



**MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Planning/Heritage Advisory Committee
September 20, 2018, 6:00 p.m.
Sanford Council Chambers**

- PRESENT:** Councillor Tanya Leopold, Vice Chair
Warden Abraham Zebian
Councillor David Keith
Councillor Debbie Francis
Councillor Robbie Zwicker
Councillor Randy Hussey
Councillor Kathy Monroe
Councillor Rupert Jannasch
Mr. John Smith, Resident Member
Mr. Matt Smith, Resident Member
- STAFF:** Madelyn LeMay, Director of Planning & Development
Saira Shah, Planner
Tracy Babineau, Planning Technician/Civic Addressing Coordinator
Velma Macumber, Planning Admin Assistant
- REGRETS:** Councillor Jennifer Daniels, Chair
Deputy Warden Paul Morton
Sara Campbell, Planner
- GUESTS:** Terry Brown
Mark Gardner, Solicitor for Terry Brown
Steven Kehoe
Mitchell Brison, Brison Developments Limited
Jenifer Tsang, Sunrose Land Use Consulting
- PUBLIC:** 20 members of the public

MEETING CALLED TO ORDER

Vice Chair Leopold called the meeting to order at 6:00 p.m. and reviewed fire evacuation procedures. Regrets were received from Councillor Jennifer Daniels, Chair, and Deputy Warden Paul Morton that they would not be attending this meeting. Councillor Daniels will not be able to attend until some time early in the new year.

Vice Chair Leopold introduced the Public Information Meetings.

PUBLIC INFORMATION MEETING – Municipal Planning Strategy and Land Use By-law Amendments – Indoor Storage Facilities Accessory to Agricultural Uses (Madelyn LeMay)

Ms. LeMay presented the Recommendation Report dated September 20, 2018, on behalf of Ms. Campbell.

Vice Chair Leopold asked the public if they had any questions or comments. No questions or comments were heard.

The public information meeting closed 6:15 p.m.

PUBLIC INFORMATION MEETING – Land Use By-law Map Amendment – Bonnie Lane, Newport Station (Saira Shah)

Ms. Shah reviewed the information provided in her report which was circulated to PAC in the PAC/HAC agenda package.

Vice Chair Leopold opened the floor to the public for comments and questions.

The public had the following questions and comments for Ms. Shah and the Planning Advisory Committee:

- Where is the water source for the proposal?
 - Mr. Brown explained that he has a 290 ft. drilled well that should be sufficient for his needs.
- How will the odour of cannabis be managed?
 - Mr. Gardner explained that the Health Canada regulations address odour very stringently. Hepa filters will be used so odors will not be experienced outside the facility. The odour would be minimal because it is grown indoors.
- How will security be managed?
 - Mr. Gardner advised that Health Canada requires substantial security measures. The applicant must submit a security plan to Health Canada before the operation can begin including measures such as fencing, motion detectors, security personnel, and cameras with 24-hour surveillance.
- Concern was expressed about the odour, and what other provinces were experiencing with issues of odour from cannabis operations.
 - Ms. Shah explained that based on the proposed use for the Land Use By-law, the facility can not be obnoxious by reason of odour. If residents make a complaint about the odour, the Development Officer will investigate and address any problems that arise.

The public information meeting closed at 6:35 p.m.

PUBLIC INFORMATION MEETING – Land Use By-law Text Amendment – Micro-Cultivation and Micro Processing of Cannabis (Saira Shah)

Ms. Shah reviewed the information provided in her report which was circulated to PAC in the PAC/HAC agenda package.

Domenic Padula, Federation of Agriculture, advised that the Land Use By-law cannot override the Health Canada regulations or the Nova Scotia Farm Practice Act. If cannabis is grown in a field, it is an agriculture use. He stated it is not the same as a microbrewery. Ms. Shah will investigate this further.

Steve Kehoe advised that he is in the process of getting Health Canada approval and it will take 18 months to get approval.

The public information meeting concluded at 6:55 p.m.

APPROVAL OF AGENDA & ADDITIONS

The following item was added under Miscellaneous:

- PAC/HAC Resident Appointments

MOVED and SECONDED that the agenda be approved as amended.

Motion carried.

APPROVAL OF PLANNING ADVISORY MEETING MINUTES OF JULY 19, 2018.

MOVED and SECONDED that the Planning/Heritage Advisory Committee meeting minutes of July 19, 2018 be approved as circulated noting any errors or omissions.

Motion carried.

HANTSPORT AREA ADVISORY COMMITTEE UPDATE FROM CHAIR

Councillor Zwicker advised that the HAAC met on September 12th. The committee discussed the issue of household livestock and a recommendation was made that it be presented to PAC on October 18th. The committee also discussed Bill 177.

BUSINESS ARISING FROM MINUTES

Update – Household Livestock Information Report (Saira Shah)

Ms. Shah provided the information requested by PAC at the April 2018 meeting. A Location of Property option presented to the Public addresses PAC's request for different regulations for different areas of the Municipality. An overlap period for broilers can be accommodated by allowing twice the number that are considered appropriate. Ms. Shah also advised that in March 2018, Halifax Regional Municipal Council requested that Staff prepare a report on permitting chickens on all residential properties in the Municipality. The report has not been made public.

Ms. Shah summarized the comments received at the June 2018 Public Information Meetings. She asked PAC to provide direction on the amendment.

Councillor Jannasch expressed concern that the household livestock amendments for West Hants may interfere with commercial farms. He suggested that the amendments should only apply to lots under an acre.

Councillor Hussey expressed his concerns about livestock in the Growth Centres.

The Committee agreed that it would be beneficial to have a detailed overview of current livestock regulations in West Hants. Ms. Shah will prepare a presentation and three options for the Committee to discuss.

Update - Heritage Information (Madelyn LeMay)

Ms. LeMay noted that a response has not yet been received from the Minister responsible for the Department of Municipal affairs regarding the changes to the Heritage Property Act approved by Council in July 2018.

Bill 177: West Hants and Hantsport Municipal Planning Strategy Amendments (Madelyn LeMay)

Ms. LeMay advised that both the West Hants and Hantsport MPS amendments to designate a Commercial Development District were considered by Council September 11th at First Reading. There will be a Public Hearing and Second Reading on October 9th.

Update - Land Use By-law Amendment – 269 Town Road, Falmouth (Madelyn LeMay)

Ms. LeMay reported that the application to rezone 269 Town Road from Institutional (I) Zone to Single Unit Residential (R-1) Zone was considered by Council at First Reading on

September 11th. The application will be considered by Council at a Public Hearing and Second Reading on October 9th.

Update - Municipal Planning Strategy: Public Engagement Meetings (Saira Shah)

Ms. Shah presented a proposed public engagement schedule and encouraged PAC and Council to be particularly involved in encouraging attendance and helping to establish successful public engagement meetings.

Update - July 3, 2018 Joint Border Committee Meeting: review of the Subdivision By-law to specifically address Map, A Future Streets Conceptual Plan (Madelyn LeMay)

Ms. LeMay gave a short presentation showing the Future Streets Conceptual Plan overlaid on a recent Google photo. She explained that the Plan is a Concept Plan; constructed roads need not line up exactly with the concept. In the area of the Crossing, roads line up extremely well with the Concept Plan; in no instance does the present development preclude development of streets as shown on the Concept Plan. The West Hants Development Officer is not permitting development which would interfere with the Concept Plan.

Update - Status of Bonding (M. Brison Developments Agreement) (Madelyn LeMay)

During the Joint Border Committee meeting held in July 2018, Ms. LeMay was asked to provide an update to PAC regarding the bonding needed for the required "turning T" near the end of Edward Drive. The Edward Drive servicing agreement notes the "turning T" was to be created by June 10, 2017 or the bond could be forfeited. She described the process which can be followed if a developer is in default of the requirements. She noted that any inconvenience now being caused is to developer's clients not the Municipality as a whole, and that there is no overwhelming public interest served by the Municipality creating the "turning T". Ms. LeMay recommended that no action is required.

BUILDING AND DEVELOPMENT ACTIVITY REPORTS

Monthly Reports – July and August 2018

No comments were made on the reports.

NEW BUSINESS

Municipal Planning Strategy and Land Use By-law Amendments – Indoor Storage Facilities Accessory to Agricultural Uses (Madelyn LeMay)

Discussion was held about how opening up the amendment to allow more than one building for indoor storage facilities could impact the protection of agriculture.

Moved and Seconded that that Council give First Reading and hold a Public Hearing to consider amending:

- 1. the text of the West Hants Municipal Planning Strategy to create a policy to permit indoor storage facilities as accessory uses to agricultural uses; and**
- 2. the text of the West Hants Land Use By-law to:**
 - i. allow indoor storage facilities without a development permit within agricultural buildings constructed prior to November 13, 2018;**
 - ii. permit the use of accessory buildings for indoor storage facilities on lots used for agricultural purposes;**
 - iii. create special requirements for indoor storage facilities;**
 - iv. add indoor storage facilities as a permitted use accessory to agricultural uses, subject to the special requirements, in the Prime Agriculture, Agricultural Priority Two (2), Agricultural Priority Three (3), General Resource and Mineral Resource Zones; and**
 - v. include a definition of indoor storage facility and recreational vehicle;**

as attached as Appendix A and B of report #18-03 to the Planning Advisory Committee dated September 20, 2018, with the deletion of the limit for one building.

Motion carried.

Land Use By-law Map Amendment – Bonnie Lane, Newport Station (Saira Shah)

Moved and Seconded that PAC recommends that Council give First Reading and hold a Public Hearing to consider amending the West Hants Land Use By-law by amending the text to enable enclosed manufacturing in the Hamlet Industrial (M-2) zone and amending the map to permit production of medical cannabis and an automotive repair business at PID 45246329 and PID 45212552, all as attached to the planning staff report dated September 20, 2018 as Appendix A and Figure 3.

Councillor Hussey stated he has toured various large-scale cannabis facilities and he could not smell any odours from them. He commented that he has more concern about small-scale operations for personal use.

Councillor Francis expressed concern with respect to where standard sized cannabis facilities will be able to locate based on this amendment. Ms. Shah advised that these amendments are considered for properties in the Hamlet Industrial zone. She noted

that various kinds of cannabis facilities will be considered during the plan review. Ms. Shah advised that Health Canada is reviewing Mr. Brown's application.

Councillor Monroe noted that the residents expressed concerns about odours emanating from the processing of the cannabis and staff should investigate these concerns further.

Ms. Shah stated it would take a couple of months to research these concerns and possible solutions. She will prepare a report.

The Mover with permission of the Seconder withdrew the motion.

Motion withdrawn.

Land Use By-law Text Amendment – Micro-Cultivation and Micro-Processing of Cannabis (Saira Shah)

Councillor Jannasch commented that in the agricultural community, farmers are free to grow whatever they want. He stated he supports the motion but would like the Planning Department to address if Health Canada has granted a license to grow cannabis, how does the Municipality regulate it. Councillor Jannasch suggested that they obtain legal clarification to help satisfy Mr. Padula's concerns over jurisdiction. He expressed concern that a precedent could be set that farmers would not be comfortable with.

Ms. Shah advised that the Municipality does not regulate the types of crops grown, but the location of agricultural operations.

Councillor Jannasch inquired as to whether the federal legislation would override the municipal legislation. Ms. Shah stated she will look into this for the next meeting.

Moved and Seconded that PAC recommends that Council give First Reading and hold a Public Hearing to consider amending the West Hants Land Use By-law to enable Licensed Micro-Cultivation as an Agricultural Use and Micro-Processing as an Agricultural support use, as attached to the planning staff report dated September 20, 2018 as Appendix A.

Motion carried.

Brison Developments – Development Agreement Amendment: Initial staff presentation (Madelyn LeMay) and presentation by Jenifer Tsang for Brison Developments

Ms. LeMay presented a brief report regarding requests received September 19, 2018 for further amendment to the development agreement for The Crossing. The planning report dated September 20, 2018 dealt only with requests received prior to September 10, 2018. The requests included one regarding parkland dedication which staff recommended PAC not accommodate and one relating lot size to building size which staff feel would be more appropriately be considered during the Plan Review process now underway. She noted the remainder of the requests are either new or pose solutions not yet considered to earlier items, and there was no time to consider them prior to the PAC meeting.

She also noted that the proposed floor area of the Community Use/Local Commercial Building does not appear to include the attached walkway and gazebo, and if these are not included in the calculation of the structure, but are considered as a separate building, she has been advised by the Building Inspector that additional fire separation would be required between these structures. In order to accommodate the building (for which engineering drawings have been received) she is prepared to recommend a maximum 6,500 sq. ft. footprint for the building, not including the proposed deck and pool.

Ms. LeMay reviewed the requests received before September 10 and those received on September 19, 2018, and then presented three (3) options that PAC could pursue for consideration of the requested amendments.

Ms. Jenifer Tsang, agent for the developer, was present. Mr. Brison was also present. PAC did not request a verbal review of the additional requests.

Moved and Seconded that a PIM be held October 18, 2018 regarding an amending development agreement for "The Crossing", including all matters presented to, discussed by or recommended by PAC September 20, 2018, and a PAC recommendation to Council be made regarding the amending agreement following the PIM.

Motion carried.

A report regarding the September 19, 2018 requests will be prepared for PAC.

Civic Addressing By-law and Road Naming Policy Amendments (Madelyn LeMay)

Ms. LeMay described the changes proposed to the Civic Addressing By-law, including the incorporation of the Policy for Naming Roads within the By-law. Many of the changes are of format and style; the more substantive changes involve removal of the

requirement that Council approve private road name changes; inclusion of a time within which the Civic Address Coordinator must provide written notice to an owner of a change or reassignment of civic numbers; clarification of the responsibilities regarding posting of private road signs; and inclusion of policies regarding road naming with the By-law.

Moved and Seconded that Council give First Reading and hold a Public Hearing to consider replacing the existing Civic Addressing By-law with the Civic Addressing By-law (C-003) contained in Appendix C of the September 20, 2018 report to PAC/HAC.

Motion carried.

Moved and Seconded that Council give notice to rescind the Policy for Naming Roads approved on April 12, 2005 as amended on November 10, 2009 following approval of the Civic Addressing By-law C-003.

Motion carried.

NOTICES FROM ADJACENT MUNICIPAL UNITS

Municipality of Kings

Ms. LeMay advised that a notice was received from Kings County with respect to an amendment to rezone a property in Hants Border from the Community Commercial (C5) Zone to the Residential One and Two Unit (R2) Zone. She stated this is a benefit to the Municipality.

MISCELLANEOUS

PAC/HAC Resident Appointments

Ms. LeMay stated that the Clerk has advised that an advertisement for PAC/HAC members will appear very soon in the local paper, with the deadline for applications expected to be mid-October. The Clerk will then prepare a report and recommendation to either COTW or Council. Anyone who is interested, including present members, are encouraged to apply.

ADJOURNMENT

MOVED and SECONDED that the meeting adjourn.

Motion carried.

The meeting adjourned at 8:38 p.m.

Chair