

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Agenda Amended

May 28, 2024 - 6:00 p.m.

In-person, Sanford Council Chambers, 76 Morison Dr, Windsor, NS

Virtual via Zoom (also FB Livestream)



West Hants
something inspiring awaits

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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 or Unsightly Premises
 5. Declaration(s) of Conflict of Interest
 6. Approval of Previous Meeting Minutes
 - a) 2024-04-23 Council Meeting Minutes
 - b) 2024-04-24 Council Meeting Minutes (Continuation of 2023-04-23 meeting)
 - c) 2024-04-23 Public Hearing Minutes 4236 Hwy 14 Windsor Forks WHLUB Map Amendment
 - d) 2024-04-23 Public Hearing Minutes Hwy 215, Summerville, PID 45180635 Development Agreement
 - e) 2024-04-23 Public Hearing Minutes Willow Street, Hantsport HLUB Map Amendment PID 45045879
 - f) 2024-04-23 Public Hearing Minutes Payzant Drive Development Agreement PIDs 45053030, 45343878, 45343894, and 45234382
 - g) 2024-04-23 Public Hearing Minutes Pesaquid Comprehensive Development District WMPS and WLUB Amendments
 7. Public Hearings
 - a) Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382 – Planner Dunphy (**Recommending Postponing**)
 - b) 586 O'Brien Street, Windsor PID 45054350 Development Agreement – Planner Dunphy
 - c) Willow Street, Hantsport HLUB Map Amendment PID 45045879 – Planner Dunphy
 - d) Albert Street, Portion of PID 45058872 (August House) Rezoning – Director Poirier
 - e) West Hants LUB 1781 King Street, Windsor PID 45162005 - Director Poirier
 - f) Hwy 215, Summerville, PID 45180635 Development Agreement – Director Poirier
 8. Second Readings (as it pertains to Public Hearings)
 - a) Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382

- b) 586 O'Brien Street, Windsor PID 45054350 Development Agreement – Planner Dunphy
 - c) Willow Street, Hantsport HLUB Map Amendment PID 45045879 – Planner Dunphy
 - d) Albert Street, Portion of PID 45058872 (August House) Rezoning – Director Poirier
 - e) 1781 King Street, Windsor PID 45162005 - Director Poirier
 - f) Hwy 215, Summerville, PID 45180635 Development Agreement – Director Poirier
11. ~~C) Wagners Court Non-substantive DA Amendment Decision Request – Planner Dunphy~~
~~d) Windsor Municipal Planning Strategy Text Amendments (Policy 5.4.6 Criteria for Development Agreements) – Director Poirier~~

9. Unfinished Business/Postponed Motions

- a) Municipal Complex – Mayor Zebian
- ~~b) Solar Feasibility Study Recommendation Report – Coordinator Ogilvie~~

~~10. Mayor's Report~~

~~11. Committee(s) of Council Excerpts/Recommendations~~

- ~~a) Committee of the Whole Excerpts (May 14, 2024)~~
 - ~~i. 2024 Municipal and CSAP Election Budget~~
 - ~~ii. Bay of Fundy Adventure Trail Request for Support~~
 - ~~iii. Diverse and Inclusive Communities Committee Request for Support for a Pride Crosswalk~~
 - ~~iv. Fees Policy Amendments pertaining to Secondary Suites~~
 - ~~v. Financial Services Policies~~
 - ~~vi. Home Flood Protection Pilot Program~~
 - ~~vii. PACHAC Citizen Member Appointment~~
 - ~~viii. Parks & Grounds Articulating Mower Lease~~
 - ~~ix. Parks & Grounds Sub-Compact Mowers (Tractors)~~
- ~~b) Special Committee of the Whole Budget Excerpts (May 21 and 27th)~~
- ~~c) Planning and Heritage Advisory Committee Recommendations~~
 - ~~i. Wagners Court Non-substantive DA Amendment Decision Request – Planner Dunphy~~
- ~~d) Planning and Heritage Advisory Committee Recommendations (May 9, 2024) (as it relates to First Readings)~~
 - ~~i. Windsor Municipal Planning Strategy Text Amendments (Policy 5.4.6 Criteria for Development Agreements) – Director Poirier~~
 - ~~ii. West Hants Municipal Planning Strategy Amendments: Wind Farm Setback Review – Director Poirier~~

~~12. Councillor Municipal Business/Activity Reports~~

- ~~a) Councillor Ivey, District 11 Activity Report~~
- ~~b) Councillor Sherman, District 7 Activity Report~~
- ~~c) Councillor Hartt, District 4 Activity Report~~

~~13. Correspondence~~

~~a) Information~~

~~1. Avon Causeway Activity Log – None~~

~~2. Ever Wind/Bear Lake Wind Farm – None~~

~~3. Correspondence Received Activity Log~~

- ~~i. 2024-05-16 Response letter from Minister Masland Re Flooding on Belmont and New Town Roads in WHRM~~
- ~~ii. 2024-05-19 Bruce Wright, HCFA Re Preservation of farmland in Hants County~~
- ~~iii. 2024-05-24 WHHS Letter of Support Re Percy Paris (2024-01-0-17)~~

~~b) Requests~~

- ~~i. 2024-05-17 Windsor Bluefins Re loss of funding for the Windsor Bluefins Swim team~~

~~c) Outgoing Correspondence Log~~

~~15. New Business – None~~

~~16. In-Camera~~

- ~~a) 2024-01-23 In-Camera Meeting Minutes~~
- ~~b) 2024-02-27 In-Camera Meeting Minutes~~
- ~~c) 2024-03-26 In-Camera Meeting Minutes~~
- ~~d) 2024-04-24 In-Camera Meeting Minutes~~
- ~~e) MGA 22(2)(a) Legal Matter~~
- ~~f) MGA 22(2)(a) Legal Matter~~

~~17. Next Meeting Date / Adjournment – June 11th, 2024 Council Meeting 6 p.m.~~

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Minutes

May 28, 2024 - 6:00 p.m.

Sanford Council Chambers, 76 Morison Dr, Windsor, NS

And virtually via Zoom (also Facebook Livestreamed)



West Hants

something inspiring awaits.

1. Call to Order - Mayor Zebian called the meeting to order at 6:00 p.m.

2. Attendance

Council:

Abraham Zebian, Mayor

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2 (6:08 p.m.)

Mark McLean, Councillor, District 3

Jeff Hartt, Councillor, District 4

Debbie Francis, Councillor, District 5

Paul Morton, Deputy Mayor, District 8

Bob Morton, Councillor, District 6

Ed Sherman, Councillor, District 7

John Smith, Councillor, District 9

Laurie Murley, Councillor, District 10

Jim Ivey, Councillor, District 11

Staff:

Mark Phillips, Chief Administrative Officer

Carlee Rochon, Director of Financial Services

Erin Amirault, Project Engineer

Alex Dunphy, Planner

Deanna Snair, Municipal Clerk

Sara Poirier, Dir. Planning & Development

John Ogilvie, Climate Action Coordinator

Regrets:

Kathy Kehoe, Director Community Development Todd Richard, Dir. Public Works

Shelleena Thornton, Municipal Ops Supervisor

Presenter and Gallery

26 in the Gallery

3. Announcements (6:01 p.m.)

- Mayor Zebian acknowledged that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People and that this land is governed by the treaties of Peace and Friendship signed in 1726. West Hants Regional Municipality also recognizes that we are all treaty people and have responsibilities to this land and each other. West Hants Regional Municipality also recognizes African Nova Scotians are a distinct people whose history, legacies, and contributions have enriched that part of Mi'kma'ki known as Nova Scotia for over 400 years.
- Fire alarm protocol was reviewed.
- Meetings are recorded and livestreamed on Facebook; comments/suggestions are welcome; however, responses are unable to be provided.
- Meetings are recorded and livestreamed on Facebook for viewing purposes, members of public attendance were asked to refrain from recording the meeting on personal devices and respect the safe space provided within Council chambers.

4. Approval of the Agenda, including additions or deletions (6:04 p.m.)
Councillor Hartt added a Councillor report regarding recent criminal activity

Discussion Points:

- Avondale Boat launch – Department of Environment permit has arrived. The Project Engineer was meeting with Dexters and DesinPoint tomorrow, hoping to get the project back on track.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS
THAT THE 2024-05-28 COUNCIL AGENDA BE APPROVED AS AMENDED.
MOTION CARRIED**

5. Declaration of Conflict of Interest (6:05 pm)
Items 6(f), 7(a), 8(a), 11(d)(i) – Mayor Zebian and Councillor Francis due to owning land.
6. Approval of the Previous Meeting Minutes (6:05 p.m.)
- a) 2024-04-23 Council Meeting Minutes
 - b) 2024-04-24 Council Meeting Minutes
 - c) 2024-04-23 Public Hearing Minutes 4236 Hwy 14 Windsor Forks WHLUB Map Amendment
 - d) 2024-04-23 Public Hearing Minutes Hwy 215, Summerville, PID 45180635 Development Agreement
 - e) 2024-04-23 Public Hearing Minutes Willow Street, Hantsport HLUB Map Amendment PID 45045879
 - f) 2024-04-23 Public Hearing Minutes Payzant Drive Development Agreement PID's 45053030, 45343878, 45343894, and 45234382
 - g) 2024-04-23 Public Hearing Minutes Pesaquid Comprehensive Development District WMPS and WLUB Amendments

**MOVED BY COUNCILLOR MURLEY AND DEPUTY MAYOR P. MORTON
THAT THE 2024-04-23 AND 2024-04-24 COUNCIL MEETING MINUTES
AND THE 2024-04-23 PUBLIC HEARING MINUTES 4236 HWY 14
WINDSOR FORKS WHLUB MAP AMENDMENT, PUBLIC HEARING
MINUTES HWY 215, SUMMERVILLE, PID 45180635 DEVELOPMENT
AGREEMENT, WILLOW STREET, HANTSPORT HLUB MAP AMENDMENT
PID 45045879 AND PESAQUID COMPREHENSIVE DEVELOPMENT
DISTRICT WMPS AND WLUB AMENDMENTS BE APPROVED. MOTION
CARRIED.**

Mayor Zebian and Councillor Francis declared conflict and left the meeting at 6:06 p.m. Deputy Mayor P. Morton assumed the chair.

**MOVED BY COUNCILLORS SHERMAN AND B. MORTON THAT THE
2024-04-23 PUBLIC HEARING MINUTES PAYZANT DRIVE
DEVELOPMENT AGREEMENT PID'S 45053030, 45343878, 45343894
AND 45234382 BE APPROVED. MOTION CARRIED.**

Mayor Zebian and Councillor Francis returned to the meeting at 6:07 p.m. and then declared

conflict and left the meeting again at 6:08 p.m. Deputy Mayor P. Morton assumed the chair.

7. Public Hearings (6:08 p.m.)

Public Hearings (Second reading was held immediately following Public Hearing)

The meeting moved into Public Hearing at 6:08 p.m. Further information on the Public Hearing is available in the 2024-05-28 Public Hearing Minutes.

MOVED BY COUNCILLORS SHERMAN AND MURLEY THAT THE MEETING MOVE INTO PUBLIC HEARING AT 6:08 P.M. MOTION CARRIED

a) Payzant Drive, Windsor Development Agreement PID's 45053030, 45343878, 45343894 and 45234382 (6:07 p.m.)

8. Second Readings

a) Payzant Drive, Windsor Development Agreement PID's 45053030, 45343878, 45343894 and 45234382 – Second Reading did not occur.

A development agreement does not have a timeline, the six-month time frame only pertains to Land Use By-law amendments.

MOVED BY COUNCILLORS MURLEY AND JANNASCH THAT COUNCIL POSTPONES THE PUBLIC HEARING UNTIL 6:00 P.M. ON JUNE 25, 2024 AND POSTPONES SECOND READING UNTIL JUNE 25, 2024 IN PRDER TO ALLOW ONGOING NEGOTIATIONS FOR THE DRAFT DEVELOPMENT AGREEMENT REGARDING THE PAYZANT DRIVE EXTENSION. MOTION CARRIED

Mayor Zebian and Councillor Francis returned to the meeting at 6:11 p.m. Deputy Mayor P. Morton left the chair; Mayor Zebian assumed the chair at this time.

7. Public Hearings (6:11 p.m.)

Public Hearings (Second reading was held immediately following Public Hearing).

The meeting moved into the Public Hearing at 6:11 p.m. Further information on the Public Hearing is available in the 2024-05-28 Public Hearing Minutes.

b) 586 O'Brien Street Windsor PID 45054350 Development Agreement (6:11 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL MOVE INTO PUBLIC HEARING AT 6:11 P.M. MOTION CARRIED.

At 6:24 p.m. the Public Hearing was concluded until such time Council has no further questions and wished to make a motion.

8. Second Readings

b) 586 O'Brien Street Windsor PID 45054350 Development Agreement (6:24 p.m.)

MOVED BY COUNCILLORS MURLEY AND SMITH THAT COUNCIL GIVES SECOND READING AND APPROVES ENTERING INTO A DEVELOPMENT AGREEMENT TO ALLOW A MULTIPLE UNIT RESIDENTIAL BUILDING, CONSISTING OF 6 DWELLING UNITS, ON PID 45054350 ON O'BRIEN

STREET IN WINDSOR WHICH IS SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT B OF THE REPORT FILE #24-04 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED APRIL 11, 2024. MOTION CARRIED UNANIMOUSLY

MOVED BY COUNCILLORS FRANCIS AND S. MCLEAN THAT COUNCIL REQUIRES THAT THE DEVELOPMENT AGREEMENT WITH EDWARD EDELSTEIN WHICH PERMITS A MULTIPLE UNIT RESIDENTIAL BUILDING, CONSISTING OF 6 DWELLING UNITS, ON PID 45054350 ON O'BRIEN STREET IN WINDSOR 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. MOTION CARRIED UNANIMOUSLY

Voting occurred by a show of hands.

7. Public Hearings (Second reading was held immediately following Public Hearing). The meeting moved into the Public Hearing at 6:28 p.m. Further information on the Public Hearing is available in the 2024-05-28 Public Hearing Minutes.

- c) Willow Street, Hantsport Rezoning HLUB Map Amendments PID 45045879 (6:28 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL MOVE INTO PUBLIC HEARING AT 6:28 P.M. MOTION CARRIED.

At 6:57 p.m. the Public Hearing was concluded.

Voting occurred by a show of hands.

8. Second Reading

- c) Willow Street, Hantsport Rezoning HLUB Map Amendments PID 45045879 (6:57 p.m.)

MOVED BY COUNCILLORS IVEY AND SHERMAN THAT COUNCIL GIVES SECOND READING AND APPROVES AMENDING SCHEDULE A OF THE HANTSPORT LAND USE BY-LAW TO REZONE PID 45045879 ON WILLOW STREET IN HANTSPORT, FROM THE SINGLE UNIT RESIDENTIAL (R-1) ZONE TO THE MULTIPLE UNIT RESIDENTIAL (R-3) ZONE AS SHOWN IN THE REPORT #24-01 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED MARCH 14, 2024. MOTION UNANIMOUSLY DEFEATED.

MOVED BY COUNCILLORS IVEY AND SHERMAN THAT COUNCIL GIVES SECOND READING AND APPROVES AMENDING THE HANTSPORT LAND USE BY-LAW TO CLARIFY THE MINIMUM LOT FRONTAGE REQUIREMENT FOR THE MULTIPLE UNIT RESIDENTIAL (R-3) ZONE IN SECTION 8.4 IN A MANNER SUBSTANTIVELY THE SAME AS ATTACHMENT B OF THE STAFF REPORT TO THE PLANNING AND

**HERITAGE ADVISORY COMMITTEE REPORT DATED MARCH 14, 2024.
MOTION CARRIED**

7. d) Albert Street, Portion of PID 45058872 (August House) Rezoning (7:01 p.m.)
Public Hearings and Second Readings (Second reading was held immediately following Public Hearing).
The meeting moved into the Public Hearing at 7:01 p.m. Further information on the Public Hearing is available in the 2024-05-28 Public Hearing Minutes.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN
THAT COUNCIL MOVE INTO PUBLIC HEARING AT 7:01 P.M. MOTION
CARRIED.**

At 7:15 p.m. the Public Hearing concluded, and the regular Council meeting resumed.

8. d) Albert Street, Portion of PID 45058872 (August House) Rezoning (7:15 p.m.)

**MOVED BY COUNCILLORS FRANCIS AND IVEY THAT COUNCIL GIVES
SECOND READING AND APPROVES AMENDING SCHEDULE A OF THE
WINDSOR LAND USE BY-LAW TO REZONE A PORTION OF PID 45058872
IN WINDSOR FROM THE TWO UNIT RESIDENTIAL (R-2) ZONE TO THE
GENERAL COMMERCIAL (GC) ZONE AS SHOWN IN THE REPORT #24-05
TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED
APRIL 11, 2024. MOTION CARRIED**

7. e) West Hants LUB 1781 King Street, Windsor PID 45162005 (7:16 p.m.)
Public Hearings and Second Readings (Second reading was held immediately following Public Hearing).
The meeting moved into the Public Hearing at 7:16 p.m. Further information on the Public Hearing is available in the 2024-05-28 Public Hearing Minutes.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS
THAT COUNCIL MOVE INTO PUBLIC HEARING AT 7:16 P.M. MOTION
CARRIED.**

Mayor Zebian and Councillor Francis declared conflict and left the meeting at 7:21 p.m.

At 7:34 p.m. the Public Hearing was concluded until such time Council has no further questions and wished to make a motion.

8. e) West Hants LUB 1781 King Street, Windsor PID 45162005 (7:34 p.m.)

**MOVED BY COUNCILLORS SMITH AND MURLEY THAT COUNCIL GIVES
SECOND READING AND APPROVES AMENDING SCHEDULE A OF THE
WINDSOR LAND USE BY-LAW TO REZONE PID 45162005 AT 1781 KING
STREET IN WINDSOR FROM THE AGRICULTURE (AG) ZONE TO THE
TWO UNIT RESIDENTIAL (R-2) ZONE AS SHOWN IN THE REPORT #23-34
TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED
APRIL 11, 2024. MOTION CARRIED UNANIMOUSLY**

At 7:36 p.m. Mayor Zebian and Councillor Francis returned to the meeting. Mayor Zebian assumed the chair at this time.

7. f) Hwy 215 Summerville, PID 45180635 Development Agreement (7:36 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN THAT COUNCIL MOVE INTO PUBLIC HEARING AT 7:36 P.M. MOTION CARRIED.

8. f) Hwy 215 Summerville, PID 45180635 Development Agreement (8:22 p.m.)

Council discussed the proposal and noted concerns with inconsistencies within the proposed setbacks, locations of netting and areas of play. Due to the Public Hearing being concluded no new/additional information could be requested. Consensus was it was important to have the proposed setbacks, netting requirements, play areas written in the DA.

Based on the site visit and comments received, Director Poirier had the GIS technician create a revised site plan (showing a 100 ft buffer from all lot lines), that could be added to the DA and Council could choose to add the following wording:

- No game play occurs in the field area, following the site plan all proposed play occurs in the play area.
- Parking and storage could be identified in the field area.
- the game play area (hatched area) had a 100 ft setback from the original 100 ft setback from the road into the wooded area,
- Fencing is located around the play area.

MOVED BY COUNCILLORS JANNASC AND SHERMAN THAT COUNCIL GIVES SECOND READING AND APPROVES THE DEVELOPMENT AGREEMENT TO PERMIT A PAINTBALL FACILITY ON PID 45180635 ON HIGHWAY 215 IN SUMMERVILLE, IN A MANNER SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN APPENDIX A OF THE REPORT TO COUNCIL REGARDING FILE # 23-07B DATED MAY 28, 2024 THAT WOULD INCLUDE A) A RESTRICTION ON PAINTBALL PLAYING AREA IN THE FIELD PORTION OF THE PROPERTY, B) THAT A 100 FT WOODS BUFFER BE ESTABLISHED FROM INTERIOR TO THE FIELD BORDER, C) THAT A 12 FT MICRO MESH FENCE PENDING APPROVAL FROM THE NOVA SCOTIA DEPARTMENT OF NATURAL RESOURCES BE ESTABLISHED AT THE INTERIOR OF THE 100 FT BUFFER ZONE AND D) THE SPEEDBALL COURT BE SITUATED A MINIMUM OF ANOTHER 100 FT IN THE WOODS. MOTION CARRIED

MOVED BY COUNCILLOR JANNASCH AND DEPUTY MAYOR P. MORTON THAT COUNCIL REQUIRES THAT THE DEVELOPMENT AGREEMENT WITH MARLENE HILL 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. MOTION CARRIED

Mayor Zebian requested item 11 (c) be moved up on the agenda. Consensus was to move the item up.

11. c) Wagners Court Non-substantive DA Amendment Decision Request (8:35 p.m.)
Planner Dunphy reviewed the report. A completed application was received from Edward Edelstein of Geome Properties Limited on March 26, 2024 for a non-substantive amendment to the existing development agreement on Wagners Court to allow for reconfiguration of the unit style of the grouped dwellings. The amendment was requested following a conversation with Canada Mortgage and Housing Corporation (CMHC) where the applicant was informed that only housing projects with a minimum of 5 units would be eligible for funding. In summary the same number of dwelling units, the same type of dwelling units, the same number of parking spaces and the same setbacks were being proposed. It was also noted the property was consolidated (two separate lots) into one single lot. The change being requested was to have a connection (breezeway service roof) between the buildings on either side of Wagners Court (form two (2) grouped dwellings).
Planner Dunphy reviewed the amendments being proposed within the DA.

MOVED BY COUNCILLORS FRANCIS AND SHERMAN THAT COUNCIL APPROVES ENTERING INTO AN AMENDED DEVELOPMENT AGREEMENT FOR THE LOTS LOCATED ON WAGNERS COURT IN WINDSOR, NOW IDENTIFIED AS PID 45058344, IN A MANNER SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT B OF THE REPORT FILE #24-13 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED MAY 9, 2024. MOTION CARRIED

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL REQUIRES THAT THE AMENDED DEVELOPMENT AGREEMENT WITH EDWARD EDELSTEIN 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. MOTION CARRIED

Mayor Zebian requested item 11 (d)(ii) be moved up on the agenda. Consensus was to move the item up.

11. d) ii) West Hants Municipal Planning Strategy Amendments: Wind Farm Setback (8:45 p.m.)
Director Poirier reviewed the report. An application was received in November 2023 from a Vaughan resident requesting amendments to Section 4.24 of the WHMPS to further evaluate wind farm development proposals within the Municipality. This began a staff investigation and Council discussions on appropriate setbacks for large-scale wind turbines. Following those discussions, Council approved a motion on February 27, 2024 to direct staff to “follow the planning process to amend the planning documents to include a 4 km setback”.

The visual representation of the current 1 km setback was provided as well as a visual representation of what the proposed 4km setback would look like.

Director Poirier reviewed what the current WHMPS states (Section 4.24 establishes policies for wind turbines).

- Preamble: “Council wishes to encourage the use of technologies that reduce dependence on non-renewable resources and do not contribute to greenhouse gas emissions.”
- Permanent or long-term installations of wind turbines/farms outside the Growth Centre, Village and Hamlet designations are considered by development agreement.
- Preamble: “utility-scale turbines may have towers ranging from 165 to 400 feet (50 to 120 meters) in height”.

The current WHMPS includes Section 5.52, which outlines the regulations for wind turbines and zones where wind turbines are permitted and required setbacks. For large-scale wind turbines/farms: regulations in the WHLUB, the Provincial EA approval, previous DAs and public feedback are used to negotiate the parameters of a proposed DA.

- All approved DAs for wind farms require a min. setback of 1,000 m. from the base of the tower to any dwelling, hotel, motel, or apartment hotel existing as of the date of the DA, and a min. setback of 550 m. from the base of the tower to any woods camps existing as of the date of the DA.

Director Poirier reviewed the WHMPS enabling policies (Policy 16.1.1), which states that “It shall be the policy of Council to review and make amendments to this Strategy:

- (c) when Council deems it necessary because of a change in policy intentions or the development environment.”
- Allows Council to consider amendments to the setback requirements for wind turbines as the amendments reflect a change in the development environment in relation to large-scale wind turbines.

Director Poirier reviewed the windmills already in operation, approved by development agreement or in the process of being considered within West Hants:

- Martock and Ellershouse wind farms (2013) have tower heights of 100 m. (328 ft.) and total turbine heights of 150 m. (492 ft.)
- Benjamins Mill wind farm (2023) propose tower heights of 131 m. (430 ft.) and total turbine heights of 216 m. (709 ft.)
- Bear Lake and Ellershouse 3 wind farms propose tower heights of 125 m. (410 ft.) and total turbine heights of 206.5 m. (677.5 ft.).

A significant amount of correspondence was received during the Public Information Meeting (PIM).

- There was support for the existing 1,000 m. setback between wind turbines and dwellings;
- Support for an increased setback between wind turbines and property lines, instead of the setback being measured to individual dwellings. Proposed setback distances suggested varied:

- based on turbine height (i.e., 1 km for a turbine 100 m or less in height, 2 km for a turbine between 100 – 200 m in height, etc.)
- 1.69 km, 2 km, or 2.5 km setback from property lines
- Consider the same setback for dwellings and woods camps
- Concerns with the increased size of turbines being proposed, the impact on the use of their private property, perceived property value impacts, and concerns with noise and visual impacts of wind turbines.

Director Poirier presented the proposed amendments showing the potential planning document amendments that would establish a minimum 4 km setback requirement from large-scale wind turbines to dwelling units. As the 4 km setback requirement is very restrictive, it was believed the development agreement process would become unnecessary, resulting in the removal of the policy requirement for any large-scale wind turbine projects to be considered by development agreement.

The proposed amendments also establish a Wind Turbine Overlay where the underlying zoning would still apply, and wind turbines would be permitted as-of-right instead of going through a development agreement process.

At the May 9, 2024 PAC/HAC meeting, the committee discussed the original direction from Council, the proposed amendments, and public comments in detail. Many felt more information and deeper discussions was warranted and asked if there could be a pause on any new wind farm applications at this time. Staff noted the Municipal solicitor had explained that as wind farms are allowed to be considered by development agreement within the current planning documents, Council could not act inconsistently from their planning documents by pausing the acceptance of applications.

Several members agreed with measuring setbacks from property lines instead of dwellings. Others felt a 4km setback was far too restrictive. It was noted the proposed Wind Turbine Overlay may not even be in areas with optimal wind conditions or transmission connections. One Committee member was concerned about moving to an as-of-right approval process within the Wind Turbine Overlay.

Following the PAC/HAC discussion, a motion was made to recommend that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Municipal Planning Strategy and West Hants Land Use By-law to increase the required minimum setback for large-scale wind turbines to dwelling units to 4 km in a manner substantively the same as Attachment A of the report #24-10 to the Planning and Heritage Advisory Committee dated May 9, 2024. The motion was defeated with a vote of 2 in favour and 6 opposed.

In relation to this file, Council needs to consider:

- Where should wind turbine setbacks be measured from (dwelling or property line)?
- What distance should be used for the setback (1km, 2km, 3km, 4km, etc.)?
- What approval process should be used for wind turbine or wind farm applications (as-of-right or development agreement)?

Director Poirier reviewed the process, and the floor was opened for any questions Council may have.

Council had a lengthy discussion on how they would like to proceed with respect to wind farm setbacks, where they were measured from, the distance and whether windfarms should follow a development agreement or be an as-of-right option.

Discussion Points:

- Concern was raised that larger properties have the potential to create much larger setbacks.
- There could be a policy or Land-Use Bylaw amendment that permitted property owners (with large land masses) to enter into a mutual agreement with proponents regarding setbacks (a minimum setback would still be required).
- Look at provincial roadways as a property line.
- Concern was raised regarding limiting future land development.
- Setback requirements were specific to the proponents (turbine to the dwelling) at the time of their application, setback requirements did not limit property owners from building within that same distance (property owners would be acknowledging that they know they are building within the buffer area). Director Poirier will confirm setbacks only pertain to the proponents.

Council agreed wind turbine setbacks should be measured from every property line.

Council agreed that development agreements should be the approval process used for wind turbine or wind farm applications.

While opinions varied on the distance (2 km or 2.5 km) that should be used for setbacks, the majority of Council agreed the distance should be 2 km.

MOVED BY COUNCILLORS IVEY AND FRANCIS THAT COUNCIL DIRECT THE CAO TO ENGAGE THE PLANNING DEPARTMENT FOR THE PURPOSES OF BRINGING BACK A REPORT FOR COUNCIL WHICH IDENTIFIES PROPERTY LINES AS THE DESIGNATION FOR MEASUREMENT FROM WIND FARMS AND THE DISTANCE BE ESTABLISHED 2 KMS AND A DEVELOPMENT AGREEMENT BE PART OF THE PROCESS.

Councillor Sherman voiced a preference to see a 2.5 km setback vs the 2 kms proposed.

MOVED BY COUNCILLORS SHERMAN AND B. MORTON TO AMEND THE MOTION TO BE 2.5 KM FROM ALL PROPERTY LINES INSTEAD OF 2 KM. MOTION CARRIED. Nays: Jannasch and Ivey

Full motion as amended:

MOVED BY COUNCILLORS IVEY AND FRANCIS THAT COUNCIL DIRECT THE CAO TO ENGAGE THE PLANNING DEPARTMENT FOR THE PURPOSES OF BRINGING BACK A REPORT FOR COUNCIL WHICH IDENTIFIES PROPERTY LINES AS THE DESIGNATION FOR MEASUREMENT FROM WIND FARMS AND THE DISTANCE BE ESTABLISHED 2.5 KMS AND A DEVELOPMENT AGREEMENT BE PART OF THE PROCESS. MOTION CARRIED

9. Unfinished Business/Postponed Motions

a) Municipal Complex (9:21 p.m.)

Mayor Zebian stepped down from the chair. Deputy Mayor P. Morton assumed the chair.

Mayor Zebian reviewed the report. The topic of the Municipal Complex has been discussed numerous times by the current Council and the Coordinating Committee during consolidation. The report highlighted discussions that have occurred over the course of the last four years, the total costs (\$500,000) associated with operating an additional building and the HATCH report (which recommended in favour of 100 King Street, but also noted both buildings have their flaws). Currently staff are divided; with about half working out of 100 King Street and the remaining working out of 76 Morison Drive. One of the unanswered questions associated with 100 King was about the Fire Department.

The floor was opened up for discussion. Opinions varied on how to proceed (there was support to make a decision and move forward, while others felt additional information was still needed before a decision of this magnitude could be made.

The discussion turned to noting each time a report was presented, information was missing. Despite that same information being repeatedly requested. There was a desire to know the costs associated with making 100 King a functional space in order to relocate staff. A suggestion was that a better motion may be to direct staff to report back on a scan of the market looking at potential options to rent, buy or build.

Questions arose regarding timing and if it was the right time to look at “the bigger picture”. There was support for the motion as written, it would see staff under one roof and reduce operational costs associated with having two complexes.

There was a desire to have a costing estimate on the work required to make 100 King more energy efficient (windows, insulation, asbestos abatement costs and an accessibility evaluation - concerns with the elevator and grade leading onto the building). The presence of asbestos at 100 King was concerning; it would need to be abated.

It was agreed that it was important that if a decision was made, any renovations/remediation needed would need to occur while the building was empty.

It was also noted that if a decision was made to rent or sell 100 King, remediation would still be the responsibility of WHRM prior to either option occurring.

CAO advised that 100 King could accommodate the current staff component (there may be a shared spaces). 76 Morison would require renovations to the basement and the space occupied by Parks and Rec staff to accommodate the current staff component.

It was important to know all the available options to make an informed decision.

MOVED BY MAYOR ZEBIAN AND COUNCILLOR S. MCLEAN THAT
COUNCIL DIRECTS STAFF TO LOOK AT A ROUGH CLASS D ESTIMATE
COST ON A NEW BUILD FOR A MUNICIPAL COMPLEX LOOKING AT
USING EXISTING MUNICIPAL LAND OR BUYING LAND.

Discussion Points:

- A suggestion was made to add staff to complete a scan of the market for rental options and look at options to purchase (rent, build or buy). This was information Council has been requesting.

- It was also suggested staff/CAO provide an estimate for asbestos abatement and an accessibility study (similar to what was completed at 76 Morison) for 100 King Street at the next meeting. This would need to be completed no matter what decision was made with respect to the building.

MOVED BY COUNCILLORS IVEY AND S. MCLEAN THAT THE MOTION BE AMENDED TO INCLUDE ESTIMATES ON RENTAL AND/OR PURCHASE WITHIN THE MARKET. MOTION CARRIED. Nays: P. Morton, Francis, Murley and Smith

Full motion as amended:

MOVED BY MAYOR ZEBIAN AND COUNCILLOR S. MCLEAN THAT COUNCIL DIRECTS STAFF TO LOOK AT A ROUGH CLASS D ESTIMATE COST ON A NEW BUILD FOR A MUNICIPAL COMPLEX LOOKING AT USING EXISTING MUNICIPAL LAND OR BUYING LAND, ESTIMATES ON RENTAL AND/OR PURCHASES WITHIN THE MARKET. MOTION CARRIED. Nays: Francis and Murley

MOVED BY MAYOR ZEBIAN AND COUNCILLOR SMITH THAT COUNCIL DIRECT STAFF TO BRING BACK A REPORT OF COSTING OF ASBESTOS ABATEMENT AT 100 KING STREET, LOOK AT AN ACCESSIBILITY STUDY AND APPROXIMATE COSTS OF RENOVATIONS AT 100 KING MAKING IT A FUNCTIONAL AND SAFE SPACE. MOTION CARRIED

Mayor Zebian assumed the chair at 10:11 p.m. As per policy a motion was required if the meeting was to continue.

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT THE MEETING CONTINUE PAST 10 P.M. MOTION DEFEATED. Nays: Jannasch. S. McLean, Sherman, Murley, Hartt, M. McLean, Ivey and Smith

The meeting will resume tomorrow (Wednesday) May 29th at 6 p.m.

Mayor Abraham Zebian (Chair)

Deanna Snair, Municipal Clerk