

**WEST HANTS REGIONAL MUNICIPALITY**

**Council Meeting Agenda **Amended****

**February 27, 2024 - 6:00 p.m.**

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

Virtual via Zoom (also FB Livestream)



**West Hants**  
something inspiring awaits

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1. Call to Order
  2. Attendance
  3. Announcements
  4. Approval of the Agenda, including additions or deletions
    - a) Dashboard Action Items – Information Log
    - b) Dashboard Action Items – Dangerous or Unsightly Premises
  5. Declaration(s) of Conflict of Interest
  6. Approval of Previous Meeting Minutes
    - a) 2024-01-23 Council Meeting Minutes
    - b) 2024-01-30 Special Council Minutes
  7. Presentations
    - a) Ellershouse Church Roof Project – Darrell Leighton
    - b) Valley Regional Enterprise Network (VREN) - Jennifer Tufts
    - c) Steven Hart - Protect Vaughans Amendment
  8. Public Hearings
    - a) WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road, Vaughan – Planner Fredericks
    - b) Bog Road Boundary Review WH-MPS/LUB and H-MPS/LUB Amendment – Planner Dunphy
    - c) Wagners Court Development Agreement – Planner Dunphy
  9. Second Readings
    - a) WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road, Vaughan – Planner Fredericks
    - b) Bog Road Boundary Review WH-MPS/LUB and H-MPS/LUB Amendment – Planner Dunphy
    - c) Wagners Court Development Agreement – Planner Dunphy
  10. Unfinished Business/Postponed Motions
    - a) WHMPS and WHLUB Amendment Request: Wind Farm Policies Decision Request Report – Director Poirier

11. Mayor's Report
12. Committee(s) of Council Excerpts/Recommendations
  - a) Committee of the Whole Excerpts (February 13, 2024)
    - i. 2024 Municipal Elections Returning Officer
    - ii. Birthplace of Hockey In-Kind Ice Donation
    - iii. Insurance RFP
    - iv. Land Matter (PID 45054707)
    - v. Windsor Hockey Heritage Change of Grant Request
    - vi. Zwicker Lake - Decision Permit D2023-019
  - b) Planning and Heritage Advisory Committee Recommendations (as it relates to First Readings)
    - i. WHMPS and WHLUB Text Amendments: Hamlet Designation and Rural Residential (R-4) zone - Planner Fredericks
    - ii. Payzant Drive 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 - None
    2. Correspondence Received Activity Log
      - i. Kjeld Mizpah Conyers-Steede Re Valley REN Board Member Connection
      - ii. Keith Aucoin Excessive Property Evaluation
      - iii. Wine Growers NS Letter to the Premier Re Consequences of the Government of Nova Scotia's Commercial Wine Support Program
      - iv. Mimi O'Handley Re Coastal Announcement from the Province
      - v. Letter from the Province to Mayors, Wardens, Councillors Re Coastal Protection
      - vi. Letter from Chief Paul to West Hants Council Re Bear Lake Wind Farm
      - vii. **Lloyd Blagdon Re Windmill project Vaughan**
  - b) Requests
    - i. Mike Murphy Re 2-hour parking on Stannus Street.
    - ii. Andrew Hardman Re Ken No. 522430 - Hardman et al v. West Hants Regional Municipality
  - c) Outgoing Correspondence Log – None
15. New Business
16. In-Camera
  - a) MGA 22(2)(a) Legal Matter

b) MGA 22(2)(a) Legal Matter

17. Next Meeting Date / Adjournment – March 12<sup>th</sup>, 2024 Committee of the Whole Meeting 6 p.m.

## WEST HANTS REGIONAL MUNICIPALITY

### Public Hearing Minutes – WHLUB Map Amendment: PID 45218658

Armstrong Lake East Road, Vaughan

Tuesday, February 27, 2023 – 6:58 pm

In-person Sanford Council Chambers and virtually via ZOOM

(also Facebook Livestreamed)



#### 1. Call to Order

The Public Hearing was called to order at 6:58 pm.

#### 2. Council:

Abraham Zebian, Mayor

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2 (6:04 pm)

Mark McLean, Councillor, District 3 (ZOOM)

Jeff Hartt, Councillor, District 4

Debbie Francis, Councillor, District 5

Paul Morton, Deputy Mayor, District 8

Bob Morton Councillor District 6

Ed Sherman, Councillor, District 7

John A. Smith, Councillor, District 9 (6:01 pm)

Laurie Murley, Councillor, District 10

Jim Ivey, Councillor, District 11

#### Staff and Guests:

Mark Phillips, CAO

Sara Poirier, Dir. Planning & Development

Todd Richard, Dir. Public Works

Deanna Snair, Municipal Clerk

Alex Dunphy, Planner

Mark Fredericks, Senior Planner

Carlee Rochon, Dir. Financial Services

#### Regrets:

Shelleena Thornton, Municipal Operations Supervisor

Kathy Kehoe, Dir. Community Development

#### Presenters & Guests:

Darrell Leighton, Ellershouse Community Hall

Jennifer Tufts, Valley Regional Enterprise Network (VREN)

Steven Hart, Resident (Protect Vaughans Amendment)

19 residents in the Gallery

#### 3. Public Hearings – All public hearings and presentations are available on the Municipal website.

a) WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road, Vaughan  
Planner Fredericks reviewed the report. On September 20, 2023, a completed application was received from Mark Phillips (WHRM CAO) on behalf of the landowner (West Hants Regional Municipality) to consider rezoning PID 45218658 from Open Space (OS) to General Resource (GR) based on Council's direction to rezone select surplus properties for future residential use.

The property was deeded to the municipality in 1989; however, it was never developed into a park. The subject lot was identified in the 2016 Parks and Open Space plan for divestment

to help fund other municipal parks. The property was approximately 16 acres, located near the end of Armstrong Lake East Road and backed onto crown land.

The current zoning was Open Space (OS) which permitted outdoor recreation uses, parks, playgrounds, cemeteries, historic sites, interpretive centres, museums and used for building and structures necessary for prevention of flood, soil erosion and other similar natural occurrences. The intention was to merge the zoning into the General Resource zone, so the property was consistent with surrounding properties.

Planner Fredericks reviewed the West Hants Municipal Planning Strategy: Section 9.1 The General Resource (GR) zone encompasses most of the land outside the Growth Centres, Village and Hamlets which is not zoned for agricultural, mineral or water supply use. It includes Crown land and pockets of cottage development. The zone is intended to apply to rural areas which are not subject to intense development pressure. Staff were comfortable that the General resource zone was an appropriate change for this parcel of land.

Planner Fredericks reviewed the West Hants MPS General Criteria: Policy 16.3.1 (was the property suitable for the proposed use, it was expected that the property would be used for residential purpose. It was reasonable to think that on-site water and sewer services could be installed. The property was located on a private road, there were no concerns from the local road authority as there was support to have another rate payer. The shape of the lot was deemed appropriate; despite there being challenges to overcome (steepness and water courses), but with work these challenges could be overcome.

A Public Information Meeting (PIM) was held on December 7, 2023 and Livestreamed on the Municipal Facebook page. Deadline for comments was December 21, 2023, only one (1) comment was received. The discussion focused on the value of the lot and the challenges present on the property (wet area in the front, steep and rocky outcroppings) in relation to neighbouring properties.

Planner Fredericks reviewed the process (PIM – December 7, 2023, PACHAC – January 11, 2024, First Reading – January 23, 2024, ads were placed in the local newspaper on February 6<sup>th</sup> and 13<sup>th</sup> and letters were sent to property owners within 500 ft of the property) noting all statutory requirements had been met.

Mayor Zebian opened the floor for public comments at 7:06 p.m.

Mr. Borden, an adjoining property owner (to the left and rear) of PID 45218658 was participating virtually via ZOOM as he had an interest in the property for personal use and interest in the value of the property and what becomes of it.

#### 4. Adjournment

Mayor Zebian adjourned the Public Hearing until such time that Council makes a final decision at 7:07 p.m.

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Abraham Zebian, Mayor

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Deanna Snair, Executive Assistant/Clerk



## 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:** \_\_\_\_\_  
Mark Fredericks, Senior Planner

**Date:** February 27, 2024

**Subject:** WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road, Vaughan; File #23-29B

### LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

### RECOMMENDATION

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

... that Council gives Second Reading and approves amending Schedule A of the West Hants Land Use By-law to rezone PID 45218658 on Armstrong Lake East Road in Vaughan, from the Open Space (OS) zone to the General Resource (GR) zone as shown in the report #23-29 to the Planning and Heritage Advisory Committee dated January 11, 2024.

### 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 September 20, 2023, from Mark Phillips, Chief Administrative Officer (CAO) of West Hants Regional Municipality, on behalf of the landowner, West Hants Regional Municipality. The application was needed for Council to consider rezoning the subject lot from the Open Space (OS) zone to the General Resource (GR) zone. This request follows Council’s direction to rezone select surplus properties for future residential use,

following the list of divestiture recommendations contained within the 2016 Parks and Open Space Plan.

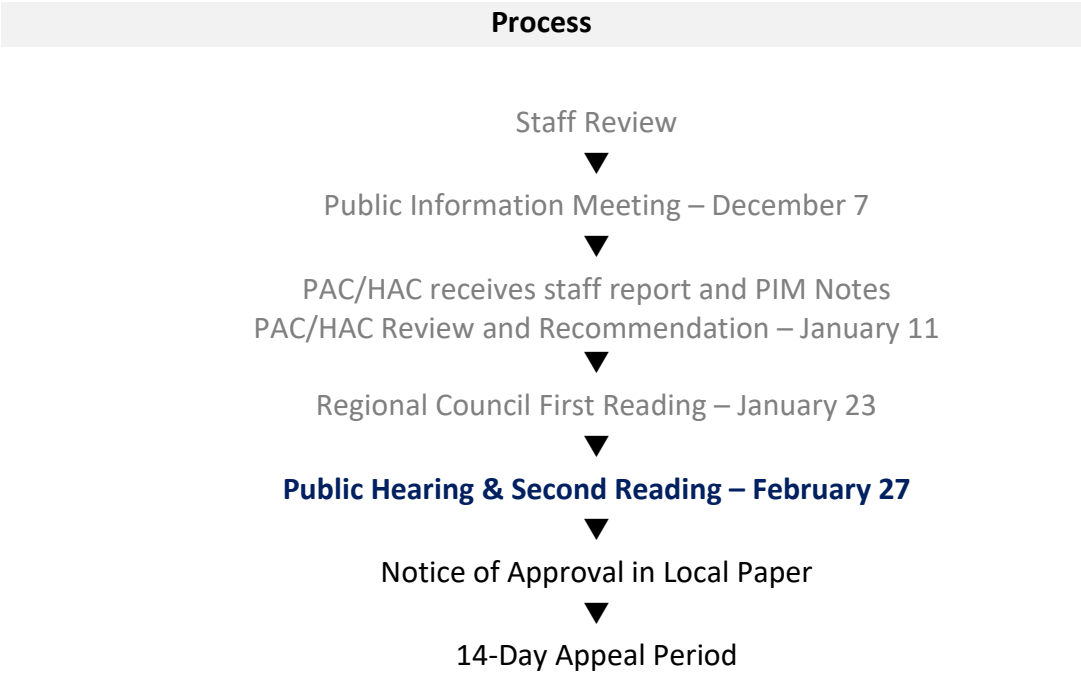
A Public Information Meeting was held on December 7, 2023.

On January 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee briefly discussed how a residential driveway could enter the lot. The PAC/HAC recommended in favour of the application at this meeting.

Council held First Reading on January 23, 2024.

**NEXT STEPS**

The process for this application is as follows.



**FINANCIAL IMPLICATIONS**

There are no financial implications to the Municipality or residents with regard to the filing of this report. However, the possible future sale of the subject property, following the rezoning and appraisal could generate Municipal revenue.

**ALTERNATIVES**

In response to this application, Council may decide to:

- hold Second Reading and approve the map amendment; or
- provide alternative direction such as requesting further information on a specific topic.

**APPENDICIES**

Appendix A                    2024-01-23 Staff Report – WHLUB Map Amendment: PID 45218658,  
Armstrong Lake East Road, Vaughan; File #23-29A

**CHIEF ADMINISTRATIVE OFFICER REVIEW**

See CAO comments from first reading in Appendix A. Additional CAO comments may follow.

Report Prepared by: \_\_\_\_\_  
Mark Fredericks, Senior Planner

Report Approved by: \_\_\_\_\_  
Sara Poirier, Director of Planning and Development

Report Approved by: \_\_\_\_\_  
Mark Phillips, Chief Administrative Officer

**Appendix A – 2024-01-23 Staff Report – WHLUB Map Amendment: PID 45218658, Armstrong  
Lake East Road, Vaughan; File #23-29A**



**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:** \_\_\_\_\_  
Mark Fredericks, Senior Planner

**Date:** January 23, 2024

**Subject:** WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road, Vaughan; File #23-29A

**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 amending Schedule A of the West Hants Land Use By-law to rezone PID 45218658 on Armstrong Lake East Road in Vaughan, from the Open Space (OS) zone to the General Resource (GR) zone as shown in the report #23-29 to the Planning and Heritage Advisory Committee dated January 11, 2024.

**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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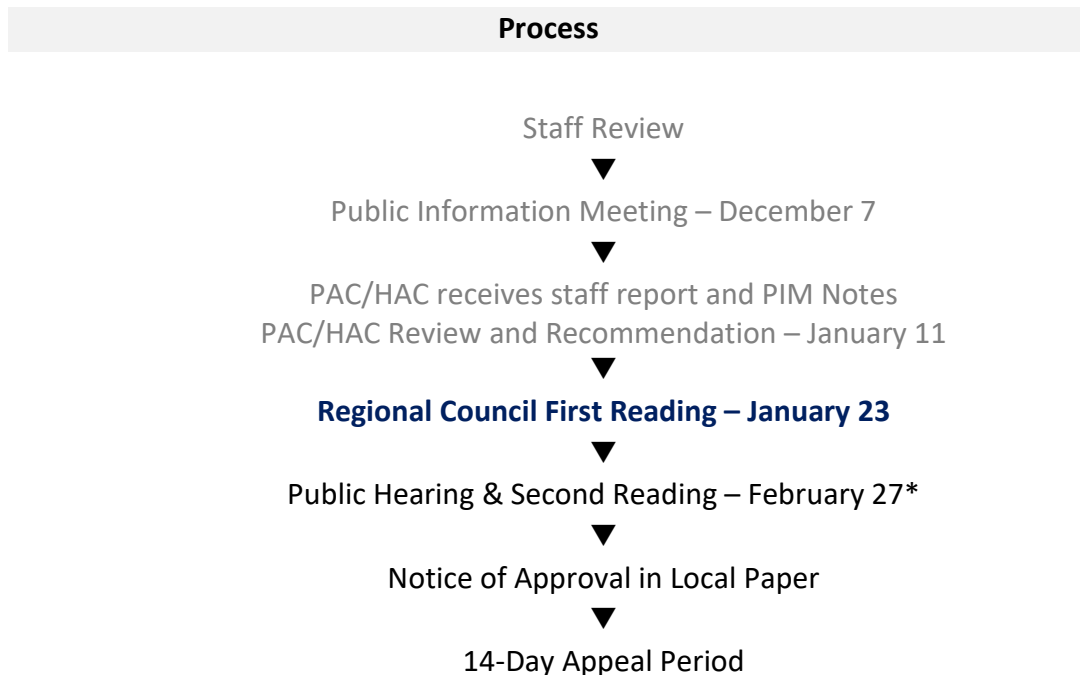
A completed application was received on September 20, 2023, from Mark Phillips, Chief Administrative Officer (CAO) of West Hants Regional Municipality, on behalf of the landowner, West Hants Regional Municipality. The application was needed for Council to consider rezoning the subject lot from the Open Space (OS) zone to the General Resource (GR) zone. This request follows Council’s direction to rezone select surplus properties for future residential use, following the list of divestiture recommendations contained within the 2016 Parks and Open Space Plan.

A Public Information Meeting was held on December 7, 2023.

On January 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee briefly discussed how a residential driveway could enter the lot. The PAC/HAC recommended in favour of the application at this meeting.

## NEXT STEPS

The process for this application is as follows.



\*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. However, the possible future sale of the subject property, following the rezoning could generate Municipal revenue.

## ALTERNATIVES

In response to this application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the map amendment; or

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

## APPENDICIES

Appendix A                    2023-12-14 Staff Report – WHLUB Map Amendment: PID 45218658,  
Armstrong Lake East Road, Vaughan; File #23-29

## CHIEF ADMINISTRATIVE OFFICER REVIEW

The report and recommendation are in keeping with the direction provided by Council to-date.

It is recognized that planning staff, PAC/HAC, and members of Council have received expressions of concern from residents, particularly those adjacent to the surplus lands about the rezoning.

To proceed with first reading will allow for the formal public hearing process that will ultimately support the final decision-making phase, SECOND READING.

I support the recommendation.

Report Prepared by: \_\_\_\_\_  
Mark Fredericks, Senior Planner

Report Approved by: \_\_\_\_\_  
Sara Poirier, Director of Planning and Development

Report Approved by:  \_\_\_\_\_  
Mark Phillips, Chief Administrative Officer

**Appendix A – 2024-01-11 Staff Report – WHLUB Map Amendment: PID 45218658, Armstrong  
Lake East Road, Vaughan; File #23-29**



## 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:** \_\_\_\_\_  
Mark Fredericks, Senior Planner

**Date:** January 11, 2024

**Subject:** WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road, Vaughan; File #23-29

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### LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

### RECOMMENDATION

To enable the rezoning of the subject lot to the General Resource (GR) zone, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

"...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law to rezone PID 45218658 on Armstrong Lake East Road in Vaughan, from the Open Space (OS) zone to the General Resource (GR) zone as shown in the report #23-29 to the Planning and Heritage Advisory Committee dated January 11, 2024."

### BACKGROUND

The subject lot was conveyed to the Municipality of West Hants when a subdivision application was submitted by the landowners, Dalhousie Projects Ltd. in 1989. The original survey is included as *Figure 4* which labels the subject property as lot #128.

The Parks and Open Space plan was adopted by West Hants Council in 2016 with two goals: (1) to direct the operations, maintenance, acquisition, divestment, funding, and programming of

the Municipal parks and open space network; and (2) To ensure that the local network of parks and open space will continue to meet recreational needs and protect unique, natural, and cultural resources for the next ten years. This plan recognized several parcels that were suitable for divestiture. On October 26, 2021, Council approved the motion to:

*APPROVE THE DIVESTMENT OF 17 MUNICIPALLY OWNED PARKLAND PROPERTIES AS RECOMMENDED IN THE WEST HANTS PARKS AND OPEN SPACES PLAN AND FURTHER THAT THE PROCEEDS OF SALE BE RECORDED IN A CAPITAL RESERVE ACCOUNT AND TO BE DIRECTED TO THE COMMUNITY FOR WHICH THE PROPERTY RESIDED OR THE PROCEEDS CAME FROM.*

Municipal Council directed the CAO to submit planning applications to rezone a select list of these surplus parcels by passing the following motion on September 11, 2023:

*THAT THE CHIEF ADMINISTRATIVE OFFICER BE DIRECTED TO SUBMIT AN APPLICATION TO THE PLANNING AND DEVELOPMENT DEPARTMENT TO CONSIDER REZONING LANDS PREVIOUSLY IDENTIFIED AS SURPLUS, PID 45226636, 45045952, 45215290, 45221868, 45222254, **45218658**, 45222049, 45236601 AND 45225018 TO PROVIDE OPPORTUNITY FOR RESIDENTIAL DEVELOPMENT.*

A completed application was received on September 20, 2023, from Mark Phillips, Chief Administrative Officer (CAO) of West Hants Regional Municipality, on behalf of the landowner, West Hants Regional Municipality. The application was needed for Council to consider rezoning of the subject lot from the Open Space (OS) zone to the General Resource (GR) zone to allow the potential for residential development.

## **DISCUSSION**

The subject lot is approximately 16 acres in size with approximately 133 feet of road frontage on Armstrong Lake East Road. The lot is currently designated Resource (S) on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (*Figure 1*). The subject lot is zoned Open Space (OS) on Schedule A of the West Hants Land Use By-law (WHLUB) (*Figure 2*).

### ***Surrounding Context***

All properties surrounding the subject lot are also designated Resource and zoned General Resource (GR) zone. The subject lot is in a lake side cottage area of Vaughan, that surrounds Armstrong Lake in a development called Chalet Hamlet.

The immediately surrounding properties are a mixture of vacant lots and some single unit dwellings and cottages. The south and east sides of the subject lot border a large lot (2750 acres) of Crown land. The nearest dwelling which abuts the subject lot on the west is a single unit dwelling owned by David Borden, who met with staff on site and provided a tour of his property and the subject lot. This tour highlighted some of the rocky terrain common to the area, including steep slopes and exposed bedrock which could be barriers for parkland

development, or residential development. The subject lot has large rock outcroppings and a wet area along Armstrong Lake East Road.



Figure 1 - Exposed bedrock throughout subject lot



Figure 2 - Entrance to subject lot

### ***Parks and Open Space***

The 2016 Parks and Open Space Plan identified the subject lot as an appropriate property to divest. The plan recognized the proceeds of the sale could be used to help fund other Municipally owned parks and open spaces in the area. The Armstrong Lake community has a picnic park with water access on a 4-acre property owned by the Municipality known as the Armstrong Lake Park, at 640 Armstrong Lake East Road.



Figure 3 - Armstrong Lake Park

### ***Subdivision By-law***

The West Hants Subdivision By-law outlines the parkland dedication required as part of any subdivision process. This process is the method that resulted in the Municipality owning the subject lot during a subdivision process in 1989. The details of parkland dedication are outlined in the Subdivision By-law, and an excerpt of this is shown below:

**PART 14: PARKLAND DEDICATION**

- 71.** Prior to approval by the Development Officer of the final plan of subdivision, the subdivider shall either:
- (a) transfer to the Municipality, free of encumbrances, for parks, playgrounds, and similar public purposes, an area of useable land within the area being subdivided equal to five percent (5%) of the area of the lots to be approved, as shown on the final plan of subdivision, exclusive of streets, easements, and the residue of the land of the subdivider; or
  - (b) provide to the Municipality a sum of money equivalent to five percent (5%) of the market value, as determined by an assessor, of the lots to be approved, as shown on the final plan of subdivision, exclusive of streets, easements, and the residue of the land of the subdivider; or
  - (c) where the Council agrees, provide to the Municipality equivalent value, in any combination as determined by the Municipality; or
  - (d) where the Council agrees, transfer to the Municipality, free of encumbrances, an area of useable land of equal value outside the area being subdivided but within the boundaries of the Municipality, in lieu of the land in the subdivision required to be transferred under [subsection 71\(a\)](#).
- 72.** Where the area of land being subdivided has frontage on the ocean, a river or a lake, any land transferred in accordance with [subsection 71\(a\)](#) shall include either useable land with frontage on the ocean, river or lake or land suitable for public access to the ocean, river or lake.
- Transfer of land
- Transfer of cash in lieu
- Transfer of equivalent value
- Transfer of land outside area being subdivided
- Transfer of land with water frontage

The subject lot was a transfer of land to comply with the criteria in subsection 71 of the West Hants Subdivision By-law, as it contributed towards five percent (5%) of the area of the lots to be approved at that time.

**Document Review**

Section 13.2 of the WHMPS describes Council’s intention of the Open Space zone to “...apply primarily to parkland and publicly-owned outdoor recreational uses which generally do not require main buildings. The main purpose of the zone is to preserve and protect open space for the use of residents of West Hants.”

**Policy 13.2.1** *It shall be the intention of Council to establish an Open Space (OS) zone which applies to parks and other public outdoor recreation uses, cemeteries, historic sites and similar uses. Generally, open space uses do not involve main buildings, but the zone may also be applied to certain institutional uses, such as museums and interpretive centres, which are located on large parcels of land used as parkland.*

**Policy 13.2.2** *It shall be the policy of Council to zone only public lands for open space purposes.*

The subject property has been zoned Open Space (OS) since it was created, as it was publicly owned over the past 34 years. However, this parcel was never developed into a park and the 2016 Parks and Open Space Plan identified it as a property for the Municipality to consider divesting. This determination considered the availability of open space in the area and the potential for the divestment to help fund the development of nearby Municipally owned parks and open space uses.

The intention of the Resource designation is outlined in Section 9 of the WHMPS. The purpose of the General Resource (GR) zone and the Resource designation is to prioritize resource based land uses and accommodate rural residential development which includes cottage style developments.

***Policy 9.1.1*** *It shall be the policy of Council to establish a General Resource (GR) zone which will apply to areas of West Hants in the Resource designation which are outside the Growth Centres, Village and Hamlets and are not zoned for agricultural, mineral or water supply uses. This includes large parcels of Crown land, land owned by forestry companies, areas of seasonal residential development which are accessed by private roads, and rural areas which are not considered to be under intense development pressure.*

The subject lot is part of an existing community around Armstrong Lake which is not zoned for agriculture, or part of a growth centre, village, or hamlet and meets the intent and purpose of the General Resource (GR) zone. The subject lot is on a private road owned and maintained by the Chalet Hamlet Property Owners Association. This area can most appropriately accommodate seasonal dwellings and single unit dwellings as outlined in Policy 9.1.8 and may permit some resource type uses if rezoned to the General Resource (GR) zone.

***Policy 9.1.8*** *It shall be the policy of Council that new private roads for subdivision purposes shall be permitted only in the General Resource zone. Development on private roads shall be limited to seasonal dwellings, single unit dwellings, home-based businesses and resource uses.*

### **General Criteria**

WHMPS Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the Land Use By-law (Attachment A). In summary, the proposed rezoning 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 Development Officer, Manager of Building and Fire Inspection Services, Nova Scotia Public Works, and the private road owners/property owners association have no concerns with the proposed rezoning which have not been addressed in this report.

### **Public Information Meeting**

During the Public Information Meeting for this file staff heard from a neighboring property owner regarding the topography and valuation of the property if listed for sale. Another comment during the meeting was regarding access during extreme weather events like a wildfire. While this community does include secondary/ informal routes, the overall road

network for private roads is not under review as part of this application. However, staff will be considering amendments to the MPS, LUB and SUB to require secondary/emergency exits for private road developments in the future, through the planning document review project which is ongoing. More information is included in Attachment B – Public Information Meeting Notes.

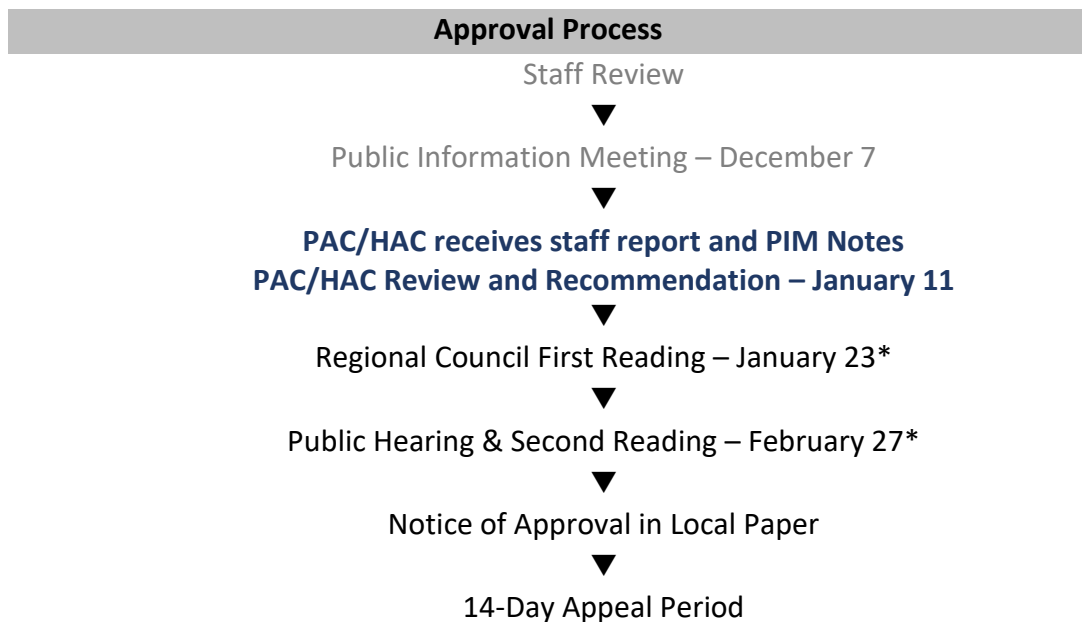
### **MUNICIPAL CLIMATE CHANGE ACTION PLAN**

The West Hants Municipal Climate Change Action Plan (MCCAP) does not recognize the Vaughan area to be at risk from sea level or storm surge. The subject lot is elevated above Armstrong Lake and is sloped towards the road which appears to drain storm water effectively towards the lake. The MCCAP report does not show any climate change related flood risk on the subject lot.

If the property is sold, any new property owners are responsible for ensuring that the lot is suitable for the proposed use.

### **NEXT STEPS**

As noted above, the proposed amendment has been considered within the context of both the intent of the Resource designation and the general amendment criteria of the WHMPS and is consistent with the intent, objectives, and policies of the WHMPS. The amendment is also consistent with the findings and recommendations of the 2016 Parks and Open Space Plan. As a result, it is reasonable to amend the zoning of PID 45218658 from the Open Space (OS) zone to the General Resource (GR) zone.



\*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. However, the possible future sale of the subject lot, following the rezoning could generate Municipal revenue.

## **ALTERNATIVES**

In response to the application, PAC/HAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the WHLUB map amendment 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 - Current
Figure 3	West Hants Zoning Map Extract – Proposed
Figure 4	Survey of Subdivision 1989
Attachment A	Policy Summary for WHLUB Amendments
Attachment B	Public Information Meeting Notes

Report Prepared by: \_\_\_\_\_  
Mark Fredericks, Senior Planner

Report Reviewed by: \_\_\_\_\_  
Sara Poirier, Director of Planning and Development

Figure 1 - West Hants GFLUM Extract



Figure 2 - West Hants Zoning Map Extract - Current

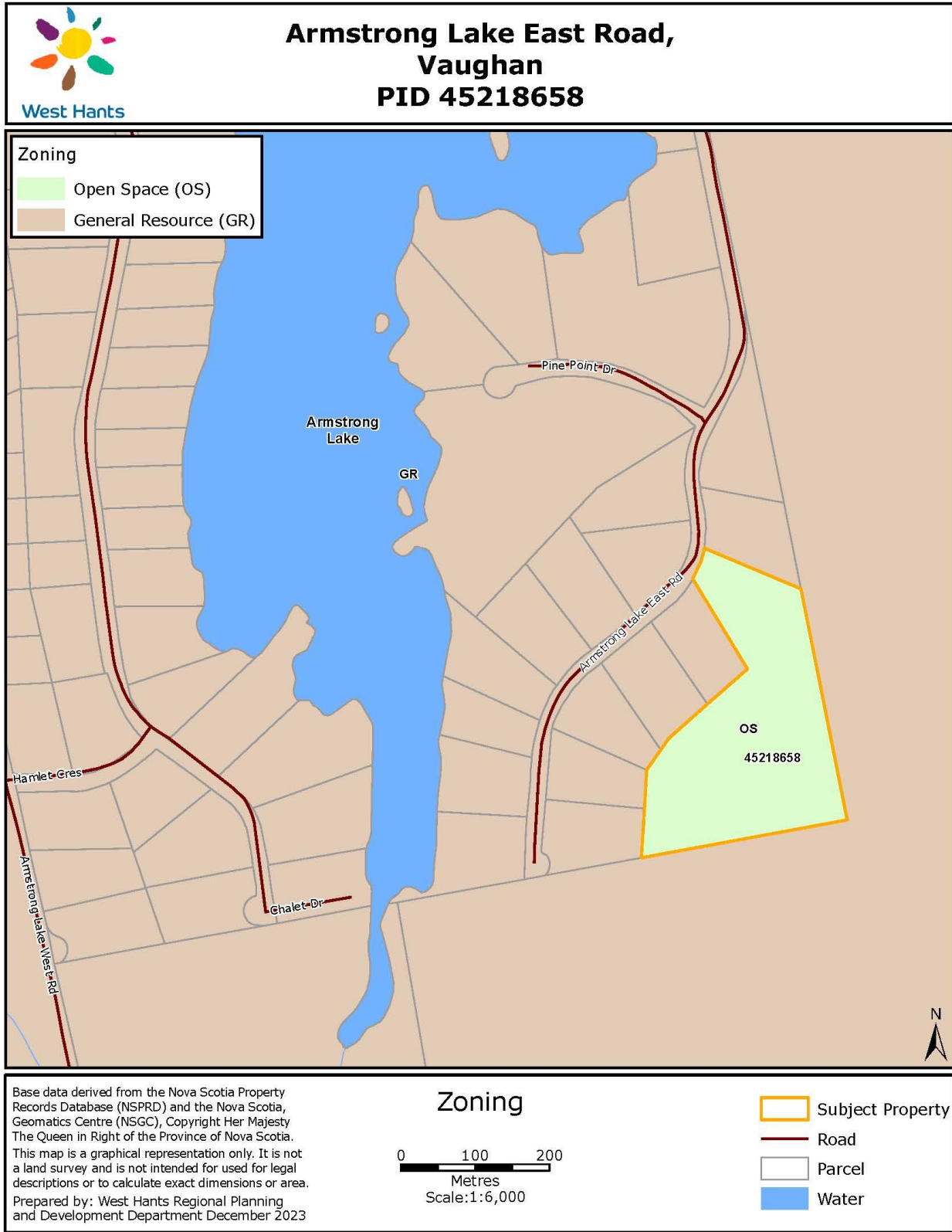


Figure 3 - West Hants Zoning Map Extract - Proposed

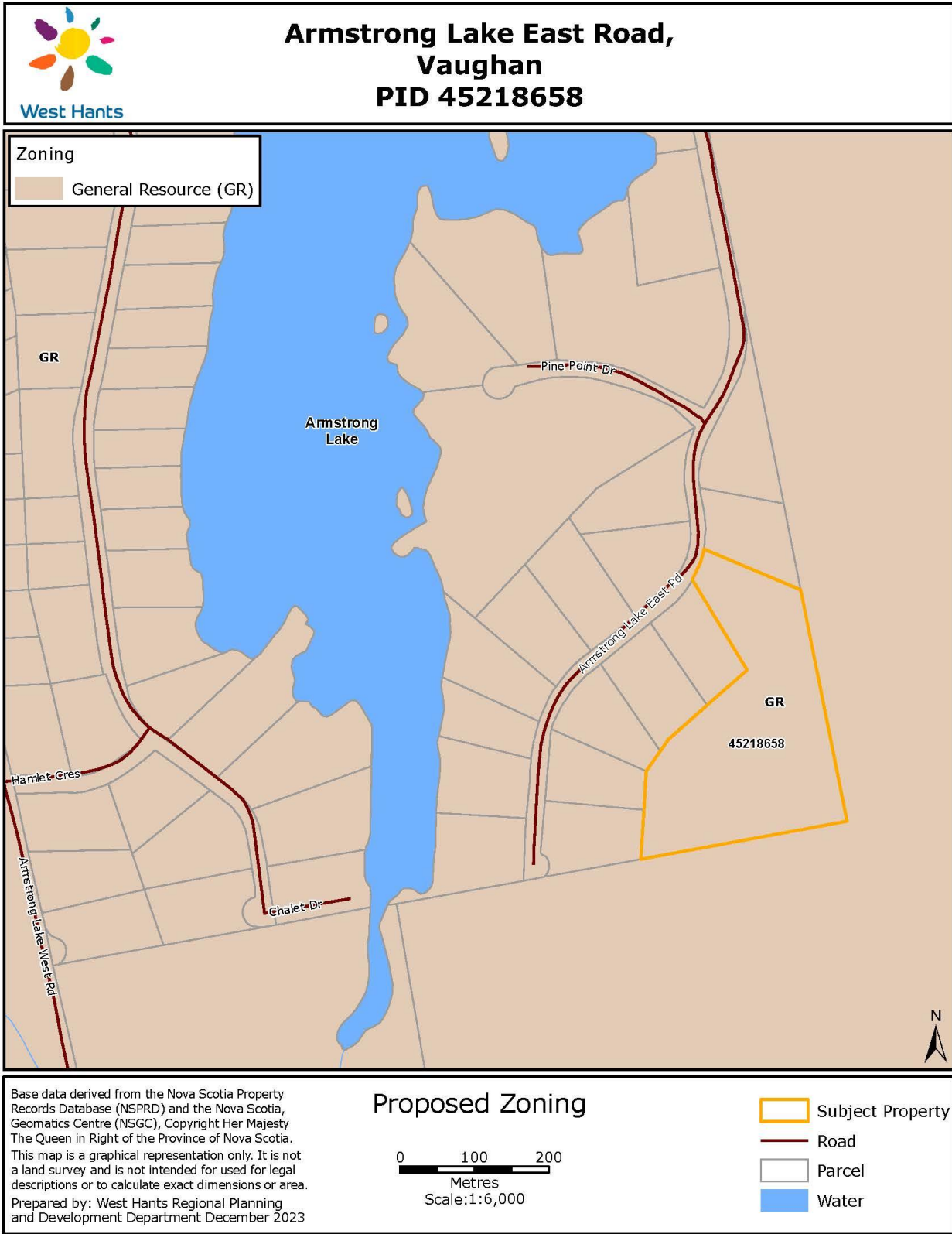
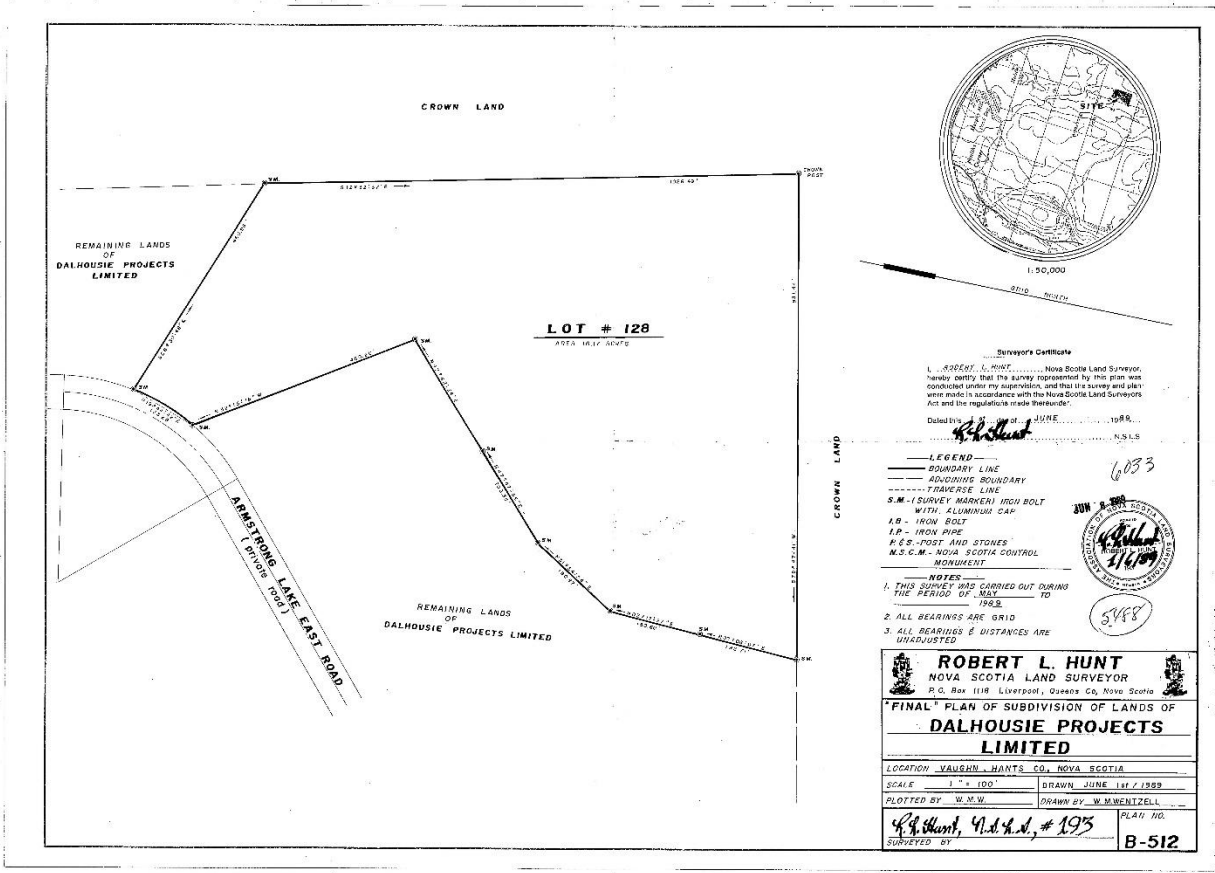


Figure 4 - Survey Subdivision 1989



**Attachment A - Policy Summary for WHLUB Amendments**

**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:

<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	No Municipal sewer or water services are available in Vaughan. The subject property has more than adequate lot area to meet the minimum lot size requirements for lots serviced by on-site well and septic. The approval for these on-site services is the jurisdiction of Nova Scotia Department of Environment and Climate Change.
<i>(ii) the adequacy of school facilities;</i>	The proposed rezoning represents a very small potential increase in school population which is expected to be accommodated by surrounding schools.
<i>(iii) The adequacy of fire protection and other emergency services;</i>	The South West (Windsor) Fire Department is approximately 5km away from the subject property. Staff reached out to the Fire Chief but have not yet received any feedback. It is unlikely that the proposed zoning would create any new issues with adequacy of emergency equipment or response time due to the low density of the residential uses permitted in the General Resource (GR) zone.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The local roads around Armstrong Lake are privately owned and maintained by the Chalet Hamlet Property Owners Association. Staff spoke with Patrick Landry who is one of the Directors of the association. He was supportive of the rezoning and possible sale, as this could increase the number of homes or cottages which contribute dues towards the maintenance of the road. Patrick confirmed that the existing roads are able to accommodate low density residential development if rezoned.

<p><i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i></p>	<p>There are no anticipated costs to the Municipality regarding this development. However, the possible future sale of the subject property, following the rezoning, could generate Municipal revenue.</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>See (a)(i) above.</p>
<p><i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>The Chalet Hamlet Property Owners Association had no concerns with the suitability of road regarding the proposed rezoning. There is no active rail transportation in the vicinity. There is no sidewalk or other pedestrian infrastructure in the vicinity.</p>
<p><i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The shape and size of the lot is larger than the surrounding lots. Staff expect that the shape and dimensions of the subject lot could enable it to be used for a residential use.</p>
<p><i>(e) the pattern of development which the proposal might create;</i></p>	<p>The arrangement of properties in this area is consistent with typical rural residential private road developments. The rezoning would not create any unusual development patterns.</p>
<p><i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;</i></p>	<p>The subject lot appears suitable for the proposed residential development. The subject lot has a wet area next to the road and has an incline and out cropping of bedrock throughout it. These aspects may introduce some challenges for most forms of development including parkland or residential.</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 - Public Information Meeting Notes**

**December 7 - 21, 2023**

**WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road; File 23-29**

<b>Meeting date and time</b>	A Public Information Meeting was held on December 7, 2023 beginning at 6 p.m. in Council Chambers at 76 Morison Drive in Windsor.
<b>Attending</b>	In attendance: <ul style="list-style-type: none"><li>• Councillor Francis</li><li>• Councillor Ivey</li><li>• Senior Planner, Mark Fredericks</li><li>• Planner, Alex Dunphy</li><li>• Director of Planning and Development, Sara Poirier</li><li>• Planning Administrative Assistant, Vanessa Lake</li><li>• PAC/HAC member, Paul Beazley</li><li>• 4 members of the public</li></ul>
<b>Applicant</b> CAO Mark Philips on behalf of Council  <b>Subject Lot</b> PID 45218658, Armstrong Lake East Road	Planner Fredericks outlined the request from the Chief Administrative Officer to rezone a surplus Municipal property on Armstrong Lake East Road from the Open Space (OS) zone to the General Resource (GR) zone.
<b>Comments</b>	Four members of the public were present at the meeting.  Paul Beazley requested that the PAC/HAC report should include some discussion around road access, particularly relating to the wildfires issues with limited access in the spring of 2023. <i>Staff responded that this information could be included in the report that comes forward to PAC/HAC.</i> David Borden requested that when pricing the property for sale, consideration should be given to the steep slopes, rocky terrain, and water on the site as these may present barriers to residential development and the appraised value should reflect this. <i>Staff responded that appraisals were being done for some of the selected surplus lands being rezoned, but they were not certain if this property has or will be receiving a property appraisal. Planner Fredericks is looking to meet David on the site to explore the area as it abuts Mr. Borden's property.</i>

	No additional input was received during the comment period.
<b>Adjournment</b>	There being no further business, the meeting adjourned at 6:15 p.m.