staff Report: Hantsport MPS and LUB Amendments: Detached
Secondary Suites; File #22-12

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation as it helps to provide additional housing opportunities need in
the region.

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Report Approved by:  _____
Mark Phillips, CAO



Appendix A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-10-13

Subject: Hantsport MPS and LUB Amendments: Detached Secondary Suites; File #22-12

LEGISLATIVE AUTHORITY

Section 205 of the *Municipal Government Act*.

RECOMMENDATION

To allow detached secondary suites in the community of Hantsport, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-12 dated October 13, 2022.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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On January 26, 2021, the Family Resource Centre, a member of the West Hants Housing Coalition, applied for amendments to all planning documents in West Hants Regional Municipality to permit secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. These amendments were approved by Council on July 27, 2021.

On July 4, 2022, the Family Resource Centre applied for an amendment to all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

West Hants Regional Municipality has a separate Municipal Planning Strategy and Land Use By-law for each of Hantsport, Windsor and West Hants. The amendments for each set of documents must be considered separately. This report will deal only with the Hantsport Municipal Planning Strategy (HMPS) and Hantsport Land Use By-Law (HLUB). There will be duplication of material within the three reports, but this ensures that documentation for each separate amendment is complete.

DISCUSSION

A detached secondary suite may also be known elsewhere as a backyard suite, garage suite or garden suite. A detached secondary suite is accessory to the main dwelling and located in an accessory building which may include an existing garage, a converted outbuilding, or construction of a new building on site (Figure 1).

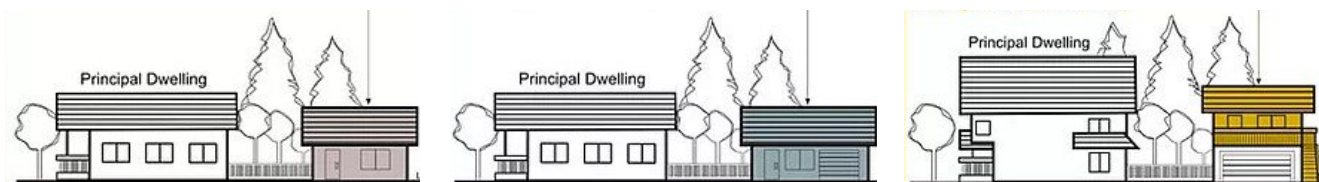


Figure 1: Examples of detached secondary suites

Markham.ca (2018)

In West Hants Regional Municipality, we need to ensure there are housing options for all residents, regardless of socio-economic status, age, or physical or mental ability. Detached secondary suites can provide rental opportunities in areas where there is typically little to no rental supply. This is particularly important in areas that primarily consist of single unit dwellings, as these areas leave renters with the option of either renting an entire house, which may not be affordable, or renting a room in a house, which they may not feel comfortable with. Detached secondary suites are also a good option for residents wishing to downsize and age-in-place, or those looking to enter the housing market and rent for the first time.

Detached secondary suites enable population density in established neighbourhoods with minimal effect on the overall appearance of the area and ensures efficient use of existing services in areas where municipal services are provided.

Provincial

Statements of Provincial Interest

The Province of Nova Scotia has six (6) Statements of Provincial Interests which are regulations made under the *Municipal Government Act* and provide municipalities guidance on certain aspects of development in the Province: drinking water, flood risk areas, agricultural land, infrastructure, housing and the development of the Nova Centre. The Statement of Provincial Interest related to housing specifies that the goal is to “provide housing opportunities to meet the needs of all Nova Scotians” by incorporating housing policies into the municipal planning documents which address affordable housing, special-needs housing, rental accommodation, and providing for manufactured housing.

All of the planning documents for the Region have housing policies and discuss residential development in specific communities. Part 4.11 of the WHMPS addresses the general policies for housing. Detached secondary suites help achieve this Provincial interest by providing an affordable housing option and rental accommodation that does not appear to increase density in low density neighbourhoods as the suites are located in a building accessory to a main dwelling unit.

Affordable Housing Commission Report

The Province currently reports that “11.4%, or 45,100, of Nova Scotian households are in core housing need” (Nova Scotia Municipal Affairs and Housing, January 2022). The Nova Scotia Affordable Housing Commission was formed in 2020 to develop recommendations to improve access to affordable housing in the Province. The report entitled “*Charting a New Course for Affordable Housing in Nova Scotia*” was released in May 2021 with 17 recommendations for the Province. Although not entirely related to detached secondary suites, recommendation 15 of that report was to “address the specific needs of rural and non-urban communities”. The issue facing rural and non-urban communities was described as the following: “Many non-urban and rural communities in Nova Scotia face shortages of affordable rental housing, a problem exacerbated by low incomes, diversifying and changing populations, conversion of permanent rental housing to short-term rental accommodations to support tourism, and lack of municipal infrastructure to attract investment and support real estate development.” One of the solutions discussed in the report is that “The Province must work with municipalities and other partners to offer more housing options in rural and non-urban communities.” Although the authors of the report are referring to Provincially provided affordable housing, the Municipality can enable more housing options, such as detached short term rentals, through its planning documents.

Municipal Supporting Documentation

Hantsport Municipal Planning Strategy

Section 3.2.6 of the Hantsport Municipal Planning Strategy (HMPS) discusses the general housing policies. These proposed amendments to allow detached secondary suites align with Council’s intent to provide diverse housing types to satisfy the housing needs of all residents in the Region.

Council Strategic Plan 2021-22

Theme 4, objective 3B of Council's 2021-22 Strategic Plan, as presented to Committee of the Whole on September 14, 2021, is to support affordable housing initiatives including creating or amending documents to support affordable housing. These proposed amendments directly align with this objective by creating more affordable home ownership and more affordable rental opportunities. Renting out a detached secondary suite can provide an additional source of income to the owner of the main dwelling unit. Allowing detached secondary suites can also increase rental opportunities in established neighbourhoods.

RAD Consulting Community Engagement Report

On February 23, 2021 Council approved in principle all recommendations presented in the RAD Consulting Community Engagement report. Recommendation 12 encourages Council to address affordable housing by considering options such as secondary and backyard suites. Permitting detached secondary suites would accomplish this recommendation.

Detached Secondary Suites in Other Municipalities and Towns

Halifax Regional Municipality (HRM)	On September 1, 2020 Halifax Regional Council approved amendments to the Regional Municipal Planning Strategy and all land use by-laws, with the exception of the Regional Centre Land Use By-law, to allow detached secondary suites accessory to single unit, two-unit or townhouse dwellings. Detached secondary suites in HRM must abide by the following: • be located on the same lot as the main dwelling; • be limited to one per lot; • have a maximum floor area of 90 sq. m. (968.75 sq. ft.) or the maximum floor area of an accessory building in that zone, whichever is less; and • meet the accessory buildings requirements. HRM did not include any parking requirements and did not require a minimum lot size for detached secondary suites. Where the main dwelling unit does not have a side yard on both sides, a detached secondary suite is still permitted to be constructed but must have unobstructed access to a public street.
East Hants	East Hants "encourages context sensitive density intensification and infill residential development" by allowing one accessory dwelling unit as an accessory use to a single unit dwelling or bed and breakfast accommodation. East Hants defines an attached secondary suite as "a self-contained accessory dwelling unit fully contained within and subordinate to a single unit dwelling or bed and breakfast." A detached secondary suite is defined as a "garden" or "garage" suite. On lots with an area of 600-650 sq. m., East Hants permits the maximum gross floor area of a detached secondary suite to be 80% of the gross floor area of the main dwelling up to 46 sq. m. (495.14 sq. ft.) gross floor area, whichever is less. For a lot area greater than 650 sq. m. (6996.54 sq. ft.) the maximum gross floor area for a detached secondary suite is permitted to be 80% of the gross

	floor area of the main dwelling up to up to 80 sq. m. (861 sq. ft.) gross floor area, whichever is less. Detached secondary suites in East Hants must follow design requirements including matching the main dwelling in building material type, cladding colour, roof type and pitch.
Kings County	Kings County only permits attached secondary suites in the Residential One Unit (R1) zone.
Town of Wolfville	The Town of Wolfville allows detached secondary suites accessory to a main dwelling in any zone, except the Low Density Residential - Restricted (R-1) zone. The floor area of a detached secondary suite must not exceed 40% of the dwelling floor area of the main dwelling and must not contain more than two (2) bedrooms. The detached secondary suites require parking and must meet other relevant zone standards (hard surface coverage, side yards, rear yards, etc.).

Draft Amendments

The amendments to the planning documents approved on July 27, 2021 were to allow secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. Those original amendments provide the foundation for the Planning and Heritage Advisory Committee and Council to now consider the proposed amendments to permit detached secondary suites accessory to single and two-unit dwellings. The draft amendments are located in Attachment B. The purple text shows the proposed amendments recommended by staff to allow detached secondary suites.

The National Building Code (NBC) defines a secondary suite as “a self-contained dwelling unit with a limited floor area which is contained within a house or another building which contains only residential occupancies. The Secondary Suite and the Main Suite must constitute a single real estate entity.” As noted in the definition the NBC requires a detached secondary suite to form a single real estate entity with the main dwelling unit it is accessory to, therefore the detached secondary suite must be located on the same lot as the main dwelling. The NBC also limits the size of a suite to 80% of the total floor area of the main dwelling unit to a maximum of 861 sq. ft. (80 sq. m.), and includes requirements for ceiling height, smoke alarms, separation of units, ventilation, egress, and heating systems to ensure both the secondary and main suites are safe for occupancy.

The requirements of accessory buildings will apply to detached secondary suites. This includes the requirement that the accessory building be a minimum of 2 m. (6.56 ft.) from the main building, a minimum of 1 m. (3.28 ft.) from the side and rear yards and be limited to a maximum of 5 m. (16.4 ft.) in height.

One secondary suite, whether attached or detached, will be permitted per dwelling unit of a single or two-unit dwelling. The other requirements for secondary suites, as outlined in Section 5.2.3 of the HLUB, would apply to detached secondary suites. This includes the requirement for

one parking spot per secondary suite. Staff would recommend not requiring the parking space for a secondary suite as individual property owners will determine if parking is needed for a specific unit and the requirement of a parking space may limit the opportunity to develop a secondary suite. However, PAC/HAC discussed the parking requirements in detail during the review of the original amendments in 2021 and determined that one parking space per secondary suite should be required. This should be reviewed again in the future.

Other amendments that are shown in dark blue in Attachment B are updates to the current documents based on Plan Review material accepted by PAC/HAC regarding accessory uses and structures. Staff determined it was appropriate to consider the interaction between the proposed amendments to allow detached secondary suites and the accepted material on accessory uses and buildings to mitigate any conflict. There was one conflict found between the PAC/HAC accepted WMPS Policy GP-2 and WLUB Section 5.1 (c) in relation to the PAC/HAC accepted definition for “accessory use”. At the time, PAC/HAC discussed the opportunity to allow accessory uses on a separate lot than the main use. For example, this may be required in agricultural areas where the main farm operation is on a separate lot from the dwelling. The accepted definition required the accessory use to be located on the same lot, therefore this part of the definition was removed.

WMPS General Criteria

The proposed amendments meet the general criteria for amendment set out in HMPS Policy 3.2.6. These criteria are examined in detail in Attachment A. In summary:

- the amendments are not premature or inappropriate;
- there are no concerns in relation to the pattern of development these amendments might create; and
- the Development Officer, Manager of Building and Fire Inspection Services and Municipal Project Engineer have no concerns.

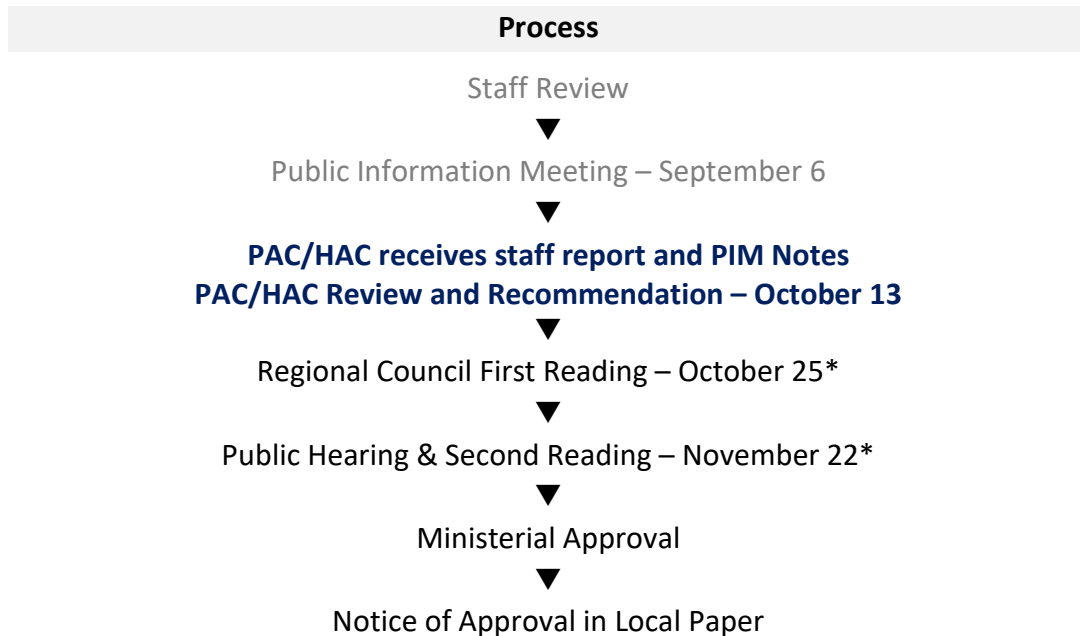
MUNICIPAL CLIMATE CHANGE ACTION PLAN

As these amendments are not related to a specific property the Municipal Climate Change Action Plan (MCCAP) for West Hants was not reviewed in detail in relation to this application. It is the responsibility of a property owner to ensure their site is suitable for any proposed uses.

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 proposed amendments to permit detached secondary suites accessory to single and two-unit dwellings reflect the intent of the existing policies of the Hantsport Municipal Planning

Strategy. As a result, staff recommends proceeding with the approval process for the proposed amendments.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There may be an increase in households using water, sewer, and waste disposal services in the area. However, the increased services are expected to be paid for, at least in part, by the municipal taxes and service charges for property owners who are installing secondary suites or the tenant who may cover some of these fees through their rent. Property owners will be responsible for ensuring services are provided to the secondary suites.

ALTERNATIVES

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

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

ATTACHMENTS

Attachment A General Criteria for Amendments

Attachment B	Draft Amendments
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Attachment A
General Criteria for Amendments

Policy 11.3.1 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
(a) whether the proposal is considered appropriate in terms of:	
(i) the adequacy of sewer and water services;	The Municipal Project Engineer stated that the proposed amendments are not premature or inappropriate in terms of the adequacy of sewer and water services within serviced areas of the Municipality.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection;	The Manager of Building and Fire Inspection Services has stated that they have no issues with the proposed amendments as they will now align with the National Building Code. They added that “the required side yard setbacks should be adequate for firefighting.”
(iv) the impact on adjacent uses;	Detached secondary suites are expected to have a minimal impact on adjacent uses, as they are limited by size. The secondary suite requires one (1) parking space which will mean slightly more traffic to a residential area.
(v) the adequacy of road networks adjacent to, or leading to the development; and	No comment was solicited from the Municipal or Provincial Traffic Authority in relation to these amendments as they are not specific to an individual property and a detached secondary suite accessory to a single or two-unit dwelling is not anticipated to increase traffic significantly.
(vi) the financial capacity of the Town to absorb any costs relating to the development.	The Family Resource Centre of West Hants is a registered non-profit society therefore no application fees were required for this planning applications as per the Regional Fees Policy. The advertising costs related to this application will be absorbed in the Planning and Development Department budget.

	There are no costs to the Municipality if this amendment were approved, as individual property owners would be required to pay the fees associated with developing a detached secondary suite on their lot.
(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	Not applicable as these proposed amendments do not apply to any particular lot.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	Not applicable. Individual lots will have to meet the proposed regulations to be permitted to develop a detached secondary suite. The Development Officer confirms the dimensions of the lot for the intended use at the development permit stage.
(d) the pattern of development which the proposal might create;	The Development Officer for the Municipality responded that “as Development Officer I have no concern regarding the pattern of development or any other development related comments with respect to the proposal to allow detached secondary suites.”
(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;	Not applicable as these proposed amendments do not apply to any particular lot.
(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	All Municipal, Provincial and Federal regulations will have to be met.
(g) the impact of not only the use being proposed but all uses permitted in the zone;	There is not anticipated to be a negative impact associated with allowing a detached secondary suite on a lot that already has a single or two-unit dwelling.
(h) the site meets all of the zone requirements of the zone sought; and	This is not a rezoning application. The Development Officer will confirm the dimensions

	of the lot for the intended use at the development permit stage.
(i) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.

Attachment B Draft Amendments

Note: coloured text indicates a change from the present HMPS or HLUB and is provided only for the convenience of PAC/HAC and Council. The purple text is proposed amendments recommended by staff; the dark blue amendments are updates to the current documents based on plan review material accepted by PAC/HAC regarding accessory uses and structures.

Text amendments to the Hantsport Municipal Planning Strategy and Land Use By-law to allow detached secondary suites accessory to single and two-unit dwellings.

Hantsport Municipal Planning Strategy

- 1. Amend parts of Section 3.2.6, *Housing*, in the Hantsport Municipal Planning Strategy to reference and provide opportunity for detached secondary suites so that Section 3.2.6 reads as follows:**

3.2.6 Housing

Council acknowledges that it is important to encourage the provision of housing that includes all residents in Hantsport regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community needs to provide diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. **A Secondary suites in a dwelling** can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure **they have minimal effect on the overall built form that the buildings retain the look of the original dwellings** and are compatible with the neighbourhood.

Policy

As a result, it shall be the policy of Council to:

- Policy GP-11** encourage the provision of housing adequate to meet the needs of all residents of Hantsport. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.
- Policy GP-12** provide for the development of a range of housing types in Hantsport.
- Policy GP-13** include flexible development standards which encourage innovative housing development in the Municipal Planning Strategy and Land Use By-law.

Policy GP-14 permit secondary suites **within and accessory to** single and two-unit dwellings in all **zones**, with regulation regarding the size, location and appearance of secondary suites to ensure the use remains small-scale and compatible with the neighborhood.

2. Create Section 3.2.7, *Accessory Uses and Buildings*, in the Hantsport Municipal Planning Strategy using the background and policies as accepted by PAC/HAC during plan review discussions so that Section 3.2.7 reads as follows:

3.2.7 Accessory Uses and Buildings

Accessory uses and buildings will be regulated to reduce the impact they may have on surrounding properties due to their size, number, location and when a building may be constructed, or a use initiated.

Council will permit construction of an accessory building before the main building since experience has shown that this is sometimes needed.

Policy

As a result, it shall be the policy of Council to:

GP-15 regulate accessory uses and buildings by:

- (a) regulating the number, size, location and height of accessory buildings; and
- (b) regulating the types, location, and size of accessory uses.

GP-16 permit accessory uses to be located on a lot held in the same ownership and:

- (a) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and
- (b) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.

GP-17 permit an accessory building to be constructed prior to construction of a main building only if development and building permits have been issued for the main building.

Hantsport Land Use By-law

3. Amend the definition of *Accessory Use* and *Secondary Suite* in Part 2, *Definitions*, of the Hantsport Land Use By-law so that the definitions read as follows:

ACCESSORY USE means a use subordinate **in impact** and naturally, customarily and normally incidental ~~and exclusively devoted~~ to a main use of land or building ~~and located on the same lot.~~

SECONDARY SUITE means a dwelling unit **either** within a dwelling unit or **within an accessory building on the same lot as the main dwelling unit and** limited to a maximum of (1) 80% of the total floor area of the dwelling unit if 80% is less than 862 sq. ft. (80 sq. m.) or (2) 862 sq. ft. (80 sq. m.) or (3) greater as established in the National Building Code.

4. Amend Section 5.1, *Accessory Buildings*, of the Hantsport Land Use By-law to include regulations that correspond to the material accepted by PAC/HAC during plan review discussions for accessory uses and buildings and to provide exemptions for detached secondary suites, so that Section 5.1 reads as follows:

5.0 General Provisions for all Zones

5.1 Accessory **Uses and Buildings**

(a) A detached accessory building may be permitted in any zone **and may be used only as an accessory use to the main building or use**, but shall not:

- (i) be used as a dwelling **unit except where a dwelling unit is a permitted accessory use**;
- (ii) be located within the front yard, in any Residential Zone;
- (iii) be permitted within the flanking yard on a corner lot;
- (iv) exceed 5 m in height; except in the Industrial (M) Zone;
- (v) be built within 2 m of the main structure;
- (vi) be considered an accessory building if attached to the main building by a common wall greater than 3 m in length;
- (vii) be built within 1 m of a lot line;
- (viii) exceed 90 m² in total ground floor area or 5% of the area of the lot, whichever is greater; and

(ix) be constructed prior to construction of a main building, unless development and building permits have been issued for the main building.

(b) Accessory buildings located in the Highway Commercial (C-2) Zone shall have a minimum required yard of 1.2 m and no maximum floor area.

(c) Accessory uses shall be located on a lot held in the same ownership and:

- (i) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and**
- (ii) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.**

(d) The requirements for secondary suites located in an accessory building shall be the same as the requirements for accessory uses and buildings except 5.1 (a)(viii) and 5.1 (c); the detached secondary suite shall only be limited by size in accordance with the definition and shall be located on the same lot as the main dwelling.

5. Amend the *Secondary Suites* section, in Part 5, *General Provisions for All Zones*, of the Hantsport Land Use By-law to provide regulations for detached secondary suites so that Section 5.23 reads as follows:

Secondary Suites

- (a) Secondary Suites are permitted **within or accessory to** single and two-unit dwellings in all zones.
- (b) In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:
 - (i) no more than one (1) secondary suite shall be permitted per dwelling unit;
 - (ii) ~~the~~ a secondary suite shall be contained within, attached to **or accessory to** the dwelling unit;
 - (ii)** no alterations shall change the roof line or increase the height of the existing dwelling unit except for the addition of dormers or structures necessary for public safety;
 - (iv)** no new entrances shall be created on the front façade of the **main** dwelling unit;
 - (v)** one (1) parking spaces shall be required for each secondary suite; and
 - (vi)** additions shall be limited to the rear yard of the dwelling.

Attachment C
Public Information Meeting Notes
September 6 - 23, 2022
File 22-13
Detached Secondary Suites

Meeting date and time	A Public Information Meeting was held on September 6, 2022 beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Councillor Ivey (Chair) Four (4) members of staff: • Planner Poirier • Director LeMay • Meeting Secretary Lake • CAO Mark Phillips The following members of the public requested invited to attend the PIM via Zoom: • Carol Bradley • Traci Curry • Virginia Douglas
Applicant Family Resource Centre Property N/A	Planner Poirier outlined the amendment application to permit detached secondary suites in West Hants Regional Municipality. The applicant did not make a formal presentation.
Comments	Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between September 6 – 23, 2022. 1 member of the public spoke at the Public Information Meeting and 3 letters of support were received via email. The questions and comments from the public are summarized below. The email responses are attached. The following comments and questions were made at the Public Information Meeting. Staff responses are included in purple text. • Will the detached secondary suite need its own septic tank/service and Nova Scotia Power meter?

	Sara commented that Public Works has confirmed that in serviced areas they will allow a second service to the detached secondary suite subject to specific requirements. In areas without municipal services the Building Official requires confirmation that the existing septic system can handle the increased demand. Sara added that she would check the Nova Scotia Power requirements for detached secondary suites. • What are the setback requirements? Sara responded that the setback requirements would be the same as an accessory building.
Adjournment	The meeting was adjourned at 6:11 p.m.



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

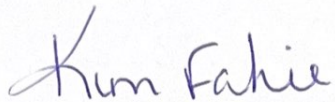
To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites (separate, free-standing buildings) to increase housing opportunities within the municipality. The addition of secondary suites was one step in providing additional and varied housing opportunities in our region and the requested amendment will further increase the housing opportunities available.

We are all well aware that the housing stock throughout the province and through our region is insufficient to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suite will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Detached Secondary Suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

A handwritten signature in blue ink that reads "Kim Fahie". The signature is written in a cursive, flowing style.

Kim Fahie
Executive Director
Family Resource Centre of West Hants

June 23, 2022

West Hants Regional Municipality
Planning Department & Council
76 Morison Drive
Windsor, NS

RE: Amending Planning Documents to Allow Detached Secondary Suites

I am writing in support of the application from Kayla Todd/Family Resource Centre to amend all applicable planning documents to permit detached secondary suites in the West Hants Regional Municipality.

As a member of the West Hants Housing Coalition and a concerned citizen, I am worried about the lack of available affordable housing in our region and the number of people and families who are experiencing homelessness or at risk of homelessness. While there are housing projects underway or in the application stage in our region, we don't know how many (if any) of these units will be truly affordable (tied to a percent of income rather than market rates).

The addition of secondary suites was a welcome first step in providing flexibility for homeowners who wish to provide housing within their dwelling. However, the options for internal secondary suites can be limited depending on home construction. Allowing detached secondary suites will provide greater flexibility for residents of the region who have space on their property to add a free-standing suite.

As a member of the Planning Advisory Committee, I welcome the application and opportunity to increase the housing options available in our region.

Sincerely,
Jennifer Nicholls
Cheverie

To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites to increase housing opportunities within the West Hants Regional Municipality.

We are all aware that the housing stock throughout the province and through our region is not enough to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suites will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Backyard suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

Amanda Dodsworth

Co-ordinator / Youth Outreach, Peer Outreach Support Services & Education



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Sara Poirier, Senior Planner

Date: 2022-11-22

Subject: West Hants MPS and LUB Amendments: Detached Secondary Suites; File #22-13 C

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to approve the amendments following Public Hearing, the following motion would be in order:

...that Council gives Second Reading to and approves amending the West Hants Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-13 dated October 13, 2022.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received on July 4, 2022, from the Family Resource Centre to amend all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

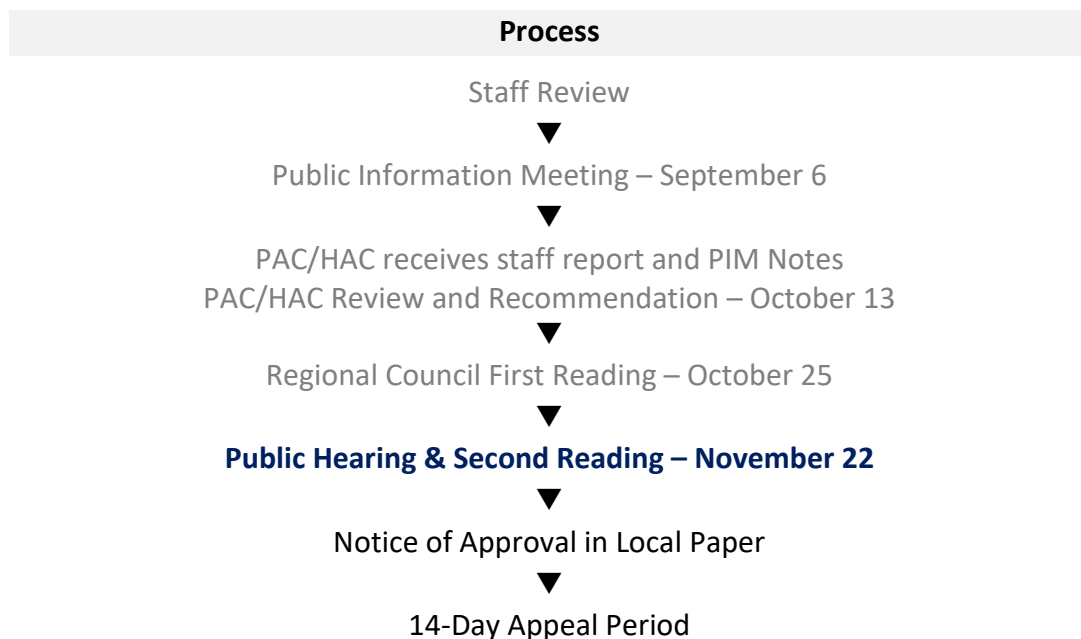
A Public Information Meeting was held on September 6, 2022.

On October 13, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC). PAC/HAC recommended in favour of the amendments as drafted on October 13, 2022.

On October 22, 2022, staff presented the PAC/HAC recommendation to Council for First Reading (Appendix A).

NEXT STEPS

The process for this application is as follows:



APPENDICIES

Appendix A 2022-10-25 PAC/HAC Recommendation to Council: West Hants MPS and LUB
Amendments: Detached Secondary Suites; File #22-13 B

CHIEF ADMINISTRATIVE OFFICER REVIEW

As noted in previous reports, this recommendation and amendments reflect progressive steps towards the addition of housing opportunities within existing developed lots and areas.

I support the recommendation.

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Report Approved by:  _____
Mark Phillips, CAO



Appendix A

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, Senior Planner

Date: 2022-10-25

Subject: West Hants MPS and LUB Amendments: Detached Secondary Suites; File #22-13 B

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending the West Hants Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-13 dated October 13, 2022.

BACKGROUND

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

A completed application was received on July 4, 2022, from the Family Resource Centre to amend all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

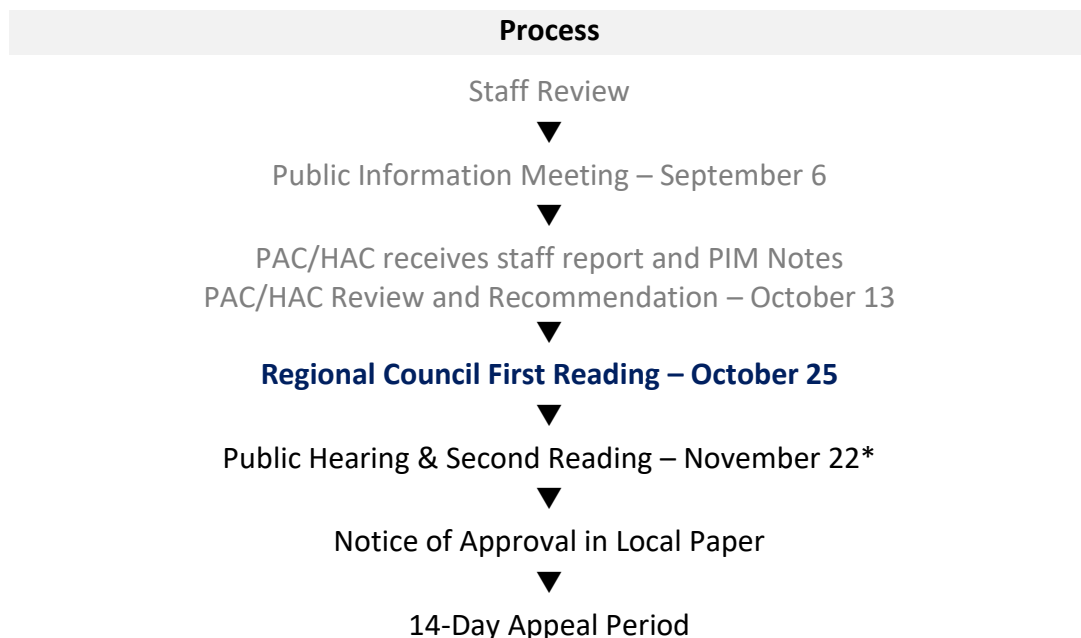
DISCUSSION

A Public Information Meeting was held on September 6, 2022.

On October 13, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). There was significant discussion at PAC/HAC on whether these detached secondary suites would be putting an additional burden on the current water supply in rural areas of the Municipality and on the potential for increased stormwater runoff on smaller lots due to increasing the lot coverage with a detached secondary suite. PAC/HAC recommended in favour of the amendments as drafted on October 13, 2022.

NEXT STEPS

The process for this application is as follows:



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of Council;

- provide alternative direction such as requesting further information on a specific topic.

APPENDICIES

Appendix A 2022-10-13 Staff Report: West Hants MPS and LUB Amendments: Detached
Secondary Suites; File #22-13

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation. As a single consideration among others the recommendation and permanent single detached suites provide support for the development of additional housing within existing developed areas.

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Report Approved by:  _____
Mark Phillips, CAO

Appendix A



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-10-13

Subject: West Hants MPS and LUB Amendments: Detached Secondary Suites; File #22-13

LEGISLATIVE AUTHORITY

Section 205 of the *Municipal Government Act*.

RECOMMENDATION

To allow detached secondary suites in West Hants Regional Municipality, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the West Hants Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-13 dated October 13, 2022.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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On January 26, 2021, the Family Resource Centre, a member of the West Hants Housing Coalition, applied for amendments to all planning documents in West Hants Regional Municipality to permit secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. These amendments were approved by Council on July 27, 2021.

On July 4, 2022, the Family Resource Centre applied for an amendment to all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

West Hants Regional Municipality has a separate Municipal Planning Strategy and Land Use By-law for each of Hantsport, Windsor and West Hants. The amendments for each set of documents must be considered separately. This report will deal only with the West Hants Municipal Planning Strategy (WHMPS) and West Hants Land Use By-Law (WHLUB). There will be duplication of material within the three reports, but this ensures that documentation for each separate amendment is complete.

DISCUSSION

A detached secondary suite may also be known elsewhere as a backyard suite, garage suite or garden suite. A detached secondary suite is accessory to the main dwelling and located in an accessory building which may include an existing garage, a converted outbuilding, or construction of a new building on site (Figure 1).

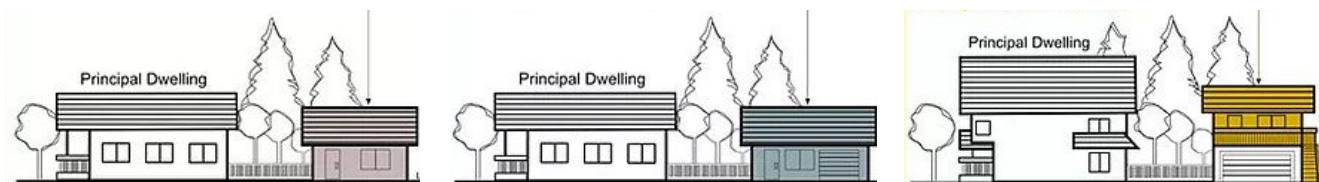


Figure 1: Examples of detached secondary suites

Markham.ca (2018)

In West Hants Regional Municipality, we need to ensure there are housing options for all residents, regardless of socio-economic status, age, or physical or mental ability. Detached secondary suites can provide rental opportunities in areas where there is typically little to no rental supply. This is particularly important in areas that primarily consist of single unit dwellings, as these areas leave renters with the option of either renting an entire house, which may not be affordable, or renting a room in a house, which they may not feel comfortable with. Detached secondary suites are also a good option for residents wishing to downsize and age-in-place, or those looking to enter the housing market and rent for the first time.

Detached secondary suites enable population density in established neighbourhoods with minimal effect on the overall appearance of the area and ensures efficient use of existing services in areas where municipal services are provided.

Provincial

Statements of Provincial Interest

The Province of Nova Scotia has six (6) Statements of Provincial Interests which are regulations made under the *Municipal Government Act* and provide municipalities guidance on certain aspects of development in the Province: drinking water, flood risk areas, agricultural land, infrastructure, housing and the development of the Nova Centre. The Statement of Provincial Interest related to housing specifies that the goal is to “provide housing opportunities to meet the needs of all Nova Scotians” by incorporating housing policies into the municipal planning documents which address affordable housing, special-needs housing, rental accommodation, and providing for manufactured housing.

All of the planning documents for the Region have housing policies and discuss residential development in specific communities. Part 4.11 of the WHMPS addresses the general policies for housing. Detached secondary suites help achieve this Provincial interest by providing an affordable housing option and rental accommodation that does not appear to increase density in low density neighbourhoods as the suites are located in a building accessory to a main dwelling unit.

Affordable Housing Commission Report

The Province currently reports that “11.4%, or 45,100, of Nova Scotian households are in core housing need” (Nova Scotia Municipal Affairs and Housing, January 2022). The Nova Scotia Affordable Housing Commission was formed in 2020 to develop recommendations to improve access to affordable housing in the Province. The report entitled “*Charting a New Course for Affordable Housing in Nova Scotia*” was released in May 2021 with 17 recommendations for the Province. Although not entirely related to detached secondary suites, recommendation 15 of that report was to “address the specific needs of rural and non-urban communities”. The issue facing rural and non-urban communities was described as the following: “Many non-urban and rural communities in Nova Scotia face shortages of affordable rental housing, a problem exacerbated by low incomes, diversifying and changing populations, conversion of permanent rental housing to short-term rental accommodations to support tourism, and lack of municipal infrastructure to attract investment and support real estate development.” One of the solutions discussed in the report is that “The Province must work with municipalities and other partners to offer more housing options in rural and non-urban communities.” Although the authors of the report are referring to Provincially provided affordable housing, the Municipality can enable more housing options, such as detached short term rentals, through its planning documents.

Municipal Supporting Documentation

West Hants Municipal Planning Strategy

Section 4.11 of the West Hants Municipal Planning Strategy (WHMPS) discusses the general housing policies. These proposed amendments to allow detached secondary suites align with Council’s intent to provide diverse housing types to satisfy the housing needs of all residents in the Region.

Council Strategic Plan 2021-22

Theme 4, objective 3B of Council's 2021-22 Strategic Plan, as presented to Committee of the Whole on September 14, 2021, is to support affordable housing initiatives including creating or amending documents to support affordable housing. These proposed amendments directly align with this objective by creating more affordable home ownership and more affordable rental opportunities. Renting out a detached secondary suite can provide an additional source of income to the owner of the main dwelling unit. Allowing detached secondary suites can also increase rental opportunities in established neighbourhoods.

RAD Consulting Community Engagement Report

On February 23, 2021 Council approved in principle all recommendations presented in the RAD Consulting Community Engagement report. Recommendation 12 encourages Council to address affordable housing by considering options such as secondary and backyard suites. Permitting detached secondary suites would accomplish this recommendation.

Detached Secondary Suites in Other Municipalities and Towns

Halifax Regional Municipality (HRM)	On September 1, 2020 Halifax Regional Council approved amendments to the Regional Municipal Planning Strategy and all land use by-laws, with the exception of the Regional Centre Land Use By-law, to allow detached secondary suites accessory to single unit, two-unit or townhouse dwellings. Detached secondary suites in HRM must abide by the following: • be located on the same lot as the main dwelling; • be limited to one per lot; • have a maximum floor area of 90 sq. m. (968.75 sq. ft.) or the maximum floor area of an accessory building in that zone, whichever is less; and • meet the accessory buildings requirements. HRM did not include any parking requirements and did not require a minimum lot size for detached secondary suites. Where the main dwelling unit does not have a side yard on both sides, a detached secondary suite is still permitted to be constructed but must have unobstructed access to a public street.
East Hants	East Hants "encourages context sensitive density intensification and infill residential development" by allowing one accessory dwelling unit as an accessory use to a single unit dwelling or bed and breakfast accommodation. East Hants defines an attached secondary suite as "a self-contained accessory dwelling unit fully contained within and subordinate to a single unit dwelling or bed and breakfast." A detached secondary suite is defined as a "garden" or "garage" suite. On lots with an area of 600-650 sq. m., East Hants permits the maximum gross floor area of a detached secondary suite to be 80% of the gross floor area of the main dwelling up to 46 sq. m. (495.14 sq. ft.) gross floor area, whichever is less. For a lot area greater than 650 sq. m. (6996.54 sq. ft.) the maximum gross floor area for a detached secondary suite is permitted to be 80% of the gross

	floor area of the main dwelling up to up to 80 sq. m. (861 sq. ft.) gross floor area, whichever is less. Detached secondary suites in East Hants must follow design requirements including matching the main dwelling in building material type, cladding colour, roof type and pitch.
Kings County	Kings County only permits attached secondary suites in the Residential One Unit (R1) zone.
Town of Wolfville	The Town of Wolfville allows detached secondary suites accessory to a main dwelling in any zone, except the Low Density Residential - Restricted (R-1) zone. The floor area of a detached secondary suite must not exceed 40% of the dwelling floor area of the main dwelling and must not contain more than two (2) bedrooms. The detached secondary suites require parking and must meet other relevant zone standards (hard surface coverage, side yards, rear yards, etc.).

Draft Amendments

The amendments to the planning documents approved on July 27, 2021 were to allow secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. Those original amendments provide the foundation for the Planning and Heritage Advisory Committee and Council to now consider the proposed amendments to permit detached secondary suites accessory to single and two-unit dwellings. The draft amendments are located in Attachment B. The purple text shows the proposed amendments recommended by staff to allow detached secondary suites.

The National Building Code (NBC) defines a secondary suite as “a self-contained dwelling unit with a limited floor area which is contained within a house or another building which contains only residential occupancies. The Secondary Suite and the Main Suite must constitute a single real estate entity.” As noted in the definition the NBC requires a detached secondary suite to form a single real estate entity with the main dwelling unit it is accessory to, therefore the detached secondary suite must be located on the same lot as the main dwelling. The NBC also limits the size of a suite to 80% of the total floor area of the main dwelling unit to a maximum of 861 sq. ft. (80 sq. m.), and includes requirements for ceiling height, smoke alarms, separation of units, ventilation, egress, and heating systems to ensure both the secondary and main suites are safe for occupancy.

The requirements of accessory buildings will apply to detached secondary suites. This includes the requirement that the accessory building be a minimum of 6 ft. (1.83 m.) from the main building, a minimum of 4 ft. (1.22 m.) from the side and rear yards and be limited to a maximum of 20 ft. (6.10 m.) in height.

One secondary suite, whether attached or detached, will be permitted per dwelling unit of a single or two-unit dwelling. The other requirements for secondary suites, as outlined in Section 5.57 and 5.58 of the WHLUB, would apply to detached secondary suites. This includes the

requirement for one parking spot per secondary suite. Staff would recommend not requiring the parking space for a secondary suite as individual property owners will determine if parking is needed for a specific unit and the requirement of a parking space may limit the opportunity to develop a secondary suite. However, PAC/HAC discussed the parking requirements in detail during the review of the original amendments in 2021 and determined that one parking space per secondary suite should be required. This should be reviewed again in the future.

Other amendments that are shown in dark blue in Attachment B are updates to the current documents based on Plan Review material accepted by PAC/HAC regarding accessory uses and structures. Staff determined it was appropriate to consider the interaction between the proposed amendments to allow detached secondary suites and the accepted material on accessory uses and buildings to mitigate any conflict. There was one conflict found between the PAC/HAC accepted WHMPS Policy GP-2 and WHLUB Section 5.1 (g) in relation to the PAC/HAC accepted definition for “accessory use”. At the time, PAC/HAC discussed the opportunity to allow accessory uses on a separate lot than the main use. For example, this may be required in agricultural areas where the main farm operation is on a separate lot from the dwelling. The accepted definition required the accessory use to be located on the same lot, therefore this part of the definition was removed.

WHMPS General Criteria

The proposed amendments meet the general criteria for amendment set out in WHMPS Policy 16.3.1. These criteria are examined in detail in Attachment A. In summary:

- the amendments are not premature or inappropriate;
- detached secondary suites are capable of being serviced by on-site water and sewer in unserviced areas and Municipal water and sewer in serviced areas;
- there are no concerns in relation to the pattern of development these amendments might create; and
- the Development Officer, Manager of Building and Fire Inspection Services and Municipal Project Engineer have no concerns.

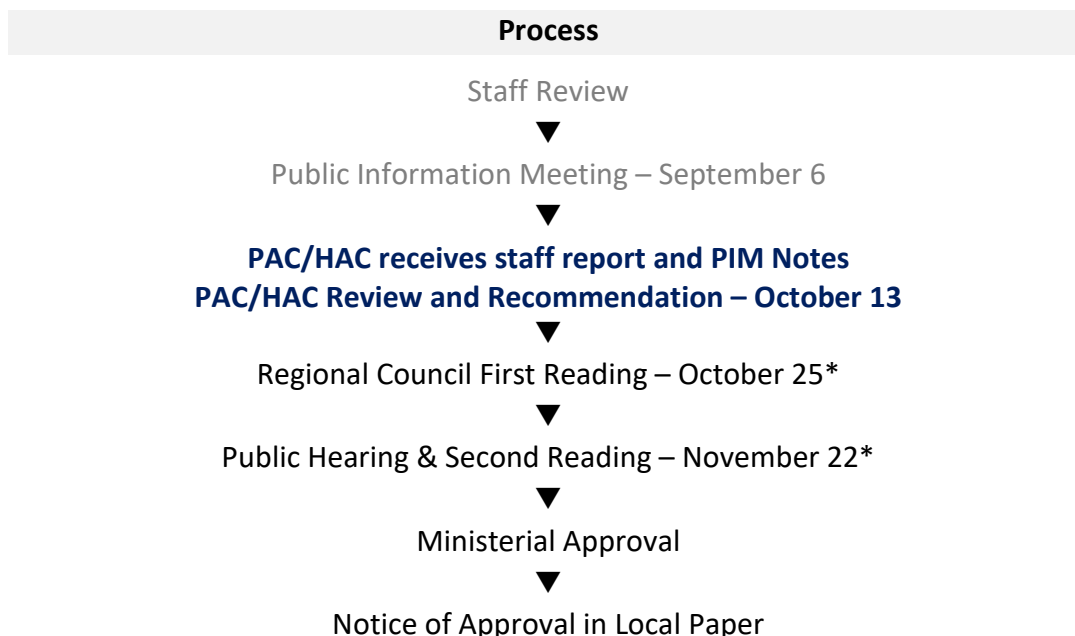
MUNICIPAL CLIMATE CHANGE ACTION PLAN

As these amendments are not related to a specific property the Municipal Climate Change Action Plan (MCCAP) for West Hants was not reviewed in detail in relation to this application. It is the responsibility of a property owner to ensure their site is suitable for any proposed uses.

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WHMPS and are consistent with the intent, objectives and policies of the WHMPS. The proposed amendments to permit detached secondary suites accessory to single

and two-unit dwellings reflect the intent of the existing policies of the West Hants Municipal Planning Strategy. As a result, staff recommends proceeding with the approval process for the proposed amendments.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There may be an increase in households using water, sewer, and waste disposal services in the area. However, the increased services are expected to be paid for, at least in part, by the municipal taxes and service charges for property owners who are installing secondary suites or the tenant who may cover some of these fees through their rent. Property owners will be responsible for ensuring services are provided to the secondary suites.

ALTERNATIVES

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

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

ATTACHMENTS

Attachment A	General Criteria for Amendments
Attachment B	Draft Amendments
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Attachment A
General Criteria for Amendments

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
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Municipal Project Engineer stated that the proposed amendments are not premature or inappropriate in terms of the adequacy of sewer and water services within serviced areas of the Municipality.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection and other emergency services;	The Manager of Building and Fire Inspection Services has stated that they have no issues with the proposed amendments as they will now align with the National Building Code. They added that “the required side yard setbacks should be adequate for firefighting.”
(iv) the adequacy of road networks adjacent to, or leading to the development; and	No comment was solicited from the Municipal or Provincial Traffic Authority in relation to these amendments as they are not specific to an individual property and a detached secondary suite accessory to a single or two-unit dwelling is not anticipated to increase traffic significantly.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	The Family Resource Centre of West Hants is a registered non-profit society therefore no application fees were required for this planning applications as per the Regional Fees Policy. The advertising costs related to this application will be absorbed in the Planning and Development Department budget. There are no costs to the Municipality if this amendment were approved, as individual property owners would be required to pay the fees associated with developing a detached secondary suite on their lot.

(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;	In areas where Municipal sewer and water services are available, the Municipal Project Engineer responded that “residents would be allowed additional service laterals to a secondary suite (i.e., garage, shed, etc.) on a property.” He added that Public Works would support either an extension of an existing lateral or installation of a separate lateral to the secondary suite subject to the following: “(i) if connecting to existing water lateral, the new connection to the secondary suite must be made on the private (homeowner) side of the water meter; (ii) sanitary connections longer than 30.0m must be installed with a wye-type cleanout in a location approved by the Municipal Engineer, per Section 6.2.1.11(d) of our new specs; (iii) if installing a new water and/or sewer lateral, the new service lateral must not be within 1000mm of an adjacent service or pipe joint on the main. This is per Section 33 11 00 (Part 3.10.2) of the Standard Specifications for Municipal Services (Blue Book).” On properties without Municipal sewer and water services Nova Scotia Environment allows two dwellings located on the same lot to use the same septic system. The Building Official would require confirmation from a professional that a new septic system or existing system is capable of handling the extra demand.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	Not applicable as these proposed amendments do not apply to any particular lot.
(d) the adequacy of the dimensions and shape of the lot for the intended use;	Not applicable. Individual lots will have to meet the proposed regulations to be permitted to develop a detached secondary suite. The Development Officer confirms the dimensions of

	the lot for the intended use at the development permit stage.
(e) the pattern of development which the proposal might create;	The Development Officer for the Municipality responded that “as Development Officer I have no concern regarding the pattern of development or any other development related comments with respect to the proposal to allow detached secondary suites.”
(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;	Not applicable as these proposed amendments do not apply to any particular lot.
(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	All Municipal, Provincial and Federal regulations will have to be met.
(h) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.

Attachment B Draft Amendments

Note: coloured text indicates a change from the present WHMPS or WHLUB and is provided only for the convenience of PAC/HAC and Council. The purple text is proposed amendments recommended by staff; the dark blue amendments are updates to the current documents based on plan review material accepted by PAC/HAC regarding accessory uses and structures.

Text amendments to the West Hants Municipal Planning Strategy and Land Use By-law to allow detached secondary suites accessory to single and two-unit dwellings.

West Hants Municipal Planning Strategy

1. Replace Section 4.1, *Accessory Uses, Buildings and Structures*, in the West Hants Municipal Planning Strategy with the *Accessory Uses and Buildings* background and policies as accepted by PAC/HAC during plan review discussions so that Section 4.1 reads as follows:

4.0 GENERAL LAND USE POLICIES

~~4.1 Accessory Uses, Building and Structures~~

~~Where the Land Use By law provides that any land, building or structure may be used for a purpose, the purpose includes any accessory use unless specifically prohibited.~~

~~**Policy 4.1.1** It shall be the policy of Council to regulate accessory uses in the Land Use By law.~~

~~**Policy 4.1.2** It shall be the policy of Council to prohibit the use of an accessory building for human habitation unless a dwelling is permitted as an accessory use.~~

~~**Policy 4.1.3** It shall be the policy of Council that accessory buildings or structures will not be considered as accessory if attached to the main building or located completely underground.~~

~~**Policy 4.1.4** It shall be the policy of Council that accessory uses and buildings must be located on the same lot as the main use unless specifically permitted by the Land Use By law.~~

4.1 Accessory Uses and Buildings

Accessory uses and buildings will be regulated to reduce the impact they may have on surrounding properties due to their size, number, location and when a building may be constructed, or a use initiated.

Council will permit construction of an accessory building before the main building since experience has shown that this is sometimes needed.

Policy

As a result, it shall be the policy of Council to:

GP-1 regulate accessory uses and buildings by:

- (a) regulating the number, size, location and height of accessory buildings; and
- (b) regulating the type, location, and size of accessory uses.

GP-2 permit accessory uses to be located on a lot held in the same ownership and:

- (a) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and**
- (b) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.**

GP-3 permit an accessory building to be constructed prior to construction of a main building only if development and building permits have been issued for the main building.

- 2. Amend parts of Section 4.11, *Housing*, in the West Hants Municipal Planning Strategy to reference and provide opportunity for detached secondary suites so that Section 4.11 reads as follows:**

4.11 Housing

Council acknowledges it is important to encourage the provision of housing that includes all residents in West Hants regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families mean that a community needs to enable diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. ~~A Secondary suites in a dwelling~~ can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure ~~they have minimal effect on the overall built form that the buildings retain the look of the original dwellings~~ and are compatible with the neighbourhood.

Policy

As a result, it shall be the policy of Council to:

Policy 4.11.1 encourage the provision of housing adequate to meet the needs of all residents in West Hants. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.

Policy 4.11.2 provide for the development of a range of housing types in West Hants.

Policy 4.11.3 include flexible development standards which encourage innovative housing development in the Municipal Planning Strategy and Land Use By-law.

Policy 4.11.4 permit secondary suites **within and accessory to** single and two-unit dwellings in all **zones**, with regulation regarding the size, location and appearance of

secondary suites to ensure the use remains small-scale and compatible with the neighborhood.

3. Amend the background information on *Servicing Policies* in Section 15.1, *Water and Sewer*, in the West Hants Municipal Planning Strategy so that it reads as follows:

Servicing Policies

Municipal sewer and water infrastructure is costly to install and maintain. Council wishes to encourage development that makes maximum use of the existing infrastructure within the service area boundaries (Growth Centres). Other policies of this Strategy address infill development on existing undersized lots, multiple residential development in appropriate locations, and secondary suites **within and accessory to** single and two-unit dwellings. Policies for grouped dwellings encourage more compact cluster developments that use less land and are more economical to service.

West Hants Land Use By-law

4. Amend Section 5.1, *Accessory Buildings and Structures*, of the West Hants Land Use By-law to include regulations that correspond to the material accepted by PAC/HAC during plan review discussions for accessory uses and buildings and to provide exemptions for detached secondary suites, so that Section 5.1 reads as follows:

5.0 GENERAL PROVISIONS FOR ALL ZONES

Accessory **Uses and Buildings and Structures**

5.1

(a) An accessory building or structure is permitted in any zone and may be used only as an accessory use to the main building or use, but it shall not:

- (i) be used as a dwelling unit except where a dwelling **unit** is a permitted accessory use;
- (ii) be built within 6 ft. (1.83 m.) of the main building;
- (iii) be built closer to the street than the main building on the lot except in the Prime Agriculture (P/Ag) zone;
- (iv) be built closer to any lot line than the minimum setback required in the zone for the main building, except that:
 - Common garages for semi-detached dwellings may be centred on a mutual side lot line;
 - Garages, ~~and~~ storage sheds **and detached secondary suites** may be built a minimum of 4 ft. (1.22 m.) from the side and rear lot lines;

- Boat houses and docks may be built to the lot line where the lot line corresponds to the water's edge.

(b) Notwithstanding clauses (iii) and (iv) of Section 5.1(a), an accessory building or structure may be located in the front yard or a lot but in no case shall be less than 60 ft. (18.29 m.) from the front lot line.

(c) Notwithstanding anything else in this By-law, awnings, clothesline poles, flag poles, garden trellises, retaining walls, ornamental fountains, statues, monuments, memorials and fences shall be exempt from any requirement under subsection (a).

(d) No accessory building or structure shall be constructed:

(i) ~~prior to the time of construction of the main building to which it is accessory~~ **prior to construction of a main building, unless development and building permits have been issued for the main building**, except that a boat house, dock or storage shed may be built prior to construction of a seasonal dwelling only on a lot located in the General Resource (GR) zone; or

(ii) prior to the establishment of the main use of the land where no main building is to be built.

(e) The maximum height of an accessory building shall not exceed 20 ft. (6.10 m.) except:

(i) where a specific zone expressly permits a greater height; or

(ii) where a main building is 2.5 storeys in height or higher, the maximum height of an accessory building shall not exceed two-thirds (2/3) the height of the main building or 30 ft. (9.14 m.), whichever is less.

(f) Accessory buildings which are erected and regularly used as part of a main agricultural activity on lots used for agricultural purposes may be used for other purposes which support the agriculture use, including but not limited to commercial indoor storage of recreational vehicles, boats, and cars in accordance with Section 5.19.

(g) Accessory uses shall be located on a lot held in the same ownership and:

(i) **within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and**

(ii) **on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.**

(h) The requirements for accessory uses and buildings shall apply to detached secondary suites with the exception of 5.1(g): detached secondary suites shall be located on the same lot as the main dwelling.

5. Amend the *Secondary Suites* section, in Part 5, *General Provisions for All Zones*, of the West Hants Land Use By-law to provide regulations for detached secondary suites so that Section 5.57 and 5.58 reads as follows:

Secondary Suites

- 5.57 Secondary Suites are permitted **within or accessory to** single and two-unit dwellings in all zones.
- 5.58 In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:
- (a) no more than one (1) secondary suite shall be permitted per dwelling unit;
 - (b) ~~the a~~ secondary suite shall be contained within, attached to or **accessory** to the dwelling unit;
 - (c) no alterations shall change the roof line or increase the height of the existing dwelling unit except for the addition of dormers or structures necessary for public safety;
 - (d) no new entrances shall be created on the front façade of the dwelling unit;
 - (e) one (1) parking space shall be required for each secondary suite; and
 - (f) additions shall be limited to the rear yard of the dwelling unit.

6. Amend the definition of *Accessory Use* and *Secondary Suite* in Part 35, *Definitions*, of the West Hants Land Use By-law so that the definitions read as follows:

Accessory Use means a use subordinate **in impact** and naturally, customarily and normally incidental ~~to and exclusively devoted~~ to a main use of land or building ~~and located on the same lot.~~

Secondary Suite means a dwelling unit **either** within a dwelling unit or **within an accessory building on the same lot as the main dwelling unit and** limited to a maximum of (1) 80% of the total floor area of the dwelling unit if 80% is less than 862 sq. ft. (80 sq. m.) or (2) 862 sq. ft. (80 sq. m.) or (3) greater as established in the National Building Code.

Attachment C
Public Information Meeting Notes
September 6 - 23, 2022
File 22-13
Detached Secondary Suites

Meeting date and time	A Public Information Meeting was held on September 6, 2022 beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Councillor Ivey (Chair) Four (4) members of staff: • Planner Poirier • Director LeMay • Meeting Secretary Lake • CAO Mark Phillips The following members of the public requested invited to attend the PIM via Zoom: • Carol Bradley • Traci Curry • Virginia Douglas
Applicant Family Resource Centre Property N/A	Planner Poirier outlined the amendment application to permit detached secondary suites in West Hants Regional Municipality. The applicant did not make a formal presentation.
Comments	Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between September 6 – 23, 2022. 1 member of the public spoke at the Public Information Meeting and 3 letters of support were received via email. The questions and comments from the public are summarized below. The email responses are attached. The following comments and questions were made at the Public Information Meeting. Staff responses are included in purple text. • Will the detached secondary suite need its own septic tank/service and Nova Scotia Power meter?

	Sara commented that Public Works has confirmed that in serviced areas they will allow a second service to the detached secondary suite subject to specific requirements. In areas without municipal services the Building Official requires confirmation that the existing septic system can handle the increased demand. Sara added that she would check the Nova Scotia Power requirements for detached secondary suites. • What are the setback requirements? Sara responded that the setback requirements would be the same as an accessory building.
Adjournment	The meeting was adjourned at 6:11 p.m.



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

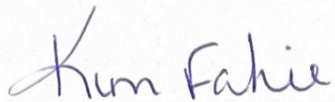
To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites (separate, free-standing buildings) to increase housing opportunities within the municipality. The addition of secondary suites was one step in providing additional and varied housing opportunities in our region and the requested amendment will further increase the housing opportunities available.

We are all well aware that the housing stock throughout the province and through our region is insufficient to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suite will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Detached Secondary Suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

A handwritten signature in blue ink that reads "Kim Fahie". The signature is written in a cursive, flowing style.

Kim Fahie
Executive Director
Family Resource Centre of West Hants

June 23, 2022

West Hants Regional Municipality
Planning Department & Council
76 Morison Drive
Windsor, NS

RE: Amending Planning Documents to Allow Detached Secondary Suites

I am writing in support of the application from Kayla Todd/Family Resource Centre to amend all applicable planning documents to permit detached secondary suites in the West Hants Regional Municipality.

As a member of the West Hants Housing Coalition and a concerned citizen, I am worried about the lack of available affordable housing in our region and the number of people and families who are experiencing homelessness or at risk of homelessness. While there are housing projects underway or in the application stage in our region, we don't know how many (if any) of these units will be truly affordable (tied to a percent of income rather than market rates).

The addition of secondary suites was a welcome first step in providing flexibility for homeowners who wish to provide housing within their dwelling. However, the options for internal secondary suites can be limited depending on home construction. Allowing detached secondary suites will provide greater flexibility for residents of the region who have space on their property to add a free-standing suite.

As a member of the Planning Advisory Committee, I welcome the application and opportunity to increase the housing options available in our region.

Sincerely,
Jennifer Nicholls
Cheverie

To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites to increase housing opportunities within the West Hants Regional Municipality.

We are all aware that the housing stock throughout the province and through our region is not enough to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suites will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Backyard suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

Amanda Dodsworth

Co-ordinator / Youth Outreach, Peer Outreach Support Services & Education



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Sara Poirier, Senior Planner

Date: 2022-11-22

Subject: Windsor MPS and LUB Amendments: Detached Secondary Suites; File #22-14
C

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to approve the amendments following Public Hearing, the following motion would be in order:

...that Council gives Second Reading to and approves amending the Windsor Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-14 dated October 13, 2022.

BACKGROUND

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

A completed application was received on July 4, 2022, from the Family Resource Centre to amend all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

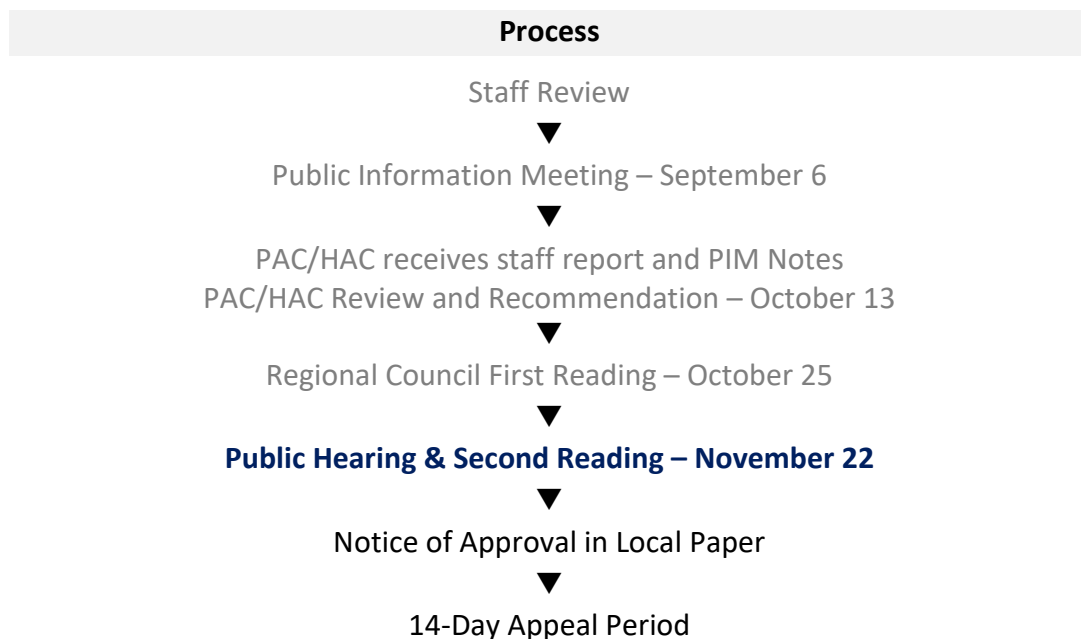
A Public Information Meeting was held on September 6, 2022.

On October 13, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC). PAC/HAC recommended in favour of the amendments as drafted on October 13, 2022.

On October 22, 2022 staff presented the PAC/HAC recommendation to Council for First Reading (Appendix A).

NEXT STEPS

The process for this application is as follows:



APPENDICIES

Appendix A 2022-10-25 PAC/HAC Recommendation to Council: Windsor MPS and LUB
Amendments: Detached Secondary Suites; File #22-14 B

CHIEF ADMINISTRATIVE OFFICER REVIEW

As noted in previous reports, this recommendation and amendments reflect progressive steps towards the addition of housing opportunities within existing developed lots and areas.

I support the recommendation.

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Report Approved by:  _____
Mark Phillips, CAO



Appendix A

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, Senior Planner

Date: 2022-10-25

Subject: Windsor MPS and LUB Amendments: Detached Secondary Suites; File #22-14 B

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-14 dated October 13, 2022.

BACKGROUND

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

A completed application was received on July 4, 2022, from the Family Resource Centre to amend all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

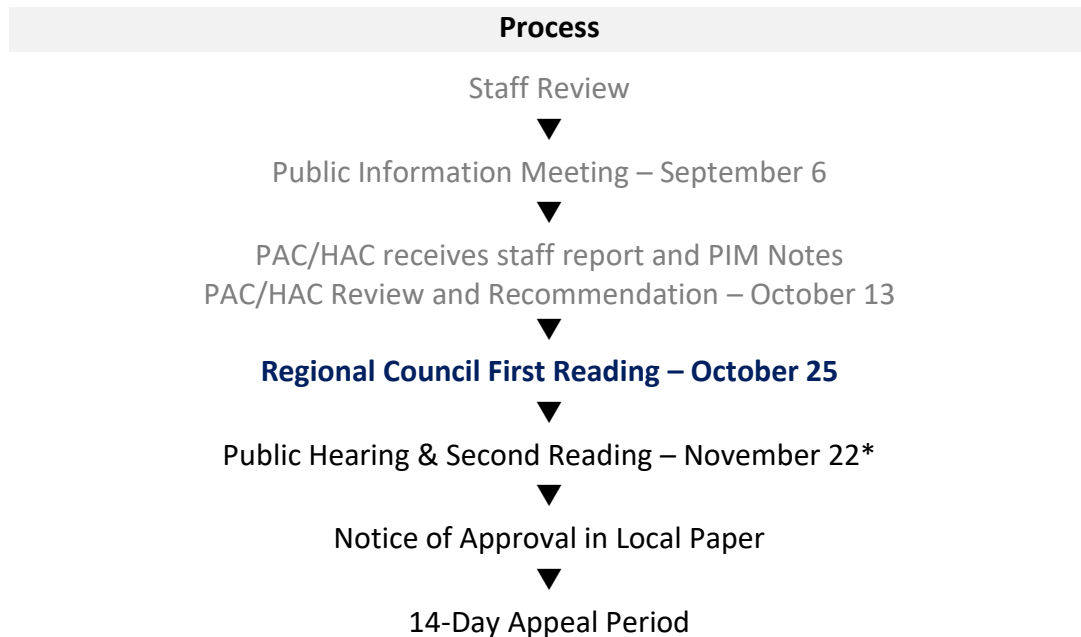
DISCUSSION

A Public Information Meeting was held on September 6, 2022.

On October 13, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). There was significant discussion at PAC/HAC on whether these detached secondary suites would be putting an additional burden on the current water supply in rural areas of the Municipality and on the potential for increased stormwater runoff on smaller lots due to increasing the lot coverage with a detached secondary suite. PAC/HAC recommended in favour of the amendments as drafted on October 13, 2022.

NEXT STEPS

The process for this application is as follows:



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A 2022-10-13 Staff Report: Windsor MPS and LUB Amendments: Detached Secondary Suites; File #22-14

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation. As a single consideration, among others, the recommendation and permanent detached secondary suites provide support for the development of additional housing within existing developed areas.

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Report Approved by:  _____
Mark Phillips, CAO

Appendix A



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-10-13

Subject: Windsor MPS and LUB Amendments: Detached Secondary Suites; File #22-14

LEGISLATIVE AUTHORITY

Section 205 of the *Municipal Government Act*.

RECOMMENDATION

To allow detached secondary suites in the community of Windsor, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-14 dated October 13, 2022.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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On January 26, 2021, the Family Resource Centre, a member of the West Hants Housing Coalition, applied for amendments to all planning documents in West Hants Regional Municipality to permit secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. These amendments were approved by Council on July 27, 2021.

On July 4, 2022, the Family Resource Centre applied for an amendment to all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

West Hants Regional Municipality has a separate Municipal Planning Strategy and Land Use By-law for each of Hantsport, Windsor and West Hants. The amendments for each set of documents must be considered separately. This report will deal only with the Windsor Municipal Planning Strategy (WMPS) and Windsor Land Use By-Law (WLUB). There will be duplication of material within the three reports, but this ensures that documentation for each separate amendment is complete.

DISCUSSION

A detached secondary suite may also be known elsewhere as a backyard suite, garage suite or garden suite. A detached secondary suite is accessory to the main dwelling and located in an accessory building which may include an existing garage, a converted outbuilding, or construction of a new building on site (Figure 1).

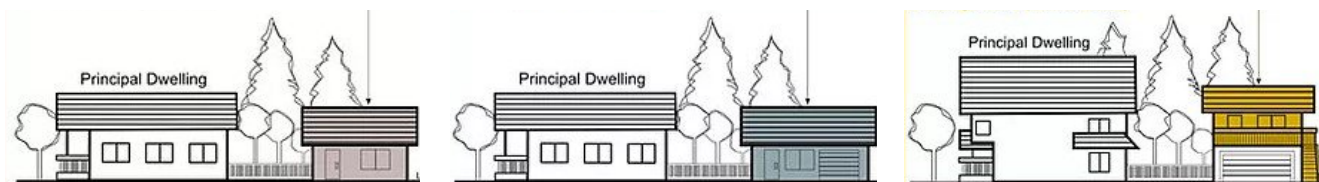


Figure 1: Examples of detached secondary suites

Markham.ca (2018)

In West Hants Regional Municipality, we need to ensure there are housing options for all residents, regardless of socio-economic status, age, or physical or mental ability. Detached secondary suites can provide rental opportunities in areas where there is typically little to no rental supply. This is particularly important in areas that primarily consist of single unit dwellings, as these areas leave renters with the option of either renting an entire house, which may not be affordable, or renting a room in a house, which they may not feel comfortable with. Detached secondary suites are also a good option for residents wishing to downsize and age-in-place, or those looking to enter the housing market and rent for the first time.

Detached secondary suites enable population density in established neighbourhoods with minimal effect on the overall appearance of the area and ensures efficient use of existing services in areas where municipal services are provided.

Provincial

Statements of Provincial Interest

The Province of Nova Scotia has six (6) Statements of Provincial Interests which are regulations made under the *Municipal Government Act* and provide municipalities guidance on certain aspects of development in the Province: drinking water, flood risk areas, agricultural land, infrastructure, housing and the development of the Nova Centre. The Statement of Provincial Interest related to housing specifies that the goal is to “provide housing opportunities to meet the needs of all Nova Scotians” by incorporating housing policies into the municipal planning documents which address affordable housing, special-needs housing, rental accommodation, and providing for manufactured housing.

All of the planning documents for the Region have housing policies and discuss residential development in specific communities. Part 4.11 of the WHMPS addresses the general policies for housing. Detached secondary suites help achieve this Provincial interest by providing an affordable housing option and rental accommodation that does not appear to increase density in low density neighbourhoods as the suites are located in a building accessory to a main dwelling unit.

Affordable Housing Commission Report

The Province currently reports that “11.4%, or 45,100, of Nova Scotian households are in core housing need” (Nova Scotia Municipal Affairs and Housing, January 2022). The Nova Scotia Affordable Housing Commission was formed in 2020 to develop recommendations to improve access to affordable housing in the Province. The report entitled “*Charting a New Course for Affordable Housing in Nova Scotia*” was released in May 2021 with 17 recommendations for the Province. Although not entirely related to detached secondary suites, recommendation 15 of that report was to “address the specific needs of rural and non-urban communities”. The issue facing rural and non-urban communities was described as the following: “Many non-urban and rural communities in Nova Scotia face shortages of affordable rental housing, a problem exacerbated by low incomes, diversifying and changing populations, conversion of permanent rental housing to short-term rental accommodations to support tourism, and lack of municipal infrastructure to attract investment and support real estate development.” One of the solutions discussed in the report is that “The Province must work with municipalities and other partners to offer more housing options in rural and non-urban communities.” Although the authors of the report are referring to Provincially provided affordable housing, the Municipality can enable more housing options, such as detached short term rentals, through its planning documents.

Municipal Supporting Documentation

Windsor Municipal Planning Strategy

Section 4.18 of the Windsor Municipal Planning Strategy (WMPS) discusses the general housing policies. These proposed amendments to allow detached secondary suites align with Council’s intent to provide diverse housing types to satisfy the housing needs of all residents in the Region.

Council Strategic Plan 2021-22

Theme 4, objective 3B of Council's 2021-22 Strategic Plan, as presented to Committee of the Whole on September 14, 2021, is to support affordable housing initiatives including creating or amending documents to support affordable housing. These proposed amendments directly align with this objective by creating more affordable home ownership and more affordable rental opportunities. Renting out a detached secondary suite can provide an additional source of income to the owner of the main dwelling unit. Allowing detached secondary suites can also increase rental opportunities in established neighbourhoods.

RAD Consulting Community Engagement Report

On February 23, 2021 Council approved in principle all recommendations presented in the RAD Consulting Community Engagement report. Recommendation 12 encourages Council to address affordable housing by considering options such as secondary and backyard suites. Permitting detached secondary suites would accomplish this recommendation.

Detached Secondary Suites in Other Municipalities and Towns

Halifax Regional Municipality (HRM)	On September 1, 2020 Halifax Regional Council approved amendments to the Regional Municipal Planning Strategy and all land use by-laws, with the exception of the Regional Centre Land Use By-law, to allow detached secondary suites accessory to single unit, two-unit or townhouse dwellings. Detached secondary suites in HRM must abide by the following: • be located on the same lot as the main dwelling; • be limited to one per lot; • have a maximum floor area of 90 sq. m. (968.75 sq. ft.) or the maximum floor area of an accessory building in that zone, whichever is less; and • meet the accessory buildings requirements. HRM did not include any parking requirements and did not require a minimum lot size for detached secondary suites. Where the main dwelling unit does not have a side yard on both sides, a detached secondary suite is still permitted to be constructed but must have unobstructed access to a public street.
East Hants	East Hants "encourages context sensitive density intensification and infill residential development" by allowing one accessory dwelling unit as an accessory use to a single unit dwelling or bed and breakfast accommodation. East Hants defines an attached secondary suite as "a self-contained accessory dwelling unit fully contained within and subordinate to a single unit dwelling or bed and breakfast." A detached secondary suite is defined as a "garden" or "garage" suite. On lots with an area of 600-650 sq. m., East Hants permits the maximum gross floor area of a detached secondary suite to be 80% of the gross floor area of the main dwelling up to 46 sq. m. (495.14 sq. ft.) gross floor area, whichever is less. For a lot area greater than 650 sq. m. (6996.54 sq. ft.) the maximum gross floor area for a detached secondary suite is permitted to be 80% of the gross

	floor area of the main dwelling up to up to 80 sq. m. (861 sq. ft.) gross floor area, whichever is less. Detached secondary suites in East Hants must follow design requirements including matching the main dwelling in building material type, cladding colour, roof type and pitch.
Kings County	Kings County only permits attached secondary suites in the Residential One Unit (R1) zone.
Town of Wolfville	The Town of Wolfville allows detached secondary suites accessory to a main dwelling in any zone, except the Low Density Residential - Restricted (R-1) zone. The floor area of a detached secondary suite must not exceed 40% of the dwelling floor area of the main dwelling and must not contain more than two (2) bedrooms. The detached secondary suites require parking and must meet other relevant zone standards (hard surface coverage, side yards, rear yards, etc.).

Draft Amendments

The amendments to the planning documents approved on July 27, 2021 were to allow secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. Those original amendments provide the foundation for the Planning and Heritage Advisory Committee and Council to now consider the proposed amendments to permit detached secondary suites accessory to single and two-unit dwellings. The draft amendments are located in Attachment B. The purple text shows the proposed amendments recommended by staff to allow detached secondary suites.

The National Building Code (NBC) defines a secondary suite as “a self-contained dwelling unit with a limited floor area which is contained within a house or another building which contains only residential occupancies. The Secondary Suite and the Main Suite must constitute a single real estate entity.” As noted in the definition the NBC requires a detached secondary suite to form a single real estate entity with the main dwelling unit it is accessory to, therefore the detached secondary suite must be located on the same lot as the main dwelling. The NBC also limits the size of a suite to 80% of the total floor area of the main dwelling unit to a maximum of 861 sq. ft. (80 sq. m.), and includes requirements for ceiling height, smoke alarms, separation of units, ventilation, egress, and heating systems to ensure both the secondary and main suites are safe for occupancy.

The requirements of accessory buildings will apply to detached secondary suites. This includes the requirement that the accessory building be a minimum of 6 ft. (1.83 m.) from the main building, a minimum of 4 ft. (1.22 m.) from the side and rear yards and be limited to a maximum of 20 ft. (6.10 m.) in height.

One secondary suite, whether attached or detached, will be permitted per dwelling unit of a single or two-unit dwelling. The other requirements for secondary suites, as outlined in Section 5.45 and 5.46 of the WLUB, would apply to detached secondary suites. This includes the

requirement for one parking spot per secondary suite. Staff would recommend not requiring the parking space for a secondary suite as individual property owners will determine if parking is needed for a specific unit and the requirement of a parking space may limit the opportunity to develop a secondary suite. However, PAC/HAC discussed the parking requirements in detail during the review of the original amendments in 2021 and determined that one parking space per secondary suite should be required. This should be reviewed again in the future.

Other amendments that are shown in dark blue in Attachment B are updates to the current documents based on Plan Review material accepted by PAC/HAC regarding accessory uses and structures. Staff determined it was appropriate to consider the interaction between the proposed amendments to allow detached secondary suites and the accepted material on accessory uses and buildings to mitigate any conflict. There was one conflict found between the PAC/HAC accepted WMPS Policy GP-2 and WLUB Section 5.1 (d) in relation to the PAC/HAC accepted definition for “accessory use”. At the time, PAC/HAC discussed the opportunity to allow accessory uses on a separate lot than the main use. For example, this may be required in agricultural areas where the main farm operation is on a separate lot from the dwelling. The accepted definition required the accessory use to be located on the same lot, therefore this part of the definition was removed.

WMPS General Criteria

The proposed amendments meet the general criteria for amendment set out in WMPS Policy 16.3.1. These criteria are examined in detail in Attachment A. In summary:

- the amendments are not premature or inappropriate;
- there are no concerns in relation to the pattern of development these amendments might create; and
- the Development Officer, Manager of Building and Fire Inspection Services and Municipal Project Engineer have no concerns.

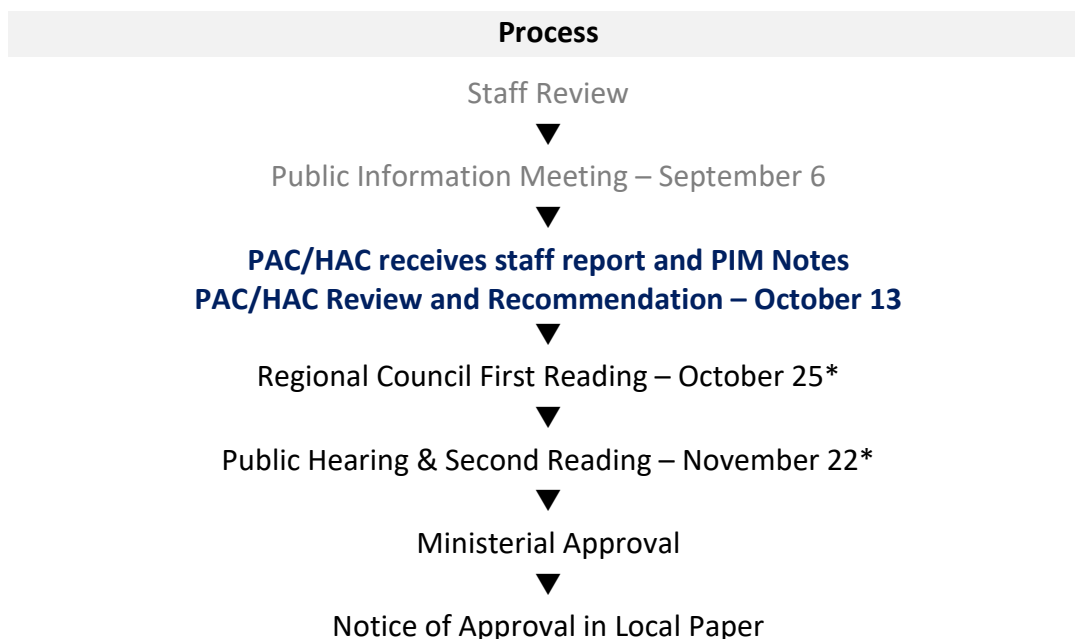
MUNICIPAL CLIMATE CHANGE ACTION PLAN

As these amendments are not related to a specific property the Municipal Climate Change Action Plan (MCCAP) for Windsor was not reviewed in detail in relation to this application. It is the responsibility of a property owner to ensure their site is suitable for any proposed uses.

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS and are consistent with the intent, objectives and policies of the WMPS. The proposed amendments to permit detached secondary suites accessory to single and two-unit dwellings reflect the intent of the existing policies of the Windsor Municipal

Planning Strategy. As a result, staff recommends proceeding with the approval process for the proposed amendments.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There may be an increase in households using water, sewer, and waste disposal services in the area. However, the increased services are expected to be paid for, at least in part, by the municipal taxes and service charges for property owners who are installing secondary suites or the tenant who may cover some of these fees through their rent. Property owners will be responsible for ensuring services are provided to the secondary suites.

ALTERNATIVES

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

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

ATTACHMENTS

Attachment A General Criteria for Amendments

Attachment B	Draft Amendments
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Attachment A
General Criteria for Amendments

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
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Municipal Project Engineer stated that the proposed amendments are not premature or inappropriate in terms of the adequacy of sewer and water services within serviced areas of the Municipality.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection;	The Manager of Building and Fire Inspection Services has stated that they have no issues with the proposed amendments as they will now align with the National Building Code. They added that “the required side yard setbacks should be adequate for firefighting.”
(iv) the adequacy of road networks adjacent to, or leading to the development; and	No comment was solicited from the Municipal or Provincial Traffic Authority in relation to these amendments as they are not specific to an individual property and a detached secondary suite accessory to a single or two-unit dwelling is not anticipated to increase traffic significantly.
(v) the financial capacity of the Town to absorb any costs relating to the development.	The Family Resource Centre of West Hants is a registered non-profit society therefore no application fees were required for this planning applications as per the Regional Fees Policy. The advertising costs related to this application will be absorbed in the Planning and Development Department budget. There are no costs to the Municipality if this amendment were approved, as individual property owners would be required to pay the fees associated with developing a detached secondary suite on their lot.

(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	Not applicable as these proposed amendments do not apply to any particular lot.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	Not applicable. Individual lots will have to meet the proposed regulations to be permitted to develop a detached secondary suite. The Development Officer confirms the dimensions of the lot for the intended use at the development permit stage.
(d) the pattern of development which the proposal might create;	The Development Officer for the Municipality responded that “as Development Officer I have no concern regarding the pattern of development or any other development related comments with respect to the proposal to allow detached secondary suites.”
(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;	Not applicable as these proposed amendments do not apply to any particular lot.
(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	All Municipal, Provincial and Federal regulations will have to be met.
(g) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.

Attachment B Draft Amendments

Note: coloured text indicates a change from the present WMPS or WLUB and is provided only for the convenience of PAC/HAC and Council. The purple text is proposed amendments recommended by staff; the dark blue amendments are updates to the current documents based on plan review material accepted by PAC/HAC regarding accessory uses and structures.

Text amendments to the Windsor Municipal Planning Strategy and Land Use By-law to allow detached secondary suites accessory to single and two-unit dwellings.

Windsor Municipal Planning Strategy

- 1. Replace Section 4.1, *Accessory Uses*, in the Windsor Municipal Planning Strategy with the *Accessory Uses and Buildings* background and policies as accepted by PAC/HAC during plan review discussions so that Section 4.1 reads as follows:**

4.0 GENERAL LAND USE POLICIES

4.1 Accessory Uses

~~Whenever a use is permitted pursuant to provisions of a land use zone it is intended that uses, buildings or structures normally incidental, accessory or essential to the primary permitted use may also be permitted, unless the Land Use By law expressly states otherwise.~~

~~**Policy 4.1.1** It shall be the policy of Council to regulate accessory uses in the Land Use By law.~~

~~**Policy 4.1.2** It shall be the policy of Council to prohibit the use of an accessory building for human habitation unless a dwelling unit is permitted as an accessory use.~~

~~**Policy 4.1.3** It shall be the policy of Council that accessory buildings or structures will not be considered as accessory if attached to the main building or located completely underground.~~

~~**Policy 4.1.4** It shall be the policy of Council that accessory uses and buildings must be located on the same lot as the main use unless specifically permitted by the Land Use By law.~~

4.1 Accessory Uses and Buildings

Accessory uses and buildings will be regulated to reduce the impact they may have on surrounding properties due to their size, number, location and when a building may be constructed, or a use initiated.

Council will permit construction of an accessory building before the main building since experience has shown that this is sometimes needed.

Policy

As a result, it shall be the policy of Council to:

GP-1 regulate accessory uses and buildings by:

- (a) regulating the number, size, location and height of accessory buildings; and**
- (b) regulating the type, location, and size of accessory uses.**

GP-2 permit accessory uses to be located on a lot held in the same ownership and:

- (a) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and**
- (b) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.**

GP-3 permit an accessory building to be constructed prior to construction of a main building only if development and building permits have been issued for the main building.

- 2. Amend parts of Section 4.18, *Housing*, in the Windsor Municipal Planning Strategy to reference and provide opportunity for detached secondary suites so that Section 4.18 reads as follows:**

4.18 Housing

Council acknowledges it is important to encourage the provision of housing that includes all residents in Windsor regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community needs to provide diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. **A Secondary suites ~~in a dwelling~~ can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure ~~they have minimal effect on the overall built form that the buildings retain the look of the original dwellings~~ and are compatible with the neighbourhood.**

Policy

As a result, it shall be the policy of Council to:

- Policy 4.18.1** encourage the provision of housing adequate to meet the needs of all residents of Windsor. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.
- Policy 4.18.2** provide for the development of a range of housing types in Windsor.
- Policy 4.18.3** include flexible development standards which encourage innovative housing development in the **Municipal Planning Strategy and** Land Use By-law.
- Policy 4.18.4** permit secondary suites **within and accessory to** single and two-unit dwellings in all **zones**, with regulation regarding the size, location and appearance of

secondary suites to ensure the use remains small-scale and compatible with the neighborhood.

Windsor Land Use By-law

- 3. Amend Section 5.1, *Accessory Buildings and Structures*, of the Windsor Land Use By-law to include regulations that correspond to the material accepted by PAC/HAC during plan review discussions for accessory uses and buildings and to provide exemptions for detached secondary suites, so that Section 5.1 reads as follows:**

5.0 GENERAL PROVISIONS FOR ALL ZONES

Accessory ~~Uses and Buildings~~ ~~and Structures~~

5.1

(a) An accessory building or structure is permitted in any zone and may be used only as an accessory use to the main building or use, but it shall not:

- (i) be used as a dwelling unit except where a dwelling **unit** is a permitted accessory use;
- (ii) be built in the front yard of any lot;
- (iii) be built within 6 ft (1.83 m) of the main building;
- (iv) be built closer to the front and side lot lines than the setback required in the zone for the main building;
- (v) be built closer than 4 ft (1.22 m) to any lot line, except:
 - in the Agriculture (AG) zone where accessory buildings shall be a minimum of 10 ft (3.05 m) from any lot line;
 - common garages for semi-detached dwellings which may be centred on a mutual side lot line;
 - boat houses and docks which may be built to the lot line where the lot line corresponds to the water's edge;
- (vi) when built on a corner lot, be located in the rear or side yard which is adjacent to the street.

(b) Notwithstanding anything else in this By-law, awnings, clothesline poles, flag poles, garden trellises, retaining walls, ornamental fountains, statues, monuments, ramps, and fences shall be exempt from any requirement under subsection (a).

(c) No accessory building or structure shall be constructed:

- (i) prior to ~~the time of construction of the main building to which it is accessory~~ prior to **construction of a main building, unless development and building permits have been issued for the main building;** or
- (ii) prior to the establishment of the main use of the land where no main building is to be built.

(d) Accessory uses shall be located on a lot held in the same ownership and:

- (i) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and
 - (ii) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.
- (e) Detached secondary suites shall follow the requirements for accessory uses and buildings except 5.1 (d); the detached secondary suite shall be located on the same lot as the main dwelling.

4. Amend the *Secondary Suites* section, in Part 5, *General Provisions for All Zones*, of the Windsor Land Use By-law to provide regulations for detached secondary suites so that Section 5.45 and 5.46 reads as follows:

Secondary Suites

- 5.45 Secondary Suites are permitted **within or accessory to** single and two-unit dwellings in all zones.
- 5.46 In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:
- (a) no more than one (1) secondary suite shall be permitted on any lot;
 - (b) ~~the a~~ secondary suite shall be contained within, attached to or **accessory** to the dwelling unit;
 - (c) no alterations shall change the roof line or increase the height of the existing dwelling unit except for the addition of dormers or structures necessary for public safety;
 - (d) no new entrances shall be created on the front façade of the dwelling unit;
 - (e) one (1) parking space shall be required for each secondary suite; and
 - (f) additions shall be limited to the rear yard of the dwelling unit.

5. Amend the definition of *Accessory Use* and *Secondary Suite* in Part 31, *Definitions*, of the Windsor Land Use By-law so that the definitions read as follows:

Accessory Use means ~~the a use of land or a building or portion thereof customarily incidental and subordinate in impact and naturally, customarily and normally incidental to a main the principal use of the land or building and located on the same lot~~

Secondary Suite means a dwelling unit **either** within a dwelling unit or **within an accessory building on the same lot as the main dwelling unit and** limited to a maximum of (1) 80% of the

total floor area of the dwelling unit if 80% is less than 862 sq. ft. (80 sq. m.) or (2) 862 sq. ft. (80 sq. m.) or (3) greater as established in the National Building Code.

Attachment C
Public Information Meeting Notes
September 6 - 23, 2022
File 22-13
Detached Secondary Suites

Meeting date and time	A Public Information Meeting was held on September 6, 2022 beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Councillor Ivey (Chair) Four (4) members of staff: • Planner Poirier • Director LeMay • Meeting Secretary Lake • CAO Mark Phillips The following members of the public requested invited to attend the PIM via Zoom: • Carol Bradley • Traci Curry • Virginia Douglas
Applicant Family Resource Centre Property N/A	Planner Poirier outlined the amendment application to permit detached secondary suites in West Hants Regional Municipality. The applicant did not make a formal presentation.
Comments	Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between September 6 – 23, 2022. 1 member of the public spoke at the Public Information Meeting and 3 letters of support were received via email. The questions and comments from the public are summarized below. The email responses are attached. The following comments and questions were made at the Public Information Meeting. Staff responses are included in purple text. • Will the detached secondary suite need its own septic tank/service and Nova Scotia Power meter?

	Sara commented that Public Works has confirmed that in serviced areas they will allow a second service to the detached secondary suite subject to specific requirements. In areas without municipal services the Building Official requires confirmation that the existing septic system can handle the increased demand. Sara added that she would check the Nova Scotia Power requirements for detached secondary suites. • What are the setback requirements? Sara responded that the setback requirements would be the same as an accessory building.
Adjournment	The meeting was adjourned at 6:11 p.m.



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

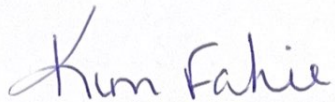
To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites (separate, free-standing buildings) to increase housing opportunities within the municipality. The addition of secondary suites was one step in providing additional and varied housing opportunities in our region and the requested amendment will further increase the housing opportunities available.

We are all well aware that the housing stock throughout the province and through our region is insufficient to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suite will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Detached Secondary Suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

A handwritten signature in blue ink that reads "Kim Fahie". The signature is written in a cursive, flowing style.

Kim Fahie
Executive Director
Family Resource Centre of West Hants

June 23, 2022

West Hants Regional Municipality
Planning Department & Council
76 Morison Drive
Windsor, NS

RE: Amending Planning Documents to Allow Detached Secondary Suites

I am writing in support of the application from Kayla Todd/Family Resource Centre to amend all applicable planning documents to permit detached secondary suites in the West Hants Regional Municipality.

As a member of the West Hants Housing Coalition and a concerned citizen, I am worried about the lack of available affordable housing in our region and the number of people and families who are experiencing homelessness or at risk of homelessness. While there are housing projects underway or in the application stage in our region, we don't know how many (if any) of these units will be truly affordable (tied to a percent of income rather than market rates).

The addition of secondary suites was a welcome first step in providing flexibility for homeowners who wish to provide housing within their dwelling. However, the options for internal secondary suites can be limited depending on home construction. Allowing detached secondary suites will provide greater flexibility for residents of the region who have space on their property to add a free-standing suite.

As a member of the Planning Advisory Committee, I welcome the application and opportunity to increase the housing options available in our region.

Sincerely,
Jennifer Nicholls
Cheverie

To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites to increase housing opportunities within the West Hants Regional Municipality.

We are all aware that the housing stock throughout the province and through our region is not enough to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suites will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Backyard suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

Amanda Dodsworth

Co-ordinator / Youth Outreach, Peer Outreach Support Services & Education



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Sara Poirier, Senior Planner

Date: 2022-11-22

Subject: West Hants Land Use By-law Amendments: Portion of PID 45190386, Wentworth Road, and PID 45366457, Cole Drive, Garlands Crossing; File #22-17 C

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to approve the amendments following Public Hearing, the following motion would be in order:

...that Council gives Second Reading to and approves amending the zoning map of the West Hants Land Use By-law to rezone a portion of the lot located at PID 45190386, Wentworth Road, Garlands Crossing from the Agricultural Priority Three (AR-3) Zone to the Multiple Residential (R-3) Zone and rezone a portion of the lot located at PID 45366457, Cole Drive, Garlands Crossing from the Joint Industrial Type Three (LI-3) zone to the Multiple Residential (R-3) zone, as shown on Figure 3, and amends the text of the West Hants Land Use By-law to reduce the minimum lot specification requirements for PID 45190386 and 45366457 owned by J. D. Irving Limited on Wentworth Road and Cole Drive, in a manner substantively the same as the draft set out in Attachment A of the report File #22-17 to the Planning and Heritage Advisory Committee dated October 13, 2022.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received on August 10, 2022, from Chrystal Fuller from Brighter Community Planning & Consulting on behalf of Mitch Brison of Brison Developments with authorization from Nick Valcour on behalf of the property owner J. D. Irving Limited. The application is to consider amending the map of the West Hants Land Use By-law (WHLUB) to rezone a portion of PID 45190386 and a portion of PID 45366457 to permit residential development and amend the text of the WHLUB to allow reduced minimum lot specifications to conform with the Crossing development agreement (2019).

PID 45366457 is currently designated Joint Industrial Park. A MPS designation change for the lot will be considered through “File 22-05 Windsor/West Hants MPS and LUB Amendments - Cole Drive, Windsor/Garlands Crossing”.

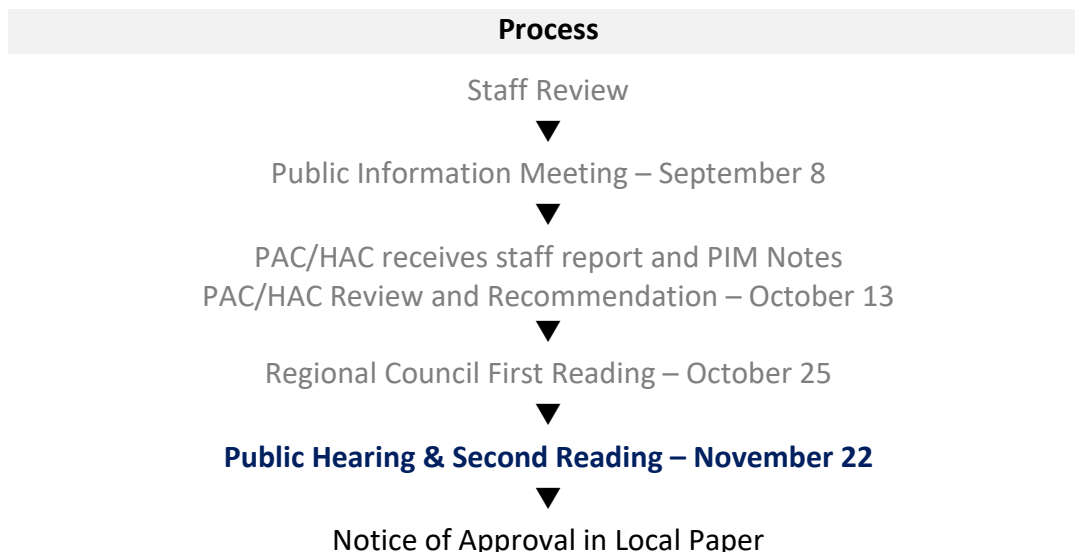
A Public Information Meeting was held on September 8, 2022.

On October 13, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC). PAC/HAC recommended in favour of the amendments as drafted on October 13, 2022.

On October 22, staff presented the PAC/HAC recommendation to Council for First Reading (Appendix A).

NEXT STEPS

The process for this application is as follows:





14-Day Appeal Period

APPENDICIES

Appendix A 2022-10-22 PAC/HAC Recommendation to Council: West Hants Land Use By-law Amendments: Portion of PID 45190386, Wentworth Road, and PID 45366457, Cole Drive, Garlands Crossing; File #22-17 B

CHIEF ADMINISTRATIVE OFFICER REVIEW

The recommendation and related amendments will allow for future residential development of the noted PIDs in a manner similar to the current style reflected in The Crossing. The change of use and anticipated residential development will help provide capacity and accommodate the growth of the municipality and much needed housing.

I support the recommendation.

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Report Approved by:  _____
Mark Phillips, CAO



Appendix A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Sara Poirier, Senior Planner

Date: 2022-10-25

Subject: West Hants Land Use By-law Amendments: Portion of PID 45190386, Wentworth Road, and PID 45366457, Cole Drive, Garlands Crossing; File #22-17 B

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending the zoning map of the West Hants Land Use By-law to rezone a portion of the lot located at PID 45190386, Wentworth Road, Garlands Crossing from the Agricultural Priority Three (AR-3) Zone to the Multiple Residential (R-3) Zone and rezone a portion of the lot located at PID 45366457, Cole Drive, Garlands Crossing from the Joint Industrial Type Three (LI-3) zone to the Multiple Residential (R-3) zone, as shown on Figure 3, and amend the text of the West Hants Land Use By-law to reduce the minimum lot specification requirements for PID 45190386 and 45366457 owned by J. D. Irving Limited on Wentworth Road and Cole Drive, in a manner substantively the same as the draft set out in Attachment A of the report File #22-17 to the Planning and Heritage Advisory Committee dated October 13, 2022.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received on August 10, 2022, from Chrystal Fuller from Brighter Community Planning & Consulting on behalf of Mitch Brison of Brison Developments with authorization from Nick Valcour on behalf of the property owner J. D. Irving Limited. The application is to consider amending the map of the West Hants Land Use By-law (WHLUB) to rezone a portion of PID 45190386 and a portion of PID 45366457 to permit residential development and amend the text of the WHLUB to allow reduced minimum lot specifications to conform with the Crossing development agreement (2019).

PID 45366457 is currently designated Joint Industrial Park. A MPS designation change for the lot will be considered through “File 22-05 Windsor/West Hants MPS and LUB Amendments - Cole Drive, Windsor/Garlands Crossing”.

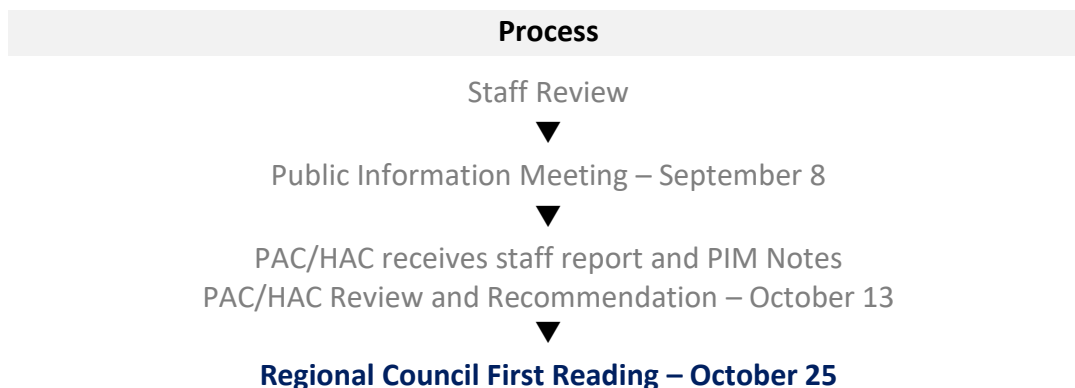
DISCUSSION

A Public Information Meeting was held on September 8, 2022.

On October 13, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). There was significant discussion at PAC/HAC on the reduced lot specifications proposed in this application, specifically reduced lot area and reduced side yards, due to the aesthetic appearance of the community, concerns of increased fire spread potential and the decrease of permeable surfaces in the area. PAC/HAC recommended in favour of the amendments as drafted on October 13, 2022.

NEXT STEPS

The process for this application is as follows:



▼
Public Hearing & Second Reading – November 22*

▼
Notice of Approval in Local Paper

▼
14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A 2022-10-13 Staff Report: West Hants Land Use By-law Amendments: Portion of PID 45190386, Wentworth Road, and PID 45366457, Cole Drive, Garlands Crossing; File #22-17

CHIEF ADMINISTRATIVE OFFICER REVIEW

The proposed rezoning within the recommendation have been thoroughly reviewed by PAC /HAC and are before Council for their consideration. The recommendation and impacts on the noted PIDs are in keeping with the surrounding developments and housing stock.

I support the recommendation.

Report Prepared by: _____
Sara Poirier, Senior Planner

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by: 

Mark Phillips, CAO



Appendix A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-10-13

Subject: West Hants Land Use By-law Amendments: Portion of PID 45190386, Wentworth Road, and PID 45366457, Cole Drive, Garlands Crossing; File #22-17

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

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

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the zoning map of the West Hants Land Use By-law to rezone a portion of the lot located at PID 45190386, Wentworth Road, Garlands Crossing from the Agricultural Priority Three (AR-3) Zone to the Multiple Residential (R-3) Zone and rezone a portion of the lot located at PID 45366457, Cole Drive, Garlands Crossing from the Joint Industrial Type Three (LI-3) zone to the Multiple Residential (R-3) zone, as shown on Figure 3, and amend the text of the West Hants Land Use By-law to reduce the minimum lot specification requirements for PID 45190386 and 45366457 owned by J. D. Irving Limited on Wentworth Road and Cole Drive, in a manner substantively the same as the draft set out in Attachment A of the report File #22-17 to the Planning and Heritage Advisory Committee dated October 13, 2022.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received on August 10, 2022, from Chrystal Fuller from Brighter Community Planning & Consulting on behalf of Mitch Brison of Brison Developments with authorization from Nick Valcour on behalf of the property owner J. D. Irving Limited. The application is to consider amending the map of the West Hants Land Use By-law (WHLUB) to rezone a portion of PID 45190386 and a portion of PID 45366457 to permit residential development and amend the text of the WHLUB to allow reduced minimum lot specifications to conform with the Crossing development agreement (2019).

PID 45366457 is currently designated Joint Industrial Park. A MPS designation change for the lot will be considered through “File 22-05 Windsor/West Hants MPS and LUB Amendments - Cole Drive, Windsor/Garlands Crossing”.

DISCUSSION

Portion of PID 45190386

PID 45190386 is approximately 69.2 acres (280,042 sq. m.) and is partially within the jurisdiction of the Windsor Municipal Planning Strategy (WMPS) and partially within the jurisdiction of the West Hants Municipal Planning Strategy (WHMPS). This application is a request to rezone an approximately 56-acre (226,624 sq. m.) portion of the lot that is entirely within the jurisdiction of the West Hants planning documents.

The approximately 56-acre (226,624 sq. m.) portion of the lot is designated Residential on the Generalized Future Land Use Map of the WHMPS (Figure 1) and is within the Three Mile Plains Growth Centre. Part 5.3 of the WHMPS contains the overall intention for properties designated Residential in the Three Mile Plains Growth Centre.

This portion of the lot is zoned Agricultural Priority Three (AR-3) on the Zoning Map of the WHLUB (Figure 2). Single and two-unit residential development on lots less than 40,000 sq. ft. (3,716 sq. m.) is not permitted as-of-right in the Agricultural Priority Three (AR-3) zone.

This portion of the lot abuts properties within the Three Mile Plains Growth Centre designated Residential and Commercial Core and zoned Two Unit Residential (R-2) and Highway Commercial (HC). It also abuts lots on Cole Drive designated Joint Industrial Park and zoned Joint Industrial Type 3 (LI-3).

Portion of PID 45366457

PID 45366457 is approximately 1.76-acres (7,122.47 sq. m.) and is partially within the jurisdiction of the WMPS and partially within the jurisdiction of the WHMPS. This application is a request to rezone an approximately 1.5-acre (6,070.28 sq. m.) portion of the lot that is entirely within the jurisdiction of the West Hants planning documents.

The approximately 1.5-acre (6,070.28 sq. m.) portion of the lot is designated Joint Industrial Park on the Generalized Future Land Use Map of the WHMPS (Figure 1). Part 11.0 of the WHMPS contains the overall intention for properties within the Joint Industrial Park.

This portion of the lot is zoned Joint Industrial Type 3 (LI-3) on the Zoning Map of the WHLUB (Figure 2). Residential uses are not permitted as-of-right in the Joint Industrial Type 3 (LI-3) zone.

This portion of the lot abuts properties designated Residential and Joint Industrial Park and zoned Agricultural Priority Three (AR-3) and Joint Industrial Type 3 (LI-3).

Current Use

These portions of PID 45190386 and 45366457 are currently vacant. The Development Officer noted that to their knowledge PID 45190386 has been used for agricultural purposes such as pasturing cattle for the past 25 years. There is a watercourse and some existing drainage ditches crossing this portion of the lot. The Agricultural Priority Three (AR-3) zoning of PID 45190386 was likely in place to allow the existing agricultural use to continue without creating a non-conforming use. The lot has been designated Residential since at least 2008 which shows Council's long term intent for residential uses to develop here.

Proposed Uses

The application is to consider amending the map of the WHLUB to rezone a portion of PID 45190386 and a portion of PID 45366457 to permit residential development and amend the text of the WHLUB to allow reduced minimum lot specifications to conform with the Crossing development agreement (2019). The site plan for the proposal shows a combination of single- and two-unit dwellings with a total of 232 dwelling units upon full build out. The site plan also shows an area for parkland and stormwater management ponds, and identifies an area for future multi-residential development.

Dwellings with more than two units are permitted in the Multiple Residential (R-3) as-of-right, subject to specific requirements including a maximum of 20 units per building and a maximum height of 3 storeys. Council can consider multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre by development agreement in accordance with the criteria in Policy 5.3.8. This would require a separate application to be considered by Council. The developer has not applied for multi-unit development as part of this application.

The site plan proposes a new public street to connect Edward Drive to Cole Drive, along with a few other streets for circulation within the proposed development. The developer has submitted a traffic impact study with the application which has been deemed satisfactory by the Municipal Traffic Authority.

The Crossing

The Crossing development in Garlands Crossing was permitted by development agreement originally approved by the former West Hants Council in 2008. Since then, the agreement has been amended three times at the request of the owner, in 2014, 2017 and 2019. The development agreement permits the development of a manufactured home park and grouped dwellings within a land lease community and a mixed residential area. The minimum lot specifications for single- and two-unit dwellings in the mixed residential area as specified in The Crossing development agreement (2019) are shown in Table 2.

Table 1: The Crossing Development Lot Specifications

Type of Unit	Minimum Frontage	Minimum Area	Minimum Side Yard	Minimum Front Yard	Minimum Rear Yard
Single Unit Dwelling	40 ft. (12.19 m.)	4,000 sq. ft. (371.60 sq. m.)	4 ft. (1.22 m.)	15 ft. (4.57m.)	25 ft. (7.62 m.)
Two Unit Dwelling	20 ft. (6.1 m.) / unit	2,000 sq. ft. (185.80 sq. m.)	4 ft. (1.22 m.)	15 ft. (4.57 m.)	25 ft. (7.62m.)

The developer is proposing to develop single- and two-unit dwellings on the majority of the subject lots which would be permitted as-of-right if the rezoning to the Multiple Residential (R-3) zone is approved. The applicant is also proposing that this residential development would connect to the Crossing via a new public street. Therefore, the applicant is requesting Council consider amending the WHLUB to permit the same minimum lot specifications for single- and two-unit dwellings as is permitted in the mixed residential area of the Crossing (Attachment A).

West Hants Municipal Planning Strategy

Portion of PID 45190386

Section 5.9 of the WHMPS contains the policies for agriculturally zoned lots within the Growth Centres. Policy 5.9.2 states that the provisions of Policy 8.10.3 shall apply to any application for non-agricultural development on land with agriculture zoning within the Growth Centres. Policy 8.10.3 states that land zoned Agricultural Priority Three (AR-3) in a Growth Centre may be considered for non-agricultural development subject to the relevant Growth Centre policies, provided that no rezoning shall be approved where the development will adversely affect

adjacent existing agricultural operations. There are no existing agricultural uses abutting the subject lots that would be adversely affected by the rezoning application.

The portion of the lot being discussed for rezoning as part of this application is designated Residential which shows that Council's long term intent for the lot is residential uses. Section 5.3 of the WHMPS contains the policies for residential development within the Three Mile Plains Growth Centre. Policy 5.7.3 establishes Council's intention to rezone "land within the Three Mile Plains Growth Centre to R-3". The Multiple Residential (R-3) zone allows uses permitted in the Single Unit Residential (R-1) zone, Two Unit Residential (R-2) zone and dwellings with more than two units as-of-right.

Portion of PID 45366457

Policy 16.1.3 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. This allows Council to consider rezoning the portion of PID 45366457 that is currently zoned Joint Industrial Type Three (LI-3) to the Multiple Residential (R-3) zone because PID 45366457 abuts the Residential designation where the Multiple Residential (R-3) zone is permitted.

Industrial uses would most likely not be possible to be developed on PID 45366457 due to the size and dimensions of the lot. The lot is 55 ft. (16.7 m.) at its narrowest and 97 ft. (29.6 m.) at its widest. The Joint Industrial Type Three (LI-3) zone requires a minimum of 25 ft. (7.62 m.) front and rear yard making it difficult to construct a building on this lot alone.

Statements of Provincial Interest

The Province of Nova Scotia has six (6) Statements of Provincial Interest which are regulations made under the Municipal Government Act and provide municipalities guidance on certain aspects of development in the Province: drinking water, flood risk areas, agricultural land, infrastructure, housing, and the development of the Nova Centre.

The goal of the Statement of Provincial Interest regarding agricultural land is to "protect agricultural land for the development of a viable and sustainable agriculture and food industry". It is noted that this statement applies to all active agricultural land and land with agricultural potential in the Province. PID 45190386 is zoned Agricultural Priority Three (AR-3) in the West Hants Land Use By-law, however, is designated as Residential in the West Hants Municipal Planning Strategy. The Statement outlines that "Existing land-use patterns, economic conditions and the location and size of agricultural holdings means not all areas can be protected for food production, e.g., when agricultural land is located within an urban area. In these cases, planning documents must address the reasons why agriculture lands cannot be protected for agricultural use." PID 45190386 is within a Growth Centre where water and sewer infrastructure are

available for the proposed development, it is surrounded by existing residential and commercial type development, and there are policies allowing Council to consider the rezoning provided that the development will not adversely affect adjacent existing agricultural operations.

The Statement of Provincial Interest related to housing specifies that the goal is to “provide housing opportunities to meet the needs of all Nova Scotians” by incorporating housing policies into the municipal planning documents which address affordable housing, special-needs housing, rental accommodation, and providing for manufactured housing. All the planning documents for the Region have housing policies and discuss residential development in specific communities. The Statement also notes that “Depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.” In the Three Mile Plains Growth Centre the residential policies allow Council to consider rezoning land in the Growth Centre to Multiple Residential (R-3) which would enable a range of housing types. The application also requests reduced minimum lot specifications which aligns with the Statement to include measures to allow smaller lot sizes and reduced yard requirements.

The goal of the Statement of Provincial Interest regarding infrastructure is to “make efficient use of municipal water supply and municipal wastewater disposal systems.” It states that “unplanned and uncoordinated development increases the demand for costly conventional infrastructure.” This proposed development encourages the efficient use of municipal sewer and water services that are available and already provided to properties on either side of the subject lots.

West Hants Land Use By-law

An amendment to the Zoning Map of the WHLUB is being requested for a portion of PID 45190386 and 45366457 to the Multiple Residential (R-3) zone (Figure 3). Additionally, to permit the requested reduced minimum lot specifications in the Single Unit Residential (R-1) and Two Unit Residential (R-2) zones, an amendment to the text of the WHLUB would be required (Attachment A).

WHMPS Specific Criteria

Policy 5.3.7 outlines the specific criteria to be considered by Council, which are examined in detail in Attachment B.

In summary, the criteria are met since the development:

- will have frontage on a collector street as identified on the Future Streets Map of the West Hants Subdivision By-law;
- will be serviced with Municipal water and sewer;

- is compatible with the character of the area; and
- will provide adequate on-site parkland and parking.

WHMPS General Criteria

The proposed development meets the general criteria for amendments set out in the WHMPS Policy 16.3.1. These criteria are examined in detail in Attachment C. In summary:

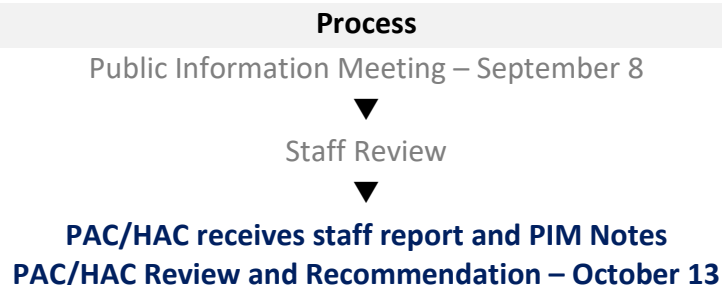
- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Manager of Public Works Operations have no concerns.

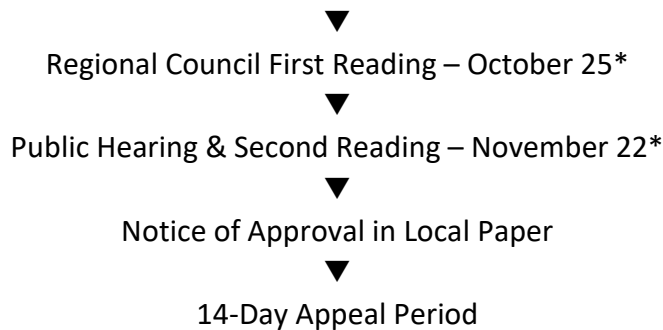
MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor will experience extensive flooding. The subject lots are not expected to be impacted by flooding however access to these lots may be. Additionally, map 2B “Sea level modeling – sea level rise” in the West Hants MCCAP (2013) does not show any impact to these properties. Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WHMPS, and are consistent with the intent, objectives, policies and criteria of the WHMPS. As a result, it is reasonable to consider permitting rezoning of an approximate 56-acre (226,624 sq. m.) portion of a PID 45190386 on Wentworth Road and a 1.5-acre (6,070.28 sq. m.) portion of 45366457 on Cole Drive to allow residential development and to consider reducing the minimum lot specifications in the Single Unit Residential (R-1) and Two Unit Residential (R-2) for these lots.





*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

Figure 1	GFLUM Extract
Figure 2	Current Zoning Map Extract
Figure 3	Proposed Zoning Map Extract
Attachment A	Proposed WHLUB Amendments
Attachment B	Specific Criteria for Amendments
Attachment C	General Criteria for Amendments
Attachment D	Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Figure 1
GFLUM Extract

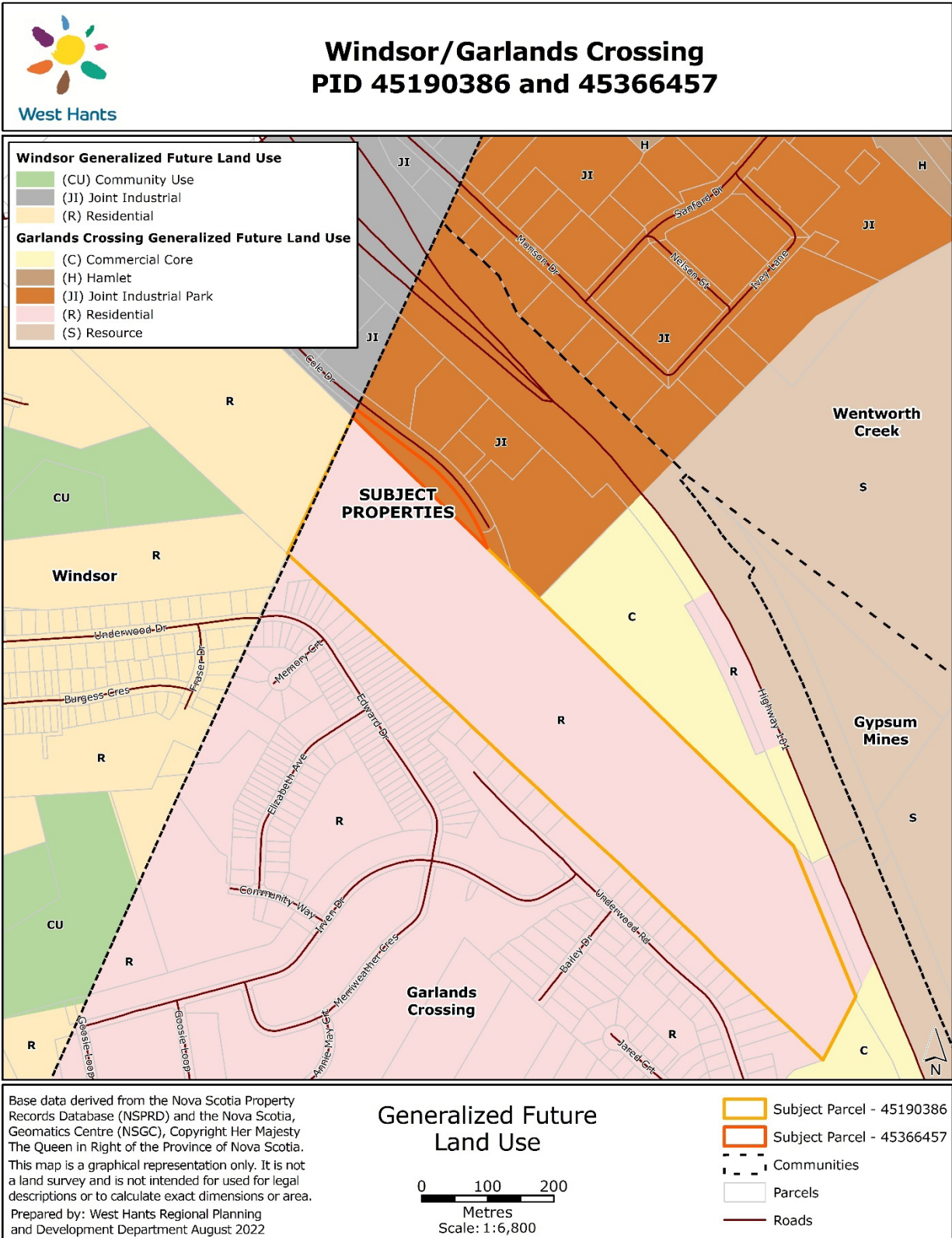


Figure 2
Current Zoning Map Extract

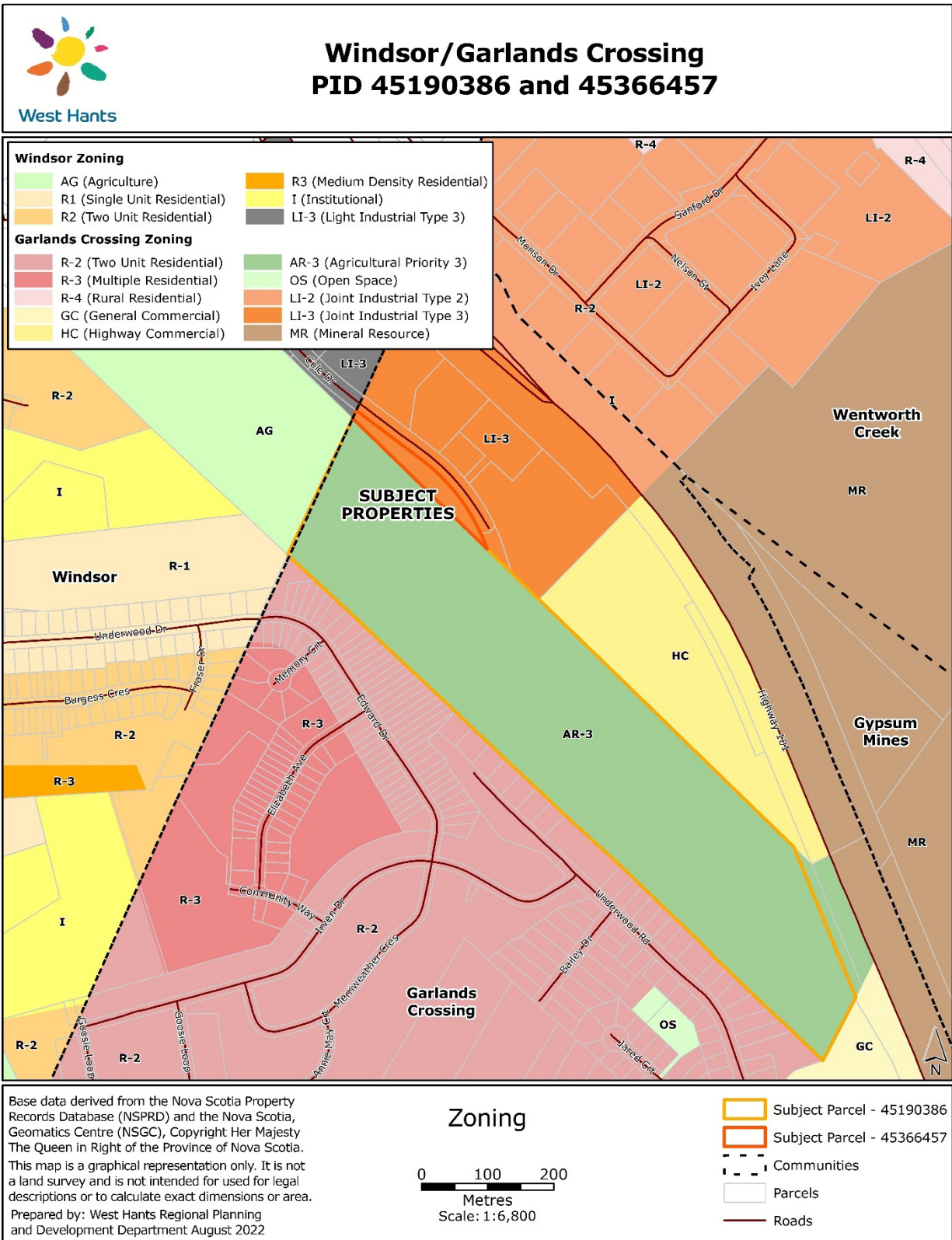
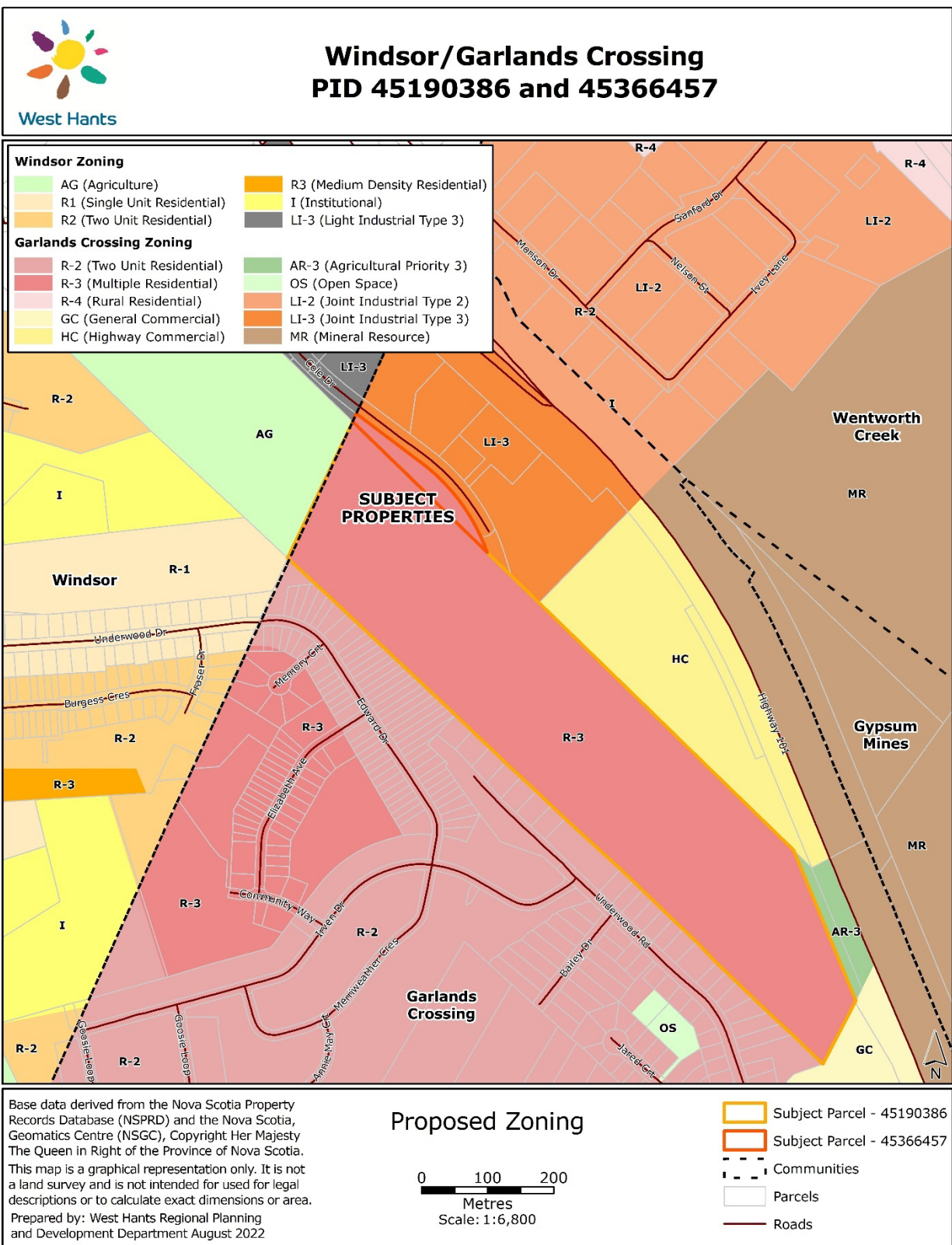


Figure 3
Proposed Zoning Map Extract



Attachment A Proposed West Hants Land Use By-law Amendments

Text amendments to the Single Unit Residential (R-1) and Two Unit Residential (R-2) zones of the West Hants Land Use By-law to reduce the minimum lot specification requirements for portions of specific PIDs 45190386 and 45366457 owned by J. D. Irving Limited. Note: Amendments in blue.

1. Amend Part 8.2, *R-1 Zone General Requirements*, in Part 8.0 of the West Hants Land Use By-law, *Single Unit Residential (R-1)*, to include an exception of reduced minimum lot specifications for PID 45190386 and 45366457, so that it reads as follows:

8.0 SINGLE UNIT RESIDENTIAL (R-1)

Permitted Uses

8.1 The following uses shall be permitted in the Single Unit Residential (R-1) zone:

- Single unit dwellings
- ~~Accessory apartments (removed by amendment 20-27 effective September 14, 2021)~~
- Existing manufactured homes

R-1 Zone General Requirements

8.2 (a) In the R-1 zone, no development permit shall be issued except in conformity with the following:

		with municipal services	with on-site services
Minimum lot area		6,000 ft ² (557.40 m ²) 7,000 ft ² (650.30 m ²) for corner lots	29,000 ft ² (2,694.10 m ²)
Minimum lot frontage		60 ft (18.29 m)	100 ft (30.48 m)
Minimum front yard		25 ft (7.62 m)	
Minimum rear yard		25 ft (7.62 m)	
Minimum side yard	one side	6 ft (1.83 m)	
	other side	10 ft (3.05 m)	
Maximum height of main building		35 ft (10.67 m)	

Accessory Apartments – Special Requirements (removed by amendment File #20-27 effective September 14, 2021)

(b) **Exception for PID 45190386 and 45366457**– Notwithstanding Section 8.2 (a), the lot specifications for PID 45190386 and 45366457 (owned by J.D.Irving Limited in 2022) shall be:

Minimum lot area	4,000 ft ² (371.60 m ²) 5,000 ft ² (464.5 m ²) for corner lots
Minimum lot frontage	40 ft (12.19 m)

Minimum front yard	15 ft (4.57 m)
Minimum flankage yard	15 ft (4.57 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	4 ft (1.22 m)
Maximum height of main building	35 ft (10.67 m)
Maximum height of accessory building	15 ft (4.57 m)

2. Amend Part 9.2, *R-2 Zone General Requirements*, in Part 9.0 of the West Hants Land Use By-law, *Two Unit Residential (R-2)*, to include an exception of reduced minimum lot specifications for PID 45190386 and 45366457, so that it reads as follows:

9.0 TWO UNIT RESIDENTIAL (R-2)

Permitted Uses

9.1 The following uses shall be permitted in the Two Unit Residential (R-2) zone:

- Two-unit dwellings
- Mini homes
- Uses permitted in the R-1 zone subject to the R-1 zone requirements
- Mobile homes in the Three Mile Plains Growth Centre (**Amendment 20-28 Effective June 15, 2021**)

R-2 Zone General Requirements

9.2 (a) In the R-2 zone, no development permit shall be issued except in conformity with the following:

		Mobile homes and Mini homes		Two-unit dwellings	
		with municipal services	with on-site services	with municipal services	with on-site services
Minimum lot area		6,000 ft ² (557.40 m ²); 7,000 ft ² (650.30 m ²) for corner lots	29,000 ft ² (2,694.10 m ²)	3,500 ft ² (325.15 m ²)/unit	29,000 ft ² (2,694.10 m ²)/unit
Minimum lot frontage		50 ft (15.24 m)	100 ft (30.48 m)	30 ft (9.14 m)/unit	100 ft (30.48 m)/unit
Minimum front yard		15 ft (7.62 m)			
Minimum rear yard		25 ft (7.62 m)			
Minimum side yard	one side	6 ft (1.83 m)			
	other side	6 ft (3.05 m)			
Max. height of main building		35 ft (10.67 m)			

(Amendment 20-28 Effective June 15, 2021) (Amendment GC2LUB 17-01 Effective March 7, 2018)

(b) **Exception for PID 45190386 and 45366457** – Notwithstanding Section 9.2 (a), the lot

specifications for PID 45190386 and 45366457 (owned by J.D.Irving Limited in 2022) shall be:

Minimum lot area	2,000 ft ² (185.80 m ²) / unit 3,000 ft ² (278.7 m ²) / unit for corner lots
Minimum lot frontage	20 ft (6.1 m) / unit
Minimum front yard	15 ft (4.57 m)
Minimum flankage yard	15 ft (4.57 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	4 ft (1.22 m)
Maximum height of main building	35 ft (10.67 m)
Maximum height of accessory building	15 ft (4.57 m)

Subdivision of Semi-detached Units

- 9.3 Semi-detached dwelling units located on an approved water and sewer serviced lot may be subdivided into lots provided each dwelling unit has separate service connections and provided all applicable provisions of the West Hants Subdivision By-law and this By-law are met. No side yard shall be required along the common lot boundary dividing a semi-detached dwelling.

Attachment B
Specific Criteria for Amendments

West Hants Municipal Planning Strategy

Policy 5.9.2 It shall be the policy of Council that the provisions of Policy 8.10.3 shall apply to any application for non-agricultural development on land zoned agriculture within the Growth Centres.

Policy 8.10.3 Land zoned AR-3 in the Growth Centre, Village and Hamlet designations may be considered for non-agricultural development subject to the relevant Growth Centre, Village or Hamlet policies, provided that no development agreement or rezoning shall be approved where the development will adversely affect adjacent existing agricultural operations.

COMMENT
PID 45190386 is the only lot zoned Agriculture (AG) / Agricultural Priority Three (AR-3) in this area. There are no existing agricultural uses abutting the subject lots that would be adversely affected by the rezoning application.

Policy 5.3.7 It shall be the policy of Council to consider rezoning land within the Three Mile Plains Growth Centre to R-3 subject to the following:

CRITERIA	COMMENT
(a) the development has frontage on an arterial or collector street designated on the Transportation Map (Map 2) if it consists of 12 or more units;	Cole Drive is shown as a local road on the Transportation Map (Map 2) of the West Hants Municipal Planning Strategy. Even though Cole Drive is within an area designated Joint Industrial Park and was constructed with a sidewalk on one side of the street, it is most likely classified as a local road due to it being a dead-end street with no current connections elsewhere. Edward Drive is not on the Transportation Map as it was created after the map was approved. As part of this application, there is a new street being proposed to connect Edward Drive and Cole Drive. The Future Streets Map attached to the West Hants Subdivision By-law shows Cole Drive as a collector street with a

	“proposed collector street” in the location of this new road into the Crossing from Cole Drive. The West Hants Land Use By-law defines a collector street or road as a “means a street designed to move vehicular traffic from residential neighbourhoods to commercial and institutional areas and to arterial streets”. As this new street will connect local roads in the Crossing to Cole Drive which is identified as a collector street on the Future Streets Map this criterion is met. Updates to the Transportation Map (Map 2) will be conducted as an amendment to the WHMPS in the future, once these new road connections have been approved and constructed.
(b) the lot is serviced, or is capable of being serviced, with municipal water and sewer;	The Municipal Project Engineer stated that the lots are “not currently served with municipal sewer and water, however, would be capable of being served. Municipal water and sewer mains currently exist at locations adjacent to these properties.”
(c) the development is compatible with the character of the area with respect to building scale and design, traffic generation, population density and similar matters;	The Manager of Operations commented that they have no concerns with the adequacy of road networks adjacent to or leading to the development. A Traffic Impact Study was provided to the Municipality from the developer as part of the rezoning application. The Manager of Public Works Operations has stated this traffic study is satisfactory to the Municipality. Additionally, the Municipality recently completed a Windsor Intersection Infrastructure Needs Assessment which included the intersection of Payzant Drive and Wentworth Road. The intersection study (2021) recommended that plans be prepared to upgrade the Wentworth Road at Payzant Drive intersection to a roundabout. A staff

	report was presented to Committee of the Whole on October 12, 2021 recommending DesignPoint be awarded the contract to design the roundabout for this intersection. The Director of Public Works has confirmed that the design of the traffic circle is 95% complete. They noted that “pending approval of Council to proceed with construction we would like to be in a position to have construction started this construction season (2023) at the earliest. However, no approval other than design work has been granted at this time.” Windsor has a population density of 522 people per sq. km. (Statistics Canada Census for 2022). The Crossing development as currently constructed has a population density of almost double this and this area of Burgess Crescent, Underwood Drive and Fraser Drive has a population density almost three and a half times the population density of Windsor. The footing permit has been issued for a 6-storey 83-unit apartment building in the Crossing (Building A) which will also increase the population density in this area and a development agreement for 176 apartment buildings (Buildings B and C) on Community Way was approved by Council on September 27, 2022. The development proposed as part of this rezoning application would be consistent with the current and future development plans and population for the area.
(d) existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact	In response to an inquiry the Manager of Public Works Operations stated that existing and proposed streets are adequate to support the development and existing streets will not require any improvements in relation

study may be required in accordance with Section 14.6 of this Strategy;	to this development. A Traffic Impact Study was provided to the Municipality from the developer as part of the rezoning application. The Manager of Public Works Operations has stated this traffic study is satisfactory to the Municipality.
(e) adequate open space or recreational space is provided;	A 56-acre portion of PID 45190386 and a 1.5-acre portion of PID 45366457 are included in this application. If the rezoning application is approved, during the subdivision process the Development Officer will calculate the required 5% of parkland required for the proposed 138 lots. The Development Officer commented that “the area shown on the concept plan as proposed parkland appears to be low lying with a stream or brook running through it. As well, it appears to have a drainage ditch and culvert within the proposed parkland. This area will need to be inspected in order to determine if it meets the definition of useable land and is acceptable for parkland purposes.” It is expected that adequate open space or recreational space will be able to be provided on-site.
(f) adequate on-site parking is provided;	The West Hants Land Use By-law requires one (1) parking space per dwelling unit for any dwelling containing fewer than three (3) dwelling units. Adequate on-site parking would be able to be accommodated on these properties.
(g) any other matter which may be addressed in a Land Use By-law; and; and	All other matters are addressed elsewhere in this report.
(h) Policy 16.3.1.	Please see Attachment B for further details.

Policy 16.1.3 It shall be the intention 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 C
General Criteria for Amendments

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
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	As noted in 5.3.7 (b), the Municipal Project Engineer has stated that the lots are “not currently served with municipal sewer and water, however, would be capable of being served. Municipal water and sewer mains currently exist at locations adjacent to these properties.” They added that the proposed uses are not considered premature or inappropriate in terms of the adequacy of sewer and water services in the area.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection and other emergency services;	The Manager of Building and Fire Inspection Services and the local Fire Chief did not identify any issues with the adequacy of fire protection and other emergency services. The Fire Chief added that “as long as they are meeting the requirements of location of hydrants and access for large apparatus such as aerial, I don’t have any immediate concerns.”
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The developer plans to connect Cole Drive to Edward Drive through a new street during the development of these properties. The Development Officer commented that the “proposed street layout appears to meet the requirements of the Subdivision By-law for future streets conceptual plan.” As noted in 5.7.6 (d), the Manager of Operations has confirmed the road networks leading to the proposed development are adequate and

	that no improvements will be needed on existing roadways.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(i) 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;	As noted in 16.3.1 (a) (i), the property is capable of being serviced by municipal water and sewer.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	The Manager of Operations has stated they have no concerns with regard to the adequacy of road networks adjacent to, or leading to the development, or the impact of the development on traffic generation or traffic safety. The new Regional Municipal Specifications Manual that was approved by Council on September 27, 2022 requires a sidewalk on one side of any new public street within Growth Centres. This will mean that all new public streets within this development will be required to include a sidewalk on one side of the street as PID 45190386 is within the Growth Centre of Three Mile Plains. There is no active rail transportation in the vicinity.
(d) the adequacy of the dimensions and shape of the lot for the intended use;	As noted in 5.3.7 (e), a 56-acre portion of PID 45190386 and a 1.5-acre portion of PID 45366457 are included in this application. The lots are adequate in shape and dimension for the intended uses.
(e) the pattern of development which the proposal might create;	The Crossing development agreement (2019) permits a variety of housing types including manufactured homes, mini homes, modular homes, single unit, two-unit, triplex, townhouse and multiple unit dwellings. There are a variety of housing types already

	built in the Crossing and Payzant Drive area including mini homes, modular homes, single unit, two unit, and multiple unit dwellings and footing permits have been issued for a 6-storey apartment building in this area. This proposal is not anticipated to create a different pattern of development than is already permitted through The Crossing development agreement and being constructed in the area.
(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;	The portion of the lots outlined in this application are sloped downward towards the area identified on the site plan as parkland and stormwater management ponds. There is a watercourse located on the lot and drainage ditches in this lower lying area. If the rezoning is approved a stormwater management plan will be required from the developer during the subdivision process to show that pre- and post-construction flows are balanced and that there will be no negative impact on downstream properties. The maps in the Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) and West Hants (2013) do not show the subject lots to be susceptible to flooding in the future, however access to these lots may be. Property owners are responsible for ensuring that their lot is suitable for the proposed uses.
(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	All Municipal, Provincial and Federal regulations will have to be met. A few additional comments were received in relation to this development and future requirements that will need to be met. The Municipal Project Engineer stated that a "complete stormwater management study

	from a qualified engineer will be required to ensure pre/post development flows are met.” The Manager of Public Works Operations added that “a sewer pumping station will be required for part of the development and rerouting of an existing sewer would be required. The developer is aware of both of these.” The developer’s engineering firm has responded that “We understand there is some concern regarding the existing sewage pumping station on Irven Drive. Our plan is to redirect the flow from Community Way that currently flows east on Irven to the pump station such that it flows west on Irven to the trunk sewer on HWY #1. This can be done by re-configuring the existing manhole at the intersection of Irven and Community Way. This manhole is at a high point on Irven and the flow at this manhole can be directed east or west, currently it is directed to the east. By redirecting the flow form (sic) Community Way we will significantly reduce the load on the existing pumping station thus freeing up capacity for the Kent lands. Our overall servicing plan will detail this approach with specific flows.” The specific servicing plans will be reviewed by the Municipal Public Works Department during the subdivision process. The Manager of Building and Fire Inspection Services noted that “I can work with the 4’ side yard setbacks, but it has been causing issues with the builder. Once they get closer than 2m (6’ 6 3/4”) we are required to cut the permitted openings in half of what is permitted. This reduces the windows considerably. There are several on Elizabeth
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	that have had this done. Like I said, no difference to me, but the owner should be aware of this (I know his builder is) and if the side yard setback was 2m, would fix a lot of issues at permit approval time.” The developer has been made aware of this and will consider the size of lots and proposed side yard setbacks when developing a detailed subdivision plan.
(h) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.

Attachment D
Public Information Meeting Notes
September 8 - 23, 2022
File 22-17

Portion of PID 45190386, Wentworth Road, and PID 45366457, Cole Drive; Windsor

Meeting date and time	A Public Information Meeting was held on September 8, 2022 beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Councillor Ivey (Chair) Four (4) members of staff: • Planner Poirier • Planner Dunphy • Director LeMay • Meeting Secretary Lake Applicant: • Mitch Brison, Applicant • Darren Shupe, Brighter Community Planning (Applicants Planner) The following members of the public requested invited to attend the PIM via Zoom: • Bruce Roald • Harvey Conrad • Paul Todd • Dorothy Blakely • Adam Donaldson • Alex and Kim Janssen • Elizabeth McCarthy • Glenn Robinson • Mike and Sheila Porter • Mike and Jayne Welling • Paul Brown • Dean Dyck • Lindsay and Bradley Gregg • Dave Hackett • Claude O'Hara • Dan Shiers • Conor Rooney

Applicant Mitch Brison, Brison Developments Property Portion of PID 45190386, Wentworth Road, and PID 45366457, Cole Drive, Windsor	Planner Poirier outlined the amendment application to rezone an approximately 56-acre (226,624 sq. m.) portion of a PID 45190386 on Wentworth Road and an approximately 1.5-acre (6,070.28 sq. m.) portion of 45366457 on Cole Drive to allow residential uses. A formal presentation was made by Darren Shupe of Brighter Community Planning on behalf of the applicant. Mr. Brison responded to questions from the public.
Comments	Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between September 8 – 23, 2022. 7 members of the public spoke at the Public Information Meeting, 2 phone calls were received and 7 written comments were received via email. The questions and comments from the public are summarized below. The email responses are attached. The following comments and questions were made at the Public Information Meeting. Staff and applicant responses are included in purple text. • Active transportation infrastructure is needed as there are currently no sidewalks in the existing development which is a safety concern for dog walkers, children and seniors, especially during construction. There should be an active transportation plan for the development prior to the public information meeting. Mr. Brison responded that he has been in discussions with the Community Development Department regarding active transportation connections in the area. Sara noted that an active transportation plan is not a requirement as part of the rezoning process and that sidewalks would be considered during the subdivision process. • How will this development be connected to other areas? The current road infrastructure is inferior and dangerous. Mr. Brison responded that safety is always a concern and the proposal includes a road connection from Edward Dr. to Cole Dr. to help with a secondary entrance/exit to the Crossing.

	• A secondary access is a great plan, but it might make Underwood Dr. busier • The current housing crisis is also an affordable housing crisis. The developer should consider the pricing of the units to be more affordable to local residents. • An expansion of mini homes is not desired in this area. Mr. Brison responded that the proposal is currently for single and two-unit dwellings, not for mini homes. • Has there been any review of ambulance service in relation to the increase of senior population proposed? Currently our ambulances are sent to Truro. Sara noted that healthcare is a Province wide issue and may not be specific to this individual application. She added that she would reach out to our Community Health Board representative to see if they could comment. • Why is the emergency access road to King Street from the Crossing not maintained? Mr. Brison responded that it is an emergency access as required by the Crossing development agreement. It is not for public use, and he does not fix the road up because he does not want to encourage its use. • Is the Crossing designated a 55+ community? Mr. Brison responded that the Crossing is designed for empty nesters without kids. • We've had concerns since last fall regarding an alternative access. There's no sidewalks which is a concern due to the narrow streets. It is of vital importance to have sidewalks and streetlights for Edward Dr. • An Underwood Road resident asked the procedure for dirt removal from the bank behind their house. Mr. Brison commented that it should not be substantial and that they are not cutting into that bank. • How long between the start of construction to completion? Mr. Brison responded that the heavy dirt moving should be completed this year, and the building should be completed within 3-5 years, but it will be market driven. • What are the hours of operations for construction? Sara commented that there are no Municipal by-laws
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	that would restrict hours of construction and the hours of construction cannot be restricted through the rezoning process. Two phone calls were received during the PIM comment period: • Lyndell Myers was concerned that the developer has machines on the subject lots already even though the rezoning has not been approved yet. Sara commented that the Municipality advises applicants that the application follows a public process and that it is not guaranteed for approval, the final decision is made by Council. Developers are allowed to prepare their land for development however the developer assumes the risk/cost of the application not being approved. Lyndell expressed that she is not opposed to development, as they knew there would be development when they purchased the lot, however that it would be nice if there was communication regarding when trucks weren't working, and dust wouldn't be blowing so they could hang out laundry or open their windows. • Alexander Janssen requested information on whether Mr. Brison had excavation permits for the work he's doing on these properties. Sara noted that there is no such thing as an excavation permit and that property owners are permitted to excavate their land to prepare for development. Alexander stated that he is concerned about safety on his street and wanted to know who he could call to make it safer. He said he already spoke to Troy Burgess who said it wasn't his jurisdiction. Sara noted that the RCMP should be called regarding speeding, the Provincial Department of Public Works could be contacted regarding the request for sidewalks and stop signs on Provincial roads (Underwood Road), and that Alex could write a letter or present to Council if he is not satisfied with the process or the responses he is getting from Municipal staff.
Adjournment	The meeting was adjourned at 6:55 p.m.

Public Email Responses Submitted for the Application PIM

September 1, 2022

From: Adam Donaldson

To: Sara Poirier

Good afternoon,

I am writing to express my general support for the proposed rezoning, subject to concerns regarding the eventual development and potential impacts this may have on traffic on Underwood Rd.

With the increased development in Garlands crossing, continued use of a single access route to the Underwood/Bailey Dr/Garlands crossing community is already a challenging situation given the large population of families and significant wear and tear construction traffic has on these roads.

I would ask that as part of the development, road access linking the garlands crossing/underwood drive communities to Cole Drive would be a requirement for approval of development to create 2 fully serviced exit routes from the community. The continued blockade of edward drive to underwood dr is already an access issue for the community, and I'd like to ensure that additional development in the area is accompanied by appropriate improved access and exit routes for these communities through Cole Dr.

Thank you,

Adam Donaldson

September 8, 2022

From: Bill Preston

To: Sara Poirier

Hi Sara. I meant to ask you regarding Cole Drive if a agrologist report had been completed by Dept, of Agriculture on that property.

Meeting tonight was busy but well presented thank you.

Bill

September 9, 2022

From: Sara Poirier

To: Bill Preston

Good morning, Bill,

An agrologist report is not required for the Wentworth Road property as it is within the growth centre of Three Mile Plains and is designated Residential. The West Hants MPS policies require an agrologist report when a property owner requests rezoning or a development agreement for a property designated Agriculture and zoned Agricultural Priority Two (AR-2) or Agricultural Priority Three (AR-3).

All the best,
Sara

September 8, 2022

From: Sara Poirier

To: Alexander Janssen

Hello Alexander,

I just saw your message in the Zoom chat and wanted to reply this evening. Any comments/questions from tonight's PIM have been noted and I will look into the specifics for my staff report which is anticipated to go to PAC/HAC on October 13. I specifically noted safety, active transportation infrastructure, construction traffic and health board info re: senior residents from your comments. You can also send me individual comments/questions to look into further by September 23.

All the best,

Sara

September 9, 2022

From: Alexander Janssen

To: Sara Poirier

Hi Sara,

Thanks for the follow up.

From the way that meeting went it seems like Mr brissol doesn't care one bit about the concerns of residents and there is nothing the municipality can do, as per your own statements. I sure hope a child isn't killed by one of his trucks speeding down the road.

Where can we send pictures/videos of his trucks running after the hours he stated, or is it best to go straight to the media on this?

Thank you for your time.

Alex

September 12, 2022

From: Sara Poirier

To: Alexander Janssen

Good morning Alex,

Thank you for your email.

WHRM does not currently have any regulations that would restrict the hours of construction. I spoke to our local Traffic Authority, Troy Burgess, regarding the construction traffic concerns. Vehicles are able to travel on the roads to get to construction sites. The vehicles need to be registered through the Department of Motor Vehicles to travel the public roads. If there are concerns regarding the speed of the vehicles the local RCMP office should be contacted. If there are concerns regarding the compliance of the vehicles the Provincial vehicle compliance office should be contacted.

All the best,

Sara

September 12, 2022

From: Alexander Janssen

To: Sara Poirier

Thanks Sara, that clears up what our options are. I will not bother you with future concerns.

Alex

September 12, 2022

From: Alexander Janssen

To: Sara Poirier

Mr Burgess also let me know that the municipality has no jurisdiction over Underwood road as it is provincially mandated, so again there is no ability for the municipality to enforce anything. Very dissatisfied by the response.

September 9, 2022

From: Sara Poirier

To: All members of the public that requested a Zoom invite to the PIM

Hello all,

Thank you for attending the Public Information Meeting (PIM) regarding the amendment application for the portions of PID 45190386 and 45366457 on Wentworth Road and Cole Drive in Windsor.

I have attached a copy of my presentation and Darren Shupe's presentation. The meeting can be viewed on our Municipal Facebook page
<https://www.facebook.com/RMWindsorWestHants/>

Comments or questions on the application will be accepted until noon on September 23 via phone, email or mail through the following methods:

Phone	902-798-8391 ext. 117
Email	spoirier@westhants.ca
Mail	76 Morison Drive, PO Box 3000 Windsor NS B0N 2T0
Drop box	Regional office at 76 Morison Drive

All relevant comments will be passed along to the developer and the Planning and Heritage Advisory Committee (PAC/HAC) when they are considering these amendments.

All the best,

Sara

September 9, 2022

From: Adam Donaldson

To: Sara Poirier

Thank you Sara,

I had a chance to catch the recording and review the documents... A few additional concerns that I would ask be passed along to the planning committee (some are more technical and would require additional consideration)...

1) There is considerable concern around traffic on underwood... while opening up access to Cole drive will likely significantly reduce traffic on underwood from the crossings development, it may add some traffic from three mile plains who are cutting through. I'd love to see a transportation management strategy to address this (traffic calming on roads, clear information on where stop signs will be introduced (e.g. 4-way stop on the corner of bailey and underwood or underwood/jared?)... and would encourage consideration of whether there are sections of the new development which would benefit from a dedicated bike lane or sidewalk (perhaps on the direct travel-through routes where traffic may be more likely to go). Sidewalks obviously create difficulties from a maintenance perspective, but with the increased population density and this being an active community, it may be worth considering putting some in.

2) I am a bit concerned about water management... at the moment, the stormwater runoff system on the south side of underwood drains into a ditch behind our house that drains over into the watershed by the existing garlands crossing community... it does not accommodate run-off from the field where this development is planned... we've had several large storms in the last few years that has had the water level in that ditch up by 6 to 7 ft from it's normal level... I would be concerned if the development plan intended to further increase stormwater run-off through through this area, and would expect the stormwater management plan to divert water more towards the highway... i note this because the conceptual map almost appears to have the culvert and water path coming down to underwood where it might be tied into the existing water system for the crossings?

September 9, 2022

From: Adam Donaldson

To: Sara Poirier

sorry... one other request.

is it possible to require the traffic for the development to enter from cole drive, rather than through underwood? it seems more appropriate to have that traffic come up through the

commercial/industrial district rather than on residential streets that were not designed for those loads and traffic levels for a development of this degree.

September 14, 2022

From: Sara Poirier

To: Adam Donaldson

Hello Adam,

Thank you for your email. I will ensure your comments are passed along to the Planning and Heritage Advisory Committee when they are considering this application in October.

I have provided responses to your comments/questions below:

1. A traffic impact report has been provided by the developer in relation to this development and is sufficient to the Manager of Public Works Operations. There is no opportunity to restrict traffic for the proposed development to only use Cole Drive. The developer is in regular discussions with Community Development, Planning and Development and Public Works staff regarding active transportation infrastructure in the proposed development which may include a sidewalk on at least one side of the street and other community connections. These plans would be submitted as part of the subdivision process, if the rezoning application is approved by Council. Underwood Road is a Provincial roadway therefore any requests to upgrade that particular road would need to be addressed to the Provincial Department of Public Works (<https://novascotia.ca/tran/contact/contact.asp>).
2. As per the Municipal Specifications Manual, through the subdivision process a stormwater management plan will be required by the developer to show that pre- and post-construction flows are balanced and that there will be no negative impact on downstream properties.

Please let me know if you have any other questions or comments.

All the best,

Sara

September 14, 2022

From: Adam Donaldson

To: Sara Poirier

Thank you.

One clarification point... I thought Underwood road was transitioned to the municipality after it was resurfaced last year? is it still a provincial road? If yes, I can certainly follow up there.

September 14, 2022

From: Sara Poirier

To: Adam Donaldson

Hi Adam,

I confirmed with our Manager of Public Works Operations that Underwood Road is a Provincial road however the Municipality does plow it as part of Public Works winter maintenance trade off with the Province.

All the best,

Sara

September 12, 2022

From: Dean Dyck

To: Sara Poirier

Hi Sara:

Thank you for the opportunity to attend the meeting. It was quite informative although I thought some of the questions were outside the context of the meeting.

I have a few comments to pass on to the Planning and Heritage Committee:

1. I am concerned with the minimum side yard specifications of 4 feet on either side of a dwelling. This seems particularly small and poses potential fire spread hazard between buildings. However, if this matches the current specifications of the 2019 Crossing agreement, then it would make sense to keep it consistent. Also, if it falls within National Building Codes, then it also makes sense. I present it more as a concern.
2. I would like to see the inclusion of sidewalks within the new development, at the minimum on one side of the street. The concerns at the meeting about safety of residents walking on the roads within the current Crossing development are valid and having the opportunity to include sidewalks in the new development would be advantageous.
3. I suggest requiring street lighting for safety and security purposes within the new development. This is lacking in the current Crossing development. If this falls outside the scope of the PAC/HAC, please pass the comments to the appropriate department.

Thanks for letting me voice my comments. Have a great day.

Sincerely,
Dean Dyck
Garlands Crossing, NS

September 14, 2022

From: Sara Poirier

To: Dean Dyck

Hello Dean,

Thank you for your email. I will ensure your comments are passed along to the Planning and Heritage Advisory Committee when they are considering this application in October.

I have provided responses to your comments/questions below:

1. The developer is in regular discussions with Community Development, Planning and Development and Public Works staff regarding active transportation infrastructure in the proposed development which may include a sidewalk on at least one side of the street and other community connections. These plans would be submitted as part of the subdivision process, if the rezoning application is approved by Council.
2. I don't believe street lights are required as per the Municipal Specifications Manual but I will double check with the Municipal Public Works Department and mention it to the developer.

Please let me know if you have any other questions or comments.

All the best,

Sara

September 19, 2022

From: Melissa Heffernan

To: Sara Poirier

Dear Sarah Poirier,

Thank you for the letter about the virtual meeting concerning this property, and thank you for your service to our municipality.

I was a bit disappointed that the letter was dated Aug. 30th, and the meeting was only about a week later. Considering the fact that since it was mailed, we received it a few days after Aug. 30th, that does not give us much notice to be able to attend.

Therefore, I would appreciate it next time there is a meeting about a property near us, that we be notified with more notice please.

I do have a few questions, which I would appreciate hearing from you about.

1. What is the environmental impact that this development would have on the surrounding homes? (Ie. runoff, etc.)
2. Are there going to be designated green spaces as a part of this development? (I hope so, since I know that there are deer that like to frequent those fields, and nature is so important to the holistic health of people as well)
3. Why is there already construction occurring on this site, before the meeting even happened? It causes me to feel unease, that if the voices and opinions of the citizenry were really desired, wouldn't the meeting be given before any development moved forward?

Thank you very much for your time,

Melissa Heffernan

Garlands Crossing

September 21, 2022

From: Sara Poirier

To: Melissa Heffernan

Good morning, Melissa,

Thank you for your email. I will ensure your comments are passed along to the Planning and Heritage Advisory Committee when they are considering this application in October.

I have provided responses to your comments/questions below:

1. As per the Municipal Specifications Manual, through the subdivision process a stormwater management plan will be required by the developer to show that pre- and post-construction flows are balanced and that there will be no negative impact on downstream properties.
2. I have attached the developers proposed site plan. Part of the subdivision requirements is to provide 5% parkland allocation for the development. Currently the developer shows an area of parkland with stormwater management ponds in the lower lying area of the property. The adequacy of this land will be determined during the subdivision process.
3. Developers can prepare their land for construction prior to approval however the developer assumes the risk/cost of this as the application is not guaranteed to be

approved. We do advise any applicant that the application follows a public process with the final decision being made by Council.

Please let me know if you have any other questions or comments.

All the best,

Sara

September 21, 2022

From: Harvey Conrad

To: Sara Poirier

At this time I would like to thank Hants West Municipality for the opportunity to express my concerns and comments in relation to the re zoning of PI 45190386 and 45366457. After attending the Zoom meeting and listening to the comments, questions and answers during this meeting, I have several concerns about this project which need to be addressed. The first and one of the most important subjects is infer structure supporting this project, or lack of it. Mr Bryson the contractor for this project stated that it will take between 3 and 5 maybe 6 years to complete this phase of his sub division.. He also said there is about 220 building sights that will be constructed over that time with the opportunity to build two multi-unite structures, one at the south end and one at the north of this property. There were no figures or details about these two or more unites released at this time. IE height , number of apt. etc. There will be another apt complex built on the current Crossing property at the same time. This could add up to over a thousand people moving into a very small are within 5 or six years maybe less. The last population figures I found stated the population of Windsor and area was around 4000 persons. That means in a very short time the town will grow by at least 25%. Lets look at some of the problems that could effect the area due to this very large population growth. As we are all aware there is a shortage of doctors and nurses in Nova Scotia at this time. Our hospital is finding it difficult to cope with these shortages at the present population. People are being forced to use the ER's to get medical attention that should be provide by family doctors. As a result the ER'S are closing on more and more occasions. With the increase of possibly 25% more residents to the area this situation can only get worse. I know that health care is a provincial responsibility but is the municipality doing anything to work with the province to have a plan assisting our hospital or will it be just closed more often. Ambulance service is in the same boat. Instead of waiting two hours for transport to the hospital will the wait be three or four because the number of calls will get larger, especially with an aging population, Are there plans to cover this problem. This is an important issue. Its great to have housing for our citizens but can we take care of the health needs for that many people in such a short time frame. Lets now visit the subject of traffic flow and conditions. Traffic will increase on Underwood, adjacent streets, the Crossing and the Windsor area in general. This will not only include car traffic but during the 5 to 6 year building span large dump trucks, heavy machinery and industrial size delivery trucks. Ask the residence of Underwood about the growth in traffic over the last few years. This traffic

is traveling over roads built when their main use was for mom dad and the kids to harness up the old grey mare and come into Windsor on Sat to go to market or Church on Sunday. Times have changed motor vehicles travel a lot faster then equine power. The roads are narrow with no sidewalks they often turn into bottle necks and are a danger to children and adults trying to walk along these roads. As the matter of fact there is no area designed for pedestrians Speeding is also a problem with vehicles traveling at speeds above the limit for safe passage. Have any thought been put into improving traffic flow, enforcement, and safety. Emergency services will be put to the test in maintaining the current level of service. With the population growth will they have need of additional personal, and the same can be said for the fire service. Has anyone asked them. The RCMP do the best they can but as everyone knows the larger an area gets, the more criminal activity there is. This can be prevented with some future planning by law enforcement in combination with the governing body. There is one other point I would like to make, that is the amount of disruption that this will cause the current residents of the area The noise, the dust , the traffic, etc. At times the construction crews have been working from 6:45 AM to after 5:30 PM, Saturday and Sundays sometime included. Work was done on Natal Day and Labour Day two holidays. When employees from the municipality were contacted I was informed that the municipality can do nothing to help in the matter. I was surprised as that is what I thought ordinances and by laws were meant to cover in most other places. Is there nothing council can do or do they not want to assist the citizen in maintaining a somewhat normal living experience while this work is taking place. Do not get me wrong I know we need more housing, Windsor is not the quiet little rural town anymore, like the ones written about by Stephen Leacock. Time moves on and Windsor is growing up. I just feel that it is better to make sure development is done right, its hard to repair the damage after we discover we made a mistake. Urban sprawl is not what we are looking for or poorly conceived plans that do not take the whole picture into consideration .I fail to see where this development will provide help with the ongoing need for affordable housing. Respectfully submitted, Harvey Conrad,

September 22, 2022

From: Sara Poirier

To: Harvey Conrad

Good morning, Harvey,

Thank you for your email. I will ensure your comments are passed along to the Planning and Heritage Advisory Committee when they are considering this application in October.

All the best,

Sara

September 23, 2022

From: Paul Brown

To: Sara Poirier

Hi, I wanted to send this email to once again to give my thoughts on the extension of the crossing.

I am more concerned about the safety than I am about a sub division behind my home.

There are current safety issues that aren't addressed yet with the current development, those concerns must be dealt with before adding to the existing safety problems. Yes, adding new streets to connect the crossing to the new roads may be part of the solution but we must think about the amount of traffic that will come through underwood road to get to Windsor. People from three mile plains and Ellershouse will not drive their same path as now, they will all be coming through underwood road to get to superstore/liquor store and many other businesses. Underwood road can hardly handle the traffic it currently gets let alone the amount of traffic it will get once the roads open up here.

Underwood road is not a thoroughfare, it's not even up to par for the traffic we get now. Weather it's sidewalks, lights, etc.... Something has to change, and it SHOULD NOT be the taxpayers to cover these costs, it should fall on the developers who want to make these changes.

On another note, I'm concerned as well as others in the area, about the possibility of more mini homes on this land. I took part in the online meeting and know the developer said that wasn't currently the plan but didn't exclude the possibility either.

I think the municipality really needs to do some research and thinking before allowing this to happen as it's done in the past.

Thank you,

Paul Brown

September 26, 2022

From: Sara Poirier

To: Paul Brown

Good morning, Paul,

Thank you for your email. I will ensure your comments are passed along to the Planning and Heritage Advisory Committee when they are considering this application in October.

All the best,

Sara



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: November 22nd, 2022

Subject: File# 22-19B 697 Greenhill Road, Greenhill PID 45026010 - Rezoning

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

If Council wishes to approve the rezoning following the Public Hearing, the following motion would be in order:

... that Council gives Second Reading and approves amending Schedule A of the West Hants Land Use By-law by rezoning 697 Greenhill Road, Greenhill (PID 45026010) from the Agricultural Priority Two (AR-2) zone to the Rural Residential (R-4) zone.

BACKGROUND

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

The completed application was submitted by Doug Faulkner on August 15th, 2022 to change the zoning of a 52 acre property located at 697 Greenhill Road, Greenhill (PID 45026010) from the Agricultural Priority Two (AR-2) zone to the Rural Residential (R-4) zone to permit the construction of a private road and subdivided lots for residential purposes.

DISCUSSION

A Public Information Meeting was held on September 8th, 2022.

The public comment period ended on September 23rd with two (2) members of the public providing comments regarding concerns with the drilling of additional wells on the subject lot.

On October 13th, 2022, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A).

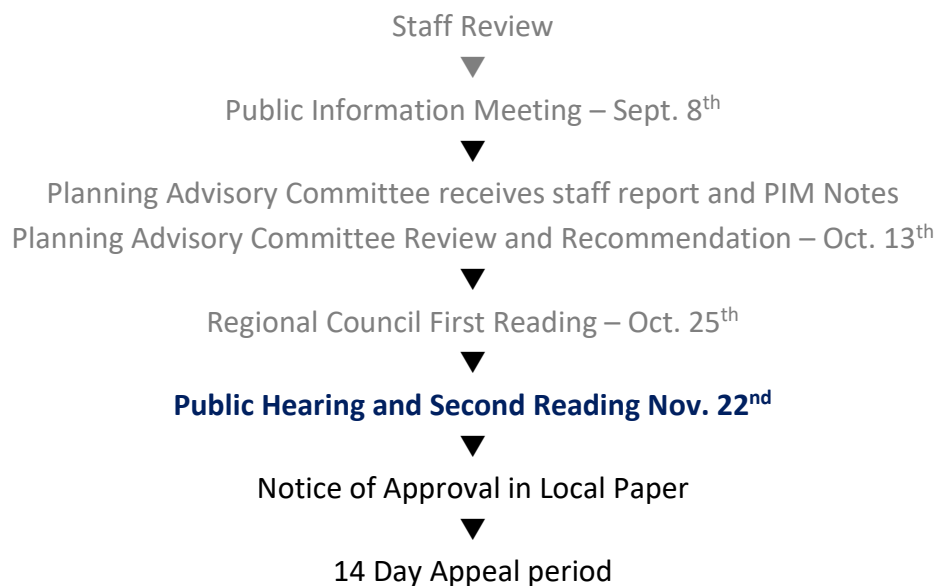
During the October 13th meeting PAC/HAC discussed whether a hydrogeological report would be excessive for the scale of the development and would be inconsistent with the owner's existing ability to subdivide 1 lot each year from the site without providing a hydrological assessment. PAC/HAC recommended in favour of the application with no hydrogeological report required.

On October 22nd, 2022, staff presented the PAC/HAC recommendation to Council for First Reading (Appendix A).

NEXT STEPS

The proposed amendment has been considered based on the West Hants Municipal Planning Strategy and has proven consistent with the intent, objectives, and policies of the Planning Strategy. As a result, it is reasonable to consider rezoning 697 Greenhill Road, Greenhill (PID 45026010) from the Agricultural Priority Two (AR-2) zone to the Rural Residential (R-4) zone.

Process



FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

- approve the amendment as drafted or as specifically revised by direction of Council; or
- provide alternative direction such as requesting further information on a specific topic.

APPENDICIES

Appendix A 2022-10-13 Staff Report - File# 22-19 697 Greenhill Road, Greenhill PID
45026010 - Rezoning

CHIEF ADMINISTRATIVE OFFICER REVIEW

I continue to support this amendment as it aligns with the Planning Strategy provisions. The subject has been thoroughly reviewed by PAC/HAC and the public has been provided the standard process for community feedback.

Report Prepared by: _____

Alex Dunphy, Planner

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by: _____


Mark Phillips, Chief Administrative Officer

Appendix A – File# 22-19 697 Greenhill Road, Greenhill PID 45026010 - Rezoning



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: October 13th, 2022

Subject: 697 Greenhill Road, Greenhill PID 45026010 - Rezoning

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

... that PAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law by rezoning 697 Greenhill Road, Greenhill (PID 45026010) from the Agricultural Priority Two (AR-2) zone to the Rural Residential (R-4) zone, provided a hydrogeological study can be provided to determine that the development will have no negative affect on the existing water table.

BACKGROUND

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

The completed application was submitted by Doug Faulkner on August 15th, 2022 to change the zoning of a 52 acre property located at 697 Greenhill Road, Greenhill (PID 45026010) from the Agricultural Priority Two (AR-2) zone to the Rural Residential (R-4) zone to permit the construction of a private road and subdivided lots for residential purposes.

Surrounding Context

The subject lot is a 52 acre, mostly undeveloped lot with frontage on Greenhill Road and located within the community of Greenhill. Adjacent properties on the northern side of Greenhill Road are primarily residential with open fields, while uses on the southern side of Greenhill Road tend to be either residential or undeveloped.

DISCUSSION

The subject lot is currently designated Agriculture on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (MPS) (Figure 1). The subject lot is currently zoned Agricultural Priority Two (AR-2) on Schedule A of the West Hants Land Use By-law (LUB) (Figure 2).

The applicant had requested to amend the zoning of the subject lot to Rural Residential (R-4) in order to subdivide and construct a private road for personal use. Lots which are zoned Agricultural Priority Two (AR-2) are able to be considered for rezoning to the Rural Residential (R-4) zone based on a report prepared by a professional agrologist, pursuant to Policy 8.9.3.

Municipal Planning Strategy Document Review

Policy 8.9.3 is the primary enabling policy to be considered for this application. This policy permits Council to consider a Land Use By-law amendment to change the zoning of a property from Agricultural Priority Two (AR-2) to Rural Residential (R-4) based on a report prepared by a professional agrologist. In order to use this policy, the agrologist's report must show that the site has little, or no agricultural capability and development of the site will not adversely affect existing agricultural operations or the agricultural character of the area.

Policy 8.6.1 provides the criteria which must be met by an agrologist report in order to permit the consideration of rezoning a lot for non-farm development. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the subject lot exhibits constraints with regard to land fertility, slope, and drainage;
- the author of the report is a professional agrologist who performed a site visit;
- the report includes a site plan showing the study area; and
- the report identifies site features and reasons that the subject lot would not be productive agricultural land.

Policy 16.3.1 provides the general criteria that must be considered for all LUB amendments. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria, provided a hydrogeological report can be carried out prior to rezoning since:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, District Manager of the Nova Scotia Department of Public Works, and Inspector Specialist of the Nova Scotia Department of Environment and Climate Change have no concerns which have not been addressed in this report.

Comments from the Public

Concerns have been received from two members of the public regarding the potential straining of available potable water through increased well extraction in the area. The applicant has reported no shortage of potable water to the existing well on the subject lot. Clause (b) of Policy 16.3.1 reads “*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*”. This clause must be addressed prior to development. Due to this, I am recommending the suggested action from the Nova Scotia Department of Environment and Climate Change to request a hydrogeological report to confirm that the proposed development will not negatively affect the water table of the area.

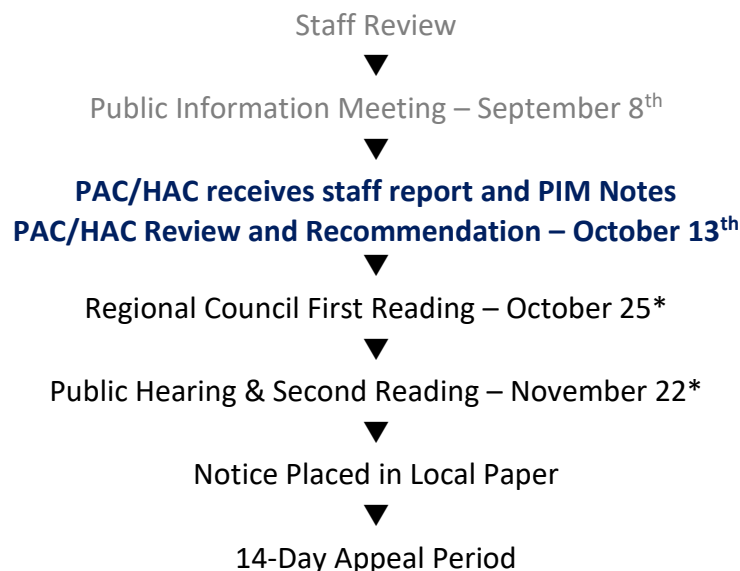
Comments from the Nova Scotia Department of Public Works

An Engineering Aide from the Nova Scotia Department of Public Works confirmed that a maximum of three (3) residential lots can be accommodated by the existing access to the subject lot and that developing a private road would not be permitted.

NEXT STEPS

Discussion from PAC will be incorporated into the report and presentation to Council.

Process



*anticipated dates; final dates are set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality with regard to the filing of this report.

ALTERNATIVES

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	GFLUM Extract
Figure 2	Current Zoning Map Extract
Figure 3	Proposed Zoning Map Extract
Attachment A	Policy Summary for Amendment to a Land Use By-law
Attachment B	Public Information Meeting Notes
Attachment C	Agrologist Report

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – GFLUM Extract

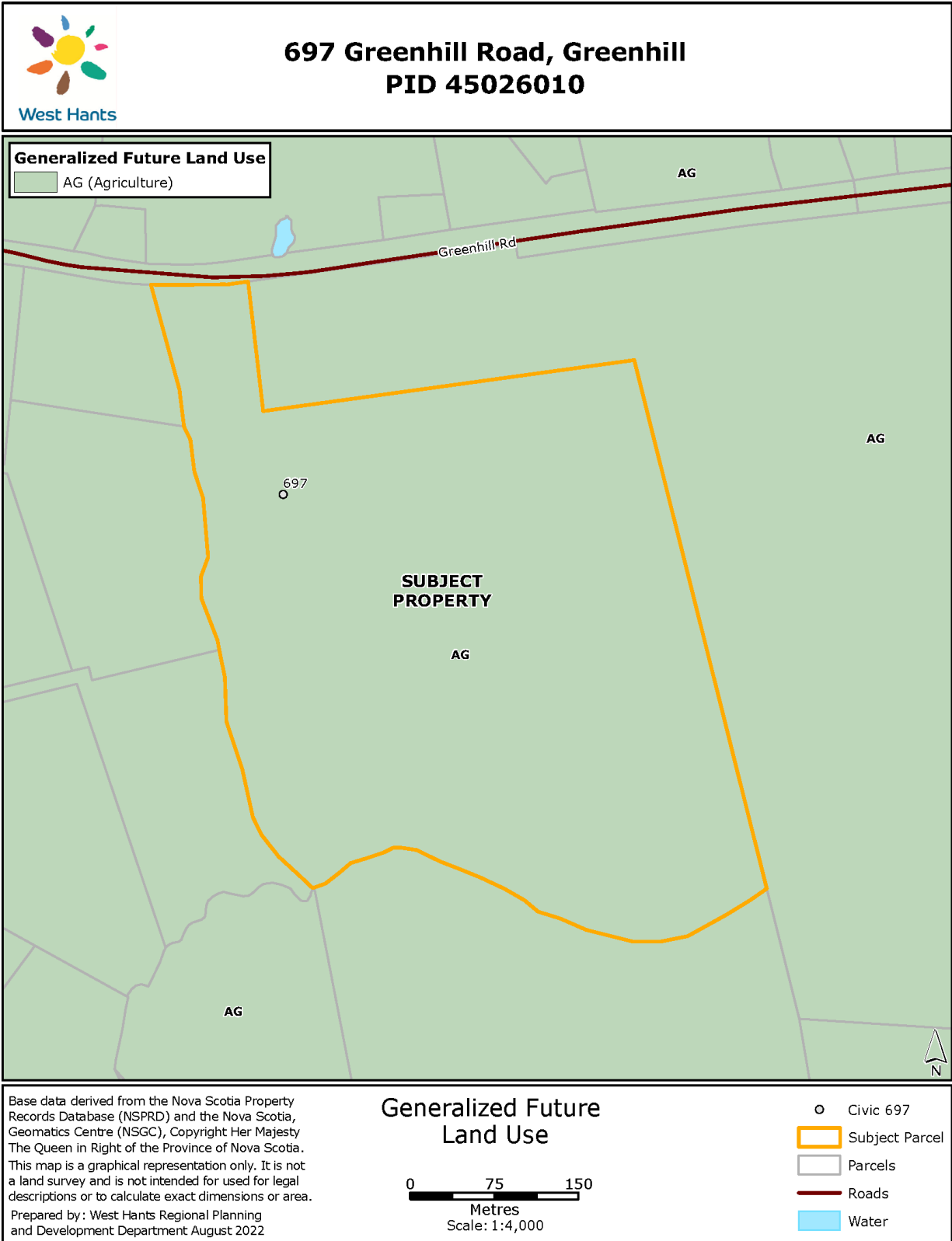


Figure 2 – Current Zoning Map Extract

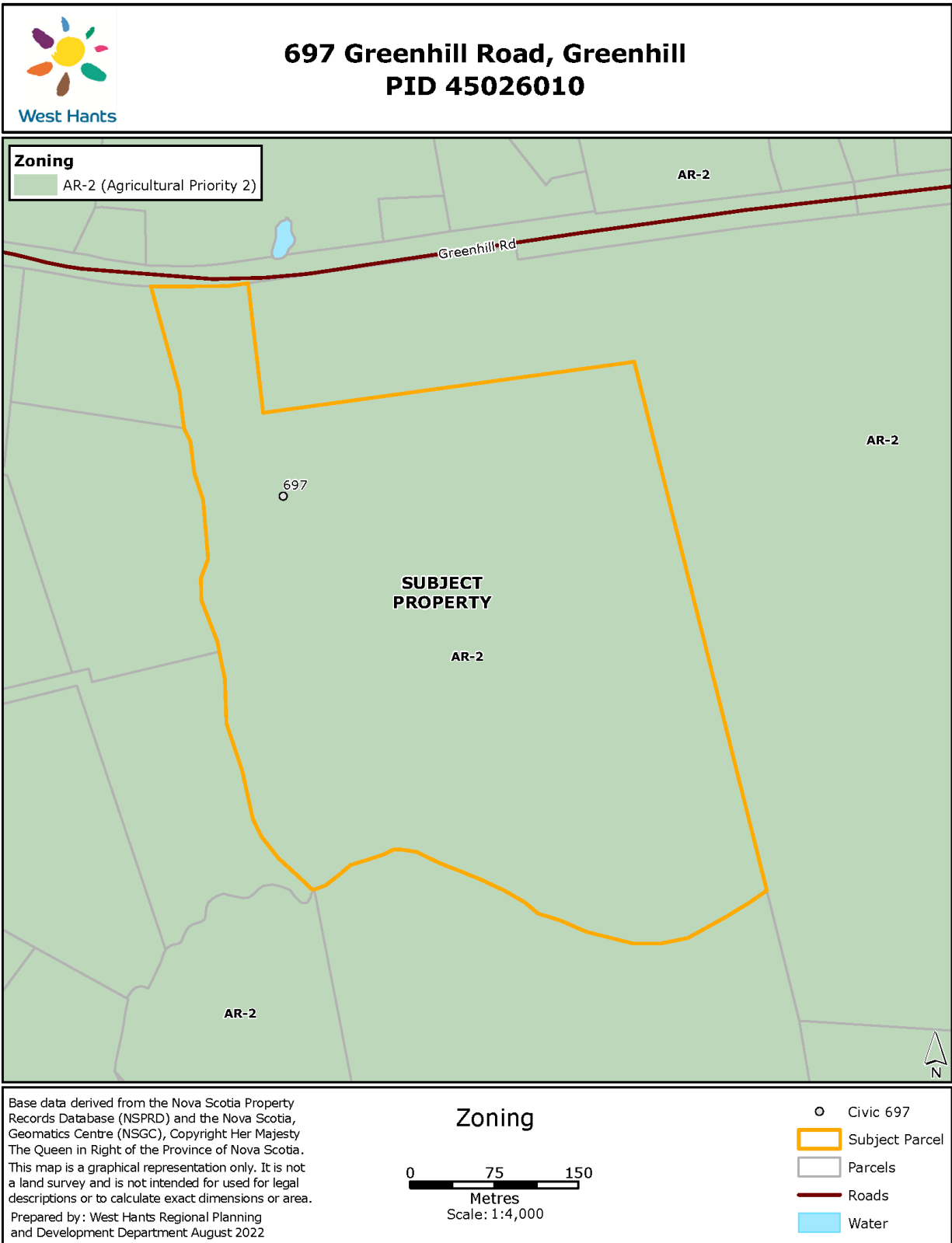
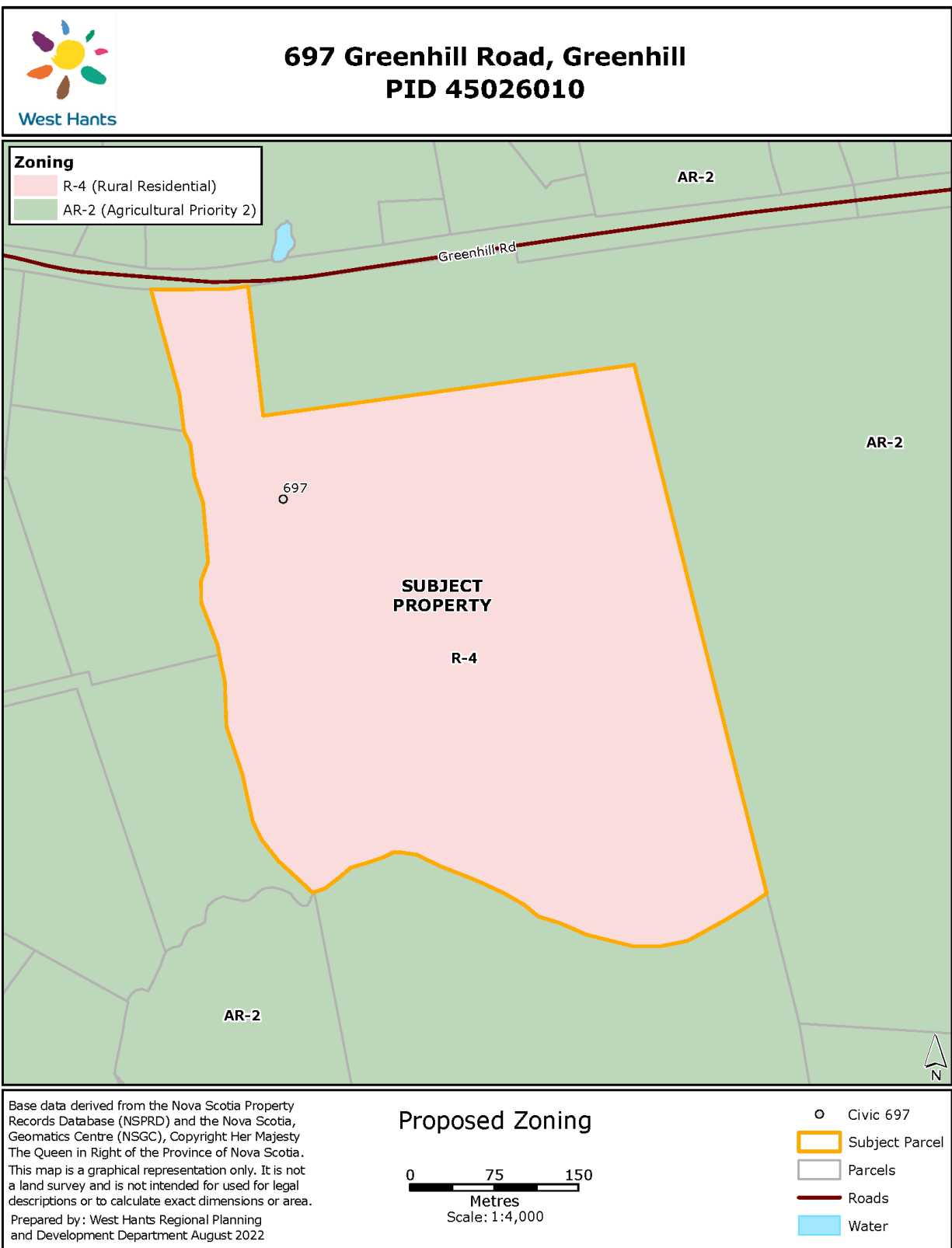


Figure 3 – Proposed Zoning Map Extract



Attachment A – Policy Summary for Amendment to Land Use By-law

Policy 8.9.3 <i>It shall be the policy of Council to consider rezoning land zoned AR-2 to Rural Residential (R-4) subject to the following:</i>	
<i>(a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;</i>	The agrologist report listed as Attachment C concludes that the subject lot is not well suited for future agricultural development.
<i>(b) the proposed development will not compromise or adversely affect the operation or integrity of existing agricultural operations;</i>	The subject lot is large enough to buffer the development from abutting lots.
<i>(c) the predominant agricultural character of the area will not be adversely affected and the proposed development is compatible with the area in terms of such matters as density, scale and traffic generation;</i>	The applicant intends to retain the character of the area by having low-density residential uses on large lot sizes.
<i>(d) adequate separation distances and buffering between agricultural and non-agricultural uses can be provided;</i>	The subject lot has sufficient space to maintain setbacks from surrounding properties.
<i>(e) any other matter which may be addressed in a Land Use By-law; and</i>	All matters are addressed.
<i>(f) Policy 16.3.1.</i>	Refer to Policy 16.3.1 summary.
Policy 8.6.1 <i>It shall be the policy of Council to consider certain non-farm development, pursuant to the relevant specific policies of this Part, on land within the Agricultural designation that has been determined to have little or no agricultural capability. A determination of agricultural capability shall be based on the following:</i>	
<i>(a) 90 percent or more of the development site is an existing or abandoned resource extraction site such as a sand pit, gravel pit or quarry for which a permit for extraction has been issued by the Province of Nova Scotia. The resource extraction must have been existing or abandoned prior to the effective date of this Strategy; or</i>	N/A
<i>(b) if not a resource extraction site, a study has been prepared by a professional agrologist, at the expense of the applicant, which concludes that the proposed development will not adversely affect the viability of surrounding agricultural operations and:</i>	
<i>(i) 90 percent or more of the development site has soils defined as Class 4 or lower capability for agriculture; or</i>	N/A

<i>(ii) the soils have a capability for agriculture rating better than Class 4, but 90 percent or more of the development site exhibits severe limitations for agricultural use because of slope, stoniness, salinity, wetness, permeability, depth of soils, size of parcel or proximity to non-farm buildings;</i>	The land is rated as Canada Land Inventory (CLI) Class 3 but has constraints which limit the use of the land for agriculture. The amount of effort to convert this property into highly productive land is not feasible, and extensive maintenance on the land would likely be required to maintain agricultural production.
<i>(c) the study shall:</i>	
<i>(i) be prepared by a registered full member of the Nova Scotia Institute of Agrologists;</i>	A report was received from Jonathan Wort, who is a Professional Agrologist recognized by the Nova Scotia Institute of Agrologists.
<i>(ii) require a site inspection by the agrologist;</i>	A site visit was conducted on July 6 th , 2022 by Johnathan Wort and Caitlin McCavour.
<i>(iii) specify the method used, consistent with the C.L.I. classification methodology, to determine soil capability for agriculture;</i>	The Canadian Land Classification system was designed for land that has been previously cleared and does not include forested sites. The agrologist's report did not reclassify the land, but instead used OMAFRA protocol to determine whether the subject lot is suitable for agriculture.
<i>(iv) identify any major site features or characteristics which influence or determine soil capability including, but not limited to, slope, soil texture, stoniness, wetness, salinity, permeability, and depth of soils;</i>	Refer to Interpretation sections in Attachment C.
<i>(v) include a site plan illustrating the area studied and any relevant site features;</i>	Included within Attachment C.
<i>(vi) identify reasons why the use would be compatible with, or not adversely affect, area farms. Reference should be made to the following where applicable: site and locational constraints; infilling between existing non-farm development; logical extension of existing non-farm development; special use with special locational requirements; current pattern of development; parcel size and shape; surrounding land uses; context within which the parcel fits into the farming area; viability of the parcel and remnant for farming; and existing, past and future use of the parcel and remnant;</i>	The proposed residential use is compatible with the surrounding agricultural uses as each lot as part of the subdivision process would have sufficient setback distances and large lot sizes, indicative of agricultural areas.

<i>(vii) indicate the implications of letting the parcel go out of agricultural production; and</i>	There is no evidence to suggest the subject lot has been in agricultural production over the last 50 years.
<i>(viii) indicate the implications of fragmenting the land.</i>	The intent of the application is to maintain large lot sizes. Maintaining the total lot size of 52 acres is not useful as it is not feasible to support agricultural production.

Policy 16.3.1 <i>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:</i>	
<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 Public Works Department confirmed that there are no municipal services on the subject lot.
<i>(ii) the adequacy of school facilities;</i>	N/A
<i>(iii) the adequacy of fire protection;</i>	The local Fire Chief and Manager of Building and Fire Inspection Services have stated that there is adequate fire protection for the proposed use.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	A Nova Scotia Department of Public Works Engineering Aide confirmed that the existing access would be sufficient for a maximum of three (3) lots and that developing a private road on the lot would not be permitted.
<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) 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 there have been concerns regarding the supply of potable water access in the area, a hydrogeologist report regarding the potential effects of the development on the existing water table should be pursued.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	A Nova Scotia Department of Public Works District Manager commented that they do not have any concerns regarding movement relative to the subject lot.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer had no concerns regarding the adequacy of the of the shape

	or size of the subject lot for the intended use.
<i>(e) the pattern of development which the proposal might create;</i>	As the intent of the application is to permit residential lots with large lot size, the type of development is similar to surrounding uses. The Development Officer had no concerns about the pattern of the development.
<i>(f) 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>	See Attachment C.
<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>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B - Public Information Meeting Notes
September 8th – September 23rd, 2022
File 22-19
697 Greenhill Road, Greenhill PID 45026010

Meeting date and time	A virtual Public Information Meeting was held on September 8 th , 2022 beginning at 7:10 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: Three (1) Councillor: • Councillor Ivey (Chair) Four (4) members of staff: • Planner Dunphy • Planner Poirier • Director LeMay • Meeting Secretary Lake The following members of the public requested an invitation to the PIM via Zoom: • Candace Hillier • Leslie and Jason Bower • Richard Bullock
Applicant Doug Faulkner Property 697 Greenhill Road, Greenhill PID 45026010	Planner Dunphy outlined the amendment application to rezone a 52 acre agriculturally zoned property to permit residential subdivision and construction of a private road.
Comments	Comments from the public could be submitted to Planner Dunphy by mail, e-mail and telephone between September 8th – 23rd, 2022. 2 phone calls were received, with an email follow up. The questions and comments from the public are summarized below. The email response is attached. Two phone calls were received during the PIM comment period. Staff responses are included in purple text: • Richard Bullock was concerned about the drilling of additional wells on the subject lot, citing issues with water extraction from a dug well.

	Alex confirmed that he would be reviewing access to water as part of the criteria for the rezoning. Elizabeth Caverly had concerns regarding the digging of additional wells on the subject lot and potential for the intensity of residential development on the lot. Alex confirmed that potable water access would be reviewed as part of the rezoning process. Alex also responded that the applicant had intended to subdivide the subject lot into approximately 3-5 lots, with each lot being multiple acres in size.
Adjournment	The meeting was adjourned at 7:15 p.m.

Public Email Responses Submitted for the Application PIM

September 22nd, 2022

From: Elizabeth Caverly

To: Alex Dunphy

Good morning Mr. Dunphy –

Further to our conversation on Friday, September 16th, I understand that another meeting is scheduled to discuss the above-noted matter. As indicated to you during our discussion, my main concern involves any impact analysis study which, I assume, must have been conducted regarding the local water table and how a new development will impinge on an already stretched resource. As you know, many neighbouring homes have experienced severe water shortages this season and these new plans will only exacerbate the situation.

I wish to attend the next meeting and to be afforded an opportunity to raise my concerns and to have a better understanding of the scope of the anticipated project. Please provide me with the necessary zoom link at your earliest convenience.

Thank you

Elizabeth

M. Elizabeth Caverly

Director – Directrice

Atlantic Region / région atlantique

Courts Administration Service

Service administratif des tribunaux judiciaires

Attachment C – Agrologist Report

Agrologist Report

697 Greenhill Road

Greenhill, Nova Scotia

PID 45026010

July 25th, 2022

PREPARED BY:
PERENNIA FOOD AND AGRICULTURE INC.

Prepared for: Doug Faulkner

Prepared by: Caitlin McCavour (Soil Specialist) BSc. (Agr.), MSc. (candidate), A. Ag

Re-Zoning PID 45026010 West Hants Municipality.

July 25, 2022.

Caitlin McCavour visited the property in question and conducted a site evaluation on June 8th 2022. She conducted the evaluation as outlined in this report. As a follow up Caitlin and I visited the site together on the 6th of July 2022. Caitlin and I walked the property and she showed me the process that she followed in the evaluation, and we discussed the observations.

Based on the work that was conducted by Caitlin and her knowledge of soils and land classification. I am very comfortable with the conclusions that she has presented in this report.

PID 45026010 is a 52 acre property that is wooded and appears to never have been in agricultural production. It is my opinion that this piece of land would be a very poor site to develop for agricultural production. The cost of clearing and improving this site for agriculture would far exceed its potential value for agriculture because of its poor soil type, low fertility, and poor drainage.

Based on the land assessment that was conducted, this site is not well suited for future development for Agriculture and could be justifiably rezoned for development.

Sincerely Jonathan Wort PAg.

Manager Livestock and Field Crops Perennia.

jwort@perennia.ca

902 890 0303.

Executive Summary

Perennia Food and Agriculture Inc. received a request from Doug Faulkner to conduct an agrologist report for the potential re-zoning of a parcel of land (PID 45026010) from Agriculture Priority 2 (AR-2) to rural residential (R-4). The site characteristics of this property are described in the following table.

Site	Size	52 acres
	Number of Sites	2
	Percent in Agriculture	None
	Usage	Forest
	Goal	To convert to a residential area.
Climate	Mean Annual Temperature	7.4°C
	Annual Precipitation	1309.6 mm
	Degree Days Above 15°C	426.3
	Frost Free Days	145
Soil	Soil Series	Elmsdale/Wolfville
	Texture	Silty Clay Loam
	Drainage	Poorly to Moderately Well

A review of the soil surveys, a field assessment, and a client interview was conducted to determine the suitability of the land for agriculture production. Through this analysis, we found:

- This site is not currently under agricultural production, and there is no evidence of agricultural production over the last 50 years.
- The property was divided into two blocks based on soil type, and drainage. The Southwestern block of the property is poorly drained and drain tile would likely be required for suitable agricultural production. The Northeastern block of the property is imperfectly drained in areas and is more variable.
- Moderate to severe slopes may increase the risk of erosion once the land is cleared.
- The entire site has inherently low fertility, and extensive use of lime and fertilizer would be required to support agriculture production.
- Creating suitable agricultural land would take several years and require extensive resources.

The cost to bring this piece of land up to production would include, but is not limited to, clearing and stumping, drain tile or other drainage practices, field preparation, and high amounts of lime and fertilizer, which is likely, not feasible to support agricultural production within the next few years.

Background

The protection of farmland is important for the municipality of West Hants. Land currently used as agriculture or identified as having potential for agriculture has been classified as such, and this property has been designated for no other purpose.

Within this municipality, agricultural land is classified in three ways: (1) Prime Agriculture (P/Ag), (2) Agriculture Priority Two (AR-2), and (3) Agriculture Priority Three (AR-3). The piece of land discussed in this report is designated as AR-2, which permits agricultural support uses, agricultural uses, churches, community centers and fire halls, forestry and forestry-related activities, indoor storage facilities accessory to agricultural use, manufactured homes, and one and two-unit dwellings. The construction of any structures requires a development permit, and any subdivision of the land is limited to two lots per land area per calendar year. As a result, AR-2 land can be rezoned in areas where there is evidence of low capability for agricultural production.

Rezoning may be considered beyond the allowed two lots per year if the land is proven unsuitable for agriculture. Under the Municipality of the District of West Hants Municipal Planning Strategy

Policy 8.9.3 - It shall be the policy of the Council to consider rezoning land zoned AR-2 to Rural Residential (R-4) subject to the following:

- (a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;*
- (b) the proposed development will not compromise or adversely affect the operation or integrity of existing agricultural operations;*
- (c) the predominant agricultural character of the area will not be adversely affected and the proposed development is compatible with the area in terms of such matters as density, scale and traffic generation;*
- (d) adequate separation distances and buffering between agricultural and non-agricultural uses can be*
- (e) any other matter which may be addressed in a Land Use By-law; and*
- (f) Policy 16.3.1.*

And

Policy 8.6.1 - It shall be the policy of Council to consider certain non-farm development, pursuant to the relevant specific policies of this Part, on land within the Agricultural designation that has been determined to have little or no agricultural capability. A determination of agricultural capability shall be based on the following:

- (a) 90 percent or more of the development site is an existing or abandoned resource extraction site such as a sand pit, gravel pit or quarry for which a permit for extraction has been issued by the Province of Nova Scotia. The resource extraction must have been existing or abandoned prior to the effective date of this Strategy; or*

(b) if not a resource extraction site, a study has been prepared by a professional agrologist, at the expense of the applicant, which concludes that the proposed development will not adversely affect the viability of surrounding agricultural operations and:

- (i) 90 percent or more of the development site has soils defined as Class 4 or lower capability for agriculture; or*
- (ii) the soils have a capability for agriculture rating better than Class 4, but 90 percent or more of the development site exhibits severe limitations for agricultural use because of slope, stoniness, salinity, wetness, permeability, depth of soils, size of parcel or proximity to non-farm buildings; Municipal Planning Strategy Municipality of the District of West Hants Page 73*

(c) the study shall:

- (i) be prepared by a registered full member of the Nova Scotia Institute of Agrologists;*
- (ii) require a site inspection by the agrologist;*
- (iii) specify the method used, consistent with the C.L.I. classification methodology, to determine soil capability for agriculture;*
- (iv) identify any major site features or characteristics which influence or determine soil capability including, but not limited to, slope, soil texture, stoniness, wetness, salinity, permeability, and depth of soils;*
- (v) include a site plan illustrating the area studied and any relevant site features;*
- (vi) identify reasons why the use would be compatible with, or not adversely affect, area farms. Reference should be made to the following where applicable: site and locational constraints; infilling between existing non-farm development; logical extension of existing non-farm development; special use with special locational requirements; current pattern of development; parcel size and shape; surrounding land uses; context within which the parcel fits into the farming area; viability of the parcel and remnant for farming; and existing, past and future use of the parcel and remnant;*
- (vii) indicate the implications of letting the parcel go out of agricultural production; and*
- (viii) indicate the implications of fragmenting the land.*

This report provides site information for a request to approve the rezoning of 52 acres of land from AR-2 to R-4. The parcel of land is located at 697 Greenhill Road, Greenhill, NS, PID 45026010 and is owned by Doug Faulkner.

The Canadian Land Classification system was used to determine if this land could be used for agriculture. However, this system is designed for land that has been previously cleared and does not include forested sites. Therefore, these soils were not reclassified, but the parameters for determining agricultural restricting properties were identified. These parameters were identified using an OMAFRA protocol (<http://omafra.gov.on.ca/english/landuse/classify.htm#subd>). While we did not reclassify the site, we used these parameters to determine whether the property is suitable for agriculture.

Report

Site visits were conducted on June 9th and July 6th, 2022, at 697 Greenhill Road, Greenhill, NS. The site visits consisted of a site walkthrough, site assessment, and discussion with the property owner. Information about the site to be used for the consideration of land rezoning can be found in this report.

Site Information

The site is located at 697 Greenhill Road, Greenhill, NS (Figure 1). It is approximately 52 acres (2,265,120 sq. ft.) within the municipality of West Hants. The property is currently forested, and no agriculture production has been conducted on this site to the property owner's knowledge. Some silviculture has been performed recently; however, there is no evidence of agricultural production at the site for the previous 25 years and 25 years+. All surrounding properties are also classified as AR-2; however, only the property across the road (north) is currently used for agriculture. Properties to the East, South, and West are forested, with some having single dwellings upon the property. Additional agricultural land within 5 km of the site is present, with most of the adjacent land being forested. A new road is under construction, and old logging roads are evident near the back of the property.

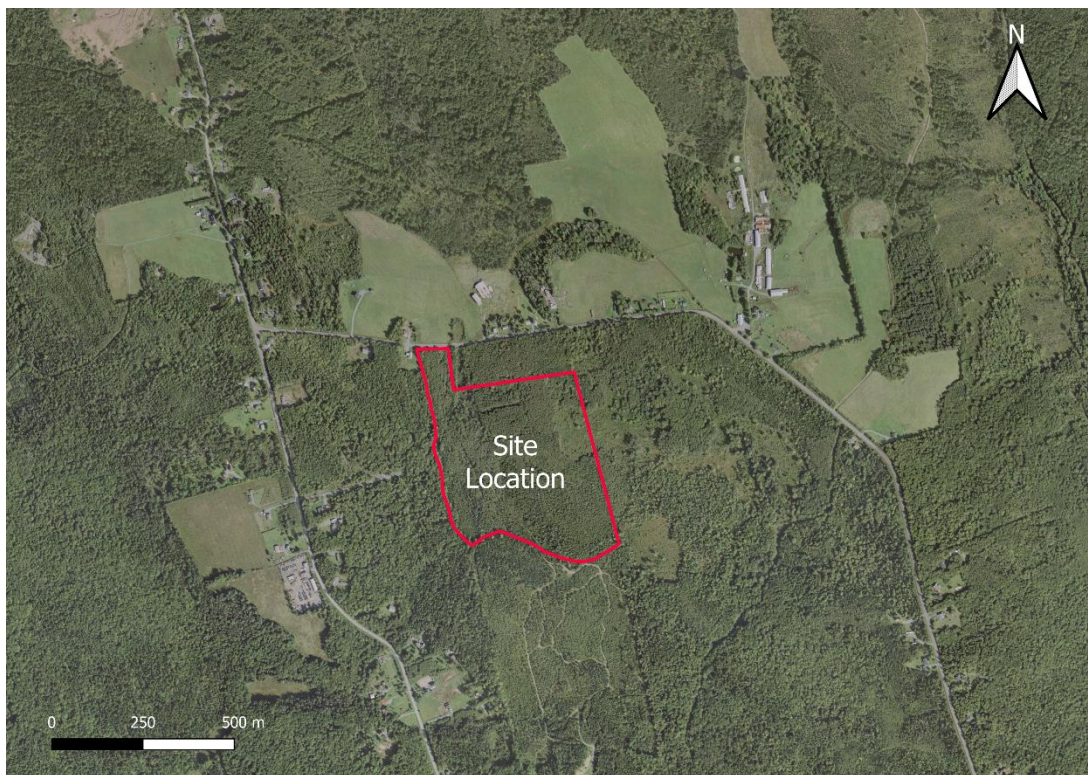


Figure 1 Site Map.

Site Pictures:





Site Description

The soil survey indicates that this is an Elmsdale soil series, and the drainage class is different approximately halfway through the property (Figure 2); however, this location was reclassified as a Wolfville soil series in the more recent soil survey data.

Two blocks were evaluated separately based on the different soil types and vegetation. Block 1 is the area seen in green and identified as El-PH/2.B4 or NS WFV5~~~~A; Block 2 is seen in yellow and identified as El-P/2.B5 or NS WFV4~~~~A (Figure 2).

Each block was described using the soil survey information, vegetation, soil pit classification using the Canadian Soil Classification System (Table 1), and other site features. Soil pit classification was verified through auger sampling at random locations throughout the site. Surface stoniness was determined by sampling four 10 m by 10 m plots and evaluating the number, distribution, and size of stones. Soil samples were collected and analyzed at the Nova Scotia Department of Agriculture Analytical Lab. Additional features were assessed using available maps. These features were then compared to the parameters identified by OMAFRA as hindering agricultural production. Results are presented here.

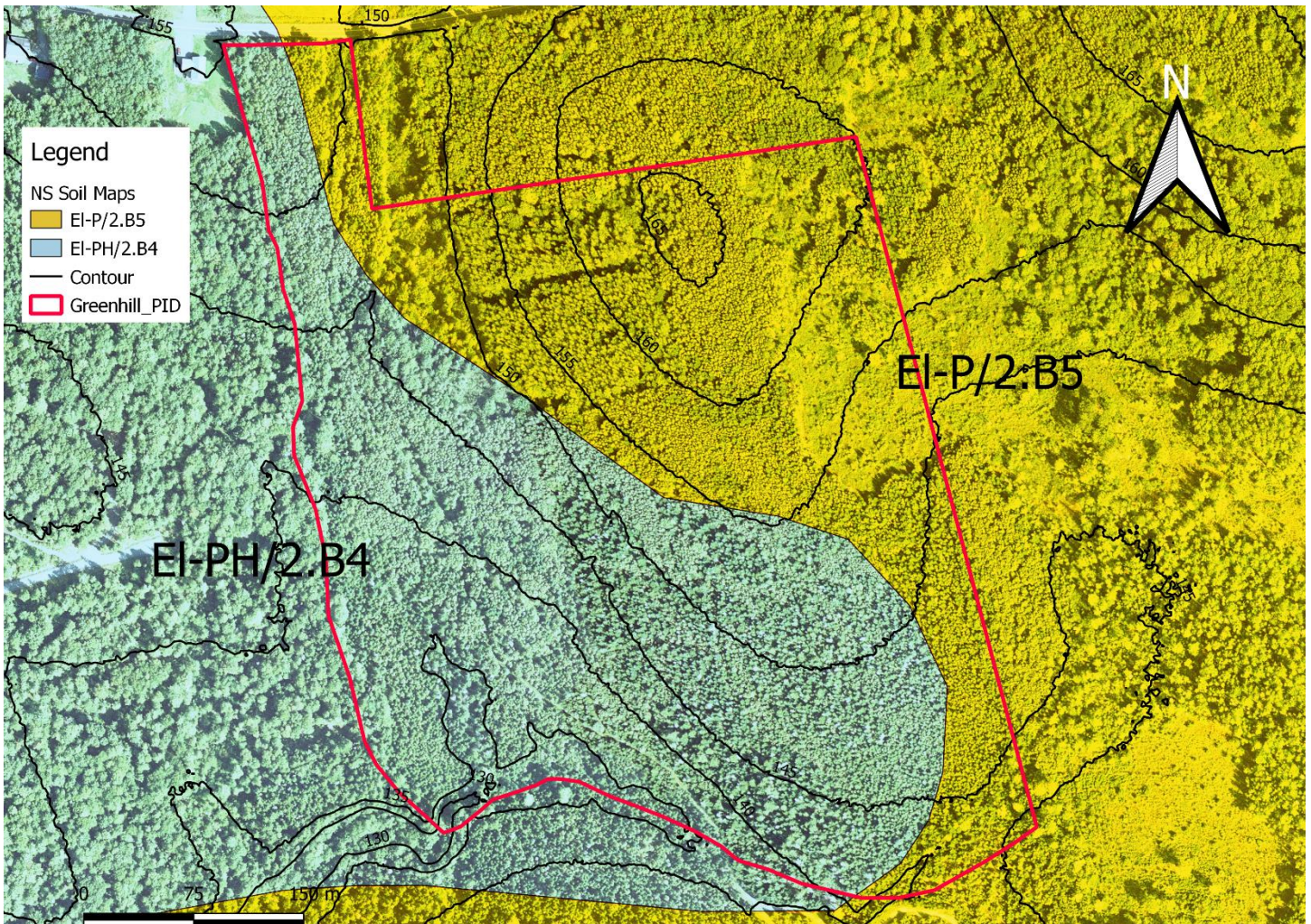


Figure 2. Soil Map

Table 1. Lower case suffixes associated with each soil horizon.

b	A buried horizon
c	An irreversible cemented horizon
ca	Carbonate enrichment, horizon > 10 cm thick
cc	Cemented pedogenic concretions
e	Eluvial horizon
f	Al and Fe enrichment
g	Gleyed horizon mottles
h	Organic matter enrichment
j	Indicates failure to meet limits of suffix it modifies
k	Presence of calcium carbonate
m	Modified, slightly altered horizon
p	Ploughed horizon
s	Horizon with salts including gypsum, crystals or veins can be seen
sa	Secondary salt enrichment horizon thickness >10 cm thick
ss	Slickenslides
t	Illuvial silicate clay present
u	Horizon disrupted by physical or faunal processes
x	Fragipan horizon

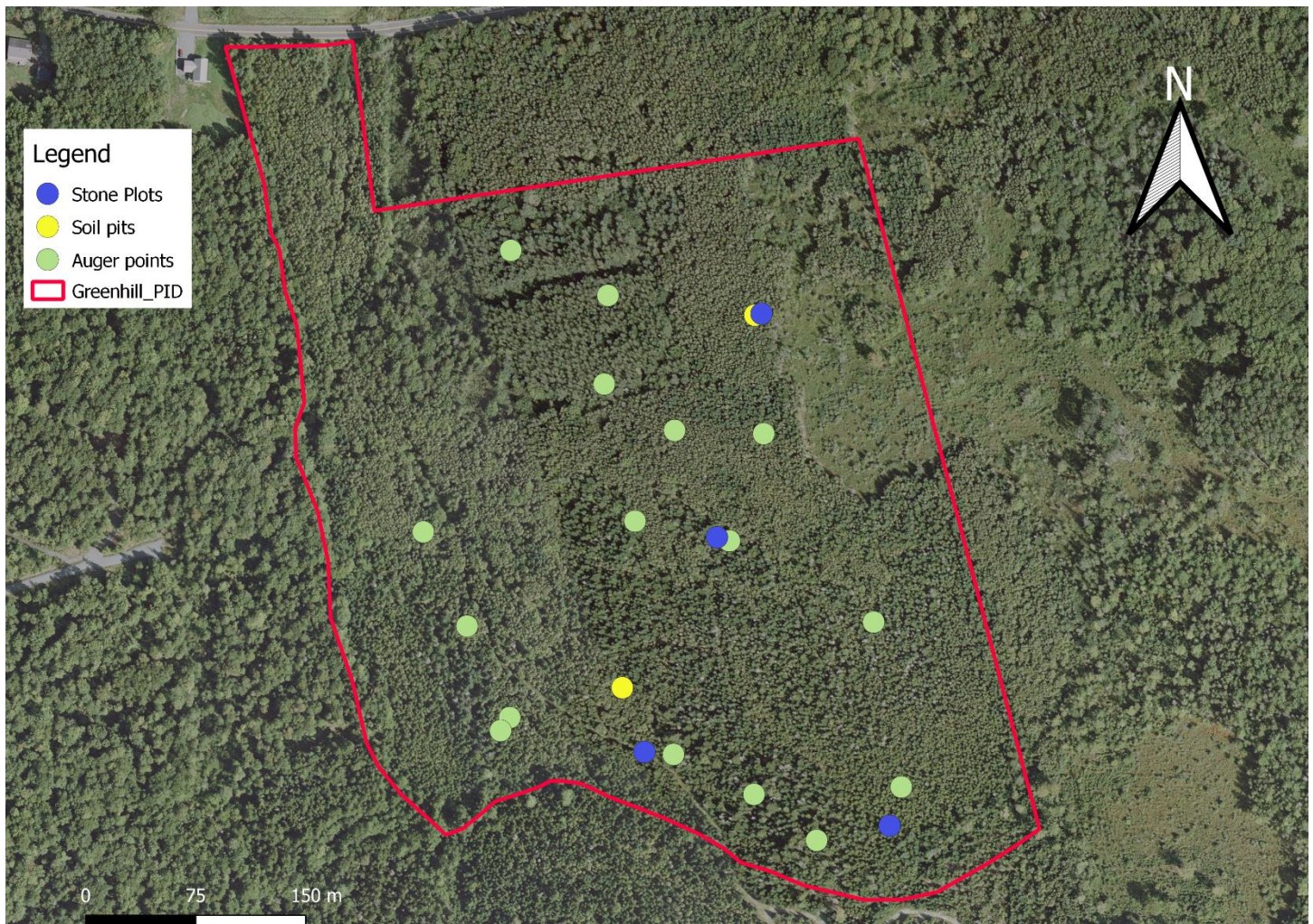


Figure 3. Soil pit, stoniness plot, and auger locations at the Greenhill site.

Soil Test Report Data

Lab #	2204123-001		2204123-002	
Sample ID	GREENHILL 1		GREENHILL 2	
Crop to be Grown	Unknown		Unknown	
Parameter	Analysis	Rating	Analysis	Rating
pH (pH Units)	4.54		4.49	
Buffer pH (pH Units)	7.32		7.34	
Organic Matter (%)	4.1		4.1	
P2O5 (kg/ha)	8		12	
K2O (kg/ha)	61		61	
Calcium (kg/ha)	42		44	
Magnesium (kg/ha)	22		24	
Sodium (kg/ha)	19		17	
Sulfur (kg/ha)	65		83	
Aluminum (ppm)	1427		1458	
Boron (ppm)	< 0.50		< 0.50	
Copper (ppm)	0.70		0.89	
Iron (ppm)	388		313	
Manganese (ppm)	48		54	
Zinc (ppm)	0.52		0.98	
CEC (meq/100 g)	5.7		5.6	
Base sat. K (%)	1.1		1.2	
Base sat. Ca (%)	1.8		2.0	
Base sat. Mg (%)	1.6		1.8	
Base sat. Na (%)	0.7		0.7	
Base sat. H (%)	94.7		94.4	
LR CaCO3 (t/ha to pH 6.5)	10		10	

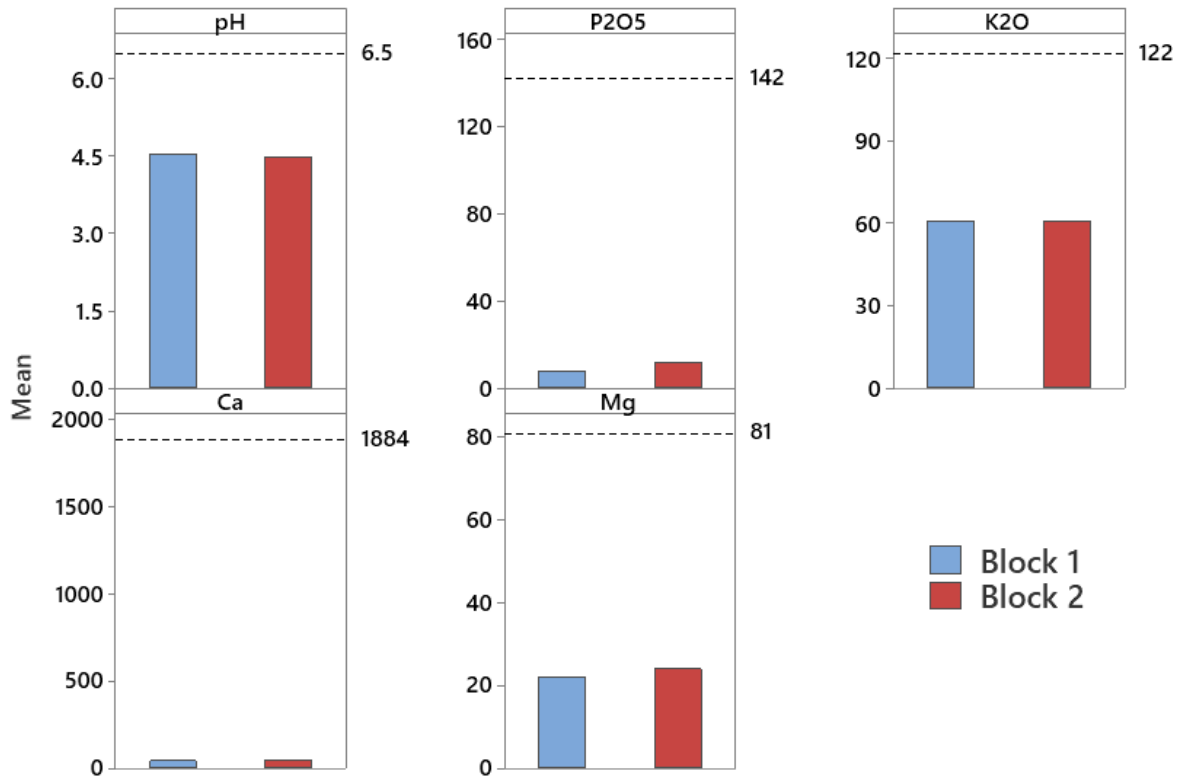


Figure 4. Soil test report data for pH and macronutrients (kg/ha) with threshold values for the minimum required to achieve a medium score on the soil test report for grain crops and forages.

Block 1

Table 2. Soil description based on the Nova Scotia soil surveys (Cann et al. 1954; Government of Canada, 2019).

Category	Characteristic	Description
Classification	Gleyed Humo-Ferric Podzol	Movement of humified organic matter, aluminum and iron to lower horizons. Evidence of mottles which indicate water being held in the soil within 1m of the surface.
Water Table	Always Present	The water table is present throughout all seasons.
Root Restrictions	Third Layer	Plant root growth is restricted by the soil's third layer.
Drainage	Imperfectly Drained	Water is removed from soil sufficiently slowly in relation to supply. Excess water moves slowly downward.
Stoniness	Moderately Stony	Enough stone to interfere with cultivation unless removed.
Topography	Moderately Sloping Complex Slopes	6-9% Slopes with an irregular or rough surface.
Deposition	Till (Morainal)	Soil was deposited by glacial ice.
Texture	Medium	Loam to Sandy Clay Loam
Chemical Properties	Extremely/Strongly Acidic	pH <5.6 (may be different due to historic practices).
Typical Soil Horizons	Ap	A – Mineral horizon near-the surface (0-15 cm deep). p – Plow layer, disturbed by human activity.
	Bfgj	B – Mineral horizon characterized by enrichment of organic matter, change of colour, or development of soil structure (15-50 cm deep). f – A horizon enriched with amorphous material, mainly aluminum, iron, and organic matter. g – A horizon characterized by gray colours and/or prominent mottling. j – A modifier, used to indicate an expression of but failure to meet all requirements for other suffixes.
	Cg	C – Mineral horizon relatively unaffected by soil-forming processes (50cm+) g – As above

Field Characterization

In block 1, the forest stand consisted mainly of black spruce and balsam fir trees with some red maple, gray birch, and white birch. In cut areas, grey birch sprouts were dominant. The ground vegetation often consisted of sphagnum moss and grass species which are indicators of a wet site. Additionally, lambkill and wild blueberry were found throughout the site, indicating acidic soil.

Stand Pictures:





Sphagnum
Moss

Soil pit 1 was dug approximately one-third up the slope (Figure 4) in a site deemed representative of the NS WFV5~~~~A soil series. Soils were classified using the Canadian System of Soil Classification, 3rd edition and as outlined in “Soils Illustrated: Field Descriptions, 1st edition (Watson, 2014). Horizons (A, B, C) were classified based on different soil properties such as colour, structure, texture, consistence, chemical, biological, and mineral composition. These horizons are further described using a lower-case suffix to represent the dominant soil property in that horizon.



Horizon	Description	Pit 1
L	Leaf litter.	Moss
Fm	Dark brown, semi-decomposed, fibrous layer.	5-1
Hh	Black, mostly decomposed layer often greasy.	1-0
Ahe	Light grey, elluviated horizon with some humus (7.5YR 4/1).	0-5
Bg	Gleyed matrix (5YR 5/1 with 5YR 5/8), sandy loam or loam, enriched.	5-32
Cg	Yellowish-brown (10YR 3/6 or 10YR 3/4), sandy loam or loam.	32+

Interpretation

Site features that can be considered a hindrance to agriculture production include undesirable soil structure and/or low permeability, risk of erosion, low natural fertility, inundation by streams or lakes, moisture deficiency, high stoniness, shallow depth to bedrock, adverse topography, excess water, and adverse climate. Based on the above site characterization, each potential agricultural hindrance was assessed for the site.

Undesirable soil structure and/or low permeability:

The texture of the B horizon was a silty clay with approximately 40-60% clay. Therefore, a clayey horizon (>35% clay) >15cm thick was present within the first 40 cm of the soil surface. High levels of clay in the upper mineral soil would likely slow water infiltration and water penetration through the soils. Soils with greater clay content are often susceptible to compaction from farm machinery. Depending on the crop, extensive soil preparation, such as subsoiling, tillage, drainage, or raised beds, may be required to increase the infiltration and pore space of the soil before cultivation.

Risk of erosion:

The slope of these soils ranges from 5-20%, and the erosion hazard has the potential to be high. However, no visible signs of topsoil loss were observed as the site was still heavily vegetated. The area with the steepest slope had a small gully with visible signs of organic matter loss. There will likely be a high risk of erosion after land clearing, and erosion mitigating techniques will likely be required. There was a potential loss of topsoil, and mixing of soil horizons was evident in some cut areas. Ruts were observed from machinery in some of the cut areas.



Low natural fertility:

The inherent fertility of the soil is low, as shown by the podzolization of the A horizon, acidic indicator species, and the soil test report. Liming and fertilization would be required after clearing for several years to increase soil fertility.

The soil test report indicated highly acidic soils with a pH of 4.54. the organic matter content is adequate. Phosphorous, potassium, calcium, and magnesium are all well below the suitable range for crop growth (Figure 5). Particularly, phosphorous and calcium would require large amount of inputs to increase to suitable ranges for crop production. In addition, aluminum concentrations are high which can be potentially damaging to crop roots.

Inundation by streams or lakes:

No flooding is likely in this block, and it does not reside on a floodplain. A small stream is located near the edge of the southern and western boundary of the property.

Moisture deficiency:

These soils are classed as loamy or finer and likely do not have low moisture-holding capacity.

Stoniness:

Two sites of 10m by 10m were sampled for surface stoniness. No evidence of surface stoniness was observed within the soil pit. The average diameter of surface stones was approximately 15cm. Stones of this size were located approximately every 1-5m. Less than 1% of the block was occupied by stones >15cm, and approximately 25% of the block was occupied by stones (or gravel) <15cm. Only one boulder (>60cm) was present at the site. There is no evidence that the stoniness would impact machinery use if their site were cleared; however, some stones may have to be removed for improved crop growth. The high amounts of gravel in the soil may impact crop growth and crop type.

Depth to bedrock:

The presence of bedrock extended below 100cm and therefore does not restrict agriculture.

Topography:

The slopes at this site range from 5-20%. Slopes greater than 9% may impact agricultural practices, and considerations for erosion and improving water-holding capacity may have to be made.

Excess water:

These soils showed reduction/oxidation (redox) features dominant within the top 30 cm of mineral soil. Water pooled at a depth of approximately 35 cm, and there was evidence of water indicator species throughout the site, such as sphagnum moss. There is clayey textured soil near the surface of the mineral soil, extending over 40 cm. Installing drainage is not feasible unless the land is cleared and stumped.

Some organic matter leaching was observed in the A horizon but not enough to give it an h designation; the horizon was too thin to sample. The OM content of the B horizon was 4.1%.

Based on the evidence of dominant redox features within the top 30cm of soil, the presence of wet indicator species, and water present within the pit, this soil can be classified as poorly drained.

Climate:

Corn crop heat units were available for Nova Scotia and show a value of greater than 2300; therefore, the climate would likely not inhibit agriculture production in this area.



Redox
Features

Block 2

Category	Characteristic	Description
Classification	Orthic Humo-Ferric Podzol	Podzolic B horizon at least 10cm thick and but not a Bh horizon, no evidence of a gleied horizon within the top 1 m of the surface.
Water Table	Always Present	The water table is present throughout all seasons.
Root Restrictions	Third Layer	Plant root growth is restricted by the soil's third layer.
Drainage	Moderately Well Drained	Water is removed from the soil somewhat slowly in relation to supply. Excess water moves somewhat slowly downward.
Stoniness	Moderately Stony	Enough stone to interfere with cultivation unless removed.
Topography	Steeply Sloping Complex Slopes	10-15% slopes with an irregular or rough surface.
Deposition	Till (Morainal)	Soil was deposited by glacial ice.
Texture	Medium	Loam to Sandy Clay Loam
Chemical Properties	Extremely/Strongly Acidic	pH <5.6 (may be different due to historic practices).
Typical Soil Horizons	Ap	A – Mineral horizon near-surface (0-15 cm deep). p – Plow layer, disturbed by human activity.
	Bf	B – Mineral horizon characterized by enrichment of organic matter, change of colour, or development of soil structure (15-50 cm deep). f – A horizon enriched with amorphous material, mainly aluminum, iron, and organic matter.
	C	C – Mineral horizon relatively unaffected by soil-forming processes (50cm+).

Field Characterization

In block 2, the forest stand was slightly different and consisted of more hardwood species such as red maple and white birch, in addition to balsam fir. The ground vegetation consisted of bunchberry, lily of the valley, aster, starflower, and raspberry. However, this block was more variable throughout, with some wet areas more similar to block 1. Approximately half of this area was cut, and the vegetation differed slightly in those locations. Moving southward, softwoods dominated the forest stand, mainly balsam fir and black spruce. Acid indicator species such as lambkill and wild blueberry were found throughout the site, but not where the pit was dug.





Soil pit 2 was dug approximately at two-thirds of the slope (Figure 3) in a site deemed representative of the NS WFV4~~~~A soil series. Soils were classified using the Canadian System of Soil Classification, 3rd edition and as outlined in “Soils Illustrated: Field Descriptions, 1st edition (Watson, 2014). Horizons (A, B, C) were classified based on different soil properties such as colour, structure, texture, consistence, chemical, biological, and mineral composition. These horizons are further described using a lower-case suffix to represent the dominant soil property in that horizon. The lowercase suffixes are defined in Table 1.



Horizon	Description	Pit 2
L	Leaf litter.	Moss
Fm	Dark brown, semi-decomposed, fibrous layer.	5-0
Hh	Black, mostly decomposed layer often greasy.	Trace
Ahe	Light grey, elluviated horizon with some humus (7.5YR 4/1).	0-3
Bfh	B horizon with some Al or Fe enrichment (7.5 YR 4/3)	3-28
Bfgj	B horizon with some Al or Fe enrichment and non-dominant redox features (7.5 YR 4/4)	28-46
Cg	Yellowish-brown (10YR 3/6 or 10YR 3/4), sandy loam or loam.	46+

Interpretation

Undesirable soil structure and/or low permeability:

The texture of the upper 40 cm of soil is a silt loam and the clay content of the soil increased with depth. Therefore, a clayey horizon (>35% clay) >15cm thick was not present within the first 40cm of the soil surface.

Risk of Erosion:

The slope of this section ranged from 6-17%, and the erosion hazard has the potential to be high. However, no visible signs of topsoil loss were observed at the site as the site was still heavily vegetated. There were no visible signs of soil organic matter loss; however, the potential for forest floor loss is often high in these soil types. There was a potential loss of topsoil in some of the clearcut areas, and mixing of soil horizons occurred in some cut areas. Ruts were observed from machinery in some of the cut areas.

Low natural fertility:

The inherent fertility of the soil is low, as shown by the podzolization of the A horizon, acidic indicator species, and the soil test report. Liming and fertilization would be required after clearing for several years to increase soil fertility.

The soil test report indicated highly acidic soils with a pH of 4.49. the organic matter content is adequate. Phosphorous, potassium, calcium, and magnesium are all well below the suitable range for crop growth (Figure 5). Particularly, phosphorous and calcium would require large amounts of inputs to increase to suitable ranges for crop production. In addition, aluminum concentrations are high which can be potentially damaging to crop roots.

Inundation by streams or lakes:

No flooding is likely in this block; it does not reside on a floodplain and is located upslope.

Moisture deficiency:

These soils are classed as loamy or finer and likely do not have low moisture-holding capacity.

Stoniness:

No evidence of surface stoniness was observed within the soil pit. No evidence of stones was observed within the site, and there is no that rocks would impact machinery use or crop yield if the site were used for agriculture.

Depth to bedrock:

The presence of bedrock extended below 100cm and therefore does not restrict agriculture.

Topography:

The slopes at this site range from 6-17%. Slopes greater than 9% may greatly impact agricultural practices, and considerations for erosion and improving water-holding capacity may have to be made.

Excess water:

These soils showed non-dominant redox features within the top 30 cm of mineral soil. Water pooled at a depth of approximately 45 cm. There was no evidence of wet indicator species at the pit location; however, there was some evidence on the site walkthrough. Redox features were present at approximately 25 cm deep, indicating water saturation for prolonged periods.

The texture of the B horizon was a silty loam to silty clay loam. Some organic matter leaching was observed in the A horizon but not enough to give it an h designation; the horizon was too thin to sample. The organic matter content of the B horizon was 4.1%. Based on the evidence of some redox features within the top 30cm of soil, no presence of wet indicator species, and water present within the pit, this soil can be classified as moderately well to imperfectly drained.

Climate:

Corn crop heat units were available for Nova Scotia and show a value greater than 2300; therefore, the climate would likely not inhibit agriculture production in this area.

Summary and Conclusion

The Nova Scotia soil survey identified this 52-acre plot as having two soil types with different drainage classes. This was confirmed by the field characterization, and the assessment was conducted using the boundary for these two soil types, dividing the site into two blocks. Block 1 (southwest) was poorly drained. Extensive soil manipulation, including site preparation and drainage, would likely be required for crops to grow. In addition, the drainage is poor and may be restricted to shallow-rooted crops or crops with a high tolerance for water. The site had a moderate to severe slope which may be prone to erosion when cleared. The site had inherently low fertility, and extensive use of lime and fertilizer would be required to support agricultural production. Block 2 (northeast) was located further upslope and was moderately well to imperfectly drained. The site varied more throughout, and drainage may be required in some locations. The site had a moderate to severe slope which may be prone to erosion when cleared. The site had inherently low fertility, and extensive use of lime and fertilizer would be required to support agricultural production.

This land is rated as CLI Class 3 but has constraints that may limit the use of the land for agriculture. These constraints include but are not limited to the drainage, the slope, and the low inherent fertility. There was no indication that the site had been previously used or was going to be used for agricultural purposes. The amount of effort to convert this property into highly productive agricultural land is not feasible, and extensive maintenance on the land would likely be required to maintain agricultural production. Practices that would be required to improve the land for high agriculture production include but are not limited to:

- Land clearing
- Land grubbing and stumping
- Soil preparation such as subsoiling, tillage, raised beds, etc.
- Fertilization
- Liming
- Drain tile or other water management techniques
- Erosion management such as terracing
- Soil organic matter amendments such as compost or manure
- Use of short-rooted crops in clay-rich areas

Overall, to be considered for agricultural production, this land would require extensive preparation and maintenance and would likely still be restricted in the types of crops which would thrive.

References

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WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: November 22nd, 2022

Subject: File# 22-04B 4245 Highway 14, Windsor Forks PID 45038361 - Rezoning

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

If Council wishes to approve the rezoning following the Public Hearing, the following motion would be in order:

... that Council gives Second Reading and approves amending Schedule A of the West Hants Land Use By-law by rezoning 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone.

BACKGROUND

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

The completed application was submitted by Julien Payne on July 7th, 2022 to change the zoning of 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone to permit the conversion of the existing building from a commercial use with a residential unit to a two-unit residential building.

DISCUSSION

A Public Information Meeting was held on September 8th, 2022.

The public comment period ended on September 23rd and no comments from the public were received regarding the application.

On October 13th, 2022, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A).

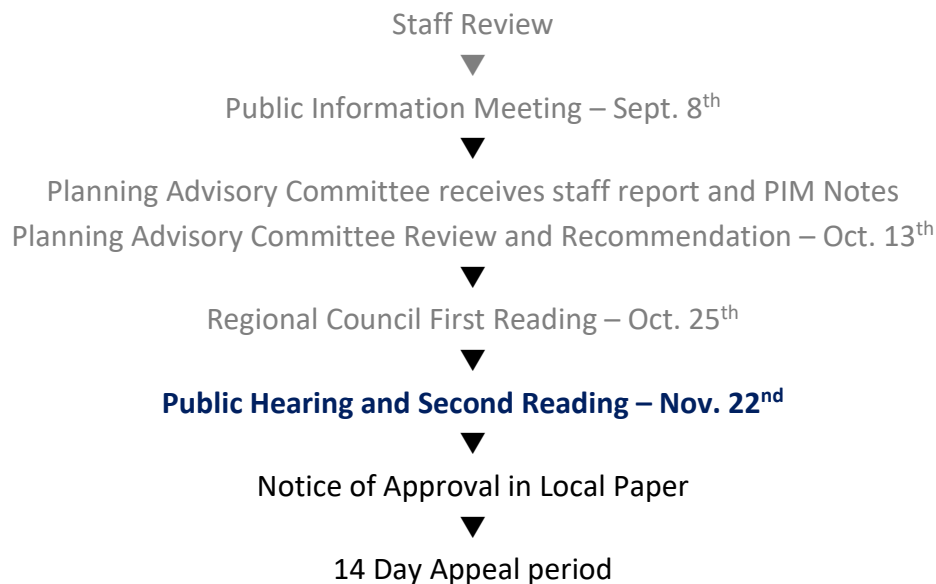
During the October 13th meeting PAC/HAC recommended in favour of the application.

On October 22nd, 2022, staff presented the PAC/HAC recommendation to Council for First Reading (Appendix A).

NEXT STEPS

The proposed amendment has been considered based on the West Hants Municipal Planning Strategy and has proven consistent with the intent, objectives, and policies of the Planning Strategy. As a result, it is reasonable to consider rezoning 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone.

Process



FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

- approve the amendment as drafted or as specifically revised by direction of Council; or

- provide alternative direction such as requesting further information on a specific topic.

APPENDICIES

Appendix A 2022-10-13 Staff Report - File# 22-04 4245 Highway 14, Windsor Forks PID
45038361 – Rezoning

CHIEF ADMINISTRATIVE OFFICER REVIEW

I continue to support this amendment as it aligns with the Planning Strategy provisions. The application has been thoroughly reviewed by PAC/HAC and the public has been provided the standard process for community feedback.

Report Prepared by: _____
Alex Dunphy, Planner

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

Appendix A – File# 22-04 4245 Highway 14, Windsor Forks PID 45038361 - Rezoning



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: October 13th, 2022

Subject: 4245 Highway 14, Windsor Forks PID 45038361 - Rezoning

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

... that PAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law by rezoning 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone.

BACKGROUND

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

The completed application was submitted by Julien Payne on July 7th, 2022 to change the zoning of 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone to permit the conversion of the existing building from a commercial use with a residential unit to a two-unit residential building.

Surrounding Context

The subject lot is a corner lot located on the northern corner of the intersection of Sangster Bridge Road and Highway 14 in the community of Windsor Forks. Properties to the north, east, and south are all low-density residential dwellings. West of the subject lot is a commercial building with an attached residential unit.

DISCUSSION

The subject lot is currently designated Agriculture on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (MPS) (Figure 1) and zoned Rural Commercial (RC) on Schedule A of the West Hants Land Use By-law (LUB) (Figure 2).

The applicant had requested to convert a commercial office unit within the mixed-use existing building on the subject lot into a residential short-term rental unit. As short-term rentals are not specifically defined in the West Hants MPS and LUB, the request was processed as a conversion to a two-unit residential dwelling. The application may be considered through a rezoning pursuant to Policy 16.1.3.

Municipal Planning Strategy Document Review

Policy 16.1.3 is the primary enabling policy to be considered for this application. This policy permits Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the GFLUM to a zone permitted in the adjacent designation without requiring a Strategy amendment. In this circumstance the subject lot is located immediately adjacent to the Resource designation and may be rezoned to the General Resource (GR) zone, which permits two-unit residential dwellings as-of-right.

Policy 16.3.1 provides the general criteria that must be considered for all LUB amendments. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria:

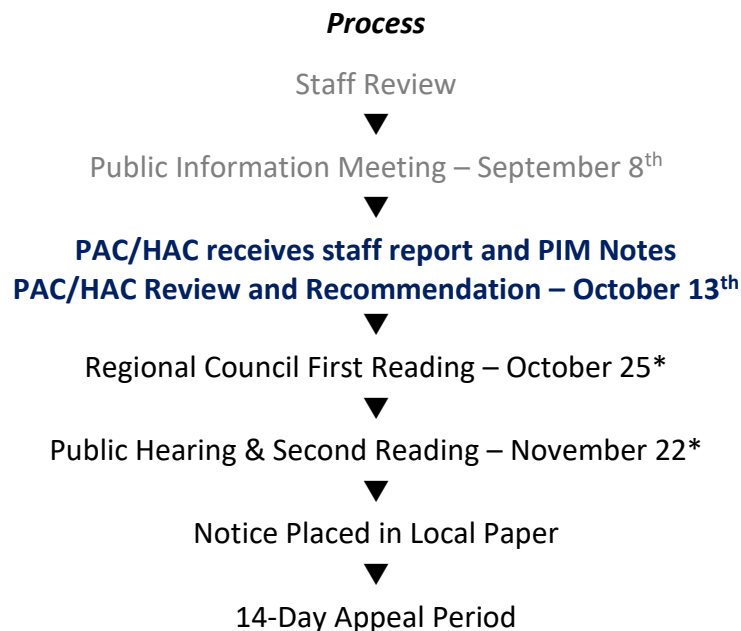
- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, District Manager of the Nova Scotia Department of Public Works, and Inspector Specialist of the Nova Scotia Department of Environment and Climate Change have no concerns which have not been addressed in this report.

Comments from the Nova Scotia Department of Public Works

A District Manager from the Nova Scotia Department of Public Works confirmed that the subject lot would require a defined access point and the current open access would need to be reconstructed to meet the access management guidelines. This work would be required to be carried out prior to any development permits being issued.

NEXT STEPS

Discussion by PAC/HAC will be incorporated into the report and presentation to Council.



*anticipated dates; final dates are set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality with regard to the filing of this report.

ALTERNATIVES

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	GFLUM Extract
Figure 2	Current Zoning Map Extract
Figure 3	Proposed Zoning Map Extract
Attachment A	Policy Summary for Amendment to a Land Use By-law
Attachment B	Public Information Meeting Notes

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – GFLUM Extract

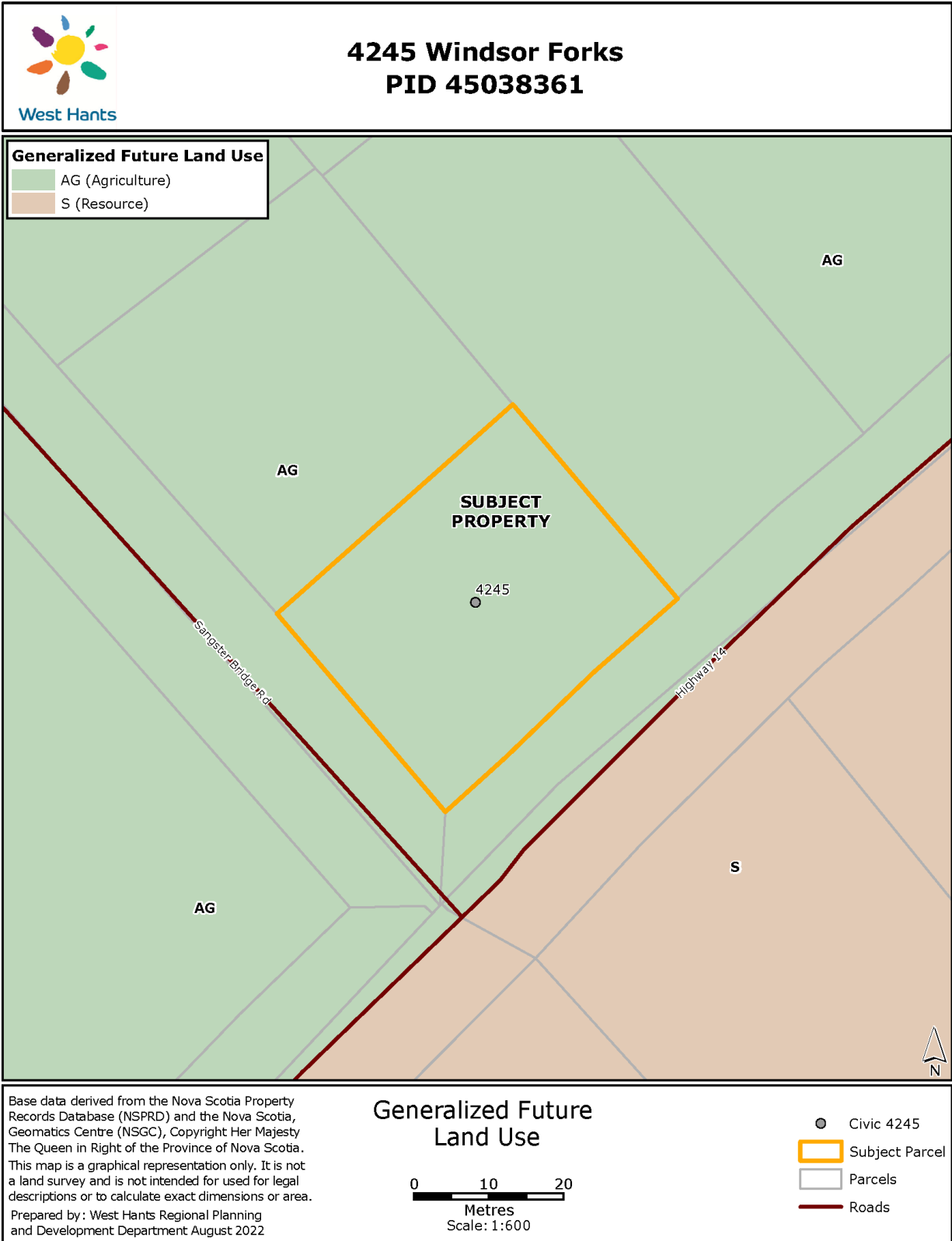


Figure 2 – Current Zoning Map Extract

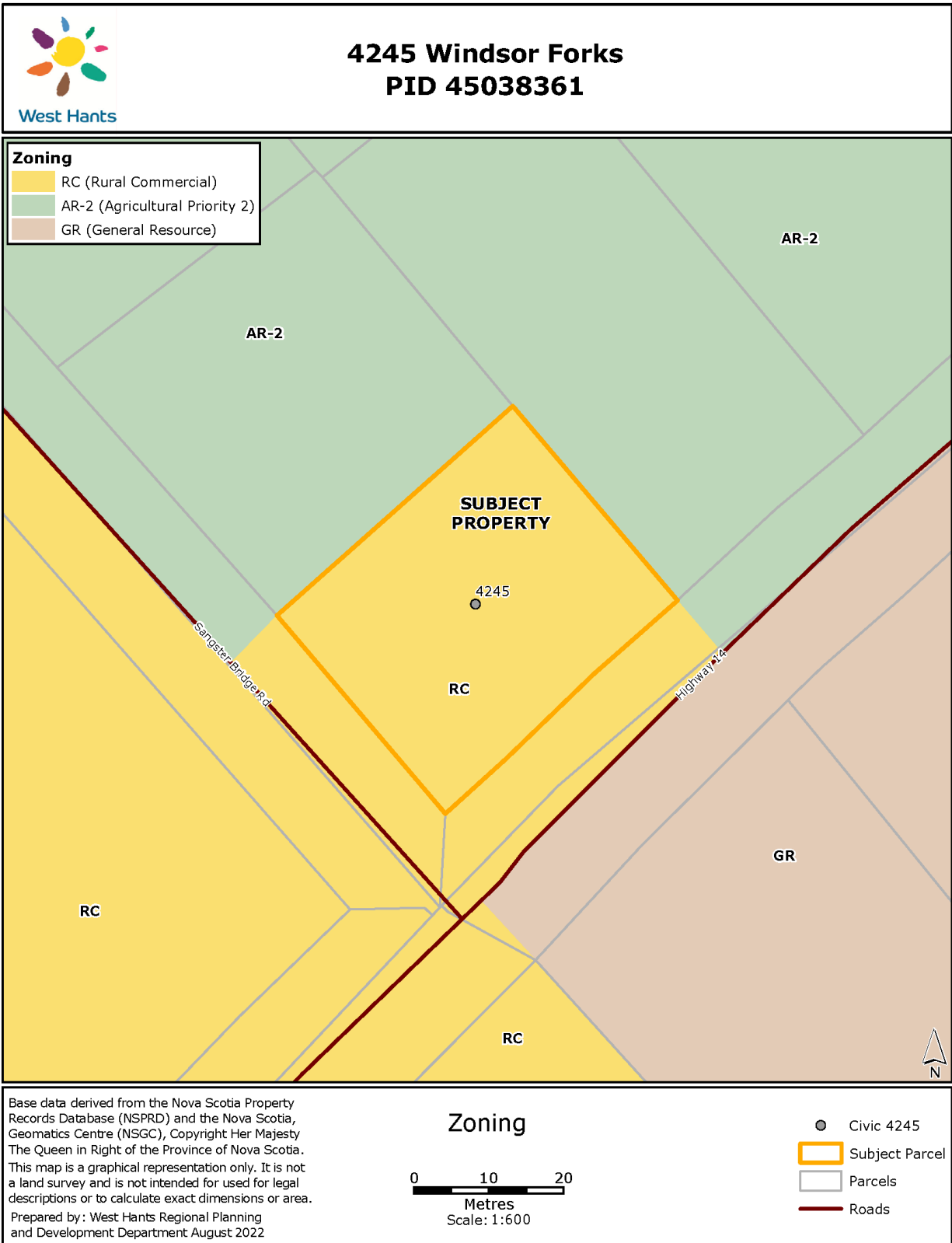
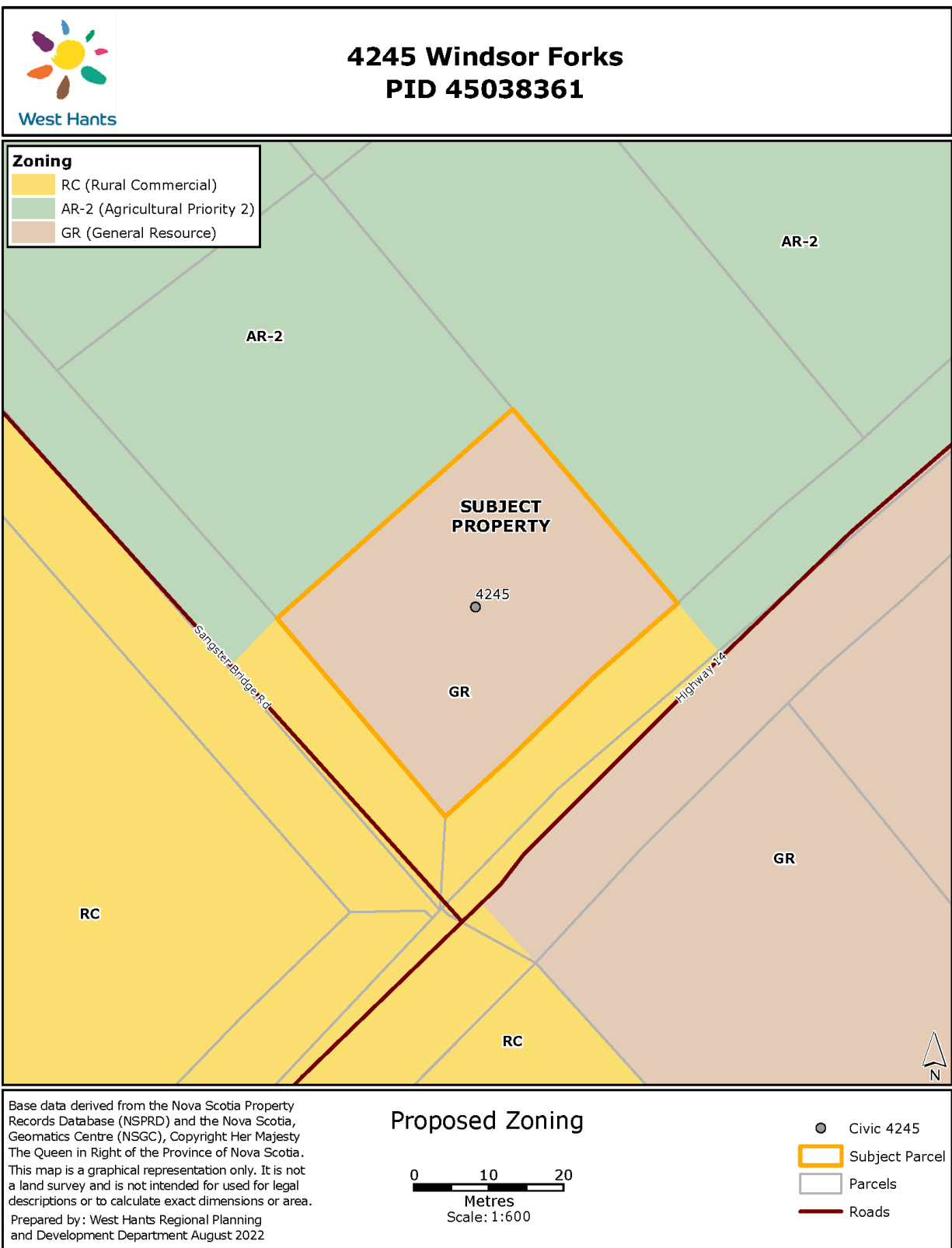


Figure 3 – Proposed Zoning Map Extract



Attachment A – Policy Summary for Amendment to Land Use By-law

Policy 16.1.3 <i>It shall be the intention 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.</i>	The subject lot is located immediately adjacent to the Resource designation, which permits the General Resource (GR) zone. Provided that all criteria of Policy 16.3.1 are met, this proposed amendment may be reasonably considered by Council.
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Policy 16.3.1 <i>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:</i>	
<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 Public Works Department confirmed that there are no municipal services on the subject lot.
<i>(ii) the adequacy of school facilities;</i>	N/A
<i>(iii) the adequacy of fire protection;</i>	The local Fire Chief and Manager of Building and Fire Inspection Services have stated that there is adequate fire protection for the building and proposed change of use.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	A District Manager from the Nova Scotia Department of Public Works commented that there were no concerns regarding the road network.
<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) 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>	The proposed use would require the applicant to obtain approval for an on-site septic system and potable water system approved by a Qualified Person.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	A District Manager from the Nova Scotia Department of Public Works commented that access to the property would need to be reconstructed to meet the access management guidelines and would require a defined access point.

<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that amending the zoning of the lot would create a non-conforming parcel of land. Non-conforming status will not affect the ability of the proposed use to be permitted. Approval from the Department of Public Works for the access and the Department of Environment and Climate Change for the on-site septic system are independent of the non-conforming status of the lot.
<i>(e) the pattern of development which the proposal might create;</i>	The proposal is not a substantial change in the pattern of development for this area, as the existing building is already being partially used as a short-term rental. The Development Officer has no concerns regarding the pattern of the development.
<i>(f) 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 lot appears to be flat and dry, there were no concerns recorded during the site visit.
<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>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B - Public Information Meeting Notes
September 8th – 23rd, 2022
File 22-04
4245 Highway 14, Windsor Forks PID 45038361

Meeting date and time	A virtual Public Information Meeting was held on September 8 th , 2022 beginning at 6:55 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: Three (1) Councillor: • Councillor Ivey (Chair) Four (4) members of staff: • Planner Dunphy • Planner Poirier • Director LeMay • Meeting Secretary Lake No members of the public requested an invitation to the PIM via Zoom.
Applicant Julien Payne Property 4245 Highway 14, Windsor Forks PID 45038361	Planner Dunphy outlined the application to rezone the subject lot to permit the conversion of the commercial unit within the mixed-use building to an additional residential unit intended for short-term rental.
Comments	Comments from the public could be submitted to Planner Dunphy by mail, e-mail and telephone between September 8th – 23rd, 2022. No comments were received from the public.
Adjournment	The meeting was adjourned at 6:59 p.m.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Sara Poirier, Senior Planner

Date: 2022-11-22

Subject: Development Agreement: 4701 Highway 1, Three Mile Plains PID 45005733;
File #22-10 C

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to approve the development agreement following 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, excluding the use of dyno machines, at 4701 Highway 1, Three Mile Plains (PID 45005733) which is substantively the same as the draft set out in Attachment C of the report File #22-10 to the Planning and Heritage Advisory Committee dated October 13, 2022.

...that Council requires that the development agreement with Phil Marryatt for 4701 Highway 1, Three Mile Plains PID 45005733 be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received on June 21, 2022, from Phil Marryatt to consider permitting an automotive repair shop at 4701 Highway 1 (PID 45005733) in Three Mile Plains. The property is owned by Phil and Roberta Marryatt. Mr. Marryatt would like to convert the existing detached garage on the property to a commercial automotive repair shop to perform vehicle service-related repairs such as tire changes, oil changes, brake changes and fluids/coolant changes.

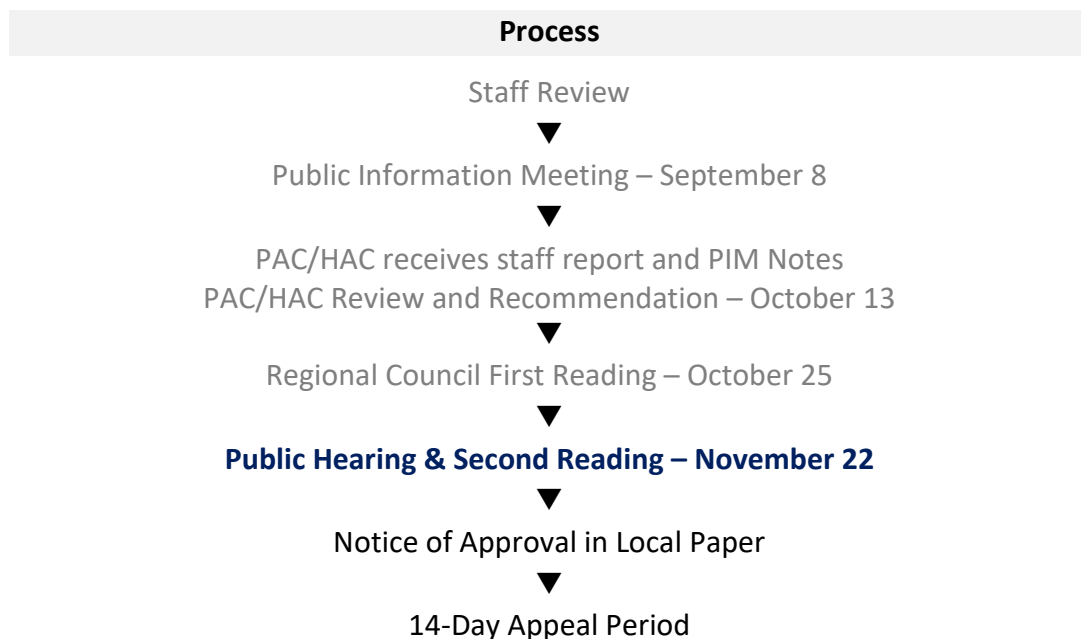
A Public Information Meeting was held on September 8, 2022.

On October 13, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC). PAC/HAC recommended in favour of the development agreement on October 13, 2022.

On October 22, 2022 Council considered the PAC/HAC recommendation (Appendix A). Council discussed the use of dynamometers (dyno's) and amended the recommended motion to exclude the use of dyno's in the proposed automotive repair shop due to the potential noise that could cause conflict with abutting property owners in a residential area. If the recommendation is approved at Second Reading staff will add a clause to the development agreement which states "The use of dynamometers is prohibited on the lot."

NEXT STEPS

The process for this application is as follows:



APPENDICIES

Appendix A 2022-10-25 Recommendation from PAC/HAC to Council: Development
Agreement: 4701 Highway 1, Three Mile Plains PID 45005733; File #22-10 B

CHIEF ADMINISTRATIVE OFFICER REVIEW

This is a recommendation that has been thoroughly reviewed by staff and the PAC / HAC and further reviewed and amended by the Council as reflected in the report. Several opportunities have been provided to the public for input as outlined in the report.

I support the recommendation.

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Report Approved by:  _____
Mark Phillips, CAO



Appendix A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Sara Poirier, Senior Planner

Date: 2022-10-25

Subject: Development Agreement: 4701 Highway 1, Three Mile Plains PID 45005733;
File #22-10 B

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to allow an automotive repair shop at 4701 Highway 1, Three Mile Plains (PID 45005733) which is substantively the same as the draft set out in Attachment C of the report File #22-10 to the Planning and Heritage Advisory Committee dated October 13, 2022.

...that Council requires that the development agreement with Phil Marryatt for 4701 Highway 1, Three Mile Plains PID 45005733 be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received on June 21, 2022, from Phil Marryatt to consider permitting an automotive repair shop at 4701 Highway 1 (PID 45005733) in Three Mile Plains. The property is owned by Phil and Roberta Marryatt. Mr. Marryatt would like to convert the existing detached garage on the property to a commercial automotive repair shop to perform vehicle service-related repairs such as tire changes, oil changes, brake changes and fluids/coolant changes.

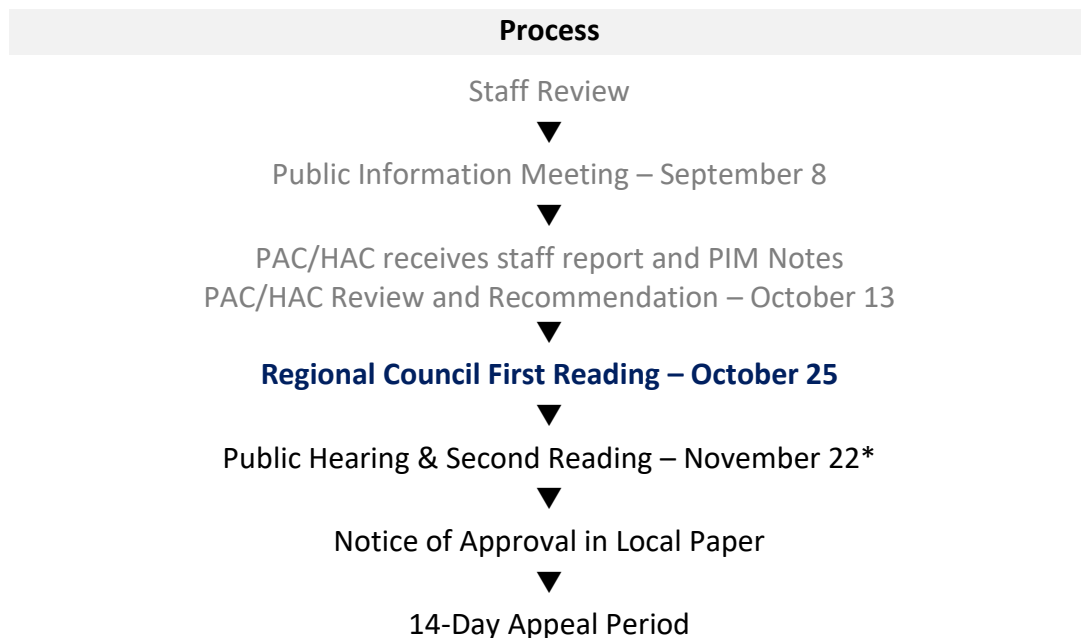
DISCUSSION

A Public Information Meeting was held on September 8, 2022.

On October 13, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). PAC/HAC recommended in favour of the development agreement on October 13, 2022.

NEXT STEPS

The process for this application is as follows:



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A 2022-10-13 Staff Report: Development Agreement: 4701 Highway 1, Three Mile Plains PID 45005733; File #22-10

CHIEF ADMINISTRATIVE OFFICER REVIEW

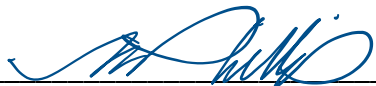
I encourage Council to reflect on the details of the Development Agreement to ensure the terms and conditions proposed within the DA represent Council's point of view and wishes. From my observations the DA reflect the appropriate conditions for operating a repair shop that jointly support the applicant and protect surrounding property owners.

Further, it is noted in the supporting documents that there were no comments from the public regarding this DA to date as collected through the Public Information process conducted between September 8 to 23, 2022.

Further comments from the public should be considered throughout the remaining public engagement opportunities as noted above.

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Report Approved by:  _____
Mark Phillips, CAO



Appendix A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-10-13

Subject: Development Agreement: 4701 Highway 1, Three Mile Plains PID 45005733;
File #22-10

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

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

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow an automotive repair shop at 4701 Highway 1, Three Mile Plains (PID 45005733) which is substantively the same as the draft set out in Attachment C of the report File #22-10 to the Planning and Heritage Advisory Committee dated October 13, 2022.

...that PAC/HAC recommends that Council require that the development agreement with Phil Marryatt for 4701 Highway 1, Three Mile Plains PID 45005733 be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

A completed application was received on June 21, 2022, from Phil Marryatt to consider permitting an automotive repair shop at 4701 Highway 1 (PID 45005733) in Three Mile Plains. The property is owned by Phil and Roberta Marryatt. Mr. Marryatt would like to convert the existing detached garage on the property to a commercial automotive repair shop to perform vehicle service-related repairs such as tire changes, oil changes, brake changes and fluids/coolant changes.

DISCUSSION

The approximately 30,537 sq. ft. (2,836.98 sq. m.) lot is designated Residential on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1) and is within the Three Mile Plains Growth Centre. Part 5.3 of the WHMPS contains the overall intention for properties designated Residential in the Three Mile Plains Growth Centre.

The lot is zoned Two-Unit Residential (R-2) on the Zoning Map of the West Hants Land Use By-law (WHLUB) (Figure 2). An automotive repair shop is not permitted as-of-right in the Two-Unit Residential (R-2) zone.

The subject lot directly abuts properties zoned Two Unit Residential (R-2) and designated Residential. These properties are all within the Three Mile Plains Growth Centre.

Development Agreement

A development agreement is a contract between an owner of land and the Municipality to allow Council to consider a use that is not a listed permitted use within a zone on a specific lot. The ability for Council to consider a development agreement must be stated in the Land Use By-law and the Municipal Planning Strategy must identify the kinds of uses Council may consider in each area. Uses which Council may consider are those which Council has determined may have sufficient impact on an area that a negotiated process is required to ensure the potential impact is minimized. In the Municipal Planning Strategy Council usually identifies both specific and general criteria which must be considered when making decisions regarding a development agreement.

A proposal being considered must be measured against only the specific and general criteria for the proposal in the Municipal Planning Strategy and not any other criteria.

West Hants Land Use By-law

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:

- (j) Local Industrial (LI) uses in the Growth Centres in accordance with Policy 5.7.6 of the Municipal Planning Strategy;

Although there is no specific definition for a Local Industrial (LI) use, the best basis for determining what is considered a Local Industrial (LI) use is the list of permitted uses in the Local Industrial (LI) zone in the WHLUB. Auto repair and auto body shops in conjunction with a single unit dwelling is a listed permitted use in the Local Industrial (LI) zone.

Proposed Development Agreement

The property owner would like to convert the existing detached garage on the property to a commercial automotive repair shop to perform vehicle service-related repairs such as tire changes, oil changes, brake changes and fluids/coolant changes. The draft development agreement defines an “automotive repair shop” as a commercial establishment for the general repair, rebuilding, and reconditioning of vehicles and light trucks (up to one ton).

The main access for the automotive repair shop will be from Highway 1. The Nova Scotia Department of Public Works found the existing access to be suitable for the proposed use. The property owner does have an access easement to Old Halifax Road West across the abutting property. The property owner would have to check the access easement to determine if the access to Old Halifax Road West could be used for the automotive repair shop.

Staff discussed parking requirements with the applicant and determined that four (4) parking spaces 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.

Policy 5.7.6 (f) requires that open storage be limited to the rear yard. Clause 2.5, Storage, of the development agreement prohibits open storage in the front or side yard and limits open storage to a 100 sq. ft. (9.29 sq. m.) area of the lot that is to be screened from adjacent residential properties. It also permits accessory buildings for the automotive repair shop in accordance with Section 5.1 of the WHLUB.

The Municipal Project Engineer stated that the lot is capable of being serviced by municipal water and sewer. They have stated that “disposal of special waste products and special collection would be required if the property/development does not meet requirements for standard curbside collection (including exceeding curbside quantities and special material disposal requirements, i.e., waste oil, oily rags, filters, cleaners, solvents, etc.).” The applicant has been informed and intends to dispose of these products through the provincial recycling programs. Clause 2.7 of the draft development agreement addresses these concerns and

ensures the property owner is responsible for the safe storage and disposal of these products including that these substances do not enter the Three Mile Plains sewer system.

For the hours of operation, the applicant has stated they intend to operate the business full-time, during daytime hours. The development agreement permits the automotive repair shop to operate only between the hours of 7:00 a.m. and 7:00 p.m. Monday to Saturday.

West Hants Municipal Planning Strategy

Part 5.0 of the WHMPS contains the overall intention for Growth Centres in West Hants; Section 5.7 indicates the intention of Council to allow certain industrial development in the Growth Centres. Policy 5.7.6 establishes Council's intention to consider "new Local Industrial uses in the Growth Centres by development agreement".

WHMPS Specific Criteria

Policy 5.7.6 outlines the specific criteria to be considered by Council, which are examined in detail in Attachment A.

In summary, the criteria are met since:

- the use is permitted in the Local Industrial (LI) zone;
- the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions as it will be contained within an existing building;
- safe and efficient roadway access is provided from Highway 1; and
- adequate on-site parking is provided.

WHMPS General Criteria

The proposed development meets the general criteria for development agreements set out in the WHMPS Policy 16.3.1. These criteria are examined in detail in Attachment 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, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Provincial Department of Public Works have no concerns which have not been addressed in the development agreement.

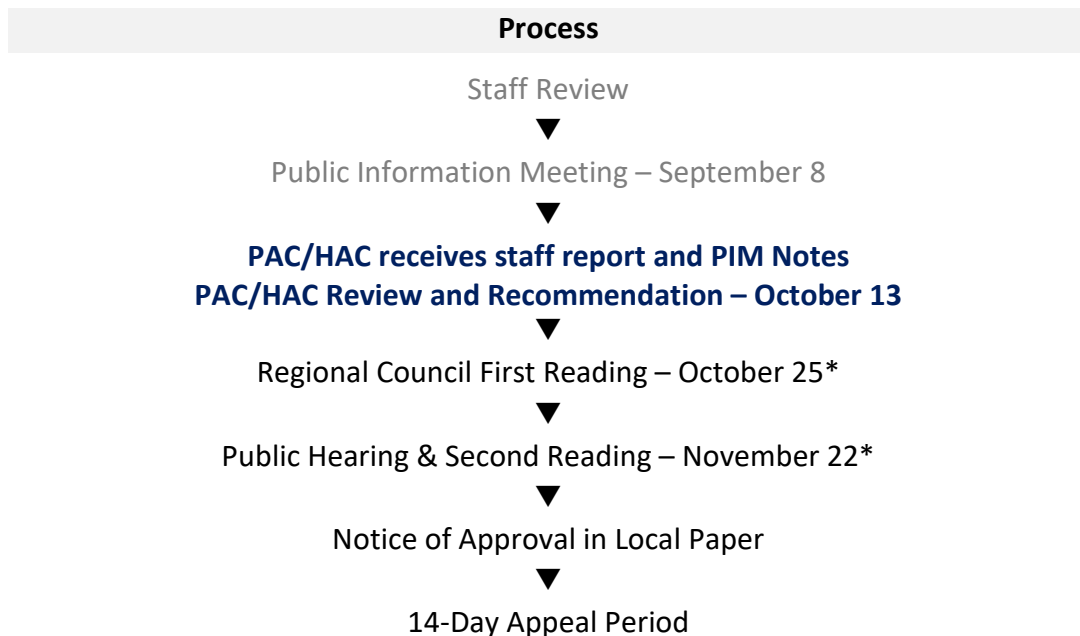
MUNICIPAL CLIMATE CHANGE ACTION PLAN

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. The Three Mile Plains Flood Risk Assessment Study shows that there may be some flooding expected at the Lebreau Creek Brook road crossing at Panuke Road in the future. This may interrupt access to the property during extreme weather events due to the proximity of the property to the

intersection of Panuke Road and Highway 1. Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the draft development agreement has been considered within the context of the general policies of the WHMPS, and is consistent with the intent, objectives, policies and criteria of the WHMPS. As a result, it is reasonable to consider permitting an automotive repair shop at 4701 Highway 1 in Three Mile Plains by development agreement.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, PAC/HAC 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/HAC;
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	GFLUM Extract
Figure 2	Zoning Map Extract
Attachment A	Specific Criteria for Development Agreement
Attachment B	General Criteria for Development Agreement
Attachment C	Draft Development Agreement
Attachment D	Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Figure 1
GFLUM Extract

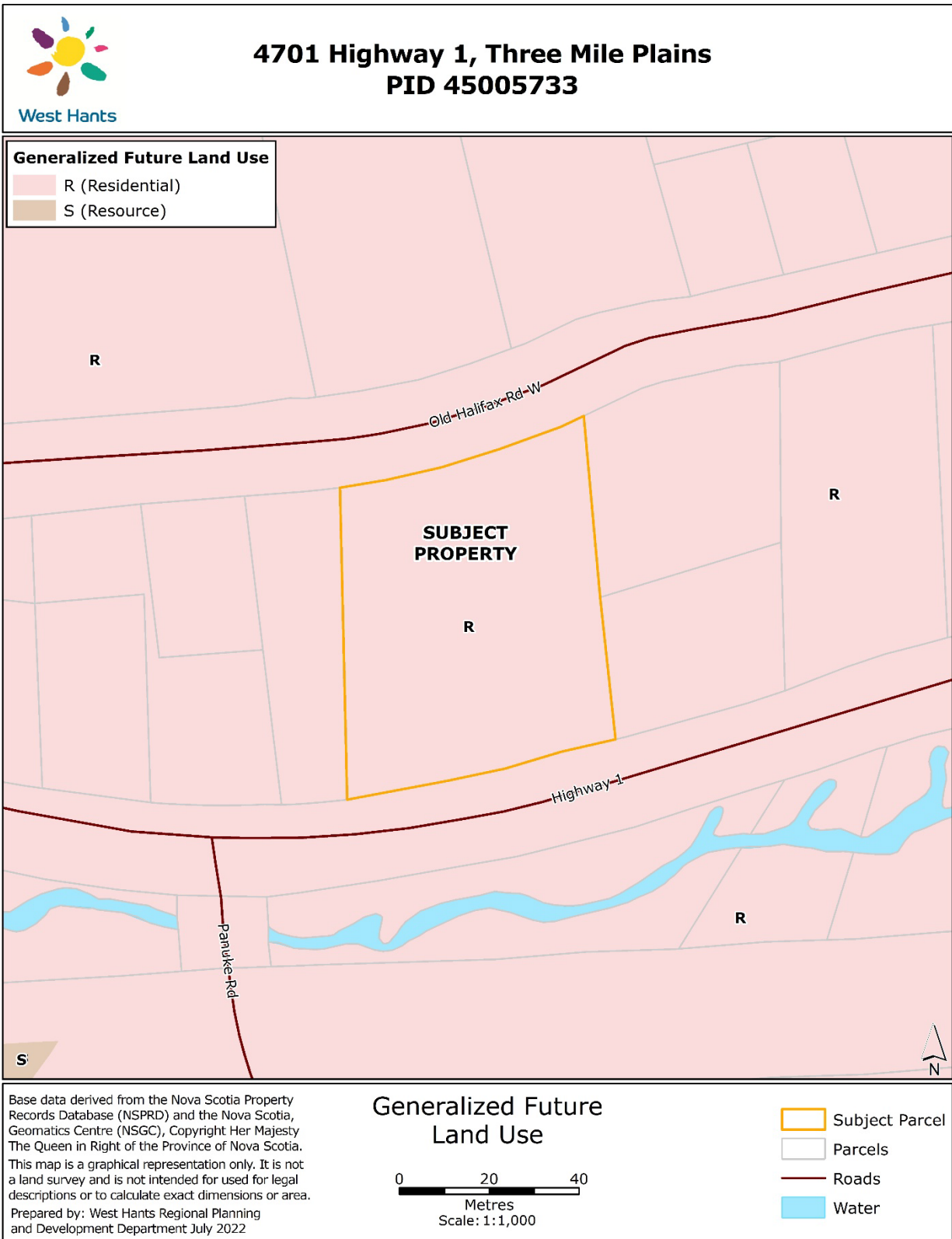
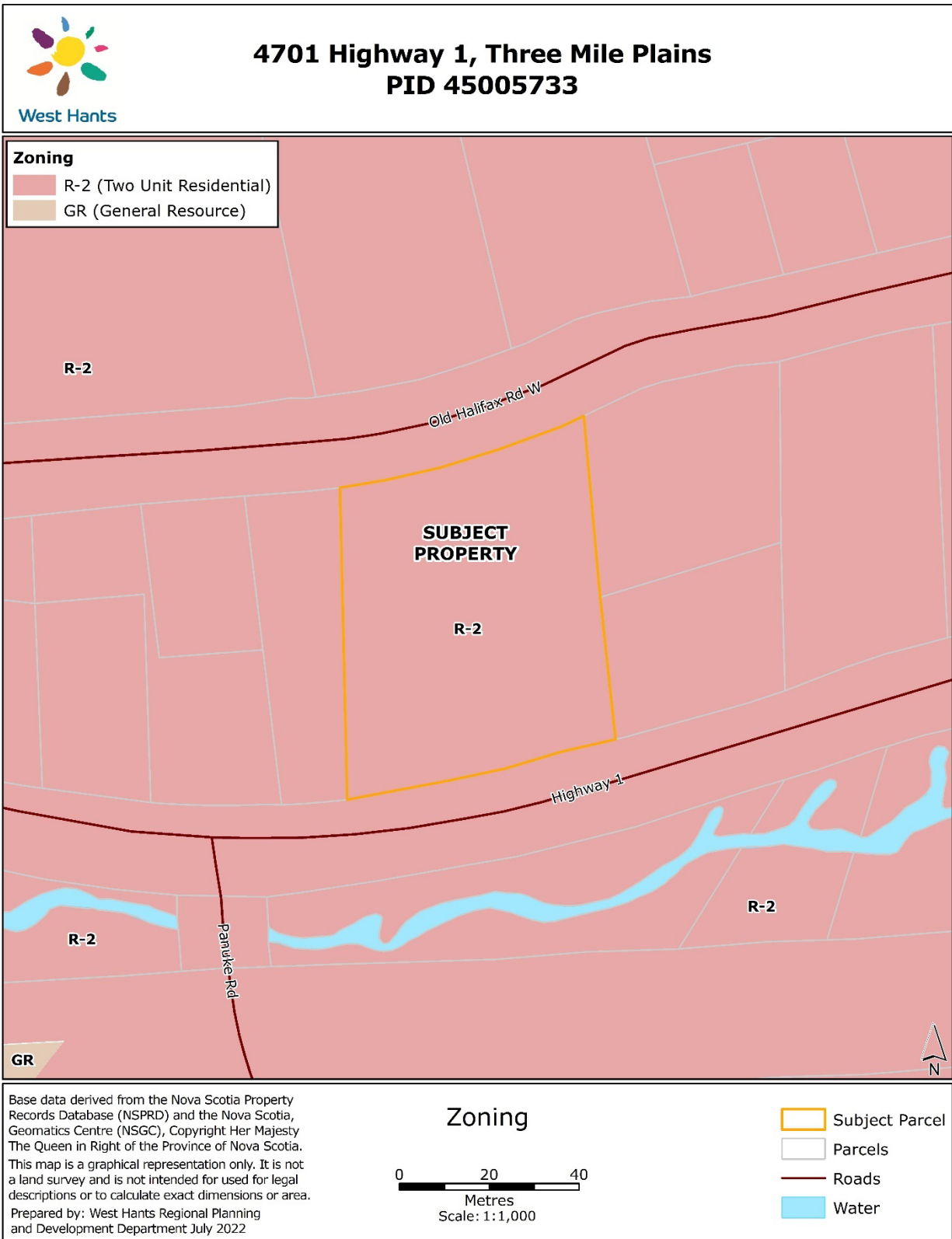


Figure 2
Zoning Map Extract



Attachment A
Specific Criteria for Development Agreement

West Hants Municipal Planning Strategy

Policy 5.7.6 It shall be the policy of Council to consider new Local Industrial uses in the Growth Centres by development agreement subject to the following:

CRITERIA	COMMENT
(a) the use is permitted in the Local Industrial (LI) zone;	“Auto repair and auto body shops in conjunction with a single unit dwelling” is a listed permitted use in the Local Industrial (LI) zone. The draft development agreement defines the proposed use as an “automotive repair shop” which means <i>“means a commercial establishment for the general repair, rebuilding, and reconditioning of vehicles and light trucks (up to one ton)”</i> .
(b) the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;	The automotive repair shop will be contained within an existing building on site therefore the use is not anticipated to be considered obnoxious by virtue of odours, dust, fumes or other emissions.
(c) safe and efficient roadway access is provided;	The Nova Scotia Department of Public Works has stated that “the Department does not have any concerns about the impact of the proposed use on traffic generation and traffic safety” and that “safe and efficient roadway access can be provided for the proposed use.”
(d) adequate on-site parking is provided;	The municipal Land Use By-law’s specify the minimum number of parking spaces for a use. However, in the draft development agreement staff have stated that a maximum of four (4) parking spaces are permitted for the automotive repair shop to ensure the automotive repair shop remains compatible with the residential use on the property and the residential uses in the surrounding area.
(e) the development will not adversely affect the adjacent residential area with respect to:	

(i) traffic generation and traffic safety;	The automotive repair shop is proposed to be operated from a 20 ft. x 20 ft. garage with one bay door which means that only one vehicle can be worked on at a time. The draft development agreement allows parking for up to four (4) vehicles which means there may be a total of five (5) extra vehicles on the lot at one time. As noted in 5.7.6 (c) the Nova Scotia Department of Public Works has stated that “the Department does not have any concerns about the impact of the proposed use on traffic generation and traffic safety”.
(ii) hours of operation;	The hours of operation are regulated in Section 2.8 of the draft development agreement as 7 a.m. – 7 p.m. Monday to Saturday.
(iii) noise;	Please see 5.7.6 (b) for further details.
(iv) size and design of building(s); and	The existing garage is 20 ft. x 20 ft. in size with one bay door. The applicant has stated they would like to perform vehicle service-related repairs such as tire changes, oil changes, break changes and fluids/coolant changes. This building would be adequate in size and design for this proposed use.
(v) pedestrian circulation and safety;	Highway 1 and Old Halifax Road West do not have sidewalks. However, based on the proposed uses it is unlikely that anyone will walk to or from the subject lot in relation to the automotive repair shop.
(f) adequate buffering or screening, setbacks and yards are provided, and open storage areas are adequately fenced or screened and limited to the rear yard where there is potential for conflict with adjacent uses;	The Development Officer noted that “the existing garage exceeds minimum setback requirements for both personal storage building and a commercial use.” Should the property owner decide that they wish to construct a new garage for the automotive repair shop in the future, the new building would have to meet the setback

	requirements outlined in Section 2.2 of the draft development. Clause 2.5, Storage, of the draft development agreement prohibits open storage in the front or side yard and limits open storage to a 100 sq. ft. (9.29 sq. m.) area of the lot that is to be screened from adjacent residential properties. It also permits accessory buildings for the automotive repair shop in accordance with Section 5.1 of the WLUB. Section 2.6, Signs and Lighting, of the draft development agreement states that exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to ensure there is no light spilling, glare or light cast over neighbouring properties or the street. All of these items should reduce the potential for conflict with adjacent uses.
(g) maintenance of the local industrial use will be satisfactory;	Maintenance of the proposed use is outlined in Section 2.9 of the draft development agreement and will ensure that the Owner is responsible for keeping the property, buildings and driveway in good repair.
(h) any other matter which may be addressed in a development agreement; and	All other matters are addressed elsewhere in this report.
(i) Policy 16.3.1.	Please see Attachment B for further details.

Attachment 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
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Municipal Project Engineer stated that the lot is capable of being serviced by municipal water and sewer. They have stated that “disposal of special waste products and special collection would be required if the property/development does not meet requirements for standard curbside collection (including exceeding curbside quantities and special material disposal requirements, i.e., waste oil, oily rags, filters, cleaners, solvents, etc.).” The applicant has been informed and intends to dispose of these products through the provincial recycling programs. Clause 2.7 of the draft development agreement addresses these concerns and ensures the property owner is responsible for the safe storage and disposal of these products.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection and other emergency services;	The Manager of Building and Fire Inspection Services and the local Fire Chief have stated that they have no concerns at this time.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	As noted in 5.7.6 (c), the Nova Scotia Department of Public Works has stated that “the Department does not have any concerns about the impact of the proposed use on traffic generation and traffic safety” and that “safe and efficient roadway access can be provided for the proposed use.”

(v) the financial capacity of the Municipality to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(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;	As noted in 16.3.1 (a) (i), the property is capable of being serviced by municipal water and sewer.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	As stated in 5.7.6 (c), the Nova Scotia Department of Public Works has stated that “the Department does not have any concerns about the impact of the proposed use on traffic generation and traffic safety” and that “safe and efficient roadway access can be provided for the proposed use.” There is no active rail line in the area. Highway 1 and Old Halifax Road West do not have sidewalks. However, based on the proposed uses it is unlikely that anyone will walk to or from the subject lot in relation to the automotive repair shop.
(d) the adequacy of the dimensions and shape of the lot for the intended use;	The property is approximately 30,537 sq. ft. (2,836.98 sq. m.) and is rectangular in shape. There is an existing 20 ft. x. 20 ft. garage on the lot for the proposed automotive repair shop and space for parking. This lot would be adequate in dimension and shape for this proposed use.
(e) the pattern of development which the proposal might create;	The automotive repair shop is proposed within an existing building on a property where the applicant and his family reside. Although the surrounding area is designated Residential and zoned Two Unit Residential (R-2) it is not anticipated that this proposed automotive repair shop will interfere with this pattern of development.
(f) the suitability of the area in terms of steepness of grade, soil and geological	The lot slopes upward from Highway 101 towards Old Halifax Road West. The lot

conditions, location of water courses or wetlands, and susceptibility of flooding;	flattens off behind the house where the garage and parking area are proposed for the automotive repair shop. There is a watercourse on the south side of Highway 1. Section 5.50 requires that no structure be located closer than 50 ft. (15.24 m.) from a watercourse. The buildings on the lot at 4701 Hwy 1 are located over 100 ft. from the watercourse. Clause 2.7 of the draft development agreement ensures that the property owner is responsible for the safe storage and disposal of any waste products from the automotive repair shop, therefore there should be no contamination of the watercourse in relation to this proposed development. 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. The property owner is responsible for ensuring that the lot is suitable for the proposed uses.
(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	All Municipal, Provincial and Federal regulations will have to be met.
(h) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.

Attachment C



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2022.

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 -

Phillip and Roberta Marryatt, of 4701 Highway 1, Three Mile Plains, 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 4701 Highway 1 (PID 45005733) hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Residential on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (June 26, 2008) (the “Municipal Planning Strategy”) and

zoned Two-Unit Residential (R-2) on the Zoning Map of the West Hants Land Use By-law (June 26, 2008) (the “Land Use By-law”) and is in Three Mile Plains Growth Centre; and

WHEREAS the Owners have requested that the Municipality enter into a development agreement to permit an Automotive Repair Shop on the Property (the “Development”) and Section 6.1 (j) of the Land Use By-law enables Council to consider a development agreement for auto repair and auto body shops in conjunction with a single unit dwelling as it is a listed permitted use in the Local Industrial (LI) zone; and

WHEREAS the Council of the Municipality, at a meeting held on **Month Day, 2022**, approved this request;

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 By-law, except those defined as follows:

- (a) “Automotive Repair Shop” means a commercial establishment for the general repair, rebuilding, and reconditioning of vehicles and light trucks (up to one ton).

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, effective on June 26, 2008, as amended, or successor By-laws;
- (b) *Land Use By-law* means the West Hants Land Use By-law, effective on June 26, 2008, as amended, or successor By-laws;
- (c) *Subdivision By-law* means the West Hants Subdivision By-law, effective on June 26, 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;
- (b) an Automotive Repair Shop; and
- (c) uses and structures accessory to the uses specified in clause 2.1 (a) and (b), including, but not limited to, storage sheds.

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 Automotive Repair Shop shall be located entirely within a 20 ft. by 20 ft. accessory building located at 4701 Highway 1 identified as “Shop” on the Site Layout, Schedule B. If the existing building is ever to be replaced the new building for the Automotive Repair Shop shall meet the following requirements:

Minimum front yard	25 ft (7.62 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	15 ft (4.57 m)
Maximum height of main building	35 ft (10.67 m)

2.3 Access and Egress

The main access/egress to the lot shall be directly from Highway 1. Any other access/egress shall be secondary and only used for emergency purposes. The vehicular entrance and exit shall be clearly demarcated and maintained to a level adequate to allow for access by emergency service vehicles.

2.4 Parking

A maximum of four (4) parking spaces may be used as part of the Automotive Repair Shop. The parking shall be located approximately as shown on Schedule B.

2.5 Storage

No open storage or display areas shall be permitted in the front yard along Highway 1 or the side yards. Open storage shall be limited to a 10 ft. (3.05 m.) x 10 ft. (3.05 m.) space and shall be screened from adjacent residential properties by a continuous row of trees, a hedge, a fence, or a combination of the foregoing arranged to form a dense or opaque screen. Accessory buildings for the Automotive Repair Shop shall be permitted in accordance with Section 5.1 of the Land Use By-law.

2.6 Signs and Lighting

Signage and illumination shall be regulated under Sections 5.18 and 7.0 of the Land Use By-law, *Illumination* and *Signs*, which controls lighting, size, location, and number of signs. Exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to ensure there is no light spilling, glare or light cast over neighbouring properties or the street.

2.7 Water and Sewer Services

The Property is capable of being serviced by municipal water and sewer. Oil and petroleum products must be stored and disposed of entirely at the Owners' responsibility and expense in a manner that ensures these products do not enter the Three Mile Plains Sewer System.

2.8 Hours of Operation

The hours of operation for the Automotive Repair Shop shall be limited to between 7:00 a.m. and 7:00 p.m. daily, Monday to Saturday, inclusive.

2.9 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 location of the shop, parking, and driveway shown on 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 twenty four (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 neutral gender shall include the masculine and feminine.
- (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 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 (3) business days of mailing, addressed to Phillip and Roberta Marryatt, 4701 Highway 1, Three Mile Plains, NS, B0N 2T0 or at any other address provided by the Owners.
- (b) The Owner 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, or at any successor address provided by the Municipality to the Owner.

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

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

Per: _____

) Abraham Zebian, Mayor

)

)

) Per: _____

) Deanna Snair, Municipal Clerk

)

)

Per: _____

) Phillip Marryatt

)

)

Per: _____

) Roberta Marryatt

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2022, 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 presence.

A Commissioner of the Supreme Court of Nova Scotia

ON THIS day of , A.D. 2022, 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 presence.

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2022, 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, **Phillip Marryatt**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2022, 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, **Roberta Marryatt**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

I, Deanna Snair 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).

I certify that on this _____, 2022
the Municipal Clerk, Deanna Snair 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

Deanna Snair, Clerk

CANADA
PROVINCE OF NOVA SCOTIA
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (INDIVIDUAL)

We, Phillip and Roberta Marryatt, 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 _____, 2022
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Phillip Marryatt

Roberta Marryatt

Schedule A
Legal Description – PID 45005733

ALL that certain lot of land situate at Three Mile Plains in the County of Hants and Province of Nova Scotia more particularly bounded and described as follows:

BEGINNING at a stake on the northerly side of the Windsor-Halifax Highway;

THENCE north sixteen degrees east two hundred and forty five feet to the Old Windsor-Halifax Road;

THENCE easterly along the old Windsor-Halifax Road a distance of two hundred and thirty six feet;

THENCE south seventeen degrees west two hundred fifty three feet to the Windsor-Halifax highway;

THENCE westerly along the Windsor-Halifax highway two hundred thirty two feet to a stake being the place of beginning.

SAVING and EXCEPTING Lot P-1 as shown on registered Plan No. 89234489 at the Land Registration Office for Hants County.

The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Hants as plan or document number 89234489.

The MGA compliance statement has been applied by SNSMR during the processing of Land Registration Plan 89234489.

Schedule B
Site Layout



Attachment D
Public Information Meeting Notes
September 8 – 23, 2022
File 22-10

4701 Highway 1, Three Mile Plains; PID 45005733

Meeting date and time	A Public Information Meeting was held on September 8, 2022 beginning at 7 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Councillor Ivey (Chair) Four (4) members of staff: • Planner Poirier • Planner Dunphy • Director LeMay • Meeting Secretary Lake
Applicant Phil and Roberta Marryatt Property 4701 Highway 1, Three Mile Plains PID 45005733	Planner Poirier outlined the development agreement application to permit an automotive repair shop at 4701 Highway 1 (PID 45005733) in Three Mile Plains. The applicant did not make a formal presentation.
Comments	Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between September 8 – 23, 2022. No members of the public spoke at the Public Information Meeting. No comments or questions were received via mail, email or phone.
Adjournment	The meeting was adjourned at 7:09 p.m.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Madelyn LeMay, Director, Planning and Development

Date: November 22, 2022

Subject: Hantsport Land Use By-law Amendment: Small Options Housing; File # 22-06C

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8
Statement of Provincial Interest: Housing
Small Options Homes: Provincial Information Bulletin

RECOMMENDATION

Should Council wish to approve the proposed amendments following the Public Hearing, the following motion would be in order:

„,that Council amends the Hantsport Land Use By-law by redefining Institutional Use, Home for Special Care and Dwelling Unit, deleting the terms and definitions Group Home and Residential Care Facility; and adding Home for Special Care to the list of permitted uses in the Institutional (I) Zone, all as shown in Appendix F of the September 8, 2022 report #22-06 Hantsport Land Use By-law Amendment: Small Options Housing.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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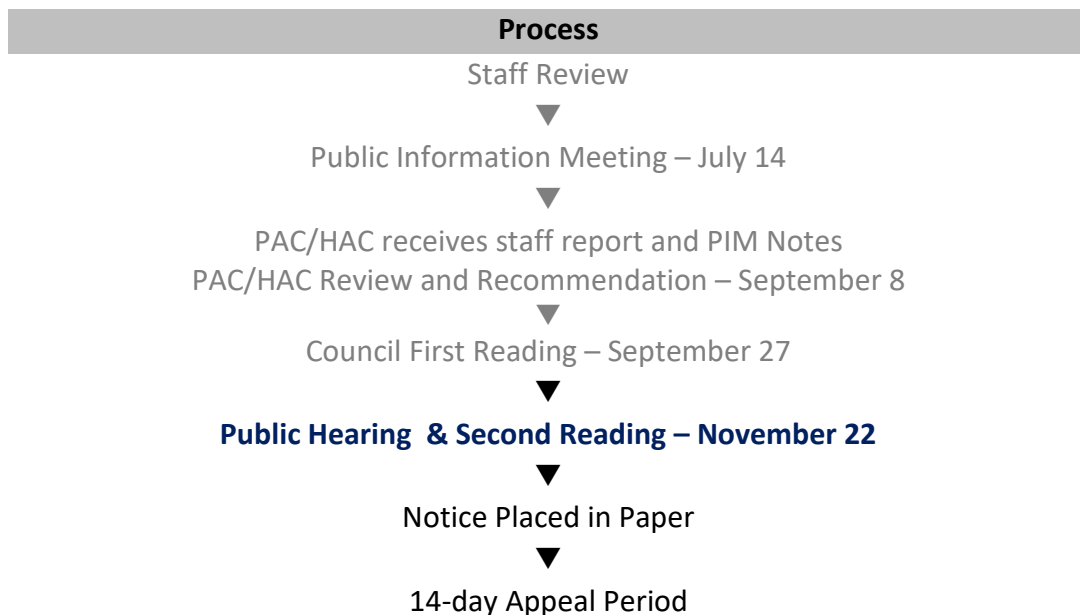
On June 6, 2022, the Nova Scotia Department of Municipal Affairs and Housing published an Information Bulletin for municipalities which provides interpretation regarding the accommodation of group homes in all municipal units.

PAC/HAC recommended in favour of the proposed amendments on September 8, 2022.

Council held first reading on September 27, 2022 (Attachment A).

NEXT STEPS

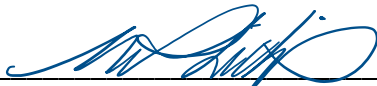
The process for this application is as follows:



ATTACHMENTS

Attachment A	September 27, 2022 Report to Council - Hantsport Land Use By-law Amendment: Small Options Housing; File # 22-06B
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Report Prepared by: _____
Madelyn LeMay, Director, Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



ATTACHMENT A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Madelyn LeMay, Director, Planning and Development

Date: September 27, 2022

Subject: Hantsport Land Use By-law Amendment: Small Options Housing; File # 22-06B

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8
Statement of Provincial Interest: Housing
Small Options Homes: Provincial Information Bulletin

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending the Hantsport Land Use By-law by redefining Institutional Use, Home for Special Care and Dwelling Unit, deleting the terms and definitions Group Home and Residential Care Facility; and adding Home for Special Care to the list of permitted uses in the Institutional (I) Zone, all as shown in Appendix F of the September 8, 2022 report #22-06 Hantsport Land Use By-law Amendment: Small Options Housing.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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On June 6, 2022, the Nova Scotia Department of Municipal Affairs and Housing published an Information Bulletin for municipalities which provides interpretation regarding the accommodation of group homes in all municipal units.

The proposed amendments are in direct response to this Information Bulletin.

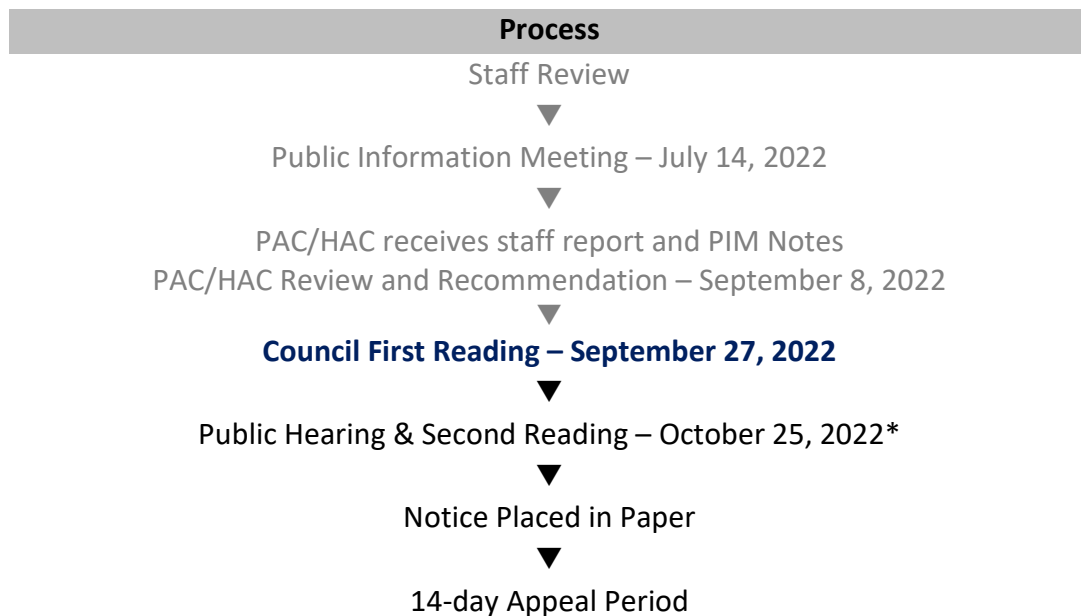
DISCUSSION

A Public Information Meeting was held on July 14, 2022.

PAC/HAC recommended in favour of the proposed amendments on September 8, 2022.

NEXT STEPS

The process for this proposed amendment is as follows:



*anticipated date; final dates set by Council

FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality related to the proposed amendments.

ALTERNATIVES

In response to the application, Council may decide to:

- not hold a public hearing regarding the proposed amendments; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A September 8, 2022 Hantsport Land Use By-law Amendment: Small Options
Housing; File # 22-06

CHIEF ADMINISTRATIVE OFFICER REVIEW

As n opted by the Director this recommendation is in alignment with their provincial
perspective and PAC / HAC recommendation.

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



ATTACHMENT A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Planning/Heritage Advisory Committee (PAC/HAC)

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

Date: September 8, 2022

Subject: Hantsport Land Use By-law Amendment: Small Options Housing; File # 22-06

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8
Statement of Provincial Interest: Housing (Appendix A)
Small Options Homes: Letter from Province (Appendix B)
Small Options Homes: Provincial Information Bulletin (Appendix C)

2.0 RECOMMENDATION

Should PAC/HAC wish to forward a positive recommendation, the following would be in order:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Land Use By-law by redefining Institutional Use, Home for Special Care and Dwelling Unit, deleting the terms and definitions Group Home and Residential Care Facility; and adding Home for Special Care to the list of permitted uses in the Institutional (I) Zone, all as shown in Appendix F of the September 8, 2022 report #22-06 Hantsport Land Use By-law Amendment: Small Options Housing.

3.0 BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☒	Economic ☐	Councillor Activity ☐
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On June 6, 2022, the Nova Scotia Department of Municipal Affairs and Housing published an Information Bulletin for municipalities which provides interpretation regarding the accommodation of group homes in all municipal units (Appendices B and C). The Information Bulletin supplements the Statement of Provincial Interest (SPI) regarding Housing (Appendix A) and was in part based on a survey of planning documents undertaken by the Disability Support Program (DSP) of the Department of Community Service. The survey indicated the need for change in planning documents in many municipalities to ensure “small options homes” are permitted as-of-right wherever other dwelling units are permitted as-of-right and by development agreement wherever other dwelling units require a development agreement. The

Implementation section of the SPI notes: *“Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements.”*

DSP notes that Small Option Homes (SOH) are community-based homes, indistinguishable from other homes, that typically support three or four residents capable of living independently. SOHs are built and operated by DSP Service Providers and licensed under the Homes for Special Care Act.

4.0 DISCUSSION and DOCUMENT REVIEW

4.1 Existing Municipal Planning Strategy

4.1.1 Hantsport Housing Background and Policy

The Hantsport Municipal Planning Strategy (HMPS) and Land Use By-law (HLUB) were approved in 2010. The policies regarding housing in the HMPS include increasing density by reducing the minimum lot size required, encouraging infilling and encouraging a mix of housing types.

In addition, HMPS amendments carried out in 2021 directly support the proposed amendments to the LUB: *“GP 11 encourage the provision of housing adequate to meet the needs of all residents of Hantsport. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community (Appendix D).*

The term “family” occurs descriptively within the Hantsport documents but is not used in a regulatory manner; no amendments related to the term are needed.

The HMPS does not provide background or policy for the definitions contained in the HLUB. No amendment is needed to the HMPS to clarify Council’s position regarding small options homes.

4.1.2 Hantsport General Criteria for Land Use By-law Amendments

The general criteria which Council must consider when amending the HLUB are established in Policy 11.3.1 (Appendix E). None are relevant to the amendment of these HLUB definitions.

4.2 Existing Hantsport Land Use By-law

The Hantsport Land Use By-law (HLUB) includes the terms listed below, used as noted:

TERM and DEFINITION	USE
<u>Group Home</u> means a single housekeeping unit in a residential dwelling in which three to ten residents live together under supervision, in accordance with Provincial requirements. The home shall be licensed by the Province. "Residents," for the purpose of this definition shall be deemed as to exclude staff or receiving family.	• defined • term not used in HLUB

<u>Home for Special Care</u> means facilities licensed under <i>The Homes for Special Care Act</i>	• defined • term appears only in the definition of Institutional Use
<u>Nursing Home</u> means a building wherein nursing care, room and board are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital.	• defined • there is a parking requirement for Nursing Homes • 1 Nursing Home is listed as an existing permitted use in the Mixed Commercial/Residential (C-2) Zone • PAC/HAC agreed not to include this term in the definition section of the Regional planning documents
<u>Institutional Use</u> means a publicly or privately-owned or operated church, school, or hospital, or any health care facility, Home for Special Care whether public or privately operated, including Homes for Special Care, and or any public use.	• defined • term is used in: • 6.2, Parking Lot Specifications • as listed permitted uses in the Mixed Commercial/Residential (C-2) Zone • as listed permitted uses in the Institutional (I) Zone
<u>Residential Care Facility</u> means a community-based group living arrangement, in a single housekeeping unit, for eight (8) or more individuals, exclusive of staff and/or receiving family, with social, legal, emotional, mental and/or physical handicaps or problems, that is developed for the well being of its residents through self-help, professional care, guidance and supervision unavailable in the resident's own family, an institution or in an independent living situation. A Residential Care Facility is licensed, funded or approved by the Province of Nova Scotia.	• defined • term not used in LUB

4.3

Proposed Amendments

In order to ensure that

- a development permit would be issued for small options homes in any area where dwellings are permitted as-of-right; and
 - small options homes would be considered by development agreement in any location where residential development is considered by development agreement,
- the following changes are required to the HLUB [\[additions shown in blue\]](#):

- delete the definition and the term Group Home
- redefine the term Home for Special Care as

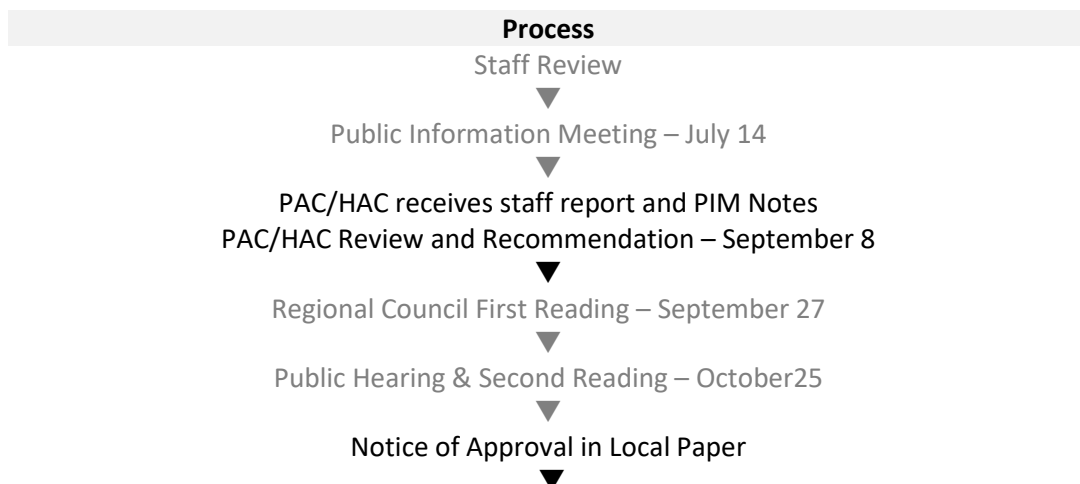
Home for Special Care means facilities licensed under *The Homes for Special Care Act* or successor legislation [which serve 11 or more people](#).

- add “Home for Special Care” to the listed permitted uses in the Institutional (I) Zone
- redefine Institutional Use as
[Institutional Use](#) means a publicly or privately-owned or operated church, school, hospital, health care facility, facility licensed under the Homes for Special Care Act, and any public use. *[NOTE: this is intended to ensure licensed homes with 10 or fewer residents can be located in the Institutional Zone]*
- leave the definition and the term Nursing Home; leave the term in the parking requirements and Mixed Commercial/Residential (C-2) Zone
- delete the definition and the term Residential Care Facility
- redefine Dwelling Unit as:
[Dwelling Unit](#) means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and [may include a group home or small options home which serves 10 or fewer people](#) but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations [and a home for special care](#).

The draft amendments are shown in Appendix F.

5.0 NEXT STEPS

The proposed amendments have been considered within the context of, and are consistent with the intent, objectives, policies, and criteria of the HMPS. There are no proposed map amendments. As a result, it is reasonable to amend the text of the HLUB to clarify the position of small options homes in Hantsport.



14 day Appeal Period

*anticipated dates; final dates set by Council

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

7.0 ALTERNATIVES

Should PAC/HAC not wish to recommend the changes to the Hantsport Municipal Planning Strategy and Land Use By-law as drafted, it may:

- recommend specific changes to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

8.0 APPENDICES

Appendix A	Statement of Provincial Interest: Housing
Appendix B	Small Options Homes: Provincial Information Bulletin
Appendix C	Small Options Homes: Letter from Province
Appendix D	Existing Hantsport MPS: Housing
Appendix E	Hantsport MPS General Criteria for Land Use By-law Amendment
Appendix F	Hantsport Proposed Land Use By-law Amendments
Appendix G	Public Information Meeting Notes

Report prepared by:

Madelyn LeMay, Director, Planning and Development

Appendix A

Statement of Provincial Interest Regarding Housing

Goal

To provide housing opportunities to meet the needs of all Nova Scotians.

Basis

Adequate shelter is a fundamental requirement for all Nova Scotians.

A wide range of housing types is necessary to meet the needs of Nova Scotians.

Application

All communities of the Province.

Provisions

1. Planning documents must include housing policies addressing affordable housing, special-needs housing and rental accommodation. This includes assessing the need and supply of these housing types and developing solutions appropriate to the planning area. The definition of the terms affordable housing, special-needs housing and rental housing is left to the individual municipality to define in the context of its individual situation.
2. Depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.
3. There are different types of group homes. Some are essentially single detached homes and planning documents must treat these homes consistent with their residential nature. Other group homes providing specialized services may require more specific locational criteria.
4. Municipal planning documents must provide for manufactured housing.

Implementation

1. These statements of provincial interest are issued under the *Municipal Government Act*. The Minister of Housing and Municipal Affairs, in cooperation with other provincial departments, is responsible for their interpretation.
2. Provincial Government departments must carry out their activities in a way that is reasonably consistent with these statements.

3. New municipal planning documents as well as amendments made after these statements come into effect must be reasonably consistent with them.
4. Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements. Where appropriate, the preparation of intermunicipal planning strategies is encouraged.
5. Reasonably consistent is defined as taking reasonable steps to apply applicable statements to a local situation. Not all statements will apply equally to all situations. In some cases, it will be impractical because of physical conditions, existing development, economic factors or other reasons to fully apply a statement. It is also recognized that complete information is not always available to decision makers. These factors mean that common sense will dictate the application of the statements. Thoughtful innovation and creativity in their application is encouraged.
6. Conflicts among the statements must be considered and resolved in the context of the planning area and the needs of its citizens.
7. The Department of Housing and Municipal Affairs, with other Provincial departments, may prepare guidelines and other information to help municipalities in implementing the statements. Provincial staff are available for consultation on the reasonable application of the statements.

APPENDIX B



Department of Municipal Affairs and Housing

Floor 8 North, Maritime Centre
1505 Barrington Street
PO Box 216
Halifax, NS B3J 2M4

Telephone: 902.424.7918
Fax: 902.424.0821
E-mail: Gordon.Smith@novascotia.ca

June 6, 2022

TO: CAOs & Clerks

RE: Statement of Provincial Interest Regarding Housing & Small Option Homes

Recently, the Department of Municipal Affairs and Housing was approached by the Department of Community Services regarding small option homes. Small option homes are a type of home, licensed under the *Homes for Special Care Act*. They house three or four residents with developmental, mental health or physical disabilities. Residents live independently in the community and receive support services from staff.

Nova Scotia is currently phasing out the use of large, institutional-style facilities like Regional Rehabilitation Centres (RRC) and Adult Residential Centres (ARC) as housing for persons with disabilities. As a result, there is a need to expand the stock of small option homes available across the Province.

Small option homes function in the same manner as any single-unit dwelling. Regulation that restricts access to classes of persons where the building use, land use, structure and lot geometry are the same as any other dwelling within a zone are not appropriate and, in the case of small option homes, would be considered inconsistent with the Statement of Provincial Interest regarding Housing.

The attached Information Bulletin outlines the Department of Municipal Affairs and Housing's perspective on this matter.

For further information regarding small option homes, please contact Vicki Black, Director, Disability Support Program, Department of Community Services (Vicki.Black@novascotia.ca / 902-424-6296).

For any questions concerning the Statement of Provincial Interest regarding Housing, please contact Alan Howell, Senior Planner, Department of Municipal Affairs and Housing (Alan.Howell@novascotia.ca / 902-483-3746).

Yours truly,

Gordon Smith
Provincial Director of Planning

/kz

APPENDIX C



Department of Municipal Affairs and Housing

INFORMATION BULLETIN

STATEMENT OF PROVINCIAL INTEREST REGARDING HOUSING AND APPLICATION TO SMALL OPTION HOMES

Summary:

The Statement of Provincial Interest regarding Housing requires that planning documents treat Small Option Homes licensed under the *Homes for Special Care Act* consistently with their residential nature.

Legislation:

Municipal Government Act (MGA) – Sections 198, 208, 212

Halifax Regional Municipality Charter (HRMC) – Sections 214, 223, 227

Statements of Provincial Interest, N.S. Reg 101/2001 – Statement of Provincial Interest regarding Housing

Discussion:

The Statement of Provincial Interest (SPI) regarding Housing states: “There are different types of group homes. Some are essentially single detached homes, and planning documents must treat these homes consistently with their residential nature. Other group homes providing specialized services may require more specific locational criteria.”

This means that when a group home retains the physical characteristics of a conventional residential dwelling and functions as a home-like environment, it must be treated as such. The definition or use of a term such as “family dwelling” cannot be used to exclude group homes from residential neighbourhoods.

Small option homes are a type of community residential placement licensed under the *Homes for Special Care Act*. They house three or four residents with developmental, mental health or physical disabilities. Residents live independently in community homes and receive support services from staff.

For the purposes of planning documents, the term “group home” is inclusive of small option homes as outlined in this Bulletin.

On this basis, small option homes are to be permitted in all residential zones where the building and lot meet the requirements of that zone. While municipalities may opt to provide for these group homes through a development agreement or site plan approval process, they cannot require any studies, design criteria or restrictions that would not also be applicable to a similar residential use. For clarity: if a single detached home that is owner occupied and one that functions as a small option home are not treated with the same development permit requirements, then this is an inconsistent application of policy and is inconsistent with the SPI regarding Housing.

Planning documents adopted after the adoption of a Statement of Provincial Interest must be consistent with the Statement. Ministerial approval of new planning documents may be refused on the basis that the planning documents are not reasonably consistent with a Statement of Provincial Interest. Additionally, the Minister may request that a council amend existing planning documents to be, or adopt new planning document that are, reasonably consistent with a Statement of Provincial Interest.

Resources: Implementing Statements of Provincial Interest: guide for municipalities
<https://beta.novascotia.ca/documents/implementing-statements-provincial-interest-guide-municipalities>

Date Produced: June 2, 2022

Note: The reader is cautioned that preparation of this and subsequent Information Bulletins containing practical suggestions or direct guidance must necessarily involve interpretation of legislation as it applies in general situations. Specific situations may require careful legal analysis and, therefore, reference should be made to the *Municipal Government Act*, the *Halifax Regional Municipality Charter*, other relevant legislation, and to legal advisors.

APPENDIX D

Taken from the Hantsport Municipal Planning Strategy May 2022

3.2.6 Housing

Council acknowledges that it is important to encourage the provision of housing that includes all residents in Hantsport regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community needs to provide diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. A secondary suite in a dwelling can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure that the buildings retain the look of the original dwellings and are compatible with the neighbourhood.

As a result, it shall be the policy of Council to

- | | |
|--------------|--|
| Policy GP 11 | encourage the provision of housing adequate to meet the needs of all residents of Hantsport. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community. |
| Policy GP-12 | provide for the development of a range of housing types in Hantsport. |
| Policy GP-13 | include flexible development standards which encourage innovative housing development in the Municipal Planning Strategy and Land Use By-law. |
| Policy GP-14 | permit secondary suites in single and two-unit dwellings in all zones, with regulation regarding the size, location and appearance of secondary suites to ensure the use remains small-scale and compatible with the neighborhood. |

APPENDIX E
Taken from the Hantsport MPS May, 2022

11.3 Amendments of the Land Use By-law

11.3.1 Criteria

The Strategy is accompanied by a regulatory document known as a Land Use Bylaw. It is intended that the Land Use By-law be amended from time to time usually through a formal application process made to the Town. An application may be received to amend a clause(s) or section(s) of the Bylaw or to amend the Zoning Map (these latter amendments are also known as rezonings).

Council may only approve amendments to the Land Use By-law if they are consistent with the policies of this Strategy. In addition to policies or statements contained throughout the Strategy the following is a list of general criteria to be followed by Council in its consideration of an amendment.

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:

- (a) whether the proposal is considered appropriate in terms of:
 - (i) the adequacy of sewer and water services;
 - (ii) the adequacy of school facilities;
 - (iii) the adequacy of fire protection;
 - (iv) the impact on adjacent uses;
 - (v) the adequacy of road networks adjacent to, or leading to the development; and
 - (vi) the financial capacity of the Town to absorb any costs relating to the development.
- (b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;
- (c) the adequacy of the dimensions and shape of the lot for the intended use;
- (d) the pattern of development which the proposal might create;
- (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;
- (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;
- (g) the impact of not only the use being proposed but all uses permitted in the zone;
- (h) the site meets all of the zone requirements for the zone sought; and
- (i) any other matter required by relevant policies of this Strategy.

APPENDIX F
DRAFT HANTSPORT LAND USE BY-LAW AMENDMENTS

Purpose: to clarify and ensure that small options homes are permitted in the same locations and manner as any other dwelling unit

1. In Part 2, *Definitions*, amend the definition of *dwelling unit* by removing the phrase *excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations* and adding the phrase *may include a group home or small options home which serves 10 or fewer people but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations and a home for special care* so that the definition reads as follows:

Dwelling Unit means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and may include a group home or small options home which serves 10 or fewer people but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations and a home for special care.

2. In Part 2, *Definitions*, remove the term and the definition: *Group Home means a single housekeeping unit in a residential dwelling in which three to ten residents live together under supervision, in accordance with Provincial requirements. The home shall be licensed by the Province. "Residents," for the purpose of this definition shall be deemed as to exclude staff or receiving family.*
3. In Part 2, *Definitions*, remove the definition of Home for Special Care as “*means facilities licensed under The Homes for Special Care Act*” and replace the definition with: *Home for Special Care means facilities licensed under The Homes for Special Care Act or successor legislation which serve 11 or more people.*
4. In Part 2, *Definitions*, remove the definition of Institutional Use as “*means a publicly or privately-owned or operated church, school, or hospital, or any health care facility, Home for Special Care whether public or privately operated, including Homes for Special Care, and or any public use.*” and replace it with “*means a publicly or privately-owned or operated church, school, hospital, health care facility, facility licensed under the Homes for Special Care Act, and any public use.*”
5. In Part 2, *Definitions*, remove the term and the definition *Residential Care Facility means a community-based group living arrangement, in a single housekeeping unit, for eight (8) or more individuals, exclusive of staff and/or receiving family, with social, legal, emotional, mental and/or physical handicaps or problems, that is developed for the well being of its residents through self-help, professional care, guidance and supervision unavailable in the resident's own family, an institution or in an independent living situation. A Residential Care Facility is licensed, funded or approved by the Province of Nova Scotia.*
6. In Part 11, *Institutional (I) Zone* add *Home for Special Care* to the listed permitted uses, following the term *all institutional use*” and immediately before the term *non residential daycare centre*

Appendix G
Public Information Meeting Notes
July 14, 2022 – August 4, 2022
File# 22-06A

Hantsport Land Use By-law Amendments: Small Options Housing

Meeting date and time	A public information meeting was held on July 14, 2022 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-06 A
Attending	Councillor Jim Ivey, PIM Chair Madelyn LeMay, Director, Planning and Development Sara Poirier, Senior Planner Alex Dunphy, Planner No members of the public were present.
Applicant none	Ms. LeMay outlined the proposed amendments, which are intended to ensure that small options housing is permitted in the same locations and manner as any dwelling unit.
Adjournment	The presentation portion of the PIM ended at approximately 6:15 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Ms. LeMay until August 4, 2022.
PIM Submissions	No verbal or written submissions were received.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Madelyn LeMay, Director, Planning and Development

Date: November 22, 2022

Subject: West Hants Land Use By-law Amendment: Small Options Housing; File # 22-07C

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8
Statement of Provincial Interest: Housing
Small Options Homes: Provincial Information Bulletin

RECOMMENDATION

Should Council wish to approve the proposed amendments following the Public Hearing, the following motion would be in order:

... that Council amends the West Hants Land Use By-law by redefining the terms *Home for Special Care*, *Institutional Use*, and *Dwelling Unit*, deleting the terms and definitions *Residential Care Facility* and *Senior Citizen Housing* and in the Institutional (I) Zone replacing the phrase *Any Institutional Use which is incorporated under the Societies Act* with the phrase *Any Institutional Use in the list of permitted uses in the Institutional (I) Zone* all as shown in Appendix F of the September 8, 2022 report 22-07 West Hants Land Use By-law Amendment: Small Options Housing.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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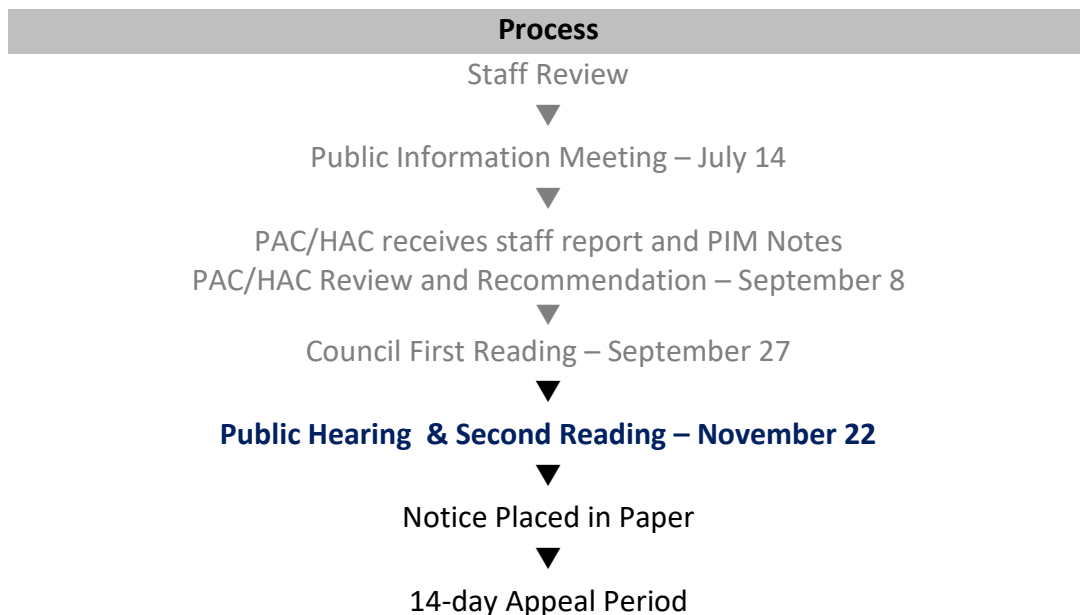
On June 6, 2022, the Nova Scotia Department of Municipal Affairs and Housing published an Information Bulletin for municipalities which provides interpretation regarding the accommodation of group homes in all municipal units.

PAC/HAC recommended in favour of the proposed amendments on September 8, 2022.

Council held first reading on September 27, 2022 (Attachment A).

NEXT STEPS

The process for this application is as follows:



ATTACHMENTS

Attachment A	September 27, 2022 Report to Council – West Hants Land Use By-law Amendment: Small Options Housing; File # 22-06B
---------------------	---

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



ATTACHMENT A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Madelyn LeMay, Director, Planning and Development

Date: September 27, 2022

Subject: West Hants Land Use By-law Amendment: Small Options Housing; File # 22-07B

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8
Statement of Provincial Interest: Housing
Small Options Homes: Provincial Information Bulletin

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending the West Hants Land Use By-law by redefining the terms *Home for Special Care*, *Institutional Use*, and *Dwelling Unit*, deleting the terms and definitions *Residential Care Facility* and *Senior Citizen Housing* and in the Institutional (I) Zone replacing the phrase *Any Institutional Use which is incorporated under the Societies Act* with the phrase *Any Institutional Use in the list of permitted uses in the Institutional (I) Zone* all as shown in Appendix F of the September 8, 2022 report 22-07 West Hants Land Use By-law Amendment: Small Options Housing.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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On June 6, 2022, the Nova Scotia Department of Municipal Affairs and Housing published an Information Bulletin for municipalities which provides interpretation regarding the accommodation of group homes in all municipal units.

The proposed amendments are in direct response to this Information Bulletin.

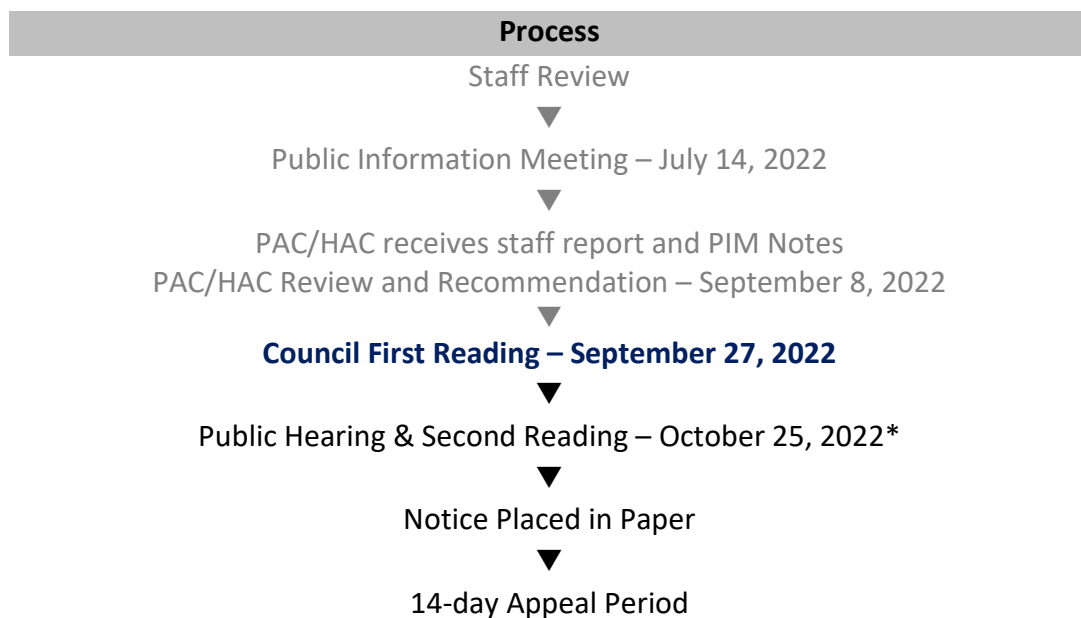
DISCUSSION

A Public Information Meeting was held on July 14, 2022.

PAC/HAC recommended in favour of the proposed amendments on September 8, 2022.

NEXT STEPS

The process for this proposed amendment is as follows:



*anticipated date; final dates set by Council

FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality related to the proposed amendments.

ALTERNATIVES

In response to the application, Council may decide to:

- not hold a public hearing regarding the proposed amendments; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A September 8, 2022 West Hants Land Use By-law Amendment: Small
Options Housing; File # 22-07

CHIEF ADMINISTRATIVE OFFICER REVIEW

As noted by the Director this recommendation is in alignment with the province and PAC/ HAC perspectives.

I support the recommendation.

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



ATTACHMENT A

WEST HANTS REGIONAL MUNICIPALITY REPORT

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

To: Planning/Heritage Advisory Committee (PAC/HAC)

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

Date: September 8, 2022

Subject: West Hants Land Use By-law Amendment: Small Options Housing; File # 22-07

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8
Statement of Provincial Interest: Housing (Appendix A)
Small Options Homes: Letter from Province (Appendix B)
Small Options Homes: Provincial Information Bulletin (Appendix C)

2.0 RECOMMENDATION

Should PAC/HAC wish to forward a positive recommendation, the following would be in order:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the West Hants Land Use By-law by redefining the terms *Home for Special Care*, *Institutional Use*, and *Dwelling Unit*, deleting the terms and definitions *Residential Care Facility* and *Senior Citizen Housing* and in the Institutional (I) Zone replacing the phrase *Any Institutional Use which is incorporated under the Societies Act* with the phrase *Any Institutional Use in the list of permitted uses in the Institutional (I) Zone* all as shown in Appendix F of the September 8, 2022 report 22-07 West Hants Land Use By-law Amendment: Small Options Housing.

3.0 BACKGROUND

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

On June 6, 2022, the Nova Scotia Department of Municipal Affairs and Housing published a letter and Information Bulletin for municipalities which provides interpretation regarding the accommodation of group homes in all municipal units (Appendices B and C). The Information Bulletin supplements the Statement of Provincial Interest (SPI) regarding Housing (Appendix A) and was in part based on a survey of planning documents undertaken by the Disability Support Program (DSP) of the Department of Community Service. The survey indicated the need for change in planning documents in many municipalities to ensure “small options homes” are permitted as-of-right wherever other dwelling units are permitted as-of-right and by

development agreement wherever other dwelling units require a development agreement. The Implementation section of the SPI notes: *“Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements.”*

The Bulletin notes that Small Option Homes (SOH) are community-based homes, indistinguishable from other homes, that typically support three or four residents capable of living independently. SOHs are built and operated by DSP Service Providers and licensed under the Homes for Special Care Act.

4.0 DISCUSSION and DOCUMENT REVIEW

4.1 Existing Municipal Planning Strategy

4.1.1 West Hants Housing Background and Policy

The West Hants Municipal Planning Strategy (WHMPS) and Land Use By-law (WHLUB) were approved in 2008. The original residential policies in the WHMPS are focussed on concentrating denser development within the Growth Centres and Hamlets in order to concentrate the delivery of services. WHMPS amendments carried out in 2021 directly support these proposed amendments to the WHLUB by encouraging a wide range of housing types and ensuring flexible development standards (Appendix D).

The term “family” is used in the West Hants planning documents in background information regarding secondary suites, descriptively within definitions and within material related to agricultural operations. The use of the term within the existing documents has no impact on the proposed amendments.

The WHMPS does not provide background or policy for the definitions contained in the WHLUB. No amendment is needed to the WHMPS to clarify Council’s position regarding small options homes.

4.1.2 West Hants General Criteria for Land Use By-law Amendments

The general criteria which Council must consider when amending the WHLUB are established in Policy 16.3.1 (Appendix E). None are relevant to the amendment of these WHLUB definitions.

4.2 Existing West Hants Land Use By-law

The West Hants Land Use By-law (WHLUB) includes the terms listed below, used as noted:

TERM and DEFINITION	USE
Home for Special Care	• term defined • term used in relation to cannabis uses in Sections 5.56, 18.10, 30.5, and 31.5.
Nursing home	• 5.31 (a) Parking Requirement • appears in the present definition of Home for Special Care • appears in the definition of Residential Care Facility

	• PAC/HAC agreed not to include this term in the definition section of the Regional planning documents
Institutional Use	• defined • considered by development agreement in Part 6, Development Agreements in any designation • existing institutional uses listed as permitted uses in Part 22, General Resource (GR) Zone if incorporated under the Societies Act
Residential Care facility	• defined • used only within the definition of Home for Special Care
Senior Citizen Housing	• defined • term used in relation to cannabis uses in Sections 5.56, 18.10, 30.5 and 31.5; • listed as a permitted use in Part 32, the Institutional (I) Zone • PAC/HAC agreed not to include this term in the definition section of the Regional planning documents

4.3 Proposed Amendments

In order to ensure that

- a development permit would be issued for small options homes in any area where dwellings are permitted as-of-right; and
 - small options homes would be considered by development agreement in any location where residential development is considered by development agreement,
- the following changes are required to the WHLUB [\[additions shown in blue\]](#):

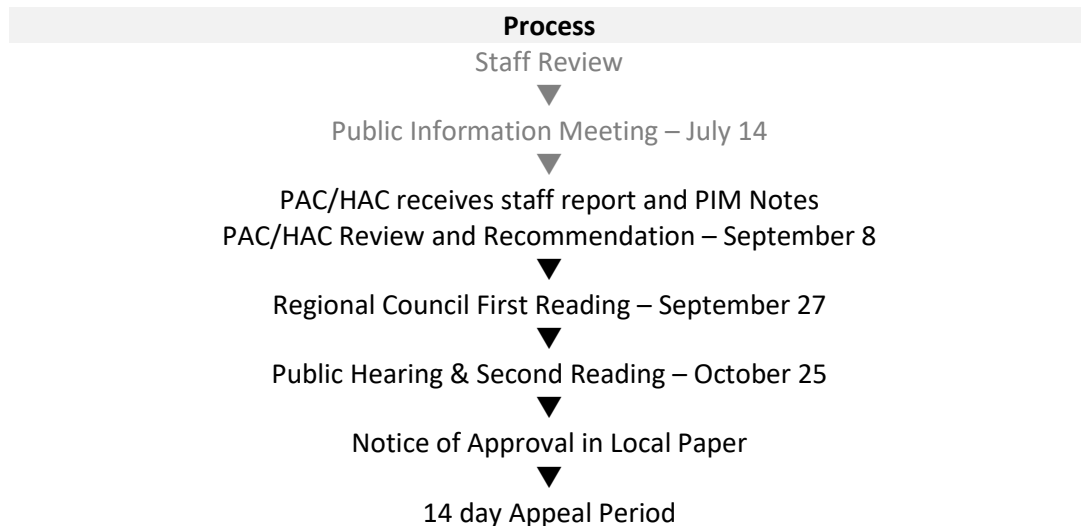
- redefine the term *Home for Special Care* as:
Home for Special Care means facilities licensed under The Homes for Special Care Act or successor legislation which serve 11 or more people.
This change would have no impact on Sections 5.56, 18.10, 30.5 and 31.5 of the WHLUB related to cannabis.
- leave the term *Nursing Home* in the parking requirements;
- redefine *Institutional Use* as
Institutional Use means a publicly or privately-owned or operated church, school, hospital, health care facility, facility licensed under the Homes for Special Care Act, and any public use. [NOTE: this is intended to ensure licensed homes with 10 or fewer residents can be located in the Institutional Zone]
- replace the phrase *Any Institutional Use which is incorporated under the Societies Act* with the phrase *Any Institutional Use* in the list of permitted uses in the Institutional (I) Zone

- delete the term and definition *Residential Care Facility*
- delete the term and definition *Senior Citizen Housing*. This change would have no impact on Sections 5.56, 18.10, 30.5 and 31.5 of the WLUB related to cannabis.
- redefine *Dwelling Unit* as:
Dwelling Unit means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and may include a group home or small options home which serves 10 or fewer people but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations and a home for special care.

The draft amendments are shown in Appendix F.

5.0 NEXT STEPS

The proposed amendments have been considered within the context of, and are consistent with the intent, objectives, policies, and criteria of the WHMPS. There are no proposed map amendments. As a result, it is reasonable to amend the text of the WHLUB to clarify the position of small options homes in West Hants.



*anticipated dates; final dates set by Council

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

7.0 ALTERNATIVES

Should PAC/HAC not wish to recommend the changes to the West Hants Municipal Planning Strategy and Land Use By-law as drafted, it may:

- recommend specific changes to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

8.0 APPENDICES

Appendix A	Statement of Provincial Interest: Housing
Appendix B	Small Options Homes: Provincial Information Bulletin
Appendix C	Small Options Homes: Letter from Province
Appendix D	Existing West Hants MPS: Housing
Appendix E	West Hants MPS General Criteria for Land Use By-law Amendment
Appendix F	West Hants Proposed Land Use By-law Amendments
Appendix G	Public Information Meeting Notes

Report prepared by:

Madelyn LeMay, Director, Planning and Development

Appendix A

Statement of Provincial Interest Regarding Housing

Goal

To provide housing opportunities to meet the needs of all Nova Scotians.

Basis

Adequate shelter is a fundamental requirement for all Nova Scotians.

A wide range of housing types is necessary to meet the needs of Nova Scotians.

Application

All communities of the Province.

Provisions

1. Planning documents must include housing policies addressing affordable housing, special-needs housing and rental accommodation. This includes assessing the need and supply of these housing types and developing solutions appropriate to the planning area. The definition of the terms affordable housing, special-needs housing and rental housing is left to the individual municipality to define in the context of its individual situation.
2. Depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.
3. There are different types of group homes. Some are essentially single detached homes and planning documents must treat these homes consistent with their residential nature. Other group homes providing specialized services may require more specific locational criteria.
4. Municipal planning documents must provide for manufactured housing.

Implementation

1. These statements of provincial interest are issued under the *Municipal Government Act*. The Minister of Housing and Municipal Affairs, in cooperation with other provincial departments, is responsible for their interpretation.
2. Provincial Government departments must carry out their activities in a way that is reasonably consistent with these statements.

3. New municipal planning documents as well as amendments made after these statements come into effect must be reasonably consistent with them.
4. Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements. Where appropriate, the preparation of intermunicipal planning strategies is encouraged.
5. Reasonably consistent is defined as taking reasonable steps to apply applicable statements to a local situation. Not all statements will apply equally to all situations. In some cases, it will be impractical because of physical conditions, existing development, economic factors or other reasons to fully apply a statement. It is also recognized that complete information is not always available to decision makers. These factors mean that common sense will dictate the application of the statements. Thoughtful innovation and creativity in their application is encouraged.
6. Conflicts among the statements must be considered and resolved in the context of the planning area and the needs of its citizens.
7. The Department of Housing and Municipal Affairs, with other Provincial departments, may prepare guidelines and other information to help municipalities in implementing the statements. Provincial staff are available for consultation on the reasonable application of the statements.



Department of Municipal Affairs and Housing

Floor 8 North, Maritime Centre
1505 Barrington Street
PO Box 216
Halifax, NS B3J 2M4

Telephone: 902.424.7918
Fax: 902.424.0821
E-mail: Gordon.Smith@novascotia.ca

June 6, 2022

TO: CAOs & Clerks

RE: Statement of Provincial Interest Regarding Housing & Small Option Homes

Recently, the Department of Municipal Affairs and Housing was approached by the Department of Community Services regarding small option homes. Small option homes are a type of home, licensed under the *Homes for Special Care Act*. They house three or four residents with developmental, mental health or physical disabilities. Residents live independently in the community and receive support services from staff.

Nova Scotia is currently phasing out the use of large, institutional-style facilities like Regional Rehabilitation Centres (RRC) and Adult Residential Centres (ARC) as housing for persons with disabilities. As a result, there is a need to expand the stock of small option homes available across the Province.

Small option homes function in the same manner as any single-unit dwelling. Regulation that restricts access to classes of persons where the building use, land use, structure and lot geometry are the same as any other dwelling within a zone are not appropriate and, in the case of small option homes, would be considered inconsistent with the Statement of Provincial Interest regarding Housing.

The attached Information Bulletin outlines the Department of Municipal Affairs and Housing's perspective on this matter.

For further information regarding small option homes, please contact Vicki Black, Director, Disability Support Program, Department of Community Services (Vicki.Black@novascotia.ca / 902-424-6296).

For any questions concerning the Statement of Provincial Interest regarding Housing, please contact Alan Howell, Senior Planner, Department of Municipal Affairs and Housing (Alan.Howell@novascotia.ca / 902-483-3746).

Yours truly,

Gordon Smith
Provincial Director of Planning

APPENDIX C



Department of Municipal Affairs and Housing

INFORMATION BULLETIN

STATEMENT OF PROVINCIAL INTEREST REGARDING HOUSING AND APPLICATION TO SMALL OPTION HOMES

Summary:

The Statement of Provincial Interest regarding Housing requires that planning documents treat Small Option Homes licensed under the *Homes for Special Care Act* consistently with their residential nature.

Legislation:

Municipal Government Act (MGA) – Sections 198, 208, 212

Halifax Regional Municipality Charter (HRMC) – Sections 214, 223, 227

Statements of Provincial Interest, N.S. Reg 101/2001 – Statement of Provincial Interest regarding Housing

Discussion:

The Statement of Provincial Interest (SPI) regarding Housing states: “There are different types of group homes. Some are essentially single detached homes, and planning documents must treat these homes consistently with their residential nature. Other group homes providing specialized services may require more specific locational criteria.”

This means that when a group home retains the physical characteristics of a conventional residential dwelling and functions as a home-like environment, it must be treated as such. The definition or use of a term such as “family dwelling” cannot be used to exclude group homes from residential neighbourhoods.

Small option homes are a type of community residential placement licensed under the *Homes for Special Care Act*. They house three or four residents with developmental, mental health or physical disabilities. Residents live independently in community homes and receive support services from staff.

For the purposes of planning documents, the term “group home” is inclusive of small option homes as outlined in this Bulletin.

On this basis, small option homes are to be permitted in all residential zones where the building and lot meet the requirements of that zone. While municipalities may opt to provide for these group homes through a development agreement or site plan approval process, they cannot require any studies, design criteria or restrictions that would not also be applicable to a similar residential use. For clarity: if a single detached home that is owner occupied and one that functions as a small option home are not treated with the same development permit requirements, then this is an inconsistent application of policy and is inconsistent with the SPI regarding Housing.

Planning documents adopted after the adoption of a Statement of Provincial Interest must be consistent with the Statement. Ministerial approval of new planning documents may be refused on the basis that the planning documents are not reasonably consistent with a Statement of Provincial Interest. Additionally, the Minister may request that a council amend existing planning documents to be, or adopt new planning document that are, reasonably consistent with a Statement of Provincial Interest.

Resources: Implementing Statements of Provincial Interest: guide for municipalities
<https://beta.novascotia.ca/documents/implementing-statements-provincial-interest-guide-municipalities>

Date Produced: June 2, 2022

Note: The reader is cautioned that preparation of this and subsequent Information Bulletins containing practical suggestions or direct guidance must necessarily involve interpretation of legislation as it applies in general situations. Specific situations may require careful legal analysis and, therefore, reference should be made to the *Municipal Government Act*, the *Halifax Regional Municipality Charter*, other relevant legislation, and to legal advisors.

APPENDIX D
Taken from the West Hants MPS May 2022

4.11 Housing

Council acknowledges it is important to encourage the provision of housing that includes all residents in West Hants regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families mean that a community needs to enable diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. A secondary suite in a dwelling can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure that the buildings retain the look of the original dwellings and are compatible with the neighbourhood.

As a result, it shall be the policy of Council to:

- Policy 4.11.1** encourage the provision of housing adequate to meet the needs of all residents in West Hants. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.
- Policy 4.11.2** provide for the development of a range of housing types in West Hants.
- Policy 4.11.3** include flexible development standards which encourage innovative housing development in the Municipal Planning Strategy and Land Use By-law.
- Policy 4.11.4** permit secondary suites in single and two-unit dwellings in all zones, with regulation regarding the size, location and appearance of secondary suites to ensure the use remains small-scale and compatible with the neighborhood.

(Amendment File # 20-27 effective September 14, 2021)

APPENDIX E
Taken from the West Hants MPS May 2022

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:

- (a) whether the proposal is considered premature or inappropriate in terms of:
 - (i) the adequacy of sewer and water services;*
 - (ii) the adequacy of school facilities;*
 - (iii) the adequacy of fire protection and other emergency services;*
 - (iv) the adequacy of road networks adjacent to, or leading to the development; and*
 - (v) the financial capacity of the Municipality to absorb any costs relating to the development.**
- (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;*
- (c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;*
- (d) the adequacy of the dimensions and shape of the lot for the intended use;*
- (e) the pattern of development which the proposal might create;*
- (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;*
- (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*
- (h) any other matter required by relevant policies of this Strategy.*

Policy 16.8.3

In considering a development agreement provided for in Policy 16.8.2, Council shall have regard to the following:

- (a) the use is similar to the existing non-conforming use or more compatible with the uses permitted by the Land Use By-law and will not conflict with neighbouring uses;*
- (b) the adjacent area will not be adversely affected with respect to:
 - (i) traffic generation and traffic and pedestrian safety;*
 - (ii) signage;*
 - (iii) hours of operation;*
 - (iv) outdoor storage;*
 - (v) noise, odours, dust or fumes; and*
 - (vi) size of building(s);**
- (c) adequate parking is provided;*
- (d) adequate yards are provided, or the location of the building on the lot is substantially the same as it was before being damaged or destroyed;*
- (e) adequate landscaping and fencing or buffering is provided;*
- (f) maintenance of the use will be satisfactory; and*
- (g) any other matter which may be addressed by development agreement.*

APPENDIX F
DRAFT WEST HANTS LAND USE BY-LAW AMENDMENTS

Purpose: to clarify and ensure that small options homes are permitted in the same locations and manner as any other dwelling unit.

1. In Part 35, *Definitions*, amend the definition of *dwelling unit* by removing the phrase *excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations* and adding the phrase *may include a group home or small options home which serves 10 or fewer people but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations and a home for special care* so that the definition reads as follows:
Dwelling Unit means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and may include a group home or small options home which serves 10 or fewer people but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations and a home for special care;
2. In Part 35, *Definitions*, remove the definition of *Home for Special Care* as ***Home for Special Care*** means a nursing home, a home for the aged, a home for the disabled and a residential care facility as defined in the *Homes for Special Care Act*, and replace the definition with: *Home for Special Care* means facilities licensed under *The Homes for Special Care Act* or successor legislation which serve 11 or more people.
3. In Part 35, *Definitions*, remove the definition of *Institutional Use* as ***Institutional Use*** means the use of land, buildings or structures for a public or non-profit purpose and, without limiting the generality of the foregoing, may include such uses as schools, places of worship, public hospitals, homes for special care and government buildings, but shall not include a private club, and replace it with *Institutional Use* means a publicly or privately-owned or operated church, school, hospital, health care facility, facility licensed under the *Homes for Special Care Act*, and any public use
4. In Part 35, *Definitions*, remove the term and definition *Residential Care Facility*
5. In Part 35, *Definitions*, remove the term and definition *Senior Citizen Housing*
6. In Part 32, the *Institutional (I) Zone*, remove the phrase *Any Institutional Use which is incorporated under the Societies Act* from the list of permitted uses and add the phrase *Any Institutional Use* as the first use in the list.

Appendix G
Public Information Meeting Notes
July 14, 2022 – August 4, 2022
File# 22-07A

West Hants Land Use By-law Amendments: Small Options Housing

Meeting date and time	A public information meeting was held on July 14, 2022 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-07 A
Attending	Councillor Jim Ivey, PIM Chair Madelyn LeMay, Director, Planning and Development Sara Poirier, Senior Planner Alex Dunphy, Planner No members of the public were present.
Applicant none	Ms. LeMay outlined the proposed amendments, which are intended to ensure that small options housing is permitted in the same locations and manner as any dwelling unit.
Adjournment	The presentation portion of the PIM ended at approximately 6:15 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Ms. LeMay until noon August 4, 2022.
PIM Submissions	No verbal or written submissions were received.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Madelyn LeMay, Director, Planning and Development

Date: November 22, 2022

Subject: Windsor Land Use By-law Amendment: Small Options Housing; File # 22-08C

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8
Statement of Provincial Interest: Housing
Small Options Homes: Provincial Information Bulletin

RECOMMENDATION

Should Council wish to approve the proposed amendments following the Public Hearing, the following motion would be in order:

...that Council amends the Windsor Land Use By-law by deleting the terms and definitions *Residential Care Facility, Retirement Home and Senior Citizen Housing*; redefining the terms *Home for Special Care, Institutional Use and Dwelling Unit*; and replacing the permitted use *Residential Care Facility* in the High Density Residential (R-4) Zone with the permitted use *Home for Special Care*, all as shown in Appendix F of the September 8, 2022 report File #22-08 Windsor Land Use By-law Amendment: Small Options Housing.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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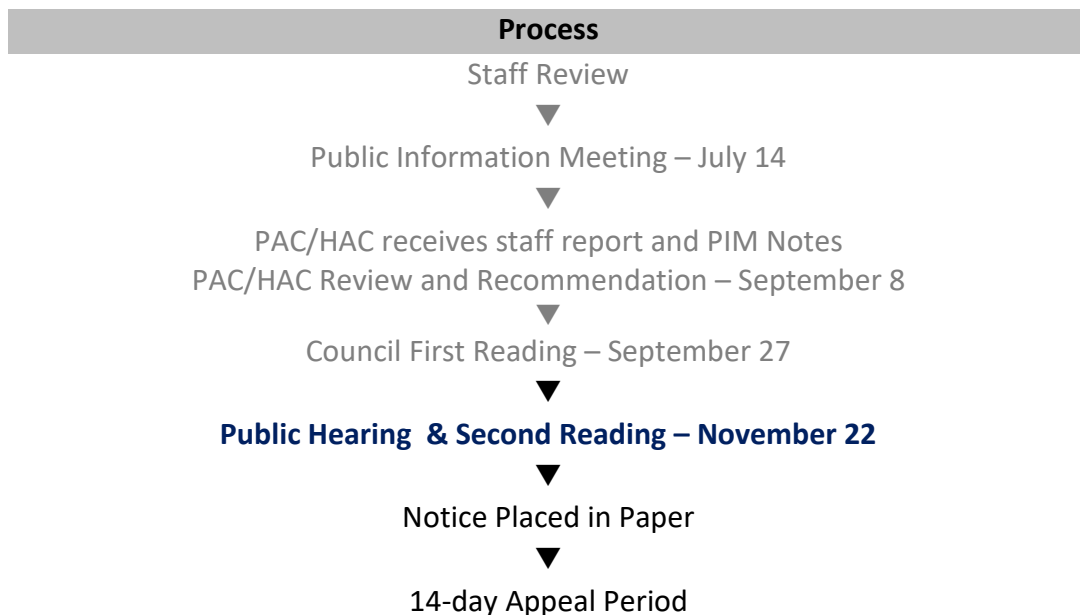
On June 6, 2022, the Nova Scotia Department of Municipal Affairs and Housing published an Information Bulletin for municipalities which provides interpretation regarding the accommodation of group homes in all municipal units.

PAC/HAC recommended in favour of the proposed amendments on September 8, 2022.

Council held first reading on September 27, 2022 (Attachment A).

NEXT STEPS

The process for this application is as follows:



ATTACHMENTS

Attachment A	September 27, 2022 Report to Council – Windsor Land Use By-law Amendment: Small Options Housing; File # 22-08B
---------------------	--

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



ATTACHMENT A

WEST HANTS REGIONAL MUNICIPALITY REPORT

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

To: Planning/Heritage Advisory Committee (PAC/HAC)

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

Date: September 8, 2022

Subject: Windsor Land Use By-law Amendment: Small Options Housing; File # 22-08

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8
Statement of Provincial Interest: Housing (Appendix A)
Small Options Homes: Letter from Province (Appendix B)
Small Options Homes: Provincial Information Bulletin (Appendix C)

2.0 RECOMMENDATION

Should PAC/HAC wish to forward a positive recommendation, the following would be in order:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Windsor Land Use By-law by deleting the terms and definitions *Residential Care Facility, Retirement Home and Senior Citizen Housing*; redefining the terms *Home for Special Care, Institutional Use and Dwelling Unit*; and replacing the permitted use *Residential Care Facility* in the High Density Residential (R-4) Zone with the permitted use *Home for Special Care*, all as shown in Appendix F of the September 8, 2022 report File #22-08 Windsor Land Use By-law Amendment: Small Options Housing.

3.0 BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☒	Economic ☐	Councillor Activity ☐
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On June 6, the Nova Scotia Department of Municipal Affairs and Housing published an Information Bulletin for municipalities which provides interpretation regarding the accommodation of group homes in all municipal units (Appendices B and C). The Information Bulletin supplements the Statement of Provincial Interest (SPI) regarding Housing (Appendix A) and was in part based on a survey of planning documents undertaken by the Disability Support Program (DSP) of the Department of Community Service. The survey indicated the need for change in planning documents in many municipalities to ensure “small options homes” are permitted as-of-right wherever other dwelling units are permitted as-of-right and by

development agreement wherever other dwelling units require a development agreement. The Implementation section of the SPI notes: *“Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements.”*

DSP notes that Small Option Homes (SOH) are community-based homes, indistinguishable from other homes, that typically support three or four residents capable of living independently. SOHs are built and operated by DSP Service Providers and licensed under the Homes for Special Care Act.

4.0 DISCUSSION and DOCUMENT REVIEW

4.1 Existing Windsor Municipal Planning Strategy

4.1.1 Windsor Housing Background and Policy

The Windsor Municipal Planning Strategy (WMPS) and Land Use By-law (WLUB) were approved in 2005. The policies regarding housing in the WMPS include increasing density by reducing the minimum lot size required, encouraging infilling and encouraging a mix of housing types.

In addition, amendments to the WMPS carried out in 2021 directly support the proposed amendments to the LUB. The Background material notes the need for a wide variety of supportive housing, and the policies *“encourage the provision of housing adequate to meet the needs of all residents of Windsor. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.”* (Appendix D).

Present WMPS Policy 5.4.4 requires Council to restrict the number of rooms permitted in a residential care facility located in a residential zone. The proposed amendments are in alignment with the intent of this policy as the number of people within a small options home in a residential zone as-of-right would be limited to ten (10).

Policy 5.4.6 of the WMPS aligns with the intention of the Province that small options homes be treated in the same manner as dwellings which they resemble in size. The proposed amendments ensure that small options homes for ten or fewer people are treated in the same manner as dwellings they are similar to in size and Homes for Special Care for 11 or more people would be treated in the same manner as any other larger residential development.

The term “family” is used in the Windsor planning documents in background information regarding secondary suites, descriptively within definitions and within material related to agricultural operations. The use of the term within the existing documents has no impact on the proposed amendments.

The WMPS does not provide background or policy for the definitions contained in the WLUB. No amendment is needed to the WMPS to clarify Council’s position regarding small options homes (Appendix D).

4.1.2 Windsor General Criteria for Land Use By-law Amendments

The general criteria which Council must consider when amending the WLUB are established in Policy 16.3.1 (Appendix E). None are relevant to the amendment of these WLUB definitions.

4.2 Existing Windsor Land Use By-law

The Windsor Land Use By-law (WLUB) includes the terms listed below, used as noted:

TERM and DEFINITION	USE
Nursing home	• 5.25 (a) Parking Requirement • appears in the present definition of Home for Special Care • appears in the definition of Residential Care Facility
Home for Special Care means a nursing home, a home for the aged, a home for the disabled or a residential care facility as defined in The Homes for Special Care Act;	• defined • term used only in relation to cannabis uses in Sections 21.5 and 22.5
Institutional Use means the use of land, buildings or structures for a public or non-profit purpose and, without limiting the generality of the foregoing, may include such uses as schools, places of worship, public hospitals and government buildings, but shall not include a private club;	• defined • by DA in Section 6.1 (d) in College Road CDD in accordance with MPS 5.7 • by DA in Section 6.1 (j) in Wentworth Road Gateway in accordance with MPS 8.6.15 • by DA in Section 6.1 (n) i • in any designation in accordance with MPS Policy 11.1.4 • by site plan approval in Waterfront Development District (WDD) zone in accordance with MPS Policy 7.5.2 & 7.5.3 • listed permitted use in Part 24.0, the Institutional (I) Zone with additional restriction: <u>“Any institutional use which is incorporated under the Societies Act”</u>
Residential Care Facility means a licensed residential institution where 24 hour supervisory care or personal care is provided for four or more persons, but does not include a nursing home, correctional facility or hospital;	• defined • term Included in the definition of home for special care • listed permitted use in Part 11, High Density Residential (R-4) Zone and limited to 5 or fewer persons
Retirement Home means a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall and where common facilities for the preparation of	• term defined but not used • PAC/HAC agreed not to include this term in the definition section of the Regional planning documents

and consumption of food may be provided, and common lounges, recreation rooms and medical care facilities may also be provided;	
Senior Citizen Housing means a multiple unit dwelling designed for occupation by senior citizens and constructed and maintained by a public housing authority or non-profit organization;	• term defined • term used only in relation to cannabis uses in Sections 21.5 and 22.5 • PAC/HAC agreed not to include this term in the definition section of the Regional planning documents

4.3 **Proposed Amendments**

In order to ensure that

- a development permit would be issued for small options homes in any area where dwellings are permitted as-of-right; and
 - small options homes would be considered by development agreement in any location where residential development is considered by development agreement,
- the following changes are required to the WLUB [\[additions shown in blue\]](#):

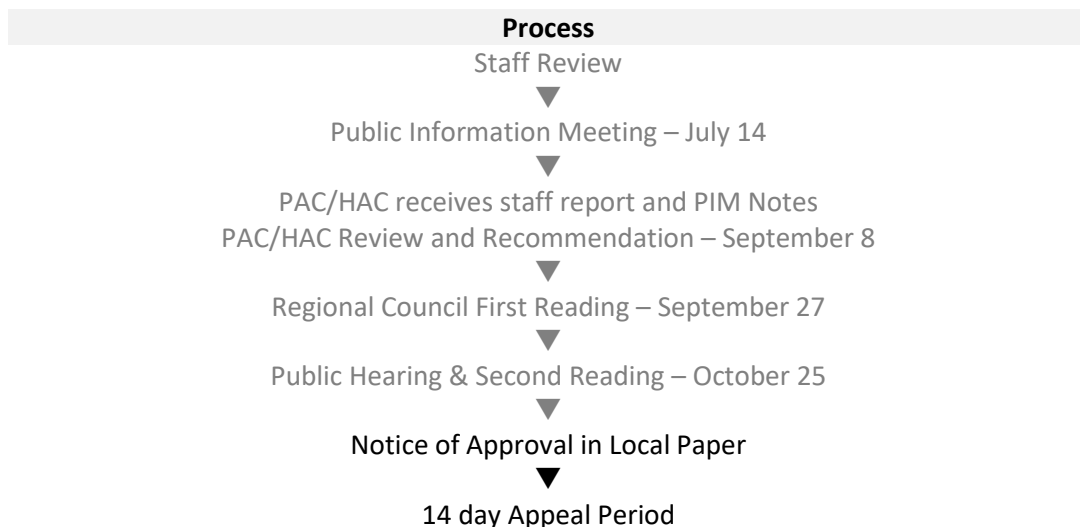
- leave the term Nursing Home in the parking requirements;
- redefine the term Home for Special Care as:
Home for Special Care means facilities licensed under The Homes for Special Care Act or successor legislation [which serve 11 or more people](#).
This change would have no impact on Sections 21.5 and 22.5 of the WLUB related to cannabis.
- redefine Institutional Use as
Institutional Use [means a publicly or privately-owned or operated church, school, hospital, health care facility, facility licensed under the Homes for Special Care Act, and any public use. \[NOTE: this is intended to ensure licensed homes with 10 or fewer residents can be located in the Institutional Zone\]](#)
- delete the term and definition “Residential Care Facility”
- replace the permitted use “Residential Care Facility” in the High Density Residential (R-4) Zone with the permitted use “Home for Special Care”;
- delete the term and definition “Retirement Home”;
- delete the term and definition “Senior Citizen Housing”. This change would have no impact on Sections 21.5 and 22.5 of the WLUB related to cannabis.
- redefine Dwelling Unit as:

Dwelling Unit means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and [may include a group home or small options home which serves 10 or fewer people](#) but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations [and a home for special care](#).

The draft amendments are shown in Appendix F.

5.0 NEXT STEPS

The proposed amendments have been considered within the context of, and are consistent with, the intent, objectives, policies, and criteria of the WMPS. There are no proposed map amendments. As a result, it is reasonable to amend the text of the WLUB to clarify the position of small options homes in Windsor.



*anticipated dates; final dates set by Council

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

7.0 ALTERNATIVES

Should PAC/HAC not wish to recommend the changes to the Windsor Municipal Planning Strategy and Land Use By-law as drafted, it may:

- recommend specific changes to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

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Appendix G	Public Information Meeting Notes

Report prepared by:

Madelyn LeMay, Director, Planning and Development

Appendix A

Statement of Provincial Interest Regarding Housing

Goal

To provide housing opportunities to meet the needs of all Nova Scotians.

Basis

Adequate shelter is a fundamental requirement for all Nova Scotians.

A wide range of housing types is necessary to meet the needs of Nova Scotians.

Application

All communities of the Province.

Provisions

1. Planning documents must include housing policies addressing affordable housing, special-needs housing and rental accommodation. This includes assessing the need and supply of these housing types and developing solutions appropriate to the planning area. The definition of the terms affordable housing, special-needs housing and rental housing is left to the individual municipality to define in the context of its individual situation.
2. Depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.
3. There are different types of group homes. Some are essentially single detached homes and planning documents must treat these homes consistent with their residential nature. Other group homes providing specialized services may require more specific locational criteria.
4. Municipal planning documents must provide for manufactured housing.

Implementation

1. These statements of provincial interest are issued under the *Municipal Government Act*. The Minister of Housing and Municipal Affairs, in cooperation with other provincial departments, is responsible for their interpretation.
2. Provincial Government departments must carry out their activities in a way that is reasonably consistent with these statements.

3. New municipal planning documents as well as amendments made after these statements come into effect must be reasonably consistent with them.
4. Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements. Where appropriate, the preparation of intermunicipal planning strategies is encouraged.
5. Reasonably consistent is defined as taking reasonable steps to apply applicable statements to a local situation. Not all statements will apply equally to all situations. In some cases, it will be impractical because of physical conditions, existing development, economic factors or other reasons to fully apply a statement. It is also recognized that complete information is not always available to decision makers. These factors mean that common sense will dictate the application of the statements. Thoughtful innovation and creativity in their application is encouraged.
6. Conflicts among the statements must be considered and resolved in the context of the planning area and the needs of its citizens.
7. The Department of Housing and Municipal Affairs, with other Provincial departments, may prepare guidelines and other information to help municipalities in implementing the statements. Provincial staff are available for consultation on the reasonable application of the statements.

APPENDIX B



Department of Municipal Affairs and Housing

Floor 8 North, Maritime Centre
1505 Barrington Street
PO Box 216
Halifax, NS B3J 2M4

Telephone: 902.424.7918
Fax: 902.424.0821
E-mail: Gordon.Smith@novascotia.ca

June 6, 2022

TO: CAOs & Clerks

RE: Statement of Provincial Interest Regarding Housing & Small Option Homes

Recently, the Department of Municipal Affairs and Housing was approached by the Department of Community Services regarding small option homes. Small option homes are a type of home, licensed under the *Homes for Special Care Act*. They house three or four residents with developmental, mental health or physical disabilities. Residents live independently in the community and receive support services from staff.

Nova Scotia is currently phasing out the use of large, institutional-style facilities like Regional Rehabilitation Centres (RRC) and Adult Residential Centres (ARC) as housing for persons with disabilities. As a result, there is a need to expand the stock of small option homes available across the Province.

Small option homes function in the same manner as any single-unit dwelling. Regulation that restricts access to classes of persons where the building use, land use, structure and lot geometry are the same as any other dwelling within a zone are not appropriate and, in the case of small option homes, would be considered inconsistent with the Statement of Provincial Interest regarding Housing.

The attached Information Bulletin outlines the Department of Municipal Affairs and Housing's perspective on this matter.

For further information regarding small option homes, please contact Vicki Black, Director, Disability Support Program, Department of Community Services (Vicki.Black@novascotia.ca / 902-424-6296).

For any questions concerning the Statement of Provincial Interest regarding Housing, please contact Alan Howell, Senior Planner, Department of Municipal Affairs and Housing (Alan.Howell@novascotia.ca / 902-483-3746).

Yours truly,

Gordon Smith
Provincial Director of Planning

/kz

APPENDIX C



Department of Municipal Affairs and Housing

INFORMATION BULLETIN

STATEMENT OF PROVINCIAL INTEREST REGARDING HOUSING AND APPLICATION TO SMALL OPTION HOMES

Summary:

The Statement of Provincial Interest regarding Housing requires that planning documents treat Small Option Homes licensed under the *Homes for Special Care Act* consistently with their residential nature.

Legislation:

Municipal Government Act (MGA) – Sections 198, 208, 212

Halifax Regional Municipality Charter (HRMC) – Sections 214, 223, 227

Statements of Provincial Interest, N.S. Reg 101/2001 – Statement of Provincial Interest regarding Housing

Discussion:

The Statement of Provincial Interest (SPI) regarding Housing states: “There are different types of group homes. Some are essentially single detached homes, and planning documents must treat these homes consistently with their residential nature. Other group homes providing specialized services may require more specific locational criteria.”

This means that when a group home retains the physical characteristics of a conventional residential dwelling and functions as a home-like environment, it must be treated as such. The definition or use of a term such as “family dwelling” cannot be used to exclude group homes from residential neighbourhoods.

Small option homes are a type of community residential placement licensed under the *Homes for Special Care Act*. They house three or four residents with developmental, mental health or physical disabilities. Residents live independently in community homes and receive support services from staff.

For the purposes of planning documents, the term “group home” is inclusive of small option homes as outlined in this Bulletin.

On this basis, small option homes are to be permitted in all residential zones where the building and lot meet the requirements of that zone. While municipalities may opt to provide for these group homes through a development agreement or site plan approval process, they cannot require any studies, design criteria or restrictions that would not also be applicable to a similar residential use. For clarity: if a single detached home that is owner occupied and one that functions as a small option home are not treated with the same development permit requirements, then this is an inconsistent application of policy and is inconsistent with the SPI regarding Housing.

Planning documents adopted after the adoption of a Statement of Provincial Interest must be consistent with the Statement. Ministerial approval of new planning documents may be refused on the basis that the planning documents are not reasonably consistent with a Statement of Provincial Interest. Additionally, the Minister may request that a council amend existing planning documents to be, or adopt new planning document that are, reasonably consistent with a Statement of Provincial Interest.

Resources: Implementing Statements of Provincial Interest: guide for municipalities
<https://beta.novascotia.ca/documents/implementing-statements-provincial-interest-guide-municipalities>

Date Produced: June 2, 2022

Note: The reader is cautioned that preparation of this and subsequent Information Bulletins containing practical suggestions or direct guidance must necessarily involve interpretation of legislation as it applies in general situations. Specific situations may require careful legal analysis and, therefore, reference should be made to the *Municipal Government Act*, the *Halifax Regional Municipality Charter*, other relevant legislation, and to legal advisors.

APPENDIX D

Taken from the Windsor MPS May 2022

4.18 Housing

Council acknowledges it is important to encourage the provision of housing that includes all residents in Windsor regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community needs to provide diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. A secondary suite in a dwelling can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure that the buildings retain the look of the original dwellings and are compatible with the neighbourhood.

As a result, it shall be the policy of Council to:

Policy 4.18.1 encourage the provision of housing adequate to meet the needs of all residents of Windsor. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.

Policy 4.18.2 provide for the development of a range of housing types in Windsor.

Policy 4.18.3 include flexible development standards which encourage innovative housing development in the Land Use By-law.

...

Policy 5.4.1 It shall be the policy of Council to establish a High Density Residential (R-4) zone which allows multiple unit residential development consisting of three or more units, grouped dwellings, boarding houses and residential care facilities.

Policy 5.4.4 It shall be the policy of Council to restrict the number of rooms permitted in a boarding house and residential care facility located in a residential zone.

Policy 5.4.6 It shall be the policy of Council to consider entering into a development agreement to allow, in the Residential designation, new multiple unit residential development consisting of three or more units, grouped dwellings, boarding houses and residential care facilities,

APPENDIX E

Taken from the Windsor MPS May 2022

16.3 Land Use By-law Amendments and Development Agreements

It may be necessary to amend the Land Use By-law, although the By-law must always be in conformity with the Municipal Planning Strategy. Should Council consider amending the Land Use By-law, it must fully examine the implications of the change and the amendment must comply with all other legal requirements as set out in the *Municipal Government Act*.

A development agreement is a legal agreement between Council and a property owner. In such agreements, a wide range of factors may be addressed that go beyond what may be considered under standard zoning. Development agreements provide an opportunity for Council to exercise a greater degree of control over many aspects of a development proposal such as use, design, architectural detail, hours of operation and other matters of concern to adjacent landowners. Development agreements also can provide a greater degree of flexibility to the developer. A development agreement is binding upon a property until the agreement or part thereof is discharged by the Town.

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:*

- (a) *whether the proposal is considered premature or inappropriate in terms of:*
 - (i) *the adequacy of sewer and water services;*
 - (ii) *the adequacy of school facilities;*
 - (iii) *the adequacy of fire protection;*
 - (iv) *the adequacy of road networks adjacent to, or leading to the development; and*
 - (v) *the financial capacity of the Town to absorb any costs relating to the development.*
- (b) *the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;*
- (c) *the adequacy of the dimensions and shape of the lot for the intended use;*
- (d) *the pattern of development which the proposal might create;*
- (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;*
- (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*
- (g) *any other matter required by relevant policies of this Strategy.*

APPENDIX F
DRAFT WINDSOR LAND USE BY-LAW AMENDMENTS

Purpose: to clarify and ensure that small options homes are permitted in the same locations and manner as any other dwelling unit.

1. In Part 31.0, *Definitions*, amend the definition of dwelling unit by removing the phrase *excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations* and adding the phrase *may include a group home or small options home which serves 10 or fewer people but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations and a home for special care* so that the definition reads as follows:
Dwelling Unit means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and may include a group home or small options home which serves 10 or fewer people but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations and a home for special care;
2. In section 11.1 of Part 11, *High Density Residential (R-4) Zone*, remove the permitted use *Residential Care Facility* and add *Home for Special Care* as a permitted use;
3. In Part 31.0, *Definitions*, remove the definition of *Home for Special Care* as *Home for Special Care* means a nursing home, a home for the aged, a home for the disabled or a residential care facility as defined in *The Homes for Special Care Act* and replace the definition with: *Home for Special Care* means facilities licensed under *The Homes for Special Care Act* or successor legislation which serve 11 or more people;
4. In Part 31.0, *Definitions*, remove the definition of *Institutional Use* as means the use of land, buildings or structures for a public or non-profit purpose and, without limiting the generality of the foregoing, may include such uses as schools, places of worship, public hospitals and government buildings, but shall not include a private club; and replace it with *Institutional Use* means a publicly or privately-owned or operated church, school, hospital, health care facility, facility licensed under the *Homes for Special Care Act*, and any public use;
5. In Part 31.0, *Definitions*, remove the term and definition *Residential Care Facility* means a licensed residential institution where 24 hour supervisory care or personal care is provided for four or more persons, but does not include a nursing home, correctional facility or hospital;
6. In Part 31.0, *Definitions*, remove the term and definition *Retirement Home* means a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall and where common facilities for the preparation of and consumption of food may be provided, and common lounges, recreation rooms and medical care facilities may also be provided;
7. In Part 31.0, *Definitions* remove the term and definition *Senior Citizen Housing* means a multiple unit dwelling designed for occupation by senior citizens and constructed and maintained by a public housing authority or non-profit organization.

Appendix G
Public Information Meeting Notes
July 14, 2022-August 4, 2022
File# 22-08A

Windsor Land Use By-law Amendments: Small Options Housing

Meeting date and time	A public information meeting was held on June 9, 2022 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-08 A
Attending	Councillor Jim Ivey, PIM Chair Madelyn LeMay, Director, Planning and Development Sara Poirier, Senior Planner Alex Dunphy, Planner No members of the public were present.
Applicant none	Ms. LeMay outlined the proposed amendments, which are intended to ensure that small options housing is permitted in the same locations and manner as any dwelling unit.
Adjournment	The presentation portion of the PIM ended at approximately 6:15 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Ms. LeMay until noon August 4, 2022.
PIM Submissions	No verbal or written submissions were received.

Outdoor Fires By-law

Committee of the Whole – October 11, 2022

Council – November 22, 2022



Background

- At the November 10th, 2020 Committee of the Whole meeting, Council directed staff to review the three current fire-related by-laws (former Town of Hantsport, former Town of Windsor, and former Municipality of the District of West Hants), and establish one Regional by-law.
- Municipal staff, an RCMP member, Fire Chiefs, and By-law Enforcement met to review and establish a Regional by-law.
- A draft regional Outdoor Fires By-law was brought to the September 14, 2021 Committee of the Whole meeting. Council directed staff to postpone it so as to seek public input.

Background

- Sought public input. Staff advertised in the:
 - December 2021 'Inspired' Newsletter,
 - Municipal social media pages (Facebook and Twitter)
- The following was received:
 - Phone call – One (1)
 - Email/letters – Four (4)



Public Input

- Definition of urban doesn't include areas that have agricultural uses
 - Solution: the definition of urban was redefined to exclude areas serviced with municipal water/sewer with existing agricultural or resource designation
- Provide clear definitions of what can be burned and in what type of appliance. Also identify what the penalty(ies) are for non-compliance.
 - Solution: Definitions have been provided. Defining 'what' can be burned is clearer and a much shorter list than what 'cannot' be burned. Enforcement and penalty information is provided within the proposed by-law



Public Input Continued

- Chiminea and Fire-pit were used interchangeably
 - Solution: Chiminea is defined and fire-pit removed from the by-law
- Spelling of 'chiminea' needs consistency
 - Solution: Spelling was corrected
- Does proposed by-law follow Provincial laws
 - Solution: Municipal by-laws must comply at minimum with Provincial and Federal regulations and legislation



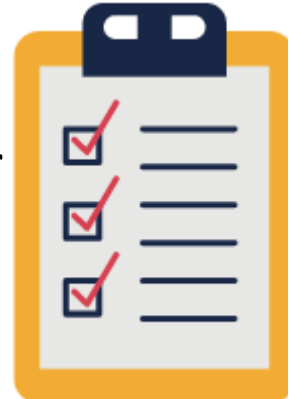
Public Input Continued

- If someone cannot burn to reduce tick infestation within the region, would the Municipality provide a solution to rid of ticks
 - Solution: Not addressed in the proposed by-law as tick infestation is a separate issue
- Concerned with noise from fans and odours/fumes from restaurants
 - Solution: Not addressed in the proposed by-law as noise, odours and fumes related to a restaurant business is not associated with outdoor fires (although there is a request of council for staff to consider a Peace and Good Order By-law (that may address these)



Other Key Points Addressed

- Aligning with the Province in that 'permits' are not required
- Is not based on 'community boundaries' as most are not familiar with where those are. This proposed regional by-law defines urban and rural and reflects distances to particular structures, dwellings, woods, etc. for consistency
- Defines what can be burned (smaller list) versus what cannot (much-longer complex list)
- Complies with Provincial/Federal legislation. Links to legislation and the "Check Before You Burn" website are provided within the proposed by-law for quick and easy reference



Other Key Points Addressed Continued

- Outdoor Furnaces – permitted while adhering to other legislation and manufacturer's installation instructions (which would be required for property insurance as well)
 - Smoke from outdoor furnaces used as a heat source for a home will not be enforced
- Campfires – permissible as defined



Other Key Points Addressed Continued

- This proposed by-law would repeal the following by-laws:
 - Former Town of Hantsport – By-law 1-93 Fire and Burning of Materials
 - Former Town of Windsor – By-law #39 Outdoor Fires By-law
 - Former Municipality of the District of West Hants – Fire Protection By-law dated September 14, 2004



Education

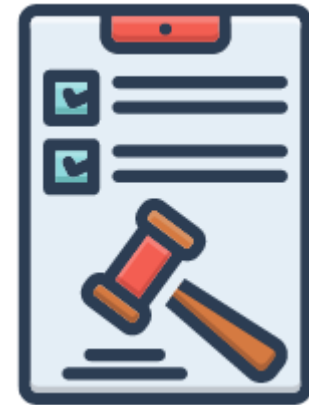
Education is vital and will be a key component when an Outdoor Fires By-law is approved.

- Infographics
 - Campfires
 - Acceptable burning material
 - Distances
 - Etc.,
- Municipal website and social media sites
- Municipal quarterly “Inspired” newsletter
- Local newspaper should Second Reading be given



Enforcement

- Wind velocity and smoke
 - May be challenging to enforce due to fluctuation
- Neighbour disputes
 - Often a civil matter rather than an enforcement matter.
Calling 911 for this is NOT permissible.



Enforcement

- Non-Emergency
 - Complainant - Contact Municipal By-law Enforcement at bylawenforcement@westhants.ca or at 902-798-8391 Ext. 7.
OR the local RCMP Detachment's non-emergency # at 902-798-2207
 - Responder (By-law Enforcement or the RCMP) - Contact the local Fire Department to put the fire out IF required
 - The Fire Department is **NOT** the initial point of contact unless the fire is or is getting out of control
- Emergency (fire is or is getting out-of-control)
 - 911

Enforcement

As per the Province of Nova Scotia – 911

<https://beta.novascotia.ca/911-emergency-when-call>



- DO call 911
 - If your health, safety or property is threatened and you need help right away. The 911 call taker (operator) will notify emergency responders, like fire, police or ambulance.
- DO NOT call 911
 - If your issue is not an emergency. Call takers (operators) need to be available to answer emergency calls.





Process

Overview

- Council direction for one regional by-law
- Public input was sought December 2021 into January 2022
- Proposed by-law included input from Fire Chiefs, RCMP, By-law Enforcement, CAO's Office, public
- Public Hearing and Second Reading was advertised in the local newspaper, Valley Journal Advertiser on Nov. 8, 2022 as well as our website and social media sites
- Further public input during public hearing stage
- Council decision



Outdoor Fires By-law Recommendation

- ...that Council give Second Reading for the Outdoor Fires By-law RO-001, which would include the repeal of the Outdoor Fires By-Law #39 for the former Town of Windsor dated December 2, 2010; the Fire and Burning Materials By-Law 1-93 for the former Town of Hantsport dated October 29, 1993; and the Fire Protection By- Law for the former Municipality of West Hants dated May 12, 1994..





WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: 
Shelleena Thornton, Municipal Operations Supervisor

Date: October 11, 2022

Subject: Outdoor Fires By-law RO-001

LEGISLATIVE AUTHORITY

Municipal Government Act, R.S.N.S. 1998, c. 18:

- 172 (1) A council may make by-laws, for municipal purposes, respecting
- (a) the health, wellbeing, safety, and protection of persons;
 - (b) the safety and protection of property;
 - (c) persons, activities and things in, on or near a public place or place that is open to the public;
 - (d) nuisances, activities and things that, in the opinion of the council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations...

Fire and Emergency Services

Powers where fire

- 297 (1) When any fire, rescue or emergency occurs, the fire chief or other officer in charge, and any person under the direction of that officer, shall endeavour to extinguish the fire and prevent it from spreading, conduct the rescue or deal with the emergency and, for that purpose, may
- (a) command the assistance of persons present and any inhabitant of the municipality;
 - (b) remove property from buildings on fire or in danger of fire;
 - (c) take charge of property;

- (d) enter, break into or tear down any building;
 - (e) exclude and remove persons and vehicles from the building or vicinity; and
 - (f) generally, do all things necessary to respond to the emergency.
- (2) It is an offence to disobey any lawful order or command of the officer in charge.

RECOMMENDATION or DECISION REQUEST

...that Council give First Reading and proceed to a Public Hearing and Second Reading for the Outdoor Fires By-law RO-001, which would include the repeal of the Outdoor Fires By-Law #39 for the former Town of Windsor dated December 2, 2010; the Fire and Burning Materials By-Law 1-93 for the former Town of Hantsport dated October 29, 1993; and the Fire Protection By-Law for the former Municipality of West Hants dated May 12, 1994, as presented to Committee of the Whole on October 11, 2022.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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Prior to consolidation, each entity (the former Town of Windsor, former Town of Hantsport, and the former West Hants Municipality) had their own By-Laws regarding Outdoor Fires, Burning of materials and Fire protection. None of which uniformly address the needs of the entire region once consolidation occurred.

At the November 10, 2020, Committee of the Whole meeting, staff was directed to review current fire-related by-laws and create a regional one. A Regional by-law will encompass the entire West Hants Regional Municipality to ensure consistency, cohesiveness, and clarity for all within the Region.

With this directive, staff reviewed each former entity's by-laws and consulted with fire service experts, By-law Enforcement, and the RCMP, which lead to the establishment of a proposed regional by-law, where all communities within the region uniformly follow the same practices. This proposed by-law was presented at the September 14, 2021 Committee of the Whole meeting at which time, council had questions and staff was directed to postpone it so as to get public input prior to it going to First Reading.

DISCUSSION

Staff met to review the questions of council and advertised on the Municipal website, social media pages, and within the quarterly "Inspired" newsletter in Dec 2021/Jan 2022, seeking public input.

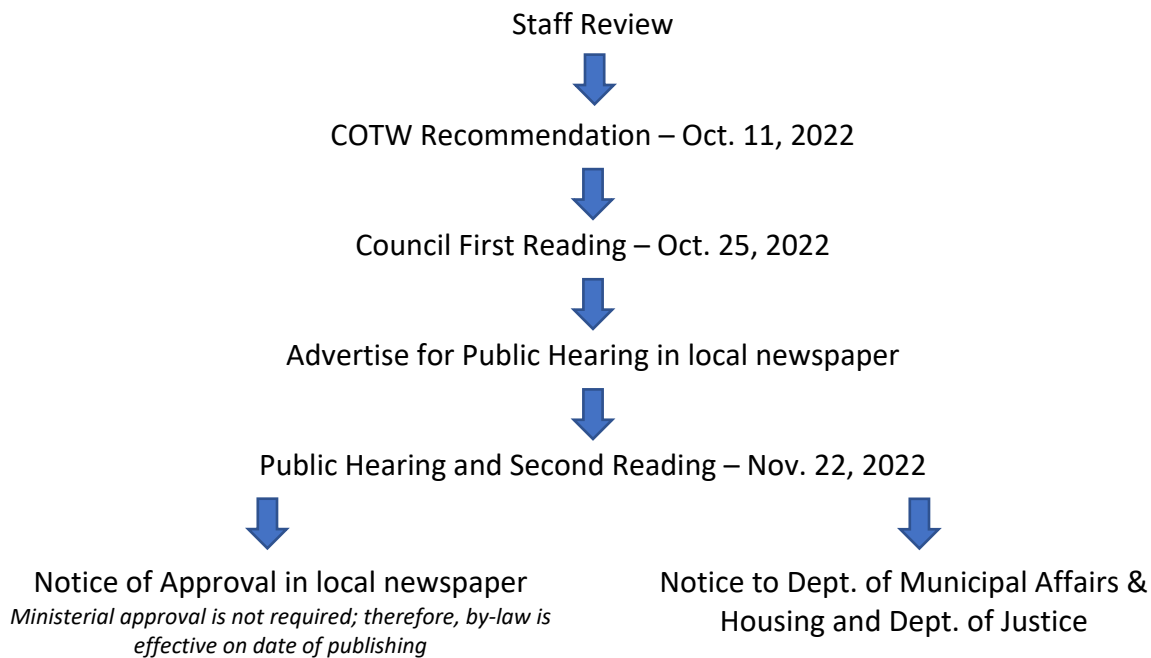
Key points:

- Definition of urban doesn't include areas that have agricultural uses.
Solution: the definition of urban was redefined to exclude areas serviced with municipal water/sewer with existing agricultural or resource designation.
- Provide clear definitions of what can be burned and in what type of appliance. Also identify what the penalty(ies) are for non-compliance.
Solution: Definitions have been provided. Defining 'what' can be burned is clearer and a much shorter list than what 'cannot' be burned. Enforcement and penalty information is provided within the proposed by-law.
- Chiminea and Fire-pit were used interchangeably.
Solution: Chiminea is defined, and fire-pit removed from the by-law.
- Spelling of 'chiminea' needs consistency.
Solution: Spelling was corrected.
- Does proposed by-law follow Provincial laws.
Solution: Municipal by-laws must comply at minimum with Provincial and Federal regulations and legislation.
- If someone cannot burn to reduce tick infestation within the region, would the Municipality provide a solution to rid of ticks.
Solution: Not addressed in the proposed by-law as tick infestation is a separate issue.
- Concerned with noise from fans and odours/fumes from restaurants.
Solution: Not addressed in the proposed by-law as noise, odours and fumes related to a restaurant business is not associated with outdoor fires (although there is a request of council for staff to consider a Peace and Good Order By-law (that may address these).
- Outdoor furnaces are permitted while adhering to other legislation and manufacturer's installation instructions (which would be required for property insurance as well). Smoke from outdoor furnaces used as a heat source for a home will not be enforced.
- Campfires are permitted as defined.
- Permits are not required.
- Defines what can be burned (smaller list) versus what cannot (much longer and complex).
- Not based on geographical boundaries but rather based on definitions of urban/rural and reflects distances to structures, dwellings, woods, etc. for consistency throughout the region.

- There will be neighbourly disputes and is often a civil matter rather than enforcement matter. If there is a by-law infraction, it will be addressed; however, may be challenging. For example, wind velocity and smoke may be challenging to prove due to fluctuations.

The proposed by-law has also been vetted through the Solicitor.

NEXT STEPS



FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality. Advertising costs have been approved in the 2022/23 operating budget.

ALTERNATIVES

Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the proposed Outdoor Fires By-law as drafted or as specifically revised by direction of Council;
- provide alternative direction.

ATTACHMENTS

- Proposed Outdoor Fires By-law RO-001
- September 14, 2021 Excerpt and Recommendation Report

CHIEF ADMINISTRATIVE OFFICER REVIEW

The bylaw has been thoroughly reviewed by the various departments within the municipality.

I support the recommendation.

Report Prepared by: 
Shelleena Thornton, Municipal Operations Supervisor

Report Reviewed by: _____
Jamie Juteau, Ryan Richard, Chris Spencer, and Peter Johnston
Fire Chiefs

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

Report Approved by: 
Mark Phillips, CAO

Enabling Legislation

Municipal Government Act, R.S.N.S. 1998, c. 18:

- 172 (1) A council may make by-laws, for municipal purposes, respecting
- (a) the health, well being, safety, and protection of persons;
 - (b) the safety and protection of property;
 - (c) persons, activities and things in, on or near a public place or place that is open to the public;
 - (d) nuisances, activities and things that, in the opinion of the council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations...

Fire and Emergency Services

Powers where fire

- 297 (1) When any fire, rescue or emergency occurs, the fire chief or other officer in charge, and any person under the direction of that officer, shall endeavour to extinguish the fire and prevent it from spreading, conduct the rescue or deal with the emergency and, for that purpose, may
- (a) command the assistance of persons present and any inhabitant of the municipality;
 - (b) remove property from buildings on fire or in danger of fire;
 - (c) take charge of property;
 - (d) enter, break into or tear down any building;
 - (e) exclude and remove persons and vehicles from the building or vicinity; and
 - (f) generally do all things necessary to respond to the emergency.
- (2) It is an offence to disobey any lawful order or command of the officer in charge.

Title

1. This By-Law is entitled the “Outdoor Fires By-Law”.

Definitions

2. In this By-Law:

- (1) “acceptable appliance” means an outdoor receptacle which is constructed from bricks, concrete blocks, heavy gauge metal, stone or other suitable non-combustible components, has a spark arrestor or metal mesh screen, is positioned on a fire-proof surface, and does not exceed one (1) meter (3.3 feet) in width or in diameter when measured between the widest point or outside edges;
- (2) “campfire” means a fire not exceeding sixty (60) centimeters in width at the largest point, and not piled higher than forty-five (45) centimeters in height, located at least five (5) meters (16.4 feet) from other combustible materials, started and maintained with the permission of the owner of the property where the fire is located;
- (3) “chiminea” means a chiminea or other small, commercially manufactured burning appliance constructed from a suitable fire resistant material and intended to burn small quantities of wood or charcoal;
- (4) “Fire Chief” means a fire chief, fire captain or chief officer of a fire department, or other person designated by such person in and for the applicable fire protection district or area;
- (5) “fire-proof pad” means a pad made of non-combustible material(s), such as cement or concrete, that is resistant to heat;
- (6) “Municipal and/or Municipality” means West Hants Regional Municipality;
- (7) “nuisance” means the causing of any smoke or other emissions from any fire permitted under this By-law or otherwise, that adversely affects the reasonable

enjoyment by other persons on their property as determined by a Fire Chief, Special Constable, Fire Inspector, and/or RCMP. Smoke from seasoned firewood does not constitute a nuisance under this by-law.

- (8) “open air” means anywhere that is not fully enclosed by a building or structure;
- (9) “owner” has the same meaning as in the Municipal Government Act;
 - (a) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,
 - (b) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building,
 - (c) a person who occupies shores, beaches or shoals, and
 - (d) in the absence of proof to the contrary, the person assessed for the property.
- (10) “solid waste” means solid waste as defined in the former Municipality of West Hants Solid Waste Management By-law and former Town of Windsor Solid Waste By-law;
- (11) “special constable” means a person(s) appointed by the Municipality to enforce Municipal by-laws;
- (12) “rural area” means that part of West Hants Regional Municipality which is not an urban area as defined herein;
- (13) “urban area” means those areas within West Hants Regional Municipality which are serviced by Municipal water and sewer but excludes properties with existing agricultural or resource designation.



Prohibition on Open Air Fires

3. Subject to the provisions of Provincial legislation regarding fires, no person shall light, ignite, start, allow or cause to be lighted, ignited or started, or add fuel to, or otherwise permit or encourage to burn, a fire of any kind whatsoever in the open air except as permitted under section 4.

Permitted Open Air Fires

4. Except as may be otherwise prohibited by law, an open air fire is permitted:
- (1) for cooking food with propane, natural gas, charcoal or wood within a portable or fixed barbeque in which the fire is contained on its underside and on at least three sides;
 - (2) in an acceptable appliance or chiminea, provided that:
 - (a) a spark arrestor or mesh screen is used to contain any sparks or blowing debris;
 - (b) only clean, seasoned firewood or charcoal is burned;
 - (c) in the case of an acceptable appliance, it is located at least five (5) meters (16.4 feet) from any building, flammable structure, combustible material or property line;
 - (d) in the case of a chiminea:
 - (i) the chiminea is positioned on a fire-proof pad that extends at least fifty (50) centimeters (19.7 inches) outward from where the door of the chiminea is located and twenty (20) centimeters on all other sides;
 - (ii) the chiminea is at least five (5) meters (16.4 feet) from all buildings and at least one (1) meter (3.3 feet) from any wooden surface that

-
- is not appropriately screened with a CSA approved fire-proof material;
- (iii) if the operating instructions that come with the chiminea are stricter than the standards in this By-Law, the position and operation of the chiminea must comply with those operating instructions;
- (e) a responsible adult who is equipped with tools or equipment to contain an outdoor fire (which may include brooms, rakes, back tanks, shovels, hoses and an adequate water supply), is present on the property and supervising while the fire is burning and until the fire is fully extinguished;
- (f) a fire extinguisher is available on the property and within a reasonable distance from where the fire is located; and
- (g) the fire does not create a nuisance.
- (3) for training purposes, or as a preventative measure intended to reduce the risk or spreading of a more serious fire, if the burning is carried out or supervised by a fire department, brigade or service which is registered pursuant to the Fire and Emergency Service Policy, COGE-007.00 or by any person responding reasonably to an emergency;
- (4) for organized competitions where lighting fires is a component, such as the water boil in a woodsmen's competition;
- (5) by a person lost or in distress in a wooded area, if reasonable precautions are taken against the spreading of the fire;
- (6) for a campfire in a rural area;
- (7) in a rural area between March 15th to October 15th as per the [NS Forest Act \(as amended\)](#) and as permitted on the [NS Check Before You Burn](#) website provided that:

-
- (a) the fire is initiated by, or authorized by the owner of the property where the fire is situated;
 - (b) the fire is for the purpose of:
 - (i) weed control or other agricultural or forestry purposes, including the elimination of infestations of insects or disease;
 - (ii) brush removal or land clearing;
 - (iii) the burning of grass or other vegetation; or
 - (c) the fire is not within one hundred (100) meters (328 feet) of a dwelling located on other property;
 - (d) the fire is not within twenty (20) meters (66 feet) of any structure;
 - (e) the fire is not within twenty (20) meters (66 feet) of another property, except with the express written consent of the owner and occupant of such other property;
 - (f) the fire is not within three hundred five (305) meters (1,000 feet) of woods as per the Nova Scotia Forest Act;
 - (g) the fire is not started or permitted to continue when the wind is blowing of sufficient velocity to jeopardize the ability to control the fire;
 - (h) the fire is not left unattended by the owner of the property or an adult authorized and designated by the owner to be responsible for the fire;
 - (i) the owner or adult responsible for the fire is suitably equipped with appropriate tools such as rakes, shovels, and water tanks or other suitable water source, or, for substantial burning, mechanical equipment that may be used to suppress a fire, such as a bulldozer, and any other equipment that is necessary or prudent to control or extinguish the fire;
 - (j) the fire is not fueled by, or allowed to burn anything, except wood, brush, and vegetation or byproducts thereof; and

-
- (k) any smoldering embers from the fire are completely extinguished after the burning is completed.
- (8) between the dates of October 15 to March 15 (in alignment with the [NS Forest Act \(as amended\)](#) and as permitted on the [NS Check Before You Burn](#) website), provided that:
- (a) the owner or person responsible for the fire have received any necessary approvals from the Province with respect to the fire;
 - (b) the fire is not within twenty (20) meters (66 feet) of any structure;
 - (c) the fire is not within twenty (20) meters (66 feet) of another property, except with the express written consent of the owner and occupant of such other property;
 - (d) the fire is not started or permitted to continue when the wind is blowing of sufficient velocity to jeopardize the ability to control the fire;
 - (e) the fire is not left unattended by the owner of the property or an adult authorized and designated by the owner to be responsible for the fire;
 - (f) the owner or adult responsible for the fire is suitably equipped with appropriate tools such as rakes, shovels, and water tanks or other suitable water source, or, for substantial burning, mechanical equipment that may be used to suppress a fire, such as a bulldozer, and any other equipment that is necessary or prudent to control or extinguish the fire;
 - (g) the fire is not fueled by, or allowed to burn anything, except wood, brush, and vegetation or byproducts thereof; and
 - (h) and any smoldering embers from the fire are completely extinguished after the burning is completed.

Outdoor Furnaces

5. Wood burning furnaces or appliances which are located outside a building intended to receive heat or hot water from such furnace or appliance may not be installed or used

- (1) in an urban area unless:
 - (a) it has a chimney that extends to a height of at least four (4) meters above the grade of the surrounding soil; and
 - (b) the furnace or appliance, its chimney, and any support structure for the chimney, complies with any applicable requirements pursuant to the *Building Code Act*, *Fire Safety Act*, and the Municipality's Building Code Act By-Law RB-001; and
 - (c) the furnace or appliance is constructed, installed and operated in compliance with the same requirements as are set out in subsection (2) for such furnaces or appliances in rural areas;
- (2) in a rural area unless:
 - (a) the manufacturer's installation instructions are followed;
 - (b) the furnace or appliance is not placed on a wooden deck or other combustible platform;
 - (c) clearance of five (5) meters is observed in all directions from other combustible materials, including any dwelling; and

Immediate Notification of Fire Department

6. In the case of any fire, the person who lit or otherwise started the fire, or allowed the fire to start, must notify the fire department in and for the applicable fire protection district if the fire is or appears to be unable to be controlled.

Authority

7. (1) The Fire Chief, Special Constable, Fire Inspector, and/or RCMP shall have control over the prevention and suppression of fires governed by this By-Law, and shall have the authority to extinguish or order extinguished any fire which:

- (a) poses a health or safety hazard to persons or property;
- (b) in the opinion of the Authorities is causing a nuisance; or
- (c) does not meet the provisions of this By-law.

(2) The Fire Chief, Special Constable, Fire Inspector, and/or RCMP may enter upon any land, at any reasonably necessary time, for the purpose of performing their duties and functions pursuant to this By-Law.

Penalty

8. (1) Any person who contravenes any provision of this By-Law is guilty of an offence punishable on summary conviction by a fine of not less than two hundred fifty dollars (\$250.00) and not more than five thousand dollars (\$5,000).

- (a) In addition to any fine or imprisonment imposed, the Court may order the person convicted to pay all expenses incurred in correcting the contravention of the by-law or any damages associated with such contravention.
- (b) Where any person is in contravention of any provision of this By-law, the Authority(ies) may direct in writing, that the contravention be remedied in the manner and within the time specified.
- (c) Upon the failure of the person to comply with such notice, the Authority(ies) may order the remedy, and recover the cost of such work from the property owner.
- (d) The Municipality's cost to remedy the contravention pursuant to any provision of the by-law shall constitute a lien against the property owner



**WEST HANTS REGIONAL MUNICIPALITY
OUTDOOR FIRES BY-LAW**

RO-001

which shall be applied and enforced in the same manner as for rates and taxes.

- (2) In lieu of prosecution under this By-law, a Special Constable, Fire Inspector and/or RCMP may, in their sole and absolute discretion, issue to any person they believe, upon reasonable grounds, has committed an offence under this By-law, a Notice of Violation, which Notice shall require the person to whom it is directed, to pay to the Municipality with fourteen (14) days of the issuance of the Notice, the sum of \$100.00 (one hundred dollars), for an offence outside that of Provincial legislation. Where a Notice of Violation is issued and if that sum is paid as required therein, no prosecution shall ensue in respect to the matter or matters referred to in the Notice. For greater certainty, nothing in this by-law requires the Municipality to issue a Notice of Violation before initiating a prosecution.

Repeal

9. (1) The former Town of Hantsport - By-Law 1-93 Fires and Burning of Materials By-law approved by the Minister on the 29th day of October, 1993; and
The former Town of Windsor Windsor Outdoor Fires Bylaw - #39 approved December 02, 2010; and
The former Municipality of the District of West Hants Fire Protection By-law dated September 14, 2004 are all hereby repealed.

I, (Municipal Clerk Name), 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 _____ (month), _____ (year).

(Signature of Municipal Clerk)

(Typed name of Municipal Clerk)

By-law Adoption	
First Reading	October 25, 2022
Notice Published	November 8, 2022
Public Hearing	November 22, 2022
Second Reading & Approval	
Final Publication	date
Notice to Municipal Affairs	date
Description: Initial approval of the Regional Outdoor Fires By-law RO-001	



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☒	Recommendation ☐	Decision Request ☐	Councillor Activity ☐
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To: West Hants Regional Municipality Council

Submitted by: Diana Gibson
Diana Gibson, Acting Director, Financial Services

Date: November 22, 2022

Subject: Debt and Debt Servicing Report

LEGISLATIVE AUTHORITY

Municipal Government Act

RECOMMENDATION or DECISION REQUEST

NA

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☒	Councillor Activity ☐
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At the October 25th Council meeting, it was requested that staff provide a report, showing the total debt for West Hants Regional Municipality and the debt financing amounts, to be broken out by department, with percentages of debt showing.

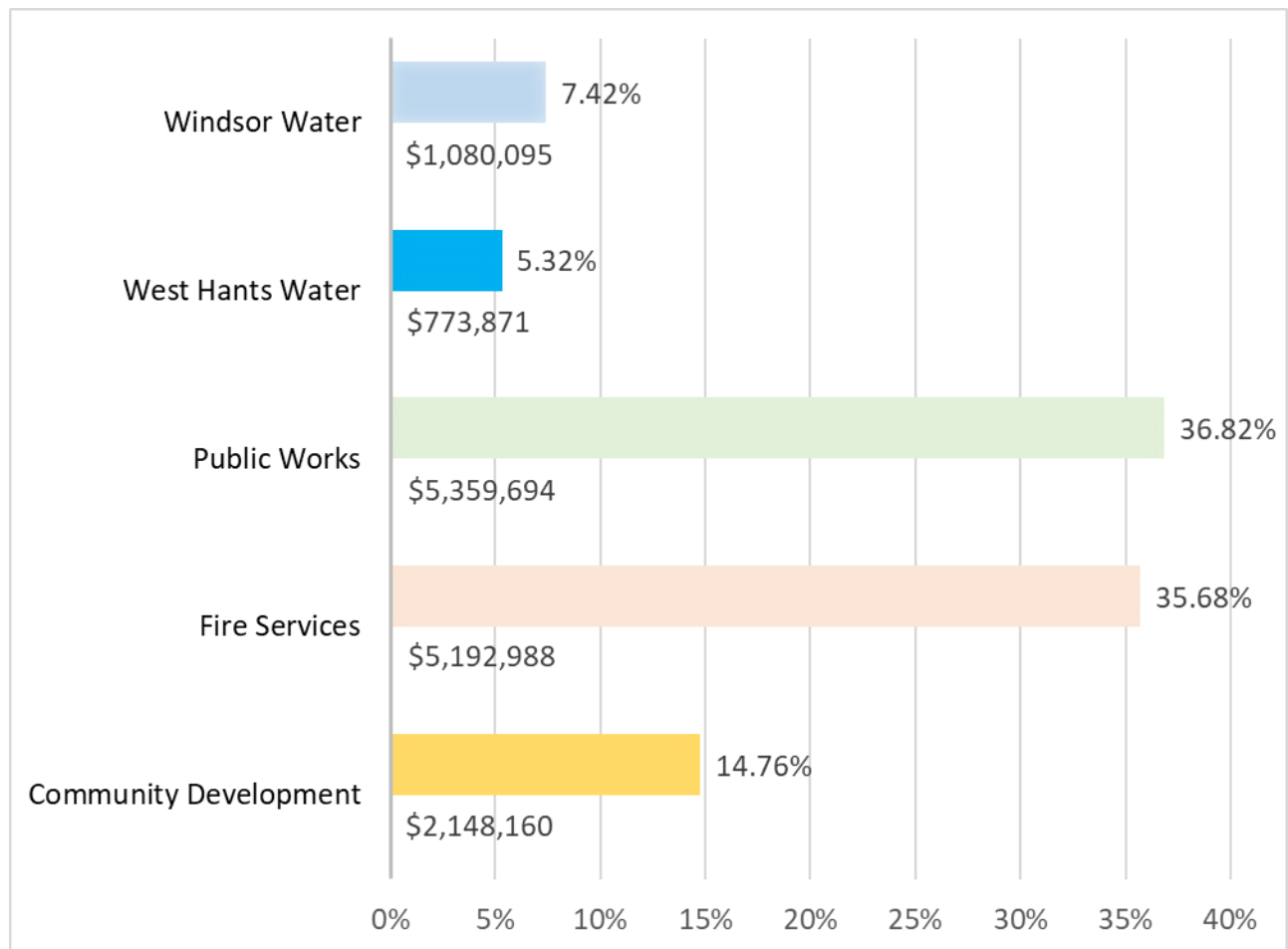
DISCUSSION

Below, please find the summary of all debt West Hants Regional Municipality current holds. These figures are based on our March 31, 2022, year end remaining debt, as not all projects or debt financing has been completed for the 2022-23 fiscal year.

Included in this summary is the date of maturity for each loan, the March 31, 2022 value, 2022-23 debt servicing costs, the entity the debt originated, and the department the debt is for.

	Debt Description	Date of Maturity	Debt Balance @ March 31, 2022	2022-23 Financing Costs	Department
Former Municipality of West Hants					
# 29-A-1	Falmouth Sewer Treatment Plant - Phase 1	October 27, 2024	\$ 162,000.00	\$ 61,831.08	Public Works
# 31-A-1	Falmouth Sewer Treatment Plant - Phase 2	November 9, 2026	\$ 188,330.00	\$ 45,011.88	Public Works
# 36-A-1	Fire Truck	May 16, 2026	\$ 1,093,017.00	\$ 244,669.29	Fire Services
# 36-B-1	Rescue Pumper Truck & Ariel Truck	November 15, 2031	\$ 1,170,000.00	\$ 182,555.58	Fire Services
# 37-A-1	Fire Truck Chassis & Pumper Fire Truck	November 9, 2027	\$ 358,200.00	\$ 69,724.86	Fire Services
# 38-A-1	BFD Station 2	November 9, 2027	\$ 1,098,771.00	\$ 103,543.02	Fire Services
# 38-B-1	HFD Breathing Apparatus	November 9, 2023	\$ 33,002.00	\$ 17,492.00	Fire Services
# 39-A-1	Supply Tracked Mini-Excavator	November 9, 2027	\$ 56,264.00	\$ 19,991.62	Community Development
			<u>\$ 4,159,584.00</u>	<u>\$ 744,819.33</u>	
Former Town of Hantsport					
# 30-A-1	Prince Street - Water and Sewer Rehabilitation	June 29, 2025	\$ 68,800.00	\$ 20,075.00	Public Works
# 30-A-1	Prince Street - Water and Sewer Rehabilitation	June 29, 2025	\$ 79,200.00	\$ 12,416.00	West Hants Water
# 32-A-1	Land Acquisition, Truck Box, and Water Utility	May 15, 2027	\$ 12,500.00	\$ 12,717.50	Public Works
# 32-A-1	Land Acquisition, Truck Box, and Water Utility	May 15, 2027	\$ 88,000.00	\$ 11,166.00	West Hants Water
# 34-A-1	HFD Roof	June 5, 2025	\$ 13,500.00	\$ 4,861.87	Fire Services
			<u>\$ 262,000.00</u>	<u>\$ 61,236.37</u>	
Former Town of Windsor					
# 27-A-G	Wentworth Road Upgrades	June 1, 2022	\$ 379,122.00	\$ 388,164.06	Public Works
# 27-A-W	Fall Brook Dam	June 1, 2022	\$ 332,750.00	\$ 340,686.09	Windsor Water
# 27-B-1	Water Treatment	October 17, 2022	\$ 33,745.00	\$ 35,503.12	Windsor Water
# 28-A-1	Wiley Avenue Rehabilitation	July 7, 2023	\$ 19,009.00	\$ 10,469.04	Public Works
# 29-A-1	100 King Street, Roof Replacement & HVAC & Paving	June 1, 2024	\$ 176,804.00	\$ 67,099.93	Public Works
# 30-A-1-G	Road Work/Sewer Upgrades - Wentworth, Stannus, Grey, Cole	June 29, 2025	\$ 1,447,955.00	\$ 226,996.15	Public Works
# 30-A-1-W	Water Main Upgrades - Wentworth, Stannus, Grey	June 29, 2025	\$ 184,632.00	\$ 28,943.04	Windsor Water
# 33-A-1	Water Main Upgrades - Wiley Avenue	November 15, 2028	\$ 30,144.00	\$ 5,455.16	Windsor Water
# 35-A-1	Water	November 20, 2030	\$ 105,660.00	\$ 14,885.66	Windsor Water
# 37-A-1	Sewage Treatment Plant	November 9, 2032	\$ 2,905,174.00	\$ 272,622.12	Public Works
# 38-A-1	Refinance - Water Treatment Plant	May 30, 2023	\$ 197,190.00	\$ 102,799.58	Windsor Water
# 39-A-1	Alexander Street - Distribution Main	May 9, 2034	\$ 195,974.00	\$ 16,110.18	Windsor Water
			<u>\$ 6,008,159.00</u>	<u>\$ 1,509,734.13</u>	
West Hants Regional Municipality					
# 40-A-1	Hantsport Water Treatment System - Refinance	July 7, 2036	\$ 606,671.00	\$ 53,343.00	West Hants Water
# 40-B-1	BFD Fire Truck and Radios	May 28, 2036	\$ 1,359,455.00	\$ 116,348.67	Fire Services
# 41-A-1	BFD Pumper 4 Repairs, HFD Command Scene Lighting, & Rescue Airbags	May 28, 2036	\$ 67,043.00	\$ 8,411.00	Fire Services
# 41-B-1	West Hants Sports Complex	October 22, 2036	\$ 2,091,896.00	\$ 106,458.00	Community Development
			<u>\$ 4,125,065.00</u>	<u>\$ 284,560.67</u>	
	TOTAL:		\$ 14,554,808.00	\$ 2,600,350.50	

Further, please find below a chart showing the percentage of total debt each department of the Municipality holds.



NEXT STEPS

NA

FINANCIAL IMPLICATIONS

There are no financial implications.

ALTERNATIVES

NA

ATTACHMENTS

NA

CHIEF ADMINISTRATIVE OFFICER REVIEW

I have no further comments.

Report Prepared by: 
Diana Gibson, Acting Director, Financial Services

Report Approved by: 
Mark Phillips, Chief Administrative Officer



Committee of the Whole Excerpts
November 8, 2022

December Meeting Dates Excerpt

Committee of the Whole was scheduled to meet on December 13, 2022 and Council was scheduled to meet on December 27, 2022. It was suggested that Council may have an appetite to meet prior to these dates due to the holidays.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL MEET ON THE SIXTH (6TH) FOR COMMITTEE OF THE WHOLE AND THIRTEENTH (13TH) FOR COUNCIL.



Committee of the Whole Excerpts
November 8, 2022

Falmouth Family Dog Park Excerpt

The Falmouth Family Dog Park has been approved for funding from ACOA. The group continues to work towards fundraising the additional forty (40%) of the budget required for the project through various fundraising events. The group has requested access to sewer and water to install and all access/barrier free washroom facility and provide an outdoor water spigot for the park users from the municipality as well as the municipality take over ownership and maintenance once the park was completed.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL DIRECT STAFF TO MEET WITH MR. DUNFIELD AND VOLUNTEERS TO DETERMINE THE NEXT STEPS IF THE MUNICIPALITY WAS TO ASSUME OWNERSHIP OF THE PARK AND BRING FORWARD A REPORT TO COUNCIL FOR CONSIDERATION.



Committee of the Whole Excerpts
November 8, 2022

REMO Mutual Aid Agreement Excerpt

As per Section 2.2(c) of the Municipality's Meeting and Committee Procedural Policy, the mandate of the Committee of the Whole is to carry out the duties of the Regional Emergency Management Advisory Committee as set forth the Regional Emergency Management By-law of the Municipality.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL APPROVE THE MAYOR AND CLERK SIGN THE REMO – KING COUNTY-WEST HANTS MUTUAL AID AGREEMENT.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by:

Shelleena Thornton, Municipal Operations Supervisor/Emergency Management Coordinator

Date: November 8, 2022

Subject: REMO Mutual Aid Agreement

LEGISLATIVE AUTHORITY

Emergency Management Act, Chapter 8 of the Acts of 1990 - Section 10 – Powers and Duties of Municipalities

Municipal Government Act, R.S.N.S. 1998, c. 18 - Section 302 – Mutual Aid

RECOMMENDATION or DECISION REQUEST

...Committee of the Whole recommends that Council approve the Mayor and Clerk sign the REMO – King County-West Hants Mutual Aid Agreement.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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As per Section 2.2(c) of the Municipality's Meeting and Committee Procedural Policy, the mandate of the Committee of the Whole is to carry out the duties of the Regional Emergency Management Advisory Committee as set forth the Regional Emergency Management By-law of the Municipality.

DISCUSSION

An emergency could affect us (or units within Kings County), to such a degree that our individual resources would be inadequate to cope with an emergency and we recognize the need for timely exchange of information and sharing of resources during such an emergency. This mutual aid agreement streamlines the process to request assistance.

FINANCIAL IMPLICATIONS

None at this time; however, costs may be incurred during emergency events. If this is the case, any extraordinary or unusual costs, reasonably incurred in the provision of assistance by any party, shall be borne by the requesting party.

NEXT STEPS

Pending approval of Council, the Mayor and Clerk shall sign the Mutual Aid Agreement.

ALTERNATIVES

Council may choose to not approve entering into this Agreement. This is not the recommendation to Council.

ATTACHMENTS

REMO – King’s County-West Hants Mutual Aid Agreement

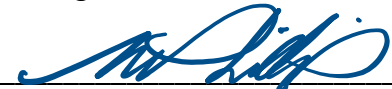
CHIEF ADMINISTRATIVE OFFICER REVIEW

This mutual aid agreement provides mutual benefits to each party. This agreement is above and beyond existing mutual aid agreements for Fire Services.

I support the recommendation.

Report Prepared by: _____

Shelleena Thornton, Municipal Operations Supervisor/Emergency
Management Coordinator

Report Approved by: _____

Mark Phillips, CAO

THIS MUNICIPAL EMERGENCY MANAGEMENT MUTUAL AID AGREEMENT made this _____ day of _____, 2022

BETWEEN: **MUNICIPALITY OF THE COUNTY OF KINGS**
 TOWN OF BERWICK
 TOWN OF KENTVILLE, and
 TOWN OF WOLFVILLE
 WEST HANTS REGIONAL MUNICIPALITY

WHEREAS an emergency could affect the separate parties to such a degree that their individual resources would be inadequate to cope with the emergency;

AND WHEREAS for the purposes of this Agreement, “emergency” as defined by the Nova Scotia *Emergency Management Act*, means a present or imminent event in respect of which the Minister or a municipality, as the case may be, believes prompt co-ordination of action or regulation of persons or property must be undertaken to protect property or the health, safety or welfare of people in the Province;

AND WHEREAS the parties recognize the need for timely exchange of information and sharing of resources during such an emergency;

THEREFORE the parties agree to render, upon request, all possible assistance to each other in the event of an emergency, subject to the following conditions:

1. The request for assistance shall be made by the Chief Administrative Officer (CAO) (or designate) at the request of the Mayor or Warden of the party affected. The request will be forwarded to the receiving CAO (or designate) for discussion with that party’s Mayor or Warden.
2. The extent of the assistance rendered shall be at the discretion of the responding party. The CAO (or designate) of the responding party will advise the CAO of the requesting party of the nature of the assistance to be rendered.
3. Any extraordinary or unusual costs, reasonably incurred in the provision of assistance by any party, shall be borne by the requesting party.

IT IS FURTHER AGREED that, in the event of an emergency occurring within the boundaries of a party to this agreement which may affect any or all of the other parties, the party within whose boundaries such an emergency occurs shall notify those other parties which may be affected.

TERMINATION OF AGREEMENT

This Agreement shall be binding for not less than one (1) year from its effective date and shall continue to be binding upon the parties in subsequent years and shall be considered to renew automatically from year to year. A party may terminate its participation in this Agreement upon at least sixty (60) days written notice to the other parties. Once a termination is effective, it shall no longer be a party to this Agreement, but this Agreement shall continue to be in force among the remaining parties.

This agreement will become effective when all the parties have signed it. The date this Agreement is signed by the last party to sign it (as indicated by the date stated opposite that party’s signature), will be deemed the date of this agreement.

IN WITNESS WHEREOF this Agreement is executed on behalf of the participating parties by their duly authorized signing authorities.

SIGNED AND SEALED
in the presence of:

Mayor: _____ Clerk: _____
Municipality of the County of Kings

Date Approved: _____ Date Signed: _____

Mayor: _____ Clerk: _____
Town of Berwick

Date Approved: _____ Date Signed: _____

Mayor: _____ Clerk: _____
Town of Kentville

Date Approved: _____ Date Signed: _____

Mayor: _____ Clerk: _____
Town of Wolfville

Date Approved: _____ Date Signed: _____

Mayor: _____ Clerk: _____
West Hants Regional Municipality

Date Approved: _____ Date Signed: _____



Committee of the Whole Excerpts
November 8, 2022

Security Cameras Excerpt

Correspondence received from Home Hardware and the Windsor Business Township identified a need for additional security cameras and ensure the current cameras are working. Although Cole Drive was the suggested primary location; there was value in expanding the criteria to a perimeter around Windsor, Highway 1, Garlands Crossing to route 14 and all entrance and exit points within West Hants. Through consultation with RCMP and IT, other areas may be identified to determine if these acts are a result of local individuals or someone from outside the area.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL DIRECT THE CAO TO UNDERTAKE AN INITIAL REVIEW AND INVESTIGATION OF SECURITY CAMERAS WITHIN WEST HANTS AND TO BRING A REPORT BACK TO COUNCIL FOR FURTHER DECISION MAKING AND FURTHER THAT THE REPORT BE IN CONSULTATION WITH TECHNOLOGY AND THE RCMP ON LOCATIONS.



Windsor Home Hardware & Furniture

50 Empire Lane
Windsor, NS
B0N 2T0

October 21, 2022

Dear Mayor and Council,

At Windsor Home Hardware we are proud to be part of this community. We believe that a strong local business community will only strengthen our community as a whole, this is a belief we have held in our family since we began operating the local hardware store in 1960.

We have recently noticed a significant increase in big ticket items stolen from our store, items such as indoor and outdoor power tools, barbecues and generators. Through working with the authorities, it is our understanding that the alleged thieves are from out of town, and in particular the HRM. When these large items are stolen, it has a material impact on our bottom line and requires our operation to dedicate significant resources to monitoring and addressing our security concerns.

In conversations with retailers in the Fort Edward Plaza and across our business community, we understand that this is not an experience unique to Windsor Home Hardware.

While our business community faces an increase in theft, we understand that not all the entry/exit points to our community are protected with security cameras which could absolutely help the RCMP in identifying and eventual laying of charges to the people involved. I am writing today to encourage Council to take action that will make our community a safe and secure place to live and do business.

I appreciate your time and attention to this matter and if there is anything I can do as a business owner to assist you in moving forward, please do not hesitate to reach out.

Jeff Redden



Dear Mayor Zebian and West Hants Council,

This letter is in support of the request for security camera installation at Cole Drive for the security and protection of businesses within the business district.

The situation, as we understand it, is that Cole Drive is the main exit route from Windsor after a theft, and it does not have a security camera, resulting in a security gap in the district that is materially affecting merchants.

Increased theft has now impacted multiple merchants within, including those in Fort Edward Plaza such as Home Hardware, where high-priced items—such as power tools, barbecues, and generators—have been stolen. These thefts have meant significant costs to Home Hardware, both in lost merchandise and the additional costs of surveillance and security.

Despite the RCMP's best efforts to locate the individuals responsible, the lack of security cameras at the main exit point means there is no tangible way to identify the individuals or know in which direction they fled.

The lack of security cameras means the chances of identifying and apprehending responsible individuals are near zero. This results in the entire monetary burden being borne by merchants who are unable to receive support from law enforcement due to the gaps left by incomplete security camera coverage.

Locally-owned businesses are the lifeblood of our economy and community. Not only do they employ many people locally but also offer the variety of goods and services that make West Hants a wonderful place to live. While every entrepreneur must face the individual challenges of building their business, community security and safety are things we rely on Council to take the lead on.

The Windsor Township Business Association (WTBA, formerly known as the WBES) has a mission to support locally-owned businesses in a variety of ways. As such, we write this letter in support of merchants asking for Council's assistance in improving our community's collective security so that we may all thrive in a safe environment. If there is anything else we can do to support this measure, please let us know.

Signed,

The Windsor Township Business Association



Committee of the Whole Excerpts
November 8, 2022

Streetlights in the Crossing Excerpt

Correspondence was received regarding concerns from residents living in the Crossing with respects to Streetlights. There are some areas that have streetlights while other areas do not.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL DIRECT STAFF TO INVESTIGATE WHAT THE COST OF STREETLIGHTS AT THE CROSSING WOULD BE AND FURTHER THAT STAFF WORK WITH THE OFFICE ON STRATEGIC LOCATIONS FOR THE LIGHTS.



Committee of the Whole Excerpts
November 8, 2022

Thermal Imaging Camera Capital Purchase Excerpt

The report requested approval and funding to replace a thermal imaging camera due to ghosting (blurred imaging) for the Windsor Fire Department. A Thermal Imaging Camera (TIC) converts infrared radiation into visible light. These cameras provide the ability to see heat signatures through heavy smoke and see heat inside walls, ceilings, etc. (basically anything that is non-reflective).

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL APPROVE THE PURCHASE OF TWO THERMAL IMAGING CAMERAS (TICS) FOR WINDSOR FIRE DEPARTMENT TO THE LOW COMPLIANT QUOTE FROM CUMING'S FIRE & SAFETY EQUIPMENT LTD, AT THE OVER-BUDGET QUOTED PRICE OF \$27,151.00 PLUS APPLICABLE TAXES.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by:

Shelleena Thornton, Municipal Operations Supervisor

Date: November 8, 2022

Subject: Thermal Imaging Cameras (TIC) Purchase, Windsor Fire Dept

LEGISLATIVE AUTHORITY

Municipal Government Act, R.S.N.S. 1998, c. 18 - Section 65 – Adoption of Budgets

RECOMMENDATION or DECISION REQUEST

...Committee of the Whole recommends that Council approve the purchase of two Thermal Imaging Cameras (TICs) for Windsor Fire Department to the low compliant quote from Cumming's Fire & Safety Equipment Ltd, at the over-budget quoted price of \$27,151.00 plus applicable taxes.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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Council approved \$22,300.00 for the purchase of two thermal imaging cameras for Windsor Fire Dept. in the 2022-23 Capital Budget, to come from Windsor Fire Department's Fire Equipment Reserve. Since the quotes were received leading into budget deliberations, pricing for the equipment has increased.

DISCUSSION

A Thermal Imaging Camera (TIC) is a device that converts infrared radiation into visible light. These cameras allow us to see heat signatures through heavy smoke, and allow us to see heat inside walls, ceilings, etc. (basically anything that is non-reflective).

These are necessary tools for interior firefighting crews for situational awareness, assisting in locating the seat of the fire quickly (as opposed to locating it by following heat), locating victims in 0 visibility environments (as opposed to searching by feel) and FF safety -proper use of these devices can assist firefighters to tell when interior conditions are deteriorating to the point of flashover (temperature spikes and thermal layer interpretation). We have also used them to search for victims of accidents thrown from vehicles, propane volume in tanks during leaks, etc.

We used to run five MSA cameras, one each on Engine, Rescue, Snorkel, Aerial ladder and Tact unit. Due to wear (these cameras currently in use are 10 years old), we currently have two in service (one requires immediate replacement due to ghosting (blurred imaging)). We intend to use these two new cameras on the Engine and incoming Quint. There will be a future request in the upcoming budget for the third for the Rescue to totally outfit the interior operating crews. Often on larger incidents, we have several crews operating independently who require access to this equipment. Mutual aid companies often have their own cameras, which are deployed with these crews as assigned.

Brooklyn fire currently operates this style of camera, and it is a newer version to what we are used to in Windsor. This is in line with recommendations for equipping West Hants departments with like equipment.

FINANCIAL IMPLICATIONS

As initial investigation into pricing at budget time indicated that these cameras would be less than \$25,000, the quote request process was followed as per the Procurement Policy. Two quotes were received, as there are only two vendors who offer the cameras requested.

Vendor	Quoted Price (pre-tax)	Quote Requested	Quote Received	Quote Expires
Cuming's Fire & Safety Equipment Ltd.	\$27,151.00	Oct. 7, 2022	Oct. 14, 2022	Dec. 3, 2022
K & D Pratt	\$27,923.00	Oct. 7, 2022	Oct. 13, 2022	Dec. 31, 2022

2022 - 23 Capital Budget – Thermal Imaging Cameras

Quoted Received	\$27,151.00
Non-Recoverable Tax (4.29%)	<u>\$1,164.78</u>
Total	\$28,315.78
Budget	\$22,300.00
Variance (over budget)	(\$6,015.78)

Windsor Fire Department thermal imaging cameras have come in \$6,016 over budget. This capital item was scheduled to be funded through the Windsor Fire Equipment Reserve. As the department's ask for battery powered extrication tools came in \$13,000 under budget, the reserve will be able to handle this increased price and still have a lower draw taken from it overall this year.

NEXT STEPS

Pending approval of Council, staff will proceed to purchase the thermal imaging cameras.

ALTERNATIVES

Council may choose to not approve this purchase. This is not the recommendation to council.

ATTACHMENTS

No attachments.

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____
Shelleena Thornton, Municipal Operations Supervisor

Report Reviewed by: _____
Jamie Juteau, Fire Chief Windsor Fire Dept.

Report Reviewed by: _____
Diana Gibson, Acting Director of Financial Services

Report Approved by:  _____
Mark Phillips, CAO



Committee of the Whole Excerpts
November 8, 2022

Updating the 2022-23 Tax Resolution Excerpt

On June 2, 2022, the 2022-2023 Taxing Resolution was approved as part of the 2022-2023 budget deliberations. Upon recent review of the resolution, it was determined that an error occurred in the entry of the area rated residential tax rate. In the current approved resolution, the total tax rate by area was included in this section, when it should have shown the area rate only. It was noted that the total tax figure provided in each area was calculated properly in the tax resolution, it was just the area rate figure that was entered incorrectly.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL APPROVE THE UPDATED 2022-2023 TAXING RESOLUTION AS PRESENTED TO COMMITTEE OF THE WHOLE ON NOVEMBER 8, 2022.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: Diana Gibson
Diana Gibson, Acting Director, Financial Services

Date: November 8, 2022

Subject: Updated 2022-2023 Taxing Resolution

LEGISLATIVE AUTHORITY

Municipal Government Act, Part VI – Tax Collection

RECOMMENDATION or DECISION REQUEST

Committee of the Whole recommends that Council approve the updated 2022-2023 Taxing Resolution as presented to Committee of the Whole on November 9, 2022.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☒	Councillor Activity ☐
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On June 2, 2022 Council approved RR-212 2022-2023 Taxing Resolution as part of the 2022-2023 budget deliberations.

DISCUSSION

Upon recent review of the resolution, it has been determined that an error occurred in the entry of the area rated residential tax rate. In the current approved resolution, the total tax rate by area was included in this section, when it should have shown the area rate only. The following updates have occurred in the attached:

Community	Approved Resolution Residential Area Rate	Updated Resolution Residential Area Rate
West Hants	1.0223	0.5525
Hantsport	1.6500	1.1830
Windsor	1.8700	1.4030

Please note that the total tax figure provided in each area is calculated properly in the tax resolution, it was just the area rate figure that was entered incorrectly.

NEXT STEPS

Should Council approve the updated resolution, it will go to the Municipal Clerk for signing and filing. And will be used to secure grants-in-lieu of taxes from the province.

FINANCIAL IMPLICATIONS

There are no financial implications related to this change, as the overall tax figures remain the same.

ALTERNATIVES

Council could choose not to approve the updating of this resolution, but this is not recommended by staff as grant-in-lieu of taxes will not be secured without a corrected tax resolution.

ATTACHMENTS

- Updated RR-212 2022-2023 Taxing Resolution

CHIEF ADMINISTRATIVE OFFICER REVIEW

Noting this is a clerical error and correction.

I support the recommendation.

Report Prepared by: 
Diana Gibson, Acting Director, Financial Services

Report Approved by: 
Mark Phillips, Chief Administrative Officer

BE IT RESOLVED that the sums that are required for the lawful purposes of the West Hants Regional Municipality for the year 2022-2023 after crediting the probable revenue from all sources other than the general rates for the year and making the allowance for the abatement and losses that may occur in the collection of taxes and taxes for the current year that may not be collected or collectable is \$16,188,296 and this Council hereby authorizes the levying and collection of a general tax rate of ninety-eighth cents (\$0.98) per one hundred dollars (\$100) of the assessed value of commercial property and the assessed value of residential property and general resource property that will equal four six seven cents (\$0.4670) per one hundred dollars (\$100) of the assessment on residential and general resource property.

BE IT FURTHER RESOLVED that the sums that are required for the lawful purposes of the Community of West Hants for the year 2022-2023 after crediting the probable revenue from all sources other than the area rates for the year and making the allowance for the abatement and losses that may occur in the collection of taxes and taxes for the current year that may not be collected or collectable is \$7,578,413 and this Council hereby authorizes the levying and collection of an area rate tax of eighty cents (\$0.80) per one hundred dollars (\$100) of the assessed value of commercial property and the assessed value of residential property and general resource property that will equal five five two five cents (\$0.5525) per one hundred dollars (\$100) of the assessment on residential and general resource property.

BE IT FURTHER RESOLVED that the sums that are required for the lawful purposes of the Community of Hantsport for the year 2022-2023 after crediting the probable revenue from all sources other than the area rates for the year and making the allowance for the abatement and losses that may occur in the collection of taxes and taxes for the current year that may not be collected or collectable is \$696,429 and this Council hereby authorizes the levying and collection of an area rate tax of two dollars and seventy-seven cents (\$2.77) per one hundred dollars (\$100) of the assessed value of commercial property and the assessed value of residential property and general resource property that will equal one dollar and one eight three zero cents (\$1.1830) per one hundred dollars (\$100) of the assessment on residential and general resource property.

2023-2023 TAXING RESOLUTION

BE IF FURTHER RESOLVED that the sums that are required for the lawful purposes of the Community of Windsor for the year 2022-2023 after crediting the probable revenue from all sources other than the area rates for the year and making the allowance for the abatement and losses that may occur in the collection of taxes and taxes for the current year that may not be collected or collectable is \$4,307,288 and this Council hereby authorizes the levying and collection of an area rates tax of two dollars and eighty-seven cents (\$2.87) per one hundred dollars (\$100) of the assessed value of commercial property and the assessed value of residential property and general resource property that will equal one dollar and four zero three zero cents (\$1.4030) per one hundred dollars (\$100) of the assessment on residential and general resource property.

BE IT FURTHER RESOLVED that the taxpayers in the said Municipality are required to pay the whole of their taxes on or before the 1st day of September, A.D., 2022 provided that if the total amount of taxes owing is not paid in full on or before the 1st day of September, A.D., 2022 the balance of current and prior years' taxes then owing will bear interest at a rate of 15% per annum, such rate to be calculated monthly at the end of each month at a rate of 1.25% until the sums are paid.

TAX DUE DATE – SEPTEMBER 1, 2022

I, Deanna Snair, Municipal Clerk of West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of the Region of the Windsor and West Hants Municipality at a meeting duly called and held on the ____ day of ____ (month), ____ (year).

Deanna Snair, Executive Assistant



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: November 22nd, 2022

Subject: West Hants MPS and LUB Amendments: PID 45366432 Cole Drive, Garlands Crossing/Windsor; File #22-11A

LEGISLATIVE AUTHORITY

Municipal Government Act Sections 205 & 210

RECOMMENDATION

If Council wishes to proceed to a Public Hearing the following motion would be in order:

... that Council gives First Reading and will hold a Public Hearing to consider amending the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy to include PIDs 45366432 and 45366457 in the Three Mile Plains Growth Centre and the Residential designation, as well as amending the zoning map of the West Hants Land Use By-law to include PIDs 45366432 in the Multiple Unit Residential (R-3) zone.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received from Darren Shupe of Brighter Community Planning on behalf of the property owner, Mainland South Investments, on June 15th, 2022 to request two 4-storey, mixed-use apartment buildings containing a total of 84 dwelling units at PID 45366432 Cole Drive, Windsor.

DISCUSSION

A Public Information Meeting was held on October 13th, 2022.

The public comment period ended on October 28th with no comments received from the public.

On November 10th, 2022, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The committee then discussed the implications of the subject lot being removed from potential industrial development.

During the November 10th meeting, PAC/HAC recommended in favour of the application.

NEXT STEPS

The proposed amendments have been considered based on the West Hants Municipal Planning Strategy and have proven consistent with the intent, objectives, and policies of the Planning Strategy. As a result, it is reasonable to consider amending the Municipal Planning Strategy and Land use By-law.

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality with regard to the filing of this report.

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A	2022-11-10 Staff Report - West Hants MPS and LUB Amendments: PID 45366432 Cole Drive, Garlands Crossing/Windsor; File #22-11
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CHIEF ADMINISTRATIVE OFFICER REVIEW

The comments made in the report by Planner Dunphy are in alignment with the intent of the existing Planning Strategy. This of course is something Council should continue to reflect upon to ensure it meets the intent of current Council members.

“The proposed amendments have been considered based on the Windsor Municipal Planning Strategy and have proven consistent with the intent, objectives, and policies of the Planning Strategy. As a result, it is reasonable to consider amending the Municipal Planning Strategy and Land use By-law.” – Planner Dunphy

Recognizing it matches the existing intent expressed in the strategy I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer

**Appendix A – 2022-11-10 Staff Report - West Hants MPS and LUB Amendments: PID 45366432
Cole Drive, Garlands Crossing/Windsor; File #22-11**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: November 10th, 2022

Subject: West Hants MPS and LUB Amendments: PID 45366432 Cole Drive, Garlands Crossing/Windsor; File #22-11

LEGISLATIVE AUTHORITY

Municipal Government Act Sections 205 & 210

RECOMMENDATION

To allow the requested amendment, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

... that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy to include PIDs 45366432 and 45366457 in the Three Mile Plains Growth Centre and the Residential designation, as well as amending the zoning map of the West Hants Land Use By-law to include PIDs 45366432 in the Multiple Unit Residential (R-3) zone.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received from Darren Shupe of Brighter Community Planning on behalf of the property owner, Mainland South Investments, on June 15th, 2022 to request two 4-storey, mixed-use apartment buildings containing a total of 84 dwelling units at PID 45366432 Cole Drive, Windsor.

PAC/HAC History

During the July 14th PAC/HAC meeting, staff presented an information report on the application for two 4-storey, mixed-use apartment buildings to be developed on Cole Drive. The Committee discussed this report and determined that more information was required, requesting staff to provide an inventory of available industrial and residential lands.

During the August 16th PAC/HAC meeting staff returned with a report with additional information and land inventory maps. The Committee determined that allowing residential uses on the property would not affect the ability of nearby industrial lands to be developed. The Committee recommended holding a Public Information Meeting for the application.

Surrounding Context

The Windsor portion of the subject lot is directly abutting other lands that are designated Joint Industrial and zoned Light Industrial Type Three (LI-3). Nearby, on the south side of Cole Drive are lands designated Residential and zoned Agriculture (AG). Existing uses in this area of the Joint Industrial designation include a grocery store which directly abuts the subject lot, as well as fast food restaurants and a gas station nearer to the intersection of Cole Drive and Wentworth Road. The 101 Highway also directly abuts the subject lot. The Residentially designated land located on the south side of Cole Drive is currently an open field.

The West Hants portion of the subject lot is directly abutting other lands that are designated Joint Industrial Park and zoned Joint Industrial Type Three (LI-3) and is nearby other lands that are designated Residential and zoned Agricultural Priority Three (AR-3). There is an office building which is currently not in use directly abutting the subject lot. Further along Cole Drive in the Joint Industrial Park designation is a hotel and a vacant lot. Highway 101 also directly abuts the subject lot. The Residentially designated land located on the south side of Cole Drive is currently an open field.

DISCUSSION

The subject lot is partially within the jurisdiction of the Windsor Municipal Planning Strategy and partially within the jurisdiction of the West Hants Municipal Planning Strategy. Due to the subject lot being split between the two planning areas, staff, the Planning and Heritage Advisory Committee, and Council must consider the planning documents for both Windsor and West Hants for any potential development on the property.

The subject lot is currently designated Joint Industrial Park on the Generalized Future Land Use Map (GFLUM) of the Windsor and West Hants Municipal Planning Strategies (MPS). This designation is a special joint effort between the former Town of Windsor and former Municipality of West Hants to create an industrially focused area close to Highway 101 on the border of the two jurisdictions. The Joint Industrial Park designation is intended to mirror policies and zoning regulations in each document for all lots within it. The subject lot is zoned Joint Industrial Type Three (LI-3) on Schedule A of the West Hants Land Use By-law and zoned Light Industrial Type Three (LI-3) on Schedule A of the Windsor LUB.

Municipal Planning Strategy Document Review

Policy 16.1.1 allows Council to review and make amendments to the West Hants Municipal Planning Strategy or the Generalized Future Land Use Map. Amendments may be considered when the Generalized Future Land Use Map is required to be changed, in order to bring the Strategy in line with the Statements of Provincial Interest, or when Council deems it necessary because of a change in policy intentions or the development environment. In this circumstance, the proposed amendments align with the Statements of Provincial Interest Regarding Housing and Infrastructure. The proposed amendment also seeks to match the pattern of development in the area surrounding Cole Drive.

Policy 16.3.1 establishes the general criteria that all amendments to the West Hants Land Use By-law must meet. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Municipal Traffic Authority have no concerns.

Policy 5.1.6 provides Council with an opportunity to consider expanding the boundaries of the Growth Centres. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- the expansion is necessary to accommodate proposed serviced development;
- the subject lot's location is well suited for the proposed development; and
- the subject lot already has access to municipal services.

Policy 5.3.7 establishes the criteria to consider rezoning land within the Three Mile Plains Growth Centre to the Multiple Unit Residential (R-3) zone. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- Cole Drive is identified as a Collector Street on the Future Streets Map (Figure 5) within the West Hants Subdivision By-law;
- the Development Officer, Municipal Project Engineer, and Municipal Traffic Authority have no concerns.

Nova Scotia Statements of Provincial Interest

The Statement of Provincial Interest Regarding Housing seeks to provide a wide range of housing types and opportunities to meet the needs of all Nova Scotians. The proposed development aligns with this interest as introducing a mixed-use apartment building to this area would enable a higher density of residential units to be provided for the community in an area with existing amenities.

The Statement of Provincial Interest Regarding Infrastructure seeks to make efficient use of existing municipal water supply and wastewater disposal systems. The proposed development aligns with this interest as the subject lot is currently vacant and enabling infill development would allow for effective use of existing municipal services.

NEXT STEPS

Discussion by PAC/HAC will be incorporated into the report and presentation to Council.

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality with regard to the filing of this report.

ALTERNATIVES

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	GFLUM Extract: Current Designation
Figure 2	GFLUM Extract: Proposed Designation
Figure 3	Zoning Map Extract: Existing Zoning
Figure 4	Zoning Map Extract: Proposed Zoning
Figure 5	West Hants Future Street Conceptual Plan
Attachment A	Policy Summary of West Hants MPS and LUB Amendments
Attachment B	File 22-05B - West Hants and Windsor MPS and LUB Amendments: Cole Drive, Garlands Crossing/Windsor - Information Report
Attachment C	Public Information Meeting Notes

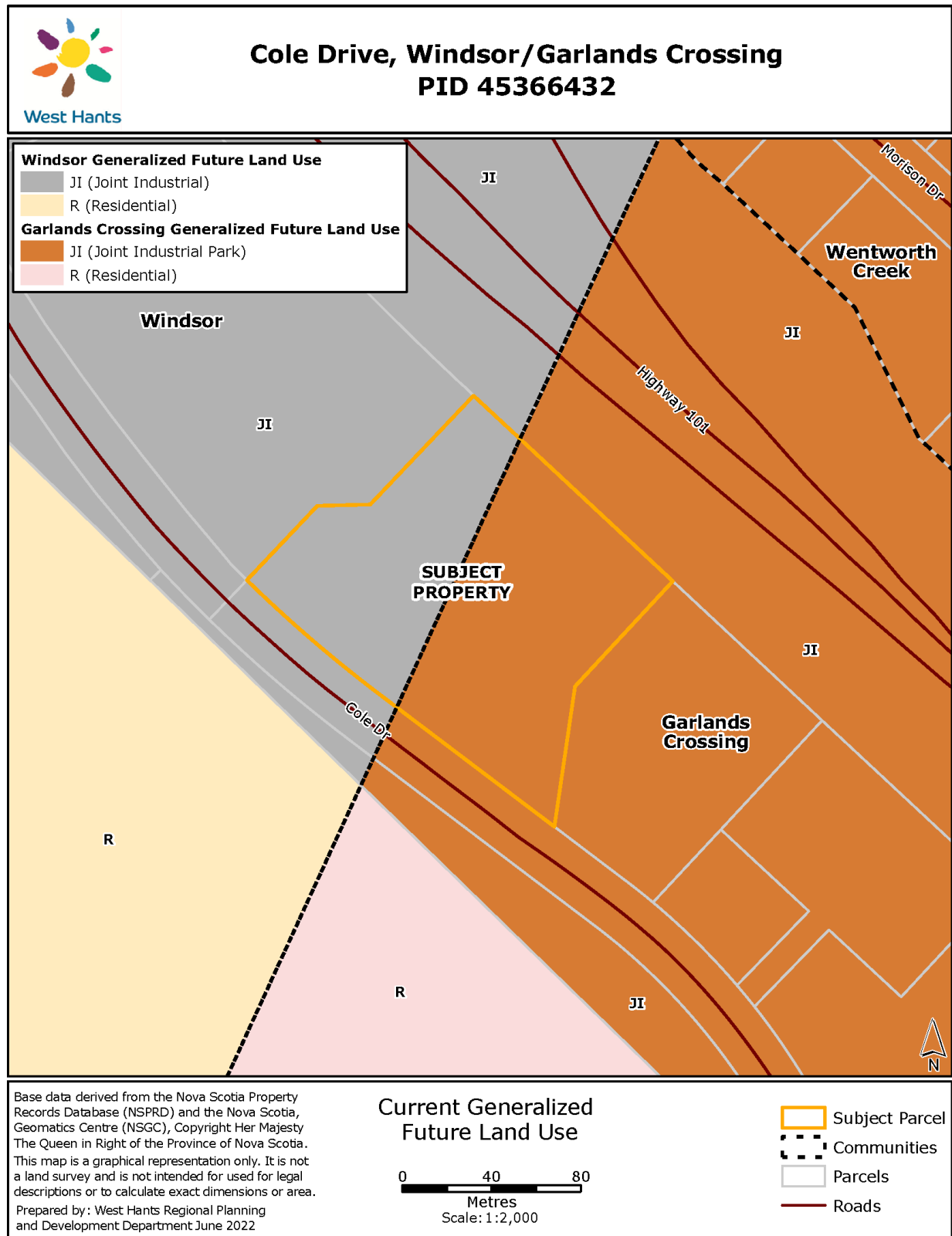
Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – GFLUM Extract: Current Designation





Cole Drive, Windsor/Garlands Crossing PID 45366432 and 45366457

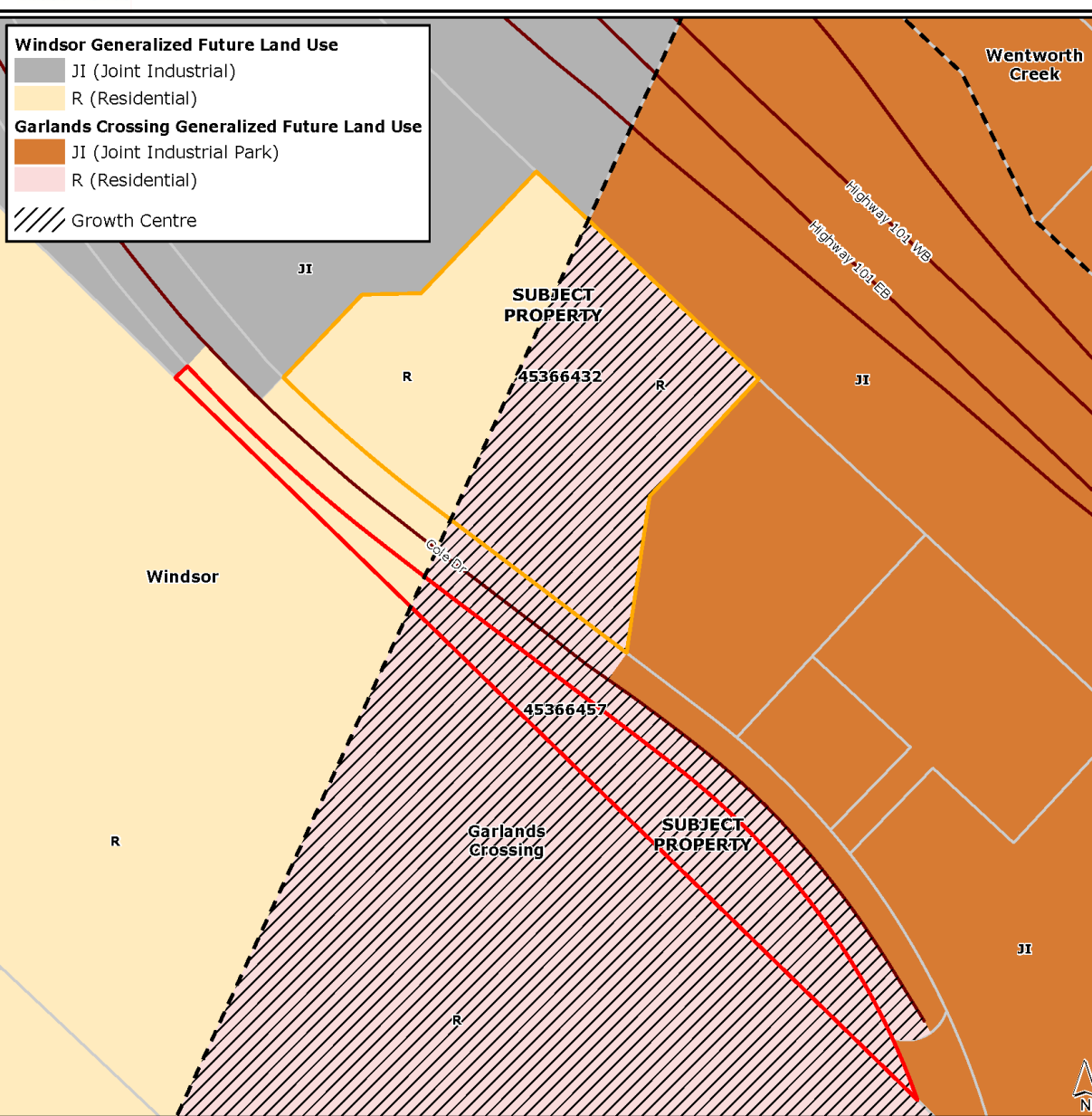
Windsor Generalized Future Land Use

- JI (Joint Industrial)
- R (Residential)

Garlands Crossing Generalized Future Land Use

- JI (Joint Industrial Park)
- R (Residential)

/// Growth Centre



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.

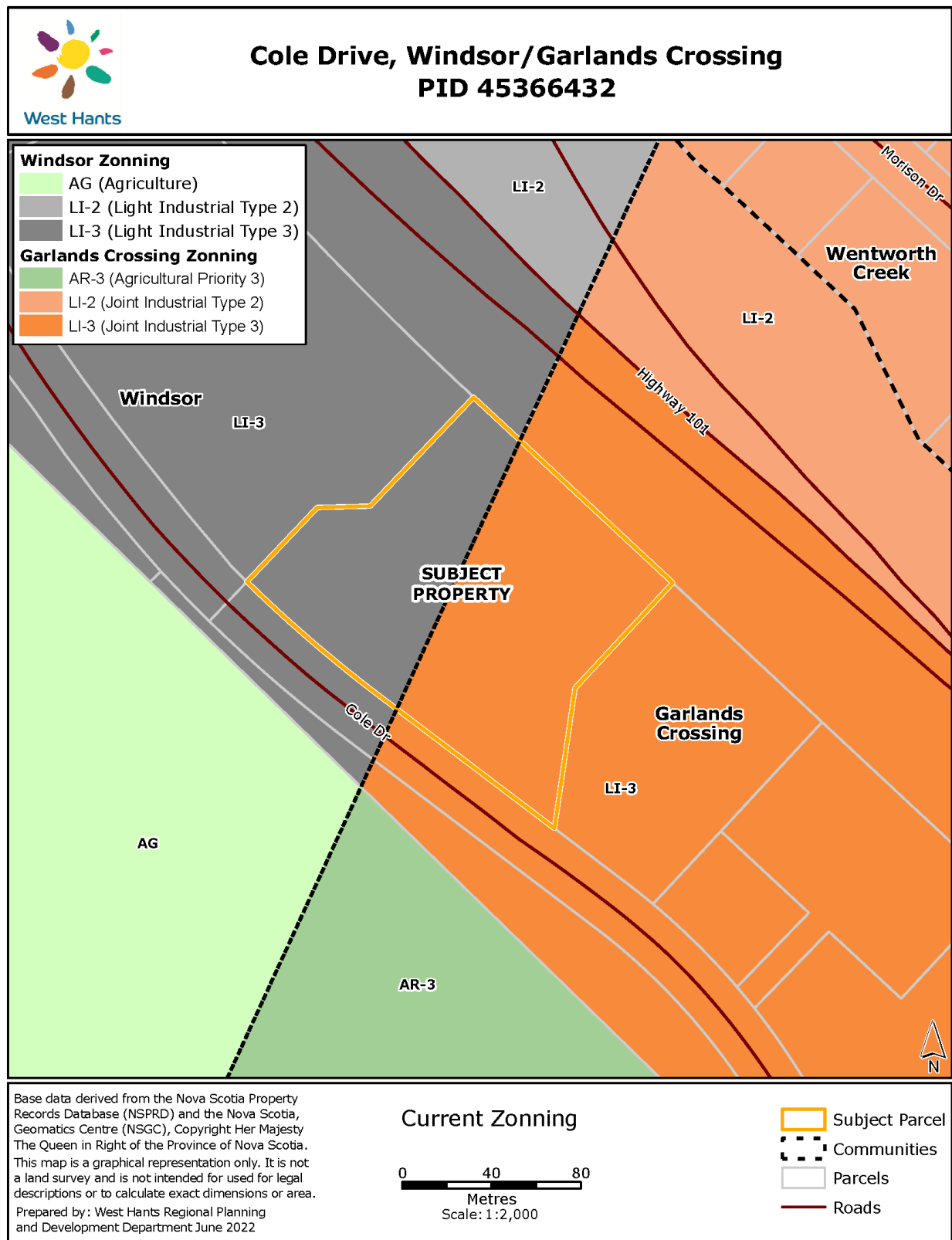
This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area.

Prepared by: West Hants Regional Planning and Development Department October 2022

Proposed Generalized Future Land Use

- PID 45366432
- PID 45366457
- Communities
- Parcels
- Roads

Figure 3 – Zoning Map Extract: Existing Zoning



West Hants

Cole Drive, Windsor/Garlands Crossing PID 45366432 and 45366457

Windsor Zoning

- AG (Agriculture)
- R1 (Single Unit Residential)
- R2 (Two Unit Residential)
- LI-2 (Light Industrial Type 2)
- LI-3 (Light Industrial Type 3)

Garlands Crossing Zoning

- R-3 (Multiple Residential)
- AR-3 (Agricultural Priority 3)
- LI-2 (Joint Industrial Type 2)
- LI-3 (Joint Industrial Type 3)

Map Labels:

- Windsor:** AG, R-1, R-2
- Garlands Crossing:** AR-3, R-3, LI-2, LI-3
- Highway 101:** Highway 101 WB, Highway 101 EB
- Wentworth Creek**
- Cole Dr**
- SUBJECT PROPERTY** (45366432 and 45366457)

Legend:

- PID 45366432
- PID 45366457
- Communities
- Parcels
- Roads

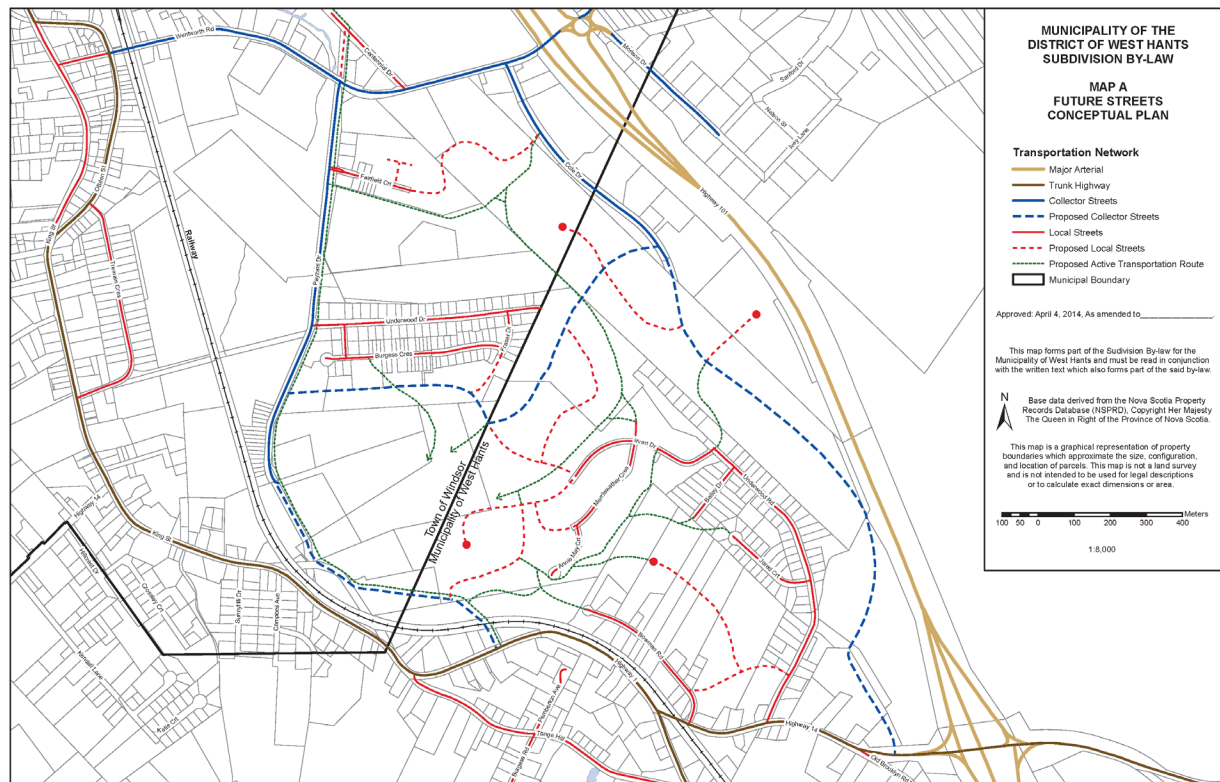
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Scale: 1:2,100

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: West Hants Regional Planning and Development Department October 2022

Figure 5 – West Hants Future Street Conceptual Plan



Attachment A – Policy Summary for Amendments to Municipal Planning Strategy and Land Use By-law

Policy 16.1.1 <i>It shall be the policy of Council to review and make amendments to this Strategy:</i>	
<i>(a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);</i>	The GFLUM will be updated if Council approves the redesignation.
<i>(b) to bring the Strategy in line with Provincial Statements of Interest; or</i>	The redesignation would address the Statements of Provincial Interest with regard to housing and infrastructure.
<i>(c) when Council deems it necessary because of a change in policy intentions or the development environment.</i>	Although the area surrounding Cole Drive is considered the Joint Industrial Park, much of the existing and proposed development in the area would not be classified as 'industrial uses'. The development environment appears to be moving towards a mix of business park and residential uses.

Policy 16.3.1 <i>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:</i>	
<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 Public Works Department had no concerns with regard to the adequacy of municipal water and sewer services.
<i>(ii) the adequacy of school facilities;</i>	No impact on school facilities is anticipated.
<i>(iii) the adequacy of fire protection;</i>	The local Fire Chief and Manager of Building and Fire Inspection Services have stated that there is adequate fire protection for the building and proposed amendments.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Traffic Authority commented that there were no concerns regarding the road network.
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.

<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>	The Public Works Department confirmed that the subject lot has access to municipal water and sewer services.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Traffic Authority commented that the subject lot is considered to have safe roadway access to Cole Drive and has no further concerns.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that there were no concerns with the dimensions and shape of the lot for the proposed amendments.
<i>(e) the pattern of development which the proposal might create;</i>	The proposal is in line with the pattern of development as other applications for properties abutting or nearby to Cole Drive to permit residential development are being considered. The Development Officer has no concerns regarding the pattern of the development.
<i>(f) 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 site appears to be at a higher elevation in comparison to buildings nearer to Wentworth Road. No concerns were recorded during the site visit.
<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>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Policy 5.1.6

It shall be the policy of Council to consider expanding the boundaries of the Growth Centres subject to the following criteria:

<i>(a) the expansion is necessary to accommodate proposed serviced development;</i>	The expansion of the Growth Centre will provide the opportunity for serviced development on the subject lot.
<i>(b) it is clearly demonstrated that existing serviceable land within the Growth Centre is unsuitable or unavailable for the development;</i>	The subject lot is located nearby existing amenities and services and the proposed infill development would benefit from the subject lot's location.

<i>(c) the expanded area is capable of being serviced by both municipal water and sewer services; and</i>	The subject lot currently has access to both municipal water and sewer services.
<i>(d) the Municipality is financially capable of providing the necessary services.</i>	No financial implications with regard to servicing are anticipated from this proposal.
Policy 5.3.7 <i>It shall be the policy of Council to consider rezoning land within the Three Mile Plains Growth Centre to R-3 subject to the following:</i>	
<i>(a) the development has frontage on an arterial or collector street designated on the Transportation Map (Map 2) if it consists of 12 or more units;</i>	Cole Drive is shown as a local road on the Transportation Map of the West Hants Municipal Planning Strategy. Even though Cole Drive is within an area designated Joint Industrial Park and was constructed with a sidewalk on one side of the street, it is most likely classified as a local road due to it being a dead-end street with no current connections elsewhere. The Future Streets Map (Figure 5) attached to the West Hants Subdivision By-law identifies Cole Drive as a collector street by way of connecting to Edward Drive. Due to this classification and the Traffic Authority having no concerns, this criterion is considered met.
<i>(b) the lot is serviced, or is capable of being serviced, with municipal water and sewer; (Amendment WHMPS 14-01 Effective January 22, 2015)</i>	The Public Works Department confirmed that the subject lot has access to municipal water and sewer services.
<i>(c) the development is compatible with the character of the area with respect to building scale and design, traffic generation, population density and similar matters;</i>	The proposal is of a similar scale and design to the surrounding existing uses. There are no concerns regarding traffic generation or density.
<i>(d) existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact study may be required in accordance with Section 14.6 of this Strategy;</i>	The Traffic Authority commented that there were no concerns regarding the adequacy of the existing streets.
<i>(e) adequate open space or recreational space is provided;</i>	The subject lot is an appropriate size to accommodate the proposed amendments. There are no concerns regarding the adequacy of open space or recreational space.

<i>(f) adequate on-site parking is provided;</i>	The subject lot is an appropriate size to accommodate the proposed amendments. There are no concerns regarding the adequacy of on-site parking.
<i>(g) any other matter which may be addressed in a Land Use By-law; and</i>	All relevant matters have been addressed in this report.
<i>(h) Policy 16.3.1.</i>	See Policy 16.3.1.

**Attachment B - File 22-05B - West Hants and Windsor MPS and LUB Amendments: Cole Drive,
Garlands Crossing/Windsor - Information Report**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☒	Recommendation ☐	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: September 8th, 2022

Subject: West Hants and Windsor MPS and LUB Amendments: Cole Drive, Garlands Crossing/Windsor

LEGISLATIVE AUTHORITY

Municipal Government Act Section 205 & 219 (2)

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received from Darren Shupe of Brighter Community Planning on behalf of the property owner, Mainland South Investments, on June 15th, 2022 to request two 4-storey, mixed-use apartment buildings containing a total of 84 dwelling units on Cole Drive, Garlands Crossing (PID 45366432) be considered through:

- (i) amendments to the West Hants Municipal Planning Strategy to allow a change in zoning to the General Commercial (GC) zone within the Joint Industrial Park designation;
- (ii) amendments to the West Hants Land Use By-law zoning map to change the zoning for the West Hants portion of the lot from Joint Industrial Type Three (LI-3) to the General Commercial (GC) zone as enabled through the new policy created above;
- (iii) amendments to the Windsor Land Use By-law zoning map to change the zoning for the Windsor portion of the lot from Light Industrial Type Three (LI-3) to the General Commercial (GC) zone as enabled through Policy 8.3.2; and

- (iv) amendments to the West Hants and Windsor Land Use By-law to increase the maximum height of the main building to 45 ft. (13.7 m.) and increase the total allowable residential floor area of the main building to 75% in the Joint Industrial Park designation.

DISCUSSION

The subject lot is partially within the jurisdiction of the Windsor Municipal Planning Strategy and partially within the jurisdiction of the West Hants Municipal Planning Strategy. Due to the subject lot being split between the two planning areas, staff, the Planning and Heritage Advisory Committee, and Council must consider the planning documents for both Windsor and West Hants for any potential development on the property.

The subject lot is currently designated Joint Industrial Park on the Generalized Future Land Use Map (GFLUM) of the Windsor and West Hants Municipal Planning Strategies (MPS). This designation is a special joint effort between the former Town of Windsor and former Municipality of West Hants to create an industrially focused area close to Highway 101 on the border of the two jurisdictions. The Joint Industrial Park designation is intended to mirror policies and zoning regulations in each document for all lots within it. The subject lot is zoned Joint Industrial Type Three (LI-3) on Schedule A of the West Hants Land Use By-law and zoned Light Industrial Type Three (LI-3) on Schedule A of the Windsor LUB.

Surrounding Context

The Windsor portion of the subject lot is directly abutting other lands that are designated Joint Industrial and zoned Light Industrial Type Three (LI-3). Nearby, on the south side of Cole Drive are lands designated Residential and zoned Agriculture (AG). Existing uses in this area of the Joint Industrial designation include a grocery store which directly abuts the subject lot, as well as fast food restaurants and a gas station nearer to the intersection of Cole Drive and Wentworth Road. The 101 Highway also directly abuts the subject lot. The Residentially designated land located on the south side of Cole Drive is currently an open field.

The West Hants portion of the subject lot is directly abutting other lands that are designated Joint Industrial Park and zoned Joint Industrial Type Three (LI-3) and is nearby other lands that are designated Residential and zoned Agricultural Priority Three (AR-3). There is an office building which is currently not in use directly abutting the subject lot. Further along Cole Drive in the Joint Industrial Park designation is a hotel and a vacant lot. Highway 101 also directly abuts the subject lot. The Residentially designated land located on the south side of Cole Drive is currently an open field.

PAC/HAC Discussion

During the July 14th PAC/HAC meeting, staff presented an information report on the application for two 4-storey, mixed-use apartment buildings to be developed on Cole Drive. Upon initial review, I had determined that there were no existing policies to allow for residential uses within the Joint Industrial Park. I had posed a number of questions to the Committee such as if the lot was suitable for a mix of residential and commercial development, if there was enough information to change the lot from potential industrial use, and if it would be reasonable to

allow an increase to maximum height and total allowable residential floor space in a mixed-use development in a Commercial zone. The Committee discussed these questions and determined that more information was required including staff providing an inventory of available industrial and residential lands.

Availability of Industrial Lands

The first request from PAC/HAC was to provide an overview of the industrial land available in WHRM.

West Hants Regional Municipality encompasses 309,672.5 acres (1253.2 sq. km.) (Census profile 2016). Based on estimates made through an analysis of all industrially zoned properties in the Region, there is an approximate total of 650.22 acres of industrial land. This corresponds to approximately 0.2% of the land area of the Region. This includes the Joint Industrial Park, Windsor Industrial Park, lots in rural areas zoned Industrial (M), Hamlet Industrial (M-2), and Resource Industrial (M-1). Of that total, 177.35 acres of industrial designated or zoned land does not currently have an assigned civic number or otherwise appears vacant when cross referencing with orthophotos and site visits (Figure 4). This equates to 27% of the Industrial land within our Region. It is important to note that it is possible that some of the properties included in this inventory may be vacant or undesirable for development due to present conditions on the property.

Based on the WHRM Industrial mapping (Figure 2), there are distinct clusters of industrial land in Hantsport, Windsor, and Falmouth. There is also a number of industrial lots spread out located along Highway 101, as well as some sparsely located along Highway 215. Industrially zoned land with no civic address assigned appears to be vacant and available throughout the Region as a whole. There appears to be a number of lots available in Hantsport, Falmouth, and the Joint Industrial Park. Certain properties in the Joint Industrial Park are likely unsuitable for industrial development due to their lot shape and size. Certain properties in the Windsor Industrial Park may also be designated Dykeland, making them unsuitable for industrial development. The only other developable industrially zoned land near the subject lot is located at the end of Cole Drive and is currently vacant. It is unlikely that allowing a residential use on the subject lot would affect the ability of nearby industrial land to be developed but it may change the use of existing Industrial buildings when owners change or consider repurposing. However, permitting a change from industrial to residential will set a precedent for future applications similar to this one.

Availability of Commercial Lands in Windsor's Downtown

During the discussion by PAC/HAC there were comments on whether allowing commercial/residential development in the Industrial areas would affect the downtown area in Windsor.

To find information regarding the availability of commercial space in Windsor's downtown, I spoke with the Manager of Community Economic Development and a representative from the Windsor Township. There is no formal record kept by either the Municipality or the Township which indicates the availability of commercial space. The Manager of Community Economic Development performed a site visit and determined that there were four properties available

on Gerrish Street, two on Water Street, and one on Albert Street. The representative from Windsor Township had stated that not all of the available commercial spaces in the downtown are suitable for use. Some commercial units are in disrepair that may not be seen on the surface, while other units do not have a responsive property owner to coordinate rental agreements.

Availability of Residential Lands in Windsor

Another part of the discussion during the PAC/HAC meeting was whether there was already an abundance of residential land for mixed use development.

Looking at the residentially zoned properties in Windsor (Figure 5), there appears to be only a small number of available properties which are zoned for higher density residential development and all of them are smaller in size than the subject lot. The rest of the available residential properties would require a development agreement to accommodate higher density development. Certain properties are not zoned or designated for residential uses but allow for residential development through development agreement only (Figure 6). Of those properties, there are only a small number which are a similar size as the subject lot.

Inquiries for Industrial Lands

I sought information regarding inquiries for industrial uses to be located in the Region from the Chief Administrative Officer (CAO), the Manager of Community Economic Development, and an Economic Development Officer with the Valley Regional Enterprise Network (REN). Both the CAO and the Manager of Community Economic Development had not received many inquiries regarding new or expanding industrial uses in the previous two years. It should be noted that this may be due to the pandemic. Of the few inquiries received by the Municipality for industrial land, the only one that was actively seeking a new use was for a property located on the Hants Shore and only one business in the Industrial Park was considering expanding. Other discussions surrounding industrial lands were mainly focused on the lack of interest by certain owners to develop or sell their vacant parcels and concern with the lack of available 'shovel ready' industrial lands. Of the inquiries received by the Valley REN, most did not require or prefer industrial space for their business. There was some interest in industrial space located near Highway 101, but the proprietor was unable to find a suitable space. There were also reports that the pandemic had interrupted plans for some of these businesses.

PID 45366457

This property is included in the recommendations in this report as there is another application (File # 22-17) to consider rezoning the West Hants portion of this lot and the West Hants portion of PID 45190386, the larger lot to the west of this PID to allow residential development. The West Hants portion of PID 45366457 is being considered to be rezoned to Multiple Unit Residential (R-3) as part of that application. Although present WHMPS policies would permit the rezoning without a change in designation, it would be reasonable to consider amending the designation of this entire lot in conjunction with the application on Cole Drive to align with the intended residential use of the lot and avoid separating the proposed residential developments by a small lot within the Joint Industrial designation. PID 45366457 is highlighted in Figure 7.

NEXT STEPS

In response to this report, the PAC/HAC may:

- recommend holding a Public Information Meeting to consider:

Windsor Portion

- amending the map of the Windsor Municipal Planning Strategy to include PIDs 45366432 and 45366457 in the Residential designation and amending the map of the Windsor Land Use By-law to include PIDs 45366432 and 45366457 in the Two Unit Residential (R-2) zone; and

West Hants Portion

- amending the map of the West Hants Municipal Planning Strategy to include PIDs 45366432 and 45366457 in the Three Mile Plains Growth Centre and the Residential Designation, as well as amending the map of the West Hants Land Use By-law to include PID 45366432 in the Multiple Unit Residential (R-3) zone.

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- amending the text of the Windsor and West Hants Municipal Planning Strategies and Land Use By-laws to allow Council to consider mixed-use commercial and residential development by development agreement in the Joint Industrial Park designation, based on criteria established in a new policy;
- recommend Council not move forward with this application; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	Subject Lot Context Map
Figure 2	West Hants Regional Municipality Industrial Zones (Without Civic Numbers Assigned)
Figure 3	Hantsport Industrial Zones (Without Civic Numbers Assigned)
Figure 4	West Hants Regional Municipality Industrial Spreadsheet
Figure 5	Windsor Residential Zones (Without Civic Numbers Assigned)
Figure 6	Windsor Residential Development Only Permitted by DA (Without Civic Numbers Assigned)
Figure 7	Additional Property in Recommendation Context Map (PID 45366457)

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – Subject Lot Context Map (PID 45366432)



Figure 2 – West Hants Regional Municipality Industrial Zones (Without Civic Numbers Assigned)

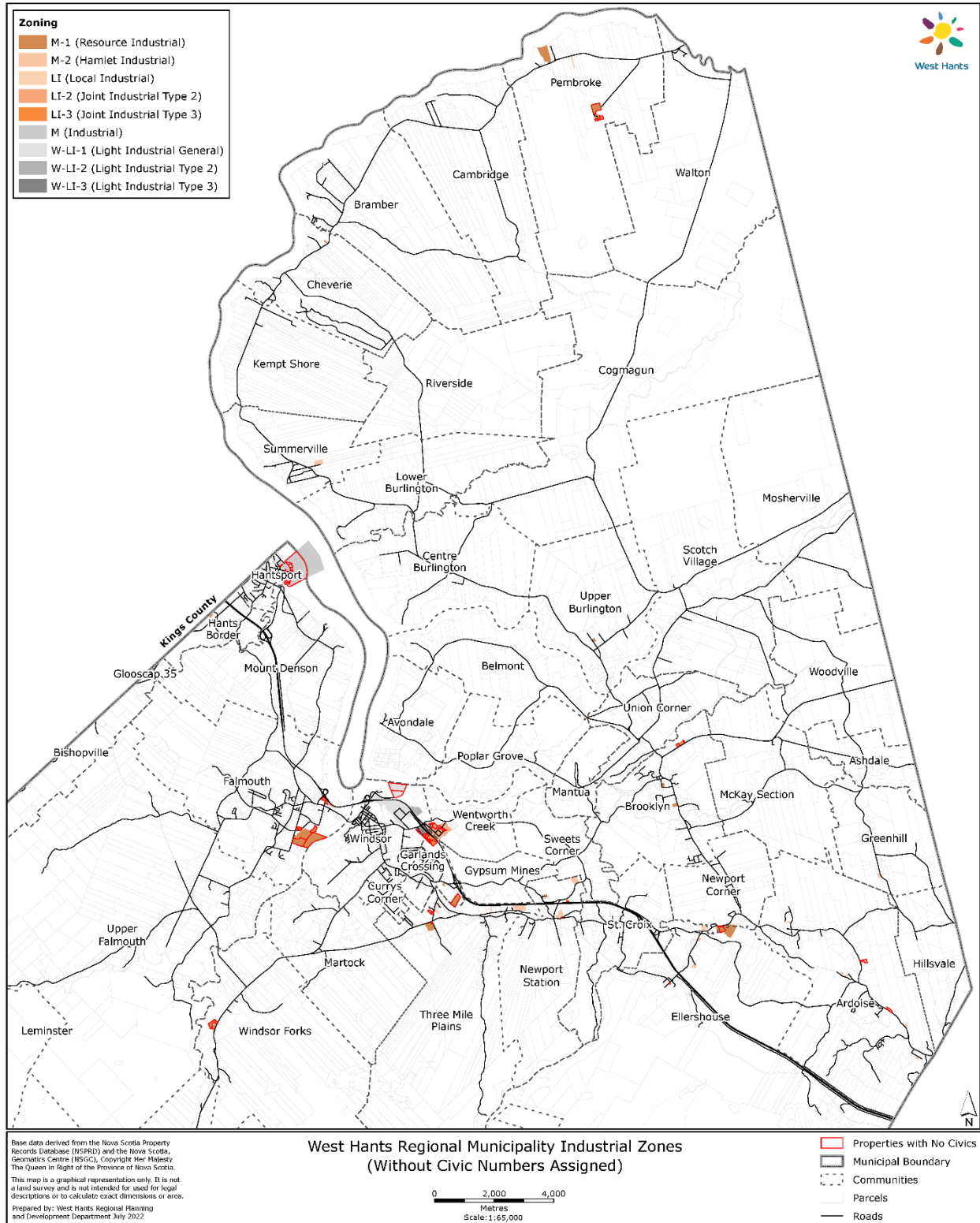


Figure 3 – Hantsport Industrial Zones (Without Civic Numbers Assigned)

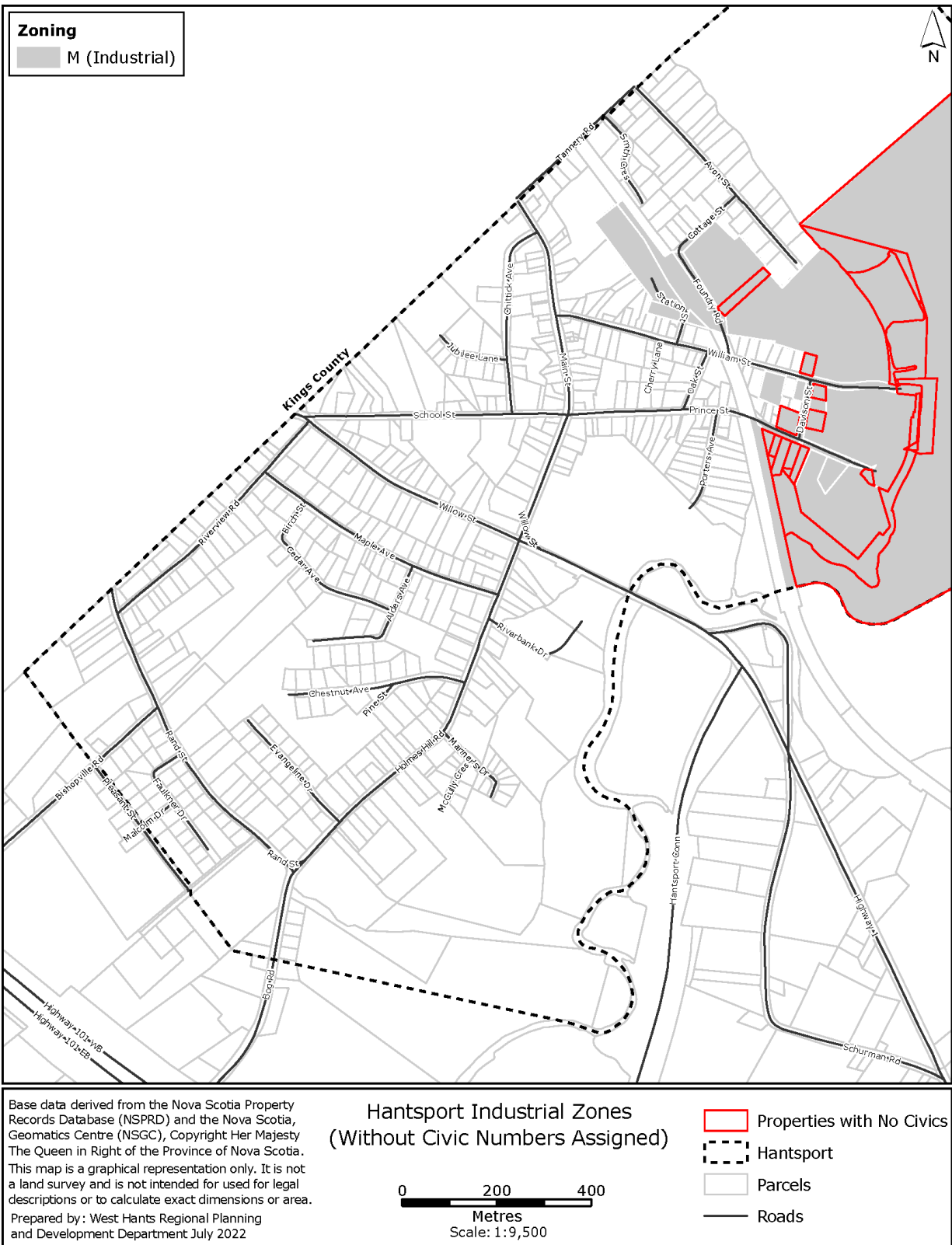


Figure 4 – West Hants Regional Municipality Industrial Spreadsheet

See attached document

PID	CIVNUMBER	STREET	ST_TYPE	CITY	LOC	ACRES	Total Industrial Land	650.22
45190378		MORISON	DR	WENTWORTH CREEK	MORISON DR	LOT EFG WENTWORTH CREEK	INDUSTRIAL	5.78
45197803		MORISON	DR	WENTWORTH CREEK	MORISON DR	LOT 12 WENTWORTH CREEK	INDUSTRIAL	0.98
45075256		NO 101	HWY	WINDSOR	NO 101 HWY	WINDSOR	LAND WAREHOUSE	19.58
45248150		SANFORD	DR	WENTWORTH CREEK	SANFORD DR	WENTWORTH CREEK	LAND INDUSTRIAL	1.51
45055548		PARK	DR	WINDSOR	PARK DR	WINDSOR	LAND SERVICE	2.68
45062205		LAGOON	DR	WINDSOR	LAGOON DR	LOT D WINDSOR	INDUSTRIAL	0.91
45062189		CENTENNIAL	DR	WINDSOR	CENTENNIAL DR	LOT E WINDSOR	INDUSTRIAL	1.21
45347150		SANFORD	DR	WENTWORTH CREEK	SANFORD DR	LOT H WENTWORTH CREEK	INDUSTRIAL	1.27
45062239		PARK	DR	WINDSOR	PARK DR	LOT B WINDSOR	INDUSTRIAL	2.34
45209053		TRECOTHIC	DR	WINDSOR	TRECOTHIC DR	LOT JL-2 WINDSOR		1.09
45209061		TRECOTHIC	DR	WINDSOR	TRECOTHIC DR	LOT JL-1 WINDSOR		1.05
45413416		IVEY	LANE	WENTWORTH CREEK	IVEY LANE	LOT 45A2 WENTWORTH CREEK	INDUSTRIAL	1.4
45055282		COLE	DR	WINDSOR	COLE DR	WINDSOR	LAND	1.83
45395514		IVEY	LANE	WENTWORTH CREEK	IVEY LANE	LOT 28A WENTWORTH CREEK	INDUSTRIAL	0.29
45055605		CENTENNIAL	DR	WINDSOR	CENTENNIAL DR	WINDSOR	LAND INDUSTRIAL	0.86
45366432		COLE	DR	WINDSOR	COLE DR	LOT 1 & 2 WINDSOR	INDUSTRIAL	4.29
45366408		COLE	DR	WINDSOR	COLE DR	WINDSOR	LAND INDUSTRIAL	0.59
45366440		COLE	DR	GARLANDS CROSSING	COLE DR	GARLANDS CROSSING	LAND INDUSTRIAL	6.72
45280088		OLD BROOKLYN	RD	THREE MILE PLAINS	OLD BROOKLYN RD	BLOCK 1CD THREE MILE PLAINS		17.84
45388907		HIGHWAY 1	HWY	THREE MILE PLAINS	HIGHWAY 1 HWY	THREE MILE PLAINS	LAND GARAGE	0.13
45003167		THREE MILE PLAINS CROSS	RD	THREE MILE PLAINS	THREE MILE PLAINS CROSS RD	LOT 1 PORT THREE MILE PLAINS		0.28
45003076		THREE MILE PLAINS CR	RD	THREE MILE PLAN	THREE MILE PLAINS CR RD	LOT 3 THREE MILE PLAN		0.34
45002847		THREE MILE PLAINS CR	RD	THREE MILE PLAINS	106 THREE MILE PLAINS CR RD	THREE MILE PLAINS	LAND	3.21
45002508		NO 1	HWY	THREE MILE PLAINS	NO 1 HWY	LOT HL-4A THREE MILE PLAINS	BUILDING	0.98
45191749								0.73
45191731								2.22
45379534								0.15
45322419								1.13
45359825								0.32
45413598								1.12
45367281		DRESSER MINERALS	RD	PEMBROKE	DRESSER MINERALS RD	PEMBROKE	LAND	18.47
45367281		DRESSER MINERALS	RD	PEMBROKE	DRESSER MINERALS RD	PEMBROKE	LAND	5.45
45044948		FOUNDRY	RD	HANTSPORT	10 FOUNDRY RD	HANTSPORT	LAND SPORTS PARK	4.05
45044930		FOUNDRY	RD	HANTSPORT	FOUNDRY RD	HANTSPORT	LAND	0.7
45228137		WILLIAM	ST	HANTSPORT	WILLIAM ST	PARCEL 4 HANTSPORT	SHIP REPAIR	1.38
45364080		STATION	LANE	FALMOUTH	STATION LANE	FALMOUTH	LAND	3.09
45364031		NO 101	HWY	FALMOUTH	NO 101 HWY	FALMOUTH	LAND RAILWAY	0.18
45228137		WILLIAM	ST	HANTSPORT	WILLIAM ST	PARCEL 4 HANTSPORT	SHIP REPAIR	0.39
45085909		WILLIAM	ST	HANTSPORT	WILLIAM ST	PARCEL 4 HANTSPORT	SHIP REPAIR	0.34
45043775		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.52
45048121		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.19
45043668		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.18
45043676		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.42
45043684		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.29
45043692		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.32
45333671		PRINCE	ST	HANTSPORT	PRINCE ST	LOT CKF1995- HANTSPORT	PULP & PAPER	6.1
45333689		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	4.71
45407897		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.07
45384302								0.15
45406030		HIGHWAY 14		WINDSOR FORKS	HIGHWAY 14	LOT B-1 WINDSOR FORKS		2.68
45282555		HIGHWAY 14		WINDSOR FORKS	HIGHWAY 14	LOT GSCP-1 WINDSOR FORKS	INDUSTRIAL	6.45
45414489		GABRIEL	RD	FALMOUTH	GABRIEL RD	LOT 1 FALMOUTH		22.15
45199510		MOUNTAIN	RD	THREE MILE PLAINS	MOUNTAIN RD	LOT JWM-1 THREE MILE PLAINS		0.62
45015187		NO 1	HWY	NEWPORT STATION	NO 1 HWY	NEWPORT STATION		0.3
45259744		MAPLE	AVE	ELLERSHOUSE	MAPLE AVE	LOT ELLERSHOUSE		0.35
45041910		NO 1	HWY	ARDOISE	NO 1 HWY	LOT 1 ARDOISE		2.77
45203874		NO 1	HWY	ELLERSHOUSE	NO 1 HWY	ELLERSHOUSE	LAND	0.72
45013372		NO 1	HWY	NEWPORT CORNER	NO 1 HWY	NEWPORT CORNER	LAND	7.73
45275344		NO 1	HWY	ARDOISE	NO 1 HWY	LOT B ARDOISE		3.75
45366010		0 WENTWORTH	RD	WINDSOR	WENTWORTH RD	WINDSOR	LAND	1.5
45190865		0 CENTENNIAL	DR	WINDSOR	CENTENNIAL DR	WINDSOR	LAND	1.29
45200623		10 IVEY	LANE	WENTWORTH CREEK	10 IVEY LANE	LOT 8A WENTWORTH CREEK	WAREHOUSE	1.05
45055514		101 INDUSTRIAL	DR	WINDSOR	101 INDUSTRIAL DR	LOT JL-3 WINDSOR	RETAIL/OFFICE	1.6
45198421		103 MORISON	DR	WENTWORTH CREEK	103 MORISON DR	LOT 14-15 WENTWORTH CREEK	TRANS TERMINAL	2.25
45293784		103 CENTENNIAL	DR	WINDSOR	103 CENTENNIAL DR	LOT Z1-A WINDSOR	WAREHOUSE	1.72
45055571		104 CENTENNIAL	DR	WINDSOR	104 CENTENNIAL DR	LOT H WINDSOR	WAREHOUSE	1.06
45230729		108 FALMOUTH BACK	RD	FALMOUTH	108 FALMOUTH BACK RD	LOT BH-4 FALMOUTH	SMALL BUSINESS	0.68
45292653		11 COLE	DR	WINDSOR	11 COLE DR	WINDSOR	LAND GROCERY STORE	6.23
45229481		11 IVEY	LANE	WENTWORTH CREEK	11 IVEY LANE	LOT 16-17 WENTWORTH CREEK	INDUSTRIAL	2.32
45062106		112 CENTENNIAL	DR	WINDSOR	112 CENTENNIAL DR	LOT G WINDSOR	SERVICE	1.07
45212552		12 BONNIE	LANE	NEWPORT STATION	12 BONNIE LANE	PARCEL A PORT NEWPORT STATION	DWELLING GARAGE	4.72
45003084		12 THREE MILE PLAINS CROSS	RD	THREE MILE PLAINS	12 THREE MILE PLAINS CROSS RD	LOT 2 THREE MILE PLAINS	DWELLING	0.34
45037173		12 STATION	LANE	FALMOUTH	12 STATION LANE	LOT B FALMOUTH	BULK STORAGE	0.6
45201621		120 MORISON	DR	WENTWORTH CREEK	120 MORISON DR	LOT 11 WENTWORTH CREEK	WAREHOUSE	1.77
45062171		120 CENTENNIAL	DR	WINDSOR	120 CENTENNIAL DR	LOT F WINDSOR	BOWLING	1.09
45055621		125 CENTENNIAL	DR	WINDSOR	125 CENTENNIAL DR	WINDSOR	LAND INDUSTRIAL	0.79
45059698		133 CENTENNIAL	DR	WINDSOR	133 CENTENNIAL DR	WINDSOR	LAND	5.35
45198439		140 MORISON	DR	WENTWORTH CREEK	140 MORISON DR	LOT 10 WENTWORTH CREEK	POLICE	2.1
45168143		140 OLD WALTON	RD	UP BURLINGTON	140 OLD WALTON RD	LOT A UP BURLINGTON	DWELLING SERVICE	3.38
45191715		144 WILLIAMS	RD	ELLERSHOUSE	144 WILLIAMS RD	LOT 2-Z ELLERSHOUSE	DWELLING GARAGE	2.54
45015179		15 OLD HALIFAX	RD	NEWPORT STATION	15 OLD HALIFAX RD E	NEWPORT STATION	LAND GARAGE	1.82
45009990		15 MAPLE	AVE	ELLERSHOUSE	15 MAPLE AVE	LOT 2 ELLERSHOUSE	DWELLING GARAGE	0.5
45075389		155 TOWN	RD	FALMOUTH	155 TOWN RD	FALMOUTH	CEMETERY BUILDING	6.29
45193190		16 NELSON	ST	WENTWORTH CREEK	16 NELSON ST	LOT 45A1 WENTWORTH CREEK	WAREHOUSE	2.63
45048196		16 STATION	ST	HANTSPORT	16 STATION ST	LOT 1 HANTSPORT		3.35
45213691		173 AYLWARD	RD	FALMOUTH	173 AYLWARD RD	FALMOUTH	LAND DWELLING BUILDING GARAGE	0.93
45060027		1736 WENTWORTH	RD	NEWPORT STATION	1736 WENTWORTH RD	NEWPORT STATION	LAND INDUSTRIAL	12.65
45008687		1879 WENTWORTH	RD	NEWPORT STATION	1879 WENTWORTH RD	LOT 1&2 NEWPORT STATION	DWELLING BUILDINGS GARAGE	1.21
45169638		1888 BELMONT	RD	BELMONT	1888 BELMONT RD	BELMONT	LAND DWELLING BUILDING	2.03
45202215		19 SANFORD	DR	WENTWORTH CREEK	19 SANFORD DR	LOT 2 WENTWORTH CREEK	TELECOM	0.83
45246329		19 BONNIE	LANE	NEWPORT STATION	19 BONNIE LANE	LOT 94-2A NEWPORT STATION	DWELLING GARAGE	3.3
45181609		197 NUNN	RD	SUMMERVILLE	197 NUNN RD	SUMMERVILLE	LAND DWELLING GARAGE	0.92
45403946		1989 WENTWORTH	RD	NEWPORT STATION	1989 WENTWORTH RD	LOT A NEWPORT STATION	DINING	8.73
45282076		199 MUSGRAVE	RD	SUMMERVILLE	199 MUSGRAVE RD	LOT X SUMMERVILLE	FORESTRY	10.73
45044252		2 DAVISON	ST	HANTSPORT	2 DAVISON ST	HANTSPORT	LAND	0.22
45274198		20 PARK	DR	WINDSOR	20 PARK DR	LOT 1A WINDSOR	INDUSTRIAL	2.95
45341716		20 IVEY	LANE	WENTWORTH CREEK	20 IVEY LANE	LOT 27A-07 WENTWORTH CREEK	RESEARCH	5.92
45056561		212 COLONIAL	RD	WINDSOR	212 COLONIAL RD	WINDSOR	LAND	17.42
45347077		232 WENTWORTH	RD	WINDSOR	232 WENTWORTH RD	LOT 5 WINDSOR	GAS STATION	1.11
45333150		24 STATION	LANE	FALMOUTH	24 STATION LANE	LOT FW-1234 FALMOUTH	WAREHOUSE	1.04
45219797		244 WENTWORTH	RD	WINDSOR	244 WENTWORTH RD	PARCEL TOW-1 WINDSOR		0.09
45356011		255 WOODVILLE	RD	GREENHILL	255 WOODVILLE RD	LOT MD-1 GREENHILL	SMALL BUSINESS	3.27
45016672		257 OLD HALIFAX	RD	THREE MILE PLAINS	257 OLD HALIFAX RD W	THREE MILE PLAINS	LAND SERVICE	14.1
45213600		26 MORISON	DR	WINDSOR	26 MORISON DR	LOT 18 WINDSOR	RETAIL/OFFICE	0.72

45030285	273 TOWN	RD	FALMOUTH	273 TOWN RD	FALMOUTH	LAND INCORP FARM	34.98
45062213	29 PARK	DR	WINDSOR	29 PARK DR	LOT B-2 WINDSOR	SELF STORAGE	1.58
45405917	290 TOWN	RD	FALMOUTH	290 TOWN RD	FALMOUTH	LAND INCORP FARM	1.18
45405933	290 TOWN	RD	FALMOUTH	290 TOWN RD	FALMOUTH	LAND INCORP FARM	0.44
45030319	290 TOWN	RD	FALMOUTH	290 TOWN RD	FALMOUTH	LAND INCORP FARM	2.22
45055464	295 WENTWORTH	RD	WINDSOR	295 WENTWORTH RD	LOT 2 WINDSOR	TELECOM	12.47
45062197	3 LAGOON	DR	WINDSOR	3 LAGOON DR	WINDSOR	SEWAGE/WATER TREATMENT FACILITIES	14.29
45000387	3 BOWMAN	RD	GARLANDS CROSSING	3 BOWMAN RD	GARLANDS CROSSING	LAND WAREHOUSE	0.19
45056447	368 NESBITT	ST	WINDSOR	368 NESBITT ST	WINDSOR	LAND RES/COM MIX	4.87
45025624	37 BEECH BROOK	RD	ARDOISE	37 BEECH BROOK RD	ARDOISE	LAND DWELLING GARAGE	2
45294907	37 MORISON	DR	WINDSOR	37 MORISON DR	LOT 1A WINDSOR	RETAIL/OFFICE	0.87
45030442	380 TOWN	RD	FALMOUTH	380 TOWN RD	LOT A1 FALMOUTH	DWELLING BUILDINGS	1.04
45406063	3891 HIGHWAY 14		WINDSOR FORKS	3891 HIGHWAY 14	LOT B-4 WINDSOR FORKS	INDUSTRIAL	4.09
45406055	3899 HIGHWAY 14		WINDSOR FORKS	3899 HIGHWAY 14	LOT B-3 WINDSOR FORKS	INDUSTRIAL	0.93
45406048	3901 HIGHWAY 14		WINDSOR FORKS	3901 HIGHWAY 14	LOT B-2 WINDSOR FORKS	DWELLING BUILDING	1.13
45067923	4 IVEY	LANE	WENTWORTH CREEK	4 IVEY LANE	LOT 9 WENTWORTH CREEK	OFFICE BUILDING	1.26
45003019	40 THREE MILE PLAINS CROSS	RD	THREE MILE PLAINS	40 THREE MILE PLAINS CROSS	RD THREE MILE PLAINS	LAND DWELLING SMALL BUSINESS	1.28
45293743	41 MORISON	DR	WINDSOR	41 MORISON DR	LOT B WINDSOR	SERVICE	1.07
45033958	41 BEN JACKSON	RD	HANTS BORDER	41 BEN JACKSON RD	LOT MH-2 HANTS BORDER	DWELLINGS SMALL BUSINESS	41 BEN JACKSON RD 4.37
45055555	43 TRECOTHIC	DR	WINDSOR	43 TRECOTHIC DR	LOT A WINDSOR	WAREHOUSE	1.55
45003126	4307 HIGHWAY 1		THREE MILE PLAINS	4307 HIGHWAY 1	THREE MILE PLAINS	LAND DWELLING	0.13
45249307	4436 HIGHWAY 1		THREE MILE PLAINS	4436 HIGHWAY 1	LOT HL-2 POR THREE MILE PLAINS	DWELLING	0.45
45272754	45 MORISON	DR	WENTWORTH CREEK	45 MORISON DR	LOT C-1 WENTWORTH CREEK	ANIMAL CLINIC	1.92
45059706	46 PARK	DR	WINDSOR	46 PARK DR	WINDSOR	LAND WAREHOUSE	4.77
45044237	46 WILLIAM	ST	HANTSPOORT	46 WILLIAM ST	HANTSPOORT	LAND DWELLING	0.73
45043759	46 PRINCE	ST	HANTSPOORT	46 PRINCE ST	HANTSPOORT	LAND	0.62
45173382	471 DRESSER MINERALS	RD	PEMBROKE	471 DRESSER MINERALS RD	PEMBROKE	LAND MINING	7.45
45014461	48 MORISON	DR	WENTWORTH CREEK	48 MORISON DR	LOT 15 WENTWORTH CREEK	INDUSTRIAL	1.2
45017365	49 DUNLOP	RD	BROOKLYN	49 DUNLOP RD	LOT H-1 BROOKLYN	SERVICE	0.63
45059714	49 CENTENNIAL	DR	WINDSOR	49 CENTENNIAL DR	LOT K WINDSOR	WAREHOUSE	1.97
45394913	49 COLE	DR	GARLANDS CROSSING	49 COLE DR	LOT 3 GARLANDS CROSSING	OFFICE BUILDING	2.36
45044328	49 WILLIAM	ST	HANTSPOORT	49 WILLIAM ST	HANTSPOORT	LAND	0.29
45200631	5 SANFORD	DR	WENTWORTH CREEK	5 SANFORD DR	LOT 1-A1 WENTWORTH CREEK	WAREHOUSE	1.88
45333648	5 STATION	ST	HANTSPOORT	5 STATION ST	LOT 1-01 HANTSPOORT	WAREHOUSE	0.47
45234929	5 DAVISON	ST	HANTSPOORT	5 DAVISON ST	LOT 1 HANTSPOORT	PULP & PAPER	0.21
45234937	5 DAVISON	ST	HANTSPOORT	5 DAVISON ST	LOT 1 HANTSPOORT	PULP & PAPER	7.56
45044286	5 DAVISON	ST	HANTSPOORT	5 DAVISON ST	LOT 1 HANTSPOORT	PULP & PAPER	0.22
45044278	5 DAVISON	ST	HANTSPOORT	5 DAVISON ST	LOT 1 HANTSPOORT	PULP & PAPER	0.37
45228467	51 WILLIAM	ST	HANTSPOORT	51 WILLIAM ST	HANTSPOORT	LAND MINING	2.57
45044310	51 WILLIAM	ST	HANTSPOORT	51 WILLIAM ST	HANTSPOORT	LAND MINING	13.78
45228467	51 WILLIAM	ST	HANTSPOORT	51 WILLIAM ST	HANTSPOORT	LAND MINING	3.51
45228467	51 WILLIAM	ST	HANTSPOORT	51 WILLIAM ST	HANTSPOORT	LAND MINING	2.21
45014057	5568 HIGHWAY 1		ST. CROIX	5568 HIGHWAY 1	LOT 89-1EB ST. CROIX	DWELLING GARAGE	1.24
45228665	57 ELLERSHOUSE	RD	ELLERSHOUSE	57 ELLERSHOUSE RD	LOT KB-1 ELLERSHOUSE		2.18
45044443	6 STATION	ST	HANTSPOORT	6 STATION ST	LOT 2 HANTSPOORT	COMMERCIAL/APT MIX UNITS	0.2
45204120	60 MORISON	DR	WENTWORTH CREEK	60 MORISON DR	LOT 14A-1 WENTWORTH CREEK	WAREHOUSE	0.55
45010857	60 PRIVILEGE	RD	ELLERSHOUSE	60 PRIVILEGE RD	ELLERSHOUSE	LAND	4.19
45294782	6000 HIGHWAY 14		GARLANDS CROSSING	6000 HIGHWAY 14	LOT RAC-4 GARLANDS CROSSING	RETAIL/OFFICE	2.24
45218690	61 MORISON	DR	WENTWORTH CREEK	61 MORISON DR	LOT 20 WENTWORTH CREEK	SERVICE	0.99
45005782	6219 HIGHWAY 1		ELLERSHOUSE	6219 HIGHWAY 1	ELLERSHOUSE	LAND DWELLING	3.81
45190097	6229 HIGHWAY 1		ELLERSHOUSE	6229 HIGHWAY 1	LOT F-1 ELLERSHOUSE	DWELLING SMALL BUSINESS	2.65
45366390	63 COLE	DR	GARLANDS CROSSING	63 COLE DR	LOT 4 GARLANDS CROSSING	HOTEL	1.95
45013364	6310 HIGHWAY 1		NEWPORT CORNER	6310 HIGHWAY 1	NEWPORT CORNER	LAND DWELLING BUILDINGS	2.45
45013356	6398 HIGHWAY 1		NEWPORT CORNER	6398 NO 1 HWY	NEWPORT CORNER	LAND MOBILE	34.71
45061199	671 COLLIER	RD	ARDOISE	671 COLLIER RD E	ARDOISE	LAND TELECOM	2.03
45229895	6729 HIGHWAY 215		CHEVERIE	6729 HIGHWAY 215	LOT LC-1 CHEVERIE	DWELLING BUILDINGS	2.1
45270865	7 COLE	DR	WINDSOR	7 COLE DR	LOT 18 WINDSOR	FAST FOOD	0.93
45199965	711 COLLIER	RD	ARDOISE	711 COLLIER RD E	ARDOISE	LAND	1.71
45193679	72 IVEY	LANE	WENTWORTH CREEK	72 IVEY LANE	PARCEL X WENTWORTH CREEK	TELECOM	0.33
45218708	73 MORISON	DR	WENTWORTH CREEK	73 MORISON DR	LOT 19 WENTWORTH CREEK	SERVICE	1
45025236	7493 HIGHWAY 1		ARDOISE	7493 HIGHWAY 1	ARDOISE	LAND TELECOM	2.45
45055522	75 TRECOTHIC	DR	WINDSOR	75 TRECOTHIC DR	WINDSOR	LAND INDUSTRIAL	3.45
45018595	76 IVEY	LANE	WENTWORTH CREEK	76 IVEY LANE	LOT 31 PORT WENTWORTH CREEK	GROW OPERATION	9.27
45148731	76 MORISON	DR	WENTWORTH CREEK	76 MORISON DR	LOT 14A-23 WENTWORTH CREEK	MUNICIPAL BLDG	1.38
45055597	79 CENTENNIAL	DR	WINDSOR	79 CENTENNIAL DR	WINDSOR	LAND WAREHOUSE	1.8
45100724	79 OLD HALIFAX	RD	THREE MILE PLAINS	79 OLD HALIFAX RD W	LOT G-4 THREE MILE PLAINS	DWELLING GARAGE	2.05
45001245	798 WINDSOR BACK	RD	THREE MILE PLAINS	798 WINDSOR BACK RD	THREE MILE PLAINS	LAND DWELLING BUILDING	0.18
45062221	8 PARK	DR	WINDSOR	8 PARK DR	LOT B-1 WINDSOR	SELF STORAGE	1.7
45044377	80 DUNLOP	DR	BROOKLYN	80 DUNLOP RD	BROOKLYN	LAND WAREHOUSE	3.27
45060266	80 ROBERT	DR	ARDOISE	80 ROBERT DR	LOT 20-18 ARDOISE	DWELLING SMALL BUSINESS	1.15
45206505	8061 HIGHWAY 1		ARDOISE	8061 HIGHWAY 1	LOT CA ARDOISE	DWELLING GARAGE	1.8
45061132	8105 HIGHWAY 14		BROOKLYN	8105 HIGHWAY 14	BROOKLYN	LAND	4.06
45055563	82 CENTENNIAL	DR	WINDSOR	82 CENTENNIAL DR	LOT J WINDSOR	WAREHOUSE	1.39
45002938	83 THREE MILE PLAINS CR	RD	THREE MILE PLAINS	83 THREE MILE PLAINS CR	RD THREE MILE PLAN	LAND DWELLING BUILDINGS GARAGE	3.84
45196698	834 WINDSOR BACK	RD	THREE MILE PLAINS	834 WINDSOR BACK RD	THREE MILE PLAINS	LAND INCORP FARM	15.72
45019601	853 HIGHWAY 215		BROOKLYN	853 HIGHWAY 215	LOT B BROOKLYN	WAREHOUSE	4.98
45227923	88 SANFORD	DR	WENTWORTH CREEK	88 SANFORD DR	LOT 30A-1 WENTWORTH CREEK	GROW OPERATION	2.24
45173804	8879 HIGHWAY 215		PEMBROKE	8879 HIGHWAY 215	PEMBROKE	LAND DWELLING BUILDINGS	39.24
45270840	9 COLE	DR	WINDSOR	9 COLE DR	LOT 2 WINDSOR	FAST FOOD	1.08
45283603	90 SANFORD	DR	WENTWORTH CREEK	90 SANFORD DR	LOT 24AC-1 WENTWORTH CREEK	INDUSTRIAL	90 SANFORD DR 3.1
45173598	9048 HIGHWAY 215		PEMBROKE	9048 HIGHWAY 215	PEMBROKE	LAND DWELLING BUILDINGS GARAGE	4.22
45262086	93 INDUSTRIAL	DR	WINDSOR	93 INDUSTRIAL DR	LOT JL-4 WINDSOR	AUTO SALES	2.02
45059730	93 CENTENNIAL	DR	WINDSOR	93 CENTENNIAL DR	WINDSOR	LAND SERVICE	1.31
45062114	98 CENTENNIAL	DR	WINDSOR	98 CENTENNIAL DR	LOT I WINDSOR	SERVICE	1.11
45201613	98 MORISON	DR	WENTWORTH CREEK	98 MORISON DR	LOT 13A WENTWORTH CREEK	SERVICE	1.48

Figure 5 – Windsor Residential Zones (Without Civic Numbers Assigned)



Figure 6 – Windsor Residential Development Permitted Only by DA (Without Civic Numbers Assigned)



[illegible]

Attachment C – Public Information Meeting Notes

October 13 - October 28, 2022

File 22-05: Cole Drive, Garlands Crossing/Windsor (PID 45366432) Windsor and West Hants Planning Document Amendments

Meeting date and time	A public information meeting was held on October 13, 2022 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-05
Attending	In attendance: One (1) Councillor: • Councillor Jim Ivey Four (4) members of staff: • Director LeMay • Planner Poirier • Planner Dunphy • Meeting Secretary Lake No members of the public were present for this meeting.
Applicant Darren Shupe, Brighter Community Planning on behalf of Mainland South Investments Property PID 45366432 Cole Drive, Windsor	Planner Dunphy outlined the application to allow a proposed development consisting of two 4-storey buildings in two parts by first amending both the Windsor and West Hants Municipal Planning Strategies and Land Use By-laws, then considering the proposal by development agreement.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between October 13 – October 28, 2022. No comments were received from the public.
Adjournment	The presentation portion of the PIM ended at approximately 6:10 p.m.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: November 22nd, 2022

Subject: Windsor MPS and LUB Amendments: PID 45366432 Cole Drive, Garlands Crossing/Windsor; File #22-05A

LEGISLATIVE AUTHORITY

Municipal Government Act Sections 205 & 210

RECOMMENDATION

If Council wishes to proceed to a Public Hearing the following motion would be in order:

... that Council gives First Reading and will hold a Public Hearing to consider amending the Generalized Future Land Use Map of the Windsor Municipal Planning Strategy to include PIDs 45366432 and 45366457 in the Residential designation and amending the zoning map of the Windsor Land Use By-law to include PIDs 45366432 and 45366457 in the Two Unit Residential (R-2) zone.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received from Darren Shupe of Brighter Community Planning on behalf of the property owner, Mainland South Investments, on June 15th, 2022 to request two 4-storey, mixed-use apartment buildings containing a total of 84 dwelling units at PID 45366432 Cole Drive, Windsor.

DISCUSSION

A Public Information Meeting was held on October 13th, 2022.

The public comment period ended on October 28th with no comments received from the public.

On November 10th, 2022, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The committee then discussed the implications of the subject lot being removed from potential industrial development.

During the November 10th meeting, PAC/HAC recommended in favour of the application.

NEXT STEPS

The proposed amendments have been considered based on the Windsor Municipal Planning Strategy and have proven consistent with the intent, objectives, and policies of the Planning Strategy. As a result, it is reasonable to consider amending the Municipal Planning Strategy and Land use By-law.

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality with regard to the filing of this report.

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A	2022-11-10 Staff Report - Windsor MPS and LUB Amendments: PID 45366432 Cole Drive, Garlands Crossing/Windsor; File #22-05
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CHIEF ADMINISTRATIVE OFFICER REVIEW

The comments made in the report by Planner Dunphy are in alignment with the intent of the existing Planning Strategy. This of course is something Council should continue to reflect upon to ensure it meets the intent of current Council members.

“The proposed amendments have been considered based on the Windsor Municipal Planning Strategy and have proven consistent with the intent, objectives, and policies of the Planning Strategy. As a result, it is reasonable to consider amending the Municipal Planning Strategy and Land use By-law.” – Planner Dunphy

Recognizing it matches the existing intent expressed in the strategy I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer

**Appendix A – 2022-11-10 Staff Report - Windsor MPS and LUB Amendments: PID 45366432
Cole Drive, Garlands Crossing/Windsor; File #22-05**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: November 10th, 2022

Subject: Windsor MPS and LUB Amendments: PID 45366432 Cole Drive, Garlands Crossing/Windsor; File #22-05

LEGISLATIVE AUTHORITY

Municipal Government Act Sections 205 & 210

RECOMMENDATION

To allow the requested amendment, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

... that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Generalized Future Land Use Map of the Windsor Municipal Planning Strategy to include PIDs 45366432 and 45366457 in the Residential designation and amending the zoning map of the Windsor Land Use By-law to include PIDs 45366432 and 45366457 in the Two Unit Residential (R-2) zone.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received from Darren Shupe of Brighter Community Planning on behalf of the property owner, Mainland South Investments, on June 15th, 2022 to request two 4-storey, mixed-use apartment buildings containing a total of 84 dwelling units at PID 45366432 Cole Drive, Windsor.

PAC/HAC History

During the July 14th PAC/HAC meeting, staff presented an information report on the application for two 4-storey, mixed-use apartment buildings to be developed on Cole Drive. The Committee discussed this report and determined that more information was required, requesting staff to provide an inventory of available industrial and residential lands.

During the August 16th PAC/HAC meeting staff returned with a report with additional information and land inventory maps. The Committee determined that allowing residential uses on the property would not affect the ability of nearby industrial lands to be developed. The Committee recommended holding a Public Information Meeting for the application.

Surrounding Context

The Windsor portion of the subject lot is directly abutting other lands that are designated Joint Industrial and zoned Light Industrial Type Three (LI-3). Nearby, on the south side of Cole Drive are lands designated Residential and zoned Agriculture (AG). Existing uses in this area of the Joint Industrial designation include a grocery store which directly abuts the subject lot, as well as fast food restaurants and a gas station nearer to the intersection of Cole Drive and Wentworth Road. The 101 Highway also directly abuts the subject lot. The Residentially designated land located on the south side of Cole Drive is currently an open field.

The West Hants portion of the subject lot is directly abutting other lands that are designated Joint Industrial Park and zoned Joint Industrial Type Three (LI-3) and is nearby other lands that are designated Residential and zoned Agricultural Priority Three (AR-3). There is an office building which is currently not in use directly abutting the subject lot. Further along Cole Drive in the Joint Industrial Park designation is a hotel and a vacant lot. Highway 101 also directly abuts the subject lot. The Residentially designated land located on the south side of Cole Drive is currently an open field.

DISCUSSION

The subject lot is partially within the jurisdiction of the Windsor Municipal Planning Strategy and partially within the jurisdiction of the West Hants Municipal Planning Strategy. Due to the subject lot being split between the two planning areas, staff, the Planning and Heritage Advisory Committee, and Council must consider the planning documents for both Windsor and West Hants for any potential development on the property.

The subject lot is currently designated Joint Industrial Park on the Generalized Future Land Use Map (GFLUM) of the Windsor and West Hants Municipal Planning Strategies (MPS). This designation is a special joint effort between the former Town of Windsor and former Municipality of West Hants to create an industrially focused area close to Highway 101 on the border of the two jurisdictions. The Joint Industrial Park designation is intended to mirror policies and zoning regulations in each document for all lots within it. The subject lot is zoned Joint Industrial Type Three (LI-3) on Schedule A of the West Hants Land Use By-law and zoned Light Industrial Type Three (LI-3) on Schedule A of the Windsor LUB.

Municipal Planning Strategy Document Review

Policy 16.1.1 allows Council to review and make amendments to the Windsor Municipal Planning Strategy including the Generalized Future Land Use Map. Amendments may be considered when the Generalized Future Land Use Map is required to be changed, in order to bring the Strategy in line with the Statements of Provincial Interest, or when Council deems it necessary because of a change in policy intentions or the development environment. In this circumstance, the proposed amendments align with the Statements of Provincial Interest Regarding Housing and Infrastructure. The proposed amendment also seeks to match the pattern of development in the area surrounding Cole Drive.

Policy 16.3.1 establishes the general criteria that all amendments to the Windsor Land Use By-law must meet. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Municipal Traffic Authority have no concerns.

Nova Scotia Statements of Provincial Interest

The Statement of Provincial Interest Regarding Housing seeks to provide a wide range of housing types and opportunities to meet the needs of all Nova Scotians. The proposed development aligns with this interest as introducing a mixed-use apartment building to this area would enable a higher density of residential units to be provided for the community in an area with existing amenities.

The Statement of Provincial Interest Regarding Infrastructure seeks to make efficient use of existing municipal water supply and wastewater disposal systems. The proposed development aligns with this interest as the subject lot is currently vacant and enabling infill development would allow for effective use of existing municipal services.

NEXT STEPS

Discussion by PAC/HAC will be incorporated into the report and presentation to Council.

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality with regard to the filing of this report.

ALTERNATIVES

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1 GFLUM Extract: Current Designation

Figure 2	GFLUM Extract: Proposed Designation
Figure 3	Zoning Map Extract: Existing Zoning
Figure 4	Zoning Map Extract: Proposed Zoning
Attachment A	Policy Summary of Windsor MPS and LUB Amendments
Attachment B	File 22-05B - West Hants and Windsor MPS and LUB Amendments: Cole Drive, Garlands Crossing/Windsor - Information Report
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
 Alex Dunphy, Planner

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

Figure 1 – GFLUM Extract: Current Designation

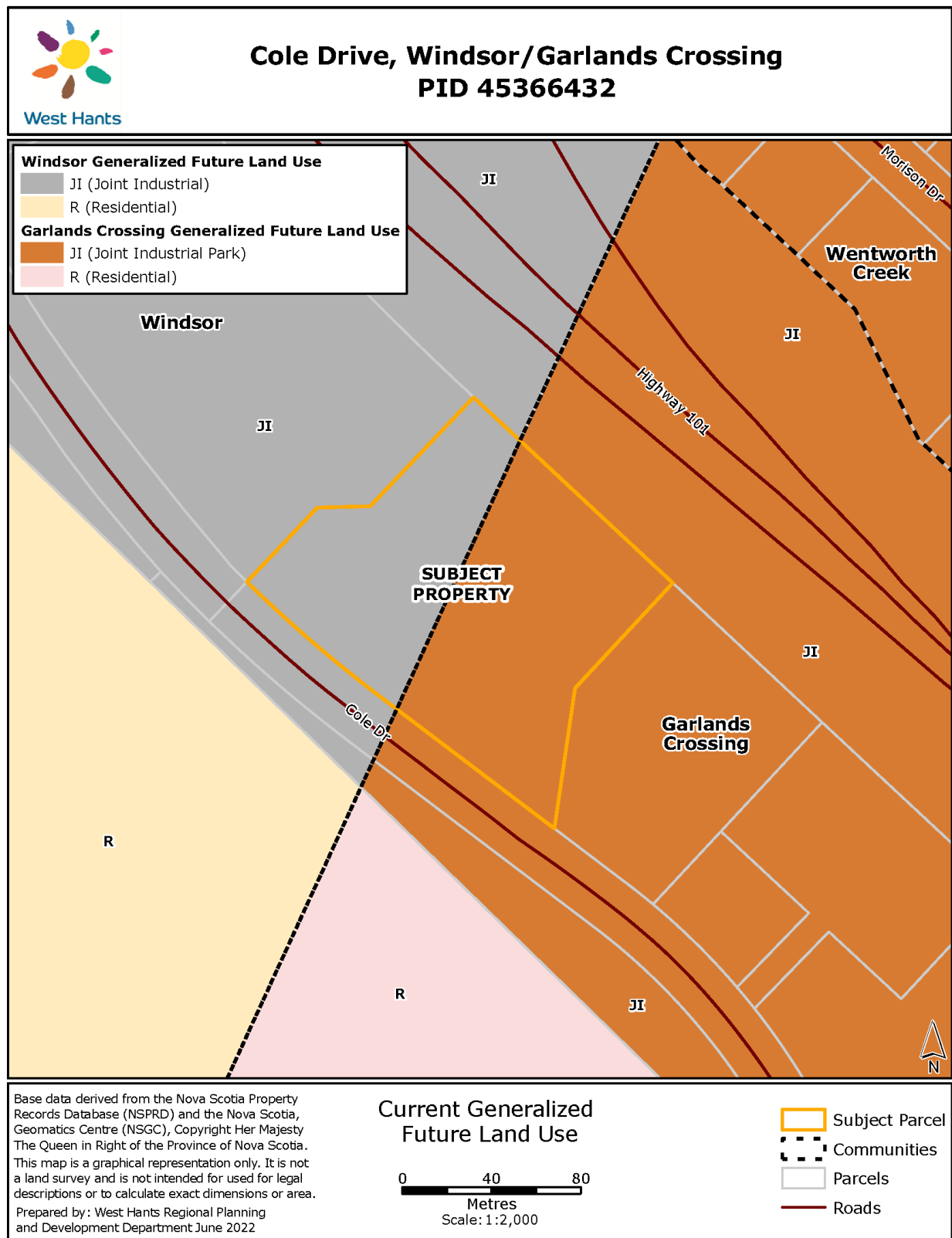


Figure 2 – GFLUM Extract: Proposed Designation

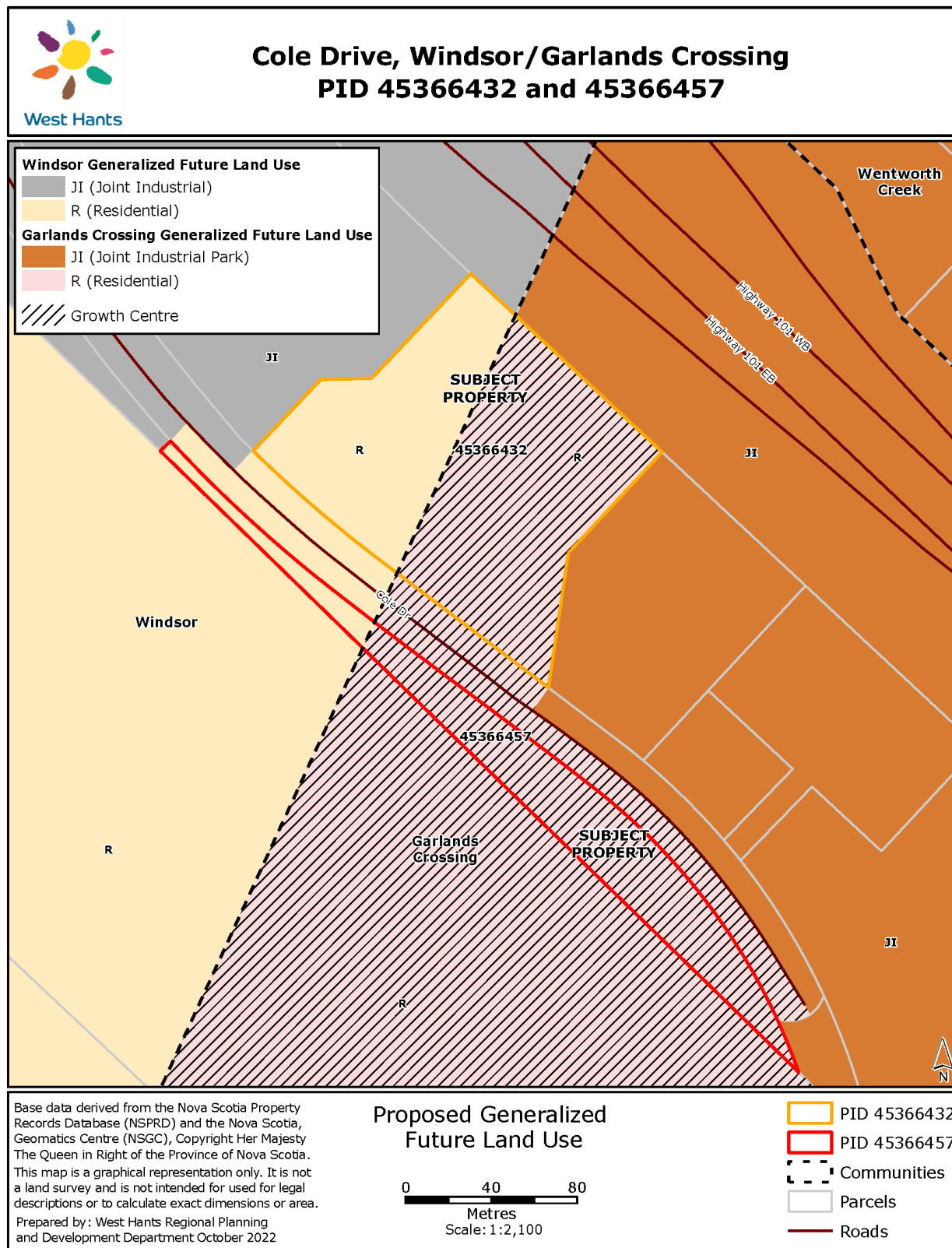


Figure 3 – Zoning Map Extract: Existing Zoning

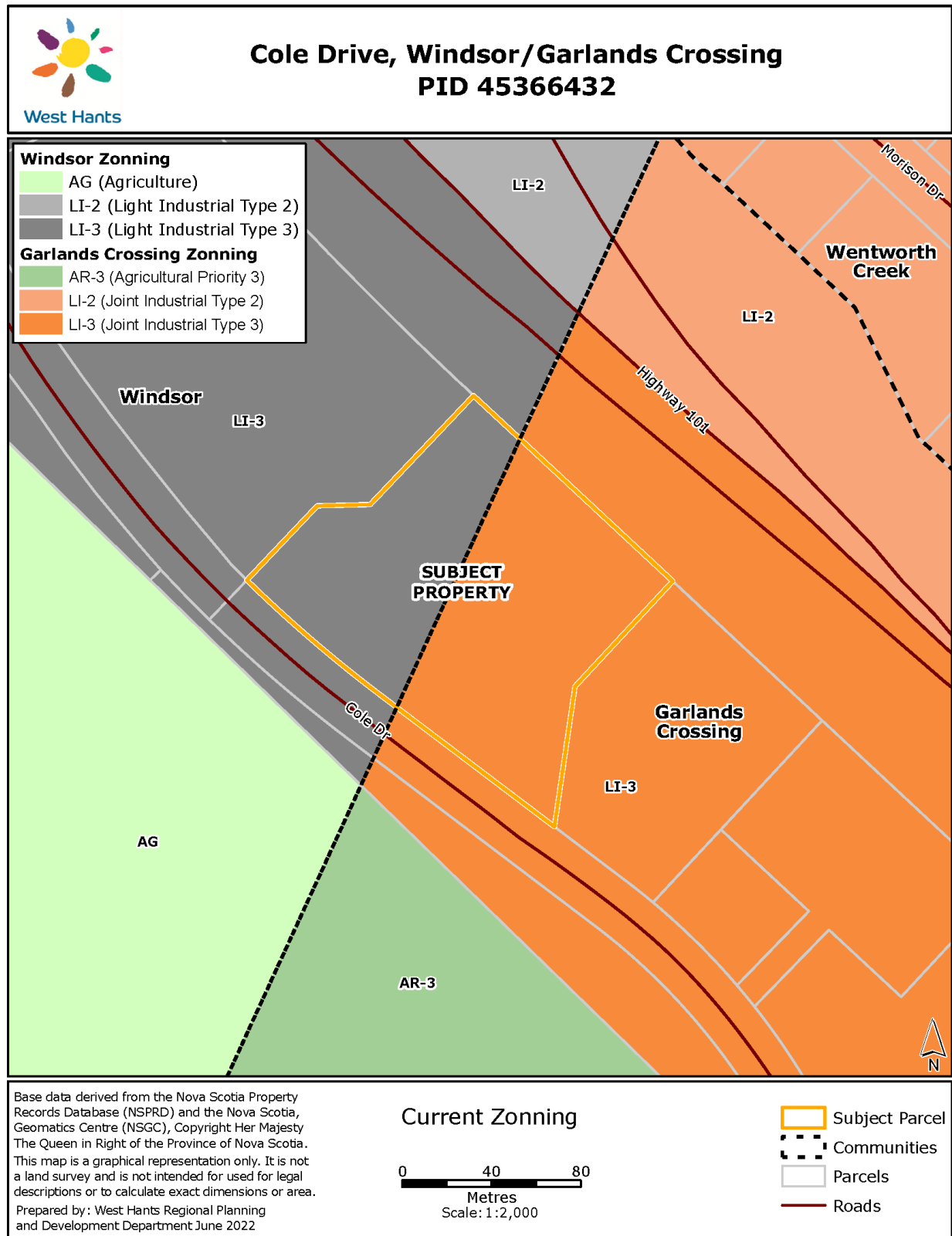
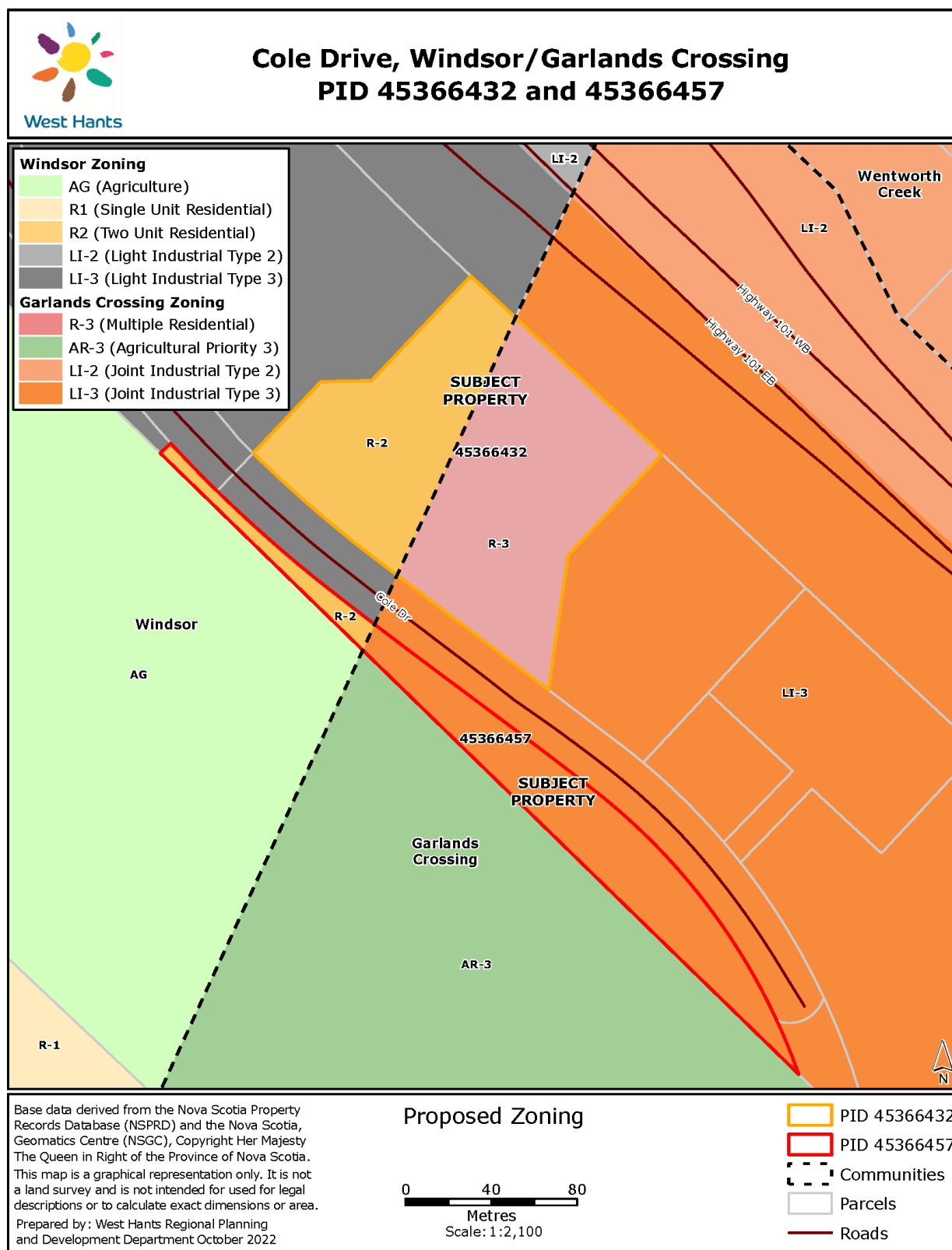


Figure 4 – Zoning Map Extract: Proposed Zoning



Attachment A – Policy Summary for Amendments to Municipal Planning Strategy and Land Use By-law

Policy 16.1.1 <i>It shall be the policy of Council to review and make amendments to this Strategy:</i>	
<i>(a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);</i>	The GFLUM will be updated Council redesignates the lot.
<i>(b) to bring the Strategy in line with Provincial Statements of Interest; or</i>	The redesignation would address the Statements of Provincial Interest with regard to housing and infrastructure.
<i>(c) when Council deems it necessary because of a change in policy intentions or the development environment.</i>	Although the area surrounding Cole Drive is considered the Joint Industrial Park, much of the existing and proposed development in the area would not be classified as 'industrial uses'. The development environment appears to be moving towards a mix of business park and residential uses.

Policy 16.3.1 <i>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:</i>	
<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 Public Works Department had no concerns with regard to the adequacy of municipal water and sewer services.
<i>(ii) the adequacy of school facilities;</i>	No impact on school facilities is anticipated.
<i>(iii) the adequacy of fire protection;</i>	The local Fire Chief and Manager of Building and Fire Inspection Services have stated that there is adequate fire protection for the building and proposed amendments.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Traffic Authority commented that there were no concerns regarding the road network.
<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 commented that the subject lot is considered to have safe roadway access to Cole Drive and has no further concerns.
<i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that there were no concerns with the dimensions and shape of the lot for the proposed amendments.
<i>(d) the pattern of development which the proposal might create;</i>	The proposal is in line with the pattern of development as other applications for properties abutting or nearby to Cole Drive to permit residential development are being considered. The Development Officer has no concerns regarding the pattern of the development.
<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 site appears to be at a higher elevation in comparison to buildings nearer to Wentworth Road. No concerns were recorded during the site visit.
<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>	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 relevant matters have been addressed in this report.

**Attachment B - File 22-05B - West Hants and Windsor MPS and LUB Amendments: Cole Drive,
Garlands Crossing/Windsor - Information Report**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☒	Recommendation ☐	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: September 8th, 2022

Subject: West Hants and Windsor MPS and LUB Amendments: Cole Drive, Garlands Crossing/Windsor

LEGISLATIVE AUTHORITY

Municipal Government Act Section 205 & 219 (2)

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received from Darren Shupe of Brighter Community Planning on behalf of the property owner, Mainland South Investments, on June 15th, 2022 to request two 4-storey, mixed-use apartment buildings containing a total of 84 dwelling units on Cole Drive, Garlands Crossing (PID 45366432) be considered through:

- (i) amendments to the West Hants Municipal Planning Strategy to allow a change in zoning to the General Commercial (GC) zone within the Joint Industrial Park designation;
- (ii) amendments to the West Hants Land Use By-law zoning map to change the zoning for the West Hants portion of the lot from Joint Industrial Type Three (LI-3) to the General Commercial (GC) zone as enabled through the new policy created above;
- (iii) amendments to the Windsor Land Use By-law zoning map to change the zoning for the Windsor portion of the lot from Light Industrial Type Three (LI-3) to the General Commercial (GC) zone as enabled through Policy 8.3.2; and

- (iv) amendments to the West Hants and Windsor Land Use By-law to increase the maximum height of the main building to 45 ft. (13.7 m.) and increase the total allowable residential floor area of the main building to 75% in the Joint Industrial Park designation.

DISCUSSION

The subject lot is partially within the jurisdiction of the Windsor Municipal Planning Strategy and partially within the jurisdiction of the West Hants Municipal Planning Strategy. Due to the subject lot being split between the two planning areas, staff, the Planning and Heritage Advisory Committee, and Council must consider the planning documents for both Windsor and West Hants for any potential development on the property.

The subject lot is currently designated Joint Industrial Park on the Generalized Future Land Use Map (GFLUM) of the Windsor and West Hants Municipal Planning Strategies (MPS). This designation is a special joint effort between the former Town of Windsor and former Municipality of West Hants to create an industrially focused area close to Highway 101 on the border of the two jurisdictions. The Joint Industrial Park designation is intended to mirror policies and zoning regulations in each document for all lots within it. The subject lot is zoned Joint Industrial Type Three (LI-3) on Schedule A of the West Hants Land Use By-law and zoned Light Industrial Type Three (LI-3) on Schedule A of the Windsor LUB.

Surrounding Context

The Windsor portion of the subject lot is directly abutting other lands that are designated Joint Industrial and zoned Light Industrial Type Three (LI-3). Nearby, on the south side of Cole Drive are lands designated Residential and zoned Agriculture (AG). Existing uses in this area of the Joint Industrial designation include a grocery store which directly abuts the subject lot, as well as fast food restaurants and a gas station nearer to the intersection of Cole Drive and Wentworth Road. The 101 Highway also directly abuts the subject lot. The Residentially designated land located on the south side of Cole Drive is currently an open field.

The West Hants portion of the subject lot is directly abutting other lands that are designated Joint Industrial Park and zoned Joint Industrial Type Three (LI-3) and is nearby other lands that are designated Residential and zoned Agricultural Priority Three (AR-3). There is an office building which is currently not in use directly abutting the subject lot. Further along Cole Drive in the Joint Industrial Park designation is a hotel and a vacant lot. Highway 101 also directly abuts the subject lot. The Residentially designated land located on the south side of Cole Drive is currently an open field.

PAC/HAC Discussion

During the July 14th PAC/HAC meeting, staff presented an information report on the application for two 4-storey, mixed-use apartment buildings to be developed on Cole Drive. Upon initial review, I had determined that there were no existing policies to allow for residential uses within the Joint Industrial Park. I had posed a number of questions to the Committee such as if the lot was suitable for a mix of residential and commercial development, if there was enough information to change the lot from potential industrial use, and if it would be reasonable to

allow an increase to maximum height and total allowable residential floor space in a mixed-use development in a Commercial zone. The Committee discussed these questions and determined that more information was required including staff providing an inventory of available industrial and residential lands.

Availability of Industrial Lands

The first request from PAC/HAC was to provide an overview of the industrial land available in WHRM.

West Hants Regional Municipality encompasses 309,672.5 acres (1253.2 sq. km.) (Census profile 2016). Based on estimates made through an analysis of all industrially zoned properties in the Region, there is an approximate total of 650.22 acres of industrial land. This corresponds to approximately 0.2% of the land area of the Region. This includes the Joint Industrial Park, Windsor Industrial Park, lots in rural areas zoned Industrial (M), Hamlet Industrial (M-2), and Resource Industrial (M-1). Of that total, 177.35 acres of industrial designated or zoned land does not currently have an assigned civic number or otherwise appears vacant when cross referencing with orthophotos and site visits (Figure 4). This equates to 27% of the Industrial land within our Region. It is important to note that it is possible that some of the properties included in this inventory may be vacant or undesirable for development due to present conditions on the property.

Based on the WHRM Industrial mapping (Figure 2), there are distinct clusters of industrial land in Hantsport, Windsor, and Falmouth. There is also a number of industrial lots spread out located along Highway 101, as well as some sparsely located along Highway 215. Industrially zoned land with no civic address assigned appears to be vacant and available throughout the Region as a whole. There appears to be a number of lots available in Hantsport, Falmouth, and the Joint Industrial Park. Certain properties in the Joint Industrial Park are likely unsuitable for industrial development due to their lot shape and size. Certain properties in the Windsor Industrial Park may also be designated Dykeland, making them unsuitable for industrial development. The only other developable industrially zoned land near the subject lot is located at the end of Cole Drive and is currently vacant. It is unlikely that allowing a residential use on the subject lot would affect the ability of nearby industrial land to be developed but it may change the use of existing Industrial buildings when owners change or consider repurposing. However, permitting a change from industrial to residential will set a precedent for future applications similar to this one.

Availability of Commercial Lands in Windsor's Downtown

During the discussion by PAC/HAC there were comments on whether allowing commercial/residential development in the Industrial areas would affect the downtown area in Windsor.

To find information regarding the availability of commercial space in Windsor's downtown, I spoke with the Manager of Community Economic Development and a representative from the Windsor Township. There is no formal record kept by either the Municipality or the Township which indicates the availability of commercial space. The Manager of Community Economic Development performed a site visit and determined that there were four properties available

on Gerrish Street, two on Water Street, and one on Albert Street. The representative from Windsor Township had stated that not all of the available commercial spaces in the downtown are suitable for use. Some commercial units are in disrepair that may not be seen on the surface, while other units do not have a responsive property owner to coordinate rental agreements.

Availability of Residential Lands in Windsor

Another part of the discussion during the PAC/HAC meeting was whether there was already an abundance of residential land for mixed use development.

Looking at the residentially zoned properties in Windsor (Figure 5), there appears to be only a small number of available properties which are zoned for higher density residential development and all of them are smaller in size than the subject lot. The rest of the available residential properties would require a development agreement to accommodate higher density development. Certain properties are not zoned or designated for residential uses but allow for residential development through development agreement only (Figure 6). Of those properties, there are only a small number which are a similar size as the subject lot.

Inquiries for Industrial Lands

I sought information regarding inquiries for industrial uses to be located in the Region from the Chief Administrative Officer (CAO), the Manager of Community Economic Development, and an Economic Development Officer with the Valley Regional Enterprise Network (REN). Both the CAO and the Manager of Community Economic Development had not received many inquiries regarding new or expanding industrial uses in the previous two years. It should be noted that this may be due to the pandemic. Of the few inquiries received by the Municipality for industrial land, the only one that was actively seeking a new use was for a property located on the Hants Shore and only one business in the Industrial Park was considering expanding. Other discussions surrounding industrial lands were mainly focused on the lack of interest by certain owners to develop or sell their vacant parcels and concern with the lack of available 'shovel ready' industrial lands. Of the inquiries received by the Valley REN, most did not require or prefer industrial space for their business. There was some interest in industrial space located near Highway 101, but the proprietor was unable to find a suitable space. There were also reports that the pandemic had interrupted plans for some of these businesses.

PID 45366457

This property is included in the recommendations in this report as there is another application (File # 22-17) to consider rezoning the West Hants portion of this lot and the West Hants portion of PID 45190386, the larger lot to the west of this PID to allow residential development. The West Hants portion of PID 45366457 is being considered to be rezoned to Multiple Unit Residential (R-3) as part of that application. Although present WHMPS policies would permit the rezoning without a change in designation, it would be reasonable to consider amending the designation of this entire lot in conjunction with the application on Cole Drive to align with the intended residential use of the lot and avoid separating the proposed residential developments by a small lot within the Joint Industrial designation. PID 45366457 is highlighted in Figure 7.

NEXT STEPS

In response to this report, the PAC/HAC may:

- recommend holding a Public Information Meeting to consider:

Windsor Portion

- amending the map of the Windsor Municipal Planning Strategy to include PIDs 45366432 and 45366457 in the Residential designation and amending the map of the Windsor Land Use By-law to include PIDs 45366432 and 45366457 in the Two Unit Residential (R-2) zone; and

West Hants Portion

- amending the map of the West Hants Municipal Planning Strategy to include PIDs 45366432 and 45366457 in the Three Mile Plains Growth Centre and the Residential Designation, as well as amending the map of the West Hants Land Use By-law to include PID 45366432 in the Multiple Unit Residential (R-3) zone.

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- amending the text of the Windsor and West Hants Municipal Planning Strategies and Land Use By-laws to allow Council to consider mixed-use commercial and residential development by development agreement in the Joint Industrial Park designation, based on criteria established in a new policy;
- recommend Council not move forward with this application; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	Subject Lot Context Map
Figure 2	West Hants Regional Municipality Industrial Zones (Without Civic Numbers Assigned)
Figure 3	Hantsport Industrial Zones (Without Civic Numbers Assigned)
Figure 4	West Hants Regional Municipality Industrial Spreadsheet
Figure 5	Windsor Residential Zones (Without Civic Numbers Assigned)
Figure 6	Windsor Residential Development Only Permitted by DA (Without Civic Numbers Assigned)
Figure 7	Additional Property in Recommendation Context Map (PID 45366457)

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – Subject Lot Context Map (PID 45366432)



Figure 2 – West Hants Regional Municipality Industrial Zones (Without Civic Numbers Assigned)

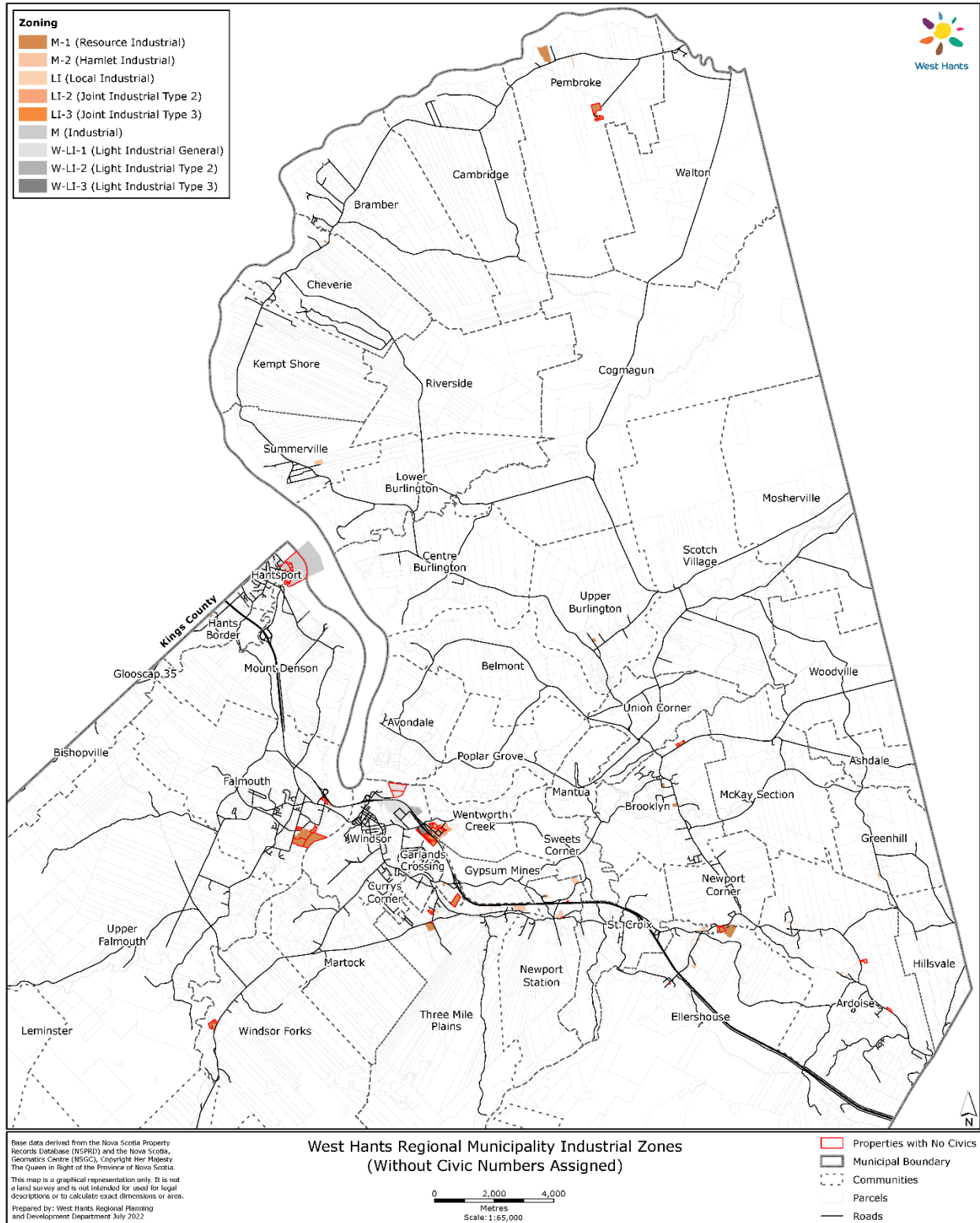
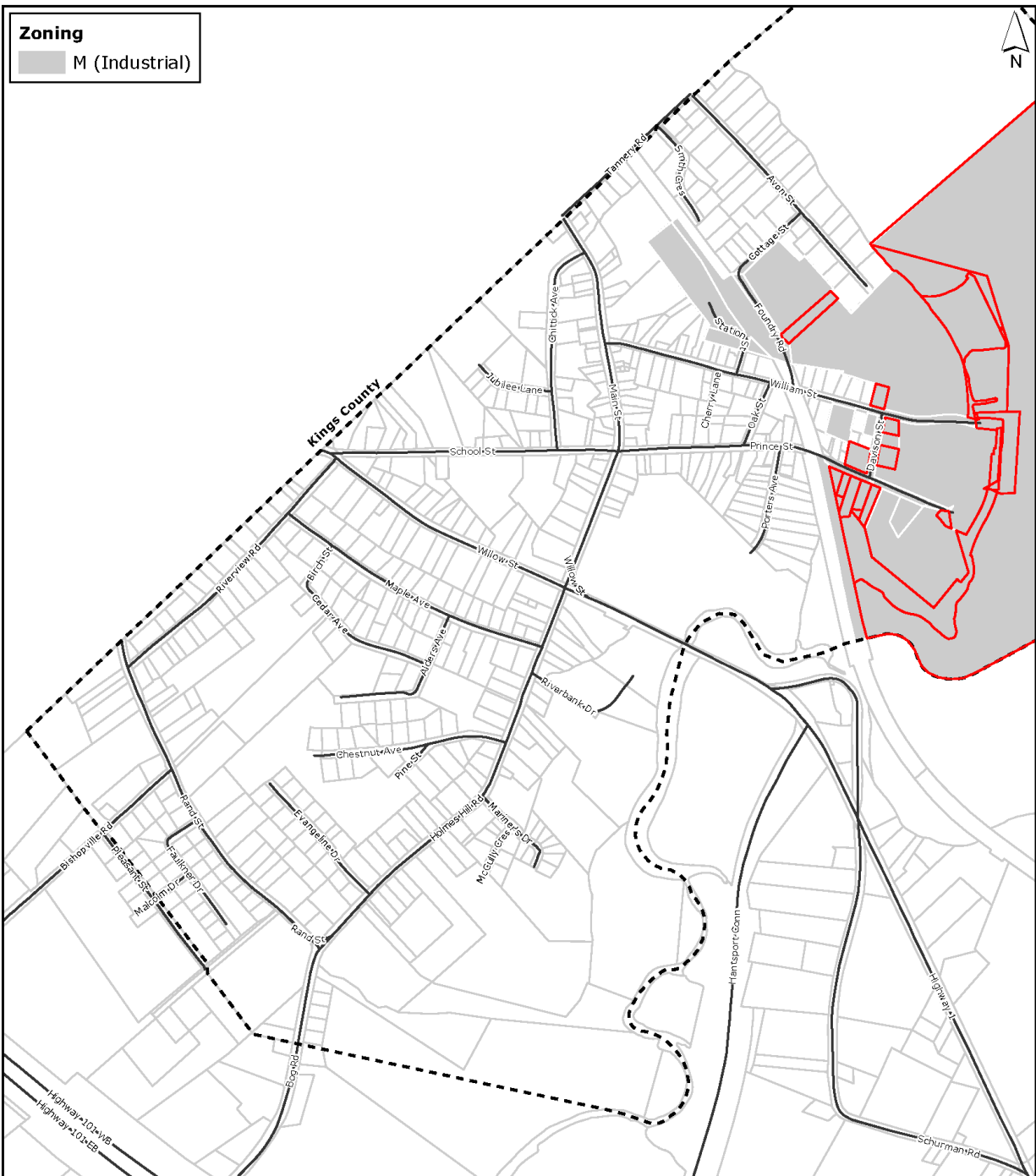


Figure 3 – Hantsport Industrial Zones (Without Civic Numbers Assigned)



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: West Hants Regional Planning and Development Department July 2022

**Hantsport Industrial Zones
(Without Civic Numbers Assigned)**

0 200 400
Metres
Scale: 1:9,500

- Properties with No Cives
- Hantsport
- Parcels
- Roads

Figure 4 – West Hants Regional Municipality Industrial Spreadsheet

See attached document

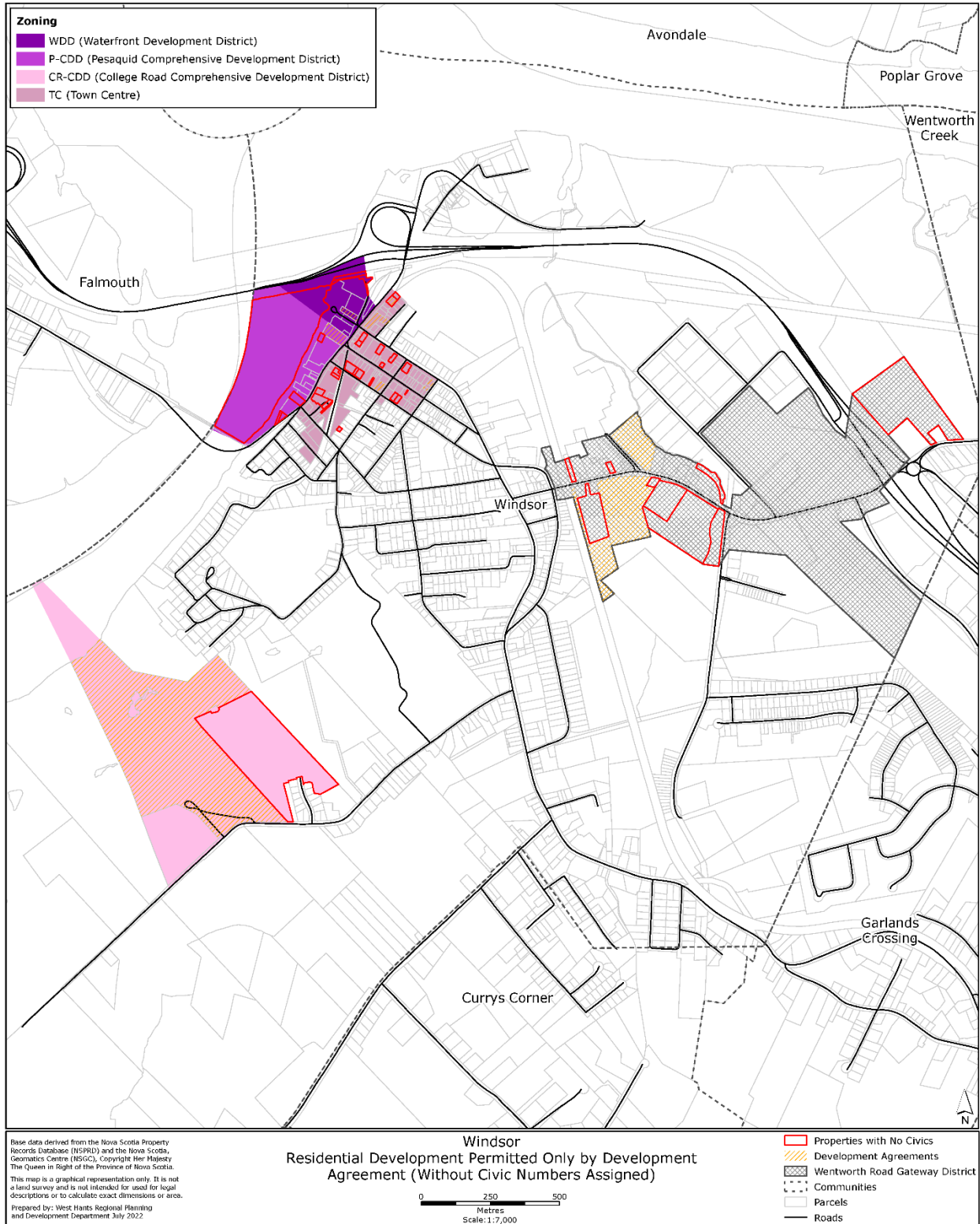
PID	CIVNUMBER	STREET	ST_TYPE	CITY	LOC	ACRES	Total Industrial Land	650.22
45190378		MORISON	DR	WENTWORTH CREEK	MORISON DR	LOT EFG WENTWORTH CREEK	INDUSTRIAL	5.78
45197803		MORISON	DR	WENTWORTH CREEK	MORISON DR	LOT 12 WENTWORTH CREEK	INDUSTRIAL	0.98
45075256		NO 101	HWY	WINDSOR	NO 101 HWY	WINDSOR	LAND WAREHOUSE	19.58
45248150		SANFORD	DR	WENTWORTH CREEK	SANFORD DR	WENTWORTH CREEK	LAND INDUSTRIAL	1.51
45055548		PARK	DR	WINDSOR	PARK DR	WINDSOR	LAND SERVICE	2.68
45062205		LAGOON	DR	WINDSOR	LAGOON DR	LOT D WINDSOR	INDUSTRIAL	0.91
45062189		CENTENNIAL	DR	WINDSOR	CENTENNIAL DR	LOT E WINDSOR	INDUSTRIAL	1.21
45347150		SANFORD	DR	WENTWORTH CREEK	SANFORD DR	LOT H WENTWORTH CREEK	INDUSTRIAL	1.27
45062239		PARK	DR	WINDSOR	PARK DR	LOT B WINDSOR	INDUSTRIAL	2.34
45209053		TRECOTHIC	DR	WINDSOR	TRECOTHIC DR	LOT JL-2 WINDSOR		1.09
45209061		TRECOTHIC	DR	WINDSOR	TRECOTHIC DR	LOT JL-1 WINDSOR		1.05
45413416		IVEY	LANE	WENTWORTH CREEK	IVEY LANE	LOT 45A2 WENTWORTH CREEK	INDUSTRIAL	1.4
45055282		COLE	DR	WINDSOR	COLE DR	WINDSOR	LAND	1.83
45395514		IVEY	LANE	WENTWORTH CREEK	IVEY LANE	LOT 28A WENTWORTH CREEK	INDUSTRIAL	0.29
45055605		CENTENNIAL	DR	WINDSOR	CENTENNIAL DR	WINDSOR	LAND INDUSTRIAL	0.86
45366432		COLE	DR	WINDSOR	COLE DR	LOT 1 & 2 WINDSOR	INDUSTRIAL	4.29
45366408		COLE	DR	WINDSOR	COLE DR	WINDSOR	LAND INDUSTRIAL	0.59
45366440		COLE	DR	GARLANDS CROSSING	COLE DR	GARLANDS CROSSING	LAND INDUSTRIAL	6.72
45280088		OLD BROOKLYN	RD	THREE MILE PLAINS	OLD BROOKLYN RD	BLOCK 1CD THREE MILE PLAINS		17.84
45388907		HIGHWAY 1	HWY	THREE MILE PLAINS	HIGHWAY 1 HWY	THREE MILE PLAINS	LAND GARAGE	0.13
45003167		THREE MILE PLAINS CROSS	RD	THREE MILE PLAINS	THREE MILE PLAINS CROSS RD	LOT 1 PORT THREE MILE PLAINS		0.28
45003076		THREE MILE PLAINS CR	RD	THREE MILE PLAN	THREE MILE PLAINS CR RD	LOT 3 THREE MILE PLAN		0.34
45002847		THREE MILE PLAINS CR	RD	THREE MILE PLAINS	106 THREE MILE PLAINS CR RD	THREE MILE PLAINS	LAND	3.21
45002508		NO 1	HWY	THREE MILE PLAINS	NO 1 HWY	LOT HL-4A THREE MILE PLAINS	BUILDING	0.98
45191749								0.73
45191731								2.22
45379534								0.15
45322419								1.13
45359825								0.32
45413598								1.12
45367281		DRESSER MINERALS	RD	PEMBROKE	DRESSER MINERALS RD	PEMBROKE	LAND	18.47
45367281		DRESSER MINERALS	RD	PEMBROKE	DRESSER MINERALS RD	PEMBROKE	LAND	5.45
45044948		FOUNDRY	RD	HANTSPORT	10 FOUNDRY RD	HANTSPORT	LAND SPORTS PARK	4.05
45044930		FOUNDRY	RD	HANTSPORT	FOUNDRY RD	HANTSPORT	LAND	0.7
45228137		WILLIAM	ST	HANTSPORT	WILLIAM ST	PARCEL 4 HANTSPORT	SHIP REPAIR	1.38
45364080		STATION	LANE	FALMOUTH	STATION LANE	FALMOUTH	LAND	3.09
45364031		NO 101	HWY	FALMOUTH	NO 101 HWY	FALMOUTH	LAND RAILWAY	0.18
45228137		WILLIAM	ST	HANTSPORT	WILLIAM ST	PARCEL 4 HANTSPORT	SHIP REPAIR	0.39
45085909		WILLIAM	ST	HANTSPORT	WILLIAM ST	PARCEL 4 HANTSPORT	SHIP REPAIR	0.34
45043775		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.52
45048121		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.19
45043668		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.18
45043676		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.42
45043684		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.29
45043692		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.32
45333671		PRINCE	ST	HANTSPORT	PRINCE ST	LOT CKF1995- HANTSPORT	PULP & PAPER	6.1
45333689		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	4.71
45407897		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.07
45384302								0.15
45406030		HIGHWAY 14		WINDSOR FORKS	HIGHWAY 14	LOT B-1 WINDSOR FORKS		2.68
45282555		HIGHWAY 14		WINDSOR FORKS	HIGHWAY 14	LOT GSCP-1 WINDSOR FORKS	INDUSTRIAL	6.45
45414489		GABRIEL	RD	FALMOUTH	GABRIEL RD	LOT 1 FALMOUTH		22.15
45199510		MOUNTAIN	RD	THREE MILE PLAINS	MOUNTAIN RD	LOT JWM-1 THREE MILE PLAINS		0.62
45015187		NO 1	HWY	NEWPORT STATION	NO 1 HWY	NEWPORT STATION		0.3
45259744		MAPLE	AVE	ELLERSHOUSE	MAPLE AVE	LOT ELLERSHOUSE		0.35
45041910		NO 1	HWY	ARDOISE	NO 1 HWY	LOT 1 ARDOISE		2.77
45203874		NO 1	HWY	ELLERSHOUSE	NO 1 HWY	ELLERSHOUSE	LAND	0.72
45013372		NO 1	HWY	NEWPORT CORNER	NO 1 HWY	NEWPORT CORNER	LAND	7.73
45275344		NO 1	HWY	ARDOISE	NO 1 HWY	LOT B ARDOISE		3.75
45366010		0 WENTWORTH	RD	WINDSOR	WENTWORTH RD	WINDSOR	LAND	1.5
45190865		0 CENTENNIAL	DR	WINDSOR	CENTENNIAL DR	WINDSOR	LAND	1.29
45200623		10 IVEY	LANE	WENTWORTH CREEK	10 IVEY LANE	LOT 8A WENTWORTH CREEK	WAREHOUSE	1.05
45055514		101 INDUSTRIAL	DR	WINDSOR	101 INDUSTRIAL DR	LOT JL-3 WINDSOR	RETAIL/OFFICE	1.6
45198421		103 MORISON	DR	WENTWORTH CREEK	103 MORISON DR	LOT 14-15 WENTWORTH CREEK	TRANS TERMINAL	2.25
45293784		103 CENTENNIAL	DR	WINDSOR	103 CENTENNIAL DR	LOT Z1-A WINDSOR	WAREHOUSE	1.72
45055571		104 CENTENNIAL	DR	WINDSOR	104 CENTENNIAL DR	LOT H WINDSOR	WAREHOUSE	1.06
45230729		108 FALMOUTH BACK	RD	FALMOUTH	108 FALMOUTH BACK RD	LOT BH-4 FALMOUTH	SMALL BUSINESS	0.68
45292653		11 COLE	DR	WINDSOR	11 COLE DR	WINDSOR	LAND GROCERY STORE	6.23
45229481		11 IVEY	LANE	WENTWORTH CREEK	11 IVEY LANE	LOT 16-17 WENTWORTH CREEK	INDUSTRIAL	2.32
45062106		112 CENTENNIAL	DR	WINDSOR	112 CENTENNIAL DR	LOT G WINDSOR	SERVICE	1.07
45212552		12 BONNIE	LANE	NEWPORT STATION	12 BONNIE LANE	PARCEL A PORT NEWPORT STATION	DWELLING GARAGE	4.72
45003084		12 THREE MILE PLAINS CROSS	RD	THREE MILE PLAINS	12 THREE MILE PLAINS CROSS RD	LOT 2 THREE MILE PLAINS	DWELLING	0.34
45037173		12 STATION	LANE	FALMOUTH	12 STATION LANE	LOT B FALMOUTH	BULK STORAGE	0.6
45201621		120 MORISON	DR	WENTWORTH CREEK	120 MORISON DR	LOT 11 WENTWORTH CREEK	WAREHOUSE	1.77
45062171		120 CENTENNIAL	DR	WINDSOR	120 CENTENNIAL DR	LOT F WINDSOR	BOWLING	1.09
45055621		125 CENTENNIAL	DR	WINDSOR	125 CENTENNIAL DR	WINDSOR	LAND INDUSTRIAL	0.79
45059698		133 CENTENNIAL	DR	WINDSOR	133 CENTENNIAL DR	WINDSOR	LAND	5.35
45198439		140 MORISON	DR	WENTWORTH CREEK	140 MORISON DR	LOT 10 WENTWORTH CREEK	POLICE	2.1
45168143		140 OLD WALTON	RD	UP BURLINGTON	140 OLD WALTON RD	LOT A UP BURLINGTON	DWELLING SERVICE	3.38
45191715		144 WILLIAMS	RD	ELLERSHOUSE	144 WILLIAMS RD	LOT 2-Z ELLERSHOUSE	DWELLING GARAGE	2.54
45015179		15 OLD HALIFAX	RD	NEWPORT STATION	15 OLD HALIFAX RD E	NEWPORT STATION	LAND GARAGE	1.82
45009990		15 MAPLE	AVE	ELLERSHOUSE	15 MAPLE AVE	LOT 2 ELLERSHOUSE	DWELLING GARAGE	0.5
45075389		155 TOWN	RD	FALMOUTH	155 TOWN RD	FALMOUTH	CEMETERY BUILDING	6.29
45193190		16 NELSON	ST	WENTWORTH CREEK	16 NELSON ST	LOT 45A1 WENTWORTH CREEK	WAREHOUSE	2.63
45048196		16 STATION	ST	HANTSPORT	16 STATION ST	LOT 1 HANTSPORT		3.35
45213691		173 AYLWARD	RD	FALMOUTH	173 AYLWARD RD	FALMOUTH	LAND DWELLING BUILDING GARAGE	0.93
45060027		1736 WENTWORTH	RD	NEWPORT STATION	1736 WENTWORTH RD	NEWPORT STATION	LAND INDUSTRIAL	12.65
45008687		1879 WENTWORTH	RD	NEWPORT STATION	1879 WENTWORTH RD	LOT 1&2 NEWPORT STATION	DWELLING BUILDINGS GARAGE	1.21
45169638		1888 BELMONT	RD	BELMONT	1888 BELMONT RD	BELMONT	LAND DWELLING BUILDING	2.03
45202215		19 SANFORD	DR	WENTWORTH CREEK	19 SANFORD DR	LOT 2 WENTWORTH CREEK	TELECOM	0.83
45246329		19 BONNIE	LANE	NEWPORT STATION	19 BONNIE LANE	LOT 94-2A NEWPORT STATION	DWELLING GARAGE	3.3
45181609		197 NUNN	RD	SUMMERVILLE	197 NUNN RD	SUMMERVILLE	LAND DWELLING GARAGE	0.92
45403946		1989 WENTWORTH	RD	NEWPORT STATION	1989 WENTWORTH RD	LOT A NEWPORT STATION	DINING	8.73
45282076		199 MUSGRAVE	RD	SUMMERVILLE	199 MUSGRAVE RD	LOT X SUMMERVILLE	FORESTRY	10.73
45044252		2 DAVISON	ST	HANTSPORT	2 DAVISON ST	HANTSPORT	LAND	0.22
45274198		20 PARK	DR	WINDSOR	20 PARK DR	LOT 1A WINDSOR	INDUSTRIAL	2.95
45341716		20 IVEY	LANE	WENTWORTH CREEK	20 IVEY LANE	LOT 27A-07 WENTWORTH CREEK	RESEARCH	5.92
45056561		212 COLONIAL	RD	WINDSOR	212 COLONIAL RD	WINDSOR	LAND	17.42
45347077		232 WENTWORTH	RD	WINDSOR	232 WENTWORTH RD	LOT 5 WINDSOR	GAS STATION	1.11
45333150		24 STATION	LANE	FALMOUTH	24 STATION LANE	LOT FW-1234 FALMOUTH	WAREHOUSE	1.04
45219797		244 WENTWORTH	RD	WINDSOR	244 WENTWORTH RD	PARCEL TOW-1 WINDSOR		0.09
45356011		255 WOODVILLE	RD	GREENHILL	255 WOODVILLE RD	LOT MD-1 GREENHILL	SMALL BUSINESS	3.27
45016672		257 OLD HALIFAX	RD	THREE MILE PLAINS	257 OLD HALIFAX RD W	THREE MILE PLAINS	LAND SERVICE	14.1
45213600		26 MORISON	DR	WINDSOR	26 MORISON DR	LOT 18 WINDSOR	RETAIL/OFFICE	0.72

45030285	273 TOWN	RD	FALMOUTH	273 TOWN RD	FALMOUTH	LAND INCORP FARM	34.98
45062213	29 PARK	DR	WINDSOR	29 PARK DR	LOT B-2 WINDSOR	SELF STORAGE	1.58
45405917	290 TOWN	RD	FALMOUTH	290 TOWN RD	FALMOUTH	LAND INCORP FARM	1.18
45405933	290 TOWN	RD	FALMOUTH	290 TOWN RD	FALMOUTH	LAND INCORP FARM	0.44
45030319	290 TOWN	RD	FALMOUTH	290 TOWN RD	FALMOUTH	LAND INCORP FARM	2.22
45055464	295 WENTWORTH	RD	WINDSOR	295 WENTWORTH RD	LOT 2 WINDSOR	TELECOM	12.47
45062197	3 LAGOON	DR	WINDSOR	3 LAGOON DR	WINDSOR	SEWAGE/WATER TREATMENT FACILITIES	14.29
45000387	3 BOWMAN	RD	GARLANDS CROSSING	3 BOWMAN RD	GARLANDS CROSSING	LAND WAREHOUSE	0.19
45056447	368 NESBITT	ST	WINDSOR	368 NESBITT ST	WINDSOR	LAND RES/COM MIX	4.87
45025624	37 BEECH BROOK	RD	ARDOISE	37 BEECH BROOK RD	ARDOISE	LAND DWELLING GARAGE	2
45294907	37 MORISON	DR	WINDSOR	37 MORISON DR	LOT 1A WINDSOR	RETAIL/OFFICE	0.87
45030442	380 TOWN	RD	FALMOUTH	380 TOWN RD	LOT A1 FALMOUTH	DWELLING BUILDINGS	1.04
45406063	3891 HIGHWAY 14		WINDSOR FORKS	3891 HIGHWAY 14	LOT B-4 WINDSOR FORKS	INDUSTRIAL	4.09
45406055	3899 HIGHWAY 14		WINDSOR FORKS	3899 HIGHWAY 14	LOT B-3 WINDSOR FORKS	INDUSTRIAL	0.93
45406048	3901 HIGHWAY 14		WINDSOR FORKS	3901 HIGHWAY 14	LOT B-2 WINDSOR FORKS	DWELLING BUILDING	1.13
45067923	4 IVEY	LANE	WENTWORTH CREEK	4 IVEY LANE	LOT 9 WENTWORTH CREEK	OFFICE BUILDING	1.26
45003019	40 THREE MILE PLAINS CROSS	RD	THREE MILE PLAINS	40 THREE MILE PLAINS CROSS	RD THREE MILE PLAINS	LAND DWELLING SMALL BUSINESS	1.28
45293743	41 MORISON	DR	WINDSOR	41 MORISON DR	LOT B WINDSOR	SERVICE	1.07
45033958	41 BEN JACKSON	RD	HANTS BORDER	41 BEN JACKSON RD	LOT MH-2 HANTS BORDER	DWELLINGS SMALL BUSINESS	41 BEN JACKSON RD
45055555	43 TRECOTHIC	DR	WINDSOR	43 TRECOTHIC DR	LOT A WINDSOR	WAREHOUSE	1.55
45003126	4307 HIGHWAY 1		THREE MILE PLAINS	4307 HIGHWAY 1	THREE MILE PLAINS	LAND DWELLING	0.13
45249307	4436 HIGHWAY 1		THREE MILE PLAINS	4436 HIGHWAY 1	LOT HL-2 POR THREE MILE PLAINS	DWELLING	0.45
45272754	45 MORISON	DR	WENTWORTH CREEK	45 MORISON DR	LOT C-1 WENTWORTH CREEK	ANIMAL CLINIC	1.92
45059706	46 PARK	DR	WINDSOR	46 PARK DR	WINDSOR	LAND WAREHOUSE	4.77
45044237	46 WILLIAM	ST	HANTSPOORT	46 WILLIAM ST	HANTSPOORT	LAND DWELLING	0.73
45043759	46 PRINCE	ST	HANTSPOORT	46 PRINCE ST	HANTSPOORT	LAND	0.62
45173382	471 DRESSER MINERALS	RD	PEMBROKE	471 DRESSER MINERALS RD	PEMBROKE	LAND MINING	7.45
45014461	48 MORISON	DR	WENTWORTH CREEK	48 MORISON DR	LOT 15 WENTWORTH CREEK	INDUSTRIAL	1.2
45017365	49 DUNLOP	RD	BROOKLYN	49 DUNLOP RD	LOT H-1 BROOKLYN	SERVICE	0.63
45059714	49 CENTENNIAL	DR	WINDSOR	49 CENTENNIAL DR	LOT K WINDSOR	WAREHOUSE	1.97
45394913	49 COLE	DR	GARLANDS CROSSING	49 COLE DR	LOT 3 GARLANDS CROSSING	OFFICE BUILDING	2.36
45044328	49 WILLIAM	ST	HANTSPOORT	49 WILLIAM ST	HANTSPOORT	LAND	0.29
45200631	5 SANFORD	DR	WENTWORTH CREEK	5 SANFORD DR	LOT 1-A1 WENTWORTH CREEK	WAREHOUSE	1.88
45333648	5 STATION	ST	HANTSPOORT	5 STATION ST	LOT 1-01 HANTSPOORT	WAREHOUSE	0.47
45234929	5 DAVISON	ST	HANTSPOORT	5 DAVISON ST	LOT 1 HANTSPOORT	PULP & PAPER	0.21
45234937	5 DAVISON	ST	HANTSPOORT	5 DAVISON ST	LOT 1 HANTSPOORT	PULP & PAPER	7.56
45044286	5 DAVISON	ST	HANTSPOORT	5 DAVISON ST	LOT 1 HANTSPOORT	PULP & PAPER	0.22
45044278	5 DAVISON	ST	HANTSPOORT	5 DAVISON ST	LOT 1 HANTSPOORT	PULP & PAPER	0.37
45228467	51 WILLIAM	ST	HANTSPOORT	51 WILLIAM ST	HANTSPOORT	LAND MINING	2.57
45044310	51 WILLIAM	ST	HANTSPOORT	51 WILLIAM ST	HANTSPOORT	LAND MINING	13.78
45228467	51 WILLIAM	ST	HANTSPOORT	51 WILLIAM ST	HANTSPOORT	LAND MINING	3.51
45228467	51 WILLIAM	ST	HANTSPOORT	51 WILLIAM ST	HANTSPOORT	LAND MINING	2.21
45014057	5568 HIGHWAY 1		ST. CROIX	5568 HIGHWAY 1	LOT 89-1EB ST. CROIX	DWELLING GARAGE	1.24
45228665	57 ELLERSHOUSE	RD	ELLERSHOUSE	57 ELLERSHOUSE RD	LOT KB-1 ELLERSHOUSE		2.18
45044443	6 STATION	ST	HANTSPOORT	6 STATION ST	LOT 2 HANTSPOORT	COMMERCIAL/APT MIX UNITS	0.2
45204120	60 MORISON	DR	WENTWORTH CREEK	60 MORISON DR	LOT 14A-1 WENTWORTH CREEK	WAREHOUSE	0.55
45010857	60 PRIVILEGE	RD	ELLERSHOUSE	60 PRIVILEGE RD	ELLERSHOUSE	LAND	4.19
45294782	6000 HIGHWAY 14		GARLANDS CROSSING	6000 HIGHWAY 14	LOT RAC-4 GARLANDS CROSSING	RETAIL/OFFICE	2.24
45218690	61 MORISON	DR	WENTWORTH CREEK	61 MORISON DR	LOT 20 WENTWORTH CREEK	SERVICE	0.99
45005782	6219 HIGHWAY 1		ELLERSHOUSE	6219 HIGHWAY 1	ELLERSHOUSE	LAND DWELLING	3.81
45190097	6229 HIGHWAY 1		ELLERSHOUSE	6229 HIGHWAY 1	LOT F-1 ELLERSHOUSE	DWELLING SMALL BUSINESS	2.65
45366390	63 COLE	DR	GARLANDS CROSSING	63 COLE DR	LOT 4 GARLANDS CROSSING	HOTEL	1.95
45013364	6310 HIGHWAY 1		NEWPORT CORNER	6310 HIGHWAY 1	NEWPORT CORNER	LAND DWELLING BUILDINGS	2.45
45013356	6398 HIGHWAY 1		NEWPORT CORNER	6398 NO 1 HWY	NEWPORT CORNER	LAND MOBILE	34.71
45061199	671 COLLIER	RD	ARDOISE	671 COLLIER RD E	ARDOISE	LAND TELECOM	2.03
45229895	6729 HIGHWAY 215		CHEVERIE	6729 HIGHWAY 215	LOT LC-1 CHEVERIE	DWELLING BUILDINGS	2.1
45270865	7 COLE	DR	WINDSOR	7 COLE DR	LOT 18 WINDSOR	FAST FOOD	0.93
45199965	711 COLLIER	RD	ARDOISE	711 COLLIER RD E	ARDOISE	LAND	1.71
45193679	72 IVEY	LANE	WENTWORTH CREEK	72 IVEY LANE	PARCEL X WENTWORTH CREEK	TELECOM	0.33
45218708	73 MORISON	DR	WENTWORTH CREEK	73 MORISON DR	LOT 19 WENTWORTH CREEK	SERVICE	1
45025236	7493 HIGHWAY 1		ARDOISE	7493 HIGHWAY 1	ARDOISE	LAND TELECOM	2.45
45055522	75 TRECOTHIC	DR	WINDSOR	75 TRECOTHIC DR	WINDSOR	LAND INDUSTRIAL	3.45
45018595	76 IVEY	LANE	WENTWORTH CREEK	76 IVEY LANE	LOT 31 PORT WENTWORTH CREEK	GROW OPERATION	9.27
45148731	76 MORISON	DR	WENTWORTH CREEK	76 MORISON DR	LOT 14A-23 WENTWORTH CREEK	MUNICIPAL BLDG	1.38
45055597	79 CENTENNIAL	DR	WINDSOR	79 CENTENNIAL DR	WINDSOR	LAND WAREHOUSE	1.8
45100724	79 OLD HALIFAX	RD	THREE MILE PLAINS	79 OLD HALIFAX RD W	LOT G-4 THREE MILE PLAINS	DWELLING GARAGE	2.05
45001245	798 WINDSOR BACK	RD	THREE MILE PLAINS	798 WINDSOR BACK RD	THREE MILE PLAINS	LAND DWELLING BUILDING	0.18
45062221	8 PARK	DR	WINDSOR	8 PARK DR	LOT B-1 WINDSOR	SELF STORAGE	1.7
45044377	80 DUNLOP	DR	BROOKLYN	80 DUNLOP RD	BROOKLYN	LAND WAREHOUSE	3.27
45060266	80 ROBERT	DR	ARDOISE	80 ROBERT DR	LOT 20-18 ARDOISE	DWELLING SMALL BUSINESS	1.15
45206505	8061 HIGHWAY 1		ARDOISE	8061 HIGHWAY 1	LOT CA ARDOISE	DWELLING GARAGE	1.8
45061132	8105 HIGHWAY 14		BROOKLYN	8105 HIGHWAY 14	BROOKLYN	LAND	4.06
45055563	82 CENTENNIAL	DR	WINDSOR	82 CENTENNIAL DR	LOT J WINDSOR	WAREHOUSE	1.39
45002938	83 THREE MILE PLAINS CR	RD	THREE MILE PLAINS	83 THREE MILE PLAINS CR	RD THREE MILE PLAN	LAND DWELLING BUILDINGS GARAGE	3.84
45196698	834 WINDSOR BACK	RD	THREE MILE PLAINS	834 WINDSOR BACK RD	THREE MILE PLAINS	LAND INCORP FARM	15.72
45019601	853 HIGHWAY 215		BROOKLYN	853 HIGHWAY 215	LOT B BROOKLYN	WAREHOUSE	4.98
45227923	88 SANFORD	DR	WENTWORTH CREEK	88 SANFORD DR	LOT 30A-1 WENTWORTH CREEK	GROW OPERATION	2.24
45173804	8879 HIGHWAY 215		PEMBROKE	8879 HIGHWAY 215	PEMBROKE	LAND DWELLING BUILDINGS	39.24
45270840	9 COLE	DR	WINDSOR	9 COLE DR	LOT 2 WINDSOR	FAST FOOD	1.08
45283603	90 SANFORD	DR	WENTWORTH CREEK	90 SANFORD DR	LOT 24AC-1 WENTWORTH CREEK	INDUSTRIAL	90 SANFORD DR
45173598	9048 HIGHWAY 215		PEMBROKE	9048 HIGHWAY 215	PEMBROKE	LAND DWELLING BUILDINGS GARAGE	4.22
45262086	93 INDUSTRIAL	DR	WINDSOR	93 INDUSTRIAL DR	LOT JL-4 WINDSOR	AUTO SALES	2.02
45059730	93 CENTENNIAL	DR	WINDSOR	93 CENTENNIAL DR	WINDSOR	LAND SERVICE	1.31
45062114	98 CENTENNIAL	DR	WINDSOR	98 CENTENNIAL DR	LOT I WINDSOR	SERVICE	1.11
45201613	98 MORISON	DR	WENTWORTH CREEK	98 MORISON DR	LOT 13A WENTWORTH CREEK	SERVICE	1.48

Figure 5 – Windsor Residential Zones (Without Civic Numbers Assigned)



Figure 6 – Windsor Residential Development Permitted Only by DA (Without Civic Numbers Assigned)



[illegible]

Attachment C – Public Information Meeting Notes

October 13 - October 28, 2022

File 22-05: Cole Drive, Garlands Crossing/Windsor (PID 45366432) Windsor and West Hants Planning Document Amendments

Meeting date and time	A public information meeting was held on October 13, 2022 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-05
Attending	In attendance: One (1) Councillor: • Councillor Jim Ivey Four (4) members of staff: • Director LeMay • Planner Poirier • Planner Dunphy • Meeting Secretary Lake No members of the public were present for this meeting.
Applicant Darren Shupe, Brighter Community Planning on behalf of Mainland South Investments Property PID 45366432 Cole Drive, Windsor	Planner Dunphy outlined the application to allow a proposed development consisting of two 4-storey buildings in two parts by first amending both the Windsor and West Hants Municipal Planning Strategies and Land Use By-laws, then considering the proposal by development agreement.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between October 13 – October 28, 2022. No comments were received from the public.
Adjournment	The presentation portion of the PIM ended at approximately 6:10 p.m.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: November 22nd, 2022

Subject: 394 Greenhill Road, Greenhill PID 45118502 – Development Agreement; File #22-21A

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

If Council wishes to proceed to a Public Hearing the following motion would be in order:

... that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to allow a heavy truck and equipment repair shop at 394 Greenhill Road, Greenhill (PID 45118502) which is substantively the same as the draft set out in Attachment B of the report File #22-21 to the Planning and Heritage Advisory Committee dated November 10, 2022.

... that Council will require that the development agreement with Jeff Brown & Erika Rice for 394 Greenhill Road, Greenhill (PID 45118502) be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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The completed application was submitted by Jeff Brown and Erika Rice on September 6th, 2022 to permit a heavy truck and equipment repair shop by development agreement at 394 Greenhill Road, Greenhill (PID 45118502).

DISCUSSION

A Public Information Meeting was held on October 13th, 2022.

The public comment period ended on October 28th, 2022 with no comments received from the public.

On November 10th, 2022, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A).

During the November 10th meeting, PAC/HAC recommended in favour of the application.

NEXT STEPS

The proposed development agreement has been considered based on the West Hants Municipal Planning Strategy and has proven consistent with the intent, objectives, and policies of the Planning Strategy. As a result, it is reasonable to consider permitting a heavy truck and equipment repair shop by development agreement.

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A	2022-11-10 Staff Report - 394 Greenhill Road, Greenhill PID 45118502 – Development Agreement; File #22-21
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CHIEF ADMINISTRATIVE OFFICER REVIEW

The planner has noted that the development agreement (DA) application is in alignment with the current planning strategy and intent. The standard public feedback process has been conducted. Language in the DA associated with parking, open storage and maintenance of

property, which has risen as points of conflict between neighbors with existing DAs, appear to be more detailed. I am not aware of existing large-scale dynamometers currently being used for the servicing of heavy truck and repairs but as with a recent DA application this may be an addition for Council's consideration.

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer

**Appendix A – 2022-11-10 Staff Report - 394 Greenhill Road, Greenhill PID 45118502 –
Development Agreement; File #22-21**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: November 10th, 2022

Subject: 394 Greenhill Road, Greenhill PID 45118502 – Development Agreement; File #22-21

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

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

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a heavy truck and equipment repair shop at 394 Greenhill Road, Greenhill (PID 45118502) which is substantively the same as the draft set out in Attachment B of the report File #22-21 to the Planning and Heritage Advisory Committee dated November 10, 2022.

...that PAC/HAC recommends that Council require that the development agreement with Jeff Brown & Erika Rice for 394 Greenhill Road, Greenhill (PID 45118502) be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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The completed application was submitted by Jeff Brown and Erika Rice on September 6th, 2022 to permit a heavy truck and equipment repair shop by development agreement at 394 Greenhill Road, Greenhill (PID 45118502).

Surrounding Context

All properties surrounding the subject lot are designated Agriculture and zoned Agricultural Priority Two (AR-2). Lands to the south, east, and west appear to be wooded lots with sparse residential uses. Lands to the north appear to be cleared field with a single residential use.

DISCUSSION

The subject lot is currently designated Agriculture on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (MPS) (Figure 1). The subject lot is zoned Agricultural Priority Two (AR-2) on Schedule A of the West Hants Land Use By-law (LUB) (Figure 2).

Municipal Planning Strategy Document Review

Policy 8.9.4 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider new non-resource uses from the Resource Industrial (M-1) zone by development agreement. The Policy also includes criteria which must be met by the proposed development. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the agrologist report concludes that the subject lot has limitations for agricultural production and is not well suited for future agricultural development;
- the proposed use will not compromise the agricultural character of the area or the operation of existing agricultural operations;
- The Area Manager from the Nova Scotia Department of Public Works had no concerns regarding roadway access or traffic generation; and
- the design, hours of operation, and on-site parking are suitable for the proposed use.

Policy 8.6.1 provides the criteria which must be met by an agrologist report in order to permit the consideration of rezoning a lot for non-farm development. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the subject lot exhibits constraints with regard to agriculture including stoniness, steepness of slope, depth of soil, and plot size;
- the author of the report is a professional agrologist who performed a site visit;
- the report includes a site plan showing the study area; and
- the report identifies site features and reasons that the subject lot would not be productive agricultural land.

Policy 16.3.1 establishes the general criteria that all amendments to the Windsor Land Use By-law must meet. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Engineering Technologist, and Area Manager of the Nova Scotia Department of Public Works have no concerns which have not been addressed in this report.

NEXT STEPS

Discussion from PAC will be incorporated into the report and presentation to Council.

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Attachment A	Policy Summary for Development Agreement
Attachment B	Draft Development Agreement
Attachment C	Public Information Meeting Notes
Attachment D	Agrologist Report

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

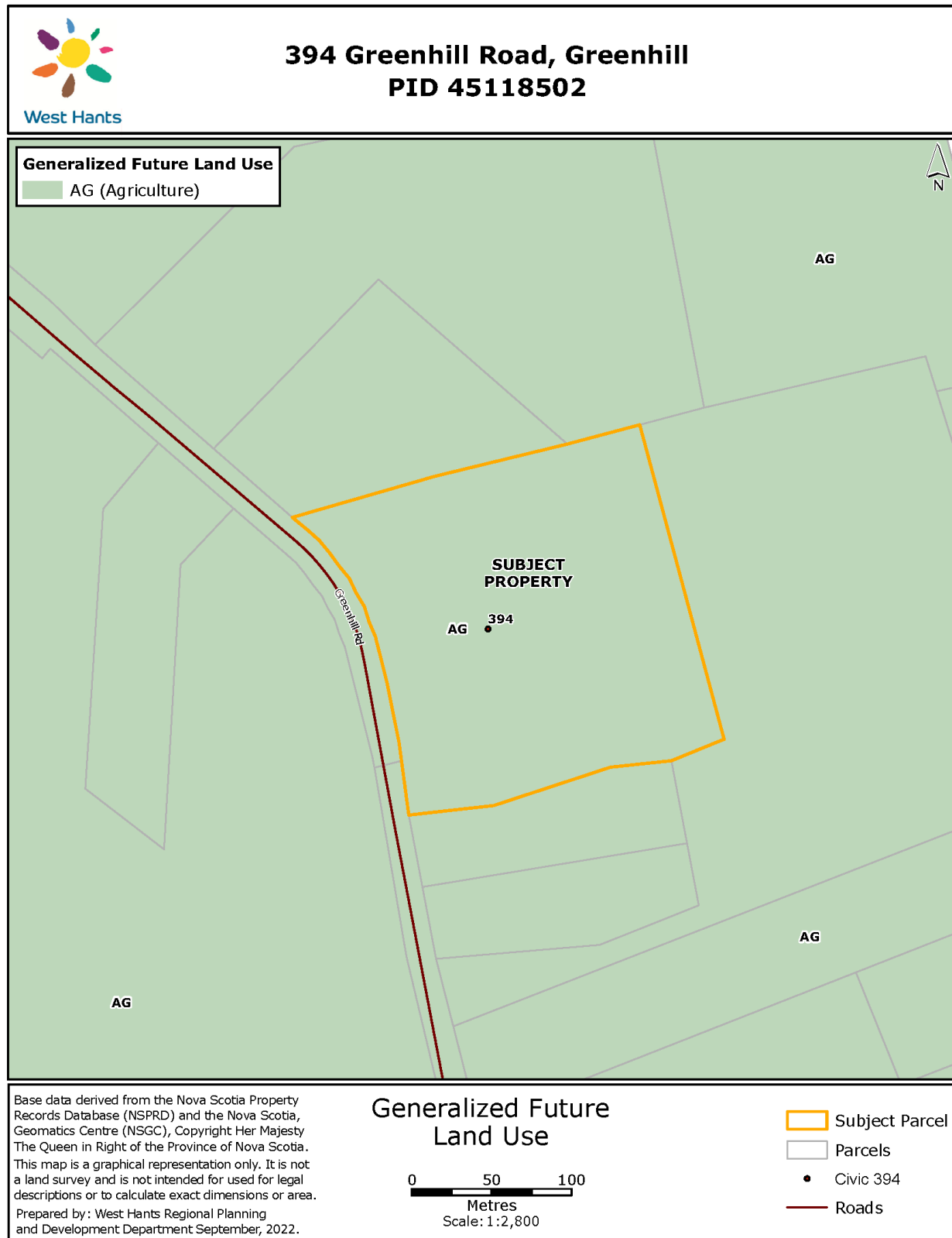
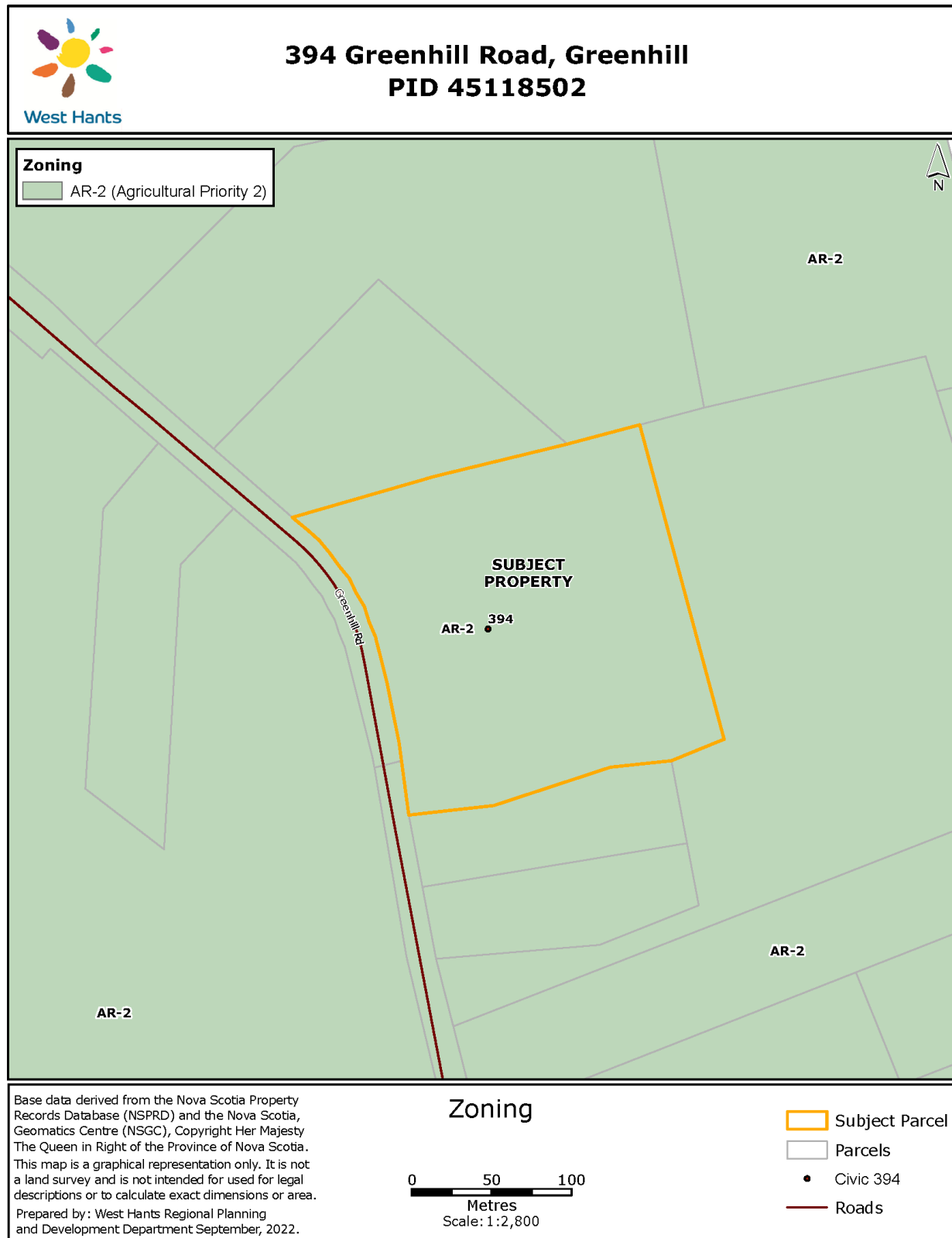


Figure 2 – West Hants Zoning Map Extract



Attachment A – Policy Summary 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:

<i>(a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;</i>	The agrologist report listed as Attachment D concludes that the subject lot has limitations for agricultural production and is not well suited for future agricultural development.
<i>(b) the proposed use will not compromise or adversely affect the operation or integrity of existing agricultural operations;</i>	As part of the agrologist report, the agrologist consulted neighbouring farms and neither noted any concerns. The proposed use will not affect neighbouring farms.
<i>(c) the predominant agricultural character of the area will not be adversely affected;</i>	The proposed use will be developed on a previously infilled lot which has not affected any agricultural uses.
<i>(d) adequate separation distances and buffering between agricultural and non-agricultural uses can be provided;</i>	The subject lot has sufficient space to maintain setbacks from surrounding properties. The Development Officer noted that a minimum setback of 40 ft from all property lines is recommended and included in the development agreement.
<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 proposed use is appropriate in terms of scale and usage for the location.
<i>(f) safe and efficient roadway access is provided;</i>	The Area Manager from the Nova Scotia Department of Public Works had no concerns regarding the roadway access for the subject lot.
<i>(g) adequate on-site parking is provided;</i>	The West Hants Land Use By-law specifies the minimum number of parking spaces required for a use. Using the calculation for parking requirements in Clause 5.31 (a) of the West Hants Land Use By-law, staff request that a minimum of five (5) parking spaces be included in the draft development agreement for the heavy truck and equipment repair shop to ensure the shop can provide adequate on-site parking.

<i>(h) the development is compatible with adjacent land uses with respect to:</i>	
<i>(i) traffic generation and traffic safety;</i>	The Area Manager from the Nova Scotia Department of Public Works had no concerns regarding the generation of traffic or traffic safety.
<i>(ii) hours of operation;</i>	The applicant contacted neighbouring properties and informed the owners of the proposed development and hours of operation. No concerns were raised from those interactions, so standard operating hours will be outlined in the development agreement as 7:00 am to 7:00 pm Monday to Saturday.
<i>(iii) size and design of building(s);</i>	The proposed building footprint is 60 ft. by 80 ft. with two bay doors and wall height of 16 ft. The applicant would like to perform maintenance and repair on larger vehicles and equipment. This building would be appropriate in terms of size and design for the proposed use.
<i>(iv) signage; and</i>	Any signage will need to meet the requirements of the West Hants Land Use By-law.
<i>(v) pedestrian circulation and safety;</i>	There are no existing sidewalks on Greenhill Road. Based on the proposed use, it is unlikely that individuals will walk to or from the subject lot.
<i>(i) any other matter which may be addressed in a development agreement;</i>	All matters are addressed.
<i>(j) Policy 16.3.1.</i>	Refer to Policy 16.3.1 summary.
<i>Policy 8.6.1</i> <i>It shall be the policy of Council to consider certain non-farm development, pursuant to the relevant specific policies of this Part, on land within the Agricultural designation that has been determined to have little or no agricultural capability. A determination of agricultural capability shall be based on the following:</i>	
<i>(a) 90 percent or more of the development site is an existing or abandoned resource extraction site such as a sand pit, gravel pit or quarry for which a permit for extraction has been issued by the Province of Nova Scotia. The resource extraction must have</i>	N/A

<i>been existing or abandoned prior to the effective date of this Strategy; or</i>	
<i>(b) if not a resource extraction site, a study has been prepared by a professional agrologist, at the expense of the applicant, which concludes that the proposed development will not adversely affect the viability of surrounding agricultural operations and:</i>	
<i>(i) 90 percent or more of the development site has soils defined as Class 4 or lower capability for agriculture; or</i>	N/A
<i>(ii) the soils have a capability for agriculture rating better than Class 4, but 90 percent or more of the development site exhibits severe limitations for agricultural use because of slope, stoniness, salinity, wetness, permeability, depth of soils, size of parcel or proximity to non-farm buildings;</i>	The land is rated as Canada Land Inventory (CLI) Class 3 or lower but has constraints which limit the use of the land for agriculture. There are limitations in the site which influence the viability for agricultural production including stoniness, steep slope, depth of soil, and plot size. The lot is not in agricultural production and would not result in a loss of production based on the proposed use.
<i>(c) the study shall:</i>	
<i>(i) be prepared by a registered full member of the Nova Scotia Institute of Agrologists;</i>	A report was received from Yvonne Thyssen-Post, who is a Professional Agrologist recognized by the Nova Scotia Institute of Agrologists.
<i>(ii) require a site inspection by the agrologist;</i>	A site visit was conducted on August 16 th , 2022 by Yvonne Thyssen-Post.
<i>(iii) specify the method used, consistent with the C.L.I. classification methodology, to determine soil capability for agriculture;</i>	The Canadian Land Classification system was designed for regional level classification. The agrologist's report did not reclassify the land, but instead identified key characteristics of agricultural production capability which determine whether the subject lot is suitable.
<i>(iv) identify any major site features or characteristics which influence or determine soil capability including, but not limited to, slope, soil texture, stoniness, wetness, salinity, permeability, and depth of soils;</i>	Refer to the Study Criteria section in Attachment D.
<i>(v) include a site plan illustrating the area studied and any relevant site features;</i>	Included within Attachment D.

<i>(vi) identify reasons why the use would be compatible with, or not adversely affect, area farms. Reference should be made to the following where applicable: site and locational constraints; infilling between existing non-farm development; logical extension of existing non-farm development; special use with special locational requirements; current pattern of development; parcel size and shape; surrounding land uses; context within which the parcel fits into the farming area; viability of the parcel and remnant for farming; and existing, past and future use of the parcel and remnant;</i>	The proposed use is compatible with the surrounding agricultural uses as there is sufficient buffering from the neighbouring farms. The farm owners were also consulted as part of the agrologist report and both stated that the proposed use would have no impact on their existing operations.
<i>(vii) indicate the implications of letting the parcel go out of agricultural production; and</i>	The subject lot has not been in agricultural production prior to this request. The lot is insignificant and would not be useful to neighbouring farms for agricultural production.
<i>(viii) indicate the implications of fragmenting the land.</i>	Fragmentation of the subject will not affect the capability of agricultural production on the lot.

Policy 16.3.1 <i>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:</i>	
<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 Public Works Department confirmed that there are no municipal services on the subject lot. Any on-site services must meet the requirements of the Nova Scotia Department of Environment and Climate Change.
<i>(ii) the adequacy of school facilities;</i>	N/A
<i>(iii) the adequacy of fire protection and other emergency services;</i>	The local Fire Chief has stated that there is adequate fire protection for the proposed use. The Manager of Building and Fire Inspection Services had no issues with fire protection but recommended at least a 26 ft. setback for the side yard.

<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Area Manager from the Nova Scotia Department of Public Works had no concerns regarding the road networks adjacent or leading to the development.
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<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>	Any on-site services must meet the requirements of the Nova Scotia Department of Environment and Climate Change.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Area Manager from the Nova Scotia Department of Public Works had no concerns regarding movement suitability on the subject lot.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that the proposed use should not be located closer than 40 ft from any property line. The subject lot is suitable for this recommendation.
<i>(e) the pattern of development which the proposal might create;</i>	The heavy truck and equipment repair shop is proposed to be located on a lot that is surrounded by forested area and the home of the applicant. Although the surrounding area is designated Agriculture and zoned Agricultural Priority Two (AR-2) it is not anticipated that this proposed use will interfere with the pattern of development.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i>	See Attachment D.
<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>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B – Draft Development Agreement



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2022.

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 -

Jeff Brown and Erika Rice, of 394 Greenhill Road, Greenhill, 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 394 Greenhill Road (PID 45118502) 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 Heavy Truck and Equipment Repair Shop on the Property (the “Development”) and Section 6.1 (s) of the Land Use By-law enables Council to consider a development agreement for heavy equipment sales and service 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 Month Day, 2022, approved this request;

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 By-law, except those defined as follows:

- (a) “Heavy Truck and Equipment Repair Shop” means a commercial establishment for the repair or replacement of parts in automotive, farm or forestry vehicles, machinery or equipment.

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, effective on June 26, 2008, as amended, or successor By-laws;
- (b) *Land Use By-law* means the West Hants Land Use By-law, effective on June 26, 2008, as amended, or successor By-laws;
- (c) *Subdivision By-law* means the West Hants Subdivision By-law, effective on June 26, 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;
- (b) a Heavy Truck and Equipment Repair Shop; and
- (c) uses and structures accessory to the uses specified in clause 2.1 (a) and (b), including, but not limited to, storage sheds.

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 Heavy Truck and Equipment Repair Shop shall be located entirely within a new 60 ft. by 80 ft. building located at 394 Greenhill identified as “Shop” on the Site Layout, Schedule B. The new building for the Heavy Truck and Equipment Repair Shop shall meet the following requirements:

Minimum front yard	40 ft (12.19 m)
Minimum rear yard	40 ft (12.19 m)
Minimum side yard	40 ft (12.19 m)
Maximum height of main building	35 ft (10.67 m)

2.3 Access and Egress

The main access/egress to the lot shall be directly from Greenhill Road. The vehicular entrance and exit shall be clearly demarcated and maintained to a level adequate to allow for access by emergency service vehicles.

2.4 Parking

A minimum of five (5) parking spaces may be used as part of the Heavy Truck and Equipment Repair Shop. The parking shall be located as shown on Schedule B or at such other location as may be approved in writing by the Development Officer without such new location being deemed an amendment of this agreement.

2.5 Storage

No open storage or display areas shall be permitted in the front yard along Greenhill Road or the side yards. Open storage shall be limited to the space behind the Heavy Truck and Equipment Repair Shop and shall be screened from adjacent residential properties by a continuous row of trees, a hedge, a fence, or a combination of the

foregoing arranged to form a dense or opaque screen. Accessory buildings for the Heavy Truck and Equipment Repair Shop shall be permitted in accordance with Section 5.1 of the Land Use By-law.

2.6 Signs and Lighting

Signage and illumination shall be regulated under Sections 5.18 and 7.0 of the Land Use By-law, *Illumination* and *Signs*, which controls lighting, size, location, and number of signs. Exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to ensure there is no light spilling, glare or light cast over neighbouring properties or the street.

2.7 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.

2.8 Hours of Operation

The hours of operation for the Heavy Truck and Equipment Repair Shop shall be limited to between 7:00 a.m. and 7:00 p.m. daily, Monday to Saturday, inclusive.

2.9 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 location of the shop shown on 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 twenty four (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 neutral gender shall include the masculine and feminine.
- (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 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 (3) business days of mailing, addressed to Jeff Brown and Erika Rice, PO Box 18, Mount Uniacke, NS B0N 1Z0 or at any other address provided by the Owners in writing.
- (b) The Owner 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, or at any successor address provided by the Municipality to the Owner in writing.

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

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

Per: _____

) Abraham Zebian, Mayor

)

)

) Per: _____

) Deanna Snair, Municipal Clerk

)

)

Per: _____

) Jeff Brown

)

)

Per: _____

) Erika Rice

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. **2022**, 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 presence.

A Commissioner of the Supreme Court of Nova Scotia

ON THIS day of , A.D. **2022**, 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 presence.

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. **2022**, 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, **Jeff Brown**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. **2022**, 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, **Erika Rice**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

I, Deanna Snair 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).

I certify that on this _____, 2022
the Municipal Clerk, Deanna Snair 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

Deanna Snair, Clerk

CANADA
PROVINCE OF NOVA SCOTIA
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (INDIVIDUAL)

We, Jeff Brown and Erika Rice, 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 _____, 2022
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Jeff Brown

Erika Rice

Schedule A
Legal Description – PID 45118502

ALL those lots, pieces or parcels of land and premises, situate, lying and being in the Township of Newport and being bounded and described as follows; viz:

FIRST - That lot bounded on the South by lands formerly owned by Frederick Canavan;

On the West by the Main Road leading from Hillsvale to Ashdale;

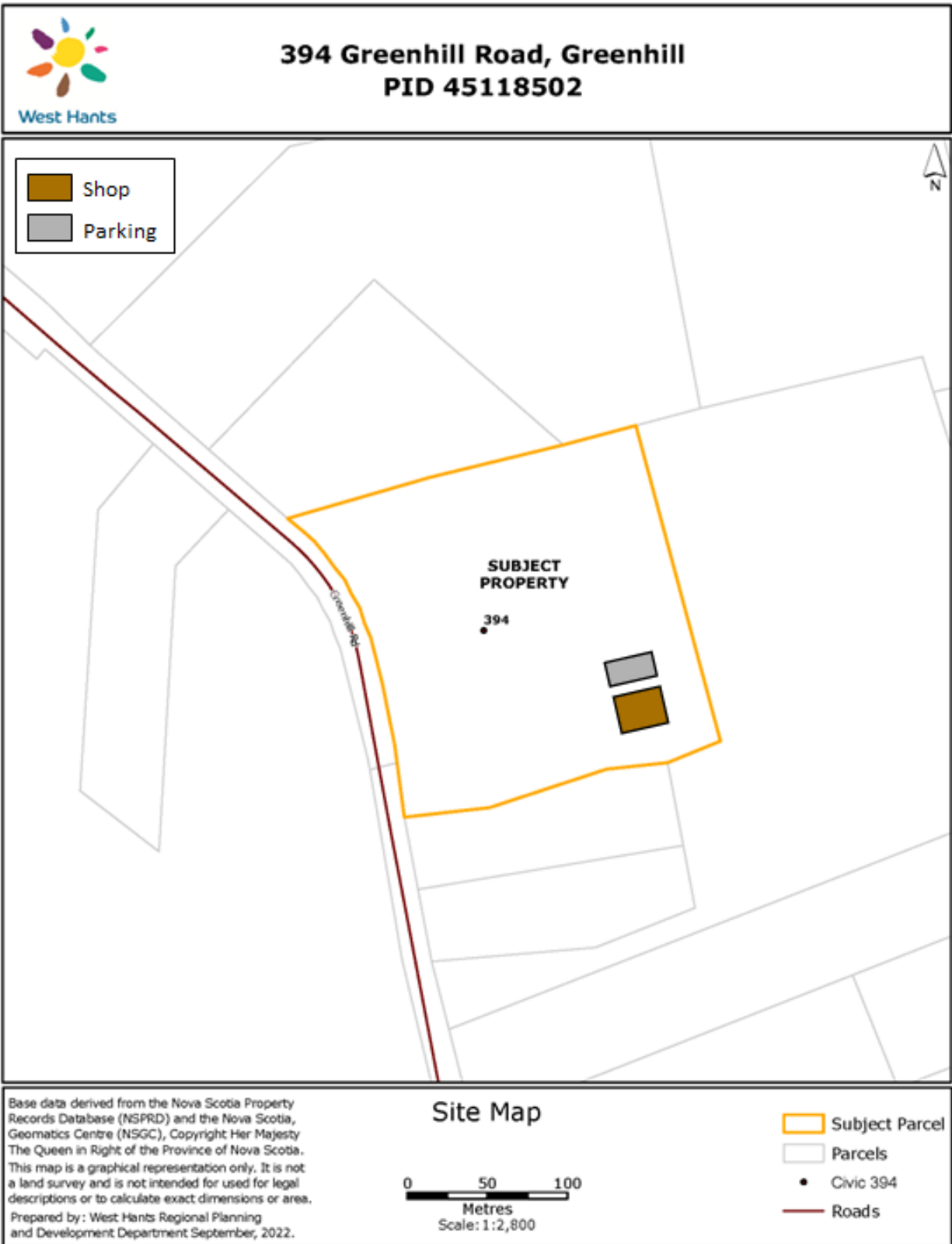
On the North by lands of Charles Canavan;

And on the East by lands owned by Frederick Canavan.

And containing in the whole TEN ACRES, more or less.

The parcel was created by a subdivision that predates subdivision control or planning legislation or by-laws in the municipality and therefore no subdivision approval was required for creation of this parcel.

Schedule B
Site Layout



Attachment C – Public Information Meeting Notes

October 13 - October 28, 2022

File 22-21: Development Agreement: 394 Greenhill Road, Greenhill (PID 45118502)

Meeting date and time	A public information meeting was held on October 13, 2022 beginning at 6:10 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-21
Attending	In attendance: One (1) Councillor: • Councillor Jim Ivey Four (4) members of staff: • Director LeMay • Planner Poirier • Planner Dunphy • Meeting Secretary Lake No members of the public were present for this meeting.
Applicant Jeff Brown and Erika Rice Property 394 Greenhill Road, Greenhill (PID 45118502)	Planner Dunphy outlined the application to allow a proposed heavy truck and equipment repair shop by development agreement.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between October 13 – October 28, 2022. No comments were received from the public.
Adjournment	The presentation portion of the PIM ended at approximately 6:15 p.m.

Attachment D – Agrologist Report

**PROFESSIONAL AGROLOGST REPORT
DETERMINATION OF AGRICULTURAL CAPABILITY**

LAND REZONING REQUEST OF PID 45118502

for

J. Brown Excavating Limited

August 2022



Managing Today for Tomorrow

Tel: 902-895-1414 Cell: 902-899-5929

Email: yvonne@thyagrissenconsulting.ca

Website: www.thyagrissenconsulting.ca

I. Scope of Work

The West Hants Municipal Planning Strategy and Land Use By-Law outlines a process that land owners are required to undertake when requesting a development agreement from Council to rezone land that is agricultural. This report complies with Policy 8.6.1 providing a Professional Agrologist study addressing the criteria outlined to determine agricultural capability of the land. This section of the strategy acknowledges that the scale of the C.L.I. (Canada Land Inventory) mapping, upon which the agricultural designation is based, is generalized. As such there may be pockets of land with a higher or lower capability rating. A land-use by-law amendment or development agreement process provides an opportunity for owners of land with minimal or no agricultural capability to use the property for certain non-farm development, provided the development will not interfere with adjacent farm activities or negatively affect the viability of the farming area.

Policy 8.6.1 outlines the parameters for determining agricultural capability of a land parcel. Section 8.6.1.(a) excludes sites which are existing or abandoned resource extraction sites. The site being assessed in this study is not a resource extraction site, and as such this section is not applicable. Section 8.6.1(b) applies to the site, requiring a site study prepared by a Professional Agrologist to assess the agricultural capability of the land, and to consider whether or not the proposed development adversely affects the viability of surrounding agricultural operations. This document presents the Professional Agrologist study of PID 45118502 which is co-owned by Jeff Brown & Ericka Rice. The PID is currently zoned Agricultural Priority Two (AR-2) and the current owners are requesting a rezoning to commercial to construct a heavy machinery servicing and repair shop.

II. Professional Agrologist – Yvonne Thyssen-Post

Yvonne Thyssen-Post of Thyagrissen Consulting Limited is a Professional Agrologist with 40 years experience. She is a registered full member of the Nova Scotia Institute of Agrologists (NSIA), member ID #19311; confirmation of current membership provided in Appendix A. She holds a Bachelor of Science in Agriculture from McGill University as well as a Masters of Adult Education from St. Francis Xavier University. Her experience includes 14 years as an agricultural extension worker with the NS government, followed by 26 years as a private consultant serving the agricultural industry. She established her own company in 1998 – Thyagrissen Consulting Limited - and continues to provide various professional business planning services, primarily to the agricultural industry of Atlantic Canada.

III. PID Profile

PID #45118502 is located at 394 Greenhill Road, Greenhill, Hants County, NS, and is co-owned by husband/wife, Jeff Brown and Ericka Rice. The lot is approximately 10.4 acres in size, zoned Agricultural Priority Two (AR-2) by the West Hants Regional Municipality and is designated Agriculture. Mr. Brown and Ms. Rice built their personal residence on the lot in 2015. Jeff Brown owns and operates an excavation company – J. Brown Excavating Limited. He provides excavation services for residential and commercial property owners in the local area as well as HRM. He established his company in 2008 and today employs 11 people including himself and his wife. His business continues to grow and he wants to build a shop where he can service and repair the heavy equipment his business requires. He wants to sub-divide PID 45118502, separating out approximately a 2-acre parcel from personal ownership to the corporate name and build the heavy machinery servicing and repair shop on this site. The parcel referenced is identified in the map, Appendix C. The land was originally forested, and Mr. Brown removed the trees from the front portion of the 2-acre lot in the past year. He brought in fill to level the area and gravel to provide a solid base. The land had a significant slope from the road frontage to the back, inclining towards a river at the back of the property. He is currently using the site to store unwanted debris from excavation jobs, such as fill, lumber, gravel, top soil, etc. He also installed a portable saw mill on site where he mills discarded wood from job sites.

Land zoned AR-2 is defined in Section 8.7 of the West Hants Municipal Planning Strategy (WHMPS) as “Improved and unimproved land with high capability (Class 2 and 3) for production of a variety of crops. This land will be reserved for agricultural production with limited non-agricultural development.” (Page 73, WHMPS)

The strategy further clarifies the intent behind zoning land as AR-2:

“The Agricultural Priority Two (AR-2) zone is intended to apply to areas with high capability for agriculture, but where land owners do not want the strict development controls of the Prime Agriculture (P/Ag) zone. The AR-2 zone allows for more flexibility than the P/Ag zone including a wider scope of on-farm businesses by development agreement. Unlike the P/Ag zone, new dwellings are permitted as a main use, although subdivision is limited to two lots per area of land in a calendar year.” (Page 76, WHMPS)

IV. Study Criteria

The Professional Agrologist study considers the land parcel according to Policy 8.6.1(b)(ii) of the WHMPS, as this policy applies to this site. The study evaluates soils that have capability for agriculture rating better than Class 4 but 90% or more of the development site exhibits severe limitations for agricultural use.

The next section addresses each aspect of Policy 8.6.1.(c) fulfilling the requirements of the Professional Agrologist study.

- Author of study - Yvonne Thyssen-Post, P.Ag., is a registered full-member of NSIA.
- A site inspection was conducted on Tuesday, August 16 accompanied by Mr. Brown.

The Canada Land Inventory (CLI) Capability for Agriculture classification system shows the varying potential of a specific area for agricultural production. It indicates the classes and subclasses according to the Soil Capability Classification of Agriculture, which is based on characteristics of the soil as determined by soil surveys. These agricultural capability maps can be used at the regional level for making decisions on land improvements and farm consolidation, for developing land-use plans and for preparing equitable land assessments (Government of Canada website). The classes indicate the degree of limitation imposed by the soil in its use for mechanized agriculture. The subclasses indicate the kinds of limitations that individually or in combination with others, are affecting agricultural land use. Although the information is old, and better information is available for some areas as part of more recent soil surveys, the interpretations are still largely valid and many jurisdictions still use them for land use planning purposes.

- Soil capability for agriculture was determined using the Soil Map of Hants County, NS, (Report #5, NS Soil Survey) sourced from Government of Canada website, Agriculture & Agri-Food Canada, Canada Land Inventory (CLI) soil surveys. Soil surveys have been published for most of the agricultural areas, and many surrounding areas across Canada. Data from these surveys comprise the most detailed soil inventory information in the National Soil Database (NSDB). The PID was located using commercially available mapping software and the location transposed to the soil survey map. See slides in Appendix C. The site is identified as EI-P/2.B5. CLI describes the soil type as follows:
 - a. The soil characteristics are consistent with those represented by the Elmsdale classification. The surface and subsoil are described as light brown sandy loam over yellowish red sandy loam. The parent material is reddish brown clay loam till derived from shales and sandstones; contains hard slate and quartzite cobbles as confirmed during the visual viewing of the site on August 16.
 - b. Topography and drainage: on the road front of the property this was difficult to determine as the site had been in-filled; back of the site where the topography was undisturbed, it was rolling-to-hilly, imperfectly drained. Transcribing the CLI labeling P indicates well drained; 2 indicates moderately stony, enough stone to interfere with cultivation unless removed; B complex slopes, irregular or rough surface; 5 steeply sloping. Visual inspection of the site verified these parameters.
 - c. The present land use – prior to the clearing and in-filling, the land was forested. Currently it is being used for the placement of excavation equipment and storing/sorting of debris from excavation sites.
 - d. Land capability use of Elmsdale soil as defined in the CLI as fair crop land.

There are approximately 91,000 acres in West Hants is rated CL 1, 2, and 3 (less than 50% of this land is cleared, there is considerable potential for future expansion). The soil in PID 45118502 is primarily Class 3, possibly a small amount of Class 7 according to the Atlantic Provinces Soil Class Maps, compiled by the Soil Research Institute, Research Branch, Agriculture Canada based on maps supplied by NS Soil Survey.

- Major site features or characteristics which influence or determine soil capability include severe slope from the road front of the property to the river as reported by Mr. Brown, a 40-ft drop to the river; stoniness with slate evident in property line ditch and depth of soil, as evidenced by Mr. Brown in reaching bedrock within 12 inches when digging the ditch (Photos in Appendix B). The size of the land parcel being considered is also a factor influencing the capability as it is a 2-acre parcel next to a private residence belonging to Mr. Brown and on the other side is one PID that is being subdivided for 2 house lots. The size of a field (~2 acres) is a nuisance to operate efficiently for crop production. It is inefficient to crop with no other cleared cropland in the immediate vicinity.
- Appendix C locates the site via commercially available mapping software, soils maps and aerial photography. Mr Brown has yet to have a site survey plan completed including the topography as he wanted to ensure he would be approved for rezoning before spending additional money.
- Rezoning the land to commercial does not appear to have any adverse affect on neighboring farms. There are two farms in the immediate area that were consulted to assess the impact and determine compatibility. Mr. Brown provided contact information for two neighboring farmers, and notified them that the consultant would be contacting them to discuss his project.
 - Misty & Martin Croney live next to the site in question and operate a small farm part-time. They have two horses for pleasure purposes plus operate a small cow-calf beef farm consisting of 2 cows, 2 calves, 2 yearlings and 1 bull at the time of consultations on August 18, 2022. They sell freezer beef to individual customers. Ms. Thyssen-Post spoke with Martin Croney and he indicated that the construction of a shop by Mr. Brown would have “absolutely no impact on their farming activities whatsoever.”
 - Carl Miller owns a property about one kilometer away from the study site. Ms. Thyssen-Post spoke with him on August 23, 2022. Mr. Miller purchased the vacated hog farm in 2020 for his roofing company – Bluenose Roofing - to store equipment and supplies. He also is working to develop a beef and sheep farm. His current livestock inventory consists of 6 beef cows, 2 bulls, 100 ewes and 10 rams. His intent is to sell finished lambs to Northumberland Co-op or Oulton’s Meats. He is uncertain yet as to where he will market the feeders, once they are ready for market. “From his perspective, the machine shop will not impact his farm in any shape or form. He has no concerns.”

- Removing the parcel out of agriculture will not result in any loss of agriculture production as the land was not farmed prior to this rezoning request. The 2-acre parcel is insignificant and there are no neighboring farms that would utilize it, especially since the parcel is part of the PID where Mr. Brown built his personal residence.
- Fragmenting the land will mostly impact Mr. Brown as he will have a commercially zoned land parcel at the road entrance to his personal residence. This may impact the future value of his personal residence.

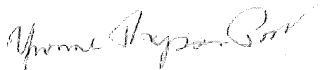
V. Rezoning Assessment Summary

The soil found in PID 45118502 is considered fair to good quality in terms of agricultural capability, as recorded in the CLI, and from the site inspection conducted by Ms. Thyssen-Post. The parcel could potentially produce a fair to good quality hay crop as it contains Class 3 soil similar to many areas of the province that are in agricultural production. There are limitations in the site that influence its' economic viability for agricultural production including the stoniness, steep slope, depth of soil and plot size as noted from the site inspection. The parcel is not currently in agricultural production, therefore there is no loss of production resulting from rezoning of the land.

The land parcel in question is already part of Mr. Brown's personal property and is of a size that is of little value for agricultural cropping purposes. Two neighboring farms were consulted as part of this study as to the impact of rezoning on their farm, and both noted no adverse effects. The construction of a machinery servicing and repair shop will not have any noise and smell affect on neighboring farms. Infilling that has already been completed on the site does not adversely affect existing non-farm development. Mr. Brown's residence is to the left of the site; another neighbor is developing 2 house lots on the right. This site is lower in elevation to the neighboring property. A drainage ditch dug by Mr. Brown along the property line directs run-off from the neighboring property away from the site.

Rezoning the land from AR-2 to commercial to build a heavy machinery servicing and repair shop will not adversely affect neighboring properties as confirmed in this study. The closest neighbor is the residence of Mr. Brown and so if anything, he may be impacted the most by it's affect on future property value.

Sincerely,


Yvonne Thyssen-Post, P.Ag.

Thyagrissen Consulting Limited



References

Canada Land Inventory (CLI) 1:1,000,000. (1954). Atlantic Provinces Soil Capability for Agriculture Map. Retrieved from

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Devanney, M. (June 2010). Profile of Agricultural Land Resources in Nova Scotia. NS Department of Agriculture.

Municipality of the District of West Hants Municipal Planning Strategy. (Approved May 13, 2008; Amended to September 14, 2021).

Overview of Classification Methodology for Determining Land Capability for Agriculture. Canada Land Inventory (CLI), Agriculture & Agri-Food Canada. (2022) Retrieved from

<https://sis.agr.gc.ca/cansis/nsdb/cli/index.html>

APPENDIX A

NS Institute of Agrologist Membership

Receipt Number: 1882

2022



Nova Scotia Institute of Agrologists
7 Atlantic Central Dr
East Mountain, NS B6L 2Z2

Yvonne Thyssen-Post
35 Talon Court Bible Hill, NS B2N 7B4

Member ID: 19311

This is your receipt for income tax purposes.

NSIA Membership Fee for 2022 (HST Included at 15%)

\$178.25

Status: Professional Agrologist

****THIS IS YOUR OFFICIAL RECEIPT --- DO NOT PAY****

BN 888 257 599 RT0001

	Nova Scotia Institute of Agrologists 7 Atlantic Central Dr., East Mountain, NS B6L 2Z2 902-893-7455 Web: http://www.nsagrologists.ca
	This is to certify that Yvonne Thyssen-Post is a(n) Professional Agrologist Membership valid from Jan. 1 to Dec. 31, 2022 Member Signature

APPENDIX B

Site Photos (as of August 16, 2022)

Road front view of PID depicting the area that has been leveled with in-filling, the proposed location of the shop. The land slopes steeply at the back of the property where there is no in-filling. Mr. Brown's personal residence uses the same driveway, and is to the left of the photo.



Drainage ditch along property line of PID 45118502 depicting depth to bedrock. Topsoil to the left was brought in from construction sites and screened.



APPENDIX C

PID Identification; Agricultural Capability Determination



Soil Classification

Brown's Excavating Limited

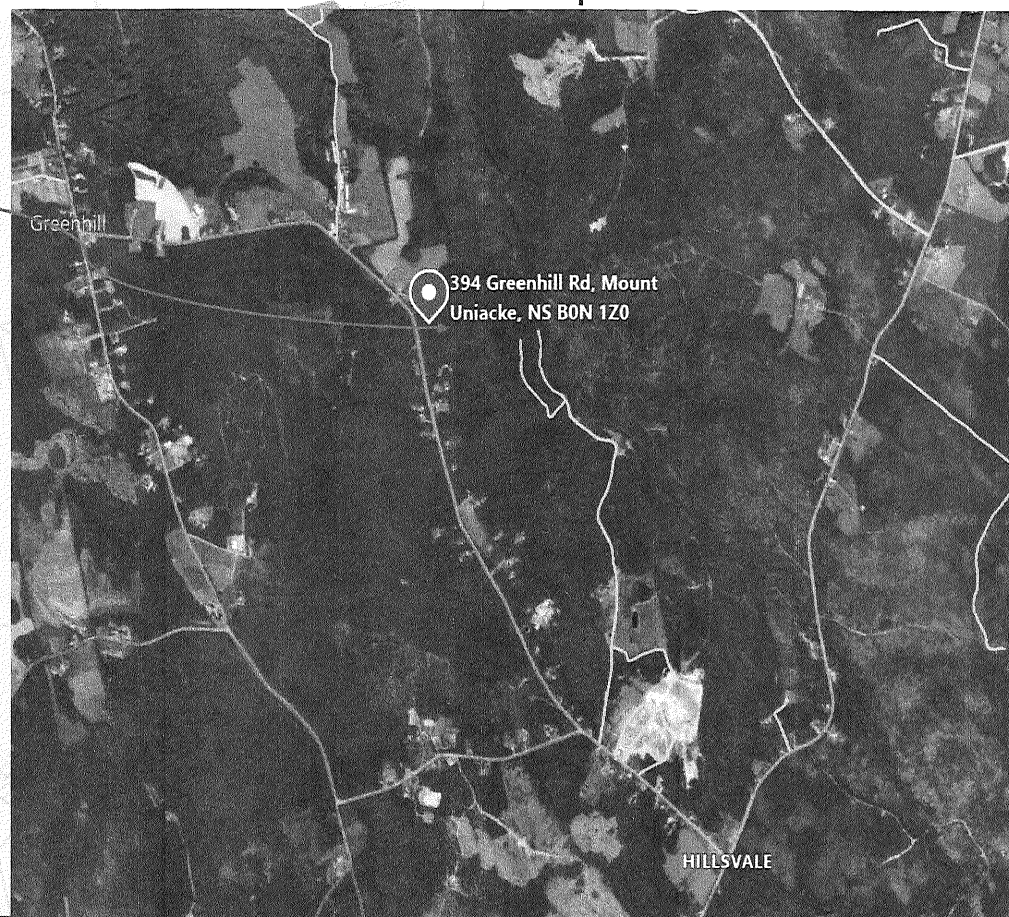
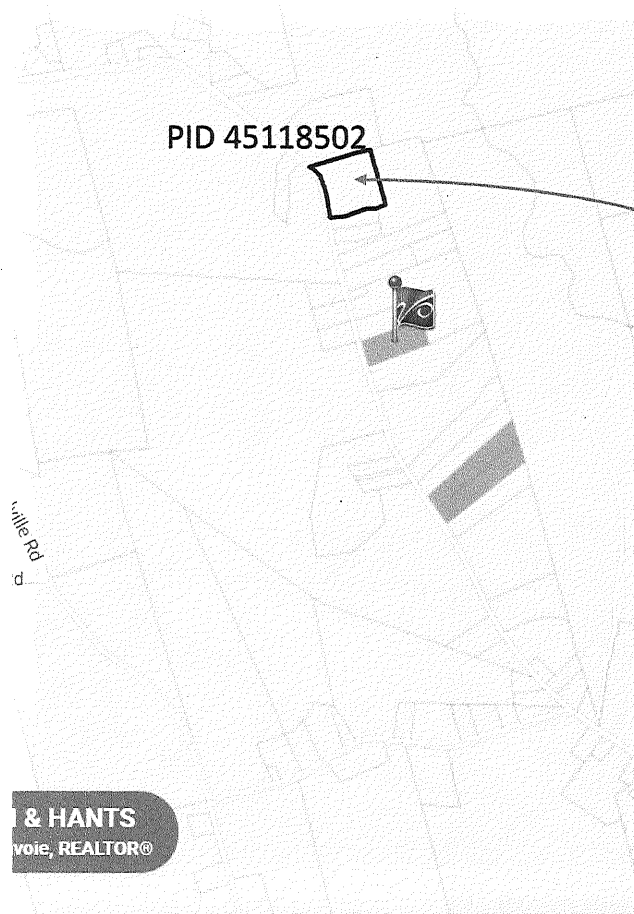
394 Greenhill Rd

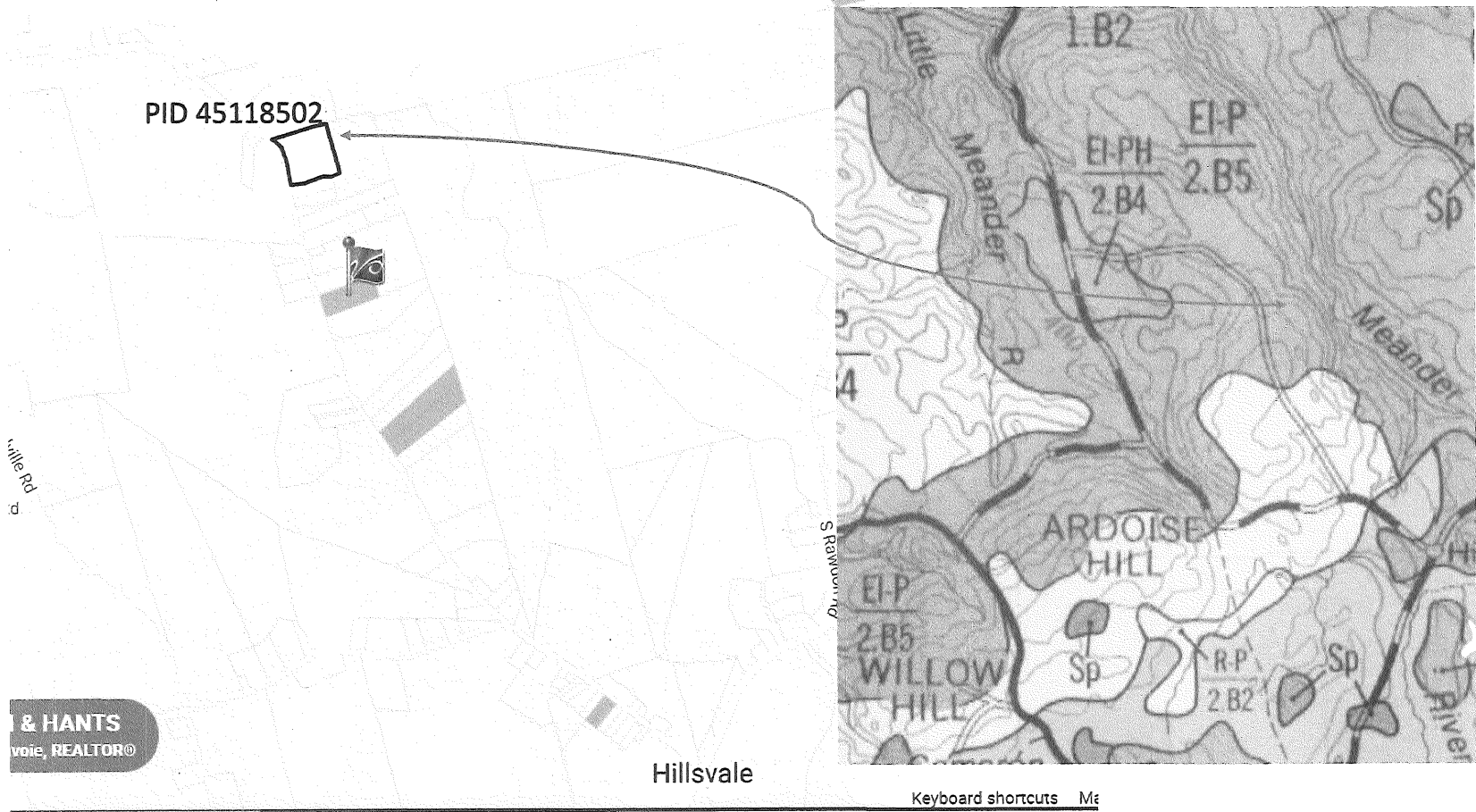
Hants County, NS

PID 45118502

Yvonne Thyssen-Post, P.Ag.

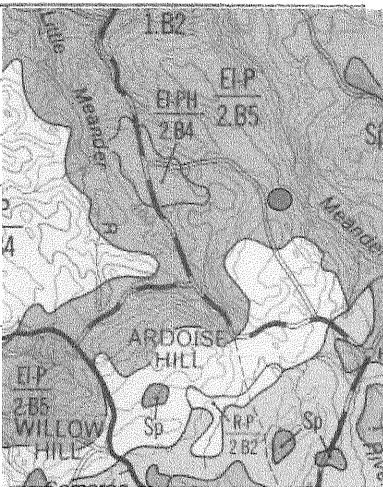
Thyagrissen Consulting Limited





I & HANTS
vodie, REALTOR®

L E G E N D

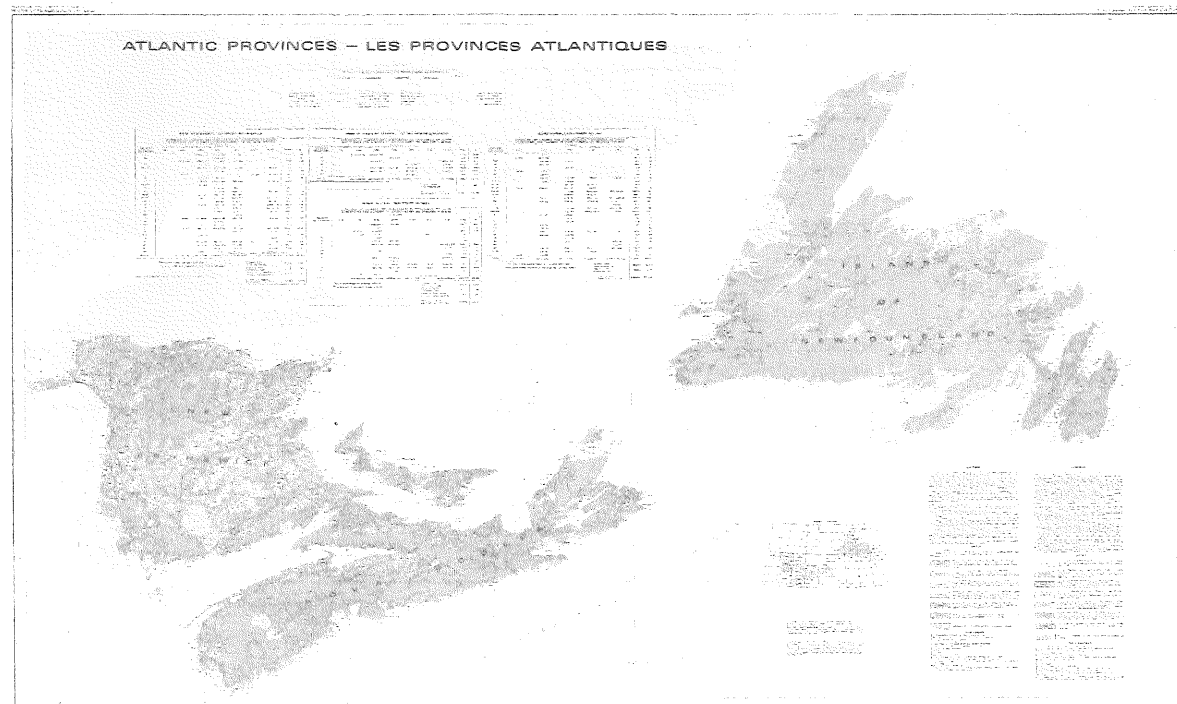
SYMBOL	Q PH	El-P El-PH			
SOIL CATENA	QUEENS	ELMSDALE			
ACREAGE	107769.6	72160.0			
DESCRIPTION OF SURFACE AND SUBSOIL	Light reddish brown clay loam over reddish brown clay loam; slightly mottled; moderately stony.	Light brown sandy loam over yellowish red sandy loam.			
PARENT MATERIAL	Dusky red clay loam till from red shales and mud stone; contains numerous red and brown sandstone fragments.	Reddish brown clay loam till derived from shales and sandstones; contains hard slate and quartzite cobbles.			
TOPOGRAPHY AND DRAINAGE	Undulating to gently rolling; fair surface drainage; internal drainage moderately slow to slow.	Rolling to hilly; well drained; internal drainage moderately rapid.	Rolling to hilly; imperfectly drained.	Undulating to rolling; well drained, but contains numerous depressional areas.	
PRESENT LAND USE	Mixed farming, hay and grain crops; only small areas of Hansford and Elmsdale soils are cleared. Both the Elmsdale and Hansford soils contain considerable stone.				
LAND USE CAPABILITY	FAIR CROP LAND				

Source: Soil Survey of Hants County - Area Soils map-ns5b
<https://sis.agr.gc.ca/cansis/publications/surveys/ns/index.html>

Canada Land Inventory

Soil Class

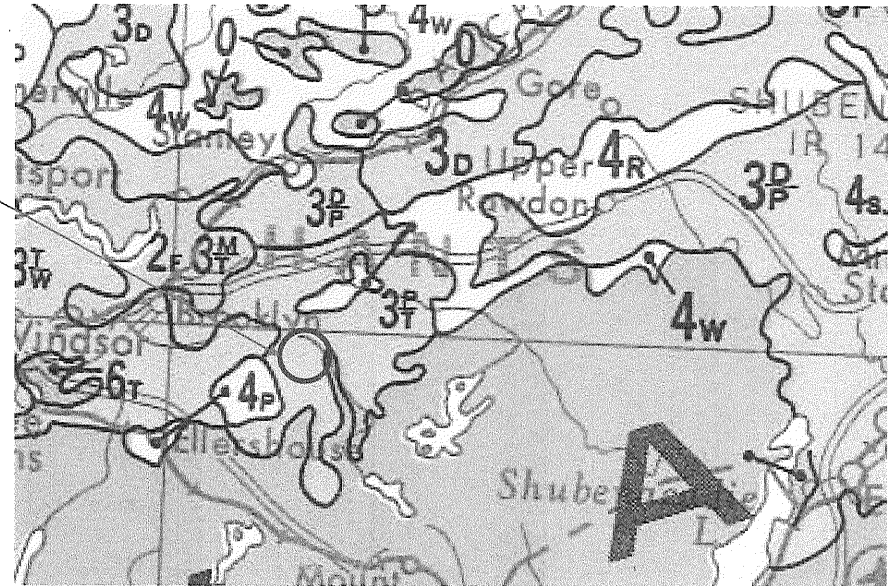
Scale 1:1,000,000



Source: Government of Canada -Canada Land Inventory - cli-1m_agr_Atlantic
https://sis.agr.gc.ca/cansis/publications/maps/cli/1m/agr/cli_1m_agr_atlantic.jpg

Browns Excavation
PID 45118502
(approximate)

CLASS 2	SOILS IN THIS CLASS HAVE MODERATE LIMITATIONS THAT RESTRICT THE RANGE OF CROPS OR REQUIRE MODERATE CONSERVATION PRACTICES.
CLASS 3	SOILS IN THIS CLASS HAVE MODERATELY SEVERE LIMITATIONS THAT RESTRICT THE RANGE OF CROPS OR REQUIRE SPECIAL CONSERVATION PRACTICES.
CLASS 4	SOILS IN THIS CLASS HAVE SEVERE LIMITATIONS THAT RESTRICT THE RANGE OF CROPS OR REQUIRE SPECIAL CONSERVATION PRACTICES, OR BOTH.
CLASS 5	SOILS IN THIS CLASS HAVE VERY SEVERE LIMITATIONS THAT RESTRICT THEIR CAPABILITY TO PRODUCING PERENNIAL FORAGE CROPS, BUT IMPROVEMENT PRACTICES ARE NOT FEASIBLE.
CLASS 6	SOILS IN THIS CLASS ARE CAPABLE OF PRODUCING PERENNIAL CROPS ONLY, AND IMPROVEMENT PRACTICES ARE NOT FEASIBLE.
CLASS 7	SOILS IN THIS CLASS HAVE NO CAPABILITY FOR CROP USE OR PERMANENT PASTURE.
0	ORGANIC SOILS (not placed in capability classes).





WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: November 22nd, 2022

Subject: File 20-31B: Coastal Protection and Flood Planning Policy Update (Hantsport)

LEGISLATIVE AUTHORITY

Municipal Government Act Section 212 (4)

RECOMMENDATION

If Council wishes to proceed to a Public Hearing the following motion would be in order:

... that Council gives First Reading and will hold a Public Hearing to consider amending the Hantsport Municipal Planning Strategy in a manner substantively the same as the draft set out in Attachment A of the report File # 20-31 to the Municipal Climate Change Action Plan Committee dated November 9, 2022.

BACKGROUND

Property ☐	Public Opinion ☐	Environment X	Social ☐	Economic ☐	Councillor Activity ☐
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Coastal Flooding was added to the 2021 MCCAP Workplan on January 21st, 2020. During the February 10th, 2021 MCCAP meeting, the Committee discussed a number of policy options for flood proofing and coastal flooding.

During the MCCAP meeting on September 14th, 2022 I updated the Committee with new information I had acquired through a meeting with Climate Change and Planning staff from HRM. In that meeting, I had learned some of the issues faced by HRM staff pertaining to the implementation of coastal protection policies in preparation for the release of the Coastal

Protection Act regulations. I had asked the Committee for direction, given that the Coastal Protection Act regulations would render previous policies impossible to implement due to new requirements given by the Coastal Protection Act regulations. The Committee recommended that staff pursue a more general set of policies which can be used until the Coastal Protection Act regulations are implemented.

DISCUSSION

Staff presented a recommendation report to the Municipal Climate Change Action Plan Committee (MCCAP) on November 9th, 2022. During the November 9th meeting, MCCAP recommended in favour of the amendment.

On November 10th, 2022, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A).

During the November 10th meeting, PAC/HAC recommended in favour of the amendment.

NEXT STEPS

If Council gives First Reading, a Public Hearing may be scheduled for the proposed amendment.

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A	2022-11-10 Staff Report - File 20-31A: Coastal Protection and Flood Planning Policy Update (Hantsport)
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CHIEF ADMINISTRATIVE OFFICER REVIEW

The recommendation and proposed amendments essentially are a preparatory step to ensure the Municipality's Planning Strategies (Hantsport / Windsor and West Hants) are prepared and include language referencing the forthcoming Coastal Protection Act Regulations.

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by: _____



Mark Phillips, Chief Administrative Officer

**Appendix A – 2022-11-10 Staff Report - File 20-31A: Coastal Protection and Flood Planning
Policy Update (Hantsport)**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: November 10th, 2022

Subject: File 20-31A: Coastal Protection and Flood Planning Policy Update (Hantsport)

LEGISLATIVE AUTHORITY

Municipal Government Act Section 212 (4)

RECOMMENDATION

To allow the amendment, staff recommends that PAC/HAC forward a positive recommendation by passing the following motion:

... that PAC/HAC recommend that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Municipal Planning Strategy in a manner substantively the same as the draft set out in Attachment A of the report File # 20-31 to the Municipal Climate Change Action Plan Committee dated November 9, 2022.

BACKGROUND

Property ☐	Public Opinion ☐	Environment X	Social ☐	Economic ☐	Councillor Activity ☐
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Coastal Flooding was added to the 2021 MCCAP Workplan on January 21st, 2020. During the February 10th, 2021 MCCAP meeting, the Committee discussed a number of policy options for flood proofing and coastal flooding.

During the MCCAP meeting on September 14th, 2022 I updated the Committee with new information I had acquired through a meeting with Climate Change and Planning staff from HRM. In that meeting, I had learned some of the issues faced by HRM staff pertaining to the

implementation of coastal protection policies in preparation for the release of the Coastal Protection Act regulations. I had asked the Committee for direction, given that the Coastal Protection Act regulations would render previous policies impossible to implement due to new requirements given by the Coastal Protection Act regulations. The Committee recommended that staff pursue a more general set of policies which can be used until the Coastal Protection Act regulations are implemented.

DISCUSSION

Staff presented a recommendation report to the Municipal Climate Change Action Plan Committee (MCCAP) on November 9th, 2022. (Attachment A). During the November 9th meeting, MCCAP recommended in favour of the amendment.

NEXT STEPS

Discussion by PAC/HAC will be incorporated into the report and presentation to the Council.

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

PAC/HAC may:

- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A File 20-31: Coastal Protection and Flood Planning Policy Update (Hantsport)

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Attachment A

File 20-31: Coastal Protection and Flood Planning Policy Update (Hantsport)



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Members of Municipal Climate Change Action Plan Committee (MCCAP)

Submitted by: _____
Alex Dunphy, Planner

Date: November 9th, 2022

Subject: File 20-31: Coastal Protection and Flood Planning Policy Update (Hantsport)

LEGISLATIVE AUTHORITY

Municipal Government Act Section 212 (4)

RECOMMENDATION

To allow the amendment, staff recommends that the MCCAP Committee forward a positive recommendation by passing the following motion:

...that the MCCAP Committee recommends that PAC/HAC recommend that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Municipal Planning Strategy in a manner substantively the same as the draft set out in Attachment A of the report File # 20-31 to the Municipal Climate Change Action Plan Committee dated November 9, 2022.

BACKGROUND

Property ☐	Public Opinion ☐	Environment X	Social ☐	Economic ☐	Councillor Activity ☐
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Coastal Flooding was added to the 2021 MCCAP Workplan on January 21st, 2020. During the February 10th, 2021 MCCAP meeting, the Committee discussed a number of policy options for flood proofing and coastal flooding.

During the last MCCAP meeting on September 14th, 2022 I updated the Committee with new information I had acquired through a meeting with Climate Change and Planning staff from HRM. In that meeting, I had learned some of the issues faced by HRM staff pertaining to the

implementation of coastal protection policies in preparation for the release of the Coastal Protection Act regulations. I had asked the Committee for direction, given that the Coastal Protection Act regulations would render previous policies impossible to implement due to new requirements given by the Coastal Protection Act regulations. The Committee recommended that staff pursue a more general set of policies which can be used until the Coastal Protection Act regulations are implemented.

DISCUSSION

In research for what other municipal units have done in preparation for the implementation of the Coastal Protection Act, I have found that Wolfville's Municipal Planning Strategy is the only document which directly addresses the Coastal Protection Act. Other municipal units have sections within their Municipal Planning Strategies which address coastal setbacks or other similar matters, but no direct references to the Coastal Protection Act or associated regulations. In the Wolfville Municipal Planning Strategy, outlined under the Provincial and Regional Coordination Section and immediately following a policy to 'comply with the Statements of Provincial Interest' is the following policy: *"It shall be the policy of Council: 2) To designate a Coastal Protection Zone to comply with the regulations of Bill 106, the Coastal Protection Act."* The inclusion of a straightforward policy similar to this would display the intention of Council to meet the requirements of the Coastal Protection Act once the Act has official regulations for municipalities to implement. Staff have included the draft policy for each of the Municipal Planning Strategies within the Regional Municipality and attached the draft as Attachment A.

The Coastal Protection Zone is a major component of the Coastal Protection Act. The boundaries of that Zone will be provided by the official regulations of the Act. Until those boundaries are provided to the Municipality and added to the planning documents, including policy which depends on the Coastal Protection Zone would be ineffective.

NEXT STEPS

Discussion by MCCAP Committee will be incorporated into the report and presentation to the Planning and Heritage Advisory Committee (PAC/HAC).

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

The MCCAP Committee may:

- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A Draft General Policy - Coastal Protection Act

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Attachment A

Draft General Policy – Coastal Protection Act

Note: coloured text indicates a change from the present HMPS and is provided only for the convenience of PAC/HAC and Council. The purple text is proposed amendments recommended by staff.

Purpose: Text amendments to the Hantsport Municipal Planning Strategy to provide intention to comply with the regulations of the Coastal Protection Act.

Hantsport Municipal Planning Strategy

- 1. Amend Section 2.2.2, *Conservation*, of the Hantsport Municipal Planning Strategy to include a description of the Coastal Protection Act and a new policy immediately following the note after the text of Policy ICSP-1 to read as follows:**

The Coastal Protection Act was passed in 2019 and will come into effect with the approval of accompanying regulations. When that happens, a new Coastal Protection Zone will extend along the coast of Nova Scotia and new requirements will apply to constructing houses and other structures in the zone. The regulations will outline the protections for sensitive coastal ecosystems and ensure that construction is at a safer height and distance from coastal shorelines. The purpose is to mitigate impacts from sea level rise, coastal flooding and coastal erosion.

Policy ICSP-1A

It shall be the policy of Council to designate a Coastal Protection Zone to comply with the regulations of Bill 106, the Coastal Protection Act.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: November 22nd, 2022

Subject: File 20-29B: Coastal Protection and Flood Planning Policy Update (West Hants)

LEGISLATIVE AUTHORITY

Municipal Government Act Section 212 (4)

RECOMMENDATION

If Council wishes to proceed to a Public Hearing the following motion would be in order:

... that Council gives First Reading and will hold a Public Hearing to consider amending the West Hants Municipal Planning Strategy in a manner substantively the same as the draft set out in Attachment A of the report File # 20-29 to the Municipal Climate Change Action Plan Committee dated November 9, 2022.

BACKGROUND

Property ☐	Public Opinion ☐	Environment X	Social ☐	Economic ☐	Councillor Activity ☐
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Coastal Flooding was added to the 2021 MCCAP Workplan on January 21st, 2020. During the February 10th, 2021 MCCAP meeting, the Committee discussed a number of policy options for flood proofing and coastal flooding.

During the MCCAP meeting on September 14th, 2022 I updated the Committee with new information I had acquired through a meeting with Climate Change and Planning staff from HRM. In that meeting, I had learned some of the issues faced by HRM staff pertaining to the

implementation of coastal protection policies in preparation for the release of the Coastal Protection Act regulations. I had asked the Committee for direction, given that the Coastal Protection Act regulations would render previous policies impossible to implement due to new requirements given by the Coastal Protection Act regulations. The Committee recommended that staff pursue a more general set of policies which can be used until the Coastal Protection Act regulations are implemented.

DISCUSSION

Staff presented a recommendation report to the Municipal Climate Change Action Plan Committee (MCCAP) on November 9th, 2022. During the November 9th meeting, MCCAP recommended in favour of the amendment.

On November 10th, 2022, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A).

During the November 10th meeting, PAC/HAC recommended in favour of the amendment.

NEXT STEPS

If Council gives First Reading, a Public Hearing may be scheduled for the proposed amendment.

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A	2022-11-10 Staff Report - File 20-29A: Coastal Protection and Flood Planning Policy Update (West Hants)
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CHIEF ADMINISTRATIVE OFFICER REVIEW

The recommendation and proposed amendments essentially are a preparatory step to ensure the Municipality's Planning Strategies (Hantsport / Windsor and West Hants) are prepared and include language referencing the forthcoming Coastal Protection Act Regulations.

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer

**Appendix A – 2022-11-10 Staff Report - File 20-29A: Coastal Protection and Flood Planning
Policy Update (West Hants)**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: November 10th, 2022

Subject: File 20-29A: Coastal Protection and Flood Planning Policy Update (West Hants)

LEGISLATIVE AUTHORITY

Municipal Government Act Section 212 (4)

RECOMMENDATION

To allow the amendment, staff recommends that PAC/HAC forward a positive recommendation by passing the following motion:

... that PAC/HAC recommend that Council give First Reading and hold a Public Hearing to consider amending the West Hants Municipal Planning Strategy in a manner substantively the same as the draft set out in Attachment A of the report File # 20-29 to the Municipal Climate Change Action Plan Committee dated November 9, 2022.

BACKGROUND

Property ☐	Public Opinion ☐	Environment X	Social ☐	Economic ☐	Councillor Activity ☐
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Coastal Flooding was added to the 2021 MCCAP Workplan on January 21st, 2020. During the February 10th, 2021 MCCAP meeting, the Committee discussed a number of policy options for flood proofing and coastal flooding.

During the MCCAP meeting on September 14th, 2022 I updated the Committee with new information I had acquired through a meeting with Climate Change and Planning staff from

HRM. In that meeting, I had learned some of the issues faced by HRM staff pertaining to the implementation of coastal protection policies in preparation for the release of the Coastal Protection Act regulations. I had asked the Committee for direction, given that the Coastal Protection Act regulations would render previous policies impossible to implement due to new requirements given by the Coastal Protection Act regulations. The Committee recommended that staff pursue a more general set of policies which can be used until the Coastal Protection Act regulations are implemented.

DISCUSSION

Staff presented a recommendation report to the Municipal Climate Change Action Plan Committee (MCCAP) on November 9th, 2022. (Attachment A). During the November 9th meeting, MCCAP recommended in favour of the amendment.

NEXT STEPS

Discussion by PAC/HAC will be incorporated into the report and presentation to the Council.

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

PAC/HAC may:

- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A File 20-29: Coastal Protection and Flood Planning Policy Update (West Hants)

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Attachment A

File 20-29: Coastal Protection and Flood Planning Policy Update (West Hants)



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Members of Municipal Climate Change Action Plan Committee (MCCAP)

Submitted by: _____
Alex Dunphy, Planner

Date: November 9th, 2022

Subject: File 20-29: Coastal Protection and Flood Planning Policy Update (West Hants)

LEGISLATIVE AUTHORITY

Municipal Government Act Section 212 (4)

RECOMMENDATION

To allow the amendment, staff recommends that the MCCAP Committee forward a positive recommendation by passing the following motion:

...that the MCCAP Committee recommends that PAC/HAC recommend that Council give First Reading and hold a Public Hearing to consider amending the West Hants Municipal Planning Strategy in a manner substantively the same as the draft set out in Attachment A of the report File # 20-29 to the Municipal Climate Change Action Plan Committee dated November 9, 2022.

BACKGROUND

Property ☐	Public Opinion ☐	Environment X	Social ☐	Economic ☐	Councillor Activity ☐
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Coastal Flooding was added to the 2021 MCCAP Workplan on January 21st, 2020. During the February 10th, 2021 MCCAP meeting, the Committee discussed a number of policy options for flood proofing and coastal flooding.

During the last MCCAP meeting on September 14th, 2022 I updated the Committee with new information I had acquired through a meeting with Climate Change and Planning staff from HRM. In that meeting, I had learned some of the issues faced by HRM staff pertaining to the

implementation of coastal protection policies in preparation for the release of the Coastal Protection Act regulations. I had asked the Committee for direction, given that the Coastal Protection Act regulations would render previous policies impossible to implement due to new requirements given by the Coastal Protection Act regulations. The Committee recommended that staff pursue a more general set of policies which can be used until the Coastal Protection Act regulations are implemented.

DISCUSSION

In research for what other municipal units have done in preparation for the implementation of the Coastal Protection Act, I have found that Wolfville's Municipal Planning Strategy is the only document which directly addresses the Coastal Protection Act. Other municipal units have sections within their Municipal Planning Strategies which address coastal setbacks or other similar matters, but no direct references to the Coastal Protection Act or associated regulations. In the Wolfville Municipal Planning Strategy, outlined under the Provincial and Regional Coordination Section and immediately following a policy to 'comply with the Statements of Provincial Interest' is the following policy: *"It shall be the policy of Council: 2) To designate a Coastal Protection Zone to comply with the regulations of Bill 106, the Coastal Protection Act."* The inclusion of a straightforward policy similar to this would display the intention of Council to meet the requirements of the Coastal Protection Act once the Act has official regulations for municipalities to implement. Staff have included the draft policy for each of the Municipal Planning Strategies within the Regional Municipality and attached the draft as Attachment A.

The Coastal Protection Zone is a major component of the Coastal Protection Act. The boundaries of that Zone will be provided by the official regulations of the Act. Until those boundaries are provided to the Municipality and added to the planning documents, including policy which depends on the Coastal Protection Zone would be ineffective.

NEXT STEPS

Discussion by MCCAP Committee will be incorporated into the report and presentation to the Planning and Heritage Advisory Committee (PAC/HAC).

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

The MCCAP Committee may:

- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A Draft General Policy - Coastal Protection Act

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Attachment A

Draft General Policy – Coastal Protection Act

Note: coloured text indicates a change from the present WHMPS and is provided only for the convenience of PAC/HAC and Council. The purple text is proposed amendments recommended by staff.

Purpose: Text amendments to the West Hants Municipal Planning Strategy to provide intention to comply with the regulations of the Coastal Protection Act.

West Hants Municipal Planning Strategy

- 1. Amend Section 12.1, *Dykeland Areas*, of the West Hants Municipal Planning Strategy to include a description of the Coastal Protection Act and a new policy immediately following the text of Policy 12.1.10 to read as follows:**

The Coastal Protection Act was passed in 2019 and will come into effect with the approval of accompanying regulations. When that happens, a new Coastal Protection Zone will extend along the coast of Nova Scotia and new requirements will apply to constructing houses and other structures in the zone. The regulations will outline the protections for sensitive coastal ecosystems and ensure that construction is at a safer height and distance from coastal shorelines. The purpose is to mitigate impacts from sea level rise, coastal flooding and coastal erosion.

Policy 12.1.11 *It shall be the policy of Council to identify a Coastal Protection Zone to comply with the regulations of Bill 106, the Coastal Protection Act.*



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: November 22nd, 2022

Subject: File 20-30B: Coastal Protection and Flood Planning Policy Update (Windsor)

LEGISLATIVE AUTHORITY

Municipal Government Act Section 212 (4)

RECOMMENDATION

If Council wishes to proceed to a Public Hearing the following motion would be in order:

... that Council gives First Reading and will hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy in a manner substantively the same as the draft set out in Attachment A of the report File # 20-30 to the Municipal Climate Change Action Plan Committee dated November 9, 2022.

BACKGROUND

Property ☐	Public Opinion ☐	Environment X	Social ☐	Economic ☐	Councillor Activity ☐
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Coastal Flooding was added to the 2021 MCCAP Workplan on January 21st, 2020. During the February 10th, 2021 MCCAP meeting, the Committee discussed a number of policy options for flood proofing and coastal flooding.

During the MCCAP meeting on September 14th, 2022 I updated the Committee with new information I had acquired through a meeting with Climate Change and Planning staff from HRM. In that meeting, I had learned some of the issues faced by HRM staff pertaining to the implementation of coastal protection policies in preparation for the release of the Coastal

Protection Act regulations. I had asked the Committee for direction, given that the Coastal Protection Act regulations would render previous policies impossible to implement due to new requirements given by the Coastal Protection Act regulations. The Committee recommended that staff pursue a more general set of policies which can be used until the Coastal Protection Act regulations are implemented.

DISCUSSION

Staff presented a recommendation report to the Municipal Climate Change Action Plan Committee (MCCAP) on November 9th, 2022. During the November 9th meeting, MCCAP recommended in favour of the amendment.

On November 10th, 2022, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A).

During the November 10th meeting, PAC/HAC recommended in favour of the amendment.

NEXT STEPS

If Council gives First Reading, a Public Hearing may be scheduled for the proposed amendment.

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A	File 20-30A: Coastal Protection and Flood Planning Policy Update (Windsor)
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CHIEF ADMINISTRATIVE OFFICER REVIEW

The recommendation and proposed amendments essentially are a preparatory step to ensure the Municipality's Planning Strategies (Hantsport / Windsor and West Hants) are prepared and include language referencing the forthcoming Coastal Protection Act Regulations.

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer

**Appendix A – 2022-11-10 Staff Report - File 20-30A: Coastal Protection and Flood Planning
Policy Update (Windsor)**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: November 10th, 2022

Subject: File 20-30A: Coastal Protection and Flood Planning Policy Update (Windsor)

LEGISLATIVE AUTHORITY

Municipal Government Act Section 212 (4)

RECOMMENDATION

To allow the amendment, staff recommends that PAC/HAC forward a positive recommendation by passing the following motion:

... that PAC/HAC recommend that Council give First Reading and hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy in a manner substantively the same as the draft set out in Attachment A of the report File # 20-30 to the Municipal Climate Change Action Plan Committee dated November 9, 2022.

BACKGROUND

Property ☐	Public Opinion ☐	Environment X	Social ☐	Economic ☐	Councillor Activity ☐
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Coastal Flooding was added to the 2021 MCCAP Workplan on January 21st, 2020. During the February 10th, 2021 MCCAP meeting, the Committee discussed a number of policy options for flood proofing and coastal flooding.

During the MCCAP meeting on September 14th, 2022 I updated the Committee with new information I had acquired through a meeting with Climate Change and Planning staff from HRM. In that meeting, I had learned some of the issues faced by HRM staff pertaining to the

implementation of coastal protection policies in preparation for the release of the Coastal Protection Act regulations. I had asked the Committee for direction, given that the Coastal Protection Act regulations would render previous policies impossible to implement due to new requirements given by the Coastal Protection Act regulations. The Committee recommended that staff pursue a more general set of policies which can be used until the Coastal Protection Act regulations are implemented.

DISCUSSION

Staff presented a recommendation report to the Municipal Climate Change Action Plan Committee (MCCAP) on November 9th, 2022. (Attachment A). During the November 9th meeting, MCCAP recommended in favour of the amendment.

NEXT STEPS

Discussion by PAC/HAC will be incorporated into the report and presentation to the Council.

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

PAC/HAC may:

- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A File 20-30: Coastal Protection and Flood Planning Policy Update (Windsor)

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Attachment A

File 20-30: Coastal Protection and Flood Planning Policy Update (Windsor)



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Members of Municipal Climate Change Action Plan Committee (MCCAP)

Submitted by: _____
Alex Dunphy, Planner

Date: November 9th, 2022

Subject: File 20-30: Coastal Protection and Flood Planning Policy Update (Windsor)

LEGISLATIVE AUTHORITY

Municipal Government Act Section 212 (4)

RECOMMENDATION

To allow the amendment, staff recommends that the MCCAP Committee forward a positive recommendation by passing the following motion:

...that the MCCAP Committee recommends that PAC/HAC recommend that Council give First Reading and hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy in a manner substantively the same as the draft set out in Attachment A of the report File # 20-30 to the Municipal Climate Change Action Plan Committee dated November 9, 2022.

BACKGROUND

Property ☐	Public Opinion ☐	Environment X	Social ☐	Economic ☐	Councillor Activity ☐
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Coastal Flooding was added to the 2021 MCCAP Workplan on January 21st, 2020. During the February 10th, 2021 MCCAP meeting, the Committee discussed a number of policy options for flood proofing and coastal flooding.

During the last MCCAP meeting on September 14th, 2022 I updated the Committee with new information I had acquired through a meeting with Climate Change and Planning staff from HRM. In that meeting, I had learned some of the issues faced by HRM staff pertaining to the

implementation of coastal protection policies in preparation for the release of the Coastal Protection Act regulations. I had asked the Committee for direction, given that the Coastal Protection Act regulations would render previous policies impossible to implement due to new requirements given by the Coastal Protection Act regulations. The Committee recommended that staff pursue a more general set of policies which can be used until the Coastal Protection Act regulations are implemented.

DISCUSSION

In research for what other municipal units have done in preparation for the implementation of the Coastal Protection Act, I have found that Wolfville's Municipal Planning Strategy is the only document which directly addresses the Coastal Protection Act. Other municipal units have sections within their Municipal Planning Strategies which address coastal setbacks or other similar matters, but no direct references to the Coastal Protection Act or associated regulations. In the Wolfville Municipal Planning Strategy, outlined under the Provincial and Regional Coordination Section and immediately following a policy to 'comply with the Statements of Provincial Interest' is the following policy: *"It shall be the policy of Council: 2) To designate a Coastal Protection Zone to comply with the regulations of Bill 106, the Coastal Protection Act."* The inclusion of a straightforward policy similar to this would display the intention of Council to meet the requirements of the Coastal Protection Act once the Act has official regulations for municipalities to implement. Staff have included the draft policy for each of the Municipal Planning Strategies within the Regional Municipality and attached the draft as Attachment A.

The Coastal Protection Zone is a major component of the Coastal Protection Act. The boundaries of that Zone will be provided by the official regulations of the Act. Until those boundaries are provided to the Municipality and added to the planning documents, including policy which depends on the Coastal Protection Zone would be ineffective.

NEXT STEPS

Discussion by MCCAP Committee will be incorporated into the report and presentation to the Planning and Heritage Advisory Committee (PAC/HAC).

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

The MCCAP Committee may:

- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A Draft General Policy - Coastal Protection Act

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Attachment A

Draft General Policy – Coastal Protection Act

Note: coloured text indicates a change from the present WMPS and is provided only for the convenience of PAC/HAC and Council. The purple text is proposed amendments recommended by staff.

Purpose: Text amendments to the Windsor Municipal Planning Strategy to provide intention to comply with the regulations of the Coastal Protection Act.

Windsor Municipal Planning Strategy

- 1. Amend Section 12.0, *Environmental Constraints*, of the Windsor Municipal Planning Strategy to include a description of the Coastal Protection Act and a new policy immediately following the text of Policy 12.0.3 to read as follows:**

The Coastal Protection Act was passed in 2019 and will come into effect with the approval of accompanying regulations. When that happens, a new Coastal Protection Zone will extend along the coast of Nova Scotia and new requirements will apply to constructing houses and other structures in the zone. The regulations will outline the protections for sensitive coastal ecosystems and ensure that construction is at a safer height and distance from coastal shorelines. The purpose is to mitigate impacts from sea level rise, coastal flooding and coastal erosion.

Policy 12.0.4 *It shall be the policy of Council to designate a Coastal Protection Zone to comply with the regulations of Bill 106, the Coastal Protection Act.*



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☐	Councillor Activity ☒
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To: West Hants Regional Municipality

Submitted by: Jim Ivey, Councillor, Windsor South, District 11

Date: November 22, 2022

Subject: Councillor Activity Report

From the end of September through to date, involvement as councillor has continued in numerous local community and Municipal events, as well as resident interests and contributions to municipal files of the West Hants Municipality and the NSFM

The following reflect a few of the highlights during this reporting period.

West Hants Volunteer Awards Banquet

Held on September 28th at the Brooklyn Civic Center, the West Hants Volunteer Banquet was a wonderful event and fitting celebration recognizing the valued contributions and dedication of local members in our communities. These individuals, organization and companies are worth of note for their selfless contribution of their time and resources to assist the support and development of our region and communities.

Tree Planting and Canopy Expansion

September 29, 2022, Attended the tree planting and canopy expansion at Victoria Park facilitated through Trees Canada, Home Hardware (through Jeff Redden with LoriAnne Webb) the West Hants Municipality including Mayor Zebian, Councillor Rupert Jannasch and staff, CAO Mark Phillips, Director Kathy Kehoe, Coordinator Bekah Craik, Community Economic Development Coordinator Vanessa Roberts, John Ogilvie, Climate Action Coordinator, Chris Burns, Development Officer, Kathy Johnston, Community Recreation Coordinator.

Truth and Reconciliation Flag Raising – Windsor Waterfront

September 29, 2022, Attended the West Hants Regional Municipality's raising of the Truth and Reconciliation Flag at the King Street extension round about in downtown Windsor. This commemorative recognition of the children who died through the residential school program in Canada was also attended by Michael Peters of Glooscap Ventures, Jeff Redden and LoriAnne Webb from Home Hardware, the West Hants Municipality including Mayor Zebian, Councillor Rupert Jannasch and staff; CAO Mark Phillips, Director Kathy Kehoe, Coordinator Bekah Craik, John Ogilvie, Climate Action Coordinator, Chris Burns, Development Officer, Kathy Johnston, Community Recreation Coordinator.

National Day of Truth and Reconciliation:

The Glooscap First Nation hosted a gathering of the communities for the 2nd National Day of Touch and reconciliation. It served as a peaceful time of reflection with families and individuals gathered sharing in rock paintings, stories told and refreshments.

October 19, 2022,

Attended the Community Healthcare Conversation session which took place at the Hants County War Memorial Community Centre. It was identified early in the conversation about the importance of the Hants Community Hospital and its continued operation and expanded services that should be seen in our area due to the growth occurring from Halifax through Windsor to the Annapolis Valley. / Kentville.

Benjamin Mills Wind Farm

On Oct 26, 2022, I was able to attend the open house held at the South-West Hants Fire Station with progress updates and information provided by the staff on site.

NSFM / Department of Municipal Affairs and Housing MGA Review Survey

Submitted input as part of the Council data gather for delivery through the NSFM to the Department of Municipal Affairs and Housing for its review of specific areas in the MGA.

While the survey covered many areas, of specific note and I believe importance was the consideration for the potential use of electronic communication and websites to allow for the posting of public notices on a publicly accessible website as an alternative to a newspaper.

Questions further expanded on this initiative included the use of electronic communication for the likes of: Public Hearing for Sale or Lease of Municipal Property (Section 51), Special purpose tax accounts (Section 83), Sale of Distressed Goods {Section 124} Tax Sale Advertisement (Section 142), Adoption of By-laws (Section 168), Requirements for adoption of planning documents (Section 205), Public hearing for planning documents (Section 206), Notice of sale land no longer needed for parks, playground, or public purposes (Section 273), Notice of Public Hearing for Street Closures (Section 315).

Valley Community Fiber Network (VCFN) and Authority (VCFNA)

October 31, 2022 Meeting was held to review operations of the of the organization including a testing procedure, access control and an interim financial statement review. Subsequent to the VCFN meeting, discussions were held with the VCFNA on network operational matters and contractual items.

November**Resident Flood Concerns – Windsor Area**

Residents continue to express concerns with regards to flood risk within Windsor. This month I've heard from residents in the Kingsview Drive area, specifically relating to concerns with drainage ditches and culverts. Information was discussed with Public Works regarding the concerns and some seasonal maintenance work already planned is reassuring.

Boundary Review Sessions - West Hants and Windsor:

Public engagement sessions were held regarding the electoral boundaries as part of the UARB eight-year review. Sessions were held in Windsor and Hantsport which I was unable to attend due to timing conflicts. I was however able to view the sessions in South West Hants, Brooklyn and Summerville.

Zwicker Lake

Residents of Zwicker Lake continue to express frustration over the uncertainty of the enforcement of the land use regulations in their community on Zwicker Lake.

Windsor Township Business Association ("WTBA")

On November 7, 2022 Councillor Laurie Murley and I attended a session of the Windsor Township Business Association. The primary focus of the discussion related to the evolution of West Hants as a regional municipality and how the Windsor Township Business Association could play a role in its community and economic development / cohesion. Opening and returning to previous lines of communication and sharing of information between our organizations on a more regular basis was a key takeaway. We can likely expect the WTBA to be coming to council on a more frequent basis in the near future while other possible lines of communication are considered.

Additionally relating beautification of the downtown, the question was raised regarding the ongoing issues with the river / former lakebed. Key points from committee members were related to determining 'what is happening', what 'more can be done', its difficult to beautify the downtown with the marsh in the backdrop'. I think its fair to say the merchants want to know what is going to happen.

General comments in response were made that the 'structure' that which has been in the design for several years was still uncertain. I further provided a personal assessment, based on what has been seen and occurred over the last several years. In brief that decision(s) made several years ago determined that significantly improved fish passage was a requirement (Constitution and Fisheries Act); that a lake environment model has not appeared to date to be an environment that would satisfy that need for fish passage and that some form off tidal exchange from the options defined in 2018 (Options A, B and C, then D) would be necessary. Continuing efforts to 'save the lake' (for lack of a better phrase) are not moving things forward. Some discussion ensued. With that as a brief synopsis in this summary, the discussion was then concluded.

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Danny	Dill	2020-06-30	2020-07-14 COTW
Quentin	Davison	2020-07-06	2020-07-14 COTW
Alyson	Bremner	2020-07-07	2020-07-14 COTW
Cecil	Rolfe	2020-07-13	2020-07-14 COTW
Pat	Porter	2020-07-13	2020-07-14 COTW
Nikki-Marie	Lloyd	2020-08-02	2020-09-08 COTW
Heather	Boylan (Martock)	2020-09-01	2020-09-08 COTW
Greg	O'Leary	2020-09-03	2020-09-08 COTW
Dr. Abby	Kirumira	2020-09-02	2020-09-08 COTW
Dean	Manning	2020-09-08	2020-09-08 COTW
David & Michelle	Rideout	2020-09-08	2020-09-08 COTW
Colleen	Walsh-Bouman	2020-09-08	2020-09-08 COTW
Nicholas & Alyson	Juurlink/Bremner (Linked Farms)	2020-09-08	2020-09-22 Council
Tasha	Rogers	2020-09-08	2020-09-22 Council
Brad	Carrigan	2020-09-23	2020-10-13 COTW
Karen	Carrigan	2020-09-23	2020-10-13 COTW
Elaine	Morehouse	2020-09-24	2020-10-13 COTW
Gary	Morehouse	2020-09-24	2020-10-13 COTW
Dr. A	Kirumira	2020-09-24	2020-10-13 COTW
Blake	Sarsfield	undated	2020-10-13 COTW
Greg	Webster	2020-10-01	2020-10-13 COTW
Bobby	Kidston	2020-10-02	2020-10-13 COTW
NSTIR	(Province of NS)	2021-01-13	2021-01-26 Council
Darren	Porter	2021-03-19	2021-03-23 Council
Rylan	Carrigan	2021-03-29	2021-04-13 COTW
Robin	Bremner-Popma (Hants Co Fed of Agri)	2021-03-29	2021-04-13 COTW
Roslyn	MacDuff	2021-03-29	2021-04-13 COTW
Darlene	Taylor	2021-03-23	2021-04-13 COTW
Daniel	Oulton	2021-03-26	2021-04-13 COTW
Karen	Carrigan	2021-03-26	2021-04-13 COTW
Marie & Andrew	Connolly	2021-03-26	2021-04-13 COTW
Robin	Thomson (Atlantic Division Canoe Kayak Canada)	2021-03-30	2021-04-13 COTW
Barbara	Hughes	2021-03-29	2021-04-13 COTW
Laura	Fisher	2021-04-01	2021-04-13 COTW

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Nikki-Marie	Lloyd	2021-04-06	2021-04-13 COTW
Ken	Donnelly (Hwy 101 Twinning CLC)	2021-04-01	2021-04-13 COTW
Darren	Porter	2021-04-06	2021-04-13 COTW
Karen	Lynch	2021-04-09	2021-04-13 COTW
Carilee	Eddy	2021-04-15	2021-04-27 Council
Nikki-Marie	Lloyd	2021-04-19	2021-04-27 Council
Sheldon	Hope	2021-04-19	2021-04-27 Council
Adrienne	Wood	2021-04-22	2021-04-27 Council
Magda	Montgomery	2021-04-22	2021-04-27 Council
Sheldon	Hope	2021-04-26	2021-04-27 Council
Andrew	Smiley	2021-05-02	2021-05-11 COTW
Carrilee	Eddy	2021-05-03	2021-05-11 COTW
Denise	Forand	2021-04-27	2021-05-11 COTW
Erin	Naugler	2021-05-02	2021-05-11 COTW
Janet	Comeau	2021-05-02	2021-05-11 COTW
Kristyn	Anderson	2021-05-02	2021-05-11 COTW
Laura	Fisher	2021-04-01	2021-05-11 COTW
Nick	Rafuse	2021-05-03	2021-05-11 COTW
Nicole	McLeod	2021-05-02	2021-05-11 COTW
Robyn	Cook	2021-05-02	2021-05-11 COTW
Sheldon	Hope	2021-05-02	2021-05-11 COTW
Tammy	Hilden	2021-05-02	2021-05-11 COTW
Tracey	Sexton	2021-05-03	2021-05-11 COTW
Ginette	Pitcher	2021-05-03	2021-05-11 COTW
Greg	Miller	2021-05-05	2021-05-11 COTW
David & Michelle	Rideout	2021-05-05	2021-05-11 COTW
Sylvia & Vince	Burgess	2021-05-05	2021-05-11 COTW
Scott (Adrienne)	Miniau (Wood)	2021-05-03	2021-05-11 COTW
Barbara	Sullivan	2021-05-06	2021-05-11 COTW
Sandra & Skip	Hogan	2021-05-06	2021-05-11 COTW
Marie & Andrew	Connolly	2021-05-06	2021-05-11 COTW
Karen	Carrigan	2021-05-07	2021-05-11 COTW
Adrienne	Wood (Petition)	2021-05-07	2021-05-11 COTW
Lisa	Hines	2021-05-07	2021-05-11 COTW

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Cam	Hartley	2021-05-07	2021-05-11 COTW
Troy & Vicki	Harvie	2021-05-07	2021-05-11 COTW
Jenn	McDermott	2021-05-08	2021-05-11 COTW
Jennifer	Daniels	2021-05-09	2021-05-11 COTW
Krista & Colin	Duncan	2021-05-09	2021-05-11 COTW
Robin	Bremner-Popma	2021-05-07	2021-05-11 COTW
Roslyn (Darlene) [Barb]	MacDuff (Taylor) [Hughes]	2021-05-08	2021-05-11 COTW
Wayne & Dianne	Hines	2021-05-09	2021-05-11 COTW
Bob & Sandra	Langdon	2021-05-10	2021-05-11 COTW
Brad	Hood	2021-05-10	2021-05-11 COTW
Ed & Cathy	Kerr	2021-05-10	2021-05-11 COTW
Ann	MacArthur	2021-05-10	2021-05-11 COTW
Carole Anne	Casey	2021-05-10	2021-05-11 COTW
Sarah	MacDonald	2021-05-10	2021-05-11 COTW
Andre & Donna	Arsenault	2021-05-11	2021-05-11 COTW
Aaron	Leblanc	2021-05-12	2021-05-25 Council
Adrian	Rooney	2021-05-19	2021-05-25 Council
Adrienne	Wood	2021-05-12	2021-05-25 Council
Barb	Sullivan	2021-05-16	2021-05-25 Council
Barbara	Beck	2021-05-15	2021-05-25 Council
Bethany	Rozee	2021-05-12	2021-05-25 Council
Carl	Siler	2021-05-12	2021-05-25 Council
Carol	Bradley	2021-05-16	2021-05-25 Council
Carol	McKinley	2021-05-12	2021-05-25 Council
Chad	Pothier	2021-05-18	2021-05-25 Council
Chris	Cann	2021-05-21	2021-05-25 Council
Connie	Shay	2021-05-15	2021-05-25 Council
Conrad	Mullins	2021-05-18	2021-05-25 Council
Darlene	Taylor	2021-05-15	2021-05-25 Council
Darren	Porter	2021-05-12	2021-05-25 Council
Darren	Woods	2021-05-13	2021-05-25 Council
Dawson	Sheehy	2021-05-16	2021-05-25 Council
Deanna	Hamilton	2021-05-15	2021-05-25 Council
Debbie	Porter-Wood	2021-05-13	2021-05-25 Council
Debbie	Siler	2021-05-15	2021-05-25 Council
Denise	Forand	2021-05-13	2021-05-25 Council

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Devan	Archibald	2021-05-18	2021-05-25 Council
Diane	Ogilvie	2021-05-13	2021-05-25 Council
Erin	Naugler	2021-05-13	2021-05-25 Council
Ernest	Eddy	2021-05-15	2021-05-25 Council
Gerry	Young	2021-05-15	2021-05-25 Council
Gina	Cochrane	2021-05-12	2021-05-25 Council
Harry	Ullock	2021-05-15	2021-05-25 Council
Hope	Moon	2021-05-12	2021-05-25 Council
Ian	Shaw	2021-05-16	2021-05-25 Council
J	Davis (and J Griffith)	2021-05-17	2021-05-25 Council
Jacqueline	Farvacque	2021-05-12	2021-05-25 Council
Jayne	Murray	2021-05-16	2021-05-25 Council
Jeff	Redden	2021-05-17	2021-05-25 Council
Jennifer	Shaw	2021-05-16	2021-05-25 Council
Jocelyne	Marchand	2021-05-12	2021-05-25 Council
John & Sarah	Monette	2021-05-19	2021-05-25 Council
Jordan	Macumber	2021-05-12	2021-05-25 Council
Josette	Dugue	2021-05-12	2021-05-25 Council
Judy	Lynch	2021-05-13	2021-05-25 Council
June	Pedersen-LaPierre	2021-05-15	2021-05-25 Council
Justin	Cochrane	2021-05-12	2021-05-25 Council
Karen	Lynch	2021-05-18	2021-05-25 Council
Kathryn	Bergeron	2021-05-16	2021-05-25 Council
Kathy	Veinot	2021-05-15	2021-05-25 Council
Kyle	Pellegrini	2021-05-12	2021-05-25 Council
Lachlan	Riehl	2021-05-12	2021-05-25 Council
Laura	Stewart	2021-05-19	2021-05-25 Council
Lee	Billington	2021-05-12	2021-05-25 Council
Lee	Millett	2021-05-12	2021-05-25 Council
Lexie	Barkhouse	2021-05-12	2021-05-25 Council
Linda	Card	2021-05-11	2021-05-25 Council
Monique	Wood	2021-05-16	2021-05-25 Council
Nancy	Sheehy	2021-05-16	2021-05-25 Council
Nancy	Sheehy	2021-05-18	2021-05-25 Council
Nikki-Marie	Lloyd	2021-05-12	2021-05-25 Council
Nikki-Marie	Lloyd	2021-05-17	2021-05-25 Council

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Olena	Kharytonova	2021-05-15	2021-05-25 Council
Pat	Porter	2021-05-12	2021-05-25 Council
Paula	Lake	2021-05-12	2021-05-25 Council
Robert	Bowkett	2021-05-18	2021-05-25 Council
Roslyn	MacDuff	2021-05-15	2021-05-25 Council
Ruth	Angevine	2021-05-13	2021-05-25 Council
Scotch Village	Farm	2021-05-19	2021-05-25 Council
Shirley	Pineo	2021-05-12	2021-05-25 Council
Stephen	Brooks	2021-05-12	2021-05-25 Council
Trudy	Sheehy	2021-05-17	2021-05-25 Council
Steven	Bouman	2021-05-17	2021-05-25 Council
Sue	Sheehy	2021-05-14	2021-05-25 Council
Susie	Smith	2021-05-12	2021-05-25 Council
Tasha	Rogers	2021-05-12	2021-05-25 Council
Tera	Brommit	2021-05-17	2021-05-25 Council
Toni-Lee	Burns	2021-05-12	2021-05-25 Council
Tony	Wood	2021-05-18	2021-05-25 Council
Tracey	Sexton	2021-05-16	2021-05-25 Council
Trevor	Levy	2021-05-12	2021-05-25 Council
Tricia	Brommit	2021-05-17	2021-05-25 Council
Vince & Sylvia	Burgess	2021-05-16	2021-05-25 Council
Loretta	MacEachern	2021-05-20	2021-05-25 Council
Tim & Jennifer	Bayers	2021-05-21	2021-05-25 Council
Darlene	Taylor	2021-05-25	2021-06-08 COTW
Darlene	Taylor	2021-05-25	2021-06-08 COTW
Darren	Porter (forwarded email from/to another source)	2021-05-27	2021-06-08 COTW
Dawn	Allen	2021-05-25	2021-06-08 COTW
John	Monette	2021-05-25	2021-06-08 COTW
Richard	Dunham	2021-05-25	2021-06-08 COTW
Carrilee	Eddy	2021-06-06	2021-06-22 Council
Darlene	Taylor	2021-06-09	2021-06-22 Council
Darren	Porter	2021-06-06	2021-06-22 Council
Lisa	Bland	2021-06-08	2021-06-22 Council
Krista & Scott	Lloy	2021-06-07	2021-06-22 Council
Nancy	Sheehy	2021-06-06	2021-06-22 Council
Karen	Beazley	2021-07-06	2021-07-13 COTW

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

[illegible]

Correspondence Received

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Katherine	Mcleod, P.Eng, Dept. Environment and climate change	2021-10-28 (Received)	2022-01-11 COTW
Hants County Legion		2021-11-25	2021-12-07 COTW
Hon. Melissa	Sheehy-Richard	2021-11-30	2021-12-07 COTW
Hon. John	Lohr	2021-11-30	2021-12-07 COTW
Hon. Kim	Masland	2021-12-01	2021-12-16 Council
NSUARB		2021-12-10	2021-12-16 Council
Bennet	Mary Lou	2021-12-13	2021-12-16 Council
Hon. Kim	Masland	2021-12-17	2022-01-11 COTW
Bland	Lisa	2021-01-17	2022-01-11-COTW
Wilson	John	2021-12-21	2022-01-11 COTW
Pineo	Shirley	2021-12-17	2022-01-11 COTW
Nelson	Gary	2022-01-11	2022-01-25 Council
Hon. Kody	Blois	2022-01-13	2022-01-25 Council
Denise	Forrand	2022-01-19	2022-01-25 Council
Dawn	Allen	2022-01-18	2022-01-25 Council
Sarah	Brothers	2022-01-19	2022-01-25 Council
Roland	Newcombe	2022-01-20	2022-01-25 Council
Valerie	Newcombe	2022-01-20	2022-01-25 Council
Andrea	Moore	2022-01-21	2022-01-25 Council
Gary	Nelson	2022-01-26	2022-02-08 COTW
Hon. Minister	Johns	2022-01-27	2022-02-08 COTW
Hon. John	Lohr	2022-02-01	2022-02-08 COTW
Hon. Joyce	Murray	2022-02-02	2022-02-08 COTW
Kim	MacQuarrie	2022-02-06	2022-02-22 Council
Sheldon	Hope	2022-02-08	2022-02-22 Council
Brad	Carrigan	2022-01-24	2022-03-08 COTW
Dr. Gordon	Haliburton	2022-02-14	2022-03-08 COTW
Hon. Kim	Masland	2022-03-01	2022-03-08 COTW
East Hants		2022-03-01	2022-03-08 COTW
Hon. John	Lohr	2022-03-22	2022-04-12 COTW
Andrea	Parker	2022-03-28	2022-04-12 COTW
Bulk Water Haulers		2022-03-30	2022-04-12 COTW
Mark	Wainman	2022-04-04	2022-04-12 COTW
Jeff	Houser	2022-03-23	2022-04-12 COTW
Kathrin	Winkler	2022-04-05	2022-04-12 COTW
Joseph, PVSC	Feeney	2022-04-14	2022-04-26 Council

Correspondence Received

Darren	Porter	2022-04-21	2022-04-26 Council
Daphnee	de Lamirande	2022-04-29	2022-05-10 COTW
Hon. John	Lohr	2022-05-02	2022-05-10 COTW
Ann- Marie	Mathieu, Annapolis Valley Regional Library	2022-05-05	2022-05-10 COTW
2022-05-11 Yves	Arsenault re Information session for Hosting of 44th annual Final des Jeux de l'Acadie for 2025	2022-05-11	2022-05-26 Council
Anna	Allen	2022-05-22	2022-06-14 COTW
Seamus	Marriott, Community Petition re Zwicker lake	2022-05-31	2022-06-14 COTW
Scott	Carson (Presenting letter in person to Council)	2022-06-03	2022-06-14 COTW
Hon. John	Lohr (DMA)	2022-06-10	2022-06-14 COTW
Nancy	Sherwood	2022-06-14	2022-06-28 Council
Bobby	Best	2022-06-16	2022-06-28 Council
Hon. Kim	Masland	2022-06-21	2022-06-28 Council
Sherri	Bulger	2022-06-28	2022-06-28 Council
Hon. John	Lohr	2022-06-30	2022-07-12 COTW
Domenic	Padula	2022-07-07	2022-07-12 COTW
Hon. Joyce	Murray	2022-07-12	2022-07-26 Council
Diana	Gibson re: RCMP & Fort Edward Information	2022-06-29	2022-07-26 Council
Acute Care	Tanya Penney	2022-07-19	2022-07-26 Council
Darren	Porter	2022-07-27	2022-09-13 COTW
PVSC		2022-08-02	2022-09-13 COTW
DMA		2022-08-04	2022-09-13 COTW
Breaking Barriers Together		2022-08-17	2022-09-13 COTW
Bill	Preston	2022-08-18	2022-09-13 COTW
Alix	Munro (POSSE)	2022-09-01	2022-09-13 COTW
County of Annapolis	Letter to Premier Tim Houston and Hon. Tim Halman re Moratorium on Aerial Herbicide Spraying	2022-09-14	2022-09-27 Council
Darren	Porter	2022-09-14	2022-09-27 Council
Darren	Porter	2022-09-16	2022-09-27 Council

Correspondence Received

[illegible]

From: The Parker's Epic Family Adventure 2019

Date: November 6, 2022 at 12:24:58 PM AST

To: Abraham Zebian <AZebian@westhants.ca>, Mark McLean <mmclean@westhants.ca>, MLA Office <melissa.mlaoffice@gmail.com>

Subject: Letter for correspondence

Caution [External Email]

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

Appreciating you bringing this forward at council in the near future.

Hi everyone,

I called transportation today and spoke with a lovely person and expressed the need for repair work on our road. Jeremy lost a spring off his dump trailer this past week and the potholes are near impossible not to hit no matter what side of the road you drive on. Hopefully we see some repairs this week. It is the whole span of the road from Bellaroma straight to the end of the cul-du-sac.

I had every intention of presenting to council in November but I cannot commit to that in the near future. In the meantime how can we move this forward? Surely with the amount of reporting we have already done to transportation, repair work people have taken upon themselves, email conversations and the reports already obtained by the municipality do I really need to present to council on this? It's hard not to see all the repair works that have been done in the past few years in hantsport, falmouth etc and wonder why our road is not "next on a list" for budget 2023-24.

This road is a community of mostly small business owners retired or actively still working that are used to problem solving, and getting things done. We employ and contribute hugely to the economy and betterment of our community. Can the council get behind our community needs and present a cost share to the province that does not involve the residents of our community having to pay extra. Each of the communities in West Hants need equitable use of resources - now is the time for our road.

I hope you take this email in the spirit it is being sent - problem solving and getting ahead with the needed work without a burden to the residents of our road.

Kind Regards,
Andrea Parker



November 2022

Dear Valued Donor,

Re: W.A.E.F.A. Award Recipient Confirmation, Graduation 2022

On behalf of the Windsor and Area Education Fund Association and the AVHS Graduation class of 2022, we wanted to take a moment to thank you again for the generous support you offered to our students at Avon View this past graduation season. The support we receive each year from our community donors makes a world of difference to our students and their families as they move forward in their lives, pursuing their post-secondary education.

For your records, we wanted to be sure to confirm the award recipients of your awards that are sponsored by the West Hants Regional Municipality from this past graduation in June 2022:

Award	AVHS Recipient for 2022
<i>Dr. Garth Vaughan Memorial Bursary 2022</i>	<i>Helena Monette</i>
<i>Dr. James T Snow Bursary 2022</i>	<i>Erika Dash</i>
<i>Jeanne Bourque Carpe Diem Memorial Bursary 2022</i>	<i>Brandi-Lee Briand</i>
<i>Municipality of West Hants Bursary in Memory of Fred Fox 2022</i>	<i>Chad Cochrane</i>

If you have any questions or wish to update any contact information for next grad season, please do not hesitate to contact me at wellwoods@gnspes.ca.

Thank you again for your support. We hope you have enjoyed a pleasant Fall and we will be reaching out to you again in the New Year!

Warm regards,

Sarah Wellwood, M.Ed.
Senior Counsellor
Avon View High School
wellwoods@gnspes.ca
(902) 792-6740

Principal:
Paul Hanson

Vice-Principals:
Ashley Connors
Doug Rutt
Tim Swinamer

Counsellors:
Kelly Murphy
Sarah Wellwood

Phone: 902.792.6740
Fax : 902.792.6762



Office of the Chief Administrative Officer
46 Municipal Drive, Pictou, Nova Scotia, B0K 1H0
(Tel) 902-485-4311 (fax) 902-485-6475
(Email) brian.cullen@munpict.ca

November 3, 2022

To Whom It May Concern:

Re: Comfort Centre Generator Funding

The purpose of this letter is to confirm that the Garden of Eden Community Centre located at 28 Garden of Eden Church Loop, Garden of Eden, NS are recognized by the Municipality of the County of Pictou and our Emergency Management Office as a resource to be used as a comfort centre during emergency situations.

Should you require any additional information concerning any of the above information, please do not hesitate to contact my office.

Sincerely,

Brian Cullen
Chief Administrative Officer



Planning for and operating comfort centres:

Guidelines for municipalities

A note regarding COVID-19:

The guidelines below are intended to inform the general operation of comfort centres. With the continued response to COVID-19, additional steps are required to ensure comfort centre operations comply with Public Health Orders.

For the most up-to-date information, please visit www.novascotia.ca/coronavirus paying attention to direction including:

- No entry for anyone with COVID-19 symptoms or who must self-isolate
- The requirement for wearing masks in all public spaces
- Social distancing of at least 2 meters (6 feet)
- Hand washing / hand sanitizing
- Cleaning of surfaces

Planning for Municipal Comfort Centres

Overview

Comfort centres can provide important services to enhance communities' resiliency to emergencies and to reduce the risk to vulnerable populations. It is important that they be identified and planned for in advance, advertised to the public, and operated within appropriate guidelines to ensure the health and safety of visitors.

The following provincial guidelines are presented to municipalities to encourage them to develop their own operating procedures for comfort centres.

Definition of Comfort Centre

The comfort centres referred to in these guidelines are those identified and operated by municipalities. Municipal comfort centres are intended to allow individuals to charge electronic devices, access internet or phones, receive information from officials, warm up or cool off, and have light refreshments. Comfort centres do not provide overnight accommodations.

Some community organizations choose to offer refreshments, meals, and other services outside of municipal comfort centres. This activity falls outside of NSEMO's mandate. Organizations that open their own community facilities should train volunteers and must follow all public health and safety standards for food handling, safe drinking water, and preventing the spread of communicable diseases.

Definition of Reception Centre

A reception centre (also evacuation centre) is designed to receive evacuees who have been forced from their homes as the result of an emergency or disaster. Evacuees are registered by the Canadian Red Cross (CRC) and overnight accommodations and other supports are arranged through Provincial Emergency Social Services and the CRC.

Definition of Shelter

Shelters are operated by the Province through an agreement between the Department of Community Services and the Canadian Red Cross. Shelters usually provide overnight accommodations, shower facilities, meals, location services and access to social supports including mental health supports. They are typically opened for evacuations or emergencies involving substantial damage that make it unsafe for people to remain in their homes. Shelters follow all provincial public health guidelines, and the CRC trains volunteers that support emergency shelters.

Activating comfort centres

The number and type of comfort centres offered by municipalities varies, as do the triggers used by local officials to determine when a comfort centre should open. All municipalities should include comfort centres in their Emergency Management Plan so processes and decision chains are clear. Municipalities are responsible for the cost of operating comfort centres, and they decide what services they will offer.

If an event causes conditions that put vulnerable populations at risk, such as power outages accompanied by extreme weather temperatures, NSEMO may recommend that municipalities open comfort centres.

Guidelines for Operating Comfort Centres

These guidelines are intended to ensure the safety and comfort of staff, volunteers, and visitors to comfort centres.

NSEMO recommends that comfort centres identified and operated by municipalities:

- ☐ are in a central location, away from potential hazards (e.g.: floods)
- ☐ are barrier-free inside and out, as defined by the NS Building Code Regulations;
- ☐ have drinking water from a regulated (municipal) supply. Alternatively, well water must be tested according to provincial regulations and guidelines;
- ☐ are heated so visitors can warm up during power outages;
- ☐ have cooling capacity (air conditioning, heat pump, etc.);
- ☐ have adequate power outlets to allow visitors to charge devices;
- ☐ have an approved First Aid Kit and an Automated External Defibrillator (AED);
- ☐ have enough seating for visitors, staff, and volunteers;
- ☐ have enough volunteers or staff identified, in advance, to operate the comfort centre(s) safely;
- ☐ have a generator and/or approved connections for a portable generator;
- ☐ are equipped to provide light refreshments such as coffee, tea, water, and snacks; and

- ❑ adhere to all current public health guidance to prevent the spread of communicable diseases. Contact your nearest [Public Health Office](#) for advice. (Note for COVID-19 protocols visit www.novascotia.ca/coronavirus)

NSEMO does not recommend serving meals at comfort centres. If your municipality wishes to serve food that isn't pre-packaged, please ensure all [food protection guidelines](#) are followed.

Planning

Once appropriate locations have been identified, municipalities should take the following planning steps:

- ❑ sign a memorandum of understanding (MOU) with the organization that owns the comfort centre location, if required
- ❑ prepare and share an operations checklist with municipal leaders and identified volunteers or staff
- ❑ prepare a comfort centre kit (see Appendix A) containing supplies for each location
- ❑ notify NSEMO with the following information and ensure the information is regularly updated:
 - Civic address(es) of the comfort centre(s)
 - Planned hours of operation
 - Services that will be provided
 - Capacity
- ❑ notify the public of the comfort centre and the services that will be offered
- ❑ consider options for notifying residents and visitors to the community about comfort centre location(s), such as signage, social media, website, etc.
- ❑ consult [Public Health](#) officials for guidance on required or recommended measures to prevent the spread of communicable diseases
- ❑ consult provincial [Environmental Health](#) for information and training opportunities for preventing the spread of diseases and infections in public spaces
- ❑ incorporate the comfort centre plans into the municipal emergency management plan. NS Emergency Management Planning Officers are available to assist with this step.

For more information on planning for and operating comfort centres, contact your NSEMO Emergency Management Preparedness Officer, call EMO at 902-424-5620 or toll-free at 1-866-424-5620, or email emo@novascotia.ca during regular business hours.

****NOTE: When the Provincial Coordination Centre is activated for an emergency, please send all information regarding comfort centres to EMO at pcc@novascotia.ca or call 1-866-424-5620.****

Appendix A

Recommended Supplies for Comfort Centre Kit

Stationary	Safety	Miscellaneous
☐ Bristol board and paper for signage ☐ Sign-in sheet ☐ Thumb tacks, tape, rubber bands ☐ Lined paper pads, copier paper ☐ Pens, pencils, erasers, sharpeners ☐ Paper clips, envelopes, staplers, staples ☐ Coloured markers ☐ Scissors ☐ Filing box	☐ Approved first-aid kit ☐ Cold packs ☐ Survival blankets ☐ Triangular bandages ☐ AED ☐ Antibacterial hand wipes ☐ Disposable gloves ☐ Flashlights and batteries ☐ AM/FM radio and batteries ☐ Hand soap ☐ Hand sanitizer ☐ Disposable face masks ☐ Infrared instant read thermometers, as required	☐ Toilet paper ☐ Paper towel ☐ Cleaning products (soap, bleach, etc.) ☐ Broom, mop, bucket ☐ All-purpose cleaner ☐ Garbage bags ☐ Beverages, snacks, serving supplies

November 13 , 2020

Hantsport Seniors and Elders Club,
St. Andrews Church,
59, Main Street,
Hantsport, Nova Scotia
BOP 1P0

November 10th 2022

West Hants Municipality
Mark Philips... Chief Administrative Officer,
Abraham Zebian....Mayor,
Paul Morton, Deputy Mayor, Polling District 8
Hantsport - Mount Denson

Dear Sirs

I am writing to request the possibility of an installation of a Community Comfort Centre to be installed the St. Andrew's Church Hall, Hantsport.

The Hantsport Seniors and Elders Club, of which I am the current President, have been approached by the organization charged with the installations of a multitude of these Community Comfort Centres throughout the various rural areas of Nova Scotia.

By this installation, in the heart of the Hantsport community, I would suggest that this Comfort Centre would ideally situated to the huge benefit our local residents in the event of a sustained power outage. Applications to Phase 2 of the Grant scheme will deadline on February 14th 2023 and there is a total budget of \$2 million.

There is a upper financial grant limit of \$50,000, although due to the size of the basement room and kitchen, and the upper limit of attendees, the application grant request amount will be substantially lower. (to be determined). Although our Club has been approached there is a stipulation that the requesting organization contribute 20% of the requested grant amount.

Being a comparatively small club we have a small bank balance and would be unable to fund the 20% as requested whereas the financial support of the Municipality can make it happen.

I am requesting that the West Hants Municipality take a close look at strategically placing these comfort centres around the municipality, with an ultimate view of the possibility of setting up a Community Comfort Centre at the St. Andrews Church.

Thank you in anticipation,
regards,
David Old,
Club President

P. O. Box 177

Nantaport, N. S. BOP 1P0

Nov. 12, 2022

Mayor and Councilors

West Nant Reg. Municipality

I thank you so much for the wonderful opportunity you gave me to be your representative at the N. S. Volunteer Provincial Award Afternoon.

It was a wonderful afternoon, so well presented and I was very proud to represent our Municipality among so many wonderful volunteers.

As a closing to a wonderful afternoon it was a plus for my daughter and I to dine with Mayor Zebrun - a lovely meal and lively conversation! Again sincere thanks
Sincerely Juanita "Wheet" Wilcox

October 31, 2022

Attention:

Re: Renewal of the Operating Approval for the Avon Hydro System

Nova Scotia Power (NS Power) is beginning the process of renewing operating approvals for the Avon Hydro System. As part of this process, we would like to share the following information and initiate discussion about the upcoming relicensing process.

Nova Scotia Power generates 95% of Nova Scotia's electricity and serves about 507,000 residential, commercial and industrial customers across the province. As part of the energy mix, we operate 32 generating stations on 16 hydroelectric (hydro) systems in Nova Scotia, providing almost 10% of the province's clean electricity.

Each hydro system is operated in accordance with a Water Approval for Storage/Withdrawal of Water under the Nova Scotia Environment Act, administered by Nova Scotia Environment and Climate Change. A number of hydro systems have ten-year approvals, which are coming up for renewal over the next few years. This includes The Avon Hydro System (Approval #2022-2939514-00)

Relicensing Process

In preparing to relicense a system, NS Power gathers information on the hydro system as well as Mi'kmaw cultural heritage and resources and conducts studies on water quality, fish and fish habitat and species of conservation concern. It is important that regulators, community members and groups, Mi'kmaw communities and organizations, the general public and any other user of the watershed can participate in the relicensing process. It is also important to have a means to provide valuable information toward the ongoing operation of the system. As part of this process communities and other users of the watershed are invited to provide feedback. All of the information and feedback is combined into a report and provided to Nova Scotia Environment and Climate Change as part of the relicensing application. NS Power is not proposing any changes to the current infrastructure or operation of the Avon Hydro System as part of the relicensing process.

The Avon Hydro System is located on the Avon River in Hants County, Nova Scotia approximately 16km south of the Town of Windsor. The system generates from Card

Lake, South Canoe Lake, Zwicker Lake, Falls/Mockingigh Lake and MacDonald Pond and utilizes a drainage area from of approximately 357 km².

The hydro system consists of two generating stations and five power canals. Storage reservoirs include Card and South Canoe, while headponds include Zwicker (uncontrolled), Falls and MacDonald reservoirs. Power canals carry water from the headponds to the generating station

The Avon Hydro System was constructed in the 1920's and has been in operation continuously since that time. Currently the system has capacity to generate 7.5 MW of electricity.

We welcome discussion on the renewal of the operating approval for the Harmony Hydro System. Please contact me if you would like to schedule a meeting to discuss further.

Yours truly,

Erica Gillis
Hydro Relicensing Project Manager

Deanna Snair

From: Abraham Zebian
Sent: Wednesday, November 16, 2022 8:47 PM
To: Deanna Snair
Subject: Fwd: District Boundary Review
Attachments: MU District Review.pdf; ATT00001.htm

Correspondence for November Council.

Abraham Zebian
Mayor
West Hants Regional Municipality
(902)790-1566

West Hants Regional Municipality acknowledges that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People.

Begin forwarded message:

From: [REDACTED]
Date: November 16, 2022 at 8:38:43 PM AST
To: Abraham Zebian <AZebian@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Scott McLean <smclean@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Paul Morton <PMorton@westhants.ca>, John Smith <JSmith@westhants.ca>, Laurie Murley <lmurley@westhants.ca>, Jim Ivey <jivey@westhants.ca>, Mark McLean <mmclean@westhants.ca>
Subject: District Boundary Review

Caution [External Email]

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

Good evening Mayor, Councillors

I have attended three of the recent public meetings for district boundary review. I appreciate having the opportunity to express my thoughts in-person before Councillors Francis, Ivey, Morton and Smith, who were in attendance. My apologies to them for having to endure, and especially so for consultant John H. who had to endure on three occasions. Unfortunately, the turn-out

was low and only nine other citizens attended the three sessions in total.

It is clear Council intends to retain the existing 11-District governance structure for the time-being, and the sessions/survey being conducted are directed toward that end. While I understand there is some wiggle-room for citizen input, the overriding message/theme was described as “status quo” for the next 8-10 years.

Given that Council has invited citizen input, I herein provide mine.

Quite simply, we are over-governed. The numbers presented by the consultant, as well as other statistics, confirm this. Notwithstanding HRM and CBRM, who are much larger regional entities, West Hants shares top spot for the number of elected officials. Also, the average number of elected officials for all “Rural” municipalities in NS is only 8.5 compared with our 12.

However, when I speak of “over-governed” I should also be prepared to back it up with additional stats. I have attached a summary of comparable Municipalities...our most immediate neighbours in East Hants and Kings County, and as well Annapolis, consolidated Cumberland to our north, and District of Lunenburg to our south. Take a look at the numbers. You will discover West Hants does not stack up very well.

We are significantly below the average (-30% to -50%) in regards key measures...population/assessment/revenue/geography. On the other hand, our Council is 20% larger than the average of our five

neighbours, and a whopping 40% larger than the average of all “rural” municipalities.

The costs associated with a larger governance model is not insignificant, especially when you consider the compounded costs over the next 8 – 10 years. If taxpayers were aware of these compounded costs the debate on Districts might be much different and the notion of “right-sizing” the governance model might seem more acute.

From the sessions I attended, justification for the “status quo” includes: 1) Council feels it is too soon to consider a change, and; 2) West Hants numbers fall within the range of the “average” municipality. The numbers are clear, but in a different direction...West Hants is over-governed. My suggestion is to start now...to build the business case for “right-sizing”. Make those intentions known to the URB and at the same time make every effort to compel the URB and DMAH to allow West Hants to conduct a full review in 2026...eight years after the original consolidation study...with intent to review and implement change for the 2028 election.

It is never too soon to initiate a process toward sustainable long-term change for the benefit of taxpayers and to save citizens hundreds of thousands of tax dollars.

Sincerely,

Paul Beazley

Region of West Hants - District Review

MU Stats:	Population 2021	Assessment 2022	Revenue 2020	Land Area (sq.km.)	Elected Officials
Kings	48,000	\$ 5.2 B	\$ 76.2 M	2,087	10
East Hants	22,900	\$ 2.7 B	\$ 33.5 M	1,790	11
Lunenburg	25,600	\$ 3.7 B	\$ 26.5 M	1,760	11
Cumberland	19,900	\$ 2.5 B	\$ 48.8 M	4,253	9
Annapolis	18,900	\$ 1.8 B	\$ 18.5 M	3,170	11
Average	27,060	\$ 3.2 B	\$ 40.7 M	2,612	10
West Hants	19,500	\$ 2.0 B	\$ 30.0 M	1,250	12
	-30%	-40%	-30%	-50%	+ 20%

Stats per Elected Official:	Population	Assessment	Revenue
Kings	4,800	\$ 520 M	\$ 7.6 M
East Hants	2,080	\$ 245 M	\$ 3.0 M
Lunenburg	2,340	\$ 336 M	\$ 2.4 M
Cumberland	2,210	\$ 278 M	\$ 5.4 M
Annapolis	1,720	\$ 164 M	\$ 1.7 M
Average	2,630	\$ 310 M	\$ 4.1 M
West Hants	1,625	\$ 167 M	\$ 2.5 M
	-38%	- 46%	- 40%

If 8 Councillors + Mayor	2,170	\$ 220 M	\$ 3.3 M
Stipend per Councillor	+/- \$30,000 (plus CPI and expenses)	X 11 = +/- \$350,000/yr	X 8 = +/- \$250,000
Budgetary savings per year	+/- \$100,000 - \$120,000	X 8 years = \$800,000 - \$1,000,000	

Questions worth considering:

- Would the MGA / URB allow for another review in 4 years? **Why not pursue with DMAH and URB?**
- When/how often do you have the opportunity to save tax-payers upwards of \$1 million? **Very rarely.**
- What was the point of Amalgamation? **Efficiency, effective governance, cost savings over time...minimize tax burden.**
- Do we really need 12 elected officials to be an effective council? **The numbers suggest otherwise.**

Fort Edward Lands Correspondence

First Name	Last Name	Correspondence	Meeting/Logged
Theresa	Newcombe	11/23/2021	2022-03-22 Council
Gary	Nelson	12/17/2021	2022-01-11 COTW
Lisa	Bland	12/17/2021	2022-01-11 COTW
John	Wilson	12/21/2021	2022-01-11 COTW
Gary	Nelson	1/11/2022	2022-01-25 Council
Andrea	Moore	1/21/2022	2022-01-25 Council
Valerie	Newcombe	1/21/2022	2022-03-22 Council
Gary	Nelson	1/26/2022	2022-02-08 COTW
Sara	Brothers	1/19/2022	2022-01-25 Council
Dawn	Allen	1/17/2022	2022-01-25 Council
Marty	Fougarty	2/5/2022	2022-03-22 Council
Dr. Gordon	Haliburton	2/14/2022	2022-03-08 COTW
Theresa	Newcombe	3/11/2022	2022-03-22 Council
Marie	Claude-Roiux	3/9/2022	2022-03-22 Council
Barbara	Gallagher	No Date	2022-03-22 Council
Roland	Newcombe	1/20/2022	2022-01-25 Council
Liz	Galbraith	12/16/2021	2021-12-16 COTW
Mary Lou	Bennet	12/13/2021	2021-12-16 COTW
Jean	Scotney	2/25/2022	2022-03-22 Council
Denise	Forand	3/16/2022	2022-03-22 Council
Jonathan Fowler	Fowler	3/13/2022	2022-03-22 Council
Heather	Pick	3/17/2022	2022-03-22 Council
Wanda	Donelle	2/22/2022	2022-04-12 COTW
Teresa	Newcombe	3/22/2022	2022-04-12 COTW
Patti	Quinn	3/22/2022	2022-4-12 COTW
Martin	Theberge	4/6/2022	2022-04-12 COTW
Rene	Cormier	4/12/2022	2022-04-26 Council
Daphnee	de Lamirande	4/29/2022	2022-05-12 COTW
Carol	Bradley	6/23/2022	2022-06-28 Council
Ruth	Angevine	6/24/2022	2022-06-28 Council
Denise	Forand	6/28/2022	2022-06-26 Council
Marie	Claude-Roiux	6/28/2022	2022-07-12 COTW
Colleen	Rogers	7/24/2022	2022-09-13 COTW
Shirley	Pineo	8/9/2022	2022-09-13 COTW
Pamela	Spence	8/19/2022	2022-09-13 COTW
Councillor Gail	Tupper	8/22/2022	2022-09-13 COTW
Camilla	Noiles	9/3/2022	2022-09-13 COTW
Sandra Barss	Heritage Trust of Nova Scotia	10/18/2022	2022-10-25 Council

Combined Overflow System Correspondence

First Name	Last Name	Date Received	Meeting/Logged
Katherine	MacLeod	10/27/2021	2022-01-11 COTW
Katherine	MacLeod	10/28/2021	2022-01-11 COTW
Carrilee	Eddy	3/13/2022	2022-03-22 Council
Anna	DeNicola	3/12/2022	2022-03-22 Council
Darren	Porter	3/13/2022	2022-03-22 Council
Ellen	Hart	3/13/2022	2022-03-22 Council
Jennifer	Davidson	3/13/2022	2022-03-22 Council
Felicia	McNeil	3/14/2022	2022-03-22 Council
Darren	Porter	3/15/2022	2022-03-22 Council
Susie	Smith	3/15/2022	2022-03-22 Council
Carol	Bradley	3/17/2022	2022-03-22 Council
Felicia	McNeil	3/21/2022	2022-04-12 COTW
Felicia	McNeil	4/11/2022	2022-04-26 Council

Correspondence Sent

[illegible]