

**WEST HANTS REGIONAL MUNICIPALITY**

**Council Meeting Agenda **AMENDED****

**July 23, 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) 2024-06-25 Council Meeting Minutes
    - b) 2024-06-25 PH Minutes Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382
    - c) 2024-06-25 PH Minutes WMPS Text Amendments: Policy 5.4.6 Criteria for Development Agreements
  7. Public Hearing – Variance Appeal
    - a) 111 Stark Road, Newport Station (PID 45015385) – Development Officers MacInnis and Burns
  8. Public Hearings
    - a) Large-scale wind turbine setbacks, WHMPS and WHLUB Amendments – Director Poirier
    - b) 368 Nesbitt Street, PID 45056447 and PID 45227279, Colonial Road, WMPS and WLUB Amendments – Director Poirier
    - c) Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382 - Planner Dunphy
  9. Second Readings (as it pertains to Public Hearings)
    - a) Large-scale wind turbine setbacks, WHMPS and WHLUB Amendments – Director Poirier
    - b) 368 Nesbitt Street, PID 45056447 and PID 45227279, Colonial Road, WMPS and WLUB Amendments: – Director Poirier
    - c) Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382 - Planner Dunphy

10. Presentations
  - a) Canada Mortgage and Housing Corporation (CMHC) Housing Accelerator Fund Update – Planner Will Hong
  - b) 2025-26 West Hants Municipality MYFP - Financial Tables – Staff Sergeant Ferguson
  - c) ~~Irven Drive Extension—Chrystal Fuller, Brighter Community Planning and Consulting~~
  
11. ~~Unfinished Business/Postponed Motions~~
  - a) ~~Flood Chronology Information Report—Councillor Ivey~~
  - b) ~~CSO Buyout Program Info Requested and Recommendation Report—Councillor Ivey~~
  
12. ~~Mayor’s Report~~
  
13. ~~Committee(s) of Council Excerpts/Recommendations~~
  - a) ~~Committee of the Whole Excerpts (July 9, 2024)~~
    - i. ~~College Road Emergency Access~~
    - ii. ~~CSO Sewer Charge Credit~~
    - iii. ~~Right to Know Week~~
    - iv. ~~Riverview Road Tender~~
    - v. ~~Tender Award WHRMCD24-05 Commercial High Back Cargo Van~~
    - vi. ~~WFD Rescue Engine RFP Tender Award~~
    - vii. ~~WH Historical Society~~
  
  - b) ~~Planning and Heritage Advisory Committee Recommendations (July 11, 2024) (as it relates to First Readings)~~
    - i. ~~Windsor Back Road, Three Mile Plains Development Agreement PID 45402831—Planner Dunphy~~
    - ii. ~~198 Water Street, Windsor PID 45056926 Development Agreement—Planner Dunphy~~
    - iii. ~~4859 Highway 1, Three Mile Plains PID 45016763 WHLUB Map Amendment—Planner Dunphy~~
    - iv. ~~Irven Drive Extension Development Agreement—Director Poirier~~
  
14. ~~Councillor Municipal Business/Activity Reports~~
  - a) ~~Councillor Ivey, District 11 Activity Report~~
  
15. ~~Correspondence~~
  - a) ~~Information~~
    - i. ~~Avon Causeway Activity Log—None~~
  
    - ii. ~~Ever Wind/Bear Lake Wind Farm—Additional correspondence included in the Wind Farm Setback Public Hearing Package~~

- iii. ~~Correspondence Received Activity Log~~
  - i. ~~Jennifer Moore Re Flood advisory~~
  - ii. ~~Peter Moore Re Windsor Flood Zone Resident Buy Out program~~
  - iii. ~~Colleen Walsh Bouman Re Combined Sewer Overflow Stannus Street~~
  - iv. ~~Honourable Greg Morrow Re Response to WHRM Dyke Maintenance~~
  - v. ~~Jennifer Moore Re CSO event, July 8, 2024~~
  - vi. ~~Alicia Hennessey Re Stannus Street flooding and impacts~~
  - vii. ~~Peter Moore Re CSO smell~~
  - viii. ~~Gerry Parfitt Re Windsor NS Contaminated Flood Zone~~
  - ix. ~~Peter Moore Re Information from or for the Buy Out Input on Possible Program~~
  - x. ~~Honourable John A. Lohr Re Letter to Mayors and Wardens—Emergency Alerts~~
  - xi. ~~Residents of Forest Lakes Re Waste Collection~~
  - xii. ~~Assistant Commissioner Commanding Officer RCMP Nova Scotia Re Correspondence to CAO Phillips~~
  - xiii. ~~Cathy Ross Re home flooding on Sunset Ave.~~
  - xiv. ~~Jennifer Moore Re Medical treatment after CSO exposure~~
  - xv. ~~Honourable John Lohr Re CCBF~~
  - xvi. ~~Media Statement NSFM Collaborates on Enhanced Emergency Alert System~~
  - xvii. ~~Pierre Tabbiner Re Flooding of Gray Street, July 2024~~
  - xviii. ~~Amanda Dunfield Re WHRM Windsor Combined Sewer Overflows~~
- iv. ~~Requests~~
  - i. ~~Darren Porter Request to amend water testing policy~~
- v. ~~Outgoing Correspondence Log—None~~

16. ~~New Business~~

- a) ~~Committee Terms of Reference Recommendation Report—Mayor Zebian~~
- b) ~~Request to Province for Road Maintenance Resources Recommendation Report—Mayor Zebian~~
- c) ~~Splash Pad Site Selection Options Recommendation Report—Mayor Zebian~~
- d) ~~Streetlight and Private Road Policy Recommendation Policy—Mayor Zebian~~
- e) ~~Under Housed Support Recommendation Report—Mayor Zebian~~
- f) ~~Veteran Banner Project Recommendation Report—Mayor Zebian~~
- g) ~~Request for Proposal for Consultative Services to support Equity, and Anti Racism Strategy Plan Development and Accessibility Plan Update Recommendation Report—HR Specialist Taylor~~
- h) ~~WFD Boat Replacement Purchase and SWH Fire Boat Purchase Recommendation Report—Municipal Operations Supervisor Thornton~~
- i) ~~HMCC's CCBF Remaining Grant Recommendation Report—Director Rochon~~
- j) ~~Updated 2024 Taxation Resolution Correction Recommendation Report—Director Rochon~~
- k) ~~Financial Update Ending March 31, 2024—Director Rochon~~
- l) ~~Sidewalk Machine Replacement Recommendation Report—Director Richard~~
- m) ~~Standard Offer for Engineering Services Recommendation Report—Director Richard~~
- n) ~~Third Process Train Equipment Recommendation Report—Director Richard~~

17. In-Camera
  - a) ~~2024-06-25 In-Camera Meeting Minutes~~
  - b) ~~MGA 22(2)(a) Land Matter~~
  
18. ~~Next Meeting Date / Adjournment—September 10<sup>th</sup>, 2024 Committee of the Whole Meeting 6 p.m.~~

## WEST HANTS REGIONAL MUNICIPALITY

### Council Meeting Minutes

July 23, 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. As Call to Order – Mayor Zebian called the meeting to order at 6:01 p.m.

2. Attendance

Council:

Abraham Zebian, Mayor (7:14 p.m.)  
Rupert Jannasch, Councillor, District 1  
Scott McLean, Councillor, District 2  
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

John Smith, Councillor, District 9  
Laurie Murley, Councillor, District 10  
Jim Ivey, Councillor, District 11

Regrets:

Ed Sherman, Councillor, District 7

Staff:

Mark Phillips, Chief Administrative Officer  
Carlee Rochon, Director of Financial Services  
Todd Richard, Dir. Public Works  
Will Hong, Planner  
Alex Dunphy, Planner  
Chris Burns, Development Officer

Deanna Snair, Municipal Clerk  
Sara Poirier, Dir. Planning & Development  
Kathy Kehoe, Director Community Development  
Erin Amirault, Project Engineer  
Will Hong, Planner  
Doug MacInnis, Development Officer

Regrets:

Shelleena Thornton, Municipal Ops Sup

Presenter and Gallery

86 in the Gallery  
Dave Ferguson, Staff Sergeant, RCMP  
Kyla Dow, Senior Financial Analyst, Atlantic Region, RCMP  
Meaghan Stewart, RCMP

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

Mayor Zebian acknowledged West Hants Regional Municipality is in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People. This land is governed by the treaties of Peace and Friendship signed in 1726. West Hants Regional Municipality recognizes 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.

A reminder that all meetings are recorded and livestreamed on Facebook for viewing purposes, as per policy and out of respect of those in attendance in the gallery; video/audio recordings are not permitted.

Fire alarm protocol was reviewed.

Reminder to be respectful and limit conversations in the gallery to ensure everyone is able to hear the conversations/discussions occurring at the Council table.

Reminder of the upcoming Avon River Days being held on August 2-4<sup>th</sup>. All were encouraged to attend.

Reminder of the upcoming SWITCH information session being held at the Brooklyn Civic Centre on August 13<sup>th</sup>, 2024 from 6-7 p.m.

The Newport Station Hall has completed their renovations and are looking for community donations of a cash register, shelves, glassware, wine glasses, bookshelves, and other items. Individuals with donations can reach out to Councillor Francis who will help make arrangements to drop donated items off.

4. Approval of the Agenda, including additions or deletions (6:04 p.m.)

Additions to the agenda:

In-Camera: Item 17(c) MGA 22(2)(a) Land Matter

Item 11(a): report was submitted late; a brief overview will be provided. The report will be formally addressed at the September Committee of the Whole meeting.

It was noted the meeting agenda was lengthy, a motion of Council is required to proceed. If it was not supported, then as per policy the meeting would continue tomorrow evening at 6 p.m.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY  
THAT THE 2024-07-23 COUNCIL AGENDA BE APPROVED AS AMENDED.  
MOTION CARRIED.**

5. Declaration of Conflict of Interest (6:10 pm)

Item 6(c), 8(c), 9(c), 10(c) and 13(b)(iv)– Mayor Zebian and Councillor Francis due to owning land.

6. Approval of the Previous Meeting Minutes (6:11 p.m.)

a) 2024-06-25 Council Meeting Minutes

b) 2024-06-25 PH Minutes WMPS Text Amendments: Policy 5.4.6 Criteria for Development Agreements

c) 2024-06-25 PH Minutes Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382

Discussion Points:

- There was support to approve the June 25 Council minutes once a footnote was added noting there was no correspondence from Dykeland Lodge specific to renaming Cottage Street, the minutes should note that this was an error.
- A request was made to have the legal opinion shared regarding if an item defeated at a previous meeting (Committee of the Whole) could be returned for Council to consider.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY  
THAT THE 2024-06-25 COUNCIL MEETING MINUTES BE APPROVED.**

**MOTION CARRIED.** Nays: S. McLean

Mayor Zebian and Councillor Francis declared conflict and left the meeting at 6:14 p.m.

- c) 2024-06-25 PH Minutes Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382

Discussion Points:

- Information about the traffic impact study conducted by the municipality would be included in the Public Hearing package.

**MOVED BY COUNCILLORS MURLEY AND JANNASCH THAT THE 2024-06-25 PH MINUTES PAYZANT DRIVE, WINDSOR DEVELOPMENT AGREEMENT: PIDS 45053030, 45343878, 45343894, AND 45234382 BE APPROVED. MOTION CARRIED**

Mayor Zebian and Councillor Francis returned at 6:15 p.m.

- b) 2024-06-25 PH Minutes WMPS Text Amendments: Policy 5.4.6 Criteria for Development Agreements

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT THE 2024-06-25 PH MINUTES WMPS TEXT AMENDMENTS: POLICY 5.4.6 CRITERIA FOR DEVELOPMENT AGREEMENTS BE APPROVED. MOTION CARRIED**

7. Public Hearings - Variance Appeal (6:16 p.m.)

a) 111 Stark Road Newport Station (PID 45015385) – Development Officers MacInnis and Burns A completed application was received from Chris McLeod, on June 19, 2024, requesting a reduction to the minimum side yard setback for a livestock enclosure structure and to reduce the minimum separation distance for the storage of manure.

DO Burns provided some background information on the file. In 2023, a noise complaint was received regarding roosters crowing throughout the night. Upon investigation, the property owner was not in violation of the household livestock provisions within the West Hants Land Use By-law. On June 13, 2024, further noise complaints about roosters were received. Upon investigation the DO found the enclosure housing the livestock and storage of manure did not meet the required setback and separation distances to property lines within the West Hants Land Use By-law. The property owner was given 30 days to comply with the West Hants Land Use By-law by removing the structure housing household livestock and the manure pile. On June 19, 2024, an application for a variance was received from the property owner to reduce the side yard setback required for the enclosure housing the household livestock and reduce the separation distance required for manure storage. The variance application was refused due to the numerous noise complaints as well manure storage has a required separation distance which cannot be varied.

The applicant Mr. McLeod spoke to the property, the application and circumstances that have brought him to proceed with the application. Mr. McLeod noted he had been misinformed regarding the property lines, and the hens are his livelihood for food security Mr. McLeod noted

his confusion on the matter, in his conversations with neighbouring properties, he has only received one complaint and only been informed of one other complaint. The applicant advised he was not aware of any concerns with the coop when he was asked to address the manure storage (which he noted to be temporary as he has recently started a garden, and the manure was used for the garden). Mr. McLeod noted he had been misinformed regarding the property lines, and the hens were his livelihood for food security. Mr. McLeod noted he could find off site storage for the manure if required, the refusal of the variance was attacking his food security and his livelihood.

Mayor Zebian opened the floor for public comments at 6:39 p.m.

TJ Brown, a neighbouring property noted he did assist with building the chicken coop and spoke of the coop only being for hens and egg laying, but then roosters arrived. The coop and roosters were 50' from his bedroom window. The roosters start crowing at 5 am and do not stop until sundown. The family has implemented noise machines and other noises to help drown out the sound with no success. Mr. Brown also spoke of the rats in the area and their quality-of-life diminishing.

DO MacInnis spoke to how Development Officers attempt to resolve land use situations. Mr. MacInnis noted that at the time of the original visit, they advised Mr. McLeod that he was allowed to have livestock/roosters. The issue at the time was the noise, Mr. McLeod was advised that if he could help with the noise issue, the DO's would work with him on the other matters. The DO was under the impression that the noise issue had been resolved as there had been no complaints received until recently. DO MacInnis advised they are required to support the primarily residential community that surrounds his property. Section 235 of the Municipal Government Act (MGA) provides limited discretionary power. Since the complaint was not resolved, the DO was required to act in a stricter manner and enforce the setbacks related to the chicken coop as they cannot be met within the requirements of the WHJUB, there is no ability to vary setbacks for manure storage. If the decision was upheld by Council, the applicant would not be permitted to have the coop or the manure storage, but the livestock were permitted.

Mr. McLeod noted that prior to acquiring livestock, rats were not a new problem for the area. Due to his diligent attention and control measures, rats were no longer an issue on his property. Mr. McLeod voiced he felt the by-law was being manipulated to attack him owning roosters and impacting his livelihood. The refusal only impacted the ability for him to safely house his animals, it would not remove the roosters. Or the noise they create.

A neighbour spoke of not having a rat problem until Mr. McLeod moved to the area and housing livestock on the property, and also the constant noise made by the roosters. The neighbour noted the manure pile was on their property; despite being asked to clean it up, Mr. McLeod has yet to do so.

Kay Chambers, a neighbouring property questioned why the small parcel of land was purchased if there was a desire to be a farmer and noted that in her time while living in Newport Station, there has never been any issues with neighbours.

At 6:48 p.m. the public hearing was concluded. The regular Council meeting resumed. Council was reminded that there were only two options they were able to consider; they could approve the variance requested or uphold the decision of the DO.

Discussion Points:

- The property was 100 ft wide from one side to the other side. The coop was going across the property in a vertical manner. There was no ability to have the coop on the property where it would not be a violation of the required setbacks.
- The one (1) acre lot was permitted to have one (1) animal unit which can encompass a variety of livestock, including a combination of rabbits, hens, roosters, hogs, etc. Mr. McLeod was permitted to keep the animals, just not the enclosure. It was felt the animals may be better protected and quieter if the coop was able to remain.
- Upon investigation the manure pile was beside the enclosure within the centre of the applicant's property, it was noted it was closer to the property line compared to the enclosure.
- If the DO's decision was upheld, the manure storage would need to be moved to another property offsite. There is no opportunity to vary the separation distance requirements for a manure pile.
- DO MacInnis noted he received three (3) complaints; he noted additional correspondence was received at the municipal office, but it was unknown if they were in support of the application or not. DO Burns noted he received at least three-five phone calls with negative complaints (roosters, rats and manure storage) from neighbouring properties on Stark Road related to this file.
- Concern was raised that complaints were primarily related to noise and there being no noise by-law in place, there was a desire to know how different noise complaints were reconciled. DO MacInnis noted that through a development control perspective, rooster noise was not the issue. The complaints he had received were related to noise but also were complaints about the proximity of the structure, too many pests in the area and the manure pile.
- The noise was one concern, the issue before Council was the enclosure was not compliant with existing WHLUB setbacks and the manure does not meet separation distances. The property was not wide enough to accommodate the setbacks requested.

The electronic voting system froze, voting occurred by a show of hands.

**MOVED BY COUNCILLORS HARTT AND FRANCIS THAT COUNCIL UPHOLDS THE DECISION OF THE DEVELOPMENT OFFICER WITH REGARD TO THE REFUSAL FOR A VARIANCE TO REDUCE A SIDE YARD SETBACK DISTANCE TO PROPERTY LINES FOR A LIVESTOCK ENCLOSURE AND TO REDUCE A SEPARATION DISTANCE FOR AN ENCLOSURE OF MANURE**

**STORAGE AT 111 STARK ROAD IN NEWPORT STATION (PID 45015385).  
MOTION CARRIED**

8. Public Hearings (7:05 p.m.)

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

The meeting moved into Public Hearing at 7:05 p.m. Further information on the Public Hearing is available in the 2024-07-23 Public Hearing Minutes.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS  
THAT COUNCIL MOVE INTO PUBLIC HEARING AT 7:05 P.M. MOTION  
CARRIED**

a) Large-scale wind turbine setbacks, WHMPS and WHLUB Amendments (7:05 p.m.)

Public Hearing concluded at 8:01 p.m. The regular Council meeting resumed.

9. Second Readings

a) Large-scale wind turbine setbacks, WHMPS and WHLUB Amendments (8:01 p.m.)

Discussion Points:

- Concern was voiced with wording being changed in the planning strategy; specifically, the wording in Policy 4.24 “Council wishes to encourage the use of technologies that reduce dependence on non-renewable resources and do not contribute to greenhouse gas emissions”, it was hoped that renewable resources were still being explored. The other wording that was of concern was the addition of “Due to controversy in the Municipality regarding siting of wind turbines”. It was felt this was the ration behind exploring wind farm setbacks. It was noted that if controversy was the reason for exploring setbacks, then it was being done for the wrong reasons.
- Concern was raised that a 2.5 km setback only allowed wind farm development for Ellershose only. Ellershose was still open to wind farm development as the mapping was done using the road line layer as well as the property line layer. The 2.5 k setback was from any lot line that had frontage on a roadway.
- If approved the 2.5 km setback required Ministerial review and approval. When the Minister reviews submissions, they are reviewed against the Statement of Provincial Interest. WHRM has not had a submission where the Minister has not approved an amendment. If the amendment was not approved, the process would need to be undertaken again.
- The map showed that a 2.5 km setback and a 4 km setback were very similar. Either setback would exclude wind farm development except for the Ellershose area. The intention was not to exclude wind farm development or have wind farms on top of properties/homes. Concern was raised if 2.5 km was the right number for a setback as it did not align with climate committee programs and steps towards a greener planet. It was suggested a 1.5 km setback from a property line would be similar to a 2.5 km setback from a property/structure. Concern was raised that 2.5 kms may be too far to go and did not capture what Councils intentions were. There was value in getting the right number for a setback.

- If approved the proposed amendments would not impact current applications. The Bear Lake Wind Farm and Ellershouse 3 projects have completed all the components and are being reviewed by staff. Future applications would not be considered unless the projects were located in Ellershouse.
- Concern was raised on what affect the amendment would have on existing wind farms. The proposed language may restrict the ability to repower windfarms (building a new farm on an existing foundation or creating a new turbine on an existing wind farm) and have unintentional consequences should a wind farm choose to be repowered vs decommissioned.

CAO advised that he had received a phone call from the province, they indicated they were revisiting their regulations. Until the regulations are available, it was unknown what this would mean with respect to wind farm development.

- Questions were raised as to what regulations the province has with respect to wind farms, as everything rested on the Environmental Assessment. At this time the wind farm industry was not regulated by the province.

Consensus was a 2.5 km setback was too much and there was value in being reasonable with a setback to ensure the province did not step in and mandate their own setback. This was a much larger discussion and warranted a meeting/workshop of its own. This was a deep complex topic that required additional time and energy to work through all the details.

The Public Hearing was concluded, no new information can be requested or brought back for consideration. Any substantive changes would require the entire planning process to restart.

MOVED BY COUNCILLORS B. MORTON AND HARTT THAT COUNCIL GIVES SECOND READING APPROVES 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 ABUTTING LOTS WITH FRONTAGE ON A ROADWAY TO 2.5 KM IN A MANNER SUBSTANTIVELY THE SAME AS APPENDIX A OF THE REPORT #24-10 B TO COUNCIL DATED JUNE 25, 2024.

MOVED BY COUNCILLORS IVEY AND MURLEY THAT THE MOTION BE AMENDED TO STATE THE SETBACK REQUIREMENTS BE 1.25 KMS.

A suggestion was made to change the wording in the planning documents to address concerns noted earlier during the discussion.

Concern was raised about what a 1.25 km setback looked like and the ability to support the suggested change without knowing the impacts the setback would have.

A suggestion was made to table the discussion/motion until the September meeting. This provides time for everyone to consider how they would like a motion worded, resulting in a conversation occurring at the next meeting on a motion without having to make amendments

and allowing the process to continue to move forward. There was value in resharing the previous maps that have been provided.

Consensus was to table the discussion until September.

**MOVED BY DEPUTY P. MORTON AND COUNCILLOR FRANCIS THAT THE MOTION BE TABLED UNTIL THE SEPTEMBER MEETING. MOTION CARRIED.** Nays: B. Morton and Hartt

A break occurred at 8:36 p.m. The meeting resumed at 8:48 p.m.

8. Public Hearings (8:48 p.m.)

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

b) 368 Nesbitt Street, PID 45056447 and PID 45227279, Colonial Road, WMPS and WLUB Amendments (8:38 p.m.)

The meeting moved into the Public Hearing at 8:38 p.m. Further information on the Public Hearing is available in the 2024-07-23 Public Hearing Minutes.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY THAT COUNCIL MOVE INTO PUBLIC HEARING AT 8:38 P.M. MOTION CARRIED.**

At 9:18 p.m. the Public Hearing was concluded, the meeting moved into the regular Council meeting.

9. Second Readings

b) 368 Nesbitt Street, PID 45056447 and PID 45227279, Colonial Road, WMPS and WLUB Amendments (9:18 p.m.)

Discussion Points:

- It was noted the discussion seemed to be going back and forth between an amendment or approving a Development Agreement (DA). It felt questions around proposed signage were appropriate as signage was addressed within the amendment.
- Concerned that the approval from the Fire Marshal, Traffic Authority and Building Official (while important to have) were typically part of process undertaken for approving a DA, not approving an amendment; this seemed to create some confusion on what was being approved. Director Poirier noted that because the policies were allowing consideration up to a certain height) which was unprecedented for the area), staff sought input from Fire Chief and Municipal Public Works to determine if something of that height could be serviced before creating a policy that couldn't be achieved on municipal services. Additional comments would be sought once an official design for the overall proposal DA was submitted.
- Eight (8) storeys as of right with the potential for up to sixteen (16) storeys was not felt to be a fit for the region, which resulted in the decrease down to four (4) storeys. There was a level of comfort with four (4) storeys. It was noted that 43% of respondents for the planning documents survey identified they wanted to maintain three

(3) storeys as-of-right for the Windsor area. 17% of respondents supported increasing the height to four (4) storeys, 25% of respondents supported up to five (5) storeys and 15% supported “other”. It felt sixteen (16) -nineteen (19) storey was not appropriate for the area.

- There was support to have the option to have eight (8) stories. It was felt that having an eighteen (18) or nineteen (19) storey building standing alone was not appealing. It was felt that if visual appeal and flexibility in planning for the future was desired it would be better if the primary building was a lower structure and have an option to add larger buildings around it.
- The proposal was far larger than anything ever seen in the area. There was concern about whether it fits in the area as proposed. It was noted that the Planning and Heritage committee felt they could support the proposed amendments (up to four (4) storeys) as-of-right and anything over four (4) by DA. It was felt that if four (4) storeys were as-of-right, there was control over proposals moving forward. Concern was noted if it was higher than four (4) storeys.
- Consensus was there was comfort with the recommendation as presented (four (4) storeys).
- Amendments were included within the Windsor Land Use By-Law under Section 7.17 which included the Mixed Use (MU) zone in the same signage restrictions as the Fairground and the Light Industrial zones. That would be the signage permitted as-of-right. The draft policy for the Municipal Planning Strategy included the option for the developer to include additional signage outside of those requirements in a DA for Council to consider on a one-off basis.
- Fairground and the Light Industrial zones were used based on the existing designation, the zone being Industrial and its proximity to Highway 101. It was felt this was the most appropriate signage requirement.
- It was noted the property would not be Light Industrial after it was rezoned, it was unclear of the value of having roof signage. There was no other roof signage in the region. There was value in having roof signage as part of a separate DA.

Electronic voting resumed.

**MOVED BY COUNCILLORS IVEY AND MURLEY THAT COUNCIL GIVES SECOND READING AND APPROVES AMENDING THE TEXT AND THE MAPS OF THE WINDSOR MUNICIPAL PLANNING STRATEGY AND WINDSOR LAND USE BY-LAW TO CREATE AND INCLUDE PID 45056447 IN THE NESBITT ISLAND DESIGNATION AND THE MIXED USE (MU) ZONE AND CREATE POLICIES TO ALLOW COUNCIL TO CONSIDER MULTIPLE UNIT, MIXED USE DEVELOPMENTS IN EXCESS OF FOUR STOREYS IN HEIGHT BY DEVELOPMENT AGREEMENT IN THE NESBITT ISLAND DESIGNATION IN A MANNER SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN APPENDIX A OF THE COUNCIL REPORT #23-02C DATED JUNE 25, 2024. MOTION CARRIED.** Nays: P. Morton and Jannasch

**MOVED BY COUNCILLORS FRANCIS AND MURLEY THAT COUNCIL GIVES SECOND READING APPROVES AMENDING THE MAPS OF THE WINDSOR MUNICIPAL PLANNING STRATEGY AND WINDSOR LAND USE BY-LAW TO INCLUDE PID 45227279 IN THE NESBITT ISLAND DESIGNATION AND THE MIXED USE (MU) ZONE IN A MANNER SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN FIGURE 7 AND 8 OF THE PLANNING ADVISORY COMMITTEE REPORT #23-02B DATED JUNE 13, 2024. MOTION CARRIED.**

Nays: P. Morton

Mayor Zebian and Councillor Francis declared conflict and left the meeting at 9:33 p.m. Deputy Mayor P. Morton assumed the chair at this time.

8. Public Hearings

- c) Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382 (9:33 p.m.)

**MOVED BY COUNCILLORS B. MORTON AND IVEY THAT COUNCIL MOVE INTO PUBLIC HEARING AT 9:33 P.M. MOTION CARRIED.**

The meeting moved into the Public Hearing at 9:33 p.m. Further information on the Public Hearing is available in the 2024-07-23 Public Hearing Minutes.

At 9:59 p.m. the Public Hearing was concluded, the meeting moved into the regular Council meeting.

9. Second Readings

- c) Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382 (9:59 p.m.)

**MOVED BY COUNCILLORS MURLEY AND JANNASCH THAT COUNCIL GIVES SECOND READING AND APPROVES ENTERING INTO A DEVELOPMENT AGREEMENT TO ALLOW UP TO 280 UNITS WITHIN GROUPED MULTI-UNIT APARTMENT BUILDINGS AND 18 TOWNHOUSE UNITS ON PIDS 45053030, 45343878, 45343894, AND 45234382 ON PAYZANT DRIVE IN WINDSOR WHICH IS SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN APPENDIX A OF THE REPORT FILE #23-04B TO COUNCIL DATED JUNE 25, 2024. MOTION CARRIED.** Nays: Hartt and B. Morton

**MOVED BY COUNCILLORS MURLEY AND B. MORTON THAT COUNCIL REQUIRES THAT THE DEVELOPMENT AGREEMENT WITH ABRAHAM ZEBIAN ON BEHALF OF 3324482 NOVA SCOTIA LIMITED FOR PIDS 45053030, 45343878, 45343894, AND 45234382 ON PAYZANT DRIVE 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**

Mayor Zebian and Councillor Francis returned to the meeting at 10:02 p.m.

Council discussed continuing the meeting past 10 p.m. and have the two (2) presentations completed at this meeting and resume the remainder of the meeting tomorrow evening at 5 p.m. The ability to begin the meeting at 5 p.m. tomorrow evening was not an option. Consensus was once the two (2) presentations occurred, the meeting would adjourn and resume tomorrow evening at 6 p.m. as per policy.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR B. MORTON THAT AFTER THE TWO (2) PRESENTATIONS THE MEETING WOULD ADJOURN AND RESUME TOMORROW EVENING AT 6 P.M. MOTION CARRIED.** Nays: Murley

## 10. Presentations

a) Canada Mortgage and Housing Corporation (CMHC) Housing Accelerator Fund Update (10:04 p.m.)

Planner Hong provided an update on the Canada Mortgage and Housing Corporation (CMHC) Housing Accelerator Fund (HAF). The HAF was designed to support local governments in an effort to accelerate housing development/increase housing supply, and promote the development of affordable, inclusive, and diverse communities. West Hants Regional Municipality was approved for \$1.08 million to participate in the program.

WHRM's plan identifies seven (7) initiatives that could help contribute to increasing the housing supply (allow greater density as-of-right, create affordable housing policy requirements, reduce parking requirements, remove permit fees for accessory dwelling units, promote infill development, promote alternative housing forms and upgrade permitting software). The Municipality was funded to complete Action 1-7.

WHRM's target is for 40 new housing units to be created over the three-year program period ending in 2027, with 6 of these units to be affordable units and 42 of these units to be missing middle housing units.

As of July 2024, WHRM has already completed one action item in the Housing Action Plan, action 4 by removing permit fees for accessory dwelling units. Items 5, 6 and 7 (promote infill development, promote alternative housing forms and upgrade permitting software) have yet to be started.

A total of 330 units were expected to be built over the next three (3) years, the HAF increases the number of housing units by 40, resulting in a total of 370 units expected to be created by 2027. Additional targets were also identified (42 missing middle housing units as well as 6 affordable housing units).

The next step was to begin public engagement sessions to receive feedback between August and October of 2024, with the intent to have a final draft to present to Council in the Winter of 2024/25.

The HAF program was designed to focus on creating Missing Middle Housing. Missing Middle Housing /Gentle Density is intended to fill the gap between single-unit dwellings and high-density multi-unit apartments or mixed-use residential buildings.

Planner Hong noted that the housing market in West Hants was dominated by Single Unit Residential dwellings. The Missing Middle Housing represented 14% of the dwellings in West

Hants. With the addition of approved Secondary Suites, areas zoned Single Unit Residential (R-1) allows up to two (2) units per lot and Two-Unit Residential (R-2) allows up to four (4) units per lot as-of-right.

Initiative 1:

Based on current discussions it was felt Single - Unit Residential (R-1) could be changed to Low Density Residential (R-1) to provide small-scale housing options while maintaining the neighborhood's single-lot character and to allow up to four units on a serviced lot. The R-2 could change to Medium Density Residential to provide a range of multi-unit dwellings and to allow up to 6 units of residential development as well as limited commercial and community services to local residents. These changes would only apply to the Residential designation (it will not affect properties in Hamlets, Village Resource or Agricultural designation).

Initiative 2: Create affordable housing policy requirements. The current By-law states that the Waterfront Development District (WDD) zone in Windsor is the only area where bonus height is available for developer partners with approved agency in creating affordable housing units; however, there is no definition of “affordable housing” in the LUB. The proposed change would be to adopt a clear definition of “affordable housing” across the LUBs and explore different types of incentivization (e.g. height bonuses, LUB requirement flexibility, reduced permit fees, and/or density bonuses for development that partner with approved agencies to build affordable housing units).

Initiative 3: Reduce Parking Requirement. The current By-Laws state 1 parking space per unit for a dwelling container fewer than 3 units and 1.5 parking spaces for all other dwellings. The proposed change would be to adopt the standard of 1 parking space per dwelling unit for all residential use.

Through these initiatives it was felt that increasing housing density in serviced areas would create affordable housing and provide economic opportunities for local businesses/services, provide opportunities for Infrastructure savings and help preserve agricultural lands and natural areas.

Discussion Points:

- There was value in looking at the whole picture to create greater density vs looking at one application at a time. For example, looking at the former boundaries of Windsor (as a starting point) to see how R-1's could be converted to R-2's to provide the potential of greater density.
- Reduced parking was felt to be a good idea, but it was noted that in order to do this and be successful, some type of transit system was needed.

b) 2025-26 West Hants Municipality RCMP MYFP (10:18 p.m.)

Staff Sergeant Ferguson reviewed the West Hants Multi-year financial plan which consisted of the Current Fiscal Year Projections (April 1, 2024-March 31, 2025), the 5 Year Financial Plan (2025/26-2029/30), where the costs were allocated and what the projected costs in years to come looked like. The presentation reviewed human resources (number of positions/officers and pay rate), accommodation and operating expenses, equipment expenses, divisional administration costs, special projects (body worn cameras), and the financial summary for the five (5) year cost projections.

Discussions Points:

- The \$3,000 allocated per member for body worn cameras was included each year up to 2029, it was a cost for maintain equipment, potential upgrades and/or replacement.
- The costs up to 2029 reflected the current service levels for policing. If there were any changes in service levels/numbers, this amount would reflect those changes. If members numbers were increased or decreased, the per member amount would either increase or decrease by the number of officers changed.
- In 2023/24, the estimated average pay (actuals) was \$144,192. It was a lower amount compared to projected future amounts as the year was finished off with only 18 members instead of the budgeted 22 members. The 2023/24 year also included some equipment modernization and IMIT equipment that was not purchased.
- For 2024/25 the biggest reason for the increase of the estimated average pay per RCMP member was related to the collective agreement that was recently signed. There was an 8% increase as well as a one-time allowance of \$2500 per member and retro from 2023/24.
- In 2025/26 salaries were stable and the one-time allowance of \$2500 per member or retro was not included.
- Divisional Admin was a big factor, these rates increase each year.

In accordance with the policing agreement, an approval in principle for the projected policing costs moving forward was required.

**MOVED BY COUNCILLORS IVEY AND FRANCIS THAT COUNCIL APPROVES THE 2025-26 WEST HANTS MULTI-YEAR FINANCIAL PLAN IN PRINCIPLE AS PRESENTED AT THE JULY 23, 2024 COUNCIL MEETING. MOTION CARRIED.** Nays: Hartt

The regular Council meeting adjourned at 10:54 p.m. The meeting will resume tomorrow evening (Wednesday July 24, 2024 at 6 p.m. The meeting will resume with item 10 (c) Irven Drive Extension presentation.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR M. MCLEAN THAT COUNCIL ADJOURN THE MEETING AT 10:54 P.M. MOTION CARRIED**