

**MUNICIPALITY OF THE COUNTY OF KINGS  
MUNICIPAL COUNCIL  
May 1, 2018  
6:00 pm  
AGENDA**

**Audio Recording Times Noted in Red  
(Minutes:Seconds)**

1. Roll Call 00:00
2. Approval of Agenda 00:55 Page 1
3. Approval of Minutes 03:45
  - a. March 29, 2018 Special Council Page 2
  - b. April 03, 2018 Council Page 11
  - c. April 10, 2018 Special Council Page 23
  - d. April 17, 2018 Special Council Page 26
4. Business Arising from Minutes
  - a. March 29, 2018 Special Council 04:22 Page 2
  - b. April 03, 2018 Council 06:58 Page 11
  - c. April 10, 2018 Special Council None Page 23
  - d. April 17, 2018 Special Council None Page 26
5. Development Services 09:55/02:57:55 Page 30
  - a. Hearing re: Appeal of the Decision of the Development Officer to Approve a Site Plan Agreement- Grand Pré Road, Grand Pré, PID 55235352
6. Planning Items Page 44
  - a. Application for a non-substantive amendment to a development agreement to change location of director's cabin at Kingswood Camp, Lake George (File 17-16) 66:10 Page 45
  - b. Application for a non-substantive amendment to a development agreement to permit additional encroachment outside of the approved building envelope at 9406 Commercial Street, New Minas (File 18-05) 68:10 Page 54
  - c. Application to enter into a development agreement to permit a 3-unit residential building at 2809 Lovett Road, Coldbrook (File 17-14) 93:00 Page 89
  - d. Next Public Hearing Date 93:55
7. Committee of the Whole Recommendations April 17, 2018 Page 110
  - a. Proclamation Cole Wittenberg Day (June 14, 2018) 94:33 Page 111
  - b. 7:00pm: Presentation by Annapolis Valley Chamber of Commerce 97:00  
COTW Recommendation re: Kings Economic Advancement Fund - Conditional Approval of Early Funding Request for Annapolis Valley Chamber of Commerce
8. Administration
  - a. 7:20pm: Valley Regional Enterprise Network Introduction of new CEO 118:39 Page 112
  - b. Union of Nova Scotia Municipalities (UNSM) Priorities for 2018 140:18 Page 114
  - c. Council and Committee of the Whole in August 154:18 Page 118
  - d. Valley Waste-Resource Management Authority Three-Month Budget 156:10
9. Nominating Committee Recommendation March 20, 2018 Page 120
  - a. Member and Alternate on Eco-Kings Action Team Deferred
10. Correspondence
  - a. 2018-04-13 Union of Nova Scotia Municipalities (UNSM) Board Report 161:08 Page 121
  - b. 2018-04-18 Immigrant Services Association of Nova Scotia (ISANS) 161:19 Page 124
  - c. 2018-04-23 Housing Nova Scotia 2018/19 Business Plan (click [here](#) for Plan) 161:34 Page 125
  - d. 12-month notice letter from Minister Mombourquette, Municipal Affairs 162:02 Page 127
11. Other Business: Dates for 2018/2019 Budget Process 163:38
12. Comments from the Public None
13. In Camera re: Contractual Matters 231:54
14. Adjournment

**SPECIAL COUNCIL  
March 29, 2018  
MINUTES**

**Meeting Date  
and Time**

A Special Meeting of Council was held on Thursday, March 29, 2018 at 3:30 pm in the Council Chambers, Municipal Complex, Kentville, NS.

**1. Attendance**

All Councillors were in attendance with the exception of Deputy Mayor Lutz with notice and Councillor Hodges who arrived at 3:35 pm.

***Results for Roll Call***

For 8  
Against 0

| <b>District</b> | <b>Name</b>      | <b>Results</b> |
|-----------------|------------------|----------------|
| Mayor           | Peter Muttart    | For            |
| District 1      | Meg Hodges       | -              |
| District 2      | Pauline Raven    | For            |
| District 3      | Brian Hirtle     | For            |
| District 4      | Martha Armstrong | For            |
| District 5      | Paul Spicer      | For            |
| District 6      | Bob Best         | For            |
| District 7      | Emily Lutz       | -              |
| District 8      | Jim Winsor       | For            |
| District 9      | Peter Allen      | For            |

Also in attendance were:

- Scott Conrod, Chief Administrative Officer
- Marc Comeau, Municipal Solicitor
- Janny Postema, Municipal Clerk/Recording Secretary

**On motion of Councillor Armstrong and Councillor Spicer, that Deputy Mayor Lutz's absence from the March 29, 2018 Special Council be excused.**

**Motion Carried.**

***Results***

For 8  
Against 0

| <b>District</b> | <b>Name</b>      | <b>Results</b> |
|-----------------|------------------|----------------|
| Mayor           | Peter Muttart    | For            |
| District 1      | Meg Hodges       | -              |
| District 2      | Pauline Raven    | For            |
| District 3      | Brian Hirtle     | For            |
| District 4      | Martha Armstrong | For            |
| District 5      | Paul Spicer      | For            |
| District 6      | Bob Best         | For            |
| District 7      | Emily Lutz       | -              |
| District 8      | Jim Winsor       | For            |
| District 9      | Peter Allen      | For            |

**2. [Approval of Agenda](#)**

**On motion of Councillor Hirtle and Councillor Allen, that Council approve the March 29, 2018 agenda.**

**Motion Carried.**

***Results***

For 8  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | -       |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

3. **Recommendation from Committee of the Whole March 20, 2018**

3a. **Regional Service Delivery**

Mayor Muttart presented the report as attached to the March 29, 2018 Special Council agenda.

**On motion of Councillor Armstrong and Councillor Raven,**

**Whereas the municipal units situated within the Counties of Annapolis, Kings and West Hants are parties to various Inter-municipal Services Agreements (IMSAs) which have created corporations under s.60 *Municipal Government Act*; and**

**Whereas the parties to these IMSAs recognize the need to review and update the various incorporating documents with a view of achieving organizational efficiencies from both operational and governance perspectives;**

**Therefore, be it resolved that the Council of the Municipality of the County of Kings hereby agrees to authorize the:**

- financial commitment specific to the Municipality of the County of Kings per the memo attached to these minutes;
- establishment of an oversight committee comprising CAOs from representative municipalities; and
- application to the Department of Municipal Affairs for cost-sharing.

**Motion Carried.**

***Results***

For 8  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | -       |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |

|            |             |     |
|------------|-------------|-----|
| District 9 | Peter Allen | For |
|------------|-------------|-----|

4. **Comments from the Public** No members of the public were present.

5. **In Camera** **On motion of Councillor Spicer and Councillor Best, that Municipal Council move in camera in accordance with Section 22 (2) (e) of the *Municipal Government Act* to discuss two contractual matters.**

**Motion Carried.**

***Results***

For 8  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | -       |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

Council moved in camera at 3:35 pm and returned to open session at 5:10 pm.

It was noted that Councillor Hodges arrived at 3:35 pm.

5a. **Valley Waste-Resource Management Authority Matters** The following motions were passed as an omnibus motion:  
**On motion of Councillor Hirtle and Councillor Allen,**

**Chester Related Agreements** **WHEREAS the Municipality of the County of Kings recognizes that the Valley Waste-Resource Management Authority (Valley Waste) entered into an Extension Agreement with the Municipality of the District of Chester in September 2016; and**

**WHEREAS out of an abundance of caution going forward that the Parties to the Valley Waste Inter-municipal Service Agreement should seek compliance under Section 88(4) of the *Municipal Government Act*;**

**BE IT THEREFORE RESOLVED that the Municipality of the County of Kings request the Minister for the Department of Municipal Affairs to approve the Municipality’s commitment to its share of the long-term contractual obligation with the Municipality of the District of Chester for tipping fees and the liability associated with the closure and post-closure landfill reserve.**

**Surplus Funds** **WHEREAS the Municipality of the District of Chester has proposed to budget and use an operating surplus for the fiscal year ending March 31, 2018 to in part smooth the impact of an internal loan on tipping fees; and**

**WHEREAS** in accordance with Valley Waste policy surplus funds must be returned to the Parties;

**BE IT THEREFORE RESOLVED** that surplus funds generated under Agreement with the Municipality of the District of Chester be returned to the Municipal Parties; and

**BE IT THEREFORE RESOLVED** that these surplus funds be accounted for in Valley Waste's financial statements in accordance with Canadian Generally Accepted Accounting Principles; and

**BE IT THEREFORE RESOLVED** that subject to the approval of the other Parties to the IMSA for Valley Waste that the 2017-18 surplus associated with the Kaizer Meadow Landfill operation be returned to Chester to smooth tipping fees associated with the Kaizer Meadow Landfill operation.

**Temporary Budget Approval**

**WHEREAS** in accordance with provision 23 of Valley Waste IMSA Valley Waste requires an approved budget on or before March 31, 2018; and

**WHEREAS** the Valley Waste Board has requested the Parties approve a temporary 3-month budget effective April 1, 2018 through to June 30, 2018 at the same levels as approved in 2016-17 and 2017-18.

**BE IT THEREFORE RESOLVED** that the Municipality of the County of Kings approve the three-month budget as described herein subject to:

- The 2017-18 external financial audit being completed prior to adoption of the 2018-19 budget, including a thorough review of existing and pending contracts;
- That no new expenses be incurred;
- That no surplus funds be spent without prior approval from the Parties; and
- That the hiring of the General Manager position be postponed.

**Other Contracts**

**WHEREAS** the Municipality of the County of Kings recognizes that the Valley Region Solid Waste Resource Management Authority (VWRM) have entered into various other agreements outside of the contract with the Municipality of the District of Chester, without consideration as to whether provision 5 of the IMSA and/or section 88(4) of the Municipal Government Act applies.

**BE IT THEREFORE RESOLVED** that the Municipality of the County of Kings request Valley Waste forward all contracts so that commitment approval resolutions may be considered pursuant to provision 5 of the IMSA and/or section 88(4) of the Municipal Government Act; and

**BE IT THEREFORE RESOLVED** that the Municipality of the County of Kings request Valley Waste to forward information regarding the unsigned contract with Scotia Recycling so that commitment approval resolutions may be considered.

**Potential Notice of IMSA Withdrawal**

**WHEREAS the Municipality of the County of Annapolis as part of their March 23, 2018 resolution requires support of a majority of the Parties to the Valley Waste IMSA; and**

**WHEREAS the resolution of the Council of the Municipality of the County of Annapolis states that in the event a majority of the Parties do not support their recommendations, they will file notice to withdraw from the IMSA pursuant provision 31(1) of the IMSA; and**

**WHEREAS the Municipality of the County of the Kings supports the recommendations provided by the County of Annapolis but does not know if a majority of the Parties will provide such support.**

**BE IT THEREFORE RESOLVED that in the event a majority of the Parties do not support the Annapolis County recommendations, and Municipality of the County of Annapolis does file notice to withdraw, the Municipal Council of the County of Kings shall also file notice pursuant to s. 31(1) of the IMSA to withdraw from the IMSA.**

**Motion Carried.**

***Results***

For 9  
Against 0

| <b>District</b> | <b>Name</b>      | <b>Results</b> |
|-----------------|------------------|----------------|
| Mayor           | Peter Muttart    | For            |
| District 1      | Meg Hodges       | For            |
| District 2      | Pauline Raven    | For            |
| District 3      | Brian Hirtle     | For            |
| District 4      | Martha Armstrong | For            |
| District 5      | Paul Spicer      | For            |
| District 6      | Bob Best         | For            |
| District 7      | Emily Lutz       | -              |
| District 8      | Jim Winsor       | For            |
| District 9      | Peter Allen      | For            |

**6. Other Business**

Councillor Winsor asked whether a temporary budget for the Municipality had to be approved given the delay in the 2018/2019 budget process.

The CAO responded that the Municipality could carry out its usual business, but nothing new until approved in the new budget.

**7. Adjournment**

**On motion of Councillor Hirtle and Councillor Spicer, there being no further business, the meeting adjourned at 5:15 pm.**

**Motion Carried.**

***Results***

For 9  
Against 0

| <b>District</b> | <b>Name</b>      | <b>Results</b> |
|-----------------|------------------|----------------|
| Mayor           | Peter Muttart    | For            |
| District 1      | Meg Hodges       | For            |
| District 2      | Pauline Raven    | For            |
| District 3      | Brian Hirtle     | For            |
| District 4      | Martha Armstrong | For            |
| District 5      | Paul Spicer      | For            |

|            |             |     |
|------------|-------------|-----|
| District 6 | Bob Best    | For |
| District 7 | Emily Lutz  | -   |
| District 8 | Jim Winsor  | For |
| District 9 | Peter Allen | For |

Approved by:

Mayor Peter Muttart

Janny Postema  
Municipal Clerk/Recording Secretary

| <b>Results Legend</b> |   |
|-----------------------|---|
| -                     | Absent  |
| COI                   | Conflict of interest  |
| For                   | A vote in favour  |
| Against               | A vote in the negative or any Councillor who fails or refuses to vote and who is required to vote by the preceding subsection, shall be deemed as voting in the negative. |



# Municipality of the County of Kings

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*Land of Orchards, Vineyards and Tides*

To: Municipal Councils  
FR: Mayor Peter Muttart  
RE: STRENGTHENING OF REGIONAL SERVICE DELIVERY  
DATE: March 19, 2018

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The following proposed resolution for your consideration is in result of a unanimous recommendation from a meeting held earlier today among the Mayors and the Warden of the municipal units situated within Kings and Annapolis counties. Those present agreed to forward the following to the Mayor and Warden of Windsor and West Hants. All municipal councils are being asked to consider and approve the following:

*Whereas the municipal units situated within the Counties of Annapolis, Kings and West Hants are parties to various Inter-municipal Services Agreements (IMSAs) which have created corporations under s.60 Municipal Government Act; and*

*Whereas the parties to these IMSAs recognize the need to review and update the various incorporating documents with a view of achieving organizational efficiencies from both operational and governance perspectives;*

*Therefore be it resolved that the Council of the [insert your municipal name] hereby agree to authorize the:*

- *financial commitment specific to the [insert your municipal name] per the memo attached to these minutes;*
- *establishment of an oversight committee comprising CAOs from representative municipalities; and*
- *application to the Department of Municipal Affairs for cost-sharing*

## **PROBLEM STATEMENT - CURRENT DAY INTER-MUNICIPAL SERVICE CORPORATIONS**

- Cultural, e.g., owners not being treated as owners (reflective of the involvement of all parties)
- Organizational, e.g., Inter-Municipal Service Agreements (IMSA) being out of step with statutory requirements (contracts being administered outside of s.88 *Municipal Government Act*)
- Financial, e.g., deficiencies and lack of financing plans relative to capital asset budgeting
- Not leveraging Inter-municipal Service Corporations to their full potential, e.g. Valley Community Fibre Network not currently being used within rural high-speed broadband delivery



**SOLUTION**

Engagement of multi-disciplinary consulting team to deal with immediate problems and table recommendations for the longer term

**REQUIRED SKILL SET OF CONSULTING TEAM MEMBERS**

- Proven change agent
- Strong financial experience
- Legal with specific Inter-municipal Service Agreement (IMSA) (s.60 *Municipal Government Act* corporations) experience
- Business planning acumen

| <b>DELIVERABLES FROM CONSULTING TEAM:</b>  |   |   |
|--|---|---|
| <b>Valley Waste:</b>   | <b>Kings Transit:</b>   | <b>Valley Community Fibre Network:</b>  |
| <ul style="list-style-type: none"> <li>• Provision of new budget model:               <ul style="list-style-type: none"> <li>○ User pay – private and municipal</li> <li>○ Multi-year Tangible Capital Asset &amp; related financing plan</li> <li>○ Review of organizational structure and costs</li> </ul> </li> <li>• Develop 2018-19 Budget</li> </ul> | <ul style="list-style-type: none"> <li>• Provision of new budget model:               <ul style="list-style-type: none"> <li>○ User pay – appropriate metrics for municipal sharing</li> <li>○ Rate review</li> <li>○ Tangible Capital Asset TCA plan</li> <li>○ Review of organizational efficiencies</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Undertake build out and operational business plan development (to: transition dark fibre to lit enabling rural broadband delivery), e.g.:               <ul style="list-style-type: none"> <li>○ Define build-out scenarios</li> <li>○ Analysis of operating profiles</li> <li>○ Ongoing breakeven/municipal subsidy requirements</li> </ul> </li> </ul> |
| <ul style="list-style-type: none"> <li>• Governance updates, e.g., clarity on party and member roles</li> </ul>  | <ul style="list-style-type: none"> <li>• Leads 2017-18 year-end accounting and preparation of financial statements</li> </ul>   | <ul style="list-style-type: none"> <li>• Recommended changes to IMSA and Joint Venture Agreement (to enable recommended plan)</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Review of operating profile</li> </ul>  | <ul style="list-style-type: none"> <li>• Governance review</li> </ul>   |   |
| <ul style="list-style-type: none"> <li>• Proper papering of existing and pending contracts</li> </ul>  | <ul style="list-style-type: none"> <li>• Concludes with IMSA updates</li> </ul>   |   |
| <ul style="list-style-type: none"> <li>• Serve as VW Interim Manager (allowing Finance Manager to focus on year-end accounting and statements)</li> </ul>  |   |   |
| <ul style="list-style-type: none"> <li>• Concludes with IMSA updates</li> </ul>  |   |   |
| Synergies: makes recommendations relative to sharing of resources among s.60 corporations  |   |   |

**OVERSIGHT**

- Appointment of a temporary management committee comprised of CAOs
  - In place during the consulting period
  - To act as a conduit between the municipal units and the consultants
- Monthly progress reports filed with Boards of Directors and quarterly reports to the Councils

**ESTIMATED COST AND SHARING PROPOSAL****COST SHARING FOR PROPOSED INTER-MUNICIPAL CONTRACTED SERVICE REVIEW****Proposed Budget:**

|  |                   |
|--|-------------------|
| Element:                                       |                   |
| Leadership/ Change Management                  | \$ 75,000         |
| Financial Services                             | 50,000            |
| Legal  | 25,000            |
| VCFN business plan (net of REN and East Hants) | 65,000            |
| HST Expense Portion                            | 9,215             |
| Total proposed budget                          | <u>\$ 224,215</u> |

**Proposed sharing (Municipal/Provincial):**

|                               |      |                   |
|-------------------------------|------|-------------------|
| Municipal Share               | 75%  | \$ 168,161        |
| Provincial Share <sup>1</sup> | 25%  | 56,054            |
|                               | 100% | <u>\$ 224,215</u> |

**Proposed allocation among IMSA corporations:**

|               | Total Leadership | Total Financial | Total Legal | VCFN Business Plan | Total             |
|---------------|------------------|-----------------|-------------|--------------------|-------------------|
| Kings Transit | 10%              | 25%             | 10%         |                    | \$ 17,598         |
| Valley Waste  | 70%              | 50%             | 60%         |                    | \$ 72,348         |
| VCFN          | 20%              | 25%             | 30%         | 100%               | \$ 78,215         |
|               | <u>100%</u>      | <u>100%</u>     | <u>100%</u> | <u>100%</u>        | <u>\$ 168,161</u> |

**Proposed Unit allocation:**

|                     | VCFN % <sup>2</sup> | VCFN \$\$        | KTA %       | KTA \$\$ <sup>3&amp;4</sup> | VWRM %      | VWRM \$\$        | Total Contribution |
|---------------------|---------------------|------------------|-------------|-----------------------------|-------------|------------------|--------------------|
| Windsor             | 4.91%               | \$ 3,840         |             | \$ -                        |             | \$ -             | \$ 3,840           |
| West Hants          | 19.37%              | 15,150           |             | -                           |             | -                | 15,150             |
| Wolfville           | 6.20%               | 4,849            | 15%         | 2,640                       | 6.54%       | 4,732            | 12,221             |
| County of Kings     | 66.34%              | 51,887           | 60%         | 10,559                      | 58.91%      | 42,620           | 105,067            |
| Berwick             | 3.18%               | 2,487            | 5%          | 880                         | 2.78%       | 2,011            | 5,378              |
| Kentville           |                     | -                | 20%         | 3,520                       | 7.95%       | 5,752            | 9,271              |
| County of Annapolis |                     | -                |             | -                           | 20.99%      | 15,186           | 15,186             |
| Middleton           |                     | -                |             | -                           | 2.03%       | 1,469            | 1,469              |
| Annapolis Royal     |                     | -                |             | -                           | 0.80%       | 579              | 579                |
|                     | <u>100%</u>         | <u>\$ 78,215</u> | <u>100%</u> | <u>\$ 17,598</u>            | <u>100%</u> | <u>\$ 72,348</u> | <u>\$ 168,161</u>  |

**Notes**

1. The application to the Department of Municipal Affairs may be for more than 25% if the projection of consulting fees needs to be increased
2. VCFN costs could be further offset by Acadia, NSCC and ACOA
3. VWRM costs may be lower in the upcoming fiscal year to the Parties as a result of deferring the GM hiring
4. Annapolis Co. and Digby may want to contribute to the KTA costs

**MUNICIPAL COUNCIL  
April 3, 2018  
MINUTES**

**Meeting Date  
and Time**

A meeting of Municipal Council was held on Tuesday, April 3, 2018 at 6:00 pm in the Council Chambers, Municipal Complex, Kentville, NS.

**1. Roll Call**

All Councillors were in attendance with the exception of Deputy Mayor Lutz, whose absence was excused as per practice.

***Results for Roll Call***

For 9  
Against 0

| <b>District</b> | <b>Name</b>      | <b>Results</b> |
|-----------------|------------------|----------------|
| Mayor           | Peter Muttart    | For            |
| District 1      | Meg Hodges       | For            |
| District 2      | Pauline Raven    | For            |
| District 3      | Brian Hirtle     | For            |
| District 4      | Martha Armstrong | For            |
| District 5      | Paul Spicer      | For            |
| District 6      | Bob Best         | For            |
| District 7      | Emily Lutz       | -              |
| District 8      | Jim Winsor       | For            |
| District 9      | Peter Allen      | For            |

Also in attendance were:

- Scott Conrod, Chief Administrative Officer
- Jon Cuming, Municipal Solicitor
- Janny Postema, Municipal Clerk/Recording Secretary

**2. [Approval of Agenda](#)**

Mayor Muttart noted that the in camera session had been cancelled.

**On motion of Councillor Hirtle and Councillor Allen, that Municipal Council approve the April 3, 2018 agenda as amended.**

**Motion Carried.**

***Results***

For 9  
Against 0

| <b>District</b> | <b>Name</b>      | <b>Results</b> |
|-----------------|------------------|----------------|
| Mayor           | Peter Muttart    | For            |
| District 1      | Meg Hodges       | For            |
| District 2      | Pauline Raven    | For            |
| District 3      | Brian Hirtle     | For            |
| District 4      | Martha Armstrong | For            |
| District 5      | Paul Spicer      | For            |
| District 6      | Bob Best         | For            |
| District 7      | Emily Lutz       | -              |
| District 8      | Jim Winsor       | For            |
| District 9      | Peter Allen      | For            |

**3. Approval of Minutes**

**3a. [Minutes of March 6, 2018](#)**

**On motion of Councillor Spicer and Councillor Allen, that the minutes of the Municipal Council meeting held on March 6, 2018 be**

approved.

**Motion Carried.**

***Results***

For 8  
Against 1

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | Against |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

4. **Business Arising from the Minutes**

4a. **Minutes of March 6, 2018**

In response to a question from Councillor Armstrong whether new budget dates had been set, the CAO noted that he would be looking at dates with Finance staff. He confirmed that there would not be a budget meeting on April 10.

Mayor Muttart reported that the letter regarding a ban on single use plastic products had been mailed to the Minister of Environment on March 14.

5. **Budget and Finance Committee Recommendations March 19, 2018**

5a. **Accountability Report  
Ending December 31, 2017**

Karen Kluska presented the report as attached to the April 3, 2018 Council agenda.

**On motion of Councillor Armstrong and Councillor Winsor, that Municipal Council receive the Accountability Report ending December 31, 2017 as attached to the April 3, 2018 Council agenda.**

**Motion Carried.**

***Results***

For 8  
Against 1

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | Against |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

5b. **Re-engagement of Audit Committee**

Councillor Winsor presented the report as attached to the April 3, 2018 Council agenda.

**On motion of Councillor Winsor and Councillor Hirtle, that Municipal Council re-engage a separate standing Audit Committee of Council per s.44 *Municipal Government Act*.**

**Motion Carried.**

***Results***

For 9  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

5c. **Appointment of Citizen Members to Audit Committee**

Councillor Winsor presented the report as attached to the April 3, 2018 Council agenda.

**On motion of Councillor Winsor and Councillor Hodges, that Municipal Council advertise for and appoint two citizen members to the Audit Committee who retain appropriate qualifications.**

**Motion Carried.**

***Results***

For 9  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

5d. **Adoption of Draft Audit Committee Terms of Reference**

Councillor Winsor presented the draft terms of reference as attached to the April 3, 2018 Council agenda.

**On motion of Councillor Winsor and Councillor Best, that Municipal Council adopt the draft Audit Committee Terms of Reference as attached to the April 3, 2018 Council agenda.**

**Motion Carried.**

**Results**

For 9  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

5e. **Amendments to Policy  
FIN-05-002: Councillor &  
Committee Remuneration**

Vicki Brooke presented the report as attached to the April 3, 2018 Council agenda.

**On motion of Councillor Winsor and Councillor Hodges, that Municipal Council amend Policy FIN-05-002: Councillor and Committee Remuneration to permit mileage expenses and an annual remuneration for citizen appointees of the Audit Committee to be formed.**

**Motion Carried.**

**Results**

For 9  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

It was noted that further amendments to the Policy would be brought to the April 17, 2018 Committee of the Whole.

5f. **Repeal of Policy FIN-05-005:  
Audit Committee**

**On motion of Councillor Winsor and Councillor Hodges, that Municipal Council repeal Policy FIN-05-005: Audit Committee.**

**Motion Carried.**

**Results**

For 9  
Against 0

| District   | Name          | Results |
|------------|---------------|---------|
| Mayor      | Peter Muttart | For     |
| District 1 | Meg Hodges    | For     |
| District 2 | Pauline Raven | For     |
| District 3 | Brian Hirtle  | For     |

|            |                  |     |
|------------|------------------|-----|
| District 4 | Martha Armstrong | For |
| District 5 | Paul Spicer      | For |
| District 6 | Bob Best         | For |
| District 7 | Emily Lutz       | -   |
| District 8 | Jim Winsor       | For |
| District 9 | Peter Allen      | For |

5g. **Amendment to Budget and Finance Committee Terms of Reference**

Councillor Winsor presented the amended terms of reference as attached to the April 3, 2018 Council agenda.

**On motion of Councillor Winsor and Councillor Armstrong, that Municipal Council amend the Budget and Finance Committee Terms of Reference to remove s.2.B.**

**Motion Carried.**

**Results**

For 9  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

6. [Regional Sewer Committee Recommendations February 15, 2018](#)

6a. **Regional Sewer Committee and Regional Sewer Technical Subcommittee Terms of Reference (Policy EPW-04-013)**

Scott Quinn presented the report as attached to the April 3, 2018 Council agenda.

**On motion of Councillor Hodges and Councillor Winsor, that Municipal Council approve the Terms of Reference for the Regional Sewer Committee and the Regional Sewer Technical Subcommittee.**

**Motion Carried.**

**Results**

For 9  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

6b. **2018/2019 Regional Sewer Operating and Capital Budgets**

Scott Quinn presented the report as attached to the April 3, 2018 Council agenda.

**On motion of Councillor Allen and Councillor Spicer, that Municipal Council approve the 2018/2019 Regional Sewer Operating and Capital Budgets as attached to the April 3, 2018 Council agenda, including the Municipality's portion of \$206,300.**

**Motion Carried.**

***Results***

For 9

Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

7. **Administration & Engineering**

7a. **[Support for Abraham Gesner Memorial](#)**

Councillor Raven presented her report as attached to the April 3, 2018 Council agenda and provided a presentation.

**On motion of Councillor Raven and Councillor Armstrong, that Council table the decision on the Gesner initiative to a Special Council meeting on the morning of April 10, 2018, when Council will have the opportunity to meet the sculptor, Ruth Abernethy, and hear about the project firsthand.**

**Motion Carried.**

***Results***

For 9

Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

8. **[Committee of the Whole Recommendations March 20, 2018](#)**

8a. **Smart Cities Challenge**

Mayor Muttart presented the report as attached to the April 3, 2018 Council agenda.



On motion of Councillor Armstrong and Councillor Spicer, that Municipal Council direct staff to return to the May Committee of the Whole with a concept paper to prepare a Smart Cities Challenge application for the next round.

**Motion Carried.**

**Results**

For 9  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

8b. **KinderPrise (Childhood Entrepreneurship)**

On motion of Councillor Hodges and Councillor Armstrong, that Council refer the presentation of Solomon Caplan to our Business Development Specialist for a response directly to Solomon and his father Mike and to bring back a proposal to the April Committee of the Whole.

**Motion Carried.**

**Results**

For 9  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

8c. **Asset Management Policy**

On motion of Councillor Allen and Councillor Winsor, that approval of the Policy ADMIN-01-014 Asset Management be referred back to the CAO and Director of Engineering & Public Works, Lands & Parks Services in order to take into consideration the comments made at the March 20 Committee of the Whole and to bring it back at the next Committee of the Whole.

**Motion Carried.**

**Results**

For 9  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

8d. **Amendment to MGA  
Respecting Cape Breton  
Regional Municipality**

**On motion of Councillor Raven and Councillor Winsor, that Municipal Council direct the CAO to write a letter to Premier McNeil and Minister Mombourquette discouraging changes to the legislative capacity of select municipalities to incentivize development; and that if such incentive initiatives are to be mandated, they should apply to all municipalities.**

**Motion Amended.**

**On motion of Councillor Best and Councillor Raven, to add to the motion “and further, that a copy of this letter be sent to the UNSM with a cover letter explaining our position”.**

**Amendment Carried.**

***Results***

For 7  
Against 2

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | Against |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | Against |
| District 9 | Peter Allen      | For     |

**Amended Motion:**

**On motion of Councillor Raven and Councillor Winsor, that Municipal Council direct the CAO to write a letter to Premier McNeil and Minister Mombourquette discouraging changes to the legislative capacity of select municipalities to incentivize development; and that if such incentive initiatives are to be mandated, they should apply to all municipalities, and further, that a copy of this letter be sent to the UNSM with a cover letter explaining our position.**

**Amended Motion Carried.**

***Results***

For 8  
Against 1

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | Against |
| District 9 | Peter Allen      | For     |

9. [Nominating Committee Recommendations March 20, 2018](#)

9a. **Alternate on Planning Advisory Committee**

Councillor Hodges presented the report as attached to the April 3, 2018 Council agenda.

**On motion of Councillor Hodges and Councillor Spicer, that Municipal Council appoint Councillor Armstrong to replace Councillor Best as the alternate on the Planning Advisory Committee.**

**Motion Carried.**

*Results*

For 9  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

9b. **Member and Alternate on Eco-Kings Action Team**

**On motion of Councillor Hodges and Councillor Armstrong, that Municipal Council remove its member and alternate from the Eco-Kings Action Team.**

**Motion Deferred.**

**On motion of Councillor Hirtle and Councillor Raven, that Municipal Council defer the decision to remove its member and alternate from the Eco-Kings Action Team until the next meeting of Council.**

**Motion Carried.**

*Results*

For 9  
Against 0

| District   | Name          | Results |
|------------|---------------|---------|
| Mayor      | Peter Muttart | For     |
| District 1 | Meg Hodges    | For     |
| District 2 | Pauline Raven | For     |

|            |                  |     |
|------------|------------------|-----|
| District 3 | Brian Hirtle     | For |
| District 4 | Martha Armstrong | For |
| District 5 | Paul Spicer      | For |
| District 6 | Bob Best         | For |
| District 7 | Emily Lutz       | -   |
| District 8 | Jim Winsor       | For |
| District 9 | Peter Allen      | For |

10 [Race Relations and Anti-Discrimination Committee Recommendation March 12, 2018](#)

10a. **Name of Committee**

Councillor Allen presented the report as attached to the April 3, 2018 Council agenda.

**On motion of Councillor Allen and Councillor Hodges, that Municipal Council change the name of the Committee from “Race Relations and Anti-Discrimination Committee” to “Diversity Kings County”.**

**Motion Carried.**

**Results**

For 7

Against 2

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | Against |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | Against |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

11. **Correspondence**

Mayor Muttart gave an overview of the correspondence as attached to the April 3, 2018 Council agenda.

**On motion of Councillor Armstrong and Councillor Best, that Municipal Council receive the Correspondence as attached to the April 3, 2018 agenda package.**

**Motion Carried.**

**Results**

For 9

Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

- 11a. [Patty Miller re: Saxon Street Airport](#) Mayor Muttart noted that receipt of the correspondence regarding the Saxon Street Airport had been acknowledged and that more discussion at the staff level was needed.
- 11b. [Pia Skaarer Nielsen re: Saxon Street Airport](#)
- 11c. [Marie Jardine re: Saxon Street Airport](#)
- 11d. [UNSM to Minister Mombouquette re: Proposed Amendment to Chapter 18 of the MGA - CBRM](#) For information.
12. **Other Business**
- Councillor Best re: workshop for farmers to provide input into the draft Land Use By-law and Municipal Planning Strategy.<sup>1</sup>
    - Response from Municipal Solicitor: a legal opinion will be provided to the CAO by April 9.
  - Councillor Raven re: Henshaw Subdivision issues.
  - Councillor Winsor re: paving of Highway 1 from the boundary of Kentville to the boundary of Wolfville.
  - Councillor Winsor re: the NSUARB Lake George appeal.
    - Response from Municipal Solicitor: the appeal date has been set.
  - Councillor Winsor re: UNSM priorities.
13. **Comments from the Public**
- Ron MacKeen, Henshaw Drive, Centreville, regarding Henshaw Subdivision issues.
  - Warren Peck, Black River Road, regarding plans for the Gesner memorial.
  - Merrill Ward, Mercom Place, Coldbrook, regarding honoraria for citizen appointees to the Audit Committee, the Greenwood Civilian Airport and Saxon Street Airport, and the Henshaw Subdivision.
14. **Adjournment** **On motion of Councillor Allen and Councillor Best, there being no further business, the meeting adjourned at 8:37 pm.**

**Motion Carried.****Results**

For 9

Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

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<sup>1</sup> Councillor Best has since withdrawn his request.

Approved by:

Mayor Peter Muttart

Janny Postema  
Municipal Clerk/Recording Secretary

| <b>Results Legend</b> |   |
|-----------------------|---|
| -                     | Absent  |
| COI                   | Conflict of interest  |
| For                   | A vote in favour  |
| Against               | A vote in the negative or any Councillor who fails or refuses to vote and who is required to vote by the preceding subsection, shall be deemed as voting in the negative. |

**SPECIAL COUNCIL**  
**April 10, 2018**  
**MINUTES**

**Meeting Date and Time**

A Special Meeting of Council was held on Tuesday, April 10, 2018 at 10:35 am in the Council Chambers, Municipal Complex, Kentville, NS.

**1. Attendance**

All Councillors were in attendance with the exception of Deputy Mayor Lutz, whose absence was excused as per practice, Councillor Best with notice, and Councillor Allen.

**Results for Roll Call**

For 7  
 Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | -       |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | -       |

Also in attendance were:

- Scott Conrod, Chief Administrative Officer
- Janny Postema, Municipal Clerk/Recording Secretary

Mayor Muttart asked Councillor Raven to introduce the special guests:

- Ms. Ruth Abernethy, Sculptor
- Dr. Elisabeth Kusters, Geoscientist, Past President, Atlantic Geoscience Society
- Ms. Wendy Elliott, Councillor, Town of Wolfville
- Mr. Geof Turner, Canada Post Letter Carrier with an interest in the history of Kings County

**2. [Approval of Agenda](#)**

**On motion of Councillor Hirtle and Councillor Armstrong, that Council approve the April 10, 2018 agenda.**

**Motion Carried.**

**Results**

For 7  
 Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | -       |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | -       |

3. [Support for Abraham Gesner Memorial](#)

Ms. Abernethy spoke about the project and answered questions.

**On motion of Councillor Winsor and Councillor Hodges, that the Municipality of the County of Kings enter into an agreement for the ownership and maintenance of the proposed Gesner narrative contingent upon:**

- **the capital aspect being cost-neutral to the Municipality;**
- **the Municipality’s confirmation of acceptable arrangements with Parks Canada; and**
- **staff confirmation of the Municipality’s role in:**
  - **Procurement**
  - **Tax receipts**
  - **HST**
  - **Grant application(s)**
  - **Project management**

**Motion Carried.**

**Results**

For 7  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | -       |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | -       |

4. **Comments from the Public**

Dr. Kosters provided [hand-outs](#) with information regarding Dr. Abraham Gesner and spoke of the Atlantic Geoscience Society’s Gesner Medal. She also brought a book with works from Ruth Abernethy for viewing.

Councillor Elliott mentioned that she had been involved in raising the Mona Parsons statue in Wolfville. She brought a book containing the stamp issued by Canada Post in 2000 in honour of Dr. Gesner.

Mr. Turner thanked Council for approving the project. He noted that the Kings-Hants Historical Society had unanimously approved the proposed site, Chipman Corner. He read a statement recently issued by Parks Canada to the Kings Historical Society.

Ms. Abernethy pointed out that there would be space available at the site for a bronze plaque to thank any appropriate groups and individuals who had been a part of this endeavour.

5. **Adjournment**

**On motion of Councillor Hodges and Councillor Armstrong, there being no further business, the meeting adjourned at 11:33 am.**

**Motion Carried.**



**Results**

For 7  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | -       |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | -       |

**Approved by:**

Mayor Peter Muttart

Janny Postema  
Municipal Clerk/Recording Secretary

| <b>Results Legend</b> |   |
|-----------------------|---|
| -                     | Absent  |
| COI                   | Conflict of interest  |
| For                   | A vote in favour  |
| Against               | A vote in the negative or any Councillor who fails or refuses to vote and who is required to vote by the preceding subsection, shall be deemed as voting in the negative. |

**SPECIAL COUNCIL  
April 17, 2018  
MINUTES**

**Meeting Date  
and Time**

A Special Meeting of Council was held on Tuesday, April 17, 2018 at 11:50 am in the Council Chambers, Municipal Complex, Kentville, NS.

**1. Attendance**

All Councillors were in attendance with the exception of Deputy Mayor Lutz, whose absence was excused as per practice.

**Results for Roll Call**

For 9  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

Also in attendance were:

- Scott Conrod, Chief Administrative Officer
- Janny Postema, Municipal Clerk/Recording Secretary

**2.. [Approval of Agenda](#)**

**On motion of Councillor Hodges and Councillor Allen, that Municipal Council approve the April 17, 2018 Special Council agenda.**

**Motion Carried.**

**Results**

For 9  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

**3. In Camera**

**On motion of Councillor Spicer and Councillor Hodges, that Municipal Council move in camera in accordance with Section 22 (2) (e) of the *Municipal Government Act* to discuss contractual matters.**

**Motion Carried.**

**Results**

For 9  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

Council moved in camera at 12:00 pm and returned to open session at 1:25 pm.

During the closed session, Council gave instructions to the Municipal Solicitor and CAO regarding a contractual matter.

**Valley Region Solid Waste-Resource Management Authority (VWRMA)**

**On motion of Councillor Armstrong and Councillor Best, that Municipal Council direct the Mayor to write a letter to the Parties and Councils of the VWRMA advising that the MOK does cancel the Notice of Intention to Withdraw from the IMSA for the Valley Region Solid Waste-Resource Management Authority.**

**Motion Carried.**

**Results**

For 9  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

**Cost Share Program for Paving of Subdivision (J-Class) Streets**

**On motion of Councillor Raven and Councillor Hodges, that the motion regarding Subdivision (J-Class) Streets be tabled to the next meeting of Council.**

**Motion Defeated.**

**Results**

For 4  
Against 5

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | Against |
| District 4 | Martha Armstrong | Against |
| District 5 | Paul Spicer      | Against |

|            |             |         |
|------------|-------------|---------|
| District 6 | Bob Best    | Against |
| District 7 | Emily Lutz  | -       |
| District 8 | Jim Winsor  | For     |
| District 9 | Peter Allen | Against |

On motion of Councillor Hirtle and Councillor Allen, that Municipal Council approve the Municipality’s portion of the Cost Share Program for Paving of Subdivision (J-Class) Streets for fiscal year 2018/19 which is \$300,000; and

That Municipal Council authorize the Mayor and CAO to negotiate with DTIR to substitute Davlyn Drive and Rosalind Drive for Pine Crest Drive on the approved list of roads submitted by the Minister for DTIR (included in the April 17, 2018 Committee of the Whole agenda package).

**Motion Carried.**

**Results**

For 8  
Against 1

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | Against |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

**4. Comments from the Public**

No members of the public were in attendance.

**5. Adjournment**

On motion of Councillor Spicer and Councillor Allen, there being no further business, the meeting adjourned at 1:47 pm.

**Motion Carried.**

**Results**

For 9  
Against 0

| District   | Name             | Results |
|------------|------------------|---------|
| Mayor      | Peter Muttart    | For     |
| District 1 | Meg Hodges       | For     |
| District 2 | Pauline Raven    | For     |
| District 3 | Brian Hirtle     | For     |
| District 4 | Martha Armstrong | For     |
| District 5 | Paul Spicer      | For     |
| District 6 | Bob Best         | For     |
| District 7 | Emily Lutz       | -       |
| District 8 | Jim Winsor       | For     |
| District 9 | Peter Allen      | For     |

Approved by:

Mayor Peter Muttart

Janny Postema  
Municipal Clerk/Recording Secretary

| <b>Results Legend</b> |   |
|-----------------------|---|
| -                     | Absent  |
| COI                   | Conflict of interest  |
| For                   | A vote in favour  |
| Against               | A vote in the negative or any Councillor who fails or refuses to vote and who is required to vote by the preceding subsection, shall be deemed as voting in the negative. |



# Municipality of the County of Kings

## Request for Decision

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**TO** Municipal Council

**PREPARED BY** Mandy Burgess, Development Officer

**MEETING DATE** May 1, 2018 - Council Meeting

**SUBJECT** Appeal of the Decision of the Development Officer to Approve a Site Plan Agreement- Grand Pré Road, Grand Pré, PID 55235352

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### ORIGIN

- Section 232 (3) of the *Municipal Government Act* requires Council to hear the appeal of a Site Plan Approval.
- This hearing is an independent item, there are no prior reports or motions on the item.
- Site Plan Agreement- Grand Pré Road, Grand Pré, PID 55235352.
- Appeal Letter from Paul McKinley, Heather McKinley, Mary MacInnes and David MacInnes received March 29, 2018

### RECOMMENDATION

Council is here to consider the appeal and must decide, based on the criteria laid out in the Land Use Bylaw, to either uphold the Development Officer's decision to approve the site plan agreement, with the following proposed motion:

**That Council move that the appeal is unsuccessful and uphold the decision of the Development Officer to approve the site plan agreement for the development of a non-farm dwelling in the Agricultural (A1) Zone, submitted by Adriana Merks.**

OR

Council may overturn the Development Officer's decision to approve the site plan agreement. Staff have prepared the following motion for that outcome:

**That Council move that the appeal is successful and that the decision of the Development Officer to approve the site plan agreement for the development of a non-farm dwelling in the Agricultural (A1) Zone submitted by Adriana Merks is overturned.**

### BACKGROUND

This property originates from a 1959 deed description where, over time, parcels have been legally severed either by deed or subdivision approval. The lot as it is currently configured dates back to November 1980, prior to the regulations and lot standards that are in place today. The subject property is configured such that it has two frontages on Grand Pré Road; one approximately 40 feet wide and the other approximately 60 feet wide, making the property a legally existing undersized lot solely based on frontage. The total area of the lot is approximately 6 acres. An approved driveway access permit from the Department of Transportation was provided as part of the application for site plan approval.

The subject property is dual zoned falling in the Hamlet Historic Residential (R9) and Agricultural (A1) Zones. The front 200 feet from Grand Pré Road falls in the Hamlet Historic Residential (R9) Zone aligning with the rear lot line of the surrounding properties while the remaining lands fall in the Agricultural (A1) Zone.



# Municipality of the County of Kings

## Request for Decision

The subject property is currently vacant and looks to be used for hay over the past number of years. The property is active CLI class 4 soils and has been in the ownership of the Merks family since 1982.

In addition to the Land Use Bylaw Zoning the property is located within the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site Buffer Area. Property owners in the UNESCO Heritage Site and Buffer Area looking to build are made aware of the archaeological heritage of the area and are encouraged to contact a representative at Communities Culture and Heritage for their review. The archaeological requirements under the Special Places Program do not interfere or impact the Municipality's permit process. The Municipality's role is to act as an extra notification in the process, not to determine if archeological review must be undertaken.

The minimum setback requirements in the Land Use Bylaw for a dwelling in both the Hamlet Historic Residential (R9) and Agricultural (A1) zones are 45 feet from the front lot line, 40 feet from the rear lot line and 20 feet from the side lot lines.

One or two unit dwellings are uses permitted as-of-right in the Hamlet Historic Residential (R9) Zone. Non-farm dwellings (containing one or two units) are a use permitted subject to conditions in the Agricultural (A1) Zone. The property must first meet one of the qualifiers contained in Section 11.1.8.1 of the Land Use Bylaw. Any non-farm dwelling permitted through one of the qualifiers is then only permitted once site plan approval has been granted.

### **DISCUSSION**

This lot, amongst others in Grand Pré and throughout the Municipality, is considered an existing undersized lot as the Hamlet Historic Residential (R9) Zone requires 200 feet of frontage. When adopting the current Land Use Bylaw, Council acknowledged that lots may have been created prior to the adoption of the 1992 Land Use Bylaw lot requirements and did not want to exclude these lots from development by nature of their dimensions and/or size. Therefore, Section 3.3.2. of the Land Use Bylaw permits lots created prior to May 5, 1992 having less than the minimum frontage or area or both required by the zone to be used for a purpose permitted in the zone provided that all other applicable provisions in the Land Use Bylaw are satisfied.

In reviewing the lot in relation to its configuration and minimum setback requirements, portions of the property are limited in its ability to be developed. The areas of the property zoned Hamlet Historic Residential (R9) are approximately 40 feet and 60 feet wide. With required side yard setbacks of 20 feet, the developable area is either eliminated or too restrictive.

The remainder of the property provides ample room to develop and as the land falls in the Agricultural (A1) Zone, one of the qualifiers must be met. As per section 11.1.8.1 of the Land Use Bylaw, lots in the Agricultural (A1) zone whose boundaries have not been altered since August 1, 1994 may be used for the construction of a dwelling. This lot meets this qualifier therefore allowing a non-farm dwelling to be constructed through the site plan approval process.

The *Municipal Government Act* identifies guidelines under which a Land Use Bylaw may consider site plan approvals. A site plan approval is an agreement between the Municipality and the property owner, where items like site layout and site conditions are controlled. Some of the criteria are written into the agreement while others are negotiated up front. In the Land Use Bylaw, site plan approvals in the Agricultural (A1) zone are considered using the following criteria:

*11.1.8.3 Any non-farm dwellings permitted under Part 11.1.8.1 shall be permitted by site plan approval in accordance with the following criteria:*



## Municipality of the County of Kings Request for Decision

- a. Dwellings are encouraged to locate as close to the front lot line as possible and shall be within 100 feet from the front lot line, unless restricted by topography or it is shown that the impact on agricultural lands is greater than if the dwelling was placed elsewhere.*
- b. The lot, or portions of the lot, that is to be used for a residential use shall have, where necessary, vegetative buffering between it and surrounding croplands to minimize the spread of fertilizer, pesticides and other sprays, and to provide a visual and sound buffer. This shall be a consideration even where there is a common ownership of the lot in question and surrounding properties.*
- c. Any required vegetative buffer should include deciduous or coniferous trees that are a minimum of 4 feet tall at the time of planting and shall be no more than 30 feet apart. Existing vegetation may be deemed sufficient to meet the buffering criteria if it is clearly demonstrated that the existing vegetation provides an adequate visual, sound and spray buffer.*
- d. The dwelling shall not be within 600 feet of an existing intensive livestock operation or and intensive livestock operation that has received a development permit, with the exception of dwellings proposed to be developed on properties located within the Hortonville Historic Grid, defined as properties located east of Lower Grand Pré Rd, North of Hwy 1, west of the Gaspereau River and its tributaries and South of the old railway line.*
- e. Written acknowledgement by the property owner that the dwelling is located in an agricultural area.*

As part of the evaluation process, this office reviews the application using the above criteria as a guideline.

### ***a. Location of the Development Envelope***

Given the dual zone of the property and the lot configuration, the location of the development envelope was considered under a few different lenses. As indicated in the discussion above, the Hamlet Historic Residential (R9) zoned portion of the lot limits the area reasonably able to be used for development. Because of the Hamlet Historic (R9) limitations a development envelope was considered for the Agricultural (A1) zoned portion of the property, triggering site plan approval.

The original site plan graphic included as part of the application proposed to locate the dwelling in the far east corner of the lot, 60 feet off of the rear lot line and 120 feet from the south side lot line. This location was not deemed acceptable due to the surrounding agricultural land. The property owner was asked to consider a building envelope location closer to the front of the property near to the two residential dwellings between the 2 frontages, to minimize the impact on the farmland.

In weighing the balance between protecting agricultural land and the privacy of the neighbouring land owners, it was reasonable that the zone boundary between the Hamlet Historic Residential (R9) and Agricultural (A1) Zones would act as the "front" lot line. Further if the development was to occur in the Hamlet Historic Residential (R9) zoned portion of the lot a site plan agreement would not be required to be negotiated and no consideration would be made for how far the dwelling was from the front lot line, aside from the minimum front setback. Grouping the residential uses is meeting the principle of lessening the impact on agricultural land, allowing the remainder of the property to continue to be farmed.

### ***b. Vegetative Buffer***

The site plan approval agreement identifies areas along the south and east property lines where vegetation will be planted to buffer the residential use from surrounding agricultural uses.





# Municipality of the County of Kings

## Request for Decision

### ***c. Standards for Vegetative Buffer***

As there is no existing vegetation between the property and surrounding agricultural uses, conditions requiring new vegetation have been included in the agreement. The vegetation buffer must include coniferous or deciduous trees that are a minimum of 4 feet tall at the time of planting and shall be planted no more than 30 feet apart.

### ***d. Distance from Intensive Livestock***

Property mapping indicates that the building envelope is greater than 600 feet from the nearest livestock operation.

### ***e. Acknowledgement of Agricultural Area***

An acknowledgement has been made in the agreement to ensure that the property owner is aware they are developing in an agricultural area. As such, the residents of the dwelling should expect agricultural uses to continue with no expectation of compromise from the farming use given the introduction of a residential use.

Given the site plan application was reasonable in nature and generally compliant with criteria, the site plan was approved on March 13, 2018 and this office proceeded with the next step of notifying all property owners within 30 metres of the property boundary and identified the steps to appeal the decision of the Development Officer on the basis that the criteria of the Land Use Bylaw were not met. During the appeal period, 2 of the 7 notified property owners submitted a joint appeal of the site plan approval (see attached).

## **FINANCIAL IMPLICATIONS**

- There are no financial implications on the Municipality

## **ALTERNATIVES**

- There are no alternative outcomes to this hearing; Council must make a decision following the hearing.

## **IMPLEMENTATION**

- No further action will be required by Council.

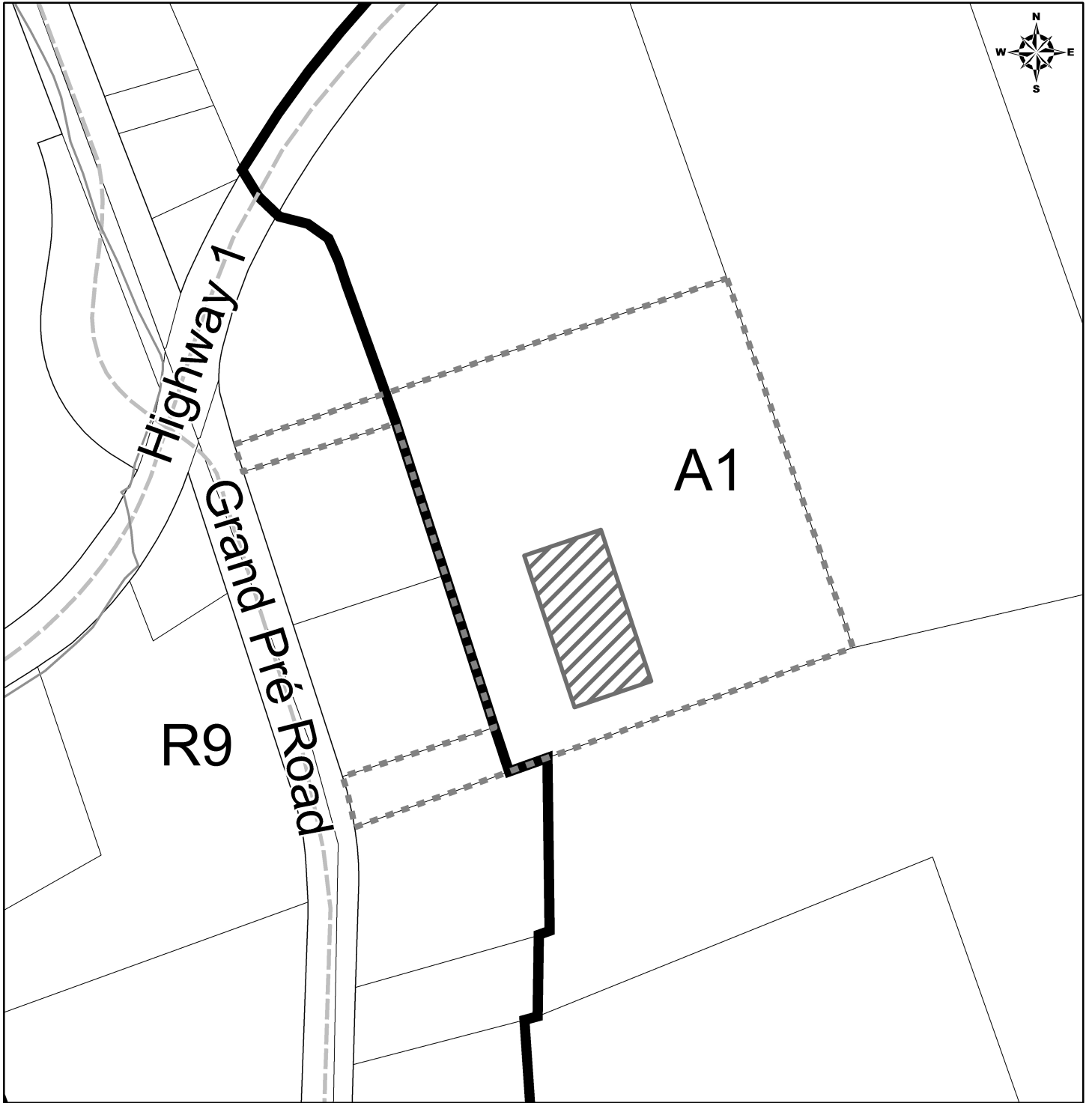
## **APPENDICES**

- Zoning Map of the Subject Property
- Site Plan Approval Agreement
- Appellant Letter

## **APPROVALS**

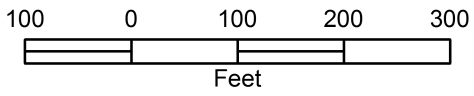
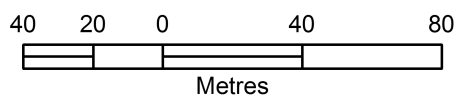
Trish Javorek, Director, Community Development      Date: April 20, 2018





Scott Conrod, Chief Administrative Officer              Date: April 25, 2018



### Site Plan Approval

#180001 - PID 55235352



-  Building Envelope
-  Subject Property
-  Water Feature
-  Zoning Boundary

### Zoning

- A1** Agricultural
- R9** Hamlet Historic Residential

Source:  
Digital NSPRD (2015), 1:50,000 Resource Map  
Series & 1:10,000 NSTDB - NS Geomatics Centre (2008)  
Zoning (2015) & Barn Locations (2015) - Municipality of Kings  
Protected Soils: Digital 1:20,000 Soils - NS Dept. of  
Agriculture (1987) & Active Agriculture - Municipality  
of Kings/NS Dept of Agriculture (1999)

**Site Plan Undertaking**

I, Adriana (Jeannie) Merks, of Grand Pre, Nova Scotia, being the owner of the lands known as PID 55235352, located at Grand Pre Road, Grand Pre, Nova Scotia, as shown on the Site Plan, hereby undertake to carry out the terms of the Site Plan with respect to any development of the lands; and to comply with the Land Use Bylaw. I understand that the development permit issued for development of the lands is subject to the Site Plan (Schedule A), the Terms and Conditions (Schedule B), and the Land Use Bylaw, and failure to comply with the Site Plan or Land Use Bylaw is an offence pursuant to the *Municipal Government Act*. I also understand that approval of the Site Plan does not imply compliance with the *Building Code Act*, *Fire Safety Act*, or any other legislation, and I understand that it is my sole obligation to ensure compliance with all legislation.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
ADRIANA J. MERKS  
OWNER

CANADA  
PROVINCE OF NOVA SCOTIA  
COUNTY OF KINGS

ON THIS \_\_\_\_ day of \_\_\_\_\_, A.D., 2018, before me, the subscriber personally came and appeared \_\_\_\_\_, a subscribing witness to the foregoing Indenture, who have been duly sworn, made oath and said that ADRIANA J. MERKS, a party thereto, signed, sealed and delivered the same in the presence of the said witness.

\_\_\_\_\_  
COMMISSIONER OF OATHS

I hereby approve this Site Plan pursuant to Municipal Government Act, s. 232.  
Date: March 13, 2018  
Mandy Burgess  
DEVELOPMENT OFFICER

Schedule "A" - Site Plan

Veritas®

Made in Canada

Innovation in tools®

From the workbench of:

Date:

PID # 55235352

February 27, 2018

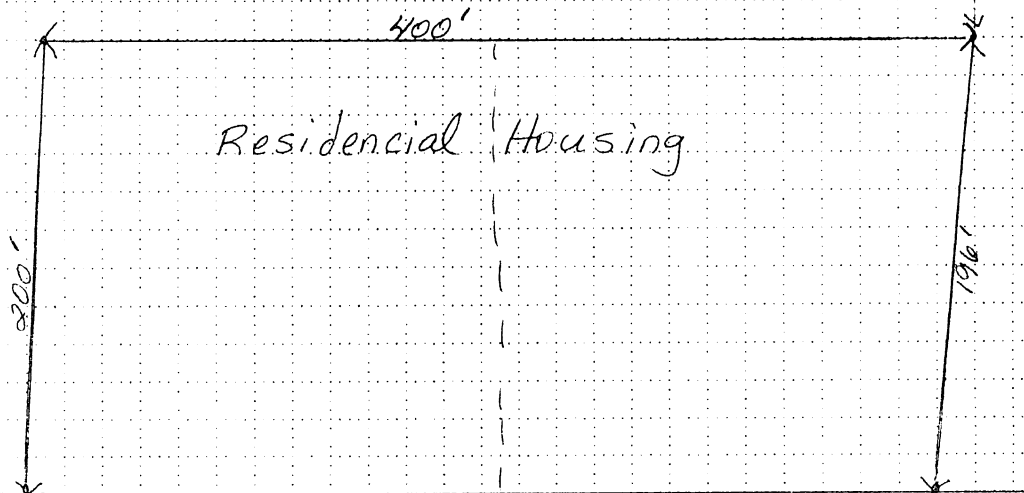
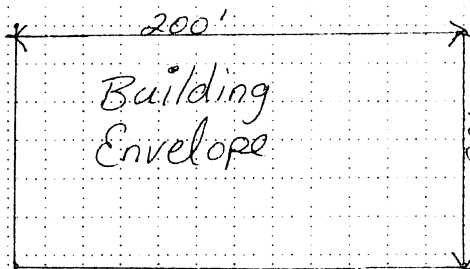
Drawn by Mary Ann Merks

Scale  $\frac{1}{4}$ " = 68' (1 square = 17')

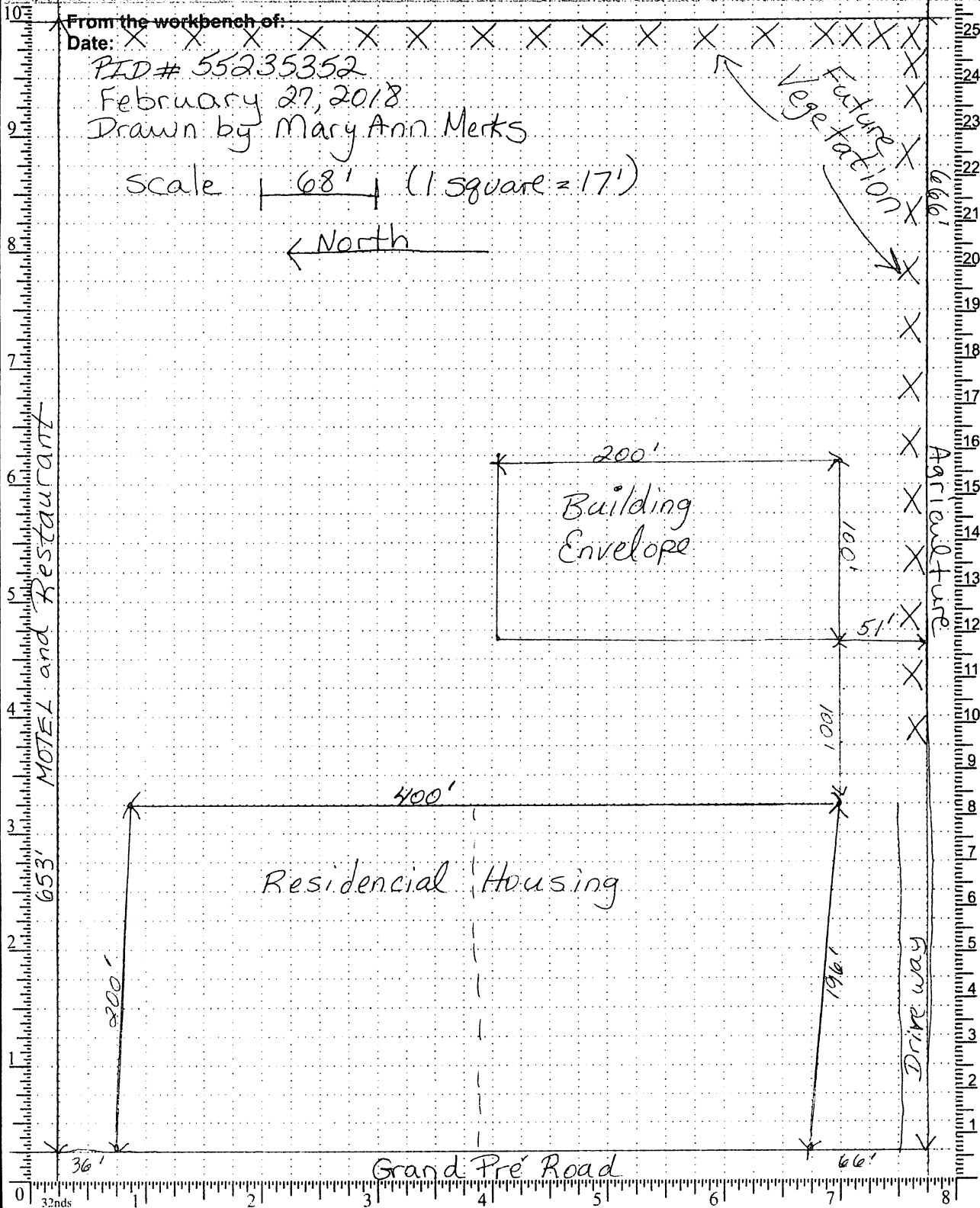
← North

653' MOTEL and Restaurant

666' Agriculture



Grand Pré Road



Applicant Initials  
 Council 2018/05/01 Page 36

## Schedule "B" - Terms and Conditions

Municipality of the County of Kings  
Site Plan for PID 55235352, Grand Pre Road, Grand Pre

The purpose of this Site Plan Agreement is to allow for a non-farm dwelling, not exceeding two (2) units, and accessory structures as provided for in Section 11.1.8.3 of the Municipality of the County of Kings Land Use Bylaw, as it is amended from time to time, located in the Agricultural (A1) Zone on the property identified as PID 55235352, Grand Pre Road, Grand Pre. The property owner agrees to construct and maintain the said development in accordance with the Site Plan and the following terms and conditions.

- 1.0 A non-farm dwelling, not exceeding two (2) units, may be constructed within the area shown as "Building Envelope" on the Site Plan provided.
- 2.0 All non-residential uses normally permitted in the A1 Zone are permitted in accordance with the requirements of the Land Use Bylaw as amended from time to time.
- 3.0 Accessory buildings normally permitted in the A1 Zone are permitted in accordance with the requirements of the Land Use Bylaw as amended from time to time.
- 4.0 The areas identified as "Future Vegetation" south and east of the Building Envelope on the site plan shall serve as the vegetative buffer between the residential dwelling(s) and surrounding agricultural lands.. This area must include new or existing deciduous and/or coniferous trees, a minimum of four feet in height at the time of planting and be no more than thirty feet apart.
- 5.0 The property owner acknowledges that the dwelling permitted in section 1.0, above, is located in an agricultural area.
- 6.0 The property owner agrees to construct and maintain the said development in accordance with the Site Plan.
- 7.0 Failure to comply with the Site Plan will constitute a breach of the Land Use Bylaw.
- 8.0 Any failure of the Municipality to insist upon strict enforcement of any requirement or conditions contained in this Site Plan 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 site plan.

\_\_\_\_\_  
Applicant Initials

To: Municipal Clerk, Municipality of the County of Kings

From: Paul McKinley, Heather McKinley, Mary MacInnes, David MacInnes

Re: Site Plan Approval 180001

We wish to appeal Site Plan Approval 180001 because it violates the Kings County Land Use Bylaws.

The property in question, PID 55235352, is a dual zoned property. A portion of the property abuts the Grand Pre Road for approximately 65 feet and then extends back from the road for about 200 feet and is zoned R9. The remainder, about 500 feet by 450 feet, does not abut a public road and is zoned A1. It is land locked. Consequently, by law regulations from two zones apply neither of which permit construction of the proposed non-farm dwelling within the proposed building envelope. However, it might be possible to locate a non-farm dwelling within the R9 portion of the lot under current regulations.

If it is argued that a non-farm building can be built on this property because it is zoned A1, then the 11.1.8 exception of the County of Kings Land Use Bylaw (the Bylaws) applies. If this is the case, then the property is land locked in the sense that it does not have road frontage.

Consequently, Section 3.1.2 of the Bylaws applies and a development permit cannot be issued because the property does not abut a public street. Further, Section 3.1.1 of the Bylaws prohibits vehicular access across two zones, so regulations do not permit the structure to be connected to a public road by a driveway. And, further 3.2.6.2 of the County of Kings Municipal Strategy prohibits a non-farm dwelling on agricultural land that does not have frontage on a public road.

If it is argued that a non-farm building can be built on this property because it is zoned R9, then the non-farm dwelling would presumably be built pursuant to Section 3.3.2, which permits buildings on undersized lots under some conditions. If these conditions are met, the proposed non-farm dwelling is required to meet all other R9 requirements which would place the building envelope somewhere in the R9 portion of the lot, not in the A1 portion of the lot as is currently proposed.

R9 and A1 zones are mutually exclusive zoning entities and cannot be logically or legally combined into one entity. However, if it is illogically argued that the R9 portion of the lot can be combined to the A1 portion so that the A1 regulations apply to both portions of the lot, which would unlock the land lock, there is still a zoning problem. Section 11.1.8.3 of the Bylaws requires that non-farm dwellings on A1 zoned land be constructed within 100 feet of the road with two exceptions. However, neither exception, topography or agricultural impact, applies in this case. Consequently, if this argument is illogically proposed and illegally accepted, then the non-farm dwelling would have to be built within 100 feet of the road, which is in the R9 portion of the lot.

The remaining possibility is that it might be illogically argued that R9 regulations apply to both portions of the lot. In this case, there is no case at all for a building permit because the exception to building on A1 land does not apply.

The clear conclusion is that, if a dwelling is built on this lot, it must be built on the R9 portion and meet all regulations other than road frontage and lot size.

We are disappointed that a proposal that is clearly prohibited under the Bylaws has reached the Site Plan Approval stage. The fact the proposal has proceeded this far suggests there may be problems in the administration of land use by laws in Kings County. We encourage County Council to investigate what this apparent problem might be.

Yours sincerely,

Paul McKinley

Heather McKinley

Mary MacInnes

David MacInnes

CC Mandy Burgess, Development Officer

Peter Allen, County Councillor

## Presentation to County Council

Thank you for this opportunity to speak to you this evening.

I have two preliminary matters before I present on the appeal.

The first is a request. The presentation I will be making tonight is different than the information contained in the document I signed to initiate the appeal process that is attached to tonight's agenda. This is because the time constraint imposed on appeal initiation did not permit an adequate review of the land use by-laws. I have now completed an adequate review and will take a different approach to the issue tonight than is reflected in the initial appeal document. Is it possible to append a second document outlining the grounds of my appeal that I will be presenting tonight?

The second preliminary matter concerns the possibility of a real or apparent conflict of interest. The name of the applicant in this case is Adriana Merks. As some of you may know, Adriana Merks was or is associated with the former Chair of the Planning Advisory Committee. So, my question is: has Council considered whether the Planning Department or Municipal Council is in a real or perceived conflict of interest in this case. And, secondly, due to their previous relationship with the former Chair of the Planning Advisory Council do any of the councilors wish to excuse themselves from this appeal process on conflict of interest grounds?

Will my question about real or perceived conflict of interest and the response I have received be recorded in the minutes?

My presentation this evening will consist of two parts. The first part will consist of an analysis of the deficiencies in the Planning Department's report on this matter. The second part will outline 5 by-laws that the Planning department violated when they proposed the site plan.

### Part I

The Planning Department Report is misleading; it is biased; and it omits critical information.

In their report, the Planning Department has asserted that the proposed site plan is "reasonable". Importantly, they have not asserted that the proposed site plan complies with the by-laws. This is because they can not report that the site plan complies with the by-laws because it does not. So, they are left with reporting to you that it is reasonable.

I disagree and my neighbors disagree. The Planning Department's recommendation is not reasonable. It is not reasonable because it will reduce the value of my property to a greater extent than locating a dwelling on the residential portion of the lot beside my home as is required by the by-laws. However, we are not hear to decide what is reasonable and what is unreasonable. We are hear to make a decision on what is permitted by the law and what is prohibited by the



law. What the Planning Department thinks might be reasonable or unreasonable is irrelevant. Their report is therefore irrelevant and should be disregarded.

This is Canada not some dictatorship or theocracy. In this county, and in democratic countries in general, government decisions are based on the law; not on the biases and prejudices of government employees. Government employees, including development officers, have no business making decisions based upon their personal biases and prejudices or what is called reasonableness in the Planning Department's report. They are required to keep their personal preferences and biases to themselves and make their recommendations based upon the law. They have explicitly failed to do so in this case and are asking you to support their biases and prejudices rather than decide this case on the basis of the laws you have passed. I strongly encourage you to reject their report.

The 66-foot section, not 60-foot section as reported by the Planning Department, of the lot zoned residential and located along the road next to my home clearly qualifies as an undersized lot under the by-laws on which a 26-foot-wide dwelling can be located given the required 20-foot setbacks from the side lot lines. This is the only portion of the lot under consideration this evening on which a dwelling can be built within existing By-laws.

A dwelling cannot be built in the agricultural portion of the lot as recommended by the Planning Department because the agricultural portion of the lot does not qualify under existing by-laws for a non-farm dwelling because it does not have any road frontage. Current Bylaws prohibit the construction of dwellings on agricultural land that has no road frontage. The only place where a dwelling can be legally built on the lot is in the 66-foot section along the road that is zoned residential.

On page 2, in the discussion section, paragraph 2 of the Planning Department report, it is stated that the development area in the 66-foot residential portion of the lot is too restrictive. This is fundamentally an inappropriate comment. It is not the Planning Department's role to criticize the laws made by this council; it is their job to enforce the laws made by this council. Of course, the By-laws are restrictive; that is their purpose. It is not the Planning Department's job to pick and choose which by-laws to enforce and which ones to ignore based upon their preferences. It is their job to enforce them all regardless of whether their personal bias is that they are too restrictive. It is their job to require that a dwelling on this lot is built on the residential portion of the lot. That they are not doing so should alert council that there is something wrong here. I encourage you to investigate and find out what it is.

On the top of page 3, paragraph A the Planning Department report acknowledges that non-farm dwellings built on agricultural land must be built within 100 feet of the road, but the report then completely ignores this By-law. I want to encourage you to investigate why the Planning Department has ignored this essential prerequisite to building dwellings on agricultural land.

On page 3, section A, paragraph 3 of the report from the Planning Department, it is claimed that the proposed building envelop minimizes agricultural impact. This assertion is false. The building envelop proposed by the Planning Department maximizes agricultural impact rather

than minimizes it by allowing the construction of a dwelling on the agricultural portion of the lot rather than on the residential portion of the lot as required by the By-laws.

The Planning Department's report is deeply flawed. It is a prejudicial document that presents the bias of the Planning department, while ignoring the law. It is about Development Officers imposing their own rules on the community rather than the laws passed by this council. It also contains inaccuracies and misrepresentations as I have outlined. I strongly encourage you to ask good questions and find out why the Planning Department is acting in such an unusual manner.

## Part II

With respect to the law, the proposal to build a house on land behind my home in Grand Pre is in violation of several by-laws including the Definition and Interpretation By-Law, the County of Kings Land Use By-law, and the County of Kings Municipal Planning Strategy. These By-laws have been thoughtfully developed to protect landowners like me from having the value of property diminished by incompatible developments.

Section 3 of the Definitions and Interpretations By-law requires that all "shall" clauses are imperative. Developments which are contrary to a shall clause must be rejected by the Planning Department and should not be coming before Council. As I will point out in a moment there is a shall clause that prohibits the construction of a non-farm dwellings on agricultural land within the proposed building envelop. Consequently, the Planning Department should not have proceeded with a site plan and we should not be here this evening discussing the matter.

The second by-law violation is Section 1.94.3 of the County of Kings Land Use By-Law that defines the front lot line as the line dividing the lot from the street. This is critical because, in order to accept the Planning Department's proposed site plan, the front lot line must simultaneously be in two places at once. It must be along the road as required by Section 1.94.3 and it must also be 200 feet from the road which is contrary to Section 1.94.3. The front lot line cannot be in two places at once. The By-laws clearly state that the front lot line is along the road not adjacent to a landlocked piece of agricultural land as implied by the Planning Department.

A third By-law Council should take note of is Section 4.4.9.3 of the Kings County Municipal Planning Strategy. This By-law establishes that Grand Pre is different than the rest of the county. It requires more stringent lot requirements and it requires that additional effort be made to protect agricultural land in Grand Pre. Importantly, this means that any precedents set in other parts of the county do not apply to Grand Pre. It also means that, should the Planning Department and Council have interpretive options, the interpretation must favor protection of agricultural land. The Planning Department has not done this; they have done the opposite. They have proposed a site plan that will maximize impact on agricultural land by not requiring the dwelling be built in the residential portion of the lot. This is a violation of Section 4.4.9.3 of the Kings Cuntly Planning Strategy.

As you likely know, Section 11.1.8 permits one non-farm dwelling to be built on agricultural land if the lot was created before 1994. However, not all agricultural land qualifies for this

exception. In order to qualify for the exemption, Section 11.1.8.3(a) must also be satisfied. Importantly, it is a “shall” clause and cannot legally be ignored. It requires that a non-farm dwelling on agricultural land “shall be within 100 feet of the front lot line” unless (1) topography restricts dwelling location or (2) unless placing the dwelling within 100 feet of the front lot line has a greater negative agricultural impact than placing it elsewhere.

Neither exception applies in this case. The topography does not restrict dwelling location and, if a non-farm dwelling were located more than 100 feet from the front lot line, it would increase the agricultural impact; it would not diminish it. The fact is the agricultural portion of the lot is 200 feet from the road and therefore does not and cannot qualify as a building lot for a non-farm dwelling under Section 11.1.8.

The fifth by-law the Planning Department is violating in the proposed site plan is Section 11.1.17 of the County of Kings Land Use By-Law. It specifically prohibits construction of a non-farm dwelling in the agricultural zone unless it fronts on a public street. The agricultural zone does not front on a public street so a dwelling cannot be built on it without violating the By-laws.

As noted in my opening remarks, one of the reasons land use by-laws exist is to protect property owners like me from developments that undermine the value of their property. This proposed development will undermine the value of my property. Fortunately, the proposed site plan is prohibited under 5 separate by-laws including Sections 11.1.8.3(a) and Section 11.1.17 of the County of Kings Land Use By-law which prohibit the development because it is not on the road. Section 1.94.3 of the Land Use By-laws solidly anchors the front lot line along the public road which means the it cannot be in two places at once as implied by the Planning Department. The site plan is also in violation of Section 3 of the Definitions and Interpretations By-law that requires enforcement of “shall” clauses and it is a violation of Section 4.4.9.3 of the Kings County Municipal Planning Strategy that provides special protection for Grand Pre. The bottom line here is that the By-laws do not permit the construction of a non- farm dwelling on agricultural land unless it has road frontage. I ask the council to enforce the By-laws and to ask good questions about how this proposal was permitted to go this far causing several people to unnecessarily interrupt their lives.

# THE MUNICIPALITY OF THE COUNTY OF KINGS

## REPORT TO COUNCIL

**Subject: Planning Items**

**Date: May 1, 2018**

|   |   |   |
|---|---|---|
| A | <b>Application for a non-substantive amendment to a development agreement to change location of director's cabin at Kingswood Camp, Lake George (File 17-16)</b>  | Be it resolved that <b>Municipal Council give consideration and approval to the draft amending agreement to the existing development agreement permitting a camp facility at #38 Q-7 Road, Lake George, which is substantively the same (save for minor differences in form) as the draft set out in Appendix C of the report dated April 10, 2018.</b><br><br><b><u>(Report attached)</u></b>                            |
| B | <b>Application for a non-substantive amendment to a development agreement to permit additional encroachment outside of the approved building envelope at 9406 Commercial Street, New Minas (File 18-05)</b> | Be it resolved that <b>Municipal Council give consideration and approval to the draft amending agreement to the existing development agreement permitting multi-unit residential development at 9406 Commercial Street, New Minas, which is substantively the same (save for minor differences in form) as the draft set out in Appendix B of the report dated April 10, 2018.</b><br><br><b><u>(Report attached)</u></b> |
| C | <b>Application to enter into a development agreement to permit a 3-unit residential building at 2809 Lovett Road, Coldbrook (File 17-14)</b>  | Be it resolved that <b>Municipal Council give Initial Consideration and hold a Public Hearing to enter into a development agreement to permit a 3 unit residential building at 2809 Lovett Road, Coldbrook (55159925), which is substantively the same (save for minor differences in form) as the draft set out in Appendix G of the report dated April 10, 2018.</b><br><br><b><u>(Report attached)</u></b>             |
| D | <b>Next Public Hearing Date</b>   | <b>June 5, 2018 – 6:00 p.m.</b>   |



# Municipality of the County of Kings Report to the Planning Advisory Committee

Application for a non-substantial amendment to an existing development agreement for a camp facility at #38 Q-7 Rd., Lake George (File 17-16)

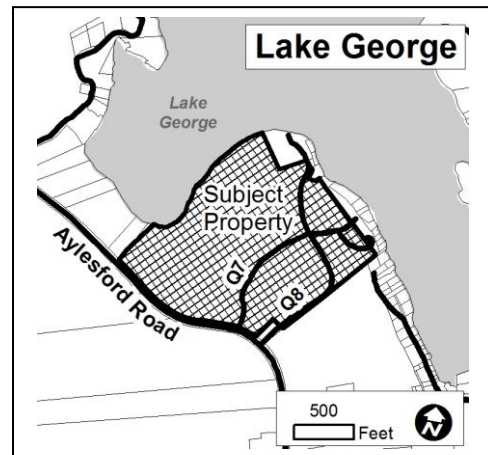
April 10, 2018

**Prepared by:** Planning and Development Services

|                         |  |
|-------------------------|--|
| <b>Applicant</b>        | Laurie Hennigar, Kingswood Camp Society  |
| <b>Land Owner</b>       | Eastern Valley Baptist Association   |
| <b>Proposal</b>         | To amend the existing development agreement to change the location of a building envelope. |
| <b>Location</b>         | #38 Q-7 Road, Lake George (PIDs 55125488 and 55523518)                                     |
| <b>Area</b>             | Approximately 46.5 acres   |
| <b>Designation</b>      | Shoreland  |
| <b>Zone</b>             | Seasonal Residential (S1)  |
| <b>Surrounding Uses</b> | Low-density residential uses   |

## 1. PROPOSAL

Laurie Hennigar of the Kingswood Camp Society, has applied on behalf of the Eastern Valley Baptist Association for a non-substantial amendment to their development agreement. The intent of the amendment is to change the location of the building envelope for the director's cabin on the site plan and to change the use of the existing director's cabin to a meeting room and storage.



## 2. OPTIONS

In response to the application, the Planning Advisory Committee may:

- A. Recommend that Council approve the Amending Agreement, as drafted;
- B. Recommend that Council refuse the Amending Agreement; or
- C. Provide alternative direction, such as requesting further information on a specific topic, or making changes to the draft Amending Agreement.

## 3. BACKGROUND

Kingswood Camp is a non-commercial Camp Facility located at 38 Q7 Road, Lake George, Nova Scotia. Its mandate is to provide Christian-based programming in an outdoor setting that promotes campers' physical, emotional, social, and spiritual development.

On March 3, 2015 Council approved entering into a development agreement with the Eastern Valley Baptist Association for the Kingswood Camp property (PIDs 55125488 and 55523518).

This development agreement allows for the construction of two camp cabins, a Worship and Activity Centre and one seasonal staff accommodation at the Kingswood Camp. For more information on this file, please refer to the report to the [Planning Advisory Committee dated January 13, 2015](#).

The intention of this application is to re-locate one of the building envelopes approximately 150 feet northwest of the 50 metre by 50 metre building envelope on the site plan. Since the director's cabin was an existing building at the time of the original development agreement application, this location of the existing director's cabin has been re-labelled as an existing building to accurately reflect its history. Originally, the Kingswood Camp Society planned to re-locate the existing director's cabin elsewhere on the property and use it as a storage building. This would have left an appropriate space within the building envelope identified on the original site plan (attached as Appendix B) for the construction of a new director's cabin. However, since negotiating the original development agreement, the Kingswood Camp Society has determined that moving the existing director's cabin is too costly. Therefore, they intend to keep the old director's cabin in its current location and use it for storage and to build a new director's cabin in a new location on the property within a new building envelope identified on the revised Site Plan included as part of Appendix C of this report.

## **4. INFORMATION**

### **4.1 Site Information**

The Subject Property is approximately 46.5 acres in area and located on the south side of Lake George. The existing facilities include 9 small dormitory cabins, a crafts cabin, a director's cabin, a main lodge, a boat house, and Hennigar House, which is a dormitory accommodating up to 24 campers and 2 counsellors. During the summer camping season, 60 campers ranging in age from 5 to 20 rotate through the Camp annually. The Camp is serviced by a septic system and water for the Camp is provided by a well.

Prior to the existing DA, Kingswood Camp was a legal non-conforming use as it was legally developed before the current zoning was applied to the site. The subject property is zoned Seasonal Residential (S1), and is located in the Shoreland District. Abutting lots are also zoned Seasonal Residential and are used for single detached and seasonal dwellings. Lots located to the south of the Kingswood Camp site, across the Aylesford Road, are zoned Forestry (F1).

### **4.2 Request for Comments**

Given the minor nature of the proposed changes to the development agreement, Staff have gathered the following information from internal departments only:

- Building and Enforcement Services staff indicated that they have no concerns at this time regarding the ability to issue a building permit for a director's cabin in the newly proposed location.
- A Development Officer has reviewed the draft amending agreement and has no concerns.

## 5. POLICY REVIEW

### 5.1 Enabling Policy

Part 3 of the existing development agreement addresses changes and amendments to the development agreement. It outlines what changes to the development agreement can be addressed and what changes are substantive or not. Section 3.2 of the development agreement outlines the following:

*Any matters in this Agreement which are not specified in Subsection 3.3 below are considered not substantive matters and may be changed by Council without a public hearing.:*

Section 3.3 goes on to list matters that are considered substantive, including (a) which reads:

*The Uses allowed in Section 2.1.*

The applicant's request is to relocate one building envelope as identified on the site plan attached to the Development Agreement as Schedule B. The replacement of the existing site plan with a new site plan is considered a non-substantive amendment to the Development Agreement. According to the Section 229 (7) of the *Municipal Government Act* and the Municipality's Planning Policy 09-001, this non-substantive amendment can occur by consideration of Council without a Public Hearing.

### 5.2 Shoreland Policies

Policy 3.5.8 of the Municipal Planning Strategy outlines policies that guide Council's consideration of proposals for medium or large scale developments within the Shoreland Designation. This section provides criteria for Council to consider when entering into a development agreement for this type of use. These conditions were reviewed in the original development agreement application (File 14-06). The proposal was found to meet the criteria at that time. It is the opinion of Staff that the nature of the proposed amendment, which involves the re-location of a development envelope to a location approximately 150 feet away on a 46 acre property, does not fundamentally affect the intent or effectiveness of the terms of the original development agreement and thus continues to be in compliance with the above conditions.

## 6. SUMMARY OF DRAFT AMENDING AGREEMENT

The draft amending agreement replaces the existing site plan (Schedule 'B') with a new site plan which illustrates a new location for one of the building envelopes.

## 7. CONCLUSION

Staff have reviewed the existing development agreement and found that the requested amendment is not a substantive matter. The proposed amendment remains consistent with the Municipal Planning Strategy, particularly Subsection 3.5.8 dealing with medium and large scale development within the Shoreland Designation. Staff consider the amendment appropriate and in keeping with the intent of the original development agreement.

## 8. STAFF RECOMMENDATION

Staff recommend that the Planning Advisory Committee forward a positive recommendation to Municipal Council by passing the following motion.

**The Planning Advisory Committee recommends that Municipal Council give consideration and approval to the draft amending agreement to the existing development agreement permitting a camp facility at #38 Q-7 Road, Lake George, which is substantively the same (save for minor differences in form) as the draft set out in Appendix C of the report dated April 10, 2018.**

## 9. APPENDICIES

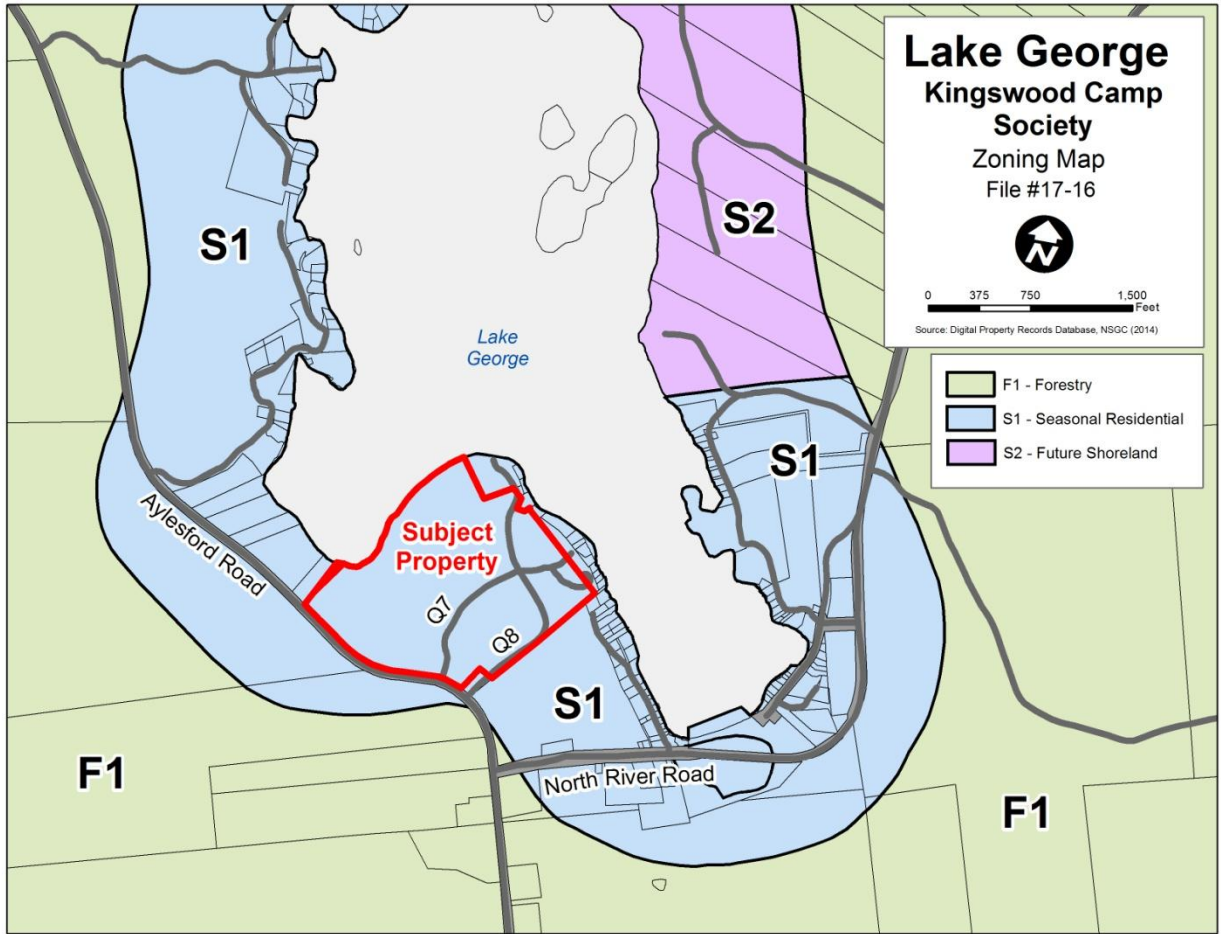
**Appendix A – Reference Zoning Map**

**Appendix B – Site Plan contained in existing Development Agreement**

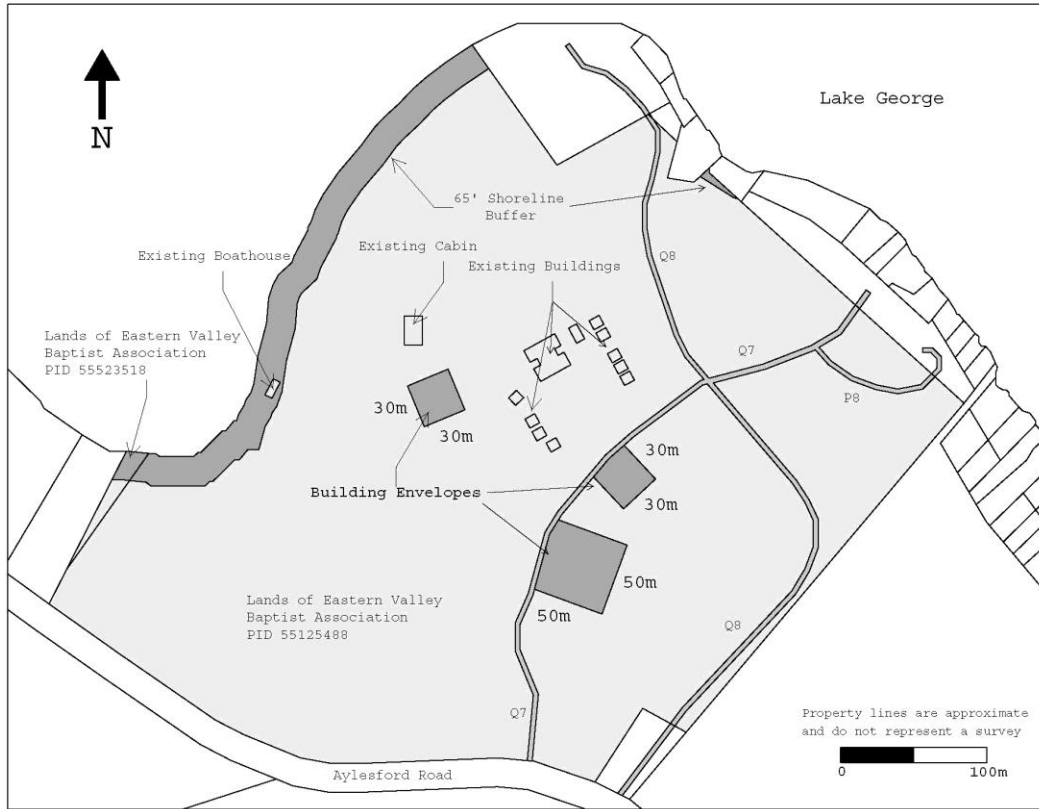
**Appendix C – Draft Amending Agreement**



Appendix 'A' – Reference Zoning Map



**Appendix 'B' – Site Plan contained within the existing Development Agreement**



Schedule 'B'

## Appendix 'B' – Draft Amending Agreement

THIS AMENDING AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, A.D.

BETWEEN:

**EASTERN VALLEY BAPTIST ASSOCIATION**, of Wolfville, Nova Scotia, hereinafter called the "Property Owner"

of the First Part

and

**MUNICIPALITY OF THE COUNTY OF KINGS**, a body corporate pursuant to the Municipal Government Act, S.N.S., 1998, Chapter 18, as amended, having its chief place of business at Kentville, Kings County, Nova Scotia, hereinafter called the "Municipality",

of the Second Part

WHEREAS the Parties entered into a Development Agreement registered at the Kings County Land Registration Office as Document 106971808 on April 22, 2015 affecting land described therein and now known as PIDs 55125488 and 55523518 ("Property");

WHEREAS the Parties wish to amend the Development Agreement as hereinafter set forth;

WHEREAS the subject matter of the amendment is identified in the Development Agreement as a matter that is not substantive.

WHEREAS the Municipality by resolution of Municipal Council passed at a meeting on (add date of motion), approved this Amending Agreement;

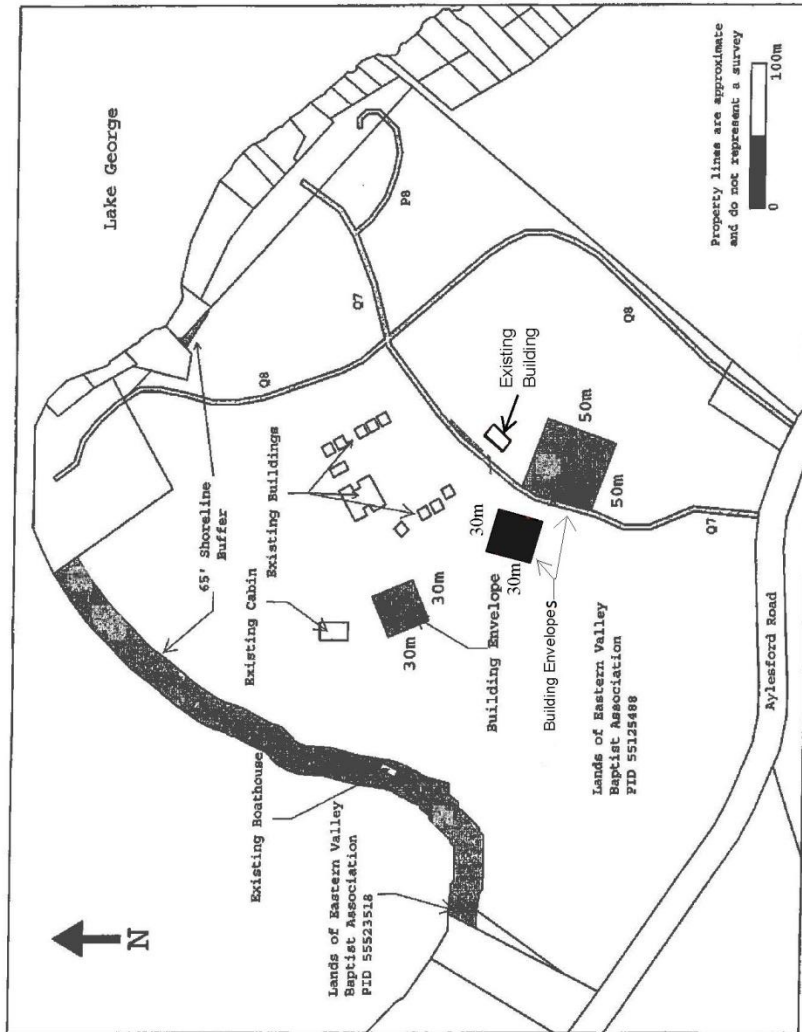
Now this Agreement witnesses that in consideration of covenants and agreements contained herein, the parties agree as follows:

### 1.0 Site Plan

Schedule 'B' is deleted and replaced with Schedule 'B' attached to this Amending Agreement and which forms part of the Agreement.

### 2.0 Amending Agreement

This Amending Agreement is to be read and construed with the Development Agreement and be treated as part thereof, and for such purpose and so far as may be necessary to give effect to this Amending Agreement the Development Agreement is hereby amended, and the Development Agreement as so amended, together with all the covenants and provisions thereof, shall remain in full force and effect.



**THIS AGREEMENT** shall enure to the benefit of and be binding upon the parties hereto, their respective agents, successors and assigns.

**IN WITNESS WHEREOF** this Agreement was properly executed by the respective parties hereto and is effective as of the day and year first above written.

SIGNED, SEALED AND ATTESTED to be the proper signing officers of the Municipality of the County of Kings, duly authorized in that behalf, in the presence of:

**MUNICIPALITY OF THE COUNTY OF KINGS**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Peter Muttart, Mayor

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Janny Postema, Municipal Clerk

SIGNED, SEALED AND DELIVERED  
In the presence of:

**EASTERN VALLEY BAPTIST ASSOCIATION**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Wayne Merrill, Moderator



**Municipality of the County of Kings**  
**Report to the Planning Advisory Committee**

Application for non-substantial amendments to an existing development agreement for multi-unit development at 9406 Commercial St., New Minas (File 18-05)

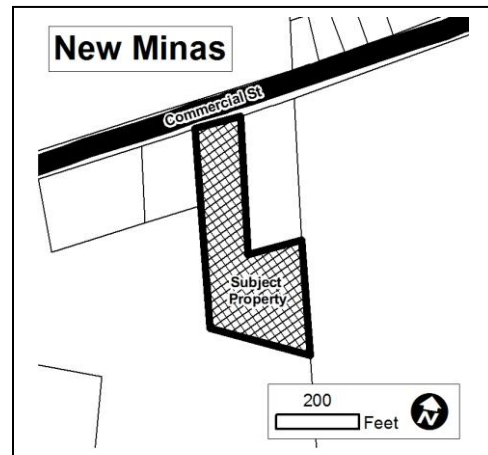
April 10, 2018

**Prepared by:** Planning and Development Services

|                             |  |
|-----------------------------|--|
| <b>Applicant/Land Owner</b> | Noel Taiani of 3302210 NOVA SCOTIA LTD.  |
| <b>Proposal</b>             | To amend the existing development agreement to allow balconies, patios, building support structures and canopies to extend beyond the building envelope to the west and to replace the property description. |
| <b>Location</b>             | 9406 Commercial Street, New Minas, NS PIDs 55209647 and 55532543   |
| <b>Area</b>                 | Approximately 2.08 acres   |
| <b>Designation</b>          | Residential (R) Designation and Business Expansion (Ue) Designation  |
| <b>Zone</b>                 | Residential One and Two Unit (R2) Zone and Gateway Commercial (GC) Zone  |
| <b>Surrounding Uses</b>     | Commercial, residential and a golf course. Please refer to the Zoning Map in Appendix 'A'.   |

**1. PROPOSAL**

Noel Taiani of 3302210 NOVA SCOTIA LTD. has applied for a non-substantive amendment to the text of the existing development agreement on his property to allow balconies, patios, building supports and canopies to extend beyond the building envelope on the west side of the structure. In addition, when the subject property was migrated at the land registry, two property descriptions were found which resulted in two PID numbers being assigned to the subject property. As a result, Schedule 'A' of the original development will need to be replaced to provide an accurate property description.



While the current development agreement was only approved by Council at its meeting on December 5, 2017, a slight change in the applicant's building plans cannot be accommodated without these non-substantive amendments to the development agreement.

**2. OPTIONS**

In response to the application, the Planning Advisory Committee may:

- A. Recommend that Council approve the draft Amending Agreement;
- B. Recommend that Council refuse the draft Amending Agreement; or
- C. Provide alternative direction, such as requesting further information on a specific topic, or making changes to the draft Amending Agreement.

### **3. BACKGROUND**

On December 5, 2017, Council approved entering into a development agreement with Noel Taiani of 3302210 NOVA SCOTIA LTD. that permitted a residential dwelling with a maximum of 39 units on the property located at 9406 Commercial Street, New Minas (PIDs 55209647 and 55532543). For more information on this file, please refer to the October 2, 2017 report to the New Minas Area Advisory Committee attached as Appendix 'C'.

Since this time, Mr. Taiani has conducted detailed design work on the proposed building. The Building Code requirement to have the multi-unit dwelling be located a minimum distance from the roadway for fire department access has required that the building be located further to the west than originally planned. This means that any balconies, patios, support structures or canopies located on that side of the dwelling that are currently required to be within the Building Envelope must be permitted to locate outside the delineated Building Envelope to accommodate his design. Therefore, a statement in the development agreement that permits the extension of these features outside of the Building Envelope must be inserted into the development agreement.

In addition, staff have initiated a further non-substantive amendment to the existing development agreement to replace the Schedule 'A' which is the property description. The discovery of two different property descriptions for the subject property at the time of migration has resulted in two PID numbers being assigned to the subject property. Therefore, the Schedule 'A' contained within the existing development agreement is no longer accurate and must be replaced with both property descriptions which represent the entirety of the subject property.

### **4. INFORMATION**

#### **4.1 Request for Comments**

Given the minor nature of the proposed changes to the development agreement, Staff have gathered the following information from internal departments only:

- Development Control staff have reviewed the draft amending agreement and have no concerns.
- Engineering, Public Works, Lands and Parks staff have indicated that they have no concerns regarding the proposed non-substantive amendments to the development agreement. The Municipal Engineer did emphasize the importance of an appropriate drainage plan for the property, which is already a requirement of the existing development agreement.

## 5. POLICY REVIEW

### 5.1 Enabling Policy

Part 3 of the existing development agreement addresses changes and amendments to the development agreement. It outlines what changes to the development agreement can be addressed and what changes are substantive or not. Section 3.2 of the development agreement outlines the following:

*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.*

Section 3.3 goes on to list matters that are considered substantive, including:

- (a) *the uses permitted on the property as listed in Section 2.1 of this Agreement;*
- (b) *development generally not in accordance with Schedule B, Site Plan, except as provided for in section 2.3 of this Agreement.*

The applicant's request is to amend the development agreement to allow balconies, patios, support structures and canopies for the residential structure to locate outside the building envelope. This matter is considered non-substantive because it is not changing the list of uses permitted on the property as set out in Section 2.1 and it is not requesting a form of development that is not generally in conformance with the site plan.

The staff initiated amendment which involves the replacement of Schedule 'A' within the existing development agreement is also considered to be non-substantive according to the criteria listed above.

According to the Section 229 (7) of the *Municipal Government Act* and the Municipality's Planning Policy 09-001, these non-substantive amendments can occur by consideration of Council without a Public Hearing.

### 5.2 Multi-Unit Residential Development Policies

Policy 2.3.10 of the New Minas Sector Plan addresses multi-unit residential development requirements for the Growth Centre of New Minas. The policy provides criteria for Council to consider when entering into a development agreement for this type of use. These conditions were reviewed in the original development agreement application (File 17-09). The proposal was found to be satisfactory at that time. In Staff's opinion, the nature of the proposed amendments does not fundamentally affect the intent or effectiveness of the terms of the original development agreement and thus continues to be in compliance with the above conditions.



## **6. SUMMARY OF DRAFT AMENDING AGREEMENT**

The draft amending agreement attached as Appendix 'B' includes a clause that will permit balconies, patios, canopies and support structures to be located outside of the building envelope on the west side of the dwelling, provided the minimum required side yard is still maintained. It also contains a new Schedule 'A' with an updated property description.

## **7. CONCLUSION**

Staff have reviewed the existing development agreement and found that both the requested amendment and the staff initiated amendment are not substantive matters. The proposed amendments remain consistent with the New Minas Sector Plan, particularly Subsection 2.3.10 dealing with multi-unit development. Staff considers the amendments appropriate and in keeping with the intent of the original development agreement and the New Minas Sector Plan.

## **8. STAFF RECOMMENDATION**

Staff recommend that the Planning Advisory Committee forward a positive recommendation to Municipal Council by passing the following motion.

**The Planning Advisory Committee recommends that Municipal Council give consideration and approval to the draft amending agreement to the existing development agreement permitting multi-unit residential development at 9406 Commercial Street, New Minas, which is substantively the same (save for minor differences in form) as the draft set out in Appendix B of the report dated April 10, 2018.**

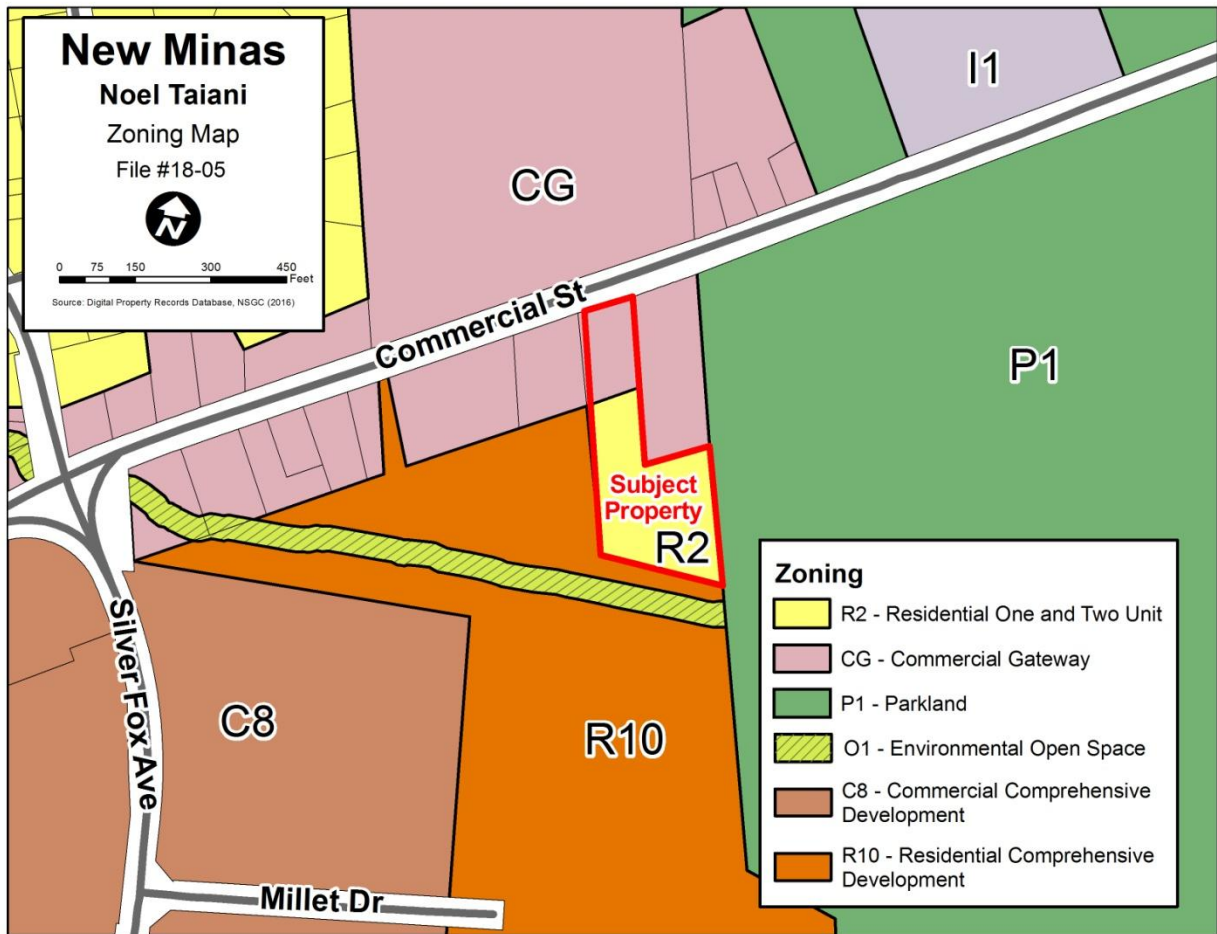
## **9. APPENDIXES**

**Appendix A – Reference Zoning Map**

**Appendix B – Draft Amending Agreement**

**Appendix C – New Minas Area Advisory Committee report for file 17-09 dated October 2, 2017**

Appendix 'A' – Reference Zoning Map



## Appendix 'B' – Draft Amending Agreement

THIS AMENDING AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, A.D.

BETWEEN:

**3302210 NOVA SCOTIA LTD.**, of Halifax, Nova Scotia, hereinafter called the "Property Owner"

of the First Part

and

**MUNICIPALITY OF THE COUNTY OF KINGS**, a body corporate pursuant to the Municipal Government Act, S.N.S., 1998, Chapter 18, as amended, having its chief place of business at Kentville, Kings County, Nova Scotia, hereinafter called the "Municipality",

of the Second Part

WHEREAS the Parties entered into a Development Agreement registered at the Kings County Land Registration Office as Document 112215836 on February 27, 2018 affecting land described therein and now known as PIDs 55209647 and 55532543 ("Property");

WHEREAS the Parties wish to amend the Development Agreement as hereinafter set forth;

WHEREAS the amendments are identified in the Development Agreement as matters that are not substantive.

WHEREAS the Municipality by resolution of Municipal Council passed at a meeting on (add date of motion), approved this Amending Agreement;

Now this Agreement witnesses that in consideration of covenants and agreements contained herein, the parties agree as follows:

### 1.0 Development Standards

Section 2.3 (c) is deleted and replaced with the following:

- (c) Balconies, patios, canopies and supports for the main structure located on the east and west sides of the residential dwelling are permitted to extend beyond the limits of the Building Envelope identified on Schedule B, Site Plan, provided the minimum required side yard is maintained.

## **2.0 Property Description**

Schedule 'A' is deleted and replaced with Schedule 'A' attached to this Amending Agreement and which forms part of the Agreement.

## **3.0 Amending Agreement**

This Amending Agreement is to be read and construed with the Development Agreement and be treated as part thereof, and for such purpose and so far as may be necessary to give effect to this Amending Agreement the Development Agreement is hereby amended, and the Development Agreement as so amended, together with all the covenants and provisions thereof, shall remain in full force and effect.

## Schedule 'A' – Property Descriptions

Taken from Property Online on March 23, 2018

PID 55209647

ALL AND SINGULAR the land and premises situate, lying and being on the County side of the Main Trunk Highway Number 1 leading from Kentville to Wolfville, both places in the County of Kings and Province of Nova Scotia, more particularly bounded and described as follows:

COMMENCING at a point where the northwest corner of lands of New Minas School property, Section 64, intersects the southern boundary of the said Trunk Highway Number 1;

THENCE South 8 degrees 30 minutes West for a distance of 334 feet to a stake driven;

THENCE North 83 degrees and 30 minutes East for a distance of 135 feet or to the western boundary line now or formerly of the Ken-Wo Golf and Country Club;

THENCE South 9 degrees 30 minutes West for a distance of 280 feet to a stake driven;

THENCE Northwesterly for a distance of 250 feet, more or less, to a stake driven;

THENCE North 8 degrees and 30 minutes East for a distance of 480 feet or to the southern boundary of said Trunk Highway Number 1;

THENCE North 83 degrees 30 minutes East along the various courses of the southern boundary of said Trunk Highway Number 1 for a distance of 100 feet to the place of beginning.

BEING AND INTENDED TO BE that lot of land as shown on a plan of survey recorded at the Registry of Deeds for Kings County on May 3, 1960 as Plan Number A-430A.

PID 55532543

ALL AND SINGULAR the land and premises situate, lying and being on the south side of Trunk Highway Number 1, said Highway running between Kentville and Wolfville, both places in the County of Kings, more particularly bounded and described as follows:

COMMENCING at a point where the north-west corner of lands now or formerly of Walter a. Davidson intersects the Eastern boundary of lands now or formerly of Hazel C. Millett on the Southern boundary of said Trunk Highway Number 1;

THENCE South 8 degrees 30 minutes West for a distance of 480 feet more or less or to the south-west corner of lands now or formerly of Walter A. Davidson;

THENCE Northerly for a distance of 480 feet more or less or to the southern boundary of said Trunk Highway Number 1;

THENCE Easterly along the various courses of the Southern boundary of said Trunk Highway Number 1 for a distance of 10 feet or to the place of beginning.

**THIS AGREEMENT** shall enure to the benefit of and be binding upon the parties hereto, their respective agents, successors and assigns.

**IN WITNESS WHEREOF** this Agreement was properly executed by the respective parties hereto and is effective as of the day and year first above written.

SIGNED, SEALED AND ATTESTED to be the proper signing officers of the Municipality of the County of Kings, duly authorized in that behalf, in the presence of:

**MUNICIPALITY OF THE COUNTY OF KINGS**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Peter Muttart, Mayor

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Janny Postema, Municipal Clerk

SIGNED, SEALED AND DELIVERED  
In the presence of:

**3302210 NOVA SCOTIA LTD.**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Noel Taiani, President



**Municipality of the County of Kings  
Report to the New Minas Area Advisory Committee**

Application: Application to enter into a development agreement to permit up to 39 residential units at 9406 Commercial Street, New Minas, NS (PID 55209647) (File 17-09)

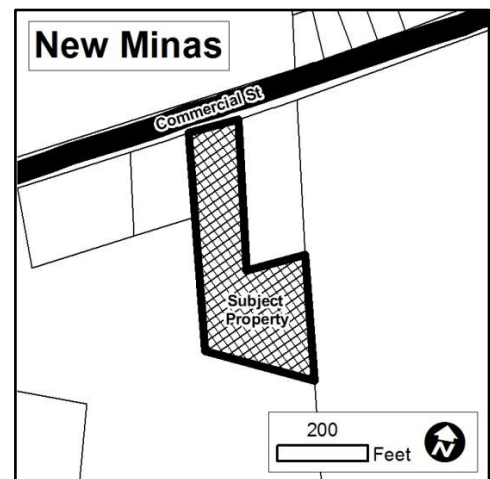
Date: October 2, 2017

Prepared by: Planning and Development Services

|                               |  |
|-------------------------------|--|
| <b>Applicant</b>              | Noel Taiani (Parsons Green Developments Ltd.)  |
| <b>Land Owner</b>             | Peter Dwight Davidson  |
| <b>Proposal</b>               | Residential apartment building containing up to 39 units   |
| <b>Location</b>               | 9406 Commercial Street, New Minas, NS PID 55209647   |
| <b>Lot Area</b>               | Approximately 2.08 acres   |
| <b>Designation</b>            | Residential (R) Designation and Business Expansion (Ue) Designation  |
| <b>Zone</b>                   | Residential One and Two Unit (R2) Zone and Gateway Commercial (GC) Zone  |
| <b>Surrounding Uses</b>       | Commercial, residential and a golf course  |
| <b>Neighbour Notification</b> | Letters were sent to the 14 owners of property within 500 feet of the subject property notifying them of the Public Information Meeting (PIM). |

**1. PROPOSAL**

Mr. Noel Taiani of Parsons Green Developments Ltd. has applied for a development agreement to allow for a residential apartment building with up to 39 units to be developed at 9406 Commercial Street, New Minas. He intends for the building to be four stories high with partially exposed underground parking and storage. The proposal also includes the demolition of the existing dwelling on the subject property.



**2. OPTIONS**

In response to the application, the Planning Advisory Committee may:

- A. Recommend that Council approve the development agreement as drafted;
- B. Recommend that Council refuse the development agreement as drafted;
- C. Provide alternative direction, such as requesting further information on a specific topic, or recommending changes to the draft development agreement.

**3. BACKGROUND**

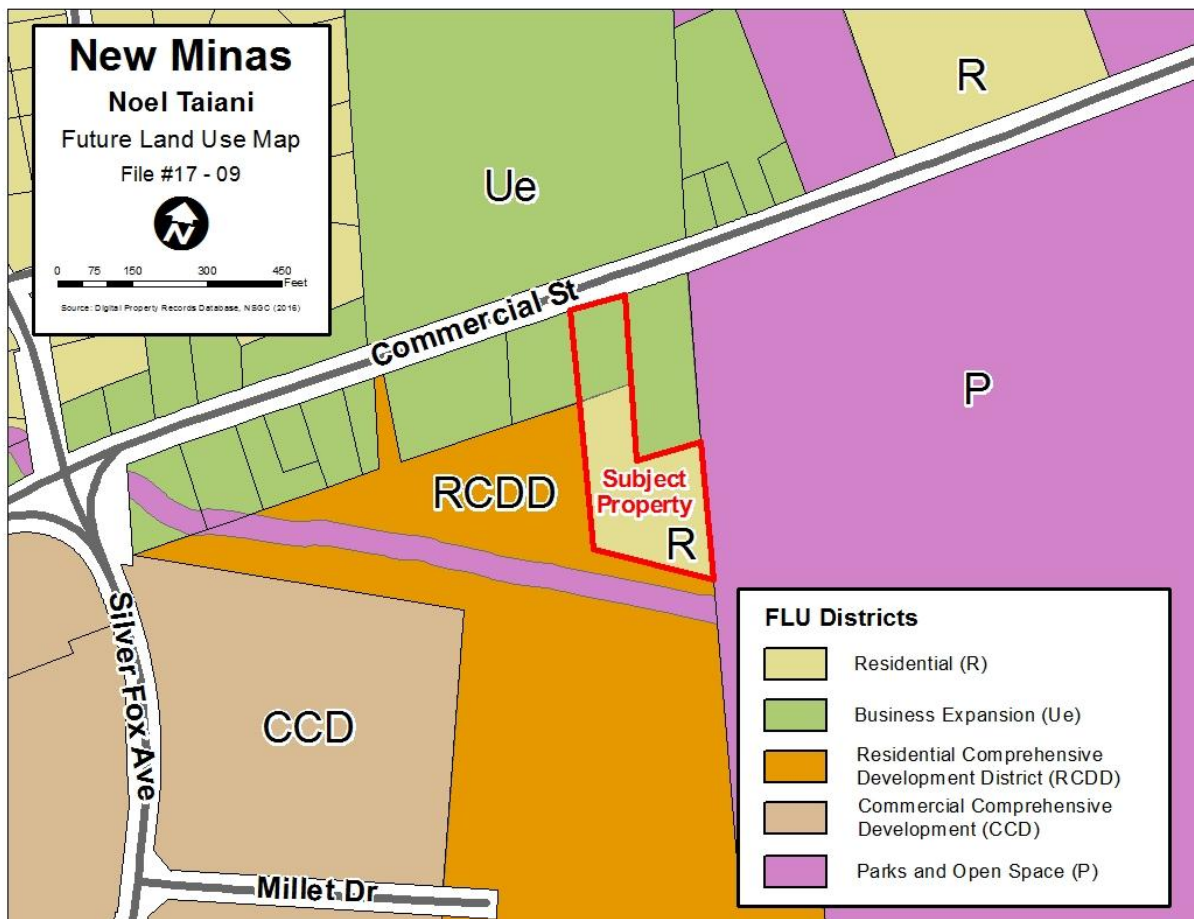
As the president of Parsons Green Developments, Mr. Taiani develops, acquires and manages residential apartment buildings in Nova Scotia and the United Kingdom. His portfolio currently stands at 168 units. Mr. Taiani has a purchase and sale agreement in place with the current owner of the property which will take effect pending the successful adoption of the draft development agreement.

## 4. INFORMATION

### 4.1 Site Information

The subject property is located in the eastern portion of the Growth Centre of New Minas. The 1975 New Minas Sector Plan designated this property and the surrounding area as low density residential. The subject property was included in one of six 'designated neighbourhoods' even though, at that time, much of the area was still being farmed. A review of the New Minas Sector Plan in 1992 saw the introduction of a Business Expansion District along the segment of Commercial Street between Cornwallis Avenue and the Evangeline Middle School to identify the eastern entrance to New Minas' main Business District. This district was applied to the front portions of properties along Commercial Street, while the back lands were zoned Residential One and Two Unit (R2).

In 2007, approximately 30 acres of the lands to the rear of the subject property, known as the Millett lands, were re-designated and rezoned to the Commercial Comprehensive Development District and Zone to allow for 'big box' commercial development. This area is now commonly referred to as the Home Depot plaza. The remainder of the Millett lands immediately to the south of the subject property were re-designated and rezoned to the Residential Comprehensive Development District and Zone in 2009 (see Future Land Use Map below).





This history explains why the front portion of the subject property is within the Business Expansion (Ue) District and Gateway Commercial (GC) Zone, while the rear portion is in the Residential (R) District and the Residential One and Two Unit (R2) Zone. This rear portion is the only remaining land within the Residential District in this area of New Minas.

The subject property is a little over 2 acres in size. The single unit dwelling on the subject property was built in the 1970s. The rear portion of the lot is forested and slopes down to the south where there is a watercourse located approximately 60 feet from the rear property line. Immediately east of the subject property along Commercial Street is the Flower Cart Group and beyond that property is KenWo Golf Course which also abuts the eastern side of the southern portion of the subject property. To the west of the subject property is a residential dwelling and Jerry's RV. As mentioned above, to the south of the subject property is a large parcel of vacant land that is zoned Residential Comprehensive Development (R10) which is intended to allow for the comprehensive planning of new residential neighbourhoods by development agreement.

#### **4.2 Site Visit**

A Planner and Development Officer visited the subject property on June 29, 2017. At this time, the applicant discussed in more detail his intentions for the subject property with staff.

#### **4.3 Public Information Meeting**

Council's Planning Policy PLAN-09-001 requires a Public Information Meeting (PIM) for all new uses which are to be considered by development agreement. The required Public Information Meeting was held on July 13, 2017 at the Louis Millett Community Complex with 24 members of the public in attendance. The complete notes from the PIM are attached as Appendix B.

#### **4.4 Request for Comments**

Comments were requested from the following groups with the results as described:

##### **4.4.1 Department of Transportation and Infrastructure Renewal**

The Department of Transportation and Infrastructure Renewal has written a letter indicating that the proposed driveway is in an appropriate location and that the road networks in, adjacent to and leading to the site are adequate for the requested development. The Department will not require a Traffic Impact Study for this proposal.

##### **4.4.2 Municipality of the County of Kings Engineering and Public Works (EPW)**

EPW indicated that they will require the following documents to be submitted at the time of permitting, according to Municipal Specifications:

- Drainage plan, complete with calculations demonstrating that post development flow rates will be equal or less than predevelopment flow rates; and
- Erosion and sedimentation control plan.

#### 4.4.3 Nova Scotia Environment

Nova Scotia Environment did not respond to planning staff's request for comments.

#### 4.4.4 Village of New Minas Water Utility

The Village of New Minas Water Utility indicated that it is able to meet the water/wastewater needs for the proposed development.

#### 4.4.5 New Minas Water Commission

The New Minas Water Commission was asked for comments regarding the proposal as the subject property is located within Wellfield Protection Zone C. The Commission noted that the area in question does have a test well, but no production well and there are no plans that it will become a production well in the future.

## 5. POLICY REVIEW

### 5.1 Development Agreements

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. In New Minas, the ability for Council to consider a development agreement must be stated in By-Law #57, the New Minas Land Use By-law (NMLUB) and By-law #42, the New Minas Sector Plan (NMSP) 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 NMSP, Council identifies specific criteria which must be considered when making decisions regarding a development agreement.

A proposal being considered must be measured against only the criteria for the specific proposal in the NMSP and not any other criteria.

### 5.2 Ability to enter into a Development Agreement

Section 3.1.33 b. of the NMLUB states that multi-unit residential development within the Residential District is to be considered by development agreement. Policy 2.3.10 of the NMSP provides the policy direction for approving such proposals. The majority of the subject property, including the area intended to contain the residential use, is located within the Residential District.

As mentioned above, the front portion of the subject property (an area approximately 20,000 square feet in size) is located within the Business Expansion District. Rather than requiring this portion of the property to be re-designated to the Residential District through a Sector Plan amendment, staff considered Policy 3.9.13 of the NMSP. This policy refers to actions not

requiring a plan amendment. It states *“The Land Use Map is a graphic representation of the Land Use Districts that are to be developed in accordance with the policies of this Plan. Areas contiguous to a given district may be considered for a zoning amendment to a use permitted within that district without an amendment to this Plan, and provided that all other policies of this Plan are met.”* While this policy specifies that a zoning amendment may be permitted without an amendment to the NMSP, it also refers to Council’s intent to permit a use on a property that would be permitted in an adjacent district. In New Minas, there is no ability to re-zone to the Multiple Family Residential Zone. All new multi-unit residential development in New Minas is to be considered by development agreement. Therefore, it is Staff’s opinion that this policy gives Council the ability to consider a development agreement for a multi-unit residential use in a Residential District as well as a property (or a portion of property) in an adjacent district.

### **5.3 Multi-Unit Residential Development Policies**

As described above, Policy 2.3.10 of the NMSP addresses multi-unit residential development requirements for the Growth Centre of New Minas. The policy allows for multi-unit development to be accommodated only through the development agreement approval process. The policy provides criteria for Council to consider when entering into a development agreement for multi-unit residential uses in New Minas. These criteria are reviewed and summarized in Appendix ‘C’. Staff believe that the draft development agreement meets all of the criteria set out in Policy 2.3.10 because it requires sufficient buffering, setbacks, on-site parking, amenity areas and water and sewer services. The draft development agreement also requires compatible architectural design and landscaping and access is on to a collector road.

Policy 2.3.12 outlines conditions that the development agreement may regulate, including buffering, architectural design, site design, and time limits for the completion of construction. All of these conditions are addressed in the draft development agreement. This policy also states that Council may regulate any other similar matters which it feels necessary to ensure the general compatibility of the use and structure with adjacent residential uses. Other conditions that are regulated in the draft development agreement that are not specifically mentioned in Policy 2.3.12 include, provisions for lighting, outdoor storage, erosion and sediment control, drainage and the requirement to maintain the property in an attractive and useable state.

### **5.4 Other Residential Policies**

Section 1.1 of the NMSP notes that *“with the increasing cost of conventional types of housing, it becomes important to provide the opportunities for a wide range of alternative housing types”*. Section 1.2 of the NMSP states the goal *“to provide a high quality residential environment that meets the social and economic needs of the community by providing for a variety of housing types.”* The preamble to Residential Policies in the NMSP further states that there is a need to provide for diversified residential development within the Village. It is recognized that future housing needs will likely reflect an aging population, a downsizing of families, and a wider range of family incomes. In Staff’s opinion, allowing the proposed multi-unit dwelling is in keeping with the intent of the NMSP residential policies. Through Policy 2.3.14 of the NMSP, Council states the intention to encourage and facilitate pedestrian movement throughout Residential Districts.

The proposal meets this intention because it includes the provision of a pedestrian walkway from the residential structure to Commercial Street.

### 5.5 Business Expansion District and Commercial Gateway Zone

As stated above, the front portion of the subject site, as well as some of the surrounding properties, is located in the Business Expansion District (Ue) and Commercial Gateway (CG) Zone. The CG zone forms the eastern entrance to the New Minas Business District from the Hamlet of Greenwich. Section 2.4 of the NMSP explains that the CG zone’s objective is to “*acknowledge the businesses interspersed on [Commercial Street] and to manage the orderly transition from residential to commercial*”. Policies for the CG zone are designed to enhance the attractiveness of the area and to provide a buffer between new commercial uses and abutting residential uses. The proposal for multi-unit residential development in this area is considered compatible with the purpose of transitioning from commercial uses to lower density residential development.

### 5.6 New Minas Wellfield Policies

The subject property lies within the Wellfield Protection Zone C for New Minas. Policy 2.10.3.3.3 of the NMSP sets out a list of uses that are prohibited in Wellfield Protection Zone C because of their potential to contaminate the groundwater. Multi-unit residential uses are not in the list of prohibited uses and are listed in the NMLUB as a permitted use. Therefore, there are no constraints to multi-unit development on the subject property as a result of the wellfield zone.

## 6. SUMMARY OF DRAFT DEVELOPMENT AGREEMENT

The draft development agreement has been attached as Appendix D to this report. The main content of the proposed development agreement includes:

| Draft Development Agreement Location | Content   |
|--------------------------------------|---|
| 2.1                                  | regulates the uses permitted on the site  |
| 2.2                                  | specifies that development must be in general conformance with the attached site plan |
| 2.3                                  | regulates development standards   |
| 2.4                                  | regulates architecture  |
| 2.5                                  | regulates subdivision   |
| 2.6                                  | regulates amenity areas   |
| 2.7                                  | requires active transportation infrastructure   |
| 2.8                                  | regulates buffering   |
| 2.10                                 | regulates lighting  |

|      |   |
|------|---|
| 2.11 | regulates outdoor storage   |
| 2.12 | regulates parking   |
| 2.14 | addresses erosion and sediment control  |
| 3.3  | substantive matters in a development agreement are those that would require the entire process, including a public hearing, in order to change them within the development agreement.<br>In the draft development agreement the only substantive matters are the uses allowed on the property and the requirement to develop in general conformance with the Site Plan. |

**7. CONCLUSION**

Staff have reviewed the application for consistency and compliance with the NMSP including the policies for multi-unit residential development and Wellfield Protection. It is Staff's opinion that the proposed development is compatible with the area and will contribute to positive growth in New Minas. Since the terms of the draft development agreement are in keeping with and carry out the policies of the NMSP, Staff are forwarding a positive recommendation to the New Minas Area Advisory Committee.

**8. STAFF RECOMMENDATION**

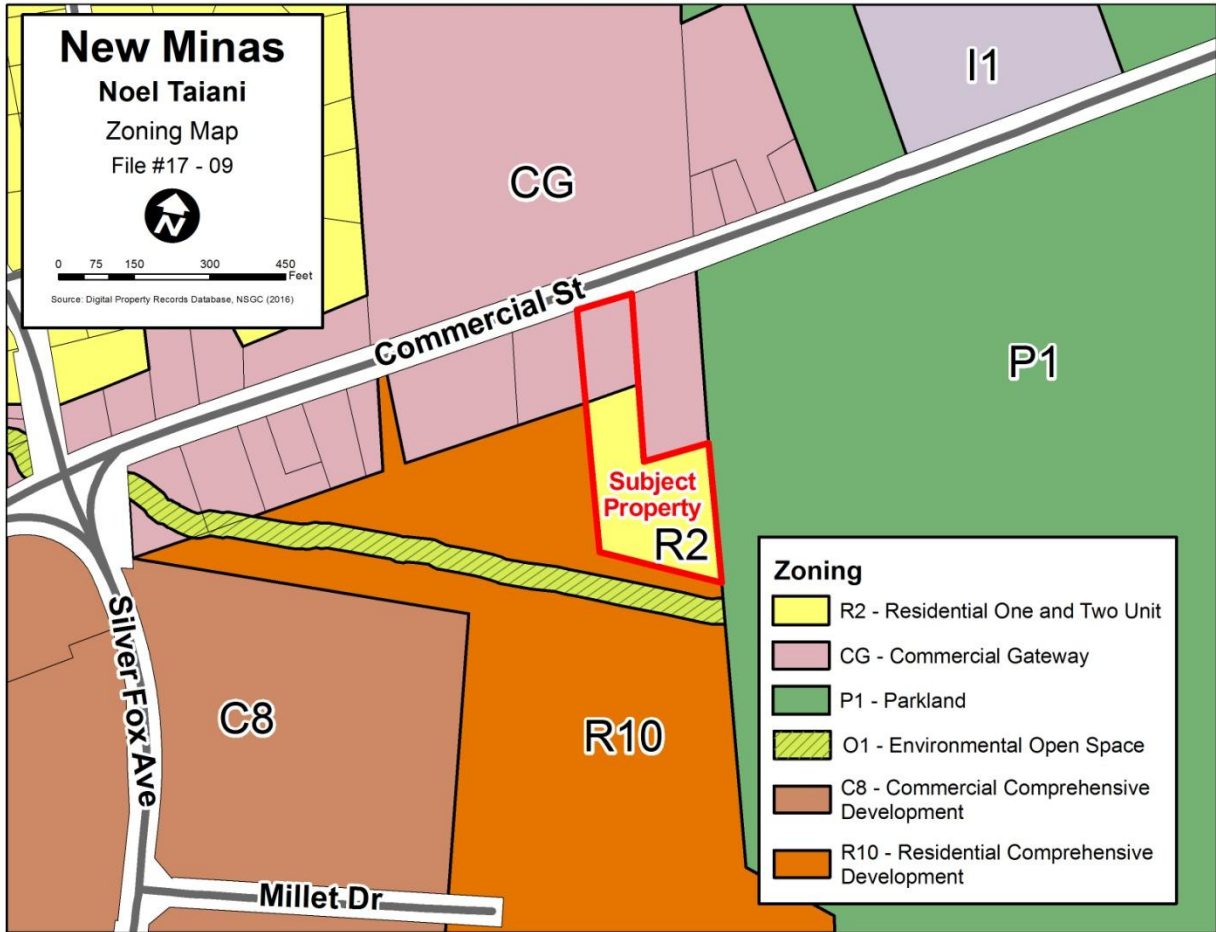
Staff recommends that the New Minas Area Advisory Committee forward a positive recommendation to the Planning Advisory Committee by passing the following motion:

**The New Minas AAC recommends that the Planning Advisory Committee recommend that Council give Initial Consideration and hold a Public Hearing regarding entering into a development agreement to permit multi-unit residential development at 9406 Commercial Street (PID 55209647), New Minas, which is substantively the same (save for minor differences in form) as the draft set out in Appendix D of the report dated October 2, 2017.**

**9. APPENDICES**

- Appendix A      Zoning Map
- Appendix B      Public Information Meeting Notes
- Appendix C      NMSP Policy 2.3.10 and 2.3.12 (Multi-Unit Residential Development Policies)
- Appendix D      Draft Development Agreement

APPENDIX A - Zoning Map



APPENDIX B – Public Information Meeting Notes

**MUNICIPALITY OF THE COUNTY OF KINGS  
PLANNING AND DEVELOPMENT SERVICES  
PUBLIC INFORMATION MEETING NOTES**

**Planning Application to allow a multi unit residential development  
at 9406 Commercial Street, New Minas (File 17-09)**

|  |   |
|--|---|
| <b>Meeting, Date<br/>and Time</b>                        | A Public Information Meeting was held on Thursday, July 13, 2017 at 7:00 p.m. at the Louis Millett Community Complex (Multi Purpose Room 121), 9489 Commercial Street, New Minas, NS.   |
| <b>Attending</b>   | In Attendance:  |
| <b>Councillors</b>                                       | Peter Muttart, Mayor<br>Councillor Jim Winsor – District 8  |
| <b>New Minas Village<br/>Commissioners</b>               | Kenneth Pineo   |
| <b>New Minas Area<br/>Advisory Committee<br/>Members</b> | Gerard Hamilton (citizen member)  |
| <b>Planning Staff</b>                                    | Leanne Jennings – Planner<br>Brianna Maxwell – Recorder   |
| <b>Applicant</b>   | Noel Taiani, Parsons Green Development Ltd  |
| <b>Public</b>  | 24 Members  |
| <b>Welcome and<br/>Introductions</b>                     | The Chair, Councillor Jim Winsor, called the meeting to order, introductions were made and the members of the public were welcomed to the meeting.  |
| <b>Presentations</b>                                     | Leanne Jennings provided a brief overview of the planning process and the criteria that will be used to evaluate the application from Noel Taiani of 3302210 Nova Scotia Limited. The proposal is for a development agreement to permit a 39 unit residential apartment building at 9406 Commercial Street (PID 55209647), New Minas. |

Ms. Jennings stated that the Public Information Meeting provides an opportunity for the public to express concerns and/or receive

clarification on any aspect of the proposal. No evaluation has been completed and no decisions have been made at this point.

Noel Taiani and his architect Paul Skerry spoke on the development plans associated with the proposal. In responding to market pressure for multi-unit dwellings in North America, Mr. Taiani's company Parsons Green Development Ltd, is proposing a 4 storey residential unit with underground parking. Some preliminary site plans were shown, and the desire to maintain as much vegetation as possible was expressed. Mr Taiani also intends to utilize the existing grading on the property, and to stay as close as possible to the original grading on the finished site.

Following the presentations, the floor was opened for comments from the public to which Leanne Jennings and Noel Taiani responded.

***Comments from the Public***

Beverly Horne- New Minas

- Was concerned that future residents of the project would not be able to pull out onto Commercial Street. She noted that it was already a very busy street and asked if there was another street that traffic could be diverted to for this development.
- She was also concerned with the blasting that she believed would be required for the underground parking.

Mrs. Jennings clarified that the only frontage for this lot was on Commercial Street and that comments were being requested from the Department of Transportation and Infrastructure Renewal as they are the road authority.

Mr. Taiani stated that they did not anticipate any blasting for this development as there is sandy soil on the site.

Branden Mosher- President of the Board of Directors, Ken Wo Country Club Inc

- Concerned about golf balls going onto to the subject property and hitting residents or causing property damage.
- Further concerned about who the property would be marketed to in terms of disturbance to golfers on their course

The Chair confirmed with Ken Wo Country Club that they have been in consultation with Parsons Green Development Ltd in relations to these concerns.



Rene MacKay- Director of Golf, Ken Wo Country Club

- Voiced concerns over the long term maintenance of the treed buffer between the two properties, especially with the increase in felled trees as the result of storms in recent years.
- Spoke in support of the project and potential new customers from the residence, but the main concern currently is the potential for golf balls to damage person or property on the subject site. Mr MacKay mentioned he, Mrs. Jennings and a colleague had viewed the site a week prior and had found golf balls where the proposed residence was to be built.

John Lawrence- Vice President of the Board of Directors, Ken Wo Country Club Inc

- Concerned about stray golf balls as well, especially with large windows and solar panels

Mr Taiani clarified that they were not considering solar panels on this project.

Jeff Kelly- Director of the Flower Cart

- He has spoken with Mr. Taiani who has kept them well informed on the application. They have discussed what their relationship will look like moving forward and he has no reservations with the project. He noted that there have been a few stray golf balls on his property but they were not seen as a big issue for them.

The Chair mentioned this may be an area where a net could be put up similar to the one along Commercial Street

Jeff Cantwell- Mayor of Wolfville

- Town of Wolfville has no vested interest in this project but he wished to speak to his experience with Parsons Green Development Ltd and the residential building they had constructed in Wolfville. He stated that what was promised was delivered in terms of the details on the building, and approved of the extensive consultation Mr Taiani had conducted with the surrounding uses in both of these projects.

Scott Brydon- Jerrys RV Trailer Sales and Service Ltd

- Mr Brydon stated he had not been consulted by Mr Taiani on this project, and wished to know if there were plans for a

fence along their shared property boundary. He stated that the proposed trees along the property line which were included in the site plans shown earlier by Mr Taiani, were of some concern.

- Mr Brydon commented that he has had major issues with kids entering his property which is a safety concern with the number of vehicles entering the site. He further inquired if there would be a possibility of kids staying in the proposed residential building

Mr Taiani said their intention is to maintain the vegetation wherever possible and clientele target would likely be 'empty nesters' 55 and over, but the design is not specific for one demographic. It is their intent to ensure the residence is a place where people want to live, and that noise and other nuisances do not disturb the nearby properties. He also said he would discuss details further with Mr. Brydon at a later date.

Mrs Jennings further noted that it is Council's intent to ensure adequate buffering between properties, and this will be determined through a review.

John Lawrence- Vice President of the Board of Directors, Ken Wo Country Club Inc

- He asked about the clientele Mr. Taiani intended to advertise to

Mr. Taiani noted that the building will be of a higher end design with underground parking and large decks so whoever lives there will be able to afford them. They are not specifically marketing it for one demographic or income bracket.

***Adjournment***

There being no further discussion, the Chair thanked those in attendance and adjourned the meeting at 7:47 p.m.

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Brianna Maxwell, Recorder

**APPENDIX C – New Minas Sector Plan Policy 2.3.10 and 2.3.12: Criteria for considering multi-unit residential uses through development agreement.**

10. *It shall be the policy of Council to consider multiple family development including apartment houses, town houses and family care group homes in residential districts by a development agreement under Section 225 of the Municipal Government Act, subject to the following conditions:*

| <b>Policy Statement</b>   | <b>Review</b>  |
|---|--|
| i. <i>The privacy of adjacent single-family dwellings will be maintained through the provision of natural or artificial buffering.</i>  | <i>The adjacent single unit dwelling will be buffered by new trees that are required to be planted.</i>  |
| ii. <i>The architectural design and landscaping will be compatible with the character of the residential neighbourhood.</i>   | <i>The architecture of the proposed multi-unit residential dwelling is required to be consistent with architectural design that has been submitted.</i>  |
| iii. <i>The building does not interfere with the sunlight received by adjacent dwellings.</i>   | <i>The Building Envelope is located a sufficient distance from the adjacent dwelling that it is not anticipated to interfere with the sunlight received by the dwelling.</i>   |
| iv. <i>The building is located at a sufficient distance from the property line and/or adjacent dwellings and the design is such so as not to interfere with the privacy of adjacent residents.</i>  | <i>The multi-unit dwelling is required to meet the setback requirements of the Multiple Family Residential (R3) Zone, or a comparable medium density residential zone of any successor documents.</i>  |
| v. <i>Sufficient on-site parking is provided to accommodate all the residents plus visitors, and the parking will be located in such a manner as to minimize the adverse impacts to adjacent residents and to the residential neighbourhood as a whole.</i>   | <i>The parking requirements must be consistent with the requirements of the Multiple Family Residential (R3) Zone, or a comparable medium density residential zone of any successor documents.</i>   |
| vi. <i>A suitably located landscaped amenity area, comprising a minimum of 10% of the total area of the proposed development, will be provided to meet the needs of the multiple family development. The location and configuration of the amenity area must be suitable for open space/leisure activities usually associated with a residential use.</i> | <i>The Development Agreement requires that each residential unit be provided with a private patio, balcony or deck. If the developer is not able to provide each unit with a private patio, balcony or deck, a common area that will accommodate outdoor leisure activities is required. In addition, a common designated amenity area designed to meet the leisure needs of residents measuring no less than 3,000 square feet in size is required. All amenity areas combined are required to comprise a minimum of 10% of the total area of the property.</i> |

|  |  |
|--|--|
| <p>vii. <i>The proposed densities do not exceed the following:</i></p> <p><i>Town Housing                      16 unit/net acre</i></p> <p><i>Apartment Housing                30 unit/net acre</i></p>  | <p><i>The proposed density is approximately 19 units per net acre.</i></p>   |
| <p>viii. <i>Village water and sewer services are sufficient to accommodate the proposal.</i></p>   | <p><i>The developer is responsible for providing adequate water and sewer services. The New Minas Water Utility and Public Works Department has indicated that it is able to adequately service the proposed development with sewage and water services.</i></p> |
| <p>ix. <i>The proposal has direct access to a collector or arterial road as designated on the Future Land Use Map and be located such that associated traffic does not interfere with low density housing on local streets. Direct access may include a new street if no single-family housing is to be located on the new street.</i></p> | <p><i>The main access for the development will be Commercial Street which is designated as a Collector Road.</i></p>   |
| <p>x. <i>The proposal must, as a minimum, meet the lot size, lot coverage, frontage, parking and yard requirements of the Multiple Family Residential Zone.</i></p>  | <p><i>The Development Agreement requires the developer to meet these requirements within the Multiple Family Residential (R3) Zone or a comparable medium density residential zone in any successor document.</i></p>  |

12. *It shall be the policy of Council that the agreement referred to in Policy 10 shall be accompanied by a site plan showing the proposed site characteristics including landscaping, buffering and location of buildings, and that the development of land will be in accordance with the site plan. The development agreement shall be binding until the agreement, or part thereof, is discharged by the Municipality. The conditions of the agreement may regulate any of the following and other conditions Council may deem necessary:*

| <p><b>Policy Statement</b></p>   | <p><b>A. Review</b> (section references refer to the contents of the draft development agreement)</p> |
|--|---|
| <p>i. <i>Landscaping including natural or artificial buffering to reduce potential conflict.</i></p> | <p><i>Buffering is required in Section 2.8</i></p>  |
| <p>ii. <i>Architectural compatibility with existing and neighbouring structures in terms of</i></p>  | <p><i>Compatible architectural design is required in Section 2.4</i></p>                              |

|   |  |
|---|--|
| <i>design, scale and building materials.</i>  |  |
| <i>iii. Access, traffic circulation and parking.</i>  | <i>Vehicle access and egress is addressed in Section 2.13<br/>Parking is addressed in Section 2.12</i>   |
| <i>iv. Minimum and maximum size of lots.</i>  | <i>Minimum lot size outlined in Section 2.3</i>  |
| <i>v. Location, height, number of stories, area and bulk of buildings and other structures.</i>   | <i>The location of the buildings is controlled through the use of Building Envelopes on the site plan; maximum height requirements are outlined in Section 2.3</i>   |
| <i>vi. Percentage of land that may be built upon, and the size of yards, courts and other open spaces.</i>  | <i>Yards and percentage of land that may be built upon are outlined in Section 2.3 and are consistent with the R3 zone standards.</i>  |
| <i>vii. The provision of services and utilities.</i>  | <i>Site services are addressed in Section 2.15</i>   |
| <i>viii. Time limits for the initiation and completion of construction.</i>   | <i>These time limitations are contained in Section 4.3</i>   |
| <i>ix. Any other similar matters which Council feels necessary to ensure the general compatibility of the use and structure with adjacent residential uses.</i> | <i>In order to ensure the compatibility of the development with the surrounding residential neighbourhood the following additional items are addressed in the DA:<br/>Appearance of the Property- Section 2.9<br/>Lighting- Section 2.10<br/>Outdoor storage- Section 2.11<br/>Erosion and sediment control and Drainage- Section 2.14</i> |

**APPENDIX D – Draft Development Agreement**

THIS DEVELOPMENT AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, A.D.

BETWEEN:

**3302210 NOVA SCOTIA LIMITED**, of Halifax, Nova Scotia, hereinafter called the "Property Owner"

of the First Part

and

**MUNICIPALITY OF THE COUNTY OF KINGS**, a body corporate pursuant to the Municipal Government Act, S.N.S., 1998, Chapter 18, as amended, having its chief place of business at Kentville, Kings County, Nova Scotia, hereinafter called the "Municipality",

of the Second Part

WHEREAS the Property Owner is the owner of certain lands and premises (hereinafter called the "Property") which lands are more particularly described in Schedule A attached hereto and which are known as Property Identification (PID) Number 55209647; and

WHEREAS the Property Owner wishes to use the Property for multi-unit residential development; and

WHEREAS the Property is situated within an area designated Residential and Business Expansion on the Future Land Use Map of the New Minas Sector Plan, and zoned Residential One and Two Unit (R2) and Commercial Gateway (CG) on the Zoning Map of the New Minas Land Use Bylaw; and

WHEREAS policy 2.3.10 of the New Minas Sector Plan and section 3.1.33 b. of the New Minas Land Use Bylaw provide that the proposed use may be developed only if authorized by development agreement; and

WHEREAS the Property Owner has requested that the Municipality of the County of Kings enter into this development agreement pursuant to Section 225 of the Municipal Government Act so that the Property Owner may develop and use the Property in the manner specified; and

WHEREAS the Municipality by resolution of Municipal Council passed at a meeting on **date**, 2017, approved this Development Agreement;

Now this Agreement witnesses that in consideration of covenants and agreements contained herein, the parties agree as follows:

**PART 1 AGREEMENT CONTEXT**

**1.1 Schedules**

The following attached schedules shall form part of this Agreement:

Schedule A Property Description

Schedule B     Site Plan  
Schedule C     Concept Elevation

## **1.2 Municipal Planning Strategy, Land Use Bylaw and Subdivision Bylaw**

- (a) *New Minas Sector Plan* means Bylaw 42 of the Municipality, approved on June 17, 1979, as amended, or successor by-laws.
- (b) *New Minas Land Use Bylaw* means Bylaw 57 of the Municipality, approved on June 17, 1979, as amended, or successor by-laws.
- (c) *Subdivision Bylaw* means Bylaw 60 of the Municipality, approved on October 26, 1995, as amended, or successor by-laws.

## **1.3 Definitions**

Unless otherwise defined in this Agreement, all words used herein shall have the same meaning as defined in the New Minas Land Use Bylaw. Words not defined in the New Minas Land Use Bylaw but used herein are:

- (a) *Development Officer* means the Development Officer appointed by the Council of the Municipality.
- (b) *Driveway* means the vehicular access (ingress and egress) from the property to a public road as well as on-site access to parking areas.
- (c) *Pedestrian Walkway* means a pathway, which may include stairs, ramps or passageways, made of a hard, stable surface and which is kept clear of debris, snow and ice to facilitate the movement of pedestrians.

## **PART 2 DEVELOPMENT REQUIREMENTS**

### **2.1 Use**

The use of the Property shall be limited to:

- (a) A residential dwelling containing no more than 39 residential units, and accessory uses, located wholly within the Building Envelope as identified on the Schedule B, Site Plan.
- (b) Accessory structures to the main residential use.

Except as otherwise provided in this Agreement, the provisions of the New Minas Land Use Bylaw, or any successor document, apply to any development undertaken pursuant to this Agreement.

### **2.2 Site Plan**

All uses enabled by this Agreement on the Property shall be developed generally in accordance with Schedule B, Site Plan.

## **2.3 Development Standards**

- (a) The Property Owner shall develop the Property in conformance with the minimum lot size, lot coverage, height, frontage, parking and yard requirements of the Residential Multiple Family (R3) Zone within the New Minas Land Use Bylaw, or a comparable medium density multi-unit residential zone in any successor documents.
- (b) Notwithstanding section 2.1 (a), balconies, patios, and supports for the main structure on the north and south sides of the residential dwelling are permitted to encroach up to eight (8) feet into the side and rear yard, respectively. For clarity, this permitted encroachment may extend beyond the limits of the Building Envelope identified on Schedule B, Site Plan.
- (c) Balconies, patios and supports for the main structure located on the east side of the residential dwelling are permitted to extend beyond the limits of the Building Envelope identified on Schedule B, Site Plan, provided the minimum required side yard is maintained.
- (d) In addition to section 2.3. b) above, the Development Officer may grant a variance to the minimum rear yard for the main structure using the variance provisions of the MGA, provided that the main structure is located no less than 20 feet from the rear lot line. Where a variance has been granted the main building may extend beyond the Building Envelope as shown on Schedule B, Site Plan.

## **2.4 Architecture**

The residential building shall appear generally as shown on Schedule C, Concept Elevation.

## **2.5 Subdivision**

- (a) No alterations to the lot configuration that would result in a reduced lot area are permitted without a substantive amendment to this agreement except as may be required by the road authority for the purpose of creating or expanding a public street over the Property.
- (b) Notwithstanding section 2.5 (a) above, all or a portion of the area identified as "Future Development Area" on the site plan may be subdivided from the Property, provided all provisions within section 2.3 of this Agreement and all provisions within the Municipal Subdivision By-law are met. Once a plan of subdivision has been approved as per this section, the Municipality and the Property Owner agree that this Agreement shall be discharged from the portion of the Property that has been subdivided off.

## **2.6 Amenity Area**

- (a) A designated common amenity area suitable for open space/leisure activities for the residential use, measuring no less than 3,000 square feet in area, shall be provided as identified on Schedule B, Site Plan and may consist of garden plots for use by the residents of the Property.



- (b) Each dwelling unit on the Property shall be provided with a private patio, balcony, or deck measuring no less than 100 square feet in area or, in the event a unit cannot be provided with a private patio, balcony or deck, the designated common amenity area is to be increased by 200 square feet for each unit not provided with private outdoor amenity space where the additional designated common amenity areas will be designed to facilitate common patio, balcony or deck activities and shall include a seating area.
- (c) The total combined area of all private patios, balconies, decks and designated common amenity areas, described in section 2.6 a) and b) above, shall measure no less than 10% of the total lot area.
- (d) All undeveloped areas of the Property not used for buildings, driveways or parking shall either be maintained in a natural forested state, landscaped or hardscaped.

## **2.7 Active Transportation**

The Property owner shall provide a pedestrian walkway measuring a minimum of three (3) feet in width that connects the main residential structure to the front lot line of the Property.

## **2.8 Buffering**

New vegetation shall be planted along the portion of the western property line in the area indicated as "Buffer Area" on Schedule B, Site Plan, so as to maintain the privacy of the adjacent single family dwelling. In addition, existing vegetation shall be maintained in the areas identified as "Existing Vegetation Retained" on Schedule B, Site Plan.

## **2.9 Appearance of Property**

The Property Owner shall at all times maintain all structures and services on the Property in good repair and in a useable state and maintain the Property in a neat and presentable condition.

## **2.10 Lighting**

The Property Owner shall ensure that any lights used for illumination of the Property or signs shall be arranged so as to divert light away from streets and neighbouring properties.

## **2.11 Outdoor Storage**

Outdoor storage on the Property is not permitted and the Property Owner shall ensure that any storage of waste or yard equipment shall be entirely within an accessory building(s), or other suitable receptacle(s) that do not compromise driveways, parking areas or safety.

## **2.12 Parking**

The Property Owner shall provide on-site parking in conformance with the requirements of the Residential Multiple Family (R3) Zone within the New Minas Land Use Bylaw, or a comparable medium density multi-unit residential zone in any successor documents.

## **2.13 Access and Egress**

- (a) The Property Owner must submit current permits from Nova Scotia Transportation and Infrastructure Renewal, or any successor body, to the Municipality before receiving any development or building permits for uses enabled by this Agreement.
- (b) The property owner is responsible for supplying engineered access designs if required by Nova Scotia Transportation and Infrastructure Renewal, or any successor body.

## **2.14 Erosion and Sedimentation Control and Drainage**

- (a) The Development Officer shall not grant development permits for a residential dwelling until the Property Owner has supplied a drainage plan, including peak runoff flow calculations, meeting the Municipality's specifications and approved by the Municipal Engineer.
- (b) During any site preparation or building construction all exposed soil shall be stabilized immediately according to the practices outlined in the Department of Environment *Erosion and Sedimentation Control Handbook for Construction*, or any successor documents, so as to effectively control erosion of the soil.
- (c) Adequate measures shall be taken by the Property Owner to contain within the site all silt and sediment created during construction according to the practices outlined in the Department of Environment *Erosion and Sedimentation Control Handbook for Construction*, or any successor documents.

## **2.15 Servicing**

The Property Owner shall be responsible for providing adequate water services and wastewater disposal services to the standards of the authority having jurisdiction and at these services will be provided at the Property Owner's expense.

## **PART 3 CHANGES AND DISCHARGE**

- 3.1 The Property Owner shall not vary or change the use of the Property, from that provided for in Section 2.1 of this Agreement, unless a new Agreement is entered into with the Municipality or this Agreement is amended.
- 3.2 Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing provided that Council determines that the changes do not significantly alter the intended effect of these aspects of this agreement.

- 3.3 The following matters are substantive matters:
- (a) the uses permitted on the property as listed in Section 2.1 of this Agreement;
  - (b) development generally not in accordance with Schedule B, Site Plan, except as provided for in section 2.3 of this Agreement.
- 3.4 Upon conveyance of land by the Property Owner to the road authority for the purpose of creating or expanding a public street over or adjacent to the Property, registration of the deed reflecting the conveyance shall be conclusive evidence that this Agreement shall be discharged as it relates to the public street, as of the date of registration with the Land Registry Office but this Agreement shall remain in full force and effect for all remaining portions of the Property.
- 3.5 Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter and this Agreement may be discharged by Council without a public hearing.

## **PART 4 IMPLEMENTATION**

### **4.1 Commencement of Operation**

No construction or use may be commenced on the Property for a use enabled by this Agreement until the Municipality has issued any Development Permits, Building Permits and/or Occupancy Permits that may be required.

### **4.2 Drawings to be Provided**

When an engineered design is required for any portion of the development, record drawings shall be provided to the Development Officer within ten days of completion of the work which requires the engineered design.

### **4.3 Completion and Expiry Date**

- (a) The Property Owner shall sign this Agreement within 180 calendar days of the date the appeal period lapses or all appeals have been abandoned or disposed of or the development agreement has been affirmed by the Nova Scotia Utility and Review Board or the unexecuted Agreement shall be null and void.
- (b) The Property Owner shall develop the main residential use within seven (7) years of this Agreement being recorded at the Registry of Deeds.
- (c) The Property Owner shall be in complete compliance with the Buffering, Amenity Area, Active Transportation and Parking provisions of this Agreement within one year of receiving an Occupancy Permit for a multi-unit residential dwelling.

## **PART 5 COMPLIANCE**

### **5.1 Compliance With Other Bylaws and Regulations**

Nothing in this Agreement shall exempt the Property Owner from complying with Federal, Provincial and Municipal laws, bylaws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority or approval required thereunder.

## **5.2 Municipal Responsibility**

The Municipality does not make any representations to the Property Owner about the suitability of the Property for the development proposed by this Agreement. The Property owner assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the development.

## **5.3 Warranties by Property Owner**

The Property Owner warrants as follows:

- (a) The Property Owner has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance, or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Developer has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Developer to sign the Development Agreement to validly bind the Lands.
- (b) The Property Owner has taken all steps necessary to, and it has full authority, to enter this Development Agreement.

## **5.4 Costs**

The Property Owner is responsible for all costs associated with recording this Agreement in the Land Registration Office.

## **5.5 Full Agreement**

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

## **5.6 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.

## **5.7 Interpretation**

Where the context requires, the singular shall include the plural, and the masculine gender shall include the feminine and neutral genders.

**5.8 Breach of Terms or Conditions**

Upon the breach by the Property Owner of the terms or conditions of this Agreement, the Municipality may undertake any remedies permitted by the Municipal Government Act.

**THIS AGREEMENT** shall enure to the benefit of and be binding upon the parties hereto, their respective agents, successors and assigns.

**IN WITNESS WHEREOF** this Agreement was properly executed by the respective parties hereto and is effective as of the day and year first above written.

SIGNED, SEALED AND ATTESTED to be the proper signing officers of the Municipality of the County of Kings, duly authorized in that behalf, in the presence of:

**MUNICIPALITY OF THE COUNTY OF KINGS**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Peter Muttart, Mayor

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Scott Conrod, Municipal Clerk

SIGNED, SEALED AND DELIVERED  
In the presence of:

**3302210 NOVA SCOTIA LIMITED**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Noel Taiani, President

Schedule A – Property Description

ALL AND SINGULAR the land and premises situate, lying and being on the south side of Trunk Highway #1, said Highway running between Kentville and Wolfville, both places in the County of Kings, more particularly bounded and described as follows:

COMMENCING at a point where the north-west corner of lands of Walter A. Davidson intersects the Eastern boundary of lands of Hazel C. Millett on the Southern boundary of said Trunk Highway #1;

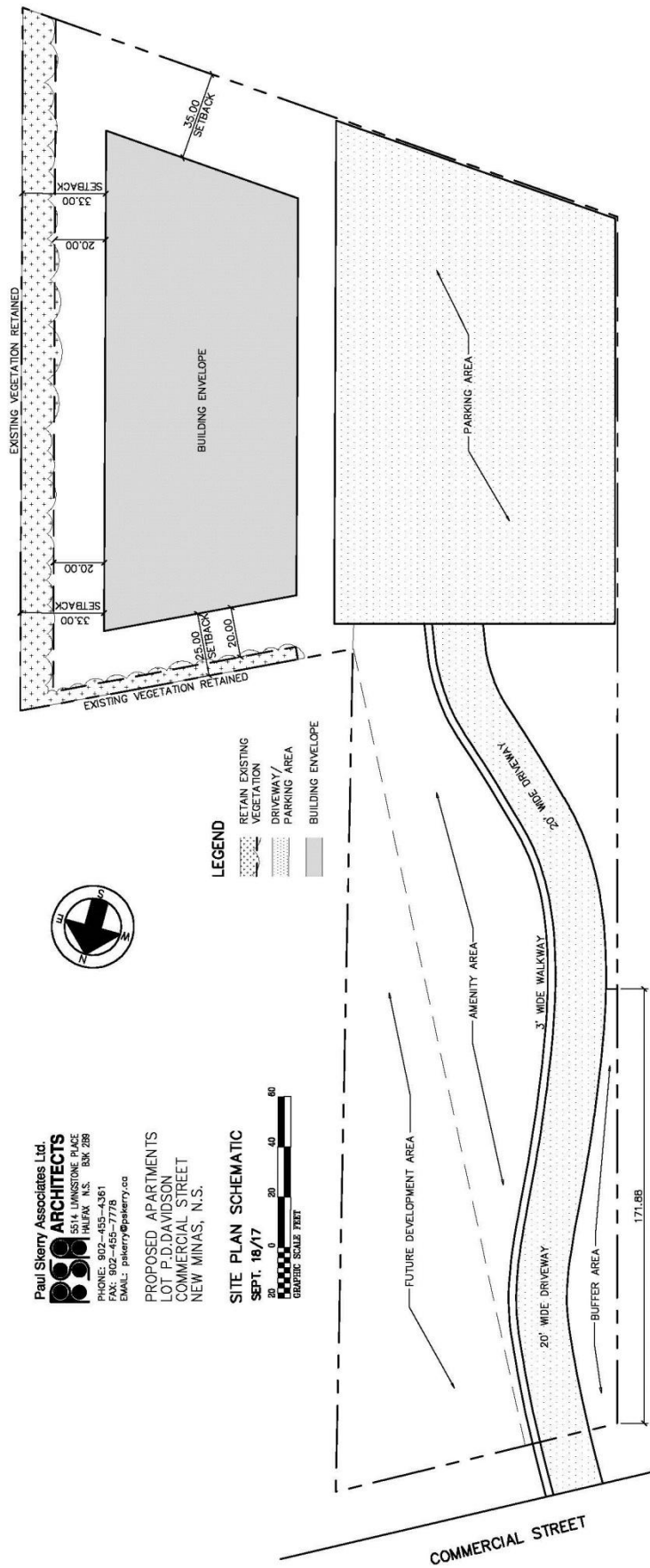
THENCE S 8° 30' W for a distance of 480' more or less or to the South-west corner of lands of Walter A. Davidson;

THENCE Northerly for a distance of 480' more or less or to the southern boundary of said Trunk Highway #1;

THENCE Easterly along the various courses of the Southern boundary of said Trunk Highway #1 for a distance of 10' or to the place of BEGINNING.

BEING AND INTENDED TO BE those same lands as conveyed by a Warranty Deed to Walter A. Davidson from Hazel C. Millett dated the 31st day of March, 1961 and recorded in the Kings County Registry of Deeds on June 2, 1961 in Book 204 at Page 653.

# Schedule B – Site Plan



- LEGEND**
- RETAIN EXISTING VEGETATION
  - DRIVEWAY/ PARKING AREA
  - BUILDING ENVELOPE

**Paul Skerry Associates Ltd.**  
**ARCHITECTS**  
 5514 LIMNSTONE PLACE  
 FREDRICK, N.S. B3K 2B8  
 PHONE: 902-537-4361  
 FAX: 902-537-4361  
 EMAIL: paskerry@paskerry.ca

PROPOSED APARTMENTS  
 LOT P.D.DAVIDSON  
 COMMERCIAL STREET  
 NEW MINAS, N.S.

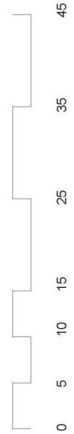
**SITE PLAN SCHEMATIC**  
 SEPT. 16/17  
 0 20 40 80  
 GRAPHIC SCALE FEET

# Schedule C – Concept Elevation



FRONT ELEVATION

SCALE FEET







Municipality of the County of Kings  
**Report to the Planning Advisory Committee**

Application for a development agreement to permit 3 residential units at  
 2809 Lovett Road, Coldbrook.

(File #17-14)

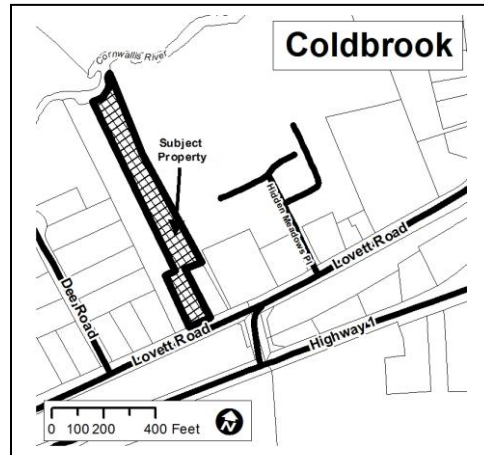
April 10, 2018

Prepared by: Planning and Development Services

|                               |  |
|-------------------------------|--|
| <b>Applicant</b>              | Robert E. Alders   |
| <b>Land Owner</b>             | Robert E. Alders   |
| <b>Proposal</b>               | Permit the already in place 3 unit residential building  |
| <b>Location</b>               | 2809 Lovett Road, Coldbrook (PID 55159925)   |
| <b>Lot Area</b>               | 89,925 sq ft OR 2 acres  |
| <b>Designation</b>            | Residential (R) and Natural Environment (E)  |
| <b>Zone</b>                   | Residential One and Two Unit (R2) and Environmental Open Space (O1)                                  |
| <b>Surrounding Uses</b>       | Variety of residential uses, two community facilities and some commercial/industrial uses nearby     |
| <b>Neighbour Notification</b> | Staff sent notification letters to the 24 owners of property within 500 feet of the subject property |

**1. PROPOSAL**

Robert E. Alders has applied for a Development Agreement to permit the existing 3 unit residential building at 2809 Lovett Road, in Coldbrook. The applicant's property is primarily in the Residential One and Two Unit (R2) Zone and is therefore permitted to have a maximum of 2 residential units within a dwelling. The applicant requires a Development Agreement in order to legalize the 3 units. The Municipality will often consider a rezoning in these situations, but in 2008 Council adopted policies that state no further properties will be rezoned to the R3 or R4 zones within the Growth Centre of Coldbrook. This requires that all proposals for multi-unit residential development be subject to a Development Agreement process.



**2. OPTIONS**

In response to the application, the Planning Advisory Committee may:

- A. Recommend that Council approve the Development Agreement, as drafted;
- B. Recommend that Council refuse the Development Agreement; or
- C. Provide alternative direction, such as requesting further information on a specific topic, or making changes to the draft Development Agreement.

### **3. BACKGROUND**

The applicant has owned the building at 2809 Lovett Road for over 15 years, and currently uses it as a rental property. The applicant purchased the property with the dwelling already divided into 3 separate residential units. The Municipality became aware of the additional units during a discussion with the applicant who was attempting to separate the Nova Scotia Power connection, which requires a Municipal confirmation letter. At the time of this request, the applicant and Municipality recognized that the dwelling did not follow the permit process to be a 3 unit dwelling and was therefore not compliant with the underlying R2 Zone. Staff recommended a planning application to legalize this long standing, already in place use. This planning process was not driven by a complaint from the neighbourhood.

### **4. INFORMATION**

#### **4.1 Site Information**

The Subject Property is a long parcel of land that fronts on Lovett Road and stretches to the edge of the Cornwallis River. The property is therefore split zoned between the Residential One and Two Unit (R2) Zone and the Environmental Open Space (O1) Zone along the river's floodplain area. The property is approximately 2 acres in size, most of which is forested except on the banks of the river which is open space.

#### **4.2 Public Information Meeting**

The Municipality hosted a Public Information Meeting (PIM) which is required for development agreement applications. Staff placed an ad in the newspaper and sent notification letters to 24 property owners in the area to invite them to the PIM in an effort to get an early response from the surrounding community.

Staff held the PIM on Thursday February 1<sup>st</sup> at the Coldbrook Heritage Hall and had a small turn out. The notes from this meeting are attached as Appendix F. The applicant and family members were in attendance, along with 1 member of the public. This citizen asked whether the development agreement process would implicate other nearby properties for more intensive development. Staff confirmed that this process is site specific and would only apply to the applicant's property. No other concerns or comments were received from the public.

#### **4.3 Request for Comments**

Staff contacted internal and external departments for comments on the proposal to legalize the existing 3 unit building on the property.

- Municipal Engineering and Public Works (EPW) Staff have confirmed the property is serviced by a central sewer system, but since no central water system exists in Coldbrook, this property has a private well on site. At the time of permitting, EPW will request a new sewer permit in order to update to the appropriate billing.

- Development Control Staff have confirmed that the existing building does satisfy all setback requirements under the Residential One and Two Unit (R2) Zone. The number of residential units (3) exceeds the permitted uses in the zone, but new permits could be issued under the proposed development agreement that would allow for 3 units.
- NS Transportation Staff have indicated no concerns with the surrounding road network or the location and size of the current driveway entrance. The road authority saw no concerns with permitting a 3-unit building in this location, while utilizing the existing driveway access.

## 5. POLICY REVIEW

### 5.1 Enabling Policy

The Municipal Planning Strategy (MPS) outlines a set of criteria for planning applications that are intended to permit multi-unit residential buildings in Coldbrook. These policies are specific to the Growth Centre of Coldbrook, and were added to the MPS in 2008 when Council felt it necessary to add a greater level of control over the location, design and scale of multi-unit developments in this community.

*MPS 2.4.9.1 It shall be the policy of Council to require that all new multiple unit residential developments within the Residential Districts of the Coldbrook Growth Centre to be considered by Development Agreement, subject to the policies of this Strategy and the provisions of the Municipal Government Act. This policy shall not apply to properties that are currently zoned Residential Mixed Density (R3) or Residential Medium Density (R4). No further properties will, however, be rezoned to the R3 or R4 Zones.*

The applicant has requested a development agreement to permit the continued use of the 3 unit dwelling on the Subject Property. The criteria for this type of development agreement are reviewed in detail in Appendix D which generally looks at the scale, and intensity of the use and tries to integrate a multi-unit building with the surrounding uses, which may often be lower density. However since the subject property has only 3 units and the surrounding area is a mix of 1 and 2 unit dwellings, the difference between these building forms is small. By virtue of starting as an old house that was converted into 3 units, the scale and mass of the building is in keeping with the size and scale of the surrounding uses. Therefore, the proposed development agreement generally satisfies the specific Development Agreement criteria (Appendix D) as well as the general development agreement criteria (Appendix E).

The agreement also satisfies many of the goals and objectives in the Urban Residential section of the MPS (MPS section 2.4) by offering a variety of accommodations, utilizing infill opportunities, making efficient use of sewer services and other public infrastructure, increasing rental accommodations, and providing higher densities in areas that are close to commercial and community services.

## 6. SUMMARY OF DRAFT DEVELOPMENT AGREEMENT

The draft development agreement permits the 3 already in place units (DA 2.1) but does not allow for any further residential units to be added. The agreement continues to permit the expansion of the dwelling in the future, but this is limited to building up, or outwards to expand the footprint of the dwelling in the rear yard or eastern side yard, where the dwelling can still meet the side yard setback requirements (DA 2.4). The agreement also controls parking (DA 2.5) and amenity space (DA 2.6) which are both aimed at maintaining the current configuration, and specifying that at least 5 parking spaces shall be provided if used as a 3 unit dwelling. The agreement aims to maintain the forested and grassy areas to the north of the property, on the bank of the Cornwallis River as amenity space for the residents of the 3 unit dwelling.

## 7. CONCLUSION

It is Staff's opinion that the draft development agreement meets the policy directives of the Municipal Planning Strategy and accommodates the current use, while adopting some reasonable controls aimed at maintaining adequate parking and amenity space for the occupants of the 3 units. The long standing presence of these residential units without any negative impacts on the surrounding community suggests that very few controls are necessary to legally permit the dwelling.

## 8. STAFF RECOMMENDATION

Staff recommend that the Planning Advisory Committee forward a positive recommendation by passing the following motion.

**The Planning Advisory Committee recommends that Municipal Council give Initial Consideration and hold a Public Hearing to enter into a development agreement to permit a 3 unit residential building at 2809 Lovett Road, Coldbrook (55159925), which is substantively the same (save for minor differences in form) as the draft set out in Appendix G of the report dated April 10, 2018.**

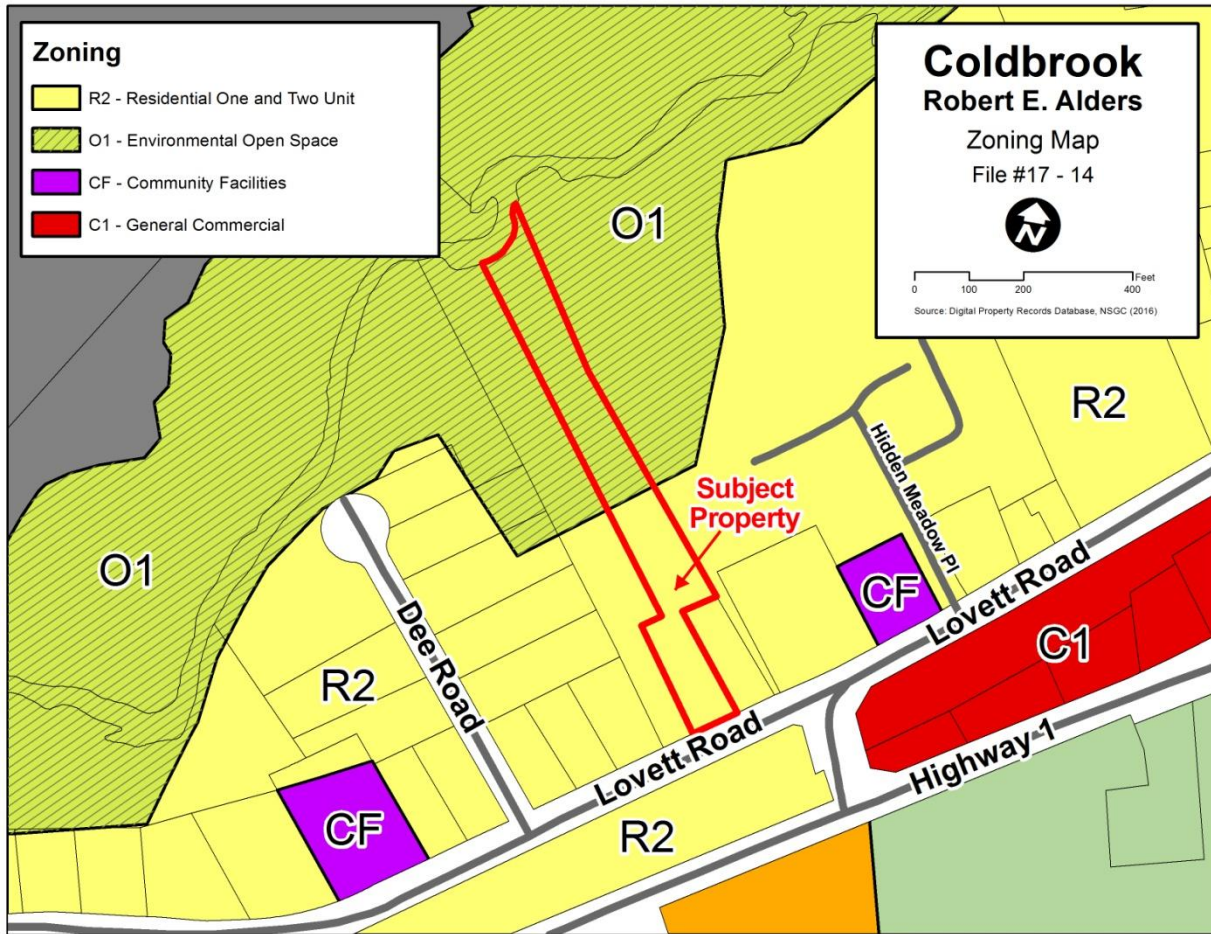
## 9. APPENDIXES

- Appendix A – Air Photo Map
- Appendix B – Zoning Map
- Appendix C – Site Plan
- Appendix D – Specific DA criteria
- Appendix E – General DA criteria
- Appendix F – Public Information Meeting Notes
- Appendix G – Draft Development Agreement

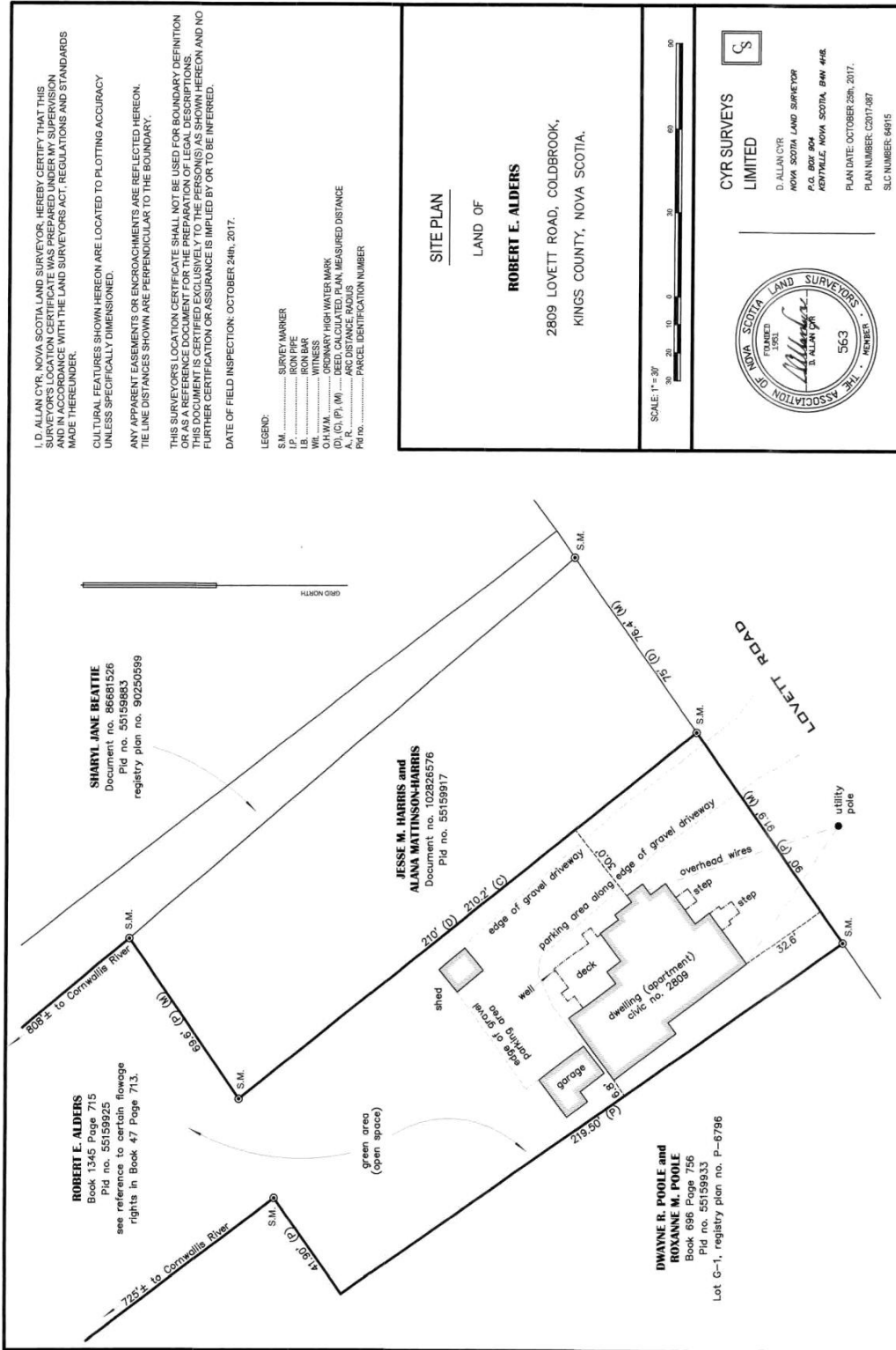
Appendix A – Air Photo Map



# Appendix B – Zoning Map



# Appendix C – Site Plan



## Appendix D

### Specific DA criteria - MPS 2.4.9 Urban Multiple Unit Residential Policies Within the Coldbrook Growth Centre

|   |   |
|---|---|
| <i>MPS 2.4.9.2 In considering development agreements for multiple unit residential development in the Coldbrook Growth Centre, Council shall have regard to the following:</i>  |   |
| <i>a. that a site plan, prepared by a qualified person, is provided which shows all proposed buildings; amenity, open space and landscaped areas; parking areas and road accesses and any other information required by the development agreement</i> | Site Plan provided. Attached as Appendix C.   |
| <i>b. that the site plan shall be encouraged to have regard to the following:</i>   |   |
| <i>i. that the percentage of lot coverage is consistent with that of the surrounding area;</i>  | Lot coverage is similar to surrounding developed properties.  |
| <i>ii. that the location and amount of landscaped and open space areas, particularly those most visible by the public, is reasonably consistent with existing dwellings within the surrounding area;</i>  | The open space configuration is consistent with the surrounding homes. Most of these have development in the front near the road, and large wooded/open spaces remaining in the back, near the Cornwallis River.      |
| <i>iii. that a suitably located and landscaped amenity area or areas consisting of at least 10% of the size of the property be provided to the residents;</i>   | The majority of the lot, in excess of 10% is offered as amenity space for the residents.  |
| <i>c. that the development is designed to enhance or take advantage of natural site characteristics rather than significantly alter or destroy them;</i>  | The open space configuration takes advantage of the natural site characteristics by having the development in the front near the road and a large wooded/open space remaining in the back, near the Cornwallis River. |
| <i>d. that the following locational criteria are met:</i>   |   |
| <i>i. new multiple unit residential dwellings in excess of eight (8) units shall have frontage or direct access to at least a residential collector street;</i>   | Not applicable – only 3 units.  |
| <i>ii. all new multiple unit residential dwellings must be connected to a central municipal/village sewerage system; and</i>  | The existing dwelling is connected to central sewer servicing. Permit will be required to update billing info at time of building permit.   |



|  |  |
|--|--|
| <p><i>iii. new multiple unit residential developments in excess of sixteen (16) units must be connected to central municipal/village water and sewer services.</i></p>   | <p>Not applicable. The proposed agreement is for less than 16 units.</p>   |
| <p><i>MPS 2.4.9.3 In addition to the requirements set out in 2.4.9.2, in considering development agreements for a multiple unit residential dwelling or dwellings in the Coldbrook Growth Centre, Council shall have regard to the following:</i></p>  |  |
| <p><i>a. that architectural plans, prepared by a qualified person, are provided showing the exterior design of all proposed multiple unit residential dwellings</i></p>  | <p>Not applicable. The building is already built and has contributed to the architectural character of this area for decades.</p>  |
| <p><i>b. that the architectural design and site plans of a new multiple unit residential dwelling or dwelling shall be encouraged to have regard to the following:</i></p>   |  |
| <p><i>i. that the height and mass of all multiple unit residential dwellings are reasonably consistent with existing dwellings within the surrounding area. In this regard, the maximum height for any multiple unit residential dwelling shall be four (4) stories and the maximum number of units permitted in any multiple unit residential dwelling shall be sixteen (16);</i></p> | <p>The existing building satisfies this criterion by being under 4 storeys with fewer than 16 units. The building's mass is also consistent with the buildings in the surrounding area.</p>                            |
| <p><i>ii. that the design of the multiple unit residential dwelling related to roof pitch, wall to window ratios, building articulation, exterior cladding as well as building orientation and setback are common to existing dwellings within the surrounding area;</i></p>   | <p>The building is already built and has contributed to the architectural character of this area for decades. It is consistent with, and may have influenced the common development forms in the surrounding area.</p> |
| <p><i>iii. that the multiple unit residential dwelling or dwellings are oriented toward the street and have pedestrian approaches that are well articulated and clearly defined;</i></p>   | <p>The existing building is well oriented towards the street, and has sufficient pedestrian approaches.</p>  |
| <p><i>iv. that parking areas shall be located to the side or rear of the building in clearly designated and defined parking areas. The use of asphalt for parking areas is encouraged. Adequate parking must be provided, generally consistent with the Land Use Bylaw regulations for the R4 Zone;</i></p>  | <p>Parking is provided in the side/rear of the dwelling. A requirement for an adequate number of parking spaces found in Section 2.5 of the draft DA.</p>  |
| <p><i>v. that the front entrance to the multiple unit residential dwelling is clearly articulated, well lit,</i></p>   | <p>The building is a converted dwelling, which still maintains a clearly visible front entrance.</p>   |

|  |   |
|--|---|
| <i>and easily visible from the street; and</i>   |   |
| <i>vi. that accessory structures such as sheds or garages, are located in the rear of the multiple unit residential dwelling.</i>  | The property does contain a shed and garage, both of which are in the rear yard. Provisions in the DA to control location of new sheds and garages  |
| <i>MPS 2.4.9.4 It shall be the policy of Council to require a traffic impact analysis for all multiple unit residential development proposals in excess of ten (10) units.</i>                                     | Not applicable. The proposed agreement is less than 10 units.   |
| <i>MPS 2.4.9.5 It shall be the policy of Council to require a groundwater assessment for all multiple unit residential development proposals that are not located on a municipal/village central water system.</i> | It is the opinion of Staff that this application does not warrant a ground water assessment due to the small number of units and a history of stable and adequate water supply, during the 15+ years of occupancy as a 3 unit dwelling. |

## Appendix E – MPS policy 6.3.3 General Criteria for Entering into a Development Agreement

6.3.3.1 In considering amendments to the Land Use Bylaw, in addition to all other criteria as set out in various policies of this Strategy, Council shall be satisfied:

| MPS Policy   | Proposal   |
|--|--|
| a) that the proposal is in keeping with the intent of the MPS  | The proposal is consistent with the MPS.   |
| b) that the proposal is not premature or inappropriate by reason of:<br>i. financial capability of the municipality                    | No municipal investment is required.   |
| ii. adequacy of the site to accommodate on site services: water and sewer  | Staff have received confirmation that central sewer is available in this location. The onsite well has been adequate to date.                          |
| iii. potential for pollution problem   | No pollution problems are anticipated.   |
| iv. adequacy of storm drainage   | Current drainage system has been adequate to date.   |
| v. adequacy of road network  | No issues.   |
| vi. adequacy and proximity to community facilities   | The subject site is very close to the Coldbrook Heritage Community Hall, as well as another community facility to the west.                            |
| vii. Adequacy of municipal fire protection services and equipment  | Fire protection services appear adequate.  |
| viii. creating a scattered development pattern   | The proposal will not create a scattered development pattern.  |
| ix. the suitability of the site in terms of the landscape and environmental features   | The developed portion of the site is suitable. The rest of the property that is not suitable for development is protected by the underlying O1 zoning. |
| x. traffic generation, access and egress, and parking  | There are no concerns regarding traffic generation, access or egress. All parking is accommodated on the site.   |
| xi. compatibility with adjacent uses   | The proposal is compatible with nearby homes of various densities.   |
| <i>...controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i> |  |
| i. the type of use   | Uses are controlled in Section 2.1 of the draft DA.  |
| ii. the location of positioning of outlets for air, water and noise within the context of the Land Use Bylaw                           | No issues.   |
| iii. the height, bulk and lot coverage of any proposed buildings or structures   | Height is regulated in the underlying R2 Zone requirements; the dimensions of the building are regulated in Section 2.4 of the draft DA.               |

|  |   |
|--|---|
| <i>iv. traffic generation</i>  | No issues.  |
| <i>v. access to and egress from the site and the distance of these from street intersections</i>   | No issues.  |
| <i>vi. availability, accessibility of on-site parking</i>  | Adequate on-site parking is required in Section 2.5 of the draft DA.                                  |
| <i>vii. outdoor storage and/or displays</i>  | n/a   |
| <i>viii. signs and lighting</i>  | No anticipated problems with lighting   |
| <i>ix. hours of operation</i>  | n/a   |
| <i>x. maintenance of the development</i>   | Maintenance is required in Section 2.2 of the draft DA  |
| <i>xi. buffering, landscaping, screening and access control</i>  | No changes required. The current arrangement includes mature plantings and vegetation.                |
| <i>xii. the suitability of the site in terms of the landscape and environmental features</i>   | Well vegetated and mature plantings help maintain the landscape and protect the nearby river features |
| <i>xiii. the terms of the agreement provide for the discharge of the agreement or parts thereof upon the successful fulfillment of its terms</i> | Section 3 of the draft DA provides for the discharge of the agreement.                                |
| <i>xiv. appropriate phasing and stage by stage control</i>   | n/a   |

**Appendix F**  
**Public Information Meeting Notes**  
**MUNICIPALITY OF THE COUNTY OF KINGS**  
**PLANNING AND DEVELOPMENT SERVICES**  
**PUBLIC INFORMATION MEETING NOTES**  
**Planning Application for Lands Located at 2809 Lovett Road, Coldbrook**  
**(File 17-14)**

***Meeting, Date and Time*** A Public Information Meeting was held on Thursday February 1 at 7:00 p.m. at the Coldbrook Heritage Hall at 2833 Lovett Road, Coldbrook, NS.

***Attending*** In Attendance:

***Planning Staff*** Mark Fredericks – GIS Planner

***Applicant*** Robert Alders and Wife and son

***Public*** 1 Member

***Welcome and Introductions*** Mark Fredericks called the meeting to order, introductions were made and the members of the public were welcomed to the meeting.

***Presentation*** Mark Fredericks provided a brief overview of the planning process and the criteria that will be used to evaluate the application from Robert Alders to permit the existing 3 unit building at 2809 Lovett Road.

Mr. Fredericks stated that the Public Information Meeting provides an opportunity for the public to express concerns and/or receive clarification on any aspect of the proposal. No evaluation has been completed and no decisions have been made at this point.

Following the presentation, the floor was opened for comments from the public.

***Comments from the Public*** Gerard Burk – neighborhood resident

- Has no issues with the current 3 unit building
- Wondering if this process would open the doors for other multi unit development in the area.

Mark Fredericks responded that the subject property is the focus of this development agreement. The ability to have 3 units will be site specific and not provide opportunities for nearby properties without the same public and political process as this planning application is going through.

***Adjournment*** There being no further discussion, the Chair thanked those in attendance and adjourned the meeting at 7:15 p.m.

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Cindy L. Benedict  
Recorder

**Appendix G**  
**Draft Development Agreement**

THIS DEVELOPMENT AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, A.D.

BETWEEN:

**Robert E Alders**, of Coldbrook, Nova Scotia, hereinafter called the "Property Owner"

of the First Part

and

**MUNICIPALITY OF THE COUNTY OF KINGS**, a body corporate pursuant to the Municipal Government Act, S.N.S., 1998, Chapter 18, as amended, having its chief place of business at Kentville, Kings County, Nova Scotia, hereinafter called the "Municipality",

of the Second Part

WHEREAS the Property Owner is the owner of certain lands and premises (hereinafter called the "Property") which lands are more particularly described in Schedule A attached hereto and which are known as 2809 Lovett Road, Colbrook and Property Identification (PID) Number 55159925; and

WHEREAS the Property Owner wishes to use the Property for a 3 unit residential dwelling

WHEREAS the Property is situated within an area designated Residential and Natural Environment on the Future Land Use Map of the Municipal Planning Strategy, and split zoned Residential One and Two Unit (R2) and Environmental Open Space (O1) ; and

WHEREAS 2.4.9 of the Municipal Planning Strategy and 5.1.8 of the Land Use Bylaw provide that the proposed use may be developed only if authorized by development agreement; and

WHEREAS the Property Owner has requested that the Municipality of the County of Kings enter into this development agreement pursuant to Section 225 of the Municipal Government Act so that the Property Owner may develop and use the Property in the manner specified; and

WHEREAS the Municipality by resolution of Municipal Council passed at a meeting on (add date of motion), approved this Development Agreement;

Now this Agreement witnesses that in consideration of covenants and agreements contained herein, the parties agree as follows:

## **PART 1 AGREEMENT CONTEXT**

### **1.1 Schedules**

The following attached schedules shall form part of this Agreement:

Schedule A      Property Description

Schedule B      Site Plan

### **1.2 Municipal Planning Strategy and Land Use Bylaw**

- (a) *Municipal Planning Strategy* means Bylaw 56 of the Municipality, approved on August 6, 1992, as amended.
- (b) *Land Use Bylaw* means Bylaw 75 of the Municipality, approved on August 6, 1992, as amended.

### **1.3 Definitions**

Unless otherwise defined in this Agreement, all words used herein shall have the same meaning as defined in the Land Use Bylaw. Words not defined in the Land Use Bylaw but used herein are:

- (a) *Development Officer* means the Development Officer appointed by the Council of the Municipality.
- (b) *Subdivision Bylaw* means Bylaw 60 of the Municipality, approved September 5, 1995, as amended, or successor Bylaws.

## **PART 2 DEVELOPMENT REQUIREMENTS**

### **2.1 Use**

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

- (a) those uses permitted by the underlying zoning in the Land Use Bylaw (as may be amended from time-to-time);
- (b) One Dwelling containing a maximum of 3 Residential Units in accordance with the terms of this Agreement.

Except as otherwise provided in this Agreement, the provisions of the Land Use Bylaw apply to any development undertaken pursuant to this Agreement.

### **2.2 Appearance of Property**

The Property Owner shall at all times maintain all structures and services on the Property in good repair and a useable state.

## **2.3 Subdivision**

Except as otherwise provided for in this Agreement, the subdivision of the Property shall comply with the requirements of the Subdivision Bylaw, as may be amended from time-to-time, subject to the underlying zone.

## **2.4 Additions**

(a) Additions that extend the footprint of the dwelling shall be limited to the rear yard or eastern side yard only, subject to the underlying zone standards.

(b) Accessory structures are limited to the rear or side yard, and are subject to the underlying zone standards

## **2.5 Parking**

A minimum of 1.5 parking spaces per unit shall be maintained in the area shown as 'parking area' on Schedule B - Site Plan.

## **2.6 Amenity Space**

If used as a 3 unit dwelling, the 'green area' shown on the Schedule B - Site Plan shall be maintained for the benefit of the residents in the multi unit dwelling. This amenity space shall not be required for a 1 or 2 unit dwelling.

## **2.7 Servicing**

The Property Owner shall be responsible for providing adequate water and sewer services to the standards of the authority having jurisdiction and at the Property Owner's expense.

## **PART 3 CHANGES AND DISCHARGE**

**3.1** The Property Owner shall not vary or change the use of the Property, except as provided for in Section 2.1, Use of this Agreement, unless a new development 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 by Council without a public hearing.

**3.3** The following matters are substantive matters

(a) The Uses specified in section 2.1

**3.4** Upon conveyance of land by the Property Owner to either:

(a) the road authority for the purpose of creating or expanding a public street over the Property; or

(b) the Municipality for the purpose of creating or expanding open space within the Property;



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

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

#### **PART 4 IMPLEMENTATION**

##### **4.1 Commencement of Operation**

No construction or use may be commenced on the Property until the Municipality has issued any Development Permits, Building Permits and/or Occupancy Permits that may be required.

##### **4.2 Drawings to be Provided**

When an engineered design is required for any portion of a development, record drawings shall be provided to the Development Officer within ten days of completion of the work which requires the engineered design.

##### **4.3 Completion and Expiry Date**

- (a) The Property Owner shall sign this Agreement within 90 days from the date the appeal period lapses or all appeals have been abandoned or disposed of or the development agreement has been affirmed by the Nova Scotia Utility and Review Board or the unexecuted Agreement shall be null and void;

#### **PART 5 COMPLIANCE**

##### **5.1 Compliance With Other Bylaws and Regulations**

Nothing in this Agreement shall exempt the Property Owner from complying with Federal, Provincial and Municipal laws, bylaws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority or approval required thereunder.

##### **5.2 Municipal Responsibility**

The Municipality does not make any representations to the Property Owner about the suitability of the Property for the development proposed by this Agreement. The Property owner assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the development.

##### **5.3 Warranties by Property Owner**

The Property Owner warrants as follows:

- (a) The Property Owner has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance, or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Developer has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Developer to sign the Development Agreement to validly bind the Lands.
- (b) The Property Owner has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

#### **5.5 Costs**

The Property Owner is responsible for all costs associated with recording this Agreement in the Registry of Deeds or Land Registration Office, as applicable.

#### **5.6 Full Agreement**

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

#### **5.7 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.

#### **5.8 Interpretation**

Where the context requires, the singular shall include the plural, and the masculine gender shall include the feminine and neutral genders.

#### **5.9 Breach of Terms or Conditions**

Upon the breach by the Property Owner of the terms or conditions of this Agreement, the Municipality may undertake any remedies permitted by the Municipal Government Act.

**THIS AGREEMENT** shall enure to the benefit of and be binding upon the parties hereto, their respective agents, successors and assigns.

**IN WITNESS WHEREOF** this Agreement was properly executed by the respective parties hereto and is effective as of the day and year first above written.

SIGNED, SEALED AND ATTESTED to be the proper signing officers of the Municipality of the County of Kings, duly authorized in that behalf, in the presence of:

**MUNICIPALITY OF THE COUNTY  
OF KINGS**

\_\_\_\_\_

Witness

\_\_\_\_\_

Peter Muttart, Mayor

\_\_\_\_\_

Witness

\_\_\_\_\_

Scott Conrod, Municipal Clerk

SIGNED, SEALED AND DELIVERED

In the presence of:

\_\_\_\_\_

Witness

\_\_\_\_\_

Robert E. Alders

## Appendix A – Property Description

716

**ALL** that certain lot, piece or parcel of land, situate, lying and being at Coldbrook, in the County of Kings and Province of Nova Scotia, more particularly bounded and described as follows:

**BEGINNING** at a point on the North bound of Lovett Road where the same is intersected by the Eastern bound of lands now or formerly of Raymond Dominey;

**THENCE** North Eighteen Degrees Zero Zero Minutes West (N 18° 00' W) a distance of TWO HUNDRED FEET (200) to an iron pipe set;

**THENCE** North Twenty Degrees Zero Zero Minutes West (N 20° 00' W) a distance of SEVEN HUNDRED FIFTEEN AND ONE-TENTHS FEET (715.1) to an iron pipe set;

**THENCE** in a prolongation of the last mentioned bound a distance of EIGHTY-TWO AND THREE-TENTHS FEET (82.3) to the Southerly bank of the Cornwallis River;

**THENCE** in a Northeasterly direction along the Southerly bank of the Cornwallis River to an iron pipe set;

**THENCE** in a Southeasterly direction a distance of ONE HUNDRED EIGHT AND SEVEN-TENTHS FEET (108.7) to an iron pipe set;

**THENCE** South Thirteen Degrees Ten Minutes East (S 13° 10' E) a distance of TWO HUNDRED TWENTY-FOUR AND NINE-TENTHS FEET (224.9) to an iron pipe set;

**THENCE** south Nineteen Degrees Zero Zero Minutes East (S 19° 00' E) a distance of FOUR HUNDRED SEVENTY-FOUR AND FOUR-TENTHS FEET (474.4) to an iron pipe set in the North bound of lands now or formerly of Joseph Dominey;

**THENCE** South Seventy-three Degrees Fifty Minutes West (S 73° 50' W) a distance of SIXTY-NINE AND SIX-TENTHS FEET (69.6) to an iron pipe;

**THENCE** South Eighteen Degrees Ten Minutes East (S 18° 10' E) a distance of TWO HUNDRED TEN FEET (210) to an iron pipe set at the North bound of Lovett Road;

**THENCE** South Seventy-three Degrees Fifty Minutes West (S 73° 50' W) along the North bound of the said road a distance of ONE HUNDRED FIFTY FEET (150) to the place of **BEGINNING**.

**BEING AND INTENDED TO BE LOT "G"** as shown on a Plan of lands of Raymond Dominey as prepared by H.B. Smith, N.S.L.S., under date May 12, 1972.

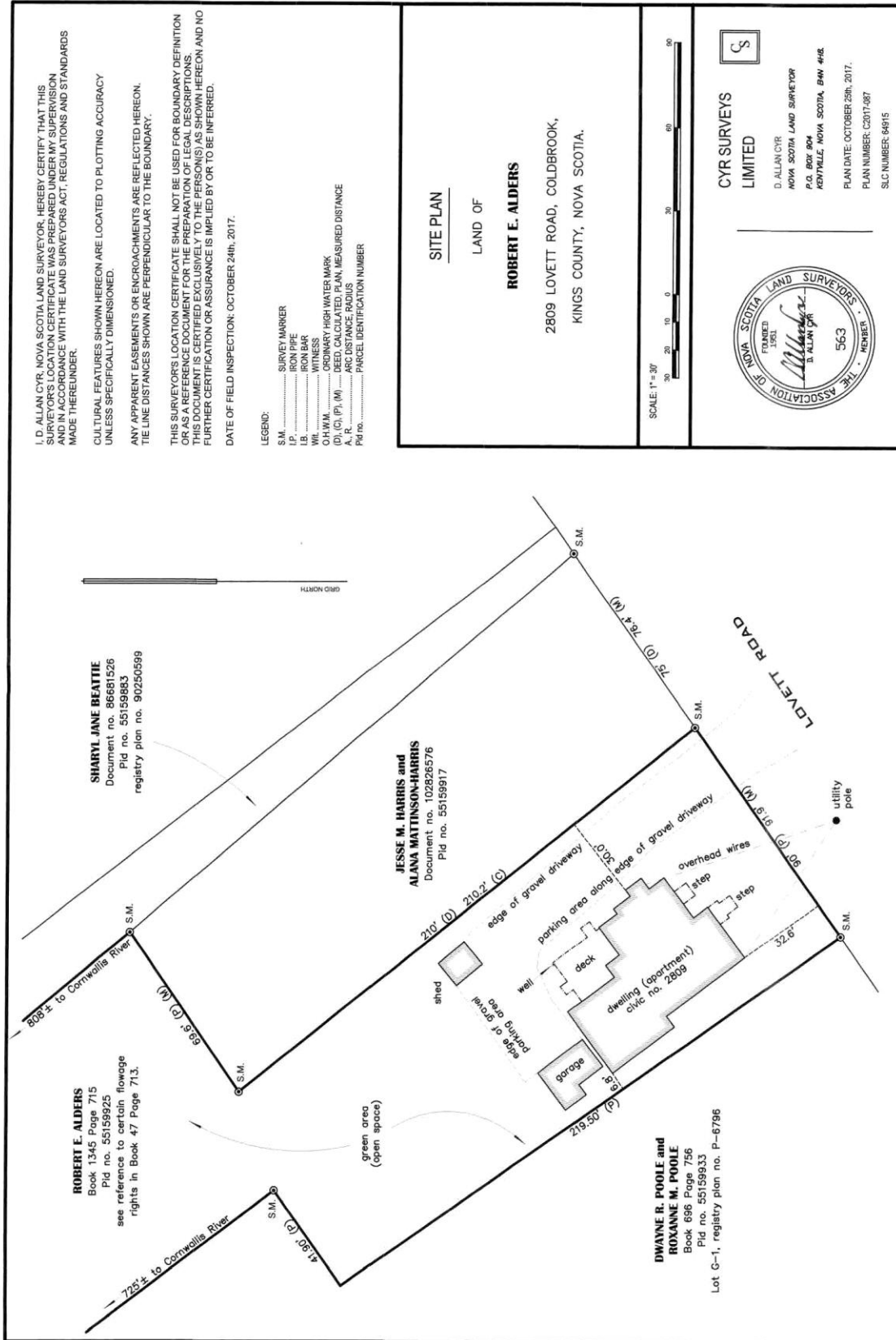
**EXCEPTING THEROUT AND THEREFROM** all of those lands comprising 2.1 acres and shown on a Plan of Survey prepared by Shaun R. Stoddart, N.S.L.S., No. 534, dated April 27, 1987, and bearing Municipal Registration #87065.

**AND BEING AND INTENDED TO BE** that lot of land conveyed to The Mortgage Insurance Company of Canada to Weldon Robert Taul and James Gordon Hewey by Deed dated September 1, 1992 and recorded on September 11, 1992, in the Kings County Registry of Deeds in Book 914 at Page 760.

**ALSO BEING AND INTENDED TO BE** the same lands as conveyed by Sheriff's Deed to Scotia Mortgage Corporation recorded on July 26, 2001 in the Kings County Registry of Deeds in Book 1276 at Page 678 as Document #4337.

**SUBJECT HOWEVER**, to the Agreement concerning flowage rights, as contained in the Indenture recorded in the Kings County Registry of Deeds in Book 47 at Page 713.

# Appendix B – Site Plan



# THE MUNICIPALITY OF THE COUNTY OF KINGS

## RECOMMENDATIONS FROM COMMITTEE OF THE WHOLE

April 17, 2018

|    |  |   |
|----|--|---|
| a. | Proclamation Cole Wittenberg Day (June 14, 2018)   | <b>That the second Thursday of June 2018 be proclaimed 'Cole Wittenberg Day' in the Municipality of the County of Kings.</b><br><br><b><u>Proclamation attached.</u></b>  |
| b. | Kings Economic Advancement Fund - Conditional Approval of Early Funding Request for Annapolis Valley Chamber of Commerce | <b>That Municipal Council pre-approve a \$12,500 commitment from the Kings Economic Advancement Fund 2018/19 budget for the Annapolis Valley Chamber of Commerce for tourism marketing, and further, that pre-approval be subject to receipt of a Kings Economic Advancement Fund application and proposed budget, and that this in no way guarantees additional funding being granted beyond the \$12,500.</b> |



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**Municipality of the County of Kings  
PROCLAMATION  
COLE WITTENBERG DAY  
June 14, 2018**

**WHEREAS**, Cole Wittenberg was an inspiration and motivator of community involvement for anyone who met him; and

**WHEREAS**, Cole was a resident of Coldbrook and sadly passed away at the age of 4½ on June 2, 2017; and

**WHEREAS**, Cole was to be the honorary host of 89.3 K-Rock's first ever Radiothon for the Children's Wish Foundation less than two weeks later; and

**WHEREAS**, Cole's family participated in the Radiothon and, together with the community, raised more than \$22,000 for children like Cole, 'Wish Kids'; and

**WHEREAS**, K-Rock will host its second Radiothon on June 14, 2018 and Cole will be in everyone's thoughts and actions; and

**WHEREAS**, the Radiothon and broadcast on June 14, 2018 will be dedicated to raising money for Wish Kids so they may experience joy, family time, and fun with loved ones; and

**WHEREAS**, Cole Wittenberg Day is to be a day of celebration, community fundraising, and storytelling and celebrating Wish Kids like Cole, and their families, who cherish memories made through their granted wishes; and

**WHEREAS**, K-Rock will also be giving an annual award in Cole's name to a community volunteer who exemplifies dedication, compassion, and commitment to children in our community;

**THEREFORE, BE IT RESOLVED**, that the second Thursday of June 2018 be proclaimed **Cole Wittenberg Day** in the Municipality of the County of Kings.

AS AFFIRMATION, the Mayor and Councillors do individually and collectively pledge this 1<sup>st</sup> day of May 2018.

Signed \_\_\_\_\_ Mayor Peter Muttart

Signed \_\_\_\_\_ Deputy Mayor Emily Lutz

Signed \_\_\_\_\_ Councillor Megan Hodges

Signed \_\_\_\_\_ Councillor Pauline Raven

Signed \_\_\_\_\_ Councillor Brian Hirtle

Signed \_\_\_\_\_ Councillor Martha Armstrong

Signed \_\_\_\_\_ Councillor Paul Spicer

Signed \_\_\_\_\_ Councillor Bob Best

Signed \_\_\_\_\_ Councillor Jim Winsor

Signed \_\_\_\_\_ Councillor Peter Allen



# Valley REN Voice

ISSUE—APRIL 2018

## Deborah Dennis joins the Valley REN as new CEO

I'd like to thank the Staff, Board of Directors and our Partners for welcoming me so warmly to my new role as CEO of the Valley REN.

After my first 30 days, I'm happy to say that I am delighted with the strength of the team and excited about the economic development opportunities that lie ahead for our region as a whole.

While my work on behalf of the Province, municipalities and Gooisap First Nation will be broad, I have three focal areas on my agenda in my initial months:

1. Working with each municipality to define their investment readiness and unique-selling-proposition, so as to ladder-up to a compelling new regional marketing initiative designed to raise regional, national and global awareness and interest;
2. Leading and establishing a task force to help Michelin and other regional industries with their recruiting, training and resettlement programs;
3. Pushing the envelope forward with respect to Broadband Internet as well as Green Energy capabilities to better service overall business needs.



*Deborah Dennis joins the Valley REN as CEO*

I'll be concentrating on these priorities in addition to supporting the Valley REN team with numerous, exciting Business NOW! projects across the region, ranging from Recreation, Hotel and Accommodation, to Agriculture and Food Processing.

Like so many of you, I've taken on my role given a passionate belief that we can develop rural entrepreneurship and our province's economy while preserving its unique natural, cultural and historic characteristics.

Having spent over 25 years developing effective business, marketing and communication strategies, especially in emerging market situations, I feel well equipped to tackle our collective challenges with renewed force and a pragmatic, solution-oriented mindset.

I thank W. Coby Milne, Interim CEO for enabling my transition and wish him all the best with his future plans. I look forward to meeting and working with all of you in the coming months.

Best regards and wishing everyone a productive spring!

*Deborah Dennis, Incoming CEO*



# Key Performance Indicators

## Community Engagement Opportunities

Our staff and board participated in the following: Eagle Watch Kitpu Kick-off, Business Expo, Junior Achievement Training, Nova Scotia Horticultural Congress and International Smart Farming Seminar.

## Communication Pursuits

This includes corporate marketing plans, press releases and social media initiatives; CEO recruitment; social media updates; website development; Entrepreneurial Toolkit.

## Partners Engaged

Partners include: NS and AV Trails Coalition, Valley Community Fibre Network, Kings Transit, Nova Scotia Health Authority, NSCC, Nova Scotia Business Inc., AVCC Agricultural Committee and Acadia Entrepreneurial Centre. FCM Planning meetings, CEO meeting and EDO meeting.

## Community Organisations Engaged

Our Collective Impact Project supported one collaborative initiative run by three different agencies including: Sheffield Mills Community Association, Glooscap First Nation and Kings County 4H.

## Businesses Supported

Ranging from pre-revenue to 20-plus employees in identified sectors across the Annapolis Valley. Business support includes: business planning, coaching, assisting 25 unique clients (13 new).

Includes: 3 start ups – one has started selling their products; one we helped to build connections with local businesses and over ½ capital required is raised; one has just registered their business.

## Events Held

Events included: Manufacturing Exchange, NSOI Immigration Pilot Sessions, and Valley Wildcats Planning Session.

# Valley Economic Health



The value of industrial building permits in the Annapolis Valley increased 7% in 2017, although total value of building permits declined 2.3%.

Source: Statistics Canada, CANSIM Table, 026-0007.

Employment growth in the Annapolis Valley was among the best in Canada in the first three months of 2018, at +5.3%, outperforming the national average (+1.6%) and Halifax (+3.9%), driven by wholesale and retail trade.

Source: Statistics Canada Labor Force Survey, CANSIM Table, 282-0122.

At least 28 new full-time jobs will be created through an expansion at BioVectra Inc. in Windsor, supported by a \$5-million loan from ACOA to the biotechnology and pharmaceutical ingredient manufacturer, based in Charlottetown. Source: ACOA media release, April 12, 2018.

# Interim CEO steps down at Valley REN

The past nine months have been among the most engaging and meaningful experiences of my career.

I have had the pleasure to work with engaged and committed elected officials, a strong community of business leaders, and most enjoyably, a dynamic and strong team of economic development professionals that make up the Valley REN staff.

This experience has been challenging, exciting, stressful, and incredibly rewarding. I want to thank all of the municipal leaders and staff for their patience with the transition and their willingness to work alongside the REN as we changed our focus and internal organizational structure to better support the Annapolis Valley region.



**W. Coby Milne steps down as Interim CEO**

I continue my appreciation for their patience and continued engagement as we move into another period of transition as we continue to onboard Deborah into the permanent CEO role. Our current evolution of the Valley REN is an exciting time as we welcome Deborah and work

to give her the information, guidance and support to grow the Valley REN into a force to create meaningful change and impact that will lift the Annapolis Valley region to be an even better place to live and do business. As the Valley REN staff and Board embark on this new journey, I look forward to my continued engagement and involvement as I return to the Board of Directors to support Deborah and the staff and to be part of the good things I know will come.

I want to thank everyone again for their faith in my leadership and in their continued faith in the role that the Valley REN has in creating a vibrant and prosperous Annapolis Valley region.

**W. Coby Milne, Interim CEO**

**From:** UNSM Info  
**To:** [Tracy Verbeke](#)  
**Subject:** REQUEST FOR COUNCIL FEEDBACK ON UNSM PRIORITIES FOR 2018--Action Required: Feedback Requested by  
April 30, 2018  
**Date:** March-20-18 12:47:13 PM

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**TO:** Mayors/Wardens, Councillors, All Units  
**CC:** Chief Administrative Officers/Clerk-Treasurers, All Units  
**FR:** Councillor Geoff Stewart, President, UNSM  
**RE:** REQUEST FOR COUNCIL FEEDBACK ON UNSM PRIORITIES FOR 2018

Dear Mayors, Wardens and Councils,

UNSM continues to evolve its process of developing a collective voice for municipal priorities and concerns, and is seeking Council feedback on the most important matters you would like UNSM to address in its advocacy work and in its workplan.

Over the last few years, UNSM has been working to improve its effectiveness in its advocacy work and member engagement. For example, revisions to the resolutions process were made in order to develop a clearer focus on the most important matters for municipalities across the province. Last year's resolutions resulted from a broad consultation effort with municipalities and a process to choose the top ones to be forwarded to the province.

Comments received during and after last year's resolution process suggested Councils should be involved, not just individual members. The link between resolutions and UNSM priorities was also noted as perhaps not being as strong as it could be.

The five top resolutions from 2017 certainly represent significant issues for municipalities, and will not likely be resolved in the short run. Municipal funding, the CAP, physician recruitment, internet connectivity and roads will see progress in the next few months, and will need to be reassessed in the fall. Knowledge gained over the next few months may suggest revisions or refinements to the actions being taken in support of these priorities.

In addition to these areas, UNSM is working on a number of other files. The Board has identified ten as being of significant importance, and would like councils to identify which of these matter the most to Councils. The results will help UNSM focus its advocacy efforts and workplan. Please note we have not included the current 5 resolution topics, as they are already a priority.

In order to consolidate the responses in time for the Spring Workshop, Councils are asked to provide feedback on your top priorities by April 30<sup>th</sup>, 2018.

Please see below the suggested priorities for your consideration. Please discuss and provide your top issues to UNSM with an explanation of why it is important to your Council, how it impacts your community, and suggestions as to how you would like to see it addressed. Feedback is requested by April 30, 2018.

## Potential Priorities

1. Age friendly places/seniors: as our community demographics lean towards more seniors, municipal supports may include planning, community transit, socialization through recreation or other initiatives, safety support, etc. A number of initiatives are underway in many communities, best practices could be better shared, and innovative solutions developed.
2. Cannabis legalization: while impending provincial legislation will determine the framework for the municipal role in legalization, it will take time and resources to understand the implications for municipalities.
3. Code of conduct: a workshop planned for April will assist in identifying possible changes to the MGA to add authorities for actions in response to breeches in a code of conduct, there will be work required to develop appropriate legislation, resources and tools to assist councils in ensuring the code is sustained.
4. Economic development: The REN model is developing across most of the province, but there remains major challenges in our economic viability. There is work to be done to better support the RENS and to identify further tools to facilitate economic growth.
5. Housing: The availability of affordable and quality housing is a concern throughout the province. In some areas, the lack of housing is impacting negatively on economic development. In some areas suitable housing may be available, but the location, without adequate public or community transit, is not helpful.
6. Immigration: population in the province is aging and decreasing. Studies are showing economic growth in the province will be limited without more immigration. The factors impacting the ability of communities to attract and retain immigrants needs to be understood and enhanced.
7. Municipal modernization and municipal government act revisions: The Fiscal Review Report identified the need to create a new way for municipalities to deliver local services. Through the review of the Municipal Government Act, it became clear municipalities need to be enabled to do more. Amalgamations and annexations are allowed in the MGA, but have expressed the need for alternative ways of working together. The status quo will not serve our citizens well, we need to be creative and open to finding new ways forward. This is about creating a new approach to meeting the needs of our communities.
8. Minimum planning standards/regional planning: there are challenges in the ways communities and adapt to more frequent and extreme weather, housing and transportation demands, and economic opportunities, and in how we protect the environment and quality of life. Minimum planning standards and/or regional planning may be appropriate tools to better plan infrastructure and service delivery.
9. Solid waste system and extended producer responsibility: The cost of disposing of garbage has been increasing at a significant rate. A review of the solid waste system is just beginning, and recommendations on improving the system will be forthcoming. Extended Producer Responsibility, where those producing waste printed paper and packaging are made responsible for the disposal of the waste, is a tool used in more and more provinces.
10. Police services: even without the legalization of cannabis, the costs of policing have been increasing significantly and the trend is likely to continue. We need to find

new ways of addressing these costs, respecting police services and addressing the social and economic conditions contributing to the costs of these services.

Phone: (902) 423-8331

Fax: (902) 425-5592

[www.unsm.ca](http://www.unsm.ca)

**PLEASE NOTE: If you do not want to receive communications from UNSM, please e-mail Tracy Verbeke at [tverbeke@unsm.ca](mailto:tverbeke@unsm.ca), and you will be removed from the mailing list.**

| Potential Priorities                      | Council Member Votes Received To Date |
|---|---------------------------------------|
| Police Services                           |                                       |
| Municipal Modernization                   |                                       |
| Solid Waste/EPR                           |                                       |
| Immigration                               | 1                                     |
| Cannabis Legislation                      |                                       |
| Economic Development                      | 1                                     |
| Housing                                   | 1                                     |
| Seniors                                   |                                       |
| Minimum Planning Standards                |                                       |
| Code of Conduct                           |                                       |
| Renewable Energy*                         | 1                                     |
| Rural High Speed Internet*                | 1                                     |
| Climate Change/Rising Tides/Dyke Systems* | 1                                     |

*\*Not on UNSM List of Potential Priorities*



# Municipality of the County of Kings

## Request for Decision

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**TO** Municipal Council

**PREPARED BY** Janny Postema, Municipal Clerk

**MEETING DATE** May 1, 2018

**SUBJECT** Council and Committee of the Whole in August

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### **ORIGIN**

- Annual decision of Council regarding Council and Committee of the Whole meetings in August.
- Report to Council dated May 2, 2017.

### **RECOMMENDATION**

That the August 7, 2018 date for the regular Council meeting be reserved to deal with July Committee of the Whole issues, with the intent to not meet if there are no urgent and pressing matters to be dealt with, and that the August 21, 2018 Committee of the Whole be cancelled.

### **INTENT**

For Council to consider taking a break from Council and/or Committee of the Whole meetings in August 2018.

### **DISCUSSION**

It has been the practice that around this time of year, Council considers whether to take a break in August.

In 2014, the regular Council and Committee of the Whole meetings in August were cancelled.

In 2015, the regular Council and Committee of the Whole meetings in August were cancelled; however, a Special Council was scheduled to deal with pressing issues.

In 2016, Council decided to reserve the dates of the regular Council and Committee of the Whole in case required; the regular Council meeting was held and Committee of the Whole was cancelled.

In 2017, the date for the regular Council meeting was reserved to deal with July Committee of the Whole issues, with the intent to not meet if there were no urgent and pressing matters to be dealt with. There were urgent and pressing matters to be dealt with and the regular Council meeting in August was therefore held.

The Committee of the Whole meeting in August 2017 was cancelled to allow Council to take a break and to enable Councillors to attend the annual Farm Tour, which was held on that date.

### **FINANCIAL IMPLICATIONS**

- No financial implications



# Municipality of the County of Kings

## Request for Decision

### **ALTERNATIVES**

- Council may opt to not cancel the August 7, 2018 Council, regardless of any urgent and pressing matters; and/or
- Council may opt to not cancel the August 21, 2018 Committee of the Whole.

### **IMPLEMENTATION**

- The Mayor and CAO will determine whether any urgent and pressing matters need to be dealt with at the August 7, 2018 Council meeting.
- The Municipal Clerk will notify Councillors of meetings to be held or cancelled.

### **APPENDICES**

- No appendices

### **APPROVALS**

Scott Conrod, Chief Administrative Officer

Date: April 22, 2018

# THE MUNICIPALITY OF THE COUNTY OF KINGS

## RECOMMENDATION FROM

## NOMINATING COMMITTEE

March 20, 2018

|    |                       |  |
|----|-----------------------|--|
| a. | Eco-Kings Action Team | <p><b>That Municipal Council remove its member and alternate from the Eco-Kings Action Team.</b></p> <p>The above motion was deferred at April 3, 2018 Council:<br/>That Municipal Council defer the decision to remove its member and alternate from the Eco-Kings Action Team until the next meeting of Council.</p> |
|----|-----------------------|--|



# UNSM Initiatives Report – April 13, 2018

**UNSM Vision:** *Effective local government and strong, sustainable communities*

**UNSM Mission:** *To enable effective local government for Nova Scotia's communities by facilitating strategic advocacy, education and collaboration*

## Initiatives

### 1. Partnership Framework

#### Description/Update

The Ministers Roundtable approved three documents, which are being distributed to UNSM membership:

- the terms of reference for the Roundtable were revised, integrating the UNSM resolutions process into the schedule of meetings and establishing the Roundtable as the forum to monitor progress under the Partnership Framework.
- A consultation guide for the development of new legislation and regulations impacting municipalities was agreed to with Municipal Affairs,
- A progress report of the Partnership Framework.

Work is underway on a joint strategic plan.

### 2. Resolutions and Statements of Municipal Concern

#### Description/Update

UNSM has received a response from the Province on the five approved at the UNSM Fall Conference: CAP; Connectivity; Doctor Shortages; Municipal Funding; and Roads. In addition, UNSM has received a response from the Minister for Housing regarding the Statement of Municipal Concern. These letters are posted on the UNSM website. Legislative changes to the PVSC Act were tabled in the provincial legislature in March. With respect to the Statement of Municipal Concern on deer, the Department of Natural Resources recently met with a group of interested municipalities and work will continue. Town of Truro is taking the lead on this issue.

UNSM is currently planning workshops on physician recruitment for the spring, June 25 and one on connectivity in the fall.

Discussions are underway to establish joint provincial/municipal committees on roads. The Department of Transportation and Infrastructural Renewal will present at the UNSM Spring Workshop.

Work to develop a joint committee on housing is underway.

UNSM is participating in an agricultural land use committee under the Federation of Agriculture.

Other topics were identified through the resolutions process last year, and UNSM is monitoring a number of these.

- Libraries: The Province is providing extra funding for libraries this coming year. A letter from the Minister of to Warden Jimmy MacAlpine confirming the funding is available on the UNSM website/
- Seniors: Work continues on the development of a memorandum of understanding with the Department of Seniors.
- Forestry: The Department of Natural Resources had allowed an extension to the work by Professor William Lahey. The report is not expected for another two months, the end of April.

### **3. Cannabis Legalization**

#### **Description/Update**

The province has tabled two relevant pieces of legislation, one dealing with the sale of cannabis through the NS Liquor Stores, and one amending the Smoke Free Places Act to include the smoking of cannabis.

The UNSM/AMA Municipal Cannabis Working Group has been meeting to discuss the implications to NS municipalities. Municipalities will be able to enact further restrictions for public consumption through by laws. Concerns remain around public safety, enforcement and costs. There will be a presentation at the UNSM Spring Workshop with up-to-date implications and suggested actions.

UNSM has supported FCM financially in the development of a guide for municipalities, and this guide should be released in mid to late April. It deals with planning and other issues, but not directly with policing. It is anticipated the province will table legislation in the spring sitting, and more will be known at that time.

### **4. Fire Services Review**

#### **Description/Update**

The Board approved appointments to the NS Joint Municipal Fire Services Committee Phase I. Those appointed to represent UNSM are: Councillor Jennifer Daniels, District of West Hants, and Councillor Wayne Thorburne, Bridgewater. All committee members have now been appointed, and the first meeting was held February 28<sup>th</sup>, 2018.

### **5. Accessibility Act**

#### **Description/Update**

Municipalities will need to implement the requirements under the new Act. A Joint Provincial/Municipal Committee is being formed to assist municipalities in fulfilling their requirements under the Act. The UNSM Board appointed Councillor Laurie Cranton, County of Inverness, Mayor Jeff Cantwell, Town of Wolfville, and Councillor George MacDonald, CBRM, to the committee. Work is underway to develop tools for municipalities in developing their advisory

committees and action plans. For now, municipalities are encouraged to begin documenting their existing assets for accessibility. For those looking for guidance on standards, the Accessibility Directorate refers you to the Rick Hansen Foundation website.

## 6. Parental Accommodations Committee

The province has introduced legislation for parental accommodations. Amendments to section 18 of the Municipal Government Act, section 39 of the Halifax Regional Municipality Charter and section 2 and section 18 of the Municipal Elections Act will:

- define parental accommodation which would encompass pregnancy, birth and the adoption of a child
- allow those who are pregnant or have recently become a parent to miss three council meetings without risk of losing their seat and without financial penalty for up to a maximum of 52 weeks
- allow any elected official who is absent due to parental leave to return to committees on which they previously served.

## 7. Asset Management

UNSM continues to support municipalities with asset management planning, as a requirement of the 2014-24 Gas Tax Fund Agreement. UNSM recently submitted its Progress Report for the funding it received from FCM from the [Municipal Asset Management Program](#) to provide basic training and skill development resources to Nova Scotia municipalities. The Progress Report was approved by FCM and it will disburse \$33,480.77 to UNSM for the work completed to date, which represent approximately 40% of the total funding. UNSM completed its 6 training courses at the later part of 2017 and is currently developing an online course for elected officials on the basics of asset management. The final initiative UNSM will produce with the FCM funding is an online module based on the Province of Nova's asset management pilot project "how to" guide for collecting data and completing condition assessments for linear assets.

## 8. Upcoming Events

- UNSM Regional Meetings:
  - April 23
  - April 27
  - April 30
- Atlantic Mayors Congress: April 25 – 27, Windsor, NS
- [UNSM Spring Workshop](#) - May 10–12, 2018, Mariners Centre, Yarmouth, NS
- [The Atlantic Active Transportation Summit](#) - May 23-24, 2018, Halifax Central Library, Halifax, NS
- [FCM Conference](#) - May 31 - June 3, 2018, Halifax Convention Centre, Halifax, NS-- We encourage you to take advantage of the Halifax location and attend the Conference. It is a wonderful learning opportunity. also watch for an e-mail regarding the opportunity to showcase your community and successes to the over 3,000 delegates, companions and exhibitors expected to attend.

RECEIVED

APR 18 2018

Mayor Peter Muttart  
Municipality of the County of Kings  
P.O. Box 100  
Kentville, NS  
B4N 3W3

We would like to tell you about our services across Nova Scotia, our supports for employers and specifically our support role in the Atlantic Immigration Pilot Project.

**ISANS' mission is helping immigrants build a future in Nova Scotia.** As the leading deliverer of settlement services in Atlantic Canada, ISANS provides the full range of programs and services along the settlement and integration continuum to 5,000+ clients annually in 100+ communities across Nova Scotia. ISANS is also the primary contact in Nova Scotia on refugee, settlement and immigration issues for 2,000+ organizations, employers, government departments and individuals annually.

We would like to take this opportunity to keep you informed about our Employer Support Services, designed to help employers recruit and retain international talent, provide cross-cultural training, and share their skills and experience. Our team works with job-ready immigrants with a wide range of skills sets, experiences and languages. We can help companies meet their Human Resource needs! Hear what other employers are saying – watch our short 3-minute video about our programs at [www.isans.ca/employer-support/](http://www.isans.ca/employer-support/).

We are excited to be a settlement partner for the Atlantic Immigration Pilot Project (AIPP). This government program enables employers to hire foreign workers to address labour gaps, with a focus on skilled immigrants and international student graduates who want to permanently live in Atlantic Canada. For more information, please go to [www.isans.ca/employer-support/atlantic-immigration-pilot-project-aipp/](http://www.isans.ca/employer-support/atlantic-immigration-pilot-project-aipp/).

Register for our free monthly webinar to learn more about the Atlantic Immigration Pilot Project!

Visit: [www.isans.ca/aipp-webinar](http://www.isans.ca/aipp-webinar)

Our staff can provide more information about AIPP, and all of the programs and services we have available to all employers:

- Kyle Turner | [kturner@isans.ca](mailto:kturner@isans.ca) | 902-406-8850
- Cliff MacDonald | [cbmacdonald@isans.ca](mailto:cbmacdonald@isans.ca) | 902-406-8694

**For more information, please visit our website at [www.isans.ca](http://www.isans.ca)**

**For general inquiries about ISANS services, please contact [info@isans.ca](mailto:info@isans.ca)**

RECEIVED  
APR 23 2018



Office of the President  
and Chief Executive Officer  
P. O. Box 702 Stn Central  
Halifax, NS B3J 2T3  
[www.housingns.ca](http://www.housingns.ca)

April 16, 2018

Mr. Peter Muttart  
Mayor  
Municipality of the County of Kings  
P.O. Box 100  
Kentville, Nova Scotia  
B4N 3W3

Dear Mayor Muttart:

On March 20, 2018, Housing Nova Scotia submitted its 2018-2019 Business Plan. I am pleased to provide you with a copy of this plan, as we feel it is important for you to be informed about our strategic approach for the year ahead. As you know, municipalities can and do play an important role in helping low-income Nova Scotians secure a safe and affordable home, and we're committed to working with you to make that a reality for even more individuals and families.

As you will see in our plan, our focus will be on the following four strategic priority areas:

1. Increase access to affordable housing
2. Preserve and sustain existing public housing stock
3. Maintain and expand strategic partnerships
4. Ensure that Housing Nova Scotia is well-positioned to meet current and emerging challenges

Over the last five years, we have made significant progress to assist more low-income Nova Scotians in core housing need. In fact, last year alone, Housing Nova Scotia assisted more than 7,500 low-income households with improved access to a safe and affordable home. We did this by working with our partners and leveraging federal contributions. With over 17,600 tenants living in 2,152 provincially-owned housing units, Housing Nova Scotia is contributing to the prosperity of Nova Scotian communities by providing safe, affordable homes to those who need it most.

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The Province of Nova Scotia is committed to helping more low-income Nova Scotians who are in housing need. To support this goal, Housing Nova Scotia plans to leverage its strategic partnership with many private and not-for-profit landlords to create more than 1,000 new rent supplements over the next three years. We are also making targeted investments to preserve our social housing stock. Priorities for renewal projects will be set based on the results of our Capital Asset Management program, which allows us to target funding where it is the most effective.

We know that homeownership is a key indicator of healthy communities, but for too many young families, access to homeownership remains a serious concern. This year, Housing Nova Scotia will extend the Down Payment Assistance Program pilot, which assisted almost 150 first-time home buyers in 2017-2018. We also recognize the importance of helping low-income homeowners, many of whom are seniors, who want to continue to live in their own home and community. That support will continue by providing financial assistance for health and safety related repairs.

In November 2017, the federal government released a National Housing Strategy focused on reducing the number of Canadians in core housing need or experiencing chronic homelessness. The Province of Nova Scotia remains engaged with the federal government to ensure our unique challenges and priorities are considered as part of this 10-year national plan. Our efforts will continue over the next few months as we work towards a bilateral agreement.

Working with you and our other partners is critical to our success and for the well-being of low-income Nova Scotians. This year's business plan focuses on continued collaboration as well as strengthening strategic partnerships. To address current and emerging challenges, Housing Nova Scotia is committed to working with all municipalities to identify opportunities to develop innovative affordable housing solutions. We would be pleased to meet with you and members of your municipal council to discuss how we can best support our mutual goals.

If you have any questions or suggestions about our upcoming priority areas and planned actions, please feel free to email me at [HNSCEO@novascotia.ca](mailto:HNSCEO@novascotia.ca).

Sincerely,



Dan McDougall  
President and Chief Executive Officer

Enclosure: 1

c.c: Mr. Scott Conrod, Chief Administrative Officer



**Municipal Affairs**  
**Office of the Minister**

PO Box 216, Halifax, Nova Scotia, Canada B3J 2M4 • Telephone 902 424-5550 Fax 902 424-0581 • novascotia.ca

APR 18 2018

Mr. Geoff Stewart  
President  
Union of Nova Scotia Municipalities (UNSM)  
Suite 1106  
1809 Barrington Street  
Halifax, NS B3J 2K8

Dear President Stewart:

Under the provisions of the *Municipal Government Act*, the Minister of Municipal Affairs must provide to the Union of Nova Scotia Municipalities 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 2019-2020 and beyond. The Department of Municipal Affairs (DMA) canvassed all provincial departments to seek information on plans for legislative, regulatory and policy changes in the coming fiscal year. The following is a summary of the results of that process.

**Department of Municipal Affairs**

In the 2016-17 Budget, the Province committed to freezing the Equalization Grant at 2014-15 allocations. The Equalization Grant will be reviewed in 2018-2019 in collaboration with our municipal partners to explore options for redevelopment. DMA could phase-in the redeveloped program over a period of several years beginning as early as fiscal year 2019-2020.

Based on the UNSM resolutions and commitment in the Partnership Framework, DMA is also considering consulting with municipalities on land use planning and minimum planning standards. Costs associated with land use planning and minimum planning standards are currently unknown; however, it could have a negative effect on some municipal budgets going forward.

**Department of Environment**

In November 2017, Health Canada approved a new lower health-based guideline for lead (5ug/L) in potable water. Once released (in 2018), the guideline will require utilities to collect samples for lead at the customer's tap. Nova Scotia Energy (NSE) regulations refer to these guidelines, and NSE will audit sampling protocols and respond to exceedances of the limits in these guidelines.

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While the anticipated costs associated with the above-noted guidelines are currently unknown, Health Canada is informing utilities directly of the changes and what they could mean moving forward.

### **Department of Justice**

The Biological Casework Analysis Agreement provides Nova Scotia municipalities with DNA analysis arising from criminal investigations. DNA analysis is an important and affordable service that helps solve crimes. The anticipated cost to Nova Scotia in 2018-19 is approximately \$681k. The temporary reduction in costs for 2017-18 and 2018-19 is due to lower than anticipated expenses resulting from the consolidation of the lab. It is expected that the cost of the service will normalize in 2019-20 onward as consolidation is now complete. The proration of the cost to municipalities will be reassessed annually upon DMA's release of the "Total Uniform Assessment" for the current fiscal year.

There is a possibility that the federally directed legalization of cannabis could have implications for municipalities in 2018/19 and beyond in areas such as municipal policy and policing/by-law enforcement. However, until there is clarity around the federal, and subsequent provincial, legislative and regulatory frameworks, there can be no specific implications identified. DMA is on the inter-departmental working group on cannabis legalization and will be leading municipal engagement as this initiative unfolds. As you know, all government departments are continuing to review programs which could affect municipalities. These potential impacts will be identified if and when they are approved through the process.

As outlined in previous correspondence from the Department of Justice, the Additional Officer Program may experience changes inclusive of both structure and functions, effective April 1, 2019. The review of the Additional Officer Program has been completed. The report has provided three options for the go-forward state of the program, currently under review. The Stakeholder Committee, made up of representation from police agencies and municipalities, will be kept informed as the process continues. It is anticipated that a decision on the future state of the program will be determined in Fall 2018, with any resulting changes effective April 1, 2019.

The *Accessibility Act* sets out that the Governor in Council may make regulations prescribing municipalities, universities and organizations as public-sector bodies. Within one (1) year of being prescribed as a public sector organization, municipalities will be required to develop an accessibility plan and establish an accessibility advisory committee. It is anticipated that municipalities will be prescribed as public sector organizations under the *Accessibility Act* within the next year.

A provincial/municipal accessibility working group has been established between the Department of Justice (Accessibility Directorate), the Department of Municipal Affairs, UNSM and the Association of Municipal Administrators (AMANS). The timing of prescription and the implications of the *Act* for municipalities are currently topics of discussion at this working group.

### **Department of Health and Wellness**

Hospitals are exempt from property taxes under the *Hospital Act*, although municipalities can charge hospitals fees for services. Some Nova Scotia Municipalities charge the health authority for services and some do not. Currently, there is no uniform approach across the Province on how municipalities invoice the health authority or how they must be paid. The NSHA will be paying outstanding bills owed to municipalities for services such as sewer.



Over the coming year, the Department of Health and Wellness will be reviewing more broadly the issue of municipal charges to ensure consistency across the Province. It is not certain what, if any, negative effect this review may have on municipalities in the 2019-20 fiscal year.

**Department of Intergovernmental Affairs**

Under the terms of the Canadian Free Trade Agreement (CFTA), which came into force on July 1, 2017, the Province is responsible for compliance with the Agreement by regional, local, district and other forms of municipal government. The parties have agreed, within one year after the effective date (July 1, 2017), to undertake a review to determine whether the Person-to-Government Dispute Resolution provisions should apply to measures adopted or maintained by a Party's regional, local, district or other forms of municipal government (Article 1002). It is anticipated that this review will be initiated by July 2018.

**Department of Natural Resources**

Bill 32, an *Act to Repeal Certain Statutes Pertaining to Forestry Agreements*, includes repeal of the *Scott Maritimes Limited Agreement (1965) Act*. Repeal of this Act is subject to the successful completion of negotiations for a replacement Forest Utilization License Agreement with Northern Pulp under the Crown Lands Act.

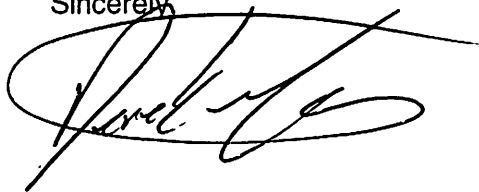
Repeal of the *Scott Maritimes Limited Agreement (1965) Act* will have negative financial implications for the Halifax Regional Municipality (HRM). A unique stumpage revenue-sharing provision of *the Scott Maritimes Limited Agreement (1965) Act* requires that 20% of the annual Crown lands' timber revenue generated from the leased lands be paid to Halifax County (now HRM) by the Province in lieu of tax being paid on that Crown land. A replacement for this in lieu payment is not anticipated to be included in the Forest Utilization License Agreement with Northern Pulp. Associated revenue payments to HRM in 2015-16 and 2016-17 were \$322,743.68 and \$230,695.59 respectively.

**Housing Nova Scotia**

A Province-wide initiative pertaining to capital renewal in public housing buildings may proceed in 2018-2019 that could require additional municipal contributions. Under existing handover agreements, municipalities pay a percentage of losses resulting from the operation of a public housing project. These percentages may differ by agreement, but the average cost-share rate is 12.5%. Should this initiative proceed, municipalities with public housing buildings that are identified for renewal investment in 2018-19 would be responsible for contributing their share of the renewal costs for the building, in alignment with the percentage share outlined in their current handover agreements.

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 Department for clarification.

Sincerely,



Derek Mombourquette  
Minister