



**MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Planning Advisory Committee
Public Information Meeting
November 17, 2016, 6:00 p.m.
Sanford Council Chambers**

- PRESENT:** Warden Abraham Zebian
Deputy Warden Paul Morton
Councillor Rupert Jannasch
Councillor Kathy Monroe
Councillor David Keith
Councillor Tanya Leopold
Councillor Debbie Francis
Councillor Randy Hussey
Councillor Jennifer Daniels
Councillor Robbie Zwicker
Mr. John Smith, Citizen Member
- STAFF:** Karen Dempsey, Director of Planning
Jeanne Bourque, Planner
Doug MacInnis, Development Officer
Velma Macumber, Admin. Assistant
- PUBLIC:** Four members of the public were present

Ms. Dempsey called the meeting to order at 6:00 p.m. She welcomed the new Councillors and introduced staff.

Ms. Dempsey advised that the Public Information Meeting is an opportunity for public input on the proposed amendments to the Municipal Planning Strategy. Ms. Bourque would review the staff report, and members of the public could then ask questions. When the public component of the meeting is complete, then the regular Planning Advisory Committee (PAC) meeting will begin.

Public Information Meeting – MPS amendment to enable rezoning lands currently zoned Mineral Resource to be rezoned

Ms. Bourque briefly reviewed a staff report with respect to enabling Council to consider rezoning lands in the Mineral Resource (MR) zone to allow for rural commercial uses. She advised that Staff received an inquiry from a resident who was interested in starting up an auto repair shop on their property that contains a house and garage. The property is zoned MR. Staff noted that there were no policies in the

MPS that would allow Council to consider either a development agreement or rezoning of any land now zoned MR in the Municipality to provide for any uses not permitted in the zone. She noted that under the previous planning documents, residents could apply for non-resource commercial and industrial developments in the Mineral Resource and General Use Zones. The wording was taken out of the 2008 MPS.

Ms. Bourque opened the floor to the public for questions and comments.

Barb Gallagher, Kempt Shore, referred to the discussion in the staff report and asked if the amendments would open the door for anyone who owns resource land to rezone.

Ms. Bourque advised that it allow anyone with property zoned Mineral Resource to apply for a rezoning. She pointed to a map outlining the areas in West Hants that are zoned MR, which are in Millers Creek, Wentworth Creek, and McKay Section.

Ms. Gallagher asked why all resource lands were mentioned in the staff report if only referring to Mineral Resource. Ms. Bourque advised all resource designations are mentioned in the report as West Hants is largely composed of lands designated as Resource, of which Mineral Resource is one type.

Ms. Gallagher asked about the notification process. Ms. Bourque advised that the MGA is followed with respect to notification. If a public hearing is scheduled, two notices must be published in the local newspaper, The Valley Journal Advertiser, with the first notice appearing at least 14 days before the date of the public hearing. All property owners within 300 feet of the property subject to the rezoning must be notified of the hearing by mail. At the public hearing, Council considers the application, the report and recommendation of the Planning Department, the recommendation of the PAC, and written or oral presentations made at the hearing from interested persons who may either support or oppose the application. Following the public hearing, Council gives second reading to the amendment and a decision is made.

Ms. Bourque replied that a few years ago, the Committee revised their public participation process to expand notification distances for wind turbines, and add public notification earlier in the review process. The Committee now holds a public information session to allow public input on any proposal that the Committee would be considering.

Ms. Gallagher expressed concern about public notification of meetings and felt it was inadequate. She asked if the notification distance of 300 ft. was the same when someone wants to change the zoning of a particular site. Ms. Bourque replied yes, notice is given to property owners within 300 ft.

Ms. Dempsey referred to Section 2.9 of the West Hants Land Use By-law where it states "When an application has been received to amend this By-law for a site-specific purpose, enter into a development agreement, or amend a development agreement, all property owners within 300 ft (91.44 m) of the subject property shall be notified ...". Ms. Dempsey advised that this is in addition to the notices published in the newspaper and on the website.

Ms. Gallagher expressed concern about the Mineral Resource Policy 9.2.2. that the Municipality only regulates the location of structures, and not mineral extraction activities. She felt everyone should be responsible for the safety of properties, and that the Municipality should have by-laws to address well water safety. She also expressed concern with respect to reclamation of active and closed mines, and asked that PAC revise the mining policy.

Ms. Dempsey stated that although she agreed with some of Ms. Gallagher's comments, the Municipality has no authority over mining operations, and that it is the Province that has sole authority. Provincial regulations do not have to adhere to municipal by-laws when it comes to mining. The only control the Municipality has is to zone the areas Mineral Resource and regulate the location of structures. Ms. Dempsey stated as far as revising the policies, the Committee will soon be embarking on a plan review, and will take Ms. Gallagher's comments into consideration.

Discussion was held with respect to the Municipality protecting water supply areas, and reclamation of mines. Ms. Bourque clarified that the Statement of Provincial Interest contained in the Municipal Government Act only applies to those lands that are municipal water supply watersheds. The municipality does provide strong protection for the three municipal water supply areas in its jurisdiction through a Water Supply zone. Reclamation is solely under the jurisdiction of the provincial government.

Bill Preston, Hantsport, asked about the MR zoning and mineral rights. Ms. Bourque advised that zoning merely shows what set of parameters apply to permitted land uses in an area. Mineral rights are regulated by the province.

Councillor Monroe asked for clarification with respect to what the permitted uses are in the Mineral Resource Zone, and if a house could be constructed in the zone. Ms. Bourque advised that a house is permitted and referred to Section 23.1 of the LUB for uses in the MR Zone. Section 23.1 lists single and two unit dwellings as permitted uses.

Councillor Leopold asked about the criteria of permitted uses in the MR Zone to build a house. Mr. MacInnis explained that if someone wanted to build a home, that would be permitted if they met the lot area, frontage, and the setbacks of the zone. The applicant would need to apply for a building and development permit and acquire approvals for an on-site sewage disposal system and driveway access, and provide planning staff with a set of building plans. Councillor Leopold noted that a mineral

processing industry is permitted as-of-right and asked what the criteria would be to allow it. Mr. MacInnis advised that if someone wanted to build a mineral processing facility, which is permitted in the zone, they would need to meet all the requirements of the Province of Nova Scotia. The applicant would have to provide those approvals to him, and any proposed buildings would have to meet the requirements of Land Use By-law for setbacks, parking, etc. Once this is done, a permit would be issued. Councillor Leopold asked if there was any recourse available to public. Mr. MacInnis advised that there may be options available for recourse from the Province as the applicant would have to meet its requirements, but again, this is the jurisdiction of the Province.

Ms. Bourque suggested that if PAC so requested, a letter could be sent from the Municipality to the Province inquiring about the reclamation of the closed mines in West Hants. She also advised that when the Committee is going through their plan review, they would revisit the public notification distance.

The Public Information Meeting adjourned at 6:59 p.m.

Chair