

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Agenda

May 23, 2023 - 6:00 p.m.

Sanford Council Chambers, 76 Morison Dr, Windsor, NS

Virtual via Zoom (also FB Livestream)

Agenda is subject to change due to additions that may not be able to be reflected until after the meeting.



West Hants
something inspiring awaits

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. Presentations
 - a) Eco-community Planning in Nova-Scotia - Still Acres
7. Approval of Previous Meeting Minutes
 - a) 2023-04-25 Council Meeting Minutes
 - b) 2023-04-25 Public Hearing Minutes College Road, PID 45336203 Development Agreement
8. Public Hearings
 - i. Scotch Village Station Road, PID 45166915 Development Agreement - Director Poirier
 - ii. Payzant Drive, Windsor PID 45276441 and PID45366986 Development Agreement – Director Poirier
 - iii. Benjamins Mill Wind Project Development Agreement - Planner Dunphy
9. Second Readings
 - i. Scotch Village Station Road, PID 45166915 Development Agreement - Director Poirier
 - ii. Payzant Drive, Windsor PID 45276441 and PID 45366986 Development Agreement – Director Poirier
 - iii. Benjamins Mill Wind Project Development Agreement - Planner Dunphy
10. Unfinished Business/Postponed Motions
 - a) Amendment to Land Use Bylaw Definition "Community Centres" Recommendation Report - Councillor Ivey
 - b) 2023-24 Grants and Contributions Supplementary Report – Director Kehoe
 - c) Public Transportation Information Report – Coordinator Ogilvie

d) Mill Lakes Dam Upgrades Recommendation Report - Director Richard

11. Mayor's Report

12. Committee(s) of Council Excerpts/Recommendations

a) Committee of the Whole Excerpts (May 9, 2023)

- i. 2023 Grants & Contributions
- ii. 2023 Standing Offer Asphalt Paving Services WHPW23-02
- iii. Draft Parking Bylaw Report
- iv. FCM Community Buildings Retrofit Funding
- v. Short-term Rentals
- vi. Underwood Edward Electronic Gate System
- vii. Land Matter

b) Planning and Heritage Advisory Excerpts (May 11, 2023)

- i. 997 Hwy 14, Upper Vaughan Rezoning – Planner Dunphy
- ii. Cole Drive PID 45366432, Development Agreement – Planner Dunphy

13. Councillor Municipal Business/Activity Reports

a) Councillor Ivey, District 11 Activity Report

14. Correspondence

a) Information

1. Avon Causeway Activity Log
2. Correspondence Received Activity Log
 - i. 2023-05-10 John Fitzgerald Re: Scotch Village Yoga retreat
 - ii. 2023-05-10 Karen Fitzgerald Re: Yoga resort plan
 - iii. 2023-05-11 Bill Preston Re: Unsightly etc.
 - iv. 2023-05-11 Garret Johnston Re: Avon Street Erosion Hantsport Nova Scotia
 - v. 2023-05-11 Margy Fletcher Re: Expansion to King Street from Payzant Drive
 - vi. 2023-05-15 Andrew Hardman Re Property Tax Exemption List
 - vii. 2023-05-15 Art Ward and Karen Bourque-Ward Re Scotch Village Station Road PID 45166915 and PID 45148608.
 - viii. 2023-05-15 Letter to NSFM from the Minister of Municipal Affairs and Housing Re 12 Month Notice
 - ix. 2023-05-15 Upper Vaughan Property Owners Re 997 Highway 14, Permit #C2020-371
 - x. 2023-05-16 Denise Forand Re Waterfront options are ours to design for generations to come. Ebb n Flow.
 - xi. 2023-05-18 Warden Nickerson Re RCMP Retroactive Costs
 - xii. 2023-05-19 Art Ward Re Proposed DA for Scotch Village Station Road PID 45166915 and PID 45148608.

- xiii. 2023-05-19 Shelley Arsenault Re Rezoning and Development of Agricultural Lands
- xiv. 2023-05-21 Lee and Debbie Watson Re Old Railway, Collapse in Mt Denson
- xv. 2023-05-22 Dave Smith Re Zwicker Lake Petition
- xvi. 2023-05-22 Seamus Marriott Re Petition to Reconsider Canoe Club Tax Exemption

3. Fort Edward Activity Log - None

4. Storm Wastewater Activity Log – None

b) Requests- None

c) Outgoing Correspondence Log

- i. 2023-05-17 Support to pave Cogmagun and Beaverpond Roads
- ii. 2023-05-23 Coastal Protection Act Regulations

15. New Business

16. In-Camera

- a) 2023-04-25 In-Camera Minutes
- b) MGA 22(2)(a) Land Matter
- c) MGA 22(2)(a) Legal Matter
- d) MGA 22(2)(a) Labour Matter

17. Next Meeting Date / Adjournment – June 13, 2023 Committee of the Whole Meeting 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.	2020-05-12		Discussions to occur once the Rate Study was completed.	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	Ongoing	CAO
Panuke Rd Event - Event to be arranged by Mayor	2021-03-09	Spring/Summer 2023	On-going, an event will be scheduled this year.	Mayor
Noise By-law - Staff revise by-law (Peace and Good Order)	2021-03-23	March 2023	DEFEATED - No direction provided.	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, mtgs continue.	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		Pending, Meeting date being confirmed	Mayor/CAO
65 Fort Edward Street (Municipal Lands) - the Public Hearing and Second Reading be adjourned until October 2023	2022-06-28	2023-10	On-going meetings with Dr. Fowler (pending plan submission and approval) 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 - Review and bring a report back to Council for further discussion and decision making re: security cameras within West Hants in consultation with IT and RCMP on locations.	2022-11-08	*2023-06*	Approved, Report expected for June COTW	Finance
Subdivision Street Lighting - Create a policy to come back to Council for review.	2023-01-10	2023-04	Approved, Report will be presented at June COTW	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 when permitted	CAO
Waste Collection - staff prepare a report on the waste collection request for Destination Way, Cozy Crescent and Moonshine Run incl. info on private road collection and what that may look like going forward.	2023-03-14	2023-04-11	Report presented at May 9th COTW mtg	PW
Former Tourist Bureau Park request - staff prepare an information report re: details needed to be reviewed (costs, etc.) for maintaining the lawn care at the former tourist bureau site.	2023-03-14		Report presented at May 9th COTW mtg	CD
Waste Collection By-Law - initiate the process for consolidating the Windsor and West Hants waste by-law to remove the disparities that exist between the two.	2023-03-28	2023-06	Approved, awaiting report/By-Law	PW
Public Participation Policy - staff explore amending the Public Participation Program Policy (PPPP) to include strengthening public notice of information meetings.	2023-03-28	2023-04-25	Approved, awaiting report	Plan
WH Historical Society Proclamation - proclamation will return to the July 25th meeting for official declaration within chambers.	2023-03-28	2023-07-25	Approved, will return to July meeting	CAO

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Cogmagun and Beaverpond Roads - write a letter of support to the WH MLA, Dept. Public Works Minister, Area Manager, District Director and the NS Premier for reconstruction of the Cogmagun and Beaverpond Roads in the 2023 construction year.	2023-04-11	2023-04-25	Sent May 15, 2023	CAO
Local Bus Service - prepare a report on the possibility of ceating a local bus service operated by WHRM incl. costs, times, potential routes, (Looking at past examples from others that may have created similar programs to address concerns/issues with the goal of creating a sustainable service.)	2023-04-11	2023-04-25	Coming to May Council mtg	
Sidewalk Extension from Wentworth Road to the WH Sports Complex - prepare a report on what is required to extend the sidewalk from Wentworth Rd. to the WH Sports Complex and as a second step to include extending the sidewalk to the end of the block (intersection of Wentworth and Tregothic).	2023-04-11	2023-06	Approved, awaiting report	PW
Insurance - engage a consultant (if needed) to do a review of insurance costs across the Municipality (across all operations) to be able to do a review to optimize insurance expenditures. (Amended - to be done within the next two months)	2023-04-12	2023-04-12	Approved, awaiting report	Fin
Council Chamber Improvements - Direct staff to add up to \$30,000 to the budget to improve Chambers and bring a report on the costs.	2023-04-19	2023-06	Approved, awaiting report	CAO
Bulk Water Options - staff explore options for having bulk water rates reduced to previous levels prior to regulation from the UARB.	2023-04-19	2023-04-19	Approved, awaiting report	Fin

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
John Paris Jr. Naming - WHRM names the Rink at the West Hants Sports Complex the John Paris Jr. Rink.	2023-04-25	2023-04-25	Approved, awaiting final design and cost report	CD, Fin
MCCAP (Coastal Protection Act) - Council write a letter to the Provincial Government expressing concern about the implementation of the Coastal Protection Act regulations and copy the Hants West MLA.	2023-04-25	2023-05	Sent May 23, 2023	Plan/CAO
Electronic Gate System (Underwood and Edward Drive) - Staff provide a report on options including what an electric gate would cost and return to Council in a couple months.	2023-05-09	2023-07	Pending Council Approval	PW
FCM Funding - Council approve 20% as the municipal contribution on an application to FCM to support a feasibility study (up to \$40,000), funded through the Regional Operating Reserves.	2023-05-09	2023-06	Pending Council Approval	Plan/Fin.
Mills Lake Watershed Dam Upgrades - Defer to the May Council Mtg.	2023-05-09	2023-05-23	Deferred to Council	PW
Downtown Draft Parking By-Law - staff prepare a draft Parking By-Law for WHRM to be reviewed by Council.	2023-05-09	2023-07	Pending Council Approval	PW/By-Law
Short Term Rentals - Planning staff prepare a report with recommendations/regulations if appropriate for short term rentals within WHRM rentals. Report will go to PAC first.	2023-05-09	2023-09	Pending Council Approval	Plan

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
<p>2023-24 Grants and Contributions - adopts the attached summary (as presented) recommending funding to the listed recipients as outlined including the full ask from the Newport District Rink Commission, the AV Girls Hockey team and an extra \$1,000 to the Heritage Beef Classic Show (total of \$2,500), also approves the grants as presented including the increase to HMCC (total of \$350,000) from the CCBF, also approve BFD's trail maintenance request of \$1,250 and the Ellershuse Community Hall request of \$2,500 from the 5 % Reserve Fund.</p>	2023-05-09	2023-05-23	Pending Council Approval	Fin/CD
<p>2023-24 Standing Offer Grants and Contributions - approve the award of tender WHPW23-02 for Standing Offer Paving Services 2023 to No Job Too Odd Property Improvements; for unit pricing services (\$386,400, plus applicable taxes).</p>	2023-05-09	2023-05-23	Pending Council Approval	PW
<p>In-Camera Land Matter - CAO to execute directions on PID 45225174 as discussed In-Camera.</p>	2023-05-09	2023-05-23	Pending Council Approval	CAO

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

Matter	Meeting
Textile Building - Staff continue to monitor the site. ON-GOING	Nov 8, 2022 COTW
74 Bowman Road - File remains open. ON-GOING	Nov 8, 2022 COTW

A woman with her hair in a bun, wearing a red tank top and dark jeans, is working in a garden. She is surrounded by tall corn stalks and rows of green lettuce. In the background, there is a wooden trellis structure and some residential buildings under a clear sky.

Eco-community Planning in West Hants

Presented to: West Hants Regional Municipal Council

Presented by: Katherine Wadden, Still Acres Developments

Date: May 23, 2023



Agenda

- Collaboration Priorities
- Nova Scotia Low Carbon Communities Program
- Timeline
- Summary





Collaboration Priorities

- Feasibility Studies to determine best locations for solar powered micro-grids in West Hants
- To conserve and protect natural habitat and green spaces in West Hants
- Fostering places to live that are harmlessly integrated into the natural world and promote family, community, and connectedness
- To position West Hants as a national leader in net zero adaptation and sustainable, healthy communities
- To design & build net zero buildings with a long lifespan contributing to multigenerational wealth
- To design and implement eco-communities in West Hants



Nova Scotia Low Carbon Communities Program 2023/24

Nova Scotia Low Carbon Communities Program

- The Low Carbon Communities (LCC) Program supports **community-led, innovative solutions to create long-lasting greenhouse gas reductions.** The program provides funding for projects that support low-carbon solutions in buildings, electricity, transportation and education.
- Projects should support low-carbon solutions in one of the following categories:
 - clean buildings
 - **clean electricity**
 - clean transportation
 - education

Nova Scotia Low Carbon Communities Program

- The Low Carbon Communities Program provides up to 75% of total project eligible costs. Projects can only receive up to the maximum funding amount for their project funding category.

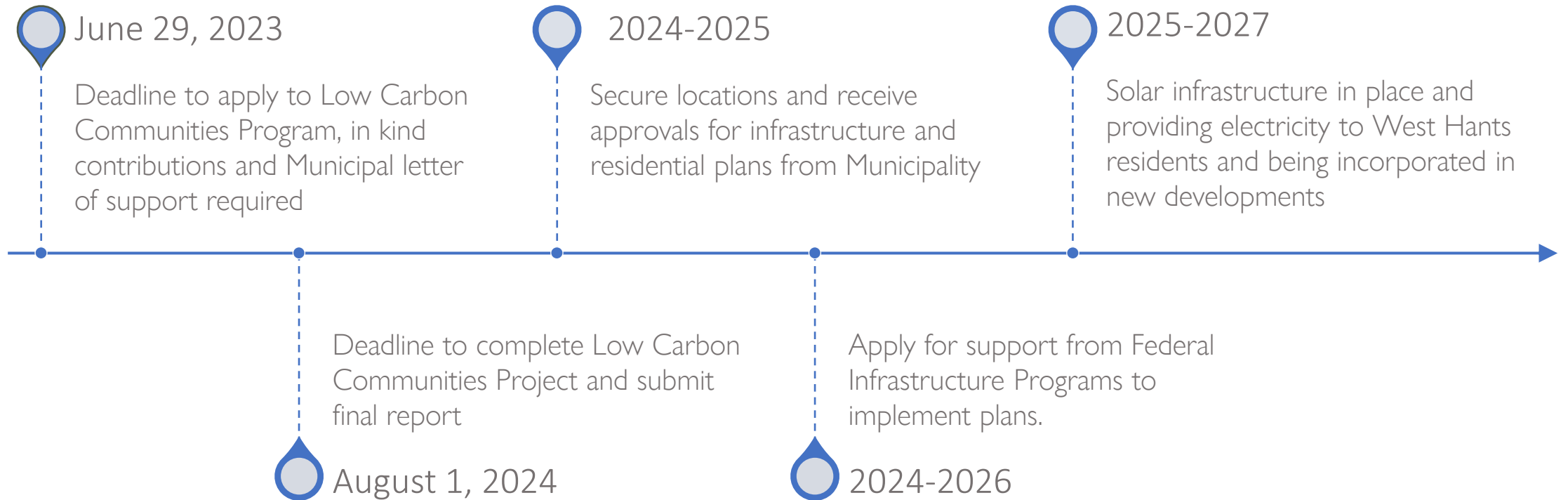
Program Application in Progress

- Expression of interest submitted, received invitation to apply
- Clean electricity stream is a priority to determine site selection
- \$80, 000 total cost (TBC) for feasibility study, breakdown of funding request in table (TBC)

Category	Maximum funding
Clean buildings	\$75,000
Clean electricity	\$75,000
Clean transportation	\$75,000
Education	\$50,000

Clean electricity project financials breakdown *estimates only	
LCC Program (funding request)	\$60, 000
Still Acres (in kind)	\$5, 000
West Hants Regional Municipality (in kind)	\$15, 000

3-4 Year Estimated Timeline



Summary

- Eager to apply to the Low Carbon Communities Program focusing on West Hants Regional Municipality
 - Program deadline is June 29, 2023
 - Solar Projects Feasibility Study: to offset residential houses, municipal or community buildings and to inform new residential community development
- Sharing results and dedicated to implement infrastructure recommendations as next steps
- Does an application to the Low Carbon Communities Program align with Municipal priorities?





Thank you



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipal Council

Submitted by: _____

Sara Poirier, Director of Planning and Development

Date: 2023-05-23

Subject: Development Agreement: PID 45166915 and PID 45148608, Scotch Village Station Road; File #22-29 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 yoga studio, campground and other accessory uses on PID 45166915 and PID 45148608 on Scotch Village Station Road in a manner substantively the same as the draft set out in Appendix A of the report File #22-29 C to Council dated May 23, 2023.

...that Council requires that the development agreement with Jessica and Allan Hill be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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	Opinion <input type="checkbox"/>				
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A completed application was received on January 20, 2023, from Jessica Hill to consider permitting a yoga studio and campground with a variety of tourist accommodations and other accessory uses on PID 45166915 and PID 45148608 on Scotch Village Station Road. The properties are owned by Allan and Jessica Hill.

A Public Information Meeting was held on February 16, 2023.

On April 13, 2023 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed the application and policy at length, including the agrologist report, soil quality of the lot, the Statements of Provincial Interest regarding agricultural land, the buffer from the river, periodic flooding of the lot, potential conflict with adjacent land uses, and the number of outdoor events permitted in the draft development agreement.

PAC/HAC passed the following motion on April 13, 2023:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a yoga studio and campground with a variety of tourist accommodations and other accessory uses on PID 45166915 and PID 45148608 on Scotch Village Station Road in a manner substantively the same as the draft set out in Attachment C of the report File #22-29 to the Planning and Heritage Advisory Committee report dated April 13, 2023, and to add that the Special Events in this Development Agreement be moved from 8 to 12 for the timeframe of mid-May to mid-October in the calendar year”.

Council held first reading on April 25, 2023 (Appendix B).

On May 11, 2023, the applicant requested to reduce their application to Council based on public feedback received. The applicant noted the following:

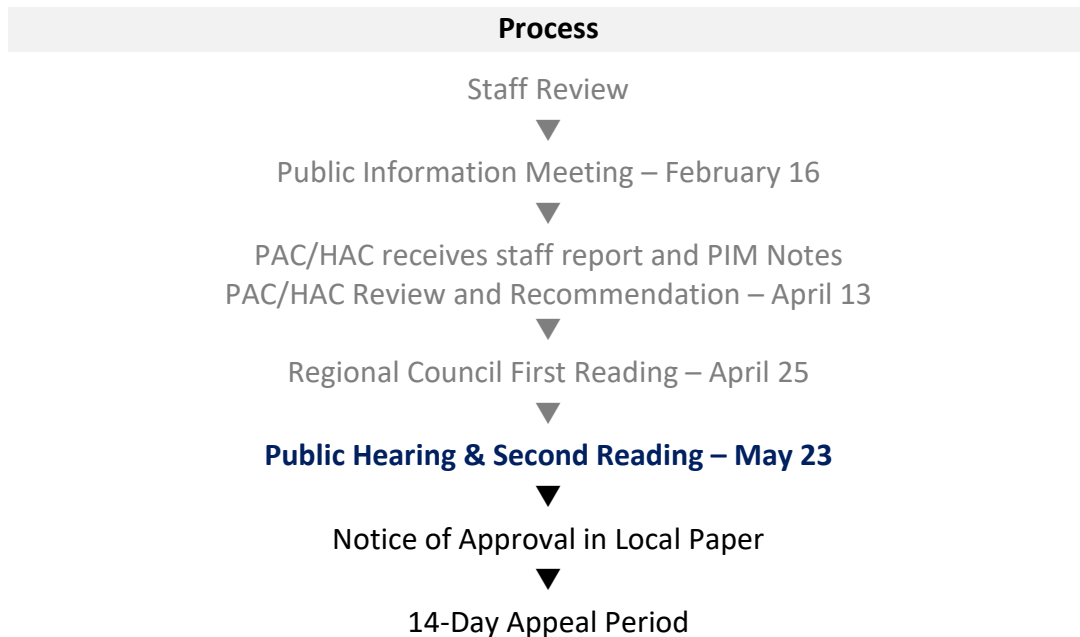
- “We would like to remove Phase 2 - the cabins and the lodge. By removing the majority of the permanent structures we will have more flexibility as we explore small scale farming operations for our homestead.
- You can also therefore remove the request to operate these buildings year round. You can remove the request to operate the tiny homes on our house PID, however we will likely move the Tiny Homes here during the off season for safety reasons.
- We would like to relocate some tent sites to the field from the forest. This gives more privacy to neighbouring properties.
- We will put up a fence on the lower lawn between the river and the slope where the terrain allows and then a wire where it is steep along the property line between our

property and our abutting neighbours Art & Karen. On this fence/wire we will hang signage that says "Property Line, Do Not Cross".

Due to this request, staff have removed all reference to tourist accommodations including one- or two-bedroom rental units and a lodge in the draft development agreement. The proposed changes to the draft development agreement are included in Appendix A. The motion in this report has been revised to reference the copy of the draft development agreement in Appendix A. This revised development agreement would permit a yoga studio and a maximum of ten (10) tent sites and three (3) recreational vehicles and accessory uses within the campground. The campground is permitted to operate seasonally between mid-May and mid-October. A maximum of twelve (12) private events would be permitted during that time.

NEXT STEPS

The process for this application is as follows:



APPENDICIES

Appendix A Revised Draft Development Agreement

Appendix B 2023-04-25 PAC/HAC Recommendation to Council - Development Agreement: PID 45166915 and PID 45148608, Scotch Village Station Road; File #22-29 B

CHIEF ADMINISTRATIVE OFFICER REVIEW

A Development Agreement is essentially an agreement between the property(s) owner of the noted PIDs and the municipality. Council is the final negotiating authority representing the municipality in the agreement with staff providing support at an advisory capacity. It can be said that Council represents not only their own point of view as an elected official but the point of views of the constituents of the Municipality and those constituents in close proximity to the noted PIDs.

This particular application and the public process to-date has provided meaningful and respectful feedback expressing points associated with agricultural lands and its use, economic impact, the peaceful use of one's property, the alternative use of one's property, tourism supports and other matters. The feedback and discussion have been thorough. All should be commended for their participation.

The following report reflects a change in the application by the applicant for what appears to be a desire to reduce the impact of the original application on the existing PIDs and surrounding areas by removing certain aspects from the original plan. This should be viewed as part of the ongoing negotiation process leading up to the Public Hearing and decision of Council to recommend or not to recommend second reading.

The matter is before Council in a modified form for their consideration. Council may choose to 1. further amend the application and DA if they have further concerns with the proposed use, 2. not approve the application for second reading or 3. Approve the application "as is" and recommend second reading.

On the date this report is written the Public Hearing has not taken place (scheduled for May 23, 2023). Council is encouraged to weigh all information received to-date and through the Public Hearing process as they review this matter and make their decision.

Report Prepared by: _____

Sara Poirier, 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 -

Allan and Jessica Hill, of 301 Scotch Village Station Road, Scotch Village, 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 parcels of land located on Scotch Village Station Road, PID 45166915 and 45148608, hereinafter referred to as the “Properties”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Properties are designated Agriculture on the Generalized Future Land Use Map of the Municipal Planning Strategy, zoned Agricultural Priority Two (AR-2) on the Zoning Map of the Land Use By-law; and

WHEREAS the Owners have requested that the Municipality enter into a development agreement to permit a yoga studio, campground and other accessory uses on the Properties (the “Development”); and

WHEREAS Policy 8.9.4 of the Municipal Planning Strategy and Section 6.1 (s) of the Land Use By-law enable Council to consider entering into a development agreement to allow Rural Commercial (RC) and Recreation Commercial (RecC) uses in the Agricultural Priority Two (AR-2) zone; and

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

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 defined as follows:

- (a) “Campground” means an area of land used to provide a range of short-term accommodations to the travelling or vacationing public which adheres to the regulations outlined in the Tourist Accommodations Act. The Campground includes but is not limited to tent sites and recreational vehicle sites and includes accessory facilities which support the use such as administration offices, washroom facilities, storage sheds, and communal areas such as a common fire pit, playground and picnic tables. The Campground does not include the use of mobile homes or trailers on a permanent year-round basis.
- (b) “Private events” means a building, structure, land or part thereof used to host commercial events including, but not limited to, weddings, family reunions, or other gatherings and may include the consumption of food and alcoholic beverages but shall not include a restaurant.
- (c) “Recreational vehicle site” means a designated pad for the traveling or vacationing public to park their recreational vehicle or to stay within a recreational vehicle provided by the Owners. The recreational vehicle sites may

have three-way service, provided the Owners received all necessary permits from Nova Scotia Power and the Department of Environment.

- (d) “Tent site” means a designated pad for travelling or vacationing public to pitch their own tent or to stay in a tent provided by the Owners.
- (e) “Yoga studio” means an indoor recreational use where classes are taught by an instructor. The yoga studio may be open to guests of the Campground and the general public.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

- Schedule A - Legal Description
- Schedule B – Concept Plan

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 Properties shall be limited to the following:

- (a) those uses permitted by the underlying zoning in the Land Use By-law;
- (b) a yoga studio;
- (c) campground accommodations and facilities, including accessory building and structures; and
- (d) private indoor or outdoor events.

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 existing single unit dwelling on PID 45148608 may be permitted to be used as tourist accommodations, provided sufficient driveway access and parking can be provided on the lot as outlined in Section 2.5 and 2.7;
- (c) The campground shall be located completely within PID 45166915 on Scotch Village Station Road and consist of no more than ten (10) tent sites and three (3) recreational vehicle sites in the area identified as Campground on the Site Layout in Schedule B.
- (d) An administrative office for guest check-in shall be limited to 800 sq. ft. (74.32 sq. m.) or less in size and be located on PID 45166915 in the area identified as Administrative Office / Store on the Site Layout in Schedule B and shall be permitted to sell items to guests of the campground.
- (e) A yoga studio shall be located in the area identified as Campground or Yoga Studio on Schedule B.
- (f) A temporary structure may be erected for an outdoor private event and follow the provisions for temporary structures as outlined in Section 5.44 of the Land Use By-law, *Temporary Uses, Building and Structures Permitted*.
- (g) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*. The maximum height of an accessory building shall be 15 ft. (4.57 m.).
- (h) The Owners shall keep all undeveloped areas of the Properties landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.

2.3 Setbacks and Buffering

- (a) A 50 ft. (15.24 m.) wide natural buffer of trees shall be kept along the lot line of PID 45166915 abutting the Herbert River. A maximum of five (5) tent sites shall be permitted within this area. No structures shall be constructed in this area.
- (b) There shall be at least 10 ft. (3.05 m.) between each tent site and recreational vehicle site.
- (c) All other setbacks and yards shall be consistent with the underlying zone requirements for single unit dwellings in the Land Use By-law.

2.4 Removal of Topsoil

Removal of topsoil shall be prohibited on the lot except where incidental to an agricultural use or for excavation associated with the construction of permitted buildings or structures.

2.5 Access and Egress

The main access/egress to the lots shall be directly from Scotch Village Station Road. The driveways shall be approved for commercial access by the Nova Scotia Department of Public Works prior to the campground and yoga studio opening to the public. 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.

2.6 Private Roads

No new public street or private road shall be permitted in association with this development.

2.7 Parking

- (a) All parking spaces for vehicles using the Properties shall be located on the lots.
- (b) A minimum of one (1) parking space shall be provided per tent site and recreational vehicle site.
- (c) A minimum of one (1) parking space shall be required for every 100 sq. ft. (9.29 sq. m.) gross floor area dedicated to the yoga studio.
- (d) Parking for outdoor private events shall be in addition to the parking provided above.
- (e) Outside 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 Owners. They may be constructed using permeable construction materials to assist with stormwater retention.
- (f) Each parking space shall be a minimum of 10 ft. by 20 ft. (3.05 m. by 6.10 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.10 m.) wide.
- (g) The number of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.17, *Variance*, of this Agreement.

2.8 Fire Safety

A communal fire pit area will be permitted in the campground and shall be confined to an acceptable appliance and follow all the requirements of the Municipal Outdoors Fires By-law. The Owners must enforce adherence to the Nova Scotia Department of Natural Resources burn restrictions and any other applicable Provincial legislation.

2.9 Servicing

(a) Waste Collection

- (i) No Municipal garbage collection will be provided to the Development. The Owners shall have sole responsibility for collecting, storing and disposing of garbage and other recycling or waste items from the Development.
- (ii) The Owners 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

PID 45166915 is not serviced by municipal water and sewer. Any water supply or septic disposal required for any of the uses described in Section 2.1, *Use*, shall be designed by a qualified professional, approved by the Department of Environment if required, and installed and maintained at the expense of the Owners. All washroom facilities shall be regularly maintained and cleaned out at the end of the camping season.

(c) Snow Plowing

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

2.10 Signs and Lighting

- (a) 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. One additional ground sign with lighting may be permitted to assist Campground users arriving after dark. The ground sign may be a maximum height of 35 ft. (10.67 m.) and a maximum area of 50 sq. ft. (4.64 sq. m.).
- (b) 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.

2.11 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.

2.12 Operator Presence

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

2.13 Hours of Operation

- (a) The yoga studio shall be permitted to operate between 7 a.m. and 9 p.m. daily, Monday to Sunday, inclusive.
- (b) The Campground shall be permitted to operate from mid-May to mid-October each year. The general office hours for the administrative office shall be between 7 a.m. and 7 p.m. daily, Monday to Sunday, inclusive. The Campground shall maintain quiet hours between the hours of 10:30 p.m. and 6 a.m. the following day.
- (c) A maximum of twelve (12) outdoor private events shall be permitted between mid-May to mid-October. Outdoor private events shall be permitted to operate between 7 a.m. and 9 p.m. daily, or 7 a.m. and 11 p.m. Thursday through Saturdays, if enclosed in a temporary structure.

2.14 Site Drainage

The Owners 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 agree to assume sole responsibility for compliance with all regulations of Nova Scotia Environment.

2.15 Maintenance

- (a) The Owners shall keep the Properties 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 services vehicles.

2.16 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*:

- (a) number of parking spaces required; and
- (b) floor area occupied by a home-based business.

PART 3 CHANGES AND DISCHARGE

- 3.1** The Owners shall not vary or change the use of the Properties 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 Properties as listed in Section 2.1, *Use*;
 - (b) the number of tent sites and recreational vehicle sites on the Properties as listed in Section 2.2, *Development Location and Design*;
 - (c) the buffering requirements as listed in Section 2.3, *Setbacks and Buffering*; and
 - (d) the hours of operation as listed in Section 2.13, *Hours of Operation*.
- 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 Properties 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 Properties 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 twelve (12) 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 (10) 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 By-laws 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 Properties (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 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 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 Owners about the suitability of the Properties 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 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 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 Allan and Jessica Hill, 301 Scotch Village Station Road, Scotch Village, NS, B0N 2A0, or at any other address provided by the Owners.
- (b) The Owners 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 Owners.

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**

)

)

Witness

)
Per: _____
) Abraham Zebian, Mayor

Witness

)
)
) Per: _____
) Deanna Snair, Municipal Clerk

Witness

)
)
) Per: _____
) Allan Hill

Witness

)
)
) Per: _____
) Jessica Hill

**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 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 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, **Allan Hill**, 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, **Jessica Hill**, 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

Deanna Snair, Clerk

CANADA
PROVINCE OF NOVA SCOTIA
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (INDIVIDUAL)

We, Allan and Jessica Hill, 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 the spouses of each other. Neither 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

Allan Hill

Jessica Hill

**Schedule A
Legal Description**

PID 45166915

ALL THAT LOT OF LAND AND PREMISES situate at Scotch Village, in the County of Hants, Province of Nova Scotia, which in a Deed from Lloyd Salter and Julia Salter to L. & K. Enterprises Limited bearing date the 14th day of June, A.D., 1976, recorded in the Office of the Registrar of Deeds for Hants County in Book 355 at Page 492, is bounded and described as follows:

ALL THAT PIECE, parcel and lot of land situate, lying and being adjacent to the Station Road so called, at or near the Village of Scotch Village, in the County of Hants, Province of Nova Scotia, more particularly described as follows:

BEGINNING at a point on the north side of the Herbert River at the northwest corner of the Herbert River Bridge;

THENCE north and northwesterly along the south side of the Station Road so called, a distance of 1,460 feet more or less to a survey marker;

THENCE due west a distance of 620 feet more or less to the high water mark of the Herbert River;

THENCE in an easterly and southeasterly direction along the several courses of the north side of the Herbert River to the place of beginning.

EXCEPTING AND RESERVING therefrom the following Lot:

Community: Scotch Village

Designation of Parcel on Plan: Lot C-1

Title of the Plan: Plan Showing Subdivision of Lands of C & J Campground Enterprises Limited.

Registration County: Hants

Registration Reference of Plan: Plan No. 5310

The parcel originated 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 No. 5310.

PID 45148608

Community: Scotch Village

Designation of Parcel on Plan: Lot C-1


Title of the Plan: Plan Showing Subdivision of Lands of C & J Campground Enterprises Limited.

Registration County: Hants

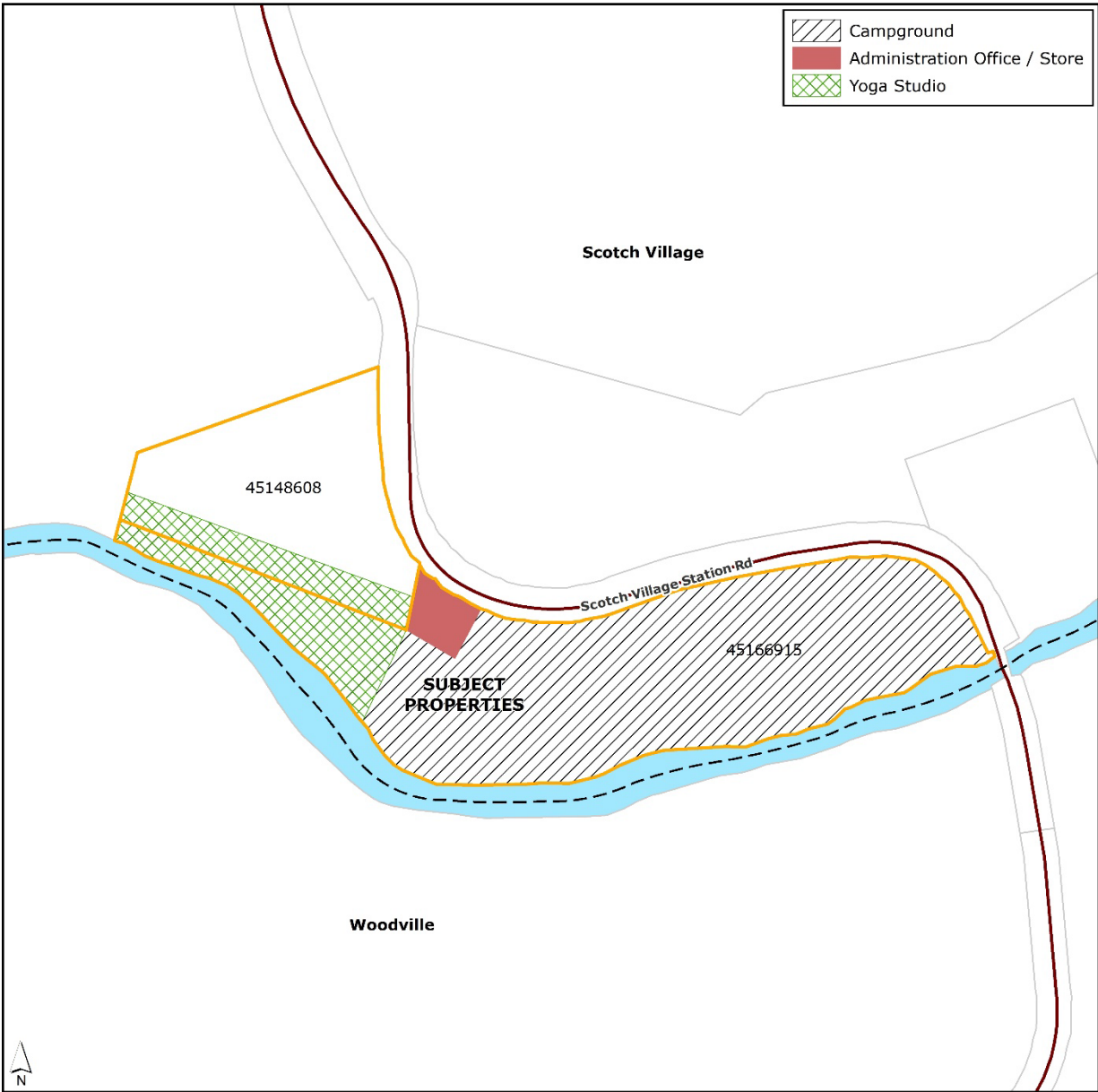
Registration Reference of Plan: Plan No. 5310

The parcel originated 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 as Plan No. 5310.

**Schedule B
Concept Plan**

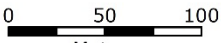


Scotch Village Station Road, Scotch Village
PID 45166915 and 45148608



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 March 2023

Site Plan



0 50 100
Metres
Scale: 1:3,000

- Subject Properties
- Community Boundary
- Parcels
- Roads
- Water

Appendix B



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipal Council

Submitted by: _____
Sara Poirier, Director of Planning and Development

Date: 2023-04-25

Subject: Development Agreement: PID 45166915 and PID 45148608, Scotch Village Station Road; File #22-29

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 allow a yoga studio and campground with a variety of tourist accommodations and other accessory uses on PID 45166915 and PID 45148608 on Scotch Village Station Road in a manner substantively the same as the draft set out in Attachment C of the report File #22-29 to the Planning and Heritage Advisory Committee report dated April 13, 2023, and to add that the number of private events in this development agreement be increased from a maximum of eight (8) to twelve (12) for the timeframe of mid-May to mid-October.

...that Council requires that the development agreement with Jessica and Allan Hill be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
--	--	--------------------------------------	---------------------------------	-----------------------------------	---

A completed application was received on January 20, 2023, from Jessica Hill to consider permitting a yoga studio and campground with a variety of tourist accommodations and other accessory uses on PID 45166915 and PID 45148608 on Scotch Village Station Road. The properties are owned by Allan and Jessica Hill.

DISCUSSION

A Public Information Meeting was held on February 16, 2023.

On April 13, 2023 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed the application and policy at length, including the agrologist report, soil quality of the lot, the Statements of Provincial Interest regarding agricultural land, the buffer from the river, periodic flooding of the lot, potential conflict with adjacent land uses, and the number of outdoor events permitted in the draft development agreement.

PAC/HAC passed the following motion on April 13, 2023:

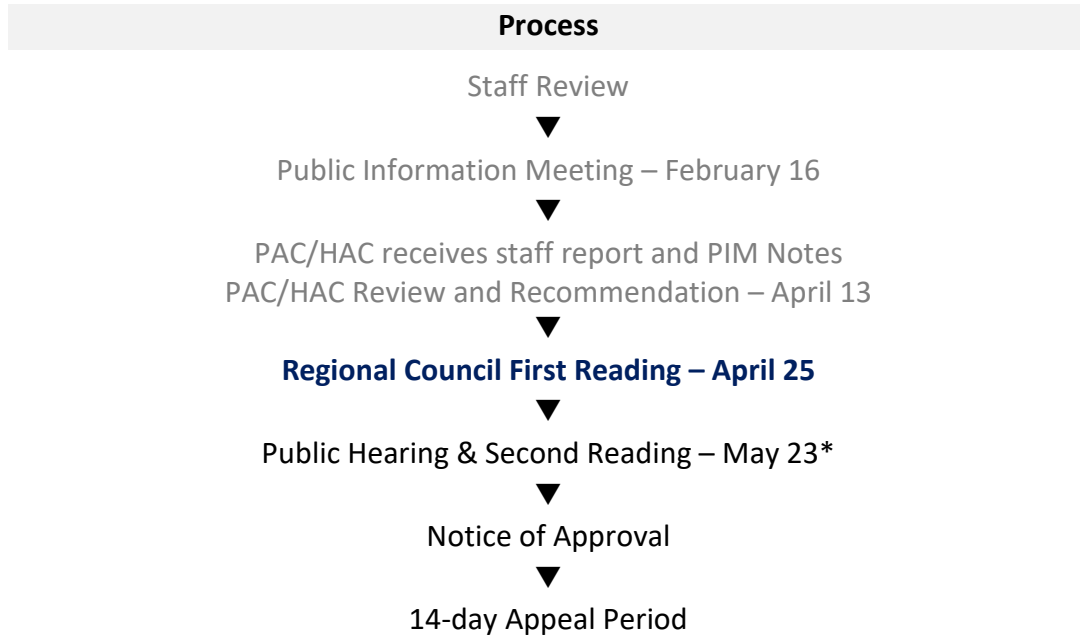
...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a yoga studio and campground with a variety of tourist accommodations and other accessory uses on PID 45166915 and PID 45148608 on Scotch Village Station Road in a manner substantively the same as the draft set out in Attachment C of the report File #22-29 to the Planning and Heritage Advisory Committee report dated April 13, 2023, and to add that the Special Events in this Development Agreement be moved from 8 to 12 for the timeframe of mid-May to mid-October in the calendar year”.

If approved by Council the number of private events in this development agreement will be increased from a maximum of eight (8) to twelve (12) for the timeframe of mid-May to mid-October.

Following the discussion for this application, PAC/HAC also made the recommendation “that Planning and Development Staff bring information to PAC/HAC to review currently existing agricultural policies within the municipality and provincial statements of agricultural interest.” The agricultural policies and Statements of Provincial Interest will be reviewed by staff and an information report will be brought back to the PAC/HAC at a future meeting.

NEXT STEPS

The process for this application is as follows.



*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 2023-04-13 Staff Report Development Agreement: PID 45166915 and PID 45148608, Scotch Village Station Road; File #22-29

CHIEF ADMINISTRATIVE OFFICER REVIEW

The draft Development Agreement related to the associated PIDs has created considerable discussion within the community. Arguments both in favor and opposing the DA and the proposed associated uses of the lands. I encourage Council to consider the formal process for decision making as outlined above by the Director. Council as a whole has yet to be formally presented with the report and information from staff and recommended by PAC /HAC associated with the draft DA. In addition the PIM meeting is an initial step in the DA application process by which the community and applicant can consider the application and it's various components.

Supporting the recommendation for First Reading and Public Hearing should not by itself be viewed as a sign of support for the DA but an opportunity for the public and the applicant to present their formalized concerns or support for the DA. Essentially as a motion can be moved and seconded within the Council environment allowing for discussion and not guaranteeing approval. In the case of the draft DA before Council the decision to approve, amend or deny would be carried out when Council is asked to approve second reading.

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 <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: Sara Poirier, Director of Planning and Development

Date: 2023-04-13

Subject: Development Agreement: PID 45166915 and PID 45148608, Scotch Village Station Road; File #22-29

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 yoga studio and campground with a variety of tourist accommodations and other accessory uses on PID 45166915 and PID 45148608 on Scotch Village Station Road in a manner substantively the same as the draft set out in Attachment C of the report File #22-29 to the Planning and Heritage Advisory Committee report dated April 13, 2023.

...that PAC/HAC recommends that Council require that the development agreement with Jessica and Allan Hill be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
--	--	--------------------------------------	---------------------------------	-----------------------------------	---

A completed application was received on January 20, 2023, from Jessica Hill to consider permitting a yoga studio and campground with a variety of tourist accommodations and other accessory uses on PID 45166915 and PID 45148608 on Scotch Village Station Road. The properties are owned by Allan and Jessica Hill.

DISCUSSION

PID 45166915 is a 7.5-acre lot and PID 45148608 is a 3.4-acre lot, both located on Scotch Village Station Road in Scotch Village. PID 45166915 is currently vacant and the property owners reside in a single unit dwelling on PID 45148608. They are proposing to use the entire PID 45166915 for the campground and a small portion of PID 45148608 for the yoga studio.

The lots are designated Agriculture on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1). Part 8.0 of the WHMPS contains the overall intention for Agricultural areas in West Hants. The subject lots are zoned Agricultural Priority Two (AR-2) on the Zoning Map of the West Hants Land Use By-law (WHLUB) (Figure 2). Part 8.9 of the WHMPS contains the specific policies for properties zoned Agricultural Priority Two (AR-2). Based on the zoning and lot size of the currently vacant PID 45166915, the property owners could apply for any of the permitted uses within the Agricultural Priority Two (AR-2) zone and construct a single or two-unit dwelling or manufactured home as-of-right, pending building permit approval.

The proposed yoga studio and campground including tourist accommodations are only permitted to be considered in the Agricultural Priority Two (AR-2) zone by development agreement.

Proposal

The property owners are proposing to enter into a development agreement to allow a yoga studio and a campground with a variety of tourist accommodations and other accessory uses on the properties. The proposed accommodations on the lots will consist of: ten (10) tent sites, three (3) recreational vehicle (RV) sites, six (6) cabins, and one 3-bedroom lodge. The owners have also requested their existing single unit dwelling on PID 45148608 be permitted to be used for accommodations, as required prior to the campground being fully established. Accessory buildings to those uses may include: an administrative office for guest check-in, washroom facilities and sheds for firewood and utilities. There will be a common fire pit area, playground, and picnic areas on the lots as well. Figure 3 shows the tentative location of these uses. The

property owners have also requested the development agreement allow private indoor or outdoor events to allow them to host a private yoga retreats, small weddings or family reunions on the lots. Permitted uses are listed in Section 2.1, *Use*, of the draft development agreement.

Section 2.13, *Hours of Operation*, of the draft development agreement limits the season of the campground to mid-May to mid-October each year. The administrative office is permitted to operate between 7 a.m. and 7 p.m. daily during that time, with the owners maintaining quiet hours between 10:30 p.m. and 6 a.m. the following day. The property owners plan to open the yoga studio to the general public as well as guests of the accommodations. The yoga studio will be permitted to operate between 7 a.m. and 9 p.m. daily throughout the year. The draft development agreement also limits the number of outdoor private events to eight (8) per year between mid-May to mid-October. The property owners suggested the number of private events be increased to a maximum of twelve (12) during the same time period, however staff are recommending a maximum of eight (8).

The draft development agreement requires a 50 ft. (15.24 m.) wide natural buffer of trees to be kept along the lot line of PID 45166915 abutting the Herbert River. The draft development agreement allows a maximum of five (5) tent sites within this area, without any type of structure.

The properties are not serviced by Municipal water or sewer therefore any water supply or septic disposal required for these uses would need to be designed by a qualified professional, approved by the Department of Environment if required, and installed and maintained at the expense of the property owners. Access for the proposed uses must be approved by the Provincial Department of Public Works and all parking for the proposed uses, including outdoor private events, must be provided on the subject lots. Similar to any other resident within the Municipality who would like to have a small campfire, the property owners must follow all the requirements of the Municipal Outdoors Fires By-law and enforce adherence to the Nova Scotia Department of Natural Resources burn restrictions.

Section 2.12, *Operator Presence*, of the draft development agreement requires the owners or a representative to be present on-site while the campground is in use. This will ensure the requirements of the development agreement are met.

The draft development agreement can be found in Appendix C.

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 amendment.

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 6.0 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:*

- (s) Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the Agricultural Priority Two (AR-2) zone and the Agricultural Priority Three (AR-3) zone outside the Growth Centre, Village and Hamlet designations in accordance with Policies 8.9.4 and 8.10.5 respectively of the Municipal Planning Strategy;

West Hants Municipal Planning Strategy

WHMPS Specific Criteria

Policy 8.9.4 of the WHMPS establishes Council’s intention to consider Rural Commercial (RC) and Recreation Commercial (RecC) uses in the Agricultural Priority Two (AR-2) zone. This policy also outlines the criteria to be considered by Council, which are examined in detail in Attachment A.

In summary, the criteria are met since:

- an agrologist report was provided in accordance with Policy 8.6.1 and has determined that the development site has constraints which limit the use of land for agricultural purposes;
- the proposed uses will not compromise or adversely affect the operation or integrity of existing agricultural operations; and
- the development is compatible with adjacent land uses with respect to traffic generation and traffic safety and hours of operation.

WHMPS General Criteria

The proposed development will meet the general criteria for development agreements set out in 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;
- the Fire Chief, development control staff, Manager of Building and Fire Inspection Services, Manager of Public Works Operations and Nova Scotia Department of Public

Works have no concerns which have not been addressed in this report or the development agreement.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

PID 45166915 is bound by the Herbert River to the south. The Municipal Climate Change Action Plan (MCCAP) for West Hants (2013) Inland Flooding map shows part of the property within the area identified as having a 0.11 - 0.50m depth to water table. Section 4.3.2 of the MCCAP (pg. 40-41) explains the Inland Flooding map in more detail. It states “The Depth to Water Table categories, as seen on the map, indicate quality of drainage: the 0-0.10 m class is generally associated with poor drainage and the 0.11-0.50 m class with imperfect drainage. These areas can be used to infer where water will naturally flow and/or accumulate in the landscape.” It also states “Where imperfectly and poorly drained WAM units are related to rivers and shorelines—which is what has been mapped for West Hants—then potential flood areas may be inferred with caution. Nonetheless, the inland flooding map does detail where more detailed flood risk mapping is warranted.”

Other than the MCCAP mapping, the Municipality has no further mapping of the property related to flood risk and there is currently no Municipal restriction on development of the site in relation to the potential for flooding.

The Province has a Provincial Landscape Viewer mapping available online. On the Provincial mapping it shows floodplain along the Herbert River in the location of the subject lots. In response to an inquiry about the mapping layer a Provincial Landscape Ecologist provided the following information “Theses Floodplain elements are part of ELC layer that represent areas that are adjacent to rivers and streams that are annually or periodically flooded and enriched by sediment. Elements were developed from the base ELC – Ecosections layer. The Ecosections were originally mapped in the 1990s, where we merge adjacent landform polygons of similar attributes (soil texture, drainage and topo position), and produce maps at a scale of 1:50 000 for the entire province. This mapping was developed to support for broad-scale, regional forest and biodiversity planning. As you can likely see there are some alignment issues with this data set. Recent advancement in GIS technology and remote sensing (Lidar) have provided an opportunity to improve the mapped boundaries of the ecological units in the provincial ELC. NS Government is working on update the ELC with this new mapping technology but will not likely be available for the next year or two. My advice to only use this in very broad sense, e.g., there is likely a floodplain along this waterbody. If you need precise mapping, some of DEM datasets are better for property-level planning or zoning or other tactical planning.”

As noted in the descriptions of both the Municipal and Provincial mapping more details flood risk mapping is required for the Municipality.

Local residents have described concerns of PID 45166915 flooding, mentioning that this typically occurs every 3-5 years when ice jams up on a small island downstream of the subject lot causing the river to flood onto this subject lot. Local residents provided pictures from winter in the early 2000's and in 2014 when this has occurred (shown in Attachment E). They noted that water level of the river can vary greatly throughout the year. The water levels in the winter can be very high, especially if ice accumulates in the river, and the water levels can be very shallow in this location in the summer. The main concern of residents in relation to flooding is the potential for septic systems overflowing into the river or any debris contaminating the river from the proposed uses which could impact properties downstream.

Staff contacted the Department of Environment (DoE) in relation to septic systems on properties abutting watercourses and with potential seasonal flooding issues. The representative from the DoE stated "As discussed, the required separation distance of an on-site sewage disposal system from a watercourse or wetland is 15 metres for the water-tight portions of the system (tank) and 30 metres for the non-water-tight portion (distribution trench). On-site sewage disposal systems can be eligible for notification on properties with potential flooding issues provided that they can meet all separation distance requirements, including a 1 metre vertical clearance distance from groundwater." The DoE representative also mentioned that "if the system is a different type not pre-approved by the province and/or designed specifically for the site or can't meet all the required separation distances for the property then it must be completed by an Engineer and be submitted as an approval application. These applications go through the full review process prior to approval and are reviewed by our Regional Engineer." This outlines that there are options available to the property owners to work with a qualified professional to design a septic system for the proposed uses that will most likely be approved by DoE.

The property owner has provided comment that "We know that flooding is certainly a concern for either agriculture or campground infrastructure, however this too has been taken into consideration. Sites at risk of flooding are tent only sites and are unlikely to be in use during times that the Herbert River runs high. The Winter, Early Spring and Late Fall - high times for the river - are off seasons for tent camping. Plus the sites are sufficiently set back from the river to allow the watercourse to do its primary job of absorbing pollutants, reducing stormwater runoff and managing erosion." The property owners are also exploring alternative forms of washroom facilities including composting toilets.

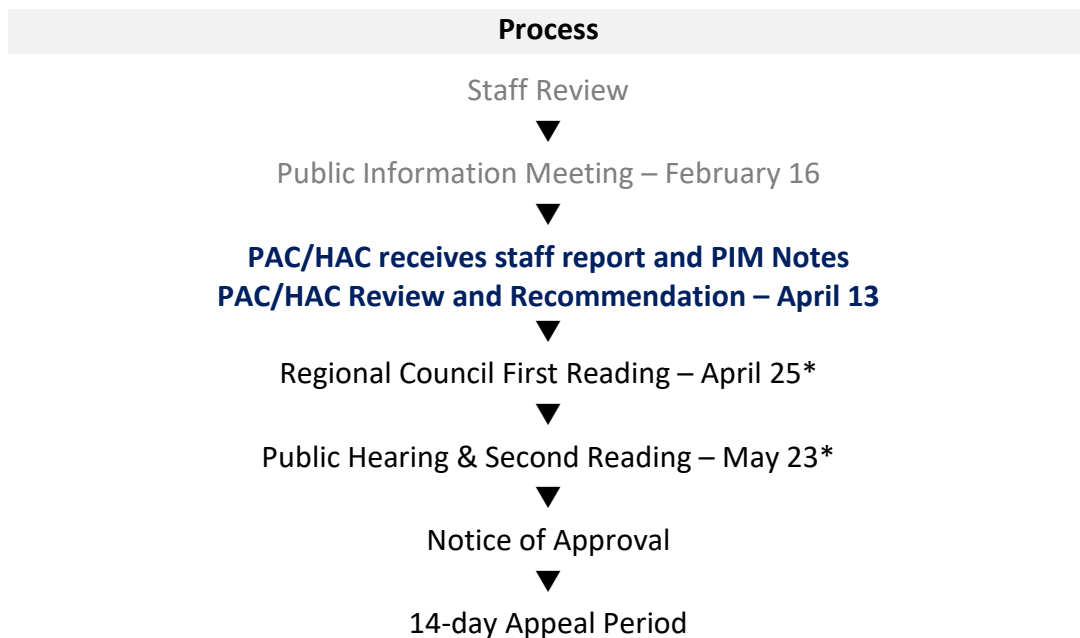
Property owners are ultimately responsible for ensuring that their lots are suitable for the proposed uses. The draft development agreement limits the campground to mid-May to mid-October which should be outside of any time where flooding has been experienced on the subject lot. It requires the property owner or representative to be on site during operation which will ensure the safe use of the subject lots during the campground operating season. The

draft development agreement requires a 50 ft. (15.24 m.) wide natural buffer of trees to be kept along the lot line of PID 45166915 abutting the Herbert River, in which a maximum of five (5) tent sites will be permitted without any structures. It also requires the property owners to have water supply and septic disposal systems designed by a qualified professional, approved by the Department of Environment if required, and installed and maintained at their expense. The owners also are required to clean out washroom facilities at the end of camping season. These clauses will ensure there should be no contamination or safety issues in association with potential seasonal flooding of the property.

The Coastal Flooding map does not show any risk of coastal flooding on the property.

NEXT STEPS

As noted above, the proposed 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 enter into an development agreement to allow a campground, tourist accommodations, a yoga studio and other accessory uses on PID 45166915 on Scotch Village Station Road.



*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	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Figure 3	Proposal Submitted by Property Owners
Attachment A	Specific Criteria for a Development Agreement
Attachment B	General Criteria for a Development Agreement
Attachment C	Draft Development Agreement
Attachment D	Agrologist Report for PID 45166915
Attachment E	Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Director of Planning and Development

Report Reviewed by: _____
Alex Dunphy, Planner

Figure 1
West Hants GFLUM Extract

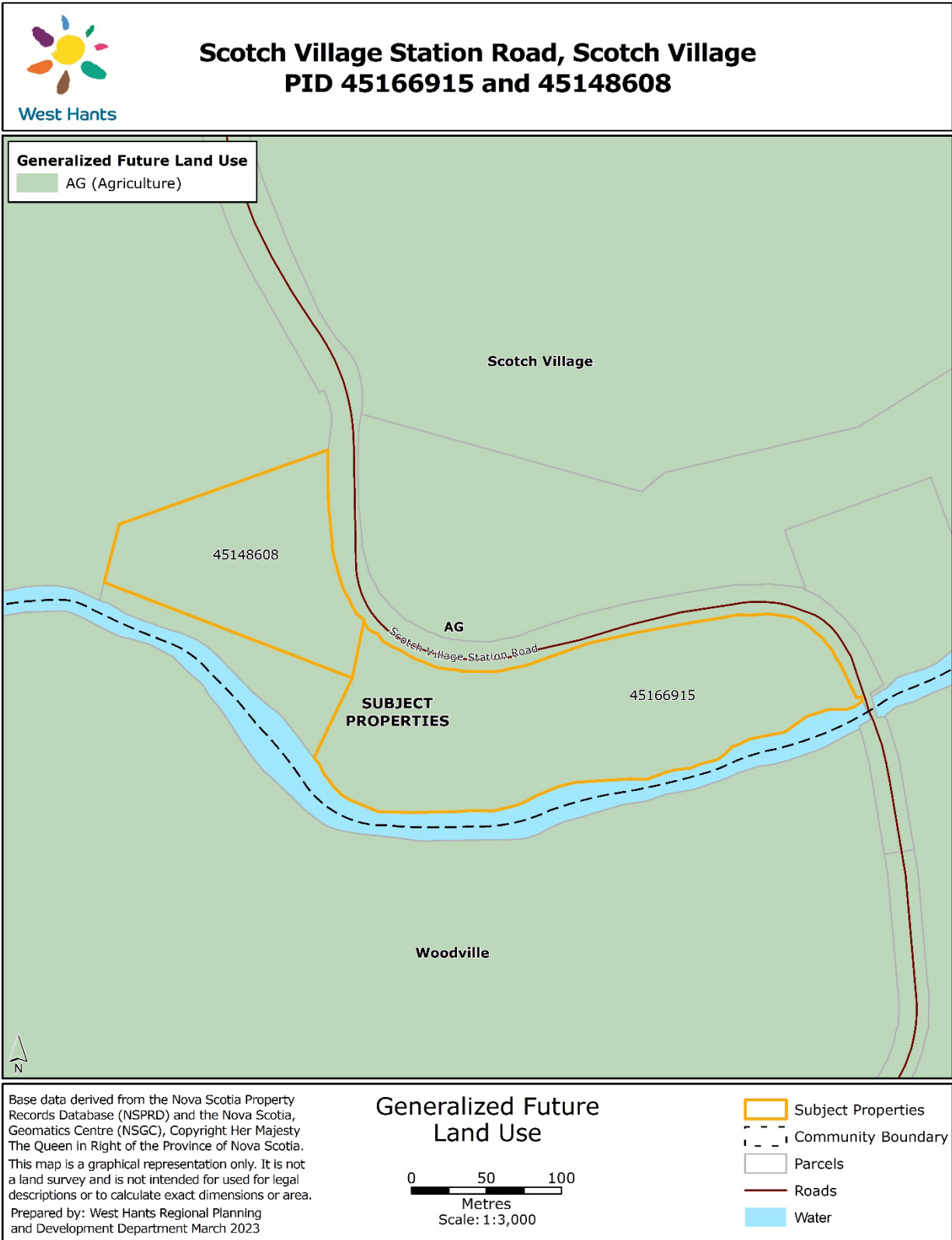


Figure 2
West Hants Zoning Map Extract

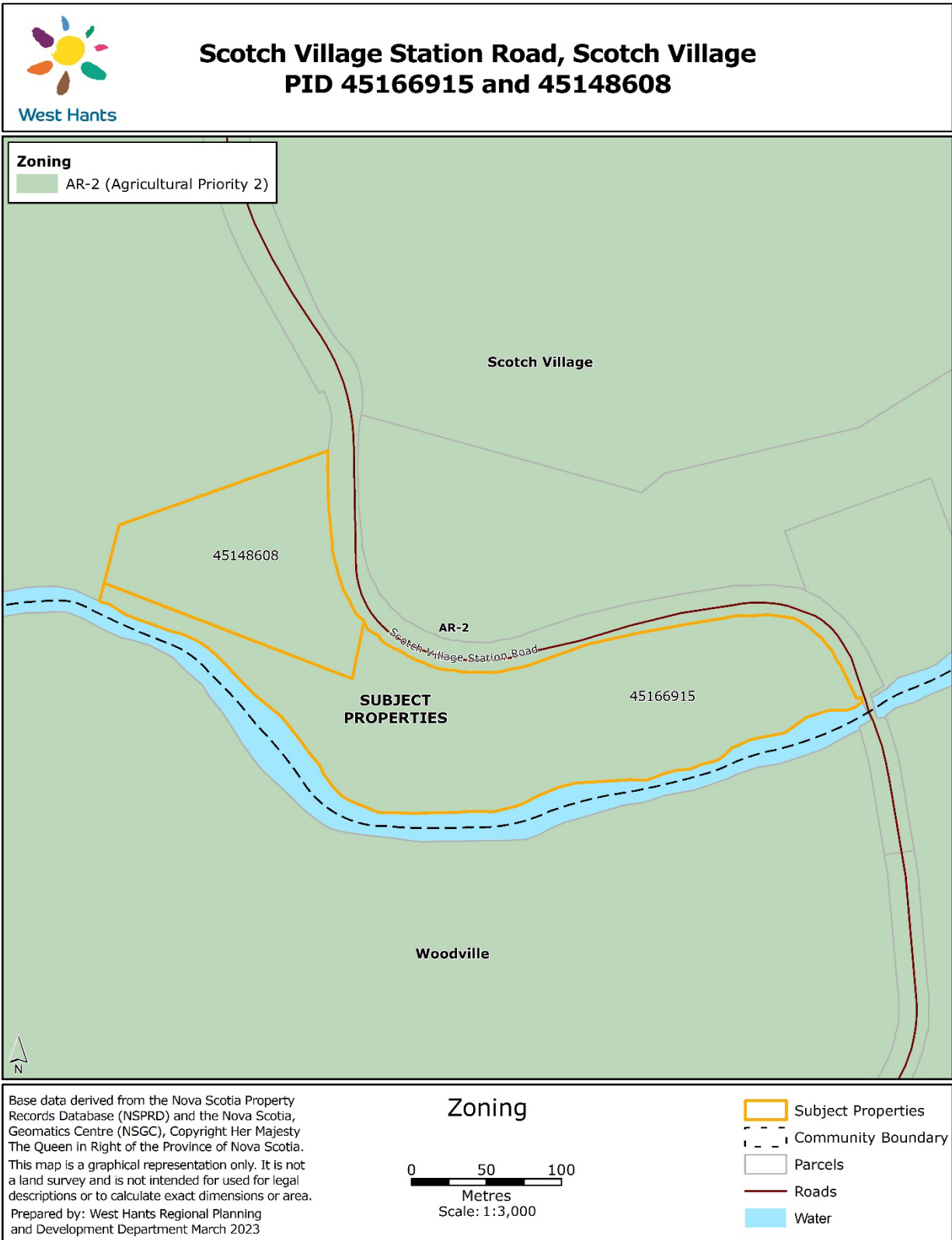
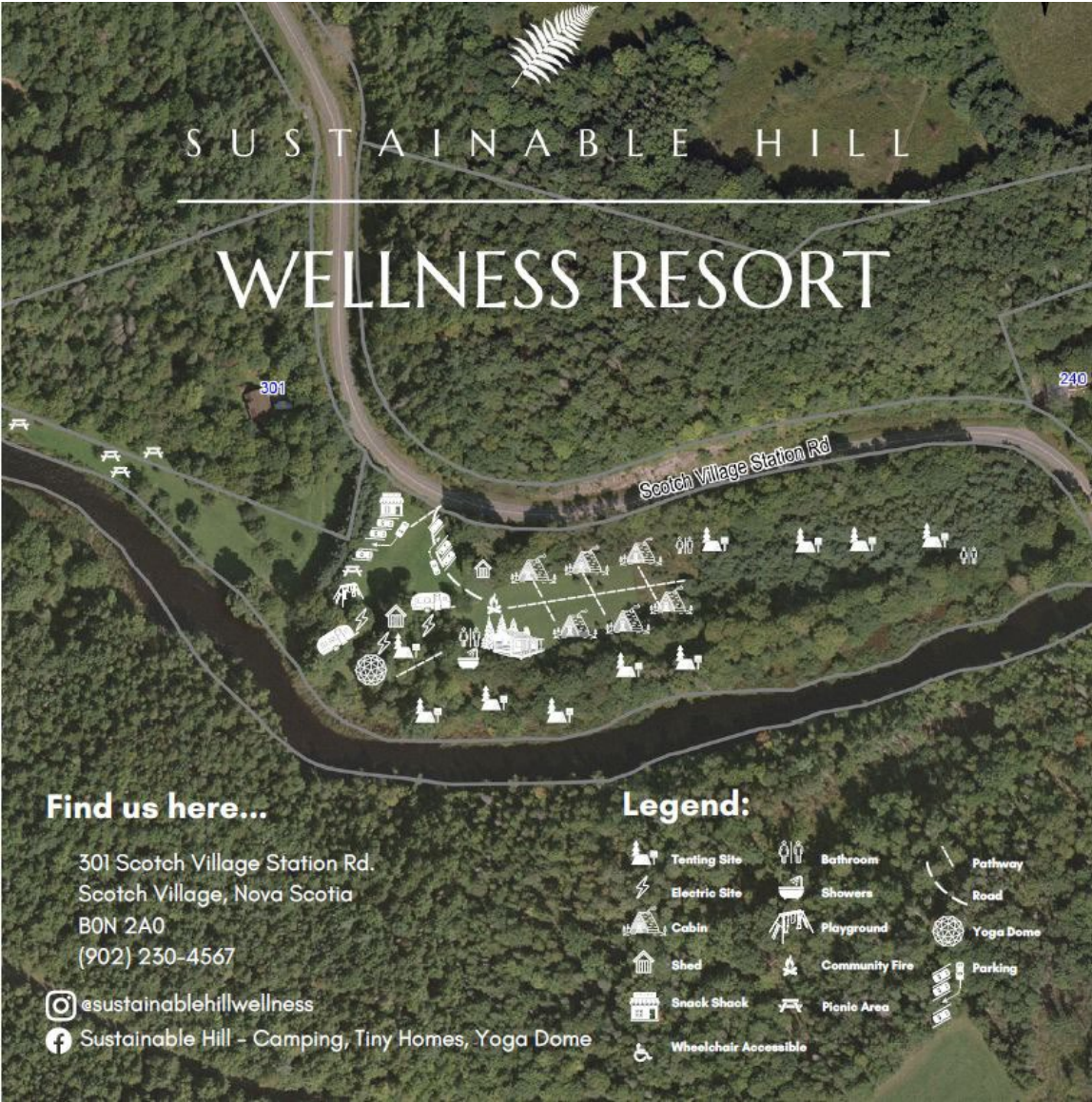


Figure 3
Proposal Submitted by Property Owners



Attachment A
Specific Criteria for Development Agreement

Policy 8.9.4 It shall be the intention of Council to consider new non-resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the AR-2 zone by development agreement subject to the following:

CRITERIA	COMMENT
<i>(a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;</i>	See below.
<i>(b) the proposed use will not compromise or adversely affect the operation or integrity of existing agricultural operations;</i>	PID 45166915 is a 7.5-acre lot bound by the Herbert River, Scotch Village Station Road and the other subject lot owned by the property owners (PID 45148608). The draft development agreement requires approved access to the lots by Nova Scotia Department of Public Works, on-site parking and regulates hours of operation for the proposed uses. It is not anticipated that the proposed uses will adversely affect any existing agricultural operations.
<i>(c) the predominant agricultural character of the area will not be adversely affected;</i>	It is not uncommon for Rural Commercial (RC) and Recreation Commercial (RecC) uses to occur in agricultural areas. For example, the Beech Brook Campground in Ardoise and Smileys Provincial Park and Campground in McKay Section are located within the Agricultural designation. This proposal is on a smaller scale, more suitable to the size of the subject lot. All proposed uses and required parking must be provided on the subject lots. It is not anticipated to adversely affect the agricultural character of the area.

<p><i>(d) adequate separation distances and buffering between agricultural and non-agricultural uses can be provided;</i></p>	<p>All structures will need to meet the setback and yard requirements of the underlying Agriculture Priority Two (AR-2) zone. As PID 45166915 is bound by the Herbert River and Scotch Village Station Road the only additional buffer required in the draft development agreement is a 50 ft. (15.24 m.) wide natural buffer of trees abutting the Herbert River. A maximum of five (5) tent sites are permitted within this area however no structures shall be constructed within the buffer. The draft development agreement also requires that the property owners will keep all undeveloped areas of the Properties landscaped which may include grass, shrubs, trees or other appropriate vegetative cover</p>
<p><i>(e) 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></p>	<p>The Recreation Commercial (RecC) campground requires a larger property than it typically found in a Growth Centre, Village or Hamlet.</p>
<p><i>(f) safe and efficient roadway access is provided;</i></p>	<p>Scotch Village Station Road is a Provincially owned road under the jurisdiction of the Department of Public Works (DPW). The DPW stated “the anticipated traffic from the proposed future uses can be accommodated by the Scotch Village Station Road with minimal impact. Any existing access on the property or any proposed new access locations will need to be assessed for the proposed future uses.” DPW added that “the developer is advised that a Work Within Highway Right-of-Way permit will be required. Applications submissions shall include a complete intersection design. The access design must also include turning templates for an appropriate design vehicle</p>

	that demonstrates the site can be used without off-tracking.” This would all be required to be provided prior to the property owners receiving development permits for the proposed uses.
<i>(g) adequate on-site parking is provided;</i>	<p>All parking required for the proposed uses must be provided on the subject lots.</p> <p>Parking requirements outlined in the draft development agreement ensure at least one (1) parking space is provided for every tent site and one (1) parking space is provided for every 100 sq. ft. (9.29 sq. m.) gross floor area dedicated to the yoga studio. Parking for outdoor events shall be in addition to the parking requirements above. The parking spaces shall be a minimum of 10 ft. x 20 ft. (3.05 m. x 6.10 m.).</p>
<i>(h) the development is compatible with adjacent land uses with respect to:</i>	
<i>(i) traffic generation and traffic safety;</i>	The DPW stated “the anticipated traffic from the proposed future uses can be accommodated by the Scotch Village Station Road with minimal impact.”
<i>(ii) hours of operation;</i>	<p>The draft development agreement limits the campground to operate from mid-May to mid-October. The hours of operation of the administrative office for the campground are between 7 a.m. and 7 p.m. daily, Monday to Sunday, inclusive. The Campground must maintain quiet hours between the hours of 10:30 p.m. and 6 a.m. the following day.</p> <p>The draft development agreement permits the yoga studio to operate between 7 a.m. and 9 p.m. daily, Monday to Sunday, inclusive.</p>

	<p>The draft development agreement also permits a maximum of eight (8) outdoor private events per year between mid-May to mid-October. Outdoor private events shall be permitted to operate between 7 a.m. and 9 p.m. daily, or 7 a.m. and 11 p.m. Thursday through Saturdays if enclosed in a temporary structure.</p> <p>These hours of operation would be compatible with the adjacent agricultural and residential uses.</p>
<i>(iii) size and design of building(s);</i>	All structures will require the appropriate building and development permits prior to construction.
<i>(iv) signage; and</i>	Signage and illumination will be regulated under sections 5.18 and 7.0 of the LUB which controls lighting, size, location, and number of signs. The draft development agreement allows one additional ground sign to be permitted in association with the campground.
<i>(v) pedestrian circulation and safety;</i>	No impact on pedestrian traffic or safety is anticipated. It is anticipated that people will drive to and from the subject lots for the proposed uses. It is not anticipated that people will walk to the property for the proposed use. There will be trails located on the subject lots for people staying at the campground to walk from the parking area to their tent site.
<i>(i) any other matter which may be addressed in a development agreement;</i>	Staff reviewed the 2005 Provincial report entitled " <i>A Guide to Starting and Operating a Campground Business in Nova Scotia</i> ". Section 7.2 of the report describes design guidelines and suggestions for campgrounds

	<p>in Nova Scotia and notes that Federal and Provincial park planning standards call for a development standard of between four and eight sites per acre (gross). This proposed campground being on a 7.5-acre lot and proposing a total of up to 28 separate sites/bedrooms would meet this guideline.</p> <p>As the campground is proposed on a property located within the agriculture designation and is zoned Agriculture Priority Two (AR-2), topsoil removal and the development of new public streets or private roads will be prohibited in accordance with WHMPS Policy 8.3.1 and 8.4.1 and the WHLUB 18.12.</p> <p>To ensure the campground is maintained and requirements of the draft development agreement are enforced, a clause was added to require the owners or representative of the owner to be present on-site while the campground is in use.</p> <p>It is the responsibility of the property owner to ensure the site is suitable for the proposed uses.</p> <p>All other matters are addressed elsewhere in this report.</p>
<i>(j) Policy 16.3.1.</i>	Please see Attachment B for further details.

As stated in Policy 8.9.4 (a) the development site shall have little or no agricultural capability in accordance with Policy 8.6.1. Policy 8.6.1 is reviewed below.

Policy 8.6.1 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:

CRITERIA	COMMENT
<p><i>(a) 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></p>	<p>Not applicable as this property is not an existing or abandoned resource extraction site.</p>
<p><i>(b) 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></p>	<p>A study has been prepared by a professional agrologist for PID 45166915, at the expense of the applicant, which concludes that the proposed development will not adversely affect the viability of surrounding agricultural operations.</p> <p>PID 45148608 was not included in the study as the proposed uses are to be contained within existing buildings or within temporary structures on the lot.</p>
<p><i>(i) 90 percent or more of the development site has soils defined as Class 4 or lower capability for agriculture; or</i></p>	<p>Not applicable, as the agrologist report has identified the soils on the property to be mainly Class 3 with some Class 2 in areas.</p>
<p><i>(ii) 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></p>	<p>The agrologist reports that the land is rated as Canada Land Inventory (CLI) Class 3 with some Class 2 land in areas but has constraints which limit the use of the land for agriculture. These limitations which influence the viability for agricultural production were identified as “the plot size and shape, as well as the propensity towards flooding as it is interval land”.</p> <p>The lot is not currently in agricultural production and would not result in a loss of production based on the proposed use.</p>

<i>(c) the study shall:</i>	
<i>(i) be prepared by a registered full member of the Nova Scotia Institute of Agrologists;</i>	Yvonne Thyssen-Post of Thyagrissen Consulting Limited is a registered full-member of the Nova Scotia Institute of Agrologists (NSIA).
<i>(ii) require a site inspection by the agrologist;</i>	The agrologist performed a site inspection on Thursday, November 10, 2022.
<i>(iii) specify the method used, consistent with the C.L.I. classification methodology, to determine soil capability for agriculture;</i>	The agrologist report specifies that soil capability for agricultural uses was determined by assessing the Soil Map of Hants County sourced from Government of Canada website, Agriculture & Agri-Food Canada, Canada Land Inventory (CLI) soil surveys. The agrologist confirmed the information from the mapping during the site visit.
<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 the Study Criteria section in Attachment D.
<i>(v) include a site plan illustrating the area studied and any relevant site features;</i>	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;</i>	The agrologist interviewed property owners within 500 m. of the subject lot and reported their findings in the Impact on Neighbouring Farms section of Attachment D. In summary the agrologist report states that moving “this land parcel from AR-2 to recreation commercial to develop a wellness retreat may potentially have some adverse effect on neighbouring agricultural properties, mostly from nuisance and liability perspective.” The

<p><i>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></p>	<p>property owner has added that “we plan to have garbage, recycling and compost facilities on site. We will make our resort’s property lines well known through the use of site maps and signage. Although we cannot control what people do off our property, we don’t anticipate the guests we attract will be inconsiderate. We invite guests to share in our personal values of respect for nature and we vow to participate in the protection of endangered species such as the lady’s slipper flower.”</p> <p>As this is a development agreement application, many of the concerns from adjacent property owners can be mitigated by adding clauses in the draft development agreement in relation to signage, garbage collection, hours of operation, etc.</p>
<p><i>(vii) indicate the implications of letting the parcel go out of agricultural production; and</i></p>	<p>The agrologist report states that “removing the parcel out of agriculture will not result in any loss of agriculture production as the land was not farmed prior to this request”.</p>
<p><i>(viii) indicate the implications of fragmenting the land.</i></p>	<p>PID 45166915 is a 7.5-acre lot bound by the Herbert River, Scotch Village Station Road and the other subject lot owned by the property owners (PID 45148608). The lot is not currently in agricultural production and would not result in fragmentation of agricultural land.</p>

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
<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 stated that “there is no municipal water or sewer in this area.” Any water supply or septic disposal required for this use would need to be approved by the Department of Environment and installed at the expense of the property owners.
<i>(ii) the adequacy of school facilities;</i>	No inquiry was submitted to the Director of Operations for the Annapolis Valley Regional Centre for Education related to this application as the proposed use does not include any full-time residential uses.
<i>(iii) the adequacy of fire protection and other emergency services;</i>	In response to an inquiry, the Manager of Building and Fire Inspection Services stated there should be no issues from their perspective. They added that the property owners may want to review the requirements for accessibility under the Nova Scotia Building Code Regulations. The Building Code requirements will need to be met during the construction of the proposed buildings. The local Fire Chief does not have any concerns regarding the adequacy of fire protection for the proposed uses.

<p><i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i></p>	<p>As noted in 8.9.4 (h)(i), the DPW stated “the anticipated traffic from the proposed future uses can be accommodated by the Scotch Village Station Road with minimal impact.”</p>
<p><i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i></p>	<p>There are no anticipated costs to the Municipality regarding this development.</p>
<p><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></p>	<p>The Municipal Project Engineer stated that “there is no municipal water or sewer in this area.” Any water supply or septic disposal required for this use would need to be approved by the Department of Environment and installed at the expense of the property owners.</p>
<p><i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>As noted in 8.9.4 (f) the DPW stated “the anticipated traffic from the proposed future uses can be accommodated by the Scotch Village Station Road with minimal impact. Any existing access on the property or any proposed new access locations will need to be assessed for the proposed future uses.” DPW added that “the developer is advised that a Work Within Highway Right-of-Way permit will be required. Applications submissions shall include a complete intersection design. The access design must also include turning templates for an appropriate design vehicle that demonstrates the site can be used without off-tracking.” This would all be required to be provided prior to the property owners receiving development permits for the proposed uses.</p> <p>There is no rail transportation in this area. No impact on pedestrian traffic or safety is anticipated.</p>

<p><i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>Development control staff commented that “the dimensions, shape and size of the proposed lots intended for the development are adequate for this proposal.”</p>
<p><i>(e) the pattern of development which the proposal might create;</i></p>	<p>This proposal is not anticipated to change the pattern of development in the area. Development control staff noted that as the campground becomes popular and attracts people to the area, other property owners may see the opportunity to convert their properties to non-agriculture related uses. However, as an agrologist report is required for each unique proposal within the Agricultural Priority Two (AR-2) and Agricultural Priority Three (AR-3) zones this ensures each case is considered separately.</p>
<p><i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses and wetlands, and susceptibility of flooding;</i></p>	<p>PID 45166915 is relatively flat and bound by the Herbert River, Scotch Village Station Road and the other subject lot owned by the property owners (PID 45148608). PID 45148608 slopes upward from PID 45166915 to level off where the single unit dwelling is, then slopes upward to the north.</p> <p>There are no evident concerns in terms of steepness of grade, soil or geological conditions.</p> <p>There is a water body called the Herbert River along the south property line of PID 45166915. The MCCAP for West Hants (2013) Inland Flooding map shows part of the property within the area identified as having a 0.11 - 0.50m depth to water table, which is described as having imperfect drainage. The MCCAP states “These areas can be used to</p>

infer where water will naturally flow and/or accumulate in the landscape.”

Local residents have described concerns of PID 45166915 flooding, mentioning that this typically occurs every 3-5 years when ice jams up on a small island downstream of the subject lot causing the river to flood onto this subject lot. Local residents provided pictures from winter in the early 2000's and in 2014 when this has occurred. They noted that water level of the river can vary greatly throughout the year. The water levels in the winter can be very high, especially if ice accumulates in the river, and the water levels can be very shallow in this location in the summer. The main concern of residents in relation to flooding is the potential septic system overflowing into the river or any debris contaminating the river from the proposed uses which could impact properties downstream.

Staff contacted the Department of Environment (DoE) in relation to septic systems near watercourses and with potential seasonal flooding issues. The representative from the DoE stated “As discussed, the required separation distance of an on-site sewage disposal system from a watercourse or wetland is 15 metres for the water-tight portions of the system (tank) and 30 metres for the non-water-tight portion (distribution trench). On-site sewage disposal systems can be eligible for notification on properties with potential flooding issues provided that they can meet all separation distance requirements, including a 1 metre vertical clearance distance from

groundwater.” The DoE representative also mentioned that “if the system is a different type not pre-approved by the province and/or designed specifically for the site or can’t meet all the required separation distances for the property then it must be completed by an Engineer and be submitted as an approval application. These applications go through the full review process prior to approval and are reviewed by our Regional Engineer.” This outlines that there are options available to the property owners to work with a qualified professional to design a septic system for the proposed uses that will most likely be approved by DoE.

The property owner has provided comment that “We know that flooding is certainly a concern for either agriculture or campground infrastructure, however this too has been taken into consideration. Sites at risk of flooding are tent only sites and are unlikely to be in use during times that the Herbert River runs high. The Winter, Early Spring and Late Fall - high times for the river - are off seasons for tent camping. Plus the sites are sufficiently set back from the river to allow the watercourse to do its primary job of absorbing pollutants, reducing stormwater runoff and managing erosion. Finally, we plan to use building materials for our infrastructure that is water resistant and able to withstand a hurricane.” The property owners are also exploring alternative forms of washroom facilities including composting toilets which would not require a distribution trench and would be emptied regularly.

	<p>Property owners are ultimately responsible for ensuring that their lots are suitable for the proposed uses. The draft development agreement limits the campground to mid-May to mid-October which should be outside of any time where flooding has been experienced on the subject lot. It requires the property owner or representative to be on site during operation which will ensure the safe use of the subject lots during the campground operating season. The draft development agreement requires a 50 ft. (15.24 m.) wide natural buffer of trees to be kept along the lot line of PID 45166915 abutting the Herbert River, in which a maximum of five (5) tent sites will be permitted without any structures. It also requires the property owners to have water supply and septic disposal systems designed by a qualified professional, approved by the Department of Environment if required, and installed and maintained at their expense. The owners also are required to clean out washroom facilities at the end of camping season. These clauses will ensure there should be no contamination or safety issues in association with potential seasonal flooding of the property.</p> <p>It is the responsibility of the property owner to ensure the site is suitable for the proposed uses.</p>
<p><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></p>	<p>All Municipal, Provincial and Federal regulations will have to be met.</p>

<i>(h) any other matter required by relevant policies of this Strategy.</i>	There are no other relevant policies of this Strategy.
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Attachment C
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 -

Allan and Jessica Hill, of 301 Scotch Village Station Road, Scotch Village, 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 parcels of land located on Scotch Village Station Road, PID 45166915 and 45148608, hereinafter referred to as the “Properties”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Properties are designated Agriculture on the Generalized Future Land Use Map of the Municipal Planning Strategy, zoned Agricultural Priority Two (AR-2) on the Zoning Map of the Land Use By-law; and

WHEREAS the Owners have requested that the Municipality enter into a development agreement to permit a yoga studio and campground with a variety of tourist accommodations and other accessory uses on the Properties (the “Development”); and

WHEREAS Policy 8.9.4 of the Municipal Planning Strategy and Section 6.1 (s) of the Land Use By-law enable Council to consider entering into a development agreement to allow Rural Commercial (RC) and Recreation Commercial (RecC) uses in the Agricultural Priority Two (AR-2) zone; and

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

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 defined as follows:

- (a) “Campground” means an area of land used to provide a range of short-term accommodations to the travelling or vacationing public which adheres to the regulations outlined in the Tourist Accommodations Act. The Campground includes but is not limited to tent sites, recreational vehicle sites, separate buildings each containing a one or two-bedroom rental units used as an alternative form of accommodation, and a lodge, and includes accessory facilities which support the use such as administration offices, washroom facilities, storage sheds, and communal areas such as a common fire pit, playground and picnic tables. The Campground does not include the use of mobile homes or trailers on a permanent year-round basis.
- (b) “Private events” means a building, structure, land or part thereof used to host commercial events including, but not limited to, weddings, family reunions, or other gatherings and may include the consumption of food and alcoholic beverages but shall not include a restaurant.
- (c) “Recreational vehicle site” means a designated pad for the traveling or vacationing public to park their recreational vehicle or to stay within a

recreational vehicle provided by the Owners. The recreational vehicle sites may have three-way service, provided the Owners received all necessary permits from Nova Scotia Power and the Department of Environment.

- (d) “Tent site” means a designated pad for travelling or vacationing public to pitch their own tent or to stay in a tent provided by the Owners.
- (e) “Yoga studio” means an indoor recreational use where classes are taught by an instructor. The yoga studio may be open to guests of the Campground and the general public.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

- Schedule A - Legal Description
- Schedule B – Concept Plan

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 Properties shall be limited to the following:

- (a) those uses permitted by the underlying zoning in the Land Use By-law;
- (b) a yoga studio;
- (c) campground accommodations and facilities, including accessory building and structures;
- (d) tourist accommodations; and
- (e) private indoor or outdoor events.

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 existing single unit dwelling on PID 45148608 may be permitted to be used as tourist accommodations, provided sufficient driveway access and parking can be provided on the lot as outlined in Section 2.5 and 2.7;
- (b) A single unit dwelling with a maximum of three (3) bedrooms may be constructed on PID 45166915 to be used for tourist accommodations with shared washroom and kitchen facilities, and may be referred to as a lodge in this Agreement.
- (c) The campground shall be located completely within PID 45166915 on Scotch Village Station Road and consist of no more than ten (10) tent sites, three (3) recreational vehicle sites, six (6) one or two-bedroom rental units, and one (1) three-bedroom lodge in the area identified as Campground on the Site Layout in Schedule B.
- (d) An administrative office for guest check-in shall be limited to 800 sq. ft. (74.32 sq. m.) or less in size and be located on PID 45166915 in the area identified as Administrative Office / Store on the Site Layout in Schedule B and shall be permitted to sell items to guests of the campground.
- (e) A yoga studio shall be located in the area identified as Campground or Yoga Studio on Schedule B.
- (f) A temporary structure may be erected for an outdoor private event and follow the provisions for temporary structures as outlined in Section 5.44 of the Land Use By-law, *Temporary Uses, Building and Structures Permitted*.
- (g) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*. The maximum height of an accessory building shall be 15 ft. (4.57 m.).
- (h) The Owners shall keep all undeveloped areas of the Properties landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.

2.3 Setbacks and Buffering

- (a) A 50 ft. (15.24 m.) wide natural buffer of trees shall be kept along the lot line of PID 45166915 abutting the Herbert River. A maximum of five (5) tent sites shall be permitted within this area. No structures shall be constructed in this area.
- (b) There shall be at least 10 ft. (3.05 m.) between each tent site and recreational vehicle site.

- (c) All other setbacks and yards shall be consistent with the underlying zone requirements for single unit dwellings in the Land Use By-law.

2.4 Removal of Topsoil

Removal of topsoil shall be prohibited on the lot except where incidental to an agricultural use or for excavation associated with the construction of permitted buildings or structures.

2.5 Access and Egress

The main access/egress to the lots shall be directly from Scotch Village Station Road. The driveways shall be approved for commercial access by the Nova Scotia Department of Public Works prior to the campground and yoga studio opening to the public. 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.

2.6 Private Roads

No new public street or private road shall be permitted in association with this development.

2.7 Parking

- (a) All parking spaces for vehicles using the Properties shall be located on the lots.
- (b) A minimum of one (1) parking space shall be provided per tent site, recreational vehicle site, and per room of tourist accommodations.
- (c) A minimum of one (1) parking space shall be required for every 100 sq. ft. (9.29 sq. m.) gross floor area dedicated to the yoga studio.
- (d) Parking for outdoor private events shall be in addition to the parking provided above.
- (e) Outside 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 Owners. They may be constructed using permeable construction materials to assist with stormwater retention.
- (f) Each parking space shall be a minimum of 10 ft. by 20 ft. (3.05 m. by 6.10 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.10 m.) wide.
- (g) The number of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.17, *Variance*, of this Agreement.

2.8 Fire Safety

A communal fire pit area will be permitted in the campground and shall be confined to an acceptable appliance and follow all the requirements of the Municipal Outdoors Fires By-law. The Owners must enforce adherence to the Nova Scotia Department of Natural Resources burn restrictions and any other applicable Provincial legislation.

2.9 Servicing

(a) Waste Collection

- (i) No Municipal garbage collection will be provided to the Development. The Owners shall have sole responsibility for collecting, storing and disposing of garbage and other recycling or waste items from the Development.
- (ii) The Owners 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

PID 45166915 is not serviced by municipal water and sewer. Any water supply or septic disposal required for any of the uses described in Section 2.1, *Use*, shall be designed by a qualified professional, approved by the Department of Environment if required, and installed and maintained at the expense of the Owners. All washroom facilities shall be regularly maintained and cleaned out at the end of the camping season.

(c) Snow Plowing

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

2.10 Signs and Lighting

- (a) 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. One additional ground sign with lighting may be permitted to assist Campground users arriving after dark. The ground sign may be a maximum height of 35 ft. (10.67 m.) and a maximum area of 50 sq. ft. (4.64 sq. m.).
- (b) 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.

2.11 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.

2.12 Operator Presence

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

2.13 Hours of Operation

- (a) The Campground shall be permitted to operate from mid-May to mid-October each year. The general office hours for the administrative office shall be between 7 a.m. and 7 p.m. daily, Monday to Sunday, inclusive. The Campground shall maintain quiet hours between the hours of 10:30 p.m. and 6 a.m. the following day.
- (b) The yoga studio shall be permitted to operate between 7 a.m. and 9 p.m. daily, Monday to Sunday, inclusive.
- (c) A maximum of eight (8) outdoor private events shall be permitted between mid-May to mid-October. Outdoor private events shall be permitted to operate between 7 a.m. and 9 p.m. daily, or 7 a.m. and 11 p.m. Thursday through Saturdays, if enclosed in a temporary structure.

2.14 Site Drainage

The Owners 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 agree to assume sole responsibility for compliance with all regulations of Nova Scotia Environment.

2.15 Maintenance

- (a) The Owners shall keep the Properties 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 services vehicles.

2.16 Phasing

- (a) The Municipality and the Owners acknowledge that the Development as shown on Schedule B is a phased Development. The Development location and design shall be generally consistent with the concept plan shown in Schedule B.
- (b) Phase 1 may include the development of:
 - (i) a yoga studio in the area identified as Campground or Yoga Studio on Schedule B;
 - (ii) a maximum of ten (10) tent sites and three (3) recreational vehicle sites within the area identified as Campground on Schedule B;
 - (iii) an administrative office within the area identified as Administrative Office / Store on Schedule B; and
 - (iv) accessory uses to any of the uses listed above.
- (c) Phase 2 may include the development of:
 - (i) a maximum of six (6) one or two-bedroom rental units within the area identified as Campground on Schedule B;
 - (ii) one (1) three-bedroom single unit dwelling within the area identified as Campground on Schedule B; and
 - (iii) accessory uses to any of the uses listed above.
- (d) Phase 1 and all relevant infrastructure shall be completed within 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, Development as per this agreement shall no longer be permitted and this Agreement may be discharged in part at the option of the Municipality by resolution of Council in accordance with Section 229 of the *Municipal Government Act* thirty (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 without such an extension being deemed to be an amendment to this Agreement.
- (e) Construction of Phase 2 and all relevant infrastructure shall be completed within sixty (60) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, Development shall no longer be permitted and this Agreement may be discharged in part solely at the option of the Municipality by resolution of Council in accordance with Section 229 of the *Municipal Government Act* thirty (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 without such an extension being deemed to be an amendment to this Agreement.

2.17 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*:

- (a) number of parking spaces required; and
- (b) floor area occupied by a home-based business.

PART 3 CHANGES AND DISCHARGE

3.1 The Owners shall not vary or change the use of the Properties 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 Properties as listed in Section 2.1, *Use*;
- (b) the number of tent sites, recreational vehicle sites, and buildings/rooms permitted for tourist accommodations on the Properties as listed in Section 2.2, *Development Location and Design*;
- (c) the buffering requirements as listed in Section 2.3, *Setbacks and Buffering*; and
- (d) the hours of operation as listed in Section 2.13, *Hours of Operation*.

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 Properties 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 Properties 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 twelve (12) 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 (10) 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 By-laws 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 Properties (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 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 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 Owners about the suitability of the Properties 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 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 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 Allan and Jessica Hill, 301 Scotch Village Station Road, Scotch Village, NS, B0N 2A0, or at any other address provided by the Owners.
- (b) The Owners 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 Owners.

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

) Allan Hill

)

)

Per: _____

Witness

) Jessica Hill

**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 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 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, **Allan Hill**, 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, **Jessica Hill**, 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

Deanna Snair, Clerk

CANADA
PROVINCE OF NOVA SCOTIA
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (INDIVIDUAL)

We, Allan and Jessica Hill, 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 the spouses of each other. Neither 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

Allan Hill

Jessica Hill

Schedule A
Legal Description

PID 45166915

ALL THAT LOT OF LAND AND PREMISES situate at Scotch Village, in the County of Hants, Province of Nova Scotia, which in a Deed from Lloyd Salter and Julia Salter to L. & K. Enterprises Limited bearing date the 14th day of June, A.D., 1976, recorded in the Office of the Registrar of Deeds for Hants County in Book 355 at Page 492, is bounded and described as follows:

ALL THAT PIECE, parcel and lot of land situate, lying and being adjacent to the Station Road so called, at or near the Village of Scotch Village, in the County of Hants, Province of Nova Scotia, more particularly described as follows:

BEGINNING at a point on the north side of the Herbert River at the northwest corner of the Herbert River Bridge;

THENCE north and northwesterly along the south side of the Station Road so called, a distance of 1,460 feet more or less to a survey marker;

THENCE due west a distance of 620 feet more or less to the high water mark of the Herbert River;

THENCE in an easterly and southeasterly direction along the several courses of the north side of the Herbert River to the place of beginning.

EXCEPTING AND RESERVING therefrom the following Lot:

Community: Scotch Village

Designation of Parcel on Plan: Lot C-1

Title of the Plan: Plan Showing Subdivision of Lands of C & J Campground Enterprises Limited.

Registration County: Hants

Registration Reference of Plan: Plan No. 5310

The parcel originated 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 No. 5310.

PID 45148608

Community: Scotch Village

Designation of Parcel on Plan: Lot C-1

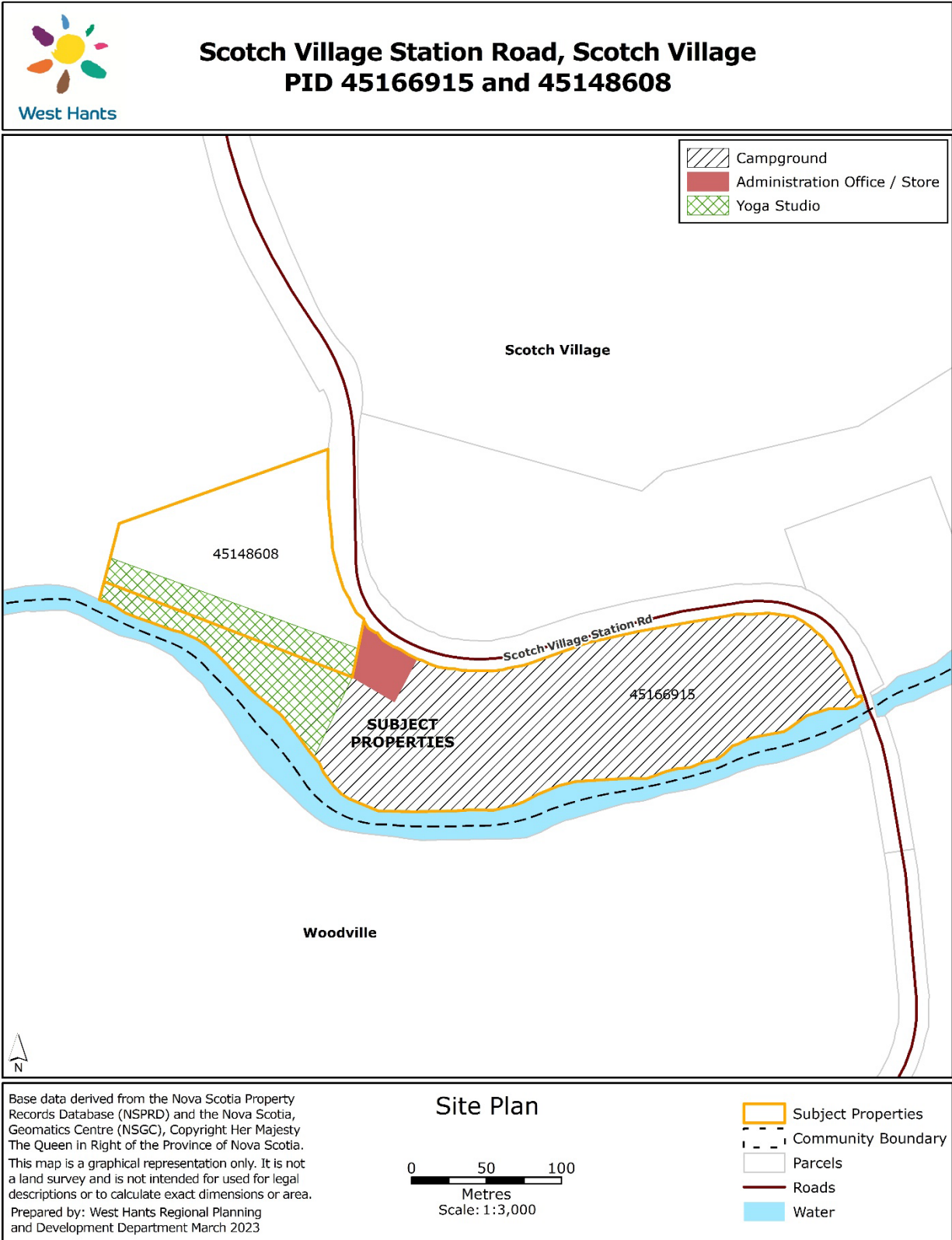
Title of the Plan: Plan Showing Subdivision of Lands of C & J Campground Enterprises Limited.

Registration County: Hants

Registration Reference of Plan: Plan No. 5310

The parcel originated 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 as Plan No. 5310.

**Schedule B
Concept Plan**



Attachment D
Agrologist Report

**PROFESSIONAL AGROLOGIST REPORT
DETERMINATION OF AGRICULTURAL CAPABILITY**

LAND REZONING REQUEST OF PID# 45166915

for

Jessica & Allan Hill

January 2023



Managing Today for Tomorrow

Tel: 902-895-1414 Cell: 902-899-5929

Email: yvonne@thyagrissenconsulting.ca

Website: www.thyagrissenconsulting.ca

I. Scope of Work

The West Hants Municipal Planning Strategy (WHMPS) and Land Use By-Law outlines a process that land owners are required to undertake when requesting a development agreement from Council to rezone agricultural land. This report complies with Policy 8.6.1 of the planning strategy providing a Professional Agrologist study to determine agricultural capability of the land. The site being assessed is not an existing or abandoned resource extraction site, and as such doesn't fall under Section 8.6.1.(a) of the strategy. The site, however, falls under Section 8.6.1(b), requiring a Professional Agrologist study to assess the agricultural capability of the land, and consider whether or not the proposed development adversely affects the viability of surrounding agricultural operations. This section of the municipal planning strategy acknowledges that the scale of the C.L.I. (Canada Land Inventory) mapping, upon which the agricultural designation is based, is generalized. As such there may be pockets of land with a higher or lower capability rating. A land-use by-law amendment or development agreement process provides an opportunity for owners of land with minimal or no agricultural capability to use the property for certain non-farm development, provided the development will not interfere with adjacent farm activities or negatively affect the viability of the farming area.

This document embodies the Professional Agrologist study of PID# 45166915 which is co-owned by Jessica & Allan Hill. The PID is currently zoned Agricultural Priority Two (AR-2) and the current owners are requesting a rezoning to Recreation Commercial to develop a wellness retreat and campground business.

II. Professional Agrologist – Yvonne Thyssen-Post

Yvonne Thyssen-Post of Thyagrissen Consulting Limited is a Professional Agrologist with 40 years experience in the field. She is a registered full-member of the Nova Scotia Institute of Agrologists (NSIA), member ID #19311 (current membership certificate, Appendix A). Her education includes a Bachelor of Science (Agriculture) from McGill University as well as a Masters of Adult Education from St. Francis Xavier University. Her experience includes 14 years as an agricultural extension worker with the province of Nova Scotia, followed by 26 years as a private consultant serving the agricultural industry. She established her own company in 1998 - Thyagrissen Consulting Limited – where she continues to provide various professional business planning services, primarily to the agricultural industry of Atlantic Canada.

III. PID Profile

PID# 45166915 is located along the Herbert River, parallel to Scotch Village Station Road, in Scotch Village, West Hants Regional Municipality of Hants County, NS (see Appendix C). The PID is a narrow rectangular piece of property described as interval land due to its location adjacent

to the river and its' relatively level topography. It is approximately 6.5 acres in size, partially cleared, mostly wooded. Access to the PID is granted via a driveway off of the Scotch Village Station Road. This land parcel is co-owned by Jessica and Allan Hill and is currently zoned Agricultural Priority Two (AR-2) by the West Hants Regional Municipality, designated Agriculture. This PID adjoins PID# 45148608, a 4.5-acre lot zoned residential, also co-owned by the Hill's. This second PID is the location of the Hill's personal residence, a stand-alone garage, and two smaller sheds. Both PIDs are located in a narrow valley with steep slopes on the backside of Herbert River as well as to the right of the Scotch Village Station Road.

The Hill's purchased both properties in July 2022, having moved here from Ontario with their two young children. Jessica is a trained yoga instructor and had developed a business in ON where she offered yoga classes and wellness retreats. The Hill's want to develop the 6.5-acre lot, bordering the river, to create a wellness retreat and campground destination for busy people looking to reconnect with their true selves through yoga and nature (site plan in Appendix B). They wish to construct a dome-style building in which to offer yoga classes year-round, as well as develop hiking trails and nature walks in the wooded areas. Camping sites will also be developed.

The PID being considered for this rezoning request (#45166915) apparently was a campground in the 70's and 80's, called the Bar S Ranch & Campground. There is some evidence of this previous use including site stakes and water line hosing. Altering the use of the property requires a request of rezoning from AR-2 to Recreation Commercial. Land zoned AR-2 is defined in Section 8.7 of the WHMPS as "Improved and unimproved land with high capability (Class 2 and 3) for production of a variety of crops. This land will be reserved for agricultural production with limited non-agricultural development." (Page 73, WHMPS). The WHMPS further clarifies the intent behind zoning land as AR-2:

"The Agricultural Priority Two (AR-2) zone is intended to apply to areas with high capability for agriculture, but where land owners do not want the strict development controls of the Prime Agriculture (P/Ag) zone. The AR-2 zone allows for more flexibility than the P/Ag zone including a wider scope of on-farm businesses by development agreement. Unlike the P/Ag zone, new dwellings are permitted as a main use, although subdivision is limited to two lots per area of land in a calendar year." (Page 76, WHMPS)

IV. Study Criteria

The Professional Agrologist study considers the land parcel according to Policy 8.6.1(b)(ii) of the WHMPS, which applies to this site. A determination of agricultural capability is based on the soils' capability for agriculture with a rating better than Class 4, but 90% or more of the development site exhibits limitations for agricultural use due to one or more features of the property.

The following section addresses each aspect of Policy 8.6.1.(c) fulfilling the requirements of the Professional Agrologist study.

- Author of study - Yvonne Thyssen-Post, P.Ag., is a registered full-member of the NSIA.
- A site inspection was conducted on Thursday, November 10, 2022 accompanied by Jessica and Allan Hill.
- The Canada Land Inventory (CLI) Capability for Agriculture classification system shows the varying potential of a specific area for agricultural production. It indicates the classes and subclasses according to the Soil Capability Classification of Agriculture, which is based on characteristics of the soil as determined by soil surveys. These agricultural capability maps can be used at the regional level for making decisions on land improvements and farm consolidation, for developing land-use plans and for preparing equitable land assessments as stated on the Government of Canada website. The classes indicate the degree of limitation imposed by the soil in its use for mechanized agriculture. The subclasses indicate the kinds of limitations that individually or in combination with others, are affecting agricultural land use. Although the information is dated, and better information is available for some areas of the province as part of more recent soil surveys, the interpretations are still largely valid and many jurisdictions still use them for land use planning purposes.

Soil capability for agriculture was determined using the Soil Map of Hants County, NS, (Report #5, NS Soil Survey) sourced from Government of Canada website, Agriculture & Agri-Food Canada, Canada Land Inventory (CLI) soil surveys. Soil surveys have been published for most of the agricultural areas, and many surrounding areas across Canada. Data from these surveys contain the most detailed soil inventory information in the National Soil Database (NSDB). The PID was located using commercially available mapping software and the location transposed to the soil survey map (refer to slides in Appendix C). The site is identified as Cu-P/O.A2. The CLI describes the soil type as follows:

- The soil characteristics are consistent with those represented by the Cumberland soil classification. The surface and subsoil are described as dark reddish brown sandy loam over reddish brown sandy loam, stone free. The parent material of Cumberland soil is alluvial sands and silts along river courses.
- Topography and drainage of Cumberland soils are described as level to very gently undulating; moderately rapid drainage, but often subject to flooding. This description of the topography was confirmed during the site visit in November, as the land appeared well drained with no visible standing water. Propensity to flood would be anticipated due to the location along the river, primarily in the spring/fall when the river is full from heavy rains and ice jams are created from the winter. There was no indication of possible flooding during the site visit as the water level was well below the river banks.

- Transcribing the CLI labeling 'P' indicates soil which is well drained; 0 refers to the stoniness which is stone free; and A2 reflects the topography which is single slopes; smooth or regular surface. The #2 signifies the type of slope - very gentle sloping, 0.5 to 1.5%. Visual inspection of the site in November 2022 verified these topography parameters.
- The present land use is a combination of woods with a few cleared patches of native grass. The cleared areas have been maintained by mowing, keeping the grass short, allowing for easy access by foot. Land capability use of Cumberland soil as defined in the CLI is 'good crop land'.

There are approximately 91,000 acres in West Hants rated Class 1, 2, and 3 (less than 50% of this land is cleared, there is considerable potential for future expansion). The soil in PID# 45166915 is primarily Class 3, with a smaller portion of Class 2, according to the Atlantic Provinces Soil Class Maps, as compiled by the Soil Research Institute, Research Branch, Agriculture Canada based on maps supplied by NS Soil Survey.

- Major site features or characteristics which influence or determine soil capability include the lack of stoniness, the level topography, and rapid drainage all which are excellent soil features for cropping hay or grain crops. The exception is being subject to flooding during heavy rainfall events, and the size of the land parcel. The 6.5-acre field is inefficient to crop in terms of machinery operation due to its size and elongated shape. The parcel could make suitable pasture land for livestock but it could only support six cow-calf pairs at most, for the summer. Pasturing livestock would also require fencing along the river and roadway to keep cattle out of harms way and avoid polluting the river. The possibility of polluting the river increases with run-off during flood events. The viability of investing in fencing for such a small piece of property for pasture is questionable.
- Appendix C locates the site via commercially available mapping software, soils maps and aerial photography. This is a separate PID and the request is to rezone the entire PID.

V. Impact on Neighboring Farms

The second parameter of the professional agrologist study is to assess the impact of rezoning land out of agriculture on neighboring farms. The study criteria include identifying reasons why the 'rezoned' use would be compatible with, or not adversely affect, area farms. It also must indicate the implications of letting the parcel go out of agricultural production and fragmenting the land. To complete this aspect of the study, agricultural land owners within 500 meters of the Hill property were identified, contacted and interviewed. They were informed of the rezoning the Hill's are requesting and asked if they saw any adverse effects resulting from it.

The following section indicates the land owners consulted, their address and a brief description of the agricultural operations.

- Blair Levy, 20 Scotch Village Station Road, owns 149 acres on both sides of the road, at the entrance off Highway #14. Both his land parcels run down to the Hebert River; 90-95 acres are cleared and cropped for hay; the remainder is forested. Firewood is harvested from the woodlot annually. This is the family home/farm that has been owned by the Levy family for several generations. His mother lived in the farm house until she passed away in 2018; Blair resides in Lower Sackville.
- Trevor Levy, 8763 Highway #14, located adjacent to Blair Levy. He owns 70 acres of land, with about 10 acres cleared. He grows hop plants for the craft brewing industry and pumpkins for direct sales. He is clearing land for further agricultural development as he said there is no good additional agricultural land available for purchase in the area. His forested land runs down to the river, and provides lumber for building projects. Trevor is employed as the Community Development Officer (Economic & Recreation Department) at the Municipality of West Hants.
- Philip Nunn, 20 Smiley Lane, McKay Section also along Highway #14, across the road from Trevor Levy. He owns about 190 acres located on both sides of Highway #14, approximately 70 acres cleared. He operates a beef feeder and hog (sow to weaner) farm. He also spreads manure and crops some of the cleared land owned by adjacent land owners.
- Rob Gueli, 418 Scotch Village Station Road, owns 156 acres, 40 of which are cleared. He and his partner are recent entrants to agriculture, having developed a ½ acre plot growing fresh vegetables and herbs for direct markets. About 30 acres of the cleared land is cropped for hay by a neighboring farmer, who also spreads manure on the land.
- Art Ward, 421 Scotch Village Station Road, owns 28 acres of land, 8 of which are cultivated, cropped for hay by another local farmer. His property adjoins the Hill property, and is the site of the Old Acadian Highway which is developed into a trail.

The following dialogue presents concerns expressed by the neighboring land owners consulted as part of this study:

- Although the parcel in question has not been used for agriculture for some time, it would be taking 'good' agricultural land out of production in an area where there is limited availability of agricultural land.
- The land is low-lying and has limited sun exposure due to the surrounding topography, thereby limiting its' agricultural productivity.

- Although it has limited productivity due to its location next to the river and its size there is concern if this small parcel was rezoned out of agriculture, it may set a precedent for future situations.
- Livestock operations in the area spread manure on the land which will create a smell for a short period of time. This may not be appealing to all visitors and could result in complaints, yet it is a natural agricultural operation to dispose of waste and is environmentally sustainable in naturally rebuilding organic matter of the soil.
- Flooding is a major concern: the river overflows infrequently but more than once in five years in recent history with heavy rains and ice jams. This would be of concern if it were to remain in agriculture as flooding would bring debris onto the land. This is also a concern for a campground supporting any infrastructure.
- Increased traffic in a rural area with lots of uninhabited land has adjacent land owners concerned about possible nuisance issues, as not all visitors will be responsible citizens:
 - a. Possibility of forest fire destroying woodlots from carelessness with open camp fires at the campground. Neighboring farm owners have forested land directly adjacent to the proposed site.
 - b. Garbage left on neighboring lands as visitors venture out for walks on trails and exploring.
 - c. Personal liability if someone were to get hurt while trespassing onto neighboring properties. There are 'unique attractions' on adjacent properties including sink holes, which are a safety concern.
 - d. Potential for polluting the water with increased traffic. Some land owners use the water in the river as an alternate water source in dry summers, to supplement their wells.
 - e. Destroying protected plant species such as yellow lady slippers by picking the attractive flower which results in the plant dying. There used to be a lot of these plants in the area but people (perhaps unaware) picked the attractive flower, killing the plant.

There were also some positive comments regarding the rezoning, indicating that it would bring economic stimulus to an area that is in dire need of such. Others expressed limited concern with the nuisance issue because the focus of the retreat is to attract people who love nature, want time to escape the busy life and would respect the neighboring properties.

VI. Rezoning Assessment Summary

The soil found in PID# 45166915 is considered good crop land in terms of agricultural capability, as recorded in the CLI. Ms. Thyssen-Post concurs with this assessment of soil capability from the site inspection conducted of the property in November 2022. The cleared portions of the PID supported respectable quality grass at the time of the visit. The parcel contains mainly Class 3

soils, with limited Class 2 soils, as reported in the Soil Classification Maps for the province. These soil classes have capability to produce good quality hay and/or pasture.

There are limitations in the site that influence its' economic viability for agricultural production including the plot size and shape, as well as the propensity towards flooding as it is interval land. The limited size of the plot and elongated shape makes machinery use for cropping inefficient and challenging. If it were fenced to provide pasture for livestock, the size is inefficient and could only accommodate a few head of cattle. Pasturing may be delayed in the spring with flooding concern, and when floods occur, there will be issues with debris coming over the land with the water.

Removing the parcel out of agriculture will not result in any loss of agriculture production as the land was not farmed prior to this rezoning request. Rezoning of the land parcel from agriculture priority two (AR-2) to recreation commercial has some potential to have adverse affects on the operations of neighboring farms. Rezoning would remove the good quality agricultural land from possible future agricultural production. Although the soil is of good quality, the parcel size limits and the flooding concerns, limits it to hay/pasture production. The concern about setting a precedent for future requests should be alleviated as the municipality requires a professional agrologist study for every rezoning request involving agricultural land, implying that each case is unique.

Rezoning the land to Recreation Commercial would increase the traffic in the area especially with campers, but the intent is to build a retreat that will provide opportunities for folks to escape the busy life. Neighboring farmers rightly have concern about the potential for nuisance issues from visitors that do not respect private property boundaries. Efforts can be made by the Hill's to instill respectful behaviors in their clients and neighboring land owners can post no trespassing signs but the risk of people not complying is always evident.

Rezoning this land parcel from AR-2 to recreation commercial to develop a wellness retreat may potentially have some adverse affect on neighboring agricultural properties, mostly from the nuisance and liability perspective. The land being considered is 'good' agricultural land but has limitations due to plot size, shape and more importantly propensity to flood. Rezoning land that is prone to flooding should be of concern if structures are to be placed on the land.

Sincerely,


Yvonne Thyssen-Post, P.Ag.

Thyagrissen Consulting Limited



References

- Canada Land Inventory (CLI) 1:1,000,000. (1954). Atlantic Provinces Soil Capability for Agriculture Map. Retrieved from <https://sis.agr.gc.ca/cansis/publications/maps/cli/1m/agr/index.html>
- Cann, D.B., Hilchey, J.D., & Smith, G.R. (1954). Soil Survey of Hants County Nova Scotia. Report No. 5 Nova Scotia Soil Survey. Agriculture Canada.
- Devanney, M. (June 2010). Profile of Agricultural Land Resources in Nova Scotia. NS Department of Agriculture.
- Municipality of the District of West Hants Municipal Planning Strategy. (Approved May 13, 2008; Amended to September 14, 2021).
- Overview of Classification Methodology for Determining Land Capability for Agriculture. Canada Land Inventory (CLI), Agriculture & Agri-Food Canada. (2022) Retrieved from <https://sis.agr.gc.ca/cansis/nsdb/cli/index.html>

APPENDIX A

NS Institute of Agrologist Membership

Receipt Number: 1999

2023



Nova Scotia Institute of Agrologists
7 Atlantic Central Dr
East Mountain, NS B6L 2Z2

Yvonne Thyssen-Post
35 Talon Court Bible Hill, NS B2N 7B4

Member ID: 19311

This is your receipt for income tax purposes.

NSIA Membership Fee for 2023 (HST Included at 15%)

\$178.25

Status: Professional Agrologist

****THIS IS YOUR OFFICIAL RECEIPT --- DO NOT PAY****

BN 888 257 599 RT0001



Nova Scotia Institute of Agrologists

7 Atlantic Central Dr.,
East Mountain, NS B6L 2Z2

902-893-7455

Web: <http://www.nsagrologists.ca>

This is to certify that Yvonne Thyssen-Post
is a(n) Professional Agrologist

Membership valid from Jan. 1 to Dec. 31, 2023


Member Signature

APPENDIX B

Site Photos

Proposed Site Plan

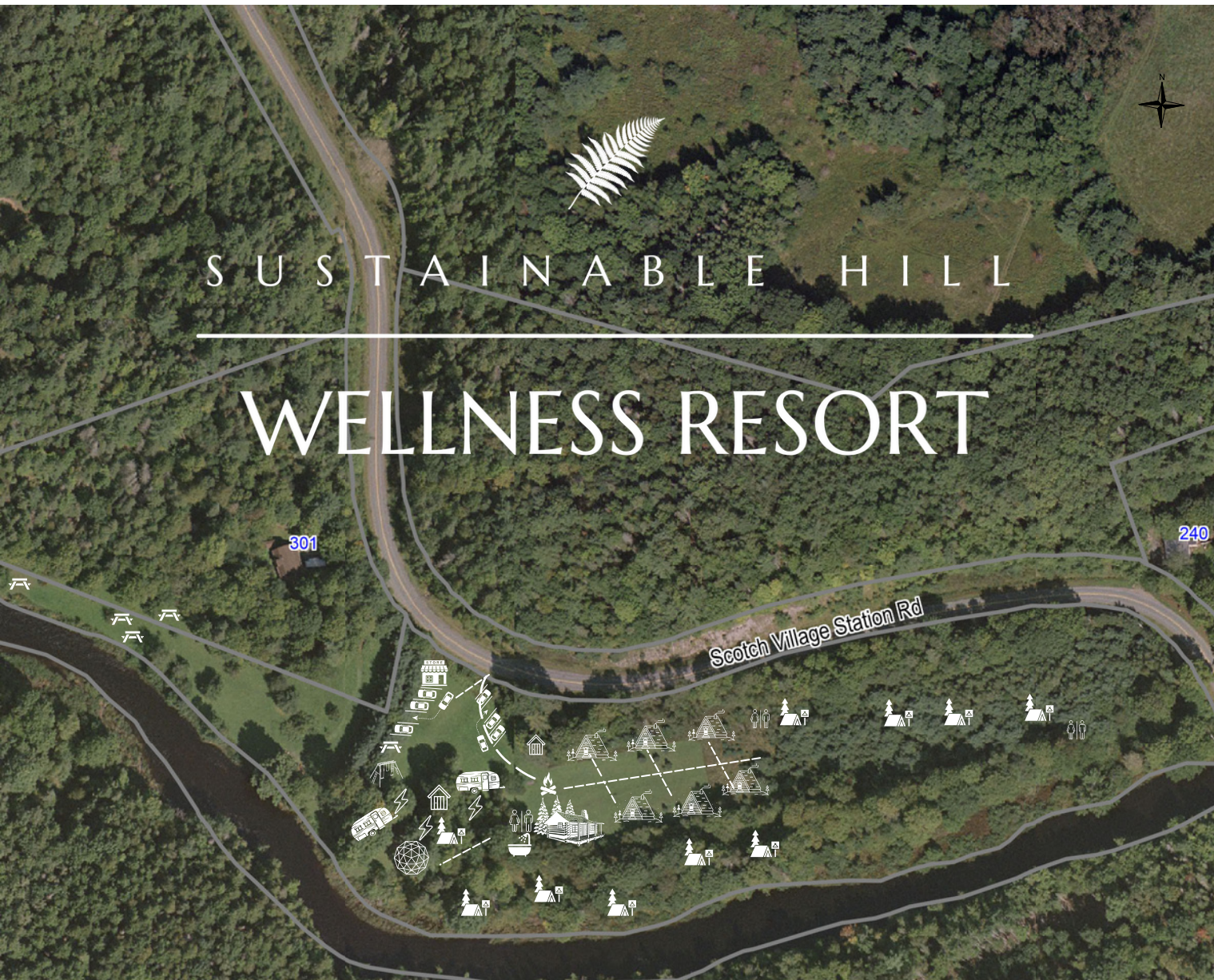
Photo taken from Viewpoint property listing showing the Herbert River and the adjacent interval land on PID# 45166915



A close-up view of PID# 45166915, combination of grassed mowed areas and woods.

S U S T A I N A B L E H I L L


WELLNESS RESORT



Find us here...

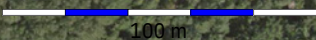
301 Scotch Village Station Rd.
Scotch Village, Nova Scotia
B0N 2A0
(902) 230-4567

 @sustainablehillwellness

 Sustainable Hill - Camping, Tiny Homes, Yoga Dome

Legend:

- | | | | | | |
|---|-----------------------|---|----------------|---|-----------|
|  | Tenting Site |  | Bathroom |  | Pathway |
|  | Electric Site |  | Showers |  | Road |
|  | Cabin |  | Playground |  | Yoga Dome |
|  | Shed |  | Community Fire |  | Parking |
|  | Snack Shack |  | Picnic Area | | |
|  | Wheelchair Accessible | | | | |



APPENDIX C

PID Identification; Agricultural Capability Determination Information



Soil Classification

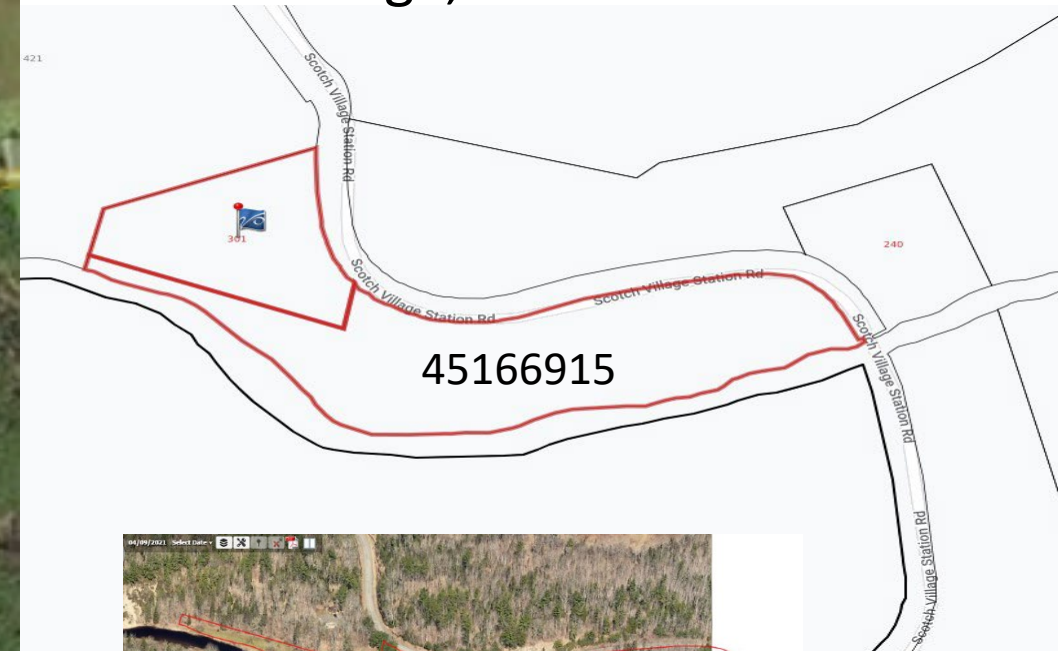
301 Scotch Village Station Rd,
Scotch Village, NS B0N 2A0
PID 45166915

Yvonne Thyssen-Post, P.Ag.
Thyagrissen Consulting Limited



PID 45166915

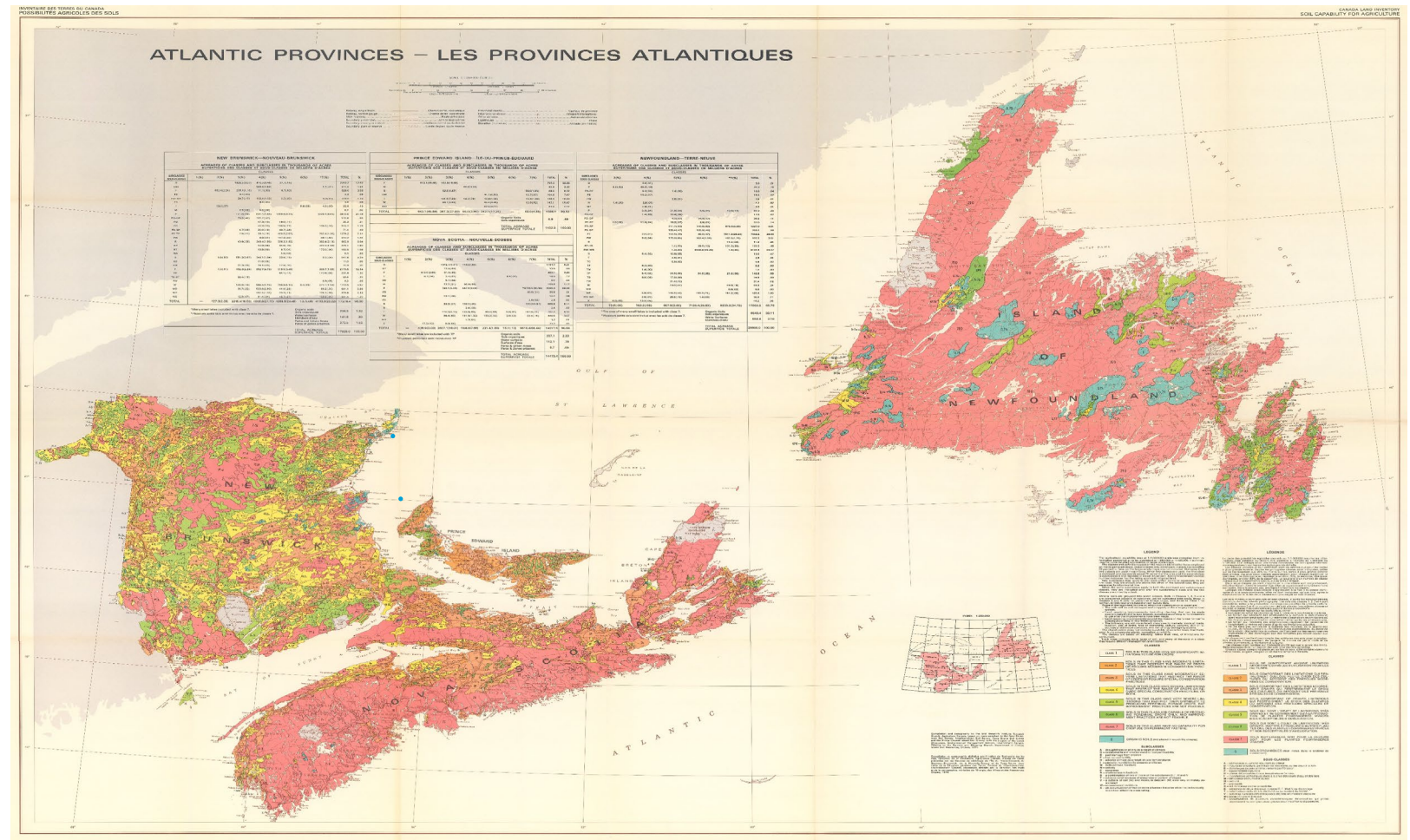
301 Scotch Village Station Rd,
Scotch Village, NS B0N 2A0



Canada Land Inventory

Soil Class

Scale 1:1,000,000



Source: Government of Canada -Canada Land Inventory - cli-1m_agr_Atlantic
https://sis.agr.gc.ca/cansis/publications/maps/cli/1m/agr/cli_1m_agr_atlantic.jpg₆

PID 45166915

301 Scotch Village Station Rd,
Scotch Village, NS B0N 2A0

CLASSES

CLASS 1

SOILS IN THIS CLASS HAVE NO SIGNIFICANT LIMITATIONS TO USE FOR CROPS.

CLASS 2

SOILS IN THIS CLASS HAVE MODERATE LIMITATIONS THAT RESTRICT THE RANGE OF CROPS OR REQUIRE MODERATE CONSERVATION PRACTICES.

CLASS 3

SOILS IN THIS CLASS HAVE MODERATELY SEVERE LIMITATIONS THAT RESTRICT THE RANGE OF CROPS OR REQUIRE SPECIAL CONSERVATION PRACTICES.

CLASS 4

SOILS IN THIS CLASS HAVE SEVERE LIMITATIONS THAT RESTRICT THE RANGE OF CROPS OR REQUIRE SPECIAL CONSERVATION PRACTICES, OR BOTH.

CLASS 5

SOILS IN THIS CLASS HAVE VERY SEVERE LIMITATIONS THAT RESTRICT THEIR CAPABILITY TO PRODUCING PERENNIAL FORAGE CROPS, BUT IMPROVEMENT PRACTICES ARE NOT FEASIBLE.

CLASS 6

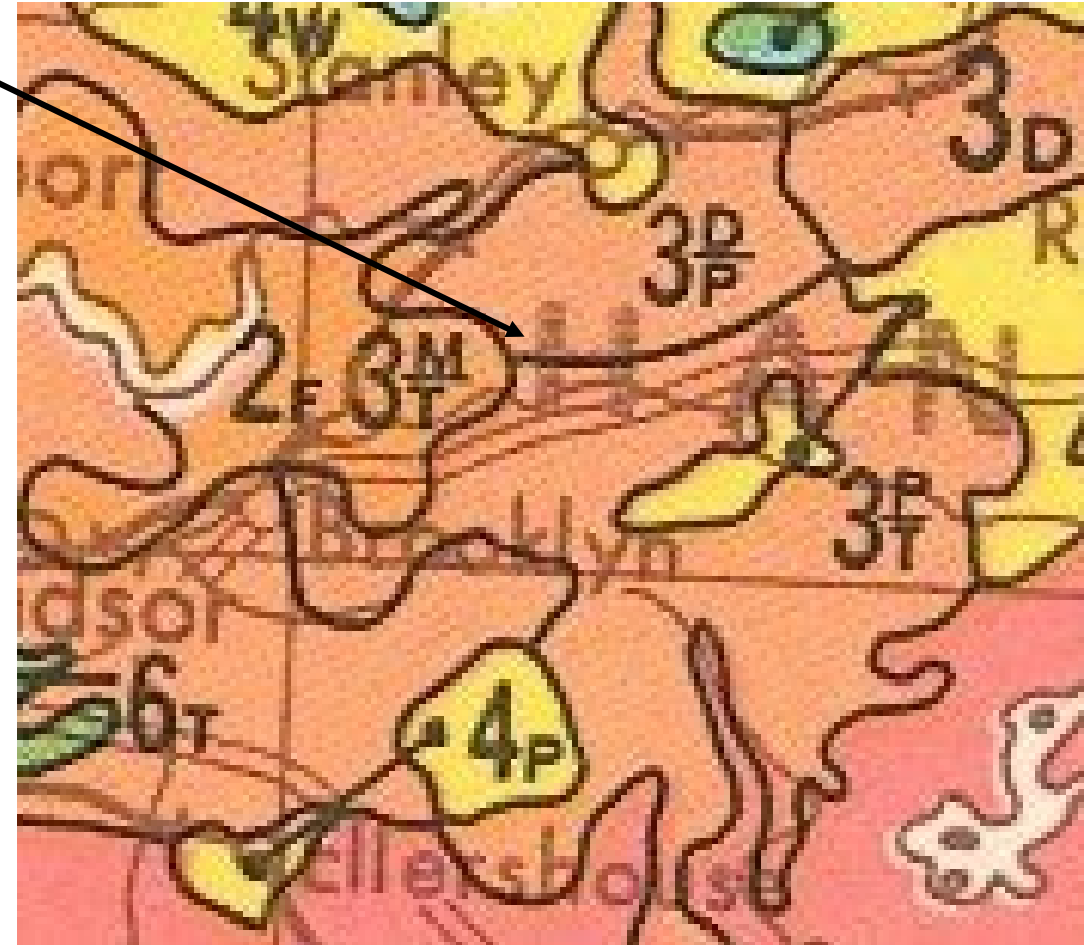
SOILS IN THIS CLASS ARE CAPABLE OF PRODUCING PERENNIAL CROPS ONLY, AND IMPROVEMENT PRACTICES ARE NOT FEASIBLE.

CLASS 7

SOILS IN THIS CLASS HAVE NO CAPABILITY FOR CROP USE OR PERMANENT PASTURE.

0

ORGANIC SOILS (not placed in capability classes).



Soil Classification

301 Scotch Village Station Rd,
Scotch Village, NS B0N 2A0
PID 45166915

Soils at 301 Scotch Village Station Rd, Scotch Village, NS B0N 2A0 are in a band of Cu-P 0.A2 that runs along the river. Classed as a Cumberland Soils, it is relatively stone free along the river and is level to very gently undulating with good drainage characteristics but may be prone to flooding. Usually this type of soils is considered good land for crop production.

Soils in this area may be described as low in natural fertility and/or deficient in soil moisture. Utilization for cropping may be affected by steepness and or slope conditions.

SYMBOL	Se-P	Cu-P
SOIL CATENA	STEWIACKE	CUMBERLAND
ACREAGE	6656	5868
DESCRIPTION OF SURFACE AND SUBSOIL	Reddish brown silt loam over reddish brown silty clay loam; stone free.	Dark reddish brown sandy loam over reddish brown sandy loam; stone free.
PARENT MATERIAL	Alluvial sands and silts along river courses.	
TOPOGRAPHY AND DRAINAGE	Level to very gently undulating; moderately rapid drainage, but often subject to flooding.	
PRESENT LAND USE	Chiefly hay or grain crops.	
LAND USE CAPABILITY	GOOD CROP LAND	

301 Scotch Village Station Rd,
Scotch Village, NS B0N 2A0

PID: 45166915



Source: Soil Survey of Hants County - Area Soils map-ns5b
<https://sis.agr.gc.ca/cansis/publications/surveys/ns/index.html>

CONVENTIONS

Soil Symbol: $\frac{\text{Catena - Drainage}}{\text{Stoniness - Topography}}$

DRAINAGE

P Well drained
PH Imperfectly drained

STONINESS:

0. Stone free.
1. Slightly stony; no hindrance to cultivation.
2. Moderately stony; enough stone to interfere with cultivation unless removed.
3. Very stony; sufficient stone to be a serious handicap to cultivation.
4. Excessively stony; non-arable, too stony for cultivation.

TOPOGRAPHY

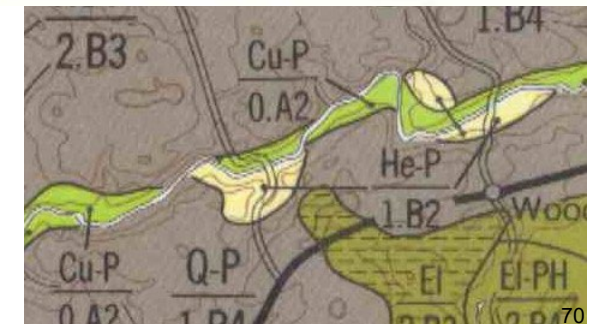
- A Single slopes; smooth or regular surface.
B Complex slopes; irregular or rough surface.

Depressional to Level

- A0. Smooth undrained basin
A1. Smooth level
B0. Irregular hummocky basin
B1. Irregular level

Sloping

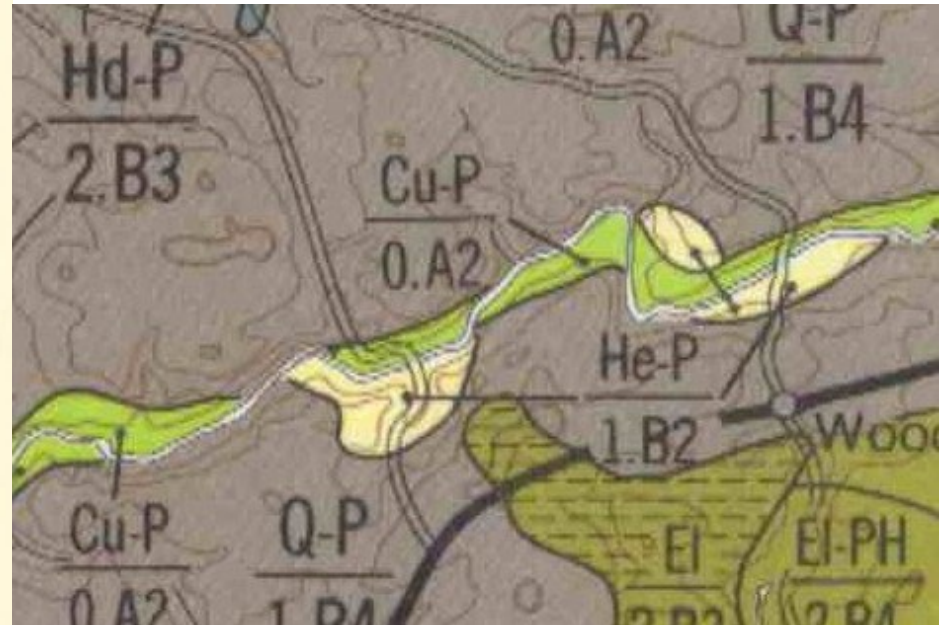
- | | | |
|---|----------------------|----------|
| 2 | Very gently sloping | .5-1.5% |
| 3 | Gently sloping | 2-5% |
| 4 | Moderately sloping | 6-9% |
| 5 | Steeply sloping | 10-15% |
| 6 | Very steeply sloping | 16-30% |
| 7 | Hilly | over 30% |





SUBCLASSES

- A** – droughtiness or aridity as a result of climate
- D** – undersirable soil structure and or low permeability
- E** – past damage from erosion
- F** – low natural fertility
- H** – adverse climate as a result of cold temperatures
- I** – periodic inundation by streams and lakes
- M** – deficient soil moisture
- N** – salinity
- P** – stoniness
- R** – shallowness to bedrock
- S** – a combination of two or more of the subclasses D, F, M and N
- T** – adverse relief because of steepness or pattern of slopes
- V** – a pattern of wet (W) and moisture deficient (M) soils very intimately associated
- W** – excessive soil moisture
- X** – an accumulation of two or more adverse characteristics that individually would not affect the class rating.



Latitude / Longitude ⁷¹
 45.0342443 / -63.9626555

Attachment E
Public Information Meeting Notes
February 16 – March 1, 2023
File 22-29

PID 45166915, Scotch Village Station Road

Meeting date and time	A Public Information Meeting was held on February 16, 2023, beginning at 7:00 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"> • Councillor Murley (Chair) <p>Three (3) members of staff:</p> <ul style="list-style-type: none"> • Director Poirier • Planner Dunphy • Meeting Secretary Lake <p>Applicants:</p> <ul style="list-style-type: none"> • Allan Hill • Jessica Hill <p>PAC/HAC members:</p> <ul style="list-style-type: none"> • Greg Pace • Councillor Ivey • Stefan Palios • Jane Davis • Tasha Rogers <p>14 members of the public attended the meeting in-person.</p>
<p>Applicant Jessica and Allan Hill</p> <p>Property PID 45166915 and 45148608, Scotch Village Station Road</p>	<p>Planner Poirier outlined the development agreement application to permit a yoga studio and campground with a variety of tourist accommodations and other accessory uses on the subject lots.</p> <p>The applicants made a formal presentation.</p>
Comments	<p>Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between February 16 – March 1, 2023.</p> <p>7 members of the public spoke at the Public Information Meeting. 5 comments or questions were received via mail, email or phone. The questions and comments from the public</p>

are summarized below. Email responses are attached. Staff and applicant responses are included in purple.

At the Public Information Meeting the following comments were made:

- Greg Pace asked whether the property owners have examined the floodplain on the property? Allan and Jessica responded that they have designed the site to ensure only tent sites will be placed along the riverbank and they are looking at building materials that would withstand any potential flooding. Additionally, flooding would likely occur outside of the season that the campground is open.
- Jane Davis asked whether the property owners would be living on-site? Allan and Jessica responded that they will be the primary operators and on-site when users are there.
- Trevor Levy owns a property downstream of the subject lots. He knows that the majority of the property is under the lowest contour line and has seen the property under water several times. Where will the washrooms be located so it won't flood and contaminate the river? Allan and Jessica responded that they are investigating composting or incinerator toilets which would not have runoff. They spoke to the daughter of former owner of BarS campground which used to be on the site. When the BarS campground was open the washrooms used to be across the road which is no longer feasible. Jessica and Allan noted they will choose placement of washrooms to ensure no impact on river and no impact on their personal well.
- Blair Levy owns property across the road from the subject lot which is mainly used for forestry purposes. He is concerned that even with a central fire pit, that the dry summer weather could lead to sparks coming across the land to his property. He mentioned the same concerns related to smokers dropping cigarette butts. He noted that users of the campground may want to go hiking in the area and wondered what the liability may be on abutting property owners when people trespass. Their family also owns a camp down river from this site and worries about vandalism to the

	<p>camp. Scotch Village Station Road goes through middle of their family farm. He is concerned about the addition traffic for the yoga studio/retreat.</p> <ul style="list-style-type: none">• Alan Harvey owns property in the area. He currently picks up garbage and wonders how the proposed uses will impact the amount of garbage found on nearby properties. He is concerned with people trespassing on his property and going over the bank or cliff and getting hurt.• Karen Fitzgerald asked for clarity on the overall proposal. Allan and Jessica confirmed that the proposal is 10-12 tent sites, 6 cabins, a yoga studio and 3-bedroom house. She is also concerned with trespassing, especially with people walking down to the river and trespassing. Allan and Jessica confirmed that they would be installing signage and will provide mapping to users of the site to indicate areas that are “out of bounds”. They confirmed that no trails will be developed around current single unit dwelling where they live. Karen asked whether dogs will be permitted with campground users as she currently has her own dogs and doesn’t want to see issues occur. Allan and Jessica noted that they would consider whether pets would be permitted and added that they will be creating a code of conduct for guests with pet policy if pets are permitted.• Murray Levy commented that allowing this property to be used for commercial purposes may set a precedence and lead to other similar requests on agricultural property.• Tom Levy lives and works near this site on the family farm. He noted his main worry is regarding the potential for forest fire as their farm serves many needs including water, food and heat for families. He wants assurance that there will be no impact to their wood lot. He noted that locals are educated about the risks of forest fires, but campground users will need to be educated.• Karen Ward noted that she is concerned with trespassing, liability and privacy. She also noted that campground users should be made aware of hunting season.
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Telephone conversations included the following:

February 17, 2023

- Sara received a call from Tom Levy who is concerned about the flooding on the property of the proposed campground and the impact that septic systems flooding would have on the downstream properties. He said the river typically overflows the property on years where there is ice build up downstream. He also noted that they are experiencing higher water events which cause the water levels to be higher in spring and fall in general. Tom will send Sara pictures of the flooding seen in the past. He also noted that the driveway access on the turn may be difficult to get. Sara noted that she has contacted the Provincial Department of Public Works for comment and that the property owners would require approval for any driveway for the proposed uses.

February 21, 2023

- Trevor Levy called Sara to discuss the proposal. He is concerned with flooding of the lot which would cause debris in the river and contamination from septic systems overflowing. He said that he has spoken with the Provincial Department of Environment who stated that they would be able to issue a permit for septic system on the lot, however if they receive a complaint that outhouses are overflowing, they would issue a fine to the property owner. He noted that there was frequent flooding in the past and where this property is connected to other river systems that the river may flood even in the summer due to a freak storm somewhere else in the Municipality. He noted that the contour map would show the lot is very low lying and that Smileys Provincial Park has to place their washroom facilities upland due to flooding potential in the low lying parts of the park. Trevor also noted his concern regarding the driveways to the property. They have three driveways in the area and wanted the Provincial Department of Environment and Planning Department to consider

that if the property owners are hosting events on the property that people may consider parking on the side of the road, which would cause major issues since large farm equipment travels the road. Sara noted that she has contacted the Provincial Department of Public Works for comment and that all parking for the proposed uses would need to be accommodated on the properties.

Lastly Trevor stated that the property owners mentioned that Smileys Provincial Park brings revenue to the area however he doesn't believe it would be during the time of year they mentioned, because the park doesn't open until June-July each year (not May like other parks).

Two residents also came in to meet with Director Poirier to discuss the proposal:

February 14, 2023

- Art and Karen Ward discussed concerns about the impact the campground users may have on endangered yellow lady slipper flower which grows on their property. They noted that there is also an old Acadian highway in the area which would give people better access to their property which they do not want, especially as there is a large embankment (70-80 ft.) on the area of the subject lot leading up to their property.

February 28, 2023

- Tom and Murray Levy came into the office to speak to Sara about the proposed campground on Scotch Village Station Road. They provided copies of pictures (attached on pg. 91) to show the water levels being at 6-8 ft. high when the properties flooded back in the 2000's. There was also a black and white photo (not sure what year) that shows ice/water on the property up to the Scotch Village Station Road boundary. Tom provided a written document of his comments (attached on pg. 88) and a summarized of the comments provided by Tom and Murray during the discussion are provided below:

	<ul style="list-style-type: none">• Flooding occurs every 3-5 years on the subject property as there is an island downstream of the property that backs up with ice causing the river to flood.• The old campground was not an established campsite, it was more so for friends to tent on the site. It had a canteen and washrooms on the opposite side of the road.• The hedge on the property that runs perpendicular to the river is where a brook runs on the subject lot. They noted that the owners are not permitted to cross that brook on foot or with vehicles, unless approval is received from the Province.• They walked along the river with a measuring stick which showed that ice damage is on the trees, about 8 ft. total from the bottom of the river.• The deck for the yoga dome is on deck blocks and not a solid foundation which causes concerns in a flood if debris would be to travel down river.• Concerns of any uses on site in case a flash flood happens due to a freak weather event, similar to what happened on Brook Street a few years ago. The river is long and a freak weather event in Rawdon could impact this site.• Rising tides could impact the river flow upstream. Unsure if that would affect this property but may raise the water levels.• Insurance company stated it would be unlikely that they could get flooding insurance and then if there are issues on the site with septic or debris, who would be responsible?• The Provincial Landscape Viewer shows the Herbert River is a river for endangered species. Smileys Provincial Park is on the Meander River which is not a river for endangered species and they have enough space to put septic on the same property. Provincial parks also prohibit people bringing their own wood due to potential pests, how would these owners enforce this and supply local firewood?• Will the cabins be year-round? Wood fired or diesel?
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	<ul style="list-style-type: none"> • How will garbage be collected and stored to prevent debris in the river and reduce the attraction for bears? Bears seen in the area due to salmon spawning. • The scale of map of the proposal isn't great as the parking area isn't fully shown. What if they want to host weddings, etc.? Should not be allowed to park on the road as farm equipment drives up the road. Traffic on the road will increase. They run the farm uphill at beginning of road and are concerned with an increase in traffic. • They will need a registered drinking water supply for all of those uses. • This is agriculture land. This lot would have a longer growing season than most properties and flooding deposits good nutrients for the soil. The property was hayed in the past. • The embankment has been eroding at the west end of the property, coming to a point now. • Water level of the river can vary greatly throughout the year. Summertime water levels can be very shallow.
Adjournment	The meeting was adjourned at 7:52 p.m.

Public Email Responses Submitted for the Application PIM

February 17, 2023

From Tom Levy

To Sara Poirier

Hi Sarah

Here is a photo the high water looking downstream from the bridge on station road. You'll see the water on flooded onto the land

Bell Wi-Fi

8:57 PM

61%



December 11, 2014
7:59 AM

Edit



February 17, 2023
From Trevor Levy

To Sara Poirier

Good morning,

Please see attached images of PID 45148608. This is 2014 December 11. I know it has flooded more recent, but I do not have picture of it at this time. This is standing on the bridge on the scotch village station road looking toward Brooklyn. When you have a chance, please give me a call at 782-838-0084. Enjoy your Friday!

Thanks,

Bell Wi-Fi

8:57 PM

61%



December 11, 2014
7:59 AM

Edit



February 21, 2023
From John Fitzgerald

To Sara Poirier

Hi Sarah

I was in attendance for the yoga retreat council meeting on February 16th. Wondering if you can direct me to where I can leave comments and concerns considering the yoga retreat approval to developed. I tried searching myself with no luck.

Thank you, John Fitzgerald

February 21, 2023

From Sara Poirier

To John Fitzgerald

Good morning, John,

Any comments or questions on the proposal can be emailed to me here, sent in a letter to the address in my email signature, or you can call me at 902-798-8391 ext. 117. All comments in relation to this application should be submitted through those channels by noon on March 1.

All the best,
Sara

February 23, 2023

From Art Ward

To Sara Poirier

Hi Sara,

Could you please email me the address where we can send in our concerns regarding the proposed camp grounds next to us in Scotch village.

Thanks, Art and Karen Ward.

February 23, 2023

From Sara Poirier

To Art Ward

Hi Art,

You can send them along to me via this email address, via phone at 902-798-8391 ext. 117 or via mail at PO Box 3000, 76 Morison Drive, Windsor, NS, B0N2T0.

All the best,

Sara

February 22, 2023

From Tom Levy

To Sara Poirier

Good day Sara

We spoke last week over the phone , and I would like to arrange a time next week that I can come in and discuss some of my concerns about this development. As well i have a few photos you might be interested in scanning.

The morning of Tuesday February 28th I am available, As I have the day off for an appointment at 1pm. Please let me know if your free that day, or we can set up another time.

Regards

Tom levy

February 23, 2023

From Sara Poirier

To Tom Levy

Good morning, Tom,

I can meet at 9 a.m. or 11:30 a.m. on Tuesday morning if either of those times work for you?

All the best,
Sara

February 23, 2023

From Tom Levy

To Sara Poirier

9am Tuesday morning will work fine.
Looking forward to meeting with you

Best regards

February 28, 2023

From Tom Levy

To Sara Poirier

Thanks for meeting with us this morning.

Here I've attached a couple photos of snapping turtles below the station road bridge







Areas of Concern Re: Sustainable Hill Wellness Resort

Submitted by: Tom Levy

Date: February 28, 2023

- **Loss of agricultural lands**
 - Along the Herbert River there are currently 12 to 16 actively cultivated lands, this property is similar. Although the property is now partially covered in new forest, it was once a 10-acre field. This was enough land to provide over 1000 square bales of hay annually. These river flood plains provide a unique benefit to farmers, because of well drained sedimentary soils, and high-water tables.
 - The land is dry enough to allow working early in the spring but remains moist in the dryer months of summer promoting longer sustained growing conditions. The rivers frequent flood cycles also deposit nutrient rich sediments over the lands providing a natural fertilizer to the soil, reducing the need for synthetic fertilizers. Making these properties excellent sites for small scale organic farms.
 - However, once a site has been contaminated with graveled parking areas, sewer pipes, utility lines and concrete septic holding tanks, it becomes financially unviable for farmers to recover the land back to a workable condition. Effectively rendering it lost to future generations. Highlighting the need for us to appreciate these agricultural areas and protect them through maintaining agricultural zoning and other legislation, such as the marshlands act.

- **Species at risk**
 - Herbert river system is a significant habitat to species at risk
 - <https://nsgi.novascotia.ca/plv/>
 - Lady slippers, turtles
 - <https://nsgi.novascotia.ca/plv/>
 - <https://novascotia.ca/natr/wildlife/species-at-risk/>
 - Area adjacent to the property is marked as a 'significant habitat' for endangered American Martin.
 - What precautions will be taken to protect the local Snapping turtle populations from disturbance from park guests and their pets?

- **Flood zone**
 - Photos to submit showing flood levels of 6 to 8 feet of rise on two different occasions.
 - Concerned regarding sewer back up
 - Will they have Insurance? Heustis insurance representative suspects flood and sewage back up insurance will be unobtainable for this site.
 - Who is liable for the Enviromental clean up if insurance is void?
 - Will there be insurance for forest fire costs?
 - Because of purposed year-round accommodations, there will be users during peak flood times (Fall, Winter & Spring)
 - However, during times of heavy rainstorms there is still a risk of flash floods in rivers (e.g., Brook Street in Ellershouse washed out homes, and road).

- Will the water courses be delineated by a qualified person before construction on the site begins, to ensure setback requirements are met?
 - Will privies be professionally installed by a qualified person?
 - What if any work will be done to the river frontage to promote public entry to the river?
 - What actions will be taken to prevent erosion caused by park clientele using the riverbanks as a recreational area?
 - What actions will be taken to prevent silt entering the watercourse during construction?
- **The Comparison to Smiley's Provincial Campground**
 - Smiley's is large enough that it has land above the flood plain
 - Outhouses and Washrooms are well away from the river and flood zone
 - Some were removed to ensure no risk of contamination
 - **Meander River is not recognized by the Province of Nova Scotia as a habitat for species at risk, however the Herbert River is.**
 - This information found on the Provincial Landscape Viewer website
 - <https://nsgi.novascotia.ca/plv/>
 - The DRR contact has reached out to their Biologist to find out what species that is. They suspect it is turtles and/or lady slippers. (waiting for more follow up).
 - Smiley's does not open May long weekend as previously stated in the community meeting. The opening dates are June 8 through Sept 18, 2023. Any connection between local business revenues in May, cannot be connected to Smiley's park.
 - <https://parks.novascotia.ca/park/smileys>
 - Smiley's provincial park has a dumpster on site to contain trash, what plans have been made to handle trash generated at the proposed wellness center?
 - Will the new campground have a secure structure to contain refuse, that will not attract the local bear population, as well as prevent contamination of the river in a flood event?
- **Previously a campground in the 70's**
 - Station road was only a gravel road during that time
 - It was seasonal campground
 - Washrooms were located across road on land no longer suitable by today's regulations. (Water course setback, 30m) (Not suitable for public street crossing at night)
- **Parking**
 - Based on the proposed site map
 - 6 small cabins – 2 occupants per cabin – 2 vehicles
 - One 1 bedroom cabin – 4 occupants per cabin – 4 vehicles
 - 7 tent sites – 2 occupants per tent – 14 vehicles
 - 2 RV sites – 4 people per RV – 2 vehicles
 - Yoga Class attendees
 - 10 to 20 people – 10-20 cars
 - Weddings/ Events
 - 100 +/- people – 100 vehicles

- Could be looking at 158 +/- vehicles
- Parking along road not viable option
 - Single lane bridge off a turn in the road
 - Speed limit 80km/h
 - Overwidth Farm equipment travels through this area, some that just fits the width of the bridge (14+ feet)
 - Currently No approved driveway on the Property containing the Yoga dome. The two properties are separated via a water course.
 - Do they intend to have the public crossing the water course, and how will this be accomplished without disturbing the stream bed?
- **Firewood**
 - Due to the threat of pests such as the Brown spruce long horn beetle, Hemlock woolly adelgid, and the Emerald ash borer. Smiley's provincial park along with all provincial and national parks in Nova Scotia have banned the practice of allowing wood onto their grounds.
 - These parks have large forested areas that allow them to sustainably harvest wood for use in the parks. This site does not have sufficient forest to allow this practice.
 - Will the cabins have wood as a source of heat during colder conditions? If not, will they have a source of electrical back up power sufficient to power the 7 cabins? This would require a large diesel generator, Bringing forward concerns of fuel storage on a flood prone area.
- **Drinking water**
 - This proposal meets the requirement for a provincially registered drinking water supply.
 - <https://novascotia.ca/nse/water/publicwater.asp>
 - Does this site have a supply capable of supplying its needs? (Dept of environment will not allow rivers as a supply)
 - With increasing sea levels, the tide is reaching farther up the river system each season. Currently the tide terminates at the highway 215 bridge near Newport rink. This area is approximately 6km away from the Station Road, however only meters difference in altitude.





WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipal Council

Submitted by: _____
Sara Poirier, Director of Planning and Development

Date: 2023-05-23

Subject: Development Agreement: Payzant Drive, Windsor PID 45276441 and 45366986; File #22-28 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 an apartment building with up to 90 apartment units and up to 10,000 sq. ft. of commercial space on a portion of PID 452766441 and 45366986 on Payzant Drive in Windsor in a manner substantively the same as the draft set out in Attachment C of the report to the Planning and Heritage Advisory Committee #22-28 dated April 13, 2023.

...that Council requires that the development agreement with Mitch Brison which permits an apartment building with up to 90 apartment units and up to 10,000 sq. ft. of commercial space on a portion of PID 452766441 and 45366986 on Payzant Drive in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A completed application was received on December 19, 2022, from Chrystal Fuller from Brighter Community Planning & Consulting on behalf of the property owner Mitch Brison of 3229190 Nova Scotia Limited. The application was to consider permitting one, 8-storey, 90-unit apartment building with up to 10,000 sq. ft. (929.03 sq. m.) of commercial space on the ground floor on a portion of PID 452766441 and 45366986 on Payzant Drive. There is currently a single unit dwelling located on PID 452766441 and the portion of PID 45366986 being considered in this application is vacant. Both lots are owned by 3229190 Nova Scotia Limited; Mr. Brison is the President of that company.

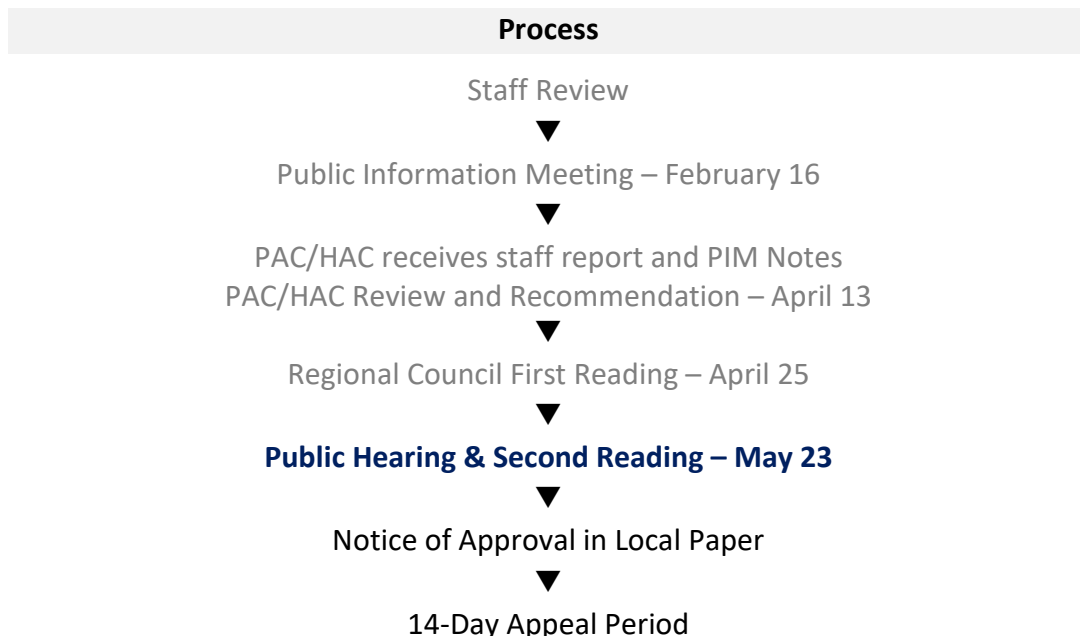
A Public Information Meeting was held on February 16, 2023.

On April 13, 2023 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). PAC/HAC recommended in favour of the application on April 13, 2023.

Council held first reading on April 25, 2023 (Appendix A).

NEXT STEPS

The process for this application is as follows.



APPENDICIES

Appendix A 2023-04-25 PAC/HAC Recommendation to Council - Development Agreement:
Payzant Drive, Windsor PID 45276441 and 45366986; File #22-28 B

CHIEF ADMINISTRATIVE OFFICER REVIEW

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 <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipal Council

Submitted by: _____
Sara Poirier, Director of Planning and Development

Date: 2023-04-25

Subject: Development Agreement: Payzant Drive, Windsor PID 45276441 and 45366986; File #22-28 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 an apartment building with up to 90 apartment units and up to 10,000 sq. ft. of commercial space on a portion of PID 452766441 and 45366986 on Payzant Drive in Windsor in a manner substantively the same as the draft set out in Attachment C of the report to the Planning and Heritage Advisory Committee #22-28 dated April 13, 2023.

...that Council requires that the development agreement with Mitch Brison which permits an apartment building with up to 90 apartment units and up to 10,000 sq. ft. of commercial space on a portion of PID 452766441 and 45366986 on Payzant Drive in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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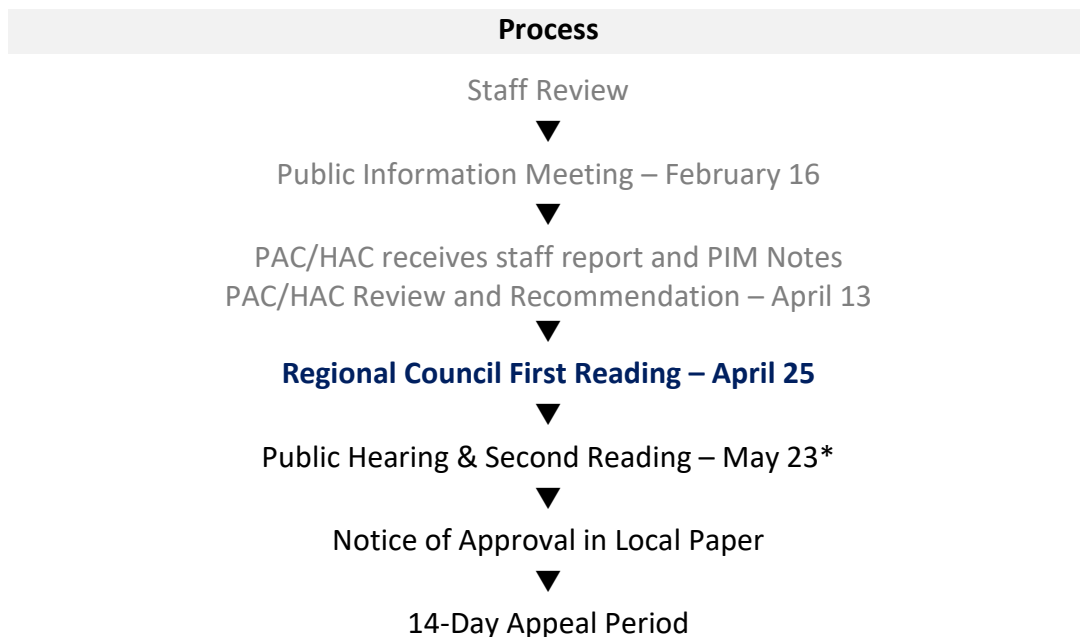
DISCUSSION

A Public Information Meeting was held on February 16, 2023.

On April 13, 2023 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). PAC/HAC recommended in favour of the application on April 13, 2023.

NEXT STEPS

The process for this application is as follows.



*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 2023-04-13 Staff Report Development Agreement: Payzant Drive, Windsor PID 45276441 and 45366986; File #22-28

CHIEF ADMINISTRATIVE OFFICER REVIEW

The draft development agreement (DA) and its components are in keeping with the development in the immediate area. Due public process has been carried out to-date, all public feedback has been captured and the DA has been drafted with the engagement of the developer.

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 <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Director of Planning and Development

Date: 2023-04-13

Subject: Development Agreement: Payzant Drive, Windsor PID 45276441 and 45366986; File #22-28

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

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 to consider entering into a development agreement to permit an apartment building with up to 90 apartment units and up to 10,000 sq. ft. of commercial space on a portion of PID 452766441 and 45366986 on Payzant Drive in Windsor in a manner substantively the same as the draft set out in Attachment C of the report to the Planning and Heritage Advisory Committee #22-28 dated April 13, 2023.

...that PAC/HAC recommends that Council require that the development agreement with Mitch Brison which permits an apartment building with up to 90 apartment units and up to 10,000 sq. ft. of commercial space on a portion of PID 452766441 and 45366986 on Payzant Drive in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A completed application was received on December 19, 2022, from Chrystal Fuller from Brighter Community Planning & Consulting on behalf of the property owner Mitch Brison of 3229190 Nova Scotia Limited. The application was to consider permitting one, 8-storey, 90-unit apartment building with up to 10,000 sq. ft. (929.03 sq. m.) of commercial space on the ground floor on a portion of PID 452766441 and 45366986 on Payzant Drive. There is currently a single unit dwelling located on PID 452766441 and the portion of PID 45366986 being considered in this application is vacant. Both lots are owned by 3229190 Nova Scotia Limited; Mr. Brison is the President of that company.

DISCUSSION

PID 452766441 is approximately 10.53 acres (42,613.34 sq. m.) in size. The applicant proposes to use a 2-acre (8,093.71 sq. m.) portion of the lot for this proposed apartment building. PID 45366986 is approximately 3.3 acres (13,371.6 sq. m.) in size and an approximately 1.8 acre (7,284.34 sq. m.) portion of this lot will also be used for the apartment building. The applicant will go through the subdivision process to subdivide the lot as shown on the site plan attached to the draft development agreement if the proposed development agreement is approved.

The lots are designated Residential on the Generalized Future Land Use Map (Figure 1) of the Windsor Municipal Planning Strategy (WMPS) and zoned Single Unit Residential (R-1) and High Density Residential (R-4) on the Zoning Map of the Windsor Land Use By-law (WLUB) (Figure 2).

Part 5.0 of the WMPS contains the overall intention for properties designated Residential in Windsor and Sections 5.4 and 5.5 describe the intention for high density residential development and residential buildings greater than 3 storeys in the Residential designation. Part 9.0 of the WMPS contains the overall intention for mixed-use developments in the Residential designation. Residential uses are permitted as-of-right in the Single Unit Residential (R-1) and High Density Residential (R-4) zones however an apartment building of three or more dwelling units and greater than 3 storeys in height that includes commercial uses must be considered by development agreement.

The subject lots directly abut properties with a variety of designations and zoning including Residential and Community Use designations, and Single Unit Residential (R-1), Two Unit Residential (R-2), Medium Density Residential (R-3), High Density Residential (R-4), and Institutional (I) zoning.

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.

Windsor Land Use By-law

Section 6.0 of the WLUB, 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:*

- (b) multiple unit residential development consisting of three or more units in a Residential designation in accordance with Policy 5.4.6 of the Municipal Planning Strategy;
- (c) dwellings in excess of three storeys in a residential zone in accordance with Policy 5.5.1 of the Municipal Planning Strategy; and
- (k) mixed use multiple residential/commercial uses in the Residential designation in accordance with Policy 9.1.1 of the Municipal Planning Strategy;”

Proposed Development Agreement

The applicant proposes to develop 90 apartment units and up to 10,000 sq. ft. (929.03 sq. m.) of commercial space within a single apartment building. The permitted uses on the lots 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 and the surrounding residential area. 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 2.11.

Section 2.2 (c) of the draft development agreement outlines the maximum height of the buildings as 80 ft. (24.38 m.) and requires a minimum side yard of 15 ft. (4.57 m.) or at least one-half the building height, whichever is greater. This would meet the criteria in Policy 5.5.1 (a) and (b).

The draft development agreement requires the following:

- a minimum of one (1) parking space per dwelling unit and a minimum of one (1) parking space for every 500 sq. ft. (46.45 sq. m.) of commercial floor area dedicated to commercial uses (Section 2.4);
- a minimum of 13,500 sq. ft. (1,254 sq. m.) of usable recreation space (Section 2.6);
- the Owner to have sole responsibility for snow plowing and garbage collection for the development (Section 2.8); and
- a 5 ft. (1.52 m.) wide pedestrian walkway from Payzant Drive and Community Way to the main entrances of the building (Section 2.3).

Section 3.3 of the draft development agreement outlines substantive matters of the development agreement. Substantive matters are any items that Council has determined 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 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 number of units permitted within the apartment building as listed in Section 2.1, *Use*;
- the minimum side yard requirements and maximum building height of the building as listed in Section 2.2, *Development Location and Design*;
- the fire safety requirements listed in Section 2.5, *Fire Safety*; and
- the hours of operation for the commercial uses as listed in Section 2.11, *Hours of Operation*.

Other items such as accessible parking, elevators, sprinkler systems, and barrier free units may be required in the buildings by the Manager of Building and Fire Inspection Services in accordance with the National Building Code. A full review of the building plans would 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.

Windsor Municipal Planning Strategy

Part 5.0 of the WMPS contains the overall intention for properties designated Residential in Windsor and Section 5.4 describes the intention for high density residential development. Policy 5.4.6 establishes Council's intention to consider proposals for multiple unit residential development consisting of three or more units in the Residential designation by development agreement and Policy 5.5.1 enables Council to consider entering into a development agreement to allow dwellings in excess of three storeys.

Part 9.0 of the WMPS contains the overall intention for mixed-use development in Windsor. Policy 9.1.1 establishes Council's intention to consider proposals for mixed use residential/commercial developments with two or more dwelling units in the Residential designation by development agreement.

WMPS Specific Criteria

Policy 5.4.6, 5.5.1 and 9.1.1 outline the specific criteria to be considered by Council, which are examined in detail in Attachment A.

In summary, the criteria are met since:

- the development is generally consistent with the High Density Residential (R-4) zone standards;
- the development is compatible with adjacent land uses;
- the side yards will be at least one-half the height of the building;
- the building will not exceed 80 ft. (24.38 m.) in height; and
- the commercial uses are located on the street level and do not exceed one-third of the total floor area of the development.

WMPS General Criteria

The proposed development meets the general criteria for development agreements set out in the WMPS 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 Manager of Public Works Operations have no concerns which have not been addressed in the development agreement.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor will experience extensive flooding. The subject lot in this application does not appear to be affected under this scenario, however Payzant Drive itself may experience flooding.

Upon request by the Public Works Department the property owners engineer provided a letter regarding proposed stormwater management for the site. This letter stated "The Nova Scotia Provincial regulations require that when developing land with storm sewers, the post development storm drainage flows for both the 1 in 5-year storm and the 1 in 100-year storm

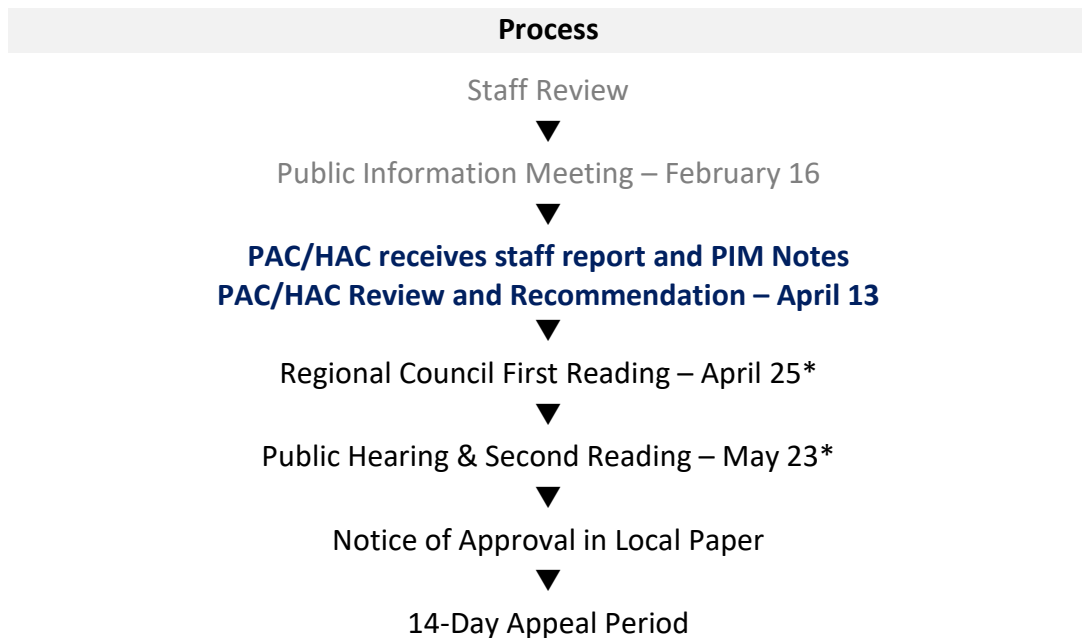
must be balanced with the pre-development flows. This is because when land is changed from forest to urban surfaces such as roofs, lawns, roads, and driveways the stormwater flows increase dramatically due to the reduced infiltration and depression storage. To balance the pre and post development flows on site, storage is typically used in the form of stormwater detention ponds or underground storage such as oversized pipes.

For this project, site stormwater drainage will be conveyed to a municipal stormwater service that will discharge to a stormwater storage pond located West of Payzant Drive. This stormwater storage pond, built as part of The Community Way Phase 2 project, was designed to accommodate the proposed multi-unit residential site and balance the pre and post flows for the Community Way projects.”

The Public Works Department confirmed that “this letter satisfies our previous stormwater concerns and confirms that the pre/post-construction stormwater flows from this subject property have been designed and allocated into the newly constructed stormwater system on Payzant Drive.”

NEXT STEPS

As noted above, the proposed development agreement has been considered within the context of the general policies of the WMPS, and is consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to enter into a development agreement to permit an apartment building with up to 90 apartment units and up to 10,000 sq. ft. (929.03 sq. m.) of commercial space on the ground floor on PID 45276441 and 45366986 on Payzant Drive in Windsor.



*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.

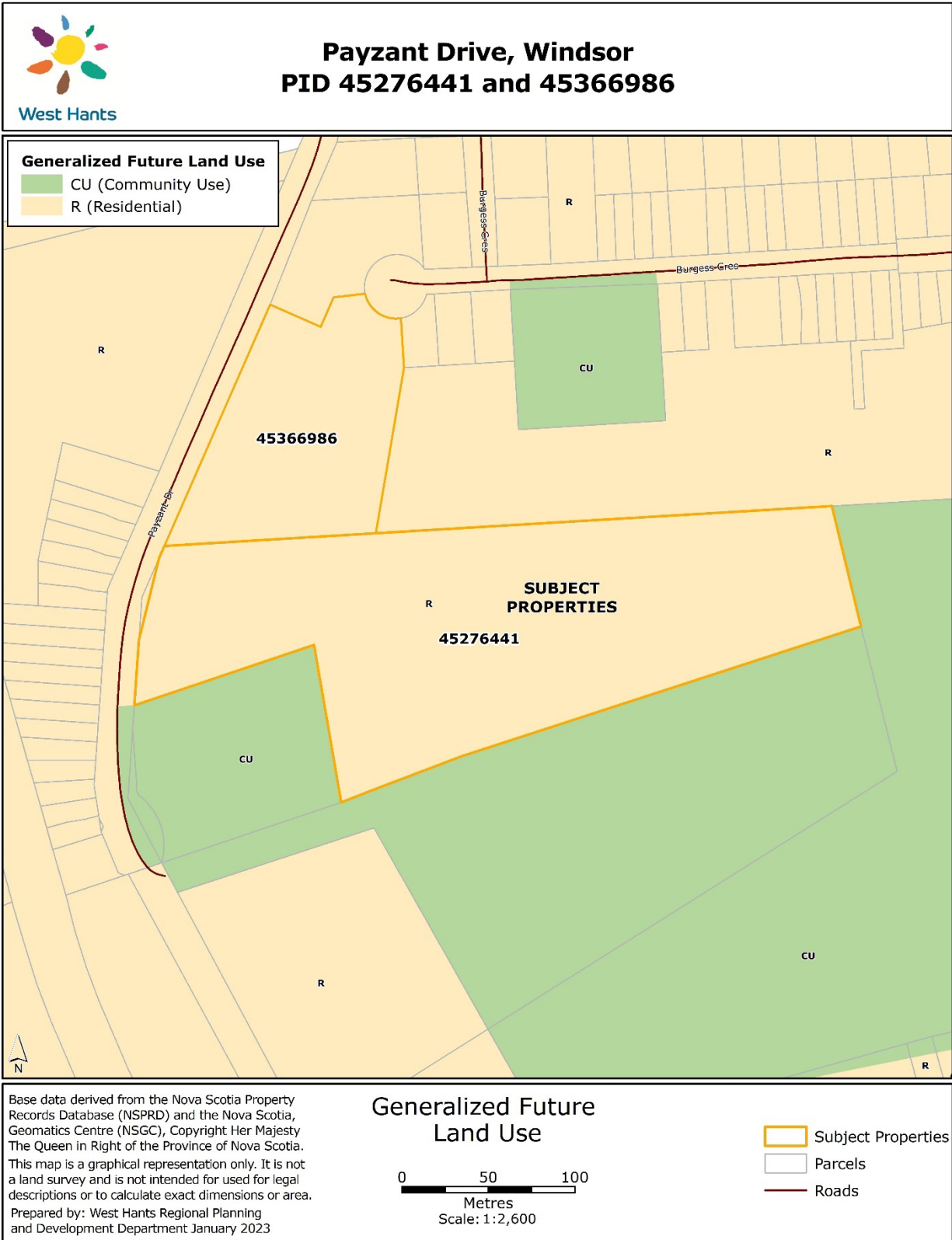
ATTACHMENTS

Figure 1	Windsor GFLUM Extract
Figure 2	Windsor 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

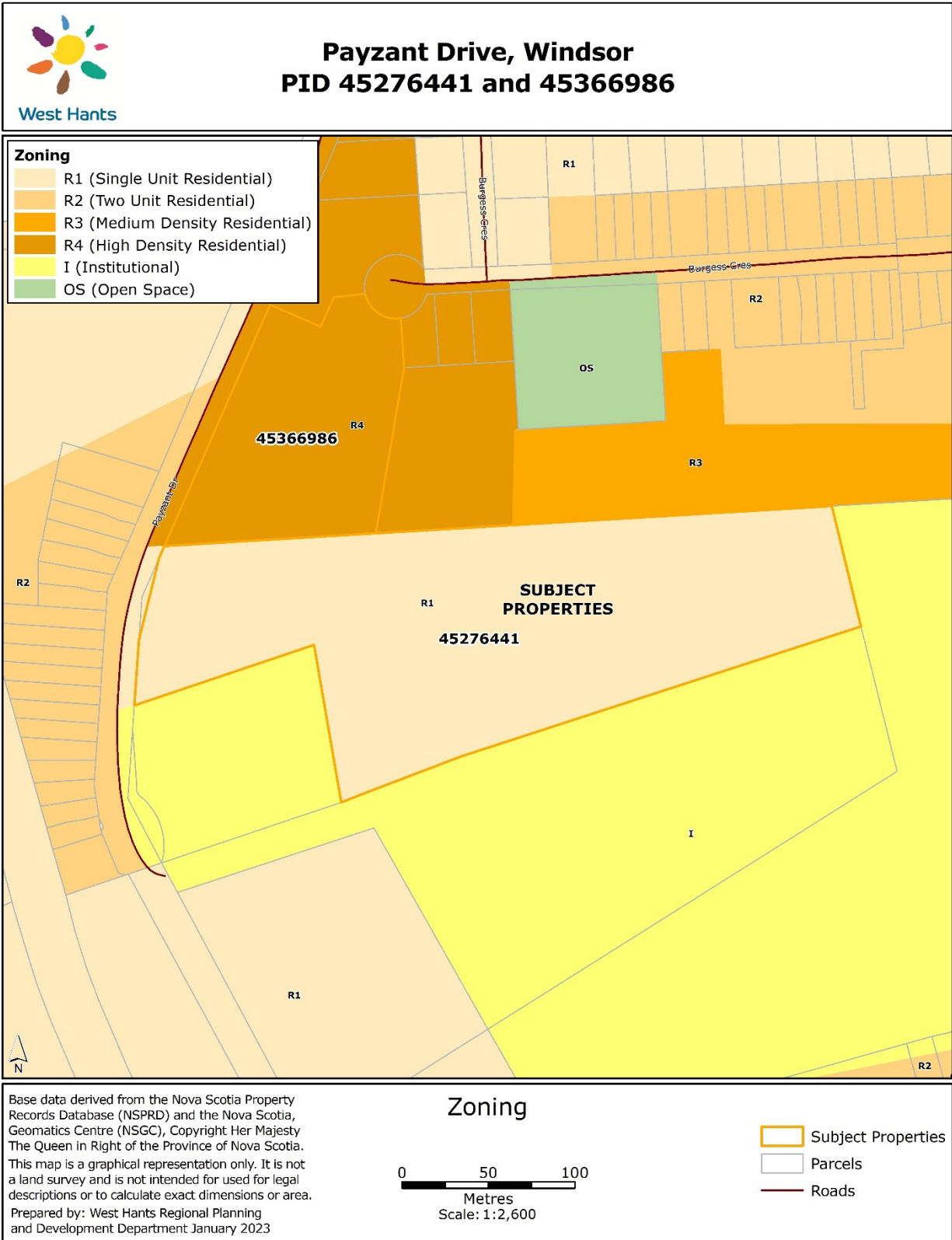
Report Prepared by: _____
Sara Poirier, Director of Planning and Development

Report Reviewed by: _____
Alex Dunphy, Planner

Figure 1
Windsor GFLUM Extract



**Figure 2
Zoning Map Extract**



Attachment A
Specific Criteria for Development Agreement

Windsor Municipal Planning Strategy

Policy 5.4.6 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>CRITERIA</i>	<i>COMMENT</i>
(a) the proposed use meets one of the following:	
(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	<p>The developer is proposing to construct one new apartment building through the draft development agreement. The maximum height of main buildings permitted in the High Density Residential (R-4) zone in Windsor is three storeys, however Policy 5.5.1 of the Windsor Municipal Planning Strategy allows Council to consider dwellings in excess of three storeys by development agreement. Therefore, the maximum height listed in the draft development agreement is 80 ft. (24.38 m.) which is consistent with the policies and criteria in the Municipal Planning Strategies, as reviewed in this report.</p> <p>The minimum lot frontage requirements, lot size requirements, setback requirements, and the maximum height of accessory buildings in the draft development agreement are generally consistent with the High Density Residential (R-4) zone.</p> <p>The development must be connected to Municipal water and sewer service as outlined in Section 2.8 (b)(i), <i>Water and Sewer Service</i>, of the draft development agreement. Section 2.6, <i>Recreation Space</i>, and Section 2.4 (b), <i>Parking</i>, of the draft development agreement outlines the</p>

	required recreation space and parking spaces for the proposed uses.
(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;	Not applicable as the applicant is proposing to construct a new building.
(b) the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;	<p>The Payzant Drive area and the Crossing development currently mostly consists of single storey residential buildings. There are a few two and three storey buildings located on Payzant Drive and Burgess Crescent including the Hants Community Hospital and Avon View High School. The footing permit has been issued for a 6-storey 83-unit apartment building in the Crossing (Building A) and two other 7-storey apartment buildings (Buildings B and C), each with up to 88-units, were recently approved by development agreement.</p> <p>The draft development agreement requires a minimum front and rear yard of 35 ft. (10.67 m.) and a minimum side yard of 15 ft. (4.57 m.) or one-half the height of the building, whichever is greater. These larger yard requirements will minimize the impact of height on the properties fronting on the west side of Payzant Drive. In response to an inquiry, the Development Officer stated “this proposed development is compatible with surrounding neighboring uses.”</p>
(c) the development is considered compatible with the residential character of the area with respect to traffic generation and population density;	The West Hants Regional Municipality contracted WSP to perform an intersection infrastructure needs assessment in 2021. The intersection of Wentworth Road and Payzant Drive was investigated in the study. Based on

findings from this study, in conjunction with the Hants County Exhibition Expansion Traffic Impact Study (WSP, May 2021), it was recommended that plans be prepared to upgrade this intersection to a roundabout. A staff report was presented to Committee of the Whole on October 12, 2021 recommending DesignPoint be awarded the contract to design the roundabout for the Wentworth Road at Payzant Drive intersection. The report states that “the Municipality would like to be prepared to call for tenders for a spring/summer construction start, with project completion within the 2022/23 fiscal period.” DesignPoint presented at the January 10, 2023 Committee of the Whole meeting outlining the proposed design for upgrades to the Payzant-Wentworth intersection. Once designs are finalized, the Public Works Department will request authorization from Council to go to tender for construction. The developer provided a traffic study in relation to this proposed apartment building. The Manager of Operations for the Municipal Public Works Department commented that existing streets are adequate to support the development provided that the proposed roundabout be constructed at the Payzant Drive and Wentworth Road intersection.

Windsor has a population density of 522 people per sq. km. (Statistics Canada Census for 2022). The Crossing development as currently constructed has a population density of almost double this and this area of Payzant Drive, Burgess Crescent, Underwood Drive and Fraser Drive has a population

	<p>density almost three and a half times the population density of Windsor. The footing permit has been issued for a 6-storey 83-unit apartment building in the Crossing (Building A) and two other 7-storey apartment buildings (Buildings B and C), each with up to 88-units, were recently approved by development agreement, which would also increase the population density in this area. This proposed apartment building would be consistent with the current and future development plans and population for the area.</p>
<p>(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;</p>	<p>Section 2.2 (g), <i>Development Location and Design</i>, of the draft development agreement requires the developer to keep all undeveloped areas of the Properties landscaped which may include grass, shrubs, trees or other appropriate vegetative cover. Additionally, Section 2.8 (a)(ii) of the draft development agreement requires the owner to 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.</p>
<p>(e) adequate on-site parking is provided and parking areas are well designed;</p>	<p>The WLUB currently requires 1.5 parking spaces per dwelling unit and 1 parking space for every 300 sq. ft. of commercial space, each 10 ft. by 20 ft. in size. Due to the location of the lot in the community of Windsor and proximity of the lot to surrounding services, staff determined that it would be appropriate to reduce the amount of required parking per dwelling unit. Additionally, as the commercial uses are limited by size and type, and these commercial uses will most likely serve people</p>

	<p>living in the building or located nearby, the parking requirements for the commercial uses have also been reduced. As outlined in Section 2.4, <i>Parking</i>, of the draft development agreement, parking will be required at one (1) space per dwelling unit and one (1) space for every 500 sq. ft. (46.45 sq. m.) commercial floor area dedicated to commercial uses. Each parking space will have a minimum size of 9 ft. by 20 ft.</p>
<p>(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;</p>	<p>Section 2.6, <i>Recreation Space</i>, requires a minimum of 13,500 sq. ft. (1,254 sq. m.) of usable recreational space to be provided on the property. This was deemed sufficient by development control staff due to the proposed Community Centre adjacent to the proposed apartment.</p> <p>There is also the Burgess Crescent Park located nearby which will abut Community Way and provide public recreational space for residents in the area.</p>
<p>(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;</p>	<p>These lots abut Payzant Drive and a new street under construction, Community Way. This area of Payzant Drive is a minor collector street as shown on the Transportation Map (Map 2) of the WMPS.</p>
<p>(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;</p>	<p>Not applicable as the subject lots are not located in an Architectural Control District.</p>
<p>(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;</p>	<p>Not applicable as the applicant is proposing to construct new buildings.</p>

<p>(j) any other matter which may be addressed in a development agreement; and</p>	<p>Services such as garbage collection and snow plowing would be the responsibility of the owner of the property. These requirements are outlined in Section 2.10 (a), <i>Waste Collection</i>, and (c), <i>Snow Plowing</i>, of the draft development agreement.</p> <p>It is the responsibility of the property owner to ensure the site is suitable for the proposed uses.</p> <p>All other matters are addressed elsewhere in this report.</p>
<p>(k) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.</p>	<p>Please see Attachment B for further details.</p>

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:

CRITERIA	COMMENT
<p>(a) the side yards are at least one-half the height of the building;</p>	<p>Section 2.2 (c) 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.</p>
<p>(b) the building will in no instance exceed 80 ft (24.38 m) in height;</p>	<p>The maximum height listed in the draft development agreement is 80 ft. (24.38 m.) which ensures the development meets this criterion. The maximum building height is also listed as a substantive matter in the draft development agreement which means that staff have recommended, based on the criteria in 5.5.1 (b), that any future proposed change to the height of the apartment buildings would significantly alter the intent of the development agreement and would go through the entire development agreement process, including Public Hearing before Council, prior to Council making a final decision on the proposed amendment.</p>

(c) the building design, height and scale is compatible with the surrounding area;	As noted in 5.4.6 (b) the building proposed through this development agreement would be consistent with the height and scale of the single, two and three storey buildings constructed on Payzant Drive and the proposed multiple unit buildings already permitted by development agreement on Community Way. The lot is not within an Architectural Design Control District therefore the design of the building was not reviewed as part of this application.
(d) any other matter which may be addressed in a development agreement; and	All other matters have been addresses elsewhere in this report.
(e) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.	Please see Attachment B for further details.

Policy 9.1.1 It shall be the intention of Council to consider mixed use residential/commercial developments with two or more dwelling units by development agreement in areas designated Residential subject to the following:

CRITERIA	COMMENT
(a) the density, scale and architectural design of the development are compatible with the surrounding area;	As noted in 5.4.6 (c) and 5.5.1 (c) the development is considered compatible with the density and scale of the surrounding area. The lot is not within an Architectural Design Control District therefore architectural design was not reviewed as part of this application.
(b) the development is reasonably consistent with the provisions of the Architectural Design Manual, if it is located in an Architectural Design Control District;	Not applicable as the lots are not included in an Architectural Design Control District.
(c) the development is reasonably consistent with the yard standards of the underlying zone;	The properties are zoned Single Unit Residential (R-1) and High Density Residential (R-4). As noted in response to 5.4.6 (a)(i), the minimum yard standards in the draft development agreement are consistent with

	the High Density Residential (R-4) zone requirements, which means they would exceed the Single Unit Residential (R-1) zone requirements.
(d) the proposed development does not compromise the residential integrity of the area;	As noted in 5.4.6 (b), (c) and 5.5.1 (c) the proposed development is compatible with the residential character of the area, and it is not anticipated that this development will compromise the residential integrity of the area.
(e) the commercial use is permitted in the General Commercial (GC) zone;	All of the commercial uses listed in the draft development agreement are listed permitted uses in the General Commercial (GC) zone.
(f) the commercial use is located at the street level and does not exceed one-third of the total floor area of the development;	The 10,000 sq. ft. (929.03 sq. m.) of commercial space will be located on the ground floor of the apartment building and does not exceed one-third of the total floor area of the building.
(g) adequate landscaping, open space and natural or artificial buffering is provided;	Section 2.6, <i>Recreational Space</i> , of the draft development agreement requires a minimum of 13,500 sq. ft. (1,254 sq. m.) of usable recreational space to be provided on the lot and Section 2.2 (g), <i>Development Location and Design</i> , requires the developer to keep all undeveloped areas of the Properties landscaped.

Attachment B
General Criteria for Development Agreement

Windsor Municipal Planning Strategy

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:

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 responded that “there is current availability for Municipal water and sewer at this location”.
(ii) the adequacy of school facilities;	The Regional Executive Director for the Annapolis Valley Regional Centre for Education stated “PID 45276441 is in the Windsor Elementary School, West Hants Middle School, and Avon View High School catchment areas. We have a responsibility to provide public education for students living in the catchment areas served by these schools. We therefore expect our facilities to accommodate any new development.”
(iii) the adequacy of fire protection;	In response to an inquiry, the Manager of Building and Fire Inspection Services stated that access looks acceptable on the drawing however the local Fire Chief should be contacted to confirm. They added that the building will be fully engineer designed including extra requirements for fire protection in accordance with the National Building Code. They noted that the “big thing we need to keep an eye on is water supply with all the development coming as most of these new builds will require sprinkler systems.” Upon request by the Public Works Department the property owners engineer provided a letter regarding proposed fire flows for the proposal. This letter stated

	<p>“During the detail design phase of a project, DesignPoint will perform an analysis to determine whether the fire and domestic flows and pressures for the proposed multi-unit residential site meet Municipal and Provincial regulations and standards. This analysis will involve modeling the existing water system adjacent to the site in conjunction with hydrant flow testing. The results will be summarized and tabulated in a report letter prepared by DesignPoint.” In response to the letter the Municipal Project Engineer stated “As for our previous fire water capacity concerns of the proposed apartment building; this letter is sufficient confirmation that the detailed design by the Developer’s Engineer will determine the need and specification for any fire pumping system that may be required for the apartment building. It is noted explicitly from Public Works that all costs related to the design and installation of the fire pumping system, including piping and related equipment is the responsibility of the Developer.”</p> <p>The local Fire Chief added “my biggest concern would be 360 access around the building for aerial trucks given the height of the structure.” Section 2.5, <i>Fire Safety</i>, of the draft development agreement ensures all of the curbs in the proposed development will be mountable by emergency service vehicles and that access routes shall be maintained to provide unimpeded access to the properties by emergency service vehicles.</p>
<p>(iv) the adequacy of road networks adjacent to, or leading to the development; and</p>	<p>As noted in 5.4.6 (c), the Manager of Operations for the Municipal Public Works Department commented that the existing</p>

	streets are adequate to support the development provided that a roundabout be constructed at the Payzant Drive and Wentworth Road intersection.
(v) the financial capacity of the Town to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	<p>The Manager of Operations has stated they have no concerns with regard to the adequacy of road networks adjacent to, or leading to the development, or the impact of the development on traffic generation or traffic safety.</p> <p>In terms of pedestrian traffic movement, the draft development agreement requires a 5 ft. (1.52 m.) wide pedestrian walkway from the sidewalk on Payzant Drive and Community Way to the main entrances of the building, as outlined in Section 2.3 (d), <i>Access and Egress</i>. This will ensure suitable infrastructure for safe pedestrian movement within the site. There is no active rail transportation in the vicinity.</p>
(c) the adequacy of the dimensions and shape of the lot for the intended use;	Development control staff commented that “the dimensions, shape and size of the proposed lots intended for development are adequate for this proposal.”
(d) the pattern of development which the proposal might create;	There are a variety of housing types already built in the Payzant Drive area and the Crossing including mini homes, modular homes, single unit, two unit, and multiple unit dwellings. Footing permits have been issued for a 6-storey apartment building in this area and two (2), 7-storey buildings have been recently approved by development agreement on Community Way. This proposal is not anticipated to create a different pattern of development than is

	already being constructed in the area and permitted through approved development agreements.
(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;	The lot is relatively flat and there are no watercourses, marshes or bogs identified on the mapping for the site. As noted in the report, under the simulated flooding extent for probable maximum flood due to climate change scenario of the Windsor MCCAP (2014) most of the community of Windsor will experience extensive flooding. The subject lot in this application does not appear to be affected under this scenario, however Payzant Drive itself may experience flooding. The property owners engineer submitted a letter to the Public Works Department describing the proposed stormwater management for the site. The Public Works Department confirmed that “this letter satisfies our previous stormwater concerns and confirms that the pre/post-construction stormwater flows from this subject property have been designed and allocated into the newly constructed stormwater system on Payzant Drive.”
(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	All Municipal, Provincial and Federal regulations will have to be met.
(g) 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 -

3229190 NOVA SCOTIA LIMITED a body corporate, with a head office at 99 Windsor Street, Windsor, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Owner”)

OF THE SECOND PART

WHEREAS the Owner is the registered owner of parcels of land located on Payzant Drive, PID 45276441 and 45366986, hereinafter referred to as the “Properties”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS PID 45276441 is designated Residential on the Generalized Future Land Use Map of the Municipal Planning Strategy and zoned Single Unit Residential (R-1) on the Zoning Map of the Land Use By-law; and

WHEREAS PID 45366986 is designated Residential on the Generalized Future Land Use Map of the Municipal Planning Strategy and zoned High Density Residential (R-4) on the Zoning Map of the Land Use By-law; and

WHEREAS the Owner has requested that the Municipality enter into a development agreement to permit up to 90 apartment units and up to 10,000 sq. ft. of commercial space within an eight (8) storey apartment building on the Properties (the “Development”); and

WHEREAS Policy 5.4.6 of the Municipal Planning Strategy and Section 6.1 (b) of the Land Use By-law enable Council to consider entering into a development agreement to allow multiple unit residential development consisting of three or more units in a Residential designation, Policy 5.5.1 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 dwellings in excess of three storeys, and Policy 9.1.1 of the Municipal Planning Strategy and Section 6.1 (k) of the Land Use By-law enable Council to consider entering into a development agreement to allow proposals for mixed use residential/commercial developments with two or more dwelling units in the Residential designation; and

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

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 defined as follows:

- (a) “Active Construction” means that the Owner has active development and building permits for the construction of the apartment building and the associated parking podium, and that construction activity including but not limited to equipment, machinery, and employees, are on-site working towards the necessary building inspections leading to an occupancy permit.
- (b) “Commencement” means the date the Owner begins Active Construction on the apartment building within this Agreement as permitted by an issued development and building permit;

- (c) “Commercial Floor Area” means the total useable floor area within a building used for commercial purposes but excludes washrooms, utility and mechanical rooms, storage rooms and common hallways between stores; and
- (c) “Parking podium” means a concrete structure constructed at least partially under a building or underground that provides parking spaces to the uses within the attached building.

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 Town of Windsor, approved on August 23, 2005, as amended, or successor by-laws;
- (b) Land Use By-law means the Land Use By-law of the Town of Windsor, approved on August 23, 2005, as amended, or successor by-laws;
- (c) Subdivision By-law means the Subdivision By-law of the Town of Windsor, approved on January 24, 2012, as amended, or successor by-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

- (a) The Parties agree that uses on the Properties shall be limited to the following:
 - (i) those uses permitted by the underlying zoning in the Land Use By-law;
 - (ii) an eight (8) storey apartment building containing up to 90 apartment units and up to 10,000 sq. ft. (929.03 sq. m.) of Commercial Floor Area on the ground floor for commercial uses which shall be limited to the following:
 - 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
 - Offices

- Repair and rental establishments
- Restaurants, excluding drive-through restaurants
- Retail stores including pharmacies
- Service and personal service shops
- Veterinary clinics and animal hospitals; and

(iii) underbuilding, underground and surface parking for the uses within the 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 in writing minor changes to the location of the building or other aspects of the Site Plan provided the side yards are not decreased. Changes to the Site Plan may also be approved in writing in accordance with reports generated in Section 2.7, *Site Drainage*, of this Agreement provided the side yards are not decreased.
- (c) The apartment building shown on the Site Plan in Schedule B shall be limited to a maximum of 90 dwelling units and up to 10,000 sq. ft. (929.03 sq. m.) of Commercial Floor Area on the ground floor. The building may include underground and underbuilding parking and shall conform to the following requirements:

Minimum Front Yard	35 ft. (10.67 m.)
Minimum Rear Yard	35 ft. (10.67 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	8 storeys
Maximum Building Height	80 ft. (24.38 m.)
Maximum Height of Accessory Building	15 ft. (4.57 m.)

- (d) The parking podium shall not be located closer than 15 ft. (4.57 m.) from any external lot line whether or not the parking podium is visible above ground.
- (e) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.

- (f) A minimum of 13,500 sq. ft. (1,254 sq. m.) of usable recreation space as outlined in Section 2.8, *Recreational Space*, shall be required.
- (g) The Owner shall keep all undeveloped areas of the Properties landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.

2.3 Access and Egress

- (a) The Owner shall develop, construct, and maintain the driveways in the Development in general conformance with the driveways shown on Schedule B.
- (b) The driveways shown on Schedule B shall be constructed a minimum of 100 ft. (30.48 m.) from a street intersection. The driveways shall be paved with a minimum paved surface width of 20 ft. (6.09 m.). The vehicular entrance and exit shall be clearly demarcated.
- (c) The Owner agrees that it will seek and obtain approval in writing from the Municipality before any other driveway from the Development is connected to Payzant Drive or any other public road.
- (d) A 5 ft. (1.52 m.) wide pedestrian walkway shall be provided from the sidewalk on Payzant Drive and Community Way to the main entrances of the building. The pedestrian walkways shall be constructed so as to create a stable surface and may use permeable construction materials to assist with stormwater retention.

2.4 Parking

- (a) All parking spaces for vehicles using the Properties shall be located on the lot and shall be generally located as shown on Schedule B.
- (b) A minimum of one (1) parking space shall be provided per dwelling unit and a minimum of one (1) parking space shall be provided for every 500 sq. ft. (46.45 sq. m.) of Commercial Floor Area dedicated to commercial uses on the Properties.
- (c) Parking may be provided either underbuilding, underground or outside at grade.
- (d) Outside 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.
- (e) 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.

- (f) The number of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.13, *Variance*, of this Agreement.

2.5 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 Properties by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

2.6 Recreational Space

A minimum of 13,500 sq. ft. (1,254 sq. m.) of usable recreational space shall be provided on the Properties and may include:

- (a) individual balconies; and
- (b) common use landscaped areas.

2.7 Site Drainage

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.

2.8 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 Properties.

(c) Snow Plowing

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

2.9 Maintenance

- (a) The Owner shall keep the Properties 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 driveways to a level adequate to allow for access by emergency services vehicles.

2.10 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.

2.11 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.

2.12 Subdivision

- (a) Subdivision of the properties shall be permitted in accordance with the applicable Subdivision By-law. No additional parkland or parkland fees shall be required for subdivision or consolidation of the properties subject to this agreement.

- (b) Any lot(s) subdivided from the portions of PID 45276441 and 45366986 that will be developed under this Agreement, shall no longer be subject to this Agreement.

2.13 Variance

In accordance with Section 5.40 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.

PART 3 CHANGES AND DISCHARGE

3.1 The Owner shall not vary or change the number of units within the apartment building on the Properties 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 this Agreement.

3.3 The following matters are substantive matters:

- (a) the number of units permitted within the apartment building on the Properties as listed in Section 2.1, *Use*;
- (b) the minimum side yard requirements and maximum building height of the building as listed in Section 2.2, *Development Location and Design*;
- (c) the fire safety requirements listed in Section 2.5, *Fire Safety*;
- (d) the hours of operation for the commercial uses as listed in Section 2.11, *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 Properties; or
- (b) the Municipality for the purpose of creating or expanding any municipally owned facility or infrastructure in or over the Properties;

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 Properties.

- 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 Properties is in accordance with the 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 Properties until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required. The date of commencement will be determined as the date the Owner begins Active Construction on the building within this Agreement as permitted by an issued development and building permit.
- (b) Active Construction 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 Owner's 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 (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 Properties (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 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 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 Properties 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 Mitchell W. Brison, 99 Water Street, P.O. Box 280, Windsor, NS, B0N 2T0, or at any other address provided in writing or email 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 in writing or email 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

)

) **3229190 NOVA SCOTIA LIMITED**

)

Per: _____

) Mitchell W. Brison, 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 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 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, **Mitchell W. Brison**, 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

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Mitchell W. Brison, Nova Scotia, make oath and say that:

1. I Mitchell W. Brison of **3229190 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

MITCHELL W. BRISON, President

Schedule A
Legal Description

PID 45276441

Location: Windsor

Designation of Parcel on Plan: Lot PB-2

Title of Plan: Plan of Resurvey Lot PB-2 Lands Conveyed to Nova Scotia Farm Loan Board

Registration County: Hants

Registration Reference of Plan: 7755

The parcel complies with the subdivision provisions of Part IX of the Municipal Government Act.

PID 45366986

Place Name: PAYZANT DRIVE WINDSOR

Municipality/County: TOWN OF WINDSOR/HANTS COUNTY

Designation of Parcel on Plan: LOT 77AB

Title of Plan: PLAN OF SURVEY OF LOT 77AB, S/D OF LOT 77 & PORTION OF REMAINDER OF LOT AX, LANDS CONVEYED TO ANAHID INVESTMENTS LTD, PAYZANT DRIVE & BURGESS CRESCENT, WINDSOR

Registration County: HANTS COUNTY

Registration Number of Plan: 86093482

Registration Date of Plan: 2006-09-11 11:44:07

Attachment D
Public Information Meeting Notes
February 16 – March 1, 2023
File 22-27
Payzant Drive, Windsor; PID 45276441 and 45366986

Meeting date and time	A virtual Public Information Meeting was held on February 16, 2023, beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"> • Councillor Murley (Chair) <p>Three (3) members of staff:</p> <ul style="list-style-type: none"> • Director Poirier • Planner Dunphy • Meeting Secretary Lake <p>Applicant:</p> <ul style="list-style-type: none"> • Chrystal Fuller, Brighter Community Planning (Applicants Planner) <p>PAC/HAC members:</p> <ul style="list-style-type: none"> • Greg Pace • Councillor Ivey • Stefan Palios • Jane Davis • Tasha Rogers <p>The following members of the public requested invites to attend the PIM via Zoom:</p> <ul style="list-style-type: none"> • Vinciane Mabialah <p>14 members of the public attended the meeting in-person.</p>
<p>Applicant Mitch Brison, 3229190 Nova Scotia Limited</p> <p>Property Payzant Drive, Windsor; PID 45276441 and 45366986</p>	<p>Planner Poirier outlined the development agreement application to permit one, 8-storey, 90-unit apartment building on a portion of PID 45276441 and 45366986 on Payzant Drive.</p> <p>A formal presentation was made by Chrystal Fuller of Brighter Community Planning on behalf of the applicant.</p>
Comments	Comments from the public could be submitted to Planner Poirier by mail, e-mail, and telephone between February 16 – March 1, 2023.

2 members of the public spoke at the Public Information Meeting and 2 written comments were received via email. The questions and comments from the public are summarized below. The email responses are attached.

The following comments and questions were made at the Public Information Meeting. Staff and applicant responses are included in purple text.

PAC/HAC members asked the following questions and made the following comments:

- There was clarification requested on the affordability of units in this proposed apartment building. Chrystal replied that these are not affordable units and that as more housing supply (i.e., units) are added to the market the market then becomes more affordable in general as it provides more options for people. These apartment units will all be rentals.
- There was clarification requested on the commercial component of the apartment building on the ground floor. Chrystal responded that the commercial uses will be more local in nature to service the residents of the building and the surrounding area. She added that a commercial component makes it more of a vibrant street.
- There were comments on the more concentrated demands for water and sewer services and increase in stormwater runoff with hardscaping of the surfaces in relation to developments.
- Will there be a connection from Payzant Dr. to King St. as access to the proposed development is important? Sara responded that a proposed intersection at Payzant Dr. and King St. was reviewed by Public Works in relation to an overall intersection study, however it is not anticipated to be constructed at this time.
- Will there be consideration for the proposed community centre to become a comfort centre for the residents of this building and future developments? Chrystal commented that comfort centres are typically operated by a municipality. At this time the community centre has not been applied for or reviewed yet, but she will discuss this with the developer.

- Access is extremely important as we put more people in this location. Chrystal mentioned that a traffic study was conducted for the site as part of this application. She also described the future connections in the area through Community Way and then to Cole Drive.

Members of the public asked the following questions:

- Logan asked whether a shadow study been completed for this 8-storey building? Chrystal responded that one has not been conducted to her knowledge. Sara confirmed a shadow study is not currently required for development agreement applications for multiple unit buildings.
- Logan asked if it makes sense to block in the high school property on three sides with seniors housing when families need homes too? Does it make sense to focus on this demographic for this development? Chrystal responded that this development will provide more supply for the market which should open up opportunities for housing for everyone else elsewhere.
- Logan asked whether a geotechnical study been done on the site? Chrystal responded that this has not been done to date however it is up to the developer to do their due diligence with regards to the property
- Logan also asked whether active transportation connectivity has been discussed? Chrystal and Sara responded that this is an active conversation between the Municipality and the developer to ensure connectivity for residents in the area and there will be requirements for walkways to the buildings in the development agreement.
- Krista stated concerns about the increased traffic, in particular the roundabout that is proposed at the end of Payzant Drive. Councillor Ivey responded that the project is being considered in conjunction with this additional development and that future connections to Community Way and to Cole Drive will also most likely be constructed by the time this building is being constructed.
- Krista asked what is the timeline for construction of the 3 buildings on Community Way? Sara confirmed that the developer has a building permit for one of

	<p>the three buildings and that they have 10 years to complete the three buildings.</p> <ul style="list-style-type: none"> • The location is not ideal as it is outside our window.
Adjournment	The meeting was adjourned at 7:00 p.m.

Public Email Responses Submitted for the Application PIM

February 6, 2023

From Suzanne Milner

To Vanessa Lake

I would like to attend the meeting in person please. The letter I received indicated I should contact you if I wanted to attend virtually - I will be attending in person (just in case I need to RSVP).

Thanks
Suzanne

February 7, 2023

From Vanessa Lake

To Suzanne Milner

Good morning!

Thank you for letting us know. There is no need to RVSP, but we appreciate it.

Best,
Vanessa

February 7, 2023

From Suzanne Milner

To Vanessa Lake

Hi Vanessa - I have spent the past 30 minutes on the mini ole website trying to find the traffic study that was completed (2019 I believe but could be wrong) as well as the recommendation (for the Payzant Drive/Wentworth Rd area).

Would you be able to point me to where I might find it LOL.

Thanks
Suzanne

February 8, 2023

From Vanessa Lake

To Suzanne Milner

Hi Suzanne,

Do you mean the development on the location of the old high school? The link to the staff report is here: <https://www.westhants.ca/planning/staff-reports/2022-staff-reports/3826-2022-06-09-recommend-from-staff-to-pac.html> I'm not sure if that contains the traffic information you're looking for. If that's not the file, please let me know. I will also pass this along to our Planners, Sara and Alex, who may have the information you need.

Best,

Vanessa

February 8, 2023

From Suzanne Milner

To Vanessa Lake

I attended the public meeting (virtually) for this as well as the one for Brisons crossing extension (seniors apartments as well as single and duplex buildings on Courtney (I think that is the name)).

At these meetings a councillor referenced a traffic study and subsequent proposal for a roundabout at Payzant/Wentworth.

I am looking for that study and subsequent recommendation!

Many thanks

Suzanne

February 8, 2023

From Sara Poirier

To Suzanne Milner

Hi Suzanne,

My apologies for the delayed response, I was at a conference last week and had to do a little digging to find the report myself. The Windsor Intersection Infrastructure Needs Assessment was attached to a staff report as part of the Committee of the Whole agenda on December 7, 2021. The report starts on pg. 149 here <https://www.westhants.ca/committee-of-the-whole/committee-of-the-whole-packages-april-2020-march-2021/2021-cotw-agenda-packages/3612-2021-12-07-committee-of-the-whole-package-amended-dec-21-2021-1019am/file.html>

There was a presentation made by DesignPoint at the January 10, 2023 outlining the proposed design for upgrades to the Payzant-Wentworth intersection. The presentation starts on pg. 33 here <https://www.westhants.ca/committee-of-the-whole/committee-of-the-whole-packages-april-2020-march-2021/2023-cotw-agenda-packages/4209-2023-01-10-committee-of-the-whole-package-amended-january-12-2023-pdf/file.html>

Please let me know if you require any additional information.

All the best,
Sara

February 7, 2023

From Vinciane Mabialah
To Sara Poirier

Hello Sara,

I have few questions:

- #1- Will the 90 unit apartment building be available for sale?
- #2- Will the storey area, e.g commercial space be available for rent or sale?
- #3- The 90 unit apartment will be a retirement residence or for everyone?
- #4- When will the construction start and end?

Regards,
Vinciane

February 14, 2023

From Sara Poirier
To Vinciane Mabialah

Good morning, Vinciane,

Thank you for your email. Apologies for the late response, I was at a conference last week. I will pass your comments along at the Public Information Meeting. I will also send your questions to the applicants planner, as most questions relate to the business plan of the developer. I will note that the proposal does not include any commercial space within this building.

All the best,
Sara



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Council of the West Hants Regional Municipality

Submitted by: Jim Ivey, Councillor Windsor South, District 11

Date: May 23, 2023

Subject: Amend West Hants Land Use Bylaw Definition for Community Centre

LEGISLATIVE AUTHORITY

MGA 172 (Power to Make By-laws)

RECOMMENDATION or DECISION REQUEST

Council request that staff initiate the process for amending the definition of “Community Centre” within the West Hants Land Use By-Law definitions as was suggested to the Planning and Heritage Advisory Committee on February 10, 2022 to modify the Community Centre definition to become:

“any tract of land and the buildings thereon used for community activities and not used for commercial purposes except mobile canteens, and the control of which is vested in the Municipality or local board or agent thereof.”

An alternative motion is also offered at the end of this report.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion	Environment <input checked="" type="checkbox"/>	Social <input checked="" type="checkbox"/>	Economic <input checked="" type="checkbox"/>	Councillor Activity <input checked="" type="checkbox"/>
--	-------------------	---	--	--	--

The modified definition of Community Centre as outlined to the Planning and Heritage Advisory Committee on February 10, 2022, was not the same definition presented before the Committee

of the Whole, subsequently through to Council and then adopted through the Public Hearing process.

While the modified definition may appear on the surface to be minor in its variation, it cannot be ignored particularly given that the new / current definition may result in a broader interpretation of a “community centre” with the unintended consequences of land use conflicts within the General Resource, Hamlet or Agricultural zones.

By way of additional background for this report, a motion of Council in Sept 2021 requested the opportunity for Mobile Canteens to be located on Community Centre properties.

The original / pre-existing definition of a Community Centre in September 2021 was:

“any tract of land and the buildings thereon used for community activities *and not used for commercial purposes*, and the control of which is vested in the Municipality or local board or agent thereof.”

Planning initiated a review of the request to allow mobile canteens on Community Centre property, beginning with an information session at the PAC / HAC meeting on January 13, 2022.

It was then evaluated and determined by planning that Mobile Canteens (a commercial business), could be permitted to operate on Community Centre properties with the addition of ‘an exception to the definition’ of Community Centres by simply adding “*except mobile canteens*” after the phrase ... “*and not used for commercial purposes*” [*except mobile canteens*].

No other changes were identified.

On February 10, the definition suggested in the planners report to the PAC / HAC committee was that Community Centres be defined as:

“any tract of land and the buildings thereon used for community activities and not used for commercial purposes, *except mobile canteens* and the control of which is vested in the Municipality or local board or agent thereof.”

From the planning report it was motioned by the Planning Advisory Committee that the amended definition and report be sent to Committee of the Whole and then to Council.

The modified definition for Community Centres that was presented to the Committee of the Whole (March 8, 2022) was varied from the format that was endorsed by PAC / HAC and was presented as:

“any tract of land and the buildings thereon, *the control of which is vested in the Municipality or local board or agent* which is used for community activities and not used for commercial purposes with the exception of mobile canteens.

(The modifications within the definition switched/ prioritized the order of the ‘property’s control’, removed the qualifier ‘thereof’ from the end of local board or agent [thereof] and placed the exception at the end of the definition – and not used for commercial purposes with the exception of mobile canteens’).

DISCUSSION

The reports provided by Planning on this matter were comprehensive and appreciated.

The written and discussion detail included potential implications for the *tax status* of the not-for-profit community centre owners for having commercial mobile canteens on their land; the requirements for *parking spaces*, as well as the *inclusion of churches* and impacts on their property if mobile canteens were permitted on church properties.

The intent of the change is a positive one in that it has the capacity to expand temporary / mobile food services into the more rural areas of West Hants. Further its intent when recommended by the Mayor at the September 2021 Council meeting was to allow an additional source of revenue for the community centres themselves. These changes in opportunity for community centres are positive.

The initial concern that should be addressed is the rationale for the change in definition that was implemented between the endorsement by the Planning Advisory Committee and the definition ultimately presented to Council at Committee of the Whole.

The broader issue Council may wish to consider is if the definition implemented for Community Centres is broader in scope than originally intended for the General Resource, Hamlet and Agricultural zones. Are we comfortable with the potential for existing or future land use conflict that may result from the broader definition throughout the region?

(When considering the scope of the definition, Council may also wish to view the map of “Community Centres” within the region included within the attached Planning report; Council may also wish to consider how broad do we want the Community Centre definition to be and do we wish to potentially impact such a wide area of the region?

NEXT STEPS

To be Determined by Council

FINANCIAL IMPLICATIONS

Staff time in reviewing the matter, preparing a report (s) and managing the process.

ALTERNATIVES

Council may prefer to consider the following motion providing a broader view from staff:

Council request that staff undertake a review of the process that allowed the definition of “Community Centre” to be changed between its endorsement by the Planning and Heritage

Advisory Committee on February 10, 2022 and its new definition presented at the Committee of the Whole on March 8, 2022 and report back to Council.

Further

Council requests that staff undertake a review of the existing modified definition of a Community Centre in comparison to the original definition (September 2021) and the definition that was endorsed by PAC / HAC (February 10, 2022) to determine if its current definition does result in a broader scope than was originally intended such that it has the potential to create increased land use conflict.

ATTACHMENTS

Summary of Planning Meeting Reports as provided at the Second Ready for Mobile Canteens on Community Centre and Church properties (Council Meeting which ultimately resulted in the change in definition for Community Centres.

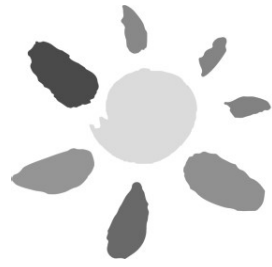
CHIEF ADMINISTRATIVE OFFICER REVIEW

(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: **Jim Ivey, Councillor Windsor South, District 11**

Report Reviewed by: _____
(Name and Title)

Report Approved by: _____
(Name and Title)



West Hants
something inspiring awaits

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: April 26th, 2022

Subject: Mobile Canteen Vending By-law Amendment Request

LEGISLATIVE AUTHORITY

Municipal Government Act Section 172 (c), (f), and 172 (2) (e)

RECOMENDATION

... that Council gives Second Reading and amends the text of Clause 4.1 (f) of the Mobile Canteen Vending By-law to read as follows: *“No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants, with the exception of community centre and church properties.”*

... that Council gives Second Reading and amends the text of the definition of Community Centre in the West Hants Land Use By-law to read as follows: *“Community Centre means any tract of land and the buildings thereon, the control of which is vested in the Municipality or local board or agent which is used for community activities and not used for commercial purposes with the exception of mobile canteens”.*

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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Mayor Zebian brought forward a recommendation to Council on September 14th, 2021 to request a staff report on amending the Mobile Canteen Vending By-law (RV-001) to allow mobile canteens to operate on community centre properties.

DISCUSSION

On January 13th, 2022 staff presented an information report to the Planning and Heritage Advisory Committee regarding the request to amend the Mobile Canteen Vending By-law to allow mobile vendors to locate on community centre properties. Staff outlined that the request would require amendments to both the Mobile Canteen Vending By-law and the West Hants Land Use By-law. Staff also discussed the possibility of including church properties within the amendment. The Committee requested further information about taxation and the inclusion of church properties in the amendment from the Planner.

On February 10th, 2022 staff presented a decision request report to the Planning and Heritage Advisory Committee to follow up on the requested amendment to the Mobile Canteen Vending By-law. Staff discussed the surrounding context of both community centre and church properties, access requirements, and parking requirements. Staff also provided information from the Property Valuation Services Corporation regarding the valuation of tax-exempt properties. Staff suggested the inclusion of a statement during the permitting process to notify applicants and property owners that a change in taxation assessment may occur. The Committee then recommended that staff draft amendments to the Land Use By-law and Mobile Canteen Vending By-law to allow the operation of mobile canteens on community centre and church properties and present them to Committee of the Whole.

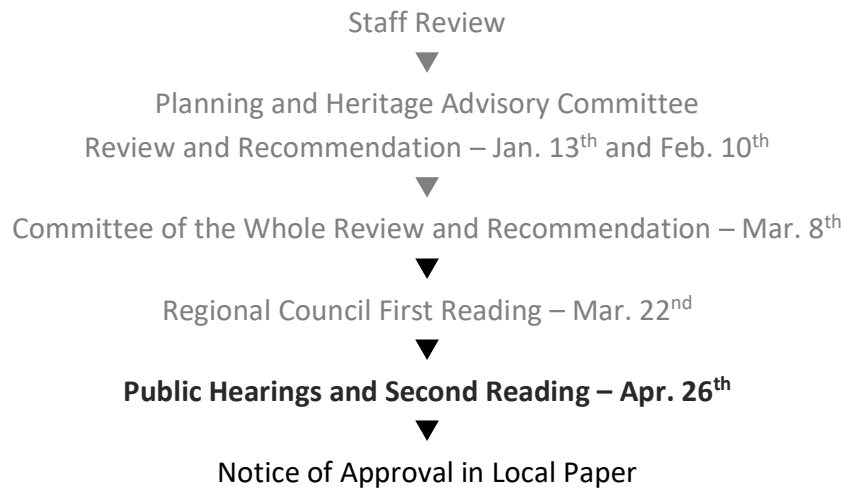
On March 8th, 2022 staff presented a recommendation report to the Committee of the Whole to move forward with the requested amendment to the Mobile Canteen Vending By-law. During the presentation, staff discussed the proposed amendments, the surrounding context of both community centres and church properties, and the taxation implications of allowing mobile canteen operations on community centres and church properties. The Committee of the Whole recommended in favour of the proposed amendments, which will allow staff to take the proposal to Council for First Reading.

On March 22nd, 2022 staff presented a recommendation report to Council for First Reading of the Mobile Canteen Vending By-law and Land Use By-law amendments. Council recommended in favour of holding a public hearing and proceeding to Second Reading for the proposed amendments.

NEXT STEPS

The Council recommendations would result in amendments to both the Mobile Canteen Vending By-law and the West Hants Land Use By-law (WHLUB).

The required process for amendments to each document is as follows:



FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report. There are minor financial implications to the Municipality if Council agrees to amend by-laws. This would include the advertising of the proposed amendments to the specific by-laws.

Any portion of a tax-exempt property used for a non-exempt use may result in taxation of that portion of the property, unless the non-exempt use is deemed insignificant by PVSC.

Allowing community centre properties to be used for mobile vending will not affect the ability of community centres to apply for municipal grants.

ALTERNATIVES

In response to the proposed amendments, Council may:

- recommend that only community centres be included in the amendment to the Land Use By-law and Mobile Canteen Vending By-law; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A 2022-03-22 File 21-20 D Mobile Canteen Council First Reading

CHIEF ADMINISTRATIVE OFFICER REVIEW

I have no further comments. I support the recommendations.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by: _____


Mark Phillips, CAO

Attachment A - Mobile Canteen First Reading Report



West Hants
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WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: March 22nd, 2022

Subject: Mobile Canteen Vending By-law Amendment Request

LEGISLATIVE AUTHORITY

Municipal Government Act Section 172 (c), (f), and 172 (2) (e)

RECOMENDATION

... that Council gives First Reading and will hold a Public Hearing to consider amending the text of Clause 4.1 (f) of the Mobile Canteen Vending By-law to read as follows: *“No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants, with the exception of community centre and church properties.”*

... that Council gives First Reading and will hold a Public Hearing to consider amending the text of the definition of Community Centre in the West Hants Land Use By-law to read as follows: *“Community Centre means any tract of land and the buildings thereon, the control of which is vested in the Municipality or local board or agent which is used for community activities and not used for commercial purposes with the exception of mobile canteens”.*

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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Mayor Zebian brought forward a recommendation to Council on September 14th, 2021 to request a staff report on amending the Mobile Canteen Vending By-law (RV-001) to allow mobile canteens to operate on community centre properties.

DISCUSSION

On January 13th, 2022 staff presented an information report to the Planning and Heritage Advisory Committee regarding the request to amend the Mobile Canteen Vending By-law to allow mobile vendors to locate on community centre properties. Staff outlined that the request would require amendments to both the Mobile Canteen Vending By-law and the West Hants Land Use By-law. Staff also discussed the possibility of including church properties within the amendment. The Committee requested further information about taxation and the inclusion of church properties in the amendment from the Planner.

On February 10th, 2022 staff presented a decision request report to the Planning and Heritage Advisory Committee to follow up on the requested amendment to the Mobile Canteen Vending By-law. Staff discussed the surrounding context of both community centre and church properties, access requirements, and parking requirements. Staff also provided information from the Property Valuation Services Corporation regarding the valuation of tax-exempt properties. Staff suggested the inclusion of a statement during the permitting process to notify applicants and property owners that a change in taxation assessment may occur. The Committee then recommended that staff draft amendments to the Land Use By-law and Mobile Canteen Vending By-law to allow the operation of mobile canteens on community centre and church properties and present them to Committee of the Whole.

On March 8th, 2022 staff presented a recommendation report to the Committee of the Whole to move forward with the requested amendment to the Mobile Canteen Vending By-law. During the presentation, staff discussed the proposed amendments, the surrounding context of both community centres and church properties, and the taxation implications of allowing mobile canteen operations on community centres and church properties. The Committee of the Whole recommended in favour of the proposed amendments, which will allow staff to take the proposal to Council for First Reading.

NEXT STEPS

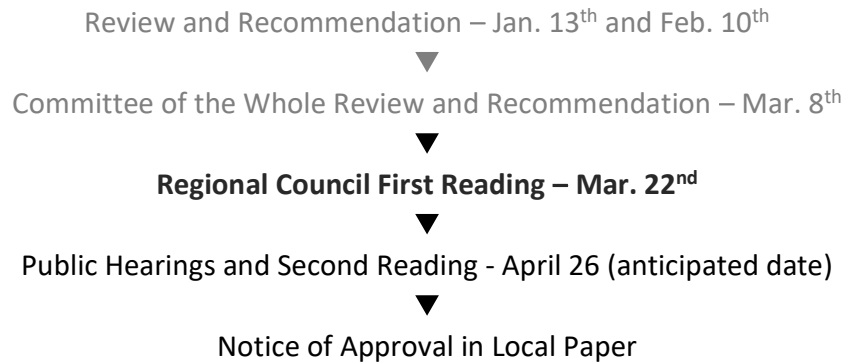
The COTW recommendations would result in amendments to both the Mobile Canteen Vending By-law and the West Hants Land Use By-law (WHLUB).

The required process for amendments to each document is:

Staff Review



Planning and Heritage Advisory Committee



FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report. There are minor financial implications to the Municipality if Council agrees to amend by-laws. This would include the advertising of the proposed amendments to the specific by-laws.

Any portion of a tax-exempt property used for a non-exempt use may result in taxation of that portion of the property, unless the non-exempt use is deemed insignificant by PVSC.

Allowing community centre properties to be used for mobile vending will not affect the ability of community centres to apply for municipal grants.

ALTERNATIVES

In response to the proposed amendments, Council may:

- recommend that only community centres be included in the amendment to the Land Use By-law and Mobile Canteen Vending By-law; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A 2022-03-08 File 21-20 C Mobile Canteen COTW Recommendation

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by: _____


Mark Phillips, CAO

Attachment A - Mobile Canteen COTW Recommendation Report



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WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: March 8th, 2022

Subject: Mobile Canteen Vending By-law Amendment Request

LEGISLATIVE AUTHORITY

Municipal Government Act Section 172 (c), (f), and 172 (2) (e)

RECOMENDATION

... that Council gives First Reading and will hold a Public Hearing to consider amending the text of Clause 4.1 (f) of the Mobile Canteen Vending By-law to read as follows: *“No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants, with the exception of community centre and church properties.”*

... that Council gives First Reading and will hold a Public Hearing to consider amending the text of the definition of Community Centre in the West Hants Land Use By-law to read as follows: *“Community Centre means any tract of land and the buildings thereon, the control of which is vested in the Municipality or local board or agent which is used for community activities and not used for commercial purposes with the exception of mobile canteens”.*

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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Mayor Zebian brought forward a recommendation to Council on September 14th, 2021 to request a staff report on amending the Mobile Canteen Vending By-law (RV-001) to allow mobile canteens to operate on community centre properties.

DISCUSSION

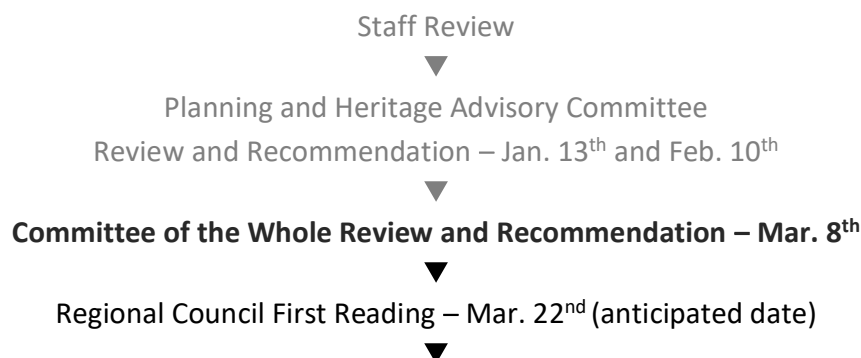
On January 13th, 2022 staff presented an information report to the Planning and Heritage Advisory Committee regarding the request to amend the Mobile Canteen Vending By-law to allow mobile vendors to locate on community centre properties. Staff outlined that the request would require amendments to both the Mobile Canteen Vending By-law and the West Hants Land Use By-law. Staff also discussed the possibility of including church properties within the amendment. The Committee requested further information about taxation and the inclusion of church properties in the amendment from the Planner.

On February 10th, 2022 staff presented a decision request report to the Planning and Heritage Advisory Committee to follow up on the requested amendment to the Mobile Canteen Vending By-law. Staff discussed the surrounding context of both community centre and church properties, access requirements, and parking requirements. Staff also provided information from the Property Valuation Services Corporation regarding the valuation of tax-exempt properties. Staff suggested the inclusion of a statement during the permitting process to notify applicants and property owners that a change in taxation assessment may occur. The Committee then recommended that staff draft amendments to the Land Use By-law and Mobile Canteen Vending By-law to allow the operation of mobile canteens on community centre and church properties and present them to Committee of the Whole.

NEXT STEPS

The PAC/HAC recommendations would result in amendments to both the Mobile Canteen Vending By-law and the West Hants Land Use By-law (WHLUB).

The required process for amendments to each document is:



Public Hearings and Second Reading - April 26 (anticipated date)



Notice of Approval in Local Paper

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report. There are minor financial implications to the Municipality if Council agrees to amend by-laws. This would include the advertising of the proposed amendments to the specific by-laws.

Any portion of a tax-exempt property used for a non-exempt use may result in taxation of that portion of the property, unless the non-exempt use is deemed insignificant by PVSC.

Allowing community centre properties to be used for mobile vending will not affect the ability of community centres to apply for municipal grants.

ALTERNATIVES

In response to the proposed amendments, Council may:

- recommend that only community centres be included in the amendment to the Land Use By-law and Mobile Canteen Vending By-law; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A 2022-02-10 File 21-20 C Mobile Canteen Decision Request Report

CHIEF ADMINISTRATIVE OFFICER REVIEW

I believe the recommendation is in alignment with past Council, PAC / HAC and staff discussions.

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, CAO

Attachment A - Mobile Canteen Decision Request Report



West Hants
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WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input type="checkbox"/>	Decision Request X	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: February 10th, 2022

Subject: Mobile Canteen Vending By-law Amendment Request

LEGISLATIVE AUTHORITY

Municipal Government Act Section 172 (c), (f), and 172 (2) (e)

DECISION REQUEST

This is an information report to the Planning and Heritage Advisory Committee to aid in discussion regarding a proposed amendment to the Mobile Canteen Vending By-law to allow mobile vendors to be located on community centre properties.

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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Mayor Zebian brought forward a recommendation to Council on September 14th, 2021 to request a staff report on amending the Mobile Canteen Vending By-law (RV-001) to allow mobile canteens to operate on community centre properties.

DISCUSSION

Community Centres in Land Use By-laws (LUBs)

Previously, staff noted that community centres were only defined in the West Hants Land Use By-law and that definition specifically excluded the possibility of commercial use. The current definition of community centres is *any tract of land and the buildings thereon used for community activities and not used for commercial purposes, and the control of which is vested in the Municipality or local board or agent thereof*. To allow for the possibility of operating a mobile canteen, staff suggest editing the definition to read as *any tract of land and the buildings thereon used for community activities and not used for commercial purposes except mobile canteens, and the control of which is vested in the Municipality or local board or agent thereof*. This definition could then be added to both the Windsor and Hantsport Land Use By-law to ensure conformity between the documents.

Staff have also suggested extending the amendment to include church properties. Across the Windsor, West Hants, and Hantsport Land Use By-laws, the definition of church does not specifically exclude commercial uses. In this case, no amendment to the definition would be necessary to allow mobile canteens to operate on church properties.

Community Centres in the Mobile Canteen Vending By-law

Clause 4.1 (f) of the Mobile Canteen Vending By-law states: *No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants*. To allow for the possibility of operating a mobile canteen, staff suggest editing the Clause to state: *No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants, with the exception of community centre and church properties*.

Parking Requirements for Mobile Canteens, Community Centres, and Churches

Parking requirements for mobile canteens are based on the parking requirement for the main use of the property on which the mobile canteen is located. Across all of the Land Use By-laws, both community centres and churches require one (1) parking space for every 100 sq. ft. of floor area. This parking requirement would also be applied to any mobile canteen locating on a community centre or church property. Generally, mobile canteens with this parking requirement would need to provide very few parking spaces. Correspondence with the Development Officer did not raise any issues with mobile canteens operating on community centre or church properties during lower-use periods of time.

Access Requirements for Mobile Canteens

Staff requested input regarding access requirements for mobile canteens from both the Traffic Authority and the District Manager with the Nova Scotia Department of Public Works (formerly the Department of Transportation). The Traffic Authority stated that each situation is different and dependent on the driveway. However, mobile canteens would not necessarily require a commercial access. The District Manager with the Nova Scotia Department of Public Works stated that most community centres and churches in the region have commercial access and are the preferred location for mobile canteens. The District Manager also informed staff that access permits are issued to the property owner, so would not be issued to the mobile canteen operator.

Surrounding Context of Community Centres and Churches

In general, community centres are located in areas designated Hamlet, Resource, or Agricultural. A common link between these designations is the rural intent of these areas. With community centre properties being primarily located in rural areas, the likelihood of a disturbance due to the operation of a mobile canteen is lower than in a more developed area. Rural areas also generally have a limited supply of commercially designated areas. Allowing mobile canteens on community centre properties would provide more options for the operator to select a property which works for them.

Church properties are mostly located in areas designated Community Use, Residential, Hamlet, or Resource. Unlike the designations of community centres, churches are more evenly distributed between rural and urban areas. The Community Use and Residential designations apply to more populated areas of the Regional Municipality. Similar to community centre properties, mobile canteens on rural church properties are less likely to cause a disturbance for adjacent uses. However, mobile canteens on the church properties located in more urban areas may disrupt adjacent uses by increasing traffic flow.

Taxation Implications Follow-up

During a follow-up conversation with Property Valuation Services Corporation (PVSC), staff requested further information regarding the evaluation of tax-exempt properties. The representative said that properties are evaluated based on the degree of use. This means that if a property is frequently used commercially or if there have been changes to the property to facilitate commercial use, it is more likely to be evaluated as commercial. Some additional factors that account for a commercial evaluation include the addition of permanent structures intended for commercial use or formal agreements to facilitate commercial use.

The PVSC representative also informed staff of the December 1st 'state date'. A 'state date' is the date that the property assessment formally takes place and the assessment is based on the state of the property at that date. So seasonal and mobile businesses are less likely to factor into the consideration to evaluate a property as commercial if there is no evidence of the mobile canteen on the property at this time.

Staff suggest that an authorization statement during the permitting process should be added to the application to read as *any mobile canteen located on a property may cause a change in taxation as determined by PVSC.*

NEXT STEPS

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

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report. There may be associated financial implications to the Municipality if Council agrees to amend specific by-laws. This would include the advertising of the proposed amendments to the specific by-laws.

Any amendments to the fees in the policies or by-laws would have a financial impact on business owners within the Region. This financial impact could be positive if the fees are reduced, or negative if the fees are increased.

Any portion of a tax-exempt property used for a non-exempt use may result in taxation of that portion of the property, unless the non-exempt use is deemed insignificant by PVSC.

Allowing community centre properties to be used for mobile vending will not affect the ability for community centres to apply for municipal grants.

ALTERNATIVES

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

- recommend staff to draft the amendments to the Land Use By-law and Mobile Canteen Vending By-law; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A West Hants Regional Municipality Churches Map

Attachment B 2022-01-13 Mobile Canteen Information Report for PAC

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

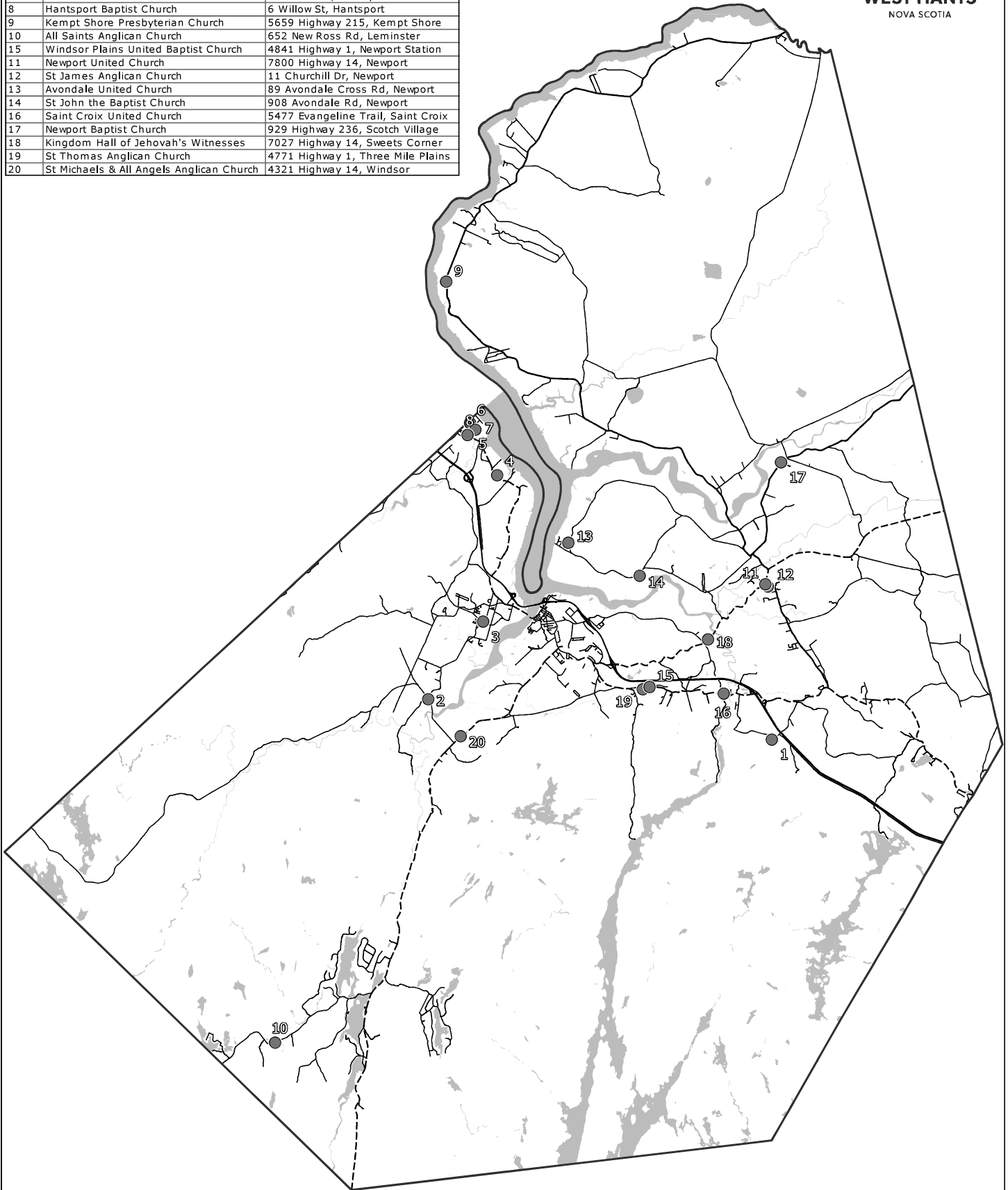
Madelyn LeMay, Director of Planning and Development

Attachment A - West Hants Regional Municipality Churches Map

NUM	NAME	ADDRESS
1	St Louise Union Church	16 Maple Ave, Ellershouse
2	St George's Anglican Church	465 Sangster Bridge Rd, Falmouth
3	Falmouth United Baptist Church	404 Town Rd, Falmouth
4	Mount Denson Baptist Church	533 Highway 1, Hantsport
5	St Andrew's Anglican Church	59 Main St, Hantsport
6	St Mary's Catholic Church	67 Main St, Hantsport
7	Avon United Church	17 Prince St, Hantsport
8	Hantsport Baptist Church	6 Willow St, Hantsport
9	Kempt Shore Presbyterian Church	5659 Highway 215, Kempt Shore
10	All Saints Anglican Church	652 New Ross Rd, Leminster
15	Windsor Plains United Baptist Church	4841 Highway 1, Newport Station
11	Newport United Church	7800 Highway 14, Newport
12	St James Anglican Church	11 Churchill Dr, Newport
13	Avondale United Church	89 Avondale Cross Rd, Newport
14	St John the Baptist Church	908 Avondale Rd, Newport
16	Saint Croix United Church	5477 Evangeline Trail, Saint Croix
17	Newport Baptist Church	929 Highway 236, Scotch Village
18	Kingdom Hall of Jehovah's Witnesses	7027 Highway 14, Sweets Corner
19	St Thomas Anglican Church	4771 Highway 1, Three Mile Plains
20	St Michaels & All Angels Anglican Church	4321 Highway 14, Windsor



WEST HANTS
NOVA SCOTIA



Municipality of the District of West Hants

Churches in West Hants

- Church
- ▭ Municipal Boundary
- Roads
 - Local (Public and Private)
 - Regional
 - - - Arterial
 - Collector
 - Water

Prepared by:
West Hants Planning Department
February 2019

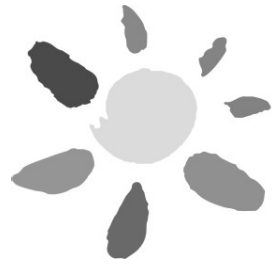
Base data derived from the Nova Scotia Property
Records Database (NSPRD), Copyright Her Majesty
The Queen in Right of the Province of Nova Scotia

0 2500 5000 7500 10000

Metres
Scale: 1:160,500



Attachment B - 2022-01-13 Mobile Canteen Information Report for PAC



West Hants
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WEST HANTS REGIONAL MUNICIPALITY REPORT

Information X	Recommendation <input type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: January 13th, 2022

Subject: Mobile Canteen Vending By-law Amendment Request

LEGISLATIVE AUTHORITY

Municipal Government Act Section 172 (c), (f), and 172 (2) (e)

RECOMMENDATION

This is an information report to the Planning and Heritage Advisory Committee to aid in discussion regarding a proposed amendment to the Mobile Canteen Vending By-law to allow mobile vendors to be located on community centre properties.

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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Mayor Zebian brought forward a recommendation to Council on September 14th, 2021 to request a staff report on amending the Mobile Canteen Vending By-law (RV-001) to allow mobile canteens to operate on community centre properties.

DISCUSSION

Community Centres in Land Use By-laws (LUBs)

Currently, community centres are only defined in the West Hants Land Use By-law and the term is not used in either the Hantsport or Windsor Land Use By-laws. In the West Hants LUB, community centres are defined as *any tract of land and the buildings thereon used for community activities and not used for commercial purposes, and the control of which is vested in the Municipality or local board or agent thereof*. This definition becomes an issue when there is a suggestion to utilize the parking lots for community centres for commercial purposes.

The first issue to address is the restriction of commercial uses in the community centre definition. The restriction cannot be simply removed, as that would permit all commercial uses within community centres. Instead, providing an exception to mobile vendors operating on community centre properties would be a more controlled method. The definition would then also need to be added to both the Hantsport and Windsor LUBs.

The second issue to address is that Clause 4.1 (f) of the Mobile Canteen Vending By-law states: *No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants*. This clause could be removed, however that may have some undesirable consequences such as allowing the operation of mobile vendors on properties without regard to the Land Use By-law. Instead, providing an exception to this clause would be the more controlled method of allow mobile canteens on community centre properties.

Remote Community Centres

As seen on the Community Centres Map (Attachment A), many community centres are located in remote areas of the Municipality. Staff have previously discussed (Attachment B) the possibility of differentiating permit fees between 'urban' and 'rural' mobile canteens. This approach did not meet the goal of Council to take a regional approach to development. Therefore, fee costs should not change based on the location for which permits are issued.

Consideration of Churches or Other Institutional Uses

It appears that some community centres are located on the same property as churches. More research is required to confirm this. Churches often have parking lots which are only intended to be used one day a week. With this in mind, staff are interested in potentially extending the amendment to include churches as eligible properties on which mobile canteens can be operated.

Long-term vs. Short-term Licensing

The current protocol for licensing as per Clause 4.0 (f) of the Mobile Canteen Vending By-law, requires a license to be issued for a specific period of time and additional licenses are required for any change in location or additional period of time. This clause allows for both short-term and long-term licensing for a single location. There are benefits and drawbacks to both styles of licensing.

Long-term licensing is the simplest and most consistent approach for the Municipality. The site plan required for the licence allows the Municipality to approve the setup of the mobile canteen and the mobile canteen owner must then set up based on the site plan. Having a mobile canteen setup in a single location over the course of a season provides consistency for potential customers.

Short-term licensing is more flexible and potentially better suited to mobile canteens. Short-term licensing is partially covered by requiring the licensing authority to consult with the Economic Development Manager or the Event Coordinator for events or holidays. Staff have previously discussed the possibility of introducing a flexible permit to allow operation at a variety of locations over the course of a season. However, flexible permitting was determined to be unfeasible due to the need to individually review site plan criteria for each location that a mobile vendor would be located. During discussions with mobile canteen operators, no interest was shown to change locations during the season.

Taxation Implications

During a conversation with a representative of Property Valuation Services Corporation, staff asked if there were any implications on property taxation for community centres allowing mobile vending. The representative informed staff that any portion of a tax-exempt property used for a non-exempt use would be considered taxable unless the use was considered insignificant. There is no definition for a significant use and instead PVSC determine taxation based on the individual context of each property. Some criteria which factor into the determination of commercial taxation include the percentage of total area of property use and the frequency of use.

Questions for PAC

- Should mobile vending be allowed to locate on community center lands, church properties or land with other institutional uses?
- Does PAC/HAC want to make this recommendation if the community centres may be subject to commercial taxation?

NEXT STEPS

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

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report. There may be associated financial implications to the Municipality if Council agrees to amend specific by-laws. This would include the advertising of the proposed amendments to the specific by-laws.

Any amendments to the fees in the policies or by-laws would have a financial impact on business owners within the Region. This financial impact could be positive if the fees are reduced, or negative if the fees are increased.

Any portion of a tax-exempt property used for a non-exempt use is likely to result in taxation of that portion of the property, unless the non-exempt use is deemed insignificant by PVSC.

Allowing community centre properties to be used for mobile vending will not affect the ability for community centres to apply for municipal grants.

ALTERNATIVES

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

- recommend staff to continue to collect the necessary information for an amendment; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A West Hants Regional Municipality Community Centres Map

Attachment B 2021-07-27 Mobile Canteen Second Reading Report

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

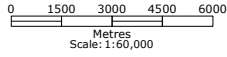
Madelyn LeMay, Director of Planning and Development

Attachment A - West Hants Regional Municipality Community Centres Map

West Hants Regional Municipality

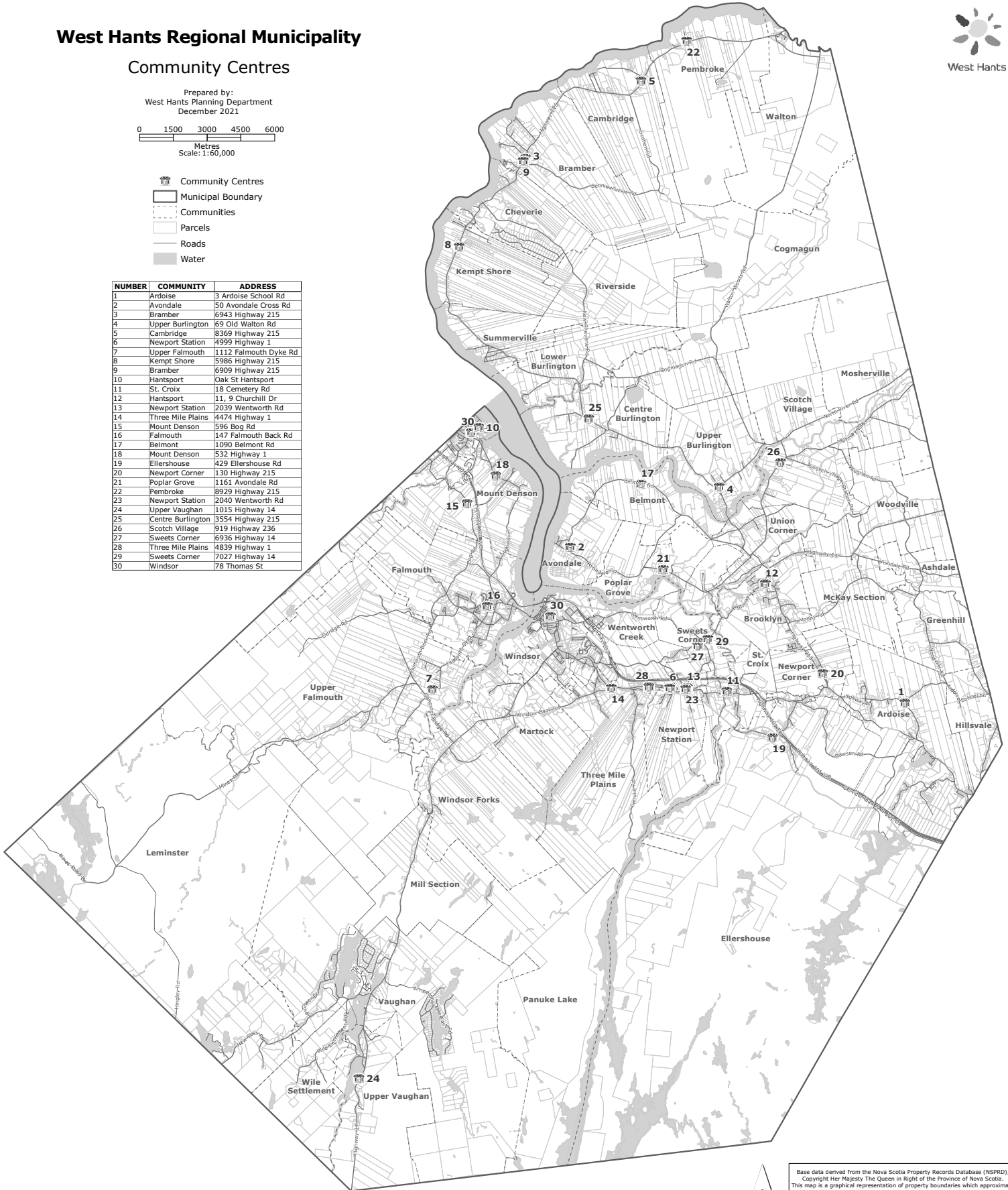
Community Centres

Prepared by:
West Hants Planning Department
December 2021



- Community Centres
- Municipal Boundary
- Communities
- Parcels
- Roads
- Water

NUMBER	COMMUNITY	ADDRESS
1	Ardoise	3 Ardoise School Rd
2	Avondale	50 Avondale Cross Rd
3	Bramber	6943 Highway 215
4	Upper Burlington	69 Old Walton Rd
5	Cambridge	8369 Highway 215
6	Newport Station	4999 Highway 1
7	Upper Falmouth	1112 Falmouth Dyke Rd
8	Kempt Shore	5986 Highway 215
9	Bramber	6909 Highway 215
10	Hantsport	Oak St Hantsport
11	St. Croix	18 Cemetery Rd
12	Hantsport	11, 9 Churchill Dr
13	Newport Station	2039 Wentworth Rd
14	Three Mile Plains	4474 Highway 1
15	Mount Denson	596 Boa Rd
16	Falmouth	147 Falmouth Back Rd
17	Belmont	1090 Belmont Rd
18	Mount Denson	532 Highway 1
19	Ellershouse	429 Ellershouse Rd
20	Newport Corner	130 Highway 215
21	Poplar Grove	1161 Avondale Rd
22	Pembroke	8929 Highway 215
23	Newport Station	2040 Wentworth Rd
24	Upper Vaughan	1015 Highway 14
25	Centre Burlington	3554 Highway 215
26	Scotch Village	919 Highway 236
27	Sweets Corner	6936 Highway 14
28	Three Mile Plains	4839 Highway 1
29	Sweets Corner	7027 Highway 14
30	Windsor	78 Thomas St



West Hants



Base data derived from the Nova Scotia Property Records Database (NSPRD).
Copyright Her Majesty The Queen in Right of the Province of Nova Scotia.
This map is a graphical representation of property boundaries which approximate size, configuration and location of parcels. This is not a land survey and is not intended for legal descriptions or to calculate exact dimensions or area.

Attachment B - 2021-07-27 Mobile Canteen Second Reading Report



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: West Hants Regional Municipal Council
Submitted by: Kathy Kehoe, Director Community Development
Date: May 19, 2023
Subject: 2023 Grants and Contributions Supplementary Recommendation Report

LEGISLATIVE AUTHORITY

Municipal Government Act sections 65 and 273

RECOMMENDATION

Further to the recommendation submitted to Committee of the Whole

Council approves an operating grant in the amount of \$1400 to the Windsor Peoples First Society.

BACKGROUND

Property <input type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input checked="" type="checkbox"/>	Economic <input checked="" type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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The 2023/24 Grants & Contributions Recommendation Report was presented to West Hants Committee of the Whole on May 9, 2023.

DISCUSSION

A clerical error was made in the recommendation report submitted to West Hants Committee of the Whole in May that inadvertently omitted the Windsor People First Society grant application. This group submitted their application on time and met the required criteria for approval. Staff are recommending the request by this organization be considered for funding.

FINANCIAL IMPLICATIONS

Grants and Contribution funding was approved in the 2023/24 budget, in the amount of \$110,000 with the grants to be finalized upon budget approval. The recommendation chart has been updated to reflect the Windsor Peoples First Society request and includes all recommendations from the May 9, 2023, Committee of the Whole meeting. This chart also includes the recommendation to approve \$1,400 for the Windsor Peoples First Society.

	Requested	Recommended
Operating	\$72,269	\$42,150
Community Capital Project	\$27,257	\$22,500
Public Safety	\$29,975	\$1,500
Community Recreation Program	\$7,500	\$3,000
Community Event	6,750	\$6,750
Special Events Operations & Promotions	\$59,135	\$19,250
Leadership	\$6,000	\$4,000
Community Trail Fund	\$6,250	\$2,500
Major Capital (CCBF)	\$80,050	\$32,500
In-Kind	\$8,200	\$9,750
Recreation Facility Capital Investment Fund (CCBF)	\$202,287.65	\$465,496.15
5% Reserve Fund		\$3,750
Total	\$507,073.65	\$613,146.15

The operating budget includes \$11,500 for heritage, travel assistance and sponsorship funding, this along with the grant recommendation of \$613,146.15 plus \$29,000 in grants previously approved (Poplar Grove Community Hall & Hants County Seniors Safety Association), equates to an allocation of \$653,646.15 in grant funding for the 2023/24 fiscal year.

ALTERNATIVES

Council can choose not to approve the recommendation for the Windsor Peoples First Society or can choose to recommend an alternate amount.

ATTACHMENTS

N/A

CHIEF ADMINISTRATIVE OFFICER REVIEW

As noted in the report. The application was received in compliance with the policy but missed in the original report.

I support the recommendation.

Report Prepared by: _____
Kathy Kehoe, Director Community Development

Report Reviewed by: _____
Diana Gibson, Acting Director Financial Services

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input checked="" type="checkbox"/>	Recommendation <input type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
John Ogilvie, Climate Action Coordinator

Date: May 23, 2023

Subject: Public Transportation

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act Part IV, Section 65; and Section 81(1) (bb)

West Hants Regional Municipality (WHRM) Greenhouse Gas (GHG) Emission Local Action Plan: Action Items 5.3, 5.4, and 6.3

RECOMMENDATION or DECISION REQUEST

As this is an information report, there is no recommendation or decision request.

BACKGROUND

Property <input type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input checked="" type="checkbox"/>	Social <input checked="" type="checkbox"/>	Economic <input checked="" type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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At the Council meeting on April 25, 2023, Council passed the following motion:

“...that Council direct staff to prepare a report on the possibility of creating a local bus service operated by West Hants Regional Municipality including cost estimates, possible routes, run times, looking at past examples to address any issues from other examples that have rolled out this similar type of project with the ultimate goal of making it a sustainable service.”

Background information on this topic can be found in Attachment A. The present report provides new information about services in other jurisdictions and current funding opportunities.

DISCUSSION

Examples in Other Municipalities

Bridgewater, Nova Scotia

The Town of Bridgewater started a public transit service in 2017 with a 19 passenger, wheelchair accessible bus. The Town hired a consultant to perform a transit feasibility study and hosted public engagement sessions to develop a service for the community. The Town had a 2021 census population of 8,790, with a population density of 644.9 per square kilometer.

The bus makes 25 stops along a set route through the Town and travels the route once per hour. Figure 1 below shows the transit route map from the Pilot Evaluation Report prepared for the Town in April 2018, with the grey dashed border outlining the Town boundary.

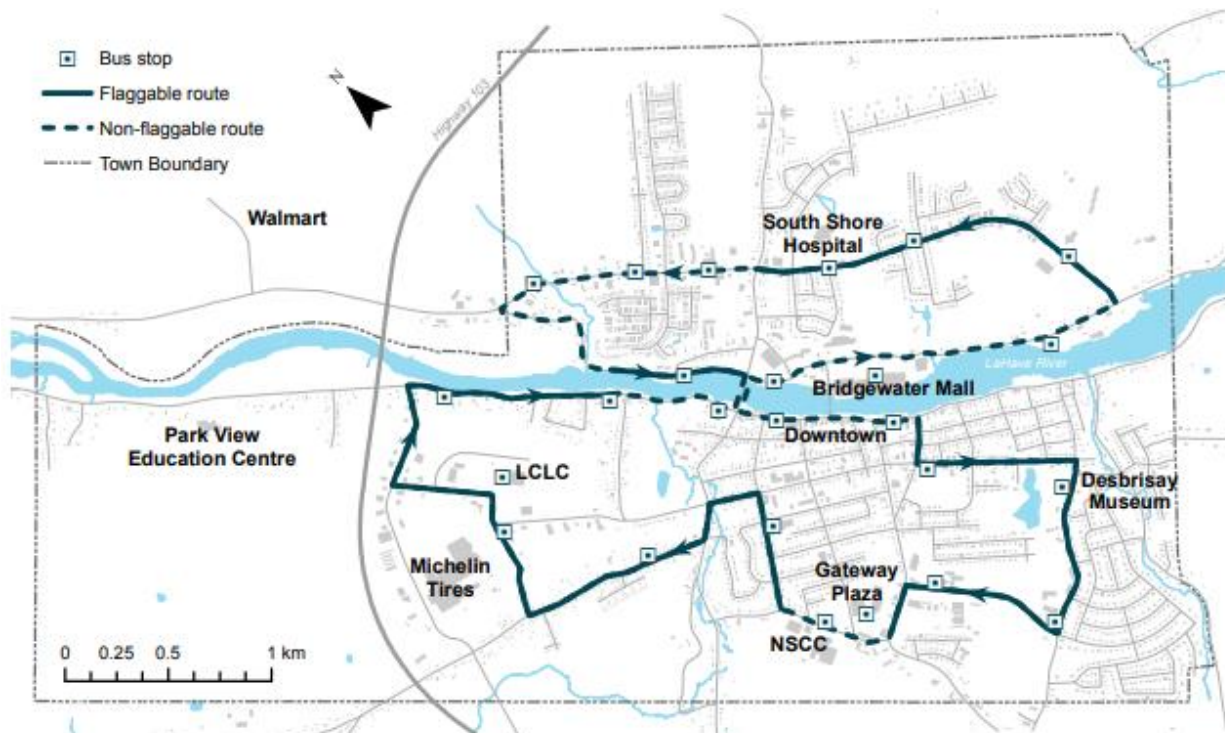


Figure 1: Bridgewater Transit Route

As shown in Figure 1, the transit route covers much of the commercial, industrial, and residential areas throughout the Town. In the Pilot Evaluation Report of 2018, ridership during the 6-month pilot period averaged 54 individuals per day. In the third quarterly report of 2022-23 to Bridgewater Town Council, the transit service is now averaging 100 riders per day since inception.

The Bridgewater bus service fares have not changed since its inception in 2017. The fares are comparable to other bus services and offer flexibility in options. Table 1 below presents the fares from the Town's website.

Table 1: Bridgewater Bus Fares

	Single Fare	10 Ride Pass	Unlimited Monthly Pass
Adult/Senior	\$2.00	\$18.00	\$45.00
Student/Youth	\$1.50	\$13.50	\$30.00
Family Rate	\$4.00	-	-

For the Bridgewater bus service, bus passes can be purchased at the Town Hall, Superstore, local Recreation Center, Pharmasave, mall, and the Nova Scotia Community College campus. Payment options vary at those locations including cash and debit/credit, and riders can also purchase access using the HotSpot smartphone application. The website also offers a transit tracker, so the public can see where the bus is. With an unlimited monthly pass, student rates for all fares, stops near key locations, and timing the service with local employer hours, Bridgewater offers a flexible transit system that can appeal to a wide range of people. More information can be found online at <https://www.bridgewater.ca/our-town/visitor-information6/bridgewater-transit> .

Saint John, New Brunswick

The City of Saint John had a 2021 census population of 69,895, with a population density of 221.5 per square kilometer. This year, the City of Saint John implemented a new FLEX transit service for a specific zone in the city. The 2 fixed-schedule routes for the area consistently had low-ridership and were costly to operate. Figure 2 below shows the section of the city now serviced with FLEX busing, outlined in red. The other transit routes throughout the City are represented by the other coloured lines. Figure 3 below shows a magnified view of the FLEX busing zone, with the green dots representing stops that riders can request.

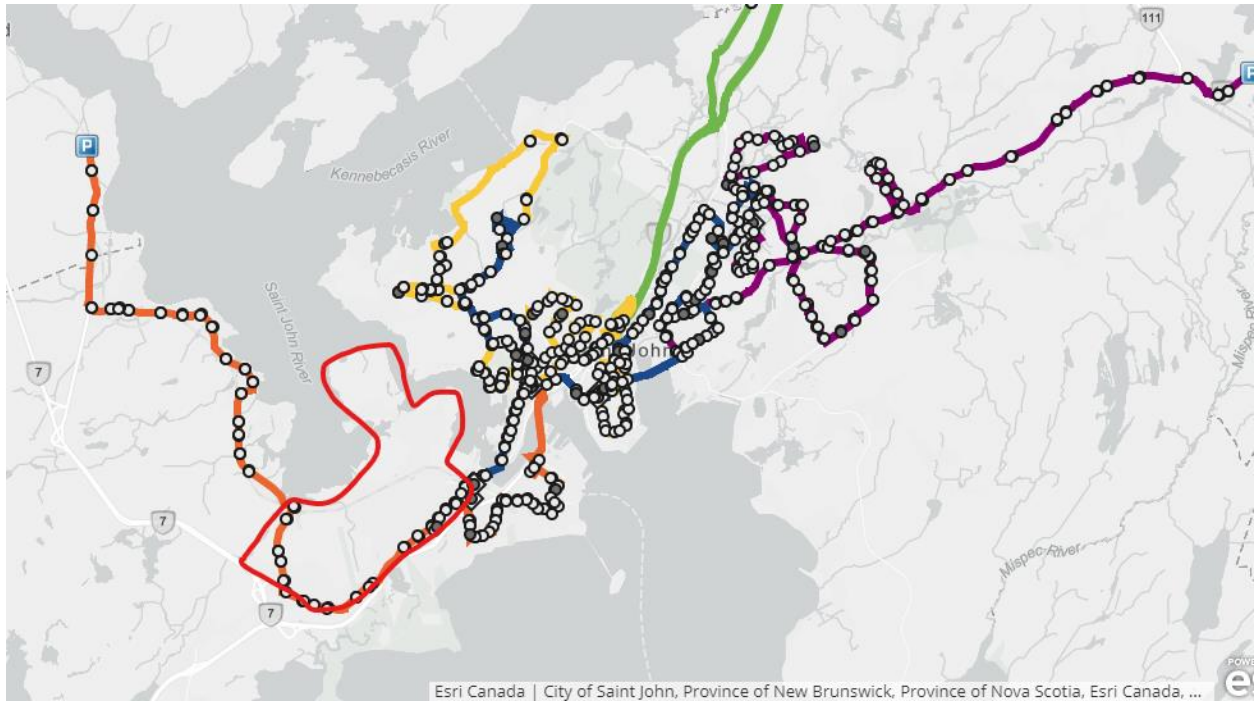


Figure 2: Saint John Transit Routes

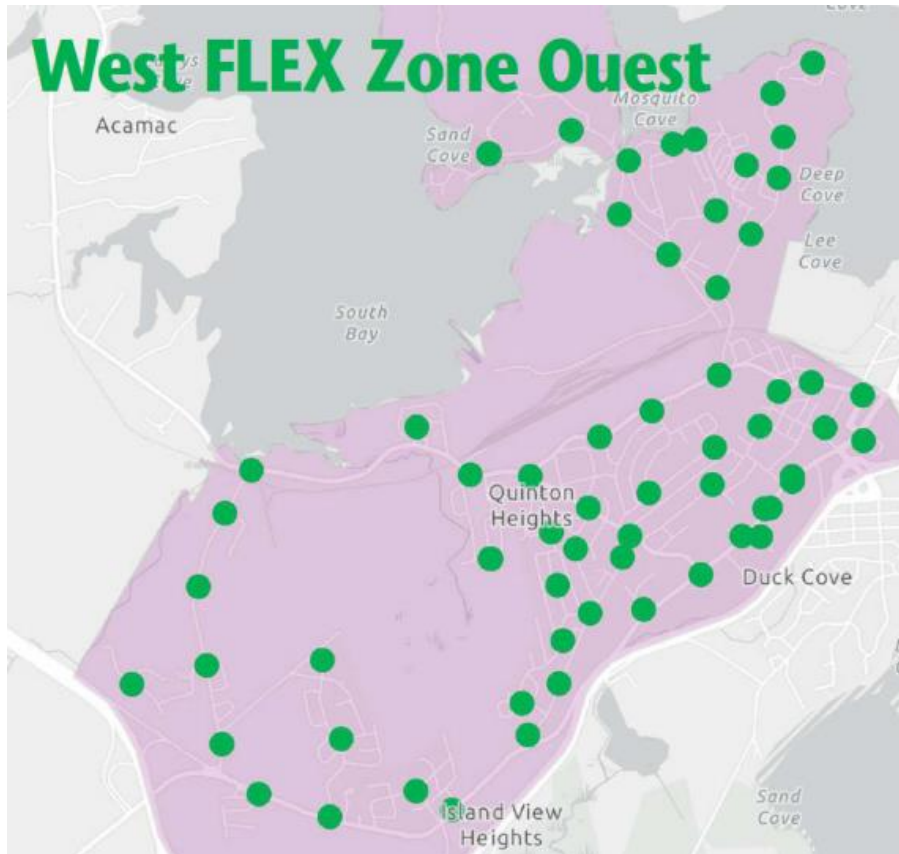


Figure 3: FLEX Service Stops

FLEX transit allows individuals to request a bus at a specific time at any stop within the zone, requesting a bus immediately (within half an hour), a bus to leave that stop at a specific time, or an arrival time to a specific destination. Service can be booked through a smartphone app, or by phone. Rides can also be scheduled up to a week in advance. This FLEX service allowed the City to extend the hours of transit in the zone; originally fixed-scheduled buses ran 11 am-5 pm daily, now residents can book a bus between 6:30 am-6:30 pm Monday-Friday and 10 am-6 pm on weekends.

The fares for FLEX transit can be paid with cash, a Saint John transit pass, or a smartphone using a credit card. The City leases 6 electric buses to provide the FLEX service. According to the City's Commissioner of Transportation and Public Works, the electric buses are very cost-effective. A diesel bus costs approximately \$11 per hour, while an electric bus costs \$10 for an 8-hour charge. The City pays \$82,000 per year for the contract to provide on-demand services through the smartphone application. As this is a new service, I have not found available ridership data. This information and more can be found online at <https://saintjohn.ca/en/transit/flex-service> and <https://www.cbc.ca/news/canada/new-brunswick/flex-transit-saint-john-1.6710497> .

I am unaware of any other new or innovative transit options in other jurisdictions in the Atlantic Provinces. Many of the options listed in Attachment A still exist in West Hants.

Joint Regional Transportation Agency (JRTA)

The JRTA is a new crown corporation created to address transportation issues associated with rapid growth in Halifax and the surrounding areas. The Director of Planning and Development attended a meeting in Kentville on April 20, 2023, to hear more about the mandate of this group. The goal of the JRTA is to create a regional transportation plan by the end of 2024 which will: provide a coordinated and strategic vision for a regional transportation system, integrate transportation and land-use decision making, and guide transportation infrastructure investment. As WHRM is within one hour of Halifax, staff will be engaged to provide input throughout the development of this regional transportation plan. More information on the JRTA can be found here <https://jrta.ca/> .

Funding Opportunities

Current funding opportunities for public transportation from the Federal and Provincial governments are listed below.

- ❖ Federal Rural Transit Solutions Fund
 - Design/feasibility stream currently closed to applications
 - Capital Stream currently open
 - Up to 80% of capital expenses, to a maximum grant of \$3 million for new or expanded traditional transit solutions, or up to a maximum grant of \$5 million for zero-emission transit solutions.
 - Application deadline not yet decided, this is a continuous intake
- ❖ Federal Housing Accelerator Fund

- Can be used for initiatives like public transit, that encourage growth in housing supply in an area
- There are strict requirements to apply for this funding including the transit service being tied to local goals for increasing housing supply
- ❖ Federation of Canadian Municipalities
 - Multiple funding opportunities that may be used for studies and capital projects
 - Study funding is generally up to 50% of eligible costs, to a maximum grant of \$175,000
 - Capital funding is generally as loans up to 80% of eligible costs, to a maximum loan of \$5 million, with up to \$750,000 as a grant.
- ❖ Provincial Municipal Innovation Program
 - Funding to support innovative approaches to municipal collaboration
 - Up to 75% of eligible expenses
 - Needs 2 or more municipalities to apply together
 - Application deadline of June 7, 2023

There is an extensive list of other funding opportunities provided in Attachment A. I recommend the development of a feasibility study or transportation needs assessment for WHRM, to ensure the best chance of receiving capital funding and provide well-informed advice to Council on the options and requirements for a local transit service.

Climate Lens

Action items 5.3, 5.4, and 6.3 of the WHRM GHG Emission Local Action Plan relate to transit and its impacts on sustainability. Action item 5.3 is to “adopt land-use policies that mandate/encourage efficient and sustainable growth models”. Strategic and integrated transit planning enhances the benefits of population density and reduces individual car usage. It decreases strain on natural resources by reducing fuel consumption, parking space requirements, and automobile manufacturing.

Action item 5.4 is to “make renewable energy investments and sustainability practices (current and future) visible and known to the community”. Transit is one of the most visible sustainability measures and has a direct impact on many citizens’ lives. Advertising on the side of buses or other transit units could also be used to draw attention to further investments made throughout the Region.

Action item 6.3 is to “explore opportunities to create a transportation hub”. A hub would involve many different types of transportation, and a public transit system would be an integral part of a hub. Public transit enhances alternative forms of transportation to make them more practical, such as walking, bicycling, rollerblading, and more.

Transit services can have a notable impact on emissions within the Region and provide a good opportunity to achieve reductions in community emissions. Even fossil-fuel powered buses produce fewer emissions and reduce idling than when individuals use their own cars. The emissions reductions become especially significant when transit vehicles are non-emitting, whether by battery-electric or alternative fuels such as hydrogen. According to a study done

using data from Montreal, not having a car can reduce household emissions by up to 98% (Zahabi et al, 2012).

The reduction may not be as significant in Nova Scotia due to the electricity grid still being powered in large part by fossil fuels, but a strong reduction can occur. Undertaking the development of an integrated transit service that makes best use of all available options would be a significant contribution to emissions reduction and economic development in the Region. I would recommend that WHRM investigate a clean transit service, as doing otherwise would undermine progress toward Regional emissions reductions goals.

NEXT STEPS

If Council wishes to move forward with pursuing a public transit system, Council should provide direction to staff to apply for funding and engage a consultant to perform a transit feasibility study for West Hants Regional Municipality.

FINANCIAL IMPLICATIONS

As this is an information report, there are no associated financial implications. If Council wishes to move forward with a bus service and other Regional transit options, a feasibility study would be required – which may help secure other sources of funding. Capital and operating costs of a bus service and other transit options are significant, including bus purchase, bus stop set-up, maintenance, fuel costs, operators' wages, and a fare and ticket management system.

As noted above, there is Federal and Provincial funding available to assist with feasibility studies, initiation, or expansion of transit services, which can defray the capital costs of studies and system set-up.

ALTERNATIVES

Council may:

- direct staff to pursue funding opportunities and engage a consultant to perform a feasibility study;
- request further information on a specific topic; or
- continue the status quo for transit options in WHRM.

ATTACHMENTS

Attachment A 2019-06-25 Staff Report: West Hants Committee of the Whole Report – Rural Public Transportation

CHIEF ADMINISTRATIVE OFFICER REVIEW

The information report is very informative by providing examples of existing scalable public transit services and options for Council’s consideration as it relates to performing a feasibility study for the municipality.

Coordinator Ogilvie notes the plan for the Joint Regional Transportation Agency (JRTA) which is forthcoming. This plan will assist with an overall strategy for the Region and its connectivity to the other communities within one (1) hour of HRM. Staff have provided Council with options to consider accelerating research through a feasibility study specific to the municipality with funding opportunities noted.

It could be beneficial to have a local feasibility study to compliment the eventual plan produced by the JRTA when it is completed.

Staff await Council’s direction on this matter.


Report Prepared by: _____

John Ogilvie, Climate Action Coordinator

Report Reviewed by: _____

Sara Poirier, Director of Planning and Development

Report Approved by: _____


Mark Phillips, Chief Administrative Officer

Attachment A



MUNICIPALITY OF THE DISTRICT OF WEST HANTS INFORMATION REPORT

To: Warden Zebian and Members of West Hants Council

Submitted by: _____
Sara Poirier, Planner

Date: June 25, 2019

Subject: Rural Public Transportation

Origin

Objective 6.1 of the West Hants Strategic Plan states that the Municipality should "*encourage affordable transportation options*" with Action item 6.1.1 aiming to accomplish this by "*investigating rural transportation options, including rural transit, and conducting a transportation needs assessment*".

Legislative Authority

Municipal Government Act Part IV Section 65 *power to expend money*.

Discussion and Document Review

West Hants Strategic Plan 2017

The Municipality hired consultants to develop the West Hants Strategic Plan (2017-2022) which provides direction and allocates resources for the Municipality over the 5-year plan period. The plan has eight specific goals which outline action items, the rationale, the municipal champions and start date for each. The goals of the plan include: (1) economic development, (2) agriculture, (3) financial management, (4) inter-municipal cooperation, (5) community connections, (6) inclusive and supportive community, (7) tourism, arts and culture and (8) implementation.

Goal 6 of the Plan suggests that the Municipality should "*Become a more inclusive and supportive community by encouraging community health, as well as transportation and*

housing options that will meet the needs of the Municipality's changing demographic profile." Objective 6.1 of the Plan states to "encourage affordable transportation options" with Action 6.1.1 aiming to accomplish this by "investigating rural transportation options, including rural transit, and conducting a transportation needs assessment." The rationale for this action item was that "Transportation is on average the second largest expense for Nova Scotia households. Further study is warranted to explore transportation options that meet the needs of residents and helps reduce household expenditures." It was anticipated that this action should begin within one year of the Strategic Plan adoption.

Benefits of Rural Public Transportation

There are a variety of social, economic and environmental benefits of rural public transportation (Table 1). Encouraging a rural public transportation system also assists with Objective 6.3 and 6.4 of the Strategic Plan which are to "Encourage West Hants to be a healthy and active community" and to "Reduce isolation of older adults and other marginalized groups".

Table 1: Benefits of Rural Public Transportation	
Allows residents with low income to gain access to services, employment, healthcare, food, etc.	Reduces transportation costs for low income residents, single-parent families, residents with disabilities, etc.
Increases independence for those without a vehicle (youth and seniors)	Allows seniors to age in place
Reduces social isolation and ensures people can remain connected	Potential economic boost for businesses on the transit route and can aid in tourism
Provides opportunity to develop partnerships in the community	Potential to reduce traffic and parking requirements
Helps promote active transportation	

History of Public Transportation in West Hants

For 10 years (2006 - 2016), the Kings Transit Authority provided a transit service to a portion of the Municipality of West Hants. The route serviced Wolfville to Brooklyn and included stops in Hantsport, Mount Denson, Falmouth, Windsor and Ellershouse. The Municipality contributed \$188,721 in the 2013/2014 budget to the Kings Transit Authority for the service. As ridership dwindled and costs of providing the service rose, both Windsor and West Hants Councils made the decision to give notice to Kings Transit Authority to withdraw from the service. Since then West Hants Council has been interested in investigating alternatives for providing or supporting rural public transportation.

In November 2018, Colleen Rogers from the West Hants Uniacke Community Health Board and Andrea Parker from the Nova Scotia Health Authority made a presentation to the West

Hants Committee of the Whole regarding their research on transportation in the Windsor / West Hants area to date (Appendix A). Ms. Rogers reported that the Community Health Board produced the 2017 Central Zone Community Health Plan which prioritized transportation as one of the factors that influence the social determinants of health.

The West Hants Uniacke Community Health Board sub-committee met with residents, service providers, the Mayor of the Town of Windsor and the Warden of the Municipality of the District of West Hants. The discussions from these meetings identified the need to link rural communities to Windsor, and link Windsor to the Annapolis Valley and to the Halifax Regional Municipality. The sub-committee also looked at potential service options and identified the need for a community champion.

At the same COTW meeting in November 2018, Andrea Boone, Sara Downing, and Nancy McKinley from West Hants Dial-A-Ride made a presentation about the door-to-door service they provide to the community. The representatives from West Hants Dial-A-Ride suggested that if they were to receive funding from West Hants Council that there may be an opportunity for Dial-a-Ride to further subsidize fare prices for users. Council passed a motion to consider Dial-a-Ride's funding request during the 2019/2020 budget discussions.

Existing Service Providers in West Hants

Maritime Bus

Maritime Bus offers a flag stop service between Falmouth and the Halifax Regional Municipality or Falmouth and the Annapolis Valley. A flag stop service is one where passengers can request a stop along the route. The bus stop in Falmouth is located at the Falmouth Circle K, 2113 Highway 1. Stops at this location must be booked a day in advance. The service is available seven days a week and costs approximately \$26 return from Falmouth to Halifax.

West Hants Dial-a-Ride

West Hants Dial-a-Ride is a non-profit organization that provides a door-to-door accessible transportation option to seniors, residents with disabilities and those unable to obtain reliable transportation for medical appointments, errands and other activities. The service is available seven days a week with pick up areas in West Hants and Windsor. Their drivers use two wheelchair-accessible vans as well as their own personal vehicles to transport residents from the Municipality or Town to appointments across the Province. Reservations must be made at least 24 hours in advance. In the November 2018 presentation to Committee of the Whole, the representatives from West Hants Dial-a-Ride stated that the average cost of one trip to Halifax would be approximately \$153, in which the user would only pay \$76.50 as the other half was covered by grants.

Windsor Senior Bus Society

The Windsor Senior Bus Society is a non-profit organization that provides a transportation option for seniors and residents with disabilities living in assisted care facilities in West Hants and Windsor. Five care homes in the community currently pay users fees to have access to the service. In March 2018 the society received approval to begin providing services to

groups or organizations within Hants and Kings Counties. The service utilizes one 36-passenger accessible bus and takes residents on planned outings to the Annapolis Valley or Halifax Regional Municipality. In January 2019 the Society received \$10,000 from the Windsor Rotary Club to be used towards the purchase of a new bus.

Errands by Karen

Errands by Karen opened in 2014 to provide transportation assistance to residents of West Hants and Kings County. Karen helps with errands, appointments, and outings. Her services are available between 7 a.m. and 7 p.m. Monday to Saturday and she charges \$25 per hour for errands and outings. Her goal is to *"help people remain independent and engaged in their community"*.

Taxi's

There are 10 taxi providers that service the Annapolis Valley East which includes the area from Berwick (west) to Kennetcook (east) and Mount Uniacke (south).

Example of Other Service Providers in Surrounding Municipalities

Kings Transit

Kings Transit began operating in 1981 and currently has 6 routes that travel to communities between Weymouth and Hants Border. Their stop on Tannery Road in Hants Border located just outside of Hantsport is the closest connection to the Municipality. Buses on this route between Hants Border and Kentville run every two hours from 7:00 a.m. to 8:00 p.m. Monday to Friday and 9:00 a.m. to 6:00 p.m. on Saturday. The stop on Tannery Road is approximately 12km from downtown Windsor.

Halifax Transit

Halifax Transit, previously known as Metro Transit, began operation in the Halifax Regional Municipality in 1982. Halifax Transit has 65 fixed route buses, two ferry routes and owns over 320 buses and five ferries. Their routes are concentrated in areas of downtown Halifax, Dartmouth, Bedford and Sackville but also have routes that reach communities as far away as Porters Lake and Upper Tantallon.

Halifax Transit also provides a low-income transit pass program which accepts 2,000 transit users from low-income households per year and allows them to purchase monthly transit passes at 50% of the regular price. They also provide a variety of senior's services including free fare for seniors on Tuesdays and "request a stop" service available on all routes after 6 p.m.

The Sackville Terminal location off Exit 2 of Highway 101 is currently the closest location for residents of West Hants to travel to gain access to the Halifax Transit service. There is a proposed bus terminal to be constructed in 2020 at Margeson Drive in Lower Sackville. The proposal includes a park and ride location for approximately 500 vehicles and would be served by the Middle Sackville Regional Express. This terminal would be located off Exit 2A of Highway 101, which is a 45km drive to downtown Windsor.

Halifax Regional Municipality also supports other transportation options in their municipality. In 2014 HRM Council adopted the Rural Transit Funding Program which provides grants to rural transit operators to subsidize the cost of operating their service. The grants are provided as either a lump sum payment up to \$10,000 or a flat rate of \$0.50 per kilometer travelled up to \$105,000 (2017/2018). To be eligible to receive the funding the transit service must meet an unmet demand, serve the residents of the municipality, not be membership based, and be operated by a non-profit or cooperative.

The SmartTrip Program administered by the HRM offers employee transit passes (EPass), lunch and learns about cycling, a guaranteed ride home program, and online ride matching. The online ride matching service is called Halifax Ride Match where users create a profile and input details of their commute (i.e. days, times and locations). The system then matches the user with other users that may be traveling between similar locations at similar times. The program provides a way to contact the matched users and provide tips on how to organize a carpool but leaves it to the users to organize the details.

Transportation Needs Assessment

As stated previously, Action 6.1.1 of the West Hants Strategic Plan encourages Council to investigate rural transportation options by conducting a transportation needs assessment. A transportation needs assessment evaluates the demographics of an area and estimates the potential demand for a transit service. A transportation feasibility study goes further to examine the feasibility of a new transit service and discusses the potential features of a service including the size of service, routes, stop locations, times and payment methods. Any transportation needs assessment / feasibility study for the area should be done collaboratively with the Town of Windsor, Nova Scotia Health Authority, existing service providers and residents to determine specific needs of the community and what potential service options could look like.

Windsor – West Hants Consolidation

Conducting a transportation needs assessment / feasibility study is the first step to determine the best rural transportation service option for the Municipality and would require the Municipality to hire consultants to provide assistance with this project. As there has been no funding budgeted for this assessment / study staff have investigated potential external funding sources (Appendix B). However, due to consolidation and the new Windsor-West Hants regional government beginning on April 1, 2020 it would not be in the current West Hants Councils purview to make the decision to fund this project. The long-term decisions regarding rural public transportation and the transportation needs assessment / feasibility study should be discussed by the new regional government.

Funding Opportunities

Staff investigated potential funding opportunities for transportation research in Nova Scotia (Appendix B). Certain funding streams are solely available for non-profit community-based organizations and others assist with existing transit services.

The main source of funding that would support a transportation feasibility study/needs assessment is the Nova Scotia Transit Research Incentive Program (NS-TRIP) through the Nova Scotia Department of Communities, Culture and Heritage. In phase 1 it can provide up to \$15,000 to cover 100% of a feasibility study/needs assessment for a new community transit service (door-to-door or fixed flex route transit service), new fixed route transit service, or research projects for existing services. Applications for this program are usually accepted annually between March and April.

The new regional government could direct staff to apply for funding through one or more of the programs outlined in Appendix B.

Options

Although this is not an exhaustive list, staff have prepared a few options for COTW to consider recommending to Council to encourage affordable rural transportation in the Municipality. The short-term actions can be undertaken immediately in collaboration with the Town of Windsor whereas the long-term options should be considered in the context of the new regional government. The current West Hants Council is not able to make decisions that will surpass March 31, 2020 due to consolidation. Any long-term options should be conducted collaboratively with the Town of Windsor and funding for these projects would need to be determined by the new regional government.

Short-term

- *Advertise the existing services:* Make information about existing transportation services more readily available to residents. Provide links on the Municipal website and social media pages, and post information at the Municipal and Town offices regarding car sharing programs, carpooling and provincial carpool parking lots, existing transportation providers, funding, etc.
- *Support the existing rural transportation service providers:* As there is already a variety of services provided to residents, it may be beneficial to start by financially supporting (through partnerships, providing letters of support, staff time, and annual community grants (Dial-a-Ride received funding in 2019-2020 budget)) the existing service providers including those non-profits outlined previously. The additional support could help the service providers expand their services or provide a more affordable service to residents.

Long-term (for consideration by the new regional government)

- *Encourage partnerships with Kings Transit and Halifax Transit to provide a connection between the Annapolis Valley and Halifax:* This would require extensive staff time or a consultant to be hired to determine the feasibility, cost, service options (daily, weekly, monthly) of the proposed service. This option could include creating partnerships to utilize the West Hants Dial-a-Ride and/or the Windsor Senior Bus Society to get residents from the rural areas of West Hants to the Town of Windsor, and then from

the Town of Windsor to Sackville for pick up by Halifax Transit or to Hants Border for pick up by Kings Transit. Schedules would have to be created that align with all services and agreements would need to be reached among all parties.

- *Consider dedicating annual funding to rural transportation providers in the Municipality:* This fund could be similar to HRM's Rural Transit Funding Program and could be applied for by service providers annually to provide a flat rate per km (up to a certain amount) to existing and new transportation service providers in the Region, subject to funding criteria established by Council.
- *Conduct a transportation needs assessment:* Colleen Rogers and Andrea Parker already spoke to their findings of the transportation needs in the communities of Windsor and West Hants. Hiring a consultant to prepare a transportation needs assessment / feasibility study would determine the feasibility of a new transit service to fill the communities needs and discuss the potential features of a service including the size of service, routes, stop locations, times and payment methods. This option should only be considered in collaboration with community stakeholders and existing transportation providers. It should focus on maximizing the potential of the existing services, identifying gaps and the options that could be used to fill those gaps.
- *Investigate the options available to create a carpool website for the Region:* This option would require the Region to purchase and administer an online system that would connect residents with similar commutes (i.e. if two residents travel from the Windsor / West Hants area to the Annapolis Valley or Halifax Regional Municipality at a similar time of day they would be matched). The system could be similar to Halifax Ride Match under the HRM SmartTrip Program where the program matches the residents and it is up to them to contact each other to organize the carpool.

Financial Implications

There are no financial implications to the Municipality in relation to the filing of this report. There are associated financial implications with any of the options provided for Council to consider. None of the options provided have been budgeted for.

Conclusion

As the population ages, household transportation costs increase, and the Municipality encourages more economic growth, the demand for providing an affordable and efficient transportation system increases. This report presents an overview of the history of transportation in West Hants, the existing services and provides some options for moving forward.

As outlined previously in this report, there are a variety of options Council could pursue to meet Objective 6.1 of the Strategic Plan. However, the current West Hants Council has not budgeted for a transportation needs assessment which would specifically address Action 6.1.1 of the Strategic Plan. The long-term options would need to be considered collaboratively with the Town of Windsor and funding for these projects would have to be considered by the new regional government.

Attachment

- Appendix A 11-27-2018 COTW West Hants Dial-a-Ride Presentation
- Appendix B Table 2: Possible Funding

Report Approved by: Madelyn LeMay, Director of Planning and Development

Report Reviewed by: Martin Laycock, CAO

Appendix "A"

West Hants Dial-A-Ride

A Project of the Family Resource Centre

Funding Plan



Who We Are & What We Do

- ▶ Dial a Ride provides door-to-door pre-booked accessible rural transportation for those with transportation barriers of any kind.
- ▶ We enable adult learners access to educational opportunities.
- ▶ Give seniors and other general public a sense of independence they may be lacking.
- ▶ Enable the public who need to get to important and routine medical appointments, job interviews, food banks, grocery stores or any social events (funerals, visitations, family visits, etc.).

Current Transportation Options in West Hants/Windsor

- ▶ Dial A Ride
 - ▶ Taxi's
- ▶ Windsor Senior Bus Society
 - ▶ Errands by Karen

Statistics on Ridership

2017/2018 Fiscal Year

Total kilometers driven: 181,724

Total Ridership: 3,970

Department of Community Services: 1,284

General: 1,806

Contracts: 880

Of the 3,970: 857 required the wheelchair accessible van, 3,113 were able bodied.


Of the 3,970: 1,002 were seniors, 126 youth, and 2,842 were general public.



Funding

Dial a Ride is funded by:

- ▶ Community Transportation Assistance Program (CTAP)
- ▶ Poverty Reduction Government Investment Program (PRGIP)
- ▶ User Fares
- ▶ HST Rebates
- ▶ Provincial Grants
- ▶ Contract Revenue
- ▶ Donations
- ▶ Any other miscellaneous revenue



Community Transportation Assistance Program (CTAP)

2017/18: \$59,810 → 2018/19: \$76,598

- ▶ Pay increases for the van drivers as well as a small increase in salaries for administration workers.
- ▶ Upgraded technologies within the office (ie: new laptops)
- ▶ The ability to hire a new administrative assistant for 8-10 hours a week
- ▶ Purchase new advertising signs required for the new van



Poverty Reduction Government Investment Program (PRGIP)

This fiscal year (April 1/18 to March 31/19) Dial A Ride was offered program funding in the amount of \$8000 to subsidize low income residents of West Hants and Windsor with transportation costs.

- ▶ Pay What They Can – Dial A Ride with its grants will cover the remaining balance.
 - ▶ Go to appointments
 - ▶ Grocery shopping
 - ▶ Church
 - ▶ Social Events



Grants

2018/19 Fiscal Year Dial A Ride received:

Department of Communities, Culture and Heritage with Department of Community Services:

Building Vibrant Communities Fund - \$5000.00

In 5 months we have subsidized or totally covered over 60 drives with the **one time** \$5000.00 grant.



Building Vibrant Communities Grant

\$5,000 was spent:

- ▶ Seniors medical appointments: \$2,823
- ▶ Medical appointments: \$453
- ▶ Seniors outings: \$1432
- ▶ Clients needing transportation to bank appointments, grocery store, school who had no other means of paying: \$296



Costs for Dial A Ride

▶ Van

Driver's wages, vehicle insurance, fuel, maintenance and registration on vehicle, and an allowance for the purchase of a new van every 3-4 years.

▶ Volunteer

Reimbursement of mileage @.44 per kilometer, any costs incurred such as extra vehicle insurance for passengers, parking fees, bridge tolls, and drivers abstract as required.



- ▶ Drivers' Wage Total: \$15.68 per hour
- ▶ One trip to Halifax is about 4 hours: \$62.72 (\$15.68x4)
- ▶ Costs of fuel: (170km): \$60
- ▶ Insurance, maintenance, allowance for new van: \$30.00

TOTAL: 152.72

- ▶ Volunteer Drivers
- ▶ Round-trip to Halifax: 170km x .44: \$74.80
- ▶ Parking fees, drivers abstract, bridge tolls, etc: \$6

TOTAL: \$80.80

Expenses covered under the CTAP agreement each year (2017/18)

▶ Administration Wages:	\$48,705
▶ Rent:	\$ 6,000
▶ Office Expenses:	\$ 2,039
▶ Phone/Internet:	\$ 1,888
▶ Association Fees:	\$ 200
▶ Meeting Expenses	\$ 17
▶ Training	\$ 311
▶ Board Insurance	\$ 500
▶ Travel Expenses (Admin.)	\$ 150

TOTAL: \$59,810.00

Other Expenses Covered by Fare Income, HST Rebate, Contractual, etc. (2017/18)

▶ Volunteer Driver Stipend:	\$72,043
▶ Driver's Wages:	\$17,470
▶ Fuel:	\$ 5,382
▶ Vehicle Insurance:	\$ 4,356
▶ Vehicle Registrations:	\$ 66
▶ Vehicle Repairs:	\$ 7,031
▶ Parking:	\$ 904
▶ Accounting Fees:	\$ 1,814
▶ Advertising:	\$ 964
▶ Meeting Expenses:	\$ 197

TOTAL: \$110,227

Total Revenue was \$184,997

Total Expenses were \$170,037

***Net Income of \$14,960**

The net income is deferred to an account to help pay for the new van and any vehicle-related expenses.

Funding Needs

- ▶ **Block funding (secured):** match the \$8,000 grant from Poverty Reduction Government Investment Program.
- ▶ **Per kilometer funding:** Take last fiscal year's total kilometers driven @ 15¢ per kilometer= between \$26,000 and \$27,000

Why Approve This Funding?

- ▶ Makes sense for this area
- ▶ Other grants received have had a very positive outcome
- ▶ Need more available transportation options
- ▶ No municipal funding since ~2015.
- ▶ This would be completely for the public, not for administration.
- ▶ Possibility of doing routes (ie: scheduled drives from Windsor to Halifax or Valley each morning and evening)

We can make a little bit of money go a long way. Opportunities can be endless, and we would like the chance to explore that.



Words From Our Clients...

“It made me feel more independent”

“It made me feel like less of a burden to my family”

“it’s such a convenient service for this area”

“I wouldn’t change a thing you are doing”

“You are a saviour for people like me”

“I don’t have to rely on others – you come straight to my door”

“I get nervous driving in the city – I can relax on my way to an appointment now”

Thank you.

Questions & Answers

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. The shapes are primarily triangles and polygons, creating a dynamic, layered effect. The overall composition is clean and modern, with the text centered on a white background.

Report back to community from the West Hants Uniacke Community Health Board – Regarding transportation needs in the Hants West Uniacke area

August 2018

During the spring of 2016 the seven Community Health Boards (CHB) in the Central Zone of the Nova Scotia Health Authority, (NSHA), formally consulted with community on health needs for the 2017 Central Zone Community Health Plan. During these consultations a recurrent theme was the lack of access to affordable, appropriate modes of transportation in the Windsor/West Hants area. Many citizens spoke of when Kings Transit was operating they had more options - i.e. could go to the valley for the day to see a movie. To shop, to see family and friends.

In the Fall of 2017 after the Spring release of the Central Zone Health Plan the West Hants Uniacke CHB began focusing on priority areas of community health identified by area residents. Access to affordable and appropriate transportation and recreation options were noted as priority areas. A sub-committee of CHB members was formed and a plan of engaging with community began. The committee decided to ask three plain language questions to anyone they spoke with about transportation:

- 1) How did you get here today?
- 2) What places do you have trouble getting to?
- 3) What type of transportation service would help you get where you want/need to go?

Starting in December 2017 formal consultations/survey work continued until May 2018. The following groups/organizations were involved:

- Seniors at the Annual Seniors Christmas Breakfast
- Family Resource Centre of West Hants – Toddler Play Group and Baby Love groups
- Students/staff at the Windsor Adult High School
- Hants Learning Network Association
- New Boundaries Society
- Hants Shore Seniors Drop In
- Housing Complex in Mount Uniacke

Members and staff engaged with a total of 159 individuals.

Key themes from these consultations were:

- People need a link from Windsor area to the Valley and to HRM.
- Aging citizens are relying on children for drives to medical appointments
- Seniors are relying on other seniors for drives – if the senior that drives falls ill/moves then that senior becomes isolated.
- Anxiety about driving in the city was felt from all age groups
- DCS funding covers very little per month

- Dial-A-Ride is a service that is well respected, loved by users but cost is a barrier to many.
- The inequity that a bus comes almost to Hantsport and people of Hantsport can walk to catch the bus but no access from Windsor.
- Medical appointments in the city including dialysis treatment is a major need.
- Having a bus link – including a central “terminal” location in Windsor would be very helpful.
- Students had particular needs – being able to stay after school for sports for middle school students was identified. Adult High School students having a link to Brooklyn area to and from Windsor was important.
- If you do not have 2 cars and you a stay at home parent you are isolated.
- Families will sacrifice other expenditures and go to free community events only just to be able to afford the second vehicle.
- A smaller type of bus is needed not a large bus unless the need is there
- Using social media would be key to getting the word out about transportation options

Also during this time frame committee members and staff met with the following individuals for input:

- Mayor of the Town of Windsor –Anna Allen
- Warden of the District of the Municipality of West Hants - Abraham Zebian
- MLA Chuck Porter
- Stephen Foster from Kings Transit

On November 6 2017 the CHB brought together Community Stakeholders to discuss transportation. This was facilitated by a health promotion student - Alyce Casey.

Attendees included: Transportation Providers in Windsor/West Hants - Dial a Ride, Windsor Seniors Citizens Bus Society, Errands by Karen, Donnie’s Taxi.

Community groups and government departments with a vested interest in transportation – Hants Learning Network Association, Hants Shore Community Health Centre, Department of Community Services, Family Resource Centre.

Please see attached gaps and needs document. Key suggestions in solving transportation barriers were:

- Having a Transportation Navigator
- Funding to expand Dial-a-Ride
- Engaging with metro transit to link to Uniacke
- A community shuttle.

It was noted by CHB members during these consultations that all transportation providers in the area knew each other and worked with each other to see who the most logical provider to serve the client is. A good solid base of transportation infrastructure is in place and a community of transportation providers who easily work with each other and support each other is evident. Expansion and linking is necessary.

Gaps and Needs

Affordability

- People are stuck – if they can't access transportation, they can't access programs to help them be more successful and to afford transportation in the future.
- Huge challenge for the working poor.
- Current options are not feasible for people to use on a regular basis.
- DCS transportation limits are too low (\$150 per person).
- There are few sources of direct funding available for medical appointments etc. but there are caps and not everybody knows about them.
- Cost of ambulance vs. alternative transportation (not cost-effective).
- Even within town area taxis are too expensive to use regularly.
- Dial-a-Ride/Taxi can use up maximum in one trip.

Isolation / No Family Support

- Communities are distinct and separated – no transportation connection.
- People who don't or can't drive anymore are cut off/isolated.
- People have to move to the city if they don't have enough transportation support for medical appointments.
- Many people rely on others for drives, but what happens when those people can't drive anymore?
- If you don't have family/friend support (with vehicles) or medical support \$\$, etc. you are isolated.

Seniors

- Aging have high medical needs.
- Seniors have to coordinate medical appointments, picking up medications, groceries, banking etc. all on one day because of transportation cost.

Medical

- Dialysis patients.
- Addictions (methadone) patients.

Recreation

- People don't even sign up for activities because they don't have a way there or have to work.

Distance travel

- Travel to Halifax or valley.
- Not enough medical services close by.
- Work in Halifax.
- No bus link.

Not enough coordination between local services!

Resources Available

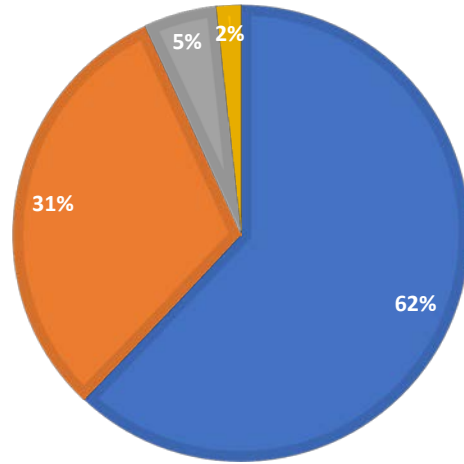
- Family Resource has small fund for transportation.
- BTO Boarding Transportation & Ostomy Program: transportation for cancer patients.
- Free ambulance transportation if medically necessary but ties up ambulances.

Suggestions

- Need community “champions” to help explain what is available, be aware of literacy challenge.
- How to educate people on programs available to support them – medical offices, rack cards, social media?
- Promote programs at seniors’ breakfast and other community events.
- Adapt existing structures.
- VON volunteer transportation.
- Funding to expand Dial-a-Ride.
- Metro transit link to Uniacke.
- “Transportation Navigator”.
- What are other rural communities doing? Municipal funding?
- Possibility for some sort of community shuttle?

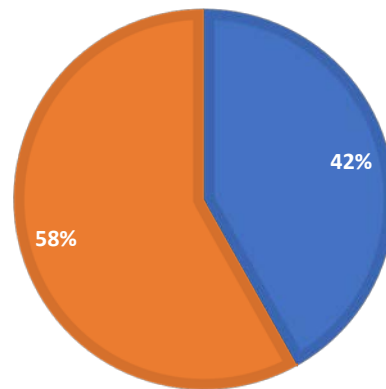
REASON FOR TRAVEL

■ Medical ■ Social ■ Food Bank/Grocery ■ Education



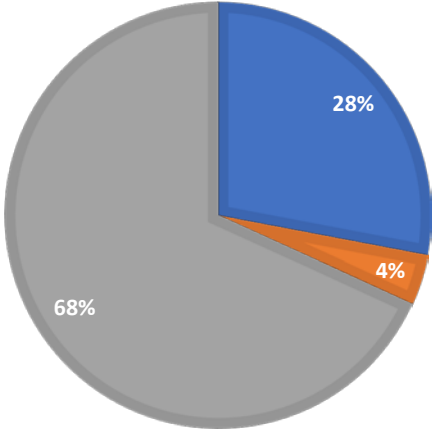
ACCESSIBILITY

■ Wheelchair ■ Able-Bodied



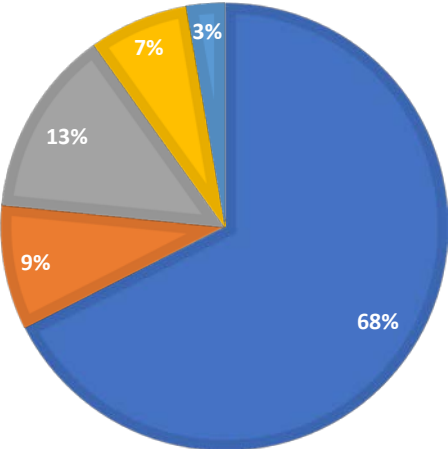
CLIENTS

■ Seniors ■ Youth ■ General



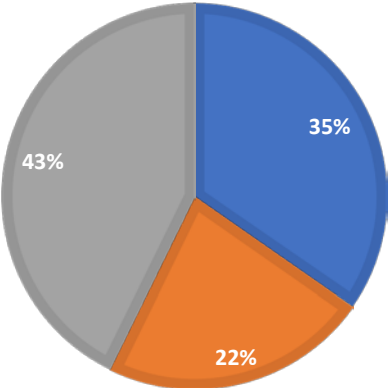
TRAVEL ORIGIN

■ Windsor ■ Falmouth ■ Brooklyn ■ Hantsport ■ Mt. Uniacke



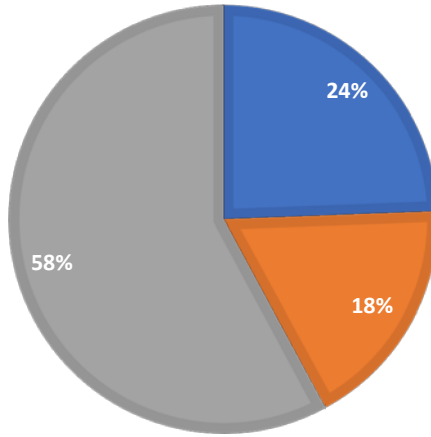
TRAVEL DESTINATION

■ Windsor ■ Valley ■ Halifax



CLIENT GROUP

■ DCS ■ Contracts ■ General



CTAP Poverty Reduction Grant

Date	From	To	Reason	Wheelchair	Total Fare	Grant Portion	Customer Paid
July 4/2018	Falmouth	Windsor	Medical	Yes	55	25	30
July 5/2018	Falmouth	Windsor	Medical	Yes	55	25	30
July 7/2018	Windsor	Windsor	Medical	No	50	25	25
July 15,22,28/18	Windsor	Grand Pre	Social/Isolation	Yes	400	200	200
July 9/18	Windsor	Falmouth	Medical	Yes	55	25	30
July 13/18	Windsor	Halifax	Medical	Yes	170	85	85
July 13/18	Brooklyn	Mount Uniacke	Medical	Yes	114	57	57
July 13/18	Windsor	Halifax	Medical	Yes	170	85	85
July 13/18	Brooklyn	Mount Uniacke	Medical	Yes	114	57	57
July 15/18	Windsor	Grand Pre	Social/Isolation	No	100	50	50
July 16/18	Windsor	Lower Sackville	Medical	No	50	25	25
July 16/18	Windsor	New Minas	Medical	No	45	23	22
July 17/18	Newport Corner	Tantallon	Medical	No	75	38	37
July 18/18	Windsor	Windsor	Medical	Yes	55	25	30
July 20/18	Windsor	Halifax	Medical	No	75	38	37
July 20/18	Windsor	Sackville	Social/Isolation	No	50	25	25
July 22/18	Windsor	Grand Pre	Social/Isolation	No	100	50	50
July 23/18	Windsor	Halifax	Medical	No	75	38	37
July 24/18	Newport Corner	Dartmouth	Medical	No	75	38	37
July 25/18	Ellershouse	Windsor	Medical	No	30	15	15
July 25/18	Windsor	Halifax	Social/Isolation	No	75	38	37
July 26/18	Ellershouse	Windsor	Medical	No	30	15	15
July 27/18	Windsor	Halifax	Medical	No	75	38	37

July 27/18	Hantsport	Bedford	Social/Isolation	No	30	15	15
July 31/18	Mount Uniacke	Halifax	Medical	No	100	50	50
							-
August 1/18	Windsor	Halifax	Medical	No	75	30	45
August 7/18	Windsor	Halifax	Medical	No	170	85	85
August 13/18	Windsor	Halifax	Medical	No	75	38	37
August 13/18	Windsor	Grand Pre	Social/Isolation	Yes	100	50	50
August 15/18	Windsor	Halifax	Medical	No	75	50	25
August 18/18	Windsor	Sackville	Food Bank/Grocery	No	50	25	25
August 19/18	Windsor	North Grand Pre	Social/Isolation	Yes	100	25	75
August 20/18	Windsor	Halifax	Medical	No	75	50	25
August 21/18	Hantsport	Halifax	Medical	No	90	38	52
August 21/18	Windsor	Windsor	Social/Isolation	Yes	55	25	30
August 21/18	Windsor	Halifax	Medical	Yes	170	85	85
August 21/18	Windsor	Windsor	Medical	Yes	55	25	30
August 24/18	Windsor	Grand Pre	Social/Isolation	Yes	100	25	75
August 26/18	Windsor	Windsor	Medical	Yes	55	25	30
August 27/18	Windsor	Tantallon	Medical	No	75	25	50
August 27/18	Windsor	New Minas	Medical	No	45	23	22
August 28/18	Brooklyn	Walton	Social/Isolation	No	50	25	25
August 28/18	Windsor	Windsor	Medical	Yes	55	25	30
August 28/18	Windsor	Windsor	Food Bank/Grocery	No	14.95		15
August 28/18	Windsor	Windsor	Medical	Yes	55	25	30
August 29/18	Windsor	Halifax	Social/Isolation	No	75	38	37
August 29/18	Windsor	Halifax	Medical	No	85	42	43
August 30/18	Windsor	Middleton	Medical	No	75	38	37
August 30/18	Windsor	Halifax	Social/Isolation	Yes	75	28	47
August 31/18	Hantsport	Hantsport	Medical	Yes	55	25	30
August 31/18	Windsor	Windsor	Social/Isolation	No	30	15	15

September 1/18	Windsor	Grand Pre	Social/Isolation	Yes	100	50	50
September 4/18	Windsor	Halifax	Social/Isolation	No	75	38	38
September 4/18	Windsor	Sackville	Social/Isolation	No	45	23	23
September 4/18	Windsor	Windsor	Education	No	49.45	-	49
September 5/18	Windsor	Middleton	Medical	Yes	250	125	125
September 5/18	Ellershouse	Windsor	Medical	No	30	15	15
September 6/18	Brooklyn	Halifax	Medical	No	75	38	38
September 6/18	Windsor	New Minas	Medical	Yes	115	58	58
September 6/18	Hantsport	Halifax	Medical	No	100	50	50
September 6/18	Brooklyn	Brooklyn	Social/Isolation	Yes	75	-	75
September 7/18	Windsor	Windsor	Social/Isolation	Yes	55	25	30
September 7/18	Brooklyn	Truro	Social/Isolation	No	100	50	50
September 7/18	Brooklyn	Windsor	Medical	No	40	20	20
September 7/18	Falmouth	Windsor	Social/Isolation	Yes	84	42	42
September 7/18	Falmouth	Windsor	Social/Isolation	Yes	55	25	30
September 10/18	Windsor	Halifax	Medical	No	124.74		125
September 10/18	Windsor	Halifax	Medical	Yes	170	85	85
September 10/18	Windsor	Halifax	Medical	Yes	170	85	85
September 10/18	Windsor	New Minas	Medical	No	45	23	23
September 11/18	Falmouth	Windsor	Social/Isolation	Yes	55	25	30
September 11/18	Windsor	New Minas	Medical	Yes	115	58	58
September 12/18	Falmouth	Windsor	Medical	Yes	55	22	33
September 14/18	Windsor	New Minas	Medical	No	45	23	23
September 14/18	Windsor	Windsor	Food Bank/Grocery	No	14.95	-	15
September 18/18	Windsor	New Minas	Medical	Yes	170	85	85
September 18/18	Hantsport	Halifax	Medical	No	90	45	45
September 19/18	Ellershouse	Windsor	Medical	No	30	15	15
September 19/18	Hantsport	Windsor	Social/Isolation	No	56.92	-	57

September 20/18	Windsor	Sackville	Social/Isolation	No	50	25	25
September 21/18	Brooklyn	Halifax	Medical	No	75	38	37
September 21/18	Hantsport	Windsor	Food Bank/Grocery	No	30	15	15
September 21/18	Falmouth	Windsor	Social/Isolation	Yes	55	25	30
September 24/18	Scotch Village	Halifax	Medical	No	75	38	37
September 24/18	Windsor	Windsor	Medical	Yes	55	25	30
September 24/18	Windsor	Windsor	Food Bank/Grocery	Yes	55	25	30
September 25/18	Windsor	Sackville	Medical	No	50	25	25
September 25/18	Hantsport	Windsor	Social/Isolation	No	30	15	15
September 25/18	Windsor	Tantallon	Medical	No	75	37	38
September 25/18	Mount Uniacke	Halifax	Medical	No	75	37	38
September 26/18	Windsor	Halifax	Social/Isolation	No	75	38	38
September 27/18	Falmouth	New Minas	Medical	Yes	115	58	58
September 27/18	Brooklyn	Mount Uniacke	Medical	Yes	116	58	58
September 27/18	Hantsport	Wolfville	Medical	No	36	18	18
September 27/18	Ellershouse	Windsor	Medical	No	30	15	15
September 28/18	Brooklyn	Brooklyn	Social/Isolation	Yes	75	-	75
September 28/18	Windsor	Halifax	Medical	No	75	38	37

Building Vibrant Communities Grant - \$5,000

DATE	REASON FOR TRIP	TOTAL	GRANT
APRIL 9 2018	SKI MARTOCK	\$ 20.00	\$ 20.00
APRIL 9/2018	DRIVE HOME WITH CHILD	\$ 7.47	\$ 7.47
APRIL 9/2018	\$ NOT PD BY DCS	\$ 135.00	\$ 135.00
APRIL 9/2018	MEDICAL	\$ 170.00	\$ 170.00
APRIL 9/2018	CS DECEASED	\$ 115.00	\$ 115.00
APRIL 9/2018	OVG FOR CS NOT PD BY DCS	\$ 176.19	\$ 176.19
APRIL 9/2018	OVG NOT PD BY DCS FOR MEDICAL	\$ 46.71	\$ 46.71
APRIL 9/2018	CS UNABLE TO PAY	\$ 55.00	\$ 55.00
APRIL 6/2018	QE2 HALIFAX MEDICAL	\$ 170.00	\$ 170.00
APRIL 10/2018	HALIFAX INFIRMARY	\$ 100.00	\$ 100.00
APRIL 11/2018	WALTON CEMETERY	\$ 50.00	\$ 50.00
APRIL 12/2018	HALIFAX MED APPT	\$ 75.00	\$ 75.00
APRIL 13/2018	HALIFX VG MEDICAL	\$ 75.00	\$ 75.00
APRIL 16/2018	WINDSOR	\$ 55.00	\$ 55.00
APRIL 15/2018	WINDSOR MEDICAL	\$ 100.00	\$ 100.00
APRIL 16/2018	HALIFAX MEDICAL	\$ 170.00	\$ 170.00
APRIL 16/2018	FALMOUTH SCHOOL	\$ 45.05	\$ 45.05
APRIL 17/2018	DENTIST FALMOUTH	\$ 55.00	\$ 55.00
APRIL 17/2018	FALMOUTH SCHOOL	\$ 52.47	\$ 52.47
APRIL 27/2018	MUDCREEK WOLFVILLE	\$ 61.88	\$ 61.88
APRIL 29/2018	HALIFAX CHURCH	\$ 170.00	\$ 170.00
	TOTAL	\$ 1,904.77	\$ 1,904.77

Building Vibrant Communities Grant - \$5,000

DATE	REASON FOR TRIP	TOTAL	GRANT
MAY 8/2018	HANTSPORT BANK APPT	\$ 30.69	\$ 30.69
MAY 14/2018	WINDOSR DOCTOR	\$ 75.00	\$ 75.00
MAY 25/2018	NEW ROSS FARMS	\$ 113.85	\$ 113.85
MAY 26/2018	BROOKLYN CHURCH	\$ 40.00	\$ 40.00

MAY 29/2018	HALIFAX MEDICAL	\$	109.39	\$	109.39
MAY 30/2018	HALIFAX MEDICAL	\$	75.00	\$	75.00
MAY 30/2018	WINDSOR MEDICAL	\$	30.00	\$	30.00
	TOTAL	\$	473.93	\$	473.93

Building Vibrant Communities Grant - \$5,000

DATE	REASON FOR TRIP	TOTAL	GRANT	CS PAID	INVOICED
JUNE 3/2018	BURLINGTON HALL	\$75.00	\$75.00		
JUNE 10/2018	BROOKLYN CHURCH	\$75.00	\$75.00		
JUNE 19/2018	COBEQUID CTR MEDICAL	\$170.00	\$170.00		
JUNE 17/2018	NORTH GRAND PRE	\$100.00	\$50.00	\$50.00	
JUNE 24/2018	NORTH GRAND PRE	\$100.00	\$50.00	\$50.00	
JUNE 6/2018	WINDSOR FUNERAL	\$55.00	\$30.00	\$25.00	
JUNE 7/2018	LUNENBURG FUNERAL	\$250.00	\$125.00	\$125.00	
JUNE 8/2018	KENTVILLE APPOINTMENT	\$62.37	\$62.37		
JUNE 12/2018	WINDSOR DENTIST	\$55.00	\$30.00	\$25.00	
JUNE 10/2018	WINDSOR APPOINTMENT	\$55.00	\$30.00	\$25.00	
JUNE 19/2018	WINDSOR HOSPITAL	\$55.00	\$30.00	\$25.00	
JUNE 15/2018	HINCHIN BROOK FARM	\$109.39	\$109.39		
JUNE 21/2018	MIDDLETON FUNERAL	\$250.00	\$125.00		\$ 125.00
JUNE 26/2018	HALIFAX MEDICAL	\$170.00	\$85.00	\$85.00	
JUNE 27/2018	WINDSOR DENTIST	\$55.00	\$30.00	\$25.00	
JUNE 27/2018	HALIFAX FORUM	\$150.00	\$75.00	\$75.00	
JUNE 29/2018	WINDSOR GROCERIES	\$55.00	\$55.00		
JUNE 30/2018	NORTH GRAND PRE	\$100.00	\$50.00	\$50.00	
JUNE 3/2018	HALIFAX MEDICAL	\$97.51	\$97.51		
JUNE 28/2018	HALIFAX MEDICAL	\$112.36	\$112.36		
JUNE 12/2018	COBEQUID CTR MEDICAL	\$170.00	\$85.00	\$85.00	
JUNE 22/2018	SOBEYS WINDOSR	\$55.00	\$30.00	\$25.00	
JUNE 29/2018	RIB FEST HALIFAX	\$170.00	\$85.00		\$ 85.00
JUNE 23/2018	HANTSPORT	\$75.00	\$37.50		\$ 37.50
	TOTAL	2621.63	\$ 1,704.13	\$670.00	\$ 247.50

Building Vibrant Communities Grant - \$5,000

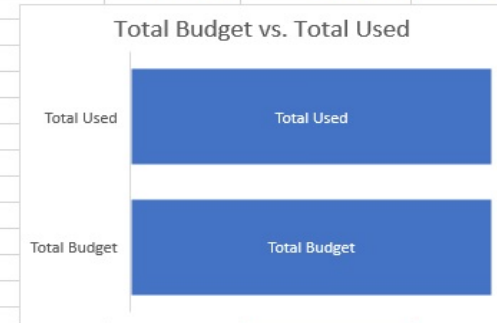
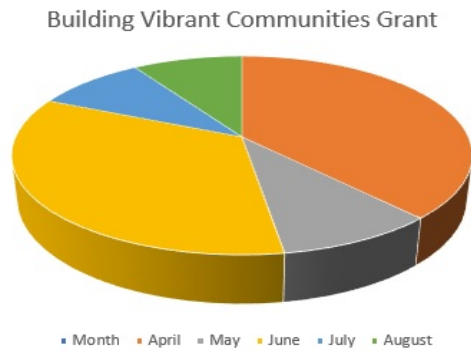
DATE	REASON FOR TRIP	TOTAL	GRANT	CS PAID
JULY 4/2018	WINDSOR DOCTOR	\$55.00	\$30.00	\$25.00
JULY 5/2018	OUTING	\$55.00	\$30.00	\$25.00
JULY 9/2018	DENTIST	\$55.00	\$30.00	\$25.00
JULY 16/2018	MEDICAL	\$50.00	\$25.00	\$25.00
JULY 16/2018	DOCTOR	\$45.00	\$22.50	\$22.50
JULY 17/2018	DOCTOR	\$75.00	\$37.50	\$37.50
JULY 18/2018	MEDICAL	\$55.00	\$30.00	\$25.00
JULY 20/2018	MEDICAL	\$75.00	\$37.50	\$37.50
JULY 20/2018	ERRANDS	\$50.00	\$25.00	\$25.00
JULY 23/2018	MEDICAL	\$75.00	\$37.50	\$37.50
JULY 24/2018	MEDICAL	\$75.00	\$37.50	\$37.50
JULY 25/2018	MEDICAL	\$30.00	\$15.00	\$15.00
JULY 25/2018	VISITATION	\$75.00	\$37.50	\$37.50
JULY 26/2018	MEDICAL	\$30.00	\$15.00	\$15.00
JULY 28/2018	OUTING	\$100.00	\$50.00	\$50.00
	TOTAL	\$900.00	\$460.00	\$440.00

Building Vibrant Communities Grant - \$5,000

DATE	REASON FOR TRIP	TOTAL	GRANT	CS PAID
AUGUST 1/2018	MEDICAL	\$55.00	\$30.00	\$25.00
AUGUST 2/2018	SOCIAL	\$55.00	\$30.00	\$25.00
AUGUST 2/2018	MEDICAL	\$50.00	\$25.00	\$25.00
AUGUST 4/2018	SOCIAL	\$55.00	\$27.50	\$27.50
AUGUST 5/2018	SOCIAL	\$100.00	\$50.00	\$50.00
AUGUST 7/2018	SOCIAL	\$55.00	\$30.00	\$25.00
AUGUST 8/2018	MEDICAL	\$45.00	\$22.50	\$22.50

AUGUST 9/2018 MEDICAL	\$75.00	\$37.50	\$37.50
AUGUST 9/2018 MEDICAL	\$45.00	\$22.50	\$22.50
AUGUST 10/2018 MEDICAL	\$45.00	\$22.50	\$22.50
AUGUST 11/2018 MEDICAL	\$32.17	\$32.17	\$0.00
AUGUST 14/2018 MEDICAL	\$75.00	\$37.50	\$37.50
AUGUST 15/2018 MEDICAL	\$59.40	\$59.40	\$0.00
AUGUST 17/2018 FOOD BANK	\$33.66	\$33.66	\$0.00
TOTAL	\$780.23	\$460.23	\$320.00

Month	April	May	June	July	August	September	October	November	December	Total Used	Total Budget	Difference
Grant	\$1,904.77	\$473.93	\$1,704.13	\$460.00	\$460.23					\$5,003.06	\$5,000.00	-\$3.06



APPENDIX B
Table 2: Possible Funding

Funding Source	Description	Eligibility	Funding %
FEDERAL			
Public Transit Infrastructure Fund Building Strong Cities Through Investments in Public Transit	<p>The Public Transit Infrastructure Fund (PTIF) will provide short-term funding of \$3.4 billion to help accelerate municipal investments to support the rehabilitation of transit systems, new capital projects, and planning and studies for future transit expansion to foster long-term transit plans.</p>	<p>Gets funneled through to Municipalities from the Province based on ridership numbers</p> <p>Municipalities need to have an existing transit service to be eligible</p>	N/A
PROVINCIAL			
Nova Scotia Transit Research Incentive	<p>The Nova Scotia Transit Research Incentive Program (NS-TRIP) provides funding for transit projects that generate new and improved public transit services in rural areas and underserved urban areas of the province.</p> <p>Projects must be directly related to enhancing the service capacity of new or</p>	<p>Yes, for underserved areas of the Municipality only</p>	<p>Projects can be door-to-door and fixed or flex route transit services</p> <p>Phase 1: Feasibility Study/ Needs Assessment - 100% of total study up to \$15,000</p> <p>Phase 2: Business Plan Development - 75% of total</p>

	<p>existing public transit organizations in Nova Scotia. The program provides cost sharing at various funding levels depending on the scope of the project. Please see program criteria for details. Funding is available for only one project per year per organization.</p>		<p>project up to \$15,000</p> <p>Phase 3: Pre-Pilot Implementation - 75% of total project up to \$25,000</p> <p>Phase 4: Pilot Project - 75% of total project up to \$50,000</p> <p>Phase 5: Service Start-up - 50% of total operating costs net of CTAP funding up to \$25,000</p>
<p>Community Transportation Assistance Program</p>	<p>The Community Transportation Assistance Program (CTAP) covers a portion of the operating costs of a community-based inclusive transportation service. Services are developed and provided by non-profit organizations through partnerships by coordinating public, private, non-profit, and volunteer resources and services. Inclusive transportation services are community-based public transportation systems in rural Nova Scotia</p>	<p>No, only non-profit community-based organizations (incorporated groups) involved in the delivery of inclusive transportation services in low-population density areas of the province</p>	<p>Covers a portion (not specified) of the operating costs</p>

	aimed at improving transportation service to disabled, elderly and low-income Nova Scotians who need transportation to and from medical appointments, education, and recreation opportunities.		
Accessible Transportation Assistance Program	The Accessible Transportation Assistance Program (ATAP) provides funding to assist organizations that receive funding from the Community Transportation Assistance Program (CTAP) and municipal accessible transit organizations across the province in the purchase of accessible vehicles or modification of existing vehicles.	No as the Municipality is not eligible to receive funding from the Community Transportation Assistance Program (CTAP)	66% of the total capital cost to a maximum of \$70,000 for new or \$15,000 for used vehicles
Community ACCESS-Ability Program	The Community ACCESS-Ability Program reflects the Government of Nova Scotia's commitment to persons with disabilities by providing equal opportunity and improved access to community facilities. This program offers cost-shared	Yes	May be able to cover 2/3 of an upgrade for a bus ramp (would have to contact them directly to find out) 66% up to \$10,000

grants to community groups for accessibility related capital improvements.

[Community Transportation Action Plan Strengthening Communities Through Transportation](#)

In collaboration with partners and stakeholders we will support local community transportation services in areas that are unserved or underserved. This work will make it easier for Nova Scotians to access services, jobs, and schools in their communities, and travel between communities and to Halifax. Together, through community-based planning, we can ensure Nova Scotians are connected to services, to opportunities, and to each other.

Not stated – email connect@communitytransitns.ca for more information



West Hants
something inspiring awaits

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Committee of the Whole

Submitted by: _____
Todd Richard, Director Public Works

Date: May 9, 2023

Subject: Mill Lakes Watershed Dam Upgrades

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 approve the award of tender WHPW23-01 for the Mill Lakes Watershed Dam Upgrades to the low compliant bidder, Mid Valley Construction 1997 Ltd., for the tendered price of \$843,200, plus a 15% construction contingency of \$126,480, for a project total of \$969,680, plus applicable taxes.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input checked="" type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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account for actual required quantities. If any additional quantities are proposed, they shall be field verified by WHRM staff and also verified by CBCL engineering staff.

NEXT STEPS

Pending approval of Council; staff will award formal contract to Mid Valley Construction 1997 Ltd. to proceed with construction work in accordance with their bid.

FINANCIAL IMPLICATIONS

Tendering Timeline:

Posted to Procurement	April 6, 2023
Closing Date	May 4, 2023
Price Expiry Date	June 29, 2023
Days Remaining	52 Days

2023-24 Capital Budget – Sluice Gate Upgrades (deferred from 2022-23)

Tender Pricing	\$843,200.00
Contingency (15%)	\$126,480.00
Non-Recoverable Tax (4.29%)	<u>\$145,452.00</u>
Tender Total	\$1,115,132.00
Project Management/Engineering Costs	\$135,333.00
Less: Project Management Paid before 2023-24	<u>(\$93,379.77)</u>
Project Total	\$1,157,085.23
2023-24 Budget Value	\$850,000.00
Variance (over budget)	(\$307,085.23)

In the 2023-24 draft capital budget the Sluice Gate project was scheduled to be funded through long-term debt. Given the over budget project value, this will increase the annual debt servicing costs by \$16,336. As this is for the Windsor Water Utility, the long-term debt does not affect the Municipal Debt Servicing Ratio.

ALTERNATIVES

1. Council may choose not to proceed with this project.

ATTACHMENTS


None

CHIEF ADMINISTRATIVE OFFICER REVIEW

The project and recommendation are in alignment with past project planning and approvals. The tendered cost exceeds the anticipated budget as noted and should be considered by Council.

The tender and its compliance has been reviewed by our project engineer.

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
May 9, 2023

2023 GRANTS & CONTRIBUTIONS EXCERPT

Each year, the Municipality receives requests for funding from worthwhile not-for-profit or charitable community organizations who, through volunteer efforts provide services to the community. Funding requests were received from seventy-nine different organizations and of those applications one was received after the advertised deadline.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL ADOPTS THE ATTACHED SUMMARY, AS PRESENTED, RECOMMENDING GRANT FUNDING TO THE LISTED RECIPIENTS AND AUTHORIZE STAFF TO RELEASE FUNDS ONCE ALL REQUIREMENTS, AS OUTLINED UNDER THE GRANT AND CONTRIBUTION POLICY, HAVE BEEN MET INCLUDING GRANTING THE NEWPORT DISTRICT RINK COMISSION THEIR FULL ASK, THE AVONVIEW GIRLS HOCKEY TEAM THEIR FULL ASK AND THE EXTRA \$1,000 ASK FOR THE HERITAGE BEEF CLASSIC SHOW (\$2,500).

COUNCIL APPROVE THE FOLLOWING GRANTS FROM THE CANADA COMMUNITY BUILDING FUND:

- a) **CHEVERIE UNITED CHURCH (PENDING INCORPORATION STATUS) – FOR ROOF REPAIRS \$5,000**
- b) **FALMOUTH COMMUNITY HALL ASSOCIATION – FOR HEAT PUMPS, ELECTRICAL, WINDOWS AND NEW LIGHTING - \$5,000.**
- c) **MOUNT DENSON COMMUNITY HALL ASSOCIATION - \$2,500.**
- d) **RCL HANTS COUNTY BRANCH 009 VETERANS BANNER PROJECT (PENDING INCORPORATION STATUS) - TO PURCHASE HANGERS TO BE MOUNTED ON UTILITY POLES TO DISPLAY THE VETERANS HONOUR BANNERS - \$5,000.**
- e) **SOUTHWEST HANTS FIRE SOCIETY – TO CREATE A SPACE ON THE FIRE STATIONS UPPER LEVEL FOR FIREFIGHTERS TO EXERCISE AND FOR RECREATION SPACE PRE/POST CALLS OR TRAINING. INCLUDES INSTALLING A FIRE DOOR, ERECTING PARTITIONS ON STEEL FRAMING, SHEET ROCK INSTALL, ROUGH IN FOR WASHROOM, PAINTING ETC. - \$5,000.**
- f) **THE CROSSING SENIOR SOCIAL SOCIETY – TO ASSIST WITH THE COST TO PURCHASE A STORAGE BUILDING/BANDSTAND FOR EVENTS AT THE CROSSING - \$5,000.**

- g) WEST HANTS GROUND SEARCH & RESCUE – TO ASSIST WITH COSTS ASSOCIATED WITH THE PURCHASE AND INSTALLATION OF NEW WINDOWS - \$5,000.**
- h) HANTSPORT MEMORIAL COMMUNITY CENTRE TO COVER THE COSTS OF PICKLE BALL COURT PROJECT TO COVER ALL THEIR PHASES FOR - \$350,000.**
- i) MERMAID THEATRE – MARQUEE & CHANNEL LETTERING SIGNAGE - \$13,051.50.**
- j) NEWPORT & DISTRICT RINK COMMISSION - TO ASSIST WITH COSTS FOR THE ICE PLANT COMPRESSOR OVERHAUL - \$12,472.33 X 2.**
- k) PISIQUID CANOE CLUB – TO ASSIST WITH THE COSTS ASSOCIATED WITH THE INSTALLATION OF AN EXPANDED NSE APPROVED COMMERCIAL SEPTIC SYSTEM - \$17,500.**
- l) BRAMBER NEW HORIZONS ASSOCIATION – TO ASSIST WITH THE COST TO INSTALL A DRILLED WELL - \$10,000.**
- m) WINDSOR AGRICULTURAL SOCIETY – TO ASSIST WITH THE COST ASSOCIATED WITH IMPROVING THE EXHIBITION ARENA BY REPLACING THE PANELS ON THE WEST SIDE OF THE ARENA, UPGRADING THE LIGHTING, WATER & HEATING AS WELL AS WASHROOM ACCESSIBILITY - \$50,000.**

COUNCIL APPROVE FROM THE 5% RESERVE FUND:

- a) BROOKLYN VOLUNTEER FIRE DEPARTMENT TO FUND TRAIL MAINTENANCE FOR THE BROOKLYN FIRE DEPARTMENT TRAIL IN THE AMOUNT OF \$1,250.**
- b) ELLERSHOUSE COMMUNITY HALL TO ASSIST WITH THE MAINTENANCE OF THE COMMUNITY PARK LOCATED ON THE CHURCH PROPERTY - \$2,500.**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: West Hants Regional Municipal Council
Submitted by: Kathy Kehoe, Director Community Development
Date: May 1, 2023
Subject: 2023 Grants and Contributions

LEGISLATIVE AUTHORITY

Municipal Government Act sections 65 and 273

RECOMMENDATION

Committee of the Whole recommends that:

Council adopts the attached summary, as presented, recommending grant funding to the listed recipients and authorize staff to release funds once all requirements, as outlined under the Grant and Contribution Policy, have been met.

Further

...it be recommended the following grants be approved from the Canada Community Building Fund:

- a) Cheverie United Church (pending incorporation status) – for roof repairs \$5,000
- b) Falmouth Community Hall Association – for heat pumps, electrical, windows and new lighting - \$5,000.
- c) Mount Denson Community Hall Association - \$2,500.
- d) RCL Hants County Branch 009 Veterans Banner Project - to purchase hangers to be mounted on utility poles to display the Veterans Honour Banners - \$5,000.
- e) Southwest Hants Fire Society – to create a space on the fire stations upper level for firefighters to exercise and for recreation space pre/post calls or training. Includes installing a fire door, erecting partitions on steel framing, sheet rock install, rough in for washroom, painting etc. - \$5,000.
- f) The Crossing Senior Social Society – to assist with the cost to purchase a storage building/bandstand for events at The Crossing - \$5,000.
- g) West Hants Ground Search & Rescue – to assist with costs associated with the purchase and installation of new windows - \$5,000.

- h)** Hantsport Memorial Community Centre to assist with the cost of Phase 1 of the pickleball court project – signage, design & planning, fencing, courts fencing, building demolition, windows/doors, roofing, and washroom improvements - \$50,000.
- i)** Mermaid Theatre – marquee & channel lettering signage - \$13,051.50.
- j)** Newport & District Rink Commission - to assist with costs for the ice plant compressor overhaul - \$12,472.33.
- k)** Pisiqid Canoe Club – to assist with the costs associated with the installation of an expanded NSE approved commercial septic system - \$17,500.
- l)** Bramber New Horizons Association – to assist with the cost to install a drilled well - \$10,000.
- m)** Windsor Agricultural Society – to assist with the cost associated with improving the Exhibition Arena by replacing the panels on the west side of the arena, upgrading the lighting, water & heating as well as washroom accessibility - \$50,000.

Further

...it be recommended to Council, to approved from the 5% Reserve Fund

- a)** Brooklyn Volunteer Fire Department to fund trail maintenance for the Brooklyn Fire Department Trail in the amount of \$1,250.
- b)** Ellershouse Community Hall to assist with the maintenance of the community park located on the church property - \$2,500.

BACKGROUND

Property <input type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input checked="" type="checkbox"/>	Economic <input checked="" type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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Each year, the Municipality receives numerous requests for funding from worthwhile not-for-profit or charitable community organizations who, through volunteer efforts provide services to the community. Staff have reviewed the requests and coordinated the funding recommendations within the approved budgeted allotments and in keeping with the Grants and Contributions Policy. Funding requests were received from seventy-nine different organizations and, of those applications one was received after the advertised deadline. Staff have not recommended funding the late application from organization based on the Grants and Contributions Policy.

The objective of this policy is to treat all organizations fairly, equitably, and reasonably, within the parameters established by Council as follows: a) Youth development b) Senior support and

services c) Public safety d) Provincial events e) Heritage and Culture on an annual basis Council will determine the amount of funding during the budget process.

Grants and contributions are recommended based on the understanding they are for services or activities which council has or is likely to deem required by the municipality and within the Municipality's legislative mandate.

According to the rules around expending Canada Community Building Fund monies to third parties, Council must, by separate motion, authorize each expenditure.

In the MGA Section 273 (5A) (a) – Council may transfer funds to a non-profit organization that is providing parks, playgrounds, or other recreational facilities in the municipality to be used for the acquisition of and capital improvements to those parks, playgrounds or recreation facilities or other recreational facilities; and;

(b) the interest on the funds referred to in subsections (5) and (13) to a village or non-profit organization that is providing parks, playgrounds, or other recreational facilities in the municipality to be used for the operation or maintenance of those parks, playgrounds, or other recreational facilities.

A total of \$6,205.56 in interest accumulated from the 5% Reserve Fund in the 2022/23 fiscal year.

DISCUSSION

Grants are generally provided in the form of funds, while contributions may be through in-kind support using municipal resources, both tied to a specific outcome. Both sources of support must be reported annually by the Municipality, as is required by legislation.

Through the West Hants Grants and Contributions Policy REOFN-012.00 the total amount paid for grants in a fiscal years' operating budget will not normally exceed 1.5% of the taxes for the general municipal purposes levied by the municipality. For the 2023/24 fiscal year 1.5% of the taxes levied equates to \$389,577.

A total of \$6,205.56 in interest was accumulated from the West Hants 5% Reserve Fund in the 2022/23 fiscal year and can be transferred to a qualifying non-profit organization.

During the budget process Council approved the following grants:

Poplar Grove Community Hall - \$4,000

Hants County Seniors Safety Association - \$25,000

Council has the authority to fund projects outside of the maximum approved funding allocations stated in this Policy.

The following annual grant types have been identified by the municipality:

1. Operating grant – Maximum contribution \$1,500
2. Community Capital Project grant Maximum contribution \$2,500
3. Public Safety Grants – Maximum contribution of \$7,500
4. Community Recreation Program grant – Maximum contribution \$1,000
5. Community Event grant – Maximum contribution \$1,000
6. Special Events Operations & Promotion grant – Maximum contribution \$5,000
7. Leadership grant – Maximum contribution - \$1,000
8. Sponsorship Advertising/Donation of Prizes Requests – Maximum contribution per organization per year \$100.
9. Youth Travel Assistance – Maximum Contribution Limits apply.
10. Community Trail Funding Program – Maximum contribution - \$2,500
11. Major Capital Project grant - Depending on the funding source identified by staff, additional requirements may be necessary to maintain eligibility.
 - a. Gas Tax funding requirements:
 - a. Agreement to abide by the Municipal agreement with the Province of Nova Scotia
 - a. Community Energy Systems - \$2,500 limit
 - a. Cultural Infrastructure - \$5,000 limit
 - a. Tourism Infrastructure - \$5,000 limit
 - a. Recreational Infrastructure - \$5,000 limit
 - b. Broadband Connectivity - \$5,000 limit
 - c. Trails - \$2,500 limit
12. Recreation Facility Capital Investment Project Grants – Maximum Contribution \$50,000 with no greater than 50% of the funds being contributed by WHRM; projects must be for the betterment of the entire community and accessible by all residents and be Parks, Recreation and Culture related.
13. In-kind Contributions

Canada Community Building Fund, formerly Federal Gas Tax Grants: Throughout the year, council also receives requests for financial support from a variety of organizations for funding which far exceeds the budgeted grant values. These requests are referred to the grants and contributions process for validation and suitability. Changes to the qualifying criteria for use of the Canada Community Building Fund permits the Municipality to offer capital funding to third party, not-for profit organizations. But all contributions are still subject to the stacking limitations imposed by the federal government.

Council has received requests for funding of an eligible capital nature from:
Through the Major Capital Grant Program

- a) Cheverie United Church (pending incorporation status) – for roof repairs \$5,000
- b) Falmouth Community Hall Association – for heat pumps, electrical, windows and new lighting - \$5,000.

- c) Mount Denson Community Hall Association - \$2,500.
- d) RCL Hants County Branch 009 Veterans Banner Project - to purchase hangers to be mounted on utility poles to display the Veterans Honour Banners - \$5,000.
- e) Southwest Hants Fire Society – to create a space on the fire stations upper level for firefighters to exercise and for recreation space pre/post calls or training. Includes installing a fire door, erecting partitions on steel framing, sheet rock install, rough in for washroom, painting etc. - \$5,000.
- f) The Crossing Senior Social Society – to assist with the cost to purchase a storage building/bandstand for events at The Crossing - \$5,000.
- g) West Hants Ground Search & Rescue – to assist with costs associated with the purchase and installation of new windows - \$5,000.

Through Recreation Facility Capital Investment Project

- h) Hantsport Memorial Community Centre to assist with the cost of Phase 1 of the pickleball court project – signage, design & planning, fencing, courts fencing, building demolition, windows/doors, roofing, and washroom improvements - \$50,000.
- i) Mermaid Theatre – marquee & channel lettering signage - \$13,051.50.
- j) Newport & District Rink Commission - to assist with costs for the ice plant compressor overhaul - \$12,472.33.
- k) Pisiquid Canoe Club – to assist with the costs associated with the installation of an expanded NSE approved commercial septic system - \$17,500.
- l) Bramber New Horizons Association – to assist with the cost to install a drilled well - \$10,000.
- m) Windsor Agricultural Society – to assist with the cost associated with improving the Exhibition Arena by replacing the panels on the west side of the arena, upgrading the lighting, water & heating as well as washroom accessibility - \$50,000.

As per Canada Community Building Fund agreement, should Council approve the motions stated above, the Municipality will enter into an agreement with the groups based on the terms and conditions required under the agreement. This includes ensuring the organizations continue to operate the facility for the same purpose as stated in the application for up to 10 years. Failing to do this will require the organizations to reimburse the Municipality for the funds at a prorated rate, based on years of use.

Attached you will find the Grants & Contributions requests and staff recommendations.

NEXT STEPS

If approved, staff will notify groups and organizations of the decision of Council and will process the grants as approved.

FINANCIAL IMPLICATIONS

Grants and Contribution funding was approved in the 2023/24 budget, in the amount of \$110,000 with the grants to be finalized upon budget approval. Based on the proposed summary, \$293,273.83 is being recommended, with \$110,000 being funded through the operating budget.

The remaining is proposed from the West Hants 5% Reserve Fund and the Canada Community Building Fund. The remaining balance is associated with Public Safety, and grants under this category are for non-profit organizations registered with the Municipality that provided or ensure public or community safety.

Sufficient Canada Community Building Funding exists for the eligible projects. It should be noted that financial support from this fund must be approved by West Hants Regional Council annually for eligible projects.

	Requested	Recommended
Operating	\$72,269	\$40,750
Community Capital Project	\$27,257	\$22,500
Public Safety	\$29,975	\$1,500
Community Recreation Program	\$7,500	\$3,000
Community Event	6,750	\$6,750
Special Events Operations & Promotions	\$59,135	\$13,250
Leadership	\$6,000	\$4,000
Community Trail Fund	\$6,250	\$2,500
Major Capital (CCBF)	\$80,050	\$32,500
In-Kind	\$8,200	\$9,250
Recreation Facility Capital Investment Fund (CCBF)	\$202,287.65	\$153,023.83
5% Reserve Fund		\$3,750
Total	\$505,673.65	\$293,273.83

During the 2023/24 budget process Council approved a grant for the Poplar Grove Community Hall (\$4,000) and the Hants County Seniors Safety Association (\$25,000). Note with the approval of the \$25,000 grant for the Hants County Seniors Safety Association in advance of this report, staff did not recommend additional grant funding in this review process.

The operating budget includes \$11,500 for heritage, travel assistance and sponsorship funding, this along with the grant recommendation of \$293,273.82 plus \$29,000 in grants previously approved, equates to an allocation of \$333,773.82 in grant funding for the 2023/24 fiscal year. For the 2023/24 fiscal year 1.5% of the taxes levied equates to \$389,577.

ALTERNATIVES

Council can approve, amend, or change any recommendation presented by staff with the understanding these decisions may fall outside of the established policy. This is not the course of action recommended but is within Council's purview.

ATTACHMENTS

- West Hants Regional Municipality Grants and Contributions Policy RCOFN-012.00
- Grants & Contributions Application & Recommendation Summary

CHIEF ADMINISTRATIVE OFFICER REVIEW

As noted in the Director's report, staff have made recommendations that align with the current Grants and Contributions Policy. Final grant allocations are subject to Council approval. Staff will promote fairness and transparency in the use of the policy so that community groups and applicants are applying with the same expectation and evaluated through the lens or conditions of the policy. Staff have suggested amendments to the policy based on Council's past levels of support that exceed or were granted in a manner not consistent with the policy. Pending Councils approvals similar amendments should be considered if warranted.

Council and the WHRM should be commended on the level of support to community groups. Leveraging the community's energy, programs, existing funding and sweat equity with the municipal grants provides much needed support to the broader community. It allows for service delivery in a non-direct manner to residents essentially by residents.

Report Prepared by: _____
Kathy Kehoe, Director Community Development

Report Reviewed by: _____
Diana Gibson, Acting Director Financial Services

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

GRANTS AND CONTRIBUTIONS POLICY

1.0 PURPOSE

The West Hants Regional Municipality wishes to recognize the valuable contributions provided through the volunteer efforts of community organizations and agencies on behalf of its residents. This policy demonstrates and formalizes Council's commitment to assist organizations which provide beneficial programs, services, or projects to the community while, at the same time, recognizing the financial constraints affecting the Municipality's ability to provide funding to these groups.

This policy will establish eligibility requirements, identify types of funding available, explain how this is established each year, and outline application, monitoring and reporting requirements. Application forms and guidelines will be developed by the Administration in support of the policy intent.

2.0 POLICY OBJECTIVE

The objective of this policy is to treat all organizations fairly, equitably, and reasonably, within the parameters established by Council as follows:

- a) Youth development
- b) Senior support and services
- c) Public safety
- d) Provincial events
- e) Heritage and Culture

On an annual basis Council will determine the amount of funding during the budget process.

3.0 AUTHORITY

Authority is provided under Section 65, Municipal Government Act, as amended. The total of the amounts paid for grants in a fiscal year's operating budget will not normally exceed 1.5% of the taxes for general municipal purposes levied by the municipality.

4.0 ORGANIZATIONAL ELIGIBILITY

Pursuant to Section 65 of the *Municipal Government Act*, grants or contributions may be expended where required by the Municipality to a:

GRANTS AND CONTRIBUTIONS POLICY

- Society within the meaning of the Children and Family Services Act.
- Mental health clinic in receipt of financial assistance from the province.
- Exhibition held by an educational institution in the Municipality.
- Club, association, or exhibition within the meaning of the Agriculture and Marketing Act.
- Charitable, nursing, medical, athletic, educational, environmental, cultural, community, fraternal, recreational, religious, sporting, or social organization within the province.
- Daycare licensed under the Day Care Act.
- Registered Canadian charitable organization.
- Volunteer fire and emergency services providers, as defined in Municipal Government Act, who are registered with the Municipality.

Heritage Property Act

Heritage designated properties within the boundaries of the West Hants Regional Municipality may be eligible for municipal grants and contributions not included within this policy.

5.0 TYPES OF GRANTS OR CONTRIBUTIONS AND MAXIMUM FUNDING ALLOCATION

Grants are generally provided in the form of funds, while contributions may be through in-kind support using municipal resources, both tied to a specific outcome. Both sources of support must be reported annually by the Municipality, as is required by legislation. Council has the authority to fund projects outside of the maximum approved funding allocations stated in this Policy.

5.1 Operating Grants

- Maximum Contribution \$1,500
- Operating funding for not-for-profit community groups to assist with general operating expenses, including administrative or insurance costs and program related expenses.

5.2 Community Capital Project Grants

- Maximum Contribution \$2,500
- To assist in the expansion or improvement of an indoor or outdoor cultural,

GRANTS AND CONTRIBUTIONS POLICY

social, heritage, and recreation facilities and/or equipment for projects under \$2,500. *Funding will not be granted to purchasing recreation equipment that the Municipality can reasonably expect individuals or groups to buy for themselves.*

- A separate agreement may be required depending on the nature and value of the asset for which the funds are provided.

5.3 Public Safety Grants

- Maximum Contribution \$7,500, up to the amount set in the fiscal operating budget.
- Grants under this category are for non-profit organizations registered with the Municipality that provided or ensure public or community safety.

5.4 Community Recreation Program Grants

- Maximum Contribution \$1,000
- Recurring community recreation programs which Council has determined provide significant benefit to the broad community and are open to all members of the public.
- Assistance provided to groups interested in the creation, expansion and improvement or recreational opportunities in their communities.

5.5 Community Event Grants

- Maximum Contribution \$1,000
- Community Events that are of a cultural, social, or recreational significance to the community.

5.6 Special Events Operations & Promotion Grants

- Maximum Contribution \$5,000
- To provide assistance for special events operations and promotions that will see participants and spectators attend from outside the West Hants Regional Municipality. This funding will support events that foster good community relations, support culture, develop the local economy and tourism industry and enrich the quality of life for residents and visitors.

5.7 Leadership Grants

- Maximum Contribution \$1,000
- Grants available for recreation groups seeking help to provide supervision and leadership to implement a program.

GRANTS AND CONTRIBUTIONS POLICY

- Wanting to have representatives attend leadership training that will improve the function of the group or the quality of leadership.
- 5.8 Sponsorship Advertising/Donation of Prizes Requests
- Maximum contribution per organization per year \$100. Grants will only be awarded to the extent the current fiscal budget permits.
 - To provide assistance for advertising to local not-for-profit organizations for projects, events or initiatives that benefit residents and are within the mandate of the Municipality.
- 5.9 Youth Travel Assistance
- Maximum Contribution Limits apply – Grants will only be awarded to the extent that the current fiscal budget permits.
 - The Youth Travel Assistance Grant Program applies to residents of the West Hants Regional Municipality, 22 years of age or under, involved in non-profit minor sports or cultural activities, who have qualified to compete in sport championships/cultural events.
- 5.10 Community Trail Funding Program
- Maximum contribution - \$2,500
 - The trail funding program supports community organizations in the maintenance and development of trails for public use.
- 5.11 Major Capital Project Grants
- To provide assistance for the expansion or improvement of an indoor or outdoor cultural, social, heritage and recreation facilities and/or equipment for capital projects
 - A separate agreement may be required depending on the nature and value of the asset for which the funds are provided.
 - Depending on the funding source identified by staff, additional requirements may be necessary to maintain eligibility.
 - Canadian Community Building Fund requirements:
 - Agreement to abide by the Municipal agreement with the Province of Nova Scotia, which includes having the ability to pay for the project before reimbursement from the Municipality
 - Community Energy Systems - \$2,500 limit
 - Cultural Infrastructure - \$5,000 limit
 - Tourism Infrastructure - \$5,000 limit
 - Recreational Infrastructure - \$5,000 limit
 - Broadband Connectivity - \$5,000 limit
 - Trails - \$2,500 limit

5.12 Recreation Facility Capital Investment Project Grants

- Maximum Contribution –\$50,000
- To aid with expansion or improvement of indoor or outdoor not-for-profit community recreation facilities.
- Funding request is defined as a capital project partnered with the West Hants Regional Municipality with no greater than fifty percent (50%) of the funds being contributed by the Regional Municipality.
- In exceptional circumstances, Council may choose to contribute more than fifty percent (50%) of the cost of the project but will only do so when the need is clear and urgent, and all other sources of funding have been investigated.
- Projects must be completed during the fiscal year in which the funds are being requested. No carry-over of funds will be permitted.
- Projects must be for the betterment of the entire community and accessible by all residents and be Parks, Recreation and Culture related.
- Projects must follow the West Hants Regional Municipality Procurement and Tendering Policy RCOFN-003.00 or a procurement process approved by the West Hants Regional Municipality.
- The total amount funded through the Recreation Facility Investment Projects grant program will be determined by West Hants Regional Council on a case-by-case basis.
- Depending on the funding source identified by staff, additional requirements may be necessary to maintain eligibility.
 - Canadian Community Building Fund requirements:
 - Agreement to abide by the Municipal agreement with the Province of Nova Scotia, which includes having the ability to pay for the project before reimbursement from the Municipality.

5.13 In-kind Contributions

- The provision of Municipal property/facilities, materials, or resources to support a service, program, project, or event.

6.0 FUNDING ELIGIBILITY

An applicant organization must meet the following criteria in order to be considered for a Grant or Contribution.

- 6.1 There can only be maximum of two applications per organization per fiscal year.

GRANTS AND CONTRIBUTIONS POLICY

- 6.2 Grant applicants should be able to demonstrate active fundraising efforts to support the continuation of a program, project, or service. The West Hants Regional Municipality should not be considered as a primary source of funding for the organization. (This Section 6.2 is not applicable to those applicants who provide volunteer services on behalf of the Municipality in lieu of the Municipality providing the services directly, e.g., Volunteer Fire Societies.)
- 6.3 Funding requests can be defined as events/projects/programs which support, sustain, promote, inform, educate, celebrate, preserve, and/or provide access to the arts, culture, environment, heritage, safety and/or health activities for a specific or general demographic or geographic group.
- 6.4 Requests for financial assistance for events of a Municipal, Provincial or National significance which would be expected to bring economic and/or public relations benefit to the Municipality.
- 6.5 The applicant must demonstrate a commitment to all the following principles:
- a) Accessibility (open to all Municipal residents)
 - b) Effectiveness (funding supports specific Municipal goals or objectives)
 - c) Accountability (through sound management and financial practices)
- 6.6 Requests for financial assistance for the Recreation Facility Capital Investment Project must submit audited financial statements for three consecutive years prior to the application year. Requests for financial assistance under this category must also submit details of all funding sources.

7.0 GENERAL INFORMATION

- 7.1 Municipal Council sets the funding limits and annual budget allotments within this Grants and Contributions Policy.
- 7.2 Applicants will complete the appropriate Municipal application form and supply the requested documentation.
- 7.3 Application deadlines and expiry periods may apply.

GRANTS AND CONTRIBUTIONS POLICY

- 7.4 All applications except for youth travel and sponsorship/donations are approved by Council and applicants will be notified by letter of approval or denial. The letter will state any terms and conditions that apply to the grant approvals.
- 7.5 Applications for youth travel and sponsorship/donations are reviewed and approved by either the Director of Community Development or the Chief Administrative Officer.
- 7.6 Applicants should demonstrate community support, fundraising efforts, and efficient use of resources, sound business practices and development of volunteers.
- 7.7 A financial statement and pertinent documentation must be filed with the Municipality annually.
- 7.8 The Municipality reserves the right to deny any application it deems not within its mandate.
- 7.9 All proposed work must comply with Municipal, Provincial and Federal regulations.
- 7.10 The following are the evaluation criteria that will be applied when reviewing grant applications:
- a. Project/program fits within the mandate (vision/mission) of the Municipality.
 - b. The organization is a not-for-profit and in good standing with the Registry of Joint Stock Companies.
 - c. The application is for a program, event, facility is for public community purpose.
 - d. A financial need is demonstrated.
 - e. The organization is sourcing other funding partners.
 - f. The project is economical.
 - g. The project/program brings value to the residents of the Municipality.
 - h. The funding provided by the Municipality will enable the organization to leverage dollars from other funding agencies.
 - i. The facility, program or event provides a good return on investment.

GRANTS AND CONTRIBUTIONS POLICY

- j. The applicant has demonstrated that they will recognize the Municipality's contribution.
- k. The organization has demonstrated long-term sustainability.
- l. The applicant has demonstrated its own commitment to the project (i.e., In-kind donations, financial contribution etc.)

- 7.11 Individuals are not eligible for funding under the Grants and Contributions Policy except with written authorization through recognized organizations or where legislation allows the Municipality to do so.
- 7.12 Funding will not be provided to offset accumulated deficits or funding shortfalls. Funding consideration is based only on budgeted revenues and expenditures in the year for which the assistance is requested.
- 7.13 The applicant organization must spend or allocate grant funding within the current fiscal year for which it has been approved and for the sole purpose under which it has been granted unless approved by the Municipality.

8.0 APPLICATION PROCESS

- 8.1 Requests for funding under this program must be submitted on or before the third Thursday in February annually. Public notification will be provided of the submission date and requirements for all grant programs.
- 8.2 All applications must be accompanied by the required documentation to be considered complete when received.
- 8.3 Incomplete or late applications received after the deadlines set by Administration may not be processed.
- 8.4 Applicants receiving a grant or contribution under the Grants and Contributions Policy will not be eligible to receive a grant or contribution under any other grant program established by Council in the same fiscal year. This does not apply to organizations exempted under the Property Tax Exemption policy.

9.0 GENERAL TERMS

GRANTS AND CONTRIBUTIONS POLICY

- 9.1 Granting of assistance in any one year or over several years is not a commitment to future funding.
- 9.2 Applications for in-kind support will be forwarded to the respective department for review and a separate report to Council will be prepared for consideration and approval during the approval process.

10.0 THE ROLE OF ADMINISTRATION

- 10.1 The Administration of West Hants Regional Municipality receive, and process written and complete submissions by applying established parameters, within the budget approved by Council.
- 10.2 Grant applicants determined to be ineligible for funding will be notified, in writing as soon as is practically possible.
- 10.3 The Chief Administrative Officer will provide a written report to Council on the recommended disposition of funds, annually.
- 10.4 Requests for grants, contributions or in-kind support received outside of the established grant application period will only be considered should sufficient funding be available in the current fiscal year.
- 10.5 Successful applicants will be notified with an official letter with instructions and reporting requirements.
- 10.6 Pursuant to the Municipal Government Act, Section (65C), a list of grants approved by West Hants Regional Municipality to community organizations will be published annually on the municipal website. The information will include the name of the applicant, name of the organization and grant funding approved.

11.0 RELATED PROGRAMS & INFORMATION

- 11.1 Youth Travel Assistance Program Guidelines
- 11.2 Community Trail Funding Program Guidelines

11.3 Community Development In-kind Contribution Grant

11.4 Grants to Recognized Fire Services

11.5 Registered Heritage Properties Grant

12.0 REPEAL

12.1 The Grants and Contribution Policy, RCOFN-012.00, dated November 24, 2020, is hereby repealed.

I, Shelleena Thornton, Municipal Clerk of the West Hants Regional Municipality, in the Province of Nova Scotia, do hereby certify that this is a true copy of the Policy as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the ____ day of _____(month), _____(year).

 S. Thornton
 Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	<i>Date</i>
<i>Approval:</i>	<i>Date</i>
<i>Description:</i>	

West Hants Regional Municipality Grants and Contributions Recommendations 2023

Organization	Project	Recommended											Variance	Restrictions		
		Operating	Community Capital Project	Public Safety	Community Recreation Program	Community Event	Special Events Operations & Promotions	Leadership	Community Trail Fund	Major Capital Project	Recreation Facility Capital Investment Projects	In-Kind			5% Reserve	
9-Lives Cat Rescue	Operating - \$1,500 - To assist with costs associated to help spay and neuter feral, barn, stray and abandoned cats.	1,500.00													-	
Annapolis Valley Farm to School	Operating Grant - \$1,500 -To assist with costs associated to provide support for the contract position of the Farm to School Coordinator.	500.00													1,000.00	
Ardoise Community Recreation Center	Operating - \$1,500 - To assist with costs associated with maintenance and day to day operating expenses such as heating, insurance, and power. Community Event Grant - \$1,000 -To assist with costs associated with the annual Family Fun Day and Car Show.	1,500.00				750.00									250.00	
Avondale Community Club (Avondale Hall)	Major Capital or Rec Facility Capital Investment - \$8,000 - To assist with costs associated with carrying out major repairs inside of our hall to the floor, stage, adding gutters, and building a covered porch/outdoor stage on the rear of the building. Event Grant: \$1,000 - To assist with costs associated to host the annual Wharf Days celebration, for the firework display and/or paying for musicians/entertainment.					750.00					fully funded by WHRM March 2023				8,250.00	
Avon Chamber of Commerce	Operating grant - \$1,500 - To assist with costs associated to support additional paid Coordinator hours for the purpose of continuing to promote chamber growth. Or to provide funds for production of promotional window clings/signage (approx. 5x5) to identify and promote our reputable member businesses as Chamber businesses. Special Events Operations and Promotions Grant - \$5,000 - To assist with costs associated to cover extensive promotions and overhead costs for their 1st Annual Savor the Avon Food Festival.	nil					2,000.00								4,500.00	
Avon Community Farmer's Market (ACFM)	Operating Grant - \$1,344 - To assist with costs associated with CGL insurance and Farmers' Markets of NS Membership. Community Event Grant - \$1,000.00 - To assist with costs associated to continue to grow the Holiday Market in November to include all artisans representing all holidays (Christmas, Kwanza, Solstice, etc.) as well as events throughout the regular season (e.g. artists in the park like a artist in residence program, folk are festival, etc.)	750.00										500.00			1,094.00	
Avon River Arts Society	Special Events Operations & Promotion Grant - \$2,000 - To assist with costs associated to aid in the production of our 2023/2024 Avon River Guide to Arts & Culture with 10,000+ copies being distributed throughout West Hants and beyond.						1,000.00								1,000.00	
Avon River Heritage Society	Operating Grant - \$1,500 - To assist with costs associated with operating. Special Events Operations & Promotion Grant - \$3,500 - To assist with costs associated for the Avon River Heritage Museum and the community and cultural events and activities that take place in the Avon Spirit Shipyard.	1,500.00						2,000.00							1,500.00	
Avon Sport and Social Community	Operating Grant - \$1,500 - To assist with costs associated to promote and pay for technology to bring more awareness to their organization, to ensure they have active accounting for their users, as well as keep costs low to the consumer. In Kind Contributions - \$1,500 - To assist with costs associated with a skating night and to start dodge ball and other activities to make our community a place where people want to live.	250.00										1,500.00			1,250.00	
Avon View Boys Hockey Team	Special Events Operations & Promotions Grant - \$5,000 - To assist with costs associated with hosting the annual Birthplace of Hockey High School Hockey Tournament.											750.00			4,250.00	
Belmont Community Hall Club	Operating Grant - \$1,500 - To assist with costs associated to upgrade the ramp to the hall, replacement of some floor boards in back of hall, painting the interior & waxing the floor, and fixing the furnace.		1,500.00												-	
Brooklyn Volunteer Fire Department Auxiliary	Operating grant of \$1,425 - To assist with costs associated to purchase tables and chairs. Community Trail Funding Program - \$1,250 - To assist with costs associated with maintenance of the walking trail.	nil											1,250.00		1,425.00	
Burlington & District Activity Club	Operating grant \$1 500 - To assist with costs associated with operating expenses that include the upkeep of the hall's AED defibrillator, as well as maintenance or replacement of the hall's water cooler. Community Capital Project Grant \$2,500 - To assist with costs associated buying and installing lockable kitchen shutters and sanding and sealing the main hardwood floors.	1,500.00	2,500.00												-	
Canadian Mountain Rescue Society	Operating grant - \$1,500 - To assist with costs associated with the cost of books and training materials for the volunteers joining the CMR Team. Public Safety Grant: \$7,500 - To assist with costs associated to purchase more Rescue Materials, special TMR radios for communication with the fire departments, EHS, & Police, special safety gear to protect the volunteers from the environment. (Helmets, Gloves, Pants, Coat), special ropes, harnesses, and specialized rescue gear.	nil		nil											9,000.00	
C.B.H.C.N.S Cemeteries Society	Operating Grant - \$1,500 - To assist with costs associated with repairing limestone headstones. Public Safety Grant - \$7,475 - To assist with costs associated with hiring an Arbor to remove a Hazardous stem section caught in the canopy of an adjacent Oak.	750.00		nil											8,225.00	
Cheverie United Church	Major Capital Project Grant - \$12,000 - To assist with costs associated with the Raise the Roof Project, installation of a new steel roof on the church.									5,000.00					7,000.00	Pending incorporation status
Downeast Bluegrass & Oldtime Music Society	Operating Grant - \$1 500 - To assist with costs associated with budgeted administrative costs, insurance, office expenses, and SOCAN fees. Special Events Operations & Promotion Grant- \$5 000 -To assist with costs associated with grounds, rental costs, children's day program, and stage supplies.	750.00					2,000.00								3,750.00	
Dr. Arthur Hines Elementary	Community Event Grant - \$2,500 - To assist with costs associated with purchasing equipment for an emotional strategy project. Leadership - \$1,000 - To assist with costs associated with purchasing equipment for an emotional strategy project.		nil					nil							3,500.00	
Ellershouse Community Hall	Operating Grant - \$1,500 - To assist with costs associated upkeep of the hall. Community Trail Funding Program - \$2,500 - To assist with costs associated with the park on the church property, to hire someone to keep the grounds mowed, the gardens watered and weeded.	1,500.00											2,500.00		-	
Falmouth Community Hall Association	Operating Grant - \$1,500 - To assist with operating expenses for the hall. Major Capital - \$8,800 - to assist with priority maintenance projects e.g. heat pumps, electrical panel, windows, and new lighting.	1,500.00								5,000.00					3,800.00	

Organization	Project	Recommended													Restrictions
		Operating	Community Capital Project	Public Safety	Community Recreation Program	Community Event	Special Events Operations & Promotions	Leadership	Community Trail Fund	Major Capital Project	Recreation Facility Capital Investment Projects	In-Kind	5% Reserve	Variance	
Full Circle Festival Society	Operating Grant - \$1,500 - To assist with operating expenses associated with their 3-day Festival (taking place June 16-18th) to go towards rental of tents and sound equipment. Special Events Operations & Promotions Grant: \$3,500 - To assist with costs associated with 'Sofa Sundays' a monthly (April-Nov) live-music series taking place in the Artist Landing Art Gallery of the Avon River Heritage Museum. I	nil					1,500.00							3,500.00	
Glooscap Heritage Archers Association	Special Events Operations & Promotion Grant - \$5,000 - To assist with costs associated with hosting the annual George Ackroyd Memorial 3-D Shoot e.g. Purchasing new targets, event promotion, prizes etc.		1,250.00			500.00								3,250.00	
GMB School of Dance	Community Capital Project Grant - \$2,285 - To assist with the costs associated with the purchasing and alterations of dance costumes for the 2023 Year-End Recital. Community Recreation Program Grant \$1,000 - To assist with costs associated with purchasing and alterations of dance costumes for the 2023 Year-End Recital.		nil		nil									3,285.00	
Gordon Hughes Tennis Club - Windsor	Operating Grant - \$1,500 - To assist with costs associated with the registration process, admin supplies, cleaning supplies etc. Leadership Grant- \$1,000 - To assist with costs associated to support the Pro to continue the training with the younger and new staff members, and to help the coaches with yearly upgrading sessions provided by Tennis Nova Scotia staff.	1,500.00						1,000.00							
Grapevine Publishing	In-Kind - \$2,200 - To assist with costs associated to purchase five outdoor steel publication stands (\$220 per stand) and ten indoor wire publication stands (\$85 per stand) as well as cover the cost of shipping as currently there are no local suppliers.										nil			2,200.00	
Nova Scotia Association of Garden Clubs - Haliburton Garden Club	Operating Grant - \$1,500 - To assist with operational costs to purchase a projector, screen, and compensation for guest speakers. Community Recreation Program Grant - \$1,000 - To assist with costs associated to support the addition of raised garden beds at a local seniors long term care facility.	nil	1,000.00											1,500.00	
Hants County Christmas Angels Society	Operating Grant - \$500 - To assist with costs associated with operating expenditures such as web-hosting, office supplies and paid marketing (signage). In-Kind Contribution - \$2,500 . For the use of the Community Center for pre-recording and the annual telethon/webathon, along with use of the Aquatics Center for purposes of seasonal office space.	500.00									2,000.00			500.00	
Hants County Senior Safety Association	Public Safety Grant - \$7,500 - To assist with costs for their goal is to continue to support the well-being, independence, health and safety of our seniors in their homes and in their communities.			NIL - WHRM approved funds April 2023										7,500.00	
Hants Learning Network Association	Operating - \$1,500 - To be used to assist with costs associated with food and transportation for those that register for the "Learning Support program".	1,000.00												500.00	
Hants Shore Health Association	Community Capital Project Grant - \$2,500 - To assist with costs associated to purchase new playground equipment for the playground at the Hants Shore Community Health Centre. In the past we had started making a natural play space, we would like to use this money to continue on with this project and to offer more shade type equipment as the play space has no shaded areas and will need to stand up to the winds from the Bay of Fundy. Community Recreation Program Grant- \$1,000 - To assist with costs associated to offer exercise programs such as our ongoing Yoga programs and new programs that will be offered that participants would be interested in doing from the free March moving program this year, Get Moving March Exercise challenge will host free exercise programs as well as offer in school or after school programs for students at DAHS. The money will be used for instructors, facility usage, prizes for participation in the free March Moving Challenge, and costs of presenters or organizations.		2,000.00		1,000.00									500.00	
Hants Shore Karate Club	Leadership Grant \$1,000 - To assist with costs associated with the head instructor to attend regular clinics, and to help offset the costs associated with the fees associated with the clinics as well as any other training opportunity that is available for their instructors. Major Capital Grant - \$1,500 - To assist with costs associated to purchase crash mats in order to expand the programming.		\$750.00					\$750.00						\$1,000.00	
Hants SnoDusters Snowmobile Club	Operating Grant - \$1,500 - To assist with operating expenses especially with the cost of fuel for the trail groomer.	\$1,000.00												\$500.00	
Hants West Food Action Council	Operating Grant: \$1,500 - To assist with costs associated with liability insurance, cost of registration with the Nova Scotia Joint Stock and help with the money needed to run our SOUP program. Community Event Grant: \$1,000 - To assist with costs associated for the annual Free Christmas Dinner for the community.	\$1,500.00									\$500.00			\$500.00	
Hants West Wildlife Association	Community Recreation Program Grant - \$1,000 - To assist with costs associated with the Learn to Fish classes for all West Hants Schools.				\$1,000.00									\$0.00	
Hantsport & Area Historical Society	Operating grant - \$1,500 - To assist with costs associated with operating expenses. Community Capital Project Grant - \$2,500 - To assist with costs associated with Hantsport School Banner Program, exterior lighting and security cameras, exterior brick wall repair, Riverbank Memorial Garden plaques installation and climate control system.	\$1,500.00	\$2,000.00											\$500.00	
Hantsport Memorial Community Centre	Recreation Facility Capital Investment Projects Grant - \$50,000 - To assist with costs associated with The Renda VanderToorn Memorial Courts. Phase 1 includes - signage, design & planning, courts & fencing, lighting, Building (demolition, roofing, windows/doors, washroom improvements)									\$50,000.00				\$0.00	
Hantsport Music Festival	Special Events Operations & Promotion Grant - \$5,000 - To assist with costs associated with the July 22, 2023 festival.					\$1,500.00								\$3,500.00	
Heritage Classic Beef Society	Special Events Operations & Promotions Grant - \$5,000 - To assist with costs associated with hosting the Heritage Classic Beef Show, which runs the second weekend of the Hants County Exhibition.						\$1,500.00							\$3,500.00	
Hillview Cemetery Association	Operating Grant \$1,000 - To assist with costs associate with the maintenance and upkeep of the cemetery, mowing and leveling the ground to provide safety and a tranquil environment.	\$750.00												\$250.00	
ICE All Stars Athletics Organization	Leadership Grant - \$1,000 - To assist with costs associated with the staff training budget.							\$750.00						\$250.00	
Irishmans Road Trackers Disc Dog Club	Operating grant- \$1,500 - To assist with costs associated with insurance and equipment funding to host their disc dog league events.	nil												\$1,500.00	
Kempt Shore Preservation Society	Operating grant - \$1,500 - To assist with costs associated with maintenance and improvement of the cemetery grounds (regular mowing and maintenance of trees and overall landscape work such as topsoil in low lying areas, etc.). W Community Capital Project grant - \$2,500 - To assist with costs associated to purchase materials to continue with the second phase of the church interior. Improvements are needed to stabilize walls to avoid further deterioration.	\$750.00	\$1,000.00											\$2,250.00	

Organization	Project	Recommended												Variance	Restrictions	
		Operating	Community Capital Project	Public Safety	Community Recreation Program	Community Event	Special Events Operations & Promotions	Leadership	Community Trail Fund	Major Capital Project	Recreation Facility Capital Investment Projects	In-Kind	5% Reserve			
Loyal Hill and Musgrove Road Cemetery Committee	Operating Grant - \$1,500 - To assist with costs associated with the cemeteries.	nil													\$1,500.00	
Mermaid Theatre of Nova Scotia	Community Event Grant - \$1,000- To assist with costs to cover a performance fee as part of Nova Scotia's Mi'kmaq history month. Recreation Facility Capital Investment Projects Grant - \$26,103 - To assist with costs associated to upgrade Mermaid's exterior buildings to include a new marquee and channel lettering					\$750.00					\$13,051.50				\$11,301.50	
Mount Denson Community Hall Association	Operating Grant \$1,500 - To assist with operating expenses such as utilities, supplies, administrative expenses, etc. as the costs for all these continue to rise and the needs remain. Community Capital Grant - \$2,500 - To assist with costs associated to purchase and installation of a new main entrance door in compliance with the NSBC and as part of a larger project to make the hall wheelchair accessible.	\$1,500.00								\$2,500.00					\$0.00	
Nova Scotia Association of Garden Clubs - Mount Denson Garden Club	Operating Grant - \$1,500 - To assist with costs associated with office supplies, soil/compost, dedicated club mileage, wheelbarrow and gardening tools. Special Events Operations and Promotion Grant - \$5,000 - To assist with costs associated with garden tours with host, fundraising prizes, bus tour, speakers, workshops (including youth workshops), 40th anniversary celebration.	\$1,000.00													\$5,500.00	
Music in Communities Cooperatives Ltd.	Operating Grant - \$500 - To assist with costs for admin, promo costs. Community Recreation Program Grant - \$1,500 - To assist with costs to cover all (10 participants plus 1) and offer a few fully subsidized spaces.	nil			nil										\$2,000.00	
New Boundaries Society	Operating Grant - \$1,500 - To assist with costs associated with general operating costs to assist in running the programs.	\$1,500.00													\$0.00	
Newport and District Rink Commission	Recreation Facility Capital Investment Projects Grant - \$24,944.65 - To assist with costs associated for the Ice Plant compressor overhaul.										\$12,472.33				\$12,472.32	
Newport Station Community Hall Society	Operating Grant - \$1,500 - To assist with operating costs. Community Capital Project Grant - \$2,472 - To assist with costs associated to build a new front entrance.	\$1,500.00	\$1,500.00												\$972.00	
Pembroke Chapel & Cemetery Association	Operating Grant -\$1,500 - To assist with ongoing costs related to operating the Chapel and Cemetery, annual insurance, mowing of the cemetery grounds during the summer season.	nil													\$1,500.00	
Pisiquid Canoe Club	Operating Grant - \$1500- To assist with costs associated to support programming, coaching and operational costs. Recreation Facility Capital Investment Projects Grant - \$35,000 - To assist with costs associated with the installation of an expanded NSE approved, commercial septic system at the Zwicker Lake facility to accommodate our members and public users from the greater community. The completed project will include a renovation and adaptation of one of the out-buildings to construct fully accessible washroom and change room facilities, Development of an expanded septic field. Pisiquid Canoe Club to finance the remaining scope of the building improvement.	\$1,500.00									\$17,500.00				\$17,500.00	
Poplar Grove Community Hall	Operating Grant - \$1,500 - To assist with costs associated with operations of the hall and repair of roof shingles, kitchen ceiling repair, bathroom grab bars, paint inside walls/kitchen ceiling, curtains, and labour.	\$1,500.00													\$0.00	
Quick As a Wink Theatre Society	Operating Grant -\$1500 - To assist with costs associated with running summer camps and workshops for youth. Leadership Grant - \$1,000 - To assist with costs associated with hiring summer employees.	\$1,500.00						\$750.00							\$250.00	
RCL Hants Co Branch 009 Veterans Banner Program	Special Events Operations and Promotions grant -\$1,385 - To assist with costs associated to purchase banner fasteners and a ladder. Major Capital Project Grant - \$11,750.00 - To assist with costs associated to purchase hangers to be mounted on utility poles to display Veterans Honour Banners						nil			\$5,000.00					\$8,135.00	Pending incorporation status
Royal Canadian Legion Hants County	Operating Grant - \$1,500 - To assist with general operating costs.	nil													\$1,500.00	
Southwest Hants Fire Society	Major Capital Project Grant - \$10,000 - To assist with costs associated to create a space on the Fire Station's upper level for fire fighters to use as a workout and recreation space pre/post calls or training. Recreation Facility Capital Investment Projects Grant - \$17,240.25 - To assist with costs associated to create a space on the Fire Station's upper level for fire fighters to use as a workout and recreation space pre/post calls or training.									\$5,000.00					\$22,240.00	
St. Croix Community Hall	Operational Grant -\$1,500- To assist with costs associated to purchase new emergency lighting, paint for the concrete walls, to prevent water penetration and continue to prevent mold/ erosion. The hall furnace needs cleaning to use the oil in the hall. The oil/ furnace also needs a new pipe as the current pipe has a leak, making it unusable- the fridge in the kitchen is broken and needs repairing/ replacing. Community Capital Project Grant -\$2,500 - To assist with costs associated with purchasing a new hall sign.	\$1,500.00	\$2,500.00												\$0.00	
Sweets Corner Community Hall	Operating Grant - \$1,500 -To assist operating costs to keep the facility safe and functioning for the upcoming year.	\$1,500.00													\$0.00	
The Bramber New Horizons Assoc.	Community Capital Project Grant - \$2,500 - To assist with costs associated to replace kitchen appliances, specifically a new electric stove. Major Capital Project Grant - \$20,000 - To assist with costs associated to install a drilled well on the property.		\$2,500.00								\$10,000.00				\$10,000.00	
The Crossing Seniors Social Society	Operating Grant - \$1,500 - To assist with operational expenses for the upcoming year. Major Capital Project - \$8,000 - To assist with costs associated to purchase a storage building/bandstand for functions that are held outdoors at The Crossing.	\$250.00								\$5,000.00					\$4,250.00	
The Hiram Chapter #3 Royal Arch Masons of NS	Operating Grant - \$1,500 - To assist in operating costs: Annual Liability and Contents Insurance; Grand Chapter Membership Assessment & a donation to the Glaucoma Fund	nil													\$1,500.00	
Upper Burlington Community Hall Association	Community Capital Project Grants - \$2,500 - To assist with costs associated to continue the process of installing siding on the building.		\$2,500.00												\$0.00	
Upper Vaughan Community Hall	Operating Grant - \$1,500 -To assist with costs associated with operations and upkeep of the hall.	\$1,500.00													\$0.00	
Valley Child Development Association	Operating Grant - \$1,500 - To assist with operating costs to run the Behavioral Intervention Program, to work with families living in West Hants and Kings County.	\$500.00													\$1,000.00	
Valley Doulas & Kings County Family Resource Centre	Operating Grant -\$1,500 - To assist with costs associated to provide support for the facilitation of regularly scheduled pre-natal classes and workshops throughout the year, as well as postpartum support for new families (check-ins following the birth of the baby (by text, phone calls, zoom or in-person).	\$500.00													\$1,000.00	

Organization	Project	Recommended											Variance	Restrictions	
		Operating	Community Capital Project	Public Safety	Community Recreation Program	Community Event	Special Events Operations & Promotions	Leadership	Community Trail Fund	Major Capital Project	Recreation Facility Capital Investment Projects	In-Kind			5% Reserve
Walton & Area Development Association	Community Event Grant - \$750 - To assist with costs associated with hosting the 150 year anniversary of the Walton lighthouse.					\$750.00								\$0.00	
West Hants Ground Search and Rescue	Operating Grant - \$1,500 - To assist with costs associated with the annual insurance policy. Public Safety - \$7,500 - To assist with costs associated with new windows , heating oil , power, and internet.			\$1,500.00						\$5,000.00				\$2,500.00	
West Hants Historical Museum and Archives	Operating Grant - \$1,500 - To assist with costs associated with operating expenses and to maintain the displays in museum. Community Event Grant-\$1,000 - To assist with costs associated with the public picnic and recognition of contributors to a historical designation campaign to be conducted in the summer of 2023. The event will be held in Sept/Oct at Fort Edward and could involve several hundred participants.	\$1,500.00				\$750.00								\$250.00	
West Hants Minor Baseball	Operating Grant - \$1,500 - To assist with costs to associated with field maintenance to keep registration costs to families low and accessible to everyone.	\$1,500.00												\$0.00	
West Hants Trails Association	Community Recreation Program Grant - \$1,000 - To assist with costs associated to complete landscaping around the gazebo in and along the new trail in Ardoise Park and to assist insurance costs. Community Trail Funding Program - \$2,500 -To assist with costs associated to upgrade the existing trail bed at Castle Fredrick Farms to meet safety and accessibility standards. This will require erosion control by ditching and installing culverts and by building up the travel surface with Class A gravel and topping it with crusher dust.				\$1,000.00				\$2,500.00					\$0.00	
Windsor Agricultural Society	Special Events Grant: \$5,000 - To be used to assist costs associated with advertising and promotion of events for the Hants County Exhibition Recreation Facility Capital Investment Projects Grant - \$50,000 - To assist with costs associated to improve the Exhibition Arena by upgrading the lighting, water heating and accessibility of the washroom area.							\$2,500.00			\$50,000.00			\$2,500.00	
Windsor Badminton Club	Community Recreation Program Grant - \$1,000- To assist with costs associated with the Windsor Community Centre rental costs for the club.											\$1,000.00		\$0.00	
Windsor Bluefins Parent Association	Leadership Grant - \$1,000 - To assist with the costs associated with hiring and training coaches to teach/coach the youth. In-Kind Contributions – \$2,000 - To assist with the Hants Aquatic Centre Facility rental costs.							\$750.00				\$1,500.00		\$750.00	
Windsor Day Care	Operating Grant - \$1,500 - To assist with costs associated with hiring someone to haul away excess garbage to the landfill in Cogmagun. In-Kind Contributions - \$1,000 - To cover the cost of reserving two 45 min. swims at the Windsor Aquatic Centre during the months of July and August.	nil										\$1,000.00		\$1,500.00	
Windsor Hockey Heritage Society	Special Events Operations & Promotions Grant - \$3,750 - To assist with costs associated to host the Long Pond Classic in 2024.							\$1,750.00				\$1,000.00		\$1,000.00	
Windsor Karate Parent Association	Operating Grant - \$1,500 - To assist with costs associated to upgrade the parking lot for more parking, replacement of windows due to leakage and damage to some walls.		\$1,500.00											\$0.00	
Windsor Masonic Society	Operating Grant - \$1,500- To assist with costs to allow the society to off-set rising heating/electrical costs and insurance costs along with other expenses with operating the meeting hall.	\$1,500.00												\$0.00	
LATE APPLICATIONS															
Avon View Girls Hockey - received this as an email request without an application and after the deadline.	Special Events Operations & Promotions Grant - \$5,000 - To assist with costs associated to host a tournament at the Newport Rink in December 2023.						nil							\$5,000.00	
Total		\$40,750.00	\$22,500.00	\$1,500.00	\$3,000.00	\$6,750.00	\$13,250.00	\$4,000.00	\$2,500.00	\$32,500.00	\$153,023.83	\$9,750.00	\$3,750.00	\$212,399.82	

2023 Budgeted Funds Proposed	
Grants & Contributions	\$100,000.00
Public Safety	\$7,500.00
Comm. Trail Fund	\$2,500.00
Grand Total	\$110,000.00

RECOMMENDED	
Operating	\$40,750.00
Community Capital Project	\$22,500.00
Public Safety	\$1,500.00
Community Recreation Program	\$3,000.00
Community Event	\$6,750.00
Special Events Operations & Promotions	\$13,250.00
Leadership	\$4,000.00
Community Trail Fund	\$2,500.00
Major Capital - CCBF	\$32,500.00
Recreation Facility Capital - Canada Community Building Fund - CCBF	\$153,023.83
In-Kind	9,750.00
5% Reserve Fund	\$3,750.00
TOTAL	\$293,273.83



Committee of the Whole Excerpts
May 09, 2023

STANDING OFFER ASPHALT PAVING SERVICES 2023 EXCERPT

On April 13, 2023, a public tender on NS Procurement for a Standing Offer services contract was issued for ongoing operational asphalt and pavement patching requirements from May 1, 2023, until March 31, 2026, with the option to extend for an additional 12 months. ,

The recommended motion was that Committee of the Whole recommend that ...


COUNCIL APPROVE THE AWARD OF TENDER WHPW23-02 FOR STANDING OFFER PAVING SERVICES 2023 TO THE LOW COMPLIANT BIDDER, NO JOB TOO ODD PROPERTY IMPROVEMENTS; FOR UNIT PRICING SERVICES, BASED ON THE TENDERED ESTIMATED COST OF \$386,400, PLUS APPLICABLE TAXES.



West Hants
something inspiring awaits

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Committee of the Whole
Submitted by: 
Todd Richard, Director, Public Works
Date: May 9, 2023
Subject: Standing Offer Asphalt Paving Services 2023 (WHPW23-02)

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 APPROVE THE AWARD OF TENDER WHPW23-02 FOR STANDING OFFER PAVING SERVICES 2023 TO THE LOW COMPLIANT BIDDER, NO JOB TOO ODD PROPERTY IMPROVEMENTS; FOR UNIT PRICING SERVICES, BASED ON THE TENDERED ESTIMATED COST OF \$386,400, PLUS APPLICABLE TAXES.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input checked="" type="checkbox"/>	Economic <input checked="" type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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This standing offer services contract WHPW23-02 is for ongoing operational asphalt and pavement patching requirements from May 1, 2023 until March 31, 2026 with the option to extend for an additional 12 months. This contract is not intended to address any paving requirements that may be associated with individual capital projects that are tendered throughout the year, however the same contractor would be permitted to bid on the same work. It should also be noted the bids are based on unit prices only and the total amount is the sum of all estimated quantities times the applicable unit rates. Similarly, the total estimated contract amount stated in the tender is not a guaranteed quantity of work being provided to the bidder.

DISCUSSION

On April 13, 2023, staff issued a public tender on NS Procurement for a Standing Offer services contract, closing on April 27, 2023. The call for proposals resulted in four bids being submitted for evaluation:

- No Job Too Odd Property Improvements \$ 386,400.⁰⁰
- Dexter Construction Company Ltd. \$ 499,275.⁰⁰
- Cumberland Paving & Contracting \$ 843,850.⁰⁰
- Basin Contracting Limited \$ 1,531,200.⁰⁰

All of the bid submissions received were reviewed by Public Works staff to ensure they were compliant. Staff see no issues with awarding the Standing Offer tender to this bidder.

NEXT STEPS

There are no additional steps required for execution of this standing offer contract.

FINANCIAL IMPLICATIONS

All work associated with this tender has been identified in the 2023-24 operating budget under maintenance of streets, sewer operations, and water utility operations.

Tendering Timeline:

Posted to Procurement	April 13, 2023
Closing Date	April 27, 2023
Price Expiry Date	June 26, 2023
Days Remaining	48 Days

ALTERNATIVES


1. Council may choose not to proceed with this project. This is not the recommendation to Council.

ATTACHMENTS

None

CHIEF ADMINISTRATIVE OFFICER REVIEW

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
May 9, 2023

DRAFT PARKING BY-LAW EXCERPT

An issue that continues to arise is the concerns related to parking, the lack of a parking bylaw, and the dollar amount of parking violations. Recently it was noted that due to the lack of a parking bylaw the Municipality would need to increase the dollar amount of parking violations to match that of the Province.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL DIRECT STAFF TO PREPARE A DRAFT PARKING BYLAW FOR THE REGION OF WEST HANTS FOR COUNCIL TO REVIEW.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Committee of the Whole

Submitted by: Mayor Abraham Zebian

Date: May 9, 2023

Subject: Municipal Parking Bylaw

LEGISLATIVE AUTHORITY

Municipal Government Act

RECOMMENDATION or DECISION REQUEST

....Council direct staff to prepare a draft Parking Bylaw for the Region of West Hants for Council to review.

BACKGROUND

Property <input type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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Since April 1, 2020 , the Council of The Regional Municipality of West Hants has been working on growing and expanding the Region by investing in infrastructure, recreation, beautification, and programming among other things in order to create a community that INSPIRES more investment. Council and staff have also worked on many initiatives that supports and betters the quality of life for residents of the region. One issue that has kept coming up is parking within our region, the lack of a parking bylaw, and the dollar amount of parking violations. Just recently, the Region of West Hants’ Traffic Authority advised Council that a lack of a parking bylaw would lead the authority to increase the dollar amount of parking violations to match that of the Province.

DISCUSSION

I have been speaking to many business owners, most notably in our downtown cores of Hantsport and Windsor. Many have concerns of the dollar amount of parking tickets and some believe it discourages residents to patronage down town businesses. Many business owners have also admitted to parking in spaces meant for customers and have been issued tickets themselves. Some business owners have also experienced unpleasantries from customers who have exceeded the parking limits set by the region and vowed to not shop downtown again. While there is no perfect solution, I believe Council needs to create a Municipal Parking Bylaw in order for Council to set a proper dollar amount for parking violations based on feed back from our residents and businesses. I also believe Council could support economic development and help encourage more activity in the downtown cores of the region by including in the bylaw a program that forgives a parking violation if it can be proved a resident was shopping at a business when the ticket was issued.

NEXT STEPS

Request draft parking bylaw, review, and begin the process of creating a parking bylaw if Council feels it is necessary.

FINANCIAL IMPLICATIONS

No monetary implications with requesting a draft bylaw other than the costs of staff time in preparation.

Possible future costs relating to a bylaw and any forgiveness of fines.

ALTERNATIVES

Council may not request a draft bylaw.

Council may request something different.

ATTACHMENTS

None

CHIEF ADMINISTRATIVE OFFICER REVIEW

Increases in parking fees has not been and should not be motivated by revenue generation. This true for the WHRM. A ticket and the assigned fee is a progressive step in enforcement and is not a preferred option but one that is exercised when compliance is not achieved. The scheduled increase from \$15.00 to \$25.00 has been highlighted more recently due to the WHRM's lack of compliance with the province's fee schedule. A bylaw is now warranted to achieve a lower fee if it is the wishes of Council.

As noted in the report there should be feedback on parking enforcement. Particularly with the Windsor Township Business Association (WTBA) and Hantsport representatives. The WTBA as a board have ongoing communications with their membership and are appointment by the business community. Seeking their suggestions and strategies for regulations and enforcement related to parking is critical. This should be a “next step” as part of a bylaw review should the recommendation be supported by Council.

I support the recommendation with the request that the by-law and general parking discussions be revisited by the WTBA and Hantsport business representatives for their feedback.

Report Prepared by: Abraham Zebian, Mayor

Report Reviewed by:



Mark Phillips, Chief Administrative Officer



Committee of the Whole Excerpts
May 9, 2023

FCM COMMUNITY BUILDINGS RETROFIT FUNDING REPORT EXCERPT

On April 12, 2023, the Municipal Climate Change Action Plan (MCCAP) Committee discussed and recommended in favour of approving funding 20% as the Municipal contribution of an application to the FCM Community Building Retrofit Initiative to support a feasibility study. Municipally owned buildings are the second largest source of emissions in the corporate portfolio. Therefore, it is imperative that the Municipality reduce emissions from this source.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL APPROVE IN PRINCIPLE FUNDING 20% AS THE MUNICIPAL CONTRIBUTION OF AN APPLICATION TO THE FCM COMMUNITY BUILDING RETROFIT INITIATIVE TO SUPPORT A FEASIBILITY STUDY, UP TO A MAXIMUM COUNCIL CONTRIBUTION OF \$40,000, TO BE FUNDED THROUGH THE REGIONAL OPERATING RESERVE.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
John Ogilvie, Climate Action Coordinator

Date: May 9, 2023

Subject: Federation of Canadian Municipalities (FCM) Community Building Retrofit Funding

LEGISLATIVE AUTHORITY

West Hants Regional Municipality (WHRM) Greenhouse Gas (GHG) Emission Local Action Plan: Action Items 1.1, 2.1, and 5.4

RECOMMENDATION

...that Committee of the Whole recommend that Council approve in principle funding 20% as the Municipal contribution of an application to the FCM Community Building Retrofit initiative to support a feasibility study, up to a maximum Council contribution of \$40,000, to be funded through the Regional Operating Reserve.

BACKGROUND

Property <input type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input checked="" type="checkbox"/>	Social <input checked="" type="checkbox"/>	Economic <input checked="" type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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On April 12, 2023, the Municipal Climate Change Action Plan (MCCAP) Committee discussed the Community Building Retrofit funding opportunity available through the FCM. This funding provides municipalities up to 80% of the cost of developing feasibility studies that outline renovations to reduce GHG emissions for Municipal facilities. The Committee made the following motion:

“...that the MCCAP Committee recommend to Committee of the Whole to recommend that Council approve in principle funding 20% as the Municipal contribution of an application to

the FCM Community Building Retrofit Initiative to support a feasibility study, up to a maximum Council contribution of \$40,000, to be funded through the Regional Operating Reserve.”

DISCUSSION

Municipally owned buildings are the second largest source of emissions in the corporate portfolio. Therefore, it is imperative that the Municipality reduce emissions from this source. Without doing so, it will be difficult to meet the Municipal emissions reduction goal of 45% by 2030. Addressing building inefficiencies can be a relatively easy and cost-effective way to achieve major reductions. Potential renovations could include insulation upgrades, lighting improvements, and fuel switching. Some of these actions are being completed over time, but external funding such as the FCM Community Buildings Retrofit fund would accelerate the process.

During discussion on April 12, 2023, the MCCAP Committee noted that applying to this funding opportunity for a portfolio of Municipal buildings/facilities would allow for the best value from the grant and Municipal funds. The feasibility studies can be used to apply for capital funding from the FCM and may help with other funding opportunities.

NEXT STEPS

- 1) Motion and recommendation from Committee of the Whole to Council for May 23, 2023.
- 2) If the motion is approved by Council, staff will create a list of buildings in the Municipal portfolio to include in the application and request quotes for feasibility studies to support an application to the FCM Community Building Retrofit initiative.
- 3) Pre-application to the FCM for funding to complete feasibility studies.

FINANCIAL IMPLICATIONS

If Council approves the recommendation, quotes for feasibility studies will be obtained to be included in the FCM application. With a conditional Municipal contribution of \$40,000, the maximum available grant amount is \$160,000 – up to 80% of the study costs.

The WHRM Operating Reserve is currently projecting a March 31, 2024, balance of \$3.3 million and has the capacity to fund the \$40,000 Municipal contribution for this grant application.

ALTERNATIVES

The Committee of the Whole may:

- recommend that Council approve in principle funding 20% as the Municipal contribution of an application to the FCM Community Building Retrofit initiative to support a feasibility study; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A April 12, 2023 MCCAP Committee Report – Federation of Canadian Municipalities Community Building Retrofit Funding

CHIEF ADMINISTRATIVE OFFICER COMMENTS

The report and recommendation is in alignment with the MCCAP committee and their discussions. The feasibility study would serve as a good foundation for better awareness as to what energy projects would provide the greatest benefit to the municipality as well as cost estimates.

I support the recommendation.

REVIEWED

Report Prepared by: _____
John Ogilvie, Climate Action Coordinator

Report Reviewed by: _____
Diana Gibson, Acting Director of Financial Services

Report Reviewed by: _____
Sara Poirier, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councilor Activity <input type="checkbox"/>
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To: Municipal Climate Change Action Plan (MCCAP) Committee

Submitted by: _____
John Ogilvie, Climate Action Coordinator

Date: April 12, 2023

Subject: Federation of Canadian Municipalities (FCM) Community Building Retrofit Funding

LEGISLATIVE AUTHORITY

West Hants Regional Municipality (WHRM) Greenhouse Gas (GHG) Emission Local Action Plan, Action Items 1.1, 2.1, and 5.4

RECOMMENDATION

...that the MCCAP Committee recommend to Committee of the Whole to recommend that Council approve in principle funding 20% as the Municipal contribution of an application to the FCM Community Building Retrofit Initiative to support a feasibility study, up to a maximum Council contribution of \$40,000, to be funded through the Regional Operating Reserve.

BACKGROUND

Property <input type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input checked="" type="checkbox"/>	Social <input type="checkbox"/>	Economic <input checked="" type="checkbox"/>	Councilor Activity <input type="checkbox"/>
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The Federation of Canadian Municipalities (FCM) offers community buildings retrofit funding through its Green Municipal Fund. This funding can be used to perform feasibility studies and capital upgrades that target emission reductions over the short and long term. The funding can be used for one facility or a portfolio of facilities – but at least one community facility must be part of the application.

Action item 1.1 of the Local Action Plan is to perform internal building conditions surveys. Through the summer of 2022, Will Chapple and I performed those surveys for Municipal

facilities including the Windsor Community Centre (78 Thomas St.), Brooklyn Fire Station and Civic Centre (995 Hwy 215), Hants Aquatic Centre (306 Stannus St.), and Municipal water/wastewater utility facilities. These facilities were chosen because they are large sources of corporate emissions and/or are frequently used by the public – making them highest priority. Other Municipal facilities will be part of the building conditions surveys in the future. The surveys and resulting data are a preliminary understanding of existing inefficiencies and opportunities for improvement. Action item 2.1 is to switch fuel sources for heating and cooling to electric heat pumps. Many Municipal facilities still rely on oil-fired boilers for heat, and some lack air conditioning altogether. Action item 5.4 is to make current and future renewable energy investments and sustainability practices visible and known to the community.

DISCUSSION

Municipally owned buildings constitute the second largest source of emissions in the corporate portfolio, making up 39% (1,387 tonnes) of total corporate emissions. Council has a goal to reduce annual emissions by 45% by 2030; in addition to the ongoing greening of the Nova Scotia power grid, WHRM must reduce emissions by 35.3 tonnes by 2030 to meet the goal. Addressing building inefficiencies is a relatively easy and cost-effective way to achieve major reductions through insulation, lighting improvements, and fuel switching among other upgrades. Some of these actions are being completed over time, but external funding such as the FCM Community Buildings Retrofit fund would accelerate the process.

The available funding for feasibility studies comes in the form of a grant, up to 80% of eligible costs. Studies can be performed on 1 building to a maximum of \$65,000, or a portfolio of buildings to a maximum of \$200,000, where the average cost per building does not exceed \$65,000. The portfolio can include a combination of Municipal buildings and non-profit owned buildings in the Region. The study is a prerequisite to applying to the FCM for capital funding for building retrofits and could be used in the future for other applications. The study must look at reducing emissions by at least 50% within 10 years and by at least 80% (near net-zero) within 20 years, and the implementation of co-benefits are encouraged. Using the Windsor Community Centre as an example, a feasibility study could investigate improving efficiency and eliminating oil heat while also addressing accessibility issues – another upcoming Provincial requirement.

I circulated a survey to Directors and staff that are involved in day-to-day building use, to gain more perspective on the need for building renovations. The facilities suggested for feedback in the survey were: Windsor Community Centre (78 Thomas St.), Brooklyn Fire Station and Civic Centre (995 Hwy 215), and the Falmouth Wastewater Facility for solar generation (48 Falmouth Connector) – with a note that other water/wastewater utility facilities could also be included. I also left a question open for further suggestions; I received specific suggestions including: the Windsor and Hantsport water treatment plants, 100 King St. and 76 Morison Dr., and the Hants County Courthouse (240 King St.). Both 100 King St. and 76 Morison Dr (the WHRM administrative buildings) are pending an office location review by direction of Council. Through discussions with other staff, I gathered that expenses such as furnace oil at the Courthouse are reimbursed by the Province – so Municipal facilities would be better targets for emissions reductions and financial savings.

The feedback largely agreed with what Will and I found during building conditions surveys – that the Windsor Community Centre is in dire need of upgrades and would be a good centerpiece of an application to the FCM. Additionally, some staff mentioned that using the opportunity to investigate other buildings would be beneficial, as many are inefficient. By revamping community focused facilities to reduce corporate emissions, the Municipality will create educational focal points where people of the Region congregate. This will encourage residents and visitors to consider environmental initiatives, which would also reduce community emissions and energy poverty in the Region and more widely.

NEXT STEPS

- 1) Motion and recommendation from the MCCAP Committee to Committee of the Whole for May 9, 2023.
- 2) If the motion is approved by Council, quotes for feasibility studies will be requested to support an application to the FCM for funding.
- 3) Pre-application to the FCM for funding to complete feasibility studies.

FINANCIAL IMPLICATIONS

If Council approves the motion from the MCCAP Committee, quotes for feasibility studies will be obtained. Based on the FCM setting the maximum allowable cost at \$200,000, the minimum Municipal contribution of 20% would be \$40,000. This would allow WHRM to receive up to 80% of eligible costs from the FCM: \$160,000.

The WHRM Operating Reserve is currently projecting a March 31, 2024, balance of \$2.8 million and has the capacity to fund the \$40,000 municipal contribution for this grant application.

ALTERNATIVES

The MCCAP Committee may recommend that Committee of the Whole:

- recommend that Council approve in principle funding 20% as the Municipal contribution of an application to the FCM Community Building Retrofit Initiative to support a feasibility study as drafted or as specifically revised by direction of the MCCAP Committee; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

There are no attachments to this report.

REVIEW

Report Prepared by: _____
John Ogilvie, Climate Action Coordinator

Report Reviewed by: _____
Diana Gibson, Acting Director of Financial Services

Report Approved by: _____
Sara Poirier, Director of Planning and Development



Committee of the Whole Excerpts
May 9, 2023

SHORT TERM RENTALS EXCERPT

Increasing numbers of short-term rentals including Airbnb properties along with insufficient capacity of long-term rentals is driving many communities to review and / or establish policies (by-laws) regarding short-term rentals within their municipal residential communities.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL DIRECT THE PLANNING STAFF TO PREPARE A REPORT WITH RECOMMENDATIONS AND REGULATIONS IF DEEMED APPROPRIATE FOR SHORT-TERM RENTALS WITHIN THE WEST HANTS REGIONAL MUNICIPALITY TO BE PROVIDED TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE AS A STARTING POINT.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request	Councillor Activity <input checked="" type="checkbox"/>
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To: West Hants Regional Municipality

Submitted by: Jim Ivey, Councillor Windsor South District 11

Date: May 9, 2023

Subject: Short-term Rentals - Request for Staff Report and Recommendation

LEGISLATIVE AUTHORITY

MGA 174 (Power to Make Bylaws)
 MGA 14 (Powers of Council)

RECOMMENDATION or DECISION REQUEST

Council direct staff to prepare a report with recommendations and regulations if deemed appropriate for short-term rentals within the West Hants Regional Municipality.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input checked="" type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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Increasing numbers of short-term rentals including Airbnb properties along with insufficient capacity of long-term rentals is driving many communities to review and / or establish policies (by-laws) regarding short-term rentals within their municipal residential communities.

Halifax recently approved new bylaw regulations and Yarmouth is starting the public hearing process for implementing their own bylaws for short-term rentals.

DISCUSSION

In the past month, several conversations have surfaced with residents of West Hants regarding short-term rentals and their potential impact within residential communities, the long-term rental sector and within the commercial accommodation community.

On the residential side, residents have expressed concerns with neighboring properties running a business in a residential zoned area, increased traffic, increased volume of people not living or vested within the communities - coming and going from the community.

On the commercial side local business within the accommodation sector have identified that short-term, unregulated residential accommodation is taxed at a residential rate for services but competes with higher-taxed commercial properties for the same clients.

Additional with clients in the region seeking affordable long-term accommodation, concern exists that conversion of long-term rentals to short-term rentals, continues to diminish supply within a market already in a significant shortfall position of longer-term options for local residents and employees of local companies.

Given the shift in the Halifax market (and its proximity to West Hants), the increasing inclusion of residential properties in the short-term rental market as well as the continued shortfall of properties in the long-term rental market, West Hants could be well-served to initiate the process for reviewing its local market factors for considering the potential for its own policy / bylaws for its market and current / future conditions.

NEXT STEPS

TBD based on Council direction to staff

FINANCIAL IMPLICATIONS

None at present except for staff time to prepare the report.

ALTERNATIVES

Council may choose not to request the information report – not recommended

ATTACHMENTS

Yarmouth Regulating Short-term Rentals

<https://www.cbc.ca/news/canada/nova-scotia/yarmouth-regulate-short-term-rentals-1.6831045>

Halifax Approves Short-term Rental Regulations

<https://www.cbc.ca/news/canada/nova-scotia/new-halifax-short-term-rental-regulations-to-start-in-september-1.6756300>

CHIEF ADMINISTRATIVE OFFICER REVIEW

Short-term rentals have been an ongoing discussion point within municipalities, cities and towns across the country primarily since the emergence of Airbnb. Prior to a recommendation for the creation of regulations I would suggest the following considerations listed below. Some of the items listed require feedback and comments from individuals, business, organizations, or other government representatives.

- VREN STAR / Tourism Strategic Plan and the impacts (positive and negative) of Airbnb or short-term rentals on this industry and future tourism recommendations.
- Impacts (positive and negative) on residential neighborhoods and buildings.
- Economic impacts (positive and negative) of short-term rentals to both the community and

homeowner.

- Bed count and inventory of overnight accommodations within the WHRM and surrounding areas.
- Current administrative workload of the Planning Department in relation to current development application and amendment application volume.
- Current volume of feedback to staff, PAC / HAC and Council at the current time may not warrant draft regulations or enforcement of short-term rentals by the WHRM at this time.
- The Regional MPS and LUB review process should include feedback and possible policy suggestions regarding short-term rentals.
- Current and future housing stock inventory.

My opinion is that the points highlighted by Councillor Ivey and those noted above indicate a need for greater discussions prior to drafting a report or regulations by staff in the near future.

I would suggest that the matter be referred to PAC/HAC and the pending review of the Regional MPS and LUB is suggested as the most appropriate environment to discuss short-term rentals with the community, PAC/HAC members, staff and Council.

Report Prepared by: **Jim Ivey, Councillor West Hants Regional Municipality**

Report Reviewed by: 
Mark Phillips, Chief Administrative Officer



Committee of the Whole Excerpts
May 9, 2023

EDWARD AND UNDERWOOD ELECTRIC GATE EXCERPT

The gate at the end of Edward and Underwood Drive has been long-standing concern. Currently it is an emergency gate only, however, there have been times when the gate has not been opened forcing ambulances to go around adding addition time to their responses in these situations.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL DIRECT STAFF TO DO A REPORT ON OPTIONS INCLUDING WHAT AN ELECTRONIC GATE SYSTEM WOULD COST AND RETURN WITHIN A COUPLE OF MONTHS.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input type="checkbox"/>	Decision Request <input checked="" type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Committee of the Whole
Submitted by: Councillor Bob Morton
Date: May 9, 2023
Subject: Underwood/Edward Gate - Electronic System

LEGISLATIVE AUTHORITY
Municipal Government Act

RECOMMENDATION or DECISION REQUEST

....Council direct staff to prepare an information report for Council to consider an electronic gate system for Underwood/Edward Drive.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input checked="" type="checkbox"/>	Environment <input checked="" type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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The gate at the end of underwood and Edward has been a long-standing concern.

DISCUSSION

Currently it is operational as an emergency gate only. However, there have been times of emergency that the gate has not been opened forcing ambulances to go around adding an extra

5 or so minutes on to the response time. Attached, please find a copy of a quote provided by a resident for an electronic gate system that operates with the sound of sirens. The emergency response vehicle would sound their siren as they approach the gate, and it will open.

NEXT STEPS

Request staff report, review, and take action if deemed warranted.

FINANCIAL IMPLICATIONS

No monetary implications with requesting a report other than the costs of staff time in preparation.

Possible future costs relating to recommendations on reducing the risks of danger.

ALTERNATIVES

Council may request something different.

ATTACHMENTS

Electronic Gate Quote

CHIEF ADMINISTRATIVE OFFICER REVIEW

Report Prepared by: Councillor Bob Morton

Report Reviewed by: _____
Mark Phillips, Chief Administrative Officer

ESTIMATE	#28
ESTIMATE DATE	Feb 16, 2023
TOTAL	\$6,332.52

cathy

✉ maccat76@gmail.com

CONTACT US

7601 County Rd 91
Stayner, ON L0M 1S0

☎ (855) 484-2837

✉ tammy@agoc ltd.ca

ESTIMATE

Services	qty	unit price	amount
20-LIFTMASTER LA400 LIFT MASTER LA400 24V OPENER	1.0	\$2,818.00	\$2,818.00
20-LIFTMASTER LA400 ACTUATOR LIFT MASTER LA400 SECONDARY ARM	1.0	\$1,354.00	\$1,354.00
20-LIFTMASTER SOS LIFTMASTER SIREN OPERATED SENSOR	1.0	\$698.00	\$698.00
20-LIFTMASTER 5 KEYPAD LIFTMASTER 5 CODE KEY PAD-WIRELESS	1.0	\$254.00	\$254.00
20-LIFTMASTER 3 BUTTON VISOR LIFT MASTER 3 BUTTON TRANSMITTER VISOR	1.0	\$80.00	\$80.00
23-SHIPPING CHARGE SHIPPING CHARGE	1.0	\$400.00	\$400.00

Services subtotal: \$5,604.00

Materials	qty	unit price	amount
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SUPPLY ONLY

Materials subtotal: \$0.00

Subtotal	\$5,604.00
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Tax (HST ON 13%)	\$728.52
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Total	\$6,332.52
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Estimates are valid for thirty (30) days from receipt.

Client is responsible for providing power at gate location where applicable.

Client is responsible for any and all locates.

Client is responsible for and required civil work.



Committee of the Whole Excerpts
May 9, 2023

LAND MATTER EXCERPT

The recommended motion was that Committee of the Whole recommend that ...

**COUNCIL DIRECTS THE CAO TO EXECUTE DIRECTIONS ON PID 45225174 AS DISCUSSED
IN CAMERA.**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: May 23, 2023

Subject: WHLUB Amendment: 997 Highway 14, Upper Vaughan (PID 45041902); File # 23-01A

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Staff do not recommend in favour of the application because the criteria 9.1.6 (c) safe and efficient roadway access, (e) (i) traffic safety, and (f) being considered obnoxious, as well as Policy 16.3.1 (a) (iii) adequacy of fire protection, (c) suitability of movement, (e) pattern of development, and (g) provincial requirements are not met.

If Council wishes to proceed to a Public Hearing the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law to rezone 997 Highway 14, Upper Vaughan (PID 45041902) from the General Resource (GR) zone to the Resource Industrial (M-1) zone.

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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The Planning and Development Department was first made aware of the existing use of the property due to a complaint which led to the owner applying for a rezoning. A completed application was received from William (Bill) Clarke on March 8, 2023. The application is to allow for commercial storage and distribution by rezoning the subject lot to the Resource Industrial (M-1) zone.

DISCUSSION

Two Public Information Meetings were held on April 13 and April 14, 2023. A total of 10 members of the public spoke between both meetings. The public comment period ended on April 28, 2023, with staff receiving 1 phone call, 1 letter, and 15 emails. The full comments from the public can be found in Appendix A. To summarize, the comments and concerns from the public included: existing uses not being suitable for the property, erosion of adjacent properties, ineffective drainage, concrete wall placement, the nearby heritage property, unsightliness of uses, guardrail installation, use of adjacent lots for equipment storage, dangerous access points, building proximity to the road, potential for more intensive industrial use, an alternate lot being provided in the industrial park, no industrial uses outside of the industrial parks, potential environmental issues, noise pollution, negative affect on community aesthetic, light pollution, safety of those travelling to the canoe club, why the use hadn't been stopped, when the initial complaint was filed, public opposition to the rezoning, why the rezoning process was used instead of a development agreement, information regarding the initial development permit that was issued, industrial development not being appropriate in this area, community disruption, a potential judicial review for environmental concerns, proximity of the subject lot to a heritage property, incorrect date listed on notice, violation of the Land Use By-law, property values, property ownership, impacted resident use of the lake, proximity of subject lot to the lake, and information regarding Community Accountability and Transparency Councils.

On May 11, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). During the May 11 meeting, PAC/HAC unanimously recommended against the proposed rezoning.

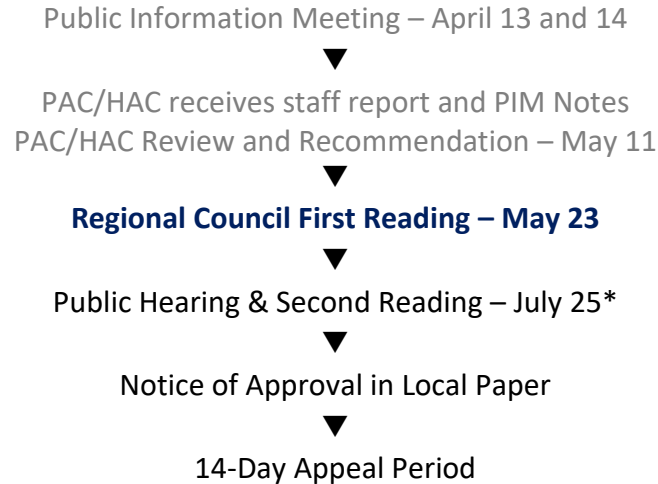
NEXT STEPS

The process for this application is as follows. The applicant has requested the Public Hearing be held in July to ensure they are able to attend the meeting in-person.

Process

Staff Review





*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of Council;
- hold First Reading and authorize a Public Hearing to refuse the amendments 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 2023-05-11 Staff Report - WHLUB Amendment: 997 Highway 14, Upper Vaughan (PID 45041902); File # 23-01

CHIEF ADMINISTRATIVE OFFICER REVIEW

As noted in the report the application to rezone 997 Highway 14, Upper Vaughan (PID 45041902) from the General Resource (GR) zone to the Resource Industrial (M-1) zone essentially was brought forward because of non-compliance by the property owner. The current use of the lands has deviated from the use indicated on the original permit and approval. This non-

compliance has triggered complaints by the community, an inspection by the WHRM and the resulting application by the owner to see if compliance of the current use can be achieved through a rezoning. This option has been made available to the property owner. As indicated in the report, and all rezoning applications, staff will comment on their evaluation of existing language in relation to the application. In this case staff were not prepared to recommend the rezoning. The PAC/HAC shared the same view. The matter is now before Council for their consideration. Council has the authority to agree or disagree with staff and PAC/HAC recommendations.

Due to the interest and feedback from the community regarding this property throughout the public feedback process, it is important to note to the public and Council that should Council agree with the staff / PAC/HAC position and not rezone the property, the property owner will not be permitted to continue with the non-compliant use. This may or may not require property site modifications in order to comply with what are the allowable uses in a General Resource (GR) zone. This will be determined by the development officer and instruction provided to the property owner from an enforcement perspective to achieve compliance.

I support the staff and PAC/HAC position regarding this matter.

Report Prepared by: _____
Alex Dunphy, Planner

Report Approved by: _____
Sara Poirier, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

**Appendix A – 2023-05-11 Staff Report - WHLUB Amendment: 997 Highway 14, Upper
Vaughan (PID 45041902); File # 23-01**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: May 11, 2023

Subject: WHLUB Amendment: 997 Highway 14, Upper Vaughan (PID 45041902); File # 23-01

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Staff do not recommend in favour of the application because the criteria 9.1.6 (c) safe and efficient roadway access, (e) (i) traffic safety, and (f) being considered obnoxious, as well as Policy 16.3.1 (a) (iii) adequacy of fire protection, (c) suitability of movement, (e) pattern of development, and (g) provincial requirements are not met.

If the PAC/HAC would like to recommend in favour of the proposal the following motion would be in order:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law to rezone 997 Highway 14, Upper Vaughan (PID 45041902) from the General Resource (GR) zone to the Resource Industrial (M-1) zone.

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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The Planning and Development Department was first made aware of the existing use of the property due to a complaint which led to the owner applying for a rezoning. A completed application was received from William (Bill) Clarke on March 8, 2023. The application is to allow for commercial storage and distribution by rezoning the subject lot to the Resource Industrial (M-1) zone.

DISCUSSION

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

Surrounding Context

All properties surrounding the subject lot are designated Resource and zoned General Resource (GR). Nearby uses include single unit residences, the Upper Vaughan Community Hall heritage property, and the Pisiqid Canoe Club.

Municipal Planning Strategy Document Review

Policy 9.1.6 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider rezoning to allow for industrial uses permitted in the Resource Industrial (M-1) zone. The Policy also includes criteria which must be considered in relation to the proposal. The full list of criteria is included with this report in Attachment A. In summary, the proposal does not meet the criteria since:

- neither the primary or secondary access meets the stopping site distance requirements and the secondary access does not meet the current access criteria for the NS Department of Public Works;
- slow-moving vehicles accessing the subject lot may impede traffic safety as commented by the NS Department of Public Works;
- there is potential for conflict with the hours of operation between the established residential uses and some of the permitted uses listed in the Resource Industrial (M-1) zone;
- certain uses permitted in the Resource Industrial (M-1) zone could potentially be obnoxious in nature; and

- the current use does not meet the setback criteria for the Resource Industrial (M-1) zone and further development of the subject lot could reduce buffering from adjacent existing uses.

Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the West Hants Land Use By-law. The full list of criteria is included with this report in Attachment A. In summary, the proposal does not meet the criteria as:

- the local Fire Chief has stated that there are a number of uses in the Resource Industrial (M-1) zone that would be concerning due to potentially insufficient response time;
- due to the subject lot not meeting stopping site distances, it is possible that slow-moving vehicles accessing the subject lot may impede the movement of traffic passing the subject lot as commented by the NS Department of Public Works;
- uses permitted in the Resource Industrial (M-1) zone would constitute a major change from the pattern of development currently existing in the area and the potential development of additional Resource Industrial uses would negatively affect surrounding residential uses; and
- access to the property does not meet the requirements of the NS Department of Public Works.

Existing Development Permit

This rezoning application is only pertaining to the use of the subject lot for industrial purposes which is in violation of the West Hants Land Use By-law. This does not include the existing personal storage building which was issued a development permit on September 10, 2020 (Attachment B).

A development permit was issued for a garage as a storage building to be used for personal storage only as per section 5.1 (d) of the West Hants Land Use By-law (WHLUB). Section 5.1 (d) of the WHLUB states:

(d) No accessory building or structure shall be constructed:

(i) prior to construction of a main building, unless development and building permits have been issued for the main building, except that a boat house, dock or storage shed may be built prior to construction of a seasonal dwelling only on a lot located in the General Resource (GR) zone; or

(ii) prior to the establishment of the main use of the land where no main building is to be built.

As a follow up to a complaint that was received in November 2022, the Development Officers inspected the subject lot and use of storage building. The Development Officers confirmed that the building is being used for personal storage of items (household items, personal vehicles,

etc.). Therefore, the current use of the building does conform to the development permit that was issued.

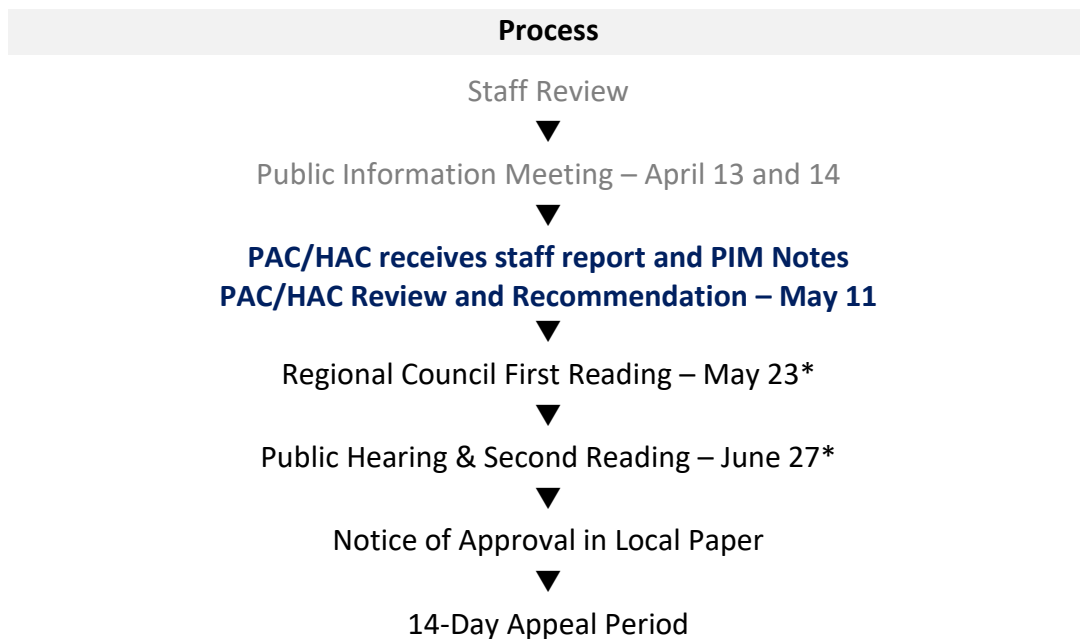
MUNICIPAL CLIMATE CHANGE ACTION PLAN

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.

Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

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



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, the PAC/HAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of PAC/HAC;
- hold First Reading and authorize a Public Hearing to refuse the amendments as drafted or as specifically revised by direction of PAC/HAC; 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	West Hants Proposed Zoning Map Extract
Attachment A	Policy Summary for Development Agreement
Attachment B	Development Permit
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Alex Dunphy, Planner

Report Approved by: _____
Sara Poirier, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

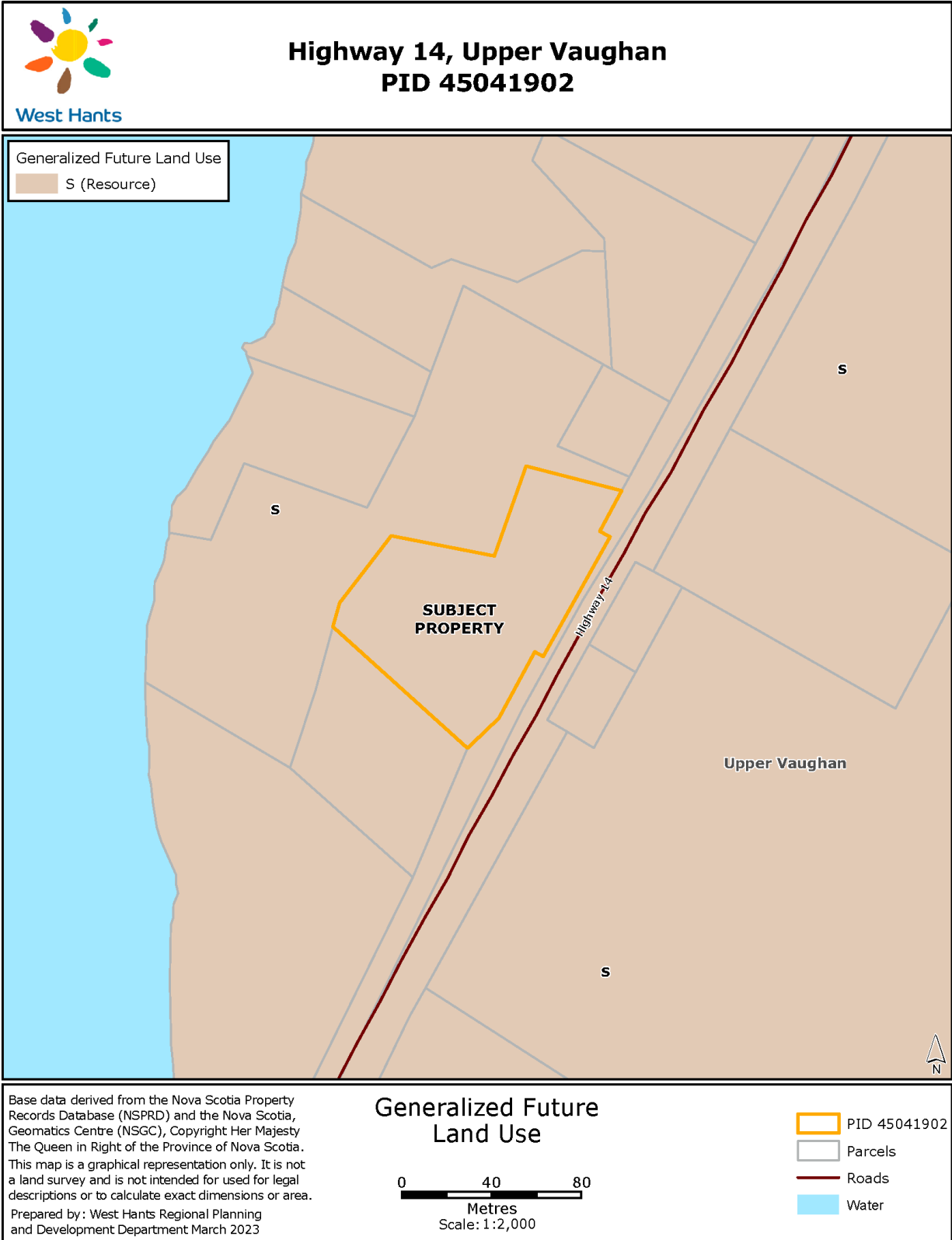
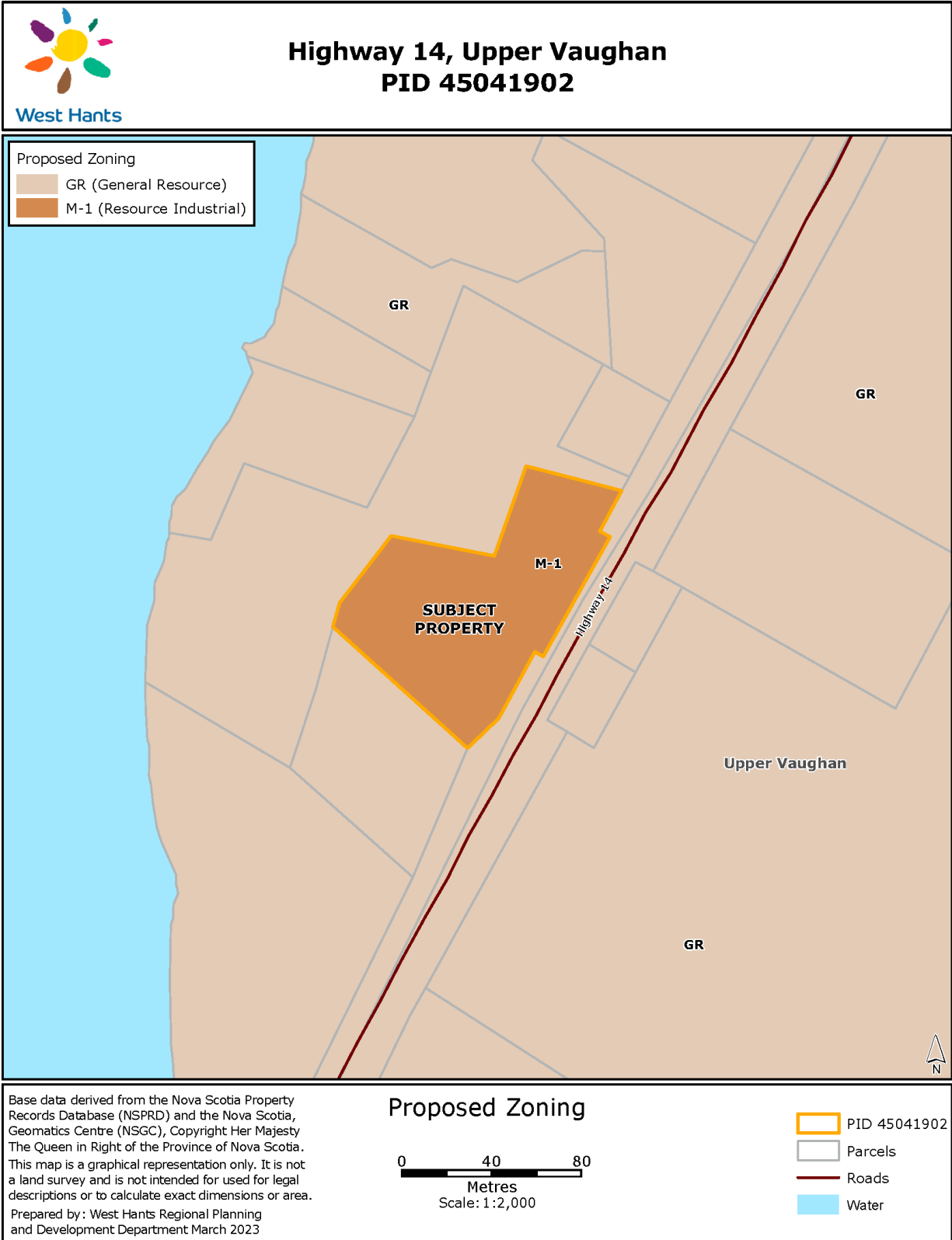


Figure 2 – West Hants Zoning Map Extract



Figure 3 – West Hants Proposed Zoning Map Extract



Attachment A – Policy Summary for Development Agreement

<p>Policy 9.1.6 <i>It shall be the intention of Council to consider rezoning land zoned General Resource (GR) to allow for commercial or industrial uses permitted in the Rural Commercial (RC) or Resource Industrial (M-1) zones subject to the following: (Amendment WHMPS 14-01 Effective January 22, 2015)</i></p>	
<p><i>(a) the use will not adversely affect existing resource uses in the area;</i></p>	<p>There are no existing resource uses in the area surrounding the subject lot.</p>
<p><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></p>	<p>The Development Officer commented that uses permitted in the Resource Industrial zone are most appropriate in the Industrial Park or Resource designation. The subject lot is designated Resource, which meets this criterion.</p>
<p><i>(c) safe and efficient roadway access is provided;</i></p>	<p>The Acting Area Manager of the NS Department of Public Works stated that neither the primary or secondary access points meet current stopping site distance requirements and that the secondary access also does not meet current access requirements. Staff do not consider this criterion to be met.</p>
<p><i>(d) adequate on site parking is provided;</i></p>	<p>The Development Officer commented that they had no concerns regarding accommodating on-site parking.</p>
<p><i>(e) the development is compatible with adjacent land uses with respect to:</i></p>	
<p><i>(i) traffic generation and traffic safety;</i></p>	<p>In a follow-up discussion with the NS Department of Public Works it was stated that due to the subject lot not meeting stopping site distances, slow-moving vehicles accessing the subject lot may impede traffic. Due to these</p>

	<p>traffic safety concerns, staff do not consider this criterion to be met.</p>
<p><i>(ii) hours of operation;</i></p>	<p>There is potential for conflict with the hours of operation between the established residential uses in the area and some of the permitted uses listed in the Resource Industrial (M-1) zone including abattoirs, manufacturing, processing, and industrial operations, saw mills, as well as wood processing and manufacturing establishments.</p>
<p><i>(iii) size and design of building(s);</i></p>	<p>The commercial storage and distribution of industrial materials would be the main use for the proposed rezoning. This use would be contained within shipping containers. These units would not be considered out of the ordinary for the Resource designation.</p>
<p><i>(iv) signage; and</i></p>	<p>Any signage would be required to meet the standards of the WHLUB.</p>
<p><i>(v) pedestrian circulation and safety;</i></p>	<p>There are no sidewalks in the area leading to the subject lot, however it is not anticipated that anyone would be walking to the potential uses of a Resource Industrial (M-1) lot. In addition, the Acting Area Manager of the NS Department of Public Works stated that they had no comments regarding pedestrian circulation and safety.</p>
<p><i>(f) the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;</i></p>	<p>The Development Officer commented that certain uses permitted in the Resource Industrial (M-1) zone would cause concern for being obnoxious in</p>

	nature, including saw mills, abattoirs, and wood manufacturing and processing establishments. Therefore, staff do not consider this criterion met as the potential industrial uses could be considered obnoxious by virtue of potential noise, odours, dust, fumes, or other emissions.
<i>(g) adequate buffering or screening, setbacks and yards are provided, and open storage is controlled;</i>	The Development Officer commented that it would be possible for the proposed industrial storage use to meet the required setbacks; however it does not currently meet those setbacks. Other uses permitted in the Resource Industrial (M-1) zone may not be able to meet the required setbacks and the forested portion of the subject lot would need to be cleared to provide enough space for those setbacks. Any clearing of the subject lot would serve to further reduce the buffering existing on the subject lot from surrounding uses.
<i>(h) 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>(i) 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 Municipal Public Works Department confirmed that there are

	<p>no municipal services on the subject lot.</p> <p>Any on-site services must meet the requirements of the Nova Scotia Department of Environment and Climate Change and would be the responsibility of the owner.</p>
<i>(ii) the adequacy of school facilities;</i>	N/A
<i>(iii) the adequacy of fire protection and other emergency services;</i>	<p>The Manager of Building and Fire Inspection Services had no issues with regard to fire protection. The local Fire Chief has stated that there are a number of uses in the Resource Industrial (M-1) zone that would be concerning due to response time, including manufacturing, processing, industrial, assembly or warehousing operation conducted within an enclosed building, fertilizer industries, and fuel storage depots. Due to the concerns of the local Fire Chief, staff would not consider this criterion to be met.</p>
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	<p>The Acting Area Manager for the NS Department of Public Works stated that they had no concerns regarding the road networks adjacent or leading to the development.</p>
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	<p>There are no anticipated costs to the Municipality regarding this development.</p>
<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>	<p>Any on-site services must meet the requirements of the Nova Scotia Department of Environment and Climate Change.</p>

<p><i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>In a follow-up discussion with the NS Department of Public Works it was stated that due to the subject lot not meeting stopping site distances, it is possible that slow-moving vehicles accessing the subject lot may impede traffic. Due to these traffic safety concerns, staff do not consider this criterion to be met.</p>
<p><i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The Development Officer commented that the proposed use should not be located closer than 40 ft from any property line. It would be possible for the proposed use to meet the required setbacks; however the current placement of the shipping containers does not currently meet those setbacks. Other uses permitted in the Resource Industrial (M-1) zone may not be able to meet the required setbacks and the forested portion of the subject lot would need to be cleared to provide enough space for those setbacks.</p>
<p><i>(e) the pattern of development which the proposal might create;</i></p>	<p>The Development Officer commented that uses permitted in the Resource Industrial (M-1) zone would constitute a major change from the pattern of development currently existing in the area. The potential development of additional Resource Industrial uses would negatively affect surrounding residential uses.</p>
<p><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></p>	<p>The District Manager of the NS Department of Environment and Climate Change stated that they were unable to comment on the suitability of</p>

	<p>the subject lot for industrial use. PID 45041902 is relatively flat. There are no waterbodies or wetlands present on the mapping for the property. There are no evident concerns in terms of steepness of grade, soil or geological conditions.</p>
<p><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></p>	<p>The Acting Area Manager of the NS Department of Public Works stated that neither access point for the subject lot meet stopping site distance requirements and the secondary access does not meet the current access criteria for the NS Department of Public Works. Due to these traffic safety concerns, staff do not consider this criterion to be met.</p>
<p><i>(h) any other matter required by relevant policies of this Strategy.</i></p>	<p>All relevant matters have been addressed in this report.</p>

Attachment B – Development Permit



PLANNING & DEVELOPMENT SERVICES
76 Morison Drive, Windsor-West Hants Industrial Park
P.O. Box 3000, Windsor, Nova Scotia B0N 2T0
Tel: (902) 798-8391 Ext. 115 Fax: (902) 798-8553

DEVELOPMENT AND BUILDING PERMIT

Permit #: C2020-371 Issued Date: September 10, 2020
Property Address: 997 Highway 14, Upper Vaughan PID: 45041902 AAN: 00136514
Land Use Zone(s): GR Lot:
Class of Work: Construction Bldg Type: Garage/Carport/Shed Designation:
Estimated Cost of Construction: \$175,000.00
Proposed Use: Garage
Use Description: Storage building

Owner: 3222228 Nova Scotia Limited Applicant: William Clarke Contractor:

Building Details:
Width: 60.00 ft Length: 40.00 ft Building Area: 2400.00 sq. ft No. of Floors: 1.0

MINIMUM SETBACKS: Front Yard Setback: 25.00 ft Rear Yard Setback: 25.00 ft
Left Yard Setback: 15.00 ft Right Yard Setback: 15.00 ft

Conditions:
Development permit issued for a detached garage to be used for personal storage purposes only. As per section 5.1(d) of L.U.B. Setbacks from property lines approved as per site plan submitted with application. Height not to exceed 20 feet. This Development permit shall automatically expire 12 months from the date of issue if the development has not commenced.

All work to comply with the Nova Scotia Building Code Act, the January 2020 Regulations and the 2015 National Building Code of Canada.

During construction of your project, periodic inspections are required to make sure work proceeds properly. You are responsible for notifying the Building Official 48 hours in advance at 798-8391 Ext. 122 at various stages of construction so that problems can be corrected before they become costly.

DMU Development Officer
[Signature] Building Official

September 9, 2020 Approval Date
September 10, 2020 Approval Date

Attachment C – Public Information Meeting Notes

April 13 - April 28, 2023

WHLUB Amendment: 997 Highway 14 (PID 45041902); File # 23-01

Meeting date and time	A Public Information Meeting was held on April 13, 2023 beginning at 6:02 p.m. A secondary Public Information Meeting was held on April 14, 2023 at 6:00 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	23-01
Attending	<p>In attendance for the first meeting:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none">• Councillor Murley <p>Three (3) members of staff:</p> <ul style="list-style-type: none">• Director Poirier• Planner Dunphy• Planning Assistant Lake <p>PAC/HAC Members:</p> <ul style="list-style-type: none">• Jennifer Nicholls (Chair)• Jane Davis• Stefan Palios• Greg Pace• Tasha Rogers• Lisa Bland <p>26 members of the public.</p> <p>In attendance for the second meeting:</p> <p>One (1) member of Council:</p> <ul style="list-style-type: none">• Mayor Zebian (Chair) <p>Three (3) members of staff:</p> <ul style="list-style-type: none">• Director Poirier• Planner Dunphy• Planning Assistant Lake <p>3 members of the public.</p>
Applicant Bill Clarke Property	<p>Planner Dunphy outlined the application to rezone the subject lot to permit a warehousing and distribution centre.</p> <p>The applicant did not provide a presentation.</p>

<p>997 Highway 14, Upper Vaughan (PID 45041902)</p>	
<p>Comments</p>	<p>Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between April 13 – April 28, 2022.</p> <p>Staff received 1 phone call, 1 letter, and 15 emails from the public. The email responses are attached. The phone call was from Teresa Newcomb and was regarding the subject lot being located close to the community hall and how the rezoning would negatively affect greenspace and property values.</p> <p>8 members of the public spoke during the April 13 Public Information Meeting. The following are the comments from the public. Staff and applicant responses are included in purple text.</p> <ul style="list-style-type: none"> • Andrew Hardman stated that the subject lot is zoned General Resource and that none of the existing uses should have been approved for this property and that it causes problems for Ron Smith. • Ron Smith had concerns regarding the regrading of the subject lot and the shipping containers causing erosion of his driveway and onto the schoolhouse property. Ron showed a picture of the drain installed on the property that he said was ineffective. Ron also stated that the concrete wall that was placed is in the driveway of the canoe club. <p>Andrew reiterated that the schoolhouse is a heritage property.</p> <p>Ron had additional concerns regarding the shipping containers and potential for leakage of fuel from a crane operating on the property. Ron also commented that the garage was unsightly, questioned who built the guardrail in front of the subject lot, took issue with the irregular noise, that the property uses the schoolhouse lot for equipment, that the access points to the property are dangerous</p>

that nearby properties had lost value, and that the building was too close to the road.

- Kevin Smith stated that mitigation is not enough, the permitted use list is a concern, the rezoning would cause more damage and that the buildings should be removed.
- Andrea Lynn commented that the municipality should provide an alternate lot for the landowner in an industrial park and give this land to the community.
- Shirley Pineo commented that another Council decided that no industrial uses should be located outside of the industrial park. Shirley had concerns regarding the environmental issues that the industrial uses could cause and specifically that the water in the lake is used by everyone.
- David Cameron had concerns regarding noise pollution, the initial permit that was issued, the negative affect the subject lot has had on the aesthetic of the community, light pollution from the subject lot, safety of those traveling to the canoe club, the regulations for storage of potentially hazardous materials, and the possible endangerment of those below elevation from the subject lot.
- Andrew Hardman asked why the use hasn't been stopped yet.

Sara Poirier responded that the Development Officer investigated the use then passed the file to Planning staff to determine if there was a policy option for Council to consider the proposed uses. go through the public process as a solution.

Andrew stated that the complaint was filed 2 years ago.

A member of the public clarified that the complaint was made to the Property Valuation Services Corporation and that the complaint was not brought directly to the Planning and Development Department until later.

- Barry Maxner started a vote with the public for those opposing the development, the members of the public present showed that they are opposed to the rezoning.
- Zema White-Pose commented that the noise and view of the subject lot disturbs the peace of the community.
- Shirley Pineo asked why a rezoning was pursued instead of a development agreement.

Sara Poirier responded that the policy only provided the opportunity for a rezoning and that policy is created by Council.

- Lisa Bland commented that noise pollution contributes to stress and physical health.
- Councillor Jim Ivey asked when the permit was issued.

Andrew responded that the permit was issued for accessory personal storage to a numbered company and that the complaint was issued last September. Shirley Pineo asked if the permit could be provided.

Sara Poirier responded that the permit will be provided and attached to future reports.

2 members of the public spoke during the April 14 Public Information Meeting. The following are the comments from the public. Staff and applicant responses are included in purple text.

- Andrea Lynn was in favour of leaving the subject lot as General Resource and stated that the public opinion of this application is clear. Andrea stated that industrial development should not be located here, instead a lot in the industrial park should be provided and this lot should be given to the community. Andrea then stated that the use has caused disruption in the community.
- Chris had concerns regarding the potential affects of the proposal on the nearby watercourse and outlined a potential judicial review for the environmental concerns.

Adjournment	The PIM was adjourned at approximately 6:50 p.m.
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Public Email Responses Submitted for the Application PIM

April 7, 2023

From: Andrew Hardman

To: Sara Poirier

Ms. Poirier

Please see the attached notice.

The notice was distributed on April 3rd with a date on the notice of April 4, 2023.

It says the meeting is scheduled for Thursday, April 14 @ 6:00 pm. This Thursday is April 13th.

This zoning issue is a serious matter.

Taxpayers are relying on the WHRM Planning Department to be accurate with all communications and decisions.

I suggest immediate corrective and preventative actions.

Sincerely, Andrew Hardman

[NOTICE ATTACHED AT BOTTOM OF DOCUMENT]

April 9, 2023

From: Mark Kehoe

To: Alex Dunphy

Attn West Hants Municipality:

I'm writing to you to express my concerns regarding the application for the property rezoning at 997 Highway 14, Upper Vaughan to allow commercial storage and distribution. My name is Mark Kehoe and I reside at [REMOVED ADDRESS]a couple driveways down from 997.

The current property owner has already shown disregard for the community and the bylaws by operating his storage and distribution commercial business under the guise of a personal storage building permit for some time now. This blatant disregard and abuse of the bylaws creates concern of what he will do with the property if allowed to be rezoned as Resource Industrial.

Upper Vaughan is a small community with a proud history of rural living and being good stewards of the environment. The permitted uses for a property zoned Resource Industrial contrasts with our community's landscape and lifestyle. It sits directly beside our community center, which was once the schoolhouse in the early 1900's, a heritage building for our community. Its landscape should be preserved, not lost to industrial buildings and activity.

It's also concerning that the owner isn't a resident of the community, and his business brings no economic value to the area. In fact, having an industrial operation next door only decreases residential property values.

Selling the property in the future leads to more concern of what could move in beside our homes.

Our rural community has the right to the peaceful enjoyment of our properties. We have invested our lives and resources to live where we do and that shouldn't have to change. Our community is zoned General Resource and I don't wish to see our rural atmosphere and landscape changed.

I am currently out of province and can not attend the Public Hearing April 13th, but I want to make the municipality aware that as a neighboring resident, I strongly oppose this rezoning application. I'm sure if the municipality spoke with the community, they will discover no residents want this. Please do not approve this rezoning application.

Thanks for your time.

Mark Kehoe

April 11, 2023

From: Ron Smith

To: Alex Dunphy

To whom it may concern:

We are opposed to any change in Rezoning of subject property. The owner disregards the zoning bylaws and any change will allow the property owner to further take liberties with the regulations. Unfortunately the West Hants Municipality has not enforced regulations for this property before. Violations have occurred during prior work on this property. #1. Regrading has caused rain runoff to flood areas across my driveway, causing serious erosion, this is a new problem that never occurred before. The drain created by the owner is not functional as it is at a high point also it is positioned in driveway for the PCC this forces club members to enter their property by driving across the neighbors property.

#2 Approximately twenty large shipping containers are stacked around the perimeter this is an unsightly mess and does not belong in a residential zone. #3 A guard rail has been installed along the roadway, 1 meter away from the road, who installed this system? Did the property owner do it or the municipality? Pedestrians are at risk of injury or death from passing trucks because of inadequate clearance #4 Noise is another problem caused by heavy machinery moving around. #5 Hazardous waste is not contained on this property, which may cause damage to cottage water systems Refuelling equipment that stays on this property causes spills also fuel is probably not stored to code #6 Air quality is degraded because of diesel exhaust. #7 Relocation of the access to face the neighbors property means that trucks and tractor trailers must impinge on their property. Should you require further explanation I would be happy to oblige. Respectfully Ron Smith [REMOVED ADDRESS] Upper Vaughan Sent from my iPhone

April 13, 2023

From: David Cameron

To: Alex Dunphy

West Hants Council Members:

As long-term residents of Upper Vaughan and neighbours to the property in question, we have the following concerns with the proposed rezoning of that property to Industrial M1:

-the wide range of industrial activity that could move there, and the precedent that such retroactive permitting sets for the future. It is our opinion that the proponent rushed to build several years ago knowing more stringent regulation was coming and hoping his project would get "grandfathered" if already built before new rules were in place.

-the loss of the heritage property landscape for the school house/community center. All rural amenities and historically important properties struggle for survival. Their look and "feel" are important as keepers of local history and residential sense of place. Generations of Upper Vaughan residents attended the Community Centre when it was the local Waterville School. Demolition of the neighboring residence, a building of traditional vernacular design in keeping with the history of the neighbourhood, was an aesthetic disaster for the Community Centre, only to be followed by construction of the present aesthetically brutal industrial building in place of the former, humbly gracious, residence, trees and gardens.

-decreased property value for neighboring residential homes.

-human and environmental risks from industrial possibilities. what will be stored there? are there regulations, and the means to enforce them, regarding dangerous materials storage and handling? The property is adjacent and immediately above Zwicker Lake and the

Canoe Club. Any toxic spill is most likely to run down-hill. Any explosion or gas release could affect many people and the environment.

-loss of rural property and community feel.

-owner of industrial business not residing in community and thus perhaps having little care for how the business affects residents.

-greatly increased light pollution in the area at night

-greatly increased noise pollution in the neighbourhood

-significantly increased traffic/machine danger for Canoe Club participants. Thank you for your attention to these concerns.

David Cameron

Nancy Sherwood

April 13, 2023

From: Seamus Marriott

To: Alex Dunphy

To whom it may concern,

As a resident of Upper Vaughan, I am adamantly opposed to the proposed rezoning of the property at 997 Highway 14, Upper Vaughan. Residents of the community have repeatedly shared their concerns with the Municipal Planning Office, about the non-compliant uses and activity of the property under the Land Use Bylaw. These concerns have been continuously set aside by the Municipal Development Officer with the same response that the facility is a personal storage building.

For the record, a portion of a letter sent to Municipal Development officer Doug MacInnes earlier this year outlines the community concern: "though you continually say the building is a personal storage shed. A land title search shows that the building is owned by a numbered company from Dartmouth. A warehouse sized building, metal gates, semi-trailers on the grounds, folk lifts and stacked multiple containers are hardly personal storage. A professional engineer assessed the facility and deemed it to be an industrial distribution center.

We are happy that Municipal Officers have finally taken action and created an active file for this property. In a letter of response to community concerns dated March 20, 2023 Municipal Officers shared: You brought to our attention the matter of an industrial use in your community. This is an open active file in the hands of our Planners who are working with the property owner to ensure compliance.

The idea of working with the property owner to ensure compliance of Municipal Land Use Bylaw is appreciated but should not provide for the property owner the opportunity to simply change the law. I recognize that the property owner has the right to make rezoning application, yet for this rezoning to be allowed would be real slap to the residents of Upper Vaughan. There is a whole host of reasons to object to this proposal from proximity to a community heritage property, to environmental concerns and possibility of contamination of Zwicker Lake, due to industrial fluids and/or other industrial activity.

The property owner appears to have little respect for current bylaws and to this point the Municipality has turned a blind eye. The idea of simply changing the zoning to allow for the industrial activity to continue is preposterous. Land Use Bylaws/Zoning are in place for a reason and should not be changed to reward the owner of a non-compliant facility at the expense of all who live in the community.

Thank you for the opportunity to share my thoughts and opposition to this rezoning proposal.

Regards,

Seamus Marriott

April 13, 2023

From: Duane Walker

To: Alex Dunphy

As a property owner within the 500 ft area, I would agree that the change would affect property values in the area surrounding the property requesting rezoning. Also, the current lighting on the north and south sides is blinding to oncoming traffic. The lighting could possibly be the cause of traffic accidents. The lighting is also causing a great amount of light pollution in the area, before this construction we had extremely dark sky for watching the sky after dark, not as good as it use to be.

Duane Walker

April 14, 2023

From: Mark Kehoe

To: Alex Dunphy

Hello again, I'm submitting a 2nd letter with an additional concern regarding the rezoning of 997 in Upper Vaughan to Industrial.

I really wish I could attend the meeting in person and speak, but I'm out of province working and not able to participate. I was able to watch the 1st meeting last night and it was disappointing to see so many community members in distress over this zoning application and the handling of Mr Clarke's activities. I'm proud of my community and the residents for making the time and having the courage to come and express their frustrations and concerns in a public forum.

This really does seem like an easy decision to deny this industrial rezoning application in a residential neighborhood and I'm hoping the West Hants Municipality will begin to correct the many mistakes they've made in our community the past 2 years.

Thanks

Mark Kehoe

[LETTER ATTACHED AT BOTTOM OF DOCUMENT]

April 14, 2023

From: Deborah Innes

To: Alex Dunphy

Mr. Dunphy:

My response to the rezoning of the above property as a community member living Upper Vaughan's.

Thank you,

Deborah J. Innes

[LETTER ATTACHED AT BOTTOM OF DOCUMENT]

April 15, 2023

From: Denise Forand

To: Alex Dunphy

To West Hants Regional Planning,

I am writing to voice my many concerns into the rezoning of our pristine Lake District to Industrial.

Industrial and commercial zones do not belong in our quiet clean country sides .

I feel heartbroken that the canoe club is such a invasive loud inconsiderate group that landed on this extremely tranquil idealistic lake.

Sincerely,

Denise Forand

April 17, 2023

From: Elaine Eye

To: Alex Dunphy

Mr. Dunphy

I feel very fortunate to have shared a seasonal property on Zwicker Lake for 35 years with my spouse who was a child when her parents purchased the property, over 67 years ago. This property is situated within 500 feet of 997. The property owners request to rezone to resource industrial is cause for great concern for the community of Upper Vaughan as you heard on the evenings of April 13/14, 2023.

We personally have experienced the early morning sounds of truck traffic which are not sounds we have heard previously as traffic noises WERE a rarity from our location on the lake. This in itself may not appear a hardship but when you realize where it is coming from and the potential of what it could mean, it gives you pause. On Zwicker Lake, besides humans, live a large and diverse group of wildlife, to name a few : Blue heron, loons, ducks, American Bittern , owls, woodpeckers, and a very old snapping turtle we saw slip off a rock and swim larger than life under the kayak. All of these creatures are not able to speak for themselves so we must also think of their well being when we ourselves feel threatened.

Zwicker Lake and the residents of Upper Vaughan experienced in 2003/04 the failure of the dam on the lake and the stresses that ensued with Emera. Locals and many others worked diligently meeting, discussing and planing. They consulted biologists and geologists, who reported that it would cost NS Power more money to remediate the lake to its natural state than to build a new dam. Hence the spillway dam and fish ladder were built. It does not permit the same effect as a total return to natural habitat, but is the best compromise the committee could arrive at at the time. The natural environment and quiet was very important to the majority of the lake community and has persisted until now. It is with this same resolve and perseverance that we will meet any threat to our community.

When Pisiquid Canoe Club was given the property (using our tax dollars) behind 997 the community should have had the opportunity to voice our concerns, as you are now requesting we do regarding the rezoning of 997. It was then and even more now, very clear that they are

not just another resident on the lake as they initially claimed to be. They have taken over, making it impossible for others to swim, fish, canoe or just plain enjoy the peace and quiet to which we have become accustomed. It should never be the right of a group of individuals on one property to alter the enjoyment of many other property owners. West Hants Municipal Council has allowed and maybe even encouraged this by not requiring PCC to meet the existing bylaws ie. permits, etc. that do exist to prevent this from happening.

There are many who say that our elected officials are being forced by an entity other than themselves to allow things to happen outside of the law. If property 997 is permitted to be rezoned I too will believe this is true! Please do not allow the rezoning.

Respectfully

Elaine Eye

April 17, 2023

From: Doug Christie

To: Alex Dunphy

[FORWARDED MESSAGE FROM ROBIN CHRISTIE]

Unfortunately, we were unable to attend the meeting held Thursday April 13, 2023. We have owned property on Zwicker Lake for 16 years and thoroughly enjoy our family time there.

On that note, taking into regard the parameters for M1 below and concerns expressed I would support strongly the comments of residents.

I would like to reinforce that the proximity of this property to Lake Zwicker makes it essential to ensure there is environmental compliance with the watershed.

It also appears that this industrial site was not in compliance for many years having been zoned something other than industrial and therefore operated outside the zoning bylaw. That it was not in compliance should give the municipality pause to rigorously examine this property to ensure no environmental or other general condition has been breached. One would have assumed a responsible owner of the property would have sought the correct approvals in a timely manner which did not occur.

As also highlighted by some no matter what the outcome, the zoning now must reflect what cannot be placed there in the future. The M1 designation is very broad and allows a very liberal interpretation of what might be contemplated for the future. Is a sale contemplated which would require an

industrial designation? Based on past performance by the owner the municipality should exercise extreme caution

Also to note that this property abuts lot 1A-3 while that property abuts the residential property PID:45041886 lot 1011. All of these properties were or are owned by the current owner of Lot 997. I bring this up because a transfer of ownership to Lot 1011 took place without any public consultation and is now being used as canoe club which is clearly not residential and should have been rezoned recreational prior to sale. This only reinforces my view that caution needs to be exercised as the current owner is seeking to rezone the current lot 997.

I understand that the property 1011(the current owner being the pisiquid canoe club) rezoning is also under review and legal scrutiny and it seems that this additional rezoning for lot 997 cannot be assessed fully without a conclusion with respect to the waterfront property which is being used as a canoe club and may not be in compliance with a number of environmental and transport Canada rules and restrictions. For example where is the road access point to the waterfront property and is there sufficient parking to allow for the safety of canoeists. I understand that currently the patrons of the waterfront property disembark on Lot 997 and walk to the clubhouse. I am not disputing that this is illegal although insurance providers may have a view but only to show the interconnectivity among these three properties. Also there are former horse stables/outbuildings which lie across lot 1011 and lot-1A. Leaving aside whether the previous owner had the right permit to shelter horses so close to the lake and also the fact that there could be a mitigation strategy for the outbuildings I wish to point out the complete lack of stewardship with respect to the three properties.

Residents have lost faith in the lack of stewardship, transparency and process and are completely unsupportive of any change this point. Simply put there is no trust.

Robin Christie

17.0 RECREATION COMMERCIAL (RecC)

Permitted Uses

17.1 The following uses shall be permitted in the Recreation Commercial (RecC) zone:

- Campgrounds
- Driving ranges
- Golf courses and club houses
- Single unit dwellings
- Ski lodges and facilities
- Tennis courts and club houses

RecC zone General Requirements

26.0 RESOURCE INDUSTRIAL (M-1)

Permitted Uses

- 26.1 The following uses shall be permitted in the Resource Industrial (M-1) zone:
- Abattoirs
 - Agricultural processing industries
 - Any activity connected with the automobile trade other than an automobile scrap yard or automobile related commercial recreation establishment
 - Any manufacturing, processing, industrial, assembly or warehousing operation conducted within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes, smoke, or other obnoxious emission of refuse matter or water-carried waste, or by reason of unsightly open storage
 - Building supply and equipment depots
 - Bulk storage of sand and gravel
 - Commercial and office uses accessory to a main use
 - Commercial greenhouses
 - Excavation and landscaping operations
 - Farm supplies and equipment sales and service
 - Feed and fertilizer industries
 - Fruit and vegetable sorting, grading and packaging establishments
 - Fuel storage depots
 - Heavy equipment sales and service
 - Licensed Micro-Cultivation of cannabis (Amendment 18-08 effective November 26, 2019)
 - Licensed Micro-Processing of cannabis (Amendment 18-08 effective November 26, 2019)
 - Licensed Cannabis Nurseries (Amendment 18-08 effective November 26, 2019)
 - Licensed Standard Cultivation and Processing of cannabis (Amendment 18-08 effective November 26, 2019)
 - Railway uses
 - Recycling depots
 - One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot
 - Saw mills
 - Service industries
 - Structures related to sand and gravel excavation and processing

17.0 RECREATION COMMERCIAL (RecC)

Permitted Uses

- 17.1 The following uses shall be permitted in the Recreation Commercial (RecC) zone:
- Campgrounds
 - Driving ranges
 - Golf courses and club houses
 - Single unit dwellings
 - Ski lodges and facilities
 - Tennis courts and club houses

RecC zone General Requirements

April 28, 2023

From: Ron Smith

To: Alex Dunphy

Mr. Dunphy

Please see attached

Andrew Hardman

[LETTER ATTACHED BELOW]

April 27, 2023

From: Traci Curry

To: Alex Dunphy

Good afternoon Alex,

I am writing to you about my concern regarding the proposal to change 997 Highway #14 to Resource Commercial. I own a home in close proximity to the proposed rezoning @ 1077 Highway 14. I am not in favour of a rezoning and believe the current buildings/structures are in non compliance of the existing General Resource designation.

I was a citizen member on PAC for 3 terms so have some familiarity with planning and applaud the good work planning has done over the last number of years. It would seem to be that things have gotten offside at 997 Highway 14, specifically;

1. The existing development permit is for a garage. How can this be allowed when there is no house on the property? When I read the planning documents for General Resource (GR) the only buildings that are allowed are boathouse, dock or storage shed if there is a seasonal building. This unsightly complex of industrial storage units would look to be a non conforming use. Can you explain to me what part of the GR document I am missing?
2. Accessory buildings are also meant to be built behind or set back from the main dwelling (which is absent). This array of building is very close to the busy route #14 and since it is not an agricultural building or operation would look to be a non conforming use?

3. The current listed use for this building is Commercial Storage and Distribution. Where is that listed as a conforming use in the GR zone?
4. The Permit # C2020-371 lists the Building type as Garage/Carport/Shed. This would infer a small building for homeowner use. Again. No home on the property and at last count 8 units including tractor trailers being used as storage, sea cans and converted sea cans to make a large warehouse building. This would look to be a clear violation of the original permit and casts a poor light on what has been a very good planning team.

Please let me know when the next meeting is scheduled to discuss this request so that I can attend. I also request you table my comments.

Thank you,

Traci Curry

April 28, 2023

From: Ron Smith

To: Alex Dunphy

Dear Mr.Dunphy: In reference to the zoning problems at 997 Highway 14, please see attached photo of the drain that was installed in the middle of the PCC right of way. This is the photo that I presented at your public meeting and I believe it maybe of some help in your future decisions regarding the zoning. Yours respectfully, Ron Smith.



April 14, 2023

Attn Planning/Heritage Advisory Committee:

Hello again. My name is Mark Kehoe and I reside at [ADDRESS REMOVED] north of 997. Thank you for providing our community with a second opportunity to share our concerns regarding the rezoning application for 997 Hwy 14 to Industrial.

A couple quick points to make regarding the summary Mr Dunphy shared. It was stated the property abuts a community hall. It should be clearly noted the community hall is also the old schoolhouse and a rural Heritage building. Which is now in the shadow of an industrial compound.

Also, during the summary, you provided a list of activities permitted within the proposed rezoning of Resource Industrial M1 and it was only a partial list. You didn't include a lot of other permitted uses like Fuel Storage Depot, Slaughterhouses and Fertilizer Industry. All with ground leeching concerns for a property on that's on high ground and everything runs downhill to the lake.

I've already submitted a letter to the committee regarding my obvious concerns.

- the wide range of industrial activity that could move there.
- the loss of the heritage property landscape for the schoolhouse/community hall.
- no economical gain for community.
- decreased property value for neighboring residential homes.
- environmental risks from industrial possibilities
- property owner isn't a resident
- loss of rural property and community feel.
- industrial business not existing in residential communities
- and just the clear fact that industrial properties belong in industrial parks

Why are we here discussing a rezoning application?

According to your Application background, we are here because there was a complaint. This is not correct. We are here because the property applicant erected a commercial industrial compound in the middle of a residential community. Furthermore, complaints did not lead to the property owner applying for rezoning. The first complaints lead to the Municipal Development Officer replying to concerns that Mr Clarke had the necessary permits. When residents learned the permit was for an accessory building "a personal storage building" that

was an accessory to no main building and issued to a corporation, they complained again. Which lead to the Development Officer visiting the site in June, where he confirmed the building and property was a personal storage shed with a permit and stated he was in compliance with the LUB. A complaint was made again in a meeting with the Planning Dept and residents urged the DO to consider revisiting the property and reviewing the LUB for the General Resource zone. After this visit it was then determined it was indeed an industrial distribution center. And this application for rezoning quickly followed.

My real concerns are with the municipality. Why was this permitted to be built in the first place? How does it go unnoticed that a property owner raised the grade of a property that causes water runoff and erosion issues for neighbors, placed 15 to 20 storage containers, erected a massive steel building among residential homes, parked tractor trailers and an industrial crane for loading and unloading cargo containers, built on the shoulder of a highway, daily industrial activity noise, light pollution to neighbors, possible hazardous materials could leech into the lake and encroaches activities on a heritage property with the same driveway? And it draws zero attention from the municipality.

What elevates concerns regarding the municipality's involvement with Mr Clarke even more is that a senior staffer within the municipal planning dept consistently drives by this compound daily with no concern. This same senior staffer that secured 1.3 million \$ of taxpayers dollars to buy the other portion of Mr Clarkes property for the Pisiquid Canoe Club, who he is the commodore of. Why is this relevant, because this property isn't zoned correctly for the PCC's planned recreational facility and day camps either. And the municipality again issued an invalid permit for activities not in compliance with the LUB for that PID. Residents have since been forced to hire legal representation and dispute the municipalities invalid permit in court. Why is this continuing to happen? I'm not saying there were any greasy handshakes, but I'm quite certain there would have been a few high fives when those cheques all cleared, and the invalid permits were issued. It's amazing to me that a neighboring property with a youth membership isn't participating in a public hearing and objecting to an illegal industrial property at the entrance of their club house. This is just another reason residents are extremely frustrated and concerned.

I understand this committee is in the process of reviewing the application and will make a recommendation to the council. My recommendation is to toss this application in the garbage where it belongs and have the property returned to its original state. I'd also make a recommendation to review the municipalities' inability to adhere to the Land Use Bylaws with this particular property and property owners.

Thanks for your time,

Mark Kehoe

WEST HANTS REGIONAL MUNICIPALITY

76 Morison Drive, PO Box 3000

Windsor, NS B0N 2T0

Phone 902-798-8391 Ext. 113

vlake@westhants.ca

www.westhants.ca



West Hants
something inspiring awaits

April 4, 2023

Dear Property Owner:

**Re: Public Information Meeting
997 Highway 14, Upper Vaughan (PID 45041902)**

You are receiving this letter because 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 to be held in person at 76 Morison Drive, Windsor on **Thursday, April 14 at 6:00 p.m.** If you would like to attend the meeting virtually, please contact Vanessa Lake (vlake@westhants.ca) by Tuesday, April 11, at noon. The meeting can also be viewed live on the Municipal Facebook page at www.facebook.com/RMWindsorWestHants.

The meeting is to explain and initiate comments on rezoning the subject lot to Resource Industrial (M-1) to allow for commercial storage and distribution. Please note this is the first step in the process and no decisions have been made yet.

Members of the public are welcome to submit comments or questions on the proposal to Alex Dunphy by noon on April 28, 2023 by:

Phone	902-798-8391 ext. 118 Please leave a message and he will return your call within 24 hours
Email	adunphy@westhants.ca
Mail	76 Morison Drive, PO Box 3000 Windsor NS B0N 2T0
Drop box	Regional Office at 76 Morison Drive,

Sincerely,

Vanessa Lake
Planning Assistant

INFORMATION SHEET

Address: 997 Highway 14, Upper Vaughan, PID 45041902

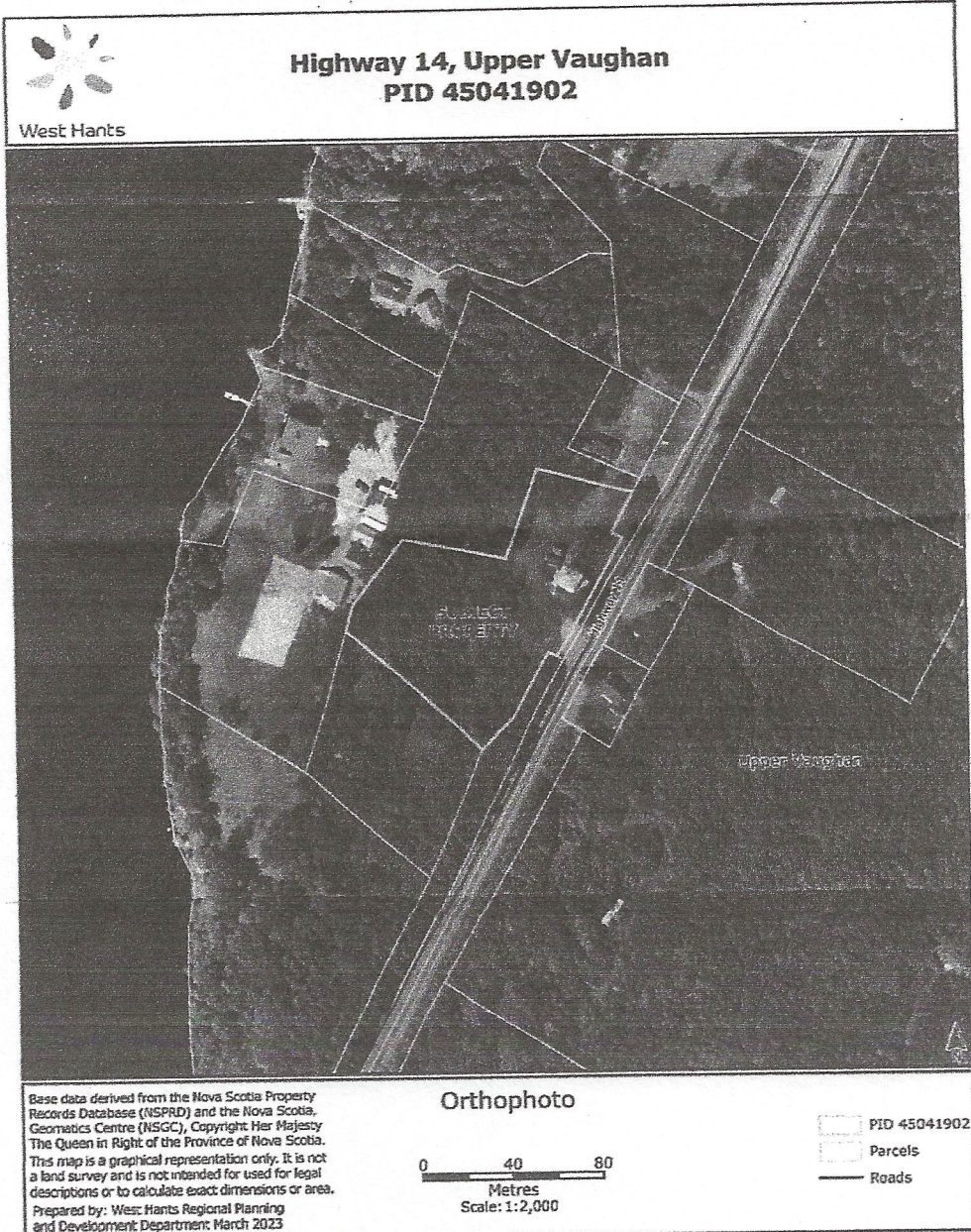
Request: Rezone to Resource Industrial (M-1)

Proposal Description: Commercial Storage and Distribution

Community: Upper Vaughn

Designation: Resource

Zone: General Resource



Response submitted by Deborah Innes

RE 997 Highway 14, Upper Vaughan, PID 45041902

First let me thank you for providing for this second meeting to correct an error in the letter sent out to those residents within the 500 feet of 997 Highway 14, Upper Vaughan, PID 45041902. It was very nice to see this corrective action taken by the Planning Department to ensure that all residents who wanted to air their concerns and questions have an opportunity to do so. I can only hope that the Planning Department have revised their procedure manual so in the future if it happens again, they do not have to wait for a resident of the community to advise them of their error.

What is unfortunate is that Mr. Clarke was allowed to erect this industrial building without the proper permit on land clearly zoned as General Resource. Allowing this has thrown our community into utter chaos – it is as if no one cares for those that make their homes in this community. Do we not have a voice, is no one listening – it would appear so! I listened in last night for a short time as I had another meeting and could not attend but I could loudly hear the passion in each person's voice who spoke about "our" community and how they have been affected by Mr. Clarke's building. I wonder if you will hear it and take the right steps by not allowing his request for rezoning the subject lot to Resource Industrial (M1) to allow for commercial storage and distribution.

Another unfortunate occurrence is the blind-sidedness of the Planning Officer and others that allowed this so called "storage shed" to be build in the first place on land zoned for General Resources while clearly breaking the Municipalities own by-laws. In my mind when I hear the word **law** in normal circumstances, it has consequences, I could be charged, maybe go to court and so on. I ask then why can the Municipality keep breaking their own by-laws. These by-laws were developed to protect communities and the people that reside in them.

I have been working with the Core Committee of the Zwicker Lake Property Owners and while we are not here to discuss the topic of the Pisiqid Canoe Club, again more by-laws and wrongful permits being issued. It very disheartening as a community member that those working on our behalf are funded by tax-payers money in other words we pay your salaries. Who checks to ensure that those that work for the Municipality are doing their job and adhering to the rules and by-laws set forth by the Municipality.

I was always under the impression that we elected a councillor to heed the concerns of the community he/she represents. In our case, I have not witnessed this happening. I have in the past have had nothing but respect for the work that our elected officials undertake but at a recent meeting, I along with others heard the CAO for this Municipality say he has the final say in front of all the councillors. Wow is all I could respond to this. It must have made all the Councillors feel they have no say just like we in the community that is affected by this rezoning application.

Please do the right thing – turn down this application and ensure that the property is returned to General Resources. Our Little Red School House – a heritage property – should be front and centre not this monstrosity of a building that overall does nothing for the community that we live in. Give us our community spirit back!

Thank you.

/dji – April 14, 2023

Challenge to proposed change to Resource Industrial (M1)

997 Highway 14, PID 45041902

By: Andrew Hardman

This is the existing development permit #C2020-371

Proposed use: Garage

Permit #: C2020-371	Issued Date: September 10, 2020	
Property Address: 997 Highway 14, Upper Vaughan	PID: 45041902 AAN: 00136514	
Land Use Zone(s): GR	Lot:	
Class of Work: Construction Bldg Type: Garage/Carport/Shed	Designation:	
Estimated Cost of Construction: \$175,000.00		
Proposed Use: Garage		
Use Description: Storage building		
Owner: 3222228 Nova Scotia Limited	Applicant: William Clarke	Contractor:

Conditions:

Development permit issued for a detached garage to be used for personal storage purposes only. As per section 5.1(d) of L.U.B. Setbacks from property lines approved as per site plan submitted with application. Height not to exceed 20 feet. This Development permit shall automatically expire 12 months from the date of issue if the development has not commenced.

Important Notes:

- 1. The Permit was issued to a corporate entity: 32222228 Nova Scotia Limited**
- 2. The permit was issued for “personal storage purposes only” – TO A CORPORATE ENTITY!**
- 3. The proposed use of this building was garage. In the GR zone, only a boathouse, dock or storage shed may be built prior to a seasonal dwelling. The intent of 5.1 (d) was to allow people to enjoy future seasonal properties by building a smaller building first. The seasonal dwelling must be on a private road (22.1)**

5.0 GENERAL PROVISIONS FOR ALL ZONES

Accessory Buildings and Structures

- 5.1 (a) An accessory building or structure is permitted in any zone and may be used only as an accessory use to the main building or use, but it shall not:
- (i) be used as a dwelling unit except where a dwelling is a permitted accessory use;
 - (ii) be built within 6 ft (1.83 m) of the main building;
 - (iii) be built closer to the street than the main building on the lot except in the Prime Agriculture (P/Ag) zone;
 - (iv) be built closer to any lot line than the minimum setback required in the zone for the main building, except that:
 - Common garages for semi-detached dwellings may be centred on a mutual side lot line;
 - Garages and storage sheds may be built a minimum of 4 ft (1.22 m) from the side and rear lot lines;
 - Boat houses and docks may be built to the lot line where the lot line corresponds to the water's edge.
- (b) Notwithstanding clauses (iii) and (iv) of Section 5.1(a), an accessory building or structure may be located in the front yard or a lot but in no case shall be less than 60 ft (18.29 m) from the front lot line.
- (c) Notwithstanding anything else in this By-law, awnings, clothesline poles, flag poles, garden trellises, retaining walls, ornamental fountains, statues, monuments, memorials and fences shall be exempt from any requirement under subsection (a).
- (d) Not accessory building or structure shall be constructed:
- (i) prior to the time of construction of the main building to which it is accessory, except that a boat house, dock or storage shed may be built prior to construction of a seasonal dwelling only on a lot located in the General Resource (GR) zone; or
 - (ii) prior to the establishment of the main use of the land where no main building is to be built.

22.0 GENERAL RESOURCE (GR)

Permitted Uses

- 22.1 The following uses shall be permitted in the General Resource (GR) zone:
- Agricultural support uses
 - Agricultural uses
 - Automobile service stations
 - Churches, community centres and fire halls
 - Farm equipment sales and service
 - Forestry and forestry related activities
 - Indoor storage facilities accessory to an agricultural use subject to Section 5.19 (Amendment 18-03 Effective December 25, 2018)
 - Manufactured homes
 - Personal service shops
 - Restaurants
 - Retail stores under 5,000 ft² (139.35 m²) in commercial floor area
 - Seasonal dwellings on private roads
 - Single and two unit dwellings
 - Structures associated with sand and gravel extraction operations
 - Existing automobile, truck and motorcycle sales, service and rental establishments
 - Existing commercial and institutional uses (Amendment WHLUB 14-01 Effective January 22, 2015)

Permit C2020-371, should never have been issued. A stand-alone garage is not a permitted use in the GR Zone, unless it is an accessory building to a permitted use.

997 Highway 14 - As Built/Used



- Metal garage structure that does not fit in the community
- High garage doors that are obviously installed to accommodate tractor trailers
- Tractor trailers turning in the community center parking lot
- Using the parking lot as a material staging area
- Run-off and drainage issues
- Many sea containers used for storage.
- Tractor trailers
- Material handling equipment
- Concrete jersey barriers
- Guard rail too close to roadway? Was it installed by TIR?

The current use is a “Commercial Storage and Distribution”. It needs to be stopped immediately.

Proposed Zoning change to Resource Industrial (M-1).

Definition:

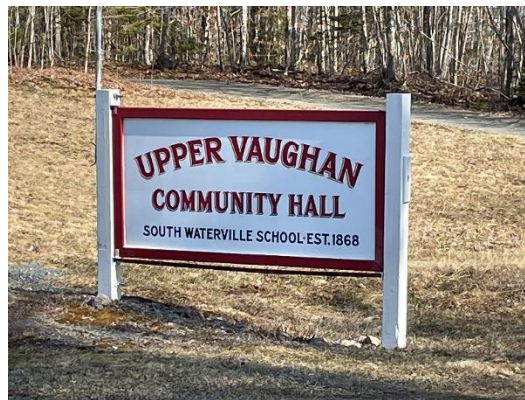
26.0 RESOURCE INDUSTRIAL (M-1)

Permitted Uses

- 26.1 The following uses shall be permitted in the Resource Industrial (M-1) zone:
- Abattoirs
 - Agricultural processing industries
 - Any activity connected with the automobile trade other than an automobile scrap yard or automobile related commercial recreation establishment
 - Any manufacturing, processing, industrial, assembly or warehousing operation conducted within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes, smoke, or other obnoxious emission of refuse matter or water-carried waste, or by reason of unsightly open storage
 - Building supply and equipment depots
 - Bulk storage of sand and gravel
 - Commercial and office uses accessory to a main use
 - Commercial greenhouses
 - Excavation and landscaping operations
 - Farm supplies and equipment sales and service
 - Feed and fertilizer industries
 - Fruit and vegetable sorting, grading and packaging establishments
 - Fuel storage depots
 - Heavy equipment sales and service
 - Licensed Micro-Cultivation of cannabis (**Amendment 18-08 effective November 26, 2019**)
 - Licensed Micro-Processing of cannabis (**Amendment 18-08 effective November 26, 2019**)
 - Licensed Cannabis Nurseries (**Amendment 18-08 effective November 26, 2019**)
 - Licensed Standard Cultivation and Processing of cannabis (**Amendment 18-08 effective November 26, 2019**)
 - Railway uses
 - Recycling depots
 - One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot
 - Saw mills
 - Service industries
 - Structures related to sand and gravel excavation and processing
 - Utility facilities
 - Wood processing and manufacturing establishments

Issues

- The property is next to a heritage site. There is a loss of the heritage property landscape



- There is a possibility of a wide range of industrial activities that could take place on the property are not appropriate to the area
- There does not seem to be any economic gain for the community
- There are potential environmental risks
- Loss of rural/community feel
- The industrial business has no ties to the community as far as we know
- Potential to negatively affect property values
- May not have the required setback

The building, storage containers and all the equipment needs to be removed!!

West Hants Municipal Council, April 13, 2023 6 PM rezoning #997

I am Andrea Lynn, a ratepayer, (a townie), and have been a seasonal resident at Zwicker Lake #1021 Route 14 for 68 years. My property is within 500 feet of #997, the lot now seeking rezoning.

94 years ago, October 1929 my property #1021 was acquired in a high stakes poker game. It shared a full southern boundary with the property (currently Pisiquid Canoe Club) belonging to Arthur Church. After the First War, followed by the roaring 20's, property #1021 engaged in a 25-year, illustrious and infamous history. It was a strategic location for rum-running during prohibition, vote-buying during elections and various & sundry forms of influence pedalling. That being said, now, from 2004 to 2022, that neighbouring Arthur Church property largely belonged to the current owner of lot #997 - 3 acres which now remain after the 2022 sale to the Canoe Club.

My personal concern regarding lot #997 is the potential for municipal corruption in decision making.

1. *Problems are already filed with the County* regarding questionable funding for the Pisiquid canoe club; West Hants employee conflict of interest ; bylaw violations; missing and invalid zoning controls; missing development agreements - all happened in the first season after the owner of #997 sought sale to Pisaquid Canoe Club. This does not bode well for potential future uses of #997 property if changed from General Resource to Resource Industrial (M-1).
2. Trans-World Distributing Ltd. is a company over 50 years old. It once manufactured most of its distributed industrial fasteners, but like many Canadian companies may have moved production to a Chinese factory. This does not promise local manufacturing work for the community, and creates the potential for hard industry to settle into the middle of an environmentally pristine area. The municipality does not protect ecology here.

I suggest property #997 be left General Use; that the municipality acquire an Industrial M-1 designated lot of like dimensions in a West Hants Industrial Park. This would be traded with the owner of property #997. Once the owner has vacated all equipment and buildings to the industrial park, the County will generously donate the lot to the Upper Vaughans' Community Centre to rejuvenate its role. It may later be sensibly decided that the Upper Avon Canoe association and "Community Centre" property be made available to all local Vaughns-area communities (adults and children) for soft aquatic programs -

canoeing/ kayaking, swimming, diving (no racing/ no motors, no wires) with a strong emphasis on identification and protection of area wild life and fish. Later, Windsor Canoe Clubhouse, too, will be known and sought after as the place where young and old alike can learn the skills of navigating a craft on the full tidal water of a returned Avon River, and on all other Basin rivers fully flowing both ways. Skills of Birch Bark Canoe making would be taught there.

ECO Tourism is an investment fetish of current government corporations seeking rich tourist \$.

Real tourism happens when we develop amazing activities and services with by and for local people. Real Tourists will come, to marvel and take part in the varieties of what locals are doing. This is the purpose of municipalities freed to act as if there were a future, not struggling daily against a dark, shadow government.

I would like to acknowledge and thank the core committee of Zwicker Lake Property Owners for its vigilance and in-depth research regarding the summer activities of the Pisiquid Canoe Club on the Lake and documenting legal, but unlawful and immoral stances by the corporation of the District of West Hants. I believe the Lake property owners will bring the same vigilance to #997. It is nearly 100 years since the revelry in the area I described on Zwicker lake. The effect it had on local families then was no doubt also very disruptive and divisive. We are living in times now, like then, with ill effects increased 100 fold.
Hand-outs.

There is a network developing across Canda (over 65 groups at last count). They work from the bottom up using a reverse engineering model and are called Citizen Accountability and Transparency Councils (CATCs). They operate much like the Zwicker Lake Core committee.

I apologize for myself and many citizens like me who have left our elected representatives here to struggle with a global corporation in its midst. Municipal corporate employees can outnumber councillors as much as 4 to 1. The CATCs groups are discovering that Municipal Corporations are rewriting and can legally ignore Municipal Bylaws, and that funds issued by the federal government to municipalities for projects can be traced back along a money trail to places other than our own tax dollars.

Respectfully submitted, Andrea Lynn

Community Accountability and Transparency Councils

CATCs

<https://www.cates.org>

Overview of CATCs

Citizens and their elected representatives have a problem-we are no longer on speaking terms. Community Accountability and Transparency Councils (CATCs) will take steps to engage with all levels of government to pursue discussions on policies that affect our communities. .

Our plan is to bring into existence a national network of CATCs with the objective of providing citizen advocates with strategies and tools to successfully engage with our elected officials.

Mandate and Priorities of CATCs

The CATCs network will work to engage with all channels of our public institutions including local city councils, school boards, provincial and federal members of parliament. The mandate of CATCs will be to seek accountability, transparency, review and advise on public policy and to rally the public to become involved.

Pillars of Priorities

First Order-Good Governance

1. Accountability and transparency of public of institutions
2. Standards of conduct by our elected officials
3. Policy development and recommendations
4. Political interference in our governance by unelected global entities and NGOs

Second Order-Societal Responsibilities

1. Security and protection of energy, food, seniors, children, education, families.
2. Health and wellness and the integrity of our medical system.
3. Addressing transformational policies including banking, central bank digital currencies, digital ID, privacy and the role of technology in our society.
4. Emergency preparedness and support for the disenfranchised.

Roles and Responsibilities

National CATC

1. Establish a national council with representatives from every region of the country.
2. Support the local CATCs.
3. Provide toolkits and strategies.

Local CATC

1. Support the mandate provided by the national CATC including code of engagement and to work with other CATCs to leverage the network.
2. Engage with political representatives to achieve the goals of better governance and transparency.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: May 23, 2023

Subject: Development Agreement: PID 45411808, Cole Drive, Windsor; File # 23-05A

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

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 allow a four storey, mixed-use apartment building on PID 45411808 on Cole Drive in Windsor which is substantively the same as the draft set out in Appendix B of the report File #23-05A to Council dated May 23, 2023.

...that Council requires that the development agreement with Shawn Foote & Mark Hartlin which permits a four storey, mixed-use apartment building on PID 45411808 on Cole Drive in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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An updated application was received from Darren Shupe of Brighter Community Planning & Consulting on behalf of the property owner Mainland South Investments on March 21, 2023. The application is to consider permitting a 4-storey mixed-use apartment building by development agreement.

DISCUSSION

A Public Information Meeting was held on April 13, 2023. Only one member of the public spoke at the meeting. The public comment period ended on April 28 with no comments submitted by the public. The only concern that was raised was during the Public Information Meeting was regarding how a residential development was being permitted at that location and requested Council consider policing, municipal servicing, and doctor capacity for the development.

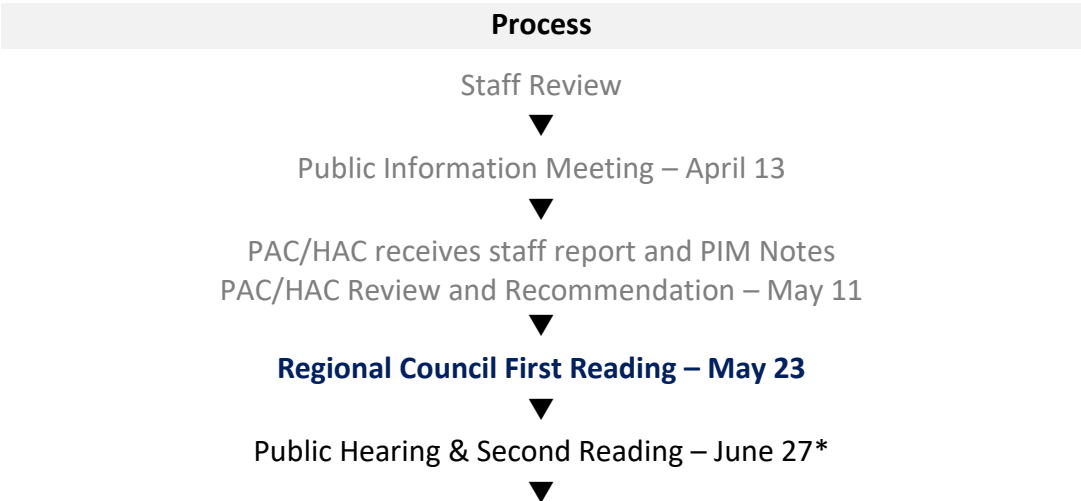
On May 8, 2023, staff received a request from the applicant to include the following in the draft development agreement: inclusion of ‘banks and financial institutions’, ‘retail stores’, and ‘indoor recreation uses’ to the list of permitted commercial uses, extending the commercial hours of operation to 10:00 p.m., and increasing the maximum building height to 45 ft.

On May 11, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix B).

During the May 11 meeting, PAC/HAC recommended in favour of the application with the addition of all requested items from the applicant in the development agreement. Staff have included all the recommended revisions in the revised draft development agreement in Appendix A.

NEXT STEPS

The process for this application is as follows.



Notice of Approval in Local Paper



14-Day Appeal Period

*anticipated dates; final dates set by Council

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 First Reading and authorize a Public Hearing to 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.

CHIEF ADMINISTRATIVE OFFICER REVIEW

Proceeding to public hearing will provide Council, staff and PAC/HAC with the opportunity to continue with the public feedback process as it relates to the development agreement application.

I support the recommendation.

APPENDICIES

Appendix A Revised Draft Development Agreement

Appendix B 2023-05-11 Staff Report – Development Agreement: PID 45411808, Cole Drive, Windsor; File # 23-05

Report Prepared by: _____
Alex Dunphy, Planner

Report Approved by: _____
Sara Poirier, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

Appendix A – Revised Draft Development Agreement



West Hants

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 -

MAINLAND SOUTH INVESTMENTS INC. a body corporate, with a head office at 56 Jebel Lane, Herring Cove, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “First Co-owner”)

OF THE SECOND PART

3171692 NOVA SCOTIA LIMITED a body corporate, with a head office at Suite 411, 5 Ramsgate Lane, Halifax, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Second Co-owner”)

OF THE THIRD PART

WHEREAS the Co-owners are the registered owners of parcel of land located on Cole Drive, PID 45411808, hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS PID 45411808 is designated Residential and is within the Three Mile Plains Growth Centre on the Generalized Future Land Use Map of the Municipal Planning Strategy and zoned Multiple Unit Residential (R-3) on the Zoning Map of the Land Use By-law; and

WHEREAS the Co-owners have requested that the Municipality enter into a development agreement to permit up to 42 apartment units and up to 13,400 sq. ft. of commercial space within a four (4) storey apartment building on the Property (the “Development”); and

WHEREAS Policy 5.3.8 of the Municipal Planning Strategy and Section 6.1 (a) 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 the Three Mile Plains Growth Centre, and Policy 5.6.4 of the Municipal Planning Strategy and Section 6.1 (h) of the Land Use By-law enable Council to consider entering into a development agreement to allow new local commercial uses in Growth Centres outside of the Commercial designation; and

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

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 defined as follows:

- (a) “Active Construction” means that the Co-owners have active development and building permits for the construction of the apartment building and the associated parking podium, and that construction activity including but not limited to equipment, machinery, and employees, are on-site working towards the necessary building inspections leading to an occupancy permit.

- (b) “Commencement” means the date the Co-owners begin Active Construction on the apartment building within this Agreement as permitted by an issued development and building permit; and
- (c) “Commercial Floor Area” means the total useable floor area within a building used for commercial purposes but excludes washrooms, utility and mechanical rooms, storage rooms and common hallways between stores.
- (d) “Co-owners” means the First Co-owner and the Second Co-owner, jointly and severally.

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 West Hants, approved on May 13, 2008, as amended, or successor by-laws;
- (b) Land Use By-law means the Land Use By-law of West Hants, approved on May 13, 2008, as amended, or successor by-laws;
- (c) Subdivision By-law means the Subdivision By-law of West Hants, approved on May 13, 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;
 - (ii) a four (4) storey apartment building containing up to 42 apartment units and up to 13,400 sq. ft. (1,244.9 sq. m.) of Commercial Floor Area on the ground floor for commercial uses which shall be limited to the following:
 - Arts, crafts, gifts and antique shops
 - Clubs
 - Convenience stores
 - Florists
 - Day care centres, licensed or non-licensed
 - Offices
 - Personal service shops

- Restaurants, excluding drive-through restaurants
- Banks and financial institutions
- Retail stores
- Indoor recreational uses

(iii) underbuilding, underground and surface parking for the uses within the 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 in writing minor changes to the location of the building or other aspects of the Site Plan provided the side yards are not decreased.
- (c) The apartment building shown on the Site Plan in Schedule B shall be limited to a maximum of 42 dwelling units and up to 13,400 sq. ft. (1,244.9 sq. m.) of Commercial Floor Area on the ground floor. The building may include underground and underbuilding parking and shall conform to the following requirements:

Minimum Front Yard	25 ft. (7.62 m.)
Minimum Rear Yard	35 ft. (10.67 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	45 ft. (12.19 m.)
Maximum Height of Accessory Building	15 ft. (4.57 m.)

- (d) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.
- (e) A minimum of 10,020 sq. ft. (930.89 sq. m.) of usable recreation space as outlined in Section 2.6, *Recreational Space*, shall be required.
- (f) The Co-owners shall keep all undeveloped areas of the Property landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.

2.3 Access and Egress

- (a) The Co-owners shall develop, construct, and maintain the driveways in the Development in general conformance with the driveways shown on Schedule B.
- (b) The driveways shown on Schedule B shall be constructed a minimum of 100 ft. (30.48 m.) from a street intersection. The driveways shall be paved with a minimum paved surface width of 20 ft. (6.09 m.). The vehicular entrance and exit shall be clearly demarcated.

2.4 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) A minimum of one (1) parking space shall be provided per dwelling unit and a minimum of one (1) parking space shall be provided for every 500 sq. ft. (46.45 sq. m.) of Commercial Floor Area dedicated to commercial uses on the Properties.
- (c) Parking may be provided either underbuilding, underground or outside at grade.
- (d) Outside 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 Co-owners. They may be constructed using permeable construction materials to assist with stormwater retention.
- (e) 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.
- (f) The number of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.13, *Variance*, of this Agreement.

2.5 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 Co-owners to allow unimpeded access to the Properties by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

2.6 Recreational Space

A minimum of 10,020 sq. ft. (930.89 sq. m.) of usable recreational space shall be provided on the Property and may include:

- (a) individual balconies; and
- (b) common use landscaped areas.

2.7 Buffering

Outdoor parking, driveways, and parking aisles shall be screened from adjacent properties, except for the lot line abutting Cole Drive and the lot line abutting PID 45366432, through the use of:

- (a) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of at least two (2) in. measured at four-and-one half (4.5) ft. above the surrounding grade and a minimum height of 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 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.

2.8 Servicing

(a) Waste Collection

- (i) No Municipal garbage collection will be provided to the Development. The Co-owners shall have sole responsibility for collecting, storing and disposing of garbage and other recycling or waste items from the Development.
- (ii) The Co-owners 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 Co-owners shall be responsible for constructing, installing and maintaining the water and sewer services on the Property.

(c) Snow Plowing

The Co-owners shall have sole responsibility for snow plowing within the Development.

2.9 Maintenance

- (a) The Co-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 Co-owners shall maintain the driveways to a level adequate to allow for access by emergency services vehicles.

2.10 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.

2.11 Hours of Operation

The hours of operation for the commercial uses within this Development shall be limited to between 7:00 a.m. and 10:00 p.m. daily, inclusive.

2.12 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; and
- (ii) number of parking spaces required.

PART 3 CHANGES AND DISCHARGE

- 3.1** The Co-owners shall not vary or change the number of units within the apartment building on 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 this Agreement.
- 3.3** The following matters are substantive matters:
- (a) the number of units permitted within the apartment building on the Property as listed in Section 2.1, *Use*;
 - (b) the minimum side yard requirements and maximum building height of the building as listed in Section 2.2, *Development Location and Design*;
 - (c) the fire safety requirements as listed in Section 2.5, *Fire Safety*;
 - (d) the hours of operation for the commercial uses as listed in Section 2.11, *Hours of Operation*.
- 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 Co-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 Co-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 Co-owners, provided the use of the Properties 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 Co-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. The date of commencement will be determined as the date the Co-owners begins Active Construction on the

building within this Agreement as permitted by an issued development and building permit.

- (b) Active Construction 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 Co-owners. Upon the written request of the Co-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 Co-owners are bona fide delayed from commencing the Development for reasons which are beyond the Co-owners' control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Co-owners is excused for the period of the delay and the time period for the Co-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 Co-owners 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 Co-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 By-laws and Regulations

- (a) Nothing in this Agreement shall exempt the Co-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 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 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 Co-owners about the suitability of the Property for the Development proposed by this Agreement. The Co-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 Co-owners in writing. In the event that the Co-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 Co-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 Co-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 Co-owners personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Shawn Foote at 56 Jebel Lane, Herring Cove, NS, B3V 1T2, and Mark Hartlin at Suite 411, 5 Ramsgate Lane, Halifax, NS, B3P2S6, or at any other address provided in writing or email by the Co-owners. Service upon one co-owner shall be deemed to be service upon both.
- (b) The Co-owners 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 in writing or email by the Municipality to the Co-owners.

5.10 Full Agreement

This Agreement constitutes the entire agreement and contract entered into by the Municipality and the Co-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:

Witness

Witness

Witness

Witness

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

Per: _____

) Abraham Zebian, Mayor

)

) Per: _____

) Deanna Snair, Municipal Clerk

)

) **MAINLAND SOUTH INVESTMENTS INC.**

)

Per: _____

) Shawn Foote, President

)

) **3171692 NOVA SCOTIA LIMITED**

)

Per: _____

) Mark Hartlin, President

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, Shawn Foote, Nova Scotia, make oath and say that:

1. I Shawn Foote of **MAINLAND SOUTH INVESTMENTS INC.** 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

Shawn Foote, President

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Mark Hartlin, Nova Scotia, make oath and say that:

6. I Mark Hartlin of **3171692 NOVA SCOTIA LIMITED** the “Corporation”. Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
7. 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.
8. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
9. The Corporation is a resident of Canada under the Income Tax Act (Canada).
10. 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

Mark Hartlin, President

**Schedule A
Legal Description**

PID 45411808

Registration County: HANTS COUNTY

Street/Place Name: COLE DRIVE /GARLANDS CROSSING

Title of Plan: PLAN OF S/D TO CREATE LOT 2 S/D OF OF LOT 2R LAND REGISTRED TO 3102673
NOVA SCOTIA LTD COLE DR & HWY NO 101 WINDSOR & GARLANDS CROSSING

Designation of Parcel on Plan: LOT 2

Registration Number of Plan: 122141428

Registration Date of Plan: 2023-03-08 11:29:32

*** 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

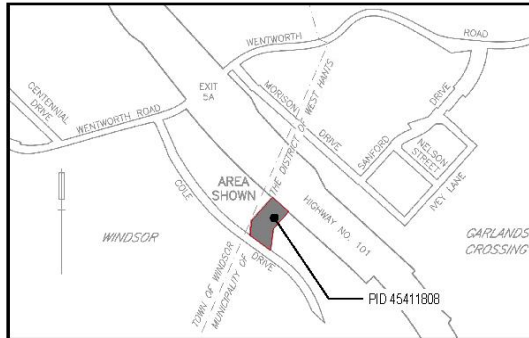
Registration District: HANTS COUNTY

Registration Year: 2023

Plan or Document Number: 122141428

Schedule B
Site Plan

brighter
community
PLANNING & CONSULTING



KEYPLAN
NTS



ARCHITECTURAL SITE PLAN
1/64" = 1'-0"

APRIL 2023

Appendix B – 2023-05-11 Staff Report – Development Agreement: PID 45411808, Cole Drive, Windsor; File # 23-05



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: May 11, 2023

Subject: Development Agreement: PID 45411808, Cole Drive, Windsor; File # 23-05

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

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 storey, mixed-use apartment building on PID 45411808 on Cole Drive in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-05 to the Planning and Heritage Advisory Committee dated May 11, 2023.

...that PAC/HAC recommends that Council require that the development agreement with Shawn Foote & Mark Hartlin which permits a four storey, mixed-use apartment building on PID 45411808 on Cole Drive in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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An updated application was received from Darren Shupe of Brighter Community Planning & Consulting on behalf of the property owner Mainland South Investments on March 21, 2023. The application is to consider permitting a 4-storey mixed-use apartment building by development agreement.

DISCUSSION

The subject lot is approximately 2 acres (8093.71 sq. m.) in size. It is designated Residential and included within the Three Mile Plains Growth Centre on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1). The subject lot is zoned Multiple Unit Residential (R-3) on Schedule A of the West Hants Land Use By-law (WHLUB) (Figure 2).

Surrounding Context

Properties to the south and west of the subject lot are designated Residential and are zoned Multiple Unit Residential (R-3) and Agriculture (AG). Properties to the north and east are designated Joint Industrial Park and zoned Light Industrial Type Three (LI-3). Lands to the south and west are currently being developed for residential uses. There is an office building which is currently under construction and directly abutting the subject lot. Further along Cole Drive in the Joint Industrial Park designation is a hotel and a vacant lot. Highway 101 also directly abuts the subject lot on the northeast lot line. The Residentially designated land located on the south side of Cole Drive are currently being developed for residential uses.

Municipal Planning Strategy Document Review

Policy 5.3.8 is one of the two enabling policies to be considered for this application. This policy provides Council with the ability to consider new multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre by development agreement. In addition to the criteria outlined in this policy, Policy 5.3.8 requires the criteria from Policy 5.3.7 to be considered by Council in relation to 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 proposed development has side yards that are at least one half the height of the main building;
- Cole Drive has been identified as a Collector Street on the Future Streets Map within the West Hants Subdivision By-law;

- the amount of recreational space provided in the proposal exceeds the amount of recreational space required by the West Hants Land Use By-law; and
- the Development Officer, Municipal Project Engineer, Fire Chief, Manager of Building and Fire Inspection Services, and the Municipal Traffic Authority have no concerns.

Policy 5.6.4 is the second enabling policy to be considered for this application. This policy provides Council with the ability to consider new local commercial uses in Growth Centres outside the Commercial designation by development agreement. This policy also includes criteria which must be considered in relation to 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 proposed development is of a similar size to surrounding buildings;
- the draft development agreement outlines the hours of operation for the commercial uses of the development as between 7:00 a.m. and 9:00 p.m. daily, inclusive; and
- the Development Officer and the Municipal Traffic Authority have no concerns.

Policy 16.3.1 establishes the general criteria that must be considered for all development agreements applications. 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.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

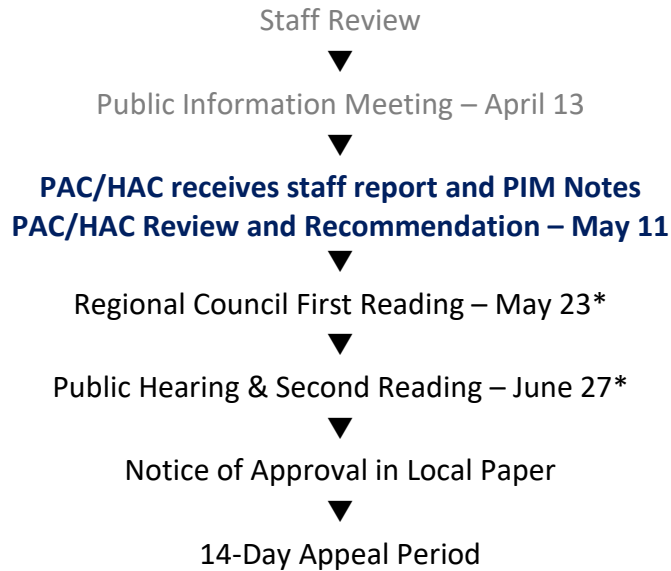
The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the subject lot, however the bottom of Cole Drive may experience flooding.

The Municipal Services Specifications Manual will require the developer to provide information to the Municipal Department of Public Works to ensure pre- and post-development flows are met. Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

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

Process



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, the 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; 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
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: _____
Sara Poirier, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

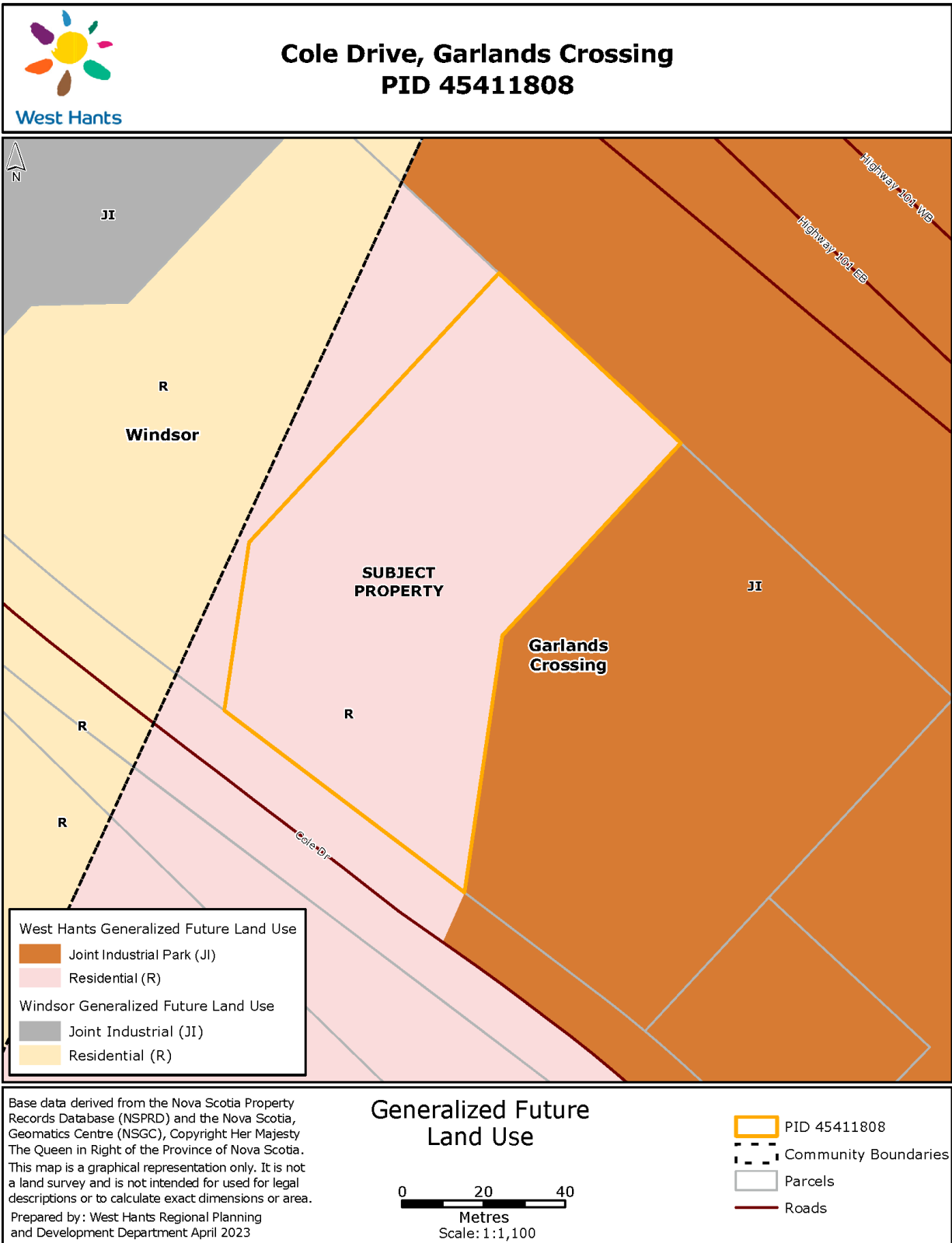
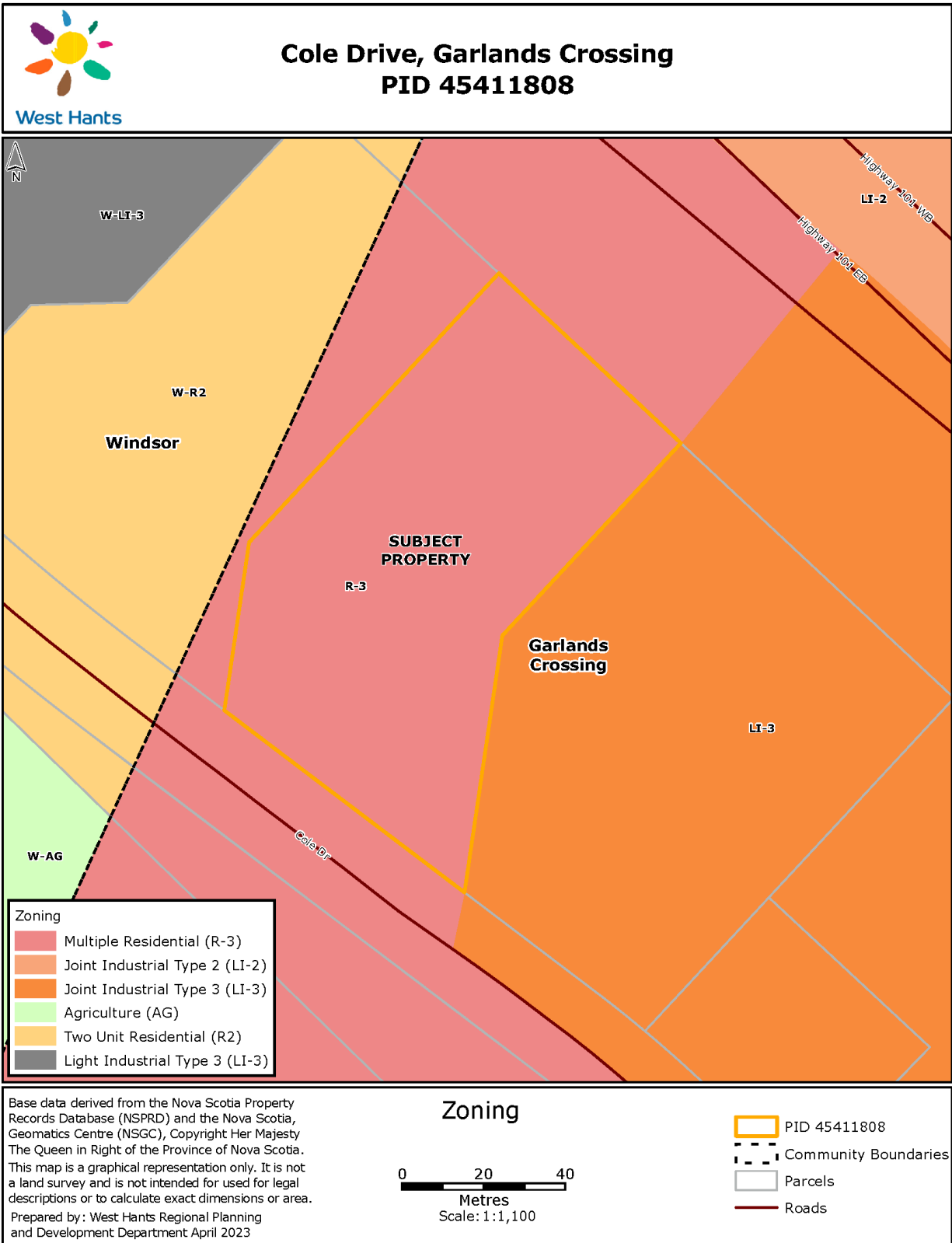


Figure 2 – West Hants Zoning Map Extract



Attachment A – Policy Summary for Development Agreement

<p>Policy 5.3.7 <i>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:</i></p>	
<p><i>(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;</i></p>	<p>Cole Drive is shown as a local road on the Transportation Map of the West Hants Municipal Planning Strategy. Even though Cole Drive is within an area designated Joint Industrial Park and was constructed with a sidewalk on one side of the street, it is most likely classified as a local road due to it being a dead-end street with no current connections elsewhere. The Future Streets Map attached to the West Hants Subdivision By-law identifies Cole Drive as a collector street. Due to this classification and the Traffic Authority having no concerns, this criterion is considered met.</p>
<p><i>(b) the lot is serviced, or is capable of being serviced, with municipal water and sewer; (Amendment WHMPS 14-01 Effective January 22, 2015)</i></p>	<p>The Municipal Public Works Department stated that they have no concerns regarding the adequacy of municipal services for the proposed development.</p>
<p><i>(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;</i></p>	<p>The proposal is of a similar scale and design to the surrounding existing uses. There are no concerns regarding traffic generation or density.</p>
<p><i>(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;</i></p>	<p>Cole Drive is a public street owned by the Municipality. The Municipal Traffic Authority stated that they have no concerns and that the existing street is adequate to support the development.</p>
<p><i>(e) adequate open space or recreational space is provided;</i></p>	<p>The amount of recreational space provided in the proposal exceeds the amount of recreational space required by the West Hants Land Use By-law.</p>

	The Development Officer commented that they have no concern regarding the adequacy of on-site recreational space.
<i>(f) adequate on-site parking is provided;</i>	The Development Officer commented that the parking provided is considered adequate.
<i>(g) 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>(h) Policy 16.3.1.</i>	See below.
<p>Policy 5.3.8 <i>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:</i></p>	
<i>(a) the side yards are at least one half the height of the building;</i>	The proposed building is 4 storeys and has side yards of at least 20 ft.
<i>(b) adequate landscaping, screening and buffering is provided to minimize the impact of building height on adjacent properties;</i>	The proposed development agreement outlines the buffering requirements for all parking and service areas of the development.
<i>(c) the specific requirements for multiple unit development set out in Policy 5.3.7;</i>	See above.
<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) Policy 16.3.1.</i>	See below.

<p>Policy 5.6.4 <i>It shall be the policy of Council to consider new local commercial uses in Growth Centres outside the Commercial designation by development agreement subject to the following provisions:</i></p>	
<i>(a) the adjacent residential area will not be adversely affected with respect to:</i>	
<i>(i) traffic generation and traffic safety;</i>	The Traffic Authority stated that they have no concerns regarding traffic generation or safety.
<i>(ii) signage;</i>	Any signage will need to meet the

	requirements of the West Hants Land Use By-law.
<i>(iii) hours of operation;</i>	The draft development agreement outlines the hours of operation for the commercial uses of the development as between 7:00 a.m. and 9:00 p.m. daily, inclusive.
<i>(iv) size of building(s); and</i>	The proposal is of a similar size to the surrounding existing uses. There are no concerns regarding the proposal's building size.
<i>(v) pedestrian circulation and safety;</i>	The Traffic Authority stated that they have no concerns regarding pedestrian circulation or safety. There is a sidewalk on Cole Drive which leads to the subject lot and will connect to the proposed development through an abutting development which is also owned by the property owners of the subject lot.
<i>(b) adequate on-site parking is provided;</i>	The Development Officer has no concerns regarding the adequacy of the proposed on-site parking provided by the development.
<i>(c) adequate buffering or screening, setbacks and yards are provided;</i>	The Development Officer has no concerns regarding the buffering and required setbacks for the proposed development.
<i>(d) maintenance of the proposed use will be satisfactory;</i>	The draft development agreement outlines the requirements for maintenance.
<i>(e) any other matter which may be addressed by a development agreement; and</i>	All relevant matters have been addressed in this report.
<i>(f) Policy 16.3.1.</i>	See below.

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:

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

<i>(i) the adequacy of sewer and water services;</i>	The Public Works Department confirmed that the existing municipal services are adequate for the proposed development.
<i>(ii) the adequacy of school facilities;</i>	The Annapolis Valley Regional Centre for Education has stated that they will accommodate all students.
<i>(iii) the adequacy of fire protection and other emergency services;</i>	The Manager of Building and Fire Inspection Services has no issues with fire protection but did mention that the proposal has a steep driveway access for the fire department. The local Fire Chief has stated that there is adequate fire protection for the proposed use and had no concerns regarding the driveway access.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Traffic Authority has 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 subject lot has access to adequate municipal services.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Traffic Authority has no concerns regarding movement suitability on the subject lot.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that the subject lot is suitable for this proposal.

<p><i>(e) the pattern of development which the proposal might create;</i></p>	<p>The proposal is in line with the pattern of development surrounding Cole Drive. There have been more applications to consider residential uses in this area lately. The Development Officer has no concerns regarding the pattern of development.</p>
<p><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></p>	<p>The site appears to be at a higher elevation in comparison to buildings closer to Wentworth Road. There are no watercourses or wetlands located on the property. No concerns were recorded during the site visit.</p>
<p><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></p>	<p>All Municipal, Provincial, and Federal regulations will have to be met.</p>
<p><i>(h) any other matter required by relevant policies of this Strategy.</i></p>	<p>All relevant matters have been addressed in this report.</p>

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 -

MAINLAND SOUTH INVESTMENTS INC. a body corporate, with a head office at 56 Jebel Lane, Herring Cove, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Co-owner”)

OF THE SECOND PART

3171692 NOVA SCOTIA LIMITED a body corporate, with a head office at Suite 411, 5 Ramsgate Lane, Halifax, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Co-owner”)

OF THE THIRD PART

WHEREAS the Co-owners are the registered owners of parcel of land located on Cole Drive, PID 45411808, hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS PID 45411808 is designated Residential and is within the Three Mile Plains Growth Centre on the Generalized Future Land Use Map of the Municipal Planning Strategy and zoned Multiple Unit Residential (R-3) on the Zoning Map of the Land Use By-law; and

WHEREAS the Co-owners have requested that the Municipality enter into a development agreement to permit up to 42 apartment units and up to 13,400 sq. ft. of commercial space within a four (4) storey apartment building on the Property (the “Development”); and

WHEREAS Policy 5.3.8 of the Municipal Planning Strategy and Section 6.1 (a) 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 the Three Mile Plains Growth Centre, and Policy 5.6.4 of the Municipal Planning Strategy and Section 6.1 (h) of the Land Use By-law enable Council to consider entering into a development agreement to allow new local commercial uses in Growth Centres outside of the Commercial designation; and

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

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 defined as follows:

- (a) “Active Construction” means that the Owner has active development and building permits for the construction of the apartment building and the associated parking podium, and that construction activity including but not limited to equipment, machinery, and employees, are on-site working towards the necessary building inspections leading to an occupancy permit.

- (b) “Commencement” means the date the Owner begins Active Construction on the apartment building within this Agreement as permitted by an issued development and building permit; and
- (c) “Commercial Floor Area” means the total useable floor area within a building used for commercial purposes but excludes washrooms, utility and mechanical rooms, storage rooms and common hallways between stores.

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 West Hants, approved on May 13, 2008, as amended, or successor by-laws;
- (b) Land Use By-law means the Land Use By-law of West Hants, approved on May 13, 2008, as amended, or successor by-laws;
- (c) Subdivision By-law means the Subdivision By-law of West Hants, approved on May 13, 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;
 - (ii) a four (4) storey apartment building containing up to 42 apartment units and up to 13,400 sq. ft. (1,244.9 sq. m.) of Commercial Floor Area on the ground floor for commercial uses which shall be limited to the following:
 - Arts, crafts, gifts and antique shops
 - Clubs
 - Convenience stores
 - Florists
 - Day care centres, licensed or non-licensed
 - Offices
 - Personal service shops
 - Restaurants, excluding drive-through restaurants

- (iii) underbuilding, underground and surface parking for the uses within the 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 in writing minor changes to the location of the building or other aspects of the Site Plan provided the side yards are not decreased.
- (c) The apartment building shown on the Site Plan in Schedule B shall be limited to a maximum of 42 dwelling units and up to 13,400 sq. ft. (1,244.9 sq. m.) of Commercial Floor Area on the ground floor. The building may include underground and underbuilding parking and shall conform to the following requirements:

Minimum Front Yard	25 ft. (7.62 m.)
Minimum Rear Yard	35 ft. (10.67 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	40 ft. (12.19 m.)
Maximum Height of Accessory Building	15 ft. (4.57 m.)

- (d) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.
- (e) A minimum of 10,020 sq. ft. (930.89 sq. m.) of usable recreation space as outlined in Section 2.6, *Recreational Space*, shall be required.
- (f) The Co-owners shall keep all undeveloped areas of the Property landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.

2.3 Access and Egress

- (a) The Co-owners shall develop, construct, and maintain the driveways in the Development in general conformance with the driveways shown on Schedule B.
- (b) The driveways shown on Schedule B shall be constructed a minimum of 100 ft. (30.48 m.) from a street intersection. The driveways shall be paved with a

minimum paved surface width of 20 ft. (6.09 m.). The vehicular entrance and exit shall be clearly demarcated.

2.4 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) A minimum of one (1) parking space shall be provided per dwelling unit and a minimum of one (1) parking space shall be provided for every 500 sq. ft. (46.45 sq. m.) of Commercial Floor Area dedicated to commercial uses on the Properties.
- (c) Parking may be provided either underbuilding, underground or outside at grade.
- (d) Outside 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 Co-owners. They may be constructed using permeable construction materials to assist with stormwater retention.
- (e) 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.
- (f) The number of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.13, *Variance*, of this Agreement.

2.5 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 Co-owners to allow unimpeded access to the Properties by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

2.6 Recreational Space

A minimum of 10,020 sq. ft. (930.89 sq. m.) of usable recreational space shall be provided on the Property and may include:

- (a) individual balconies; and
- (b) common use landscaped areas.

2.7 Buffering

Outdoor parking, driveways, and parking aisles shall be screened from adjacent properties, except for the lot line abutting Cole Drive and the lot line abutting PID 45366432, through the use of:

- (a) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of at least two (2) in. measured at four-and-one half (4.5) ft. above the surrounding grade and a minimum height of 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 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.

2.8 Servicing

(a) Waste Collection

- (i) No Municipal garbage collection will be provided to the Development. The Co-owners shall have sole responsibility for collecting, storing and disposing of garbage and other recycling or waste items from the Development.
- (ii) The Co-owners 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 Co-owners shall be responsible for constructing, installing and maintaining the water and sewer services on the Property.

(c) Snow Plowing

The Co-owners shall have sole responsibility for snow plowing within the Development.

2.9 Maintenance

- (a) The Co-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 Co-owners shall maintain the driveways to a level adequate to allow for access by emergency services vehicles.

2.10 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.

2.11 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.

2.12 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; and
- (ii) number of parking spaces required.

PART 3 CHANGES AND DISCHARGE

3.1 The Co-owners shall not vary or change the number of units within the apartment building on 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 this Agreement.

3.3 The following matters are substantive matters:

- (a) the number of units permitted within the apartment building on the Property as listed in Section 2.1, *Use*;
- (b) the minimum side yard requirements and maximum building height of the building as listed in Section 2.2, *Development Location and Design*;
- (c) the fire safety requirements as listed in Section 2.5, *Fire Safety*;
- (d) the hours of operation for the commercial uses as listed in Section 2.11, *Hours of Operation*.

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 Co-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 Co-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 Co-owners, provided the use of the Properties 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 Co-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. The date of commencement will be determined as the date the Co-owners begins Active Construction on the building within this Agreement as permitted by an issued development and building permit.
- (b) Active Construction 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 Co-owners. Upon the written request of the Co-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 Co-owners are bona fide delayed from commencing the Development for reasons which are beyond the Co-owners' control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Co-owners is excused for the period of the delay and the time period for the Co-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 Co-owners 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 Co-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 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 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 Co-owners about the suitability of the Property for the Development proposed by this Agreement. The Co-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 Co-owners in writing. In the event that the Co-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 Co-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 Co-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 Co-owners personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Shawn Foote at 56 Jebel Lane, Herring Cove, NS, B3V 1T2, and Mark Hartlin at Suite 411, 5 Ramsgate Lane, Halifax, NS, B3P2S6, or at any other address provided in writing or email by the Co-owners.
- (b) The Co-owners 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 in writing or email by the Municipality to the Co-owners.

5.10 Full Agreement

This Agreement constitutes the entire agreement and contract entered into by the Municipality and the Co-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:

Witness

Witness

Witness

Witness

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

Per: _____

) Abraham Zebian, Mayor

)

) Per: _____

) Deanna Snair, Municipal Clerk

)

) **MAINLAND SOUTH INVESTMENTS INC.**

)

Per: _____

) Shawn Foote, President

)

) **3171692 NOVA SCOTIA LIMITED**

)

Per: _____

) Mark Hartlin, 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 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, **Shawn Foote**, 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, **Mark Hartlin**, 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

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Shawn Foote, Nova Scotia, make oath and say that:

1. I Shawn Foote of **MAINLAND SOUTH INVESTMENTS INC.** 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

Shawn Foote, President

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Mark Hartlin, Nova Scotia, make oath and say that:

6. I Mark Hartlin of **3171692 NOVA SCOTIA LIMITED** the “Corporation”. Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
7. 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.
8. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
9. The Corporation is a resident of Canada under the Income Tax Act (Canada).
10. 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

Mark Hartlin, President

**Schedule A
Legal Description**

PID 45411808

Registration County: HANTS COUNTY

Street/Place Name: COLE DRIVE /GARLANDS CROSSING

Title of Plan: PLAN OF S/D TO CREATE LOT 2 S/D OF OF LOT 2R LAND REGISTRED TO 3102673
NOVA SCOTIA LTD COLE DR & HWY NO 101 WINDSOR & GARLANDS CROSSING

Designation of Parcel on Plan: LOT 2

Registration Number of Plan: 122141428

Registration Date of Plan: 2023-03-08 11:29:32

*** 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

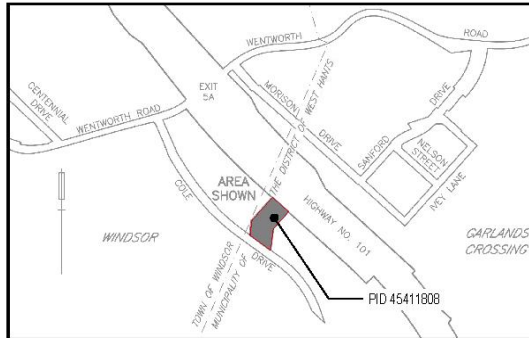
Registration District: HANTS COUNTY

Registration Year: 2023

Plan or Document Number: 122141428

Schedule B
Site Plan

brighter
community
PLANNING & CONSULTING



KEYPLAN
NTS



INSIGHT
..... DESIGN CO

101

PID 45411808

COLE DRIVE DEVELOPMENT LOT 2
4 STOREY BUILDING
-MAIN LEVEL COMMERCIAL / BUILDING SERVICES
-LEVELS 2-4 RESIDENTIAL APARTMENTS 14 UNITS / LEVEL (42 UNITS)
-UNDERGROUND PARKING 37 SPACES

LOT SIZE	87 120 SQFT
BUILDING FOOTPRINT	13 400 SQFT (15%)
HARD SURFACE CALC.	26 654 SQFT (31%)
GREEN SPACE	47 066 SQFT (54%)

PARKING	81 SPACES
	- 37 UNDERGROUND SPACES
	- 44 SURFACE SPACES
	- 2 CHARGE STATION SPACES
	- 4 BARRIER FREE SPACES
	- 15 RESIDENTIAL
	- 23 COMMERCIAL

ARCHITECTURAL SITE PLAN

1/64" = 1'-0"

APRIL 2023

Attachment C – Public Information Meeting Notes

April 13 - April 28, 2023

Development Agreement: PID 45411808, Cole Drive ; File # 23-05

Meeting date and time	A Public Information Meeting was held on April 13, 2023 beginning at 6:55 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	23-05
Attending	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"> • Councillor Murley <p>Three (3) members of staff:</p> <ul style="list-style-type: none"> • Director Poirier • Planner Dunphy • Planning Assistant Lake <p>Applicant:</p> <ul style="list-style-type: none"> • Darren Shupe, Brighter Community Planning (Applicant’s Planner) • Shawn Foote (Applicant) <p>PAC/HAC Members:</p> <ul style="list-style-type: none"> • Jennifer Nicholls (Chair) • Jane Davis • Stefan Palios • Greg Pace • Tasha Rogers • Lisa Bland <p>26 members of the public were present for this meeting.</p>
<p>Applicant Darren Shupe on behalf of Shawn Foote</p> <p>Property Cole Drive (PID 45411808)</p>	<p>Planner Dunphy outlined the application to allow a proposed mixed-use 4 storey apartment building by development agreement.</p> <p>Darren Shupe provided a presentation on behalf of the applicant.</p>
Comments	<p>Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between April 13 – April 28, 2022.</p> <p>No comments were received from the public.</p> <p>1 member of the public spoke during the Public Information Meeting. The following are the comments from the public. Staff and applicant responses are included in purple text.</p> <ul style="list-style-type: none"> • Shirley Pineo asked how residential development was happening.

	<p>Shawn Foote responded that a rezoning process was initiated previously.</p> <p>Shirley then asked if Council had looked into policing, municipal servicing, and doctor capacity for more development.</p> <ul style="list-style-type: none">• Laura Mosher asked what the criteria for the policies being considered are. <p>Alex Dunphy responded that the criteria are generally not discussed at Public Information Meetings in depth and that they are addressed in the recommendation report to PAC/HAC.</p>
Adjournment	The presentation portion of the PIM ended at approximately 7:18 p.m.

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

First Name	Last Name	Correspondence Date	Meeting / logged
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)

First Name	Last Name	Correspondence Date	Meeting / logged
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)	Miniou (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)

First Name	Last Name	Correspondence Date	Meeting / logged
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)

First Name	Last Name	Correspondence Date	Meeting / logged
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)

First Name	Last Name	Correspondence Date	Meeting / logged
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

Correspondence Received

First Name	Last Name	Correspondence Date	Meeting / logged
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

Correspondence Received

Graham Sandford	Re: response to outstanding concerns sent after the presentation to Council on December 13th, 2022.	2023-01-09	2023-01-10 COTW
Graham Sanford	Re: File to Rezone Lots along Bog Road	2023-01-24	2023-01-24 Council
Nova Scotia Department of Public Works Request	Re: Pothier Motors Crosswalk Request	2023-02-03	2023-02-14 COTW
Windsor Township Business Association	Re: Expression of Thanks and Continued Conversations	2023-02-09	2023-02-14 COTW
Hants County Federation of Agricultural and the Great Falmouth Marsh Body	Re: Remaining ACOA funds	2023-02-23	2023-02-28 Council
Seamus Marriot (Zwicker Lake Property Owners)	Re Permit Clarification	2023-02-17	2023-03-14 COTW
Windsor Lions Club	Re Tourist Bureau Park Request	2023-02-23	2023-03-14 COTW
Carrilee Eddy	Re Affordable Housing	2023-02-28	2023-03-14 COTW
Graham Sanford	Re: Don't Be The Dirt Advocacy Presentation	2023-02-28	2023-03-14 COTW
Andrew Hardman	Re 997 Highway 14 Distribution Depot - Trans-World Concerns	2023-03-02	2023-03-14 COTW
Seamus Marriot (Zwicker Lake Property Owners)	Re Permit Clarification	2023-03-02	2023-03-14 COTW
FCM Executive Decision	Re Green Municipal Fund application	2023-03-03	2023-03-14 COTW
Avondale Hall	Re Floor repair and renovation request	2023-03-08	2023-03-14 COTW
Letter From Private Road Development	Re Petition for Waste Collection Services	2023-03-09	2023-03-14 COTW
Hon. Greg Morrow	Response to Expenses incurred due to fencing	2023-03-14	2023-03-28 Council
Sarah Reddington	Re Hantsport Memorial Community Center and Pickleball Facility	2023-03-14	2023-03-28 Council
Core Committee - Zwicker Lake Property Owners	Re Permit Clarification	2023-03-14	2023-03-28 Council
Hantsport Community Rep	Re: Apple Blossom Festival Sponsorship Request	2023-03-15	2023-03-28 Council
MLA Sheehy-Richard	Request for a Nomination for the Order of Nova Scotia	2023-03-15	2023-03-28 Council
VREN I	Re Response to continued partnership and IMSA	2023-03-16	2023-03-28 Council
NS Power	Re Avon Hydro System Relicensing	2023-03-20	2023-03-28 Council
Public Health	Re New alcohol guidance on harms and risks for residents	2023-03-20	2023-03-28 Council
Kody Blois	Re: Letter to the Hon. Kim Masland	2023-03-21	2023-03-28 Council

Correspondence Received

Margot Bureaux	Re Cancellation of ABF Leadership Competition	2023-03-21	2023-03-28 Council
Shawna Nichols	Re: Lego program	2023-03-23	2023-03-28 Council
West Hants Historical Society	Proclamation Request	2023-03-23	2023-03-28 Council
Pisiquid Canoe Club	Re: Funding Request	2023-03-24	2023-03-28 Council
KMK Negotiation Office	Re: Expression of interest to meet and discuss the Avon River and downtown waterfront	2023-03-28	2023-04-11 COTW
Markus Kehoe	Re Expression of appreciation	2023-03-29	2023-04-11 COTW
Chantelle Hill	Re Proclamation of Parental Alienation Bubbles of Love Day April 25 2023 Request	2023-03-30	2023-04-11 COTW
Communities in Bloom	Re Invitation to participate	2023-03-30	2023-04-11 COTW
David Simpson	Re Rails-to-trails to Windsor	2023-03-30	2023-04-11 COTW
Mark Kehoe	Re Permit D2023-019 Pisiquid Canoe Club Day Camps - Not Valid	2023-03-30	2023-04-11 COTW
Minister Lohr DMA	Re Sustainability Services Growth Fund (SSGF)	2023-03-30	2023-04-11 COTW
Hon. Masland	Re Intersection Lighting	2023-04-03	2023-04-11 COTW
Brenda Shiers Chair West Hants Uniacke Community Health Board	Re Request for Funding Support	2023-04-04	2023-04-11 COTW
Windsor Township Business District	Reimagine Lake Pisiquid	2023-04-04	2023-04-11 COTW
Poplar Grove Community Hall	Funding Request	2023-04-06	2023-04-11 COTW
Heather Lake	Re Cogmagun and Beaver Pond Petition	2023-04-11	2023-04-11 COTW
Laurent Breault, General Director	Re International Day Against Homophobia and Transphobia, May 17, 2023	2023-04-09	2023-04-25 Council
Trudy Flynn	Re Light up Municipal office Purple for May 12 Fibromyalgia Awareness Day.	2023-04-10	2023-04-25 Council
Zwicker Lake Core Committee	Re Letter of Complaint - Disrespectful Behaviour	2023-04-10	2023-04-25 Council
Gloria Shanks	S Re Old Shanks Road dated March 30, 2023	2023-04-10	2023-04-25 Council
Response to MP Blois	Re Highway 101 Twinning	2023-04-11	2023-04-25 Council
Hants County Federation of Agriculture	Re Expression of Appreciation for meeting	2023-04-11	2023-04-25 Council
Trevor Levy	Re Scotch Village Station Road Development	2023-04-14	2023-04-25 Council

Correspondence Received

Mark Kehoe	Re 2023-24 Tax Exemption Concern - Upper Vaughan	2023-04-16	2023-04-25 Council
Tom Levy	Re 301 Station Road Development	2023-04-16	2023-04-25 Council
Roberto Gueli and Anke Kungl	Re Community feedback for Sustainable Hill proposal	2024-04-17	2023-04-25 Council
Glooscap First Nation	Letter of Intent Re Proposed Addition to Reserve, Glooscap First Nation	2023-04-18	2023-04-25 Council
VREN to WHRM	Re Regional Enterprise Networks Review	2023-04-18	2023-04-25 Council
Mike Smith	Re Support of the Proposal from Sustainable Hill Campground and Yoga Dome	2023-04-20	2023-04-25 Council
Kathy Blois, Chair Hants County Senior Safety Association	Re Letter of Notice	2023-04-20	2023-04-25 Council
Seamus Marriot	Re FOIPOP Follow up	2023-04-20	2023-04-25 Council
Erin Naugler	Re Falmouth Highway Access	2023-04-23	2023-04-25 Council
Jessica and Allan Hill	Re Additional Considerations for Sustainable Hill's Application	2023-04-24	2023-04-25 Council
Karen Bourque-Ward and Art Ward	Re Scotch Village Station Road PID 45166915	2023-04-24	2023-04-25 Council
Wesley Petite	Re MPSA Retroactive Pay	2023-04-24	2023-04-25 Council
Hants County Federation of Agriculture	Re Scotch Village Rezoning Application	2023-04-25	2023-04-25 Council
Andrew Hardman	Re 997 Highway 14 - Zoning Change challenge	2023-04-26	2023-05-09 COTW
Guide Furlani	Re Concerns re 20 deer roaming and eating anything they can	2023-04-26	2023-05-09 COTW
Trevor Levy	Re Scotch Village Station Rd. PID 45166915	2023-04-26	2023-05-09 COTW
Denise Forand	Re Windsor Causeway and my Windsor's township waterfront vision	2023-04-27	2023-05-09 COTW
Barry Maxner	Re 50% Tax Reduction Request pertaining to Zwicker Lake Property and Pisiquid Canoe Club Concerns	2023-04-29	2023-05-09 COTW
Margot Bureaux	Re Banners	2023-05-02	2023-05-09 COTW
2023-05-03 Grant Thomas	Re Theft	2023-05-03	2023-05-09 COTW
Aissa Thomas	Re Windsor Textile Development	2023-05-04	2023-05-09 COTW
Art Ward	Re Scotch Village Station Road PID 45166915	2023-05-06	2023-05-09 COTW

Correspondence Received

Core Committee Zwicker Lake Property Owners	Re CCBF Funding and the Canoe Club	2023-05-08	2023-05-09 COTW
John Fitzgerald	Re Scotch Village yoga retreat	2023-05-10	2023-05-23 Council
Karen Fitzgerald	Re Yoga resort plan	2023-05-10	2023-05-23 Council
Bill Preston	Re Unsightly etc.	2023-05-11	2023-05-23 Council
Garret Johnston	Re Avon Street Erosion Hantsport Nova Scotia	2023-05-11	2023-05-23 Council
Margy Fletcher	Re Expansion to King Street from Payzant Drive	2023-05-11	2023-05-23 Council
Art Ward and Karen Bourque-Ward	Re Scotch Village Station Road PID 45166915 and PID 45148608.	2023-05-15	2023-05-23 Council
Letter to NSFM from the Minister of Municipal Affairs and Housing	Re 12 Month Notice	2023-05-15	2023-05-23 Council
Andrew Hardman	Re Property Tax Exemption List	2023-05-15	2023-05-23 Council
Upper Vaughan Property Owners	Re 997 Highway 14, Permit #C2020-371	2023-05-15	2023-05-23 Council
Denise Forand	Re Waterfront options are ours to design for generations to come. Ebb n Flow.	2023-05-16	2023-05-23 Council
Warden Nickerson	Re RCMP Retroactive Costs - Copy	2023-05-18	2023-05-23 Council
Art Ward	Re Proposed DA for Scotch Village Station Road PID 45166915 and PID 45148608.	2023-05-19	2023-05-23 Council
Shelley Arsenault	Re Rezoning and Development of Agricultural Land	2023-05-19	2023-05-23 Council
Lee and Debbie Watson	Re Old Railway, Collapse in Mt Denson	2023-05-21	2023-05-23 Council
Dave Smith	Re Zwicker Lake Petition	2023-05-22	2023-05-23 Council
Seamus Marriott	Re Petition to Reconsider Canoe Club Tax Exemption	2023-05-22	2023-05-23 Council

From: John Fitzgerald
To: [Sara Poirier](#)
Cc: [PublicOnlyCouncilEmail](#)
Subject: Re: scotchy village yoga retreat
Date: Wednesday, May 10, 2023 7:21:25 PM

Caution [External Email]

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On Wed., May 10, 2023, 1:13 p.m. John Fitzgerald wrote:

Hello Sara

Concerning the development of the yoga retreat on Scotch village station road, just to be clear, we are not in favour of the development to continue. Along with all of the concerns already mentioned and brought to the forefront, there is also a concern for the safety of their patrons during hunting season. Although no trespassing signs will be posted, human nature will have the resort's customers exploring nature and the woods surrounding the retreats properties extremities. For the local enthusiasts who enjoy deer hunting, which begins the first part of September and runs until the first part of December, coyote season is all year long. This should be of concern for someone trying to run a business, housing upwards of 50 to 60 people in an outdoor environment on seven acres of land. Also concerning for a greater number of people that may be attending an outdoor event.

Just one of my concerns that must be considered if given the opportunity for approval.

Regards
John Fitzgerald

From:
To: [PublicOnlyCouncilEmail](#)
Subject: Yoga resort plan
Date: Wednesday, May 10, 2023 10:13:10 PM

Caution [External Email]

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Hi my name is Karen Fitzgerald.

I have voiced a few concerns in regards to this ,campground,yoga plan in Scotch village, Station rd at past meetings. I will mention them again. I do have an issue with how this could change the Herbert river. We are just starting to see salmon return there, and other fish and aquatic life. We own property along the same riverbank. Another concern for me, there could be a very strong possibility that we could have people wandering onto our property. I know that the Hills have said they plan on putting up signage, but that isn't such a guarantee for me. I would think they would have to put fencing up on bordering properties, such as they have at Smileys Park, which also has much more acreage to accommodate campers. Another concern is noise. We are all aware that there is a quiet time set, but we also all know, that doesn't always go by plan. Everyone seems to be aware, that a good portion of that property is on flood land, so again, there is a potential threat to the river. I believe the Hills have a dream and a plan, and that's great, but I don't believe this particular property would be suitable for this campground/yoga resort outfit.

Thank you

Sent from my Galaxy Tab A

From: [Abraham Zebian](#)
To: Bill Preston
Cc: [Paul Morton](#); [Deanna Snair](#)
Subject: Re: Unsightly etc.
Date: Thursday, May 11, 2023 12:27:49 PM

On May 11, 2023, at 12:19 PM, William Preston wrote:

Caution [External Email]

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Councillor Morton,

Within the community of Hantsport there is numerous unsightly Properties.

There is a by-law enforced by officers that enforces that specific By-law if reported by a citizen. Is that a citizens responsibility when we have those officers working for the municipality.

Why not have an officer go into communities notice unsightly properties, knock on the door and bring it to the residents attention. I have heard that Windsor may do that..I would like to have this correspondence read at COW meeting or Council.

Regards
Bill Preston
Hantsport,

Sent from my iPad

From: [Abraham Zebian](#)
To: Avon Street
Cc: [Deanna Snair](#)
Subject: Re: Avon Street Erosion - Hantsport Nova Scotia
Date: Thursday, May 11, 2023 12:12:07 PM

On May 11, 2023, at 12:09 PM, Avon Street

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Good morning Ministers and elected officials,

My name is Garret Johnston. I represent a committee of home owners along the Avon River in Hantsport & Hants Border, whose homes and local infrastructure are experiencing high levels of erosion (coordinates of the location 45.07316217014729, -64.17720597637923). I write to you today to request some of your time to discuss and determine the next steps of our objective to obtain assistance in reestablishing our bank protection infrastructure to preserve our properties and community.

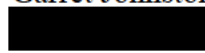
This area is unique due municipal boundaries / jurisdictions as well as what was implemented by the government back in 1976 (see attached Image A). A project where greywacke armour stone was deposited along the river bed, above the high water mark to act as a river bank protection infrastructure. To date, there has been no maintenance conducted to this infrastructure, resulting in large sections destroyed and left unprotected (see attached image B).

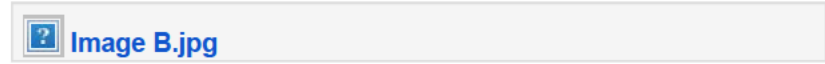
Actions taken to date:

Presentation to West Hants County Council
Presentation to Kings County Council
Presentation to MLA's (King's South & Hants West)
Discussions with Provincial departmental leads and delegates

I hope to hear from you in the near future

Respectfully,
Garret Johnston


Avon Street Erosion Committee



<Image A.jpg>

From: [Laurie Murley](#)
To: [Abraham Zebian](#); [Paul Morton](#); [Deanna Snair](#); [WWH Council](#)
Subject: Fwd: Expansion to King street from Payzant Drive
Date: Thursday, May 11, 2023 10:37:44 PM

From: Margy Fletcher **Date:** May 8, 2023 at 2:15:01 PM
ADT
To: Laurie Murley <lmurley@westhants.ca>
Subject: Expansion to King street from Payzant Drive

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I was looking at the future development plans for Payzant Drive. It is a nightmare certain times of day to get to Wentworth Road. Before you decide on a round-about how about opening up Payzant to King Street first. It is common since. The gate at top of Underwood also needs to be open, we aren't a town and county anymore. The new street that is open to The Crossing is being used daily even though it is not paved yet. Also behind my house the developer has a pile of mud/soil. When he put it there he filled in the ditch that drains the water off the hill. When it rains the water settles under my fence in the yard. I used 8 bags of mulch last fall on my garden, it is under mud now. Water has washed away fill from around the cement posts that holds up my fence, it now moves in the wind, one panel blew out and had to be repaired. It is an older fence but I can't afford to replace it. with the dust I haven't been able to sit in my yard for 3 summers. Can only use clothes line on weekends. I know it won't end until construction is done, but it is getting annoying that I have to repair things that weren't broken.

Thank you,
Margy Fletcher

From: Andrew Hardman
To: PublicOnlyCouncilEmail
Cc: "Ada & Ed Smith"; "Andrew"; Andrew Hardman; "Barry Maxner"; "beverly.lake "Brian Peveril"; "daveinwhitehorn"; "Debbie Innes"; "Denise Thibault"; "Doug Christie"; "Faylene Lunn"; "Greg O'Leary"; "Heather Peveril"; "Heidi"; "Janet Maxner"; "JANIS KINNIE"; "Joanne OLeary"; "johna brownless"; "joshinny; Kevin Smith; "ktcopeland; "Lee"; "Liam Kelley"; Marcel Simard; "Mark Kehoe"; "Nick"; "Robin Christie"; "Ron Smith"; "Seamus Marriott"; "Seamus Marriott"; "sharon daniels"; "Shirley Pineo"; "Shirley Walker"; "Smeltzers"; "Stewart Russell"; "Thelma Chandler"; "Traci Curry"
Subject: Property tax
Date: Monday, May 15, 2023 2:16:54 PM

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Councillors

As a property owner and taxpayer within the Municipality of West Hants I wish to petition and appeal the decision of Council to exempt the Pisiqid Canoe Club from paying property taxes on the 4 PIDS (45041886, 45041878, 45382900, 45382918) they own in Upper Vaughan. Rationale: Reviewing the West Hants Municipal Tax Exemption Policy, I believe this exemption may have been granted in error.
Section 4 of the Tax Exemption Policy with comments.

4. CLASSIFICATION and REQUIREMENTS

4.1 Registered Canadian Charity – property of a registered Canadian charitable organization that is used directly for charitable purpose. These properties may be eligible for tax exemption. The Pisiqid Canoe Club is not a Charity, so section 4.1 does not apply.

4.2 Non-profit – property of a non-profit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organization, if, in the opinion of Council, the organization provides a service that might otherwise be a responsibility of the Municipality. These properties may be eligible for tax exemption. The Pisiqid Canoe Club is a registered non-profit “recreational” organization, but they do not provide a service that is the responsibility of the Municipality, so section 4.2 does not apply.

4.3 Non-profit Commercial – commercial properties of any non-profit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organization. These properties may be given a tax reduction from the commercial to residential rate on all or part of the taxable commercial property, provided they have submitted appropriate documentation.

If the Pisiqid Canoe Club's property was properly zoned for their activities, this is where they should have been recognized and given a reduction from commercial rates to residential. The Windsor Curling Club is a comparable example to the PPC and fits into this section.

Our Municipal budget requires a certain tax dollar contribution. When a property owner is exempt from contributing to that budget total, the burden falls on the other residents to pay more taxes to achieve the same total amount. Also, the property owner still receives all services paid for with the property tax contributions by others. No one from WHRM should have to foot the bill for the services provided to a private canoe club with an annual membership fee of \$2100+.

The Pisiqid Canoe Club has assets (property and cash) in excess of over one million dollars. I know

of many residents within WHRM that have far less and struggle each year to pay their fair share, yet the PCC gets a free ride. The PCC group of properties in Upper Vaughan is assessed at close to \$900, 000, which equates to a tax revenue of over \$9000. If WHRM does not need this revenue I am sure that there are a number of low-income families within the community that could benefit from a property tax supplement.

The council's argument to exempt the PCC now as one day the organization might meet fall within the regulation is not logical. The tax exemption process is reviewed annually. Should the status of the PCC or any organization change, deal with it then.

As the property tax exemption/reduction request is an annual process. Each year council reviews applications and make decisions based on the policy. If a previous council failed to follow the policy and gave an organization a tax-exempt status, that does not mean that the present and future councils need to continue the error and disregard policy. The idea is to learn from mistakes not to replicate them.

The options for council are:

1. Council can grandfather the decision made in error and then move forward implementing the policy as written for new applications.
2. Council can acknowledge the error made previously and within the annual review do a reset for all organizations, thus implementing the policy in a fair and non-bias manner.

As a property owner and taxpayer of WHRM, I request that this issue be placed back on the council agenda for debate and another vote. Hopefully with a clearer lens on this issue council will decide to implement Municipal Tax Exemption Policy as written rather than bowing and bending to internal pressures.

Thank you in advance for your reconsideration of this matter.

Regards,

Andrew Hardman
Upper vaughan, NS

From: Art Ward
To: [PublicOnlyCouncilEmail](#)
Cc: [Sara Poirier](#)
Subject: Scotch Village Station Road PID 45166915 and PID 45148608.
Date: Monday, May 15, 2023 9:52:33 AM

Caution [External Email]

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West Hants Regional Municipality -Mayor Zebian and All Councillors
cc. Sara Poirier, Director of Planning and Development

May15,2023

Dear council members,

Our remarks are in response to the proposed development agreement Scotch Village Station Road PID 45166915 and PID 45148608.

We are very much opposed to the development of a commercial campground and yoga retreat on the property next door to us. For 26 years we have enjoyed quiet and peaceful rural living on Station Road. According to the agrologist's report, should this development proceed we could expect some adverse effect to us from a nuisance and liability perspective. Noise, litter and increased traffic are certain. Vandalism is not to be discounted. The risk of forest fire will be elevated possibly due to careless smoking by patrons. Also, there is the possibility of loose dogs chasing wild life. We feel that the worth of our property will be devalued as well not only because of the nuisance factors but also due to the unappealing presence of a large parking lot with many cars , RVs, tiny homes and other structures next door.

The likelihood of trespassing is one of our greatest concerns. There are trails that we have built over the years in the woodlot on our property. We walk them daily enjoying the beauty, aroma and serenity of this mature forest. We consider this to be our backyard and a private space. It is also a haven for wild life and plants, some of which are species at risk. There are no similar trails on the Hill's land and because of very easy access to this area, trespassing is anticipated.

We also have liability concerns. There is about a 70-80 foot steep drop to the river from one trail that is entangled with large tree roots from erosion. Someone, especially a child could trip and be injured in a fall. There are other dangers from steep sink holes, ponds and storm damaged trees. We do not think that posting 'No Trespassing' signs will be sufficient to address these trespassing issues.

Therefore, should this agreement proceed, we would like a 6 foot high fence installed that would be effective in preventing trespassing onto our property. This and adequate "No Trespassing" signs would help to ensure our privacy and to alleviate safety concerns for would be wayward campers. The erecting of this fencing and signage should be included as part of the development agreement and the installation completed before the arrival of any paying customers to the campground or yoga retreat. Please keep us informed of any progress in addressing this request.

Respectfully yours,
Art Ward and Karen Bourque-ward.



**Municipal Affairs and Housing
Office of the Minister**

PO Box 216, Halifax, Nova Scotia, Canada B3J 2M4 • Telephone 902-424-5550 Fax 902-424-0581 • novascotia.ca

May 15, 2023

Mayor Brenda Chisholm-Beaton
President, Nova Scotia Federation of Municipalities
Suite 1106, 1809 Barrington Street
Halifax, Nova Scotia
B3J 2K8

Dear President Chisholm-Beaton,

Under the provisions of the *Municipal Government Act*, the Minister of Municipal Affairs and Housing must provide to the Nova Scotia Federation of Municipalities (NSFM) 12-months' notice of any provincial legislation, regulation, or administrative actions that could have the effect of decreasing revenues or increasing the required expenditures of municipalities. This letter is intended to provide notice of such changes for fiscal year 2024-2025 and beyond.

The Department of Municipal Affairs and Housing (DMAH) canvassed all other provincial departments to seek information on plans for legislative, regulatory, and policy changes in the coming fiscal year. Below you will find a summary of the results of that process.

Additionally, you will find as an appendix to this notice a listing of other related initiatives that departments feel municipalities should be made aware.

DEPARTMENT OF JUSTICE

Biological Casework Analysis Agreement

The Biological Casework Analysis Agreement provides Nova Scotia's municipalities with DNA analysis arising from criminal investigations. DNA analysis is an important and affordable service that helps solve crimes. The 2023-24 financial cost of this program is expected to be \$845,000 however the proration of the cost to municipalities will be reassessed upon the Department of Municipal Affairs and Housing's release of the "Uniform Assessment" for 2023-24.

If any of the above content is unclear or should you have any questions regarding the provided information, please do not hesitate to contact the corresponding department for clarification.

DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE

Construction and Demolition Debris Regulation and Guideline Changes

As noted in the letter to the Nova Scotia Federation of Municipalities on January 4, 2023 (which was a supplement to the notice for fiscal year 2023-24), the Province has approved changes to the construction and demolition (C&D) debris management in Nova Scotia.

These new measures are designed to ensure that C&D debris management (including disposal, storage, transfer, and processing) does not cause adverse environmental impacts. ECC completed a review of C&D debris management in response to fires and groundwater impacts that occurred at existing C&D debris disposal facilities, as well as community concerns about facilities that store, transfer, and process these materials. The review included engagement and consultation with municipalities, construction industry stakeholders, environmental groups, waste management stakeholders, and provincial government departments.

Amendments to the Activities Designation Regulations and the Solid Waste Resource Management Regulations mean that, starting on July 5, 2023, chemically treated wood will no longer be accepted for disposal at C&D debris facilities. Instead, these materials can be reused, repurposed, or disposed of in municipal solid waste landfills. Storage, transfer, and processing will continue to be permitted for treated wood.

As well, this fall, ECC engaged stakeholders on proposed amendments to the following guidelines:

- Solid Waste Management Facility Guidelines for Construction and Demolition Debris Storage, Transfer, Process and Disposal;
- Solid Waste Management Facility Guidelines for Municipal Waste Transfer.

The guidelines outline details on siting, design, and operational requirements to prevent environmental impacts. Terms and conditions of approvals will outline further site-specific details, which will be developed case-by-case with the facility's respective ECC regional office.

The proposed amended guidelines include an implementation timeline for the ban on treated wood. The implementation of the ban will be staged by having education compliance during the first year to reduce costs associated with adhering to the ban. Municipalities were engaged on this approach during the fall targeted engagement sessions.

In addition, facilities storing, transferring, or processing C&D debris will now require an operating approval from ECC. Previously, only C&D debris required an operating approval. Amending approvals to include C&D transfer, process and storage will be required by July 5, 2023, but any significant terms and conditions will have staged timelines to allow for one year notice. Please note that any new facilities (brand new sites; not currently operating) and expansions of current disposal sites would be subject to requirements starting July 5, 2023.

Coastal Protection Act

As indicated in last year's letter, it is possible municipalities will incur incremental costs related to implementation of the *Coastal Protection Act* and *Coastal Protection Regulations* in the coming fiscal year. Nova Scotia Environment and Climate Change (ECC) is providing notice of changes which will be required in building permit approval and compliance processes once the *Coastal Protection Act* is proclaimed. This legislation will provide consistent, province-wide protection for our coast by restricting development and related activity where structures will be at risk from coastal flooding and coastal erosion, or where they will cause unnecessary interference with or damage to coastal ecosystems.

Once proclaimed into law, this legislation would create a Coastal Protection Zone, within which the regulations apply. Municipalities would be allowed to issue a building permit for structures within the Coastal Protection Zone if the proposed location of the construction is above a minimum building elevation specified in the regulations and is situated upland of a site-specific horizontal setback certified by a designated professional. This will require modifications to municipal administrative processes for building permits.

Subject to the final form of the regulations, it is anticipated that the municipality will be expected to determine whether the proposed location of the construction is located within the Coastal Protection Zone and whether the regulations apply to the general type of construction and/or the type of structure to be built or expanded. If the regulations apply, the municipality may be required to determine whether the proposed location is above the minimum building elevation prescribed in the regulations and upland of the horizontal setback certified by the designated professional in a coastal erosion risk factor assessment report accompanying the permit application. They also may be required to ensure the designated professional is a member in good standing of the relevant professional body at the time the report was signed.

It is expected that the responsibility for competent, accurate and objective certification of the horizontal setback will rest with the designated professional, with forms and a standard methodology for determining the setback prescribed by regulation and provided by ECC.

Specifics regarding which professional groups will qualify to provide the certification, standards, forms to be used, and other administrative details will be set out in regulations. ECC expects to support municipal officials with training, support materials and digital mapping resources to help interpret the regulations and where they apply.

Sincerely,



Honourable John Lohr
Minister of Municipal Affairs and Housing

Appendix A:

DEPARTMENT OF INTERGOVERNMENTAL AFFAIRS

Procurement

Every two years, Global Affairs Canada updates its thresholds for covered procurements under the Canada-Europe Trade Agreement (CETA), the Canada-UK Trade Continuity Agreement (TCA) and the Canada Free Trade Agreement (CFTA), which covers internal trade within Canada. Municipal procurements are covered under these obligations. All procurements above the thresholds must be publicly tendered unless subject to an exemption.

Thresholds were last updated on January 1, 2022, and are as follows:

	CETA Thresholds	TCA	CFTA Thresholds
Goods	\$366,800	\$366,800	\$121,200
Services	\$366,800	\$366,800	\$121,200
Construction	\$9.1M	\$9.1M	\$302,900

The next update will be posted in December 2023 for calendar years 2024 and 2025. These thresholds are calculated based on data that will not be available until the end of next year, so at this time, the scope for municipal involvement is not known. We will advise as soon as we receive updated information.

Municipal officials may contact Intergovernmental Affairs, Trade Policy, with any questions related to municipal procurement obligations under trade agreements.

DEPARTMENT OF JUSTICE

RCMP Collective Bargaining Agreements

The RCMP National Police Federation's collective bargaining agreement with the federal government will expire on March 31, 2023, and new contract negotiations are expected to begin. In addition, labour contract negotiations are ongoing for RCMP telecom operators and intercept monitoring employees for the period April 1, 2016, to March 31, 2023. The cost implications and its future impacts cannot be determined until these negotiations have settled. We will monitor the situation closely and keep municipalities up to date as the process moves forward.

The Accessibility Act

Work is underway on the development of the accessibility standard for the built environment. There will be an opportunity for municipalities, villages, and Nova Scotians to provide feedback or input once the standard has been drafted. The goal is to make the regulations effective in 2024. A compliance and enforcement framework has been approved. At a minimum, one-year notice will be given to municipalities and villages of any policy and regulation change related to obligations under the Accessibility Act and standards that impact revenue or expenditures.

Amendments to the Part XX of the Municipal Government Act

The Attorney General and Minister of Justice's Mandate Letter of September 14, 2021 directs the Minister to [a]mend the Freedom of Information and Protection of Privacy Act to give order-making ability to the Privacy Commissioner. These amendments, as well as other amendments aimed at modernizing the act are anticipated to be brought forward by government at a future sitting of the House of Assembly. To ensure consistency in access and privacy legislation, Part XX of the Municipal Government Act will be updated at the same time.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Peggy's Cove Commission Act

A review is seeking to modernize the role and administration of the Peggy's Cove Commission. While it is too early to speculate on the outcomes of the review, given the location of Peggy's Cove within the boundaries of HRM, any proposed changes to the Act, or to the administration of it, could have an impact on the municipality, for example shifting responsibility for planning approvals.

Community Economic Development

The Department's mandated review of structures and mechanisms to support economic development includes reviewing the current structure and function of the Regional Enterprise Networks (RENs). Over the past several months, the Department has been engaging with the RENs, municipalities, sector and business leaders in communities across Nova Scotia to ensure the best model for community economic development in Nova Scotia. The outcome of this review has the potential to impact the existing REN model, and therefore our municipal funding partners.

DEPARTMENT OF NATURAL RESOURCES AND RENEWABLES

Feeding Wildlife

The department is currently undertaking consultations on regulations pertaining to the feeding of wildlife, with a goal of introducing regulations in 2023. It is possible there will be impacts on municipalities in relation to green bins and garbage handling, but it is too early to say definitively, and the actions may be limited to supporting NRR's public education efforts. As we complete consultations and move into the regulation writing phase, municipalities will be kept informed.

From: Andrew Hardman
To: PublicOnlyCouncilEmail
Cc: "Ada & Ed Smith"; "Andrew"; "Barry Maxner; Beverley Lake; "Brian Peveril"; "Davein Whitehorn"; "Debbie Innes"; "Denise Thibault"; "Doug CJo Skinny"; "Kevin Smith"; "kK. Copeland; "Lee"; "Liam Kelley"; "Marcel Simard"; "Mark Kehoe"; "Nick"; "Robin Christie"; "Ron Smith"; "Seamus Marriott"; "Seamus Marriott"; "sharon daniels"; "Shirley Pineo"; "Shirley Walker"; "Smeltzers"; "Stewart Russell"; "Thelma Chandler"; "Traci Curry"
Subject: RE: 997 Highway 14, Permit #C2020-371
Date: Monday, May 15, 2023 9:24:49 PM
Attachments: [image011.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)
[image019.png](#)
[image020.png](#)
[image021.png](#)
[image022.png](#)
[image023.png](#)

Caution [External Email]

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Our apologies

In our last email it may have been confusing that the CAO made the entire suggestion/statement

“As was suggested in the PAC/HAC meeting, this lot needs to be put back the way it was before abusive (as the CAO stated) activities started.”

The CAO’s reference was only “a land owner that was essentially abusing the use of the site.....”.

The suggestion for remediation came from another committee member

From: Andrew Hardman
Sent: May 15, 2023 8:33 PM
To: 'PublicOnlyCouncilEmail' <allcouncil@westhants.ca>
Cc: 'Ada & Ed Smith' ; 'Andrew' Andrew Hardman; 'Barry Maxner' ; 'Beverly Lake'; 'Brian Peveril'; 'Davein Whitehorn'; 'Debbie Innes' >; 'Denise Thibault'; <C. Thibault 'Doug Christie' ; 'Greg O'Leary 'Heather Peveril'; 'Heidi' 'Janet Maxner' <Janet Maxner 'JANIS KINNIE' 'Joanne OLeary' ; 'John Brownless; 'joshinny@gmail.com'; Kevin Smith; 'K T Copeland; 'Lee'; 'Liam Kelley' Marcel Simard ; 'Mark Kehoe' 'Nick' Shanks ; 'Robin Christie' ; 'Ron Smith'; 'Seamus Marriott' 'Seamus Marriott'; Sharon Daniels; 'Shirley Pineo'; 'Shirley Walker'; 'Smeltzers'; 'Stewart Russell'; 'Thelma Chandler' ; 'Traci Curry'
Subject: 997 Highway 14, Permit #C2020-371

Please note: We have do not have all PAC/HAC members’ email contact info. Councillor Ivey or Councillor Murley, would you kindly forward this email to them? We think they would be interested.

Hello Councillors and PAC/HAC Members

We watched the latest Planning and Heritage Advisory Committee (PAC/HAC) meeting with great interest.

CAO Mark Phillips pointed out that there were 2 issues being mixed up with regard to this property.

1. The current use of the site as commercial/industrial storage and distribution and a request to change the zoning to M1. Staff are clearly dealing with this one and it will be before council shortly. Council and staff will still need to deal with how the property will be remediated.
2. The second issue that members of the PAC/HAC were asking about was the building itself. The reference development permit is C2020-371 (attached). What was especially interesting is that councillors asked some very specific questions that staffers seemed to talk around but did not answer fully, referring to the building as a personal storage and citing construction timing. And that it was in conformance with the permit. Yes, the use may very well be in conformance with the permit, but we do not believe that the permit conforms with the WHRM Land Use By-laws in the first place. That is what we believe the PAC/HAC was trying to get at.

During the meeting Ms. Poirier and Mayor Zebian clarified the role of the Development Officer (DO). That is, the DO enforces the by-laws created by council. Those by-laws are well documented so there can be no misunderstanding.

So, let's go through the logic of why this permit may not be in conformance with the WHRM LUB.

- A. The proposed use of this building on Permit # C2020-371 is garage. Regardless of the building type or who uses the building or the description of use, garage is NOT a permitted use according to Section 22.1 of the LUB.

So, it would have to be a secondary or an accessory use to a main building.

Per 5.1(d)(i): In the General Resource zone an accessory building may be built prior to a seasonal dwelling. However, only a boathouse, dock or storage shed may be built (not a garage).

You will notice that, on the permit, the DO wove "shed" and "storage" into the wording of the DP, but never called it a "storage shed". We have seen this type of word weaving before on other development permits. It could be deceiving and confusing for some readers.

In the conditions the DO calls it a "detached garage". And refers to Section 5.1(d) of the LUB which contradicts the conditions.

The intent of 5.1(d)(i) is to allow would-be cottage owners to begin using and enjoying a rural lot before



building a cottage. To have a boat and store a few things in a shed.

Permit #: C2020-371	Issued Date: September 10, 2020	
Property Address: 997 Highway 14, Upper Vaughan	PID: 45041902	AAN: 00136514
Land Use Zone(s): GR	Lot:	
Class of Work: Construction	Bldg Type: Garage/Carport/Shed	Designation:
Estimated Cost of Construction: \$175,000.00		
Proposed Use: Garage		
Use Description: Storage building		
Owner: 3222228 Nova Scotia Limited	Applicant: William Clarke	Contractor:

Conditions:

Development permit issued for a detached garage to be used for personal storage purposes only. As per section 5.1(d) of L.U.B. Setbacks from property lines approved as per site plan submitted with application. Height not to exceed 20 feet. This Development permit shall automatically expire 12 months from the date of issuance.

5.0 GENERAL PROVISIONS FOR ALL ZONES

Accessory Buildings and Structures

- 5.1 (a) An accessory building or structure is permitted in any zone and may be used only as an accessory use to the main building or use, but it shall not:
- (i) be used as a dwelling unit except where a dwelling is a permitted accessory use;
 - (ii) be built within 6 ft (1.83 m) of the main building;
 - (iii) be built closer to the street than the main building on the lot except in the Prime Agriculture (P/Ag) zone;
 - (iv) be built closer to any lot line than the minimum setback required in the zone for the main building, except that:
 - Common garages for semi-detached dwellings may be centred on a mutual side lot line;
 - Garages and storage sheds may be built a minimum of 4 ft (1.22 m) from the side and rear lot lines;
 - Boat houses and docks may be built to the lot line where the lot line corresponds to the water's edge.
- (b) Notwithstanding clauses (iii) and (iv) of Section 5.1(a), an accessory building or structure may be located in the front yard or a lot but in no case shall be less than 60 ft (18.29 m) from the front lot line.
- (c) Notwithstanding anything else in this By-law, awnings, clothesline poles, flag poles, garden trellises, retaining walls, ornamental fountains, statues, monuments, memorials and fences shall be exempt from any requirement under subsection (a).
- (d) Not accessory building or structure shall be constructed:
- (i) prior to the time of construction of the main building to which it is accessory, except that a boat house, dock or storage shed may be built prior to construction of a seasonal dwelling only on a lot located in the General Resource (GR) zone; or
 - (ii) prior to the establishment of the main use of the land where no main building is to be built.

B. Per 22.1. the seasonal dwelling MUST be on a private road. The property address for permit #C2020-371 is 997 Highway 14, Upper Vaughan. This is a public highway.

22.0 GENERAL RESOURCE (GR)

Permitted Uses

22.1 The following uses shall be permitted in the General Resource (GR) zone:

- Agricultural support uses
- Agricultural uses
- Automobile service stations
- Churches, community centres and fire halls
- Farm equipment sales and service
- Forestry and forestry related activities
- Indoor storage facilities accessory to an agricultural use subject to Section 5.19 (Amendment 18-03 Effective December 25, 2018)
- Manufactured homes
- Personal service shops
- Restaurants
- Retail stores under 5,000 ft² (464.52 m²) in commercial floor area
- Seasonal dwellings on private roads
- Single and two unit dwellings
- Structures associated with sand and gravel extraction operations
- Existing automobile, truck and motorcycle sales, service and rental establishments
- Existing commercial and institutional uses (Amendment WHLUB 14-01 Effective January 22, 2015)

- C. Per 5.1 (a) (iii) the accessory building may not be built closer to the street than the main building. We are not sure how that would happen since the garage seems to be built as far forward as you could possibly get it. AND, why would anyone want to build a seasonal dwelling (cottage) 25 feet from Highway 14?

5.0 GENERAL PROVISIONS FOR ALL ZONES

Accessory Buildings and Structures

- 5.1 (a) An accessory building or structure is permitted in any zone and may be used only as an accessory use to the main building or use, but it shall not:
- (i) be used as a dwelling unit except where a dwelling is a permitted accessory use;
 - (ii) be built within 6 ft (1.83 m) of the main building;
 - (iii) be built closer to the street than the main building on the lot except in the Prime Agriculture (P/Ag) zone;

In summary, within the General Resource zone:

- An accessory building built prior to a main building **MUST** be an accessory to a seasonal dwelling
- The seasonal dwelling **MUST** be on a private road (not a public highway)
- The accessory building **MUST** be a dock, boathouse or storage shed (not garage)
- The accessory building **MUST NOT** be closer to the street than the main building.

It seems that the DO has made more than one mistake on this Development Permit.

The role of the DO is governed by the Municipal Government Act (MGA), which clearly states that the DO needs to follow the WHRM by-laws. See section 246 (1) of the MGA and Sections 2.3 (b) and 2.4 (b) of the WHRM by-laws.

Limitations on granting development permit

246 (1) A development permit shall be issued for a proposed development if the development meets the requirements of the land-use by-law, the terms of a development agreement or an approved site plan.

Licences, Permits and Compliance with Other By-laws

- 2.3 (a) Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law of the Municipality or from obtaining any license, permission, permit, authority or approval required by any other By-law of the Municipality of any act or regulation of the Province of Nova Scotia or the Government of Canada.
- (b) Where the provisions of this By-law conflict with those of any other By-law of the Municipality or any act or regulation of the Province or the Government of Canada, the higher or more stringent provision shall prevail.

Development Permit

- 2.4 (a) Unless otherwise stated in this By-law, no person shall use land or erect, alter or use any building or structure in the Municipality with first obtaining a development permit from the Development Officer.
- (b) The Development Officer shall only issue a development permit in conformance with this By-law or a duly executed and approved development agreement.

As was suggested in the PAC/HAC meeting, this lot needs to be put back the way it was before abusive (as the CAO stated) activities started. And that, we believe, was at the point in time that the permit was issued.

How would you like this mess in your rural and quiet neighbourhood?



FROM THE MUNICIPAL GOVERNMENT ACT

Development officer

243 (1) A council shall appoint a development officer to administer its land-use by-law and subdivision by-law.

Council and chief administrative officer relationship

30 (1) The chief administrative officer is the head of the administrative branch of the government of the municipality and is responsible to the council for the proper administration of the affairs of the municipality in accordance with the by-laws of the municipality and the policies adopted by the council.

WE DO NOT BELIEVE THAT A REASONABLE PERSON WOULD AGREE THAT DEVELOPMENT PERMIT #C2020-371 CONFORMS TO THE WHRM LAND USE BY-LAWS.

SINCE COUNCIL APPOINTED THIS DEVELOPMENT OFFICER, WE NEED COUNCIL TO TAKE ACTION. POSSIBLY ADOPT A POLICY TO FOLLOW INDUSTRY BEST PRACTICE OF HAVING A LEGAL REVIEW OF EVERY PERMIT. AND ANY OTHER ACTION THAT MAY BE APPROPRIATE IN A CASE LIKE THIS.

THE SITE NEEDS TO BE REMEDIATED. THE CONTAINERS, HEAVY EQUIPMENT AND BARRICADES NEED TO BE REMOVED, THE BUILDING NEEDS TO COME DOWN.

BEFORE WE TAKE THE NEXT STEPS, WE WOULD LIKE TO KNOW WHAT WHRM COUNCIL AND STAFF ARE GOING TO DO TO REMEDY THIS SITUATION.

PLEASE GET BACK TO US SOON.

WHEN YOU REPLY, COULD YOU PLEASE REPLY TO THE ENTIRE GROUP?

Sincerely, Upper Vaughan Property Owners

Note: Not all Upper Vaughan recipients of this email were aware of the content before sending. They have been copied for their information.

From: Denise Forand
To: melissa@hantswestpc.com; kody.blois@parl.qc.ca; Premier; DFO.MARRDGOCorrespondence-CorrespondanceBDGRMAR.MPO@dfo-mpo.qc.ca; PublicOnlyCouncilEmail
Subject: Waterfront options are ours to design for generations to come. Ebb n Flow.
Date: Tuesday, May 16, 2023 8:39:52 PM

Caution [External Email]

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

Dear Premier, Members of Parliament, Mayor and Members of Council and a special address to Melissa Sheehy-Richard in regards to her flyer distributed of her notice for standing up for Hants West and her television interview with Tim Houston.

- 1- This causeway, is still considered the worst environmental disasters by man done in our province.
- 2- this visual of a fake dead lake with only 4' of water that keeps lessening every year and no one hardly swam in as it has always had a water/sewage overflow pipe that is very exposed today with no water hiding it, but it has formed its own creek to the river.
- 3- The 15' of silt filled up the downtown lake space over the years to now limit us to 4' of water. The point is , this system wasn't working and the thoughts of another abiteau are downright foolish with my tax dollars.
- 4- This River needs to ebbs flow with every tide. Since DFO order came out for 10 minutes which is so minimal, the increase in life in our River has come back tenfold.
- 5- This, the worse environmental disaster of all times by man can be saved by great visionaries with the top priority being our environmental impact for generations to come.
- 6- why have you or your party not approve the Coastal protection Act or action the Leahy Report or listen and believe DFO and top environmental scientists and the recommendations from studies from our universities?
- 7- we can have so much with foresight and a balance with a brackish healthy river flowing thru our community giving us our living water system once again, just no ships as we once were famed for.
- 8- the Big Bass are back. Once upon a time we were know all over for the best bass fishing.
- 9- the Gaspereau are running and creating life in our rivers etal.
- 10- the Avon River through town and beyond is probably the cleanest, healthiest that it's been in 40 years, thanks to DFO ordering Tidal Flow.
- 12- properly managing some new gates with better operational features is key to maintaining a balance or
13- open flow like the Peticodiac River also looks amazing.

Please look beyond your scopes of the past dead lake vision (it wasn't that great) instead look for a newer vision moving forward to enhance what we are dealt with the wall of shame. The new highway is growing our wall of shame. Have you walk the causeway? We need to rise up our waterfront. The only place you can see the open free beautiful water outside the causeway is from the Fort or high on Avon Street. So sad for a town that was almost the Capital of Nova Scotia and had an amazing hay day with a beautiful tidal River that moved lumber, ships , ferries and more for about 200 years.

Nature is our best payoff especially for carbon.

Melissa you're not Standing up for me!

Your criticism of our Federal party is not Constructive criticism. Just criticism.
Poor performance as your party did nothing for years when in power either.
Stand up for our local hospital , homes for the working poor and let the scientists and environmentalists deal with
corrective measures of OUR Avon River.

Sincerely,
Denise Forand

Sent from my iPad

May 2, 2023

The Honourable Brad Johns
Attorney General and Minister of Justice
Department of Justice
1690 Hollis Street
P.O. Box 7
Halifax, NS
B3J 2L6

Re: RCMP Retroactive Costs

Dear Minister,

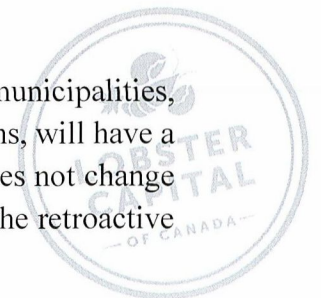
I am writing to you to express our concerns and profound disappointment in the federal government's decision to not absorb retroactive costs associated with the latest RCMP collective bargaining agreement.

Despite months of municipal advocacy led by the Federation of Canadian Municipalities (FCM), provincial-territorial associations and local leaders across Canada, the federal government has indicated in the most recent federal budget that it will not be meeting the request to absorb the retroactive costs associated with the latest RCMP collective bargaining agreement.

This confirms that communities across Canada that are dependent on RCMP services for local policing, such as us and many others in Nova Scotia, will be expected to cover these costs.

We share the Nova Scotia Federation of Municipalities' disappointment that the only relief offered to municipalities is a slightly extended timeline for repayment and are aware that FCM and other municipal associations are set on expressing our disappointment with this decision by issuing a joint statement.

That said, the decision to pass unbudgeted and unaccounted-for RCMP costs on to municipalities, without consulting or engaging local governments in the discussions and negotiations, will have a serious impact on municipal finances. For this reason, if the federal government does not change its decision, we respectfully request that the Province of Nova Scotia fully absorb the retroactive costs.

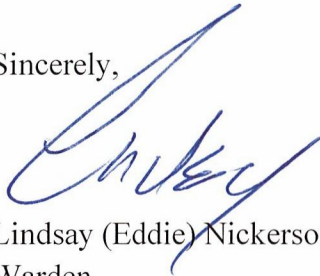


We realize that this request is substantial, but it is not being made lightly. As your colleague the Honourable John Lohr can attest, municipalities and towns are under increasing pressure to provide high-quality services at the lowest possible cost, all while managing the challenges relating to inflation and financial uncertainty. We are paying a growing share of policing costs and we cannot run deficits and have limited revenue tools, thus having a significant impact on our ability to maintain services as they are and adequately invest in our future.

We will continue to draw attention to this challenge, to help ensure municipalities are properly consulted on issues related to community policing and well-being going forward.

I thank you in advance for your serious consideration to this request. Please do not hesitate to contact me directly if you have any questions or would like to discuss this further.

Sincerely,



Lindsay (Eddie) Nickerson
Warden

cc: The Honourable Tim Houston, Premier of Nova Scotia
The Honourable John Lohr, Minister of Municipal Affairs and Housing
Mr. Nolan Young, M.L.A. for Shelburne
Mayor Chisholm-Beaton, President of the Nova Scotia Federation of Municipalities
All Nova Scotia Municipalities and Towns



From: Art Ward
To: [PublicOnlyCouncilEmail](#)
Subject: Proposed development agreement Scotch Village Station Road PID 45166915 and PID 45148608.
Date: Friday, May 19, 2023 10:37:29 AM

Caution [External Email]

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West Hants Regional Municipality-Mayor Zebian and All Councillors

May 19,2023

Dear Council members,

My letter is in response to the proposed development agreement Scotch Village Station Road PID 45166915 and PID 45148608.

Agricultural land in West Hants is being lost to development at an ever increasing rate.

I grew up in Middle Sackville and remember when it was much like Scotch Village is today. There were both large and small farms, some similar in size to the Hill's land.

The soil was rich, black, deep and fertile and was used for growing all kinds of produce. Cabbage, carrots, celery, turnips and more was shipped to Halifax. A hennery supplied eggs, chickens and turkeys.

Sackville now consists of subdivisions, trailer parks, commercial enterprises and a graveyard. The farmland has been developed.

I see the same thing is starting to happen here.

PID 45166915 is agricultural land. It contains good quality soil, much consisting of silt deposited over the years by the cyclical flooding of the Herbert river. Soil conservation should be a priority as opposed to a campground with a parking lot, RVs, washrooms needing a septic system and other structures.

Also, the watershed needs to be protected from possible contaminants such as soaps, human and dog waste and garbage. The habitat along the river supports plants and animals, one being the snapping turtle, a species at risk. They are negatively affected by human recreational activity and noise as are breeding birds and other wildlife.

During the past 26 years the property next door to me has had four different owners. I don't know how long the Hill family will be there. I do know that the land will remain for countless years to come. Will it's agricultural possibilities be preserved for use by future generations or will it become a campground and yoga studio that may not stand the test of time?

Considering climate challenges such as hotter and drier summers and with food insecurity rising it would be prudent to keep this piece of land agriculturally viable. With the excellent topsoil and the river for irrigation this land may one day help to feed animals by growing hay or the local area through market gardening. This possibility will become forever lost if it is zoned recreational commercial rather than the agricultural zoning that now protects it.

Sincerely yours,
Art Ward

Dear Mayor Zebian and Member of the West Hants Regional Municipal Council,

I have spent a lot of time in West Hants over the years. It is one of our favorite areas to visit as we get to see farm land and ocean views all within the same short drive. With my kids being in sports I have been in many of the wonderful venues. It was in some of these areas that I heard people talking about some re-zoning/development applications. In particular people seem very interested in applications that allow for the development of agricultural land for purposes other than agricultural. I have heard some people talk about re-zoning/developing family farms as the kids are no longer interested in farming them. As you are aware they would profit greatly if they were able to divide up farmland into individual PIDs and sell them for residential or commercial use. I can also say that as a current resident of HRM this is of great interest to both myself and many of my friends. West Hants has the unique ability to allow for both a country living lifestyle and a reasonable commute time to HRM.

I do not know which applications they were speaking about or what stage those applications are in. I write this to tell you that any re-zoning/development agreements of agricultural land will set a precedent that will allow future applications to draw on. About 20 years ago I lived in another province in a house that had been recently built on land that had been re-zoned from agricultural. I was advised that the land that was developed was the only land in that area that was to be turned into non-agricultural developments. When I moved in, the area behind my house and across the road were fields and forest. Within five years the fields and forest had turned into new subdivisions, new power line towers were installed and new businesses had started. The re-zoning/development that wasn't supposed to happen had happened because a precedent had been set and it was hard to justify denying future applications. The quiet country roads had a lot more traffic and traffic circles and lights were installed. The growth drew people and nearby businesses profited from this. However, it also drew more crime. In a short time, an area where people used to leave their doors unlocked turned into an area where they locked them. The local residents were very disappointed by what they viewed as mistruths from the municipality about the extent of re-zoning/development that was to occur. As you can see there were pros and cons to the approval for re-zoning/development agreements.

In closing I would like to say if the agreements/applications are going to be good for the community please approve them. However, please do so with the knowledge that approving development agreements/re-zoning of agricultural land for use other than agricultural is a precedent that you will set. This area is your home, it's where you live and therefore you are the best people to decide what you want the area to look and feel like now and in the future.

Respectfully,

A handwritten signature in cursive script, appearing to read "J. Leonard".

From: Lee & Debbie Watson
To: [PublicOnlyCouncilEmail](#)
Subject: Fw: Old Railway, Collapse-Mt Denson
Date: Sunday, May 21, 2023 7:27:49 AM

Caution [External Email]

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

Appears as though my original email could not be sent to the addresses, so will go this route.

From: Lee & Debbie Watson
Sent: Sunday, May 21, 2023 7:15 AM
To: sthornton@town.windsor.ns.ca ; azebian@westhants.ca
Cc: TIR_OCC@novascotia.ca
Subject: Old Railway, Collapse-Mt Denson

Not sure who to address this to. The old railway that runs through Mt Denson, below McKinley road has collapsed where several drainage ditches that collect water from highway # 1 runs. The water once simply was directed into the Avon River, however the railway has collapsed after years of none use and now is backing up, significantly, over my property as well as several other land owners. The water you see in the Pic, was never here in the past. This area is the bottom end of two drainage ditches that DOT have off highway # 1. About 3/4 Km from here. Neither ditch is maintained any longer except right at Highway # 1. As well no one is maintaining the railway any longer, so the results are seen in these PICs. There is also a home that is slightly above this pool of water, which is quite low. I can only assume if we get big weather, rain, things will become major. This pool of water has already taken about an acre of my land. I am not sure who is responsible to correct this, but I am sure it is not me.. Can someone shed some light on this?

Thanks

Lee Watson



Mt Denson

From: David Smith
To: [PublicOnlyCouncilEmail](#)
Subject: Zwicker
Date: Monday, May 22, 2023 11:56:07 AM

Caution [External Email]

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

Dear WHRM Council Members,

As a property owner and taxpayer within the Municipality of West Hants I wish to petition and appeal the decision of Council to exempt the Pisiqid Canoe Club from paying property taxes on the 4 PIDS (45041886, 45041878, 45382900, 45382918) they own in Upper Vaughan. Rationale: Reviewing the West Hants Municipal Tax Exemption Policy, I believe this exemption may have been granted in error. Section 4 of the Tax Exemption Policy with comments.

4. CLASSIFICATION and REQUIREMENTS

4.1 Registered Canadian Charity – property of a registered Canadian charitable organization that is used directly for charitable purpose. These properties may be eligible for tax exemption.

The Pisiqid Canoe Club is not a Charity, so section 4.1 does not apply.

4.2 Non-profit – property of a non-profit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organization, if, in the opinion of Council, the organization provides a service that might otherwise be a responsibility of the Municipality. These properties may be eligible for tax exemption.

The Pisiqid Canoe Club is a registered non-profit “recreational” organization, but they do not provide a service that is the responsibility of the Municipality, so section 4.2 does not apply.

4.3 Non-profit Commercial – commercial properties of any non-profit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organization. These properties may be given a tax reduction from the commercial to residential rate on all or part of the taxable commercial property, provided they have submitted appropriate documentation.

If the Pisiqid Canoe Club's property was properly zoned for their activities, this is where they should have been recognized and given a reduction from commercial rates to residential. The Windsor Curling Club is a comparable example to the PPC and fits into this section.

Our Municipal budget requires a certain tax dollar contribution. When a property owner is exempt from contributing to that budget total, the burden falls on the other residents to pay more taxes to achieve the same total amount. Also, the property owner still receives all services paid for with the property tax contributions by others. No one from WHRM should have to foot the bill for the services provided to a private canoe club with an annual membership fee of \$2100+.

The Pisiqid Canoe Club has assets (property and cash) in excess of over one million

dollars. I know of many residents within WHRM that have far less and struggle each year to pay their fair share, yet the PCC gets a free ride. The PCC group of properties in Upper Vaughan is assessed at close to \$900, 000, which equates to a tax revenue of over \$9000. If WHRM does not need this revenue I am sure that there are a number of low-income families within the community that could benefit from a property tax supplement.

The council's argument to exempt the PCC now as one day the organization might meet fall within the regulation is not logical. The tax exemption process is reviewed annually. Should the status of the PCC or any organization change, deal with it then.

As the property tax exemption/reduction request is an annual process. Each year council reviews applications and make decisions based on the policy. If a previous council failed to follow the policy and gave an organization a tax-exempt status, that does not mean that the present and future councils need to continue the error and disregard policy. The idea is to learn from mistakes not to replicate them. The options for council are:

1. Council can grandfather the decision made in error and then move forward implementing the policy as written for new applications.
2. Council can acknowledge the error made previously and within the annual review do a reset for all organizations, thus implementing the policy in a fair and non-bias manner.

As a property owner and taxpayer of WHRM, I request that this issue be placed back on the council agenda for debate and another vote. Hopefully with a clearer lens on this issue council will decide to implement Municipal Tax Exemption Policy as written rather than bowing and bending to internal pressures.

Thank you in advance for your reconsideration of this matter.

Regards,

Name: David Smith

Address: Innes Lane

Date: May 22. 2023

Sent from my iPhone

From: Seamus Marriott
To: [PublicOnlyCouncilEmail](#)
Subject: Petition
Date: Monday, May 22, 2023 8:43:05 AM

Caution [External Email]

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

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Thank you in advance for your reconsideration of this matter.

Regards,

Name: Seamus Marriott

Address: Upper Vaughan

Date: May 18,2023

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
Jon

Skelton
Hall

2/2/2023
2/16/2023

2023-02-14 COTW
2023-02-28 Council

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
VREN	Re Continued Partnership and Intermunicipal Service Agreement (IMSA)}	2023-03-03	2023-03-14 COTW
Minister Masland	Re Provincial Intersection Street Lighting	2023-03-10	2023-03-14 COTW
Hockey Hall of Fame	Re Letter of Support John Paris Jr	2023-03-14	2023-03-28 Council
Premier Tim Houston	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council
Hon. Joyce Murray	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council



May 17, 2023

MLA Sheehy-Richard
58 Gerrish Street
P.O. Box 3201
Windsor, NS
B0N 2T0

Sent Electronically to:
MLA Office melissa.MLAoffice@gmail.com
Premier premier@novascotia.ca
Public Works Minister publicworksminister@novascotia.ca
Homans, Robyn Robyn.Homans@novascotia.ca

Dear MLA Sheehy-Richard

Re: Support to pave Cogmagun and Beaverpond Roads

Please accept this letter on behalf of the West Hants Regional Municipal Council regarding the on-going condition of the Cogmagun and Beaverpond Roads in West Hants, Nova Scotia. During the Council meeting held on April 11th, 2023, a petition was received from the residents residing on Cogmagun and Beaverpond Road pertaining to the need to address safety and road conditions within their area.

With the petition in-hand, the West Hants Regional Council wishes to extend it to you for your consideration and reflection on reconstruction of these roads for this 2023 construction year.

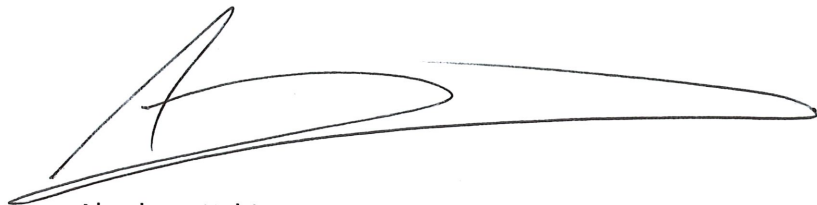
These roads are extremely important to the residents of Cogmagun, Beaverpond and surrounding areas. In recent years, they were identified in the 5-year reconstruction plan many times by the Department of Public Works, however, each time they were removed.

To formally express the current position of the Council who met on April 25th, 2023, to discuss this matter, the following motion was ratified.

“THAT COUNCIL WRITE A LETTER OF SUPPORT FOR RECONSTRUCTION OF THE COGMAGUN AND BEAVERPOND ROAD IN THE CONSTRUCTION YEAR 2023 TO WEST HANTS MLA, DEPARTMENT OF PUBLIC WORKS MINISTER, AREA MANAGER, DISTRICT DIRECTOR AND THE PREMIER OF NOVA SCOTIA.”

West Hants Regional Municipality thanks you for your attention to this matter and we look forward to hearing from you.

Respectfully,

A handwritten signature in black ink, appearing to read 'Abraham Zebian', written over a horizontal line.

Abraham Zebian
Mayor of West Hants Regional Municipality

az/ds

CC:

West Hants Regional Municipal Council
Chief Administrative Officer, Mark Phillips



May 23, 2022

The Honourable Timothy Halman
Department of Environment and Climate Change
Barrington Tower
1894 Barrington Street, Suite 1800
P.O. Box 442
Halifax, NS
B3J 2P8

Minister.Environment@novascotia.ca

Dear Minister Halman,

RE: Coastal Protection Act Regulations

Please accept the following letter on behalf of the West Hants Regional Municipality (WHRM) and its' Council regarding the implementation of regulations for the *Coastal Protection Act*, and the impact of further delays.

The previous provincial government passed the *Coastal Protection Act* in 2019. The detailed rules and coastal protection measures were left to future regulations, which your government launched consultations following the 2021 Provincial Election. At the end of September 2022, it was stated that the regulations were nearly complete, and they would go before Cabinet in early 2023 – allowing the law to be enacted in the first half of 2023. To prepare for the proclamation, WHRM Council approved a *Coastal Protection and Flood Planning Policy* in January, which states Council's intention to follow the measures laid out in the future regulations.

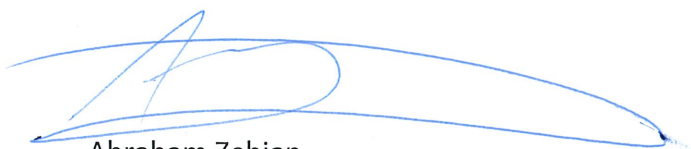
At the end of March, you instructed your department to engage in further targeted consultations because of concerns that too many property owners were unaware of the *Act's* existence. With the awareness that no timeline for when the regulations may be completed, or when the government will bring the *Act* into force, the Municipal Council has expressed concern. This extended delay is not only concerning but also hinders municipal abilities to regulate shoreline development in alignment with future regulations. Proclamation and enforcement of the *Act* would serve to educate unaware property owners, while protecting areas at risk from development.

With this province having 13,000 kilometers of shoreline, coastal development affects nearly every

municipal unit including West Hants. We have a long coastline along the Minas Basin and connected rivers, and many low-lying areas that are protected by dikes. Bordering the highest tides in the world makes the Region vulnerable to storm surges and intense erosion, which will be exacerbated as climate change continues. The WHRM Municipal Climate Change Action Plan Committee has discussed shoreline protection and flood and erosion risks at length, but without action from your government, the Municipality has few tools to regulate coastal development. As a rural Municipality, WHRM lacks the expertise or resources to advance specific measures without the Province and their guidance.

To plan a sustainable and vibrant future for our Region, we need modern regulations from your government. We are concerned about the continued delays to proclaim the *Coastal Protection Regulations*. We ask that you provide an estimate of when you will publish and proclaim the *Regulations*, and that you do so promptly to provide Province-wide certainty.

Respectfully,



Abraham Zebian
Mayor

CC: The Honourable Tim Houston, Premier of Nova Scotia
Melissa Sheehy-Richard, MLA for Hants West
WHRM Council
Mark Phillips, WHRM Chief Administrative Officer