

WEST HANTS REGIONAL MUNICIPALITY
Council Meeting Agenda AMENDED
February 28, 2023 - 5:00 p.m.
Virtual via Zoom (also FB Livestream)



1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda, including additions or deletions
 - a) Dashboard Action Items – Information Log
 - b) Dashboard Action Items – Dangerous or Unsightly Premises
5. Declaration(s) of Conflict of Interest
6. Approval of Previous Meeting Minutes
 - a) 2023-01-24 Council Meeting Minutes
 - b) 2023-01-24 PH Minutes, 394 Greenhill Road, Greenhill PID 45118502, Development Agreement
 - c) 2023-01-24 PH Minutes, Coastal Protection Plan - Hantsport, West Hants and Windsor
 - d) 2023-01-24 PH Minutes, Cole Drive, Windsor and West Hants MPS and LUB Amendments, PID 45366432
 - e) 2023-01-24 PH Minutes, WH Land Use By-Law Housekeeping Amendments
7. Public Hearings
 - i. West Hants, Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515, Rezoning – Planner Dunphy (2 reports with 2 recommendations)
 - ii. Burgess Crescent, Windsor PID 45338688, Development Agreement – Planner Dunphy (1 report with 2 recommendations)
 - iii. Hwy 215, Cheverie PID 45178944, Development Agreement – Planner Dunphy (1 report with 2 recommendations)
 - iv. 4190 Hwy 1, Garlands Crossing PID 45003357, Development Agreement – Director Poirier (1 report with 2 recommendations)
 - v. Hantsport, West Hants and Windsor: Linking the Public Participation Program Policy to the Municipal Planning Strategy - Director Poirier (3 reports with 3 recommendations)
8. Second Readings
 - i. West Hants, Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515, Rezoning – Planner Dunphy (2 reports and 2 recommendations)

- ii. Burgess Crescent, Windsor PID 45338688, Development Agreement – Planner Dunphy (1 report with 2 recommendations)
 - iii. Hwy 215, Cheverie PID 45178944, Development Agreement – Planner Dunphy (1 report with 2 recommendations)
 - iv. 4190 Hwy 1, Garlands Crossing PID 45003357, Development Agreement – Director Poirier (1 report with 2 recommendations)
 - v. Hantsport, West Hants and Windsor: Linking the Public Participation Program Policy to the Municipal Planning Strategy - Director Poirier (3 reports with 3 recommendations)
- 9. Unfinished Business/Postponed Motions - None
- 10. Mayor's Report
- 11. Committee(s) of Council Excerpts/Recommendations
 - a) Committee of the Whole Excerpts (February 14, 2023)
 - i. Audit Committee Citizen Member Appointments
 - ii. College Road Tender WHRMPW22-09
 - iii. Meander River Renaming
 - iv. Noise and Community Standards By-law (Presentation including new recommendation)
 - v. Tax Write Off
 - vi. Temporary Borrowing Resolution (6 recommendations)
 - vii. Tregothic Marsh Body
 - viii. Valley Regional Enterprise Network (VREN)
- 12. Councillor Municipal Business/Activity Reports
 - a) Councillor Ivey, District 11 Activity Report
- 13. Correspondence
 - a) Information
 - 1. Avon Causeway Activity Log as of February 24th, 2023 - None
 - 2. Correspondence Received Activity Log as of February 24th, 2023
 - i. 2023-02-23 Hants County Federation of Agricultural and the Great Falmouth Marsh Body re Remaining ACOA funds
 - 3. Fort Edward Activity Log as of February 24th, 2023
 - i. 2023-02-16 Jon Hall Re Funding History at West Hants Historical Society
 - 4. Storm Wastewater Activity Log as of February 24, 2023 - None
 - b) Requests – None
 - c) Outgoing Correspondence Log as of February 24th, 2023

- i. 2023-02-15 Deputy Minister of Environment and Climate Change re costs incurred for fencing at 417 Wentworth Road

14. New Business - None

a) Provincial Intersection Street Lighting Request for Decision – Councillor M. McLean

15. In-Camera - None

16. Next Meeting Date / Adjournment – March 14, 2023 Committee of the Whole 6 p.m.

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Sewer Billing Review - Staff explore what the sewer rates would be if sewer util. fees were put back on the taxes. (Tabled until after budget) (Also at 2020-04-14 COTW mtg)	2020-05-12		Discussions to occur during Budget Deliberations, following information related to a Rate Study.	CAO/Fin
Pedestrian Signage and Barriers - Have consistent and align with Branding outcomes. Staff prepare report for 2021/22 Capital & Operating budgets. (These items should be incorporated into our growth centres). Staff report back.	2020-09-22	Align with Branding outcomes 2021-07, On-going	Pending Beautification Strategy. PRIME has been engaged to create how the signs will look and are working on gathering suitable photos for Hantsport, Windsor and West Hants.	PW/Comm. Dev
W. B Stephens Building Design Project Management Tender Award (Municipal Office) - Draft an RFP that will look at A) the 100 King Street Building B) The 76 Morison Building and C) or an alternative new location is required to facilitate the needs of the Municipality.	2020-10-27	2022-on going	Staff are meeting to create the RFP	CAO
Panuke Rd Event - Event to be arranged by Mayor	2021-03-09	Spring/Summer 2023	Unknown	Mayor
Noise By-law - Staff revise by-law (Peace and Good Order)	2021-03-23	March 2023	First Reading to occur at February 28 Council meeting	Planning/ CAO
Glooscap First Nation & WHRM Council Meeting - Send formal invite for a meeting to discuss many topics including reconciliation.	2021-06-22		Met on March 15, 2022	Mayor
Request to Meet with Avon Causeway Gate Stakeholders - Send letter to Glooscap First Nation requesting immediate joint council mtg. to discuss Avon River Causeway/Aboiteau Gate System and Ministerial Order	2021-06-22		Ongoing informal communication continues through the Mayor	Mayor/CAO
65 Fort Edward Street (Municipal Lands) - the Public Hearing and Second Reading be adjourned until October 2023	2022-06-28	2023-10	Awaiting the completion of a Phase 2 Archaeological Resource Impact Assessment and consider the result prior to a decision being made. POSTPONED SECOND READING UNTIL OCTOBER, 2023	CAO/Planning

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Security Cameras - Undertake a review and investigation to bring a report back to Council for further discussion and decision making re: security cameras within the West Hants and that it be in consultation with IT and RCMP on locations.	2022-11-08	2023-03	Approved *Report will be available for the March meeting*	PW
Subdivision Street Lighting - Create a policy to come back to Council for review.	2023-01-10	2023-04	Approved, awaiting policy	PW
WFD Rescue Engine - approve the award of tender WHRMAD22-03A for the supply of a Rescue Engine to the compliant bidder, Techno Feu Inc., at the tendered price of \$1,496,490.36 plus applicable taxes.	2023-01-10	2023-10	Re-issue a new tender	CAO
Audit Committee Appointments - Re-appoint Kathryn Duffy for the period of January 1, 2023 - December 31, 2024. Appoint Meagan Halverson for the period of March 1, 2023 - February 28, 2024.	2023-02-14	2023-02-28	Pending Council Approval	Finance
College Road Tender WHRMPW22-09 - proceed with the release of tender for the College Road Windsor services and street renewal project at \$4,309,060.00, plus applicable taxes (class B estimate)	2023-02-14	2023-02-28	Pending Council Approval	PW
Meander River Renaming - Council endorse the renaming of the Meander River to the Herbert River.	2023-02-14	2023-02-28	Pending Council Approval	CAO
Tax Write Off - the outstanding taxes of the property at lot A Panuke Road, TMP (AAN 05063507) and property located at 59 Windsor Back Road, Martock (AAN 04682467 be written off.	2023-02-14	2023-02-28	Pending Council Approval	Finance
Temporary Borrowing Resolution - \$95,589.65, for the purpose of Trail Land.	2023-02-14	2023-02-28	Pending Council Approval	Finance

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Prograss Updates</u>	<u>Resp.</u>
Temporary Borrowing Resolution - \$175,349.35, for the back parking lot paving at the WH Sports Complex.	2023-02-14	2023-02-28	Pending Council Approval	Finance
Temporary Borrowing Resolution - \$26,655.68, for the 2023 Ford Transit Van used by the Water Utility.	2023-02-14	2023-02-28	Pending Council Approval	Finance
Temporary Borrowing Resolution - \$2,498,894.70 for the Hantsport Fire Department's new station.	2023-02-14	2023-02-28	Pending Council Approval	Finance
Temporary Borrowing Resolution - \$828,034.44 for the Brooklyn Fire Department's new pumper tanker.	2023-02-14	2023-02-28	Pending Council Approval	Finance
Temporary Borrowing Resolution - \$1,225,350.92 for Windsor Fire Deapartments new single axles quint.	2023-02-14	2023-02-28	Pending Council Approval	Finance
Tregothic Marsh - CAO or designate request an amendment to the Tregothic Marsh Body Land Use Regulations made under the Agricultural Conservation Act by the province of NS to remove items (b) residential or commercial structures and (d) new ponds for non-agricultural uses from the lists of non-permitted uses and that the CAO or designate represent the municipality at future Marsh Bidy Mtgs.	2023-02-14	2023-02-28	Pending Council Approval	CAO

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Prograss Updates</u>	<u>Resp.</u>
Valley Regional Enterprise Network (VREN) - provide written notice to the VREN that it withdraws the March 8, 2022 notice of withdraw and termination and remain a partner of the VREN. WHRM continue to accept and approve all the proposed changes substantively the same as proposed by the IMSA working group to the VREN and proposed changes to article 38 in the draft be a minimum of two (2) years notice to the VREN and other partners should a participant wish to withdraw.	2023-02-14	2023-02-28	Pending Council Approval	CAO

**West Hants Regional Municipality
Dangerous or Unsightly Premises
Dashboard (Action List) February 23, 2023**

Matter	Meeting
Textile Building - Staff continue to monitor the site.	Nov 8, 2022 COTW
74 Bowman Road - File remains open. A second piece of correspondence has been sent. ON-GOING	Nov 8, 2022 COTW



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: February 28th, 2023

Subject: File # 22-25B: Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 – Rezoning (West Hants)

LEGISLATIVE AUTHORITY

Municipal Government Act Section 205 & 210

RECOMMENDATION

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

...that Council gives Second Reading and approves amending the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy to include PID 45366515 in the Residential designation and amending Schedule A of the West Hants Land Use-Bylaw by rezoning PID 45366515 on Bog Road, Hants Border from the Agricultural Priority Two (AR-2) zone to the Two Unit Residential (R-2) zone.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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The completed application was submitted by Claude O'Hara on October 23rd, 2022 to change the zoning of 5 lots on Bog Road, Hantsport/Hants Border (PIDs 45366473, 45366481, 45366499,

45366507, and 45366515) to the Two Unit Residential (R-2) zone to permit multiple semi detached dwellings. The applicant has now changed to Sheldon Chisholm.

DISCUSSION

A Public Information Meeting was held on November 10th, 2022. Three (3) members of the public spoke about concerns with the removal of agricultural land for residential development, the development of lots behind the subject lots, a request for further explanation of the agrologist's report, and a request for stipulations within any potential development agreements regarding access to the lot behind the subject lots. In addition to this, a member of the public presented concerns with the rezoning, a complaint with the Nova Scotia Department of Environment and Climate Change, and a potential violation of the Land Use By-law.

The public comment period ended on November 25th with staff receiving one (1) phone call and three (3) emails. The comments from the public included concerns with the existing access to the subject lots, pedestrian safety, support for the member of the public who presented at the Public Information Meeting, and a list of additional questions.

On December 8th 2022, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The report submitted to PAC/HAC did not include the agrologist report attached. Staff has since sent out that document to committee members and the agrologist report is also attached to this report (Appendix B).

During the December 8th meeting, PAC/HAC recommended in favour of the proposed rezoning.

On January 24th, 2023, staff presented the PAC/HAC recommendation to Council for First Reading.

During the January 24th meeting, Council recommended in favour of the application.

NEXT STEPS

The proposed amendment has been considered based on the West Hants Municipal Planning Strategy and has proven consistent with the intent, objectives, and policies of the Planning Strategy. As a result, it is reasonable to consider amending the designation of PID 45366515 to the Residential designation and rezoning the subject lots on Bog Road, Hantsport/Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515) to the Two Unit Residential (R-2) zone.

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A 2022-12-08 Staff Report - File # 22-24: Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 – Rezoning (West Hants)

Appendix B Agrologist Report

CHIEF ADMINISTRATIVE OFFICER REVIEW

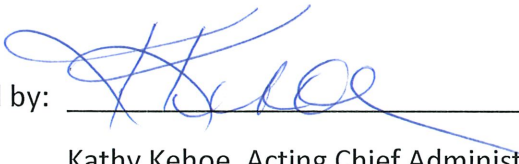
The report and recommendation are in alignment with past discussions by Council.

Report Prepared by: _____

Alex Dunphy, Planner

Report Reviewed by: _____

Sara Poirier, Director of Planning and Development

Report Approved by:  _____

Kathy Kehoe, Acting Chief Administrative Officer

Appendix A – File # 22-24: Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 – Rezoning (West Hants)



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: December 8th, 2022

Subject: File # 22-25: Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 – Rezoning (West Hants)

LEGISLATIVE AUTHORITY

Municipal Government Act Section 205 & 210

RECOMMENDATION

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

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy to include PID 45366515 in the Residential designation and amending Schedule A of the West Hants Land Use-Bylaw by rezoning PID 45366515 on Bog Road, Hants Border from the Agricultural Priority Two (AR-2) zone to the Two Unit Residential (R-2) zone.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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The completed application was submitted by Claude O'Hara on October 23rd, 2022 to change the zoning of 5 lots on Bog Road, Hantsport/Hants Border (PIDs 45366473, 45366481, 45366499,

45366507, and 45366515) to the Two Unit Residential (R-2) zone to permit multiple semi-detached dwellings. The applicant has now changed to Sheldon Chisholm.

Surrounding Context

The subject lots directly abut Bog Road. Lands within the jurisdiction of the West Hants Municipal Planning Strategy (MPS) and located west of the subject lots, across Bog Road, are designated Resource, zoned General Resource (GR), and include residential dwellings as well as vacant lots. Lands to the east, behind the subject lots, have portions within the jurisdiction of both the Hantsport MPS and the West Hants MPS. The West Hants portion of this property is designated Agriculture, zoned Agricultural Priority Two (AR-2), and hosted a former agricultural use.

DISCUSSION

Four of the subject lots (PIDs 45366473, 45366481, 45366499, and 45366507) are located completely within the jurisdiction of the Hantsport MPS, while the last subject lot (PID 45366515) is partially within the jurisdiction of the Hantsport MPS and partially within the jurisdiction of the West Hants MPS.

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

Municipal Planning Strategy Document Review

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

- the agrologist has stated that the subject lot is considered Class 4 as per the CLI soil classification and exhibits constraints with regard to agriculture including stoniness, steepness of slope, and poor drainage;
- the author of the report is a professional agrologist (endorsed by the Nova Scotia Institute of Agrologists) who performed a site visit;
- the report includes a site plan showing the study area; and
- the report identifies site features and reasons that the subject lot would not be productive agricultural land.

Policy 16.1.1 allows Council to review and make amendments to the West Hants MPS including the Generalized Future Land Use Map (GFLUM). Amendments may be considered when the GFLUM is required to be changed, in order to bring the Strategy in line with the Statements of Provincial Interest, or when Council deems it necessary because of a change in policy intentions or the development environment. Residential development in the area, coupled with this request for amendment suggests a change in the development environment for this area.

Policy 16.3.1 establishes the general criteria that all amendments to the West Hants Land Use By-law must meet. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, Municipal Traffic Authority, and Area Manager of the Nova Scotia Department of Public Works have no concerns which have not been addressed in this report.

Nova Scotia Statements of Provincial Interest

The Statement of Provincial Interest Regarding Housing seeks to provide a wide range of housing types and opportunities to meet the needs of all Nova Scotians. The proposed development aligns with this interest as permitting two-unit residential dwellings in this area would enable a higher density and increased number of residential units to be provided for the community.

The Statement of Provincial Interest Regarding Infrastructure seeks to make efficient use of existing municipal water supply and wastewater disposal systems. The proposed development aligns with this interest as the subject lots are currently vacant and enabling infill development would allow for effective use of existing municipal services.

The Statement of Provincial Interest Regarding Agricultural Land seeks to protect agricultural land for the development of a viable and sustainable agriculture and food industry. This statement applies to all active agricultural land and land with agricultural potential in the Province. As determined by the agrologist, the subject lot (PID 45366515) has very low agricultural capability and would be unsuitable for the use of agricultural production of most crops due to various characteristics of its soil and topography, particularly its steep slope and poor drainage. As a result of the assessment of the subject lot being unsuitable for agricultural production of most crops, the Statement of Provincial Interest Regarding Agricultural Land would not be applicable.

NEXT STEPS

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

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

- discuss the proposed Municipal Planning Strategy and Land Use By-law amendments as specifically drafted or as revised by the Committee; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Figure 3	Proposed Zoning Map Extract
Attachment A	Policy Summary for Rezoning
Attachment B	Public Information Meeting Notes
Attachment C	Agrologist Report

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

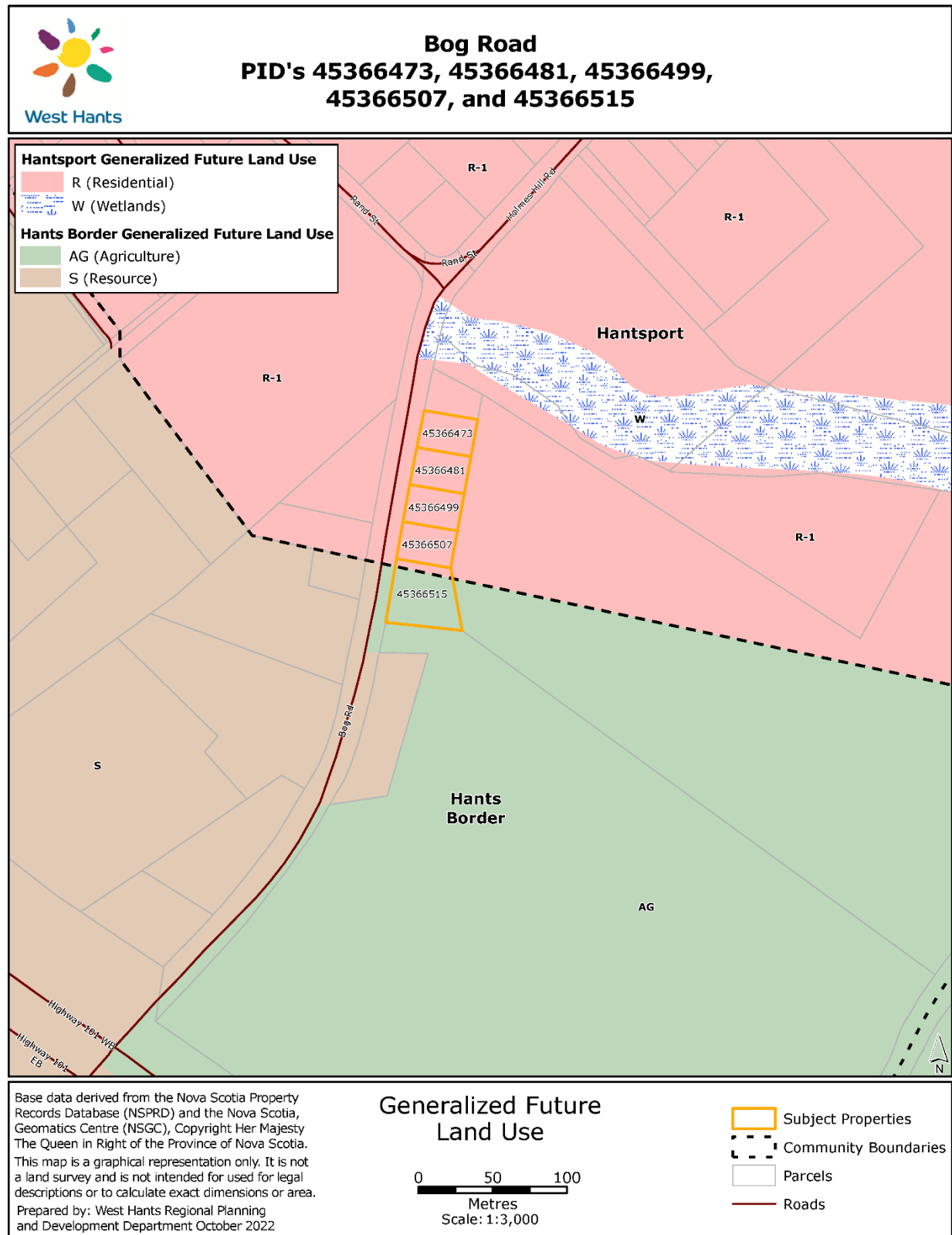


Figure 2 – West Hants Zoning Map Extract

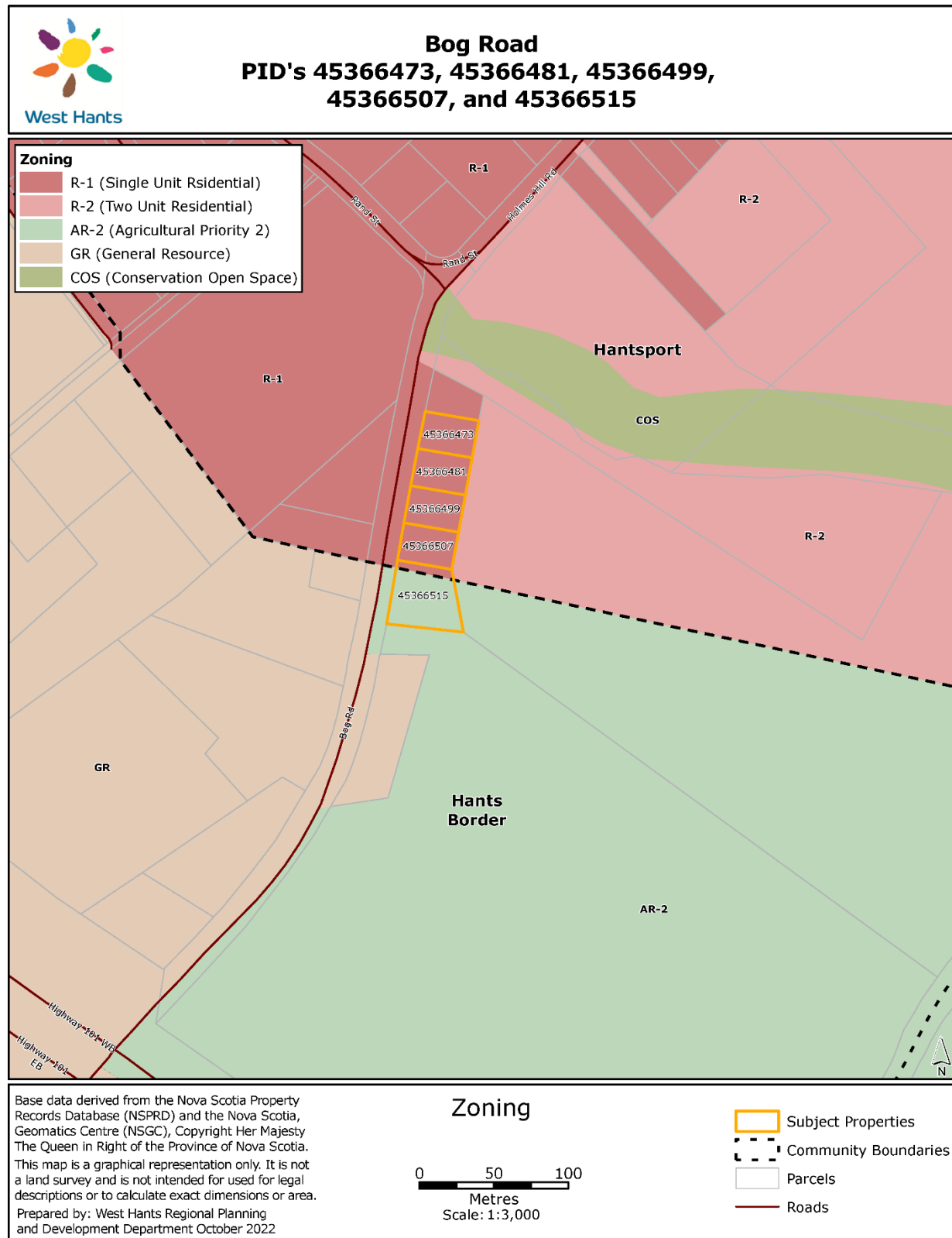
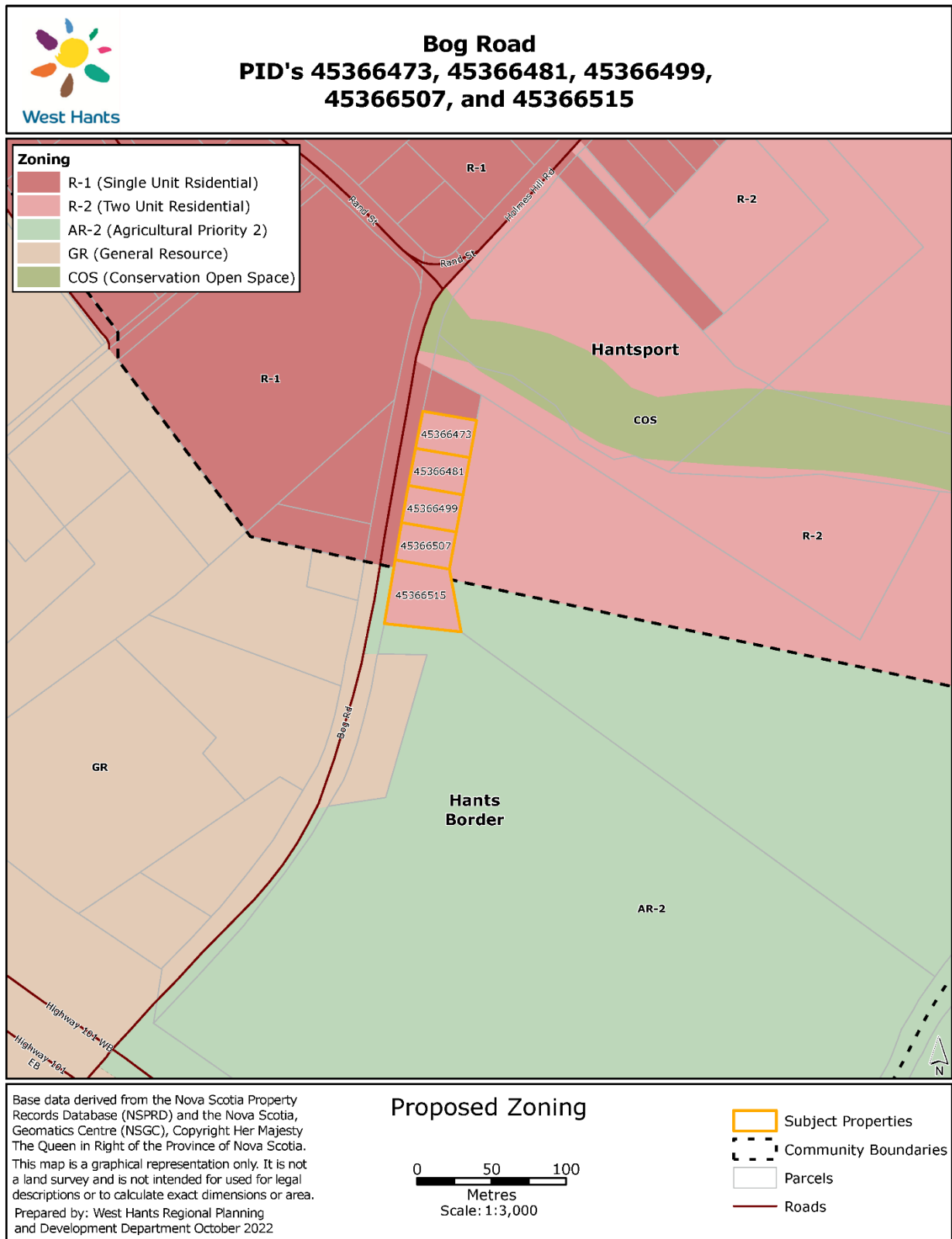


Figure 3 – Proposed Zoning Map Extract



Attachment A – Policy Summary for Redesignation and Rezoning

Policy 8.6.1 <i>It shall be the policy of Council to consider certain non-farm development, pursuant to the relevant specific policies of this Part, on land within the Agricultural designation that has been determined to have little or no agricultural capability. A determination of agricultural capability shall be based on the following:</i>	
(a) <i>90 percent or more of the development site is an existing or abandoned resource extraction site such as a sand pit, gravel pit or quarry for which a permit for extraction has been issued by the Province of Nova Scotia. The resource extraction must have been existing or abandoned prior to the effective date of this Strategy; or</i>	N/A
(b) <i>if not a resource extraction site, a study has been prepared by a professional agrologist, at the expense of the applicant, which concludes that the proposed development will not adversely affect the viability of surrounding agricultural operations and:</i>	
(i) <i>90 percent or more of the development site has soils defined as Class 4 or lower capability for agriculture; or</i>	The agrologist determined that the land in the subject lot would be considered Class 4 agricultural land under the Canada Land Inventory classification system.
(ii) <i>the soils have a capability for agriculture rating better than Class 4, but 90 percent or more of the development site exhibits severe limitations for agricultural use because of slope, stoniness, salinity, wetness, permeability, depth of soils, size of parcel or proximity to non-farm buildings;</i>	N/A
(c) <i>the study shall:</i>	
(i) <i>be prepared by a registered full member of the Nova Scotia Institute of Agrologists;</i>	A report was received from Steve Howatt, who is a Professional Agrologist with the PEI Institute of Agrologists. Staff received confirmation that membership with the PEI Institute of Agrologists has been recognized by the Nova Scotia Institute of Agrologists qualifies Steve Howatt as a Professional Agrologist in Nova Scotia.
(ii) <i>require a site inspection by the agrologist;</i>	A site visit was conducted on August 5 th , 2022 by Steve Howatt.
(iii) <i>specify the method used, consistent with the C.L.I. classification methodology, to determine soil capability for agriculture;</i>	The agrologist performed a site inspection, assessed soil type and quality through digging numerous test pits, observed

	vegetation, and assessed slope, drainage, and stoniness. The agrologist also reviewed soil survey and topography maps as well as the current Canada Land Inventory (CLI) classifications for soils present on the subject and neighbouring lots.
<i>(iv) identify any major site features or characteristics which influence or determine soil capability including, but not limited to, slope, soil texture, stoniness, wetness, salinity, permeability, and depth of soils;</i>	Refer to Site Description section in Attachment D.
<i>(v) include a site plan illustrating the area studied and any relevant site features;</i>	Refer to Figure 1 included within Attachment D.
<i>(vi) identify reasons why the use would be compatible with, or not adversely affect, area farms. Reference should be made to the following where applicable: site and locational constraints; infilling between existing non-farm development; logical extension of existing non-farm development; special use with special locational requirements; current pattern of development; parcel size and shape; surrounding land uses; context within which the parcel fits into the farming area; viability of the parcel and remnant for farming; and existing, past and future use of the parcel and remnant;</i>	The agrologist has identified that other than the subject lot, no other agricultural production abuts the subject lot.
<i>(vii) indicate the implications of letting the parcel go out of agricultural production; and</i>	The subject lot is not currently in agricultural production. The agrologist determined that due to stoniness, slope, and poor drainage, the subject lot would significantly restrict agricultural capability.
<i>(viii) indicate the implications of fragmenting the land.</i>	The subject lot is a comparatively small lot and the proposal does not fragment agricultural development in the area.

Policy 16.1.1

It shall be the policy of Council to review and make amendments to this Strategy:

<i>(a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);</i>	The GFLUM will need to be updated if Council redesignates the lot.
<i>(b) to bring the Strategy in line with Provincial Statements of Interest; or</i>	The redesignation would address the Statements of Provincial Interest with

	regard to housing, infrastructure, and agricultural land.
<i>(c) when Council deems it necessary because of a change in policy intentions or the development environment.</i>	Residential development in the area, coupled with this request for amendment suggests a change in the development environment for this area.

Policy 16.3.1 <i>In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i>	
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Municipal Project Engineer commented that they had no concerns regarding the addition of the proposed use. The developer would be responsible for any development costs for any required upgrades to receive adequate municipal services.
<i>(ii) the adequacy of school facilities;</i>	No impact on school facilities is anticipated.
<i>(iii) the adequacy of fire protection and other emergency services;</i>	The local Fire Chief has stated that there is adequate fire protection for the proposed use. The Manager of Building and Fire Inspection Services had no issues with fire protection.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Area Manager from the Nova Scotia Department of Public Works and the Municipal Traffic Authority had no concerns regarding the road networks adjacent or leading to the development.
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i>	The Municipal Project Engineer commented that the subject lots would have access to municipal services. The developer would be responsible for any development costs for any required upgrades to receive adequate municipal services.

<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Area Manager from the Nova Scotia Department of Public Works and the Municipal Traffic Authority commented that they had no concerns regarding any aspect of movement.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that they had no concerns regarding the adequacy of dimensions and shape of the subject lots.
<i>(e) the pattern of development which the proposal might create;</i>	The Development Officer commented that they had no concerns regarding the pattern of the proposed development.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i>	Any development of the subject lots must meet the regulations of the Nova Scotia Department of Environment and Climate Change regarding the protection of watercourses.
<i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B – Public Information Meeting Notes

November 10 - November 25, 2022

File # 22-25: Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 – Rezoning (West Hants)

Meeting date and time	A public information meeting was held on November 10, 2022 beginning at 6:00 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-25
Attending	In attendance: One (1) Councillor: • Councillor Jim Ivey Four (4) members of staff: • Director LeMay (Chair) • Planner Poirier • Planner Dunphy • Meeting Secretary Lake Ten (10) members of the public were present for this meeting. Of those that attended in-person, Melody Dempsey and Graham Sanford spoke.
Applicant Sheldon Chisholm Properties Bog Road, Hantsport/Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515)	Planner Dunphy outlined the application to rezone the five (5) subject lots on Bog Road to the Two Unit Residential (R-2) zone. Sheldon Chisholm, the applicant, spoke to the intention to develop the lots as semi-detached residential dwellings. Graham Sanford, a resident, gave a presentation regarding concerns with the proposed rezoning of the subject lots. Mr. Sanford also explained concerns regarding a complaint with the Nova Scotia Department of Environment and Climate Change, a potential violation of the Land Use By-law, access to and water supply for a property owned by the developer and located abutting the subject lots, food production goals for the Province, and affordability of residential developments.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between November 10 – November 25, 2022. Staff received one (1) phone call and three (3) emails were received. The email responses are attached. The phone call was from Doreen Smith and was concerning the driveway located on one of the subject lots which the resident considered may not be up to code as well as concerns with the safety as a pedestrian on Bog Road. 3 members of the public spoke at the Public Information Meeting. The following are comments and questions from the public

	information meeting. Staff and applicant responses are included in purple text. - Concerns with removal of agricultural land for residential development - There must have been former agricultural use on the property - Concerns with development of lots located behind subject lots and the view of farmland from existing properties Mr. Chisholm responded that the intention is to maintain some agricultural activity. The full scope of future development has not been determined. The Municipal Planning Strategy has policies for agricultural land which have been followed. Plan to preserve the barn. Director LeMay commented that any further proposed development on nearby land would be required to be addressed through a new planning process. - What properties does the developer own? Mr. Chisholm responded that not all the properties owned are shown. - The agrologist considered the subject lot as not ideal in terms of farmland? Mr. Chisholm confirmed that the subject lot had an agrologist report completed which determined the lot was not ideal for agricultural development. - Mr. Chisholm responded to Graham Sanford's presentation by commenting that the developer will ensure that the lot located behind the subject lots will have access. The farmhouse was not able to be repaired, but the barn was able to be maintained. Mr. Chisholm disagreed with the current municipal boundary line. Mr. Sanford responded requesting an addition to any development agreement on the property require access for the lot located behind the subject lots. Director LeMay responded by commenting that this planning process is for the subject lots and any further development of other lots would have to be dealt with in another planning process.
Adjournment	The presentation portion of the PIM ended at approximately 6:44 p.m.

Public Email Responses Submitted for the Application PIM

November 8th, 2022

From: Graham Sanford

To: Alex Dunphy

Hi Alex.

Nice speaking with you earlier.

As requested, please find attached my in person presentation for this Thursday November-10-22.

If there are any items I need to change please let me know along with the rationale for the change.

Per your instructions I will bring a data stick with me containing this presentation.

Could you please confirm receipt of this e-mail, that I have been slotted to present, and at what point in the schedule for the evening?

With my thanks,

Graham Sanford

(Presentation is attached below)

November 10th, 2022

From: Greg Pace

To: Alex Dunphy

Good morning Mr. Dunphy

Elsie and I live at 59 Holmes Hill Rd and received the letter regarding the above noted meeting. On Tuesday morning of this week we received a phone call from Councillor Morton in which he said the meeting was open to the public and we were welcome to attend in person. We are both very interested in the apparent development of the land to our west which includes the PIDs as mentioned. Unfortunately both Elsie and I will not be able to attend the meeting this evening.

Further to this, we have been communicating with Graham Sanford, our neighbour, who has prepared a presentation for the meeting. We both concur with the information in his presentation.

Mr Graham indicated he was permitted a 5 minute time slot for a presentation to council regarding the rezoning. Elsie and I were not made aware in any communication that we were able to make a presentation at this meeting; given the opportunity we would have done so.

I am requesting that should Mr. Sanford require more than his allotted 5 minutes he be granted more time to communicate our views which are included in his presentation.

Regards

Greg Pace and Elsie Wetmore

November 25th, 2022

From: Graham Sanford

To: Alex Dunphy

Hi Alex.

Please find attached our questions.

Best regards,

Graham Sanford

Don't Be The Dirt Advocacy

(Question Sheet is attached below)

“We believe the health of where we live is key to all possible outcomes.”



Regarding Public Information Meeting Notice of November 1, 2022. Development on Bog Road, Hants Border.

Presented by Graham Sanford and Don't Be The Dirt Advocacy

53 Bog Road

Hants Border, N.S.

B0P 1P0

Current Concerns

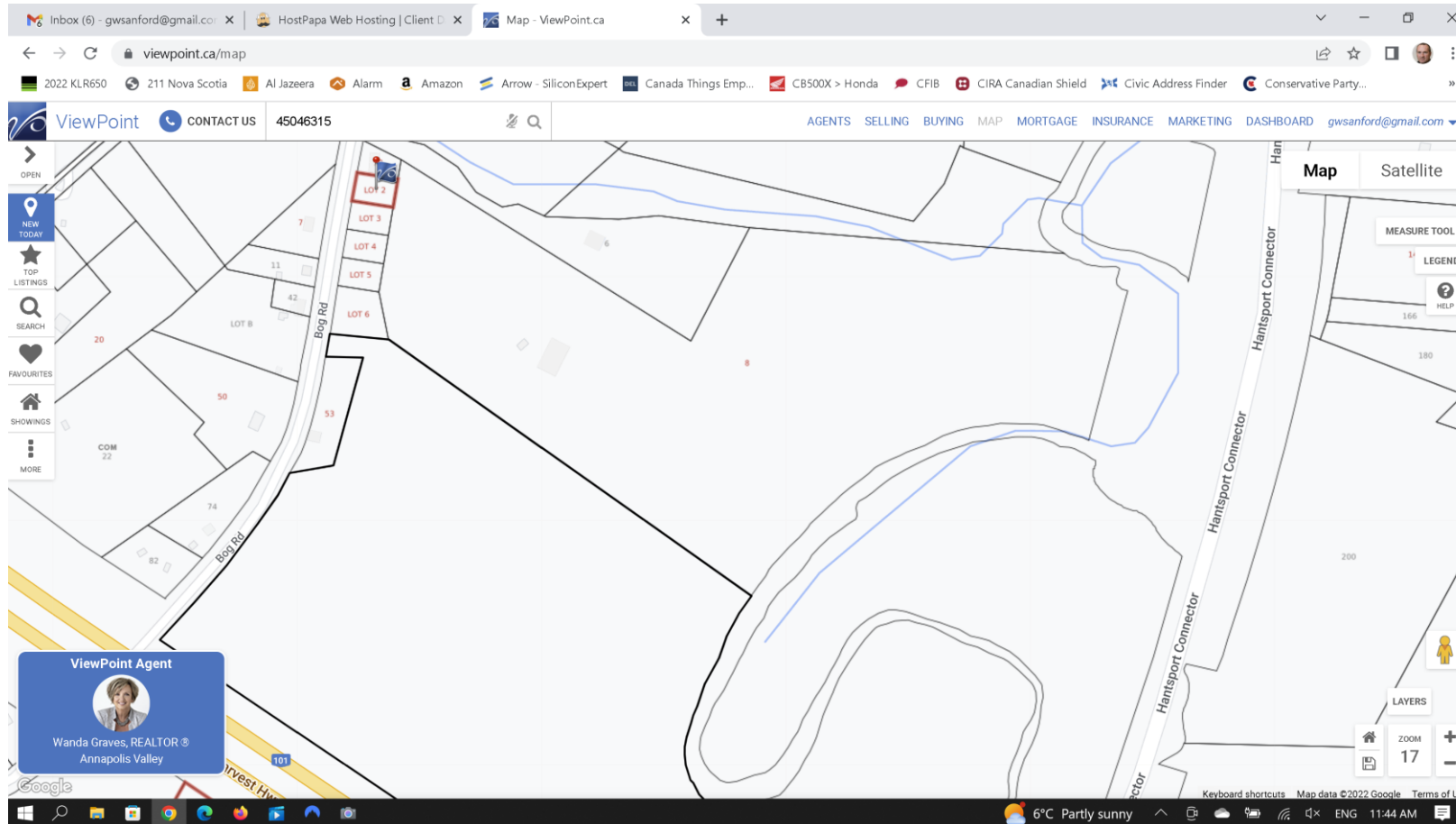
- 1.) PID 45046315 (8 Bog Road) , 26 acres. Inconsistent Information Regarding how R2 Zoning Came to Be
 - Three, separate conflicting answers from WHRM regarding when PID 45046315 (8 Bog Road) , 26 acres, was zoned R2: 1.) When amalgamation occurred, 2.) Prior to amalgamation, 3.) was never agricultural land.**This is the PID behind the lots on Bog Road.
- 2.) Failure to Protect AP2 Land part of PID 45046315, RE: Site Inspection Based on Complaint
 - Conflicting information from WHRM Staff on October-12-22 related to their inspection of the site. See slide 4 for written support, visual support from slides 6/7/8/9.
- 3.) Complaint in Progress with Nova Scotia Department of Environment and Climate Change
 - Complaint with Nova Scotia Department of Environment and Climate Change filed October-11-22, Pit operation, possible no sediment damn leading to pollution of water course that feeds the Halfway River. Video evidence submitted.
- 4.) Development of the PIDS in the notice, will this lead to land locking of the AP2 zoned land, therefore creating a narrative supporting re-zoning for development?
- 5.) How will appropriate access be maintained to the AP2 Zoned land, specifically PID 45360914? **This is the PID Zoned Agricultural Priority 2, that exists between 8 Bog Road, the land behind the lots along Bog Road, and the 101 Highway.
- 6.) By what method will water be supplied to this and any other development this side of the 101 Highway?

Communications with WHRM

- October-11-22 Complaint regarding Activity on PID 45046315 to WHRM. I hope you are well. Please let this e-mail act as my formal complaint to the activity taking place on PID 45046315. For over a week now top soil that has been stripped from this same PID has been trucked, and is being trucked, off site. I do have proof. Thank you in advance for your appropriate action on this matter. Best regards, Graham Sanford, 53 Bog Rd, Hantsport, NS B0P 1P0 902 788 4989
- October-12-22 from WHRM: Graham, I inspected the Bog Road development yesterday. The top soil that is being removed is in the former Town of Hantsport, Two Unit Residential zone. **This is not a violation as top soil removal is only a violation if within the Agricultural zones.**

Note: Slides 6/7/8/9 clearly indicate the boundary between R2 and AP2, and therefore clearly indicate the removal of top soil from Agricultural Priority 2 Zone, which per the Development Officer e-mail above, is a violation.

Viewpoint



2022-11-06

Public Information Meeting Letter-Front



2022-11-06

Public Information Meeting Letter-Back

Note the dotted line between PID 45366507 and PID 45366515, former TOH boundary

PROPOSAL INFORMATION SHEET

Address: Bog Road, Hants Border (PID: 45366473, 45366481, 45366499, 45366507, and 45366515)

Request: Semi-detached residential dwellings

Proposal Description: Rezoning to the Two Unit Residential (R 2) zone.

Community:
Hants Border

Designation:
Residential / Agriculture

Current Zone:
Single Unit, Residential /
Agricultural Priority Two (AR-2)

Location:

Bog Road
PID's 45366473, 45366481, 45366499, 45366507, and 45366515

Orthophoto

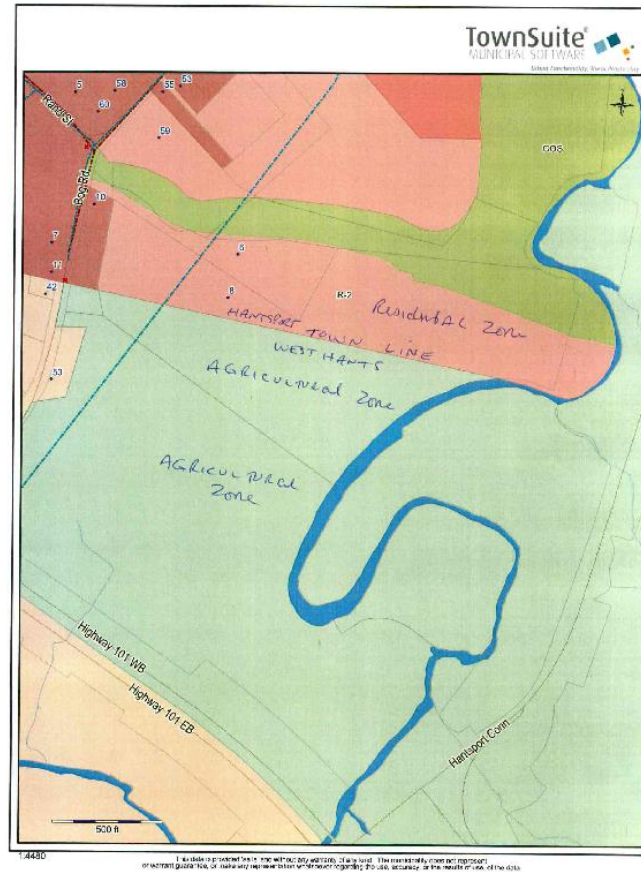
0 20 40 60 80 100 120
meters

Legend:
 [Yellow Outline] Subject Properties
 [Dashed Line] Section Boundary
 [Solid Line] Roads
 [Blue Area] Water

Data is derived from the 2016 Census Property Census and is subject to change. The data is not intended to be used for any purpose other than the general information provided. The data is not intended to be used for any purpose other than the general information provided. The data is not intended to be used for any purpose other than the general information provided.

Confirmed Zoning PID 45046315 from WHRM

*Note the zoning inside and outside former TOH boundary



Standing at TOH Line-Fire Hydrant-Compare to Slide 6 and 7

*Left of hydrant flag is R2, right of hydrant flag AP2. Note the top soil removed, extending from Bog Road down to barn, in the AP2 Zone, gravel brought in, possible destruction of the water course, and possible absence of a sediment damn.



Standing at TOH Line-Fire Hydrant-Compare to Slide 6 and 7



Reference from An Act Respecting Municipal Government

- **DEFINITIONS**
- These definitions apply to the Statements of Provincial Interest.
- **Agricultural Land** means active farmland and land with agricultural potential as defined by
 - the Canada Land Inventory as Class 2, 3 and Class 4 land in active agricultural areas, speciality
 - crop lands and dykelands suitable for commercial agricultural operations as identified by
 - the Department of Agriculture.

Reference from An Act Respecting Municipal Government

- **PROVISIONS**
- 1. Planning documents must identify agricultural lands within the planning area.
- 2. Planning documents must address the protection of agricultural land. Measures that
- should be considered include:
- - (a) giving priority to uses such as agricultural, agricultural related and uses
- which do not eliminate the possibility of using the land for agricultural purposes
- in the future. Non-agricultural uses should be balanced against the need
- to preserve agricultural land;

Reference from An Act Respecting Municipal Government

- **STATEMENT OF PROVINCIAL INTEREST**
- **REGARDING AGRICULTURAL LAND**
- **GOAL**
 - To protect agricultural land for the development of a viable and sustainable agriculture and food industry.
- **BASIS**
 - The preservation of agricultural land is important to the future of Nova Scotians.
 - Agricultural land is being lost to non-agricultural development.
 - There are land-use conflicts between agricultural and non-agricultural land uses.
- **APPLICATION**
 - This statement applies to all active agricultural land and land with agricultural potential in the Province.

Reference from An Act Respecting Municipal Government

- **(c) setting out separation distances between agricultural and new non-agricultural development to reduce land-use conflicts;**
- **(d) measures to reduce topsoil removal on lands with the highest agricultural value.**
- 3. Existing land-use patterns, economic conditions and the location and size of agricultural holdings means not all areas can be protected for food production, e.g., when
- agricultural land is located within an urban area. In these cases, planning documents
- must address the reasons why agriculture lands cannot be protected for agricultural
- use. Where possible, non-agricultural development should be directed to the lands
- with the lowest agricultural value.

Forward Looking Considerations

- Optics of how the Municipal process unfolds is key.
- There are pressures that could lead to decisions that erode the public trust.
- Erosion of public trust weakens our communities.
- Public trust in local governance is a cornerstone of a healthy vibrant community, where people choose to live, raise a family, immigrate, start a business, spend their disposable income, enjoy historic sites, embrace our good fortune in living where we do, without travelling to enjoy the natural world amongst us.
- There is no place for personal beliefs or philosophies in governance.
- Consistency is key.
- Adaptability with a wide lens is key.
- Inclusion is key.
- Integrity is key.

Summary

- We need housing development.
- To be housed, is a necessity. Picture yourself without stable shelter to understand how it affects all other outcomes.
- Market based housing, and the supply of it, WILL lower the cost to acquire it.
- Market based housing, and the supply of it, IS NOT the sole solution.
- Market based housing, and the development of it requires a minimum rate of return for the developer.
- There are over 5000 persons in this province waiting for public housing.
- Approximately 1000 of these can be accommodated by moving the over housed.
- How will the others be housed?
- Thus, the need for other housing options that ARE NOT based on the market.
- Do the math when considering affordability, math does not lie.
- Seemingly valid concerns are already at play specific to the activities on Bog Road, Hants Border.
- The ability to express these concerns in a public format is foundational.
- Never give up the rules in place to protect land and the immediate environment in favor of any “emergency”.

On behalf of Graham Sanford, and Don't Be the Dirt Advocacy...

Thank you!

Disclaimer: By participating in the option to send in questions to the planner regarding the notice dated November 1, 22:

“Public Information Meeting Bog Road, Hants Border, (PID’s 45366473, 45366481, 45366499, 45366507, 45366515)

If you would like to virtually attend the meeting, please contact Alex Dunphy by Tuesday, November 8th . Members of the public are welcome to submit comments or questions on the proposed development agreement to Alex Dunphy by noon on November 25th, 2022”

We by no way forfeit our position, or requests in process, that this process should be halted given 2 violations on abutting PID 45046315, same landowner, **and an unanswered question with requested supporting documentation as to how PID 45046315 became R2 zoning.** If you accept these questions, you hereby agree to this statement.

If you reject these questions, please provide justification of the rejection.

1. Lot 3, PID 45366481 is a driveway. What is the purpose of the rezoning request given the only access to land behind these PID’s is from this location, this PID on the Bog Road?
2. With the exception of Lot 2, PID 45366473, the remainder of the lots are below the grade of the Bog Road. How will they be accessed?

3. Will the excavation for the structures dig into the bank closest to the road as with Lot 3, PID 45366481?
4. If so, will a guard rail be placed where the drop from the road shoulder to the excavation is a safety concern?
5. Can they developer provide examples from their portfolio of other housing developments in Nova Scotia?
6. Why does the developer not have a website and a clear public face, contact person with listed contact information and title, position held, at the developer organization? At last count there were 18 corporations registered to 49 Cole Drive in Windsor N.S.
7. How does this developer plan to finance this development?
8. Will the developer commit to participating in a Commitment Matrix? See example below.

Commitments Matrix: Takes the comments collected, makes commitments, and then references where in the plan these commitments are kept. This attachment is typically included in regulatory planning documents where it is essential to ensuring stakeholder alignment, e.g.

Consultation	Commitment	Reference
“Save trees” – 49 comments in PC “Protect Wildlife” – 2 comments on website	Development will fell no existing trees.	Section 2.1 Section 4.9 Appendix A
“More active transit” – 21 comments in PC Town of Wolfville Active Transit Plan	A safe bike trail will permit bicycle commuter access to every building within the development area.	Section 3.7 Appendix B

9. How will the developer work around the water course to ensure no further contamination?
10. Will there be restrictions on the new property owners to ensure no unpermitted contamination enters the water course?
11. PID 45366515 is mostly Agricultural Priority 2. Given the comments of the landowner representative, Surveyor Sheldon Chisholm, at the Public Information Meeting Nov-10-22, the main concern that this PID supposedly failed agrologist testing, is the slope. If you would be excavating this PID to offset the issue of the slope to allow for housing construction, the same rational thinking could be used to do the same to permit continued Agricultural designation. Adding the Provincial Statement of Interest around the protection of Agricultural land, and, the Province’s published target

of 20% local food production by 2030, this PID should be removed from the application.

12. How will water be supplied to any housing built?

13. We would also like to see some more quantified metrics.

Not everyone is a visual

thinker. It would be good to have a table that included the following metrics extracted from

the proposed layout. We recognize some of these would be not available or would be mere

approximations at this juncture, but many could be populated.

Total square footage SFH

Total number of ≤ 1 BA

Total number of 2BA

Total number of 3BA+

Total number of rental units

Total number of purchase-able units

% of purchase-able units that will have a purchase price equal to or

less than the median price per square foot in Hantsport and Hants

Border

% of rental units that will have a monthly rental rate equal to or less

than the median monthly rental rate in Hantsport and Hants

Border

14. Is there any intent to do a wildlife study as part of this process? This area is extremely

well travelled by local fauna. This development will disrupt an existing hunting ground.

Building corridors and leaving wildspace within the development could mitigate this without substantially impacting the developable square footage. Reference green space between PID 45366515 and 53 Bog Road in conjunction with the water line for CKF over which no structures can be built.

15. We would like to know if there are any disclosures with respect to the development area landowners. Do they own or control other properties near the development area or in the municipality generally? Will they materially benefit from the configuration of the resulting development above and beyond their stake in it?

16. It has been mentioned that it is important that the development be attractive for developers. We take this to be a reference to ultimate profitability. Has any economic modeling been done in support of this development plan? Could it be shared?

17. Is there any possibility of pursuing any alternative development models for this land, such as housing cooperatives? Cooperative housing seems like it would fit the character of Hantsport and Area, and could provide a means of ensuring upkeep of common areas and development of additional cooperative services.

18. Were any alternative or supplemental scenarios considered in addition to developing

these lands, such as re-developing existing low-density housing?

19. The landowners who border the development parcels should be engaged with separately as a group and it seems like a fumble they were not. We would appreciate it if all bordering landowners were invited to a special consultation session focused on their concerns.

20. Could we be provided some comparables to the building forms being proposed?

21. We think we need information about how this will be managed in terms of minimizing disruption to residents while bringing habitable assets online quickly to meet demand.

What activities will be executed first? What milestones exist to confirm the full development will remain viable as it proceeds? What scale-back options exist if the economy changes not in favor the development?

22. Could we look to receive artist's renderings of the views as they will appear from typical viewing locations prior to approving presentation.

23. Could we understand more of the thinking process behind the buildings being proposed and the resulting density?

24. What are we leaving for the next generation if we landlock access to the agricultural land making it inaccessible?

25. There are many uses for sloped land in the agricultural context, it really depends on what model is being used for production and how non-cropped land is viewed. ie. The slope can house an apiary for pollination or developed for homing beneficial predatory species. Cattle can be mob grazed for a few hours in a rotational management strategy.

26. Having brought forward the slope as disqualification for ag land the agrologist has shown the limited big ag approach that is being used to assess the land.

It might be beneficial to find another agrologist to make comment on the land as a whole, one that is attuned to the holistic approaches to agriculture, using regenerative whole systems approach to the production of food.

Appendix B – Agrologist Report

Land Assessment for Agriculture Capability

NS PID 43566515

Located near 8 Bog Road, Hantsport, NS

Addendum

October 24, 2022

Report prepared for:

49 Cole Drive Ltd.

Box 880

Windsor, NS

B0N 2T0

Report Prepared by:

Steve Howatt, M.Sc.(agr), P.Ag



Atlantic AgriTech Inc.

265 Route 258

New Glasgow, PEI, C0A 1N0

www.atlanticagritech.com

Executive Summary

An initial assessment of Nova Scotia parcel number 45360914, located at 8 Bog Road in Hantsport, NS was conducted on August 5, 2022 on behalf of 49 Cole Drive Limited to determine its potential agricultural capability. The report was submitted to the client on August 22, 2022. The Municipality of Hantsport has reviewed the report and has requested that the original report be amended to include PID # 45366515 (Lot 6), which is also owned by 49 Cole Drive Limited and is zoned as AR-2. This report is the addendum to the original document.

A site evaluation of PID # 43566515 was conducted during the site visit in August, due to its proximity to PID # 45360914. Following is the assessment of this parcel, based on observations made during the site visit in August, a thorough review of soil and topography maps of the area and its proximity and similarity to PID # 43566515.

Through this assessment, it was concluded that the land in this parcel (PID # 43566515) has very low agricultural capability due to various characteristics of its soil and topography, particularly its steep slope and poor drainage. The assessment revealed that most of the land on the property in question would be considered Class 4 agricultural land as per the Canada Land Inventory (CLI) methodology.

It is the Consultant's opinion that the Lot 6 parcel (PID # 43566515) would be unsuitable for use for the agricultural production for most crops.

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Assessment of Soil Quality and Limiting Factors	5
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Introduction

General

Steve Howatt, P.Ag. (the Consultant) was contracted by **49 Cole Drive Limited** (the Client) to conduct an evaluation of a property at 8 Bog Road in Hantsport, NS (PID 45360914) for determination of agriculture capability, as per Section 8.6 of the *Municipality of West Hants Municipal Planning Strategy*¹. Since submission of that report on August 22, 2022, the Consultant has subsequently been asked to provide an opinion on a neighbouring parcel (NS PID # 43566515; Lot 6), which is also owned by the Client.

While the Lot 6 parcel was evaluated during a visit in August, this report is an assessment based on review of soil, property and topographic maps and provides an overview of the overall capability for agriculture of the subject property in the Consultant's opinion.

Methodology

A detailed site inspection of the neighbouring parcel (PID # 45360914) was conducted by the Consultant on August 5, 2022. At the time of inspection, the Consultant walked the whole of the cleared land in question and assessed soil type and quality through digging of numerous shallow test pits, observation of vegetation and assessment of slope, drainage, and stoniness. In addition to the site inspection, a detailed review of available maps (soil survey, topography, etc) was conducted, as well as review of current Canada Land Inventory (CLI) classifications for the soils present on the subject property. An observation of land use on neighbouring properties, including PID # 43566515, was also conducted at that time.

This assessment for PID # 43566515 is based on the August visit, and a review of available maps (soil survey, topography, etc) as well as review of current Canada Land Inventory (CLI) classifications for the soils present on the subject and neighbouring properties.

Site Description

Current On-site Conditions and Land Use

The subject site is identified by Nova Scotia property identification (PID) number 43566515 near 8 Bog Road in Hantsport, Nova Scotia. The property is located along the East side of Bog Road, partially within the town limits of Hantsport and is currently zoned AR-2 (Figure 1). The parcel is approximately 20,000 square feet in size. The land on the property is currently non-utilized farmland and has grown up a range of grass and broadleaf species. Figure 2 shows current drone imagery of parcel.

¹ Municipality of West Hants Municipal Planning Strategy. Amended September 14, 2021.

Current Adjacent Property Land Use

The subject property is located at the south edge of Hantsport town limits, adjacent to a parcel, located to the south, which is currently zoned for agricultural use and owned by the Client (PID 45360914). On the other sides, the property is bound by Bog Road, and other properties Zoned R-2, and owned by 49 Cole Drive Limited. The surrounding land use is summarized in Table 1 and can be seen in Figure 1. Other than the subject parcel, no other agricultural production is in the immediate area, other than some crop land on the opposite side of Highway 101 to the Southwest.

Table 1. Adjoining Properties – Current Land Use

Direction	Current Land Use	Current Occupant/Owner
North	Zoned R-2	49 Cole drive Limited
East	Zoned R-2	49 Cole drive Limited
South	Zoned AR-2	49 Cole drive Limited
West	Bog Road	Province of NS

Assessment of Soil Quality and Limiting Factors

During the original site inspection of PID # 45360914, the Consultant dug numerous shallow soil test pits across that property to assess and confirm soil characteristics as described above. Across all sites, the average depth of topsoil (to restricting layer) ranged from 25cm to 35cm with a layer of loose stone (4 – 12cm in size) observed at or around this depth. Stoniness was significant enough to be a concern for conventional tillage practices in the opinion of the Consultant. Visual assessment of soil type confirmed it consisted of fine loam soil with significant levels of sand and silt, and the soil structure was similar across all test pits.

Observations taken during the initial site visit in August in the proximity of the Lot 6 parcel confirmed extremely slopes for much of the parcel, sloping down from Bog Road, while lower portions of the parcel border on imperfect to poorly drained areas, with evidence of various marshland species growing throughout the parcel. In addition, several drainage ditches were observed near the southeast corner of the property indicating the need to remove excess water that does not infiltrate the soil, especially in wet seasons. Little standing water was observed during the site inspection on August 5, although the inspection was done after a prolonged dry period. In almost all the subject property, the slope is significant enough to restrict conventional crop production practices and machinery operation, with slopes over 15-20% observed in some areas (Figure 1). The areas of high slope and poor drainage would significantly restrict agricultural capability.

Overall Soil Capability for Agriculture

Application of the observed characteristics made during the site inspection to the Canada Land Inventory key for soil capability for agriculture would classify the majority of the parcel as Class 4T, with significant topographic limitations due to slope. As per the Canada Land Inventory, soils identified as Class 4 due to slope is a concern because “higher percent slope increases cost of farming by decreasing the uniformity of crop growth and by increasing the risk of water erosion”.

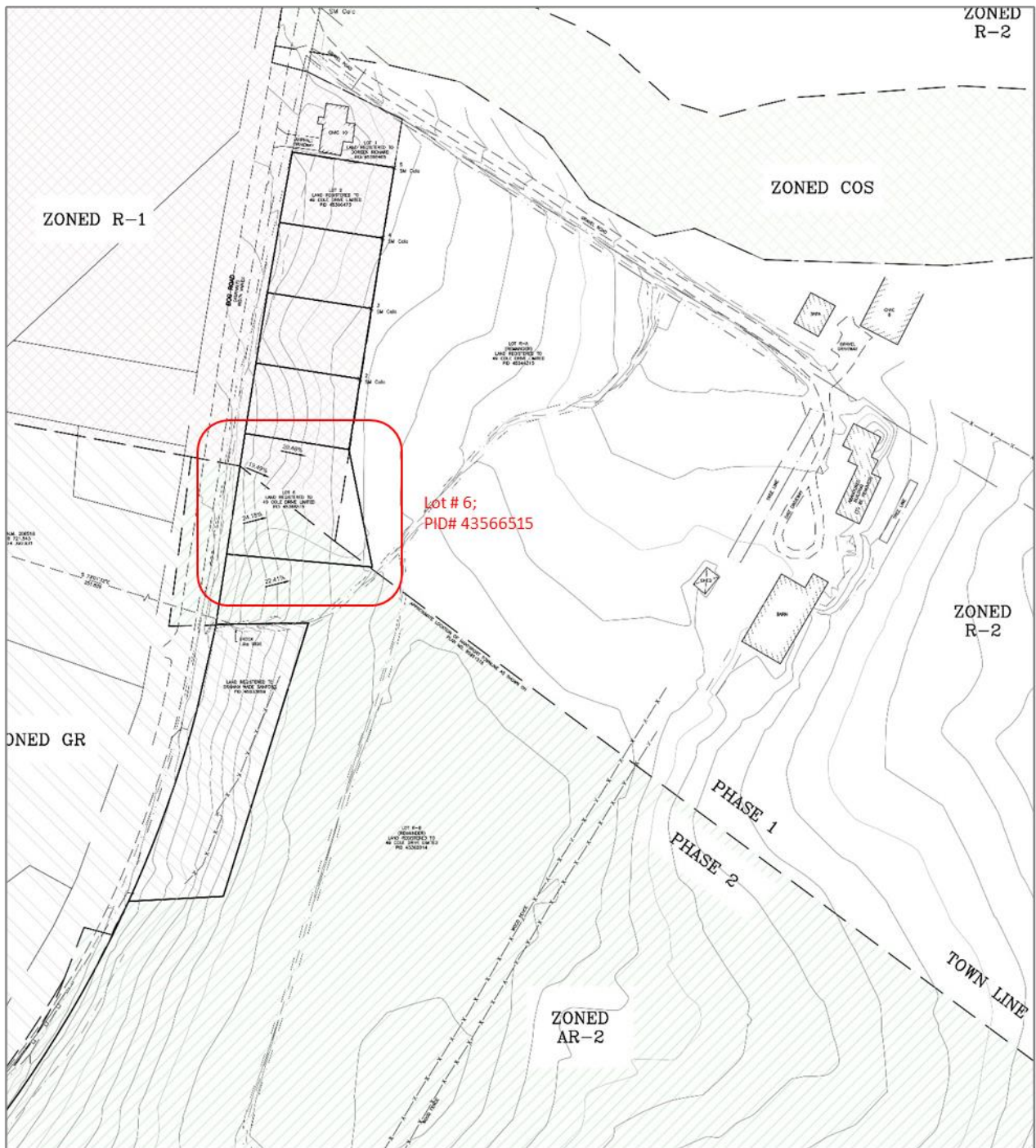
Conclusions

A thorough review of soil characteristics, topography and other maps of the area, along with observations made during a site visit to a neighbouring parcel in August, would lead the Consultant to determine that this parcel (PID 43566515; Lot 6) has very low capability for use in most agricultural production systems.

When all aspects of the land are considered, it is the opinion of the Consultant that the land in the subject property would be considered Class 4 agricultural land under the Canada Land Inventory classification system. As per the Municipal Planning Strategy, Class 4 and Class 5 land would be classified as Agricultural Priority Three, which would allow for controlled non-agricultural development on the land.

Further, rezoning of the parcel to residential would be compatible with neighbouring land use and would be a logical extension of existing non-farm development in the area. Rezoning of the parcels would not be expected to have any negative impact on agriculture production in the area, since the parcel is bound by Bog Road, and other properties owned by 49 Cole Drive and currently planned for development.

Agrologist Assessment – 8 Bog Road, Hantsport, NS



 ATLANTIC AGRITECH	Topographic Map of Subject Parcel Agrologist Assessment Parcel ID No: 43566515 8 Bog Road, Hantsport, NS	October 24, 2022
		Figure 1

Client: 49 COLE DRIVE LIMITED



 Client: 49 COLE DRIVE LIMITED	Drone Image Agrologist Assessment Parcel ID No: 43566515 8 Bog Road, Hantsport, NS	October 24, 2022
		Figure 2



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
--------------------------------------	------------------	---	--

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: February 28th, 2023

Subject: File # 22-24B: Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 – Rezoning (Hantsport)

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

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

...that Council gives Second Reading and approves amending Schedule A of the Hantsport Land Use By-law by rezoning PIDs 45366473, 45366481, 45366499, 45366507, and a portion of 45366515 on Bog Road, Hantsport from the Single Unit Residential (R-1) zone to the Two Unit Residential (R-2) zone.

BACKGROUND

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

The completed application was submitted by Claude O'Hara on October 23rd, 2022 to change the zoning of 5 lots on Bog Road, Hantsport/Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515) to the Two Unit Residential (R-2) zone to permit multiple semi-

detached dwellings. The applicant has now changed to Sheldon Chisholm.

DISCUSSION

A Public Information Meeting was held on November 10th, 2022. Three (3) members of the public spoke about concerns with the removal of agricultural land for residential development, the development of lots behind the subject lots, a request for further explanation of the agrologist's report, and a request for stipulations within any potential development agreements regarding access to the lot behind the subject lots. In addition to this, a member of the public presented concerns with the rezoning, a complaint with the Nova Scotia Department of Environment and Climate Change, and a potential violation of the Land Use By-law.

The public comment period ended on November 25th with staff receiving one (1) phone call and three (3) emails. The comments from the public included concerns with the existing access to the subject lots, pedestrian safety, support for the member of the public who presented at the Public Information Meeting, and a list of additional questions.

On December 8th 2022, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A).

During the December 8th meeting, PAC/HAC recommended in favour of the proposed rezoning.

On January 24th, 2023, staff presented the PAC/HAC recommendation to Council for First Reading.

During the January 24th meeting, Council recommended in favour of the application.

NEXT STEPS

The proposed amendment has been considered based on the Hantsport Municipal Planning Strategy and has proven consistent with the intent, objectives, and policies of the Planning Strategy. As a result, it is reasonable to consider rezoning the subject lots on Bog Road, Hantsport/Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515) to the Two Unit Residential (R-2) zone.

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A 2022-12-08 Staff Report - File # 22-24: Bog Road, Hantsport/Hants Border
 PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 –
 Rezoning (Hantsport)

CHIEF ADMINISTRATIVE OFFICER REVIEW

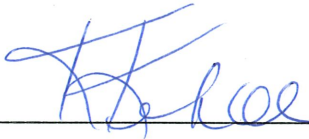
The report and recommendation are in alignment with past discussions by Council.

Report Prepared by: _____

Alex Dunphy, Planner

Report Reviewed by: _____

Sara Poirier, Director of Planning and Development

Report Approved by:  _____

Kathy Kehoe, Acting Chief Administrative Officer

Appendix A – File # 22-24: Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 – Rezoning (Hantsport)



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: December 8th, 2022

Subject: File # 22-24: Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 – Rezoning (Hantsport)

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

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

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the Hantsport Land Use-Bylaw by rezoning PIDs 45366473, 45366481, 45366499, 45366507, and a portion of 45366515 on Bog Road, Hantsport from the Single Unit Residential (R-1) zone to the Two Unit Residential (R-2) zone.

BACKGROUND

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

The completed application was submitted by Claude O'Hara on October 23rd, 2022 to change the zoning of 5 lots on Bog Road, Hantsport/Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515) to the Two Unit Residential (R-2) zone to permit multiple semi-detached dwellings. The applicant has now changed to Sheldon Chisholm.

Surrounding Context

The subject lots directly abut Bog Road. Lands within the jurisdiction of the Hantsport Municipal Planning Strategy (MPS) and located west of the subject lots, across Bog Road, are designated Residential, zoned Single Unit Residential (R-1), and are residential dwellings. Lands to the east, behind the subject lots, have portions within the jurisdiction of both the Hantsport MPS and the West Hants MPS. The Hantsport portion of this property is designated Residential, zoned Two Unit Residential (R-2), and hosted a former agricultural use.

DISCUSSION

Four of the subject lots (PIDs 45366473, 45366481, 45366499, and 45366507) are located completely within the jurisdiction of the Hantsport Municipal Planning Strategy (MPS), while the last subject lot (PID 45366515) is partially within the jurisdiction of the Hantsport MPS and partially within the jurisdiction of the West Hants MPS.

The subject lots within the jurisdiction of the Hantsport MPS are designated Residential on the Generalized Future Land Use Map (GFLUM) of the Hantsport MPS (Figure 1). These subject lots are zoned Single Unit Residential (R-1) on Schedule A of the Hantsport Land Use By-law (LUB) (Figure 2).

Municipal Planning Strategy Document Review

Policy RP-2A is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider rezoning land within the Residential designation to the Two Unit Residential (R-2) zone. The Policy also includes criteria which must be met by the proposed development. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the subject lots have access to municipal services; and
- the proposed use is similar in nature to the surrounding uses and is not anticipated to conflict with the adjacent existing uses.

Policy IM-3 establishes the general criteria that all amendments to the Hantsport Land Use By-law must meet. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, Municipal Traffic Authority, and Area Manager of the Nova Scotia Department of Public Works have no concerns which have not been addressed in this report.

NEXT STEPS

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

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

- discuss the proposed Land Use By-law amendment as specifically drafted or as revised by the Committee; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	Hantsport GFLUM Extract
Figure 2	Hantsport Zoning Map Extract
Figure 3	Proposed Zoning Map Extract
Attachment A	Policy Summary for Rezoning
Attachment B	Public Information Meeting Notes

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

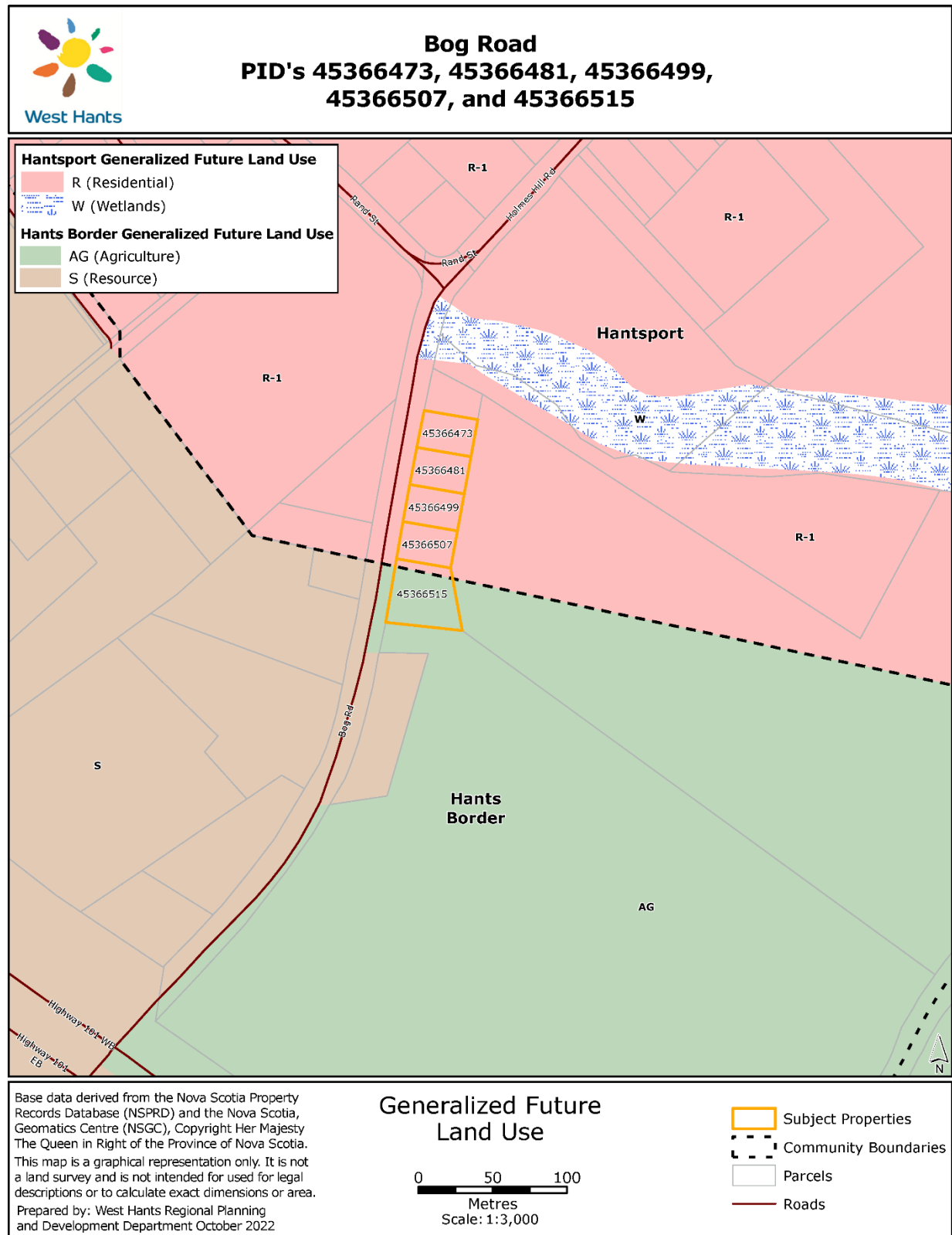


Figure 2 – West Hants Zoning Map Extract

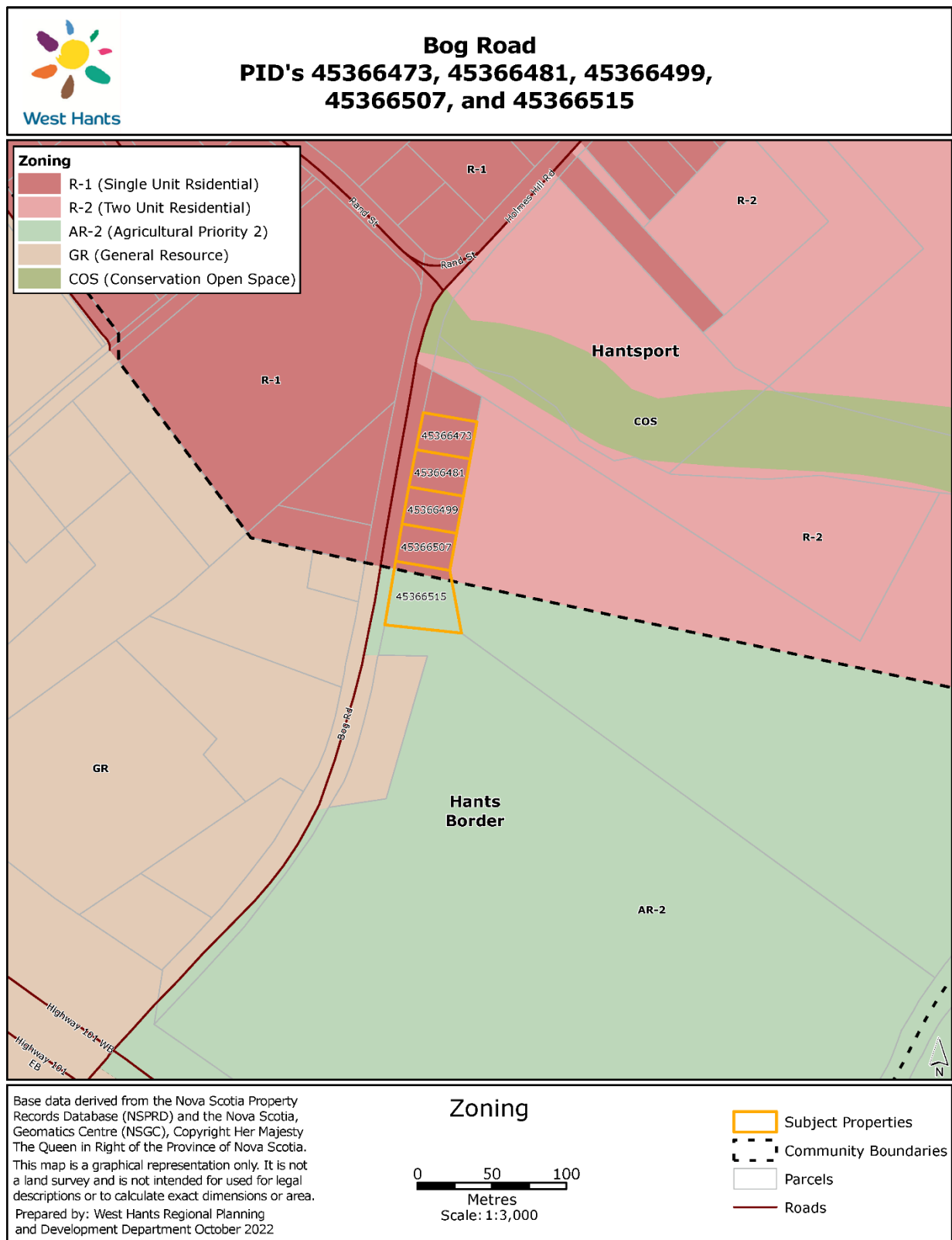
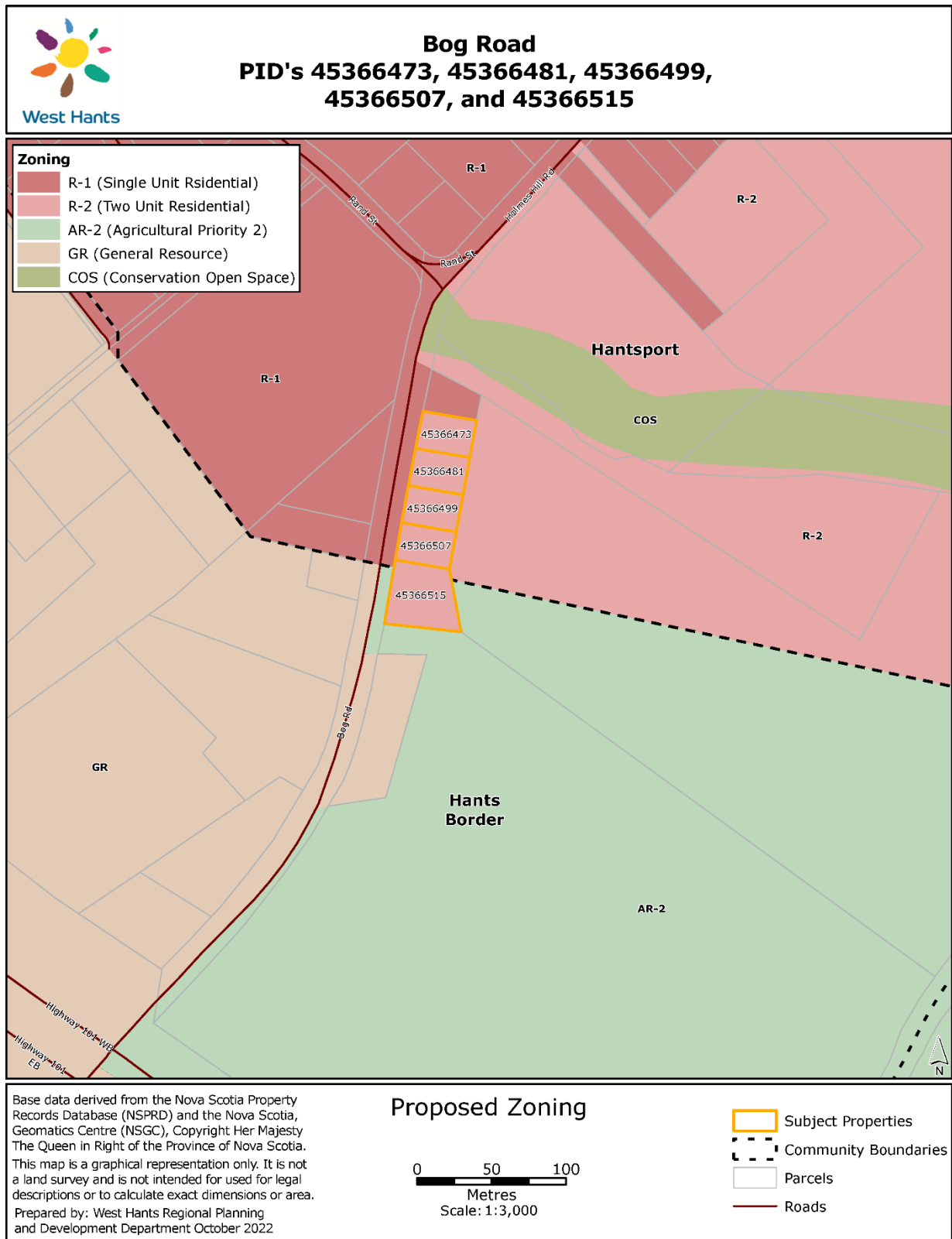


Figure 3 – Proposed Zoning Map Extract



Attachment A – Policy Summary for Rezoning

Policy RP-2A <i>It shall be a policy of Council to consider rezoning land within the Residential Designation to R-2 subject to the following:</i>	
<i>(a) the area to be rezoned is serviced, or capable of being serviced, with municipal water and sewer;</i>	The Director of Public Works confirmed that the subject lots have access to municipal services.
<i>(b) the proposed use will not conflict with adjacent existing uses;</i>	The proposed use is similar in nature to the surrounding uses and is not anticipated to conflict with the adjacent existing uses.
<i>(c) any other matter which may be addressed in a Land Use By-law; and</i>	All relevant matters have been addressed in this report.
<i>(d) Policy IM-3. (Amendment HMPS 16-01 – effective June 26, 2017)</i>	See Policy IM-3.

Policy IM-3 <i>In considering amendments to the Town of Hantsport Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i>	
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Municipal Project Engineer commented that they had no concerns regarding the addition of the proposed use. The developer would be responsible for any development costs for any required upgrades to receive adequate municipal services.
<i>(ii) the adequacy of school facilities;</i>	No impact on school facilities is anticipated.
<i>(iii) the adequacy of fire protection;</i>	The local Fire Chief has stated that there is adequate fire protection for the proposed use. The Manager of Building and Fire Inspection Services had no issues with fire protection.
<i>(iv) the impact on adjacent uses;</i>	The proposed use is similar in nature to the surrounding uses and is not anticipated to impact the area.
<i>(v) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Area Manager from the Nova Scotia Department of Public Works and the

	Municipal Traffic Authority had no concerns regarding the road networks adjacent or leading to the development.
<i>(vi) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Area Manager from the Nova Scotia Department of Public Works and the Municipal Traffic Authority commented that they had no concerns regarding any aspect of movement.
<i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that they had no concerns regarding the adequacy of dimensions and shape of the subject lots.
<i>(d) the pattern of development which the proposal might create;</i>	The Development Officer commented that they had no concerns regarding the pattern of the proposed development.
<i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i>	Any development of the subject lots must meet the regulations of the Nova Scotia Department of Environment and Climate Change regarding the protection of watercourses.
<i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(g) the impact of not only the use being proposed but all uses permitted in the zone;</i>	Uses permitted in the Two Unit Residential (R-2) zone are similar in nature to the surrounding uses and are not anticipated to impact the area. The keeping of horses is permitted in the Two Unit Residential (R-2) zone, however, the subject lots are not of a sufficient size for that use.
<i>(h) the site meets all of the zone requirements for the zone sought; and</i>	The subject lots meet all zone requirements of the Two Unit Residential (R-2) zone.
<i>(i) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B – Public Information Meeting Notes

November 10 - November 25, 2022

File # 22-24: Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 – Rezoning (Hantsport)

Meeting date and time	A public information meeting was held on November 10, 2022 beginning at 6:00 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-24
Attending	In attendance: One (1) Councillor: • Councillor Jim Ivey Four (4) members of staff: • Director LeMay (Chair) • Planner Poirier • Planner Dunphy • Meeting Secretary Lake Ten (10) members of the public were present for this meeting. Of those that attended in-person, Melody Dempsey and Graham Sanford spoke.
Applicant Sheldon Chisholm Properties Bog Road, Hantsport/Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515)	Planner Dunphy outlined the application to rezone the five (5) subject lots on Bog Road to the Two Unit Residential (R-2) zone. Sheldon Chisholm, the applicant, spoke to the intention to develop the lots as semi-detached residential dwellings. Graham Sanford, a resident, gave a presentation regarding concerns with the proposed rezoning of the subject lots. Mr. Sanford also explained concerns regarding a complaint with the Nova Scotia Department of Environment and Climate Change, a potential violation of the Land Use By-law, access to and water supply for a property owned by the developer and located abutting the subject lots, food production goals for the Province, and affordability of residential developments.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between November 10 – November 25, 2022. Staff received one (1) phone call and three (3) emails were received. The email responses are attached. The phone call was from Doreen Smith and was concerning the driveway located on one of the subject lots which the resident considered may not be up to code as well as concerns with the safety as a pedestrian on Bog Road. 3 members of the public spoke at the Public Information Meeting. The following are comments and questions from the public

	information meeting. Staff and applicant responses are included in purple text. - Concerns with removal of agricultural land for residential development - There must have been former agricultural use on the property - Concerns with development of lots located behind subject lots and the view of farmland from existing properties Mr. Chisholm responded that the intention is to maintain some agricultural activity. The full scope of future development has not been determined. The Municipal Planning Strategy has policies for agricultural land which have been followed. Plan to preserve the barn. Director LeMay commented that any further proposed development on nearby land would be required to be addressed through a new planning process. - What properties does the developer own? Mr. Chisholm responded that not all the properties owned are shown. - The agrologist considered the subject lot as not ideal in terms of farmland? Mr. Chisholm confirmed that the subject lot had an agrologist report completed which determined the lot was not ideal for agricultural development. - Mr. Chisholm responded to Graham Sanford's presentation by commenting that the developer will ensure that the lot located behind the subject lots will have access. The farmhouse was not able to be repaired, but the barn was able to be maintained. Mr. Chisholm disagreed with the current municipal boundary line. Mr. Sanford responded requesting an addition to any development agreement on the property require access for the lot located behind the subject lots. Director LeMay responded by commenting that this planning process is for the subject lots and any further development of other lots would have to be dealt with in another planning process.
Adjournment	The presentation portion of the PIM ended at approximately 6:44 p.m.

Public Email Responses Submitted for the Application PIM

November 8th, 2022

From: Graham Sanford

To: Alex Dunphy

Hi Alex.

Nice speaking with you earlier.

As requested, please find attached my in person presentation for this Thursday November-10-22.

If there are any items I need to change please let me know along with the rationale for the change.

Per your instructions I will bring a data stick with me containing this presentation.

Could you please confirm receipt of this e-mail, that I have been slotted to present, and at what point in the schedule for the evening?

With my thanks,

Graham Sanford

(Presentation is attached below)

November 10th, 2022

From: Greg Pace

To: Alex Dunphy

Good morning Mr. Dunphy

Elsie and I live at 59 Holmes Hill Rd and received the letter regarding the above noted meeting. On Tuesday morning of this week we received a phone call from Councillor Morton in which he said the meeting was open to the public and we were welcome to attend in person. We are both very interested in the apparent development of the land to our west which includes the PIDs as mentioned. Unfortunately both Elsie and I will not be able to attend the meeting this evening.

Further to this, we have been communicating with Graham Sanford, our neighbour, who has prepared a presentation for the meeting. We both concur with the information in his presentation.

Mr Graham indicated he was permitted a 5 minute time slot for a presentation to council regarding the rezoning. Elsie and I were not made aware in any communication that we were able to make a presentation at this meeting; given the opportunity we would have done so.

I am requesting that should Mr. Sanford require more than his allotted 5 minutes he be granted more time to communicate our views which are included in his presentation.

Regards

Greg Pace and Elsie Wetmore

November 25th, 2022

From: Graham Sanford

To: Alex Dunphy

Hi Alex.

Please find attached our questions.

Best regards,

Graham Sanford

Don't Be The Dirt Advocacy

(Question Sheet is attached below)

“We believe the health of where we live is key to all possible outcomes.”



Regarding Public Information Meeting Notice of November 1, 2022. Development on Bog Road, Hants Border.

Presented by Graham Sanford and Don't Be The Dirt Advocacy

53 Bog Road

Hants Border, N.S.

B0P 1P0

Current Concerns

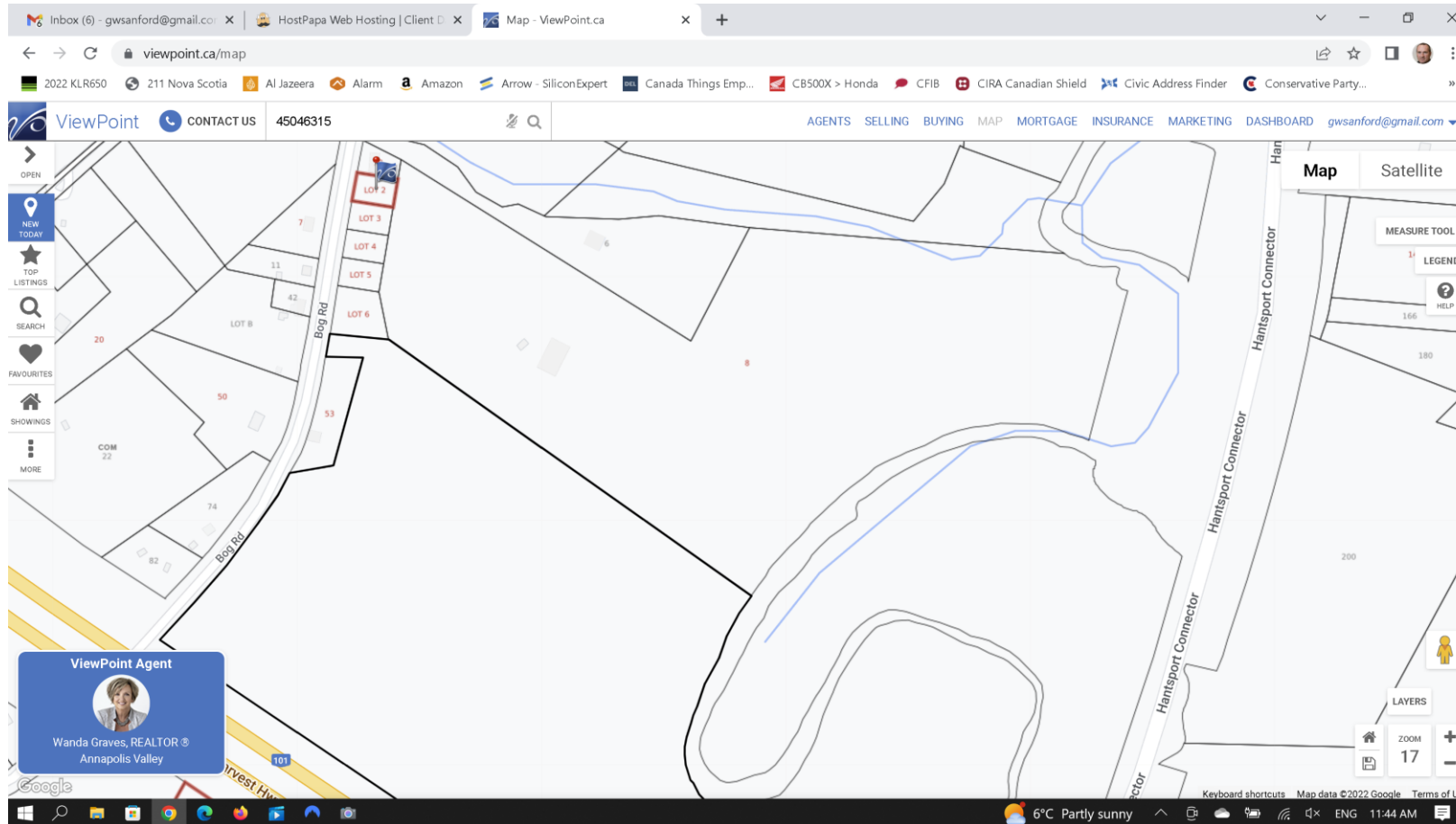
- 1.) PID 45046315 (8 Bog Road) , 26 acres. Inconsistent Information Regarding how R2 Zoning Came to Be
 - Three, separate conflicting answers from WHRM regarding when PID 45046315 (8 Bog Road) , 26 acres, was zoned R2: 1.) When amalgamation occurred, 2.) Prior to amalgamation, 3.) was never agricultural land.**This is the PID behind the lots on Bog Road.
- 2.) Failure to Protect AP2 Land part of PID 45046315, RE: Site Inspection Based on Complaint
 - Conflicting information from WHRM Staff on October-12-22 related to their inspection of the site. See slide 4 for written support, visual support from slides 6/7/8/9.
- 3.) Complaint in Progress with Nova Scotia Department of Environment and Climate Change
 - Complaint with Nova Scotia Department of Environment and Climate Change filed October-11-22, Pit operation, possible no sediment damn leading to pollution of water course that feeds the Halfway River. Video evidence submitted.
- 4.) Development of the PIDS in the notice, will this lead to land locking of the AP2 zoned land, therefore creating a narrative supporting re-zoning for development?
- 5.) How will appropriate access be maintained to the AP2 Zoned land, specifically PID 45360914? **This is the PID Zoned Agricultural Priority 2, that exists between 8 Bog Road, the land behind the lots along Bog Road, and the 101 Highway.
- 6.) By what method will water be supplied to this and any other development this side of the 101 Highway?

Communications with WHRM

- October-11-22 Complaint regarding Activity on PID 45046315 to WHRM. I hope you are well. Please let this e-mail act as my formal complaint to the activity taking place on PID 45046315. For over a week now top soil that has been stripped from this same PID has been trucked, and is being trucked, off site. I do have proof. Thank you in advance for your appropriate action on this matter. Best regards, Graham Sanford, 53 Bog Rd, Hantsport, NS B0P 1P0 902 788 4989
- October-12-22 from WHRM: Graham, I inspected the Bog Road development yesterday. The top soil that is being removed is in the former Town of Hantsport, Two Unit Residential zone. **This is not a violation as top soil removal is only a violation if within the Agricultural zones.**

Note: Slides 6/7/8/9 clearly indicate the boundary between R2 and AP2, and therefore clearly indicate the removal of top soil from Agricultural Priority 2 Zone, which per the Development Officer e-mail above, is a violation.

Viewpoint



2022-11-06

Public Information Meeting Letter-Front

	
November 1, 2022	
Dear Property Owner:	
Re: Public Information Meeting Bog Road, Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515)	
This letter is being sent to you as you are an owner of land within 500 feet of the above property.	
You are invited to attend a Public Information Meeting hosted by the Planning and Heritage Advisory Committee. The meeting is scheduled for 6:00 p.m. on Thursday, November 10th and it can be viewed live on the Municipal Facebook page at www.facebook.com/RMWindsorWestHants .	
The meeting is to explain and receive comments on a proposed rezoning to the Two Unit Residential (R-2) zone.	
If you would like to virtually attend the meeting, please contact Alex Dunphy by Tuesday, November 8 th . Members of the public are welcome to submit comments or questions on the proposed development agreement to Alex Dunphy by noon on November 25 th , 2022 by:	
Phone	902-798-8391 ext. 118
Email	adunphy@westhants.ca
Mail	76 Morison Drive, PO Box 3000 Windsor NS B0N 2T0
Drop box	Regional office at 76 Morison Drive
Sincerely,	
	
Alex Dunphy Planner	
West Hants Regional Municipality PO Box 3000, 76 Morison Drive, Windsor, NS B0N 2T0 902-798-8391, www.westhants.ca	

2022-11-06

Public Information Meeting Letter-Back

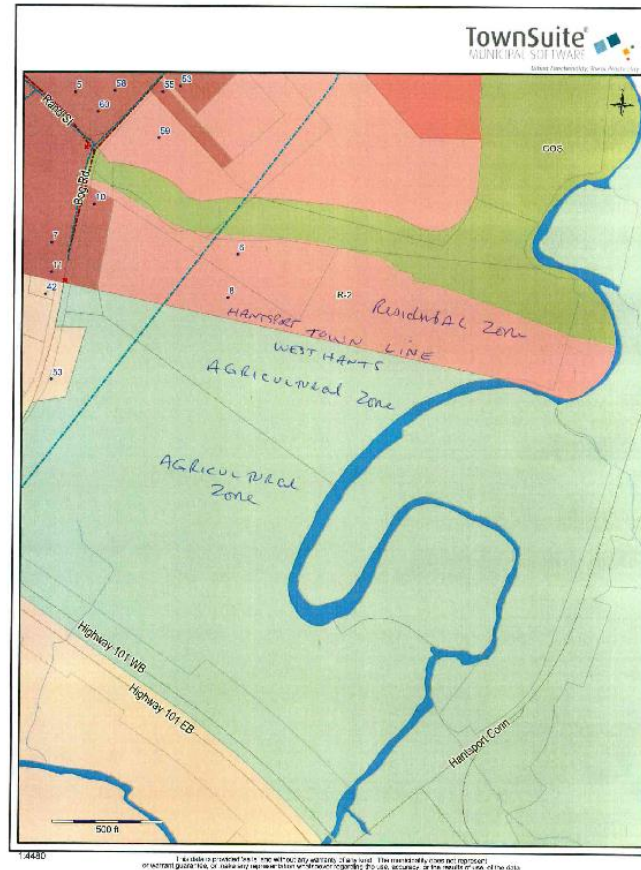
Note the dotted line between PID 45366507 and PID 45366515, former TOH boundary

PROPOSAL INFORMATION SHEET		
Address: Dog Road, Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515)		
Request: Semi-detached residential dwellings		
Proposal Description: Rezoning to the Two Unit Residential (R-2) zone.		
Community: Hants Border	Designation: Residential / Agriculture	Current Zone: Single Unit Residential / Agricultural Priority Two (AR-2)
Location:		

West Hants Regional Municipality
4000 3000, 78 Main Street, Windsor, NS, B2N 2T0
902.708.8361 www.westhants.ca

Confirmed Zoning PID 45046315 from WHRM

*Note the zoning inside and outside former TOH boundary



Standing at TOH Line-Fire Hydrant-Compare to Slide 6 and 7

*Left of hydrant flag is R2, right of hydrant flag AP2. Note the top soil removed, extending from Bog Road down to barn, in the AP2 Zone, gravel brought in, possible destruction of the water course, and possible absence of a sediment damn.



Standing at TOH Line-Fire Hydrant-Compare to Slide 6 and 7



Reference from An Act Respecting Municipal Government

- **DEFINITIONS**
- These definitions apply to the Statements of Provincial Interest.
- **Agricultural Land** means active farmland and land with agricultural potential as defined by
 - the Canada Land Inventory as Class 2, 3 and Class 4 land in active agricultural areas, speciality
 - crop lands and dykelands suitable for commercial agricultural operations as identified by
 - the Department of Agriculture.

Reference from An Act Respecting Municipal Government

- **PROVISIONS**
- 1. Planning documents must identify agricultural lands within the planning area.
- 2. Planning documents must address the protection of agricultural land. Measures that
- should be considered include:
- - (a) giving priority to uses such as agricultural, agricultural related and uses
- which do not eliminate the possibility of using the land for agricultural purposes
- in the future. Non-agricultural uses should be balanced against the need
- to preserve agricultural land;

Reference from An Act Respecting Municipal Government

- **STATEMENT OF PROVINCIAL INTEREST**
- **REGARDING AGRICULTURAL LAND**
- **GOAL**
 - To protect agricultural land for the development of a viable and sustainable agriculture and food industry.
- **BASIS**
 - The preservation of agricultural land is important to the future of Nova Scotians.
 - Agricultural land is being lost to non-agricultural development.
 - There are land-use conflicts between agricultural and non-agricultural land uses.
- **APPLICATION**
 - This statement applies to all active agricultural land and land with agricultural potential in the Province.

Reference from An Act Respecting Municipal Government

- **(c) setting out separation distances between agricultural and new non-agricultural development to reduce land-use conflicts;**
- **(d) measures to reduce topsoil removal on lands with the highest agricultural value.**
- 3. Existing land-use patterns, economic conditions and the location and size of agricultural holdings means not all areas can be protected for food production, e.g., when
- agricultural land is located within an urban area. In these cases, planning documents
- must address the reasons why agriculture lands cannot be protected for agricultural use. Where possible, non-agricultural development should be directed to the lands
- with the lowest agricultural value.

Forward Looking Considerations

- Optics of how the Municipal process unfolds is key.
- There are pressures that could lead to decisions that erode the public trust.
- Erosion of public trust weakens our communities.
- Public trust in local governance is a cornerstone of a healthy vibrant community, where people choose to live, raise a family, immigrate, start a business, spend their disposable income, enjoy historic sites, embrace our good fortune in living where we do, without travelling to enjoy the natural world amongst us.
- There is no place for personal beliefs or philosophies in governance.
- Consistency is key.
- Adaptability with a wide lens is key.
- Inclusion is key.
- Integrity is key.

Summary

- We need housing development.
- To be housed, is a necessity. Picture yourself without stable shelter to understand how it affects all other outcomes.
- Market based housing, and the supply of it, WILL lower the cost to acquire it.
- Market based housing, and the supply of it, IS NOT the sole solution.
- Market based housing, and the development of it requires a minimum rate of return for the developer.
- There are over 5000 persons in this province waiting for public housing.
- Approximately 1000 of these can be accommodated by moving the over housed.
- How will the others be housed?
- Thus, the need for other housing options that ARE NOT based on the market.
- Do the math when considering affordability, math does not lie.
- Seemingly valid concerns are already at play specific to the activities on Bog Road, Hants Border.
- The ability to express these concerns in a public format is foundational.
- Never give up the rules in place to protect land and the immediate environment in favor of any “emergency”.

On behalf of Graham Sanford, and Don't Be the Dirt Advocacy...

Thank you!

Disclaimer: By participating in the option to send in questions to the planner regarding the notice dated November 1, 22:

“Public Information Meeting Bog Road, Hants Border, (PID’s 45366473, 45366481, 45366499, 45366507, 45366515)

If you would like to virtually attend the meeting, please contact Alex Dunphy by Tuesday, November 8th . Members of the public are welcome to submit comments or questions on the proposed development agreement to Alex Dunphy by noon on November 25th, 2022”

We by no way forfeit our position, or requests in process, that this process should be halted given 2 violations on abutting PID 45046315, same landowner, **and an unanswered question with requested supporting documentation as to how PID 45046315 became R2 zoning.** If you accept these questions, you hereby agree to this statement.

If you reject these questions, please provide justification of the rejection.

1. Lot 3, PID 45366481 is a driveway. What is the purpose of the rezoning request given the only access to land behind these PID’s is from this location, this PID on the Bog Road?
2. With the exception of Lot 2, PID 45366473, the remainder of the lots are below the grade of the Bog Road. How will they be accessed?

3. Will the excavation for the structures dig into the bank closest to the road as with Lot 3, PID 45366481?
4. If so, will a guard rail be placed where the drop from the road shoulder to the excavation is a safety concern?
5. Can they developer provide examples from their portfolio of other housing developments in Nova Scotia?
6. Why does the developer not have a website and a clear public face, contact person with listed contact information and title, position held, at the developer organization? At last count there were 18 corporations registered to 49 Cole Drive in Windsor N.S.
7. How does this developer plan to finance this development?
8. Will the developer commit to participating in a Commitment Matrix? See example below.

Commitments Matrix: Takes the comments collected, makes commitments, and then references where in the plan these commitments are kept. This attachment is typically included in regulatory planning documents where it is essential to ensuring stakeholder alignment, e.g.

Consultation	Commitment	Reference
“Save trees” – 49 comments in PC “Protect Wildlife” – 2 comments on website	Development will fell no existing trees.	Section 2.1 Section 4.9 Appendix A
“More active transit” – 21 comments in PC Town of Wolfville Active Transit Plan	A safe bike trail will permit bicycle commuter access to every building within the development area.	Section 3.7 Appendix B

9. How will the developer work around the water course to ensure no further contamination?
10. Will there be restrictions on the new property owners to ensure no unpermitted contamination enters the water course?
11. PID 45366515 is mostly Agricultural Priority 2. Given the comments of the landowner representative, Surveyor Sheldon Chisholm, at the Public Information Meeting Nov-10-22, the main concern that this PID supposedly failed agrologist testing, is the slope. If you would be excavating this PID to offset the issue of the slope to allow for housing construction, the same rational thinking could be used to do the same to permit continued Agricultural designation. Adding the Provincial Statement of Interest around the protection of Agricultural land, and, the Province’s published target

of 20% local food production by 2030, this PID should be removed from the application.

12. How will water be supplied to any housing built?

13. We would also like to see some more quantified metrics.

Not everyone is a visual

thinker. It would be good to have a table that included the following metrics extracted from

the proposed layout. We recognize some of these would be not available or would be mere

approximations at this juncture, but many could be populated.

Total square footage SFH

Total number of ≤ 1 BA

Total number of 2BA

Total number of 3BA+

Total number of rental units

Total number of purchase-able units

% of purchase-able units that will have a purchase price equal to or

less than the median price per square foot in Hantsport and Hants

Border

% of rental units that will have a monthly rental rate equal to or less

than the median monthly rental rate in Hantsport and Hants

Border

14. Is there any intent to do a wildlife study as part of this process? This area is extremely

well travelled by local fauna. This development will disrupt an existing hunting ground.

Building corridors and leaving wildspace within the development could mitigate this without substantially impacting the developable square footage. Reference green space between PID 45366515 and 53 Bog Road in conjunction with the water line for CKF over which no structures can be built.

15. We would like to know if there are any disclosures with respect to the development area landowners. Do they own or control other properties near the development area or in the municipality generally? Will they materially benefit from the configuration of the resulting development above and beyond their stake in it?

16. It has been mentioned that it is important that the development be attractive for developers. We take this to be a reference to ultimate profitability. Has any economic modeling been done in support of this development plan? Could it be shared?

17. Is there any possibility of pursuing any alternative development models for this land, such as housing cooperatives? Cooperative housing seems like it would fit the character of Hantsport and Area, and could provide a means of ensuring upkeep of common areas and development of additional cooperative services.

18. Were any alternative or supplemental scenarios considered in addition to developing

these lands, such as re-developing existing low-density housing?

19. The landowners who border the development parcels should be engaged with separately as a group and it seems like a fumble they were not. We would appreciate it if all bordering landowners were invited to a special consultation session focused on their concerns.

20. Could we be provided some comparables to the building forms being proposed?

21. We think we need information about how this will be managed in terms of minimizing disruption to residents while bringing habitable assets online quickly to meet demand.

What activities will be executed first? What milestones exist to confirm the full development will remain viable as it proceeds? What scale-back options exist if the economy changes not in favor the development?

22. Could we look to receive artist's renderings of the views as they will appear from typical viewing locations prior to approving presentation.

23. Could we understand more of the thinking process behind the buildings being proposed and the resulting density?

24. What are we leaving for the next generation if we landlock access to the agricultural land making it inaccessible?

25. There are many uses for sloped land in the agricultural context, it really depends on what model is being used for production and how non-cropped land is viewed. ie. The slope can house an apiary for pollination or developed for homing beneficial predatory species. Cattle can be mob grazed for a few hours in a rotational management strategy.

26. Having brought forward the slope as disqualification for ag land the agrologist has shown the limited big ag approach that is being used to assess the land.

It might be beneficial to find another agrologist to make comment on the land as a whole, one that is attuned to the holistic approaches to agriculture, using regenerative whole systems approach to the production of food.

From: [Alexander Dunphy](#)
To: [Deanna Snair](#)
Subject: FW: Public Hearing-Bog Road Hants Border Feb 28th-23, Question Submission
Date: Monday, February 27, 2023 1:40:41 PM
Attachments: [image370733.png](#)

Hi Deanna,

Please include this in the public correspondence to be read out at the Public Hearing for Bog Road (File 22-24/22-25). There are images attached which are being requested to be displayed as well.

Thank you,
Alex Dunphy



Alexander Dunphy, LPP, MCIP

Planner

West Hants Regional Municipality

PO Box 3000, 76 Morison Drive, Windsor, NS, B0N 2T0

T 902-798-8391 Ext. 118
E ADunphy@westhants.ca
W www.westhants.ca

From: Graham Sanford [REDACTED]
Sent: Friday, February 24, 2023 1:56 PM
To: Alexander Dunphy <ADunphy@westhants.ca>
Subject: Public Hearing-Bog Road Hants Border Feb 28th-23, Question Submission

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Hi Alex.

Could you please include these questions regarding the Public Hearing February 28th-23. Could you please also include these images attached as well for the public to see? Please confirm.

- 1.) PID 45366481 is a driveway. Will the driveway stay in place in this location?
- 2.) Standing on Bog Road, facing towards the largest landmark, the barn, (looking towards Mount Denson), to the right of the existing driveway, is a steep 23 foot drop, 8 feet from the shoulder. Will the other lots in question here, be excavated in the same manner to the same depth (or deeper) this close to the road shoulder?
- 3.) The ditch that runs behind these lots feeds a ravine that feeds the Halfway River. Although it is not required (In Nova Scotia) that the landowner place sediment dams to prevent soil being dragged into the ditch>ravine>river, it is only good sense, given the province has a guide published just for this purpose. And it is appropriate to show all concerned care is taken when working in such locations. It is a violation IF sediments more than established limits enter the ravine. They have created quite a mess on only a few acres, so it is important the landowner show due concern given future phases will bring

development much closer to the ravine and tidal river. Will the landowner commit to showing those concerned greater care will be taken if this project moves forward?

4.) Will someone, please provide the name, title, affiliation to the landowner, phone number and email of the landowner representative so the public knows who represents this planned development?

5.) Can all council members, relevant committee members (PAC) and involved employees of the West Hants Regional Municipality, confirm they have no investment or share in this development, or any planned development that includes these and the surrounding PID's

(45046315, 45360914, 45366473, 45366481, 45366499, 45366507, 45366515) ?

Best regards,

Graham Sanford









WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: February 28th, 2023

Subject: File # 22-20B: Burgess Crescent, Windsor (PID 45338688) – Development Agreement

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

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

...that Council gives Second Reading to and approves entering into a development agreement to permit an 8-unit townhouse and attached 20-unit apartment building on Burgess Crescent, Windsor (PID 45338688) which is substantively the same as the agreement set out in Appendix B of the report File #22-20B dated February 28, 2023.

...that Council requires that the development agreement with Floran Lambie for Burgess Crescent, Windsor (PID 45338688) be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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The completed application was submitted by Mark Higgins of OT Developments LTD on behalf of Floran Lambie on October 4th, 2022 to consider an 8-unit townhouse and attached 20-unit apartment building by development agreement on Burgess Crescent, Windsor (PID 45338688).

DISCUSSION

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

The public comment period ended on December 22nd with no comments received from the public.

On January 12th, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A).

During the January 12th meeting, PAC/HAC recommended in favour of the application with an addition to permit a 48-month commencement period in the development agreement. The updated development agreement is attached in Appendix B.

On January 24th, 2023, staff presented the PAC/HAC recommendation to Council for First Reading.

During the January 24th meeting, Council recommended in favour of the application.

NEXT STEPS

The proposed development agreement has been considered based on the Windsor Municipal Planning Strategy and has proven consistent with the intent, objectives, and policies of the Planning Strategy. As a result, it is reasonable to consider permitting a multiple unit residential building by development agreement.

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A	2023-01-12 Staff Report – File # 22-20: Burgess Crescent, Windsor (PID 45338688) – Development Agreement
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CHIEF ADMINISTRATIVE OFFICER REVIEW

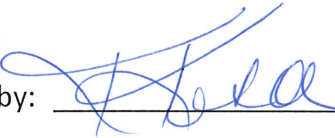
The report and recommendation are in alignment with past discussions by Council.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

Report Approved by:  _____

Kathy Kehoe, Acting Chief Administrative Officer

Appendix A – 2023-01-12 Staff Report - File # 22-20: Burgess Crescent, Windsor (PID 45338688) – Development Agreement



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: January 12th, 2023

Subject: File # 22-20: Burgess Crescent, Windsor (PID 45338688) – Development Agreement

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow an 8-unit townhouse and attached 20-unit apartment building on Burgess Crescent, Windsor (PID 45338688) which is substantively the same as the draft set out in Attachment B of the report File #22-20 to the Planning and Heritage Advisory Committee dated January 12, 2023.

...that PAC/HAC recommends that Council require that the development agreement with Floran Lambie for Burgess Crescent, Windsor (PID 45338688) be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

The completed application was submitted by Mark Higgins of OT Developments LTD on behalf of Floran Lambie on October 4th, 2022 to consider an 8-unit townhouse and attached 20-unit apartment building by development agreement on Burgess Crescent, Windsor (PID 45338688).

Surrounding Context

Properties to the west and south of the subject lots are designated Residential and zoned High Density Residential (R-4), lots to the north are designated Residential and zoned Single Unit Residential (R-1) and lots to the east are designated Community Use and zoned Open Space (OS). Lands surrounding the subject lots include an existing apartment building, low-density residential uses, and parkland.

DISCUSSION

The subject lot is designated Residential on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (MPS) (Figure 1) and zoned High Density Residential (R-4) on Schedule A of the Windsor Land Use By-law (LUB) (Figure 2).

Municipal Planning Strategy Document Review

Policy 5.4.6 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider in the Residential designation, new multiple unit residential development consisting of three or more units by development agreement. The policy also includes criteria which must be met by the proposed development. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the proposal is generally consistent with the High Density Residential (R-4) zone standards;
- the proposal has considerations for landscaping;
- the proposal is compatible with adjacent land uses; and
- the Development Officer and Municipal Traffic Authority have no concerns which have not been addressed in this report.

Policy 5.4.5 provides the criteria which requires adequate recreational space for multiple unit residential development. This policy is considered met as the amount of recreational space provided in the proposal exceeds the amount of recreational space required by the Windsor Land Use By-law and the Development Officer had commented that they have no concerns regarding recreational space.

Policy 5.5.1 provides the specific criteria which must be met for residential buildings in excess of three stories. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the proposed building has side yards that are at least one-half the height of the main building;
- the proposed building will not exceed 80 ft in height; and

- the proposed building is compatible with the design, height and scale of the surrounding area.

Policy 16.3.1 establishes the general criteria that all development agreements must meet. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Municipal Traffic Authority have no concerns which have not been addressed in this report.

Additional Considerations

Subclause (a) (i) of Policy 5.4.6 states *“in the case of a new building or the conversion of an existing non-residential building, that the development is generally consistent with the High Density Residential (R-4) zone standards”*. Comments from the Development Officer show that the proposal has a total lot area of 26,047 sq ft and the High Density Residential (R-4) zone would require a total lot area of 56,500 sq ft, if built as-of-right. However, the Development Officer also commented that they had no concerns regarding the adequacy of the dimensions or shape of the lot for the proposed use. The development agreement process allows for flexibility in meeting standard zone requirements and must be considered on a case-by-case basis. In addition to this, the proposal is of a similar bulk and scale to other buildings that would be permitted in the High Density Residential (R-4) zone and would be considered compatible with other uses in the surrounding area.

Clause (g) of Policy states *“the development abuts an arterial or collector street as shown on the Transportation Map (Map 2), if the development consists of 12 or more units”*. The development does not directly abut an arterial or collector street, however it is located close to both Payzant Drive, an existing collector street and a proposed collector street as seen on the Future Streets Conceptual Plan. In addition, the Municipal Traffic Authority had no concerns regarding traffic generation from this proposal.

NEXT STEPS

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

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

Figure 1	Windsor GFLUM Extract
Figure 2	Windsor Zoning Map Extract
Attachment A	Policy Summary for Development Agreement
Attachment B	Draft Development Agreement
Attachment C	Public Information Meeting Notes

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – Windsor GFLUM Extract (Pre-consolidation of lots)

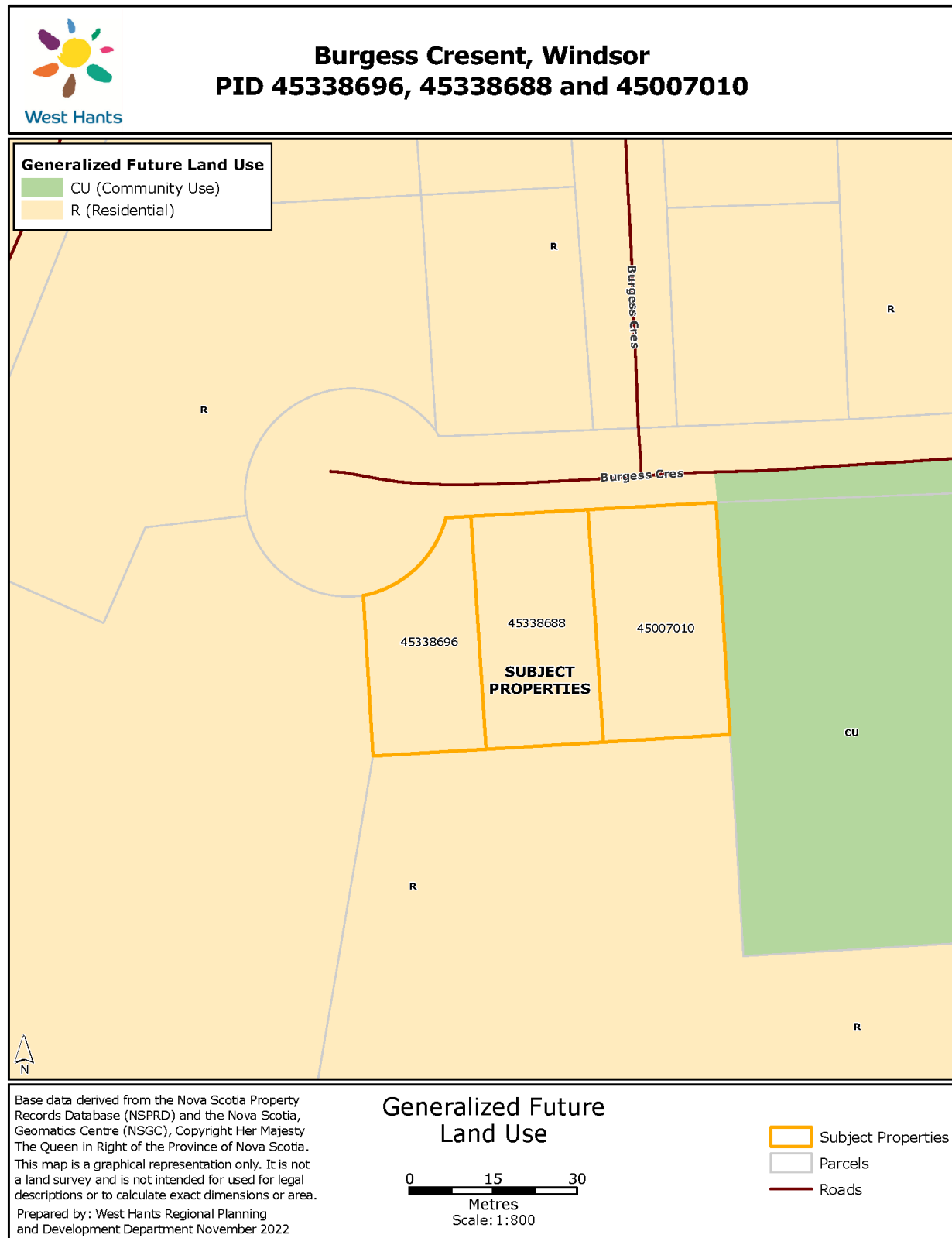
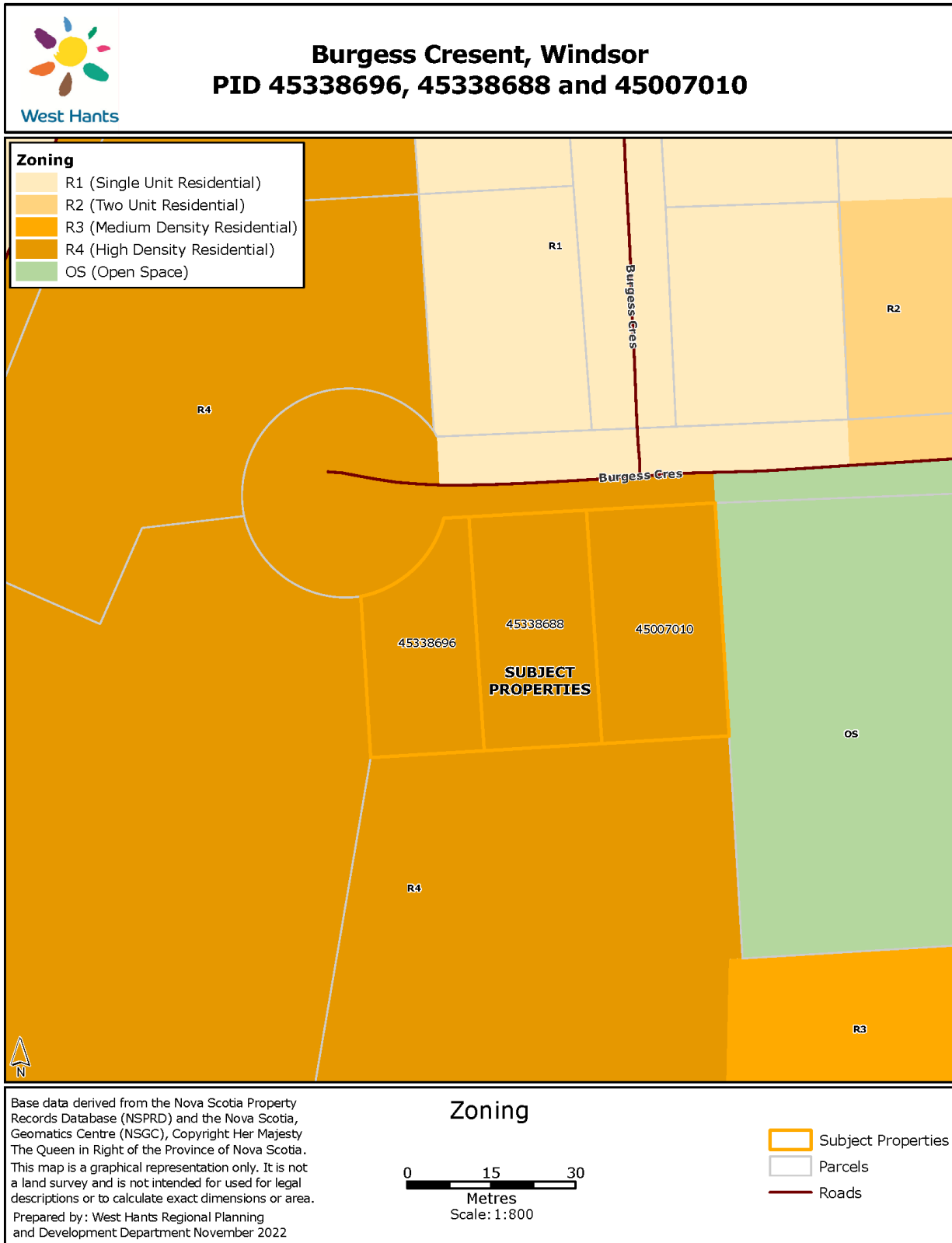


Figure 2 – Windsor Zoning Map Extract (Pre-consolidation of lots)



Attachment A – Policy Summary for Development Agreement

Policy 5.4.5 <i>It shall be the policy of Council to require adequate recreational space for multiple unit residential development.</i>	The amount of recreational space provided in the proposal exceeds the amount of recreational space required by the Windsor Land Use By-law. The Development Officer commented that they had no concerns regarding the recreational space provided for the proposed multiple unit residential development.
Policy 5.4.6 <i>It shall be the policy of Council to consider entering into a development agreement to allow, in the Residential designation, new multiple unit residential development consisting of three or more units, grouped dwellings, boarding houses and residential care facilities, as well as the conversion of existing buildings to three or more units, subject to the following:</i>	
<i>(a) the proposed use meets one of the following:</i>	
<i>(i) in the case of a new building or the conversion of an existing non-residential building, that the development is generally consistent with the High Density Residential (R-4) zone standards; or</i>	The proposed development is consistent with the High Density Residential (R-4) zone standards, except for the minimum lot area. The proposal is of a similar bulk and scale to other buildings that would be permitted in the High Density Residential (R-4) zone. The Development Officer also commented that they had no concerns regarding the adequacy of the dimensions or shape of the lot for the proposed use.
<i>(ii) in the case of a conversion of an existing residential building, that any addition or enlargement to the building meets the setback requirements of the zone in which it is located, or that any undersized setbacks are not further reduced by the addition or enlargement;</i>	N/A
<i>(b) the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;</i>	The surrounding land uses are primarily residential dwellings of various densities. The proposed development is compatible with other nearby land uses. The Development Officer commented that they had no concerns regarding the height, bulk, or lot coverage.
<i>(c) the development is considered compatible with the residential character of the area with respect to traffic generation and population density;</i>	The Municipal Traffic Authority commented that they had no concerns regarding the compatibility of the

	proposed development with respect to traffic generation.
<i>(d) consideration is given to the provision of fences and/or landscaping as part of the residential development to minimize effects on adjacent land uses;</i>	Provisions for landscaping have been included within the draft development agreement.
<i>(e) adequate on-site parking is provided and parking areas are well designed;</i>	The Development Officer commented that the parking provided is considered adequate.
<i>(f) there is adequate on-site recreational open space suitable in extent and design to the nature of the development; for conversion of existing buildings, nearby public parks may be deemed sufficient;</i>	The amount of recreational space provided in the proposal exceeds the amount of recreational space required by the Windsor Land Use By-law. The Development Officer commented that they had no concern regarding the adequacy of on-site recreational space.
<i>(g) the development abuts an arterial or collector street as shown on the Transportation Map (Map 2), if the development consists of 12 or more units;</i>	The development does not directly abut an arterial or collector street, however it is located close to both Payzant Drive, an existing collector street and a proposed collector street as seen on the Future Streets Conceptual Plan. In addition, the Municipal Traffic Authority had no concerns regarding traffic generation from this proposal.
<i>(h) the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual if the proposed development is located in an Architectural Control District;</i>	N/A
<i>(i) in the case of the conversion of an existing structure, renovations can be made to ensure the safety of residents in case of fire;</i>	N/A
<i>(j) any other matter which may be addressed in a development agreement; and</i>	All relevant matters have been addressed in this report.
<i>(k) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.</i>	See Policy 16.3.1 below.
Policy 5.5.1 In any residential zone, Council may consider permitting dwellings in excess of three storeys by development agreement, subject to the following conditions:	

<i>(a) the side yards are at least one-half the height of the building;</i>	The proposed building is 36 ft in height and has side yards of 18 ft.
<i>(b) the building will in no instance exceed 80 ft (24.38 m) in height;</i>	The proposed building is 36 ft in height.
<i>(c) the building design, height and scale is compatible with the surrounding area;</i>	The proposed building has 4 storeys, however, it will only be 36 ft in height, which is only slightly taller than the 35 ft of height which is usually permitted as-of-right. The Development Officer commented that they had no concerns regarding the height or scale of the development.
<i>(d) any other matter which may be addressed in a development agreement; and</i>	All relevant matters have been addressed in this report.
<i>(e) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.</i>	See Policy 16.3.1 below.

Policy 16.3.1

In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

(a) whether the proposal is considered premature or inappropriate in terms of:

<i>(i) the adequacy of sewer and water services;</i>	The Municipal Project Engineer commented that they had no concerns regarding the adequacy of water and sewer services.
<i>(ii) the adequacy of school facilities;</i>	Comments from the School Board have not yet been received as of the writing of this report. However, staff do not anticipate any concerns with regard to the adequacy of school facilities.
<i>(iii) the adequacy of fire protection;</i>	The Manager of Building and Fire Inspection Services commented that they had no concerns regarding the adequacy of fire protection. The Windsor Fire Chief commented that they would like to see access to the back of the building. Staff have included fire safety provisions in the development agreement to address this concern.

<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Municipal Traffic Authority commented that they had no concerns regarding the adequacy of road networks adjacent to or leading to the development.
<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Municipal Traffic Authority commented that they had no concerns regarding the suitability of any aspect of movement.
<i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that they had no concerns regarding the adequacy of the dimensions or shape of the lot.
<i>(d) the pattern of development which the proposal might create;</i>	The proposed development is a multiple unit residential building to be built in the High Density Residential (R-4) zone. The Development Officer commented that they had no concerns regarding the pattern of development.
<i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i>	Staff noted no issues at the time of the site visit.
<i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(g) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B - Draft Development Agreement



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2023.

BETWEEN:

WEST HANTS REGIONAL MUNICIPALITY, a body corporate pursuant to the *Municipal Government Act*, having its chief place of business at 76 Morison Drive, Wentworth Creek, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Municipality”)

OF THE FIRST PART

- and -

3329179 Nova Scotia Limited, a body corporate with a head office at 6 Main Avenue, Halifax, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Owner”)

OF THE SECOND PART

WHEREAS the Owner is the registered owner of the parcel of land located on Burgess Crescent (PID 45338688) hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Residential on the Generalized Future Land Use Map of the Windsor Municipal Planning Strategy (September 21, 2005) (the “Municipal Planning Strategy”)

and zoned High Density Residential (R-4) on the Zoning Map of the Windsor Land Use By-law (September 21, 2005) (the “Land Use By-law”); and

WHEREAS the Owner has requested that the Municipality enter into a development agreement to permit a 28-unit residential dwelling on the Property (the “Development”) and Section 6.1 (b) of the Land Use By-law enables Council to consider a development agreement for multiple unit residential development consisting of three or more units in a Residential designation; and

WHEREAS the Council of the Municipality, at a meeting held on **Month Day, 2023**, approved this request;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

PART 1 AGREEMENT CONTEXT

1.1 Definitions

In this Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the Land Use By-law, except those defined as follows:

- (a) “Multiple Unit Residential Building” means a building or part thereof, other than a converted dwelling, consisting of three or more dwelling units, which have a common entrance from the street level.

1.2 Schedules

The following attached schedules shall form part of this agreement:

Schedule A - Legal Description

Schedule B - Site Layout

1.3 Municipal Planning Strategy, Land Use By-law and Subdivision By-law

- (a) *Municipal Planning Strategy* means the Windsor Municipal Planning Strategy, effective on September 21, 2005, as amended, or successor By-laws;
- (b) *Land Use By-law* means the Windsor Land Use By-law, effective on September 21, 2005, as amended, or successor By-laws;
- (c) *Subdivision By-law* means the Windsor Subdivision By-law, effective on March 21, 2012, as amended, or successor By-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

The Parties agree that uses on the Property shall be limited to the following:

- (a) those uses permitted by the underlying zoning in the Land Use By-law;
- (b) residential development in one building, consisting of 20 apartment dwelling units and 8 townhouse dwelling units; and
- (c) underground parking and surface parking for use of the main building.

Except as otherwise provided in this Agreement, the provisions of the Land Use By-law and the Subdivision By-law apply to any development undertaken pursuant to this agreement.

2.2 Development Location and Design

- (a) The development location and design shall be generally consistent with the site plan shown in Schedule B.
- (b) The Development Officer may approve minor changes to the location of the main building or other aspects of the site plan provided the side yards are not decreased.

2.3 Site Requirements

- (a) The multiple unit residential building shall conform to the following site requirements:

Minimum front yard	35 ft (10.67 m)
Minimum rear yard	35 ft (10.67 m)
Minimum side yard	18 ft (5.49 m)
Maximum storeys of main building	4 storeys
Maximum height of main building	36 ft (10.97 m)
Maximum height of accessory building	15 ft (4.57 m)
- (b) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, Accessory Buildings and Structures.

2.4 Access and Egress

- (a) The vehicular entrance and exit for the Property shall be in general conformance with the entrance and exit shown on Schedule B.
- (b) The vehicular entrance and exit shall be clearly demarcated and paved.

2.5 Parking

- (a) The Owner shall provide a minimum of one and one-half (1.5) parking spaces per dwelling unit on the Property and parking spaces shall be generally located as shown on Schedule B.
- (b) Parking may be provided either under the buildings or outside at grade.
- (c) Each parking space shall be a minimum of 9 by 20 feet (2.7 m by 6.1 m) exclusive of driveways and manoeuvring aisles.
- (d) Parking aisles shall be a minimum of 20 feet (6.1 m) wide.
- (e) Parking spaces and aisles shall be constructed of concrete, asphalt, brick or other hard surface paver.
- (f) The number, location and arrangement of parking spaces, aisles and driveways may be varied by the Development Officer.

2.6 Recreational Space

A minimum of 6960 sq ft of private recreational space shall be provided on the Property and may include:

- (a) individual balconies; and
- (b) common use landscaped areas in accordance with the Site Plan attached as Schedule B.

2.7 Signs and Lighting

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

2.8 Maintenance

The Owner shall keep the Property and building and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.

2.9 Landscaping

The Owner shall:

- (a) keep all undeveloped areas of the Property landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.

- (b) provide a landscaped area at least 10 ft. (3.05 m.) deep that runs the length of and directly abuts the front lot line along Burgess Crescent, excluding driveway openings and walkways.
- (c) the landscaped area required in Section 2.9 (b) shall be grassed, or other appropriate vegetative ground cover used. New trees shall have a minimum diameter of 2 in. (5.08 cm.) measured at 4.5 ft. above the surrounding grade and a minimum height of 5 ft. (1.52 m.). Where possible, existing trees may be retained and included in the calculation of plantings required.

2.10 Servicing

(a) Waste Collection

- (i) The Owner shall make provisions for private waste collection of any excess waste as determined by the Windsor Solid Waste By-law for the Property.
- (ii) The Owner shall keep any outdoor storage of garbage in an enclosed structure or in some way adequately screened so as not to be visible from nearby properties and abutting roads and it shall not be located closer than 10 ft (3.05 m) to an abutting property.

(b) Water and Sewer Services

The development must connect to Municipal water and sewer service. Detailed design plans of the water and sewer servicing connections and layout shall be in accordance with the Municipal Services Specifications Manual and shall be submitted to the Municipal Engineer for approval prior to construction.

2.12 Fire Safety

- (a) No development permit shall be issued until the location and connection design of any fire hydrant(s) to the municipal water supply have been approved by the water utility, in consultation with the district Fire Chief.
- (b) All curbs shall be designed to be mountable by emergency services vehicles.
- (c) All access routes shall be kept clear of overhead obstructions and wires and be maintained by the Owner to allow unimpeded access to the property by emergency services vehicles, unless otherwise agreed to by the Fire Chief.
- (d) The proposed driveway may be altered to meet fire safety access requirements as determined by the Fire Chief and the Manager of Building and Fire Inspection Services.

PART 3 CHANGES and DISCHARGE

- 3.1** The Owner shall not vary or change the use of the Property from that provided for in Section 2.1 of this Agreement, *Use*, unless a new agreement is entered into with the Municipality or this agreement is amended.
- 3.2** Any matters in this agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing provided that Council determines that the changes do not significantly alter the intended effect of these aspects of this agreement.
- 3.3** The following matters are substantive matters:
- (a) the uses permitted on the Property as listed in Section 2.1 *Use*;
 - (b) the fire safety requirements listed in Section 2.12, *Fire Safety*; and
 - (c) the landscaping requirements in Section 2.9, *Landscaping*.
- 3.4** Notwithstanding the foregoing, discharge of this agreement is not a substantive matter and this agreement may be discharged by Council without a public hearing.
- 3.5** Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owner following a resolution of Council to give such Notice:
- (a) as provided for in Section 4.1, *Commencement of Development*, of this Agreement; or
 - (b) at the discretion of the Municipality, with or without the concurrence of the Owner, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or
 - (c) at any time upon the written request of the Owner, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.
- 3.6** Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

- (a) The Owner may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required.
- (b) Development as provided in Part 2 of this Agreement shall commence not later than twenty four (24) months from the date this Agreement is signed. If, in the

opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act, 30 days after giving Notice of Intent to Discharge to the Owner. Upon the written request of the Owner, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be an amendment to this Agreement.

- (c) If the Owner is bona fide delayed from commencing the development for reasons which are beyond the Owners' control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Owner is excused for the period of the delay and the time period for the Owner to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

4.2 Material to be Provided

- (a) The Owner shall provide record drawings to the Development Officer for any portion of the development for which an engineered design is required, within ten days of completion of any work which requires the engineered design.
- (b) The Owner shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with Other Bylaws and Regulations

- (a) Nothing in this Agreement shall exempt the Owner from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.
- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

5.2 Severability of Provisions

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

5.3 Interpretation

- (a) Where the context requires, the singular shall include the plural and the neutral gender shall include the masculine and feminine.
- (b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.
- (c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

5.4 Municipal Responsibility

- (a) The Municipality does not make any representations to the Owner about the suitability of the Property for the development proposed by this agreement. The Owner assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the Development.
- (b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement, the Municipality may notify the Owner in writing. In the event that the Owner has not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of the Development Agreement.

5.6 Costs

The Owner shall pay all costs associated with registering this Agreement and all costs associated with any amendment thereof.

5.7 Development Agreement Bound to Land

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the *Municipal Government Act*.

5.8 Assignment of Agreement

The Owner may, at any time and from time to time, transfer or assign this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this Agreement.

5.9 Written Notice

- (a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to 3329179 NOVA SCOTIA LIMITED, 6 MAIN AVENUE, HALIFAX, NOVA SCOTIA, B3M 1A1, or at any other address provided by the Owner in writing.
- (b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided by the Municipality to the Owner in writing.

5.10 Full Agreement

This agreement constitutes the entire agreement and contract entered into by the Municipality and the Owners. No other agreement or representation, oral or written, shall be binding.

IN WITNESS WHEREOF this Agreement was properly executed by the respective parties hereto on the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of:

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

_____	)	Per: _____
Witness	)	Abraham Zebian, Mayor
	)	
	)	
_____	)	Per: _____
Witness	)	Deanna Snair, Municipal Clerk
	)	
	)	
	)	3329179 NOVA SCOTIA LIMITED
	)	
	)	
_____	)	Per: _____
Witness	)	Floran Lambie

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **THE WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in presence.

A Commissioner of the Supreme Court of Nova Scotia

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **THE WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in presence.

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **Floran Lambie**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

I, Deanna Snair of _____, Hants County, Nova Scotia make oath and swear that:

1. I am the Clerk of the West Hants Regional Municipality (the "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. The Municipality is a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1988, c.18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.
4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

I certify that on this _____, 2023
the Municipal Clerk, Deanna Snair came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA
Print name/affix seal

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Floran Lambie, Nova Scotia, make oath and say that:

1. I Floran Lambie 3329179 NOVA SCOTIA LIMITED, the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.
3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
4. The Corporation is a resident of Canada under the Income Tax Act (Canada).
5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this _____, 2023
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Floran Lambie, President

Schedule A
Legal Description – PID 45338688

Registration County: HANTS COUNTY

Street/Place Name: BURGESS CRESCENT /WINDSOR

Title of Plan: PLAN OF SURVEY OF LOT 74 - 76 CONSOLIDATION OF LOTS 74 75 & 76 LANDS
CONVEYED TO 3329179 NOVA SCOTIA LTD BURGESS CRES WINDSOR

Designation of Parcel on Plan: LOT 74-76

Registration Number of Plan: 121776729

Registration Date of Plan: 2022-12-13 10:23:45

*** Municipal Government Act, Part IX Compliance ***

Compliance:

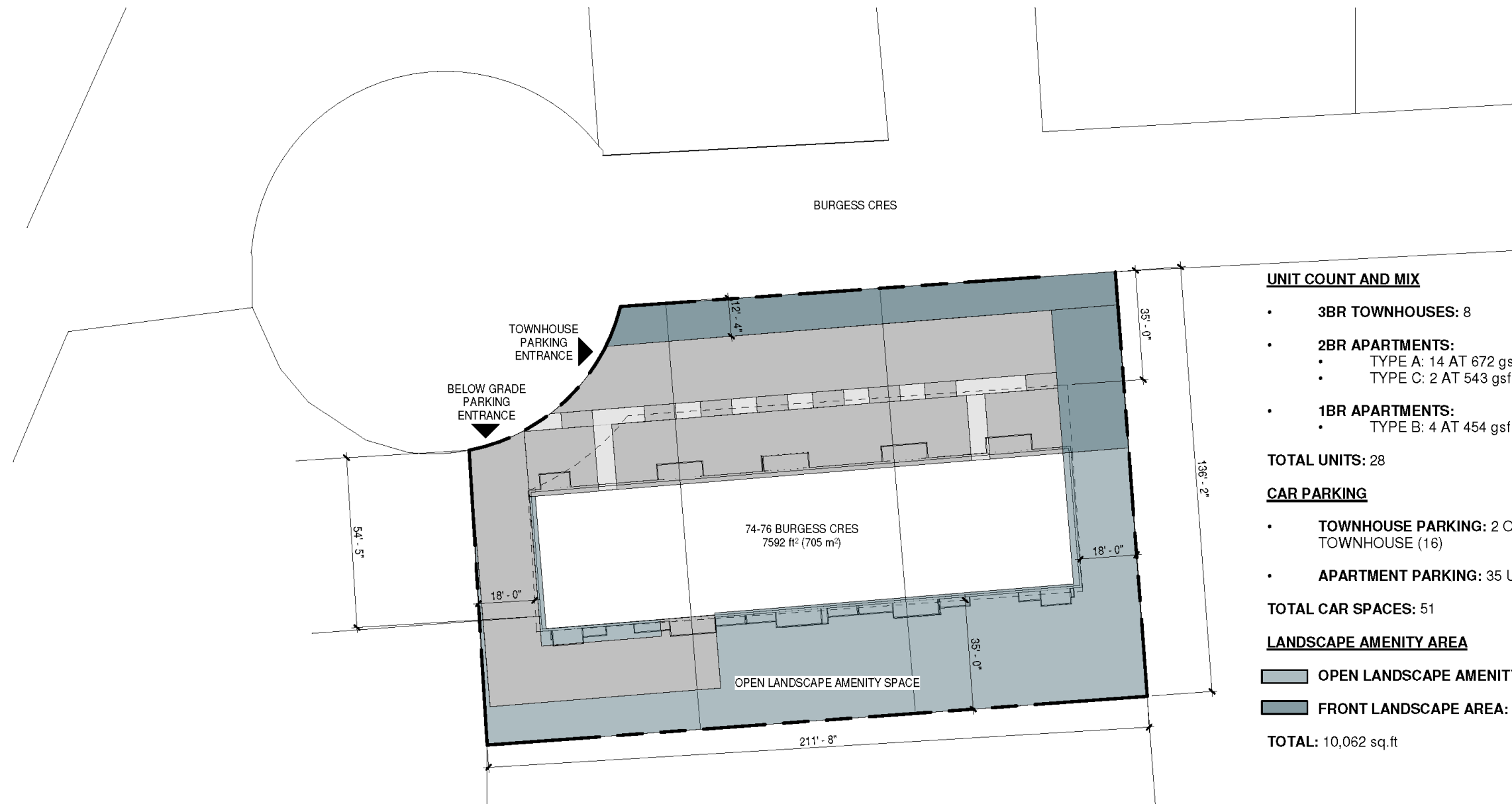
The parcel is created by a subdivision (details below) that has been filed under the Registry Act
or registered under the Land Registration Act

Registration District: HANTS COUNTY

Registration Year: 2022

Plan or Document Number: 121776729

Schedule B
Site Plan



UNIT COUNT AND MIX

- **3BR TOWNHOUSES:** 8
- **2BR APARTMENTS:**
 - TYPE A: 14 AT 672 gsf
 - TYPE C: 2 AT 543 gsf
- **1BR APARTMENTS:**
 - TYPE B: 4 AT 454 gsf

TOTAL UNITS: 28

CAR PARKING

- **TOWNHOUSE PARKING:** 2 ON-GRADE SPACES PER TOWNHOUSE (16)
- **APARTMENT PARKING:** 35 UNDERGROUND SPACES

TOTAL CAR SPACES: 51

LANDSCAPE AMENITY AREA

OPEN LANDSCAPE AMENITY AREA: 7238 sq.ft

FRONT LANDSCAPE AREA: 2824 sq.ft

TOTAL: 10,062 sq.ft

1 SITE PLAN
1:400



74-76 BURGESS CRES PRELIMINARY SET



16 AUGUST 2022

SITE PLAN
ASK-1

Attachment C – Public Information Meeting Notes

December 8 - December 22, 2022

File # 22-20: Burgess Crescent, Windsor (PIDs 45338696, 45338688, and 45007010)* – Development Agreement

Meeting date and time	A public information meeting was held on December 8, 2022 beginning at 6:29 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-20
Attending	In attendance: One (1) Councillor: • Councillor Jim Ivey One (1) Member of PAC/HAC • Member Nicholls (Chair) Four (4) members of staff: • Director LeMay • Planner Poirier • Planner Dunphy • Meeting Secretary Lake No members of the public were present for this meeting.
Applicant Mark Higgins Property Burgess Crescent, Windsor (PIDs 45338696, 45338688, and 45007010)	Planner Dunphy outlined the application to allow a proposed multiple unit residential building by development agreement. Mark Higgins, the applicant, explained how there was an opportunity to develop housing and they looked for an appropriate density to meet the requirements of the Municipality.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between December 8 – December 22, 2022. Staff received no comments from the public.
Adjournment	The presentation portion of the PIM ended at approximately 6:35 p.m.

*These PIDs have now been consolidated to PID 45338688.

Appendix B – 2023-01-12 Updated Development Agreement



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2023.

BETWEEN:

WEST HANTS REGIONAL MUNICIPALITY, a body corporate pursuant to the *Municipal Government Act*, having its chief place of business at 76 Morison Drive, Wentworth Creek, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Municipality”)

OF THE FIRST PART

- and -

3329179 Nova Scotia Limited, a body corporate with a head office at 800A Windmill Rd Unit #1, Dartmouth, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Owner”)

OF THE SECOND PART

WHEREAS the Owner is the registered owner of the parcel of land located on Burgess Crescent (PID 45338688) hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Residential on the Generalized Future Land Use Map of the Windsor Municipal Planning Strategy (September 21, 2005) (the “Municipal Planning Strategy”)

and zoned High Density Residential (R-4) on the Zoning Map of the Windsor Land Use By-law (September 21, 2005) (the “Land Use By-law”); and

WHEREAS the Owner has requested that the Municipality enter into a development agreement to permit a 28-unit residential dwelling on the Property (the “Development”) and Section 6.1 (b) of the Land Use By-law enables Council to consider a development agreement for multiple unit residential development consisting of three or more units in a Residential designation; and

WHEREAS the Council of the Municipality, at a meeting held on **Month Day, 2023**, approved this request;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

PART 1 AGREEMENT CONTEXT

1.1 Definitions

In this Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the Land Use By-law, except those defined as follows:

- (a) “Multiple Unit Residential Building” means a building or part thereof, other than a converted dwelling, consisting of three or more dwelling units, which have a common entrance from the street level.

1.2 Schedules

The following attached schedules shall form part of this agreement:

Schedule A - Legal Description

Schedule B - Site Layout

1.3 Municipal Planning Strategy, Land Use By-law and Subdivision By-law

- (a) *Municipal Planning Strategy* means the Windsor Municipal Planning Strategy, effective on September 21, 2005, as amended, or successor By-laws;
- (b) *Land Use By-law* means the Windsor Land Use By-law, effective on September 21, 2005, as amended, or successor By-laws;
- (c) *Subdivision By-law* means the Windsor Subdivision By-law, effective on March 21, 2012, as amended, or successor By-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

The Parties agree that uses on the Property shall be limited to the following:

- (a) those uses permitted by the underlying zoning in the Land Use By-law;
- (b) residential development in one building, consisting of 20 apartment dwelling units and 8 townhouse dwelling units; and
- (c) underground parking and surface parking for use of the main building.

Except as otherwise provided in this Agreement, the provisions of the Land Use By-law and the Subdivision By-law apply to any development undertaken pursuant to this agreement.

2.2 Development Location and Design

- (a) The development location and design shall be generally consistent with the site plan shown in Schedule B.
- (b) The Development Officer may approve minor changes to the location of the main building or other aspects of the site plan provided the side yards are not decreased.

2.3 Site Requirements

- (a) The multiple unit residential building shall conform to the following site requirements:

Minimum front yard	35 ft (10.67 m)
Minimum rear yard	35 ft (10.67 m)
Minimum side yard	18 ft (5.49 m)
Maximum storeys of main building	4 storeys
Maximum height of main building	36 ft (10.97 m)
Maximum height of accessory building	15 ft (4.57 m)
- (b) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, Accessory Buildings and Structures.

2.4 Access and Egress

- (a) The vehicular entrance and exit for the Property shall be in general conformance with the entrance and exit shown on Schedule B.
- (b) The vehicular entrance and exit shall be clearly demarcated and paved.

2.5 Parking

- (a) The Owner shall provide a minimum of one and one-half (1.5) parking spaces per dwelling unit on the Property and parking spaces shall be generally located as shown on Schedule B.
- (b) Parking may be provided either under the buildings or outside at grade.
- (c) Each parking space shall be a minimum of 9 by 20 feet (2.7 m by 6.1 m) exclusive of driveways and manoeuvring aisles.
- (d) Parking aisles shall be a minimum of 20 feet (6.1 m) wide.
- (e) Parking spaces and aisles shall be constructed of concrete, asphalt, brick or other hard surface paver.
- (f) The number, location and arrangement of parking spaces, aisles and driveways may be varied by the Development Officer.

2.6 Recreational Space

A minimum of 6960 sq ft of private recreational space shall be provided on the Property and may include:

- (a) individual balconies; and
- (b) common use landscaped areas in accordance with the Site Plan attached as Schedule B.

2.7 Signs and Lighting

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

2.8 Maintenance

The Owner shall keep the Property and building and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.

2.9 Landscaping

The Owner shall:

- (a) keep all undeveloped areas of the Property landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.

- (b) provide a landscaped area at least 10 ft. (3.05 m.) deep that runs the length of and directly abuts the front lot line along Burgess Crescent, excluding driveway openings and walkways.
- (c) the landscaped area required in Section 2.9 (b) shall be grassed, or other appropriate vegetative ground cover used. New trees shall have a minimum diameter of 2 in. (5.08 cm.) measured at 4.5 ft. above the surrounding grade and a minimum height of 5 ft. (1.52 m.). Where possible, existing trees may be retained and included in the calculation of plantings required.

2.10 Servicing

(a) Waste Collection

- (i) The Owner shall make provisions for private waste collection of any excess waste as determined by the Windsor Solid Waste By-law for the Property.
- (ii) The Owner shall keep any outdoor storage of garbage in an enclosed structure or in some way adequately screened so as not to be visible from nearby properties and abutting roads and it shall not be located closer than 10 ft (3.05 m) to an abutting property.

(b) Water and Sewer Services

The development must connect to Municipal water and sewer service. Detailed design plans of the water and sewer servicing connections and layout shall be in accordance with the Municipal Services Specifications Manual and shall be submitted to the Municipal Engineer for approval prior to construction.

2.12 Fire Safety

- (a) No development permit shall be issued until the location and connection design of any fire hydrant(s) to the municipal water supply have been approved by the water utility, in consultation with the district Fire Chief.
- (b) All curbs shall be designed to be mountable by emergency services vehicles.
- (c) All access routes shall be kept clear of overhead obstructions and wires and be maintained by the Owner to allow unimpeded access to the property by emergency services vehicles, unless otherwise agreed to by the Fire Chief.
- (d) The proposed driveway may be altered to meet fire safety access requirements as determined by the Fire Chief and the Manager of Building and Fire Inspection Services.

PART 3 CHANGES and DISCHARGE

- 3.1** The Owner shall not vary or change the use of the Property from that provided for in Section 2.1 of this Agreement, *Use*, unless a new agreement is entered into with the Municipality or this agreement is amended.
- 3.2** Any matters in this agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing provided that Council determines that the changes do not significantly alter the intended effect of these aspects of this agreement.
- 3.3** The following matters are substantive matters:
- (a) the uses permitted on the Property as listed in Section 2.1 *Use*;
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 - (c) the landscaping requirements in Section 2.9, *Landscaping*.
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- (a) as provided for in Section 4.1, *Commencement of Development*, of this Agreement; or
 - (b) at the discretion of the Municipality, with or without the concurrence of the Owner, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or
 - (c) at any time upon the written request of the Owner, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.
- 3.6** Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

- (a) The Owner may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required.
- (b) Development as provided in Part 2 of this Agreement shall commence not later than forty eight (48) months from the date this Agreement is signed. If, in the

opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act, 30 days after giving Notice of Intent to Discharge to the Owner. Upon the written request of the Owner, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be an amendment to this Agreement.

- (c) If the Owner is bona fide delayed from commencing the development for reasons which are beyond the Owners' control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Owner is excused for the period of the delay and the time period for the Owner to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

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- (a) The Owner shall provide record drawings to the Development Officer for any portion of the development for which an engineered design is required, within ten days of completion of any work which requires the engineered design.
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- (c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

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- (a) The Municipality does not make any representations to the Owner about the suitability of the Property for the development proposed by this agreement. The Owner assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the Development.
- (b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

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Upon breach of any term or condition of this Agreement, the Municipality may notify the Owner in writing. In the event that the Owner has not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of the Development Agreement.

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The Owner shall pay all costs associated with registering this Agreement and all costs associated with any amendment thereof.

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This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the *Municipal Government Act*.

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The Owner may, at any time and from time to time, transfer or assign this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this Agreement.

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- (a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to 3329179 NOVA SCOTIA LIMITED, 6 MAIN AVENUE, HALIFAX, NOVA SCOTIA, B3M 1A1, or at any other address provided by the Owner in writing.
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This agreement constitutes the entire agreement and contract entered into by the Municipality and the Owners. No other agreement or representation, oral or written, shall be binding.

IN WITNESS WHEREOF this Agreement was properly executed by the respective parties hereto on the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of:

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

_____	)	Per: _____
Witness	)	Abraham Zebian, Mayor
	)	
	)	
_____	)	Per: _____
Witness	)	Deanna Snair, Municipal Clerk
	)	
	)	
	)	3329179 NOVA SCOTIA LIMITED
	)	
	)	
_____	)	Per: _____
Witness	)	Floran Lambie

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **THE WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in presence.

A Commissioner of the Supreme Court of Nova Scotia

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **THE WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in presence.

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **Floran Lambie**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

I, Deanna Snair of _____, Hants County, Nova Scotia make oath and swear that:

1. I am the Clerk of the West Hants Regional Municipality (the "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. The Municipality is a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1988, c.18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.
4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

I certify that on this _____, 2023
the Municipal Clerk, Deanna Snair came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA
Print name/affix seal

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Floran Lambie, Nova Scotia, make oath and say that:

1. I Floran Lambie 3329179 NOVA SCOTIA LIMITED, the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.
3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
4. The Corporation is a resident of Canada under the Income Tax Act (Canada).
5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this _____, 2023
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Floran Lambie, President

Schedule A
Legal Description – PID 45338688

Registration County: HANTS COUNTY

Street/Place Name: BURGESS CRESCENT /WINDSOR

Title of Plan: PLAN OF SURVEY OF LOT 74 - 76 CONSOLIDATION OF LOTS 74 75 & 76 LANDS
CONVEYED TO 3329179 NOVA SCOTIA LTD BURGESS CRES WINDSOR

Designation of Parcel on Plan: LOT 74-76

Registration Number of Plan: 121776729

Registration Date of Plan: 2022-12-13 10:23:45

*** Municipal Government Act, Part IX Compliance ***

Compliance:

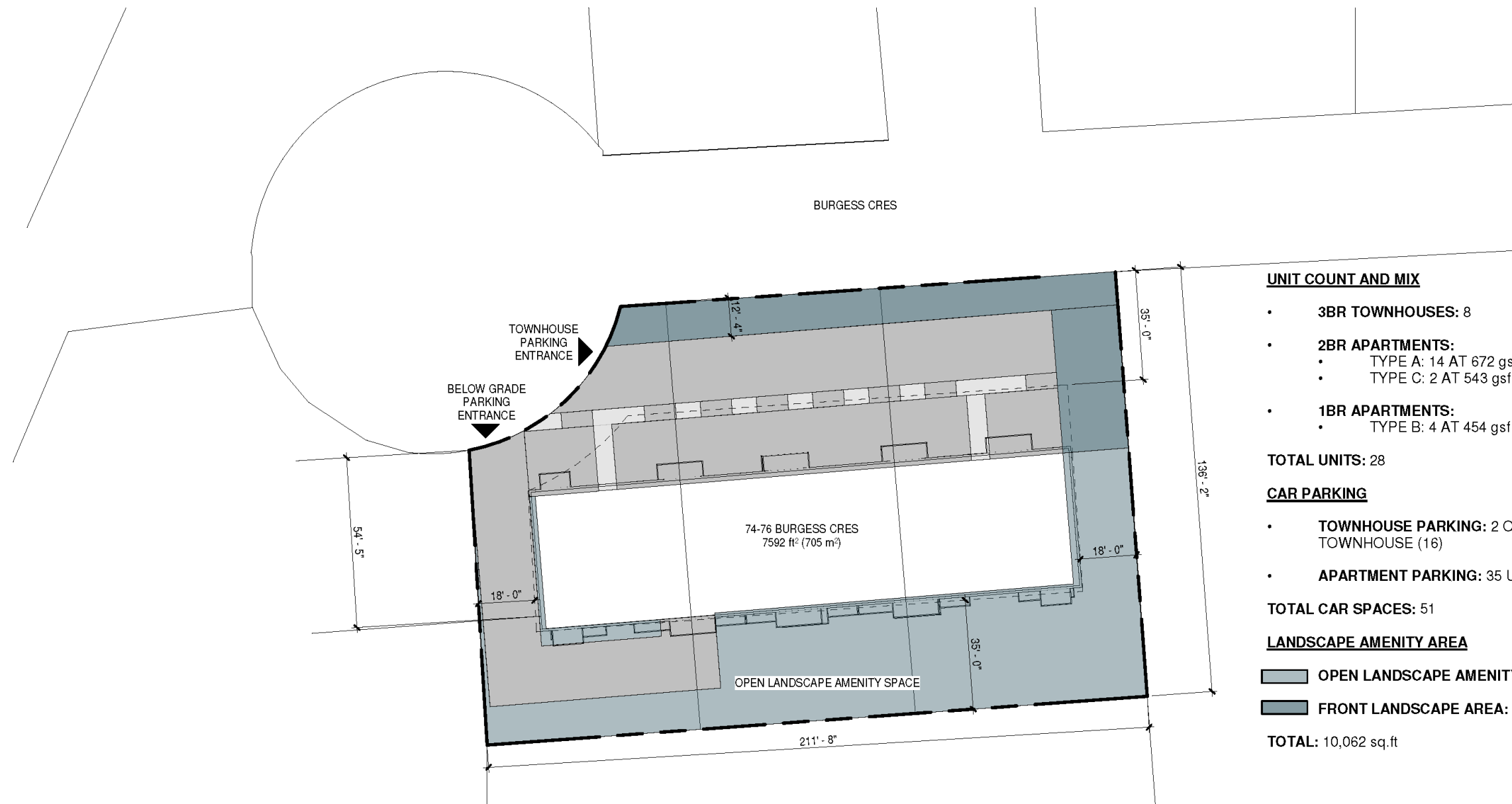
The parcel is created by a subdivision (details below) that has been filed under the Registry Act
or registered under the Land Registration Act

Registration District: HANTS COUNTY

Registration Year: 2022

Plan or Document Number: 121776729

Schedule B
Site Plan



UNIT COUNT AND MIX

- **3BR TOWNHOUSES:** 8
- **2BR APARTMENTS:**
 - TYPE A: 14 AT 672 gsf
 - TYPE C: 2 AT 543 gsf
- **1BR APARTMENTS:**
 - TYPE B: 4 AT 454 gsf

TOTAL UNITS: 28

CAR PARKING

- **TOWNHOUSE PARKING:** 2 ON-GRADE SPACES PER TOWNHOUSE (16)
- **APARTMENT PARKING:** 35 UNDERGROUND SPACES

TOTAL CAR SPACES: 51

LANDSCAPE AMENITY AREA

OPEN LANDSCAPE AMENITY AREA: 7238 sq.ft

FRONT LANDSCAPE AREA: 2824 sq.ft

TOTAL: 10,062 sq.ft

1 SITE PLAN
1:400



74-76 BURGESS CRES PRELIMINARY SET



16 AUGUST 2022

SITE PLAN
ASK-1



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: February 28th, 2023

Subject: File # 22-22B: Highway 215, Cheverie (PID 45178944) – Development Agreement

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

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

...that Council gives Second Reading and approves entering into a development agreement to allow a campground at Highway 215, Cheverie (PID 45178944) which is substantively the same as the draft set out in Attachment B of the report File #22-22 to the Planning and Heritage Advisory Committee dated December 8, 2022.

...that Council requires that the development agreement with Kristen, Jeffery, and Cody Ross for Highway 215, Cheverie (PID 45178944) be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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The completed application was submitted by Kristen, Jeffery, and Cody Ross on September 6th, 2022 to consider a campground by development agreement on Highway 215, Cheverie (PID 45178944).

DISCUSSION

A Public Information Meeting was originally scheduled for October 13th, 2022. However due to an error in the addressing and comment period deadline, the public information meeting was postponed in order to re-advertise.

A Public Information Meeting was then held on November 10th, 2022. One (1) member of the public spoke stating that there would be no conflict between the proposed campground and an existing campground.

The public comment period ended on November 25th with staff receiving one (1) phone call and eight (8) emails. The comments from the public included concerns with the original advertising of the Public Information Meeting, lot access, support for local business, and additional questions regarding the application.

On December 8th, 2022, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A).

During the December 8th meeting, PAC/HAC recommended in favour of the proposed campground.

On January 24th, 2023, staff presented the PAC/HAC recommendation to Council for First Reading.

During the January 24th meeting, Council recommended in favour of the application.

NEXT STEPS

The proposed amendment has been considered based on the West Hants Municipal Planning Strategy and has proven consistent with the intent, objectives, and policies of the Planning Strategy. As a result, it is reasonable to consider entering into a development agreement to permit a campground on Highway 215, Cheverie (PID 45178944).

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

- hold Second Reading and approve the agreement as drafted or as specifically revised by direction of Council; or

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

APPENDICIES

Appendix A 2022-12-08 Staff Report – File # 22-22 Highway 215, Cheverie (PID 45178944) – Development Agreement

CHIEF ADMINISTRATIVE OFFICER REVIEW

The report and recommendation are in alignment with past discussions by Council.

Report Prepared by: _____

Alex Dunphy, Planner

Report Reviewed by: _____

Sara Poirier, Director of Planning and Development

Report Approved by:  _____

Kathy Kehoe, Acting Chief Administrative Officer

Appendix A – File # 22-22 Highway 215, Cheverie (PID 45178944) – Development Agreement



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: December 8th, 2022

Subject: File # 22-22: Highway 215, Cheverie (PID 45178944) – Development Agreement

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a campground at Highway 215, Cheverie (PID 45178944) which is substantively the same as the draft set out in Attachment B of the report File #22-22 to the Planning and Heritage Advisory Committee dated December 8, 2022.

...that PAC/HAC recommends that Council require that the development agreement with Kristen, Jeffery, and Cody Ross for Highway 215, Cheverie (PID 45178944) be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

The completed application was submitted by Kristen, Jeffery, and Cody Ross on September 6th, 2022 to consider a campground by development agreement on Highway 215, Cheverie (PID 45178944).

Surrounding Context

All properties surrounding the subject lot are designated Resource and zoned General Resource (GR), with the exception of a small lot zoned Open Space (OS). Lands surrounding the subject lot are primarily low density residential uses with natural forest cover.

DISCUSSION

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

Municipal Planning Strategy Document Review

Policy 9.1.7 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider Recreation Commercial (RecC) uses in the General Resource (GR) zone by development agreement. The Policy also includes criteria which must be met by the proposed development. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- there are no existing resource uses near the subject lot; and
- the proposed development is a suitable size for the rural nature of the area.

Policy 13.3.2 provides the specific criteria which must be met in order to permit the consideration of a development agreement for the proposed Recreation Commercial (RecC) use. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the proposed campground is intended to be open to the public and privately owned;
- provisions have been made in the draft development agreement to include yard requirements, buffering, lighting, maintenance, and operator presence; and
- the Development Officer and Area Manager of the Nova Scotia Department of Public Works have no concerns which have not been addressed in this report.

Policy 16.3.1 establishes the general criteria that all amendments to the Windsor Land Use By-law must meet. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

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

NEXT STEPS

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

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Attachment A	Policy Summary for Development Agreement
Attachment B	Draft Development Agreement
Attachment C	Public Information Meeting Notes

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

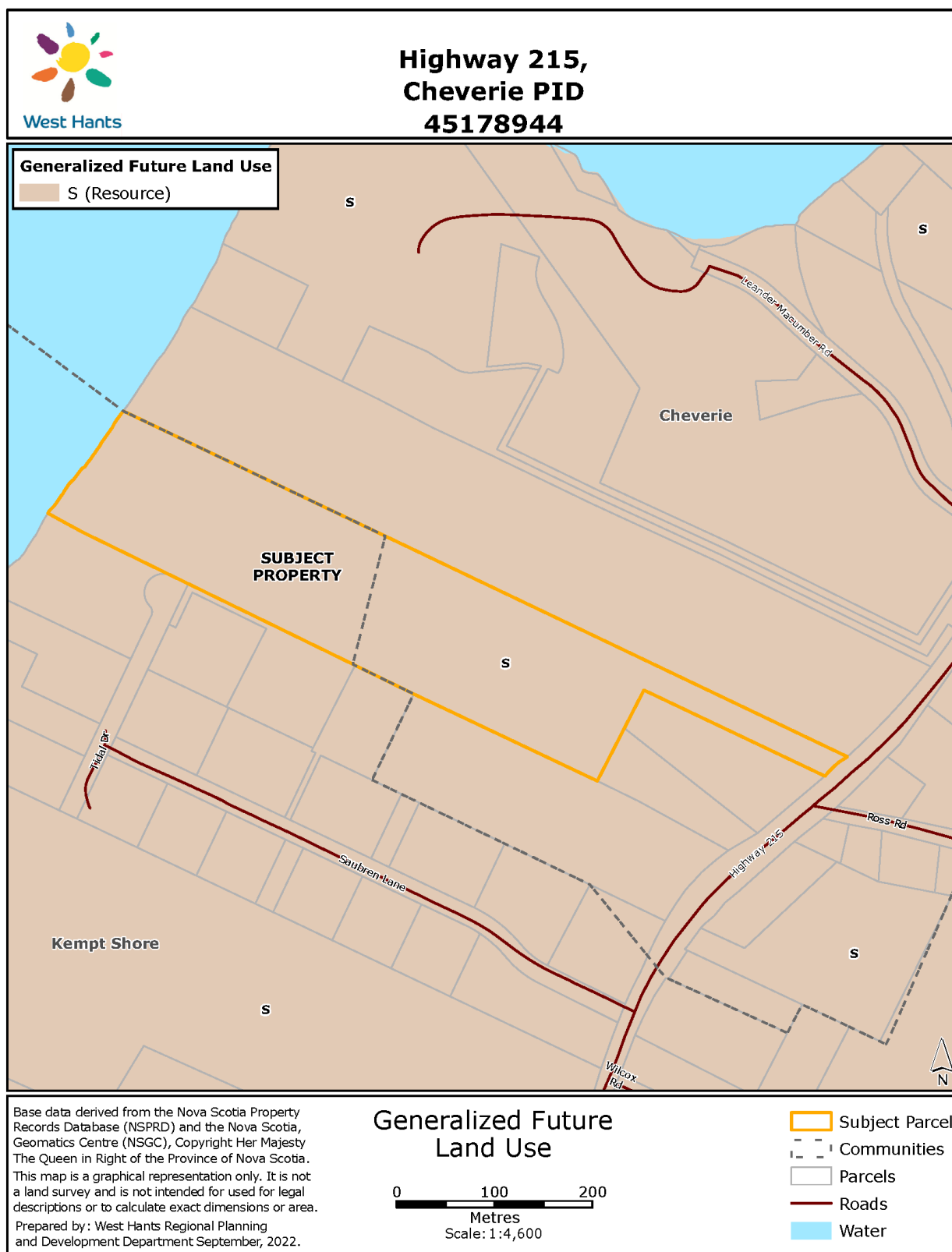
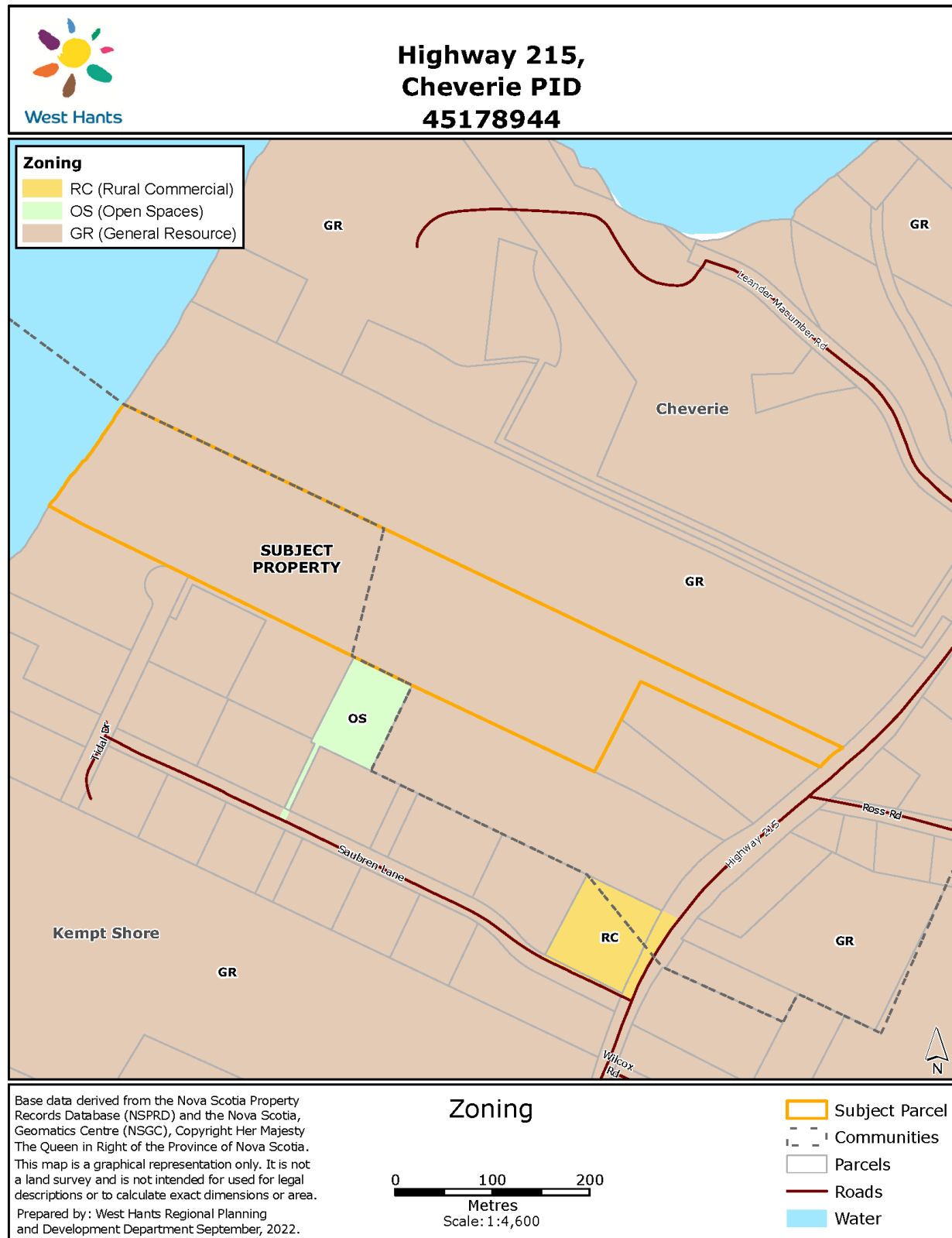


Figure 2 – West Hants Zoning Map Extract



Attachment A – Policy Summary for Development Agreement

Policy 9.1.7 <i>It shall be the policy of Council that new Recreation Commercial uses may be considered in the General Resource (GR) zone by development agreement subject to Policies 13.3.2 and 13.3.3, provided:</i>	
<i>(a) the use will not adversely affect existing resource uses in the area; and</i>	There are no existing resource uses near the subject lot.
<i>(b) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet.</i>	The proposed development is a suitable size for the rural nature of the area. The proposed campground is suitable for the rural context and is of a relatively low density design.
Policy 13.3.2 <i>It shall be the policy of Council to consider the establishment of new Recreation Commercial uses by development agreement in any designation except the Village Core subject to the following criteria:</i>	
<i>(a) the proposed use is a campground, golf course, driving range or other commercial entertainment or recreation facility which is open to the public and privately owned;</i>	The proposed campground is intended to be open to the public and privately owned.
<i>(b) the use shall not include race tracks, motocross courses or other establishments which require the continued or frequent use of motor vehicles;</i>	N/A
<i>(c) the lot dimensions and any structures are adequate for the use at proposed capacity;</i>	The Development Officer commented that they had no concerns regarding the adequacy of dimensions and shape of the lot for the proposed campground.
<i>(d) safe and efficient roadway access is provided;</i>	The Area Manager of the Nova Scotia Department of Public Works Confirmed that the subject lot is able to meet commercial access requirements.
<i>(e) adequate on-site parking is provided;</i>	The Development Officer commented that the proposed use has adequate space for on-site parking.
<i>(f) if the proposed development is located in a Growth Centre, the property has adequate frontage on an arterial or collector road;</i>	N/A
<i>(g) neighbouring uses will not be adversely affected as a result of traffic generation, visual intrusion, hours of operation, noise, lighting, littering, dust or other impacts;</i>	To reduce the potential for conflict between the proposed use and neighbouring uses, staff have included provisions in the development for: yard

	requirements, buffering, lighting, maintenance, and operator presence.
<i>(h) adequate landscaping, fencing or buffering, and separation distances will be provided;</i>	Staff have recommended a major buffer of 20 ft be provided in the required yard setback of the proposed campground.
<i>(i) any other matter which may be addressed by development agreement; and</i>	All other matters are considered addressed.
<i>(j) Policy 16.3.1.</i>	See below.

Policy 16.3.1 <i>In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i>	
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Public Works Department confirmed that there are no municipal services on the subject lot. Any on-site services must meet the requirements of the Nova Scotia Department of Environment and Climate Change.
<i>(ii) the adequacy of school facilities;</i>	N/A
<i>(iii) the adequacy of fire protection and other emergency services;</i>	The local Fire Chief has stated that there is adequate fire protection for the proposed use. The Manager of Building and Fire Inspection Services had no issues with fire protection.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Area Manager from the Nova Scotia Department of Public Works had no concerns regarding the road networks adjacent or leading to the development.
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i>	Any on-site services must meet the requirements of the Nova Scotia Department of Environment and Climate Change.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Area Manager from the Nova Scotia Department of Public Works commented

	that the existing field access will require upgrades including a dimensioned intersection design and turning templates. This work will be required as part of the development process.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that they had no concerns regarding the adequacy of dimensions and shape of the subject lot.
<i>(e) the pattern of development which the proposal might create;</i>	The Development Officer commented that they had no concerns regarding the pattern of the proposed development. The proposed development is not intended to be an intensive use as the developer has proposed a relatively low density design.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i>	Staff noted no issues at the time of the site visit.
<i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B - Draft Development Agreement



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2023.

BETWEEN:

WEST HANTS REGIONAL MUNICIPALITY, a body corporate pursuant to the *Municipal Government Act*, having its chief place of business at 76 Morison Drive, Wentworth Creek, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Municipality”)

OF THE FIRST PART

- and -

Kristen Ross, Jeffery Ross, and Cody Ross, of PID 45178944, Highway 215, Cheverie, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Owners”)

OF THE SECOND PART

WHEREAS the Owners are the registered owners of a parcel of land located at Highway 215 (PID 45178944) hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

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

zoned General Resource (GR) on the Zoning Map of the West Hants Land Use By-law (June 26, 2008) (the “Land Use By-law”); and

WHEREAS the Owners have requested that the Municipality enter into a development agreement to permit a Campground on the Property (the “Development”) and Section 6.1 (y) of the Land Use By-law enables Council to consider a development agreement for a campground as it is a listed permitted use in the Recreation Commercial (RecC) zone; and

WHEREAS the Council of the Municipality, at a meeting held on Month Day, 2023, approved this request;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

PART 1 AGREEMENT CONTEXT

1.1 Definitions

In this Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the Land Use By-law, except those defined as follows:

- (a) “Campground” means an area used for a range of short term accommodations, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices and washroom facilities, but not including the use of mobile homes or trailers on a permanent year-round basis.

1.2 Schedules

The following attached schedules shall form part of this agreement:

Schedule A - Legal Description

Schedule B - Site Layout

1.3 Municipal Planning Strategy, Land Use By-law and Subdivision By-law

- (a) *Municipal Planning Strategy* means the West Hants Municipal Planning Strategy, effective on June 26, 2008, as amended, or successor By-laws;
- (b) *Land Use By-law* means the West Hants Land Use By-law, effective on June 26, 2008, as amended, or successor By-laws;
- (c) *Subdivision By-law* means the West Hants Subdivision By-law, effective on June 26, 2008, as amended, or successor By-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

The Parties agree that uses on the Property shall be limited to the following:

- (a) those uses permitted by the underlying zoning in the Land Use By-law;
- (b) a Campground; and
- (c) uses and structures accessory to the uses specified in clause 2.1 (a) and (b), including, but not limited to, storage sheds.

Except as otherwise provided in this Agreement, the provisions of the Land Use By-law and the Subdivision By-law apply to any development undertaken pursuant to this agreement.

2.2 Development Location and Design

The Campground shall be located completely within PID 45178944, Highway 215, Cheverie. A maximum of 15 unserviced campsites, 10 serviced campsites, 15 tenting campsites, washroom facility and two accessory buildings shall be located as shown on the Site Layout, Schedule B. The Campground shall meet the following yard requirements:

Minimum front yard	30 ft (9.14 m)
Minimum rear yard	30 ft (9.14 m)
Minimum side yard	30 ft (9.14 m)
Maximum height of main building	35 ft (10.67 m)

2.3 Buffering

A 20 ft. wide buffer strip shall be located along all lot lines which abut other properties, except the lot line with street frontage on Highway 215, and shall contain:

- (a) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of at least 2 in. measured at 4.5 ft. above the surrounding grade and a minimum height of five (5) ft.; or
- (b) a hedge of a variety of coniferous shrubs each of which will reach over six (6) ft. in height at maturity; or
- (c) a berm which is a minimum of six (6) ft. in height to buffer the abutting property; or
- (d) a wall or an opaque fence which is a minimum of five (5) ft. in height and of sufficient height to provide a visual buffer to the abutting property; or

any combination of the above, all arranged to form a dense or opaque screen, and maintained for as long as the buffer is required.

2.4 Access and Egress

The main access/egress to the lot shall be directly from Highway 215. The vehicular entrance and exit shall be clearly demarcated and maintained to a level adequate to the standard set by the Nova Scotia Department of Public Works.

2.5 Parking

A minimum of one (1) parking space shall be provided for each campsite.. Parking shall be located at each campsite or at such other location as may be approved in writing by the Development Officer without such new location being deemed an amendment of this agreement.

2.6 Storage

Open storage shall be screened from adjacent residential properties by a continuous row of trees, a hedge, a fence, or a combination of the foregoing arranged to form a dense or opaque screen. Accessory buildings for the Campground shall be permitted in accordance with Section 5.1 of the Land Use By-law.

2.7 Signs and Lighting

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

2.8 Water and Sewer Services

The property is not serviced by municipal water and sewer. The Owners shall be responsible for ensuring adequate water and sewer services are available for the uses permitted.

2.9 Operator Presence

The Owners, or a representative of the Owners shall be present on-site while the Campground is in use.

2.10 Maintenance

- (a) The Owners shall keep the Property and buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.

- (b) The Owners shall maintain the driveway to a level adequate to allow for access by emergency service vehicles.

PART 3 CHANGES and DISCHARGE

- 3.1** The Owners shall not vary or change the use of the Property from that provided for in Section 2.1 of this Agreement, *Use*, unless a new agreement is entered into with the Municipality or this agreement is amended.
- 3.2** Any matters in this agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing provided that Council determines that the changes do not significantly alter the intended effect of these aspects of this agreement.
- 3.3** The following matters are substantive matters:
 - (a) the uses permitted on the Property as listed in Section 2.1 *Use* of this Agreement; and
 - (b) the location of the washroom and accessory buildings on Schedule B of this agreement.
- 3.4** Notwithstanding the foregoing, discharge of this agreement is not a substantive matter and this agreement may be discharged by Council without a public hearing.
- 3.5** Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owners following a resolution of Council to give such Notice:
 - (a) as provided for in Section 4.1, *Commencement of Development*, of this Agreement; or
 - (b) at the discretion of the Municipality, with or without the concurrence of the Owners, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or
 - (c) at any time upon the written request of the Owners, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.
- 3.6** Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

- (a) The Owners may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required.
- (b) Development as provided in Part 2 of this Agreement shall commence not later than twenty four (24) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act, 30 days after giving Notice of Intent to Discharge to the Owners. Upon the written request of the Owners, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be an amendment to this Agreement.
- (c) If the Owners are bona fide delayed from commencing the development for reasons which are beyond the Owners' control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Owners is excused for the period of the delay and the time period for the Owners to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

4.2 Material to be Provided

- (a) The Owners shall provide record drawings to the Development Officer for any portion of the development for which an engineered design is required, within ten days of completion of any work which requires the engineered design.
- (b) The Owners shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with Other Bylaws and Regulations

- (a) Nothing in this Agreement shall exempt the Owners from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.
- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-law to the

extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

5.2 Severability of Provisions

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

5.3 Interpretation

- (a) Where the context requires, the singular shall include the plural and the neutral gender shall include the masculine and feminine.
- (b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

5.4 Municipal Responsibility

- (a) The Municipality does not make any representations to the Owners about the suitability of the Property for the development proposed by this agreement. The Owners assume all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the Development.
- (b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement, the Municipality may notify the Owners in writing. In the event that the Owners have not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the

land or from the performance of the terms, are a first lien on the land that is the subject of the Development Agreement.

5.6 Costs

The Owners shall pay all costs associated with registering this Agreement and all costs associated with any amendment thereof.

5.7 Development Agreement Bound to Land

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the *Municipal Government Act*.

5.8 Assignment of Agreement

The Owners may, at any time and from time to time, transfer or assign this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this Agreement.

5.9 Written Notice

- (a) The Municipality may serve notice on the Owners personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Kristen Ross, Jeffery Ross and Cody Ross 562 New Cheverie Road, Riverside, NS B0N 2A0 or at any other address provided by the Owners in writing.
- (b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided by the Municipality to the Owner in writing.

5.10 Full Agreement

This agreement constitutes the entire agreement and contract entered into by the Municipality and the Owners. No other agreement or representation, oral or written, shall be binding.

IN WITNESS WHEREOF this Agreement was properly executed by the respective parties hereto on the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of:

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

Per: _____

Witness

) Abraham Zebian, Mayor

)

)

Per: _____

Witness

) Deanna Snair, Municipal Clerk

)

)

Per: _____

Witness

) Kristen Ross

)

)

Per: _____

Witness

) Jeffery Ross

)

)

Per: _____

Witness

) Cody Ross

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. **2023**, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **THE WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in presence.

A Commissioner of the Supreme Court of Nova Scotia

ON THIS day of , A.D. **2023**, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **THE WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in presence.

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. **2023**, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **Kristen Ross**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. **2023**, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **Jeffery Ross**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. **2023**, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **Cody Ross**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

I, Deanna Snair of _____, Hants County, Nova Scotia make oath and swear that:

1. I am the Clerk of the West Hants Regional Municipality (the "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. The Municipality is a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1988, c.18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.
4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

I certify that on this _____, 2023
the Municipal Clerk, Deanna Snair came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA
Print name/affix seal

Deanna Snair, Clerk

CANADA
PROVINCE OF NOVA SCOTIA
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (INDIVIDUAL)

We, Kristen, Jeffery, and Cody Ross, the “Deponents”, make oath and swear that:

1. We acknowledge that we executed the foregoing instrument on the date of this affidavit; this acknowledgement is made for the purpose of registering such instrument pursuant to s.31(a) of the *Registry Act*, R.S.N.S. 1989, c.392 or s.79(1)(a) of the *Land Registration Act* as the case may be.
2. We are nineteen years of age or older and are residents of Canada under the *Income Tax Act* (Canada).
3. For the purpose of this affidavit “spouse” means an individual who is married to another individual; is married to another individual by a marriage that is voidable and has not been voided by a declaration of nullity; has gone through a form of marriage with an individual, in good faith, that is void and they are cohabiting or have cohabited within the preceding year; or is a party to a registered domestic-partner declaration made in accordance with Section 53 of the *Vital Statistics Act* as amended, but does not include an individual who becomes a former domestic partner pursuant to section 55(1) of the Act.
4. We are not spouses of each other. None of us has any other spouse nor, with respect to the within property, any former domestic partner with the rights contemplated by Section 55 of the *Vital Statistics Act*, or any former spouse with rights under the *Matrimonial Property Act*. We consent to this disposition.

I certify that on this _____, 2023
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Kristen Ross

Jeffery Ross

Cody Ross

Schedule A
Legal Description – PID 45178502

ALL that lot, piece or parcel of land situate, lying and being at Cheverie, in the Township of Kempt Shore, Province of Nova Scotia, bounded and described as follows:

COMMENCING at the East corner of lands now or formerly of George H. Greeno on Post Road;

THENCE running North forty-five and one half degrees West until it comes to lands now or formerly of George H. Greeno near the Shore or Basin of Minas;

THENCE following the said road, six chains and fifty links to land now or formerly of Alfred Weatherbee;

THENCE South forty-five and one half degrees East until it comes to said Post Road;

THENCE following said road to the place of beginning.

CONTAINING an area of twenty four and one quarter acres more or less.

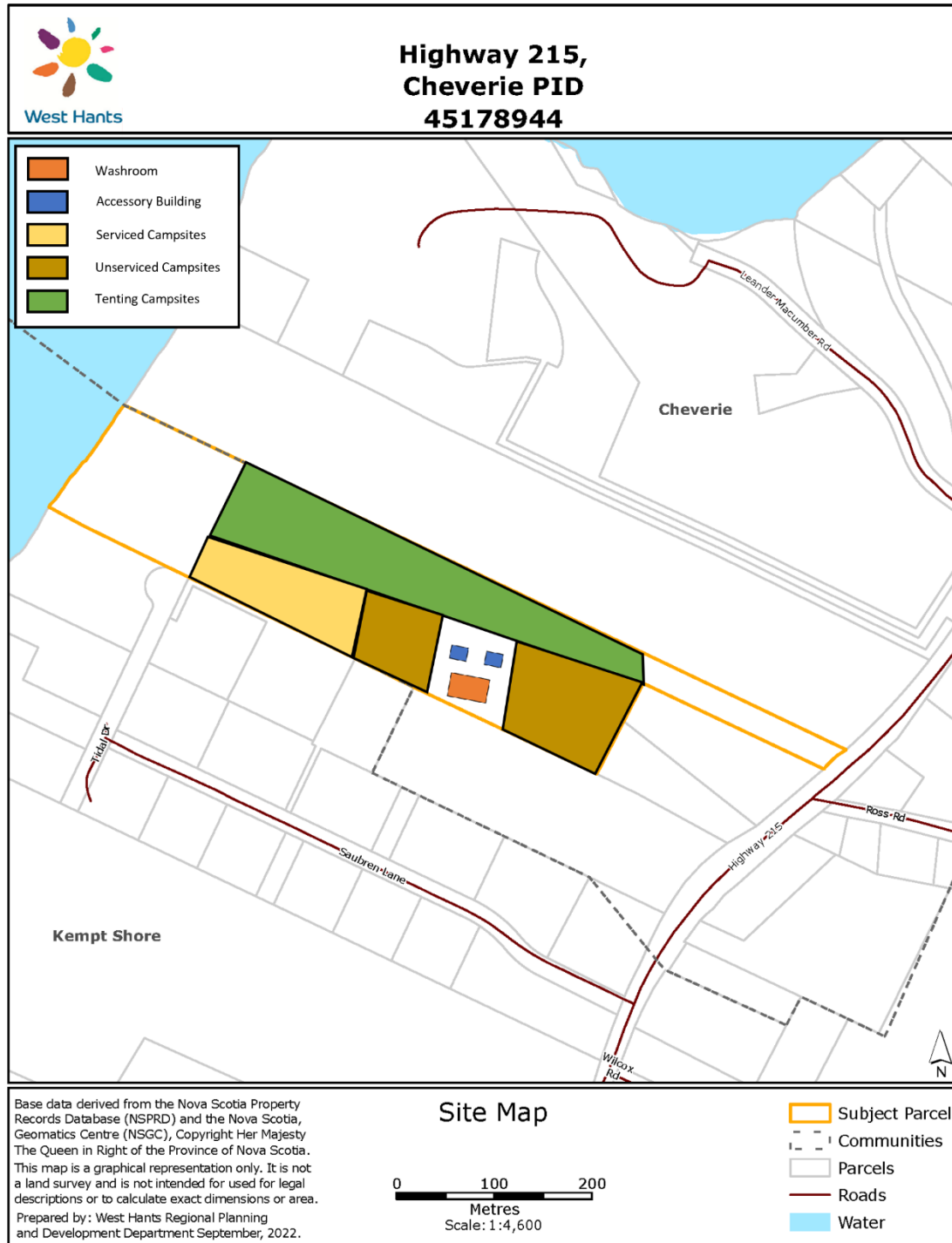
SAVING AND EXCEPTING THEREOUT that lot of land bounded and described as follows:

ALL that certain lot, piece or parcel of land situate, lying and being at Kempt, in the County of Hants, Province of Nova Scotia shown and delineated as Lot WR-1 on a plan of survey entitled Plan of subdivision Lot WR-1 Lands of Walter Ross, surveyed by Robert S. Redden N.S.L.S., dated the 14th day of August, 1979, approved by the West Hants Municipal Development Officer on the 15th Day of October, 1979 under plan Number 065/79 and filed at the Registry of Deeds at Windsor Nova Scotia on the 16th day of October, 1979 under plan Number P-2761 and containing 77,900 square feet more or less.

The description for this parcel originates with a deed dated February 13, 2004, registered in the registration district of Hants County in Book 1034 at Page 51 and the subdivision is validated by Section 291 of the Municipal Government Act.

SAVING and EXCEPTING Lot WR-2 as shown on registered Plan No. 82757098

Schedule B Site Layout



Attachment C – Public Information Meeting Notes

November 10 - November 25, 2022

File # 22-22: Highway 215, Cheverie (PID 45178944) – Development Agreement

Meeting date and time	A public information meeting was originally scheduled for October 13th, 2022 at 6:00 p.m. However due to an error in the addressing and comment period deadline, the public information meeting was postponed in order to re-advertise. A public information meeting was held on November 10, 2022 beginning at 6:45 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-22
Attending	In attendance: One (1) Councillor: • Councillor Jim Ivey Four (4) members of staff: • Director LeMay (Chair) • Planner Poirier • Planner Dunphy • Meeting Secretary Lake Ten (10) members of the public were present for this meeting. Of those that attended in-person only Mark Peterson spoke.
Applicant Kristen, Jeffery, and Cody Ross Property Highway 215, Cheverie (PID 45178944)	Planner Dunphy outlined the application to allow a proposed campground by development agreement. Cody Ross, one of the applicants, spoke to the plan to develop a small-scale, family-oriented campground. Mr. Ross gave a brief history of the land.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between November 10 – November 25, 2022. Staff received one (1) phone call and eight (8) emails were received. The email responses are attached. The phone call was from Nancy Saunders outlining the information that had been sent by email. 1 member of the public spoke at the Public Information Meeting. The following comments and questions were made at the public information Meeting. Staff and applicant responses are included in purple text. • The owner of the Kempt Shore Oceanview Campground commented that more places are needed for individuals to stay during the Kempt Shore festivals. Due to the proposed campground being small-scale, there is no conflict with the existing campground. More attractions are needed to bring in tourism to the area.

	Mr. Ross replied that they are a supporter of the festival and the proposal is to complement the existing campground. There is still a portion of the subject lot that is being kept for personal use. The owner of the Kempt Shore Oceanview Campground replied that they supported the proposal.
Adjournment	The presentation portion of the PIM ended at approximately 6:55 p.m.

Public Email Responses Submitted for the Application PIM

October 6th, 2022

From: Nancy Saunders

To: Councillor Rupert Jannasch, Cc: Alex Dunphy

Councilor Jannasch:

Saubren Dev Ltd just received a notice in the mail today for the public info session on the campground proposal for PID number 45178944. The notice was dated Oct 4 yet says I have until Sept 6 to ask to attend the meeting and until Sept 23 to submit questions or concerns. I have left a message with the planner Alex Dunphy regarding this also copied on this email along with the Director of Planning. **Please ensure that this public info session is postponed to allow the qualifying property owners to properly prepare and request attendance at the meeting.** Also the notice quotes the property address as Tidal Drive. The Ross property has no access off of Tidal Drive as it is a private road owned by our Residents Association..the address should be **Hwy 215 and NOT Tidal Drive**. I have also asked the planner to fix this on all related documents for this property. I trust a new notice will go out to all qualifying property owners with a new public information session date.

Thank You,

Nancy Saunders

President, Saubren Development Limited

October 7th, 2022

From: Amanda Boyd

To: Alex Dunphy

TO : Councillor Jannasch, Planner Dunphy and Planning Director LeMay

RE: Campground Proposal PID 45178944

Good Day

I did not receive notification of the proposed campground on the Ross Property PID number 45178944. I believe my property may be within the required notification area. My neighbors and I have questions and concerns regarding land use and the preservation of sensitive areas, and we would like to have time to prepare for any public information session on this topic.

I ask that the info session proposed for October 13, is postponed so that my neighbors and myself are given the proper notification and time to prepare.

Thank You Kindly

Amanda Boyd

Member of BVRA

October 7th, 2022

From: Mark Ashmore and Heather Simpson

To: Alex Dunphy

RE. Public Information Meeting

PID 45178544

Good morning Mr. Dunphy. We were advised by Nancy Saunders that a letter was sent out to all property owners within 500 feet of a proposed campground on the above-referenced property. To date, we have received no such letter, and are outraged that the property owners in question were not notified of the proposal as well as the October 13th meeting long before now.

Ms. Saunders was kind enough to send a scan of the letter she received. Why does a letter dated October 4th state that the deadline for virtual attendance was September 6th, and the deadline for comments or questions was September 23rd? Why does PID 45178544 indicate an address on Tidal Drive, when this is not the case, and never will be?

We have several questions that we would like answered, more will likely follow:

How many campsites?

What type of camping?

Would a revised zoning permit music festivals?

Is this proposal being put forward by the Ross family, or is a new owner involved?

It is our understanding that typically a zoning of this type would require a buffer of trees along the edge of the property; no such buffer exists between this property and ours.

With the Kempt Shore Campground only five minutes down the road, is there a need for another?

At the very least, the public information meeting should be postponed in order to ensure all affected landowners receive proper notification. More detail in the application would also be beneficial.

We await your reply.

M. Ashmore, H. Simpson

Mark Ashmore & Heather Simpson

BUMBLEMOUSE COTTAGE

October 12th, 2022

From: Joanne Bath and Joel Brown

To: Alex Dunphy

Hello Alex,

Please note that the letter we received from your office regarding the Public Information Meeting - Tidal Drive, Cheverie was not sent in the appropriate timeline. Your letter, dated October 4th, required recipients to respond to you by September 6th and send any questions by noon September 23rd. An impossible feat to say the least. Both of these deadlines are impossible as they occurred before the letter was even sent. We plan to attend the meeting and will bring forward questions and concerns at that time. I would expect in the future, such notifications will be provided in a timely manner. Should issues arise at this meeting, I expect residents will be given ample time to consider and be consulted as well.

Kindly,

Joanne Bath and Joel Brown

November 2nd, 2022

From: Paul Brison

To: Alex Dunphy

(Letter is attached below)

November 10th, 2022

From: Heather Simpson

To: Alex Dunphy

Hello again Mr. Dunphy. You will think I have nothing better to do than email you with questions. Mark and I have decided we will watch the meeting live, mostly in the interests of saving ourselves an hour of driving and the gas costs associated with that, but I am wondering how one goes about having questions or concerns addressed if we are not there in person?

As I mentioned previously, we would appreciate being advised of the following:

How many campsites?

What type of camping?

Would a revised zoning permit music festivals?

Is this proposal being put forward by the Ross family, or is a new owner involved?

It is our understanding that typically a zoning of this type would require a buffer of trees along the edge of the property; no such buffer exists between this property and ours.

Will anyone be on site to administer the campground?

With the Kempt Shore Campground only five minutes down the road, is there a need for another?

Our property directly borders PID 45178944, and we have grave concerns about the impact this rezoning will have on our property values, and those of others in the same position. We worry about noise, and trespassers. We also worry about the impact on the land itself. Given that we have had to pick trash up after every party that has been held there, we worry that we will have campers venturing onto property that is not theirs, or pitching their litter over the fence as has been done in the past.

I thank you for your time, and will await your reply.

Kind regards,

Heather (Simpson).

November 10th, 2022

From: Peter Grabosky

To: Alex Dunphy

My name is Peter Grabosky, I live at **(address removed)**

I am contacting you as a renter at the above address & I am in 'Support' of the possible rezoning and development of a future camp ground.

This business would provide The Shore & more precisley the Kempt, Cheverie, much needed revenue going to a local variety store, summer dining in Walton, a local food stand in Cheverie, local farmers/property owners of wood lots in selling camp fire wood.

As well as a positive revenue source for the county of West Hants.

I would only presume there would be a seasonal employment at the site which provides employment to local indiv's(?) Therefore, I am prepared to vote in a positive manner for the developement of a viable new business in our community.

Yours Respectfully,

Peter P Grabosky

November 12th, 2022

From: Nancy Saunders

To: Alex Dunphy

Good Day Mr. Dunphy:

I tuned into the public information session on November 10th and have the following questions and concerns regarding the campground proposal on Hwy 215, Kempt.

1. The campground must have a wide tree buffer between the sites and abutting properties. Is there provision in the development agreement for that? The property should be fenced as well to restrict access to abutting properties.
2. When can the development agreement be available to the public for review? I heard Mr Ross casually mention different numbers of serviced and unserviced lots, tents sites, etc and it is unclear how many of what type they are actually asking for.
3. What are the specifics regarding operation of the campground? Will the operator be on site to monitor guests, activities and noise?
4. Can the development agreement stipulate quiet hours for the camp sites and what would they be?
5. Will the development agreement allow for music festivals, and if so what are the specifics around that? How many spectators, etc.

6. How many bunk houses are permitted? I understand there are already at least two on the site?

7. Does the zoning actually change from resource general or does it stay the same with the development agreement allowing the specific variances?

8. There is currently parkland designated at the Blomidon View subdivision which was donated by Saubren Development Limited as part of the subdivision approval process. The Blomidon View Residents Association want to use this space at some point and develop it with the Municipality; it also has an historic graveyard on it that must be protected. Does that parkland remain for the sole use of Blomidon View Residents/ Lot owners or is there any circumstance that would see the Municipally owned parkland used for the campground?

9. What are the remedies if the provisions of the development agreement are broken by the developer ; i.e. can the development agreement be rescinded by council in this case?

10. Once the development agreement is in place, can the developer make applications for wider uses without the public having knowledge or input?

Thank-you,

Nancy Saunders

President, Saubren Development Limited

November 17th, 2022

From: Nancy Saunders

To: Alex Dunphy

Thank you Mr. Dunphy:

Where can I find the draft dev agreement ..I believe it will be available to the public on December 8th or before?

Nancy

Submission to Mr. Alex Dunphy

Re: Re-zoning PID 45178944 for a camp ground
(Tidal Drive, Cheverie)

As a long time, resident of Cheverie, and own property near the above cited PID, I would like to provide some information about the parcel of land.

Historically the Kempt Shore-Cheverie was populated first by the indigenous people and then the Acadians and finally by settlers of European origin. Settlement was along the water, as virtually all transportation was initially by boat. Houses were built by the shore and land clearing began to reach inland. When a road inland passed by the community lanes or roads connected the shore to the new road, which is the case here. The road was along the border of this property and the Glenn Ross property, but on the Glenn Ross side of the line. This road permitted access to the properties for local families and is probably why the local families established a graveyard on this property.

The Greeno Family Graveyard is a small cemetery located in what is now the wooded area approximately halfway across the property.

I found a list of who is buried there it's on the "Find a Grave" web site. It is called " Greeno Family Burying Ground." Estimated 25 burials.

There are pictures of many of the headstones and this is the information on who took the pictures, T L Brown.

- *Find a Grave*, database and images
(<https://www.findagrave.com/memorial/190053939/eliza-king>: accessed 01 November 2022), memorial page for Eliza King (unknown–24 Jan 1859), Find a Grave Memorial ID [190053939](https://www.findagrave.com/memorial/190053939), citing Greeno Family Burying Grounds, Kempt Shore, Hants County, Nova Scotia, Canada; Maintained by TLBrown (contributor [49358200](https://www.findagrave.com/memorial/49358200)) .
- . No one can block access to a graveyard. And, no one can own it.
-
- Here is the Provincial Act that governs the resting spot.
-
- **Cemetery and Monuments Protection Act**
-
- <https://nslegislature.ca/sites/default/files/legc/statutes/cemprot.htm>
-

[Cemeteries and Monuments Protection Act - Nova Scotia House of Assembly](#)

Interpretation 2 In this Act, (a) "abandoned cemetery" means a cemetery that is declared to be an abandoned cemetery pursuant to this Act; (b) "cemetery" means land that is set apart or used as a place for

the burial of human remains and, for greater certainty, includes all tombstones, gravemarkers and other monuments located thereon and any buildings or structures located thereon for the ...

Request for land use restrictions to be required as part of the rezoning permit:

- 1. That there be a reasonable distance from the cemetery and any camping lots created and in operation.**
- 2. That there be provision to ensure the site be undamaged**
- 3. That public access be encouraged and provided.**

Thank you for considering this issue and for including it in the final permit granted in the zoning change.

Paul Brison



6327 Highway 215, Cheverie, N.S. B0N 1G0

902 633 2108

brisonp@ns.sympatico.ca

February 24, 2023

Sent via email: adunphy@westhants.ca

Alex Dunphy
West Hants Regional Municipality
76 Morison Drive
PO Box 3000
Windsor, NS B0N 2T0

Dear Mr. Dunphy:

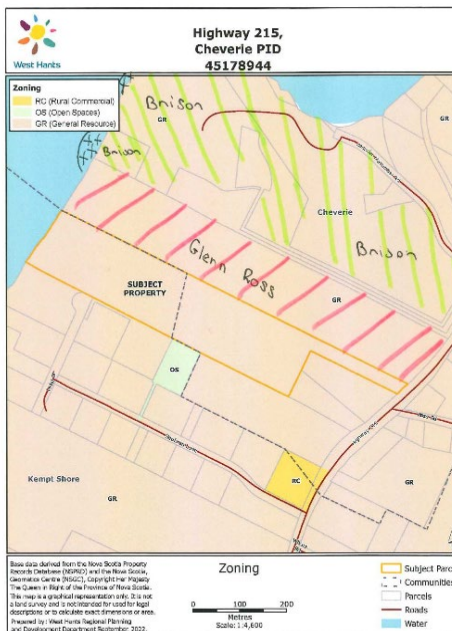
Re: Public Comments on Highway 215, Cheverie (PID 45178944) Proposed Development

Background

I am Scott Brison, a property owner within 500 feet of the proposed campground development. I understand there's a proposed development agreement for Highway 215, Cheverie (PID 45178944) to convert the property into a public campground. The applicant is Mr. Jeff Ross. I ask that this letter be directed to the Planning and Heritage Advisory Committee and Council.

As indicated above, my home is located near the Ross property. There is only a narrow strip of private property separating my property from Mr. Ross' property. The strip of private property between us is owned by Glenn Ross. I'm attaching a map below showing the proximity of my land to the proposed development.

Figure 2 – West Hants Zoning Map Extract



Brison Property
Glenn Ross Property
Beach

As shown on the map above, my property is along the Minas Basin. There is no beachfront access at the Ross property for the development due to a steep embankment, as shown by the beach area on the map. In order to access the beach from the Ross property people have to cross the Glenn Ross property and then my property to get to the beach.

On October 18, 2022, I received a letter about a Continuing Public Information Meeting from you. I received this letter on the basis that my home is within 500 feet of the proposed campground. The letter indicated that members of the public are invited to comment on the proposed development until November 25, 2022.

Concerns with the Planning Process

On November 9, 2022 I sent a response letter to you and Doug MacInnis setting out my concerns about the proposed development. For your convenience, I attach a copy of that November 9th letter.

After sending the November 9th letter, I explicitly asked to remain involved and updated throughout the process. I thought that was a reasonable request and expected that you would do that. In your email of November 10th, you indicated you would ensure that the comments in my letter would be addressed with the Planning and Heritage Advisory Committee. I attached a copy of that email at the end of this letter.

I also indicated my desire to avoid public intervention by remaining anonymous in my submissions. I also believed this to be a reasonable request, and you did not take any issue with it at the time.

It was not until February 16th that I was told that none of my comments were taken into consideration due to my wish to remain anonymous, because it was interpreted as meaning that I would not submit anything publicly or participate in the process. I only found this out because I proactively followed up with you. I am frustrated that despite my frequent engagement in the process, I was only informed well after the public consultation that my comments were not taken into consideration.

This is particularly frustrating because throughout the process I have proactively initiated phone calls with Mr. MacInnis and yourself, namely on October 14, 2022, November 21, 2022, and February 7, 2023. I have also consistently asked to be provided notification about any advancement of the process and asked to be communicated with through email. I believed that these requests were understood.

Based on the Staff Report it appears other landowners had issues with notification of the development being sent to the wrong address. In fact, the majority of correspondence from nearby landowners' comments on the lack of proper notification about the development. Obviously, the concern is that process deficiencies have resulted in a failure to appreciate adjoining property owners and other community concerns with the suitability of the proposed development.

In my view, consideration of the matter should be postponed until the legitimate concerns of neighbours and other residents can be heard and taken into consideration here.

Application of the Municipal Planning Strategy

My concern with respect to the application of the Municipal Planning Strategy echo those identified in my November 9, 2022 letter. Introducing another commercial campground is not consistent with preserving the rural nature of the area, pursuant to Policy 9.1.7 of the Municipal Planning Strategy. It is also my belief that additional commercial development in the area would be more appropriately located in a Growth Centre pursuant to Policy 5.1.1. of the Municipal Planning Strategy.

My understanding was that my property was located in Cheverie. You have indicated that the Ross property is not actually in the Hamlet of Cheverie (notwithstanding that the original letter, copy attached, to property owners from you references Cheverie three times).

If Cheverie is not technically in the Hamlet of Cheverie then I believe it should be – the policies applying to the Hamlet should still apply and be accounted for pursuant to Policy 9.1.7. of the Municipal Planning Strategy.

As a citizen, I would expect that the entirety of the community of Cheverie would be designated as a part of the Hamlet. It's important that the distinct rural characteristics of the area be taken into consideration.

Concerns about the Campground Development

I also have specific concerns about the proposed developments' impact on my property. As described above, presently the only access to the beach is through the Glenn Ross property and then my property. Presently, Jeff Ross and his guests periodically cross our land to access the beach. A commercial operation on the subject property presents real risk of unauthorized traffic across my property – negatively impacting my privacy and the quiet enjoyment of my property.

I have no ill will towards Mr. Ross who has been my neighbour for many years. However, there have been issues where he or his guests leave messes on the beach. At times, garbage has also been dumped over the steep embankment onto the beach. Most recently on August 27, 2022, I personally picked up trash that was left behind by Mr. Ross. I am attaching photos from August 27, 2022, at the end of this letter. I am concerned that events of littering or the use of unauthorized people or vehicles on my land will worsen if the development agreement is approved, because the only beach access is through my property.

Request for Development Conditions

If, at some point, Council allows the development, I need clear and strong safeguards (as previously requested) to protect my property, as well as neighbouring properties. These requirements include but are not limited to:

- A fence constructed and maintained by the developer which impedes person or vehicle traffic from entering the Glenn Ross as well as my property;

- Signage indicating adjacent private property;
- Quiet hours from 6:00p.m. to 7:00a.m.; and
- The proposed development must have safe access from their own property to the beach.

To be clear, it's imperative to build a fence that extends fully to the end of the subject property which prevents trespassing onto Mr. Glenn Ross' land and subsequently my land. I have spoken to my neighbour, Mr. Glenn Ross about this matter - he is in agreement with the above listed minimum conditions.

It is my position that at a minimum the considerations described above should be included in any development agreement to be in line with Policies 13.3.2 and 13.3.3 of the Municipal Planning Strategy which prescribes consideration of road and parking access, noise generation, if the development can be serviced, as well as others for recreational commercial developments.

I hope and trust this is constructive. I am happy to comment on these matters further if need be and ask that this letter be taken into consideration and given to the Planning and Heritage Advisory Committee, as well as Council. Please inform me of any updates to this proposed development through my email: [REDACTED]

Yours very truly,



Scott Brison

cc: Glenn Ross
Council

November 9, 2022

Sent via email: adunphy@westhants.ca

Alex Dunphy
West Hants Regional Municipality
76 Morison Drive
PO Box 3000
Windsor, NS B0N 2T0

Dear Alex:

Re: Public Comments on Highway 215, Cheverie (PID 45178944) Proposed Development

Thank you for your October 18, 2022, notice inviting comment on the proposed campground development at Highway 215 in Cheverie (PID 45178944). My home is near the development, there is a narrow strip of private property between my home and the proposed development. I have lived on this property for the past 27 years.

I have reviewed the Municipal Planning Strategy as it applies to the proposed development. I appreciate the chance to offer comments at this point.

In the interests of clarity and brevity, I have excerpted the relevant planning strategy provisions and added my comments directly relating to those provisions below.

My first concern relates to preserving the rural nature of Cheverie:

- *3.5 Hamlets- Eleven Hamlets have been designated within West Hants. These communities are generally characterized by areas of relatively concentrated residential development, a church or community hall, and one or more small businesses. It is intended that Hamlets will continue to provide such services to the surrounding countryside. Municipal water and sewer services, which are more characteristic of urban areas, will not be provided in Hamlets. The retention of the rural nature of Hamlet communities is an important objective of the West Hants Strategy*
 - *Hamlet Development Objectives*
 - *Provide locally-oriented community services, such as community halls and churches, to the surrounding countryside.*
 - *Allow for commercial and industrial uses which provide a necessary service to local residents. [...]*
 - *Maintain rural atmosphere*
- *Policy 7.2.1 It shall be the policy of Council to establish a Rural Commercial (RC) zone which will apply to Hamlets and resource areas and permit a variety of commercial*

*10049067/00001/4643917/v3

uses intended to provide a service to local residents, as well as limited highway commercial and tourist commercial uses. Residential uses will be permitted in conjunction with a commercial use

Cheverie is identified as one of eleven Hamlets in West Hants. It's a predominantly rural area. It is my understanding that the goal of a Hamlet designated area is to limit commercial development to activities that serve the community residing in that area. If the development is meant to serve populations outside of the local community, such as tourist commercial uses, it is meant to be very limited in nature. I note that there is already a campground within one kilometer of where the proposed campground development would occur, meaning there would be two tourist commercial uses in Cheverie in very close proximity.

Second, it appears from the Strategy that such commercial uses are generally intended for Growth Centres:

- *Growth Centre Policy 5.1.1 It shall be the policy of Council to encourage more concentrated residential and commercial development in the designated Growth Centres.*

The Municipal Planning Strategy indicates that the preferred approach to development is to encourage such development in a Growth Zone, such as Three Mile Plains or Falmouth, to preserve the rural characteristic of Cheverie.

Third, I understand that Highway 215 in Cheverie (PID 45178944) is classified as a General Resource Zone and any development of that zone into a Recreation Commercial use must be guided by section 9.1.7:

- *Policy 9.1.7 It shall be the policy of Council that new Recreation Commercial uses may be considered in the General Resource (GR) zone by development agreement subject to Policies 13.3.2 and 13.3.3, provided: Municipal Planning Strategy Municipality of the District of West Hants*
 - *the use will not adversely affect existing resource uses in the area; and*
 - *the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet*

Section 9.1.7 reiterates that it is important to maintain the rural nature of the Hamlets and accordingly limit the traffic and touristic uses of the area. Two campgrounds within close proximity in a Hamlet introduces the potential to conflict with the existing resource uses in the area.

Fourth, I have reviewed the relevant sections under 13.3.2 and 13.3.3 which list several requirements for a new Recreation Commercial development. Before a development can be approved there must be consideration of road and parking access, noise generation, if the development can be serviced, as well as others. At this point I am not in a position to comment on these factors, since I am only aware of the general nature of the development. Should the application proceed further with more details I would be pleased to comment further.

I appreciate you taking the time to consider my comments. As a property owner within 500 feet of the campground development, I am principally concerned to maintain and enhance the rural nature of the Cheverie area in accordance with its MPS designation as a Hamlet.

I hope and trust this is helpful and look forward to hearing further from you with regard to the application process. Kindly, I ask that this letter not be distributed.

Yours very truly,

A handwritten signature in black ink, appearing to read "Scott Brison".

Scott Brison

Cc: *Doug MacInnis, West Hants Regional Municipality*



[REDACTED]

From: [REDACTED]
Sent: February 20, 2023 3:36 PM
To: [REDACTED]
Subject: Fwd: HFXDOCS-#4635309-v-Final-Letter_to_West_Hants_Planning_Dept

Scott Brison, P.C.



OUT OF OFFICE ALERT: N/A



From: Alexander Dunphy <ADunphy@westhants.ca>
Sent: Thursday, November 10, 2022 10:20:56 AM
To: Brison, Scott [REDACTED]
Cc: [REDACTED] Doug MacInnis <DMacInnis@westhants.ca>;
[REDACTED]
Subject: RE: HFXDOCS-#4635309-v-Final-Letter_to_West_Hants_Planning_Dept

External Email: Use caution with links and attachments. | **Courriel externe :** Faites preuve de prudence en ce qui a trait aux liens et aux pièces jointes.

Hello Mr. Brison,
Thank you for your submission. I will ensure the matters are addressed in my report to the Planning and Heritage Advisory Committee and provide you with a response once I have reviewed the submission in depth. It will also be included in the Public Information Meeting Notes in future reports.
If you have any further comments or questions, feel free to reach out.
Best,
Alex Dunphy



October 18, 2022

Dear Property Owner:

**Re: Continuing Public Information Meeting
Highway 215, Cheverie (PID 45178944)**

This letter is being sent to you as you are an owner of land within 500 feet of the above property.

Due to incorrect information being provided in the previous letter to nearby land owners, although the Public Information Meeting began as previously advertised for **6:00 pm on Thursday October, 13th**, it will continue at **6:00 pm on Thursday, November 10th**. The meeting can be viewed live on the Municipal Facebook page at www.facebook.com/RMWindsorWestHants.

The meeting is to explain and receive comments on a proposed development agreement to permit a campground.

If you would like to virtually attend the meeting, please contact Alex Dunphy by Tuesday, November 8th. Members of the public are welcome to submit comments or questions on the proposed development agreement to Alex Dunphy by noon on November 25th, 2022 by:

Phone	902-798-8391 ext. 118
Email	adunphy@westhants.ca
Mail	76 Morison Drive, PO Box 3000 Windsor NS B0N 2T0
Drop box	Regional office at 76 Morison Drive

Sincerely,

Alex Dunphy
Planner







WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____

Sara Poirier, Director of Planning and Development

Date: 2023-02-28

Subject: Development Agreement: 4190 Hwy 1, Garlands Crossing PID 45003357; File #22-30 C

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

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

...that Council gives Second Reading to and approves entering into a development agreement to permit a four (4) storey apartment building containing 21 apartment units, roof top recreation space and up to 3,000 sq. ft. of commercial space on PID 45003357 in Garlands Crossing in a manner substantively the same as the draft set out in Appendix A of the report File #22-30 B to Council dated January 24, 2023.

...that Council requires that the development agreement with Jean Alphonse of Jovana Construction Limited for PID 45003357 in Garlands Crossing be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received on November 7, 2022, from Monica Sweetapple of Nuvo Architecture and Interiors on behalf of the property owner Jean Alphonse of Jovana Construction Limited. The application is to consider permitting a four (4) storey apartment building containing 21 apartment units, roof top recreation space and up to 3,000 sq. ft. (278.71 sq. m.) of commercial space on PID 45003357 in Garlands Crossing. The lot is currently occupied by the Gold House Chinese Restaurant and is owned by Jovana Construction Limited; Mr. Alphonse is the President of that company. The existing building would be demolished to accommodate the proposed development.

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

On January 12, 2023 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC). PAC/HAC passed the following motion on January 12, 2023:

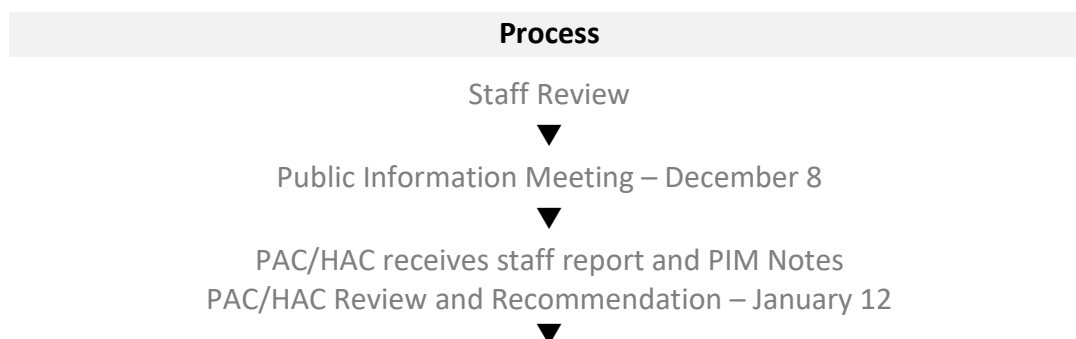
...that PAC/HAC recommends that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to permit a four (4) storey apartment building containing 21 apartment units, roof top recreation space and up to 3,000 sq. ft. of commercial space on PID 45003357 in Garlands Crossing, provided there is no through traffic to neighbouring lots particularly the gas station, in a manner substantively the same as the draft set out in Attachment C of the report File #22-30 to the Planning and Heritage Advisory Committee dated January 12, 2023.

A clause requiring the parking spaces along the lot lines to be constructed in a manner which prohibits through traffic to abutting properties was added to Section 2.5 (a) of the development agreement.

Council held first reading on January 24, 2023 (Appendix A).

NEXT STEPS

The process for this application is as follows:



Regional Council First Reading – January 24



Public Hearing & Second Reading – February 28



Notice of Approval in Local Paper



14-Day Appeal Period

APPENDICIES

Appendix A 2023-01-24 PAC/HAC Recommendation to Council - Development Agreement:
4190 Hwy 1, Garlands Crossing PID 45003357; File #22-30 B

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____

Sara Poirier, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer



Appendix A

WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____

Sara Poirier, Senior Planner

Date: 2023-01-24

Subject: Development Agreement: 4190 Hwy 1, Garlands Crossing PID 45003357; File #22-30 B

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

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

...that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to permit a four (4) storey apartment building containing 21 apartment units, roof top recreation space and up to 3,000 sq. ft. of commercial space on PID 45003357 in Garlands Crossing in a manner substantively the same as the draft set out in Appendix A of the report File #22-30 B to Council dated January 24, 2023.

...that Council requires that the development agreement with Jean Alphonse of Jovana Construction Limited for PID 45003357 in Garlands Crossing be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property ☒	Public	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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	Opinion ☐				
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A completed application was received on November 7, 2022, from Monica Sweetapple of Nuvo Architecture and Interiors on behalf of the property owner Jean Alphonse of Jovana Construction Limited. The application is to consider permitting a four (4) storey apartment building containing 21 apartment units, roof top recreation space and up to 3,000 sq. ft. (278.71 sq. m.) of commercial space on PID 45003357 in Garlands Crossing. The lot is currently occupied by the Gold House Chinese Restaurant and is owned by Jovana Construction Limited; Mr. Alphonse is the President of that company. The existing building would be demolished to accommodate the proposed development.

DISCUSSION

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

On January 12, 2023 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed a few details of the application including the proposed accessible units, recreational space, parking spaces, and required geotechnical study. The Committee discussed the site plan and requested an additional clause be added to the draft development agreement to ensure the parking spaces surrounding the new building were constructed in a way to prohibit through traffic to abutting properties. PAC/HAC passed the following motion on January 12, 2023:

...that PAC/HAC recommends that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to permit a four (4) storey apartment building containing 21 apartment units, roof top recreation space and up to 3,000 sq. ft. of commercial space on PID 45003357 in Garlands Crossing, provided there is no through traffic to neighbouring lots particularly the gas station, in a manner substantively the same as the draft set out in Attachment C of the report File #22-30 to the Planning and Heritage Advisory Committee dated January 12, 2023.

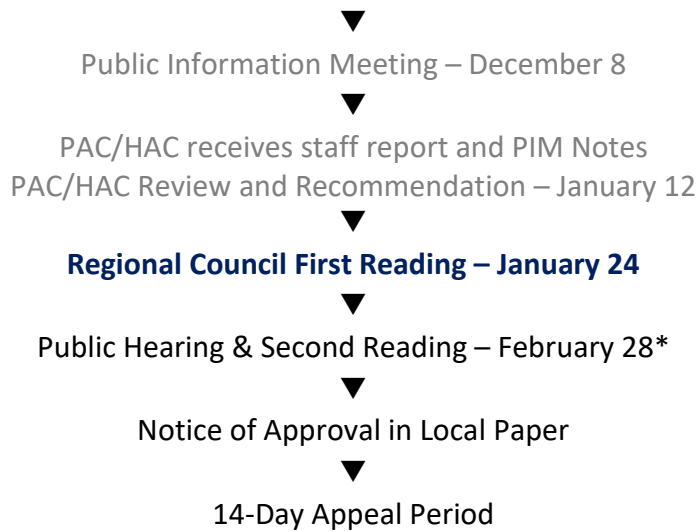
A clause requiring the parking spaces along the lot lines to be constructed in a manner which prohibits through traffic to abutting properties has been added to Section 2.5 (a) of the development agreement attached to this report as Appendix A.

NEXT STEPS

The process for this application is as follows:

Process

Staff Review



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A Revised Draft Development Agreement

Appendix B 2023-01-12 Staff Report Development Agreement: 4190 Hwy 1, Garlands Crossing
PID 45003357; File #22-30

CHIEF ADMINISTRATIVE OFFICER REVIEW

The report and draft Development (DA) highlight the redevelopment of a prominent site in the Three Mile Plains Growth Center which will include a four (4) storey building with ground level commercial space.

The DA comments on several matters influencing the construction and ongoing operational standards for the development. The only component I would raise for Council to reflect upon is the hours of operation for the commercial component. The current language would restrict all potential commercial uses or tenant to operate or be open from 7am to 9pm. While considering the potential commercial uses of the ground level space having a “closing time” of 9pm may be restrictive. If a commercial activity such as a licensed restaurant wanted to stay open past 9pm they would have to apply for an amendment to the DA.

I support the recommendation with the suggestion Council reflect upon the hours of use for the commercial component.

Report Prepared by: _____

Sara Poirier, Senior Planner

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer

Appendix A



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2023.

BETWEEN:

WEST HANTS REGIONAL MUNICIPALITY, a body corporate pursuant to the *Municipal Government Act*, having its chief place of business at 76 Morison Drive, Wentworth Creek, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Municipality”)

OF THE FIRST PART

- and -

JOVANA CONSTRUCTION LIMITED a body corporate, with a head office at 6123 Lady Hammond Road, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Owner”)

OF THE SECOND PART

WHEREAS the Owner is the registered owner of a parcel of land located at 4190 Highway 1, Garlands Crossing (PID 45003357) hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Commercial Core on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (the “Municipal Planning Strategy”) and zoned Highway Commercial (HC) on the Zoning Map of the West Hants Land Use By-law (the “Land Use By-law”), and is within the Commercial Development District and the Three Mile Plains Growth Centre; and

WHEREAS the Owner has requested that the Municipality enter into a development agreement to permit a four (4) storey apartment building containing up to 21 apartment units and up to 3,000 sq. ft. (278.71 sq. m.) of commercial space on the Property (the “Development”); and

WHEREAS Policy 5.3.8 of the Municipal Planning Strategy and Section 6.1 (c) of the Land Use By-law enable Council to consider entering into a development agreement to allow multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre; and

WHEREAS the Council of the Municipality, at a meeting held on **Month Date, 2023** approved this request and adopted this Agreement by policy, subject to the execution of this development agreement by the parties hereto and the other conditions herein;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

PART 1 AGREEMENT CONTEXT

1.1 Definitions

In this Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the Land Use Bylaw, except those as defined as follows:

- (a) “Qualified site professionals” includes professional engineers, architects and/or hazardous materials professionals.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A - Legal Description

Schedule B – Site Plan

1.3 Municipal Planning Strategy, Land Use By-law and Subdivision By-law

- (a) *Municipal Planning Strategy* means the Municipal Planning Strategy of the Municipality of the District of West Hants, effective on June 26, 2008, as amended, or successor By-laws;
- (b) *Land Use By-law* means the Land Use By-law of the Municipality of the District of West Hants, effective on June 26, 2008, as amended, or successor By-laws;
- (c) *Subdivision By-law* means the Subdivision By-law of the Municipality of the District of West Hants, approved on June 26, 2008, as amended, or successor By-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

- (a) The Parties agree that uses on the Property shall be limited to the following:
- (i) those uses permitted by the underlying zoning in the Land Use By-law; and
 - (ii) an apartment building containing 21 apartment units, roof top recreation space, and up to 3,000 sq. ft. (278.71 sq. m.) gross floor area on the ground floor for commercial uses which shall be limited to the following commercial uses:
 - Arts and crafts studios including photography
 - Banks and financial institutions
 - Clubs and community organizations
 - Commercial schools
 - Day care centres, licensed or non-licensed
 - Dry cleaning and laundry establishments
 - Entertainment, recreation and assembly uses within a wholly enclosed building
 - Licensed liquor establishments
 - Offices
 - Post offices and postal outlets
 - Repair and rental establishments
 - Restaurants, excluding drive-through restaurants
 - Retail stores
 - Service and personal service shops
 - Veterinary clinics and animal hospitals

Except as otherwise provided in this Agreement, the provisions of the Land Use By-law and Subdivision By-law apply to any development undertaken pursuant to this Agreement.

2.2 Development Location and Design

- (a) Prior to the construction of the new building as shown on Schedule B, all existing buildings shall be demolished, and the materials disposed of in accordance with the law and under direction of qualified site professionals.
- (b) The Development location and design shall be generally consistent with the Site Plan shown in Schedule B.

- (c) No buildings shall be developed on the easement in favour of the Municipality as shown on the Site Plan in Schedule B. Balconies or other building features shall not be permitted to project into the area of the lot subject to the easement unless otherwise approved in writing by the Municipal Department of Public Works.
- (d) The Development Officer may approve in writing minor changes to the location of the Building or other aspects of the Site Plan provided the side yards are not decreased and no building is proposed to be constructed on the Municipal easement. Changes to the Site Plan may also be approved in writing in accordance with reports generated in Section 2.3 (e) and 2.8, *Site Drainage*, of this Agreement provided the side yards are not decreased and no building is proposed to be constructed on the Municipal easement.

2.3 Site Requirements

- (a) The Building shall conform to the following requirements:

Minimum Front Yard	25 ft. (7.62 m.)
Minimum Rear Yard	25 ft. (7.62 m.)
Minimum Side Yard	15 ft. (4.57 m.) or one-half the height of the building whichever is greater
Maximum Storey of Main Building	4 storeys
Maximum Building Height	50 ft. (15.24 m.)
Maximum Height of Accessory Building	15 ft. (4.57 m.)

- (b) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.
- (c) A minimum of 4,500 sq. ft. (418.06 sq. m.) of usable recreation space as outlined in Section 2.7, *Recreational Space*, shall be required.
- (d) The Owner shall keep all undeveloped areas of the Property landscaped.
- (e) No development permit shall be issued until the Owner provides to the Development Officer a geotechnical study prepared by a qualified site professional that outlines the geotechnical investigations conducted on site, confirms the suitability of the site for the proposed development and provides recommendations to the Owner on how to construct the building based on the site conditions.

2.4 Access and Egress

- (a) The Owner shall develop, construct, and maintain the driveway in the Development in general conformance with the driveway shown on Schedule B.

- (b) The driveway shown on Schedule B shall provide a maximum width of 26 ft. (8 m.) and shall have a minimum paved surface width of 20 ft. (6.09 m.), unless otherwise approved in writing by the Provincial Department of Public Works. The vehicular entrance and exit shall be clearly demarcated.

2.5 Parking

- (a) All parking spaces for vehicles using the Property shall be located on the lot and shall be generally located as shown on Schedule B. Parking spaces located along the lot line shall be constructed in a manner which prohibits through traffic to abutting properties.
- (b) The Owner shall provide a minimum of one (1) parking space per dwelling unit on the Property and a minimum of one (1) parking space for every 360 sq. ft (33.45 sq. m.) gross floor area dedicated to commercial uses on the Property.
- (c) Parking aisles and spaces shall be constructed so as to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Owner. They may be constructed using permeable construction materials to assist with stormwater retention.
- (d) Each parking space shall be a minimum of 9 ft. by 20 ft. (2.7 m. by 6.1 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m) wide.
- (e) No parking spaces, driveways or parking aisles shall be located within 16.4 ft. (5 m.) of the front lot line unless otherwise approved in writing by the Provincial Department of Public Works.
- (f) The number, location and arrangement of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.13, *Variance*, of this Agreement.

2.6 Fire Safety

- (a) No development permit shall be issued until the location and connection design of any fire hydrant(s) to the municipal water supply has been approved by the water utility, in consultation with the district Fire Chief.
- (b) All curbs shall be designed to be mountable by emergency services vehicles.
- (c) All access routes shall be kept clear of overhead obstructions and wires and be maintained by the Owner to allow unimpeded access to the Property by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

2.7 Recreational Space

- (a) A minimum of 4,500 sq. ft. (418.06 sq. m.) of private recreational space shall be provided on the Property and may include:
 - (a) individual balconies;
 - (b) roof top recreation space; and
 - (c) common use landscaped areas.

2.8 Site Drainage

- (a) No development permit shall be issued until the Owner provides to the Development Officer a stormwater management plan that satisfies the Municipal Engineer that historical flooding patterns and area drainage systems have been considered and that storm water discharge will balance pre- and post-construction flows to ensure there is no negative impact on downstream properties. If the stormwater management plan provided by the Owner does not in fact balance pre-and post-construction flows to ensure the absence of such impacts the Owner shall undertake such remediation as the Municipal Engineer may reasonably require.
- (b) The Owner shall undertake all construction activities in accordance with an erosion and sedimentation control plan prepared by a Professional Engineer, unless otherwise directed by Nova Scotia Environment, and also agrees to assume sole responsibility for compliance with all regulations of Nova Scotia Environment.

2.9 Servicing

(a) Waste Collection

- (i) No Municipal garbage collection will be provided to the Development. The Owner shall have sole responsibility for collecting, storing and disposing of garbage and other recycling or waste items from the Development.
- (ii) The Owner shall keep any outdoor storage of garbage in an enclosed structure or in some way adequately screened so as not to be visible from or cause a nuisance to nearby properties and abutting roads and it shall not be located closer than 10 ft. (3.05 m.) to an abutting property.

(b) Water and Sewer Services

- (i) The Building shall be serviced with water and sewer services provided by West Hants Regional Municipality authorized by the Municipal Engineer. Detailed design plans of the water and sewer servicing connections and

layout shall be in accordance with the Municipal Services Specifications Manual and shall be submitted to the Municipal Engineer for approval prior to construction.

- (ii) The Owner shall be responsible for constructing, installing and maintaining the water and sewer services on the Property, except the Municipal owned infrastructure within the Municipal easement as shown on the Site Plan in Schedule B.

(c) Snow Plowing

The Owner shall have sole responsibility for snow plowing within the Development.

2.10 Maintenance

- (a) The Owner shall keep the Property and Buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.
- (b) The Owner shall maintain the driveway to a standard adequate to allow for access by emergency services vehicles.

2.11 Signs and Lighting

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

2.12 Hours of Operation

The hours of operation for the commercial uses within this Development shall be limited to between 7:00 a.m. and 9:00 p.m. daily, inclusive.

2.13 Variance

In accordance with Section 5.48 of the Land Use By-law, *Variance*, the Development Officer may grant a variance for one or more of the following requirements subject to the requirements of the *Municipal Government Act*:

- (i) minimum required yard dimensions except side yard requirements as required in Section 2.2 (c) of this Agreement;
- (ii) number of parking spaces required; and

- (iii) floor area occupied by a home-based business; and
- (iv) height and area of a sign.

PART 3 CHANGES AND DISCHARGE

3.1 The Owner shall not vary or change the use of the Property from that provided for in Section 2.1 of this Agreement, *Use*, unless a new agreement is entered into with the Municipality or this Agreement is amended.

3.2 Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing provided that Council determines that the changes do not significantly alter the intended effect of these aspects of this Agreement.

3.3 The following matters are substantive matters:

- (a) the uses permitted on the Property as listed in Section 2.1, *Use*;
- (b) subject to Section 2.13, the minimum side yard requirements and maximum building height as listed in Section 2.3 (c);
- (c) the geotechnical study requirements as listed in Section 2.3 (e);
- (d) the fire safety requirements as listed in Section 2.6, *Fire Safety*;
- (e) the stormwater management plan requirements as listed in Section 2.8, *Site Drainage*; and
- (f) hours of operation for the commercial uses as listed in Section 2.12, *Hours of Operation*.

3.4 Upon conveyance of land by the Owner to either:

- (a) the road authority for the purpose of creating or expanding a public street over the Property; or
- (b) the Municipality for the purpose of creating or expanding any municipally owned facility over the Property,

registration of the deed reflecting the conveyance shall be conclusive evidence that this Agreement shall be discharged as it relates to the public street or public facility, as the case may be, as of the date of registration with the Land Registry Office, but this Agreement shall remain in full force and effect for all remaining portions of the Property.

3.5 Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter, and this Agreement may be discharged by Council without a public hearing.

3.6 Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owner following a resolution of Council to give such Notice:

- (a) as provided for in Section 4.1, *Commencement of Development*, of this Agreement;
or
- (b) at the discretion of the Municipality, with or without the concurrence of the Owner, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or
- (c) at any time upon the written request of the Owner, provided the use of the Property is in accordance with the applicable Land Use By-law or a new agreement has been entered into.

3.7 Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

- (a) The Owner may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required.
- (b) Development as provided in Part 2 of this Agreement shall commence not later than twenty-four (24) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act, 30 days after giving Notice of Intent to Discharge to the Owners. Upon the written request of the Owners, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be an amendment to this Agreement.
- (c) If the Owners are bona fide delayed from commencing the development for reasons which are beyond the Owners' control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Owners is excused for the period of the delay and the time period for the Owners to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

4.2 Material to be Provided

- (a) The Owner shall provide record drawings to the Development Officer for any portion of the Development for which an engineered design is required within ten (10) days of completion of any work which requires the engineered design.
- (b) The Owner shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with other By-laws and Regulations

- (a) Nothing in this Agreement shall exempt the Owner from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.
- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-laws to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

5.2 Severability of Provisions

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

5.3 Interpretation

- (a) Where the context requires, the singular shall include the plural and the masculine gender shall include the feminine and neutral gender.
- (b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.
- (c) References to particular sections of statutes and by-laws shall be deemed to be references to any successor legislation and by-laws even if the content has been amended, unless the context otherwise requires.

5.4 Municipal Responsibility

- (a) The Municipality does not make any representations to the Owner about the suitability of the Property for the Development proposed by this Agreement. The

Owner assumes all risks and must ensure that any proposed Development complies with this Agreement and all other laws pertaining to the Development.

- (b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement, the Municipality may notify the Owner in writing. In the event that the Owner has not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice, then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms are a first lien on the land that is the subject of the Development Agreement.

5.6 Costs

The Owner shall pay all costs associated with registering this Agreement and all costs associated with any amendment thereof.

5.7 Development Agreement Bound to Land

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the *Municipal Government Act*.

5.8 Assignment of Agreement

The Owner may, at any time and from time to time, transfer or assign this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this Agreement.

5.9 Written Notice

- (a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Jean Alphonse, 6123 Lady Hammond Road, Halifax, Nova Scotia, B3K 0H6, or at any other address provided by the Owner.
- (b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided by the Municipality to the Owner.

5.10 Full Agreement

This Agreement constitutes the entire Agreement and contract entered into by the Municipality and the Owner. No other agreement or representation, oral or written, shall be binding.

IN WITNESS WHEREOF this Agreement was properly executed by the respective parties hereto on the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of:

Witness

Witness

Witness

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

Per: _____

) Abraham Zebian, Mayor

)

) Per: _____

) Deanna Snair, Municipal Clerk

)

)

)

) **JOVANA CONSTRUCTION LIMITED**

)

)

Per: _____

) Jean Alphonse, President

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **Jean Alphonse**, one of the parties thereto, signed, sealed and delivered the same in h presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

I, Deanna Snair of _____, Hants County, Nova Scotia make oath and swear that:

1. I am the Clerk of the West Hants Regional Municipality (the "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. The Municipality is a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1988, c.18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.
4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

I certify that on this _____, 2023
the Municipal Clerk, Deanna Snair came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Jean Alphonse, Nova Scotia, make oath and say that:

1. I Jean Alphonse of JOVANA CONSTRUCTION LIMITED the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.
3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
4. The Corporation is a resident of Canada under the Income Tax Act (Canada).
5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this _____, 2023
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

JEAN ALPHONSE, President

Schedule A
Legal Description

ALL that lot of land situate at Garlands Crossing, in the County of Hants and Province of Nova Scotia, known as Lot CA shown and delineated on a plan of survey entitled Plan of Subdivision Parcel B Lands Conveyed to 2559464 Nova Scotia Limited Danny Chows Restaurant Parcel A Lands Conveyed to 3032149 Nova Scotia Limited, prepared by Bruce Lake, N.S.L.S., dated August 30th, 2003, approved by the Municipality of West Hants under Plan No. 31-03 on October 28th, 2003 and filed at the Office of the Registry of Deeds for the Registration District of Hants as Plan Number 8897 and being more particularly bounded and described as follows:

BEGINNING at a point on the western side of the Halifax to Windsor Highway, said point being the southeastern corner of lands of Irving Oil Company Limited, said point being also the northeastern corner of the lands herein described;

THENCE on a bearing North 79 degrees 17 minutes West a distance of 150 feet to an iron pipe set in the ground;

THENCE South 40 degrees 59 minutes 16 seconds West (Grid North) a distance of 74.81 feet to a survey marker;

THENCE South 35 degrees 27 minutes 20 seconds East (Grid North) a distance of 108.34 feet to a survey marker;

THENCE on a bearing North 86 degrees 39 minutes East a distance of 189 feet, more or less, to the Halifax to Windsor Highway aforesaid;

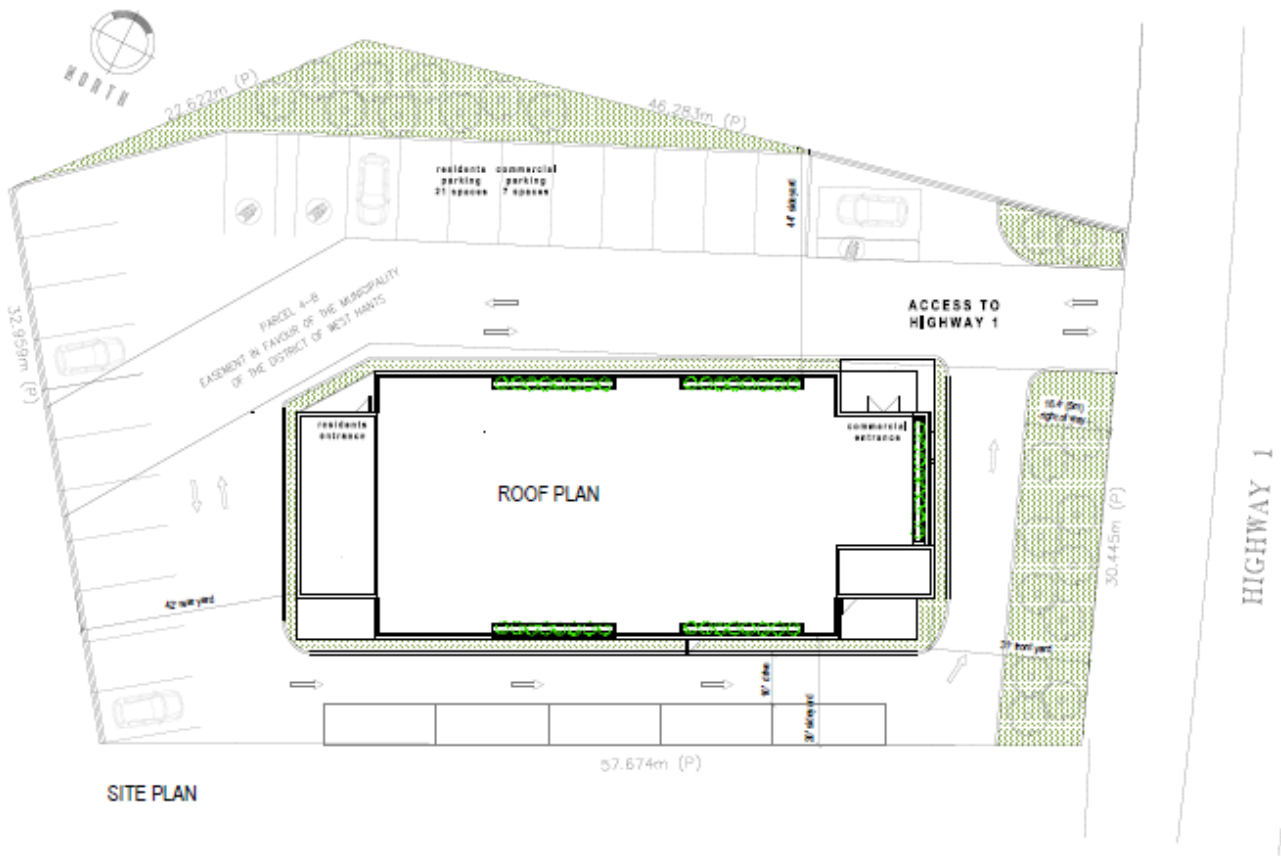
THENCE in a northerly direction along the western side of said Halifax to Windsor Highway a distance of 100 feet, more or less, to the point of beginning.

SUBJECT TO a right-of-way described in Deed recorded at the Registry of Deeds for Hants County on September 11th, 1996, in Book 788 at pages 402-405 inclusive, as document number 5378.

ALSO SUBJECT TO an easement record at the Registry of Deeds for Hants County in Book 341 at page 249, as document number 500861311.

The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Hants County as plan number 8897.

Schedule B
Site Plan



SITE PLAN

nuvo
architecture & interiors ltd.
OFFICE LOCATION
5335 DUFFUS STREET
902 229 7322

Residential
Commercial Mix

4190 Highway1
Garlands Crossing
West Hants County

b	Development Agreement	Jan 4, 2023
a	Development Agreement	March 7, 2022

Revisions / Issues:

NOTES:
COPYRIGHT RELATED TO THE USE OF THIS
DRAWING:
The use of this drawing shall be governed by standard copyright laws generally
applicable to architectural practice.



case No.	
title SITE PLAN	
scale 1/32"=1'-0"	
drawn by MS	checked by MS
page A100	

Appendix B



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2023-01-12

Subject: Development Agreement: 4190 Hwy 1, Garlands Crossing PID 45003357; File #22-30

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

Staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a four (4) storey apartment building containing 21 apartment units, roof top recreation space and up to 3,000 sq. ft. of commercial space on PID 45003357 in Garlands Crossing which is substantively the same as the draft set out in Attachment C of the report File #22-30 to the Planning and Heritage Advisory Committee dated January 12, 2023.

...that PAC/HAC recommends that Council require that the development agreement with Jean Alphonse of Jovana Construction Limited for PID 45003357 in Garlands Crossing be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

A completed application was received on November 7, 2022, from Monica Sweetapple of Nuvo Architecture and Interiors on behalf of the property owner Jean Alphonse of Jovana Construction Limited. The application is to consider a four (4) storey apartment building containing 21 apartment units, roof top recreation space and up to 3,000 sq. ft. (278.71 sq. m.) of commercial space on PID 45003357 in Garlands Crossing. The lot is currently occupied by the Gold House Chinese Restaurant and is owned by Jovana Construction Limited; Mr. Alphonse is the President of that company. The existing building would be demolished to accommodate the proposed development.

DISCUSSION

PID 45003357 is approximately 24,018 sq. ft. (2,231.35 sq. m.) in size. The lot is designated Commercial Core on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1) and is within the Commercial Development District and Three Mile Plains Growth Centre. Part 5.5 of the WHMPS contains the overall intention for properties designated Commercial Core in the Three Mile Plains Growth Centre.

The lot is zoned Highway Commercial (HC) on the Zoning Map of the West Hants Land Use By-law (WHLUB) (Figure 2). Residential uses are permitted in the same building as commercial uses in the Highway Commercial (HC) zone. However, residential uses are restricted to two-thirds (66 percent) or less of the total floor area of the building, and the maximum height of main buildings permitted in the Highway Commercial (HC) zone is 35 ft (10.67 m).

The subject lot abuts properties zoned Highway Commercial (HC) and General Commercial (GC) and designated Commercial Core. These properties are within the Commercial Development District and Three Mile Plains Growth Centre.

Development Agreement

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

is minimized. In the Municipal Planning Strategy Council usually identifies both specific and general criteria which must be considered when making decisions regarding a development agreement.

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

West Hants Land Use By-law

Section 6.1 of the WHLUB, Development Agreements, states that “The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:

- (c) multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre in accordance with Policy 5.3.8 of the Municipal Planning Strategy;

Proposed Development Agreement

The property owner would like to demolish the existing building on site and construct a new four (4) storey apartment building containing 21 apartment units, roof top recreation space, and up to 3,000 sq. ft. (278.71 sq. m.) of commercial space. The permitted uses on the lot are outlined in Section 2.1, *Use*, of the draft development agreement (Attachment C). The permitted commercial uses are specifically listed to ensure they will be compatible with the proposed residential uses.

As depicted on the site plan in Schedule B of the draft development agreement, there is an easement on the lot in favour of the Municipality. The Municipal Public Works Department confirmed that there is an existing 10-inch sewer main that runs from Tonge Hill to Highway 1 located within the easement. Section 2.2 (c) of the draft development agreement states that no buildings shall be located on the area of the lot identified within the easement. The Manager of Operations brought forward concerns about the potential for balconies in the proposed development overhanging the area within the easement which would limit the swing of an excavator if the sewer main needed repaired or replaced. Due to this concern, Section 2.2 (c) also states that no balconies or other building features may project into the area of the lot subject to the easement unless written consent is received from the Municipal Department of Public Works.

In response to an inquiry the Manager of Building and Fire Officials noted that “Looking at the plans, this will need to be sprinklered and a full Engineer design will be required. This will also include Geotechnical review and sign off. I have watched the existing building on the lot sink, not sure if this lot will support a 4 storey building (this will be approved by the Engineers).” Based on these comments, a geotechnical study is required to be provided to the Development Officer prior to a development permit being issued for the proposed development (Section 2.3 (e)).

The Multiple Residential (R-3) zone of the WHLUB outlines required recreation space for dwellings with three or more units. It states that 200 sq. ft. (18.58 sq. m.) of recreation space is required for a 1-bedroom unit, and 250 sq. ft. (23.22 sq. m.) is required for a 2-bedroom unit. Using these requirements as a guide for this proposed development, 4,350 sq. ft. (404.13 sq. m.) of recreation space would be required. Staff have increased this to 4,500 sq. ft. (418 sq. m.) due to the limited public recreation sites within walking distance (Section 2.7). The proposed development includes a plan for 5,240 sq. ft. (486.81 sq. m.) of rooftop recreation space, which would exceed the required amount in the draft development agreement.

The main access for the apartment building will be from Highway 1. The Nova Scotia Department of Public Works commented that they do “not anticipate a substantial change in traffic on Highway 1 with this development” however “the proximity of the existing commercial access to the Hwy 1 / Trunk 14 (intersection) is of concern. The determination of the need for a traffic impact study is dependent on the use of the 2600 sq. ft. of commercial space”. The need for a traffic study would be determined when the owner applies for development permits for the proposed commercial use. The Nova Scotia Department of Public Works went on to state “The property will require closure of its open frontage prior to receiving department approval. The property will be permitted a single access onto Highway 1, no greater than 8 m. wide.” Based on this comment, the driveway width is limited to a maximum of 26 ft. (8 m.) in Section 2.4, *Access and Egress*, of the draft development agreement. The Nova Scotia Department of Public Works concluded by stating that “structures, including parking stalls, are not permitted within the 5-metre setback of the Highway 1 right-of-way.” The property owner has amended the site plan for the proposed development to ensure no parking spaces or driveways within 16.4 ft. (5 m.) of the front lot line. A clause has also been added to Section 2.5 (e) of the draft development agreement which states that no parking spaces, driveways or parking aisles shall be located within 16.4 ft. (5 m.) of the front lot line unless otherwise approved in writing by the Provincial Department of Public Works.

The WHLUB currently requires 1.5 parking spaces per dwelling unit at a size of 10 ft. by 20 ft. (3.05 sq. m. x 6.1 sq. m.) and 1 parking space for every 300 sq. ft. (27.87 sq. m.) of commercial space. Due to the location of the lot in a Growth Centre and the proximity of the lot to surrounding services, staff determined that it would be appropriate to reduce the amount of parking required per dwelling unit. As outlined in Section 2.5, *Parking*, of the draft development agreement, a minimum of one (1) parking space will be required per dwelling unit and one (1) parking space for every 360 sq. ft. (33.45 sq. m.) of gross floor area dedicated to commercial uses. The minimum size of each parking space will be 9 ft. x 20 ft. (2.7 m. x 6.1 m.).

The criteria in Policy 5.3.8 (a) requires the side yards to be at least one half of the building height. This is required in Section 2.3 (a) of the draft development agreement. The WHLUB requirements for signs and lighting will be used to regulate signs and illumination on the subject lot, as outlined in Section 2.11, *Signs and Lighting*, of the draft development agreement. Commercial uses within the development will be permitted to operate only between the hours of 7:00 a.m. and 9:00 p.m. daily, as outlined in Section 2.12.

In response to an inquiry, the Municipal Project Engineer commented that “as this is a proposed commercial and multi-unit use, all services such as garbage collection (exceeding single unit curbside quota’s) and snow clearing would be the responsibility of the property owner”. These responsibilities are outlined in Section 2.10 (a) and (c) of the draft development agreement. Section 2.9 (a) also outlines that the owner will keep outdoor storage of garbage enclosed or screened from nearby properties and abutting roads.

As per the draft development agreement the developer will be required to provide the following items prior to being issued a development permit:

- a geotechnical study prepared by a qualified professional that outlines the geotechnical investigations conducted on site, confirms the suitability of the site for the proposed development and provides recommendations to the Owner on how to construct the building based on the site conditions as outlined in Section 2.3 (e), *Site Requirements*;
- a stormwater management plan for the site that satisfies the Municipal Engineer that historical flooding patterns and area drainage systems have been considered and that storm water discharge will not have a negative impact on downstream properties as outlined in Section 2.8, *Site Drainage*; and
- design plans of the water and sewer servicing connections and layout including location and connection design of any fire hydrant(s) as outlined in the 2.9 (b), *Water and Sewer Services*, and 2.6 (a), *Fire Safety*.

Section 3.3 of the draft development agreement outlines substantive matters of the development agreement. Substantive matters are any items that Council has determined that would significantly alter the intended effect of the development agreement if changed. If a request is received from the developer to change a substantive matter outlined in a development agreement, the request must go through the entire development agreement process including Public Hearing before Council prior to Council making a final decision on the proposed amendment. Staff have determined the following items in this draft development agreement are substantive matters:

- the uses permitted on the Property as listed in Section 2.1, Use;
- subject to Section 2.13, the minimum side yard requirements and maximum building height as listed in Section 2.3 (c);
- the geotechnical study requirements as listed in Section 2.3 (e);
- the fire safety requirements as listed in Section 2.6, Fire Safety;
- the stormwater management plan requirements as listed in Section 2.8, Site Drainage; and
- hours of operation for the commercial uses as listed in Section 2.12, Hours of Operation.

Other items such as engineered building design, accessible parking, sprinkler systems, and barrier free units will be required by the Manager of Building and Fire Inspection Services as per the National Building Code requirements. A full review of the building plans will be conducted when the property owner applies for development and building permits. These items are not listed in the draft development agreement as the National Building Code would take precedence over the development agreement as outlined in Section 5.1, *Compliance with other By-laws and Regulations*, in the draft development agreement.

West Hants Municipal Planning Strategy

Part 5.0 of the WHMPS contains the overall intention for Growth Centres in West Hants; Section 5.5 of the WHMPS contains the overall intention for properties designated Commercial Core in the Three Mile Plains Growth Centre. The Commercial Cores of the Growth Centres were designated due to the access to municipal services, access to Highway 101 and the central location. They were also designated to ensure there was sufficient space in the former Municipality of the District of West Hants for commercial development. This was reinforced when Council designated the Commercial Core areas of the Falmouth and Three Mile Plains Growth Centres as the Commercial Development District where commercial uses will be incentivized.

This proposal includes commercial uses on the street frontage of the ground floor of the building. The proposal application shows up to 2,934 sq. ft. (272.58 sq. m.) of commercial space which will replace the existing 2,960 sq. ft. (275 sq. m.) of commercial space on the property. As the proposal includes the demolition of an existing commercial property to enhance the property with a similarly sized commercial component and residential units, the proposal would still be consistent with the intent of the Commercial Development District and the overall policies for the Growth Centres.

Section 5.3 outlines the residential policies for the Three Mile Plains Growth Centre. Policy 5.3.8 establishes Council's intention to consider "multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre by development agreement".

WHMPS Specific Criteria

Policy 5.3.8 outlines the specific criteria to be considered by Council, which are examined in detail in Attachment A.

In summary, the criteria are met since:

- the side yards will be at least one-half the height of the building;
- the development has frontage on an arterial road;
- the lot is serviced with municipal water and sewer; and
- adequate recreational space and on-site parking will be provided.

WHMPS General Criteria

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

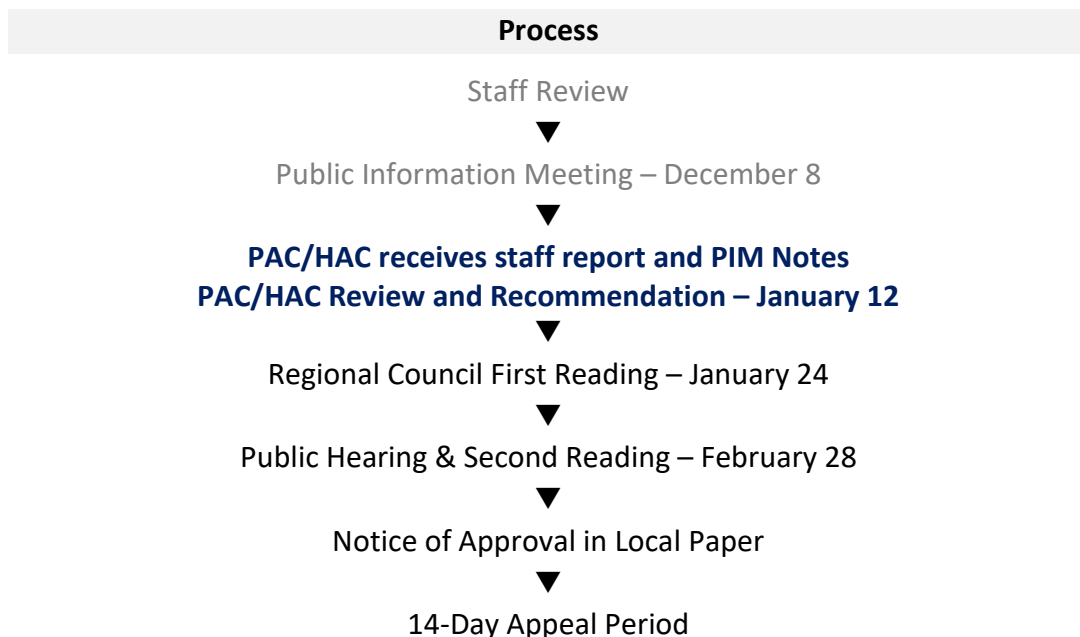
- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Provincial Department of Public Works have no concerns which have not been addressed in the report and development agreement.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property. The subject lot was not included in the Three Mile Plains Flood Risk Assessment Study. Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the draft development agreement has been considered within the context of both the specific and general policies of the WHMPS, and is consistent with the intent, objectives, policies and criteria of the WHMPS. As a result, it is reasonable to consider permitting a four (4) storey apartment building containing 21 apartment units, rooftop recreation space and up to 3,000 sq. ft. (278.71 sq. m.) of commercial space on PID 45003357 in Garlands Crossing by development agreement.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

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

Report Prepared by: _____
Sara Poirier, Senior Planner

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

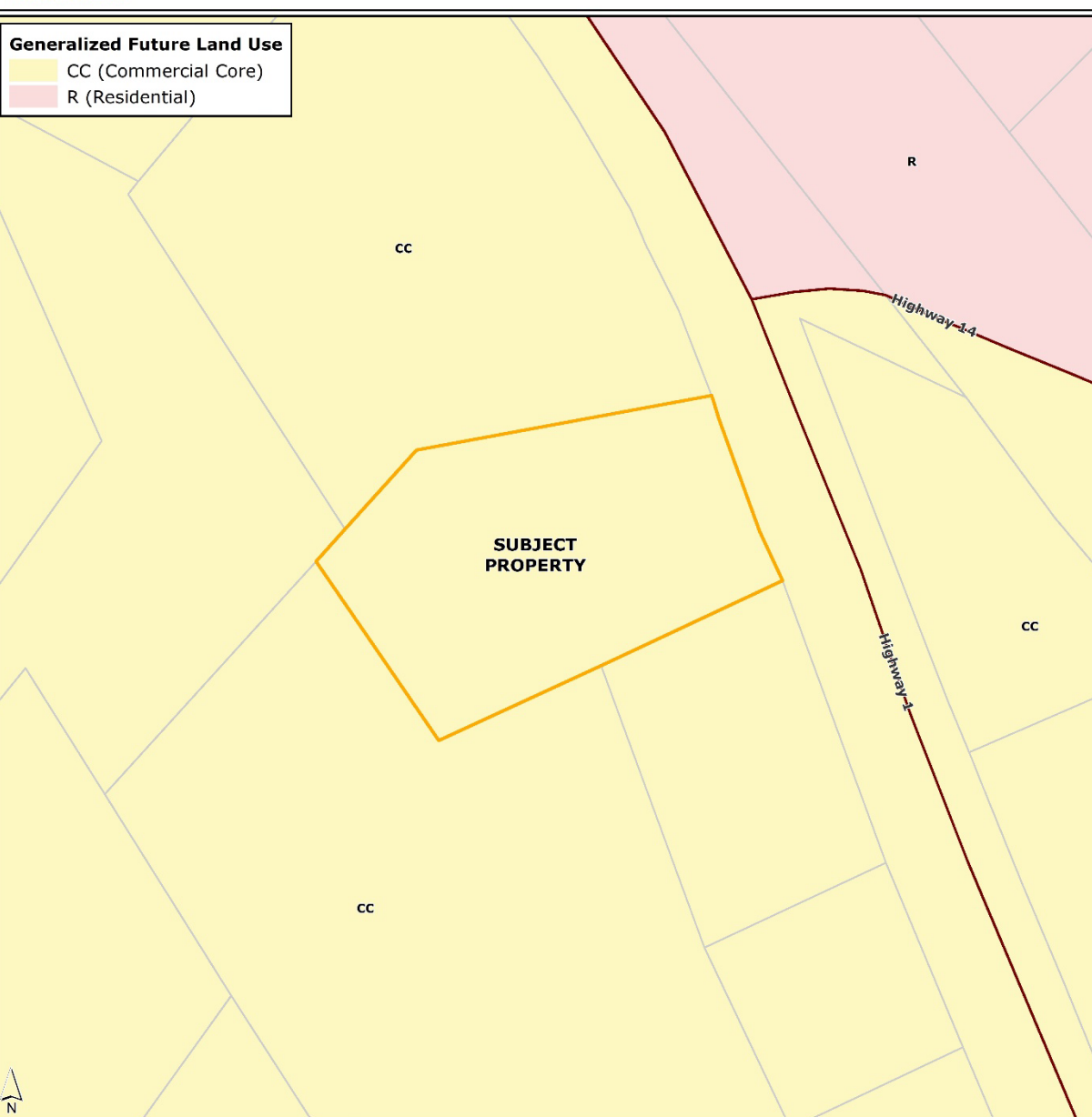


4190 Highway 1, Garlands Crossing

PID 45003357

Generalized Future Land Use

- CC (Commercial Core)
- R (Residential)



Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia.

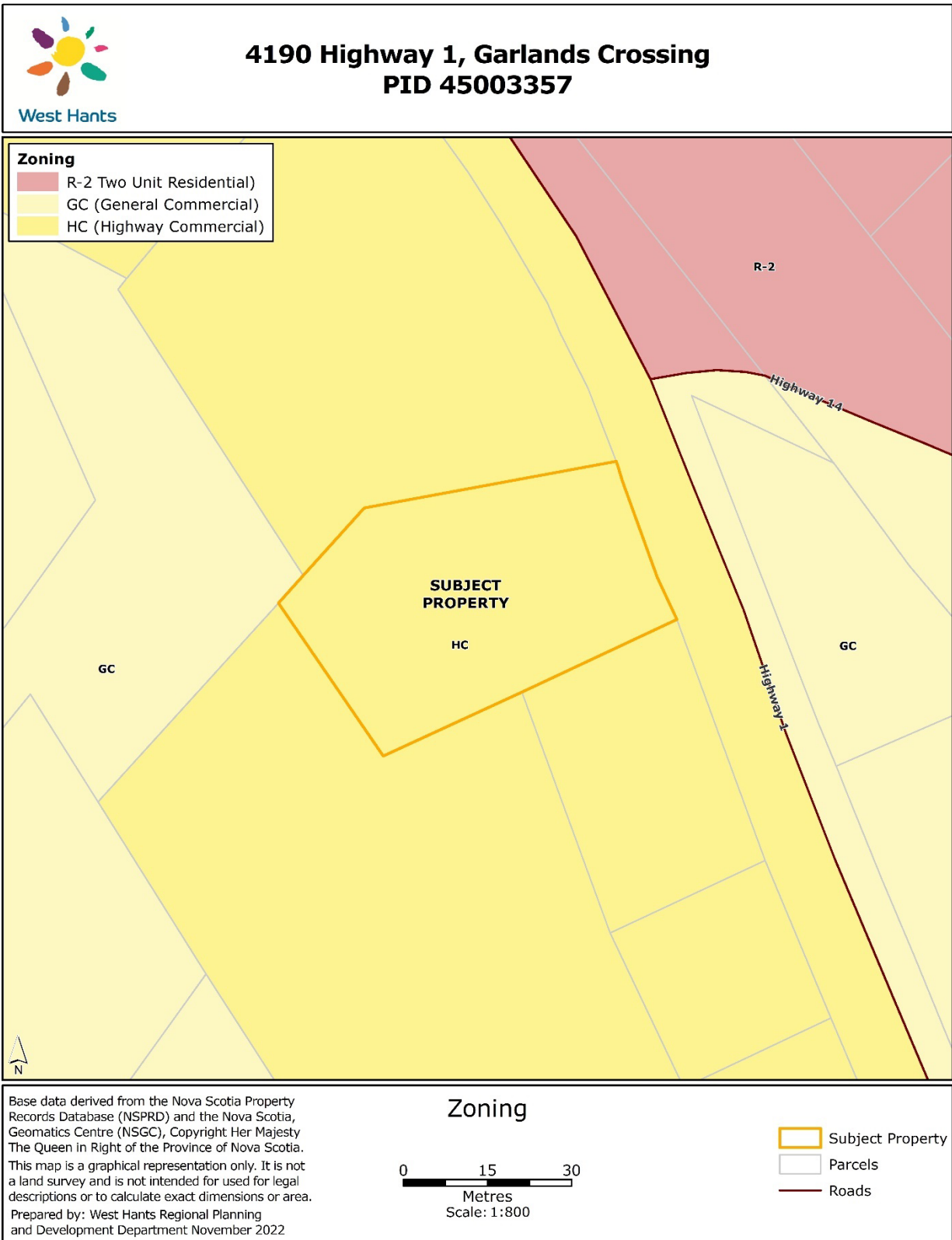
This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area.

Prepared by: West Hants Regional Planning and Development Department November 2022

Generalized Future Land Use

- Subject Property
- Parcels
- Roads

Figure 2
Zoning Map Extract



Attachment A
Specific Criteria for Development Agreement

West Hants Municipal Planning Strategy

Policy 5.3.8 It shall be the policy of Council to consider multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre by development agreement subject to the following:

CRITERIA	COMMENT
(a) the side yards are at least one-half the height of the building;	Section 2.2 (a) requires the side yards of the buildings to be one-half the height of the building or 15 ft. (4.57 m.) whichever is greater.
(b) adequate landscaping, screening and buffering is provided to minimize the impact of building height on adjacent properties;	The proposal is located within a commercial area where surrounding uses are mainly General Commercial (GC) or Highway Commercial (HC) in nature. There are no residential properties abutting the lot that may be impacted by the proposed 4 storey apartment building. The site plan for the proposed development shows landscaping along the north and east lot line. Staff consider this adequate to provide a visual break to minimize the impact of height on abutting properties.
(c) the specific requirements for multiple unit development set out in Policy 5.3.7;	See below.
(d) any other matter which may be addressed in a development agreement; and	All other matters are addressed elsewhere in this report.
(e) Policy 16.3.1.	Please see Attachment B for further details

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

CRITERIA	COMMENT
(a) the development has frontage on an arterial or collector street designated on the Transportation Map (Map 2) if it consists of 12 or more units;	The lot has frontage on Highway 1. Highway 1 is designated an arterial road on the Transportation Map (Map 2) of the West Hants Municipal Planning Strategy.

(b) the lot is serviced, or is capable of being serviced, with municipal water and sewer; (Amendment WHMPS 14-01 Effective January 22, 2015)	The Municipal Project Engineer confirmed that “the location is currently served with municipal water and municipal sewer services.”
(c) the development is compatible with the character of the area with respect to building scale and design, traffic generation, population density and similar matters;	Garlands Crossing is mainly comprised of single-unit dwellings. This specific lot is in a commercial area of the Municipality however is close to the Crossing development and the community of Windsor where population density is 522 people per sq. km. (Statistics Canada Census for 2021). The Municipal Development Officer responded that “the dimensions and shape of the proposed development including setbacks from property lines are adequate.” They added that the commercial/residential pattern of development is compatible with the surrounding area. The Nova Scotia Department of Public Works commented that they do “not anticipate a substantial change in traffic on Highway 1 with this development”.
(d) existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact study may be required in accordance with Section 14.6 of this Strategy;	The Nova Scotia Department of Public Works stated that existing streets are adequate to support the development and will not require major infrastructure improvements as a result of this development. They did note that “the proximity of the existing commercial access to the Hwy 1 / Trunk 14 (intersection) is of concern. The determination of the need for a traffic impact study is dependent on the use of the 2600 sq. ft. of commercial space”. The need for a traffic study would be determined when the owner applies for development permits for the proposed commercial use. The Nova Scotia Department of Public Works went on to state “The property will require

	closure of its open frontage prior to receiving department approval. The property will be permitted a single access onto Highway 1, no greater than 8 m. wide.” Based on this comment, the driveway width is limited to a maximum of 26 ft. (8 m.) in Section 2.4, <i>Access and Egress</i> , of the draft development agreement. The Nova Scotia Department of Public Works concluded by stating that “structures, including parking stalls, are not permitted within the 5-metre setback of the Highway 1 right-of-way.” The property owner has amended the site plan for the proposed development to ensure no parking spaces or driveways within 16.4 ft. (5 m.) of the front lot line.
(e) adequate open space or recreational space is provided;	The Municipal Development Officer stated that the proposed recreational space of 5,240 sq. ft. (486.81 sq. m.) “exceeds our normal requirement.” The recreation space proposed would be adequate to support this development.
(f) adequate on-site parking is provided;	The applicant proposes to provide one (1) parking space per dwelling unit and seven (7) parking spaces for the proposed 2,934 sq. ft. (272.58 sq. m.) of commercial space. The Municipal Development Officer stated that providing this parking “for a total of 28 on-site parking spaces is adequate for this type of development.”
(g) any other matter which may be addressed in a Land Use By-law; and	All other matters are addressed elsewhere in this report.
(h) Policy 16.3.1.	Please see Attachment B for further details

Attachment B
General Criteria for Development Agreement

Policy 16.3.1

In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

CRITERIA	COMMENT
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Municipal Project Engineer stated "the proposed uses are not considered premature or inappropriate in terms of adequacy of services."
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection and other emergency services;	In response to an inquiry, the Manager of Building and Fire Inspection Services stated that they "don't see any issues with this development on a quick review. Looking at the plans, this will need to be sprinklered and a full Engineer design will be required." The local Fire Chief confirmed that the proposal is not considered premature or inappropriate in terms of the adequacy of fire protection and emergency response.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Nova Scotia Department of Public Works stated that existing streets are adequate to support the development and will not require major infrastructure improvements as a result of this development.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;	As noted in 5.3.7 (b) the Municipal Project Engineer confirmed that "the location is currently served with municipal water and municipal sewer services."
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	As noted in 5.3.7 (d) the Nova Scotia Department of Public Works has stated that the developer may have to provide a traffic

	study depending on the commercial use proposed within the building. The owner will provide a this at the development permit application stage if required by the Provincial Department of Public Works. The Provincial Department of Public works is also requiring a single driveway to a maximum of 26 ft. (8 m.) for the proposed development. This is required in Section 2.4, <i>Access and Egress</i>, of the draft development agreement. Finally, the Nova Scotia Department of Public Works stated that “structures, including parking stalls, are not permitted within the 5-metre setback of the Highway 1 right-of-way.” The property owner has amended the site plan for the proposed development to ensure this requirement is met. There is no active rail line in the area. Highway 1 does not have sidewalks in this area. It is anticipated that most people will drive to access the proposed commercial and residential uses on the property.
(d) the adequacy of the dimensions and shape of the lot for the intended use;	The property is approximately 24,018 sq. ft. (2,231.35 sq. m.) and is pentagonal in shape. The Development Officer commented that “the dimensions and shape of the proposed development including setbacks from property lines is adequate.”
(e) the pattern of development which the proposal might create;	The surrounding area is already established with commercial uses along this portion of Highway 1 and residential uses along Tonge Hill and Trunk 14. The proposal for this lot includes both commercial and residential uses within the same building and is not anticipated to create a pattern of development unusual for the area. The Development Officer stated that this commercial/residential pattern of

	development is compatible with the surrounding area.
(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;	The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property. The subject lot was not included in the Three Mile Plains Flood Risk Assessment Study. In response to an inquiry, the Manager of Building and Fire Inspection Services noted that the proposed building will need a geotechnical review and sign off prior to receiving building permits due to concerns with the current stability of the site. They stated, "I have watched the existing building on the lot sink, not sure if this lot will support a 4-storey building (this will be approved by the Engineers)." Based on these comments, a geotechnical study is a requirement prior to a development permit being issued, as outlined in Section 2.3 (e). The property owner is responsible for ensuring that the lot is suitable for the proposed uses.
(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and	All Municipal, Provincial and Federal regulations will have to be met.
(h) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.

Attachment C



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2023.

BETWEEN:

WEST HANTS REGIONAL MUNICIPALITY, a body corporate pursuant to the *Municipal Government Act*, having its chief place of business at 76 Morison Drive, Wentworth Creek, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Municipality”)

OF THE FIRST PART

- and -

JOVANA CONSTRUCTION LIMITED a body corporate, with a head office at 6123 Lady Hammond Road, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Owner”)

OF THE SECOND PART

WHEREAS the Owner is the registered owner of a parcel of land located at 4190 Highway 1, Garlands Crossing (PID 45003357) hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Commercial Core on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (the “Municipal Planning Strategy”) and zoned Highway Commercial (HC) on the Zoning Map of the West Hants Land Use By-law (the “Land Use By-law”), and is within the Commercial Development District and the Three Mile Plains Growth Centre; and

WHEREAS the Owner has requested that the Municipality enter into a development agreement to permit a four (4) storey apartment building containing up to 21 apartment units and up to 3,000 sq. ft. (278.71 sq. m.) of commercial space on the Property (the “Development”); and

WHEREAS Policy 5.3.8 of the Municipal Planning Strategy and Section 6.1 (c) of the Land Use By-law enable Council to consider entering into a development agreement to allow multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre; and

WHEREAS the Council of the Municipality, at a meeting held on **Month Date, 2023** approved this request and adopted this Agreement by policy, subject to the execution of this development agreement by the parties hereto and the other conditions herein;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

PART 1 AGREEMENT CONTEXT

1.1 Definitions

In this Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the Land Use Bylaw, except those as defined as follows:

- (a) “Qualified site professionals” includes professional engineers, architects and/or hazardous materials professionals.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A - Legal Description

Schedule B – Site Plan

1.3 Municipal Planning Strategy, Land Use By-law and Subdivision By-law

- (a) *Municipal Planning Strategy* means the Municipal Planning Strategy of the Municipality of the District of West Hants, effective on June 26, 2008, as amended, or successor By-laws;
- (b) *Land Use By-law* means the Land Use By-law of the Municipality of the District of West Hants, effective on June 26, 2008, as amended, or successor By-laws;
- (c) *Subdivision By-law* means the Subdivision By-law of the Municipality of the District of West Hants, approved on June 26, 2008, as amended, or successor By-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

- (a) The Parties agree that uses on the Property shall be limited to the following:
- (i) those uses permitted by the underlying zoning in the Land Use By-law; and
 - (ii) an apartment building containing 21 apartment units, roof top recreation space, and up to 3,000 sq. ft. (278.71 sq. m.) gross floor area on the ground floor for commercial uses which shall be limited to the following commercial uses:
 - Arts and crafts studios including photography
 - Banks and financial institutions
 - Clubs and community organizations
 - Commercial schools
 - Day care centres, licensed or non-licensed
 - Dry cleaning and laundry establishments
 - Entertainment, recreation and assembly uses within a wholly enclosed building
 - Licensed liquor establishments
 - Offices
 - Post offices and postal outlets
 - Repair and rental establishments
 - Restaurants, excluding drive-through restaurants
 - Retail stores
 - Service and personal service shops
 - Veterinary clinics and animal hospitals

Except as otherwise provided in this Agreement, the provisions of the Land Use By-law and Subdivision By-law apply to any development undertaken pursuant to this Agreement.

2.2 Development Location and Design

- (a) Prior to the construction of the new building as shown on Schedule B, all existing buildings shall be demolished, and the materials disposed of in accordance with the law and under direction of qualified site professionals.
- (b) The Development location and design shall be generally consistent with the Site Plan shown in Schedule B.

- (c) No buildings shall be developed on the easement in favour of the Municipality as shown on the Site Plan in Schedule B. Balconies or other building features shall not be permitted to project into the area of the lot subject to the easement unless otherwise approved in writing by the Municipal Department of Public Works.
- (d) The Development Officer may approve in writing minor changes to the location of the Building or other aspects of the Site Plan provided the side yards are not decreased and no building is proposed to be constructed on the Municipal easement. Changes to the Site Plan may also be approved in writing in accordance with reports generated in Section 2.3 (e) and 2.8, *Site Drainage*, of this Agreement provided the side yards are not decreased and no building is proposed to be constructed on the Municipal easement.

2.3 Site Requirements

- (a) The Building shall conform to the following requirements:

Minimum Front Yard	25 ft. (7.62 m.)
Minimum Rear Yard	25 ft. (7.62 m.)
Minimum Side Yard	15 ft. (4.57 m.) or one-half the height of the building whichever is greater
Maximum Storey of Main Building	4 storeys
Maximum Building Height	50 ft. (15.24 m.)
Maximum Height of Accessory Building	15 ft. (4.57 m.)

- (b) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.
- (c) A minimum of 4,500 sq. ft. (418.06 sq. m.) of usable recreation space as outlined in Section 2.7, *Recreational Space*, shall be required.
- (d) The Owner shall keep all undeveloped areas of the Property landscaped.
- (e) No development permit shall be issued until the Owner provides to the Development Officer a geotechnical study prepared by a qualified site professional that outlines the geotechnical investigations conducted on site, confirms the suitability of the site for the proposed development and provides recommendations to the Owner on how to construct the building based on the site conditions.

2.4 Access and Egress

- (a) The Owner shall develop, construct, and maintain the driveway in the Development in general conformance with the driveway shown on Schedule B.

- (b) The driveway shown on Schedule B shall provide a maximum width of 26 ft. (8 m.) and shall have a minimum paved surface width of 20 ft. (6.09 m.), unless otherwise approved in writing by the Provincial Department of Public Works. The vehicular entrance and exit shall be clearly demarcated.

2.5 Parking

- (a) All parking spaces for vehicles using the Property shall be located on the lot and shall be generally located as shown on Schedule B.
- (b) The Owner shall provide a minimum of one (1) parking space per dwelling unit on the Property and a minimum of one (1) parking space for every 360 sq. ft (33.45 sq. m.) gross floor area dedicated to commercial uses on the Property.
- (c) Parking aisles and spaces shall be constructed so as to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Owner. They may be constructed using permeable construction materials to assist with stormwater retention.
- (d) Each parking space shall be a minimum of 9 ft. by 20 ft. (2.7 m. by 6.1 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m) wide.
- (e) No parking spaces, driveways or parking aisles shall be located within 16.4 ft. (5 m.) of the front lot line unless otherwise approved in writing by the Provincial Department of Public Works.
- (f) The number, location and arrangement of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.13, *Variance*, of this Agreement.

2.6 Fire Safety

- (a) No development permit shall be issued until the location and connection design of any fire hydrant(s) to the municipal water supply has been approved by the water utility, in consultation with the district Fire Chief.
- (b) All curbs shall be designed to be mountable by emergency services vehicles.
- (c) All access routes shall be kept clear of overhead obstructions and wires and be maintained by the Owner to allow unimpeded access to the Property by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

2.7 Recreational Space

- (a) A minimum of 4,500 sq. ft. (418.06 sq. m.) of private recreational space shall be provided on the Property and may include:
 - (a) individual balconies;
 - (b) roof top recreation space; and
 - (c) common use landscaped areas.

2.8 Site Drainage

- (a) No development permit shall be issued until the Owner provides to the Development Officer a stormwater management plan that satisfies the Municipal Engineer that historical flooding patterns and area drainage systems have been considered and that storm water discharge will balance pre- and post-construction flows to ensure there is no negative impact on downstream properties. If the stormwater management plan provided by the Owner does not in fact balance pre-and post-construction flows to ensure the absence of such impacts the Owner shall undertake such remediation as the Municipal Engineer may reasonably require.
- (b) The Owner shall undertake all construction activities in accordance with an erosion and sedimentation control plan prepared by a Professional Engineer, unless otherwise directed by Nova Scotia Environment, and also agrees to assume sole responsibility for compliance with all regulations of Nova Scotia Environment.

2.9 Servicing

(a) Waste Collection

- (i) No Municipal garbage collection will be provided to the Development. The Owner shall have sole responsibility for collecting, storing and disposing of garbage and other recycling or waste items from the Development.
- (ii) The Owner shall keep any outdoor storage of garbage in an enclosed structure or in some way adequately screened so as not to be visible from or cause a nuisance to nearby properties and abutting roads and it shall not be located closer than 10 ft. (3.05 m.) to an abutting property.

(b) Water and Sewer Services

- (i) The Building shall be serviced with water and sewer services provided by West Hants Regional Municipality authorized by the Municipal Engineer. Detailed design plans of the water and sewer servicing connections and layout shall be in accordance with the Municipal Services Specifications

Manual and shall be submitted to the Municipal Engineer for approval prior to construction.

- (ii) The Owner shall be responsible for constructing, installing and maintaining the water and sewer services on the Property, except the Municipal owned infrastructure within the Municipal easement as shown on the Site Plan in Schedule B.

(c) Snow Plowing

The Owner shall have sole responsibility for snow plowing within the Development.

2.10 Maintenance

- (a) The Owner shall keep the Property and Buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.
- (b) The Owner shall maintain the driveway to a standard adequate to allow for access by emergency services vehicles.

2.11 Signs and Lighting

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

2.12 Hours of Operation

The hours of operation for the commercial uses within this Development shall be limited to between 7:00 a.m. and 9:00 p.m. daily, inclusive.

2.13 Variance

In accordance with Section 5.48 of the Land Use By-law, *Variance*, the Development Officer may grant a variance for one or more of the following requirements subject to the requirements of the *Municipal Government Act*:

- (i) minimum required yard dimensions except side yard requirements as required in Section 2.2 (c) of this Agreement;
- (ii) number of parking spaces required; and
- (iii) floor area occupied by a home-based business; and

- (iv) height and area of a sign.

PART 3 CHANGES AND DISCHARGE

3.1 The Owner shall not vary or change the use of the Property from that provided for in Section 2.1 of this Agreement, *Use*, unless a new agreement is entered into with the Municipality or this Agreement is amended.

3.2 Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing provided that Council determines that the changes do not significantly alter the intended effect of these aspects of this Agreement.

3.3 The following matters are substantive matters:

- (a) the uses permitted on the Property as listed in Section 2.1, *Use*;
- (b) subject to Section 2.13, the minimum side yard requirements and maximum building height as listed in Section 2.3 (c);
- (c) the geotechnical study requirements as listed in Section 2.3 (e);
- (d) the fire safety requirements as listed in Section 2.6, *Fire Safety*;
- (e) the stormwater management plan requirements as listed in Section 2.8, *Site Drainage*; and
- (f) hours of operation for the commercial uses as listed in Section 2.12, *Hours of Operation*.

3.4 Upon conveyance of land by the Owner to either:

- (a) the road authority for the purpose of creating or expanding a public street over the Property; or
- (b) the Municipality for the purpose of creating or expanding any municipally owned facility over the Property,

registration of the deed reflecting the conveyance shall be conclusive evidence that this Agreement shall be discharged as it relates to the public street or public facility, as the case may be, as of the date of registration with the Land Registry Office, but this Agreement shall remain in full force and effect for all remaining portions of the Property.

3.5 Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter, and this Agreement may be discharged by Council without a public hearing.

3.6 Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owner following a resolution of Council to give such Notice:

- (a) as provided for in Section 4.1, *Commencement of Development*, of this Agreement;
or
- (b) at the discretion of the Municipality, with or without the concurrence of the Owner, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or
- (c) at any time upon the written request of the Owner, provided the use of the Property is in accordance with the applicable Land Use By-law or a new agreement has been entered into.

3.7 Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

- (a) The Owner may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required.
- (b) Development as provided in Part 2 of this Agreement shall commence not later than twenty-four (24) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act, 30 days after giving Notice of Intent to Discharge to the Owners. Upon the written request of the Owners, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be an amendment to this Agreement.
- (c) If the Owners are bona fide delayed from commencing the development for reasons which are beyond the Owners' control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Owners is excused for the period of the delay and the time period for the Owners to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

4.2 Material to be Provided

- (a) The Owner shall provide record drawings to the Development Officer for any portion of the Development for which an engineered design is required within ten (10) days of completion of any work which requires the engineered design.
- (b) The Owner shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with other By-laws and Regulations

- (a) Nothing in this Agreement shall exempt the Owner from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.
- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-laws to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

5.2 Severability of Provisions

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

5.3 Interpretation

- (a) Where the context requires, the singular shall include the plural and the masculine gender shall include the feminine and neutral gender.
- (b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.
- (c) References to particular sections of statutes and by-laws shall be deemed to be references to any successor legislation and by-laws even if the content has been amended, unless the context otherwise requires.

5.4 Municipal Responsibility

- (a) The Municipality does not make any representations to the Owner about the suitability of the Property for the Development proposed by this Agreement. The

Owner assumes all risks and must ensure that any proposed Development complies with this Agreement and all other laws pertaining to the Development.

- (b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement, the Municipality may notify the Owner in writing. In the event that the Owner has not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice, then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms are a first lien on the land that is the subject of the Development Agreement.

5.6 Costs

The Owner shall pay all costs associated with registering this Agreement and all costs associated with any amendment thereof.

5.7 Development Agreement Bound to Land

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the *Municipal Government Act*.

5.8 Assignment of Agreement

The Owner may, at any time and from time to time, transfer or assign this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this Agreement.

5.9 Written Notice

- (a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Jean Alphonse, 6123 Lady Hammond Road, Halifax, Nova Scotia, B3K 0H6, or at any other address provided by the Owner.
- (b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided by the Municipality to the Owner.

5.10 Full Agreement

This Agreement constitutes the entire Agreement and contract entered into by the Municipality and the Owner. No other agreement or representation, oral or written, shall be binding.

IN WITNESS WHEREOF this Agreement was properly executed by the respective parties hereto on the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of:

Witness

Witness

Witness

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

Per: _____

) Abraham Zebian, Mayor

)

) Per: _____

) Deanna Snair, Municipal Clerk

)

)

)

) **JOVANA CONSTRUCTION LIMITED**

)

)

Per: _____

) Jean Alphonse, President

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **Jean Alphonse**, one of the parties thereto, signed, sealed and delivered the same in h presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

I, Deanna Snair of _____, Hants County, Nova Scotia make oath and swear that:

1. I am the Clerk of the West Hants Regional Municipality (the "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. The Municipality is a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1988, c.18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.
4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

I certify that on this _____, 2023
the Municipal Clerk, Deanna Snair came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Jean Alphonse, Nova Scotia, make oath and say that:

1. I Jean Alphonse of JOVANA CONSTRUCTION LIMITED the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.
3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
4. The Corporation is a resident of Canada under the Income Tax Act (Canada).
5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this _____, 2023
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

JEAN ALPHONSE, President

Schedule A
Legal Description

ALL that lot of land situate at Garlands Crossing, in the County of Hants and Province of Nova Scotia, known as Lot CA shown and delineated on a plan of survey entitled Plan of Subdivision Parcel B Lands Conveyed to 2559464 Nova Scotia Limited Danny Chows Restaurant Parcel A Lands Conveyed to 3032149 Nova Scotia Limited, prepared by Bruce Lake, N.S.L.S., dated August 30th, 2003, approved by the Municipality of West Hants under Plan No. 31-03 on October 28th, 2003 and filed at the Office of the Registry of Deeds for the Registration District of Hants as Plan Number 8897 and being more particularly bounded and described as follows:

BEGINNING at a point on the western side of the Halifax to Windsor Highway, said point being the southeastern corner of lands of Irving Oil Company Limited, said point being also the northeastern corner of the lands herein described;

THENCE on a bearing North 79 degrees 17 minutes West a distance of 150 feet to an iron pipe set in the ground;

THENCE South 40 degrees 59 minutes 16 seconds West (Grid North) a distance of 74.81 feet to a survey marker;

THENCE South 35 degrees 27 minutes 20 seconds East (Grid North) a distance of 108.34 feet to a survey marker;

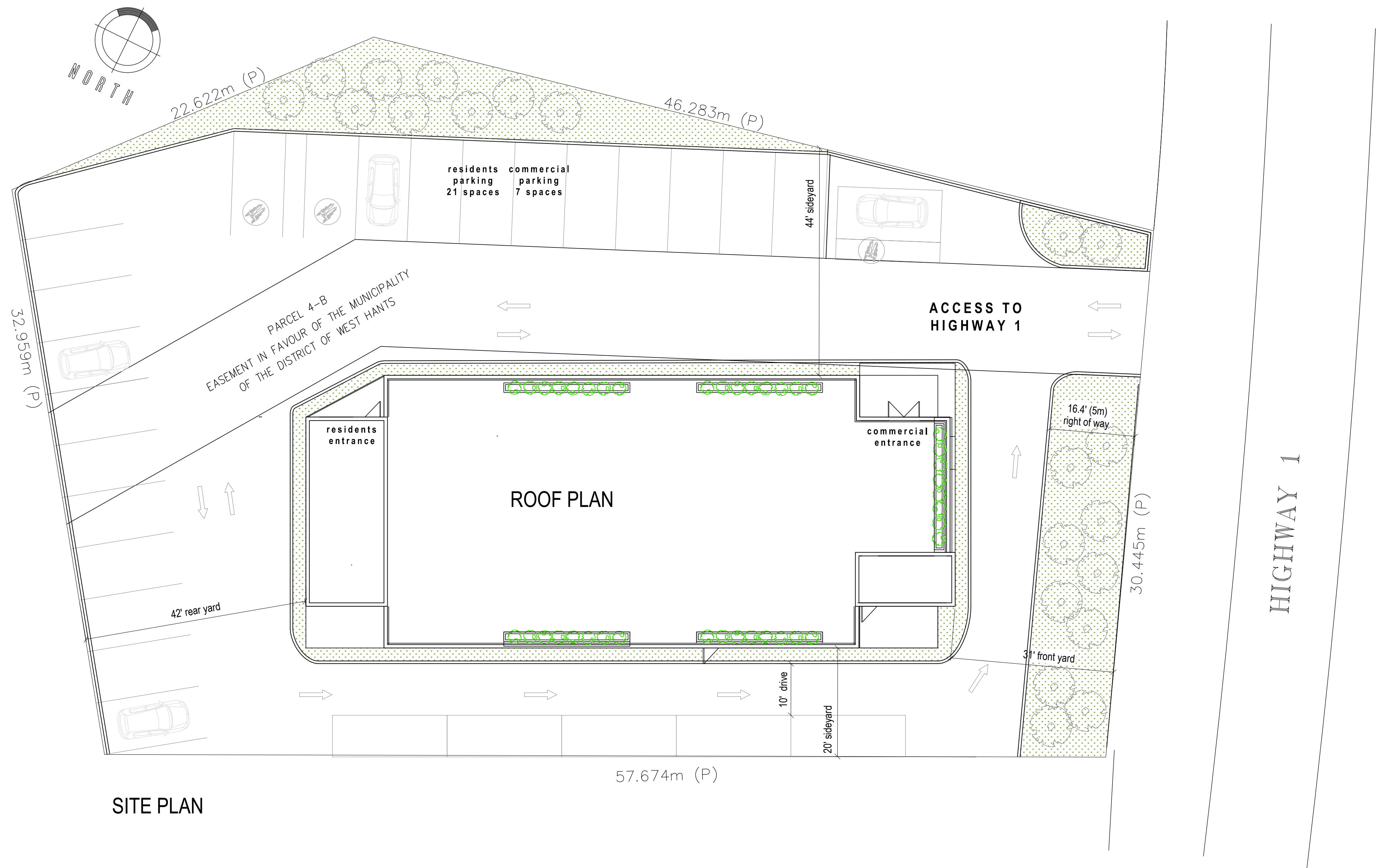
THENCE on a bearing North 86 degrees 39 minutes East a distance of 189 feet, more or less, to the Halifax to Windsor Highway aforesaid;

THENCE in a northerly direction along the western side of said Halifax to Windsor Highway a distance of 100 feet, more or less, to the point of beginning.

SUBJECT TO a right-of-way described in Deed recorded at the Registry of Deeds for Hants County on September 11th, 1996, in Book 788 at pages 402-405 inclusive, as document number 5378.

ALSO SUBJECT TO an easement record at the Registry of Deeds for Hants County in Book 341 at page 249, as document number 500861311.

The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Hants County as plan number 8897.



SITE PLAN



OFFICE LOCATION
5335 DUFFUS STREET
902 223 7322

Residential
Commercial Mix

4190 Highway 1
Garlands Crossing
West Hants County

b	Development Agreement	Jan 4, 2023
a	Development Agreement	March 7, 2022

Revisions / Issues:

NOTES:
COPYRIGHT RELATED TO THE USE OF THIS
DRAWING:

The use of this drawing shall be governed by standard copyright law as generally
accepted in architectural practice.



case No.	
title SITE PLAN	
scale 1/32" = 1' - 0"	
drawn by MS	chk'd by MS
page A 100	

Attachment D
Public Information Meeting Notes
December 8 – 22, 2022
File 22-29

4190 Hwy 1, Garlands Crossing; PID 45003357

Meeting date and time	A Public Information Meeting was held on December 8, 2022 beginning at 6:08 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: Seven (7) PAC/HAC members: • Jennifer Nicholls (Chair) • Mayor Abraham Zebian • Councillor Laurie Murley • Councillor Jim Ivey • Jane Davis • Stefan Palios • Lisa Bland Four (4) members of staff: • Planner Poirier • Planner Dunphy • Director LeMay • Meeting Secretary Lake
Applicant Monica Sweetapple on behalf of Jean Alphonse of Jovana Construction Limited Property 4190 Hwy 1, Garlands Crossing; PID 45003357	Planner Poirier outlined the development agreement application to permit a four (4) storey apartment building containing 21 apartment units and up to 2,600 sq. ft. of commercial space on 4190 Hwy 1, Garlands Crossing PID 45003357. Monica Sweetapple made a formal presentation.
Comments	Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between December 8 – 22, 2022. 1 member of the public spoke at the Public Information Meeting. No comments or questions were received via mail, email or phone. The questions and comments from the public are summarized below. Staff and applicant responses are included in purple.

	At the Public Information Meeting the following comments were made: • Ian Larrett wanted clarification on the size of the units, parking spaces provided as he wants to make sure people are parking on the lot for the proposed uses, the total height of the building, and who the proposed clientele is. Monica Sweetapple responded the units will be between 610 – 893 sq. ft. in size. There are 29 parking spaces proposed on the lot. The total height to the roof surface is 41 ft. plus a 1 ft. parapet and 3 ft. glass railing for a total of 45 ft. The units will be advertised at market value.
Adjournment	The meeting was adjourned at 6:28 p.m.



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____

Sara Poirier, Director of Planning and Development

Date: 2023-02-28

Subject: Hantsport MPS Amendment Related to Public Participation Program Policy;
File # 22-31 C

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) 214(4)
Minimum Planning Requirements Regulations 4(d)

RECOMMENDATION

...that Council approves amending the text of the Hantsport Municipal Planning Strategy by adding background and a policy referring to the Public Participation Program Policy, as shown in Appendix D of the January 12, 2023 report File #22-31, Minimum Planning Requirements Regulations: Hantsport.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☒	Economic ☐	Councillor Activity ☐
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The Nova Scotia Minimum Planning Requirement Regulations require a policy within each Municipal Planning Strategy (MPS) which describes *“the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice”*; this has been interpreted by the Province to mean there must be a policy within each MPS referring to the Public Participation Program Policy.

The proposed amendments are in direct response to this requirement.

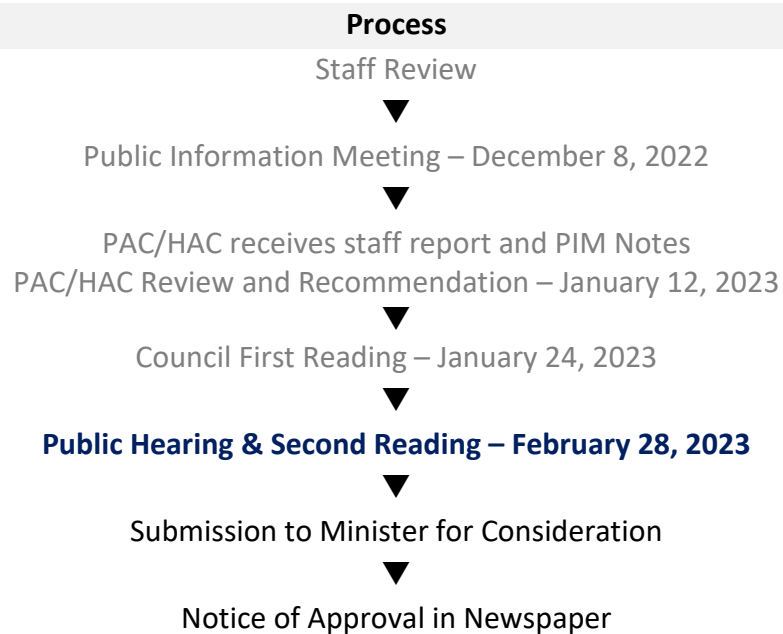
A Public Information Meeting was held on December 8, 2022.

PAC/HAC recommended in favour of the proposed amendments on January 12, 2023.

Council held First Reading on January 24, 2023.

NEXT STEPS

The process for this proposed amendment is as follows:



ATTACHMENTS

Attachment A 2023-01-24 Staff report: Hantsport MPS Amendment related to
Public Participation Program Policy; File # 22-31

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____
Sara Poirier, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

ATTACHMENT A



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____

Madelyn LeMay, Director, Planning and Development

Date: January 24, 2023

Subject: Hantsport MPS Amendment Related to Public Participation Program Policy;
File # 22-31B

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) 214(4)
Minimum Planning Requirements Regulations 4(d)

RECOMMENDATION

... that Council gives First Reading and will hold a Public Hearing to consider amending the Hantsport Municipal Planning Strategy by adding background and a policy to the Municipal Planning Strategy referring to the Public Participation Program Policy, as shown in Appendix D of the January 12, 2023 report Minimum Planning Requirements Regulations: Hantsport, File # 22-31.

BACKGROUND

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

The Nova Scotia Minimum Planning Requirement Regulations require a policy within each Municipal Planning Strategy (MPS) which describes *“the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice”*; this has been interpreted by the Province to mean there must be a policy within each MPS referring to the Public Participation Program Policy.

The proposed amendments are in direct response to this requirement.

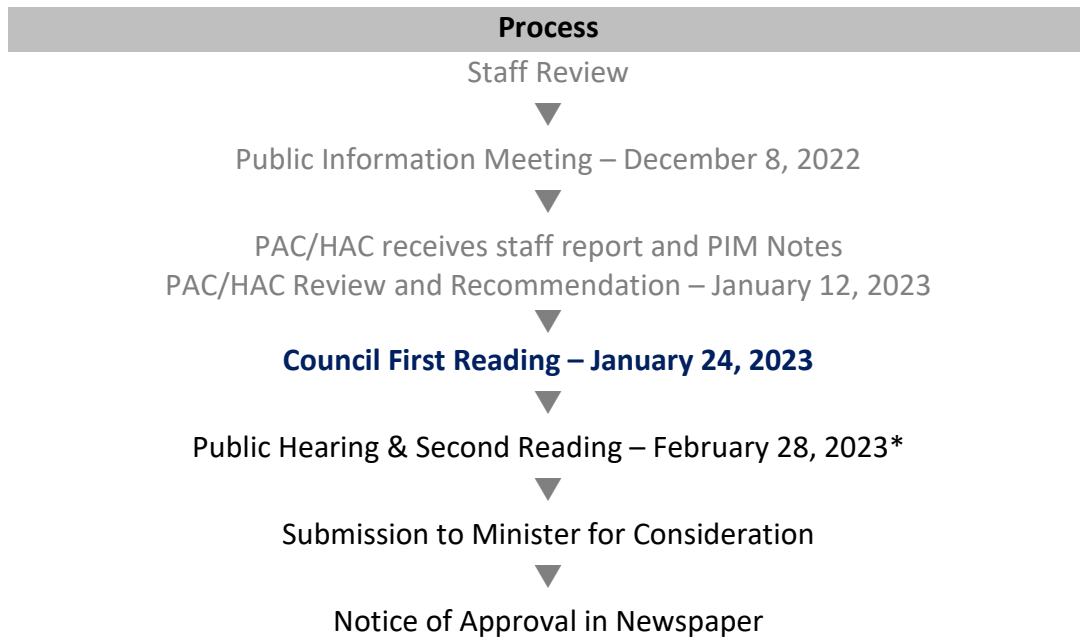
DISCUSSION

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

PAC/HAC recommended in favour of the proposed amendments on January 12, 2023.

NEXT STEPS

The process for this proposed amendment is as follows:



*anticipated date; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

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

ATTACHMENTS

Attachment A January 12, 2023 report: Hantsport MPS Amendment related to Public Participation Program Policy

CHIEF ADMINISTRATIVE OFFICER REVIEW

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

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

ATTACHMENT A



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

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

Date: January 12, 2023

Subject: Minimum Planning Requirements Regulations: Hantsport; File # 22-31

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s. 204

2.0 RECOMMENDATION

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Municipal Planning Strategy by adding background and a policy referring to the Public Participation Program Policy, as shown in Appendix D of the January 12, 2023 report Minimum Planning Requirements Regulations: Hantsport, File # 22-31.

3.0 BACKGROUND

The Nova Scotia Minimum Planning Requirements Regulations (Appendix A) in s. 4 specify that *"In addition to the requirements prescribed in subsection 214(1) of the Act, a municipal planning strategy must contain all of the following:*

...(d) a statement of policy describing the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice."

A Public Information Meeting regarding this requirement was held on December 8, 2022. The comment period ended December 22, 2022; no comments were received (Appendix B).

4.0 DISCUSSION

West Hants Regional Municipality (WHRM) established a Regional Public Participation Program Policy at the first regular Council meeting following consolidation.

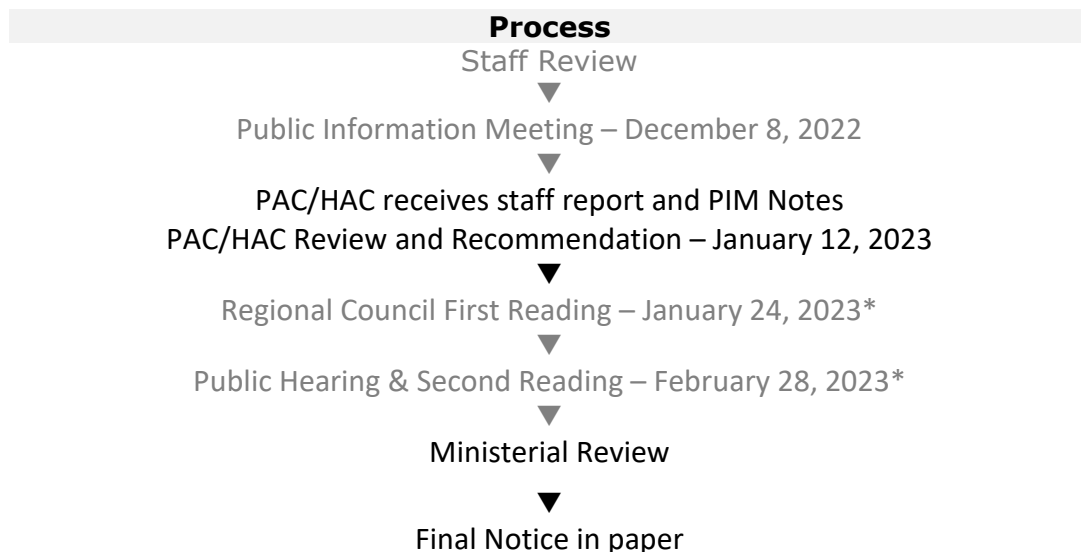
Amendments to the Public Participation Program Policy are also being recommended to the Planning and Heritage Advisory Committee January 12, 2023.

WHRM has three sets of planning documents: Hantsport, West Hants and Windsor. Each of the Municipal Planning Strategies meets the Nova Scotia Minimum Planning Requirements Regulations with one exception: each is missing policy referring to the Public Participation Program Policy. The proposed amendments (Appendices C and D) are intended to meet this requirement.

There are no policies within the HMPS which need to be considered in relation to the proposed amendments.

5.0 NEXT STEPS

The proposed amendments have been considered within the context of, and are consistent with the intent, objectives, and policies of the Hantsport Municipal Planning Strategy (HMPS). There are no proposed map amendments. As a result, it is reasonable to amend the text of the HMPS to clarify and confirm the intent of Council regarding public engagement in planning processes.



*anticipated dates; final dates set by Council

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

7.0 ALTERNATIVES

Should PAC/HAC not wish to accept the draft amendments as written, it may:

- recommend specific amendments to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

8.0 APPENDICIES

Appendix A Nova Scotia Minimum Planning Requirements Regulations

Appendix B Public Information Meeting Notes

Appendix C Hantsport Municipal Planning Strategy Policies showing Proposed Amendments

Appendix D Draft Amendments to the Hantsport Municipal Planning Strategy

Report prepared by: _____

Madelyn LeMay, Director, Planning and Development

APPENDIX A

**Minimum Planning Requirements Regulations
made under Section 214(4) of the
Municipal Government Act
S.N.S. 1998, c. 18
N.S. Reg. 140/2019 (effective December 3, 2019)**

Table of Contents

Please note: this table of contents is provided for convenience of reference and does not form part of the regulations.

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[Matters subject to other enactment of Province](#)

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[Discretionary content related to fiscal matters](#)

[Discretionary content related to the natural environment](#)

[Discretionary content related to social aspects](#)

[Discretionary content related to resource lands, infrastructure and economic development](#)

[Discretionary content related to culture, heritage and landscape features](#)

[Discretionary content related to general matters](#)

Citation

- 1 These regulations may be cited as the *Minimum Planning Requirements Regulations*.

Definitions

- 2 In these regulations,

“Act” means the *Municipal Government Act*.

Review of planning documents

- 3 (1) A council must include policies in a municipal planning strategy on how it intends to review the municipal planning strategy and land-use by-law that implements the municipal planning strategy.

- (2) A municipal planning strategy and its implementing land use by-law must be reviewed no later than 10 years after the later of the following dates:
- (a) the date it was adopted;
 - (b) the date it was last reviewed; and
 - (c) the effective date of these regulations.
- (3) Where a municipality has one or more secondary planning strategies, subsection (2) shall be satisfied if a municipal-wide municipal planning strategy and all the land use by-laws applicable in the municipality are reviewed within the timelines provided in subsection (2).
- (4) “Review” in relation to a municipal planning strategy, means a municipality’s consideration of the content of a municipal planning strategy to determine if it should be amended or replaced to ensure that it meets the purposes outlined in Section 213 of the Act and the minimum planning requirements.

Mandatory content

- 4 In addition to the requirements prescribed in subsection 214(1) of the Act, a municipal planning strategy must contain all of the following:
- (a) a discussion of the background and contextual information that informed the goals and objectives of the municipal planning strategy;
 - (b) a map of the lands within a municipality that depicts the intended future uses of the lands as contemplated by the municipality’s municipal planning strategy;
 - (c) statements of policy with respect to the lands subject to the municipal planning strategy in relation to all of the following:
 - (i) residential uses,
 - (ii) commercial and industrial uses,
 - (iii) institutional uses,
 - (iv) recreational facilities and public open spaces, ~~and~~
 - (v) resource uses, where resources are present within a municipality;
 - (d) a statement of policy describing the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice.

Matters subject to other enactment of Province

- 5** (1) A municipality may include in its municipal planning strategy statements of policy on land use relating to any of the matters set out in Sections 6 to 13 unless the matter is the subject of another enactment of the Province.
- (2) Provided it is not prohibited by another enactment, statements of policy referred to in subsection (1) may be more stringent than another enactment.

Discretionary content related to planning tools

- 6** A municipal planning strategy may include statements of policy on the use, content, development, and administration of the following:
- (a) zoning;
 - (b) development agreements;
 - (c) comprehensive development districts;
 - (d) site-plan approval areas;
 - (e) incentive or bonus zoning;
 - (f) accepting and using cash-in-lieu of required parking;
 - (g) studies to be carried out before undertaking specified developments or developments in specified areas;
 - (h) staging development;
 - (i) non-conforming uses and structures;
 - (j) subdividing land; and
 - (k) regulation or prohibition of development in areas based on noise exposure forecast or noise exposure projections.

Discretionary content related to engagement

- 7** A municipal planning strategy may include statements of policy on engaging with provincial and federal departments, First Nations, and non-abutting municipalities.

Discretionary content related to fiscal matters

8 A municipal planning strategy may include statements of policy on any of the following:

- (a) municipal investment for public and private development and coordinating public programs relating to the economic, social and physical development of the municipality;
- (b) eligibility criteria for establishing a commercial development district including all of the following:
 - (i) the percentage increase in the taxable assessed value of the eligible properties, as defined in subsection 71C(1) of the Act, within the proposed commercial development district, and [sic]
 - (ii) the period over which the increase in the taxable assessed value of the properties occurs.

Discretionary content related to the natural environment

9 A municipal planning strategy may include statements of policy on any of the following:

- (a) climate change mitigation and adaptation;
- (b) protecting the natural environment and biodiversity;
- (c) protecting the coast;
- (d) protecting water supplies;
- (e) identifying, preserving and protecting landscape features;
- (f) stormwater management and erosion control;
- (g) excavating or filling of land, the placement of fill or the removal of soil;
- (h) identifying, protecting, using and developing any of the following:
 - (i) lands subject to flooding,
 - (ii) steep slopes,
 - (iii) lands susceptible to subsidence, erosion or other geological hazards, and [sic]
 - (iv) wetlands or other environmentally sensitive areas.

Discretionary content related to social aspects

10 A municipal planning strategy may include statements of policy on any of the following:

- (a) how social issues must be incorporated into decision making;
- (b) promoting social well-being;
- (c) housing opportunities for a range of social and economic needs and to support aging in place;
- (d) promoting community food security;
- (e) accessibility standards to help prevent and remove barriers that disable people;
- (f) walkability; and [*sic*]
- (g) healthy built environments.

Discretionary content related to resource lands, infrastructure and economic development

11 A municipal planning strategy may include statements of policy on any of the following:

- (a) protecting and using resource lands;
- (b) infrastructure including municipal services and facilities and the means of recovering their cost;
- (c) generating, using, and conserving energy;
- (d) transportation services and networks including establishing transportation reserves; and [*sic*]
- (e) home occupations and home-based businesses.

Discretionary content related to culture, heritage and landscape features

12 A municipal planning strategy may include statements of policy on any of the following:

- (a) heritage property protection and heritage buildings;
- (b) sites of cultural, historical or archeological interest; and [*sic*]
- (c) other significant natural or human-made features.

Discretionary content related to general matters

13 A municipal planning strategy may include statements of policy on any of the following:

- (a) public health and safety; and [*sic*]
- (b) land use matters relating to the physical, economic or social environment of the municipality not otherwise prescribed in these regulations.

Appendix B
Public Information Meeting Notes
December 8, 2022 – December 22, 2022
File# 22-31A

Hantsport Municipal Planning Strategy Amendments: Public Participation Program

Meeting date and time	A public information meeting was held on December 8, 2022 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-31A
Attending	Jennifer Nichols, PIM Chair Madelyn LeMay, Director, Planning and Development Sara Poirier, Senior Planner Alex Dunphy, Planner No members of the public present expressed interest in the proposed amendments.
Applicant none	Ms. LeMay outlined the proposed amendments, which are required by Regulations made under Section 204A of the MGA.
Adjournment	The presentation portion of the PIM ended at approximately 6:10 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Ms. LeMay until December 22, 2022.
PIM Submissions	No verbal or written submissions were received.

Appendix C

Taken from Hantsport Municipal Planning Strategy December 28, 2022

Proposed Changes shown in blue

11.2 Review of Municipal Planning Strategy

The *Municipal Government Act* states that a Strategy shall include policies on how Council intends to review the Strategy and Land Use By-law. We live in a world in which conditions relating to development may change rapidly. When Council determines that these types of changes warrant a review of the planning documents it shall conduct a review, and seek public input throughout the process.

The same holds true with the ICSP part of the Strategy. Council may review ICSP policies independently of the entire Strategy when circumstances such as direction from the senior levels of government with respect to sustainability change. Council also believes that a review should occur no later than seven years from the effective date of the Strategy and Land Use By-law.

The Municipal Government Act requires Council to adopt, by policy, a public participation program policy (PPPP) and to have policy within the MPS which establishes Council's intent to have a PPPP.

A PPPP has been in place and utilized in the area regulated by the Hantsport planning documents since before 2010, and planning in Hantsport has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

Policy IM-1

It shall be a policy of Council to review the Municipal Planning Strategy and Land Use By-law as deemed necessary by Council due to changing conditions but not later than every seven years.

Policy IM-2

It shall be a policy of Council to review the ICSP part of the Strategy independently from the rest of the Strategy as deemed necessary by Council or in response to direction from the senior levels of government.

Policy IM-2A

It shall be the policy of Council to establish and maintain a Public Participation Program Policy.

APPENDIX D

PROPOSED HANTSPORT MUNICIPAL PLANNING STRATEGY

AMENDMENTS

Purpose: to clarify and add policy to the Municipal Planning Strategy which reflects Council's intention to maintain a Public Participation Program Policy.

1. In Part 11, *Review of Municipal Planning Strategy*, immediately following the second paragraph, add the following two paragraphs:

The Municipal Government Act requires Council to adopt, by policy, a public participation program policy (PPPP) and to have policy within the MPS which establishes Council's intent to have a PPPP.

A PPPP has been in place and utilized in the area regulated by the Hantsport planning documents since before 2010, and planning in Hantsport has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

so that the entire section reads as:

11.2 Review of Municipal Planning Strategy

The *Municipal Government Act* states that a Strategy shall include policies on how Council intends to review the Strategy and Land Use By-law. We live in a world in which conditions relating to development may change rapidly. When Council determines that these types of changes warrant a review of the planning documents it shall conduct a review, and seek public input throughout the process.

The same holds true with the ICSP part of the Strategy. Council may review ICSP policies independently of the entire Strategy when circumstances such as direction from the senior levels of government with respect to sustainability change. Council also believes that a review should occur no later than seven years from the effective date of the Strategy and Land Use By-law.

The Municipal Government Act requires Council to adopt, by policy, a public participation program policy (PPPP) and to have policy within the MPS which establishes Council's intent to have a PPPP.

A PPPP has been in place and utilized in the area regulated by the Hantsport planning documents since before 2010, and planning in Hantsport has been

subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

2. Immediately following Policy IM-2, add the following Policy IM-2A:

Policy IM-2A

It shall be the policy of Council to establish and maintain a Public Participation Program Policy.

so that the policies read as:

Policy IM-1 It shall be a policy of Council to review the Municipal Planning Strategy and Land Use By-law as deemed necessary by Council due to changing conditions but not later than every seven years.

Policy IM-2 It shall be a policy of Council to review the ICSP part of the Strategy independently from the rest of the Strategy as deemed necessary by Council or in response to direction from the senior levels of government.

Policy IM-2A It shall be the policy of Council to establish and maintain a Public Participation Program Policy.



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____

Sara Poirier, Director of Planning and Development

Date: 2023-02-28

Subject: West Hants MPS Amendment Related to Public Participation Program Policy;
File # 22-32 C

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) 214(4)
Minimum Planning Requirements Regulations 4(d)

RECOMMENDATION

...that Council approves amending the text of the West Hants Municipal Planning Strategy by adding background and a policy referring to the Public Participation Program Policy, as shown in Appendix D of the January 12, 2023 report File #22-32, Minimum Planning Requirements Regulations: West Hants.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☒	Economic ☐	Councillor Activity ☐
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The Nova Scotia Minimum Planning Requirement Regulations require a policy within each Municipal Planning Strategy (MPS) which describes *“the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice”*; this has been interpreted by the Province to mean there must be a policy within each MPS referring to the Public Participation Program Policy.

The proposed amendments are in direct response to this requirement.

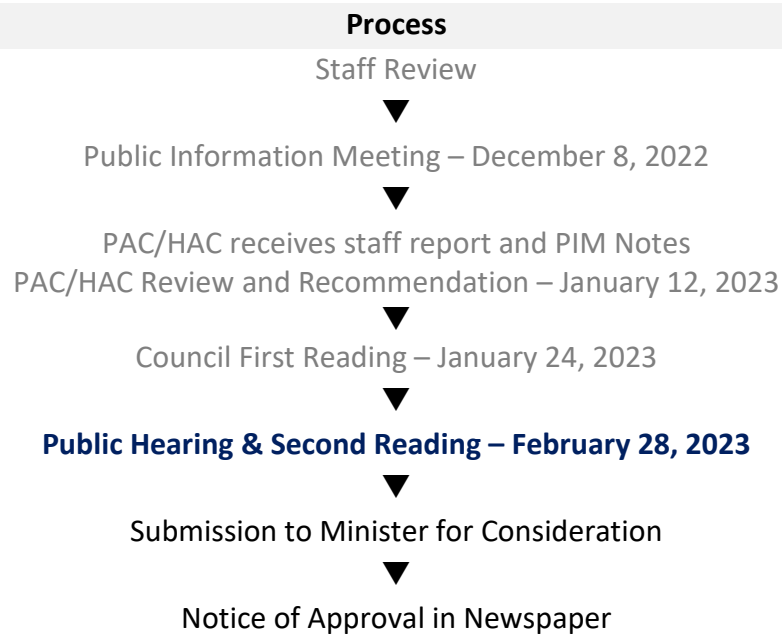
A Public Information Meeting was held on December 8, 2022.

PAC/HAC recommended in favour of the proposed amendments on January 12, 2023.

Council held First Reading on January 24, 2023.

NEXT STEPS

The process for this proposed amendment is as follows:



ATTACHMENTS

Attachment A 2023-01-24 Staff report: West Hants MPS Amendment related to Public Participation Program Policy; File # 22-32

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____
Sara Poirier, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



ATTACHMENT A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Madelyn LeMay, Director, Planning and Development

Date: January 24, 2023

Subject: West Hants MPS Amendment Related to Public Participation Program Policy;
File # 22-32B

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) 214(4)
Minimum Planning Requirements Regulations 4(d)

RECOMMENDATION

... that Council gives First Reading and will hold a Public Hearing to consider amending the West Hants Municipal Planning Strategy by adding background and a policy referring to the Public Participation Program Policy, as shown in Appendix D of the January 12, 2023 report Minimum Planning Requirements Regulations: West Hants, File # 22-32.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☒	Economic ☐	Councillor Activity ☐
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The Nova Scotia Minimum Planning Requirement Regulations require a policy within each Municipal Planning Strategy (MPS) which describes *“the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice”*; this has been interpreted by the Province to mean there must be a policy within each MPS referring to the Public Participation Program Policy.

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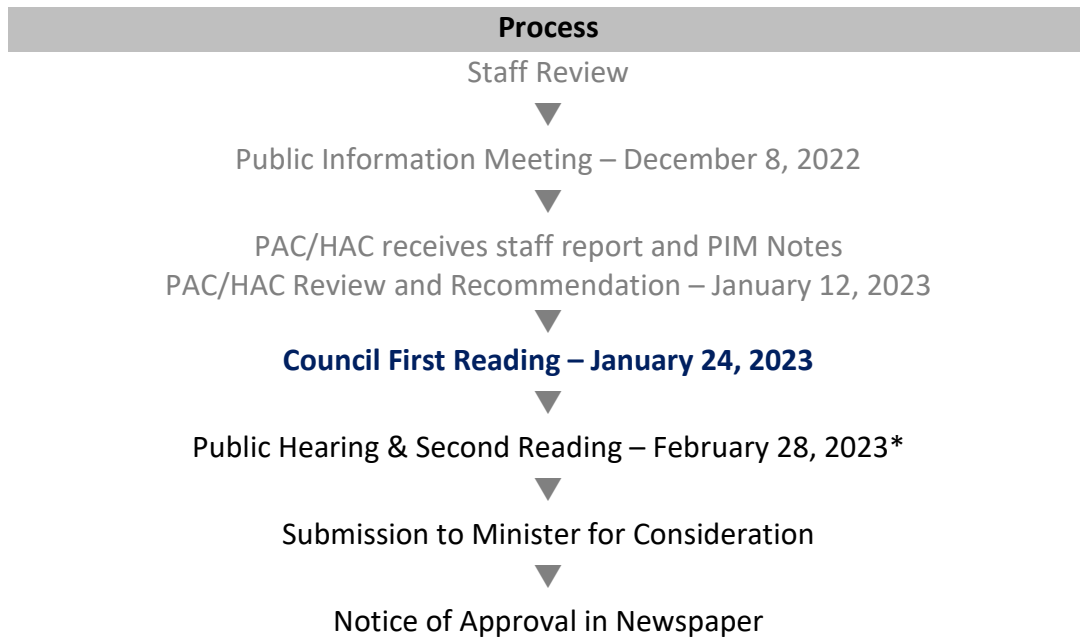
DISCUSSION

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

PAC/HAC recommended in favour of the proposed amendments on January 12, 2023.

NEXT STEPS

The process for this proposed amendment is as follows:



*anticipated date; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

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

ATTACHMENTS

Attachment A January 12, 2023 report: West Hants MPS Amendment related to Public Participation Program Policy

CHIEF ADMINISTRATIVE OFFICER REVIEW

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

Report Approved by: _____
Mark Phillips, Chief Administrative Officer



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity
--------------------------------------	------------------	---	---------------------

To: Planning and Heritage Advisory Committee (PAC/HAC)

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

Date: January 12, 2023

Subject: Minimum Planning Requirements Regulations: West Hants; File # 22-32

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s. 204

2.0 RECOMMENDATION

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the West Hants Municipal Planning Strategy by adding background and a policy referring to the Public Participation Program Policy, as shown in Appendix D of the January 12, 2023 report Minimum Planning Requirements Regulations: West Hants, File # 22-32.

3.0 BACKGROUND

The Nova Scotia Minimum Planning Requirements Regulations (Appendix A) in s. 4 specify that *"In addition to the requirements prescribed in subsection 214(1) of the Act, a municipal planning strategy must contain all of the following: (d) a statement of policy describing the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice."*

A Public Information Meeting regarding this requirement was held on December 8, 2022. The comment period ended December 22, 2022; no comments were received (Appendix B).

4.0 DISCUSSION

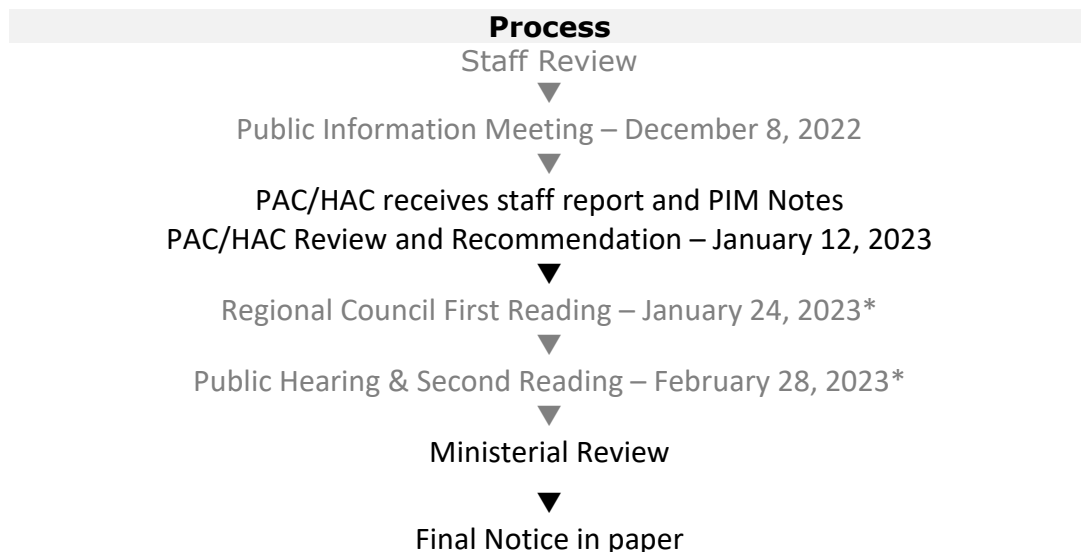
West Hants Regional Municipality (WHRM) established a Regional Public Participation Program Policy less than a month after consolidation. Amendments to the Public Participation Program Policy are also being recommended to the Planning and Heritage Advisory Committee January 12, 2023.

WHRM has three sets of planning documents: Hantsport, West Hants and Windsor. Each of the Municipal Planning Strategies meets the Nova Scotia Minimum Planning Requirements Regulations with one exception: each is missing policy referring to the Public Participation Program Policy. The proposed amendments (Appendices C and D) are intended to meet this requirement.

There are no policies within the WHMPS which need to be considered in relation to the proposed amendments.

5.0 NEXT STEPS

The proposed amendments have been considered within the context of, and are consistent with the intent, objectives, and policies of the West Hants Municipal Planning Strategy (WHMPS). There are no proposed map amendments. As a result, it is reasonable to amend the text of the WHMPS to clarify the intent of Council regarding public engagement in planning processes.



*anticipated dates; final dates set by Council

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

7.0 ALTERNATIVES

Should PAC/HAC not wish to accept the draft amendments as written, it may:

- recommend specific amendments to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

8.0 APPENDICIES

Appendix A Nova Scotia Minimum Planning Requirements Regulations

Appendix B Public Information Meeting Notes

Appendix C West Hants Municipal Planning Strategy Policies showing Proposed Amendments

Appendix D Draft Amendments to the West Hants Municipal Planning Strategy

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

APPENDIX A

**Minimum Planning Requirements Regulations
made under Section 214(4) of the
Municipal Government Act
S.N.S. 1998, c. 18
N.S. Reg. 140/2019 (effective December 3, 2019)**

Table of Contents

Please note: this table of contents is provided for convenience of reference and does not form part of the regulations.

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- 1 These regulations may be cited as the *Minimum Planning Requirements Regulations*.

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“Act” means the *Municipal Government Act*.

Review of planning documents

- 3 (1) A council must include policies in a municipal planning strategy on how it intends to review the municipal planning strategy and land-use by-law that implements the municipal planning strategy.

- (2) A municipal planning strategy and its implementing land use by-law must be reviewed no later than 10 years after the later of the following dates:
- (a) the date it was adopted;
 - (b) the date it was last reviewed; and
 - (c) the effective date of these regulations.
- (3) Where a municipality has one or more secondary planning strategies, subsection (2) shall be satisfied if a municipal-wide municipal planning strategy and all the land use by-laws applicable in the municipality are reviewed within the timelines provided in subsection (2).
- (4) “Review” in relation to a municipal planning strategy, means a municipality’s consideration of the content of a municipal planning strategy to determine if it should be amended or replaced to ensure that it meets the purposes outlined in Section 213 of the Act and the minimum planning requirements.

Mandatory content

- 4 In addition to the requirements prescribed in subsection 214(1) of the Act, a municipal planning strategy must contain all of the following:
- (a) a discussion of the background and contextual information that informed the goals and objectives of the municipal planning strategy;
 - (b) a map of the lands within a municipality that depicts the intended future uses of the lands as contemplated by the municipality’s municipal planning strategy;
 - (c) statements of policy with respect to the lands subject to the municipal planning strategy in relation to all of the following:
 - (i) residential uses,
 - (ii) commercial and industrial uses,
 - (iii) institutional uses,
 - (iv) recreational facilities and public open spaces, ~~and~~
 - (v) resource uses, where resources are present within a municipality;
 - (d) a statement of policy describing the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice.

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- 5** (1) A municipality may include in its municipal planning strategy statements of policy on land use relating to any of the matters set out in Sections 6 to 13 unless the matter is the subject of another enactment of the Province.
- (2) Provided it is not prohibited by another enactment, statements of policy referred to in subsection (1) may be more stringent than another enactment.

Discretionary content related to planning tools

- 6** A municipal planning strategy may include statements of policy on the use, content, development, and administration of the following:
- (a) zoning;
 - (b) development agreements;
 - (c) comprehensive development districts;
 - (d) site-plan approval areas;
 - (e) incentive or bonus zoning;
 - (f) accepting and using cash-in-lieu of required parking;
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 - (h) staging development;
 - (i) non-conforming uses and structures;
 - (j) subdividing land; and
 - (k) regulation or prohibition of development in areas based on noise exposure forecast or noise exposure projections.

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- 7** A municipal planning strategy may include statements of policy on engaging with provincial and federal departments, First Nations, and non-abutting municipalities.

Discretionary content related to fiscal matters

8 A municipal planning strategy may include statements of policy on any of the following:

- (a) municipal investment for public and private development and coordinating public programs relating to the economic, social and physical development of the municipality;
- (b) eligibility criteria for establishing a commercial development district including all of the following:
 - (i) the percentage increase in the taxable assessed value of the eligible properties, as defined in subsection 71C(1) of the Act, within the proposed commercial development district, and [sic]
 - (ii) the period over which the increase in the taxable assessed value of the properties occurs.

Discretionary content related to the natural environment

9 A municipal planning strategy may include statements of policy on any of the following:

- (a) climate change mitigation and adaptation;
- (b) protecting the natural environment and biodiversity;
- (c) protecting the coast;
- (d) protecting water supplies;
- (e) identifying, preserving and protecting landscape features;
- (f) stormwater management and erosion control;
- (g) excavating or filling of land, the placement of fill or the removal of soil;
- (h) identifying, protecting, using and developing any of the following:
 - (i) lands subject to flooding,
 - (ii) steep slopes,
 - (iii) lands susceptible to subsidence, erosion or other geological hazards, and [sic]
 - (iv) wetlands or other environmentally sensitive areas.

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10 A municipal planning strategy may include statements of policy on any of the following:

- (a) how social issues must be incorporated into decision making;
- (b) promoting social well-being;
- (c) housing opportunities for a range of social and economic needs and to support aging in place;
- (d) promoting community food security;
- (e) accessibility standards to help prevent and remove barriers that disable people;
- (f) walkability; and *[sic]*
- (g) healthy built environments.

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- (c) generating, using, and conserving energy;
- (d) transportation services and networks including establishing transportation reserves; and *[sic]*
- (e) home occupations and home-based businesses.

Discretionary content related to culture, heritage and landscape features

12 A municipal planning strategy may include statements of policy on any of the following:

- (a) heritage property protection and heritage buildings;
- (b) sites of cultural, historical or archeological interest; and *[sic]*
- (c) other significant natural or human-made features.

Discretionary content related to general matters

13 A municipal planning strategy may include statements of policy on any of the following:

- (a) public health and safety; and [*sic*]
- (b) land use matters relating to the physical, economic or social environment of the municipality not otherwise prescribed in these regulations.

Appendix B
Public Information Meeting Notes
December 8, 2022 – December 22, 2022
File# 22-32A

West Hants Municipal Planning Strategy Amendments: Public Participation Program

Meeting date and time	A public information meeting was held on December 8, 2022 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-32A
Attending	Jennifer Nichols, PIM Chair Madelyn LeMay, Director, Planning and Development Sara Poirier, Senior Planner Alex Dunphy, Planner No members of the public present expressed interest in the proposed amendments.
Applicant none	Ms. LeMay outlined the proposed amendments, which are required by Regulations made under Section 204A of the MGA.
Adjournment	The presentation portion of the PIM ended at approximately 6:10 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Ms. LeMay until December 22, 2022.
PIM Submissions	No verbal or written submissions were received.

Appendix C

Taken from West Hants Municipal Planning Strategy December 28, 2022

Proposed Changes shown in blue

16.0 IMPLEMENTATION

16.1 Municipal Planning Strategy Amendments and Review

From time to time Council may find it necessary to amend the Municipal Planning Strategy (MPS) or the accompanying Generalized Future Land Use Map (Map 1).

Policy 16.1.1 *It shall be the policy of Council to review and make amendments to this Strategy:*

- (a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);*
- (b) to bring the Strategy in line with Provincial Statements of Interest; or*
- (c) when Council deems it necessary because of a change in policy intentions or the development environment.*

If the intentions of Council or the nature of development change significantly, it may be necessary to review the entire Municipal Planning Strategy and Land Use By-law. Such a review shall include a program of public consultation at different stages. It is recommended that a review be done at least every eight years.

A program of public consultation, known as a Public Participation Program Policy, has been in place and utilized in the area regulated by the West Hants planning documents since before 2008, and planning in this area has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

Policy 16.1.2

It shall be the policy of Council to establish and maintain a Public Participation Program Policy.

APPENDIX D

PROPOSED WEST HANTS MUNICIPAL PLANNING STRATEGY AMENDMENTS

Purpose: to clarify and add policy to the Municipal Planning Strategy which reflects Council's intention to maintain a Public Participation Program Policy.

1. In Part 16.1, Municipal Planning Strategy Amendments and Review, immediately following the phrase: *"It is recommended that a review be done at least every eight years"*, add the following paragraph and policy:

A program of public consultation, known as a Public Participation Program Policy, has been in place and utilized in the area regulated by the West Hants planning documents since before 2008, and planning in this area has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

Policy 16.1.2

It shall be the policy of Council to establish and maintain a Public Participation Program Policy.

so that the entire section and policy read as:

16.1 Municipal Planning Strategy Amendments and Review

From time to time Council may find it necessary to amend the Municipal Planning Strategy (MPS) or the accompanying Generalized Future Land Use Map (Map 1).

Policy 16.1.1 *It shall be the policy of Council to review and make amendments to this Strategy:*

- (a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);*
- (b) to bring the Strategy in line with Provincial Statements of Interest; or*
- (c) when Council deems it necessary because of a change in policy intentions or the development environment.*

If the intentions of Council or the nature of development change significantly, it may be necessary to review the entire Municipal Planning Strategy and Land Use By-law. Such a review shall include a program of public consultation at different stages. It is recommended that a review be done at least every eight years.

A program of public consultation, known as a Public Participation Program Policy, has been in place and utilized in the area regulated by the West Hants planning documents since before 2008, and planning in this area has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

Policy 16.1.2 It shall be the policy of Council to establish and maintain a Public Participation Program Policy.



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____

Sara Poirier, Director of Planning and Development

Date: 2023-02-28

Subject: Windsor MPS Amendment Related to Public Participation Program Policy; File # 22-33 C

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) 214(4)
Minimum Planning Requirements Regulations 4(d)

RECOMMENDATION

...that Council approves amending the text of the Windsor Municipal Planning Strategy by adding background and a policy referring to the Public Participation Program Policy, as shown in Appendix D of the January 12, 2023 report File #22-33, Minimum Planning Requirements Regulations: Windsor.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☒	Economic ☐	Councillor Activity ☐
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The Nova Scotia Minimum Planning Requirement Regulations require a policy within each Municipal Planning Strategy (MPS) which describes *“the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice”*; this has been interpreted by the Province to mean there must be a policy within each MPS referring to the Public Participation Program Policy.

The proposed amendments are in direct response to this requirement.

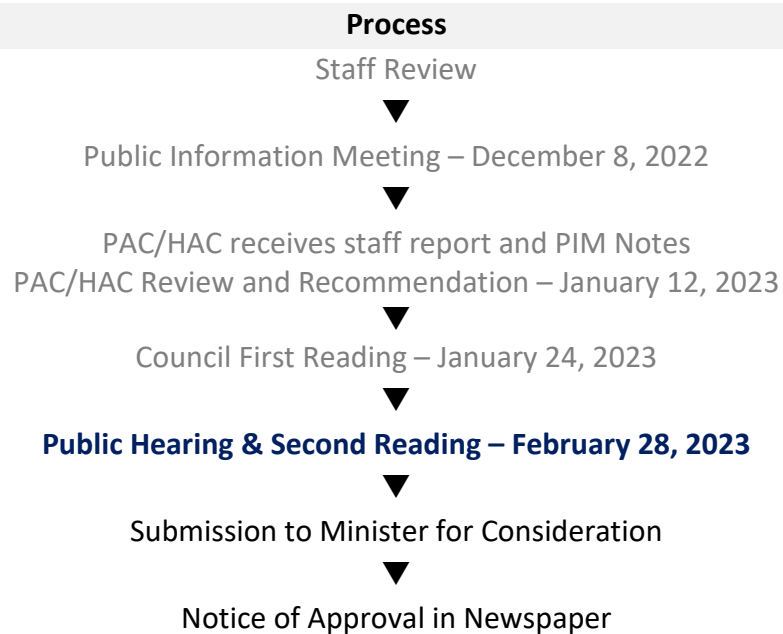
A Public Information Meeting was held on December 8, 2022.

PAC/HAC recommended in favour of the proposed amendments on January 12, 2023.

Council held First Reading on January 24, 2023.

NEXT STEPS

The process for this proposed amendment is as follows:



ATTACHMENTS

Attachment A 2023-01-24 Staff report: Windsor MPS Amendment related to Public Participation Program Policy; File # 22-33

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____
Sara Poirier, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

ATTACHMENT A



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____

Madelyn LeMay, Director, Planning and Development

Date: January 24, 2023

Subject: Windsor MPS Amendment Related to Public Participation Program Policy; File # 22-33B

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) 214(4)
Minimum Planning Requirements Regulations 4(d)

RECOMMENDATION

...that Council gives First Reading and will hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy by adding background and a policy referring to the Public Participation Program Policy, as shown in Appendix D of the January 12, 2023 report Minimum Planning Requirements Regulations: Windsor, File #22-33.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☒	Economic ☐	Councillor Activity ☐
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The Nova Scotia Minimum Planning Requirement Regulations require a policy within each Municipal Planning Strategy (MPS) which describes *“the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice”*; this has been interpreted by the Province to mean there must be a policy within each MPS referring to the Public Participation Program Policy.

The proposed amendments are in direct response to this requirement.

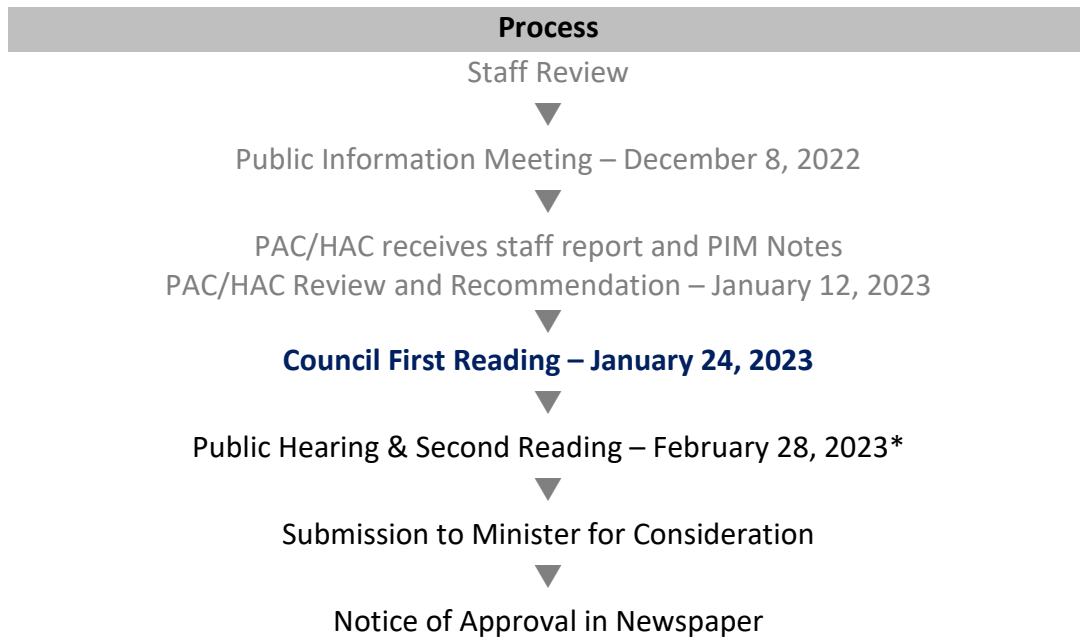
DISCUSSION

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

PAC/HAC recommended in favour of the proposed amendments on January 12, 2023.

NEXT STEPS

The process for this proposed amendment is as follows:



*anticipated date; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

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

ATTACHMENTS

Attachment A January 12, 2023 report: Windsor MPS Amendment related to Public Participation Program Policy

CHIEF ADMINISTRATIVE OFFICER REVIEW

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

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

ATTACHMENT A



West Hants

WEST HANTS REGIONAL MUNICIPALITY REPORT

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

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

Date: January 12, 2023

Subject: Minimum Planning Requirements Regulations: Windsor; File #22-33

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s. 204

2.0 RECOMMENDATION

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy by adding background and a policy referring to the Public Participation Program Policy, as shown in Appendix D of the January 12, 2023 report Minimum Planning Requirements Regulations: Windsor, File #22-33.

3.0 BACKGROUND

The Nova Scotia Minimum Planning Requirements Regulations (Appendix A) in s. 4 specify that *"In addition to the requirements prescribed in subsection 214(1) of the Act, a municipal planning strategy must contain all of the following: (d) a statement of policy describing the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice."*

A Public Information Meeting regarding this requirement was held on December 8, 2022. The comment period ended December 22, 2022; no comments were received (Appendix B).

4.0 DISCUSSION

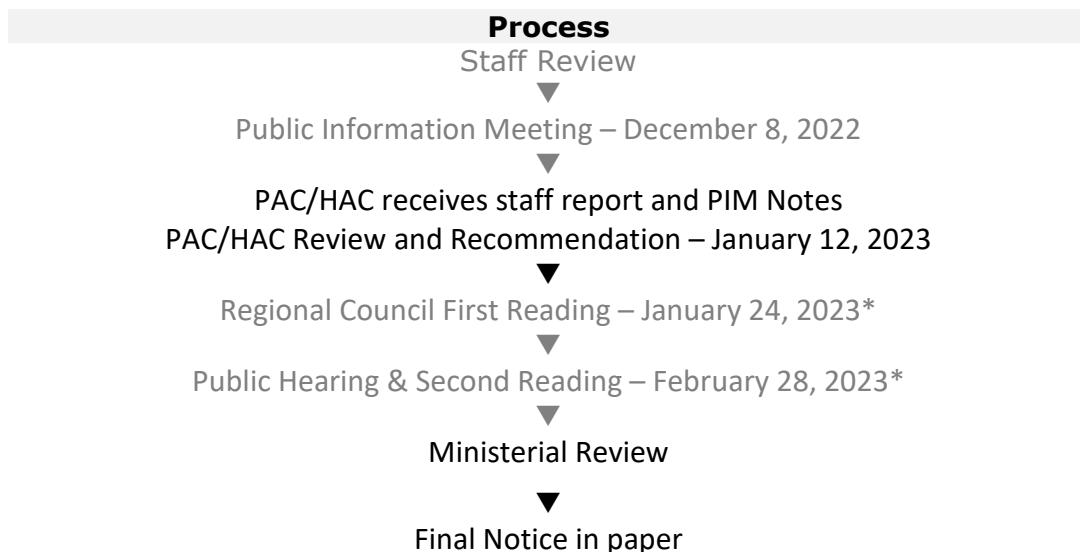
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There are no policies within the WMPS which need to be considered in relation to the proposed amendments.

5.0 NEXT STEPS

The proposed amendments have been considered within the context of, and are consistent with the intent, objectives, and policies of the Windsor Municipal Planning Strategy (WMPS). There are no proposed map amendments. As a result, it is reasonable to amend the text of the WMPS to clarify the intent of Council regarding public engagement in planning processes.



*anticipated dates; final dates set by Council

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

7.0 ALTERNATIVES

Should PAC/HAC not wish to accept the draft amendments as written, it may:

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Public Information Meeting Notes
December 8, 2022 – December 22, 2022
File# 22-33A

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Attending	Jennifer Nichols, PIM Chair Madelyn LeMay, Director, Planning and Development Sara Poirier, Senior Planner Alex Dunphy, Planner No members of the public present expressed interest in the proposed amendments.
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PIM Submissions	No verbal or written submissions were received.

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Proposed Changes shown in blue

16.0 IMPLEMENTATION

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- (b) to bring the Strategy in line with Provincial Statements of Interest; or*
- (c) when Council deems it necessary because of a change in policy intentions or the development environment.*

If the intentions of Council or the nature of development change significantly, it may be necessary to review the entire Municipal Planning Strategy and Land Use By-law. Such a review shall include a program of public consultation at different stages of the review. It is recommended that a review be done at least every eight years.

A program of public consultation, known as a Public Participation Program Policy, has been in place and utilized in the area regulated by the Windsor planning documents since before 2008, and planning in this area has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

Policy 16.1.2 *It shall be the policy of Council to review the Municipal Planning Strategy regularly as deemed necessary by changing conditions, but not later than every eight years.*

Policy 16.1.3 *It shall be the intention of Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use*

Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.

Policy 16.1.4 *It shall be the intention of Council to consider entering into a development agreement for a property immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.*

Policy 16.1.5 *It shall be the policy of Council to establish and maintain a Public Participation Program Policy.*

APPENDIX D

PROPOSED WINDSOR MUNICIPAL PLANNING STRATEGY AMENDMENTS

Purpose: to clarify and add policy to the Municipal Planning Strategy which reflects Council's intention to maintain a Public Participation Program Policy.

1. In Part 16, implementation, immediately following the sentence *"It is recommended that a review be done at least every eight years."* add the following paragraph:

A program of public consultation, known as a Public Participation Program Policy, has been in place and utilized in the area regulated by the Windsor planning documents since before 2008, and planning in this area has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

so that the entire section reads as:

16.1 Municipal Planning Strategy Amendments and Review

From time to time Council may find it necessary to amend the Municipal Planning Strategy or the accompanying Generalized Future Land Use Map (Map 1).

Policy 16.1.1 *It shall be the policy of Council to review and make amendments to this Strategy:*

- (a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);*
- (b) to bring the Strategy in line with Provincial Statements of Interest; or*
- (c) when Council deems it necessary because of a change in policy intentions or the development environment.*

If the intentions of Council or the nature of development change significantly, it may be necessary to review the entire Municipal Planning Strategy and Land Use By-law. Such a review shall include a program of public consultation at different stages of the review. It is recommended that a review be done at least every eight years.

A program of public consultation, known as a Public Participation Program Policy, has been in place and utilized in the area regulated by the Windsor planning documents since before 2008, and planning in this

area has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

2. Immediately following Policy 16.1.4, add the following policy 16.1.5:

Policy 16.1.5 It shall be the policy of Council to establish and maintain a Public Participation Program Policy.

so that all policies read as:

Policy 16.1.2 *It shall be the policy of Council to review the Municipal Planning Strategy regularly as deemed necessary by changing conditions, but not later than every eight years.*

Policy 16.1.3 *It shall be the intention of Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.*

Policy 16.1.4 *It shall be the intention of Council to consider entering into a development agreement for a property immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.*

Policy 16.1.5 *It shall be the policy of Council to establish and maintain a Public Participation Program Policy.*



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: _____
Deanna Snair

Date: February 14, 2023

Subject: Audit Committee Appointment

LEGISLATIVE AUTHORITY

Municipal Government Act, Section 44, Subsection 4 and 5
WHRM Meeting and Committee Procedural Policy RCOGE-003.00 – Appendix E

RECOMMENDATION or DECISION REQUEST

It is recommended for Committee of the Whole to recommend to Council that:

Council approves the re-appointment of Kathryn Duffy to the Audit Committee for the period of January 1, 2023 - December 31, 2024.

Council approves and appoints Meagan Halverson to the Audit Committee for the period of March 1, 2023 – February 28, 2024.

BACKGROUND

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

The function of the Audit Committee is to provide advice to Council on all matters relating to audit and finance with the objective of the Committee being to:

- a) fulfil the requirements outlined in Section 44 of the Municipal Government Act; and
- b) assist Council in meeting its oversight responsibilities by ensuring the adequacy and effectiveness of financial report, risk management and internal controls.

Following the guidelines in Council's Meeting and Committee Procedural Policy, RCOGE-003.00 - Appendix E, the Audit Committee will consist of five (5) members;

- a) the Mayor;
- b) two (2) members of Council appointed by resolution of Council ;
- c) two (2) members of the public appointed by resolution of Council.

Members of the committee serve a one-year term, expiring December 31 and are eligible for reappointment to serve up to two – one-year terms. The committee currently has two resident member vacancies to be filled. Ms. Duffy was eligible to reapply for a second term and has done so, resulting in the need to fill the remaining one (1) vacancy.

It should be noted that although appointments are for a one-year term, and due to this Board meeting quarterly, it seems appropriate that: Ms. Halversons' term not conclude December 31, 2023 as the newly appointed resident would only attend one scheduled meeting (possibly two); and, that the term not expire until the end of February 2024. Therefore, the recommended term of March 1, 2023 to October 31, 2024 is preferred.

The recommended resident appointments would be to reappoint Ms. Duffy for a second one (1) year term expiring December 31, 2024, and Ms. Halverson for a one (1) year term expiring February 28, 2024 with the option to reapply for a second one (1) year term.

The vacancy was advertised in the local paper beginning January 24th as well as the municipal website and social media pages. Deadline for expressions of interest was 12 p.m. (NOON) February 3rd with two applications received.

In order to qualify, resident members must demonstrate that they are sufficiently versed in financial matters. Both candidates' applications went through an evaluation process to determine their level of financial experience and knowledge in addition to being reviewed by the Acting Director of Financial Services. Based on this evaluation, Meagan Halverson is being recommended to fill the vacant resident member spot.

NEXT STEPS

Once approved at the Council meeting the successful applicant will be notified of the appointment and begin training.

FINANCIAL IMPLICATIONS

In accordance with the Council Remuneration Policy, resident committee members are provided a meeting honorarium. The associated costs are included in the annual operating budget.

ALTERNATIVES

N/A

ATTACHMENTS

Meeting and Committee Procedural Policy, RCOGE-003.00 - Appendix E

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____

Deanna Snair, Municipal Clerk

Report Reviewed by: _____

Diana Gibson, Acting Director of Financial Services

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer

WEST HANTS REGIONAL MUNICIPALITY
MEETING AND COMMITTEE PROCEDURAL POLICY

APPENDIX E
Audit Committee

1. PURPOSE

- 1.1. The primary purpose of the Audit Committee (the "Committee") is to provide advice to Council on all matters relating to audit and finance. The objective of the Committee is to:
- a) fulfil the requirements outlined in Section 44 of the *Municipal Government Act*; and
 - b) assist Council in meeting its oversight responsibilities by ensuring the adequacy and effectiveness of financial report, risk management and internal controls.

2. SCOPE

- 2.1. This Policy is applicable to all serving members Audit Committee.

3. DEFINITIONS

- 3.1. In Appendix E,
- a) "Auditor" means the External Auditor conducting the audit of the Municipality;
 - b) "CAO" means the Chief Administrative Officer for the Municipality;
 - c) "Director of Finance" means the Director of Financial Services for the Municipality;
 - d) "Municipality" means the West Hants Regional Municipality.

4. COMMITTEE COMPOSITION

- 4.1. Council will annually appoint members to an Audit Committee.
- 4.2. The Audit Committee will consist of five (5) members: the Mayor, two Council members, and two resident members who are not members of Council or Municipal Staff.
- a) Resident members should be sufficiently versed in financial matters to understand the Municipality's account practices and policies and the major judgements involved in preparing the financial statements.
 - b) Where an audit committee does not include any resident members, the audit committee will continue to meet and perform its duties and may exercise its powers. The Municipality will advertise to recruit resident members at least once every six months until the requirement is met.
 - c) The Mayor will chair the Audit Committee meetings, and in their absence, another appointed Council member will chair.
 - d) The CAO and/or Director of Financial Services will provide staff support to the Committee. They are not voting members of the Committee.

MEETING AND COMMITTEE PROCEDURAL POLICY

- e) The Council Remuneration Policy will be followed regarding any remuneration for the two resident members.
- f) All members must abide by the Administrative Terms of Reference set out by the Committee and reviewed the by CAO.

5. DUTIES AND RESPONSIBILITIES

5.1. Audit:

- a) Review the qualifications, independence, quality of service, performance, and fees of the auditors and recommend the appointment of an auditor to Council.
- b) Carry out the responsibilities of the Audit Committee contained in Section 44 of the *Municipal Government Act*, in consultation with Management.

5.2. Finance and Risk Management

- a) Review with Management the quarterly financial updates and recommend to Council to be received.
- b) Management will give a presentation on all financial policies used in the preparation of the external financial statements; at the first annually meeting of the year.
- c) Review with Management the adequacy of internal controls.
- d) Review with Management annually risk management practices including insurance coverage.

6. ADMINISTRATION

- 6.1. Meetings of the Audit Committee will be held at least quarterly. Additional meetings may be necessary to review items relating to the audit and will be called by the Chair.



Committee of the Whole Excerpts
February 14, 2023

COLLEGE ROAD TENDER WHRMPW22-09 EXCERPT

WHRM Council has identified College Road, Windsor as one of the highest priority street and infrastructure improvement projects for renewal based on the condition of existing water and sanitary sewer mains, need for improved storm water management, condition of existing roadway, need for a widened street, sidewalk to improve pedestrian safety, and the safety need for a left-turn lane at the intersection of King Street.

Department of Municipal Affairs (DMA), on behalf of Canada and the Province of Nova Scotia has confirmed cooperative funding for this proposed project, through the Investing in Canada Infrastructure Plan (ICIP), to support the rehabilitation of water, wastewater and stormwater infrastructure, and the planning and design of future facilities and upgrading to existing systems.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL TO APPROVE; PROCEEDING WITH THE RELEASE OF A PUBLIC CONSTRUCTION TENDER FOR THE COLLEGE ROAD WINDSOR - SERVICES & STREET RENEWAL PROJECT IDENTIFIED IN THE 2023/24 CAPITAL BUDGET, WITH A TOTAL (CLASS B) ESTIMATED COST OF \$4,309,060.00, PLUS APPLICABLE TAXES.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: _____
Todd Richard, Director, Public Works

Date: February 14, 2023

Subject: College Road Services and Street Renewal

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, Section 65 authorizes Council to expend funds for municipal purposes.

RECOMMENDATION or DECISION REQUEST

It is recommended for Committee of the Whole to recommend to Council that:

COUNCIL TO APPROVE; PROCEEDING WITH THE RELEASE OF A PUBLIC CONSTRUCTION TENDER FOR THE COLLEGE ROAD WINDSOR - SERVICES & STREET RENEWAL PROJECT IDENTIFIED IN THE 2023/24 CAPITAL BUDGET, WITH A TOTAL (CLASS B) ESTIMATED COST OF \$4,309,060.00, PLUS APPLICABLE TAXES.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☒	Councillor Activity ☐
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West Hants Regional Municipality Council has identified College Road, Windsor as one of the highest priority street and infrastructure improvement projects for renewal. This determination was based on the condition of existing water and sanitary sewer mains, need for improved storm water management, condition of existing roadway, need for a widened street, sidewalk to improve pedestrian safety, and the safety need for a left-turn lane at the intersection of King Street.

This project includes the following infrastructure improvements:

- Replacement of 455m of 200mm water main from Bill Wade Drive to King Street.
- Replacement of all associated water service laterals.
- Separation of sanitary and storm sewer systems, where applicable.
- Installation of 630m of various size storm water systems, including installation of french drains behind sidewalks, installation of storm mains, manholes, catch basins, culverts and storm outflows.
- 9000m² of street reconstruction and widening with new asphalt roadway (2-lifts of asphalt) and concrete curb and gutter on both sides of the street.
- Addition of angled and parallel on-street parking at various strategic locations.
- Addition of 1940m² of concrete sidewalk construction on the north side of the roadway connecting the Gladys Manning property, Kingsview Drive, Kings Edgehill School and Gordon Hughes Tennis Club to King Street.
- Addition of a third left-turning lane eastbound at King Street.
- Reinstatement of driveways and associated landscaping.

Department of Municipal Affairs (DMA), on behalf of Canada and the Province of Nova Scotia has confirmed cooperative funding for this proposed project, through the Investing in Canada Infrastructure Plan (ICIP), to support the rehabilitation of water, wastewater and stormwater infrastructure, and the planning and design of future facilities and upgrading to existing systems.

DISCUSSION

The Municipality has already engaged the services of EXP, a pre-qualified professional engineering consultant to support the design and project management through final construction. Inspection services during the key phases of construction would be carried out by the engineering consultant, with the additional support of municipal staff.

The tender package that has been prepared by the engineering consultant includes contract documents, design drawings and technical specifications based on applicable municipal and provincial Municipal Standard Specifications.

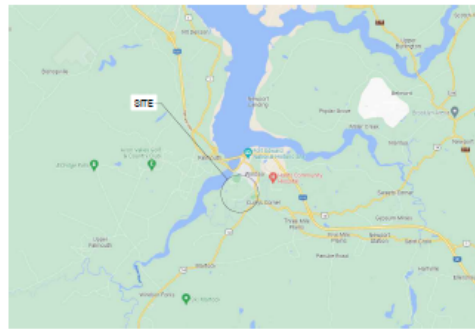
The public unit-price tender will include scope for all labour, materials, and expenses for the renewal of infrastructure and services along College Road from Gladys Manning property easterly to King Street, including the following items.

COLLEGE ROAD SERVICES AND STREET RENEWAL

DRAWING LIST

COVER SHEET
0A-100 GENERAL ARRANGEMENT
C-101 PLAN AND PROFILE STA 0+00 TO 0+400
C-102 PLAN AND PROFILE STA 0+400 TO 0+440
C-103 PLAN AND PROFILE STA 0+440 TO 0+460
C-104 PLAN AND PROFILE STA 0+460 TO 0+500
C-105 TYPICAL SECTIONS
C-106 MISCELLANEOUS DETAILS SHEET 1 OF 2
C-107 MISCELLANEOUS DETAILS SHEET 2 OF 2

LOCATION PLAN



GRID NORTH



exp
Engineering & Planning
100-101 Street, Suite 100
Vancouver, BC V6P 6E1
Tel: 604-278-8888
Fax: 604-278-8889
www.exp.ca

HFX-21020301-A0

ISSUED FOR TENDER

JANUARY 2023

Earthwork

- Clearing
- Grubbing
- Mass Excavation and Embankment
- Borrow

Water Main

- Pipe, 200mm & 400mm
- New Fire Hydrants
- Services
- Connections to Existing Mains
- Temporary Water
- Removal of Existing Watermains (Provisional)
- Relocate Existing Fire Hydrants

Storm Sewer

- Pipe (various sizes)
- Manholes
- Catch Basins
- Connection to Existing Mains
- Culverts
- Closed-Circuit Television Inspection of Existing

- Headwall
- French Drains

Street Reconstruction

- Gravels (various types)
- Non-Woven Geotextile
- Asphalt Concrete (various types)
- Concrete Curb and Gutter
- Sidewalk
- Tactile Walking Surface Indicators
- Paint Markings

Landscaping

- Topsoil and Sod
- Topsoil and Seed

Additional Items (Provisional)

- Trench Excavation – Rock
- Trench Excavation – Unsuitable Materials
- Replacement of Unsuitable Material with Selected Site Material
- Traffic Control Coordination of Utility Relocations

Environmental Protection

- Silt Fence
- Straw or Hay Cover
- Rip Rap

The Municipality would like to call for public tenders immediately for a spring/summer construction start, with project completion, with any environment permit restrictions, likely in the early fall. Design and tender documents are already prepared in accordance with the latest edition of the Municipal Standard Specifications.

NEXT STEPS

Pending approval of Council, staff will release the public tender on NS Procurement to obtain contractor bids to complete the scope of work. Due to the estimated cost for this project, a formal award to the recommended contractor will be required by Council.

FINANCIAL IMPLICATIONS

There are no financial implications to releasing the public tender to Nova Scotia Procurement, doing so will allow us to have actual costs for the project built into the upcoming capital budget and will allow us to take advantage of the Investing in Canada Infrastructure Program (ICIP) funding. This funding has a required project completion date of March 31, 2025, and includes funding for College Road and Nesbitt Street. For College Road we have received a maximum

funding amount of \$1,736,088 including costs allocated in the 2022-23 year for engineering services.

Additionally, we can use the Canada Community Building Fund (CCBF) for costs associated with sidewalk development. In the current project estimate, sidewalks are expected to cost \$404,000 plus contingency. Once the tenders have been received, it will be up to Council to determine the amount of CCBF to use for the sidewalks, with the remaining amount to come from capital reserves and long-term debt.

ALTERNATIVES

1. Council may choose not to proceed with this planned project.

ATTACHMENTS

None

CHIEF ADMINISTRATIVE OFFICER REVIEW

This report and recommendation reflect the continued progression of having this project planned and completed. The noted funding from the ICIP Program reflect slightly over 40% funding for the cost of the project. As the project planning and tendering proceeds a more accurate forecast of costs to be allocated to the Water Utility, Sewer Services and General PWS services will be known. Cost allocations will be directed accordingly.

I support the recommendation.

Report Prepared by:



Brad Carrigan, P.Eng., Capital Projects Engineer

Report Reviewed by:

Todd Richard, Director of Public Works

Report Approved by:



Mark Phillips, Chief Administrative Officer



Committee of the Whole Excerpts
February 14, 2023

MEANDER RIVER RENAMING EXCERPT

The province approved an application to rename a section of the “Meander River” to “Herbert River” between the St. Croix River, and the Herbert River and Meander River juncture. Part of the process our Program follows to name a geographic feature is to obtain a motion of Regional Council’s Support.

The recommended motion was that Committee of the Whole recommend that ...

THAT COUNCIL ENDORSE THE RENAMING OF THE MEANDER RIVER TO THE HERBERT RIVER, BETWEEN THE ST. CROIX RIVER, AND THE HERBERT RIVER AND MEANDER RIVER JUNCTURE.



To: Committee of the Whole

Submitted by: Councillor M. McLean

Date: February 10, 2023

Subject: Rename the Meander River

THAT COMMITTEE OF THE WHOLE RECOMMENDS COUNCIL ENDORSE THE RENAMING OF THE MEANDER RIVER TO THE HERBERT RIVER, BETWEEN THE ST. CROIX RIVER, AND THE HERBERT RIVER AND MEANDER RIVER JUNCTURE.

Subject: Meander River and Herbert River, West Hants Regional Municipality - Council Meeting Agenda

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Hello Councillor McLean,

When requested by an applicant, the NS Geographic Names Program determines the name of geographic features by coordinating a public consultation project to the property owners in the area where the feature is located.

During the summer, the province approved an application to rename a section of the "Meander River" to "Herbert River" between the St. Croix River, and the Herbert River and Meander River juncture. On November 25, 2022, we sent letters (see attached letter including map) to the property owners and residents in the Mantua, Sweets Corner, Brooklyn and Union Corner communities asking for their feedback on the proposed change.

Our Program has since reviewed all the feedback (see attached Public Approval Information); we can provide you with the details.

Now part of the process our Program follows to name a geographic feature is to obtain a motion of Regional Council's Support.

Would you please send a notice of a motion to the Clerk to be put on the agenda by their next Council Meeting asking if Regional Council would endorse this change?

The province requested a similar motion regarding Graves-Oakley Pond. At the September 1, 2020, Halifax Regional Council Councillor Adams moved a motion (unanimously) for a pond name in his district, see below.

<image002.png>

Please feel free to contact me if you have any questions.

<image001.jpg>

Service Nova Scotia and
Internal Services

160 Willow St
Amherst, NS
B4H 3W5

Respectfully, Debra Wilkinson

Geographic Names Specialist | Dept of SNS-IS | Government Services Branch |
Geographic Information Services (GIS) Section
NS Geographic Names Program

Geographic Data | Nova Scotia Geomatics Centre

☎ 902.667.6298

Debra.Wilkinson@novascotia.ca

geoinfo@novascotia.ca

follow us on twitter @NSGeoNOVA

DataLocator Online Application <http://nsgi.novascotia.ca/datalocator/>

Search Geographical Names <https://nsgi.novascotia.ca/geonames/>

<Letter and Map Meander River Final_signature.docx>

<Public Approval Information - Herbert River and Meander River Survey Results.docx>

November 25, 2022

Dear Resident or Property Owner,

RE: Meander River and Herbert River, West Hants Regional Municipality

Service Nova Scotia and Internal Services is responsible for the names of places including communities, lakes, rivers, islands, and other features on Nova Scotia maps. We would like to invite you to participate in a public survey to rename a section of river in West Hants Regional Municipality. (See attached map)

We have received an application to rename a section of the "Meander River" to "Herbert River" between the St. Croix River, and the Herbert River and Meander River juncture. The request is based on watershed size; drainage area; and various historical spellings for "Herbert" located on deeds and plans dated between 1883-2013 and maps dated between 1749-1882.

There are options for you to share your input. The preferred method is an online survey. Please visit nsplacenames.ca and click on 'Community Engagement' and go to the Meander River page.

If you would prefer to provide input by email, phone, or mail, you may use the attached survey which includes an addressed envelope. We welcome all responses and feedback for the proposed name change.

We encourage you to reply to this survey; non-responses will be considered support for the change. The deadline for sending us your feedback is December 23, 2022.

If you have any questions, please email geoinfo@novascotia.ca or call 1-800-798-0706 (Option 0 – General Inquiries).

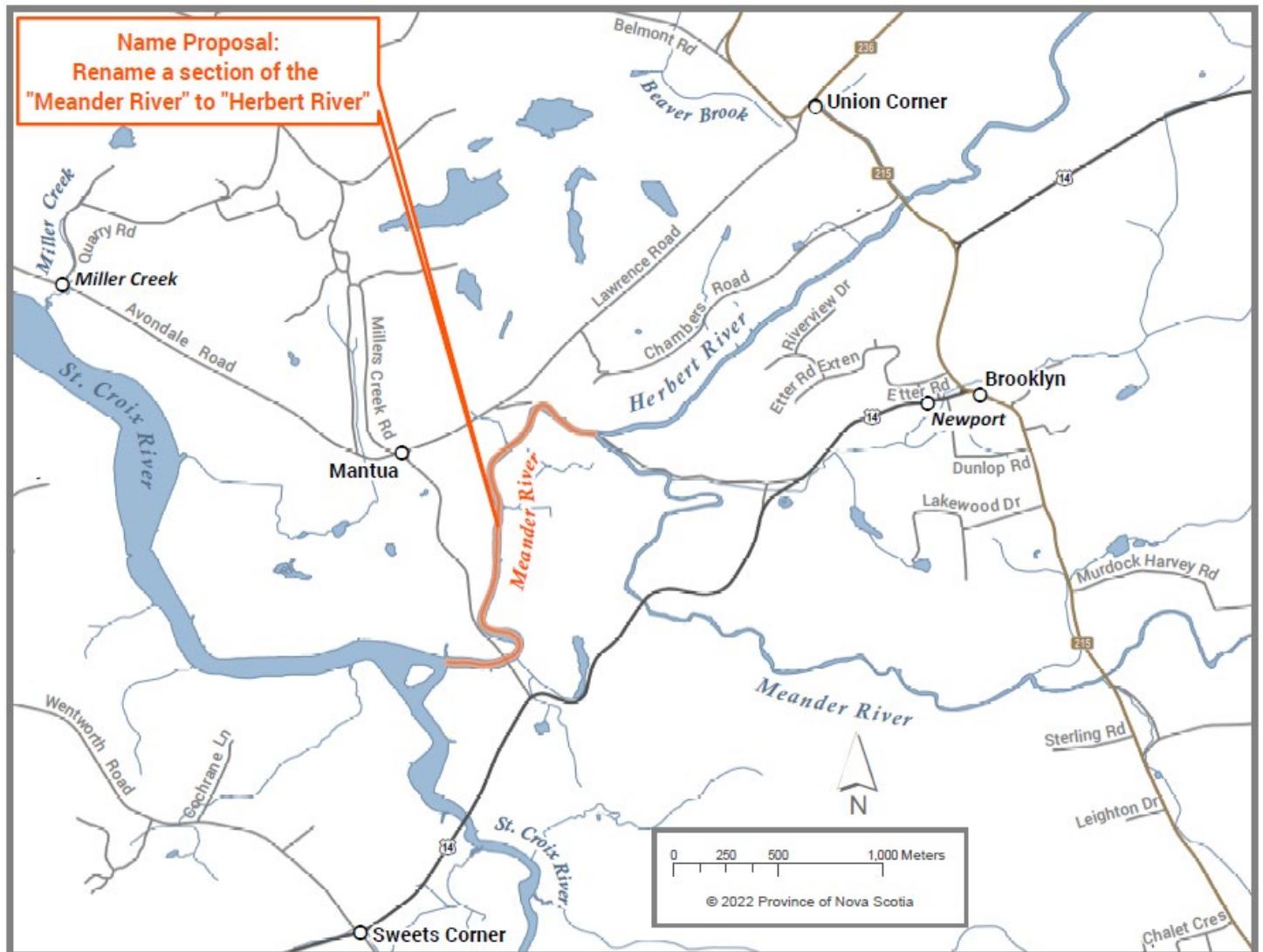
Sincerely,

Nova Scotia Geographic Names Program
Service Nova Scotia and Internal Services

A handwritten signature in blue ink, appearing to read "C. L. [unclear]".

Feature Location

The map below shows the proposal to rename a section of the “Meander River” to “Herbert River”.





West Hants
something inspiring awaits

Noise and Community Standards By-law RN-001

By-law Highlights

Refer to the By-law for complete details.



West Hants
something inspiring awaits

Purpose

Section 2

To regulate unwanted noise and public nuisance in West Hants Regional Municipality.

Regional by-law will provide a uniform standard and expectation within West Hants Regional Municipality.



Quiet Time

Section 5 “Prohibitions and Interpretations”

- **Weekdays (Mon-Fri)**

11:00 p.m. – 6:00 a.m.

- **Weekends (Sat & Sun)**

11:00 p.m. – 8:00 a.m.



Exemptions

Section 6 “Fixed Exemptions”



Emergency response personnel engaged in the execution of their emergency response duties, incl. operating comfort centres and emergency shelters with generators.

Sound in connection with any organized traditional, festive, or religious activity, calls to worship, ringing of bells at places of religious worship, or services of religious worship.



Exemptions



Noises in connection with organized athletic or recreational activities in municipal, school, public parks areas, arenas, or community centres and halls.



Any noise emitted from, or associated with, any Industrial operation permitted by the relevant land use by-law.



Exemptions



Any noise generated by agricultural practices which the NS Farm Practices Board deems consistent with the code of practice or in the absence of a code, consistent with other directives or accepted customs or standards of similar operation.

Noise caused by the Municipality, Government of Canada, Province of Nova Scotia, Nova Scotia Power Corporation, and/or telecommunication companies and their contractors and employees when acting in the reasonable execution of their duties.



something inspiring awaits



Enforcement / Penalty

- \$250 fine if paid within 14 days of notice.
- OR
- Min. \$500 – Max. \$10,000, and/or
 - Possible imprisonment for a period of not more than one year.
-

Repeal & Replace

This By-law repeals:

- Town of Windsor's Prevention of Excessive Noise By-law #33
- Town of Hantsport's Noise By-law #101-2



Next Steps

(if approved)

COTW Recommendation – February 14, 2023



First Reading – February 28, 2023



Public Hearing & Second Reading
March 28, 2023



Publish 'Notice of Approval' in local newspaper and send to Province.
Ministerial approval is not required.
By-law is effective on date of publishing.



Recommendation

...that Council give First Reading to the Noise and Community Standards By-law RN-001 as presented in the January 10, 2023 report to Committee of the Whole, and proceed to public hearing and Second Reading at the March 28, 2023 Council meeting.





West Hants
something inspiring awaits

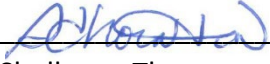
westhants.ca



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: 
Shelleena Thornton, Municipal Operations Supervisor

Date: January 10, 2023

Subject: Noise and Community Standards By-Law RN-001

LEGISLATIVE AUTHORITY

Municipal Government Act, R.S.N.S. 1998, c. 18:

- 172 (1) A council may make by-laws, for municipal purposes, respecting
- (d) nuisances, activities and things that, in the opinion of the council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations, and without limiting the generality of the foregoing, by-laws
 - (i) prescribing a distance beyond which noise shall not be audible,
 - (ii) distinguishing between one type of noise and another,
 - (iii) providing that any noise or sound greater than a specific decibel level or other measurement of noise or sound is prohibited,
 - (iv) prescribing the hours during which certain noises, or all noise above a certain level, specified in the by-law is prohibited,
 - (v) authorizing the granting of exemptions in such cases as the by-law provides,
 - (vi) providing that it is an offence to engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood.

RECOMMENDATION

...that Council give First Reading to the Noise and Community Standards By-law RN-001.00 at the January 24, 2023 Council meeting.

BACKGROUND

Property ☐	Public Opinion ☒	Environment ☐	Social ☒	Economic ☐	Councillor Activity ☐
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The former Town of Windsor and Town of Hantsport have by-laws respecting noise that are still in effect. The former Municipality of the District of West Hants does not have a by-law. The existing by-laws do not uniformly address noise or nuisance matters for the region.

At the March 23, 2021 Council meeting, staff was directed to create a Noise By-law for the Regional Municipality.

DISCUSSION

Taking into consideration our regional geography (rural and growth centres), staff engaged with each other and consulted with the RCMP and other Nova Scotia municipalities for similar by-laws. A draft has been created while considering the below points.

- Agriculture operations are exempt from noise by-laws due to other Provincial Acts and Regulations.
- After-hours enforcement would be done by the RCMP, and charges are typically under sections of the Criminal Code for causing a disturbance and mischief. Laying charges under the Criminal Code also requires time to investigate, prepare a package, and relay to the Provincial Court.
- Noise tolerance levels vary from person to person.
- As per the *Guidelines for Environmental Noise Measurement and Assessment* (which is currently under review) ...
 - The effect of noise on people is an extremely complicated field.
 - There are a number of factors and measures of noise, making it challenging to establish parameters that will appease everyone as it pertains to 'nuisance-type' noise sources (under which Municipalities are responsible for).
 - This would include disturbing the peace, faulty mufflers, loudspeakers, etc., which are typically handled through the police force.
- Decibel levels are subjective (and current suggested levels in the *Guidelines for Environmental Noise Measurement and Assessment* are under review as they are considered too low).
- Fireworks (organized or private) are not illegal in Nova Scotia. Under the proposed by-law, organized fireworks are permitted. Private fireworks are difficult to enforce (as they are usually less than ten minutes in duration).
- Other noise considerations...
 - Barking – included in the Dog-Bylaw.
 - Fighting, screaming, shouting – should be addressed by the police.
 - Vehicle-related noises –covered under the Motor Vehicle Act and enforced by the police.

- Golf courses typically start mowing before 6:00 a.m. Former Municipality of West Hants received complaints about this in the past; however, none in the past couple of years. If this is to be addressed, a potential solution could be:
 - Section 6 – include all golf courses as a ‘fixed exemption’.
- Sound meters
 - Need frequent calibration (and often by technicians). Reading accuracy can be affected if even slightly out of calibration.
 - WHRM would need to purchase sound meters (as former Town of Windsor’s are very dated and there are no technicians in NS to calibrate them).
 - Would need to be used at the moment the noise is occurring.
- Noise By-law Challenges
 - Noise tolerance levels vary from person to person.
 - Timing of the complaint. As mentioned, sound meters would also need to be used at the very moment the noise is occurring.
 - Noise measurement (duration and activity).
 - Often an issue between neighbours.

The proposed by-law has also been vetted through the Municipal Solicitor, John Shanks.

NEXT STEPS



If approved by Council, the documents to enable the issuance of Summary Offence Tickets versus long form would be prepared.

FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality unless decibel sound readers are needed. The commercial ones range anywhere between \$700 – thousands of dollars, not including calibration which would need to be done as-needed.

Advertising costs are included in annual operating budgets.

ALTERNATIVES

Council may decide to:

- Not hold First Reading;
- provide alternative direction.

ATTACHMENTS

- Proposed draft Noise and Community Standards By-law RN-001
- Town of Windsor's Prevention of Excessive Noise By-law #33
- Town of Hantsport's Noise By-law #101-2

CHIEF ADMINISTRATIVE OFFICER REVIEW

The review of the draft by-law has been vetted through the various municipal departments for comments. The by-law is general in nature with the purpose of setting an overarching standard regarding noise and nuisance related matters within the Municipality. It does assume most residents are in good standing, respect their neighbors and that they jointly wish to have a peaceful existence within their home or on their property.

Specific exemptions and expected hours of compliance are aimed to assist in communicating the standard or expectations set by the Municipality.

It should be noted that disputes between neighbors that do not have the primary motivation to peacefully coexist with mutual respect, under a solution-based approach, would be very difficult to create an accommodating bylaw or to enforce it.

I support the approach taken through this bylaw and support the recommendation.

Report Prepared by: 
Shelleena Thornton, Municipal Operations Supervisor

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

Report Reviewed by: _____

Ryan Parker & Shawn Levy, Special Constables/By-law Enforcement
Officers

Report Approved by:  _____

Mark Phillips, CAO

LEGISLATIVE AUTHORITY

Municipal Government Act, R.S.N.S. 1998, c. 18

- 172 (1) A council may make by-laws, for municipal purposes, respecting
- (d) nuisances, activities and things that, in the opinion of the council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations, and without limiting the generality of the foregoing, by-laws
 - (i) prescribing a distance beyond which noise shall not be audible,
 - (ii) distinguishing between one type of noise and another,
 - (iii) providing that any noise or sound greater than a specific decibel level or other measurement of noise or sound is prohibited,
 - (iv) prescribing the hours during which certain noises, or all noise above a certain level, specified in the by-law is prohibited,
 - (v) authorizing the granting of exemptions in such cases as the by-law provides,
 - (vi) providing that it is an offence to engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood.

1. TITLE

- 1.1 This by-law will be known as the “Noise and Community Standards By-law”.

2. PURPOSE

- 2.1 The purpose of this By-law is to regulate unwanted noise and public nuisance in the Municipality.

3. DEFINITIONS

In this by-law, all words have their normal dictionary meanings, except as follows:

- (a) “Council” means the Council of the West Hants Regional Municipality.
- (b) “Municipality” means the West Hants Regional Municipality.
- (c) “Noise” means any unwanted sound that doesn’t happen in a natural environment and can include sounds coming from people, machinery, equipment, residential and commercial properties, as well as industrial places.

4. SCOPE

- 4.1 This By-law applies to the Municipality in its entirety.

5. PROHIBITIONS AND INTERPRETATIONS

- 5.1 No person or Corporation will at any time between the hours of 11:00 p.m. and 6:00 a.m. Monday to Friday, engage in any activity which generates noise or sound that unreasonably disturbs the peace and tranquility of a neighbourhood. For the purpose of this section, evidence that one person is unreasonably disturbed by a noise is prima facie evidence that the neighbourhood is unreasonably disturbed by the noise.
- 5.2 No person or Corporation will at any time between the hours of 11:00 p.m. and 8:00 a.m. Saturdays and Sundays, engage in any activity which generates noise or sound that unreasonably disturbs the peace and tranquility of a neighbourhood. For the purpose of this section, evidence that one person is unreasonably disturbed by a noise is prima facie evidence that the neighbourhood is unreasonably disturbed by the noise.

6. FIXED EXEMPTIONS

This by-law does not apply to:

- 6.1 emergency response personnel engaged in the execution of their emergency response duties, including operating comfort centres and emergency shelters with generators;
- 6.2 the emission of sound in connection with any organized traditional, festive, or religious activity;
- 6.3 the emission of sound in connection with calls to worship, ringing of bells at places of religious worship, or services of religious worship;
- 6.4 noises in connection with organized athletic or recreational activities in municipal, school, public park areas, arenas, or community centres and halls;
- 6.5 noise caused by the Municipality, Government of Canada, Province of Nova Scotia, Nova Scotia Power Corporation, and/or telecommunication companies and their contractors and employees when acting in the reasonable execution of their duties;
- 6.6 any noise emitted from, or associated with, any Industrial operation permitted by the relevant land use by-law; and
- 6.7 any noise generated by agricultural practices which the Nova Scotia Farm Practices Board deems consistent with the code of practice or in the absence of a code, consistent with other directives or accepted customs or standards of similar operation.

7. ENFORCEMENT / PENALTY

- 7.1 Each day during which any violation, contravention, or breach of the By-law continues will be deemed a separate offence.
- 7.2 Any person designated to enforce this By-law may enter upon or into private property for the purpose of inspection, maintenance, and enforcement of this By-law.
- 7.3 Pursuant to the Police Act, 2004, c. 31, s.1, peace officers, special constables, and by-law enforcement officers are designated to enforce this By-law.
- 7.4 A person or Corporation who commits an offence will, on summary conviction, be liable to a fine not less than \$500.00 and not more than \$10,000.00, or imprisonment for a period of not more than one (1) year or both, including the imposition of a minimum fine.
- 7.5 Any person who commits an offence under section 5 of this By-law and who is given notice of the contravention, may pay to the West Hants Regional Municipality, at the place specified in the notice, the sum of \$250.00 within 14 days of the date of the notice and will thereby avoid prosecution for that contravention.

8. REPEAL & REPLACE

- 8.1 This by-law hereby repeals:
- Town of Windsor's Prevention of Excessive Noise By-law #33
 - Town of Hantsport's Noise By-law #101-2



**WEST HANTS REGIONAL MUNICIPALITY
NOISE AND COMMUNITY STANDARDS BY-LAW**

RN-001

I, (Municipal Clerk Name), Municipal Clerk of the West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the ____ day of ____ (month), ____ (year).

(Signature of Municipal Clerk)

(Typed name of Municipal Clerk)

By-law Adoption	
First Reading	date
Notice Published	date
Second Reading & Approval	date
Final Publication	date
Notice to Municipal Affairs	date
Description:	



TOWN OF WINDSOR BYLAW # 33 PREVENTION OF EXCESSIVE NOISE BYLAW

With the authority vested in the Town by the Municipal Government Act to control noise, this bylaw is intended to establish acceptable standards for noise to encourage respect for the comfort, privacy and enjoyment of life for Town residents.

Be it therefore enacted by the Council of the Town of Windsor, as follows:

33.01 This Bylaw shall be known as Bylaw No. 33 and may be cited as the Noise Bylaw.

33.02 In this Bylaw:

- (1) "A-weighted Continuous Noise Level" and "dBA" both have the meaning used in Ontario Municipal Model Noise Code (1978);
- (2) "Dwelling Unit" means living quarters, accessible from a private entrance either outside a building or in a common area within a building, that are occupied or, if unoccupied, are reasonably fit for occupancy, and that:
 - (a) Contain kitchen facilities within the unit; and
 - (b) Have toilet facilities that are not shared with the occupants of other dwelling units; and includes any additional space which the occupier is entitled to occupy, including but not limited to decks, patios, yards and driveways.
- (3) "Occupier" means,
 - (a) A person who is in possession of a dwelling unit, or
 - (b) A person who has responsibility for a control over the condition of a dwelling unit or the activities there carried on, notwithstanding that there is more than one occupier of the same dwelling unit.
- (4) "Sound System" includes a public address system, phonograph, gramophone, radio, cassette tape player, compact disc player, computer or computer accessory, loud speaker, microphone, or any other device or apparatus, whether operated electrically, mechanically or in any other way whatsoever, whether moveable or stationary, whether located inside or outside a dwelling unit or motor vehicle, that reproduces, amplifies, emits, or transmits sounds;
- (5) "Town" means the Town of Windsor.

33.03

The following acts, among others, are hereby declared to be noises which disturb or tend to disturb the peace and tranquillity of the Town or any portion of it;

- (1) Making any noise or combination of noises which, when measured on the property or at a boundary line of the property on which the noise is heard or the noises are heard, exceeds the applicable A-weighted continuous noise level as follows:

Time	Commercial and Residential Property	Institutional Property
7:00 am – 10:00 pm	55 dBA	65 dBA
10:00 pm – 7:00 am	45 dBA	55 dBA

- (2) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor boat, except through a muffler or other device which will effectively prevent loud or explosive noises from it;
- (3) The operation of any noise-creating blower power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operation gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to attenuate such noise and the device is operated between the hours of 8 a.m. and 8 p.m.;

33.04

- (1) No person, in the Town, shall make any noise which disturbs or tends to disturb the peace and tranquillity of the Town or any portion of it.
- (2) No person who owns, or has under their supervision, a dog, shall permit the dog to make any noise which disturbs or tends to disturb the peace and tranquillity of the Town or any portion of it.
- (3) No person, in the Town, shall operate, or cause or permit to be operated any sound system at such a level that the resulting sound is heard, in a dwelling unit or other building, other than the dwelling unit or other building in which the sound system in question is located.
- (4) No person shall by
 - (a) fighting
 - (b) screaming
 - (c) shouting, or
 - (d) singing;cause any loud and unnecessary noise, the sounds of which are heard on another property or at a boundary line of the other property, or in a dwelling unit other than the dwelling unit in which the noise is generated.

33.05

- (1) No occupier shall allow or permit to occur in the dwelling unit of which that person is the occupier, any activity prohibited by Section 4 above.

- (2) No occupier shall permit noise to be made in or on the occupier's dwelling unit which disturbs the peace and tranquillity of the Town or any portion of it.
- (3) It is a defence to a charge under this section that there was another occupier who had a greater right of possession or greater responsibility and control over the dwelling unit in question at the time of the prohibited activity.
- (4) In a prosecution for a violation of the bylaw, evidence that one person is disturbed is *prima facie* evidence that the Town or any portion of it is disturbed.

33.06

This Bylaw does not apply to the following:

- (1) Employees of the Town, the Government of Canada, the Province of Nova Scotia, Windsor & Hantsport Railway Company Limited, Registered Utility Companies when those employees are acting in the reasonable execution of their duties;
- (2) Noises emitted by machinery or equipment when used under the provisions of (1) above;
- (3) A person or corporation, or an employee of such person or corporation, reasonably performing work at the request of any party described in (1) above;
- (4) Noise emitted by machinery or equipment used in snow removal and snow clearing operations to provide safe and unimpeded access to and egress from health care and health service facilities, homes or health care providers, where the responsible health care provider has concluded that such operations must be carried out at that time;
- (5) Noises in connection with athletic, recreational or school activities in arenas, playing fields, courts, school grounds or in Town park areas between the hours of 7 a.m. and 11 p.m.;
- (6) Noises in relation to religious activities between the hours of 7 a.m. and 11 p.m.;
- (7) Noises in relation to parades, street dances, or other community activities between the hours of 7 a.m. and 11 p.m. subject to permission having been granted under Section 8 of this Bylaw;
- (8)
 - (a) The regulation of any loud and unnecessary noise in or from the engine, exhaust system, braking system, or from the contact of the tires with the roadway, by a motor vehicle from starting, driving, turning, stopping, or accelerating;
 - (b) The regulation, registration, licensing or identification of vehicles, or the use of the highway by such vehicles, both categories of which are within the jurisdiction of the Motor Vehicle Act.

33.07

Notwithstanding any other provision of this Bylaw, it is lawful to emit or cause or permit the emission of noise in connection with:

- (1) Emergency measures undertaken for the immediate health, safety and welfare, or any of them, of the inhabitants of the Town;
- (2) Emergency measures undertaken for the preservation of property;
- (3) Construction activities between the hours of 8 a.m. and 8 p.m. for which a Building Permit has been issued by the Town;
- (4) Agricultural activities carried on by a farm operation.

33.08

An exemption from the application of this Bylaw may be granted by the Council under the following terms:

- (1) Notwithstanding anything contained in this Bylaw any person may make application to the Council to be granted an exemption from any of the provisions of this Bylaw with respect to any emission of noise for which that person might be prosecuted. The Council may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser affect. Any exemption granted shall specify the time period, not in excess of six months, during which the exemption shall be effective and the exemption shall be in written form and shall include such terms and conditions as the Council deems appropriate;
- (2) In deciding whether or not to grant an exemption, the Council shall give consideration to the social or commercial benefit of the proposed activity to the Town, the views of any residents of the Town which may be expressed to the Council, the proposed hours of operation of the proposed noise making activity, and the proposed duration of the subject activity;
- (3) In deciding whether or not to grant an exemption the Council shall give the applicant and any person or persons who may be affected by the proposed activity an opportunity to be heard any may consider such other matters as the Council deems appropriate;
- (4) Any alleged breach by the applicant of any of the terms or conditions of any exemption granted by the Council shall be investigated by Town staff and reported to the Council in writing. The Council shall determine whether or not a breach has taken place. If the Council determines that a breach has taken place the Council may revoke the exemption.

33.09

Every person who contravenes or fails to comply with any of the provisions of the Bylaw shall be liable to a penalty of not less than fifty dollars (\$ 50.00) and not more than two hundred dollars (\$ 200.00), and default of payment, to imprisonment for a period not exceeding sixty (60) days.

Clerk's Annotation for Official Bylaw Book

Date of first reading of bylaw: June 28, 2005

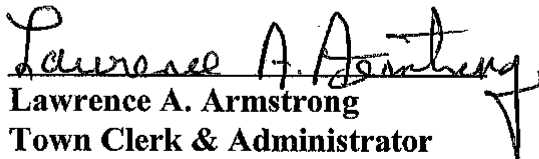
Date of advertisement of Notice of Intent to Consider: July 6, 2005

Date of second reading of bylaw: July 26, 2005

***Date of advertisement of Passage of Bylaw:** August 3, 2005

Date of mailing to Minister a certified copy of Bylaw: Aug. 4, 2005

I certify that this Prevention of Excessive Noise bylaw was adopted by Council and published as indicated above.


Lawrence A. Armstrong
Town Clerk & Administrator
Town of Windsor

Aug. 4, 2005
Date



**Town of Hantsport
By-law #101-2**

Noise By-law

PREAMBLE:

The residents of this normally quiet and peaceful town continue to experience the challenge of finding the appropriate level of control over the action of people in Town to encourage respect for others' privacy and their enjoyment of life.

Through a "living in community" initiative by Town Council, examining what contributes to and what detracts from comfort levels for residents of Hantsport, excessive noise has been identified as a significant factor.

With the authority vested in the Town by the Municipal Government Act to control noise, this bylaw is intended to establish acceptable standards for noise to encourage respect for the comfort, privacy and enjoyment of life for Town residents without the sanctions, which accompany the control of excessive noise generating behavior through the Canadian Criminal Code.

Be it therefore enacted by the Council of the Town of Hantsport, as follows:

1. This by-law shall be known as By-law No. 101-2 and may be cited as the Noise By-law.
2. In this by-law:
 - (1) "A-weighted Continuous Noise Level" and "dBA" both have the meaning used in Ontario Municipal Model Noise Code (1978);
 - (2) "Dwelling Unit" means living quarters, accessible from a private entrance either outside a building or in a common area within a building, that are occupied or, if unoccupied, are reasonably fit for occupancy, and that: contain kitchen facilities within the unit and have toilet facilities that are not shared with the occupants of other dwelling units;
 - (3) "Occupier" means a person who is in possession of a dwelling unit, or a person who has responsibility for and control over the condition of a dwelling unit or the activities there carried on.

Notwithstanding that there is more than one occupier of the same dwelling unit;

- (4) "Sound system" includes a public address system, phonograph, gramophone, radio, cassette tape player, compact disc player, computer or computer accessory, loudspeaker, microphone, or any other device or apparatus, whether moveable or stationary, whether located inside or outside a dwelling unit or motor vehicle, that apparatus amplifies, emits or transmits sounds;
 - (5) "Town" means the Town of Hantsport.



**Town of Hantsport
By-law #101-2**

Noise By-law

3. The following acts, among others, are hereby declared to be noises, which disturb or tend to disturb the peace and tranquility of the Town or any portion of it:

- (1) Making any noise or combination of noises which, when measured on the property or at a boundary line of the property on which the noise is heard or the noises are heard, exceeds the applicable A-weighted continuous noise level as follows:

Time	Residential Property	Commercial and Institutional Property
7 a.m. – 10 p.m.	55dBA	65 dBA
10 p.m. – 7 a.m.	45 dBA	55dBA

- (2) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor boat, except through a muffler or other device which will effectively prevent loud or explosive noises from it;
- (3) The operation of any noise-creating blower power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operation gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to attenuate such noise and the device is operated between the hours of 8 a.m. and 8 p.m.;

4.

- (1) No person, in the Town, shall make any noise which disturbs or tends to disturb the peace and tranquility of the Town or any portion of it.
- (2) No person who owns, or has under his or her supervision, a dog, shall permit the dog to make any noise, which disturbs or tends to disturb the peace and tranquility of the Town or any portion of it.
- (3) No person, in the Town, shall operate, or cause or permit to be operated any sounds system at such a level that the resulting sound is heard, in a dwelling unit or other building, other than the dwelling unit or other building in which the sound system in question is located.
- (4) No person shall be:
- fighting
 - screaming
 - shouting, or
 - singing

No person shall cause any loud and unnecessary noise, the sounds of which are heard on another property or at a boundary line of the other property, or in a dwelling unit other than the dwelling unit in which the noise is generated.



**Town of Hantsport
By-law #101-2**

Noise By-law

5.

- (1) No occupier shall allow or permit to occur in the dwelling unit of which that person is the occupier, any activity prohibited by Section 4 above.
- (2) It is a defence to a charge under this section that there was another occupier who had a greater right of possession or greater responsibility and control over the dwelling unit in question at the time of the prohibited activity.

6. This by-law does not apply to the following:

- (1) Employees of the Town, the Government of Canada, the Province of Nova Scotia Inc., Minas Basin Pulp & Power Company Ltd., Fundy Gypsum Company, Windsor and Hantsport Railway Company Limited, Nova Scotia Power or Maritime Tel and Tel when those employees are acting in the reasonable execution of their duties;
- (2) Noises emitted by machinery or equipment when used under the provisions of (1) above;
- (3) A person or a corporation, or an employee of such person or corporation, reasonably performing work at the request of any party described in (1) above;
- (4) Noise emitted by machinery and equipment, or either of them, used in snow removal and snow clearing operations on public or private property, not later than 48 (forty-eight) hours after the end of the storm which left the snow;
- (5) Noises in connection with athletic, recreational or school activities in arenas, playing fields, courts, school grounds or in Town park areas between the hours of 7 a.m. and 11 p.m.;
- (6) Noises in relation to parades, street dances, or other community activities between the hours of 7 a.m. and 11 p.m. subject to permission having been granted under Section 8 of this By-law;
- (7) Noises in relation to religious activities between the hours of 7 a.m. and 11 p.m.;
- (8) (a) The regulation of any loud and unnecessary noise in or from the engine, exhaust system, braking system, or from the contact of the tyres with the roadway, by a motor vehicle from starting, driving, turning, stopping, or accelerating;

(b) The regulation, registration, licensing or identification of vehicles, or the use of the highway by such vehicles, both categories of which are within the jurisdiction of the Motor Vehicle Act.



**Town of Hantsport
By-law #101-2**

Noise By-law

7. Notwithstanding any other provision of this By-law, it is lawful to emit or cause or permit the emission of noise in connection with:
 - (1) Emergency measures undertaken for the immediate health, safety and welfare, or any of them, of the inhabitants of the Town;
 - (2) Emergency measures undertaken for the preservation of property;
 - (3) Construction activities between the hours of 8 a.m. and 8 p.m. for which a Building Permit has been issued by the Town;
 - (4) Agriculture activities carried on by a farm operation.
8. An exemption from the application of the By-law may be granted by the Council under the following terms:
 - (1) Notwithstanding anything contained in this By-law, any person may make application to the Council to be granted an exemption from any of the provisions of this By-law with respect to any emission of noise for which that person might be prosecuted. The Council may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser affect. Any exemption granted shall specify the time period, not in excess of 6 (six) months, during which the exemption shall be effective and the exemption shall be in written form and shall include such terms and conditions as the Council deems appropriate;
 - (2) In deciding whether or not to grant an exemption, the Council shall give consideration to the social or commercial benefit of the proposed activity to the Town, the views of any residents of the Town which may be expressed to the Council, the proposed hours of operation of the proposed noise making activity, and the proposed duration of the subject activity;
 - (3) In deciding whether or not to grant an exemption, the Council shall give the applicant and any person or person, who may be affected by the proposed activity, an opportunity to be heard and may consider such other matters as the Council deems appropriate;
 - (4) Any alleged breach by the applicant of any of the terms or conditions of any exemption granted by the Council shall be investigated by Town staff and reported to the Council in writing. The Council shall determine whether or not a breach has taken place. If the Council determines that a breach has taken place the Council may revoke the exemption.
9. Every person who contravenes or fails to comply with any of the provisions of the By-law



**Town of Hantsport
By-law #101-2**

Noise By-law

shall be liable to a penalty of not less than \$50 (fifty dollars) and not more than \$200 (two hundred dollars), and default of payment, to imprisonment for a period not exceeding 60 (sixty) days.

Passed by the Town Council of the Town of Hantsport on the 24th day of October, 2001.

Approved by the Minister of Municipal Affairs on (no ministerial signature).



Committee of the Whole Excerpts
February 14, 2023

TAX WRITE OFF EXCERPT

West Hants Regional Municipality has adopted RCOFN-002.00 Tax Exemption Policy to provide direction for the tax reduction or exemption of eligible properties located within the region. Using this policy, each year during budget deliberations, Council reviews and approves the list of eligible properties to receive a tax reduction or redemption.

The recommended motion was that Committee of the Whole recommend that ...

THAT COUNCIL APPROVES THE OUTSTANDING TAXES OF THE PROPERTY LOCATED AT LOT A PANUKE ROAD, THREE MILE PLAINS (AAN 05063507) BE WRITTEN OFF.

FURTHER,

THAT COUNCIL APPROVES THE OUTSTANDING TAXES OF THE PROPERTY LOCATED AT 59 WINDSOR BACK ROAD, MARTOCK (AAN 04682467) BE WRITTEN OFF.



Committee of the Whole Excerpts
February 14, 2023

TEMPORARY BORROWING RESOLUTIONS EXCERPT

A Temporary Borrowing Resolution (TBR) is a required step in the process to secure the necessary borrowing to support the purchase of items of significant cost required by the Municipality. The following items require approval:

Recreation Property Opportunities in the amount of \$150,000 for trail land purchase, Sports Complex Parking in the amount of \$250,000, PW Truck Replacement in the amount of \$45,000, Hantsport Fire Department new station for \$2,625,000, Brooklyn Fire Department new pumper tanker for \$981,679 and Windsor Fire Department new single axel quint for \$1,451,241.

The recommended motion was that Committee of the Whole recommend that ...

... COUNCIL APPROVES A TEMPORARY BORROWING RESOLUTION IN THE AMOUNT OF \$95,589.65, FOR THE PURCHASE OF TRAIL LAND.

... COUNCIL APPROVES A TEMPORARY BORROWING RESOLUTION IN THE AMOUNT \$175,349.35, FOR BACK PARKING LOT PAVING AT THE WEST HANTS SPORTS COMPLEX.

... COUNCIL APPROVES A TEMPORARY BORROWING RESOLUTION IN THE AMOUNT OF \$26,655.68, FOR THE 2023 FORD TRANSIT VAN USED BY THE WATER UTILITY.

... COUNCIL APPROVES THE RENEWAL OF A TEMPORARY BORROWING RESOLUTION IN THE AMOUNT OF \$2,498,894.70 FOR THE HANTSPORT FIRE DEPARTMENT'S NEW STATION.

... COUNCIL APPROVES THE RENEWAL OF A TEMPORARY BORROWING RESOLUTION IN THE AMOUNT OF \$828,034.44 FOR THE BROOKLYN FIRE DEPARTMENT'S NEW PUMPER TANKER.

... COUNCIL APPROVES THE RENEWAL OF A TEMPORARY BORROWING RESOLUTION IN THE AMOUNT OF \$1,225,350.92 FOR THE WINDSOR FIRE DEPARTMENT'S NEW SINGLE AXEL QUINT.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: WHRM Committee of the Whole

Submitted by: _____
Diana Gibson, Acting Director, Financial Services

Date: February 14, 2023

Subject: Temporary Borrowing Resolutions

LEGISLATIVE AUTHORITY

- *Municipal Government Act* Part IV Finance, Section 65 and 66.

RECOMMENDATION or DECISION REQUEST

Committee of the Whole recommends that ...

... Council approves a temporary borrowing resolution in the amount of \$95,589.65, for the purchase of trail land.

... Council approves a temporary borrowing resolution in the amount \$175,349.35, for back parking lot paving at the West Hants Sports Complex.

... Council approves a temporary borrowing resolution in the amount of \$26,655.68, for the 2023 Ford Transit Van used by the Water Utility.

... Council approves the renewal of a temporary borrowing resolution in the amount of \$2,498,894.70 for the Hantsport Fire Department's new station.

... Council approves the renewal of a temporary borrowing resolution in the amount of \$828,034.44 for the Brooklyn Fire Department's new pumper tanker.

... Council approves the renewal of a temporary borrowing resolution in the amount of \$1,225,350.92 for the Windsor Fire Department's new Single Axel Quint.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic v	Councillor Activity ☐
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A Temporary Borrowing Resolution (TBR) is a required step in the process to secure the necessary borrowing to support the purchase of items of significant cost required by the Municipality. A TBR requires Council approval to move forward.

West Hants Regional Council approved the following capital projects:

- During the 2021-22 Budget Deliberations, approved on June 6, 2021:
 - Recreation Property Opportunities in the amount of \$150,000 for trail land purchase.
 - Sports Complex Parking in the amount of \$250,000
- During the 2022-23 Budget Deliberations, approved on June 2, 2022:
 - PW Truck Replacement in the amount of \$45,000

West Hants Regional Council approved that the February 22, 2022 Council meeting to approve three temporary borrowing resolutions:

- Hantsport Fire Department new station for \$2,625,000.
- Brooklyn Fire Department new pumper tanker for \$981,679.
- Windsor Fire Department new single axel quint for \$1,451,241.

With the Spring Debenture call scheduled for mid-April 2023, these three temporary borrowing resolutions will expire before they are able to be used during the call.

DISCUSSION

Recreation Property Opportunities

The total cost required for the land purchase was \$111,089.65, which is within the approved amount of \$150,000.

Council approved \$7,590 and \$7,910 for debt servicing in the 2021-22 and 2022-23 Operating Budgets. The total cost is then reduced by the budgeted debt servicing, bringing the total borrowing request to \$95,589.65.

Sports Complex Parking

The total cost required for paving of the back parking lot at the West Hants Sports Complex was \$200,348.35, which is within the approved amount of \$250,000.

Council approved \$12,631 and 12,368 for debt servicing in the 2021-22 and 2022-23 Operating Budgets. The total cost is then reduced by the budgeted debt servicing, bringing the total borrowing request to \$175,349.35.

Public Works Truck Replacement

During the 2022-23 budget deliberations Council approved \$45,000 for a truck replacement, the department determined their need was a service van for the water utilities and were able to purchase this for \$36,272.68, which is within the approved amount of \$45,000.

Council approved \$9,617 for debt servicing within the 2022-23 Operating budget. The total cost is then reduced by the budgeted debt servicing, bringing the total borrowing request to \$26,655.68.

Hantsport Fire Department – New Station

During the February 2022 Council meeting Council approved the temporary borrowing resolution for \$2,625,000 for the new fire station.

Council has also approved \$126,105 for debt servicing within the operating budgets. The total cost is then reduced by the budgeted debt servicing, bringing the total borrowing request to \$2,498,894.70.

Brooklyn Fire Department - New Pumper Tanker

During the February 2022 Council meeting Council approved the temporary borrowing resolution for \$981,679 for the new pumper tanker.

Council has also approved \$153,645 for debt servicing within the operating budgets. The total cost is then reduced by the budgeted debt servicing, bringing the total borrowing request to \$828,034.44.

Windsor Fire Department – New Single Axel Quint

During the February 2022 Council meeting Council approved the temporary borrowing resolution for \$1,451,241 for the new single axel quint.

Council also approved \$225,890 for debt servicing within the operating budgets. The total cost is then reduced by the budgeted debt servicing, bringing the total borrowing request to \$1,225,350.92.

NEXT STEPS

1. Minister approval of the temporary borrowing resolutions.
2. Recommendation report to West Hants Regional Council to apply for the Spring 2023 Debenture call, scheduled for mid-April.

FINANCIAL IMPLICATIONS

The full financing charges for all the above projects are included in the 2022-23 operating budget, so they will have no impact on the current fiscal year.

ALTERNATIVES

- Council could reject the proposed TBRs, but in doing so would have to direct staff as to how the items will be funded.

ATTACHMENTS

- TBR – Recreation Property Opportunities
- TBR – Sports Complex Parking
- TBR – 2023 Ford Transit Van (PW Truck Replacement)
- TBR – HFD Fire Station Build
- TBR – BFD Pumper Tanker
- TBR – WFD Single Axel Quint

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendations.

Report Prepared by: _____
Diana Gibson, Acting Director, Financial Services

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

MUNICIPAL COUNCIL OF THE

West Hants Regional Municipality

TEMPORARY BORROWING RESOLUTION

Amount: \$ 95,590

Purpose: Recreation Property Opportunities

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the _____ West Hants Regional Municipality _____, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the _____ West Hants Regional Municipality _____ has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for a capital purpose as identified in their capital budget; and

WHEREAS the Council of the _____ West Hants Regional Municipality _____ has determined to borrow for the purposes of Recreation Property Opportunities _____;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the _____ West Hants Regional Municipality _____ borrow a sum or sums not exceeding _____ ninety-five thousand, five-hundred ninety _____ Dollars (\$ 95,590 _____) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the _____ West Hants Regional Municipality _____ to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Council borrow from time to time a sum or sums not exceeding _____ ninety-five thousand, five-hundred ninety _____ Dollars (\$ 95,590 _____) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the _____ West Hants Regional Municipality _____ held on the ____ day of _____, 2023.

GIVEN under the hands of the Clerk and under the seal of the _____ West Hants Regional Municipality _____ this ____ day of _____, 2023.

Clerk

MUNICIPAL COUNCIL OF THE

West Hants Regional Municipality

TEMPORARY BORROWING RESOLUTION

Amount: \$ 175,349

Purpose: Sports Complex Parking

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the West Hants Regional Municipality, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the West Hants Regional Municipality has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for a capital purpose as identified in their capital budget; and

WHEREAS the Council of the West Hants Regional Municipality has determined to borrow for the purposes of Sports Complex Parking;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the West Hants Regional Municipality borrow a sum or sums not exceeding one-hundred seventy-five thousand, three-hundred, forty-nine Dollars (\$ 175,349) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the West Hants Regional Municipality to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Council borrow from time to time a sum or sums not exceeding one-hundred seventy-five thousand, three-hundred, forty-nine Dollars (\$ 175,349) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the West Hants Regional Municipality held on the ____ day of _____, 2023.

GIVEN under the hands of the Clerk and under the seal of the West Hants Regional Municipality this ____ day of _____, 2023.

Clerk

MUNICIPAL COUNCIL OF THE

West Hants Regional Municipality

TEMPORARY BORROWING RESOLUTION

Amount: \$ 26,656

Purpose: 2023 Ford Transit Van

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the West Hants Regional Municipality, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the West Hants Regional Municipality has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for a capital purpose as identified in their capital budget; and

WHEREAS the Council of the West Hants Regional Municipality has determined to borrow for the purposes of 2023 Ford Transit Van;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the West Hants Regional Municipality borrow a sum or sums not exceeding twenty-six thousand, six-hundred fifty-six Dollars (\$ 26,656) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the West Hants Regional Municipality to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Council borrow from time to time a sum or sums not exceeding twenty-six thousand, six-hundred fifty-six Dollars (\$ 26,656) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the West Hants Regional Municipality held on the ____ day of _____, 2023.

GIVEN under the hands of the Clerk and under the seal of the West Hants Regional Municipality this ____ day of _____, 2023.

Clerk

MUNICIPAL COUNCIL OF THE

West Hants Regional Municipality

TEMPORARY BORROWING RESOLUTION

Amount: \$ 2,498,895

Purpose: HFD - New Station Build

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the _____ West Hants Regional Municipality _____, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the _____ West Hants Regional Municipality _____ has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for a capital purpose as identified in their capital budget; and

WHEREAS the Council of the _____ West Hants Regional Municipality _____ has determined to borrow for the purposes of HFD - New Station Build _____;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the _____ West Hants Regional Municipality _____ borrow a sum or sums not exceeding two-million, four-hundred ninety-eight thousand, eight-hundred ninety Dollars (\$ 2,498,895) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the _____ West Hants Regional Municipality _____ to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Council borrow from time to time a sum or sums not exceeding two-million, four-hundred ninety-eight thousand, eight-hundred ninety Dollars (\$ 2,498,895) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the _____ West Hants Regional Municipality _____ held on the ____ day of _____, 2023.

GIVEN under the hands of the Clerk and under the seal of the _____ West Hants Regional Municipality _____ this ____ day of _____, 2023.

Clerk

MUNICIPAL COUNCIL OF THE

West Hants Regional Municipality

TEMPORARY BORROWING RESOLUTION

Amount: \$ 828,034

Purpose: BFD - Pumper Tanker

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the _____ West Hants Regional Municipality _____, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the _____ West Hants Regional Municipality _____ has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for a capital purpose as identified in their capital budget; and

WHEREAS the Council of the _____ West Hants Regional Municipality _____ has determined to borrow for the purposes of BFD - Pumper Tanker _____;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the _____ West Hants Regional Municipality _____ borrow a sum or sums not exceeding _____ eight-hundred twenty-eight thousand, thirty-four _____ Dollars (\$ 828,034 _____) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the _____ West Hants Regional Municipality _____ to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Council borrow from time to time a sum or sums not exceeding _____ eight-hundred twenty-eight thousand, thirty-four _____ Dollars (\$ 828,034 _____) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the _____ West Hants Regional Municipality _____ held on the ____ day of _____, 2023.

GIVEN under the hands of the Clerk and under the seal of the _____ West Hants Regional Municipality _____ this ____ day of _____, 2023.

Clerk

MUNICIPAL COUNCIL OF THE

West Hants Regional Municipality

TEMPORARY BORROWING RESOLUTION

Amount: \$ 1,225,351

Purpose: WFD - Single Axel Quint

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the West Hants Regional Municipality, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the West Hants Regional Municipality has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for a capital purpose as identified in their capital budget; and

WHEREAS the Council of the West Hants Regional Municipality has determined to borrow for the purposes of WFD - Single Axel Quint;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the West Hants Regional Municipality borrow a sum or sums not exceeding one-million, two-hundred twenty-five thousand, three-hundred fifty-~~ca~~ Dollars (\$ 1,225,351) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the West Hants Regional Municipality to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Council borrow from time to time a sum or sums not exceeding one-million, two-hundred twenty-five thousand, three-hundred fifty-~~ca~~ Dollars (\$ 1,225,351) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the West Hants Regional Municipality held on the ____ day of _____, 2023.

GIVEN under the hands of the Clerk and under the seal of the West Hants Regional Municipality this ____ day of _____, 2023.

Clerk



Committee of the Whole Excerpts
February 14, 2023

TREGOTHIC MARSH EXCERPT

The Tregothic Marsh Body (TMB) is one of 80 plus bodies in the Province representing the views of property owners (members) which are located within the various Marsh areas within the Province. Marsh bodies are consulted by the Provincial Marshland Commission and its' Marshland Administrator when a variance application is received by the Department of Agriculture for a development or use of lands within the marshland impacted. The TMB requested changes to the regulations in 2022 and were approved and made effective December 7, 2022. These changes have sparked feedback to the municipality by some marshland property owners as well as internal concerns from staff of the municipality.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL DIRECT THE CHIEF ADMINISTRATIVE OFFICER OR DESIGNATE TO REQUEST AN AMENDMENT TO THE TREGOTHIC MARSH BODY LAND USE REGULATIONS MADE UNDER THE AGRICULTURAL MARSHLAND CONSERVATION ACT BY THE PROVINCE OF NOVA SCOTIA TO REMOVE ITEMS (B) RESIDENTIAL OR COMMERCIAL STRUCTURES AND (D) NEW PONDS FOR NON-AGRICULTURAL USES FROM THE LIST OF NON-PERMITTED USES FOUND IN ARTICLE 3 OF THE REGULATIONS

FURTHER

THAT THE CHIEF ADMINISTRATIVE OFFICER OR DESIGNATE REPRESENT THE MUNICIPALITY AT FUTURE TREGOTHIC MARSH BODY MEETINGS.



West Hants
something inspiring awaits

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: 
Mark Phillips, Chief Administrative Officer

Date: February 14, 2023

Subject: Tregothic Marsh

LEGISLATIVE AUTHORITY

RECOMMENDATION or DECISION REQUEST

It is recommended for Committee of the Whole to recommend to Council that:

Council direct the Chief Administrative Officer or designate to request an amendment to the Tregothic Marsh Body Land Use Regulations made under the Agricultural Marshland Conservation Act by the Province of Nova Scotia to remove items (b) residential or commercial structures and (d) new ponds for non-agricultural uses from the list of non-permitted uses found in article 3 of the regulations

Further

That the Chief Administrative Officer or designate represent the Municipality at future Tregothic Marsh Body Meetings

BACKGROUND

The Tregothic Marsh Body (TMB) is one of 80 plus bodies in the Province representing the views of property owners (members) which are located within the various Marsh areas within the Province.

Marsh bodies are consulted by the Provincial Marshland Commission and its' Marshland Administrator when a variance application is received by the Department of Agriculture for a development or use of lands within the marshland impacted. Marsh bodies are asked to comment on variance applications with the Marshland Administrator and provide feedback. The administrator will review the applications, feedback and regulations when deciding on the application.

The Marsh Bodies have the ability to request, through the Nova Scotia Marsh Commission, changes to regulations governing the respective marshlands. The TMB requested changes to the regulations in 2022 and were approved and made effective December 7, 2022. These changes have sparked feedback to the municipality by some marshland property owners as well as internal concerns from staff of the municipality.

3) For the purposes of subsection (1), non-permitted works, uses or developments include all of the following:

- (a) land-fill sites or dumps of any kind;
- (b) *residential or commercial structures;*
- (c) drilled wells;
- (d) *new ponds for non-agricultural uses;*
- (e) hunting without permission.

In 2022 the Tregothic Marsh Body conducted their regular meetings and AGM and part of that process drafted changes to the Provincial Regulations resulting in the regulation changes. Reviewing meeting minutes of the TMB it appears that meeting attendance is not strong by property owners within the TMB. This is not the fault of the body, but low attendance may result in a lack of awareness or lack of a majority representation of its members point of view. Admittedly the municipality as a property owner / member of the TMB has not had consistent representation at meetings and did not attend the AGM in 2022 where these regulations changes were reviewed. Due to the lack of attendance forfeiting its vote or input on agenda items including regulation changes.

It is not the intent of this report to evaluate the performance or processes of the Tregothic Marsh Body but to identify the impacts of the regulation changes.

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

The regulations now have added restrictions to non-exempt areas within the TMB that were not present before December 2022. The TMB map and exempt area are provided for Council's reference. The Marshland Administrator when receiving an application has added regulations when considering an approval or denial.

The primary concerns expressed by staff are the restriction of residential or commercial structures and new ponds for non-agricultural uses. Anticipated development will be impacted by the current regulations.

NEXT STEPS

FINANCIAL IMPLICATIONS

There are no direct financial implications for the municipality

ALTERNATIVES

- Council may choose not to comment on the matter leaving the regulations "as is".
- Council may choose to support the motion in principle but assign a member of Council to the TMB

ATTACHMENTS

- Tregothic Marsh Body Land Use Regulations
- Tregothic Marsh Map (including exempt areas)
- Nova Scotia Agricultural Marshland Conservation Act

Tregothic Marsh Body Land Use Regulations
made under clause 14(e) of the
Agricultural Marshland Conservation Act
S.N.S. 2000, c. 22
N.S. Reg. 266/2022 (effective December 7, 2022)

Table of Contents

Please note: this table of contents is provided for convenience of reference and does not form part of the regulations.

[Click here to go to the text of the regulations.](#)

[Title](#)
[Uses and activities](#)
[Appendix “A”](#)

Title

- 1** These regulations may be cited as the *Tregothic Marsh Body Land Use Regulations*.

Uses and activities

- 2** **(1)** No person shall construct works or use or develop lands within, on, or affecting the Tregothic Marshland sections in any way that is not conducive to and in conformity with sound agricultural purposes and practices.
- (2)** For the purposes of subsection (1), uses and activities deemed to be conducive to and in conformity with sound agricultural purposes and practices include all of the following:
- (a) the tilling of soil;
 - (b) the planting and harvesting of crops;
 - (c) the growing of grains and forage crops for livestock feed;
 - (d) the growing of grass and legume crops;
 - (e) the growing of food crops for human consumption;
 - (f) pest and weed control that will not negatively impact the water and drainage system on the marshland;

- (g) pre-existing exemptions, non-conforming uses, only where they presently exist
 - (i) Sewage Lagoon,
 - (ii) Areas of Exemption as noted in Appendix A (Tregothic Marshland Map).
- (3) For the purposes of subsection (1), non-permitted works, uses or developments include all of the following:
 - (a) land-fill sites or dumps of any kind;
 - (b) residential or commercial structures;
 - (c) drilled wells;
 - (d) new ponds for non-agricultural uses;
 - (e) hunting without permission.

Appendix “A”

Legislative History Reference Tables

Tregothic Marsh Body Land Use Regulations
Agricultural Marshland Conservation Act

N.S. Reg. 266/2022

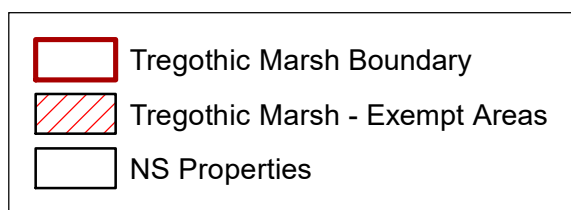
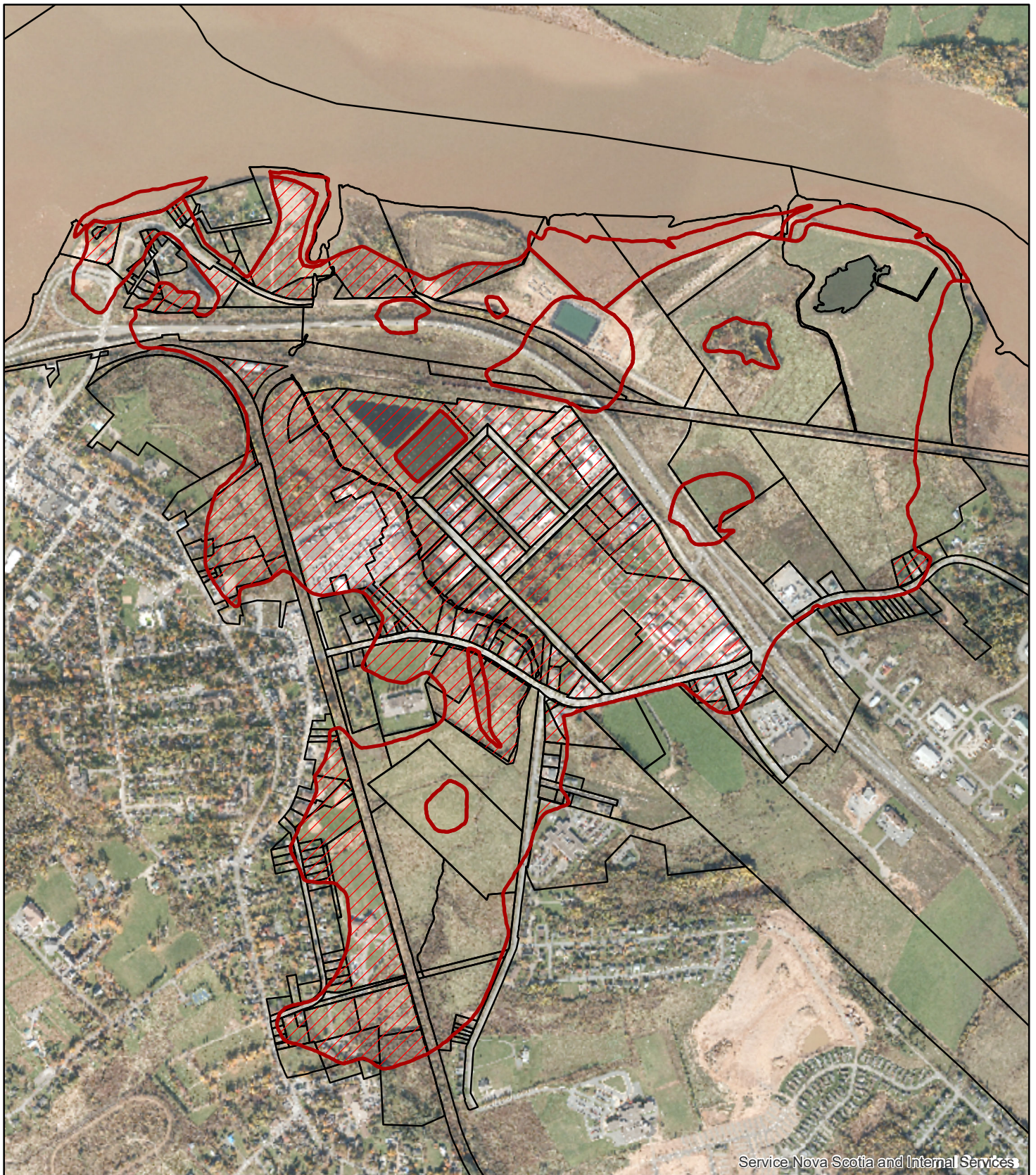
Note: The information in these tables does not form part of the regulations and is compiled by the Office of the Registrar of Regulations for reference only.

Source Law

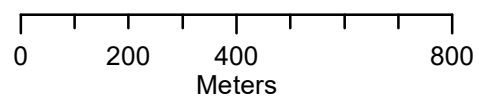
The current consolidation of the *Tregothic Marsh Body Land Use Regulations* made under the *Agricultural Marshland Conservation Act* includes all of the following regulations:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
266/2022	Dec 7, 2022	date filed (not filed within 7 days)	Dec 16, 2022

Tregothic Marsh - NS68 Exempt Areas



Data: NSGC
NSDA





Agricultural Marshland Conservation Act

CHAPTER 22

OF THE

ACTS OF 2000

amended 2001, c. 1, ss. 2, 3; 2001, c. 6, s. 96; 2004, c. 38, s. 26;
2009, c. 7

NOTE - This electronic version of this statute is provided by the Office of the Legislative Counsel for your convenience and personal use only and may not be copied for the purpose of resale in this or any other form. Formatting of this electronic version may differ from the official, printed version. Where accuracy is critical, please consult official sources.

An Act for the Conservation of Agricultural Marshland

Short title

1 This Act may be cited as the Agricultural Marshland Conservation Act. *2000, c. 22, s. 1.*

Interpretation

2 In this Act,

- (a) "Commission" means the Agricultural Marshlands Conservation Commission;
- (b) "development" includes the erection, construction, alteration, placement, location, replacement or relocation of, or addition to, a structure or a change or alteration in the use made of lands or structures;
- (c) "marsh body" means a marsh body incorporated pursuant to this Act or continued by this Act;
- (d) "marshland" means land that is
 - (i) subject to periodic tidal flooding, and
 - (ii) designated by the Minister as marshland pursuant to this Act or Chapter 274 of the Revised Statutes, 1989, the Marshland Reclamation Act;

- (e) "Marshland Administrator" means the Marshland Administrator appointed pursuant to this Act and includes a person acting under the supervision and direction of the Marshland Administrator;
- (f) "marshland section" means an area of marshland that may be effectively dealt with as a unit in the construction and maintenance of works;
- (g) "Minister" means the Minister of Agriculture;
- (h) "rates" means rates levied pursuant this Act, including interest on rates;
- (i) "works" includes dykes, aboiteaux, breakwaters, canals, ditches, drains, roads and other structures, excavations and facilities for the conservation, development, improvement or protection of marshland to a standard appropriate for agricultural purposes. *2000, c. 22, s. 2; 2009, c. 7, s. 1.*

Supervision and management

3 The Minister has the general supervision and management of this Act. *2000, c. 22, s. 3.*

Powers of Minister

- 4 (1) Subject to the approval of the Governor in Council, the Minister may construct works to develop marshland for agricultural purposes.
- (2) The Minister may reconstruct, repair, operate and maintain any works for the protection, drainage and improvement of marshland for agricultural purposes.
- (3) The costs and expenses incurred as a result of the activities carried out pursuant to subsections (1) and (2) shall be paid from moneys appropriated annually by the Legislature.
- (4) For the purpose of carrying out the activities authorized by this Section, the Minister may
- (a) enter into agreements with the Government of Canada, the government of any other province of Canada, any department, body or person;
- (b) purchase, dispose of or rent real and personal property;
- (c) engage all necessary employees, consultants, contractors or other persons;
- (d) take or authorize any person to take any action that may be necessary for carrying out the purpose of this Act. *2000, c. 22, s. 4 .*

Designations

- 5 (1) The Minister may, by order, designate and fix the boundaries of any marshland section for the purpose of carrying out any works or projects pursuant to this Act.
- (2) A marshland section designated pursuant to subsection (1) may include any lands adjacent to the marshland that the Minister considers necessary for the construction and maintenance of any works.
- (3) Where the designation of a marshland section has been made pursuant to this Section, the Minister shall
- (a) publish a notice containing a description of the marshland section in the Royal Gazette;

(b) deposit a description of the marshland section in the office of the registrar of deeds for the registration district in which the marshland section is situate or where the marshland section is located in one or more parcels of land registered pursuant to the Land Registration Act, record the legal description in the register or registers established for that parcel or those parcels pursuant to that Act ; and

(c) give notice of the designation and a description of the marshland section to the owner of the marshland section. *2000, c. 22, s. 5; 2001, c. 6, s. 96; 2004, c. 38, s. 26.*

Effect of designation

6 Any area designated by the Minister as a marshland section pursuant to Section 5 is marshland for the purpose of this Act. *2000, c. 22, s. 6.*

AGRICULTURAL MARSHLAND CONSERVATION COMMISSION

Composition, remuneration and staff

7 (1) The Governor in Council may appoint an Agricultural Marshland Conservation Commission consisting of not more than five members.

(2) The Governor in Council shall appoint one member to be the Chair of the Commission.

(3) The Governor in Council shall appoint, from the public service of the Province, a suitable person to be the Secretary of the Commission.

(4) A majority of members of the Commission constitutes a quorum.

(5) Each member of the Commission shall be paid such remuneration as determined by the Governor in Council.

(6) Each member of the Commission shall be reimbursed as determined by the Governor in Council for reasonable travel and other expenses incurred by that member in carrying out the duties of a member of the Commission.

(7) Each member of the Commission holds office for a period of up to three years unless the appointment is revoked and is eligible for re-appointment.

(8) A vacancy on the Commission does not impair the ability of the Commission to act. *2000, c. 22, s. 7.*

Duties of Commission

8 The Commission shall

(a) advise the Minister on matters related to the conservation and protection of marshland and its development and maintenance;

(b) hear appeals pursuant to this Act;

(c) study and examine proposals for the construction, reconstruction, recondition, repair, maintenance, conduct or operation of works and make recommendations to the Minister;

- (d) approve rules made by a marsh body respecting works and land within a marshland section; and
- (e) perform such further or other duties as may be assigned to it by this Act or the regulations. *2000, c. 22, s. 8.*

Expenses

9 The administration expenses of the Commission are administration expenses of the Department of Agriculture. *2000, c. 22, s. 9; 2009, c. 7, s. 2.*

MARSHLAND ADMINISTRATOR

Appointment and duties

10 The Minister shall appoint from the public service of the Province a suitable person to be the Marshland Administrator who shall perform such duties as are imposed by this Act or the regulations. *2000, c. 22, s. 10.*

MARSH BODIES

Incorporation of marsh bodies

11 (1) The owners of marshland in any marshland section may petition the Commission requesting that they be incorporated as a marsh body for that marshland section.

(2) The petition shall set forth

- (a) the boundaries and size of the marshland section;
- (b) the names and addresses of all persons believed to be, after due inquiry, the owners of marshland within the marshland section;
- (c) the approximate amount of marshland owned by each owner within the marshland section;
- (d) the proposed name of the marsh body; and
- (e) the names of not more than nine persons to be the provisional executive committee of the marsh body.

(3) Subject to subsection (4), where the Minister is satisfied that

- (a) the petition is signed by not less than two thirds of the owners of marshland within the marshland section;
- (b) the persons signing the petition are the owners of not less than one half of the marshland within the marshland section; and
- (c) the Commission recommends that the owners be constituted as a marsh body,

the Minister may, by issuing a certificate in a form prescribed by the regulations, constitute the owners of land within the marshland section as a body corporate under the name set out in the certificate.

(4) Except in exceptional circumstances, a marsh body may not be incorporated for any marshland other than a marshland section, but in such circumstances a certificate of incorporation may be issued for marshland that comprises less than a marshland section or that comprises more than one marshland section.

(5) A certificate of incorporation issued pursuant to this Act shall be published in the Royal Gazette.

(6) Each marsh body incorporated pursuant to Chapter 274 of the Revised Statutes, 1989, the Marshland Reclamation Act, and in existence immediately before the coming into force of this Act is continued as a body corporate with the same powers and functions as a marsh body incorporated pursuant to this Act. *2000, c. 22, s. 11.*

Membership of bodies

12 (1) Every person who is an owner of marshland in a marshland section is a voting member of the marsh body incorporated for the marshland.

(2) A member of a marsh body may, by instrument in writing filed with the secretary of the marsh body, nominate another person who is a tenant, occupant or manager of the marshland owned by the member to represent the member at meetings of members of the marsh body.

(3) A person nominated is, until the nomination is rescinded, a member of the marsh body and, without restricting the generality of the foregoing, has, at meetings of members of the marsh body, all the rights and privileges of the member represented and is eligible for election to and to serve as a member of the executive committee of the marsh body.

(4) At any meeting of the marsh body, a member that is a corporation may vote in the manner prescribed by the by-laws of the marsh body. *2000, c. 22, s. 12.*

Variation of boundaries

13 (1) The Minister may vary the boundaries of a marshland section for which a marsh body is incorporated by adding marshland to the section or excluding marshland from the section where

(a) the Commission recommends that the Minister make the variation; and

(b) the Minister is satisfied that

(i) a resolution requesting the variation has been passed at a general or special meeting of the members of the marsh body by a vote of not fewer than two thirds of the members of the marsh body present at the meeting, and

(ii) the owners of not less than two thirds of the marshland proposed to be added or excluded favour the variation.

(2) Where the Minister varies the boundaries of a marshland section for which a marsh body was incorporated,

(a) each owner of marshland added to the marshland section is a member of the marsh body;

(b) any marshland added to the marshland section is subject to this Act;

(c) each owner of marshland excluded from the marshland section ceases to be a member of the marsh body if, as a result of the variation, the owner ceases to own any land in the marshland section; and

(d) any marshland excluded from the marshland section ceases to be subject to this Act.

(3) Where a variation is made pursuant to this Section, the Minister shall insert a notice containing a description of the area in of the Royal Gazette. 2000, c. 22, s. 13.

Powers of marsh bodies

14 A marsh body may

(a) acquire, use, sell and lease real and personal property;

(b) construct, reconstruct, recondition, repair, maintain, conduct and operate works;

(c) enter into agreements with the Minister or other persons for the construction, reconstruction, reconditioning, repairing, maintenance, conduct or operation of works;

(d) make by-laws not inconsistent with this Act for the regulation of its business and affairs;

(e) subject to the approval of the Commission, make rules respecting works and land within or affecting the marshland section;

(f) raise money for its purposes by borrowing or by the levying of rates pursuant to this Act;

(g) prepare a mission or an objectives statement;

(h) do and perform all other acts and things incidental or conducive to the attainment of its objects. 2000, c. 22, s. 14.

Executive Committee

15 (1) Each marsh body shall have an executive committee.

(2) The executive committee consists of such number of members of the marsh body as are prescribed by the by-laws of the marsh body.

(3) The executive committee has the management and direction of the business and affairs of the marsh body. 2000, c. 22, s. 15 .

Execution of document

16 All documents to which a marsh body is a party shall be executed on behalf of the marsh body by the chair and the secretary of the executive committee of the marsh body or by such members of the executive committee as the executive committee may authorize. 2000, c. 22, s. 16.

Provisional executive committee

17 (1) Those persons who are, in a petition requesting the incorporation of a marsh body, named as the provisional executive committee of the marsh body constitute the provisional executive committee of the

marsh body and are the first executive committee of the marsh body.

(2) The members of the provisional executive committee hold office and are the executive committee of the marsh body until their successors are elected pursuant to the by-laws of the marsh body.

(3) The provisional executive committee shall elect from their number a chair and a secretary.

(4) The provisional executive committee shall call an organization meeting of the members of the marsh body, not later than three months from the date of publication of the certificate of incorporation.

(5) At the organization meeting, by-laws of the marsh body shall be adopted and an executive committee consisting of the number of persons prescribed by the by-laws shall be elected.

(6) A member of the executive committee elected at a general meeting of the marsh body holds office for a term as prescribed by the by-laws and may be re-elected. *2000, c. 22, s. 17.*

Chair and secretary of executive committee

18 (1) The members of the executive committee of a marsh body shall, at their first meeting after the organization meeting of the marsh body and, after each general meeting, elect one of their number to be chair of the executive committee.

(2) The chair of the executive committee is also the chair of the marsh body and shall preside over meetings of the executive committee and the marsh body.

(3) At the same meeting, the executive committee of a marsh body shall elect a secretary.

(4) The secretary of the executive committee is also the secretary of the marsh body. *2000, c. 22, s. 18.*

Filling of vacancies

19 When a vacancy occurs on the executive committee of a marsh body, the remaining members may appoint a successor to the member whose office becomes vacant, and the person appointed holds office until the next general meeting of the marsh body, when the vacancy shall be filled for the unexpired portion of the term. *2000, c. 22, s. 19.*

Frequency of meetings

20 The executive committee of a marsh body shall meet as frequently as may be necessary to attend to the business and affairs of the marsh body, and shall be convened by the chair of the executive committee at any time when at least two members of the marsh body request the meeting in writing. *2000, c. 22, s. 20.*

Annual report

20A Within ninety days after the end of each calendar year, the executive committee of a marsh body shall meet and submit to the Commission a report respecting the activities of the marsh body during that calendar year. *2009, c. 7, s. 3.*

Quorum

21 A majority of the members of the executive committee of a marsh body constitutes a quorum. 2000, c. 22, s. 21.

Fiscal year

22 The financial year of a marsh body shall be fixed by the by-laws of the marsh body. 2000, c. 22, s. 22.

Meetings of members of body

23 (1) There shall be general meetings of the members of a marsh body as prescribed by the by-laws of the marsh body and at a time and place determined by the executive committee of the marsh body.

(2) A special meeting of the members of the marsh body may be called and held in the manner prescribed by the by-laws of the marsh body. 2000, c. 22, s. 23.

Voting rights

24 (1) At an organization meeting and at any other meeting of a marsh body within one year after its incorporation each member of the marsh body may vote.

(2) Notwithstanding subsection (1), a member may not vote at a meeting of the marsh body if, after one year from the date of its incorporation, all rates levied upon the member's land, pursuant to this Act, prior to one year before the date of the meeting have not been paid. 2000, c. 22, s. 24.

Notice of time and place of meeting

25 The chair or secretary of the executive committee of a marsh body shall give notice of the time and place of each general or special meeting of the marsh body by mailing a notice to each owner at the owner's last known address at least ten days before the date of the meeting. 2000, c. 22, s. 25.

Report of executive committee

26 The executive committee of a marsh body shall, at each general meeting of the marsh body, present a report of its administration of the affairs of the marsh body and an audited financial statement covering its administration since the last general meeting. 2000, c. 22, s. 26.

Auditor

27 (1) The members of a marsh body shall, at the organization meeting and at each general meeting of the marsh body, appoint an auditor or auditors who shall examine the accounts of the marsh body.

(2) The auditor shall have free access at all times to the books, accounts and vouchers of the marsh body and may require from the officers and secretary of the marsh body any information and explanation necessary for the performance of the duties of the auditor.

(3) The auditor may be paid for services such compensation as the executive committee of the marsh body determines.

(4) The executive committee of the marsh body shall publish the auditor's report and provide each member with a copy of the report. 2000, c. 22, s. 27.

Estimates and reserve fund

28 (1) The executive committee of a marsh body shall annually prepare estimates of the amount required for the purposes of the marsh body for the ensuing year, making allowances for losses and expenses that may occur in the collection of rates pursuant to this Act and for rates that may not be collected or collectable, and shall present the estimates to a general meeting of the marsh body for approval of the marsh body.

(2) In preparing its estimates, the executive committee may make provision for the raising of an amount that is not less than one per cent of the value at which all marshland within the marshland section is assessed for the purpose of levying rates pursuant to this Act to be placed in a special reserve fund.

(3) The executive committee may invest the special reserve fund in investments authorized by the Trustee Act.

(4) The special reserve fund may be used only for the payment of the cost of extraordinary work and no withdrawals shall be made from it without the approval in writing of the Commission. 2000, c. 22, s. 28.

ASSESSMENT AND RATING

Preparation of lists and valuations

29 The executive committee of a marsh body shall

(a) in such manner as is prescribed by the regulations, prepare and make available for inspection by the owners an assessment list containing the name of each person who is, the owner of marshland for which the marsh body was incorporated, the owner's address, the number of hectares owned by the owner; and

(b) establish the value at which the land is assessed by the executive committee for the purpose of levying rates pursuant to this Act. 2000, c. 22, s. 29.

Right to appeal

30 (1) Any person complaining of being wrongfully inserted or omitted in an assessment list may appeal to the executive committee of the marsh body.

(2) An appeal may be taken by giving notice of the appeal to the secretary of the executive committee within thirty days after the assessment list was made available for inspection.

(3) The executive committee, for the purpose of an appeal, may examine witnesses on oath or affirmation, administered by the chair of the committee, and the person appealing or any person interested in the appeal may call and examine witnesses on oath.

(4) The executive committee may, on an appeal or on its own motion,

(a) confirm or vary the number of hectares owned by any person;

(b) confirm or vary the value per hectare at which the land is assessed;

(c) add to the assessment list the name and assessment of any person improperly left off the assessment list if the person has been given notice of the addition and has had a reasonable opportunity to be heard; or

(d) strike off the assessment list the name and assessment of any person improperly entered. 2000, c. 22, s. 30.

Certification of lists

31 (1) The secretary of the executive committee of a marsh body shall certify that the assessment list was approved by the executive committee, and it shall be open to inspection at the office of the secretary by any owner of land within the marshland section.

(2) The assessment list after being certified binds all owners assessed on the list. 2000, c. 22, s. 31.

Rates

32 (1) The executive committee of a marsh body may, no later than April 15th in each year, levy a rate on each owner of land included in the marsh section for which the marsh body was incorporated in such an amount that the aggregate of all rates so levied is sufficient to raise the amount estimated by the executive committee as the amount of money required for the purposes of the marsh body for the ensuing year.

(2) The rate shall be

(a) based on the area of the land and expressed as so much per hectare of land; or

(b) based on the value of the land as established for the purpose of levying a rate pursuant to this Act and expressed as so much on each dollar of the value of the land.

(3) In subsection (2), "land" does not include

(a) buildings;

(b) utility poles;

(c) structures to be used for the generation of power; and

(d) such structures as the regulations may designate.

(4) A rate based on the value of the land may not be levied without the approval of the Commission.

(5) When the rate is fixed, the secretary of the executive committee shall have every owner rated in the assessment list served with a notice either personally or by mail showing the amount of the rate assessed for the current year as well as all arrears of the rate unpaid. 2000, c. 22, s. 32.

Recovery of rate

33 The amount due by any owner for a rate is a charge on the land and is a debt due to the marsh body and may be sued for and recovered as an ordinary debt in any court of competent jurisdiction. 2000, c. 22, s. 33.

Certificate as proof

34 In any action or proceeding for the recovery of a rate, a certificate appearing to be signed by the secretary of the executive committee of a marsh body is prima facie proof of the amount of the rate due

and of the liability of the owner named in the certificate without proof of the signature or appointment of the secretary. 2000, c. 22, s. 34.

Collection of arrears

35 (1) Where an owner does not pay the rate assessed against that owner by July 1st in the year in which the rate has been levied, the secretary of the executive committee of the marsh body may issue a warrant for collection of the rate and of any arrears of the rate unpaid by the owner directed to any officer having jurisdiction in the place where the marshland section is situated.

(2) The officer shall, under the warrant, levy the amount mentioned in the warrant with costs and expenses of the collection by distress and sale of the goods and chattels of the owner named in the warrant.

(3) When the officer distrains upon goods or chattels, the officer shall advertise the sale for ten days in advance of the sale in a conspicuous place and, where the rate and the costs and expenses are not paid at or before the time appointed for the sale, or any adjournment of the sale, the goods and chattels shall be sold at public auction.

(4) The officer shall apply the proceeds of the sale toward payment of the rate and the costs and expenses incurred in the issue of the warrant, the making of the levy and the holding of the sale and, where any balance remains, it shall be paid to the owner assessed for the rate. 2000, c. 22, s. 35.

Power of sale

36 (1) In addition to the other remedies provided in this Act for the collection of rates, the secretary of the executive committee of a marsh body may, in the manner provided by the Municipal Government Act for the sale of land for rates and taxes, sell or cause to be sold any marshland with respect to which rates are in arrears for a period of one year or more.

(2) For the purpose of a sale of land pursuant to this Section, the chair and the secretary of the executive committee have all the powers, privileges and authority of the mayor and treasurer, respectively, of a town.

(3) The secretary shall apply the proceeds of any sale in the following order:

- (a) first, in payment of the costs and expenses of the sale;
- (b) second, in payment of the rate and interest due the marsh body; and
- (c) third, in payment of municipal taxes and interest on the land sold,

and the balance, if any, shall be paid to the prothonotary of the Supreme Court of Nova Scotia of the justice centre area in which the land is situate to be paid out by the prothonotary as directed by an order of the Supreme Court. 2000, c. 22, s. 36.

Manner of pursuing remedies

37 The remedies provided in this Act for the collection of rates may be pursued consecutively and in the order the executive committee of a marsh body deems best, but no land shall be sold in the manner provided for arrears of rates for which a judgment has been obtained. 2000, c. 22, s. 37.

BORROWING POWERS

Powers of executive committee

38 With the approval of the Commission, the executive committee of a marsh body may, in the name of the marsh body, borrow money for the purpose of defraying expenditures of the marsh body. *2000, c. 22, s. 38.*

ENTRY AND DEVELOPMENT

Power of entry

39 Where the executive committee of a marsh body considers it is necessary for any purpose relating to the construction, maintenance or repair of works it may, without the consent of the owner, enter on any lands within the marshland section for which the marsh body was incorporated and do any work the executive committee considers necessary for its purposes. *2000, c. 22, s. 39.*

Expropriation

40 A marsh body may expropriate an easement in, over or relating to land for any purpose relating to the construction, maintenance or repair of works. *2000, c. 22, s. 40.*

Requirement for permit

41 (1) In this Section, "working day" means any day other than Saturday, Sunday, a holiday or another day on which the offices of the Government of the Province are closed.

(1A) Notwithstanding the Municipal Government Act or any other provision of this Act, no development shall, on and after November 7, 2000, be carried out in a marshland section unless

(a) a permit for variance authorizing the development is granted by the Marshland Administrator; or

(b) the development

(i) conforms with generally accepted farming practices that do not require structures to be built,

(ii) is necessary for the protection of the marshland section,

(iii) was lawfully commenced before November 7, 2000,

(iv) was not commenced before November 7, 2000, but could have been lawfully commenced before November 7, 2000, or

(v) has been exempted from the application of this Section pursuant to subsection (2).

(2) The Governor in Council may exempt a development from the application of this Section where

(a) the development consists of the construction of roads, the installation of utility poles or the installation or construction of structures to be used for the generation of power; and

(b) the Governor in Council considers that it is in the public interest to grant the exemption.

(3) Within ten working days after receiving an application for a permit for variance, the Marshland Administrator shall

(a) determine if the application is complete; and

(b) where the application is incomplete, notify the applicant in writing advising what is required to complete the application.

(4) Within thirty working days after receiving a completed application for a permit for variance, the Marshland Administrator shall either grant the permit with or without conditions or inform the applicant of the reasons for not granting the permit.

(5) The applicant may appeal a decision of the Marshland Administrator to the Commission within thirty working days of the decision being issued by the Marshland Administrator.

(5A) Within sixty working days of receiving an appeal, the Commission shall

(a) confirm the decision of the Marshland Administrator;

(b) order that the permit for variance be granted; or

(c) order that the permit for variance be granted and impose conditions on the variance.

(5B) A permit for variance expires

(a) twelve months after the date it is issued unless the development commences within twelve months of the date of its issue; or

(b) upon discontinuance of the development more than twelve months after the date of its issue.

(6) Subsection (1A) does not apply to non-agricultural uses existing on the coming into force of this Act on lands specified in the regulations. *2000, c. 22, s. 41; 2009, c. 7, s. 4.*

Offence and remedies

42 (1) Everyone who violates subsection 41(1A) is guilty of an offence.

(2) Where there is an offence under subsection (1), the Minister may apply to the Supreme Court of Nova Scotia for any or all of the remedies provided by this Section.

(3) The Supreme Court of Nova Scotia may hear and determine the matter at any time and, in addition to any other remedy or relief, may make an order

(a) restraining the continuance or repetition of the offence with respect to the same property;

(b) directing the removal or destruction of any structure or part of a structure that was constructed in violation of subsection 41(1A) and authorizing the Minister, where an order is not complied with, to enter upon the land and premises with necessary workers and equipment and remove and destroy the structure, or part of it, at the expense of the owner;

(c) as to the recovery of the expense of removal and destruction and for the enforcement of this Section and for costs as is deemed proper,

and an order may be interlocutory, interim or final.

(4) Where, after the proceeding is commenced,

(a) the offence that was the subject of the proceeding may have been done or committed by a person other than the defendant;

(b) the title to the property, or part or any interest in it, that vested or was vested at the time of the commencement of the proceeding in the defendant, has since become vested in a person other than the defendant; or

(c) there has been a fresh offence by the same person or by another person with respect to the same property,

it is not necessary to bring another application and the original application may be amended from time to time and at any time before final judgment to include all parties and all offences and the whole matter of the offences shall be heard, dealt with and determined.

(5) Where the owner of any property where an offence under subsection (1) is taking place or has taken place cannot be found, the Minister may post a notice of the offence and upon the application upon the property, and the posting of the notice and the application is deemed to be personal service of the notice and the application on that owner. *2000, c. 22, s. 42; 2009, c. 7, s. 5.*

Liability to repair

43 Marshland or works damaged as a result of use authorized by a permit granted to a person pursuant to Section 41 or exempted from the application of Section 41 pursuant to subsection 41(2), shall be repaired by the person and, where necessary repairs are not carried out within thirty days of being brought to the attention of the person by the marsh body, the marsh body may make the repairs and may recover the cost of repairs by an action in debt against the person in any court and the court may make such orders as to cost it may determine. *2000, c. 22, s. 43.*

Supervision of executive committee

44 (1) Where at any time a marsh body defaults in the performance of any of the terms of an agreement with the Minister for the construction, reconstruction, reconditioning, repairing, maintaining or operating of any work or works and it appears to the Governor in Council that permanent damage or injury may result to any marshland, the Governor in Council may, by order published in the Royal Gazette, suspend the powers and authority of the executive committee of the marsh body from a date set out in the order whereupon the powers and authority of the executive committee are suspended and are vested in and may be exercised by the Commission or its nominee or nominees.

(2) The Governor in Council may revoke an order made pursuant to subsection (1) and, upon such revocation, the powers and authorities of the executive committee revert to and may be exercised by the executive committee. *2000, c. 22, s. 44.*

SURRENDER AND REVOCATION OF CERTIFICATE

Effect of surrender or revocation

45 (1) A marsh body may surrender to the Minister its certificate of incorporation if

- (a) the Commission approves of the surrender;
- (b) no debts or liabilities of the marsh body are outstanding;
- (c) a resolution authorizing the surrender of the certificate is passed at a general or special meeting of the marsh body by a vote of not fewer than two thirds of the members of the marsh body who own not less than half of the marshland section for which the marsh body was incorporated; and
- (d) at least thirty days before the meeting a notice has been given to all members of the marsh body stating
 - (i) the time and place of the meeting, and
 - (ii) that such a resolution will be considered by the meeting.

(2) Where the Minister is satisfied that the marsh body has surrendered its certificate of incorporation in accordance with subsection (1), the Minister may, by order, accept the surrender and thereupon the marsh body is dissolved on and from such date as is set out in the order.

(3) Where a marsh body fails to comply with this Act or defaults on any agreement it has with the Minister, the Minister, after having given the members of the marsh body notice that the Minister intends to revoke the marsh body's certificate of incorporation, may, by order, revoke the certificate of incorporation, if

- (a) the Minister is satisfied that
 - (i) the Commission approves of the revocation, and
 - (ii) no debts or liabilities of the marsh body are outstanding;

and

(b) the Minister has, at least thirty days before revoking the certificate, given notice of intention to revoke the certificate to each member of the marsh body.

(4) Where an order is made pursuant to subsection (3) revoking the certificate of incorporation of a marsh body, the marsh body is dissolved on and after such date as is set out in the order.

(5) Acceptance of the surrender or the revocation of the certificate of incorporation by the Minister and of the dissolution of the marsh body shall be published in the Royal Gazette. 2000, c. 22, s. 45.

Effect of surrender or revocation

46 Where a certificate of incorporation of a marsh body is surrendered or revoked and sixty days public notice is given, the Minister may, with the approval of Governor in Council, cease to maintain works for the marshland section for which the marsh body was incorporated. 2000, c. 22, s. 46.

GENERAL

Penalty and separate offences

47 (1) Any person who contravenes this Act or the regulations is liable on summary conviction to a penalty of not more than three thousand dollars and in default of payment to imprisonment for a term of not more than two years less a day.

(2) Where a person violates this Act on more than one day, each day constitutes a separate offence. *2000, c. 22, s. 47.*

Conveyance of land

48 When lands that have been conveyed to Her Majesty in right of the Province pursuant to an agreement between the Minister and a person are required by the agreement to be reconveyed to the marsh body or the person, the Governor in Council may grant and convey the lands to the person and may authorize a member of the Executive Council to execute and deliver the necessary deed or deeds of conveyance in the name of Her Majesty in right of the Province. *2000, c. 22, s. 48.*

Conflict

49 Where there is a conflict between any provision of this Act or the regulations and a more stringent provision of any other enactment, the more stringent provision prevails. *2000, c. 22, s. 49.*

Immunity from liability

50 Neither Her Majesty in right of the Province nor any marsh body is liable to pay compensation for any damages caused by flooding as a result of activities undertaken pursuant to this Act. *2000, c. 22, s. 50.*

Regulations

51 (1) The Minister may make regulations

- (a) prescribing accounting and bookkeeping methods and systems to be adopted by marsh bodies;
- (b) requiring marsh bodies to make reports and returns to the Commission;
- (c) prescribing and amending forms and agreements;
- (d) prescribing the terms and conditions for the issuing of permits for variance;
- (e) prescribing the procedures for hearing appeals by the Commission;
- (f) prescribing the manner in which the names and addresses of owners and the area of land is to be determined pursuant to Section 29;
- (g) providing for the examination and audit of accounts of marsh bodies and for the inspection and examination of works;
- (h) prescribing further or other or additional functions, duties or powers of the Commission;
- (i) designating structures that are not included within the meaning of "land" for the purpose of subsections 32(2) and (3);
- (ia) specifying land for the purpose of subsection 41(6);

(j) respecting any other matter or thing that the Minister considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) In making a regulation pursuant to clauses (1)(d) or (e), the Minister shall consult with each marsh body affected by the regulation and with each municipality in which lands affected by the regulation are located.

(3) Where there is a conflict between a regulation made by the Minister pursuant to this Act and a rule made by a marsh body pursuant to this Act, the regulation prevails.

(4) The exercise by the Minister of the authority contained in subsection (1) is regulations within the meaning of the Regulations Act. 2000, c. 22, s. 51; 2001, c. 1, s. 2.

By-laws

52 (1) A marsh body may make by-laws

(a) prescribing the number of members on the executive committee of the marsh body and their terms of office;

(b) providing for the manner of calling meetings of members of the marsh body and of the executive committee and the procedure at such meetings;

(c) fixing the financial year of the marsh body;

(d) prescribing the frequency of general meetings of the marsh body;

(e) prescribing the frequency of reports and estimates;

(f) providing for the manner of voting at meetings of the marsh body;

(g) prescribing the procedures respecting the assessment list inspection and appeals;

(h) imposing an interest charge at the rate fixed by the by-law upon rates that are unpaid on July 1st or such later date in any year as is fixed by the by-law;

(i) repealed 2001, c. 1, s. 3.

(j) generally for the management and conduct of its business and affairs.

(2) The secretary of a marsh body shall file with the Commission a copy of by-laws and amendments made by the marsh body.

(3) The secretary of the Commission shall file with the Registrar of Regulations a copy of each rule made by a marsh body pursuant to clause 14(e) and publication in the Royal Gazette is proof of approval by the Commission. 2000, c. 22, s. 52; 2001, c. 1, s. 3.

Continuation of agreements

53 Each agreement made pursuant to the Marsh Act or the Marshland Reclamation Act and in effect immediately before the coming into force of this Act is hereby continued. 2000, c. 22, s. 53.

Designation not injurious affection

54 Property is deemed not to be injuriously affected by any designation referred to in clause 2(d). 2000, c. 22, s. 54.

Repeal

55 (1) Chapter 273 of the Revised Statutes, 1989, the Marsh Act, is repealed.

(2) Chapter 274 of the Revised Statutes, 1989, the Marshland Reclamation Act is repealed. 2000, c. 22, s. 55.

Effective dates

56 Sections 41, 42 and 43 have effect on and after November 7, 2000. 2000, c. 22, s. 56.

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Committee of the Whole Excerpts
February 14, 2023

VALLEY REGIONAL ENTERPRISE NETWORK (VREN) EXCERPT

Recognizing that the March 10, 2022, correspondence sent to the Valley REN formally advising that WHRM would cease to be a partner after March 31, 2023 remains on file and the recent presentation from the VREN, there may be value in Council having a discussion to consider withdrawing the letter on file and continuing its partnership with the VREN.

The recommended motion was that Committee of the Whole recommend that ...

THAT THE WEST HANTS REGIONAL MUNICIPALITY PROVIDE WRITTEN NOTICE TO THE VALLEY REGIONAL ENTERPRISE NETWORK (VREN) THAT IT WITHDRAW THE MARCH 8, 2022 NOTICE OF WITHDRAW AND TERMINATION AND REMAIN A PARTNER WITHIN THE VALLEY REGIONAL ENTERPRISE NETWORK (VREN).

THAT THE WEST HANTS REGIONAL MUNICIPALITY CONTINUE TO ACCEPT AND APPROVE ALL PROPOSED CHANGES SUBSTANTIVELY THE SAME AS PROPOSED BY THE INTERMUNICIPAL SERVICE AGREEMENT WORKING GROUP TO THE VALLEY REGIONAL ENTERPRISE NETWORK AND PROPOSED THE CHANGES TO ARTICLE 38 IN THE DRAFT BE A MINIMUM OF TWO (2) YEARS NOTICE TO THE VALLEY REN AND OTHER PARTNERS SHOULD A PARTICIPANT PARTY WISH TO WITHDRAW.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☒	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: _____
Mark Phillips, Chief Administrative Officer

Date: February 14, 2023

Subject: Valley Regional Enterprise Network (VREN)

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, S. 65A(1) Authorized Municipal Expenditures

RECOMMENDATION or DECISION REQUEST

Should Council support remaining a partner in the Valley Regional Enterprise Network (VREN) the following motion would be required:

....That the West Hants Regional Municipality provide written notice to the Valley Regional Enterprise Network that it withdraws the March 8, 2022 “Notice of Withdraw and Termination” and remain a partner within the Valley Regional Network (VREN).

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☒	Economic ☒	Councillor Activity ☐
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On March 10, 2022, correspondence was sent to the Valley REN (VREN) advising that the West Hants Regional Municipality wished to continue its partnership for the period of April 1, 2022, to March 31, 2023, in order to continue to see the increased benefits the VREN offered for West Hants and also formally advised the Valley REN that it would cease to be a partner after March 31, 2023.

DISCUSSION

During the December 6th, 2022, Council reviewed correspondence received from Jennifer Boyd, CAO for the Town of Berwick on October 31, 2022, pertaining to the memo and “final draft” of the proposed Valley REN’s Intermunicipal Service Agreement (IMSA) as recommended by the IMSA Working Group.

CAO Phillips reviewed the Valley REN’s Intermunicipal Service Agreement (IMSA) version 1 and 2 of the documents and noted the proposed changes for Council to consider. The majority of Council indicated they would like to withdraw the March 8, 2022 “Notice of Withdrawal and Termination” and remain as an active member of the VREN; however, the proposed three (3) year notice to withdraw clause was concerning. The desire was to maintain the one (1) year notice currently in the existing agreement, while all other proposed amendments were accepted. A presentation from the VREN was felt to be valuable.

As a result of the discussions the following motion was ratified *“that the West Hants Regional Municipality accept and approve all proposed changes substantively the same as proposed by the Intermunicipal Service Agreement (IMSA) working group to the Valley Regional Enterprise Network (VREN) IMSA, except for the proposed changes to article 38 in the draft requiring a minimum of thirty-six (36) months’ notice to the VREN and other parties should a participating party wish to withdraw and further;*

The West Hants Regional Municipality wishes that the current notice of withdraw period of twelve (12) months remain in effect and be recognized in the new draft IMSA.”

Following the correspondence sent on December 15, 2022, advising the VREN and other municipal partners of WHRM’s position with respects to the proposed changes to the Intermunicipal Service Agreement (IMSA), Council was provided with a presentation at the January 24th meeting from V Ren’s CEO, Jennifer Tufts and Board Chair, Paul Dixon.

The presentation highlighted:

- Who the VREN was and what they do.
- The IMSA composition and reasoning behind the proposed changes to the agreement.
- Benefits/values that the VREN brings to municipalities.
- Funding model: how funds were leveraged, the amounts and what projects were funded.
- What resources and connections that would cease to exist for municipalities without the VREN.

Recognizing that the March 10, 2022, correspondence sent to the Valley REN formally advised that WHRM would cease to be a partner after March 31, 2023 remains on file and the recent presentation from the VREN, there may be value in Council having a discussion to consider withdrawing the letter on file.

NEXT STEPS

To be determined by Council.

Should Council approve the above motion staff will draft a letter to the Valley Regional Network (VREN) alerting them of Council's decision.

FINANCIAL IMPLICATIONS

- The current annual membership fee for the WHRM to participate in the VREN is approximately \$68,000. Pending the ongoing participation by other units / parties, the funding formula and cost to the WHRM is not anticipated to change. If there were a change it would have to be approved by all units / parties.

ALTERNATIVES

- Proceed with the motion as drafted or as specifically revised; or
- Proceed with the withdrawal notice sent on March 10, 2022 advising that WHRM would no longer be an active member of the VREN effective April 1, 2023.

ATTACHMENTS

- 2022-03-08 Correspondence from WHRM to VREN - Notice to withdraw
- 2022-12-06 VREN Information Report and attachments
- 2022-12-15 VREN re Intermunicipal Service Agreement (IMSA)

CHIEF ADMINISTRATIVE OFFICER REVIEW

I will provide comments on what I feel are the two primary discussion points for Council at this time regarding the VREN.

Point #1 - Current Notice to Withdraw (effective March 31, 2023)

Should Council wish to remain a member of the VREN under the current Intermunicipal Service Agreement (IMSA) the recommendation has been provided above for your consideration. If Council maintains its current position, no action is required.

Point #2 - IMSA Amendments – WHRM's current position regarding proposed withdraw period amendment.

As noted in the report the following motion reflects the current position of Council regarding the proposed amendments to the IMAS for VREN parties. Each party was requested to comment on the proposed changes and report back to the VREN Liaison and Oversight Committee (LOC). The motion reflects the position of the WHRM Council.

*"that the West Hants Regional Municipality accept and approve all proposed changes substantively the same as proposed by the Intermunicipal Service Agreement (IMSA) working group to the Valley Regional Enterprise Network (VREN) IMSA, **except for the proposed changes to article 38 in the draft requiring a minimum of thirty-six (36) months' notice to the VREN and other parties should a participating party wish to withdraw and further;***
The West Hants Regional Municipality wishes that the current notice of withdraw period of twelve (12) months remain in effect and be recognized in the new draft IMSA."

With the recent presentation from the VREN to Council, the position of the three (3) year termination change was reinforced and rationale shared by the VREN.

As part of this report and the discussion by Council, Council may wish to reflect their position on the termination clause. Should Council continue with the position of requiring twelve (12) months termination notice it may by default act as a termination of WHRM from the VREN should all other parties agree with the three (3) year notice change being proposed. Indications are that other parties favor the three (3) year termination notice (as of February 9th communication with CAO Boyd from Berwick).

Should Council wish to accept and approve all proposed changes the following recommendation can be considered.

...that the West Hants Regional Municipality continue to accept and approve all proposed changes substantively the same as proposed by the Intermunicipal Service Agreement (IMSA) working group to the Valley Regional Enterprise Network (VREN), including the proposed changes to article 38 in the draft requiring a minimum of thirty-six (36) months' notice to the VREN and other parties should a participating party wish to withdraw.

I do encourage Council to reflect on the current activities and programs offered by the VREN and the benefits they provide to the current and future business and tourism community. It is equally recognized that past performance and or awareness of VREN activities has been an ongoing concern of Council along with the corresponding cost to the Municipality for its membership.

We look forward to the discussion by Council regarding these matters and are available for thoughts, opinions or further information requests.

Report Prepared by: _____
Deanna Snair, Municipal Clerk

Report Approved by:  _____ Mark Phillips, Chief Administrative Officer



March 08, 2022

Sandra Snow
Chair Liaison Oversight Committee
Valley Regional Enterprise Network
448 Main Street
Kentville, Nova Scotia, B4N 1K8

Delivered electronically to ssnow@kentville.ca

RE: Continued Partnership and Notice of Withdrawal and Termination

Dear Ms. Snow,

The West Hants Regional Municipality would like to thank the Valley Regional Enterprise Network for their attendance and presentation at the February 22, 2022, Committee of the Whole meeting. Council was appreciative of the information presented.

At the February 22, 2022 Council meeting of the West Hants Regional Municipality, Council made the following motion to be forwarded to the Valley Regional Enterprise Network (VREN) in accordance with Section 14 of the Valley Regional Network Inter-Municipal Agreement:

COUNCIL SEND A LETTER TO THE VALLEY REN ADVISING THAT WEST HANTS REGIONAL MUNICIPALITY WILL REMAIN A PARTNER OF THE VALLEY REN FOR THE PERIOD OF APRIL 1ST, 2022 TO MARCH 31ST, 2023 IN ORDER TO CONTINUE TO SEE THE INCREASING BENEFITS THE VALLEY REN OFFERS FOR THE REGION OF WEST HANTS. ALSO, THAT THE WEST HANTS REGIONAL MUNICIPALITY FORMALLY ADVISES THE VALLEY REN THAT IT WILL CEASE TO BE A PARTNER AFTER MARCH 31ST, 2023.

The West Hants Regional Municipality would like to continue its partnership to the VREN for the period of April 1, 2022, to March 31, 2023. Please consider our previous letter sent on March 2, 2021, withdrawn (enclosed for reference); however, we put you on formal notice (enclosed) that the West Hants Regional Municipality will cease to be a partner after March 31st, 2023.

Please refer to the attached letter as formal notice. We trust that this will meet the terms of agreement outlined in Section 14 of the Valley Regional Enterprise Network Inter-Municipal Agreement.

Respectfully,



Abraham Zebian

Mayor

mp/ds

CC: WHRM Council

Mark Philips, Chief Administrative Officer

Shelleena Thornton, Municipal Operations Supervisor

Jennifer Tufts, Valley REN Chief Executive Officer, jt Tufts@valleyren.ca

Paul Dixon, Valley REN, Chair, paul@safeguardservices.ca

WEST HANTS REGIONAL MUNICIPALITY

76 Morison Drive, PO Box 3000
Windsor, NS B0N 2T0

Phone # 902-798-8391 Ext. 133

Email Address: mphillips@westhants.ca

www.westhants.ca



March 2, 2021

Sandra Snow, Chair Liaison Oversight Committee
Valley Regional Enterprise Network
354 Main St.
Kentville, NS B4N 1K6
Email: ssnow@kentville.ca

RE: Notice of Withdrawal and Termination

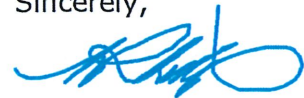

Dear Mayor Snow,

At the February 23, 2021 Council Meeting of the West Hants Regional Municipality, Council made the following motion to be forwarded to the Valley Regional Enterprise Network (VREN) in accordance with Section 14 of the Valley Regional Enterprise Network Inter-Municipal Agreement:

That Council provide direction to the Chief Administrative Officer to provide notice to the Valley Regional Enterprise Network (VREN) of the intention of the West Hants Regional Municipality to leave the VREN effective March 31, 2022.

Please be advised that the Municipality intends to continue its participation and fulfill its responsibilities to the VREN over the coming year. The Municipality also wishes to thank the Valley Regional Enterprise Network, including members of the Liaison and Oversight Committee, Board Members and staff, for their efforts and contributions to the economic landscape in the Annapolis Valley.

Sincerely,



Mark Phillips
Chief Administrative Officer

/rb

Cc: Mayor Zebian and West Hants Regional Municipal Council
Gerard d'Entremont, Valley REN Board of Directors Chair, gerard.dentremont@nsc.ca
Jennifer Tufts, Valley REN Chief Executive Officer, jtufts@valleyren.ca



March 08, 2022

Sandra Snow, Chair Liaison Oversight Committee
Valley Regional Enterprise Network
448 Main St.
Kentville, NS
B4N 1K8

Delivered electronically to ssnow@kentville.ca

RE: Notice of Withdrawal and Termination

Dear Ms. Snow,

At the February 22, 2022 Council Meeting of the West Hants Regional Municipality, Council made the following motion to be forwarded to the Valley Regional Enterprise Network (VREN) in accordance with Section 14 of the Valley Regional Enterprise Network Inter-Municipal Agreement:

That Council send a letter to the Valley REN advising that the West Hants Regional Municipality formally advises the Valley REN that it will cease to be a partner after March 31st, 2023.

Please be advised that the Municipality intends to continue its participation and fulfill its responsibilities to the VREN over the coming year. The Municipality also wishes to thank the Valley Regional Enterprise Network, including members of the Liaison and Oversight Committee, Board Members and staff, for their efforts and contributions to the economic landscape in the Annapolis Valley.

Sincerely,

Abraham Zebian
Mayor

mp/ds

Respectfully,

CC: Mayor Zebian and WHRM Council
Mark Phillips, CAO

Shelleena Thornton, Municipal Operations Supervisor

Gerard d'Entremont, Valley REN Board of Directors Chair, gerard.dentremont@nsc.ca

Jennifer Tufts, Valley REN Chief Executive Officer, jtufts@valleyren.ca

West Hants Regional Municipality

PO Box 3000, 76 Morison Drive, Windsor, NS, B0N 2T0

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WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☒	Recommendation ☐	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: _____

Date: December 6, 2022

Subject: Valley Regional Enterprise Network

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, Authorized Municipal Expenditures 65A (1) Subject to subsections (2) to (4), the municipality may only spend money for municipal purposes if (a) the expenditure is included in the municipality's operating budget or capital budget or is otherwise authorized by the municipality;

RECOMMENDATION or DECISION REQUEST

Council to determine the next steps.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☒	Economic ☒	Councillor Activity ☐
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The Valley Regional Enterprise Network (VREN) was incorporated in 2014 to help develop regional economic development strategies, co-ordinate economic development efforts within regions, and focus on helping local businesses grow.

Both the former councils for Windsor and West Hants have been involved with the VREN since 2014. With the consolidation in 2020 of the former Town and Windsor and the former District of West Hants to form the West Hants Regional Municipality the relationship with the VREN continued.

At the February 22, 2022, meeting Council made two motions to be forwarded to the Valley Regional Enterprise Network (VREN).

THAT COUNCIL SEND A LETTER TO THE VALLEY REN ADVISING THAT THE WEST HANTS REGIONAL MUNICIPALITY WILL REMAIN A PARTNER OF THE VALLEY REN FOR THE PERIOD OF APRIL 1ST, 2022 TO MARCH 31ST, 2023 IN ORDER TO CONTINUE TO SEE THE INCREASED BENEFITS THE VALLEY REN OFFERS FOR THE REGION OF WEST HANTS. ALSO, THAT WEST HANTS REGIONAL MUNICIPALITY FORMALLY ADVISES THE VALLEY REN THAT IT WILL CEASE TO BE A PARTNER AFTER MARCH 31ST, 2023.

On March 8, 2022, The VREN was advised that the Municipality intended to continue its participation and fulfill its responsibilities over the coming year but was formally advising that it will cease to be a partner after March 31st, 2023.

DISCUSSION

In May of 2022 CAO Phillips advised Council that the Intermunicipal Service Agreement (IMSA) working group had met to discuss progress on agreements; specifically, the VREN agreement. It is expected that the working group and Liaison and Oversight (LOC) of the VREN are going to suggest amendments to the VREN partners agreement requiring 2 to 3 years notice of termination by a participating partner vs the 1- year notice currently within the agreement. At that time Council was advised that this matter would appear before them for consideration once the amendments were drafted.

On October 31, 2022, correspondence was received from Jennifer Boyd to share with Councils pertaining to the memo and “final draft” of the proposed Valley REN’s IMSA as recommended by the IMSA Working Group. Included in this correspondence and attached for reference are the previous two memos to the IMSA working group.

In addition to this change the draft Memorandum also notes a change to the Term, Termination and Withdrawal clause. The VREN is proposing that the IMSA include a three-year term, renew year-over-year and require 36 months’ notice to withdraw.

In advance of the discussions and approvals or non-approvals of the participating Councils the VREN is asking for an advanced notice of intent whether each partner intends to continue with the VREN.

“While preparing the memo and next steps, it was noted that the funding formula was not approve/included in the IMSA. Therefore, at this time, we are asking that current and potential parties make their intentions known by December 31, 2022 whether they wish to remain, join or withdrawal from the Valley REN. After December 31, 2022, we will finalize the

funding formula and add it as a schedule to the IMSA and have the parties approve the new IMSA before April 1, 2022” Jen Boyd, CAO Berwick

NEXT STEPS

Council discusses the next steps and advise staff on the direction they wish to proceed.

FINANCIAL IMPLICATIONS

There will be financial impacts, although they are unclear at this point as the IMSA working group has yet to approve the funding formula.

Presently the municipality’s contributions to the VREN equates to \$34,000 **bi-annually**.

ALTERNATIVES

- Council may choose to ignore the request that current and potential parties make their intentions known by December 31, 2022. Council has previously provided formal notice that it would cease to be a partner after March 31st, 2023.
- Council may choose to provide notice to the VREN by the December 31, 2022, deadline.
- Council may choose to renew its intentions for a three-year term, renew year-over-year and require 36 months’ notice to withdraw.

ATTACHMENTS

- Memo VREN IMSA 2022-05-24
- Memo VREN IMSA 2022-09-21
- Proposed VREN IMSA 2022-10-24
- 2022-03-10 Sandra Snow, VREN Continued Partnership, notice to formally withdrawal and correspondence including the 2021-03-02 Letter to VREN -Notice of withdrawal.

CHIEF ADMINISTRATIVE OFFICER REVIEW

Report Approved by: _____



Mark Phillips, Chief Administrative Officer

MEMORANDIUM

TO: Valley REN Board of Directors, Liaison and Oversight Committee and CEO

FROM: Jen Boyd on behalf of the IMSA Working Group

DATE: May 24, 2022

SUBJECT: Draft Valley REN IMSA v1

The Intermunicipal Service Agreement (IMSA) Working Group was established in April 2020 and comprises the Mayors of Annapolis Royal, Berwick, Kentville, Kings, Middleton, and Wolfville, the Warden of Annapolis County and a senior staff member of Glooscap First Nations. The intention of the Working Group is to review the IMSAs which serve as the incorporation documents of several jointly owned entities, the Valley REN being one.

The Working Group has engaged a solicitor to provide legal advice on key provisions of current IMSAs, as well as the development, and subsequent Parties approval, of the Interim IMSA for Valley Waste and Kings Transit Pilot Project and the Kings Regional Emergency Management Organization (REMO) IMSA. Therefore, the CAOs used the common provisions and format of the Interim and Kings REMO IMSAs as a foundation for the first draft of a new Valley Regional Enterprise Network (Valley REN) IMSA.

The review of the Valley REN IMSA started with several facilitated discussions regarding the key areas of an IMSA: mandate, Party and Stakeholder relationships, governance, and funding. Feedback from the IMSA Working Group included:

- The Liaison and Oversight Committee needs to have a more defined, involved role (more than just reviewing applications for Board positions).
- The Board of Directors should comprise members of the business community, but also others with different skill sets.
- The Board of Directors should be a Policy Board as opposed to an Operational Board; Board training should be required.
- Opportunities should be created for other (non-business) organizations in the Valley to be involved (e.g., Acadia, CFB Greenwood).
- There should be tangible benefits for areas within the region.
- Communication with Councils needs to be improved.
- Valley REN staff need to work more closely with Municipal staff.
- A focused approach is important one that resources a core program and introduces special projects through an agreed to process.

The Draft Valley REN IMSA v1 was shared with the IMSA Working Group on May 13, 2022. Except for direction from the Working Group regarding the approval of the annual budget, n substantive feedback has not been reflected in v1. This is to ensure that feedback received from

the Board, LOC, and CEO on the original provisions can be comparable. A summary of the feedback will be provided with version two of the IMSA. The Working Group agreed that the Board should be the body responsible for approving the annual Budget.

Highlights and key changes to the Valley REN IMSA have been noted below and a summary of the Roles and Responsibilities of the different bodies (e.g., Board, LOC, Parties, CEO) has been provided in Table 1.

Draft Valley REN IMSA v1 Highlights and Key Changes

Regional Strategy

The Board and CEO are responsible for establishing and implementing a Regional Economic Development Strategy (Regional Strategy) to guide the Valley REN's annual business planning and to allow the Funders to measure the REN's progress. Funders are the Parties and the provincial government.

The Working Group provided direction that the Regional Strategy should be approved by the Parties to ensure alignment with Party priorities.

Board of Directors (Board)

The roles and responsibilities of the Board remain unchanged except for their role in recruitment and approval of potential Board members. Through discussion with the Working Group, several Mayors noted the Board is in a better position to identify potential Board members and should be involved in the recruitment process. Therefore, it is recommended that the Board be responsible for recruitment.

Further, it is recommended the Liaison and Oversight Committee approve Board members nominated by the Board. This change better aligns with the LOC's oversight role.

The Board shall operate on the CAO model and provide direction on the objectives, policies, and programs of the Valley REN. The intention is that the Board is policy focused and not an operational board.

Liaison and Oversight Committee (LOC)

As mentioned above, the LOC will approve the appointment of Board members. Therefore, the establishment of a Recruitment and Nominating Committee is not included in the IMSA or LOC's role or responsibilities. If a committee is deemed necessary, it can be established through policy and approved by the Board and include members of the LOC. Key work of the LOC will be:

- Ensuring that the LOC and Board have written Terms of Reference and a Code of Conduct Policy; and
- Establishing a communication process for providing and receiving information to/from the Parties.

Administration

As mentioned previously, the Board and CEO shall operate on the CAO model of administration per Part II of the Municipal Government Act.

Communication has been an ongoing concern between the Valley REN and the Parties. In an endeavour to improve communication and reduce duplication of effort, the CEO should provide an update report to the LOC and CAOs/Senior Staff Member of Glooscap or their designates for circulation to respective Councils.

Core Program

One of the challenges identified by the Working Group was that the Valley REN special projects should not detract from core program offerings. This does not mean that when an opportunity presents itself that it is not considered; however, how the opportunity affects current projects and initiatives needs to be considered.

The Regional Strategy sets the direction for the Valley REN. In addition to the programs approved in the Regional Strategy, the Valley REN shall offer the following core activities:

- Development and Implementation of a formal Business Retention and Expansion (BRE) Program per Provincial Guidelines.
- Implement the Strategic Tourism for Areas and Regions (STAR) recommendations.
- Develop, maintain, and publish a land and asset database.

Any changes to the Core Program would require an amendment to the IMSA. Changes to the Core Program may be introduced by the Board or the LOC.

Special Projects

Special Projects are separate from Core Program and allow the flexibility for the Valley REN to react to trends or pressures from industry to address issues that were not identified in the Regional Strategy. However, it is important to make sure that the addition of a Special Project does not detract or reduce resources dedicated to the Core Programs. If the Special Project will impact the Core Program, then it should be clearly defined so an informed decision can be made.

When a Special Project is identified, a brief proposal that outlines the project need, objective, proposed costs and related funding and human resources requirements will be necessary for approval to move forward. The CEO should consult with the Parties through the CAOs and Senior Staff Member of Glooscap to ensure there is no duplication of efforts. This will also ensure the Parties understand any impact the Special Project may have on the Core Program.

Special Projects will be approved and incorporated into the Annual Business Plan and related budget.

Term, Termination and Withdrawal

The uncertainty provided by annual notices to withdraw affects the stability and success of the Valley REN. To ensure continuity, it is proposed that the IMSA include a three-year term, renew year-over-year and require 36 months' notice to withdraw.

Budget

The budget provided to the LOC and Parties is currently limited in information. To assist with improving transparency and accountability, the budget shall be approved by the Board by March 1st of every year. The budget should be balanced and include anticipated operating and

capital costs, the use of the Valley REN operating surplus, contributions from Funders and the recovery of any deficit from a preceding fiscal year.

In addition, the CEO shall meet with the CAOs/Senior Staff Member of Glooscap for the purpose of reviewing and seeking input on a draft of the Annual Business Plan and Budget. This is the practice of other IMSAs and assists with communication to the Parties' Councils.

Party Contributions

The **Parties** may consider an inflationary increase as part of the annual budget approval. This would only apply to the municipal contribution.

Audit Committee

The audit committee details in the provincial template/current IMSA are no longer required because they now exist in the Financial Reporting and Accounting Manual (FRAM). The committee terms of reference would be part of an approved Audit Committee Policy that will be developed by the Board of Directors.

Next steps in the review process have been outlined in Table 2, attached.

Table 1 – Valley REN Roles and Responsibilities

Item	Board of Directors	Valley REN CEO	Liaison and Oversight Committee	Parties
Contribution Agreement	Review Approve Chair Executes	Execute	Approve	
Regional Strategy	Develop Implement	Develop Implement	Monitor	Approve
Annual Business Plan	Approve	Develop Implement	Receive	
Annual Budget	Approve	Develop Implement		
Board Members	Recruit and nominate		Approve	
Core Program	Monitor Introduce changes	Implement	Monitor Introduce changes	Approve amendment(s) to IMSA
Special Projects	Introduce Approve	Introduce Consult with Party staff Develop brief	Introduce Approve	
Audit Report/Financial Statements	Approve	Oversee preparations	Receive	

Table 2 – Valley REN IMSA Review Process

Task	Date	Status	Comments
Discussion and Feedback from IMSA Working Group	October 2021 – May 2022	Completed	
Review of draft Valley REN IMSA V1 by IMSA Working Group	May 13, 2022	Completed	
Review of draft Valley REN IMSA V1* by Board of Directors/CEO	June meeting		Separate meeting with CEO, if required.
Review of draft Valley REN IMSA V1* by Liaison and Oversight Committee	June meeting		
Present Feedback Report and V2 of draft Valley REN IMSA to IMSA Working Group	Early July		Recommend to Parties for approval
Incorporate feedback from IMSA Working Group and share V2 with Board, LOC, and CEO	Late July		
<i>Consult Parties on any outstanding items that cannot be settled at the IMSA Working Group</i>	<i>September 2022</i>		May be required if a significant provision(s) cannot be agreed to by the Working Group.
<i>Receive decisions from Parties and provide direction to recommend draft Valley REN IMSA V3 by Parties.</i>	<i>Late September</i>		
Approval of Valley REN IMSA by participating Parties	October 2022		Initial Parties to new agreement must decide by November 1, 2022.
Execute updated Valley REN IMSA			

*Version 1 of the draft Valley REN IMSA will not include changes proposed by the Working Group unless they appeared to receive consensus from all Parties or were minor edits – i.e., change to the uniform assessment definition.

All comments will be summarized in a Feedback Report accompanying V2 and outstanding items may be addressed at that time or forwarded to each Party for decision as part of the approval process.

MEMORANDIUM

TO: IMSA Working Group

FROM: Jen Boyd, CAO Town of Berwick

DATE: September 2022

SUBJECT: Draft Valley REN IMSA v2

Version 1 (v1) of the draft Valley Regional Enterprise Network (Valley REN) Intermunicipal Services Agreement (IMSA), "Agreement" has been presented to the IMSA Working Group, the Valley REN Board of the Directors, the Valley REN Liaison and Oversight Committee and the Valley REN Chief Executive Officer (CEO).

The following is a summary of the feedback and proposed changes that have been incorporated into v2 of the Agreement.

The CAOs and Senior Staff member of Glooscap are seeking consensus from the IMSA Working Group on the proposed changes for each section.

Regional Strategy

V1 of the Agreement required the LOC and the Parties to approve the Regional Strategy.

Comments:

- Approval by individual Parties would take away control from the Board of Directors. Individual Councils and LOC should have more oversight than control and that the LOC could advocate for changes on behalf of Councils.
- Approval by individual Parties has the potential to take months and what happens if one Party does not approve it or requests a change?
- Parties are/should be part of the Regional Strategy development and this is where alignment should occur.
- The Board should feel supported by the LOC and Parties and not have two or three levels of approvals for all items.

The definition of the Regional Strategy in the Agreement proposes a four-year time period, instead of three. The intention would be for the Regional Strategy development to occur and be approved by the LOC during the second year of a council term. This would allow Council's to complete their own strategic plans and bring new council members up to date.

Considering that Parties have a longer notice period to withdraw, it seems fitting that the strategy align with the strategic direction of the Parties. If the Parties are part of the development of the strategy, which they have been in the past, then the final document should not be a surprise.

No proposed changes to the Regional Strategy.

Board of Directors (Board)

V1 of the Agreement stated that Board would be responsible for recruitment because they are in a better position to identify potential Board members. They will recruit and nominate members to the LOC for approval.

Comments:

- Generally, everyone was in favour of this change in practice.
- There was a cautionary comment that by putting this responsibility on the Board, there is hope that it does not reduce engagement from the LOC and the Parties.

No proposed changes under Board of Directors.

Liaison and Oversight Committee (LOC)

V1 of the Agreement identified key areas of work for the LOC:

- Ensuring that the LOC and Board have written Terms of Reference and a Code of Conduct Policy; and
- Establishing a communication process for providing and receiving information to/from the Parties.

Comments:

- The LOC's role should be more than developing a process for providing and receiving information to/from the Parties. They should also be responsible for ensuring that it works through annual reviews and adjustments as required.

Proposed change to 22.f): add "and review regularly" after establish.

Administration

No proposed changes under Administration.

Core Program

V2 of the Agreement has been amended to provide clarity, as well as flexibility.

Comments:

- Change the wording to match the intention of where the core program is developed – i.e., it is developed within the Regional Strategy.
- Specific reference to BRE should be removed since the Province no longer has provincial guidelines. As well, the BusinessNOW program has been evolving to provide the support the Parties are looking for.
- Change wording specific to the STAR program to not lock the Valley REN into the organization that must implement the plan.
- There was concern that the Agreement would need to be amended regularly to update the core program.

Proposed changes to 33:

Implement the programs approved in the Regional Strategy, the Valley REN shall offer the following core activities:

- a) business support service that provides one-on-one support to business of any size and at any stage of operation by navigating and referring to appropriate and relevant supports.**
- b) support tourism based on the recommendations from the Strategic Tourism for Areas and Regions Project.**
- c) develop, maintain, and publish a land and asset database.**

Special Projects

No proposed changes under Special Projects

Term, Termination and Withdrawal

Comments:

- For the most part, the 36-month (3 year) notice was accepted; however, it was unclear whether it would be accepted by the individual Parties.

No proposed changes under Term, Termination and Withdrawal.

Budget

No proposed changes under Budget.

Party Contributions

No proposed changes under Party Contributions.

Audit Committee

No proposed changes under Audit Committee.

Dispute Resolution

There was a suggestion that the cost of any such arbitration related to the budget shall be borne solely by the Party who disputes the budget. At this time no changes have been made to the Agreement related to this suggestion.

Table 1 – Valley REN Roles and Responsibilities

Item	Board of Directors	Valley REN CEO	Liaison and Oversight Committee	Parties
Contribution Agreement	Review Approve Chair Executes	Execute	Approve	
Regional Strategy	Develop Implement	Develop Implement	Monitor And Approve	Approve Receive
Annual Business Plan	Approve	Develop Implement	Receive	
Annual Budget	Approve	Develop Implement		
Board Members	Recruit and nominate		Recruit and nominate Approve	
Core Program	Monitor Introduce changes	Implement	Monitor Introduce changes	Approve amendment(s) to IMSA
Special Projects	Introduce Approve	Introduce Consult with Party staff Develop brief	Introduce Approve	
Audit Report/Financial Statements	Approve	Oversee preparations	Receive	

Table 2 – Valley REN IMSA Review Process

Task	Date	Status	Comments
Discussion and Feedback from IMSA Working Group	October 2021 – May 2022	Completed	
Review of draft Valley REN IMSA V1 by IMSA Working Group	May 13, 2022	Completed	
Review of draft Valley REN IMSA V1* by Board of Directors/CEO	June meeting		Separate meeting with CEO, if required.
Review of draft Valley REN IMSA V1* by Liaison and Oversight Committee	June meeting		
Present Feedback Report and V2 of draft Valley REN IMSA to IMSA Working Group	Early July		Recommend to Parties for approval
Incorporate feedback from IMSA Working Group and share V2 with Board, LOC, and CEO	Late July September		
<i>Consult Parties on any outstanding items that cannot be settled at the IMSA Working Group</i>	<i>September 2022</i>		May be required if a significant provision(s) cannot be agreed to by the Working Group.
<i>Receive decisions from Parties and provide direction to recommend draft Valley REN IMSA V3 by Parties.</i>	<i>Late September</i>		
Approval of Valley REN IMSA by participating Parties	October 2022		Initial Parties to new agreement must decide by November 1, 2022.
Execute updated Valley REN IMSA			

*Version 1 of the draft Valley REN IMSA will not include changes proposed by the Working Group unless they appeared to receive consensus from all Parties or were minor edits – i.e., change to the uniform assessment definition.

All comments will be summarized in a Feedback Report accompanying V2 and outstanding items may be addressed at that time or forwarded to each Party for decision as part of the approval process.



March 08, 2022

Sandra Snow
Chair Liaison Oversight Committee
Valley Regional Enterprise Network
448 Main Street
Kentville, Nova Scotia, B4N 1K8

Delivered electronically to ssnow@kentville.ca

RE: Continued Partnership and Notice of Withdrawal and Termination

Dear Ms. Snow,

The West Hants Regional Municipality would like to thank the Valley Regional Enterprise Network for their attendance and presentation at the February 22, 2022, Committee of the Whole meeting. Council was appreciative of the information presented.

At the February 22, 2022 Council meeting of the West Hants Regional Municipality, Council made the following motion to be forwarded to the Valley Regional Enterprise Network (VREN) in accordance with Section 14 of the Valley Regional Network Inter-Municipal Agreement:

COUNCIL SEND A LETTER TO THE VALLEY REN ADVISING THAT WEST HANTS REGIONAL MUNICIPALITY WILL REMAIN A PARTNER OF THE VALLEY REN FOR THE PERIOD OF APRIL 1ST, 2022 TO MARCH 31ST, 2023 IN ORDER TO CONTINUE TO SEE THE INCREASING BENEFITS THE VALLEY REN OFFERS FOR THE REGION OF WEST HANTS. ALSO, THAT THE WEST HANTS REGIONAL MUNICIPALITY FORMALLY ADVISES THE VALLEY REN THAT IT WILL CEASE TO BE A PARTNER AFTER MARCH 31ST, 2023.

The West Hants Regional Municipality would like to continue its partnership to the VREN for the period of April 1, 2022, to March 31, 2023. Please consider our previous letter sent on March 2, 2021, withdrawn (enclosed for reference); however, we put you on formal notice (enclosed) that the West Hants Regional Municipality will cease to be a partner after March 31st, 2023.

Please refer to the attached letter as formal notice. We trust that this will meet the terms of agreement outlined in Section 14 of the Valley Regional Enterprise Network Inter-Municipal Agreement.

Respectfully,



Abraham Zebian

Mayor

mp/ds

CC: WHRM Council

Mark Philips, Chief Administrative Officer

Shelleena Thornton, Municipal Operations Supervisor

Jennifer Tufts, Valley REN Chief Executive Officer, jt Tufts@valleyren.ca

Paul Dixon, Valley REN, Chair, paul@safeguardservices.ca

WEST HANTS REGIONAL MUNICIPALITY

76 Morison Drive, PO Box 3000
Windsor, NS B0N 2T0

Phone # 902-798-8391 Ext. 133

Email Address: mphillips@westhants.ca

www.westhants.ca



March 2, 2021

Sandra Snow, Chair Liaison Oversight Committee
Valley Regional Enterprise Network
354 Main St.
Kentville, NS B4N 1K6
Email: ssnow@kentville.ca

RE: Notice of Withdrawal and Termination

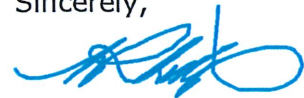

Dear Mayor Snow,

At the February 23, 2021 Council Meeting of the West Hants Regional Municipality, Council made the following motion to be forwarded to the Valley Regional Enterprise Network (VREN) in accordance with Section 14 of the Valley Regional Enterprise Network Inter-Municipal Agreement:

That Council provide direction to the Chief Administrative Officer to provide notice to the Valley Regional Enterprise Network (VREN) of the intention of the West Hants Regional Municipality to leave the VREN effective March 31, 2022.

Please be advised that the Municipality intends to continue its participation and fulfill its responsibilities to the VREN over the coming year. The Municipality also wishes to thank the Valley Regional Enterprise Network, including members of the Liaison and Oversight Committee, Board Members and staff, for their efforts and contributions to the economic landscape in the Annapolis Valley.

Sincerely,



Mark Phillips
Chief Administrative Officer

/rb

Cc: Mayor Zebian and West Hants Regional Municipal Council
Gerard d'Entremont, Valley REN Board of Directors Chair, gerard.dentremont@nsc.ca
Jennifer Tufts, Valley REN Chief Executive Officer, jtufts@valleyren.ca



March 08, 2022

Sandra Snow, Chair Liaison Oversight Committee
Valley Regional Enterprise Network
448 Main St.
Kentville, NS
B4N 1K8

Delivered electronically to ssnow@kentville.ca

RE: Notice of Withdrawal and Termination

Dear Ms. Snow,

At the February 22, 2022 Council Meeting of the West Hants Regional Municipality, Council made the following motion to be forwarded to the Valley Regional Enterprise Network (VREN) in accordance with Section 14 of the Valley Regional Enterprise Network Inter-Municipal Agreement:

That Council send a letter to the Valley REN advising that the West Hants Regional Municipality formally advises the Valley REN that it will cease to be a partner after March 31st, 2023.

Please be advised that the Municipality intends to continue its participation and fulfill its responsibilities to the VREN over the coming year. The Municipality also wishes to thank the Valley Regional Enterprise Network, including members of the Liaison and Oversight Committee, Board Members and staff, for their efforts and contributions to the economic landscape in the Annapolis Valley.

Sincerely,

Abraham Zebian
Mayor

mp/ds

Respectfully,

CC: Mayor Zebian and WHRM Council
Mark Phillips, CAO

Shelleena Thornton, Municipal Operations Supervisor

Gerard d'Entremont, Valley REN Board of Directors Chair, gerard.dentremont@nsc.ca

Jennifer Tufts, Valley REN Chief Executive Officer, jtufts@valleyren.ca

West Hants Regional Municipality

PO Box 3000, 76 Morison Drive, Windsor, NS, B0N 2T0

902-798-8391 • www.westhants.ca

THIS INTERMUNICIPAL SERVICE AGREEMENT is made this ____ day of _____, 2022.

BETWEEN:

GLOOSCAP FIRST NATION, a body corporate, pursuant to section 2(1) of the Indian Act;

(hereafter, “Glooscap”)

TOWN OF BERWICK, a municipal body corporate pursuant to Section 8 *Municipal Government Act*, S.N.S., 1998 c.18;

(hereafter, “Berwick”)

-and-

TOWN OF KENTVILLE, a municipal body corporate pursuant to Section 8 *Municipal Government Act*, S.N.S., 1998 c.18;

(hereafter, “Kentville”)

-and-

MUNICIPALITY OF THE COUNTY OF KINGS, a municipal body corporate pursuant to Section 7 *Municipal Government Act*, S.N.S., 1998 c.18:

(hereafter, “Kings”)

-and-

TOWN OF MIDDLETON, a municipal body corporate pursuant to Section 8 *Municipal Government Act*, S.N.S., 1998 c.18;

(hereafter, “Middleton”)

-and-

TOWN OF WOLFVILLE, a municipal body corporate pursuant to Section 8 *Municipal Government Act*, S.N.S., 1998 c.18;

(hereafter, “Wolfville”)

-and-

WEST HANTS REGIONAL MUNICIPALITY, a municipal body corporate pursuant to *West Hants Regional Municipality Act*, S.N.S., 2018 c.26;

(hereafter, “West Hants”)

(collectively, the parties)

WHEREAS the parties, together with various agencies and departments of the Provincial and Federal Governments, are partners in regional economic development; and

WHEREAS the parties wish to develop regional economic development strategies that consider assets, the business community, sector strengths, regional opportunities, and the priorities of the Province and the parties; and

WHEREAS the parties agree that Regional Enterprise Networks (RENs) are best positioned to navigate and guide regional economic development in Nova Scotia, while supporting business growth and retention in communities; and

WHEREAS section 60 of the *Municipal Government Act* (MGA) provides authority for municipalities to enter into agreements with other municipalities, band councils pursuant to the *Indian Act* (Canada), villages, service commissions, the Government of the Province of Nova Scotia or of Canada, to provide or administer municipal services on such terms and conditions as the parties may agree, and to delegate responsibility for the same to a body corporate; and

WHEREAS economic development is a service which municipalities in Nova Scotia are authorized to provide under the MGA; and

WHEREAS the parties established a REN, Valley Regional Enterprise Network (Valley REN) as a body corporate on 17 June 2014 and assigned it with guiding economic development in their region; and

WHEREAS the parties wish to update the terms and conditions for the continuation of the Valley REN, and for certain matters related thereto;

NOW THEREFOR THIS AGREEMENT WITNESSETH that, in consideration of the mutual covenants herein contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

DEFINITIONS

1. In this Agreement:

- a) Annual Business Plan means the annual operational plan for a forthcoming Fiscal Year that has been developed by the Valley REN Chief Executive Officer (CEO) with input from and being approved by the Board of Directors, with said plan containing Core Program activities and Special Projects that align with the priorities of the parties, the Regional Strategy, and those included within the Provincial Annual Outcome Agreement;
- b) Audit Committee means the audit committee for the Valley REN, as appointed pursuant to provision 51 of this Agreement;
- c) Auditor means a registered municipal auditor pursuant to section 457 MGA who is appointed by the Board of Directors of the Valley REN;
- d) Board of Directors means the governing body charged with the performance and fiduciary responsibilities of the Valley REN;
- e) Capital Costs means the amount expended by the Valley REN for equipping and fixturing of offices, which by general practice would form part of Capital Assets as defined by the Canadian Institute of

Chartered Accountants or the Public Sector Accounting Board, or any successor institutes. For greater certainty, the Valley REN, in the absence of the written agreement of the parties hereto, is not permitted to acquire either Tangible or Intangible Capital Assets which individually have a value in excess of \$25,000;

- f) Contribution Agreement means the funding agreement executed between the Province and the Valley REN with said Agreement containing the Provincial Outcome Agreement as a related Schedule;
- g) Fiscal Year means the 12-month period commencing on April 1 of every year and ending on March 31 of every subsequent year;
- h) FRAM means the Financial Reporting and Accounting Manual as prescribed by the MGA;
- i) Funders means the parties and the Provincial departments contributing to the annual operating requirements of the Valley REN;
- j) GAAP means Canadian Generally Accepted Accounting Principles, as established from time to time by the Canadian Institute of Chartered Accountants or the Public Sector Accounting Board, or any successor institutes, applicable as at the relevant date, and applied consistently;
- k) Liaison and Oversight Committee (herein referred to as the LOC) means a committee established to represent the Funders;
- l) Operating Costs means the costs associated with operating and administering the Valley REN;
- m) Province means His Majesty the King in right of the Province of Nova Scotia;
- n) PSAS means the Public Sector Accounting Standards developed and maintained by the Public Sector Accounting Board of Canada;
- o) Regional Strategy means the Regional Economic Development Strategy formulated by the Valley REN that has been received by the parties to guide the Valley REN annual business planning and to allow the Funders to measure REN progress over a four-year period; and
- p) Uniform Assessment means the same as in the *Municipal Grants Act*, R.S.N.S. 1989, c. 302, for the coming fiscal year.

EFFECT

2. The parties hereto agree that this Agreement is effective as at the date first above written and replaces the 17 June 2014 Valley REN Intermunicipal Service Agreement. This Agreement shall be filed with the Registrar of Joint Stock Companies to confirm the terms upon which the body corporate has been established and governed pursuant to section 60 MGA.
3. The parties agree that the body corporate shall continue to be known as the Valley Regional Enterprise Network (Valley REN).
4. The parties, LOC, and Board of Directors acknowledge that disclosure of documentation, records and information in the possession of the Valley REN shall be subject to the *Freedom of Information and Protection of Privacy Act*, 1993, c.5.

5. Pursuant to section 3(ar) MGA, the Valley REN shall operate as a municipal government as defined, subject to the same legislative rights and obligations, including, without limitation, the *Public Procurement Act*, 2011, c. 12, *Municipal Conflict of Interest Act*, R.S. c. 299, the *Conflict of Interest Act*, 2010, c. 35, and the *Labour Standards Code*, R.S. c. 246.

GOVERNANCE

Parties

6. Any amendments to this Intermunicipal Service Agreement (IMSA) shall be attended in writing and executed by all parties. The parties further agree to conduct a review of this IMSA at minimum every four years from the date of execution.
7. A municipality, village, or band council pursuant to the *Indian Act* (Canada) that is not party to this Agreement may, with the unanimous consent of the parties, join the Valley REN.

Board of Directors

8. The Board of Directors shall be responsible to:
- a. Oversee the development and implementation of the Regional Strategy;
 - b. Establish and approve an Annual Business Plan and Budget that meets the objectives of the Regional Strategy and Core Program activities and any approved Special Project(s) by March 1 of every year;
 - c. Deliver an annual report and annual audited financial statements to the LOC by June 30 each year;
 - d. Conduct an Annual General Meeting of the Valley REN on or before June 30 of each year;
 - e. Steward the financial health of the Valley REN by ensuring strong financial management skills and appropriate internal controls;
 - f. Conduct an annual organizational evaluation to appraise its performance and efficiency;
 - g. Develop and follow a recruitment and nomination process for the Board of Directors composition for consideration by the LOC;
 - h. Meet with the LOC at least twice annually to report on all activities of the Valley REN;
 - i. Create and publish the CEO position description;
 - j. Develop and execute a CEO employment contract that establishes the terms of appointment with said contract including, without limitation, the terms of the CEO performance evaluation;
 - k. Request, review, and approve policies for the Valley REN; and
 - l. Review and approve Contribution Agreements, and direct the Chair of the Board of Directors and the CEO to execute same on behalf of the Valley REN, subject to the approval of the LOC.

9. The Board of Directors shall set the salary range of the CEO that is industry comparable, compliant with the Provincial Contribution Agreement, and is in the long-term interest of the Valley REN.
10. The Board of Directors has the power to remove the CEO subject to employment contract provisions.
11. The Board of Directors shall comprise a minimum of eight and a maximum of 12 business and community leaders.
12. Members of the Board of Directors serving, as at the date of this Agreement, shall remain in office in accordance with their appointment terms.
13. New members of the Board of Directors shall be approved by the LOC in accordance with the Board's Terms of Reference, except when a new member is completing the term of a member who has resigned or whose position is vacated mid-term.
14. The Board of Directors has authority to establish committees, one of which shall be the Audit Committee.
15. The Board of Directors shall, as part of the Valley REN Annual General Meeting, appoint a Chair and Vice-Chair from amongst their members.
16. The Board of Directors shall establish written position descriptions for the Chair and Vice-Chair.
17. The Board of Directors shall convene meetings and conduct itself in accordance with rules of order set out in the MGA and, where the former is silent, then Robert's Rules of Order 12th ed. Each member shall have one vote, including the Chair and Vice-Chair.

Liaison and Oversight Committee (LOC)

18. The LOC shall comprise:
 - I. the Chief or Mayor of each of the parties, or a designate approved by their Councils, and may include a staff member of Glooscap; and
 - II. a staff member(s) appointed as a representative of the Provincial department(s) pursuant to the Contribution Agreement between the Province and the Valley REN.
19. Notwithstanding 19 (I), the Chief Administrative Officer (CAO), or Senior Staff member of Glooscap or their designate, can participate in LOC meetings as a non-voting member.
20. The CEO shall participate in LOC meetings as a non-voting member.
21. The LOC shall be responsible to:
 - a) approve all appointments to the Board of Directors;
 - b) prepare and adopt position descriptions for the LOC Chair and Vice-Chair;
 - c) approve and monitor the implementation of the Regional Strategy;
 - d) ensure that the LOC and the Board of Directors have written terms of reference and code of conduct policy that sets out their roles and responsibilities, with said terms and codes being in accordance with the provisions of this Agreement;

- e) Each member of the LOC shall serve at the pleasure of their Council and, unless otherwise disqualified or removed, shall hold office until a successor is named by the appointing party.
 - f) Notwithstanding provision 21(e), in the event of any vacancy that occurs with respect to a member, the Council appointing such member shall appoint a replacement within eight weeks.
 - g) establish and review regularly a communication process for the parties on the activities of the Valley REN and issues affecting the Valley REN and its stakeholders;
 - h) nominate a CAO or Senior Staff Member of Glooscap to the Audit Committee;
 - i) on an annual basis appoint a Chair and Vice-Chair; and
 - j) meet at minimum twice a year.
22. The LOC shall convene meetings and conduct itself in accordance with rules of order set out in the MGA and, where the former is silent, then Robert's Rules of Order 12th ed. Each member shall have one vote, including the Chair and Vice-Chair.
23. Reasonable expenses of the LOC, as approved within the Valley REN budget, shall be reimbursed by the Valley REN in a timely manner.

ADMINISTRATION

24. The parties acknowledge and agree that the Board of Directors shall operate according to the CAO model of administration per Part II MGA. The CEO shall be the sole employee reporting to the Board of Directors and be responsible for the effective administration of the Valley REN.
25. The CEO shall be responsible to the Board of Directors for the proper administration and management of the Valley REN in accordance with this Agreement, and the directives and policies of the Valley REN as approved from time to time by the Board of Directors, and statutory requirements per provision 5 herein.
26. Neither the LOC nor the Board of Directors shall direct or instruct the employees of the Valley REN. However, the LOC and Board of Directors may communicate directly with the employees of the Valley REN solely to obtain or provide reasonably required information.
27. The Board of Directors shall provide direction on the objectives, policies, and programs of the Valley REN to the CEO.
28. On a quarterly basis, the CEO shall provide an update report to the LOC and the CAOs/Senior Staff Member of Glooscap or their designates for circulation to the respective Councils.
29. Subject to section 22 MGA, all agendas, meeting packages, and minutes of the Board of Directors and of the LOC shall be publicly available on the Valley REN website.

CORE PROGRAM

30. In addition to implementing the programs approved in the Regional Strategy, the Valley REN shall offer the following core activities:

- a) business support service that provides one-on-one support to business of any size and at any stage of operation by navigating and referring to appropriate and relevant supports;
- b) support tourism based on the recommendations from the Strategic Tourism for Areas and Regions Project; and
- c) develop, maintain, and publish a land and asset database.

31. Any changes to the Core Program:

- a) may be introduced by the Board of Directors or the LOC; and
- b) will require an amendment to this Agreement.

SPECIAL PROJECTS

32. Special Projects shall be reported on and accounted for separately from the Core Program activities but shall not, except in exceptional circumstances approved by the Board of Directors and the LOC, deplete resources dedicated to the Core Program.
33. Special Projects shall be part of the Annual Business Plan and related budget and be included within a brief proposal developed by the CEO that outlines the project need, objective, proposed costs and related funding, and human resource requirements.
34. Special Projects shall be subject to:
- a) the CEO consulting with the CAOs and Senior Staff Member of Glooscap to ensure there is no duplication of efforts; and
 - b) approval by the Board of Directors.

TERM AND TERMINATION

35. The term shall commence on 1 April 2023, and continue year-over-year for each Fiscal Year (the "Term") subject to annual reviews and adjustments related to provision 6 and Schedule A of this Agreement.
36. The parties hereto may elect to terminate this Agreement for any reason at any time on agreement of all parties in writing with sixty (60) days' written notice.
37. Upon termination, and subject to contractual obligations, the parties will examine the assets, liabilities, and surplus of the Valley REN and return any net amount remaining pro-rata in accordance with the party's contribution since the effective date of this Agreement.

WITHDRAWAL

38. A party may withdraw from this Agreement at the beginning of any Fiscal Year by providing written notice to the other parties a minimum of thirty-six (36) months in advance of the commencement of the Fiscal Year in which they intend to withdraw.

39. A withdrawing party may make a cash payment in lieu of notice required by provision 38. The payment in lieu of notice shall be based on the amount of funding providing by the withdrawing party in the preceding Fiscal Year multiplied by three.
40. Any party withdrawing from this Agreement remains responsible for its share of any liabilities of the Valley REN incurred to the date of the withdrawal and any severance, penalty or other costs incurred by the Valley REN as a result of the withdrawal.

FINANCE AND AUDIT

Budget

41. In January of every year, the LOC shall review and adjust as necessary the proportionate shares of municipal funding to account for changes in population and Uniform Assessment for the coming Fiscal Year.
42. On or before January 31 each year, the CEO shall meet with the Senior Staff Manager of Glooscap and CAOs or their designates for the purposes of reviewing and seeking input on a draft of the Annual Business Plan and budget.
43. The budget shall be prepared in accordance with GAAP and FRAM, funding contracts, and the Valley REN's own financial policies. For greater certainty, the Valley REN is not permitted to purchase capital assets beyond those defined in this Agreement, and is not permitted to incur long term debt.
44. The budget shall be balanced with revenues matching expenditures, and include the anticipated Operating Costs, Capital Costs, the use of Valley REN operating surplus, contributions from the Funders, and the recovery of any deficit from a preceding Fiscal Year.
45. By March 1 of every year, the Board of Directors shall present to the LOC an approved budget and Annual Business Plan for the Valley REN's coming Fiscal Year for information.

Financial Reporting

46. The Valley REN shall maintain working capital of not less than \$100,000 from its operating surplus
47. By June 30 of each year, the CEO shall deliver the Board of Director's approved audit report and year-end audited financial statements to the LOC and any party required to consolidate the Valley REN financial statements under PSAS.

PARTY CONTRIBUTIONS

48. Annual contributions made by the parties shall be in accordance with Schedule A, which shall form part of this Agreement.
49. Subject to any increases in funding provided through the Provincial Contribution Agreement, the parties may consider an inflationary increase as part of the annual budget approval.

50. Valley REN shall invoice the parties at the start of each quarter of the Fiscal Year. Interest on any outstanding balance shall accrue at an annual rate of 12%.

AUDIT COMMITTEE

51. Pursuant to FRAM, the Board of Directors shall develop and approve an Audit Committee Policy.

DISPUTE RESOLUTION

52. In the event of a budget dispute, it shall be incumbent upon the party disputing the budget to present an alternative budget. In the event the budget is not approved, and notwithstanding any other provision in this Agreement, any dispute that cannot be resolved shall be referred to mediation. Where a dispute remains unresolved by mediation, then any party may refer such dispute to arbitration by provision of written notice to all parties hereto. In the event of arbitration, the arbitrator appointed shall be agreed by the parties within 30 days of submission to arbitration; in default of agreement, the parties will refer the choice of arbitrator to the Supreme Court in accordance with section 12 of the *Commercial Arbitration Act* (Nova Scotia) (CAA). The arbitrator shall agree to conduct the arbitration in accordance with the terms of this Agreement. The appointed arbitrator shall have all the powers given by the CAA. The award and determination of the arbitrator shall be final and binding and each party hereto agrees not to appeal from such award or determination. The costs of any such arbitration shall be borne by the party disputing the budget unless otherwise ordered by the arbitrator.

WAIVER

53. No action by any party to this Agreement shall be construed as a waiver saving express written provision of such waiver, and this Agreement shall not be amended saving express written provision of such amendment by all parties hereto.

NOTICE

54. Any notice under this Agreement, unless otherwise provided, may be given if delivered or mailed, postage prepaid, or by facsimile transmission or electronic transmission to:

Director of Administration
Glooscap First Nation
159 Smith Road
Hantsport, NS B0P 1P0

CAO
Town of Middleton
131 Commercial St
Middleton, NS B0S 1P0

CAO
Town of Berwick
236 Commercial Street
Berwick, NS B0P 1E0

CAO
Town of Wolfville
359 Main Street
Wolfville, NS B4P 1A1

CAO
Town of Kentville
354 Main Street
Kentville, NS B4N 1K6

CAO
West Hants Regional Municipality
76 Morison Dr. PO BOX 3000
Windsor, NS B0N 2T0

CAO
Municipality of the County of Kings
181 Coldbrook Village Drive
Coldbrook, NS B4R 1B9

APPLICABLE LAW

55. The law governing this Agreement and any action, matter or proceeding based upon or relating to this Agreement shall be the law of the Province of Nova Scotia, which shall have exclusive jurisdiction over any action or proceeding based upon or relating to this.

SEVERABILITY

56. The parties covenant and agree that the invalidity or unenforceability of any provision of this Agreement will not affect the validity or enforceability of any other provision, and any invalid provision will be severable, or will be deemed to be severable.

RELATIONSHIP OF PARTIES

57. The parties hereto shall not be treated as partners or members of a joint venture for any purpose.

FURTHER ASSURANCES

58. The parties hereto agree to execute and deliver any further documents or assurances or to furnish any further information or perform any other act reasonably necessary to give full effect to the terms herein.

EXECUTION

59. This Agreement may be executed electronically and in counterpart and such execution is effective and binding.

TIME

60. Time shall in all respects be of the essence in this Agreement.

THIS AGREEMENT shall enure to the benefit of and be binding upon the parties hereto, their administrators and assigns.

IN WITNESS WHEREOF the parties have executed this Agreement by their respective officials, duly authorized.

SIGNED and SEALED)

in the presence of:)

) **GLOOSCAP FIRST NATION**

)

)

_____))

Per: _____

Witness)

)

_____))

Per: _____

Witness)

)

SIGNED and SEALED)

in the presence of:)

) **TOWN OF BERWICK**

)

)

_____))

Per: _____

Witness)

)

_____))

Per: _____

Witness)

)

SIGNED and SEALED

in the presence of:

TOWN OF KENTVILLE

Per: _____

Witness

Per: _____

Witness

SIGNED and SEALED

in the presence of:

**MUNICIPALITY OF THE COUNTY OF
KINGS**

Per: _____

Witness

Per: _____

Witness

SIGNED and SEALED

in the presence of:

TOWN OF MIDDLETON

Per: _____

Witness

Per: _____

Witness

SIGNED and SEALED

in the presence of:

TOWN OF WOLFVILLE

Per: _____

Witness

Per: _____

Witness

SIGNED and SEALED

in the presence of:

WEST HANTS REGIONAL MUNICIPALITY

Per: _____

Witness

Per: _____

Witness

THIS INTERMUNICIPAL SERVICE AGREEMENT is made this ____ day of _____, 2022.

BETWEEN:

GLOOSCAP FIRST NATION, a body corporate, pursuant to section 2(1) of the Indian Act;

(hereafter, “Glooscap”)

TOWN OF BERWICK, a municipal body corporate pursuant to Section 8 *Municipal Government Act*, S.N.S., 1998 c.18;

(hereafter, “Berwick”)

-and-

TOWN OF KENTVILLE, a municipal body corporate pursuant to Section 8 *Municipal Government Act*, S.N.S., 1998 c.18;

(hereafter, “Kentville”)

-and-

MUNICIPALITY OF THE COUNTY OF KINGS, a municipal body corporate pursuant to Section 7 *Municipal Government Act*, S.N.S., 1998 c.18:

(hereafter, “Kings”)

-and-

TOWN OF MIDDLETON, a municipal body corporate pursuant to Section 8 *Municipal Government Act*, S.N.S., 1998 c.18;

(hereafter, “Middleton”)

-and-

TOWN OF WOLFVILLE, a municipal body corporate pursuant to Section 8 *Municipal Government Act*, S.N.S., 1998 c.18;

(hereafter, “Wolfville”)

-and-

WEST HANTS REGIONAL MUNICIPALITY, a municipal body corporate pursuant to *West Hants Regional Municipality Act*, S.N.S., 2018 c.26;

(hereafter, “West Hants”)

(collectively, the parties)

WHEREAS the parties, together with various agencies and departments of the Provincial and Federal Governments, are partners in regional economic development; and

WHEREAS the parties wish to develop regional economic development strategies that consider assets, the business community, sector strengths, regional opportunities, and the priorities of the Province and the parties; and

WHEREAS the parties agree that Regional Enterprise Networks (RENs) are best positioned to navigate and guide regional economic development in Nova Scotia, while supporting business growth and retention in communities; and

WHEREAS section 60 of the *Municipal Government Act* (MGA) provides authority for municipalities to enter into agreements with other municipalities, band councils pursuant to the *Indian Act* (Canada), villages, service commissions, the Government of the Province of Nova Scotia or of Canada, to provide or administer municipal services on such terms and conditions as the parties may agree, and to delegate responsibility for the same to a body corporate; and

WHEREAS economic development is a service which municipalities in Nova Scotia are authorized to provide under the MGA; and

WHEREAS the parties established a REN, Valley Regional Enterprise Network (Valley REN) as a body corporate on 17 June 2014 and assigned it with guiding economic development in their region; and

WHEREAS the parties wish to update the terms and conditions for the continuation of the Valley REN, and for certain matters related thereto;

NOW THEREFOR THIS AGREEMENT WITNESSETH that, in consideration of the mutual covenants herein contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

DEFINITIONS

1. In this Agreement:

- a) Annual Business Plan means the annual operational plan for a forthcoming Fiscal Year that has been developed by the Valley REN Chief Executive Officer (CEO) with input from and being approved by the Board of Directors, with said plan containing Core Program activities and Special Projects that align with the priorities of the parties, the Regional Strategy, and those included within the Provincial Annual Outcome Agreement;
- b) Audit Committee means the audit committee for the Valley REN, as appointed pursuant to provision 51 of this Agreement;
- c) Auditor means a registered municipal auditor pursuant to section 457 MGA who is appointed by the Board of Directors of the Valley REN;
- d) Board of Directors means the governing body charged with the performance and fiduciary responsibilities of the Valley REN;
- e) Capital Costs means the amount expended by the Valley REN for equipping and fixturing of offices, which by general practice would form part of Capital Assets as defined by the Canadian Institute of

Chartered Accountants or the Public Sector Accounting Board, or any successor institutes. For greater certainty, the Valley REN, in the absence of the written agreement of the parties hereto, is not permitted to acquire either Tangible or Intangible Capital Assets which individually have a value in excess of \$25,000;

- f) Contribution Agreement means the funding agreement executed between the Province and the Valley REN with said Agreement containing the Provincial Outcome Agreement as a related Schedule;
- g) Fiscal Year means the 12-month period commencing on April 1 of every year and ending on March 31 of every subsequent year;
- h) FRAM means the Financial Reporting and Accounting Manual as prescribed by the MGA;
- i) Funders means the parties and the Provincial departments contributing to the annual operating requirements of the Valley REN;
- j) GAAP means Canadian Generally Accepted Accounting Principles, as established from time to time by the Canadian Institute of Chartered Accountants or the Public Sector Accounting Board, or any successor institutes, applicable as at the relevant date, and applied consistently;
- k) Liaison and Oversight Committee (herein referred to as the LOC) means a committee established to represent the Funders;
- l) Operating Costs means the costs associated with operating and administering the Valley REN;
- m) Province means His Majesty the King in right of the Province of Nova Scotia;
- n) PSAS means the Public Sector Accounting Standards developed and maintained by the Public Sector Accounting Board of Canada;
- o) Regional Strategy means the Regional Economic Development Strategy formulated by the Valley REN that has been received by the parties to guide the Valley REN annual business planning and to allow the Funders to measure REN progress over a four-year period; and
- p) Uniform Assessment means the same as in the *Municipal Grants Act*, R.S.N.S. 1989, c. 302, for the coming fiscal year.

EFFECT

2. The parties hereto agree that this Agreement is effective as at the date first above written and replaces the 17 June 2014 Valley REN Intermunicipal Service Agreement. This Agreement shall be filed with the Registrar of Joint Stock Companies to confirm the terms upon which the body corporate has been established and governed pursuant to section 60 MGA.
3. The parties agree that the body corporate shall continue to be known as the Valley Regional Enterprise Network (Valley REN).
4. The parties, LOC, and Board of Directors acknowledge that disclosure of documentation, records and information in the possession of the Valley REN shall be subject to the *Freedom of Information and Protection of Privacy Act*, 1993, c.5.

5. Pursuant to section 3(ar) MGA, the Valley REN shall operate as a municipal government as defined, subject to the same legislative rights and obligations, including, without limitation, the *Public Procurement Act*, 2011, c. 12, *Municipal Conflict of Interest Act*, R.S. c. 299, the *Conflict of Interest Act*, 2010, c. 35, and the *Labour Standards Code*, R.S. c. 246.

GOVERNANCE

Parties

6. Any amendments to this Intermunicipal Service Agreement (IMSA) shall be attended in writing and executed by all parties. The parties further agree to conduct a review of this IMSA at minimum every four years from the date of execution.
7. A municipality, village, or band council pursuant to the *Indian Act* (Canada) that is not party to this Agreement may, with the unanimous consent of the parties, join the Valley REN.

Board of Directors

8. The Board of Directors shall be responsible to:
 - a. Oversee the development and implementation of the Regional Strategy;
 - b. Establish and approve an Annual Business Plan and Budget that meets the objectives of the Regional Strategy and Core Program activities and any approved Special Project(s) by March 1 of every year;
 - c. Deliver an annual report and annual audited financial statements to the LOC by June 30 each year;
 - d. Conduct an Annual General Meeting of the Valley REN on or before June 30 of each year;
 - e. Steward the financial health of the Valley REN by ensuring strong financial management skills and appropriate internal controls;
 - f. Conduct an annual organizational evaluation to appraise its performance and efficiency;
 - g. Develop and follow a recruitment and nomination process for the Board of Directors composition for consideration by the LOC;
 - h. Meet with the LOC at least twice annually to report on all activities of the Valley REN;
 - i. Create and publish the CEO position description;
 - j. Develop and execute a CEO employment contract that establishes the terms of appointment with said contract including, without limitation, the terms of the CEO performance evaluation;
 - k. Request, review, and approve policies for the Valley REN; and
 - l. Review and approve Contribution Agreements, and direct the Chair of the Board of Directors and the CEO to execute same on behalf of the Valley REN, subject to the approval of the LOC.

9. The Board of Directors shall set the salary range of the CEO that is industry comparable, compliant with the Provincial Contribution Agreement, and is in the long-term interest of the Valley REN.
10. The Board of Directors has the power to remove the CEO subject to employment contract provisions.
11. The Board of Directors shall comprise a minimum of eight and a maximum of 12 business and community leaders.
12. Members of the Board of Directors serving, as at the date of this Agreement, shall remain in office in accordance with their appointment terms.
13. New members of the Board of Directors shall be approved by the LOC in accordance with the Board's Terms of Reference, except when a new member is completing the term of a member who has resigned or whose position is vacated mid-term.
14. The Board of Directors has authority to establish committees, one of which shall be the Audit Committee.
15. The Board of Directors shall, as part of the Valley REN Annual General Meeting, appoint a Chair and Vice-Chair from amongst their members.
16. The Board of Directors shall establish written position descriptions for the Chair and Vice-Chair.
17. The Board of Directors shall convene meetings and conduct itself in accordance with rules of order set out in the MGA and, where the former is silent, then Robert's Rules of Order 12th ed. Each member shall have one vote, including the Chair and Vice-Chair.

Liaison and Oversight Committee (LOC)

18. The LOC shall comprise:
 - I. the Chief or Mayor of each of the parties, or a designate approved by their Councils, and may include a staff member of Glooscap; and
 - II. a staff member(s) appointed as a representative of the Provincial department(s) pursuant to the Contribution Agreement between the Province and the Valley REN.
19. Notwithstanding 19 (I), the Chief Administrative Officer (CAO), or Senior Staff member of Glooscap or their designate, can participate in LOC meetings as a non-voting member.
20. The CEO shall participate in LOC meetings as a non-voting member.
21. The LOC shall be responsible to:
 - a) approve all appointments to the Board of Directors;
 - b) prepare and adopt position descriptions for the LOC Chair and Vice-Chair;
 - c) approve and monitor the implementation of the Regional Strategy;
 - d) ensure that the LOC and the Board of Directors have written terms of reference and code of conduct policy that sets out their roles and responsibilities, with said terms and codes being in accordance with the provisions of this Agreement;

- e) Each member of the LOC shall serve at the pleasure of their Council and, unless otherwise disqualified or removed, shall hold office until a successor is named by the appointing party.
 - f) Notwithstanding provision 21(e), in the event of any vacancy that occurs with respect to a member, the Council appointing such member shall appoint a replacement within eight weeks.
 - g) establish and review regularly a communication process for the parties on the activities of the Valley REN and issues affecting the Valley REN and its stakeholders;
 - h) nominate a CAO or Senior Staff Member of Glooscap to the Audit Committee;
 - i) on an annual basis appoint a Chair and Vice-Chair; and
 - j) meet at minimum twice a year.
22. The LOC shall convene meetings and conduct itself in accordance with rules of order set out in the MGA and, where the former is silent, then Robert's Rules of Order 12th ed. Each member shall have one vote, including the Chair and Vice-Chair.
23. Reasonable expenses of the LOC, as approved within the Valley REN budget, shall be reimbursed by the Valley REN in a timely manner.

ADMINISTRATION

24. The parties acknowledge and agree that the Board of Directors shall operate according to the CAO model of administration per Part II MGA. The CEO shall be the sole employee reporting to the Board of Directors and be responsible for the effective administration of the Valley REN.
25. The CEO shall be responsible to the Board of Directors for the proper administration and management of the Valley REN in accordance with this Agreement, and the directives and policies of the Valley REN as approved from time to time by the Board of Directors, and statutory requirements per provision 5 herein.
26. Neither the LOC nor the Board of Directors shall direct or instruct the employees of the Valley REN. However, the LOC and Board of Directors may communicate directly with the employees of the Valley REN solely to obtain or provide reasonably required information.
27. The Board of Directors shall provide direction on the objectives, policies, and programs of the Valley REN to the CEO.
28. On a quarterly basis, the CEO shall provide an update report to the LOC and the CAOs/Senior Staff Member of Glooscap or their designates for circulation to the respective Councils.
29. Subject to section 22 MGA, all agendas, meeting packages, and minutes of the Board of Directors and of the LOC shall be publicly available on the Valley REN website.

CORE PROGRAM

30. In addition to implementing the programs approved in the Regional Strategy, the Valley REN shall offer the following core activities:

- a) business support service that provides one-on-one support to business of any size and at any stage of operation by navigating and referring to appropriate and relevant supports;
- b) support tourism based on the recommendations from the Strategic Tourism for Areas and Regions Project; and
- c) develop, maintain, and publish a land and asset database.

31. Any changes to the Core Program:

- a) may be introduced by the Board of Directors or the LOC; and
- b) will require an amendment to this Agreement.

SPECIAL PROJECTS

32. Special Projects shall be reported on and accounted for separately from the Core Program activities but shall not, except in exceptional circumstances approved by the Board of Directors and the LOC, deplete resources dedicated to the Core Program.
33. Special Projects shall be part of the Annual Business Plan and related budget and be included within a brief proposal developed by the CEO that outlines the project need, objective, proposed costs and related funding, and human resource requirements.
34. Special Projects shall be subject to:
- a) the CEO consulting with the CAOs and Senior Staff Member of Glooscap to ensure there is no duplication of efforts; and
 - b) approval by the Board of Directors.

TERM AND TERMINATION

35. The term shall commence on 1 April 2023, and continue year-over-year for each Fiscal Year (the "Term") subject to annual reviews and adjustments related to provision 6 and Schedule A of this Agreement.
36. The parties hereto may elect to terminate this Agreement for any reason at any time on agreement of all parties in writing with sixty (60) days' written notice.
37. Upon termination, and subject to contractual obligations, the parties will examine the assets, liabilities, and surplus of the Valley REN and return any net amount remaining pro-rata in accordance with the party's contribution since the effective date of this Agreement.

WITHDRAWAL

38. A party may withdraw from this Agreement at the beginning of any Fiscal Year by providing written notice to the other parties a minimum of thirty-six (36) months in advance of the commencement of the Fiscal Year in which they intend to withdraw.

39. A withdrawing party may make a cash payment in lieu of notice required by provision 38. The payment in lieu of notice shall be based on the amount of funding provided by the withdrawing party in the preceding Fiscal Year multiplied by three.
40. Any party withdrawing from this Agreement remains responsible for its share of any liabilities of the Valley REN incurred to the date of the withdrawal and any severance, penalty or other costs incurred by the Valley REN as a result of the withdrawal.

FINANCE AND AUDIT

Budget

41. In January of every year, the LOC shall review and adjust as necessary the proportionate shares of municipal funding to account for changes in population and Uniform Assessment for the coming Fiscal Year.
42. On or before January 31 each year, the CEO shall meet with the Senior Staff Manager of Glooscap and CAOs or their designates for the purposes of reviewing and seeking input on a draft of the Annual Business Plan and budget.
43. The budget shall be prepared in accordance with GAAP and FRAM, funding contracts, and the Valley REN's own financial policies. For greater certainty, the Valley REN is not permitted to purchase capital assets beyond those defined in this Agreement, and is not permitted to incur long term debt.
44. The budget shall be balanced with revenues matching expenditures, and include the anticipated Operating Costs, Capital Costs, the use of Valley REN operating surplus, contributions from the Funders, and the recovery of any deficit from a preceding Fiscal Year.
45. By March 1 of every year, the Board of Directors shall present to the LOC an approved budget and Annual Business Plan for the Valley REN's coming Fiscal Year for information.

Financial Reporting

46. The Valley REN shall maintain working capital of not less than \$100,000 from its operating surplus
47. By June 30 of each year, the CEO shall deliver the Board of Director's approved audit report and year-end audited financial statements to the LOC and any party required to consolidate the Valley REN financial statements under PSAS.

PARTY CONTRIBUTIONS

48. Annual contributions made by the parties shall be in accordance with Schedule A, which shall form part of this Agreement.
49. Subject to any increases in funding provided through the Provincial Contribution Agreement, the parties may consider an inflationary increase as part of the annual budget approval.

50. Valley REN shall invoice the parties at the start of each quarter of the Fiscal Year. Interest on any outstanding balance shall accrue at an annual rate of 12%.

AUDIT COMMITTEE

51. Pursuant to FRAM, the Board of Directors shall develop and approve an Audit Committee Policy.

DISPUTE RESOLUTION

52. In the event of a budget dispute, it shall be incumbent upon the party disputing the budget to present an alternative budget. In the event the budget is not approved, and notwithstanding any other provision in this Agreement, any dispute that cannot be resolved shall be referred to mediation. Where a dispute remains unresolved by mediation, then any party may refer such dispute to arbitration by provision of written notice to all parties hereto. In the event of arbitration, the arbitrator appointed shall be agreed by the parties within 30 days of submission to arbitration; in default of agreement, the parties will refer the choice of arbitrator to the Supreme Court in accordance with section 12 of the *Commercial Arbitration Act* (Nova Scotia) (CAA). The arbitrator shall agree to conduct the arbitration in accordance with the terms of this Agreement. The appointed arbitrator shall have all the powers given by the CAA. The award and determination of the arbitrator shall be final and binding and each party hereto agrees not to appeal from such award or determination. The costs of any such arbitration shall be borne by the party disputing the budget unless otherwise ordered by the arbitrator.

WAIVER

53. No action by any party to this Agreement shall be construed as a waiver saving express written provision of such waiver, and this Agreement shall not be amended saving express written provision of such amendment by all parties hereto.

NOTICE

54. Any notice under this Agreement, unless otherwise provided, may be given if delivered or mailed, postage prepaid, or by facsimile transmission or electronic transmission to:

Director of Administration
Glooscap First Nation
159 Smith Road
Hantsport, NS B0P 1P0

CAO
Town of Middleton
131 Commercial St
Middleton, NS B0S 1P0

CAO
Town of Berwick
236 Commercial Street
Berwick, NS B0P 1E0

CAO
Town of Wolfville
359 Main Street
Wolfville, NS B4P 1A1

CAO
Town of Kentville
354 Main Street
Kentville, NS B4N 1K6

CAO
West Hants Regional Municipality
76 Morison Dr. PO BOX 3000
Windsor, NS B0N 2T0

CAO
Municipality of the County of Kings
181 Coldbrook Village Drive
Coldbrook, NS B4R 1B9

APPLICABLE LAW

55. The law governing this Agreement and any action, matter or proceeding based upon or relating to this Agreement shall be the law of the Province of Nova Scotia, which shall have exclusive jurisdiction over any action or proceeding based upon or relating to this.

SEVERABILITY

56. The parties covenant and agree that the invalidity or unenforceability of any provision of this Agreement will not affect the validity or enforceability of any other provision, and any invalid provision will be severable, or will be deemed to be severable.

RELATIONSHIP OF PARTIES

57. The parties hereto shall not be treated as partners or members of a joint venture for any purpose.

FURTHER ASSURANCES

58. The parties hereto agree to execute and deliver any further documents or assurances or to furnish any further information or perform any other act reasonably necessary to give full effect to the terms herein.

EXECUTION

59. This Agreement may be executed electronically and in counterpart and such execution is effective and binding.

TIME

60. Time shall in all respects be of the essence in this Agreement.

THIS AGREEMENT shall enure to the benefit of and be binding upon the parties hereto, their administrators and assigns.

IN WITNESS WHEREOF the parties have executed this Agreement by their respective officials, duly authorized.

SIGNED and SEALED)
in the presence of:)

GLOOSCAP FIRST NATION

_____))
Witness)

Per: _____

_____))
Witness)
)

Per: _____

SIGNED and SEALED)
in the presence of:)

TOWN OF BERWICK

_____))
Witness)

Per: _____

_____))
Witness)
)

Per: _____

SIGNED and SEALED

in the presence of:

TOWN OF KENTVILLE

Per: _____

Witness

Per: _____

Witness

SIGNED and SEALED

in the presence of:

**MUNICIPALITY OF THE COUNTY OF
KINGS**

Per: _____

Witness

Per: _____

Witness

SIGNED and SEALED

in the presence of:

TOWN OF MIDDLETON

Per: _____

Witness

Per: _____

Witness

SIGNED and SEALED

in the presence of:

TOWN OF WOLFVILLE

Per: _____

Witness

Per: _____

Witness

SIGNED and SEALED

in the presence of:

WEST HANTS REGIONAL MUNICIPALITY

Per: _____

Witness

Per: _____

Witness



December 15, 2022

Jim Winsor, Councillor District 8 County of Kings
Chair Liaison Oversight Committee
Valley Regional Enterprise Network
448 Main Street
Kentville, Nova Scotia, B4N 1K8

Delivered electronically to: councillor.winsor@countyofkings.ca

RE: Intermunicipal Service Agreement (IMSA)

Dear Mr. Winsor,

The West Hants Regional Municipality would like to thank the Valley Regional Enterprise Network (VREN), including members of the Liaison and Oversight Committee, Board Members and staff, for their efforts and contributions to the economic landscape in the Annapolis Valley. The municipality recognizes the value of the VREN and appreciates the increased level of attention and investment in programs and initiatives aimed at supporting the economic climate within the Annapolis Valley.

At the December 13, 2022 Council meeting, Council discussed the October 31, 2022 correspondence received from Jennifer Boyd, Chief Administrative Officer for the Town of Berwick, representing the IMSA Working Group, regarding the VREN's amended IMSA. Specifically, Council discussed the change to the Withdrawal clause noted in Article 38 of the draft agreement requiring 36 months' notice for a party to withdraw from the VREN.

To formally express the current position of the West Hants Regional Municipal Council the following motion was ratified:

"That the West Hants Regional Municipal council accepts and approves all proposed changes, substantively the same as proposed by the Intermunicipal Service Agreement (IMSA) Working Group to the Valley Regional Enterprise Network (VREN) IMSA, except for the proposed changes to Article 38 in the draft requiring a minimum of thirty-six (36) months' notice to the VREN and other parties should a participating party wish to withdraw;

And Further,

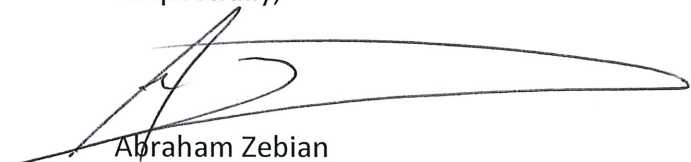
The West Hants Regional Municipality wishes that the current notice of withdraw period of twelve (12) months remain in effect and be recognized in the new draft IMSA."

We hope that the VREN IMSA Working Group and existing VREN parties will consider the request made by West Hants Regional Municipality and re-evaluate the Withdrawal clause. As noted in the motion above all other amendments are acceptable to Council.

As a point of clarity Council has requested a presentation by the VREN in January of 2023 so that it can continue to evaluate the 2021-2024 Strategic Plan and reconsider the existing notice to withdraw by West Hants.

We look forward to participating in the ongoing VREN IMSA review and responses from other participating parties as they review the drafted amendments to the IMSA and their feedback.

Respectfully,



Abraham Zebian
Mayor

mp/ds

CC: Glooscap First Nation
Town of Berwick
Town of Kentville
Town of Middleton
Town of Wolfville
Municipality of the County of Kings
Jennifer Tufts, Valley REN Chief Executive Officer, jt tufts@valleyren.ca
Paul Dixon, Valley REN, Chair, paul@safeguardservices.ca
WHRM Council
Mark Philips, Chief Administrative Officer
Shelleena Thornton, Municipal Operations Supervisor

Correspondence Received

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Katherine	Mcleod, P.Eng, Dept. Environment and climate change	2021-10-28 (Received)	2022-01-11 COTW
Hants County Legion		2021-11-25	2021-12-07 COTW
Hon. Melissa	Sheehy-Richard	2021-11-30	2021-12-07 COTW
Hon. John	Lohr	2021-11-30	2021-12-07 COTW
Hon. Kim	Masland	2021-12-01	2021-12-16 Council
NSUARB		2021-12-10	2021-12-16 Council
Bennet	Mary Lou	2021-12-13	2021-12-16 Council
Hon. Kim	Masland	2021-12-17	2022-01-11 COTW
Bland	Lisa	2021-01-17	2022-01-11-COTW
Wilson	John	2021-12-21	2022-01-11 COTW
Pineo	Shirley	2021-12-17	2022-01-11 COTW
Nelson	Gary	2022-01-11	2022-01-25 Council
Hon. Kody	Blois	2022-01-13	2022-01-25 Council
Denise	Forrand	2022-01-19	2022-01-25 Council
Dawn	Allen	2022-01-18	2022-01-25 Council
Sarah	Brothers	2022-01-19	2022-01-25 Council
Roland	Newcombe	2022-01-20	2022-01-25 Council
Valerie	Newcombe	2022-01-20	2022-01-25 Council
Andrea	Moore	2022-01-21	2022-01-25 Council
Gary	Nelson	2022-01-26	2022-02-08 COTW
Hon. Minister	Johns	2022-01-27	2022-02-08 COTW
Hon. John	Lohr	2022-02-01	2022-02-08 COTW
Hon. Joyce	Murray	2022-02-02	2022-02-08 COTW
Kim	MacQuarrie	2022-02-06	2022-02-22 Council
Sheldon	Hope	2022-02-08	2022-02-22 Council
Brad	Carrigan	2022-01-24	2022-03-08 COTW
Dr. Gordon	Haliburton	2022-02-14	2022-03-08 COTW
Hon. Kim	Masland	2022-03-01	2022-03-08 COTW
East Hants		2022-03-01	2022-03-08 COTW
Hon. John	Lohr	2022-03-22	2022-04-12 COTW
Andrea	Parker	2022-03-28	2022-04-12 COTW
Bulk Water Haulers		2022-03-30	2022-04-12 COTW
Mark	Wainman	2022-04-04	2022-04-12 COTW
Jeff	Houser	2022-03-23	2022-04-12 COTW
Kathrin	Winkler	2022-04-05	2022-04-12 COTW
Joseph, PVSC	Feeney	2022-04-14	2022-04-26 Council

Correspondence Received

Darren	Porter	2022-04-21	2022-04-26 Council
Daphnee	de Lamirande	2022-04-29	2022-05-10 COTW
Hon. John	Lohr	2022-05-02	2022-05-10 COTW
Ann- Marie	Mathieu, Annapolis Valley Regional Library	2022-05-05	2022-05-10 COTW
2022-05-11 Yves	Arsenault re Information session for Hosting of 44th annual Final des Jeux de l'Acadie for 2025	2022-05-11	2022-05-26 Council
Anna	Allen	2022-05-22	2022-06-14 COTW
Seamus	Marriott, Community Petition re Zwicker lake	2022-05-31	2022-06-14 COTW
Scott	Carson (Presenting letter in person to Council)	2022-06-03	2022-06-14 COTW
Hon. John	Lohr (DMA)	2022-06-10	2022-06-14 COTW
Nancy	Sherwood	2022-06-14	2022-06-28 Council
Bobby	Best	2022-06-16	2022-06-28 Council
Hon. Kim	Masland	2022-06-21	2022-06-28 Council
Sherri	Bulger	2022-06-28	2022-06-28 Council
Hon. John	Lohr	2022-06-30	2022-07-12 COTW
Domenic	Padula	2022-07-07	2022-07-12 COTW
Hon. Joyce	Murray	2022-07-12	2022-07-26 Council
Diana	Gibson re: RCMP & Fort Edward Information	2022-06-29	2022-07-26 Council
Acute Care	Tanya Penney	2022-07-19	2022-07-26 Council
Darren	Porter	2022-07-27	2022-09-13 COTW
PVSC		2022-08-02	2022-09-13 COTW
DMA		2022-08-04	2022-09-13 COTW
Breaking Barriers Together		2022-08-17	2022-09-13 COTW
Bill	Preston	2022-08-18	2022-09-13 COTW
Alix	Munro (POSSE)	2022-09-01	2022-09-13 COTW
County of Annapolis	Letter to Premier Tim Houston and Hon. Tim Halman re Moratorium on Aerial Herbicide Spraying	2022-09-14	2022-09-27 Council
Darren	Porter	2022-09-14	2022-09-27 Council

Correspondence Received

Darren	Porter	2022-09-16	2022-09-27 Council
Philip	Hyam	2022-09-17	2022-09-27 Council
Mash Up Lab re: Opportunity for Aspiring Entrepreneurs in West Hants		2022-10-17	2022-10-25 Council
Minister Masland	Re: Potential Mi'kmaq Burial site	2022-10-19	2022-10-25 Council
Heather Hughes,	Executive Director Re: Proposed changes to Weed Control Act	2022-09-13	2022-11-08 COTW
Minister of Finance and Treasury Board	Re: Provincial Non-Resident Deed Transfer Tax	2022-10-21	2022-11-08 COTW
Home Hardware	Re: Security Cameras	2022-10-21	2022-11-08 COTW
Windsor Township	Re: Security Cameras	2022-10-24	2022-11-08 COTW
Dawna MacIvor	Re: November is Crohn's and Colitis Awareness Month	2022-10-28	2022-11-08 COTW
Waye Mason	re Concerns and Information regarding Bill 225 and HRM Noise By-Law	2022-11-02	2022-11-08 COTW
Peter Gregg	Re Information on Bill 212, An Act to Amend Public Utility Act	2022-11-02	2022-11-08 COTW
Andrea Parker	Re Road repair work needed	2022-11-06	2022-11-22 Council
WAEFA Recipient Confirmation - 2022	(Awards sponsored by the West Hants Regional Municipality)	2022-11-07	2022-11-22 Council
CAO Letter	Comfort Centre Designation - Garden of Eden Community Centre	2022-11-10	2022-11-22 Council
David Old,	President Hantsport Seniors and Elders Club re Community Generator Program	2022-11-10	2022-11-22 Council
Juanita Wilcox	re Expression of Thanks	2022-11-12	2022-11-22 Council
Emily McNeil	re Renewal of the Operating Approval for the Avon Hydro System	2022-11-14	2022-11-22 Council
Paul Beazley	re Boundary Review Questions	2022-11-16	2022-11-22 Council
West Hants Historical Society	Re Old Parish Burying Ground Letter	2022-11-16	2022-12-06 COTW
Graham Sanford	Re Road Concerns	2022-11-16	2022-12-06 COTW
Fidelis House	Re financial assistance request	2022-11-30	2022-12-06 COTW
Lawrencetown Education Centre	Re Big Chill Donation request	2022-12-06	2022-12-13 Council
Kate Sircom, Secretary, St. Andrew's Church Council	Re Community Comfort Centre proposal	2022-12-06	2022-12-13 Council
NSFM	Re: Code of Conduct - Summary of content from consultation	2022-12-14	2023-01-10 COTW
Honourable Joyce Murray	Re Lake Pisiquid and the Pumpkin Regatta	2022-12-15	2023-01-10 COTW

Correspondence Received

[illegible]

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Danny	Dill	2020-06-30	2020-07-14 COTW
Quentin	Davison	2020-07-06	2020-07-14 COTW
Alyson	Bremner	2020-07-07	2020-07-14 COTW
Cecil	Rolfe	2020-07-13	2020-07-14 COTW
Pat	Porter	2020-07-13	2020-07-14 COTW
Nikki-Marie	Lloyd	2020-08-02	2020-09-08 COTW
Heather	Boylan (Martock)	2020-09-01	2020-09-08 COTW
Greg	O'Leary	2020-09-03	2020-09-08 COTW
Dr. Abby	Kirumira	2020-09-02	2020-09-08 COTW
Dean	Manning	2020-09-08	2020-09-08 COTW
David & Michelle	Rideout	2020-09-08	2020-09-08 COTW
Colleen	Walsh-Bouman	2020-09-08	2020-09-08 COTW
Nicholas & Alyson	Juurlink/Bremner (Linked Farms)	2020-09-08	2020-09-22 Council
Tasha	Rogers	2020-09-08	2020-09-22 Council
Brad	Carrigan	2020-09-23	2020-10-13 COTW
Karen	Carrigan	2020-09-23	2020-10-13 COTW
Elaine	Morehouse	2020-09-24	2020-10-13 COTW
Gary	Morehouse	2020-09-24	2020-10-13 COTW
Dr. A	Kirumira	2020-09-24	2020-10-13 COTW
Blake	Sarsfield	undated	2020-10-13 COTW
Greg	Webster	2020-10-01	2020-10-13 COTW
Bobby	Kidston	2020-10-02	2020-10-13 COTW
NSTIR	(Province of NS)	2021-01-13	2021-01-26 Council
Darren	Porter	2021-03-19	2021-03-23 Council
Rylan	Carrigan	2021-03-29	2021-04-13 COTW
Robin	Bremner-Popma (Hants Co Fed of Agri)	2021-03-29	2021-04-13 COTW
Roslyn	MacDuff	2021-03-29	2021-04-13 COTW
Darlene	Taylor	2021-03-23	2021-04-13 COTW
Daniel	Oulton	2021-03-26	2021-04-13 COTW
Karen	Carrigan	2021-03-26	2021-04-13 COTW
Marie & Andrew	Connolly	2021-03-26	2021-04-13 COTW
Robin	Thomson (Atlantic Division Canoe Kayak Canada)	2021-03-30	2021-04-13 COTW
Barbara	Hughes	2021-03-29	2021-04-13 COTW
Laura	Fisher	2021-04-01	2021-04-13 COTW

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Nikki-Marie	Lloyd	2021-04-06	2021-04-13 COTW
Ken	Donnelly (Hwy 101 Twinning CLC)	2021-04-01	2021-04-13 COTW
Darren	Porter	2021-04-06	2021-04-13 COTW
Karen	Lynch	2021-04-09	2021-04-13 COTW
Carilee	Eddy	2021-04-15	2021-04-27 Council
Nikki-Marie	Lloyd	2021-04-19	2021-04-27 Council
Sheldon	Hope	2021-04-19	2021-04-27 Council
Adrienne	Wood	2021-04-22	2021-04-27 Council
Magda	Montgomery	2021-04-22	2021-04-27 Council
Sheldon	Hope	2021-04-26	2021-04-27 Council
Andrew	Smiley	2021-05-02	2021-05-11 COTW
Carrilee	Eddy	2021-05-03	2021-05-11 COTW
Denise	Forand	2021-04-27	2021-05-11 COTW
Erin	Naugler	2021-05-02	2021-05-11 COTW
Janet	Comeau	2021-05-02	2021-05-11 COTW
Kristyn	Anderson	2021-05-02	2021-05-11 COTW
Laura	Fisher	2021-04-01	2021-05-11 COTW
Nick	Rafuse	2021-05-03	2021-05-11 COTW
Nicole	McLeod	2021-05-02	2021-05-11 COTW
Robyn	Cook	2021-05-02	2021-05-11 COTW
Sheldon	Hope	2021-05-02	2021-05-11 COTW
Tammy	Hilden	2021-05-02	2021-05-11 COTW
Tracey	Sexton	2021-05-03	2021-05-11 COTW
Ginette	Pitcher	2021-05-03	2021-05-11 COTW
Greg	Miller	2021-05-05	2021-05-11 COTW
David & Michelle	Rideout	2021-05-05	2021-05-11 COTW
Sylvia & Vince	Burgess	2021-05-05	2021-05-11 COTW
Scott (Adrienne)	Miniau (Wood)	2021-05-03	2021-05-11 COTW
Barbara	Sullivan	2021-05-06	2021-05-11 COTW
Sandra & Skip	Hogan	2021-05-06	2021-05-11 COTW
Marie & Andrew	Connolly	2021-05-06	2021-05-11 COTW
Karen	Carrigan	2021-05-07	2021-05-11 COTW
Adrienne	Wood (Petition)	2021-05-07	2021-05-11 COTW
Lisa	Hines	2021-05-07	2021-05-11 COTW

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Cam	Hartley	2021-05-07	2021-05-11 COTW
Troy & Vicki	Harvie	2021-05-07	2021-05-11 COTW
Jenn	McDermott	2021-05-08	2021-05-11 COTW
Jennifer	Daniels	2021-05-09	2021-05-11 COTW
Krista & Colin	Duncan	2021-05-09	2021-05-11 COTW
Robin	Bremner-Popma	2021-05-07	2021-05-11 COTW
Roslyn (Darlene) [Barb]	MacDuff (Taylor) [Hughes]	2021-05-08	2021-05-11 COTW
Wayne & Dianne	Hines	2021-05-09	2021-05-11 COTW
Bob & Sandra	Langdon	2021-05-10	2021-05-11 COTW
Brad	Hood	2021-05-10	2021-05-11 COTW
Ed & Cathy	Kerr	2021-05-10	2021-05-11 COTW
Ann	MacArthur	2021-05-10	2021-05-11 COTW
Carole Anne	Casey	2021-05-10	2021-05-11 COTW
Sarah	MacDonald	2021-05-10	2021-05-11 COTW
Andre & Donna	Arsenault	2021-05-11	2021-05-11 COTW
Aaron	Leblanc	2021-05-12	2021-05-25 Council
Adrian	Rooney	2021-05-19	2021-05-25 Council
Adrienne	Wood	2021-05-12	2021-05-25 Council
Barb	Sullivan	2021-05-16	2021-05-25 Council
Barbara	Beck	2021-05-15	2021-05-25 Council
Bethany	Rozee	2021-05-12	2021-05-25 Council
Carl	Siler	2021-05-12	2021-05-25 Council
Carol	Bradley	2021-05-16	2021-05-25 Council
Carol	McKinley	2021-05-12	2021-05-25 Council
Chad	Pothier	2021-05-18	2021-05-25 Council
Chris	Cann	2021-05-21	2021-05-25 Council
Connie	Shay	2021-05-15	2021-05-25 Council
Conrad	Mullins	2021-05-18	2021-05-25 Council
Darlene	Taylor	2021-05-15	2021-05-25 Council
Darren	Porter	2021-05-12	2021-05-25 Council
Darren	Woods	2021-05-13	2021-05-25 Council
Dawson	Sheehy	2021-05-16	2021-05-25 Council
Deanna	Hamilton	2021-05-15	2021-05-25 Council
Debbie	Porter-Wood	2021-05-13	2021-05-25 Council
Debbie	Siler	2021-05-15	2021-05-25 Council
Denise	Forand	2021-05-13	2021-05-25 Council

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Devan	Archibald	2021-05-18	2021-05-25 Council
Diane	Ogilvie	2021-05-13	2021-05-25 Council
Erin	Naugler	2021-05-13	2021-05-25 Council
Ernest	Eddy	2021-05-15	2021-05-25 Council
Gerry	Young	2021-05-15	2021-05-25 Council
Gina	Cochrane	2021-05-12	2021-05-25 Council
Harry	Ullock	2021-05-15	2021-05-25 Council
Hope	Moon	2021-05-12	2021-05-25 Council
Ian	Shaw	2021-05-16	2021-05-25 Council
J	Davis (and J Griffith)	2021-05-17	2021-05-25 Council
Jacqueline	Farvacque	2021-05-12	2021-05-25 Council
Jayne	Murray	2021-05-16	2021-05-25 Council
Jeff	Redden	2021-05-17	2021-05-25 Council
Jennifer	Shaw	2021-05-16	2021-05-25 Council
Jocelyne	Marchand	2021-05-12	2021-05-25 Council
John & Sarah	Monette	2021-05-19	2021-05-25 Council
Jordan	Macumber	2021-05-12	2021-05-25 Council
Josette	Dugue	2021-05-12	2021-05-25 Council
Judy	Lynch	2021-05-13	2021-05-25 Council
June	Pedersen-LaPierre	2021-05-15	2021-05-25 Council
Justin	Cochrane	2021-05-12	2021-05-25 Council
Karen	Lynch	2021-05-18	2021-05-25 Council
Kathryn	Bergeron	2021-05-16	2021-05-25 Council
Kathy	Veinot	2021-05-15	2021-05-25 Council
Kyle	Pellegrini	2021-05-12	2021-05-25 Council
Lachlan	Riehl	2021-05-12	2021-05-25 Council
Laura	Stewart	2021-05-19	2021-05-25 Council
Lee	Billington	2021-05-12	2021-05-25 Council
Lee	Millett	2021-05-12	2021-05-25 Council
Lexie	Barkhouse	2021-05-12	2021-05-25 Council
Linda	Card	2021-05-11	2021-05-25 Council
Monique	Wood	2021-05-16	2021-05-25 Council
Nancy	Sheehy	2021-05-16	2021-05-25 Council
Nancy	Sheehy	2021-05-18	2021-05-25 Council
Nikki-Marie	Lloyd	2021-05-12	2021-05-25 Council
Nikki-Marie	Lloyd	2021-05-17	2021-05-25 Council

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Olena	Kharytonova	2021-05-15	2021-05-25 Council
Pat	Porter	2021-05-12	2021-05-25 Council
Paula	Lake	2021-05-12	2021-05-25 Council
Robert	Bowkett	2021-05-18	2021-05-25 Council
Roslyn	MacDuff	2021-05-15	2021-05-25 Council
Ruth	Angevine	2021-05-13	2021-05-25 Council
Scotch Village	Farm	2021-05-19	2021-05-25 Council
Shirley	Pineo	2021-05-12	2021-05-25 Council
Stephen	Brooks	2021-05-12	2021-05-25 Council
Trudy	Sheehy	2021-05-17	2021-05-25 Council
Steven	Bouman	2021-05-17	2021-05-25 Council
Sue	Sheehy	2021-05-14	2021-05-25 Council
Susie	Smith	2021-05-12	2021-05-25 Council
Tasha	Rogers	2021-05-12	2021-05-25 Council
Tera	Brommit	2021-05-17	2021-05-25 Council
Toni-Lee	Burns	2021-05-12	2021-05-25 Council
Tony	Wood	2021-05-18	2021-05-25 Council
Tracey	Sexton	2021-05-16	2021-05-25 Council
Trevor	Levy	2021-05-12	2021-05-25 Council
Tricia	Brommit	2021-05-17	2021-05-25 Council
Vince & Sylvia	Burgess	2021-05-16	2021-05-25 Council
Loretta	MacEachern	2021-05-20	2021-05-25 Council
Tim & Jennifer	Bayers	2021-05-21	2021-05-25 Council
Darlene	Taylor	2021-05-25	2021-06-08 COTW
Darlene	Taylor	2021-05-25	2021-06-08 COTW
Darren	Porter (forwarded email from/to another source)	2021-05-27	2021-06-08 COTW
Dawn	Allen	2021-05-25	2021-06-08 COTW
John	Monette	2021-05-25	2021-06-08 COTW
Richard	Dunham	2021-05-25	2021-06-08 COTW
Carrilee	Eddy	2021-06-06	2021-06-22 Council
Darlene	Taylor	2021-06-09	2021-06-22 Council
Darren	Porter	2021-06-06	2021-06-22 Council
Lisa	Bland	2021-06-08	2021-06-22 Council
Krista & Scott	Lloy	2021-06-07	2021-06-22 Council
Nancy	Sheehy	2021-06-06	2021-06-22 Council
Karen	Beazley	2021-07-06	2021-07-13 COTW

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

[illegible]

Correspondence Received

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Katherine	Mcleod, P.Eng, Dept. Environment and climate change	2021-10-28 (Received)	2022-01-11 COTW
Hants County Legion		2021-11-25	2021-12-07 COTW
Hon. Melissa	Sheehy-Richard	2021-11-30	2021-12-07 COTW
Hon. John	Lohr	2021-11-30	2021-12-07 COTW
Hon. Kim	Masland	2021-12-01	2021-12-16 Council
NSUARB		2021-12-10	2021-12-16 Council
Bennet	Mary Lou	2021-12-13	2021-12-16 Council
Hon. Kim	Masland	2021-12-17	2022-01-11 COTW
Bland	Lisa	2021-01-17	2022-01-11-COTW
Wilson	John	2021-12-21	2022-01-11 COTW
Pineo	Shirley	2021-12-17	2022-01-11 COTW
Nelson	Gary	2022-01-11	2022-01-25 Council
Hon. Kody	Blois	2022-01-13	2022-01-25 Council
Denise	Forrand	2022-01-19	2022-01-25 Council
Dawn	Allen	2022-01-18	2022-01-25 Council
Sarah	Brothers	2022-01-19	2022-01-25 Council
Roland	Newcombe	2022-01-20	2022-01-25 Council
Valerie	Newcombe	2022-01-20	2022-01-25 Council
Andrea	Moore	2022-01-21	2022-01-25 Council
Gary	Nelson	2022-01-26	2022-02-08 COTW
Hon. Minister	Johns	2022-01-27	2022-02-08 COTW
Hon. John	Lohr	2022-02-01	2022-02-08 COTW
Hon. Joyce	Murray	2022-02-02	2022-02-08 COTW
Kim	MacQuarrie	2022-02-06	2022-02-22 Council
Sheldon	Hope	2022-02-08	2022-02-22 Council
Brad	Carrigan	2022-01-24	2022-03-08 COTW
Dr. Gordon	Haliburton	2022-02-14	2022-03-08 COTW
Hon. Kim	Masland	2022-03-01	2022-03-08 COTW
East Hants		2022-03-01	2022-03-08 COTW
Hon. John	Lohr	2022-03-22	2022-04-12 COTW
Andrea	Parker	2022-03-28	2022-04-12 COTW
Bulk Water Haulers		2022-03-30	2022-04-12 COTW
Mark	Wainman	2022-04-04	2022-04-12 COTW
Jeff	Houser	2022-03-23	2022-04-12 COTW
Kathrin	Winkler	2022-04-05	2022-04-12 COTW
Joseph, PVSC	Feeney	2022-04-14	2022-04-26 Council

Correspondence Received

Darren	Porter	2022-04-21	2022-04-26 Council
Daphnee	de Lamirande	2022-04-29	2022-05-10 COTW
Hon. John	Lohr	2022-05-02	2022-05-10 COTW
Ann- Marie	Mathieu, Annapolis Valley Regional Library	2022-05-05	2022-05-10 COTW
2022-05-11 Yves	Arsenault re Information session for Hosting of 44th annual Final des Jeux de l'Acadie for 2025	2022-05-11	2022-05-26 Council
Anna	Allen	2022-05-22	2022-06-14 COTW
Seamus	Marriott, Community Petition re Zwicker lake	2022-05-31	2022-06-14 COTW
Scott	Carson (Presenting letter in person to Council)	2022-06-03	2022-06-14 COTW
Hon. John	Lohr (DMA)	2022-06-10	2022-06-14 COTW
Nancy	Sherwood	2022-06-14	2022-06-28 Council
Bobby	Best	2022-06-16	2022-06-28 Council
Hon. Kim	Masland	2022-06-21	2022-06-28 Council
Sherri	Bulger	2022-06-28	2022-06-28 Council
Hon. John	Lohr	2022-06-30	2022-07-12 COTW
Domenic	Padula	2022-07-07	2022-07-12 COTW
Hon. Joyce	Murray	2022-07-12	2022-07-26 Council
Diana	Gibson re: RCMP & Fort Edward Information	2022-06-29	2022-07-26 Council
Acute Care	Tanya Penney	2022-07-19	2022-07-26 Council
Darren	Porter	2022-07-27	2022-09-13 COTW
PVSC		2022-08-02	2022-09-13 COTW
DMA		2022-08-04	2022-09-13 COTW
Breaking Barriers Together		2022-08-17	2022-09-13 COTW
Bill	Preston	2022-08-18	2022-09-13 COTW
Alix	Munro (POSSE)	2022-09-01	2022-09-13 COTW
County of Annapolis	Letter to Premier Tim Houston and Hon. Tim Halman re Moratorium on Aerial Herbicide Spraying	2022-09-14	2022-09-27 Council
Darren	Porter	2022-09-14	2022-09-27 Council

Correspondence Received

Darren	Porter	2022-09-16	2022-09-27 Council
Philip	Hyam	2022-09-17	2022-09-27 Council
Mash Up Lab re: Opportunity for Aspiring Entrepreneurs in West Hants		2022-10-17	2022-10-25 Council
Minister Masland	Re: Potential Mi'kmaq Burial site	2022-10-19	2022-10-25 Council
Heather Hughes,	Executive Director Re: Proposed changes to Weed Control Act	2022-09-13	2022-11-08 COTW
Minister of Finance and Treasury Board	Re: Provincial Non-Resident Deed Transfer Tax	2022-10-21	2022-11-08 COTW
Home Hardware	Re: Security Cameras	2022-10-21	2022-11-08 COTW
Windsor Township	Re: Security Cameras	2022-10-24	2022-11-08 COTW
Dawna MacIvor	Re: November is Crohn's and Colitis Awareness Month	2022-10-28	2022-11-08 COTW
Waye Mason	re Concerns and Information regarding Bill 225 and HRM Noise By-Law	2022-11-02	2022-11-08 COTW
Peter Gregg	Re Information on Bill 212, An Act to Amend Public Utility Act	2022-11-02	2022-11-08 COTW
Andrea Parker	Re Road repair work needed	2022-11-06	2022-11-22 Council
WAEFA Recipient Confirmation - 2022	(Awards sponsored by the West Hants Regional Municipality)	2022-11-07	2022-11-22 Council
CAO Letter	Comfort Centre Designation - Garden of Eden Community Centre	2022-11-10	2022-11-22 Council
David Old,	President Hantsport Seniors and Elders Club re Community Generator Program	2022-11-10	2022-11-22 Council
Juanita Wilcox	re Expression of Thanks	2022-11-12	2022-11-22 Council
Emily McNeil	re Renewal of the Operating Approval for the Avon Hydro System	2022-11-14	2022-11-22 Council
Paul Beazley	re Boundary Review Questions	2022-11-16	2022-11-22 Council
West Hants Historical Society	Re Old Parish Burying Ground Letter	2022-11-16	2022-12-06 COTW
Graham Sanford	Re Road Concerns	2022-11-16	2022-12-06 COTW
Fidelis House	Re financial assistance request	2022-11-30	2022-12-06 COTW
Lawrencetown Education Centre	Re Big Chill Donation request	2022-12-06	2022-12-13 Council
Kate Sircom, Secretary, St. Andrew's Church Council	Re Community Comfort Centre proposal	2022-12-06	2022-12-13 Council
NSFM	Re: Code of Conduct - Summary of content from consultation	2022-12-14	2023-01-10 COTW
Honourable Joyce Murray	Re Lake Pisiquid and the Pumpkin Regatta	2022-12-15	2023-01-10 COTW

Correspondence Received

[illegible]

February 23, 2023

Mark Phillips – Chief Administrative Officer
Municipality of West Hants
76 Morrison Drive
PO Box 3000
Windsor, NS
B0N 2T0



Dear Mr. Phillips,

The Hants County Federation of Agriculture and the Falmouth Great Dyke Marsh Body have been advised that there are remaining funds with the West Hants Regional Municipality and the ACOA project #219903 "Divert Avon River to provide fresh water access for Tourism and Agriculture sector".

We would like to use the remaining funds of the project to develop a fresh water source and infrastructure for access to the farm community in the Avon River Watershed area. The Federation and the Marsh Body would like to meet with the municipality to discuss the options.

We look forward to having the conversation with the municipality for a freshwater access project for agriculture.

Sincerely,

Nick Juurlink
President, Hants County Federation of Agriculture
902-805-9300

Dean Manning
Chair, Falmouth Great Dyke Marsh Body
902-790-3116

Fort Edward Lands Correspondence

First Name	Last Name	Correspondence	Meeting/Logged
Theresa	Newcombe	11/23/2021	2022-03-22 Council
Gary	Nelson	12/17/2021	2022-01-11 COTW
Lisa	Bland	12/17/2021	2022-01-11 COTW
John	Wilson	12/21/2021	2022-01-11 COTW
Gary	Nelson	1/11/2022	2022-01-25 Council
Andrea	Moore	1/21/2022	2022-01-25 Council
Valerie	Newcombe	1/21/2022	2022-03-22 Council
Gary	Nelson	1/26/2022	2022-02-08 COTW
Sara	Brothers	1/19/2022	2022-01-25 Council
Dawn	Allen	1/17/2022	2022-01-25 Council
Marty	Fougarty	2/5/2022	2022-03-22 Council
Dr. Gordon	Haliburton	2/14/2022	2022-03-08 COTW
Theresa	Newcombe	3/11/2022	2022-03-22 Council
Marie	Claude-Roiux	3/9/2022	2022-03-22 Council
Barbara	Gallagher	No Date	2022-03-22 Council
Roland	Newcombe	1/20/2022	2022-01-25 Council
Liz	Galbraith	12/16/2021	2021-12-16 COTW
Mary Lou	Bennet	12/13/2021	2021-12-16 COTW
Jean	Scotney	2/25/2022	2022-03-22 Council
Denise	Forand	3/16/2022	2022-03-22 Council
Jonathan Fowler	Fowler	3/13/2022	2022-03-22 Council
Heather	Pick	3/17/2022	2022-03-22 Council
Wanda	Donelle	2/22/2022	2022-04-12 COTW
Teresa	Newcombe	3/22/2022	2022-04-12 COTW
Patti	Quinn	3/22/2022	2022-4-12 COTW
Martin	Theberge	4/6/2022	2022-04-12 COTW
Rene	Cormier	4/12/2022	2022-04-26 Council
Daphnee	de Lamirande	4/29/2022	2022-05-12 COTW
Carol	Bradley	6/23/2022	2022-06-28 Council
Ruth	Angevine	6/24/2022	2022-06-28 Council
Denise	Forand	6/28/2022	2022-06-26 Council
Marie	Claude-Roiux	6/28/2022	2022-07-12 COTW
Colleen	Rogers	7/24/2022	2022-09-13 COTW
Shirley	Pineo	8/9/2022	2022-09-13 COTW
Pamela	Spence	8/19/2022	2022-09-13 COTW
Councillor Gail	Tupper	8/22/2022	2022-09-13 COTW
Camilla	Noiles	9/3/2022	2022-09-13 COTW
Sandra Barss	Heritage Trust of NS	10/18/2022	2022-10-25 Council

Richard	Skelton	2/2/2023	2023-02-14 COTW
Jon	Hall	2/16/2023	2023-02-28 Council

From: Jon Hall
To: [PublicOnlyCouncilEmail](#)
Cc: Shirley Pineo
Subject: Funding History at West Hants Historical Society
Date: Thursday, February 16, 2023 1:24:50 PM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Dear Councillor:

We need your help! It's a small ask and doesn't involve money.

The West Hants Historical Society will launch Funding 50 years of History in 2023 to celebrate the 50th Anniversary of the Society. Funds will be used to procure archival materials, maintain the building and build a legacy fund for sustainable operations.

The initial promotion will be a brochure to be delivered to every residential property in West Hants. In Windsor and other 'urban' areas we are recruiting volunteers to deliver the brochures door-to-door. In other areas that would be more difficult.

Here's where we need your help. We are looking for a central location in your district where locals can pick-up the brochure. Perhaps it's a gas station, coffee shop, convenience store etc. where people gather on a regular basis.

You know your district better than anyone and we would appreciate your suggestion for the best location. If you can provide contact information for the owner as well that would be helpful.

That's all we need from you now, a quick e-mail to [REDACTED] with your pick-up location suggestion and the contact info. I hope to hear from you soon.

Jon Hall, Funding History Chair

PS. Stay tuned. You'll be hearing much more about Funding History as the summer rolls along.

Combined Overflow System Correspondence

First Name	Last Name	Date Received	Meeting/Logged
Katherine	MacLeod	10/27/2021	2022-01-11 COTW
Katherine	MacLeod	10/28/2021	2022-01-11 COTW
Carrilee	Eddy	3/13/2022	2022-03-22 Council
Anna	DeNicola	3/12/2022	2022-03-22 Council
Darren	Porter	3/13/2022	2022-03-22 Council
Ellen	Hart	3/13/2022	2022-03-22 Council
Jennifer	Davidson	3/13/2022	2022-03-22 Council
Felicia	McNeil	3/14/2022	2022-03-22 Council
Darren	Porter	3/15/2022	2022-03-22 Council
Susie	Smith	3/15/2022	2022-03-22 Council
Carol	Bradley	3/17/2022	2022-03-22 Council
Felicia	McNeil	3/21/2022	2022-04-12 COTW
Felicia	McNeil	4/11/2022	2022-04-26 Council

Correspondence Sent

First Name	Last Name	Correspondence Date	Meeting / logged
Katherine MacLeod	MacLeod, Dept. Envir. and Climate Change	2021-10-27	2022-01-11 COTW
Robyn	Homans	2021-11-23	2021-12-07 COTW
Hon. Kim	Masland	2022-01-20	2022-01-25 Council
Hon. Kim	Masland re: clarity on correspondence sent 2022-02-20	2022-02-16	2022-02-08 COTW
Hon. Joyce	Murray	2022-02-02	2022-02-08 COTW
Hon. Greg	Morrow	2022-02-04	2022-02-08 COTW
VREN		2022-03-10	2022-03-22 Council
Station Food Hub		2022-04-28	2022-05-10 COTW
MLA Melissa	Sheehy-Richard re: Avon River Eco/Tourism	2022-05-02	2022-05-02 COTW
MLA Melissa	Sheehy-Richard re: exit 6	2022-05-02	2022-05-02 COTW
Hon. Joyce	Murray	2022-05-06	2022-05-10 COTW
KMK Assembly Mi'kmaw Chiefs		2022-05-06	2022-05-10 COTW
The Premier	The Hon. Tim Houston	2022-06-27, sent 2022-06-30	2022-07-09 COTW
The Premier	The Hon. Tim Houston	2022-06-30	2022-07-09 COTW
Hon. Kim	Masland	2022-08-23	2022-09-13 COTW
POSSE		2022-09-14	2022-09-27 Council
Minister Murray	re Pumpkin Regatta	2022-10-20	2022-10-25 Council
VREN	Re: IMSA and request for a presentation to Council	2022-12-20	2023-01-10 COTW
MLA Sheehy-Richard	Re: Invitation to meet with Council re: Highway 101 Twinning project	2022-12-21	2023-01-10 COTW
MP Kody Blois	Re: Invitation to meet with Council re: Highway 101 Twinning project	2022-12-21	2023-01-10 COTW
Deputy Minister of Environment and Climate Change	Re: Costs incurred for fencing at 417 Wentworth Road	2023-02-15	2023-02-24 Council



February 15, 2023

Deputy Minister of Environment and Climate Change
Lora MacEachern
Barrington Tower
1894 Barrington Street, Suite 1800
P.O. Box 442 Halifax, N.S.
B3J 2P8

Delivered electronically to: minister.environment@novascotia.ca

RE: Reimbursement of Costs incurred to erect fencing on Harold Morash property, located at 417 Wentworth Road.

Attention: Deputy Minister of Environment and Climate Change, Lora MacEachern

Please accept the following letter on behalf of the West Hants Regional Municipal Council in relation to costs incurred by the municipality to erect a fence at 417 Wentworth Road, West Hants, NS.

Despite a provincial prohibition order in place, Mr. Harold Morash continues to own and care for cattle on his property. Through communications with the province on this matter it became evident that any type of resolution regarding the animals roaming at large and the animal's well being would be a result of the Municipality erecting a fence to ensure public safety was realized.

The West Hants Regional Municipality has been engaged with Mr. Morash through the Fences and Arbitration Committee due to complaints received from residents about the poor care for the cattle under his ownership and the cattle straying outside his pastures on his property at 417 Wentworth Road and near Highway 101, Exit 5 in Windsor, N.S.

As a result of these engagements and under the obligation of the Nova Scotia Fences and Detention of Stray Livestock Act, The Municipality has issued two (2) separate orders to Mr. Morash to properly install fencing in compliance with the 2013 Nova Scotia Livestock Fencing Guidelines in order to detain his cattle.

With the recognition that Mr. Morash has been very slow to respond to both fencing orders and the increased urgency for public safety; the municipality was forced to initiate and erect a proper fence at 417 Wentworth Road to ensure the cattle that Mr. Morash is prohibited to own by the province were

properly fenced. As a result of this action, a lien will be placed on his property if reimbursement is not returned as authorized under the Fences and Detention of Stray Livestock Act.

With the recognition that the municipality has fulfilled its responsibility to ensure that a satisfactory fence is in place, we wish to share with you the costs associated with the installation of the fence at 417 Wentworth Road which would otherwise not have been required if the Province had enforced its' pre-existing prohibition. A total of \$3,311.35 of municipal resources were utilized in erecting this fence despite Mr. Morash not legally being permitted to own cattle.

As Council for the region, we feel these resources could have been better utilized for our residents. The West Hants Municipal Council now looks towards to the Province to do their part. We urge you to reflect on the circumstances that have brought us to this point and re-evaluate the next steps required.

At the December 13th, 2022 meeting, Council discussed the circumstances which led to the decisions and action taken by to the municipality to ensure that public safety and property damage was minimalized with respect to the Morash file. As the Council for our region, we hear the frustrations felt by our residents as a direct result of the damages done to their properties and safety concerns due to the failure to enforce the current Provincial Prohibition restricting Mr. Morash from owning cattle.

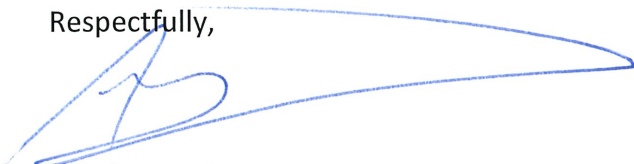
To formally express the current position of the West Hants Regional Municipal Council who met on December 13th, 2022 to further discuss this matter the following motion was ratified.

"That Council direct staff to draft a letter to all the proper individuals within the provincial jurisdiction expressing Councils' disappointment in their lack of action on their order causing the municipality to incur substantial costs which we would expect to be reimbursed for."

As the Regional Council we feel strongly that the province needs to respond to Harold's ownership of cattle which is not permitted under the current provincial prohibition and seek compensation for expenses incurred due to the provinces lack of enforcement regarding the prohibition order.

We would like to work cooperatively with the Department of Environment Climate Change and Animal Welfare on this matter to ensure there are no future concern and look forward to a collaborative approach in the future. The Municipality appreciates your attention to this matter.

Respectfully,



Abraham Zebian
Mayor

az/ds

CC: The Honourable Timothy Halman, Minister of Environment and Climate Change
Member of Parliament for Kings-Hants, Kody Blois
MLA Hants-West, Melissa Sheehy-Richard
WHRM Council
Chief Administrative Officer, Mark Phillips



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☒	Councillor Activity ☐
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To:

Submitted by: Councillor Mark Mclean

Date: February 24, 2023

Subject: Provincial Intersection Street Lighting

LEGISLATIVE AUTHORITY

RECOMMENDATION or DECISION REQUEST

.... that council direct staff to write a letter to the province asking that they investigate and address the safety concerns of (not enough street lighting) at intersections listed below within our region:

- 1. Intersection of hwy14 and Hwy 215 by Brooklyn Petro can, schools and Newport rink*
- 2. Intersection of Hwy 215 and Hwy 14 by Monument, old Irving garage (demoed now) and pizza shop.*
- 3. Intersection of Hwy 14 and Avondale road by tidal bore farm market and mantua bridge*
- 4. Intersection of highway 14 and hwy236 Union Corner*

BACKGROUND

Property ☒	Public Opinion ☒	Environment ☐	Social ☒	Economic ☐	Councillor Activity ☐
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This safety concern was brought to my attention over the past weeks and months.

DISCUSSION

Most mornings beginning approximately at 5:30 a.m. running through to 5:30 p.m. a large volume of traffic pass through these four (4) intersections. The vast majority of this traffic consists of trucks on route to the West Hants landfill, other commercial vehicles as well as local traffic passing through all four intersections.

With the awareness that the intersections are poorly lit, specifically in the early mornings and evenings and their close proximity to schools, the Newport rink and local businesses in the areas (and the activities they support), these intersections have become an area of concern for the safety and wellbeing of those who travel through, work, reside or go to school in the area.

NEXT STEPS

Pending Councils decision and direction

FINANCIAL IMPLICATIONS

None

ALTERNATIVES

ATTACHMENTS

None

CHIEF ADMINISTRATIVE OFFICER REVIEW

(For use if report is from a Councillor. CAO to provide additional comments on background, department/staff responsible and workload, budget, options, preferred strategy. State "Not Applicable" if report is from staff which already incorporates CAO review.)

Report Prepared by: _____

Councillor Mark Mclean

Report Reviewed by: _____

(Name and Title)

Report Approved by: _____

(Name and Title)