

THE MUNICIPALITY OF THE COUNTY OF KINGS

REPORT TO COUNCIL

Subject: Planning Advisory Committee Recommendations

Date: September 1, 2020

A	Application to rezone a portion of the property at 3300 Black Rock Road (PID 55067425) and a portion of PID 55067391, Grafton (File 19-16)	<i>Be it resolved that Council give Second Reading to and approve the rezoning of a portion of the property at 3300 Black Rock Road (PID 55067425) and a portion of PID 55067391, Grafton, from the Agriculture (A1) Zone and the Forestry (F1) Zone to the Commercial Recreation (P1) Zone, as described in Appendix F of the report dated May 12, 2020.</i>
B	Application for a non-substantive amendment to an existing development agreement at 1650 North River Road (PID 55337893), Aylesford Lake (File 20-06)	<i>Be it resolved that Municipal Council give consideration to and approve the draft amending agreement to the existing development agreement permitting a Camp Facility at 1650 North River Road (PID 55337893), Aylesford Lake, which is substantively the same (save for minor differences in form) as the draft set out in Appendix B of the report dated August 11, 2020.</i> <u>Report Attached</u>
C	Application to rezone the properties at 1011 Lone Pine Drive (PIDs 55056626, 55327498 and 55327506), Centreville (File 20-04)	<i>Be it resolved that Council give First Reading to and hold a Public Hearing regarding the proposed rezoning of the properties at 1011 Lone Pine Drive (PIDs 55056626, 55327498 and 55327506), Centreville from the Residential One Unit (R1) Zone to the Residential One and Two Unit (R2) Zone, as described in Appendix F of the report dated July 8, 2020.</i> <u>Report Attached</u>
D	Application to rezone the property at 9453 Commercial Street (PID 55210629), New Minas (File 20-05)	<i>Be it resolved that Council give First Reading to and hold a Public Hearing regarding the proposed rezoning of the property at 9453 Commercial Street (PID 55210629), New Minas from the Mixed Commercial Residential (C3) Zone to the Institutional (I1) Zone, as described in Appendix E of the report dated July 14, 2020.</i> <u>Report Attached</u>
E	Public Hearing Date	Tuesday, October 6, 2020 at 6:00 p.m.



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

Application for a non-substantive amendment to an existing development agreement for Brigadoon Children's Camp at 1650 North River Road, Aylesford Lake (File 20-06)

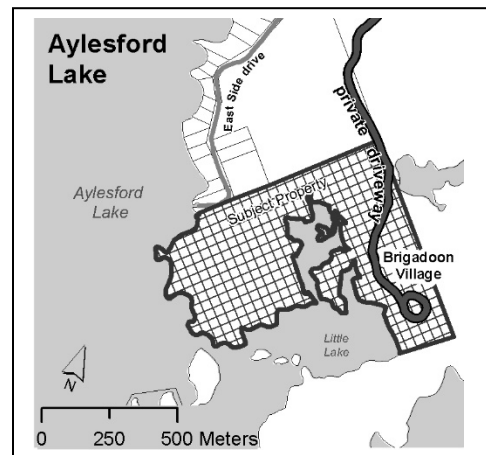
August 11th, 2020

Prepared by: Planning and Development Services

Applicant/Land Owner	Applicant Jenn Ross, Director of Operations, Brigadoon Village Land Owner: Nova Scotia Power Inc.
Proposal	To amend the existing development agreement to extend the period during which construction can occur.
Location	1650 North River Road, Aylesford Lake NS (PID 55337893)
Area	Approximately 107 acres
Designation	Shoreland (S) Designation
Zone	Commercial Recreation (P1) Zone
Surrounding Uses	Seasonal and year round cottages and lakeside homes, and Forestry uses

1. PROPOSAL

Jennifer Ross of Brigadoon Children's Camp Society ('the Camp') has applied for a non-substantive amendment to the text of the existing development agreement on the Brigadoon Camp property, to remove the requirement to have all construction completed within 10 years. The original agreement was signed 10 years ago in 2010. Since that time, not all of the buildings that were permitted under the agreement have been constructed. The Camp is now looking to build these buildings. The Camp cannot satisfy this timeline requirement of the agreement, unless the 10 year deadline is removed or amended. The Camp has applied for this amendment, which would enable the construction of a new arts space, staff lodging, and outdoor recreation uses.



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

In July of 2010, Council approved entering into a development agreement with Nova Scotia Power (land owner) and Brigadoon Children's Camp Society that permitted a camp facility and accessory structures located at 1950 North River Road, Aylesford Lake (PID 55337893). The Camp is situated on the edge of Aylesford Lake on a property that is over 100 acres in size. The large property is owned by Nova Scotia Power, who lease the land to the Camp. There are large sections of wilderness between the camp location and the nearest cottage areas. The 100 acre property is adjacent to cottage properties located on East Side Drive, but the Camp is set back over 2,000 ft. away from the nearest cottages, creating a large wooded buffer between cottages and camp activities. The Camp is accessed with its own private driveway, off of North River Road.

Since 2010, the Brigadoon Childrens Camp has hosted summer camp experiences for thousands of children from around the Maritime provinces and beyond. At this time, the camp is preparing to move forward with the constuction of an arts centre, new staff lodging, outdoor recreation and maintainance buildings permitted under the existing development agreement. With the proposed removal of the 10 year dealine, the Camp will be able to add the arts centre, additional staff lodging as well as outdoor recreation uses like archery and a high ropes course, and certain maintainance buildings. The Camp's hope is to complete this non-substantive amendment (remove the 10 year dealine) right away, to enable as much of this construction to occur during 2020, to take advantage of the Camp being closed due to COVID-19. A separate planning application is also expected, which will revise the site plan and consider additional amendments to enable future construction phases.

4. INFORMATION

4.1 Request for Comments

The proposed change to the development agreement is intended to extend the timeline for construction. At this time, no additional amendments to the development agreement are being considered other than allowing construction beyond the 10 year timeline.

, Staff have gathered the following information from internal departments:

- Development Control staff have reviewed the draft amending agreement and were able to confirm which construction could occur, following the proposed amending agreement.
- Planning Staff visited the site in July 2020. The proposed placement of new construction makes efficient use of land that is already serviced by the on-site sewer/water systems, and accessible by the existing driveway.

5. POLICY REVIEW

5.1 Enabling Policy

Part 4 of the original development agreement (2010) 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 4.1 of the development agreement outlines the following:

The Municipality and the Developer agree that all matters in the Development Agreement are substantive matters, which shall not be changed or altered except by amendment to the Development Agreement except as follows. The following matters are not substantive matters and may be changed or altered by policy of Council, and shall not require a Public Hearing:

- (a) Changes to the site plan that are necessary to accommodate features that are subject to approval or authorization by other authorities such as, but not limited to, the Nova Scotia Department of Environment.*
- (b) Changes to the completion interval specified in section 3.5 (b) of this Agreement*

The applicant's request to amend the development agreement to change the completion interval in section 3.5 (b) which would allow construction to occur beyond 10 years. This type of change is considered non-substantive because it is not changing the list of uses permitted on the property and it is not requesting a form of development that is not generally in conformance with the site plan. During the process, this was identified as not being a critical community issue, and enables Council to consider removing this 10 year deadline.

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 Shoreland Medium and Large Scale Development Policies

Policy 3.5.8 of By-law 56 Municipal Planning Strategy allowed Council to permit Brigadoon Village Camp through a development agreement. 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 09-18). The proposal was found to be satisfactory at that time. In Staff's opinion, the nature of the proposed amendment 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 remove the 10 year timeline from the agreement, which will enable new construction that is otherwise permitted under the existing development agreement. The applicant is aware that future expansion will require an additional application.

7. CONCLUSION

Staff have reviewed the existing development agreement and found that the requested amendment is not a substantive matter. The proposed amendments remain consistent with the enabling policy, particularly Subsection 3.5.8 of the former MPS dealing with Medium and Large Scale Development within the Shoreland zones. Staff considers the amendment appropriate and in keeping with the intent of the original development agreement and the Municipal Planning Strategy.

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 to and approve the draft amending agreement to the existing development agreement permitting a Camp Facility at 1650 North River Road (PID 55337893), Aylesford Lake which is substantively the same (save for minor differences in form) as the draft set out in Appendix B of the report dated August 11, 2020.

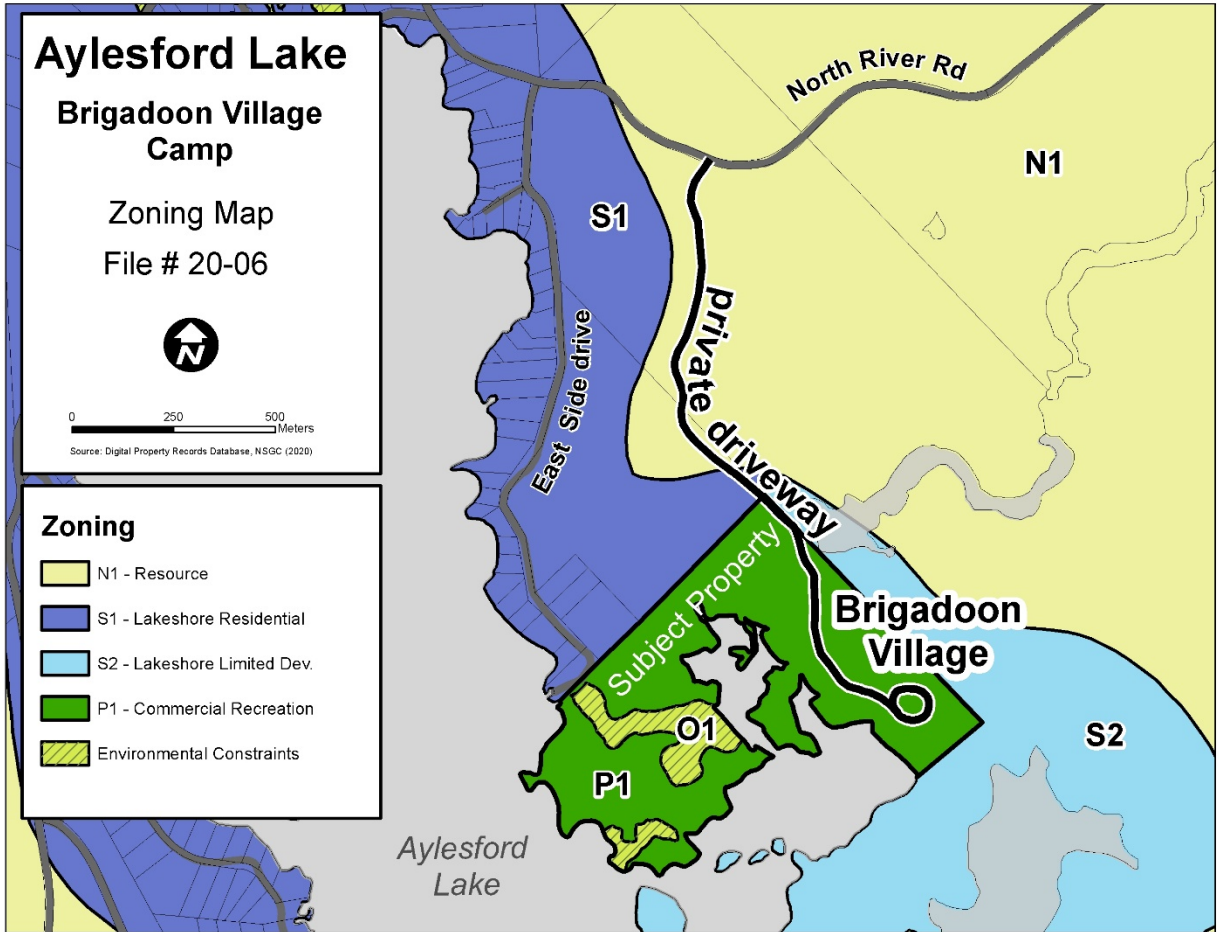
9. APPENDIXES

Appendix A – Reference Zoning Map

Appendix B – Draft Amending Agreement

Appendix C – Planning Advisory Committee report for file 09-18 dated Feb 23, 2010

Appendix A – Reference Zoning Map



Appendix B – Draft Amending Agreement

THIS AMENDING AGREEMENT made this _____ day of _____, 2020, A.D.

- BETWEEN:

NOVA SCOTIA POWER INCORPORATED, a body corporate with head office at Halifax, Halifax Regional Municipality, Province of Nova Scotia, registered Owner of the lands located at Aylesford Lake, (PID 55337893), Kings County, Nova Scotia (hereinafter called "NOVA SCOTIA POWER"),

- OF THE FIRST PART and

BRIGADOON CHILDREN'S CAMP SOCIETY, a body corporate with head office at Dartmouth, Halifax Regional Municipality, Province of Nova Scotia, Licensee of the lands located at Aylesford Lake, (PID 55337893), Kings County, Nova Scotia (hereinafter called "Brigadoon"),

- OF THE SECOND PART and

MUNICIPALITY OF THE COUNTY OF KINGS, a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1998, c. 18, as amended (hereinafter called the "MUNICIPALITY"),

- OF THE THIRD PART

WHEREAS Nova Scotia Power is the owner of the lands and premises (hereinafter called the "Property"), which lands are more particularly described in Schedule "A", attached hereto;

WHEREAS the Parties entered into a Development Agreement registered at the Kings County Land Registration Office as Document 96359154 on July 15, 2010 affecting land described therein and now known as PID 55337893 ("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 Completion and Expiry Date

Section 3.5 (b) is deleted.

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:

**NOVA SCOTIA POWER
INCORPORATED**

Witness

Signing Authority, duly authorized

SIGNED, SEALED AND DELIVERED
In the presence of:

**BRIGADOON CHILDREN'S CAMP
SOCIETY**

Witness

Jenn Ross, Director of Operations

Appendix C – Planning Advisory Committee report for file 09-18 dated Feb 23, 2010



Municipality of the County of Kings

Report to the Planning Advisory Committee

DEVELOPMENT AGREEMENT TO ALLOW FOR THE CONSTRUCTION OF A CAMP FACILITY AT AYLESFORD LAKE, KINGS COUNTY, PID 55337893

Brigadoon Children's Camp Society, Lands of Nova Scotia Power Incorporated

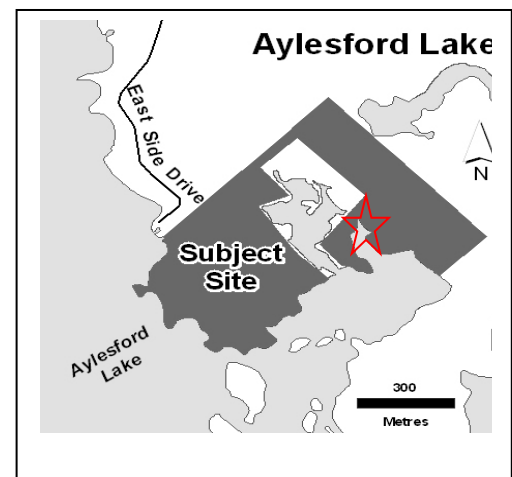
23 February 2010

Prepared by Dawn Sutherland, Planner

Applicant	Brigadoon Children's Camp Society
Proposal	To allow for the construction of camp facility
Subject Property	1650 North River Road, Aylesford Lake, PID 55337893
Area	± 107 acres
Designation	Shoreland District (S)
Zone	Future Shoreland (S2) & Environmental Open Space (O1)
Surrounding Uses	Resource (Forestry) and Residential (See Appendix C for surrounding zoning)

1. PROPOSAL

Brigadoon Children's Camp Society has applied for a Development Agreement to allow for the construction and operation of a camp facility for children with chronic illness. The camp facility, Brigadoon, will be designed to resemble a slow growth rustic village, with clusters of buildings organized to appear as though the camp has been slowly evolving over time. Facilities will include cabins, a dining hall and administrative spaces, boathouses and several activity centres. The camp facility will be designed to accommodate 100 campers plus staff and a portion of the facility will be useable year round. It will provide space for existing special programs, help address currently unmet needs, and provide learning opportunities for students and health care providers who work with children with chronic illness. The Brigadoon Children's Camp Society has committed to upgrading the access road off of North River Road to provide for safe emergency and other vehicular traffic.



The draft development agreement is attached to this report as Appendix D.

2. STAFF RECOMMENDATION

Staff recommends to the Planning Advisory Committee to give a positive recommendation to draft development agreement to allow for the construction of camp facility at Aylesford Lake and that it be forwarded to Municipal Council for Initial Consideration.

3. BACKGROUND

Brigadoon's Children's Camp Society is a registered, charitable, organization with a mandate to construct and operate a camp for children with chronic illness. The camp facility will provide space for existing special programs, help address currently unmet needs, and provide learning opportunities for students and health care providers who work with these young people. The facilities and programming for these young people are unique-often requiring medical teams, equipment and specific protocol. As a result, the location of the camp facility must be such that these unique needs must be met within a safe environment. After a search of possible sites for the proposed camp facility, Aylesford Lake was found to be one of the most suitable sites. Its proximity to a regional hospital where there are a variety of medical specialists, the relative proximity to the IWK hospital in Halifax, road network, availability of large acreage, and outstanding site in terms of natural environment with frontage on a lake, were significant contributors in this site being chosen for the camp facility.

The subject lot is approximately 107 acres and is located on the east side of Aylesford Lake. The nearest residential dwellings are located on East Side Drive (P). There will not be access from East Side Drive (P) into the site. The subject lot is currently vegetated and contains a Nova Scotia Power Incorporated (NSPI) dam and related infrastructure. The area around the dam will not be used by Brigadoon. A new road will be constructed on the site, which will branch off from the road to the dam. The lot does not have frontage on a public road, however, Brigadoon Children's Camp Society has secured agreements with Teal Resources Inc. and Atlantic Star Forestry Ltd. to access the site. Brigadoon will require an "access permit" from the Department of Transportation and Infrastructure Renewal (DTIR) for the entrance on North River Lake Road as a condition of the development agreement. DTIR has not requested a Traffic Impact Study.

Sewage will be handled by an on-site system. The sanitary sewage will be collected in one place in septic tanks. The solids from these tanks will be pumped out and taken from the watershed. This represents much of the nutrient waste stream. The liquid effluent is then pumped up over the hill to where it is treated and dispersed into the ground, but into the Nicholas Lake watershed, although it will be great distance from the shoreline. Any Phosphorous and Nitrogen generated via sewage will not contribute to increased nutrient load in Aylesford Lake.

The impact of Brigadoon under the "Lakeshore Capacity" model was determined by an analysis carried out by ABLE Engineering Services Inc. A land equivalency calculation was used in estimating the impact on Aylesford Lake. The land equivalency used Nova Scotia Environment (NSE) standard's for On-Site Sewage Disposal. The lakeshore impact was based on land disturbance. There was an assumption that the rate of Phosphorus, Nitrogen, and Chlorophyll A discharged to the lake would be the same as for cottages or homes. Most of the surface runoff based inputs to lakes comes from topsoil erosion and lawn and gardening activity. It was estimated that Brigadoon would have the same impact on Aylesford Lake as the construction of two dwellings.

The development will not impact any lands zoned Environmental Open Space (O1). Brigadoon has been working with NSE on a wetland alteration proposal. A small wetland will be altered by grading and some infilling. This small wetland is not zoned Environmental Open Space (O1) on our mapping. All wetland alterations are under the jurisdiction of the Province. The engineering firm, Stantec, has carried out an extensive and comprehensive study for the wetland alteration proposal. Briefly, the wetland that is proposed to be altered is approximately 0.26 hectares and is a mixed treed basin swamp. It is relatively small and has no apparent inflow or outflow. Stantec

sets out that it likely sources water from upslope runoff and direct precipitation. They concluded that the wetland is not considered valuable in terms of the physical, hydrological and biochemical functions it provides. The location of this wetland is camper cabins will be located. The study carried out included an analysis of the watershed and sub-watershed, hydrological and hydrogeological character, vegetation, wildlife, species at risk, functions and values to the local community, occurrence and rarity of ecosystems, and key functions and values for the wetland. It also set out mitigation measures.

Concept drainage and erosion and sedimentation control plans have been reviewed by the Municipality and will form part of the development agreement. The concept erosion and sedimentation control plan was accompanied by an Environmental report which sets out mitigation measures to be followed.

Given the uses and nature of properties abutting the subject lot, there is little potential for land use conflict, therefore, no buffering is required.

4. REVIEW

The district in which a property is located on the Future Land Use Map of the Municipal Planning Strategy (MPS) broadly defines the general type of development that is permitted within its boundaries. The subject property is within the Shoreland District. Section 3.5, Shoreland Districts, states that lakes and coastlines are a natural resource which should be accessible to all residents. The freshwater lakes on the plateau of the South Mountain provide the greatest recreational potential.

Policy in MPS 3.5.1 sets out the objectives for the Shoreland District. These objectives endeavour to accommodate residential and recreation development while protecting the quality of lake water. MPS 3.5.2 establishes the Shoreland District designation and Future Shoreland (S2) zone. MPS 3.5.4 is pertinent for the freshwater lakes on the South Mountain. These policies set out when the “Lakeshore Capacity” model is to be used and defines zone standards and planning tools that are to be used to address Council’s concerns for public health, water quality and maintenance of the natural character of the Shoreland Districts. Briefly, the lake trophic state or “Lakeshore Capacity” model enables Council to estimate present water conditions and predict future changes in water quality that will occur for each dwelling built on the shore of a lake. It may be used to determine the effect on water quality of additional proposed development.

Aylesford Lake does not exceed the assigned carrying capacity under the “Lakeshore Capacity” model. The maximum number of dwellings permitted as of right for Aylesford Lake is 336. As of July 2009, the current number of dwellings is 210. As an aside, when a lake reaches its assigned limit, further waterfront development is only permitted through the site plan approval process. Although Aylesford Lake is not at capacity, the impact on this watershed was considered. A study was carried out by ABLE Engineering Services which determined that the total number of cottages permitted on Aylesford Lake would be reduced by two as a result of this development.

MPS 3.5.4.5 requires a minimum of 65 feet shoreline setback for primary buildings and structures. The terms of the development agreement meet this requirement except for the ability to site a boat house close to the shoreline. This policy also encourages the retention of natural vegetation within the setback. It should be noted that the entire development will be wheelchair accessible so there will be extensive boardwalks and ramps along the shoreline and the trails will need to be wider and be

graded to allow for wheelchairs to move easily. Emergency vehicles, namely ambulances, will need easy access to key areas.

MPS 3.5.5 provides for the east side of Aylesford Lake in the vicinity of Fancy Cove to be considered a “Special Character Area” and, thus be zoned Future Shoreland (S2). MPS 3.5.5.1 allows Council to classify lands which, through a combination of high visual and ecological features, constitute special character areas. These lands may be developed, but care must be taken with regard to preserving the visual character and natural attributes of the landscape. Brigadoon camp facility has been designed to fit with the landscape. The topography is challenging and the plans have been revised a number of times in order to mitigate impacts on the environment. The building design is meant to resemble a slow growth village. Prototypical building designs are part of the development agreement.

MPS 3.5.8 is the primary enabling policy for the proposed camp facility. The policy states that Council recognizes that there are methods to accommodate proposals for multi-unit residential, commercial, institutional or resource development uses such as, but not limited to, resorts, marinas, campgrounds, summer camps, fish hatcheries, community centres and similar uses without jeopardizing water quality in the short term. Council will provide for an alternative approach to development subject to a site analysis and binding development agreement conditions. Brigadoon’s camp facility is proceeding via the development agreement approval process pursuant to MPS 3.5.8.

MPS 3.5.8.3 sets out criteria that Council shall consider such as erosion issues, contaminant flows, identified sensitive wildlife habitats and the general implementation policy. The draft development agreement meets these criteria. MPS 3.5.6.4 sets out specific controls. MPS 3.5.8.5 allows for Council to require independent environmental reports. Brigadoon has proved these reports.

The proposal is in keeping with the intent of the Municipal Planning Strategy. Terms of the development agreement allow the construction of a camp facility that includes cabins; dining hall; administrative offices; small wind turbines; boat houses; activity centres; medical clinics; sports fields; gift shop; trails; and classrooms, seminar and conferences spaces used for educational purposes.

5. CONCLUSION

Whereas the terms of the development agreement are in keeping with and carry out the policies of the Municipal Planning Strategy, Staff suggests a positive recommendation to Council to enter into a development agreement to allow for the construction of camp facility at Aylesford Lake.

6. List of Appendices

- Appendix A MPS Policy 3.5.8.3, 3.5.8.4 & 3.5.8.5 Medium and Large Scale Development
- Appendix B MPS policy 6.3.3: General Criteria for Entering a Development Agreement
- Appendix C Reference Zoning Map
- Appendix D Draft Development Agreement

Appendix A
MPS Policy 3.5.8.3, 3.5.8.4 & 3.5.8.5 Medium and Large Scale Development

Policy	Proposal
<p>3.5.8.3 In considering development agreement proposals under policy 3.5.8.1, Council shall be satisfied that the proposal:</p>	
<p>a. will not create or contribute to erosion issues.</p>	<p>EPW reviewed the concept plan. The concept plan and requirement to be in keeping with Provincial construction practises are part of the terms of DA. An Environmental Protection Report was submitted in support of concept Erosion & Sedimentation Control Plan.</p>
<p>b. any silt, nutrients, or other contaminants flowing into a lake, tributary stream or wetland shall not exceed acceptable levels or negatively impact the natural ecosystem.</p>	<p>As above. Drainage plan also adequate. Impact minimal, 2 dwelling unit equivalent under Lakeshore Capacity Model.</p>
<p>c. can meet the waste and septic system requirements of Nova Scotia Environment.</p>	<p>Will be subject to and able to meet NSE requirements. The final design has not been submitted to NSE for approval at this time.</p>
<p>d. Will not negatively impact sensitive wildlife habitats shown on the Nova Scotia Department of Natural Resources Significant Habitat map.</p>	<p>Mapping does not show any migratory bird, of concern species, rare plant or species at risk.</p>
<p>e. can meet the General Development Agreement Requirements Criteria contained in Section 6.3.3 of this Strategy.</p>	<p>Meets Section 6 criteria</p>
<p>3.5.8.4 The development agreement may contain specific controls and requirements which are geared to preventing water and environmental contamination including:</p>	<p>The proposal meets all the pertinent polices of this Plan, including policies for amending the Land Use Bylaw contained in Section 3.3</p>
<p>a. minimum 65 ft setback from lakes and tributary streams and wetlands. The setback shall be greater for land uses considered more intense than residential uses.</p>	<p>Terms of the DA require a 65 ft setback for the shoreline.</p>
<p>b. the preservation of natural vegetation within the required setback from a water body.</p>	<p>Section 2.4 of the DA sets out that existing natural vegetation shall be retained where at all possible. Note that there will be decking and trails within the 65 ft setback that will need to have hard surfaces for wheel chair accessibility, therefore, some vegetation within the 65 ft will be lost.</p>

<p>c. the regular maintenance of septic systems or other facilities which require continued maintenance to ensure proper functioning.</p>	<p>Terms of the DA set out that the sewage system must be maintained in good working order and that the Development Officer may require information proving that the sewage treatment system is regularly maintained.</p>
<p>d. Regular monitoring of lake, stream, or wetland quality in the vicinity of the proposed development.</p>	<p>Not necessary as the impact is minimal under Lakeshore Capacity Model</p>
<p>3.5.8.5 In considering development agreements under Policy 3.5.8.1, Council may require the preparation of independent environmental reports. The applicant is expected to assume the expense of any required environmental reports. The reports shall demonstrate how the development will protect natural shoreline features and prevent impact on water quality. Studies include:</p>	<p>Please note that information requested under MPS 3.5.8.5 may be found in a number of reports and not necessarily in “subject specific” reports.</p>
<p>a. independent professional study on the effects on the watershed system where it is reasonable to anticipate undue impacts could occur on wetlands, watercourses, fish and wildlife habitat, as well as existing and proposed development in the area.</p>	<p>No undue impacts anticipated Report received and adequate.</p>
<p>b. a biophysical assessment of the site including reports and maps showing relevant natural features and proposed developments including, but not limited to, topology, hydrology, ecology, wildlife habitats, as well as existing and proposed development in the area.</p>	<p>Report received and adequate.</p>
<p>d. detailed site plan, maps, drawings</p>	<p>Plans received and adequate.</p>
<p>e. the independent application of the Lake Capacity Model to a lake that has not been studied and assigned a water quality objective.</p>	<p>Not applicable as Aylesford Lake has assigned a water quality objective. Impact was determined to be equivalent to 2 dwelling units.</p>

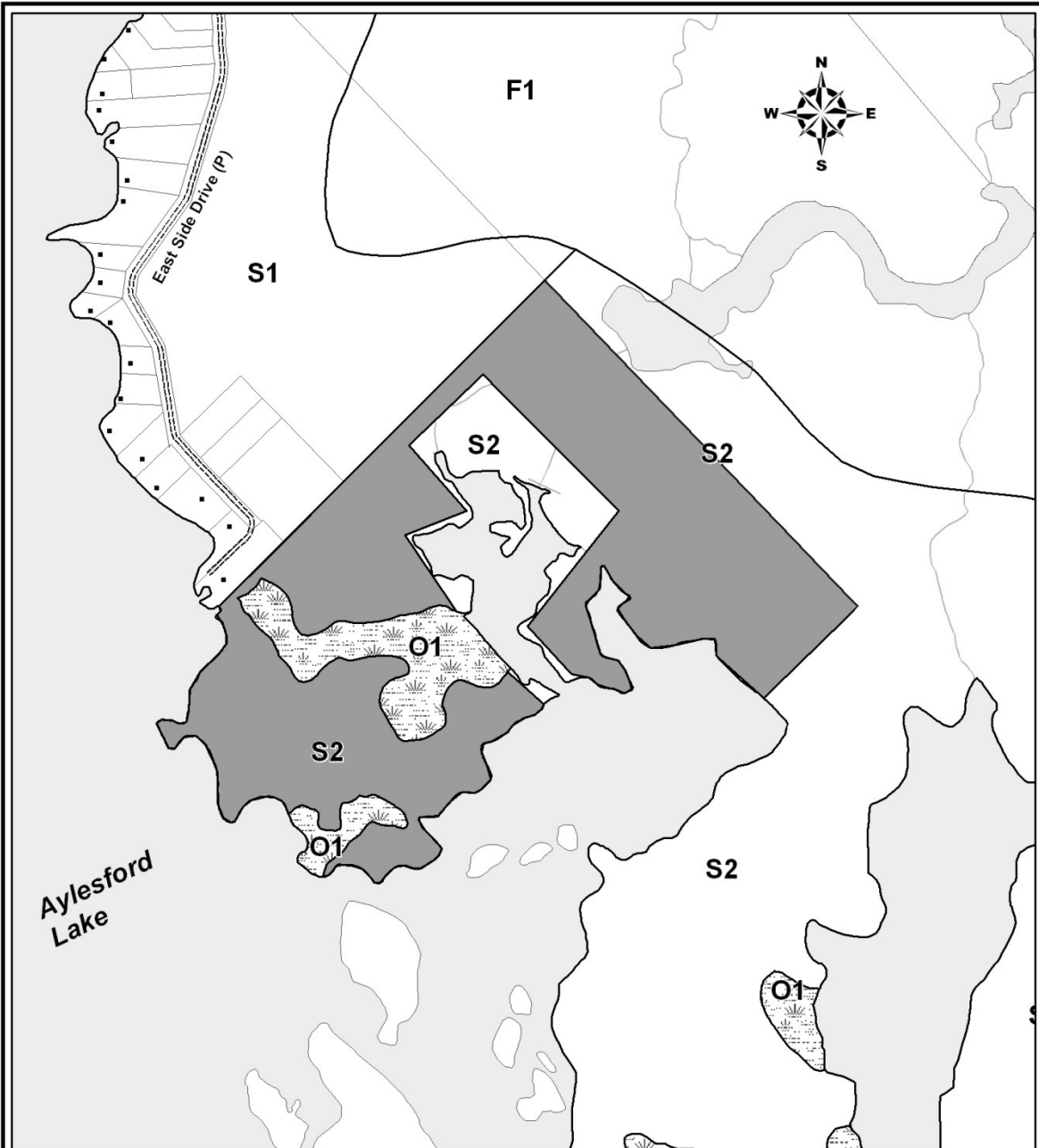
Appendix 'B'

MPS policy 6.3.3: General Criteria for Entering a Development Agreement

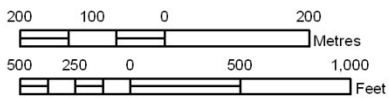
MPS Policy	Proposal
6.3.3.1 ... in addition to all other criteria as set out in various policies of this Strategy, Council shall be satisfied:	
a) that the proposal is in keeping with the intent of the MPS	The proposal is consistent with the MPS
b) that the proposal is not premature or inappropriate by reason of:	
i. financial capability of the municipality	No municipal investment is required
ii. adequacy of the site to accommodate on site services: water and sewer	The applicant has had a P.Eng. on site and determined the site to be adequate (general system location had been determined). Sewage treatment systems are under the jurisdiction and approval of NSE.
iii. potential for pollution problem	No significant issues. Concept drainage as well as concept erosion & sedimentation plan as part of DA. Impact on lake equivalent to 2 dwellings.
iv. adequacy of storm drainage	DA contains a concept drainage plan. Municipal Engineer may request a detailed plan (term of DA)
v. adequacy of road network	No requirement for traffic impact study by DTIR. DTIR "access permit" required under terms of DA.
vi. adequacy and proximity to community facilities	Adequate. Nearest hospital is in Kentville. No anticipated requirement for other community facilities.
vii. Adequacy of municipal fire protection services and equipment	Fire protection services are adequate. Road will be up graded to a standard that will accommodate emergency vehicles.
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 site is suitable.
x. traffic generation, access and egress, and parking	No significant issues. All parking is accommodated on the site.
xi. compatibility with adjacent uses	The proposed is compatible with cottage and year round residential development on Aylesford Lake.
c) ...controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:	

i.	the type of use	Use is limited to a camp facility, small scale wind turbines and accessory structures.
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	The general location of the buildings are restricted by site plan. The buildings and other structures are located on the site in a way that will not conflict with neighbouring properties, Size and height are not restricted on this large site (~107 acres).
iv.	traffic generation	No significant issues.
v.	access to and egress from the site and the distance of these from street intersections	Access to site is secured through agreements with neighbouring land owners.
vi.	availability, accessibility of on-site parking	Adequate and appropriate on-site parking.
vii.	outdoor storage and/or displays	Garbage and recycling must be located in suitable receptacles. They are not to be located in the O1 zone.
viii.	signs and lighting	S2 zone requirements did not adequately apply to such a development. F1 zone standards are used (e.g., fascia signs, ground signs). Lighting to be directed away from neighbouring properties.
ix.	hours of operation	Not restricted.
x.	maintenance of the development	Sanitary sewerage system must be maintained.
xi.	buffering, landscaping, screening and access control	Retention of natural vegetation where possible.
xii.	the suitability of the site in terms of the landscape and environmental features	Suitable. Alteration of small wetland under NSE is proposed.
xiii.	the terms of the agreement provide for the discharge of the agreement or parts thereof upon the successful fulfillment of its terms	The agreement may be discharged.
xiv.	appropriate phasing and stage by stage control	No phasing. Complete build out in 10 years.

Appendix C- Zoning



Reference Zoning Map
Brigadoon Children's Camp,
Aylesford Lake
 East Side Drive (Private Rd)
 File #09-18 PID 55337893



Zoning

- S1** Seasonal Residential
- S2** Future Shoreland
- O1** Environmental Open Space
- F1** Forestry

- Civics
- Subject Property
- Water Features
- Lakes

Source:
 Digital Zoning & Civic Address File 2009, Municipality of Kings
 Digital Property Management Unit Files, Service NS & Municipal Relations - August, 2009
 This map is a graphical representation of property and zoning boundaries.
 It is not a survey and is not intended to be used to calculate exact dimensions or area.

Appendix D – 2010 Development agreement



MUNICIPALITY OF THE COUNTY OF KINGS

“BE IT RESOLVED by Policy that the Municipality of the County of Kings enter into the attached Development Agreement with NOVA SCOTIA POWER INCORPORATED and BRIGADOON CHILDREN’S CAMP SOCIETY to permit the development of a camp facility on Aylesford Lake, NS, (PID: 55337893) pursuant to Policy 3.5.8 of Bylaw 56, the Municipal Planning Strategy.

THIS IS TO CERTIFY that the foregoing Agreement was considered and passed by a majority vote of those Councillors present when the vote was taken at the session held on the 6th day of APRIL, A.D., 2010 in the Municipal Administration Building, Kentville, Nova Scotia.

GIVEN under the hands of the Warden and Municipal Clerk and under the corporate seal of the Municipality this 6th day of APRIL, 2010.

Fred Whalen, Warden

Brian T. Smith, Municipal Clerk

**DEVELOPMENT AGREEMENT TO ALLOW FOR THE
CONSTRUCTION OF A CAMP FACILITY AT
AYLESFORD LAKE, KINGS COUNTY, PID 55337893
LANDS OF NOVA SCOTIA POWER INCORPORATED**
File No.: 09-18 DA

*Recommended by PAC: 23 February 2010
As approved by Council: 6 April 2010*

THIS AGREEMENT made this ____ day of _____, 2010

- BETWEEN:

NOVA SCOTIA POWER INCORPORATED, a body corporate with head office at Halifax, Halifax Regional Municipality, Province of Nova Scotia, registered Owner of the lands located at Aylesford Lake, (PID 55337893), Kings County, Nova Scotia (hereinafter called "NOVA SCOTIA POWER"),

- OF THE FIRST PART

AND

BRIGADOON CHILDREN'S CAMP SOCIETY, a body corporate with head office at Dartmouth, Halifax Regional Municipality, Province of Nova Scotia, Licensee of the lands located at Aylesford Lake, (PID 55337893), Kings County, Nova Scotia (hereinafter called "BRIGADOON"),

- OF THE SECOND PART

AND

MUNICIPALITY OF THE COUNTY OF KINGS, a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1998, c. 18, as amended (hereinafter called the "MUNICIPALITY"),

- OF THE THIRD PART

WHEREAS Nova Scotia Power is the owner of the lands and premises (hereinafter called the "Property"), which lands are more particularly described in Schedule "A", attached hereto;

AND WHEREAS Brigadoon and Nova Scotia Power have requested that the Municipality enter into a Development Agreement (hereinafter called the "Agreement") pursuant to the provisions of Section 225 of the *Municipal Government Act* and Policy 3.5.8 of the Municipal Planning Strategy so that Brigadoon may develop and use the Property in a manner which is not presently provided for within the Land Use Bylaw generally applicable to the particular zone in which the Property is located;

AND WHEREAS Brigadoon's proposed use of the Property is a camp facility.

THEREFORE, in consideration of the covenants, promises and agreements contained herein, the parties hereto agree as follows:

Part 1 Agreement Context

1.1 Schedules

The following attached schedules shall form a part of this Agreement:

- Schedule "A" - Legal Description of Property
- Schedule "B" - Site Plan
- Schedule "C" - Conceptual Drainage Plan
- Schedule "D" - Prototypical Building Designs
- Schedule "E" - Conceptual Erosion and Sedimentation 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, 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) *Camp Facility* means a development that is not-for-profit and includes the following specific uses which are typically part of or accessory to a campground: cabins; dining hall; administrative offices; boat houses; activity centres; medical clinics; sports fields; trails; gift shop; and classrooms, seminar and conference spaces used for educational purposes. The specific uses permitted are not limited to those listed within this definition, but any specific use must be shown to be a use that is usually part of an accessory to a campground.
- (b) *Activity Centre* means a building that is used for recreational and/or education purposes such as for performing arts, arts and crafts, and educational classes.
- (c) *Developer* means Nova Scotia Power and Brigadoon, both jointly and severally.
- (d) *Development Officer* means the Development Officer appointed by the Council of the Municipality.
- (e) *Shoreline* means the artificial high water mark of Aylesford Lake created as a result of the power dam on Aylesford Lake, which shoreline is shown on Schedule "E".

Part 2 Development Requirements

2.1 Unless amended by this Agreement, the use of the Property is governed by the Land Use Bylaw and the zone within which the Property is located from time-to-time.

2.2 Uses

The use of the Property shall be limited to:

- (a) Camp Facility
- (b) Small scale wind turbine(s), as an accessory use to the Camp Facility
- (c) Accessory structures as provided for in Land Use Bylaw
- (c) Associated parking

2.3 Site Plan

- (a) The Developer shall develop and use the Property in general conformance with the Site Plan attached as Schedule 'B' to this Agreement.
- (b) Any permitted building on the Property must comply with the following:
 - (i) All yards shall be setback 45 ft from the boundaries of the Property.
 - (ii) Notwithstanding 2.3.b.i, the setback from the shoreline shall be 65 ft.
 - (iii) Notwithstanding 2.3.b.ii, boathouse(s) shall be permitted within 4 ft of the shoreline.

2.4 Natural Vegetation

The Developer shall maintain all existing natural vegetation on the Property including trees, bushes and ground vegetation, except where uses permitted under Section 2.1 are located and permitted by the Nova Scotia Department of the Environment.

2.5 Vehicle Ingress & Egress

- (a) Vehicle ingress and egress to and from the Property shall be as shown on the Site Plan.
- (b) Vehicle access from the public road must be approved by the Nova Scotia Department of Transportation and Infrastructure Renewal prior to issuance of a Development and/or Building Permit.

2.6 Parking

- (a) There shall be a minimum of twenty-two (22) parking spaces provided on the Property with dimensions of a single parking space being a minimum of nine (9) feet by eighteen (18) feet.
- (b) There shall be a minimum of two (2) parking spaces for the physically challenged provided on the Property with dimensions of a single parking space being a minimum of thirteen (13) feet by eighteen (18) feet.

- (c) The parking area(s) shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles.
- (d) No parking space shall be located in an Environmental Open Space (O1) Zone. Maybe we should take this out as the O1 is not near the development as it stands now.

2.7 Exterior Lighting

Any exterior lighting on the Property shall not be directed upon neighbouring properties.

2.8 Signs

- (a) All signs on the Property must meet the requirements of the Land Use Bylaw applicable for the Forestry (F1) Zone.
- (b) Community service signage shall be permitted on the Property but shall be subject to the requirements of the Land Use Bylaw applicable for the Forestry (F1) Zone.

2.9 Outdoor Storage

Any outdoor storage on the Property shall be limited to the storage of recycling and garbage in a suitable receptacle(s) located a minimum of sixty-five (65) feet from the shoreline and shall not compromise the driveway and parking area(s). Outdoor storage shall not be located in the Environmental Open Space (O1) Zone.

2.10 Storm Water Management

- (a) All storm water runoff must be managed effectively on the Property so as not to negatively impact adjacent properties, roads or watercourses as determined by the Municipal Engineer.
- (b) Drainage patterns shall be as depicted generally in Schedule “D” Conceptual Drainage Plan and be subject to the approval of the Municipal Engineer.
- (c) A detailed Drainage Plan shall be submitted upon request of the Municipal Engineer.

2.11 Water and Sewerage Services

- (a) The Developer must install a sewage treatment system on the Property that can accommodate the maximum size of permitted development and is approved by the Nova Scotia Department of Environment.
- (b) The sewage treatment system must be maintained in good working order.
- (c) At any time the Development Officer may require the Developer to submit information proving that the sewage treatment system is regularly maintained and/or that it is in good working order.
- (d) The Developer is responsible for providing an on-site water supply on the Property to accommodate the use and the Developer shall be responsible for all costs associated with repairing and maintaining the on-site water service.

- (e) The Developer must install low-flow toilets and showerheads as well as appliances that are certified to be efficient in terms of water use.

2.12 Appearance of Property

The Developer shall at all times maintain the Property in a neat and presentable condition including the structures, lawns, landscaping, driveways and parking areas and spaces.

2.13 Building Design Conditions

The appearance and design of the buildings shall be generally in keeping with Schedule “D”.

2.14 Subdivision

Subdivision of the Property will not require an amendment to this Agreement.

Part 3 Implementation of the Agreement

3.1 Application for Development and Building Permits

- (a) Development of the Property or any portion thereof shall require applications for Development Permits and Building Permits.
- (b) The Developer must comply with the provisions of the Municipal Building Bylaw, including all requirements for Building Permits and compliance with Orders of the Building Officials.
- (c) The Developer shall submit to the Development Officer in support of any application for a Development Permit and/or a Building Permit:
 - (i) Building plans and specifications, which are acceptable to the Development Officer and the Municipal Building Official, and
 - (ii) Any other information the Development Officer deems necessary to determine whether the development conforms to the requirements of this Agreement.

3.2 Issuance of Development and Building Permits

- (a) The Development Officer shall not issue Development Permit(s) for the use of the Property and for any construction relating to this Agreement unless such development complies with the terms of this Agreement.
- (b) The decision of the Development Officer as to whether a development meets the terms of this Agreement shall be conclusive.

3.3 Site Erosion and Environmental Control

- (a) During any construction, all exposed soil shall be stabilized immediately so as to effectively control erosion of the soil.
- (b) Activities shall be in keeping with practices contained in the Nova Scotia Department of the Environment Handbook for Erosion and Sedimentation Control (1988).
- (c) Erosion and sedimentation control measures shall be as depicted generally in Schedule "E" Conceptual Erosion and Sedimentation Plan and be subject to the approval of the Municipal Engineer.
- (d) A detailed Erosion and Sedimentation Control Plan shall be submitted upon request of the Municipal Engineer.

3.4 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.

3.5 Completion and Expiry Date

- (a) The Developer shall sign this Agreement within six (6) months of eligibility to execute the Agreement or the unexecuted Agreement shall be null and void.
- (b) The Developer shall commence construction within one (1) year and complete all construction and be in complete compliance with all provisions of this Agreement within ten (10) years of signing this Agreement.

Part 4 Changes and Amendments

4.1 Non-Substantive Amendments to this Agreement

The Developer shall not vary or change the use of the Property, except as provided for in the Development Agreement, unless a new Development Agreement is entered into with the Municipality or the Development Agreement is amended or discharged.

The Municipality and the Developer agree that all matters in the Development Agreement are substantive matters, which shall not be changed or altered except by amendment to the Development Agreement except as follows. The following matters are not substantive matters and may be changed or altered by policy of Council, and shall not require a Public Hearing:

- (c) Changes to the site plan that are necessary to accommodate features that are subject to approval or authorization by other authorities such as, but not limited to, the Nova Scotia Department of Environment.
- (d) Changes to the completion interval specified in section 3.5 (b) of this Agreement.

(c) Part 5 Compliance

5.1 Subsequent Development

Any subsequent development not included in this Agreement may only be initiated or carried out upon the entering into of a new or amended Development Agreement with the Municipality.

5.2 Compliance with Other Bylaws or Regulations

Nothing in this agreement shall exempt the Developer or any successor in title from complying with other Bylaws or Regulations in force within the Municipality, including the Building Bylaw, or from obtaining any license, permission, permit authority or approval required hereunder, including any permission required under the Provincial Fire Code, or those of any other authority having jurisdiction.

5.3 Observance of the Law

Subject to the provisions of this Agreement, the Developer shall observe all of the ordinances, bylaws and regulations of the Municipality, Provincial and Federal legislation applicable to the Developer.

5.4 Breach of Terms or Conditions

Upon the breach by the Developer of the terms or conditions of this Agreement, the Municipality may:

- Apply for an injunction or injunction type relief; or
- Prosecute under the Municipal Government Act, Land Use Bylaw or Building Bylaw, and/or Building Code Act;
- Sue for specific performance of any terms or conditions; or
- Sue for breach of contract; or
- Discharge this Agreement; or
- Undertake any remedies permitted by the *Municipal Government Act*;
- Take no action but by taking no action on any breach or violation shall not bar the Municipality from exercising its rights under the Development Agreement for any other or a subsequent or continuing breach or violation of the same nature; or
- Any combination of the above.

5.5 Registration of Agreement

The Municipality shall record the Development Agreement in the Land Registration Office for the County of Kings.

5.6 Severability of Provisions

It is agreed that the provisions of this Agreement are severable from one another and that the invalidity or unenforceability of one provision shall not prejudice 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 neuter genders.

5.8 Ownership and Control

This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Property until this Agreement is discharged by Council.

Notwithstanding any subdivision approvals granted pursuant to this Agreement or any transfer of any portion of the Property, this agreement shall continue to apply and bind the Developer, the Property and any portion of the Property and, subject to this Part, the Developer shall continue to be bound by all terms and conditions of this Agreement until discharged by Council.

Upon transfer of title of any portion of the Property, the owner thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the portion of the Property.

5.9 Warranties by the Developer

- (a) Nova Scotia Power warrants that it has good title in fee simple to the Property. No entity other than Brigadoon has an interest in the Property that would require their signature on this Agreement to validly bind the Property.
- (b) Nova Scotia Power warrants that it has taken all steps necessary to, and it has full authority to, enter into this Agreement.
- (c) Brigadoon warrants that it has taken all steps necessary to, and it has full authority to, enter into this Agreement.

5.10 Costs

The Developer is responsible for all costs associated with this Agreement.

5.11 Full Agreement

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

5.12 Notice

Any notice to be given under this Development Agreement shall be made in writing and either served personally or forwarded by courier or by registered mail, postage prepaid, if to the Municipality to:

Municipality of the County of Kings
P.O. Box 100

87 Cornwallis Street
Kentville, NS B4N 3W3
Attention: Development Officer

and if to Nova Scotia Power to:

Nova Scotia Power Incorporated
18th Floor, Barrington Tower, Scotia Square
PO Box 910
Halifax, NS B3J 2W5
Attention: Corporate Secretary

and if to Brigadoon to: ...

Brigadoon's Children's Camp Society
P.O. Box 876
Dartmouth, NS B2Y 3Z5

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 on 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**

Per: _____
Fred Whalen, Warden

Witness

Per: _____
Brian T. Smith, Municipal Clerk

SIGNED, SEALED AND DELIVERED
In the presence of:

**NOVA SCOTIA POWER
INCORPORATED**

Witness

Per: _____
Signing Authority, duly authorized

SIGNED, SEALED AND DELIVERED
In the presence of:

**BRIGADOON CHILDREN'S CAMP
SOCIETY**

Witness

Per: _____
David McKeage, Executive Director

Schedule "A" - Legal Description of Property

All that certain lot, piece or parcel of land situate on the shore of Aylesford Lake and more particularly described as follows:

Beginning at a point one hundred feet (100 feet) north from centre of and in line with face of Spillway at Aylesford Lake outlet;

Thence in a direction south sixty-eight degrees and fifty minutes west for a distance of twenty-five chains, more or less, to the low water level of Aylesford Lake;

Thence following the low water level by the various courses in a southerly and easterly direction, crossing the outlet of Aylesford Lake above the dam to a point on the low water level;

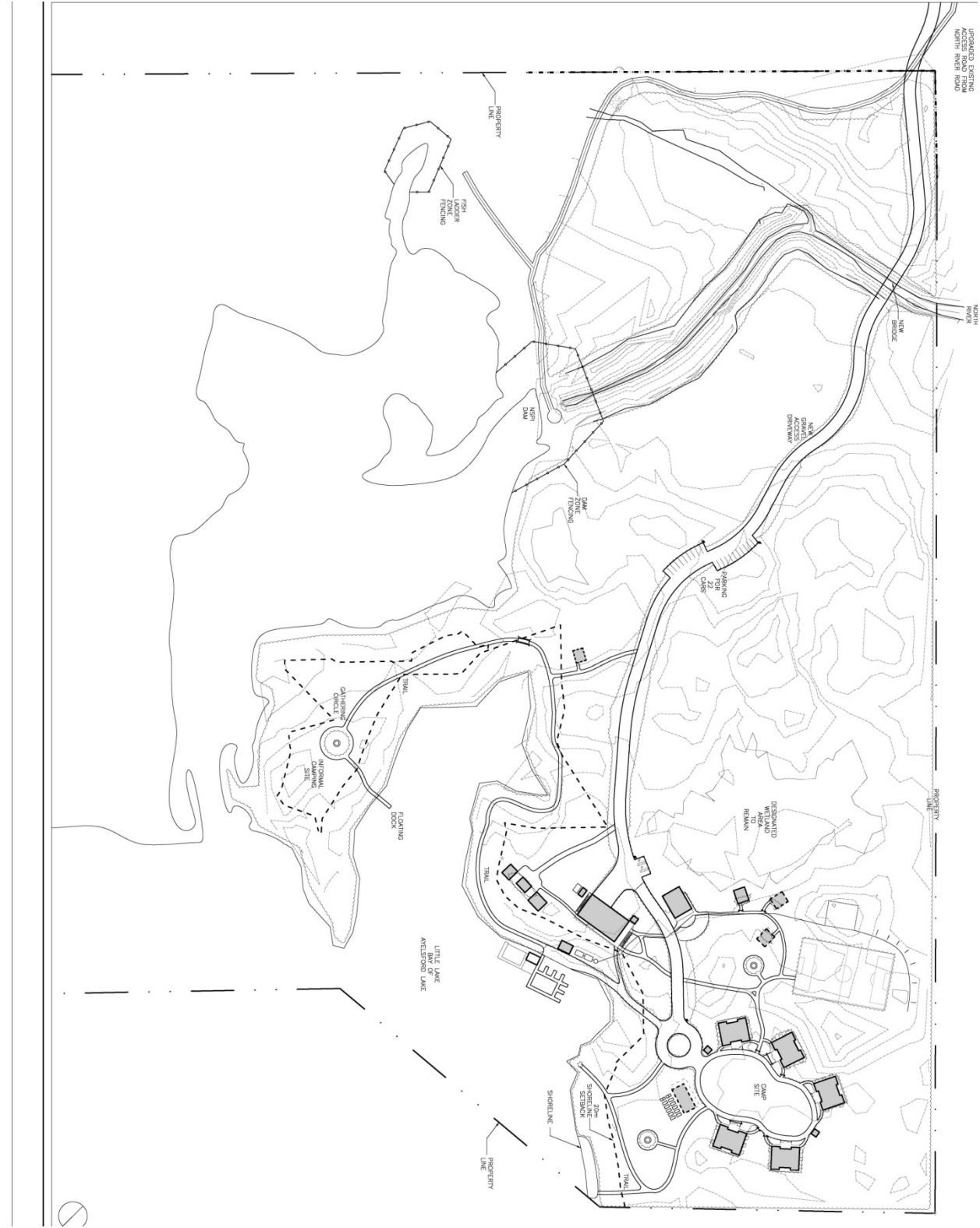
Thence in a direction north sixty-eight degrees and fifty minutes east for a distance of ten chains (10) to a corner marked by a post;

Thence turning an internal angle of ninety degrees (90 degrees) and running in a direction north twenty-one degrees and ten minutes west for a distance of thirty-five chains, more or less, to a corner marked by a post;

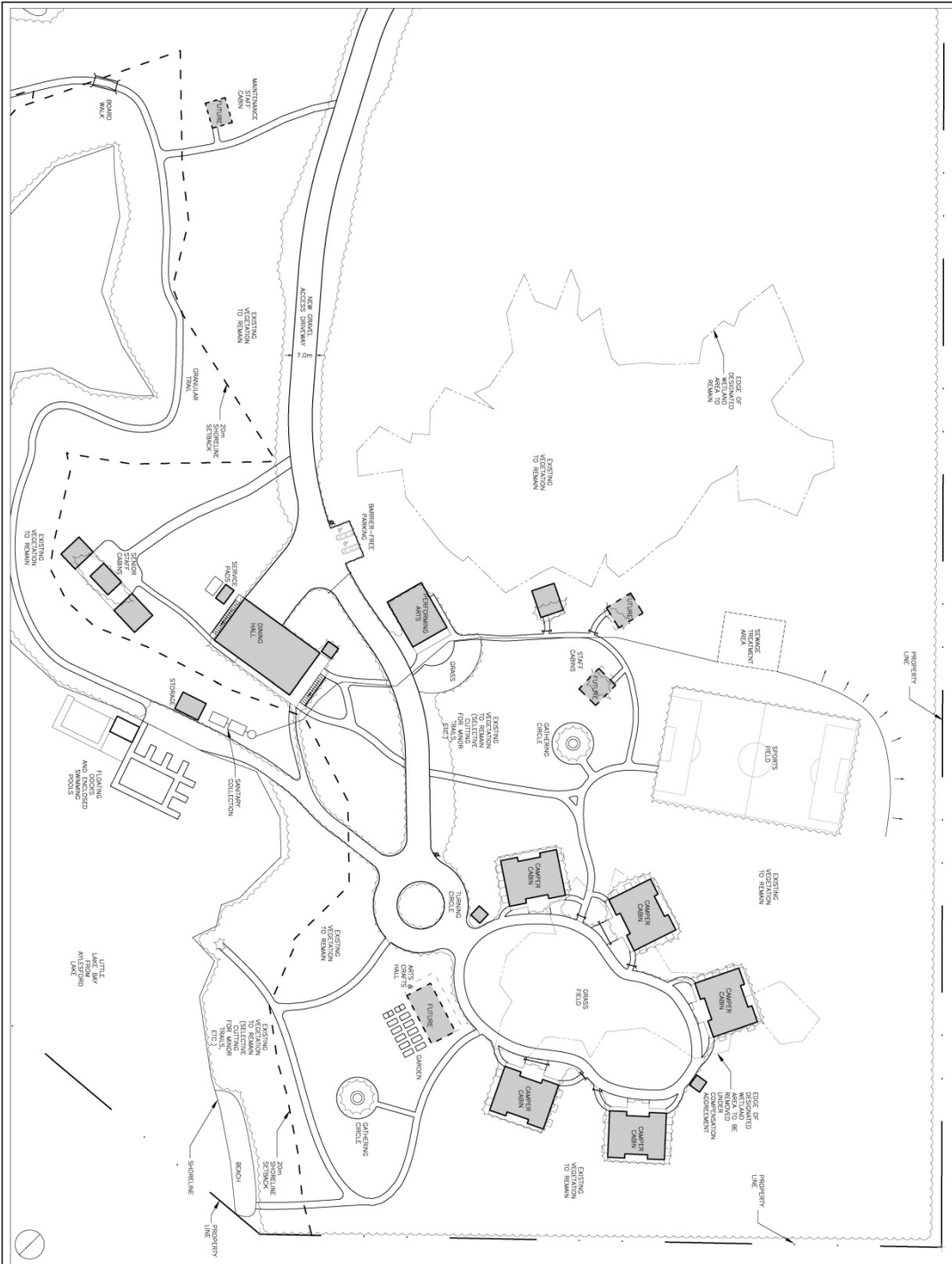
Thence turning an internal angle of ninety degrees (90 degrees) and running in a direction of south sixty-eight degrees and fifty minutes west for a distance of eleven point sixty-six chains to the place of beginning, (magnetic bearings as of 1952).

The description for this parcel originates with a deed dated July 15, 1952, registered in the registration district of Kings County in Book 180 at Page 682 and the subdivision is validated by Section 291 of the *Municipal Government Act*.

Schedule "B" - Site Plan
PID 55337893

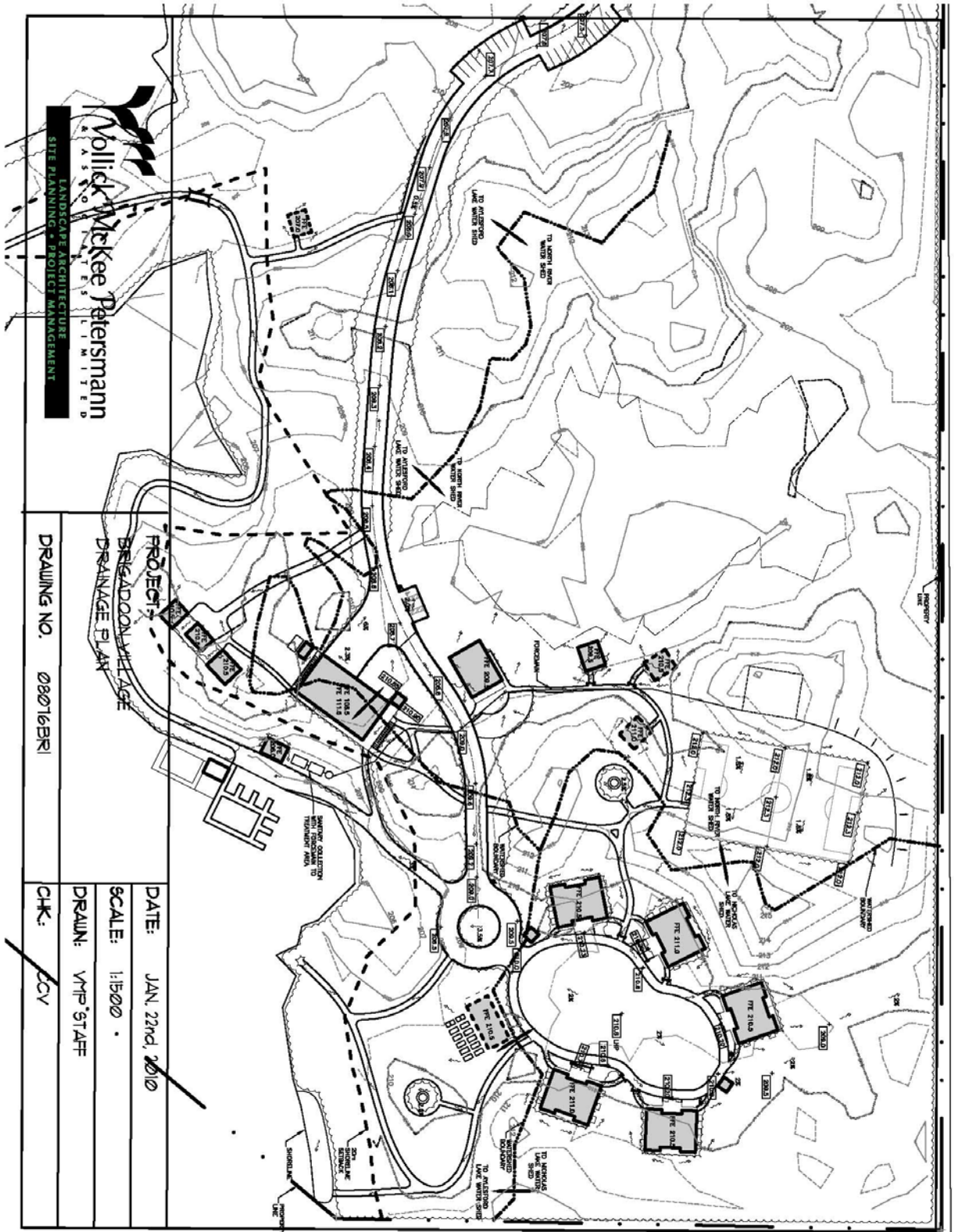


Schedule "B" - Site Plan
PID 55337893



<p>William Nyccum & Associates Limited 5555 Yonge Street, Suite 1000, North York, Ontario M3J 1V7 Phone: (416) 491-1111 Fax: (416) 491-1112 www.nyccum.com</p>	<p>Project: BRIGADOON VILLAGE Aylersford Lake, NS</p>	<p>09-DECEMBER 2018 1500 PRELIMINARY NOT FOR CONSTRUCTION</p>	<p>0708BRI L100</p>

Schedule "C" - Conceptual Drainage Plan



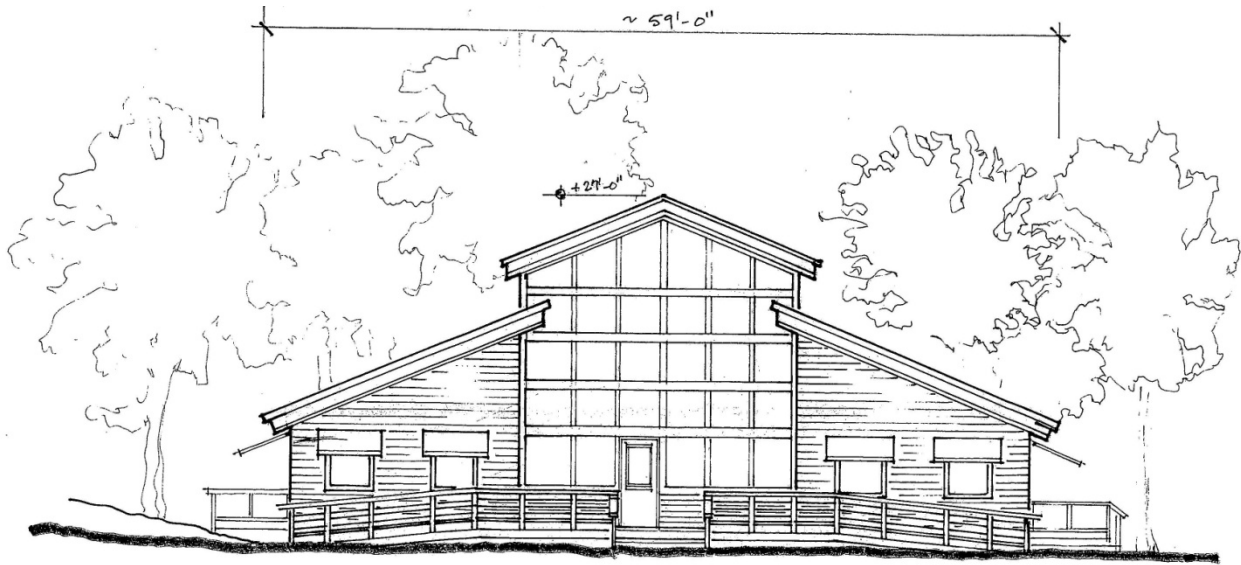
Wollick McKee Petersmann
 ARCHITECTS
 P.C.
 LANDSCAPE ARCHITECTURE
 SITE PLANNING & PROJECT MANAGEMENT

PROJECT: BRIGADON VILLAGE
 DRAINAGE PLAN

DATE: JAN. 22nd, 2010
 SCALE: 1:1500
 DRAWN: VMP STAFF
 CHK: JCV

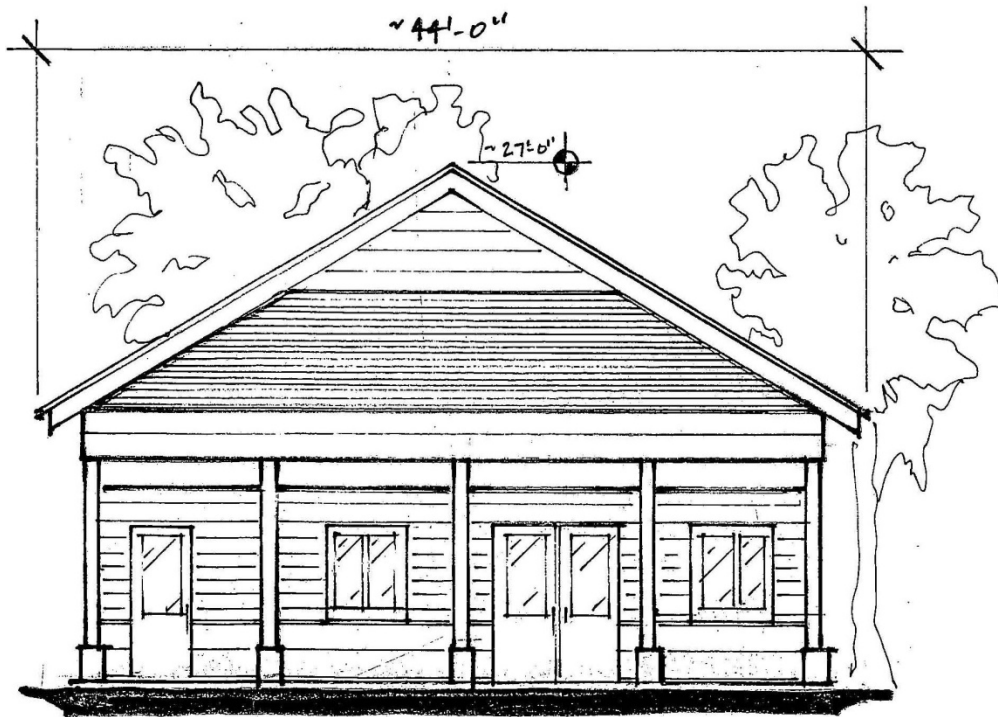
DRAWING NO. 08016BR

Schedule "D" - Prototypical Building Designs



William Nycum
& Associates Limited
5559 Yonge Street, Unit 101, North York, Ontario M3J 1K7

ELEVATION - CAMPER CABIN - FRONT PORCH
BEIGADON - PROJECT # 0124 21 JUNE 2009 1/8" = 1'-0"

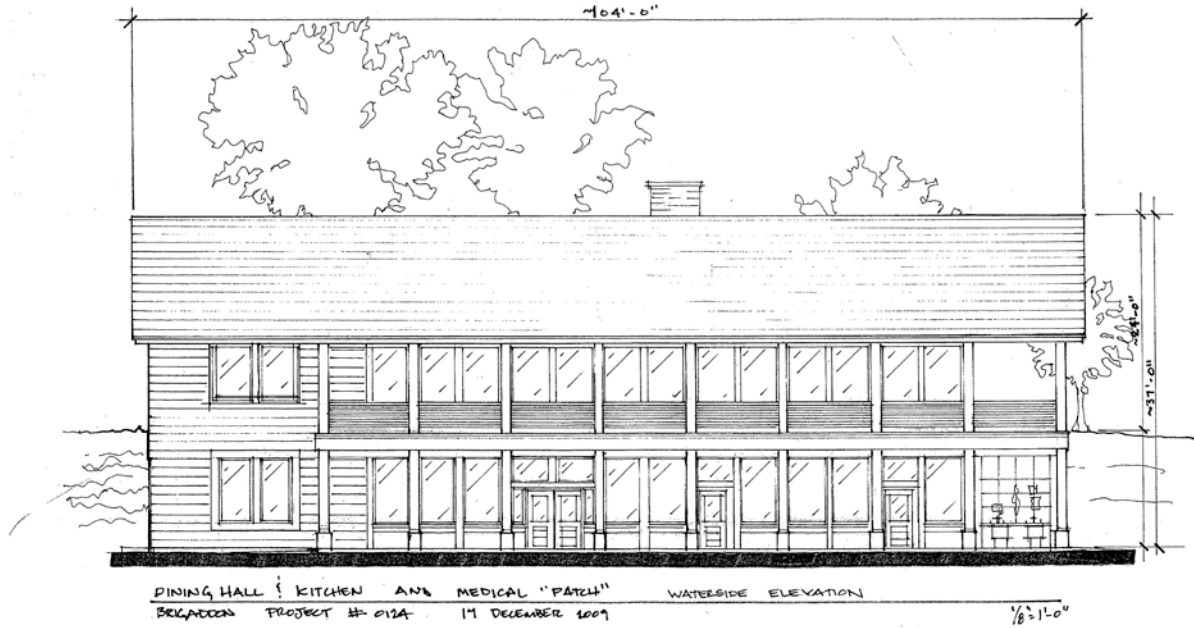


ARTS HALL - FRONT ELEVATION

BEIGADON - PROJECT # 0124

1/8" = 1'-0"

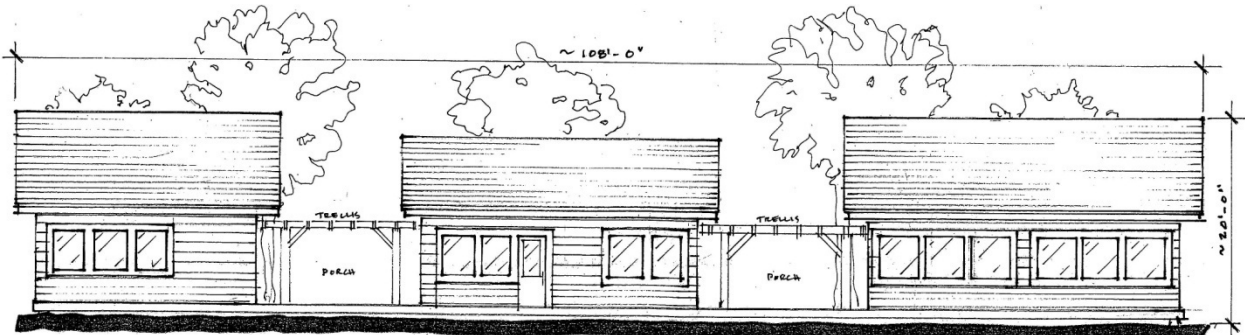
Schedule "D" - Prototypical Building Designs



DINING HALL & KITCHEN AND MEDICAL "PATCH" WATERSIDE ELEVATION
BRIGADEON PROJECT # 012A 17 DECEMBER 2009 1/8"=1'-0"

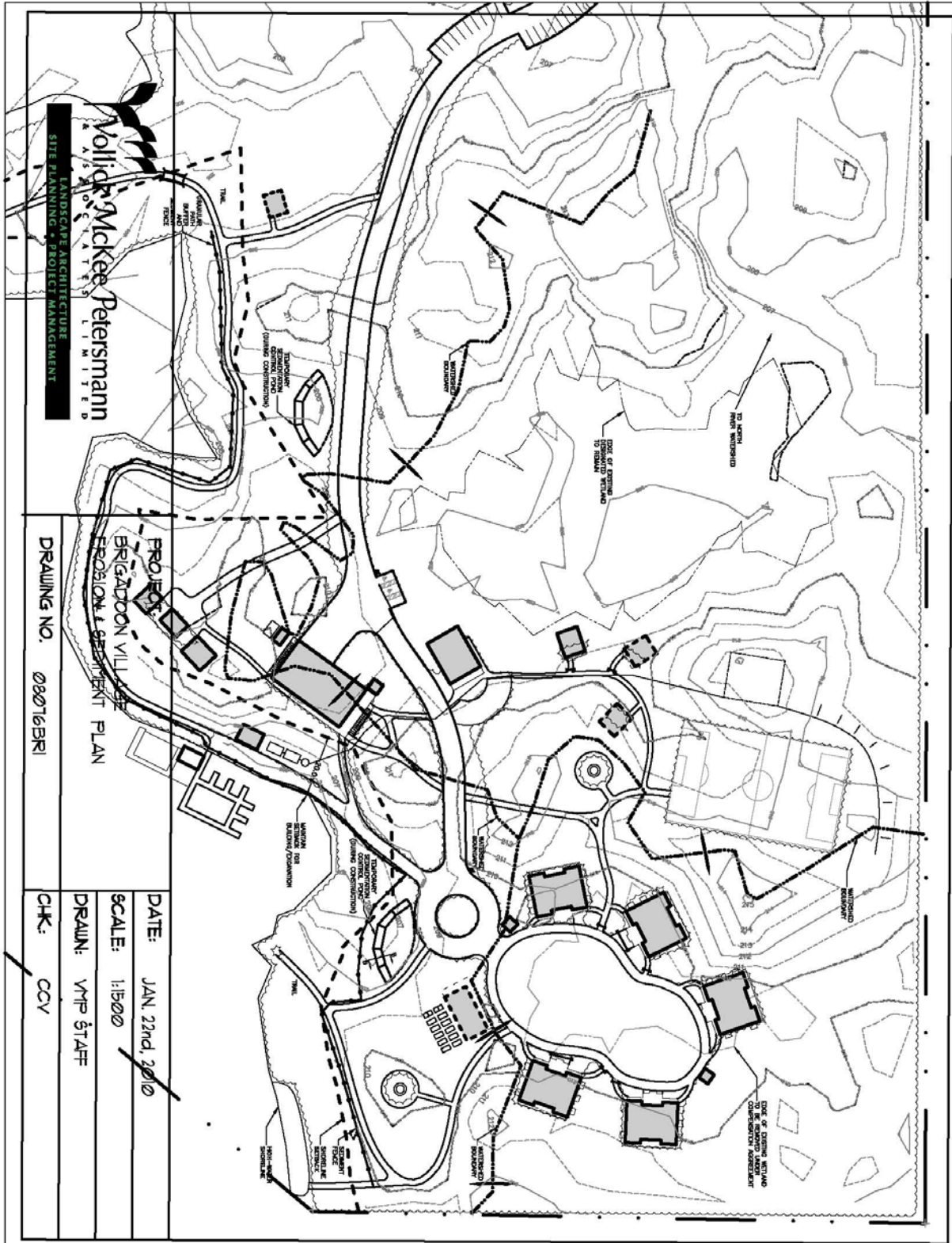
William Nycum
Associates Limited
1000 Yonge Street, Suite 1000, Toronto, Ontario M4W 2G7
Tel: (416) 593-1100 Fax: (416) 593-1101 www.williamnycum.com

RECEIVED DEC 21 2009



SENIOR STAFF CABIN(S). WATERSIDE ELEVATION
BRIGADEON PROJECT # 012A 17 DECEMBER 2009 1/8"=1'-0"

Schedule "E" - Conceptual Erosion and Sedimentation Plan



Vollmer McKee Petersmann
 LANDSCAPE ARCHITECTURE
 SITE PLANNING & PROJECT MANAGEMENT

PROJECT: BRIGADOON VILLAGE
EROSION & SEDIMENT PLAN

DRAWING NO. 08076BRI

DATE: JAN. 22nd, 2010
SCALE: 1:1500
DRAWN: VMP STAFF
CHK: CCV

THE MUNICIPALITY OF THE COUNTY OF KINGS

REPORT TO PLANNING ADVISORY COMMITTEE

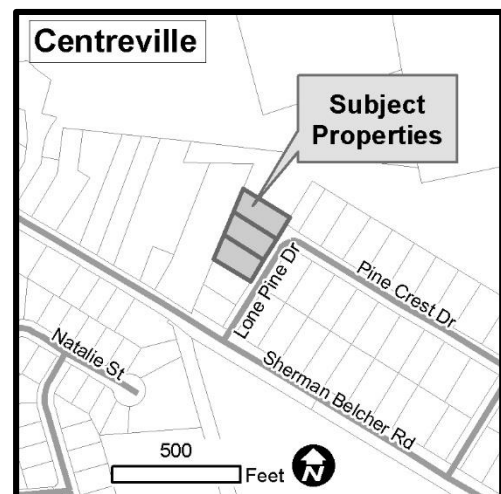
Subject: Application for a land use by-law map amendment to permit the rezoning of the properties at 1011 Lone Pine Drive, (PIDs 55056626, 55327498, & 55327506), Centreville, N.S. from Residential One Unit (R1) Zone to Residential One and Two Unit (R2) Zone for the purpose of developing two unit residential dwellings.

From: Planning and Development Services

Date: July 14th, 2020

Background

On July 8th, 2020 the Centreville Area Advisory Committee considered the staff report and land use by-law map amendment for the proposed rezoning of the properties at 1011 Lone Pine Drive, (PIDs 55056626, 55327498, & 55327506), Centreville. The applicant and property owner is Aaron Dondale. The proposed land use by-law map amendment, if approved by Municipal Council, would permit the rezoning from the Residential One Unit (R1) Zone to Residential One and Two Unit (R2) Zone for the purpose of developing two unit residential dwellings on each of the three properties, for a total of six units.



The Centreville Area Advisory Committee forwarded a **positive** recommendation by unanimously passing the following motion:

"The Centreville Area Advisory Committee recommends that the Planning Advisory Committee recommend that Council give First Reading to and hold a Public Hearing regarding the map amendment to the Land Use By-law to rezone the properties at 1011 Lone Pine Drive (PIDs 55056626, 55327498 and 55327506), Centreville from the Residential One Unit (R1) Zone to the Residential One and Two Unit (R2) Zone."

Recommendation

The Centreville Area Advisory Committee recommends that the Planning Advisory Committee pass the following motion:

The Planning Advisory Committee recommend that Council give First Reading to and hold a Public Hearing regarding the map amendment to the Land Use By-law to rezone the properties at 1011 Lone Pine Drive (PIDs 55056626, 55327498 and 55327506), Centreville from the Residential One Unit (R1) Zone to the Residential One and Two Unit (R2) Zone, as described in Appendix F of the report dated July 8th, 2020.



Municipality of the County of Kings
Report to the Area Advisory Committee

Planning application to rezone the properties at 1011 Lone Pine Drive, (PIDs 55056626, 55327498, & 55327506), Centreville, N.S. from Residential One Unit (R1) Zone to Residential One and Two Unit (P2) Zone.

(File #20-04)

July 8th, 2020

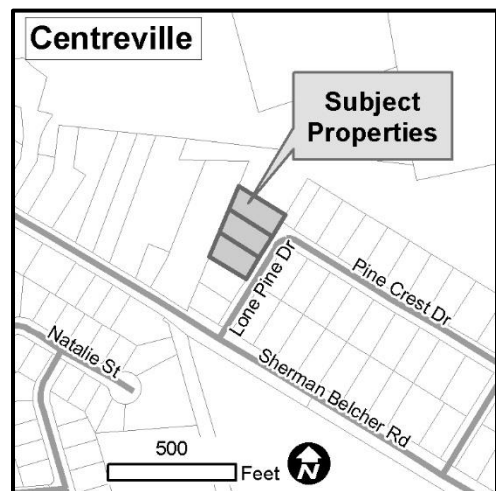
Prepared by: Planning and Development Services

Applicant	Aaron Dondale
Land Owner	Aaron Dondale
Proposal	To rezone the properties at 1011 Lone Pine Drive, (PIDs 55056626, 55327498, & 55327506), Centreville, N.S. from Residential One Unit (R1) Zone to Residential One and Two Unit (R2) Zone for the purpose of developing two unit residential dwellings.
Location	1011 Lone Pine Drive (PIDs 55056626, 55327498 and 55327506), Centreville Nova Scotia
Lot Area	PID 55056626 – 18,257ft ² PID 55327498 – 17,651ft ² PID 55327506 – 19,091ft ²
Designation	Residential
Zone	Residential One Unit (R1)
Surrounding Uses	Residential One Unit dwellings is the immediate area, with a mixture of residential housing types throughout the growth centre.
Neighbour Notification	Staff sent notification letters to the 39 owners of properties within 500 feet of the subject property

1. SUMMARY

Aaron Dondale has submitted an application to the three properties at 1011 Lone Pine Drive (PIDs 55056626, 55237498, and 55327506) to be rezoned from the Residential One Unit (R1) Zone to the Residential One and Two Unit (R2) zone. The purpose of the rezoning application is to enable the development of a two unit dwelling on each of the properties on Lone Pine Drive for six units in total. Since the Residential One Unit (R1) Zone permits secondary suites, subject to restrictions, the overall density of the properties will remain the same.

The application was submitted to the Municipality during the period following Council’s adoption of By-law 105 and By-law 106 in November 2019; but prior to the approval by the Province of By-law 105 and By-law 106 and repeal of Bylaw 56 on March 5th, 2020. Since Bylaw 56 and By-law 105 were both in full force and effect during this time, the application must be evaluated under policies contained in the 1992 Municipal Planning Strategy (Bylaw 56), as well as By-law 105 - Municipal Planning Strategy. However, if approved by Municipal Council, both sets of zoning maps will be amended,



as has been Council's practice during the interim period. This includes the zoning map for Bylaw 75 from Residential Single Dwelling (R1) zone to Residential One and Two Unit (R2) zone and the zoning map for By-Law 106 from the Residential One Unit (R1) Zone to the Residential One and Two Unit (R2) Zone.

2. OPTIONS

In response to the application, the Centreville Area Advisory Committee may:

- A. Recommend that the Planning Advisory Committee forward to Council a recommendation to approve the amendment, as drafted;
- B. Recommend that the Planning Advisory Committee forward to Council a recommendation to refuse the amendment, as drafted; or
- C. Provide alternative direction, such as requesting further information on a specific topic.

3. PROPERTY BACKGROUND

The area to be rezoned consists of three separate properties. 1011 Lone Pine Drive is the civic address assigned to the existing one-unit residential dwelling located on the land assembly. PID 55327498 has a lot area of 17,651ft², PID 55056626 has a lot area of 18,257ft², and PID 55327506 has a lot area of 19,910ft². The three properties have a total lot area of 55,818ft². The existing dwelling straddles two of the three properties (PID 55056626 and PID 55327498) and the boundary between the two separate properties will be required to be adjusted in order to develop a dwelling on PID 55327498. All three lots are currently zoned Residential One Unit (R1). The land on PID 55056626 and PID 55327498 is generally cleared, however there are a few trees scattered throughout the two properties. PID 55327506 remains vegetated. There are no identified watercourses or wetlands on the properties; the Habitant River lies in close proximity to the Northeast boundary of the properties. Each lot has approximately 100 feet of frontage onto Lone Pine Drive, a local residential street that intersects with Sherman Belcher Road, a collector road. All of the properties that abut the subject properties and in the immediate vicinity are zoned Residential One Unit (R1) with the exception of a large, vacant tract of land located to the northeast of the subject properties which is zoned Comprehensive Neighbourhood Development (R5), a zone that only permits development to occur via a Development Agreement and is intended to be developed in a planned, phased manner.

The subject properties are located within the community of Centreville, which is centrally located in the Municipality. Centreville is unique among the Municipality's Growth Centres because it primarily consists of residential development, with limited small-scale commercial uses intended to serve the immediate community. To complement the residential character of the community, several outdoor recreational amenities such as a golf course, sports fields and multi-use recreational trails are located within Centreville. There are two principle highways that intersect in Centreville; Highway 358 runs in a general north-south direction from Kentville to Halls Harbour while Highway 221 runs in a general east-west direction from Kingsport into Annapolis County. There is a mixture of residential zones, permitting a variety of densities and housing types,

throughout the growth centre. The Centreville Recreation Park is accessed on the opposite side of Sherman Belcher Road, approximately 450 feet from the subject properties.

4. INFORMATION

4.1 Subject Property Information

A site visit was conducted on May 4th, 2020 by a Planner. The applicant and planner walked the subject property and discussed the intent behind the planning application. The planner took photos of the subject property.

4.2 Comments from Public

Under the Planning Policies of the Municipality of the County of Kings (PLAN-09-001), a Public Information Meeting was required because the application concerns a Land Use Bylaw Map Amendment for a portion of a property with a total lot area in excess of 1 acre. A letter was sent to 39 property owners within a 500 foot radius of the subject property seeking comments and feedback on the proposed Land Use By-law Map amendment. Due to the State of Emergency declared by the Province of Nova Scotia as a result of the COVID-19 pandemic, a Public Information Meeting was held remotely commencing on May 26th, 2020. A video by the area Councillor, applicant and planner assigned to the application was posted for review by members of the public. The recording presented the application and enabling policies and invited members of the public to ask questions of the planner or to provide comments to the planner via telephone and email. The public had a total of 30 days to comment on the video.

A member of the public offered concerns relating to past activities and uses on the properties in question, as well as the ongoing construction relating to the existing dwelling. A summary of the questions and comments provided to the Municipality via email is included as Appendix B to this report.

4.3 Requests for Comments

Staff requested comments from both internal and external departments on the application. The Department of Transportation and Infrastructure Renewal found the existing road network to be adequate for the proposed use and that no further traffic study was required. Site specific access points would be addressed at the time of permitting and an access permit has not been issued to date. Nova Scotia Environment was contacted and did not provide comment. Engineering and Public Works commented that the existing water system has the capacity to support any increases resulting from development stemming from approved rezoning. EPW commented that, during construction, the applicant will be required to follow Nova Scotia Environment regulations regarding sedimentation/erosion control. Building and Enforcement noted the applicant, during construction, will be required to meet minimal building code, including adaptable housing. The Kentville Fire Chief provided confirmation that equipment and services were sufficient for the proposed use. Municipal development officials confirmed the lots meet the requirements of the Residential One and Two Unit (R2) Zone as contained within the Land Use By-law.

A full summary of the comments received are found in Appendix E of this report.

5. POLICY REVIEW – LAND USE BYLAW AMENDMENTS

5.1 Enabling MPS Policies

This application concerns amending the land use by-law to permit the rezoning of land currently zoned One Unit Residential (R1) to the One and Two Unit Residential (R2) Zone. Given this particular application concerns a rezoning application subject to the policies of two separate Municipal Planning Strategies (Bylaw #56 and By-law #105), a review of the enabling policies is required for each by-law.

Municipal Bylaw #56

Policy 2.4.3.4: *“Council may consider rezoning land from R1 to any other urban residential zone subject to the policies of this Section (2.4) and the policies for amending the Land Use Bylaw contained Part 6 of this Strategy”.*

The application meets the intent of this policy because the subject properties fall under the Residential District of the Future Land Use Map of the Municipal Planning Strategy (Bylaw #56).

The goals and objectives of Urban Residential Development contained within the Municipal Planning Strategy support the enabling policy which allows Council to consider rezoning the subject properties from the R1 Zone to the R2 Zone.

2.4.1 Urban Residential Objectives

2.4.1.3: *“To foster residential infilling and efficient development of serviced lands”;*

2.4.1.5: *“To encourage and provide for a wide range of residential accommodations and a variety of neighbourhoods”;*

2.4.1.7: *“To promote the harmonious integration of a variety of housing types and residential densities within neighbourhoods”.*

Policies contained within the Municipal Planning Strategy also lend themselves to supporting Council’s consideration of this application.

Policy 2.4.2.7: *“Council shall encourage residential infilling on existing vacant lots serviced by a central sewerage system. The Land Use Bylaw will permit the use of existing undersized lots”.*

Two of the three subject properties are existing vacant lots, and all three lots are serviced by a central sewerage system. In this particular instance, none of the three lots are considered undersized by the Land Use By-law.

Municipal By-Law #105

Municipal By-Law #105, 3.1.3: *“Permit within the Residential Designation:*

(a) all zones listed in policy 3.1.2.”

The proposed land use by-law map amendment would permit a rezoning to a zone – Residential One and Two Unit (R2) – that is a listed zone within policy 3.1.2.

Municipal By-Law #105, 5.3.3: *“Consider amendments to any one of the zoning maps of the Land Use By-law provided the application is for a specific development and: (a) is to rezone land to another zone enabled within the same designation, unless the zone change is specifically prohibited within this Strategy.”*

The proposed land use by-law map amendment would permit the rezoning of land to another zone – Residential One and Two Unit (R2) Zone within the same designation.

A number of objectives and supportive policies contained within the Municipal Planning Strategy (By-law #105) support the enabling policy noted above. This includes the following objectives:

“To accommodate a wide range of housing options, including opportunities for mixed uses and increased densities in areas where urban services are efficient to deliver”

The area where the subject properties are located is within a Growth Centre and is also serviced by an existing central sewer system.

“To discourage residential developments in rural areas by providing a variety of development opportunities within Growth Centres”

The proposed rezoning would occur in a Growth Centre and would enable another form of development within an existing residential neighbourhood.

“To provide a wide range of housing choices, including affordable housing”

The proposed rezoning would enable a form of housing that, while not increasing the currently permitted density, provides additional and complementary character.

Policy 3.1.2(a): *“Residential One Unit (R1) and Residential One and Two Unit (R2): lands located in these zones are intended to maintain existing residential areas while encouraging energy efficiency and providing opportunities for infill development primarily on roads located on the periphery of growth centres. These zones are intended to consist primarily of one and two unit dwellings;”*

The proposed land use by-law map amendment fits this specific policy criterion as the rezoning that is proposed, from the Residential One Unit (R1) to Residential One and Two Unit (R2) Zone, would not alter the character of the existing residential area and would provide opportunity for infill development.

5.2 Centreville Secondary Planning Strategy

The Centreville Secondary Planning Strategy provides additional policy direction specific to the Growth Centre of Centreville. It combines the future land use map of the Centreville Growth Centre with detailed plans for the Growth Centre of Centreville that pertain specifically to Centreville’s recreational amenities and attractions, transportation, and infrastructure. The

policies within the Centreville Secondary Planning Strategy that are relevant to this development have been addressed below:

2.10.3.11.2.4 Prior to any construction, as a result of a rezoning, a traffic study may be required, which indicates potential impacts on existing road networks and surrounding land uses.

DTIR has confirmed that the existing road network is sufficient for the proposed rezoning and that a traffic study will not be required.

2.10.3.12.2.1 It shall be the policy of Council not to permit any further development serviced by septic tank or disposal field.

The subject properties will be serviced by municipal sewer services.

2.10.3.13.2.1 Council, through its Planning Advisory Committee, may request a Water quality/quantity assessment be conducted prior to a rezoning to any higher residential density, any commercial rezoning or any industrial rezoning.

It is the opinion of staff that a water assessment is not necessary given that the permitted density is not increasing.

5.3 General LUB amendment Policies

Section 6.2.2 of the Municipal Planning Strategy (Bylaw #56) and Section 5.3 of the Municipal Planning Strategy (By-law #105) contain a number of general criteria for applications for a map amendment to the applicable land use by-laws (Appendix D). These criteria consider the impact of the proposal on the road network, services, development pattern, environment, finances, and wellfields, as well as the proposal's consistency with the intent of the planning strategy.

In terms of the other general development criteria contained in the Municipal Planning Strategy there are no additional costs to the Municipality related to the rezoning and development of the subject property. There are no concerns regarding storm drainage, road networks leading to the subject property, or traffic generation. Staff have confirmed the capacity of the central sewer system to serve the proposed rezoning. The property would be serviced with an on-site well system.

6. CONCLUSION

The proposed rezoning is in keeping with the intent of the enabling policies found in the Municipal Planning Strategy. The proposed amendment meets the objectives outlined in the Municipal Planning Strategy and applicable community plan. The proposal meets all of the general criteria to permit the rezoning of the subject property. As a result, a positive recommendation with regard to the application is being made to the Centreville Area Advisory Committee.

7. STAFF RECOMMENDATION

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

The Centreville Area Advisory Committee recommends that the Planning Advisory Committee recommend that Council give First Reading to and hold a Public Hearing regarding the map amendment to the Land Use By-law to rezone the properties at 1011 Lone Pine Drive (PIDs 55056626, 55327498 and 55327506), Centreville from the Residential One Unit (R1) Zone to the Residential One and Two Unit (R2) Zone.

8. APPENDICIES

Appendix A: Zoning Map

Appendix B: Comments Received From Public

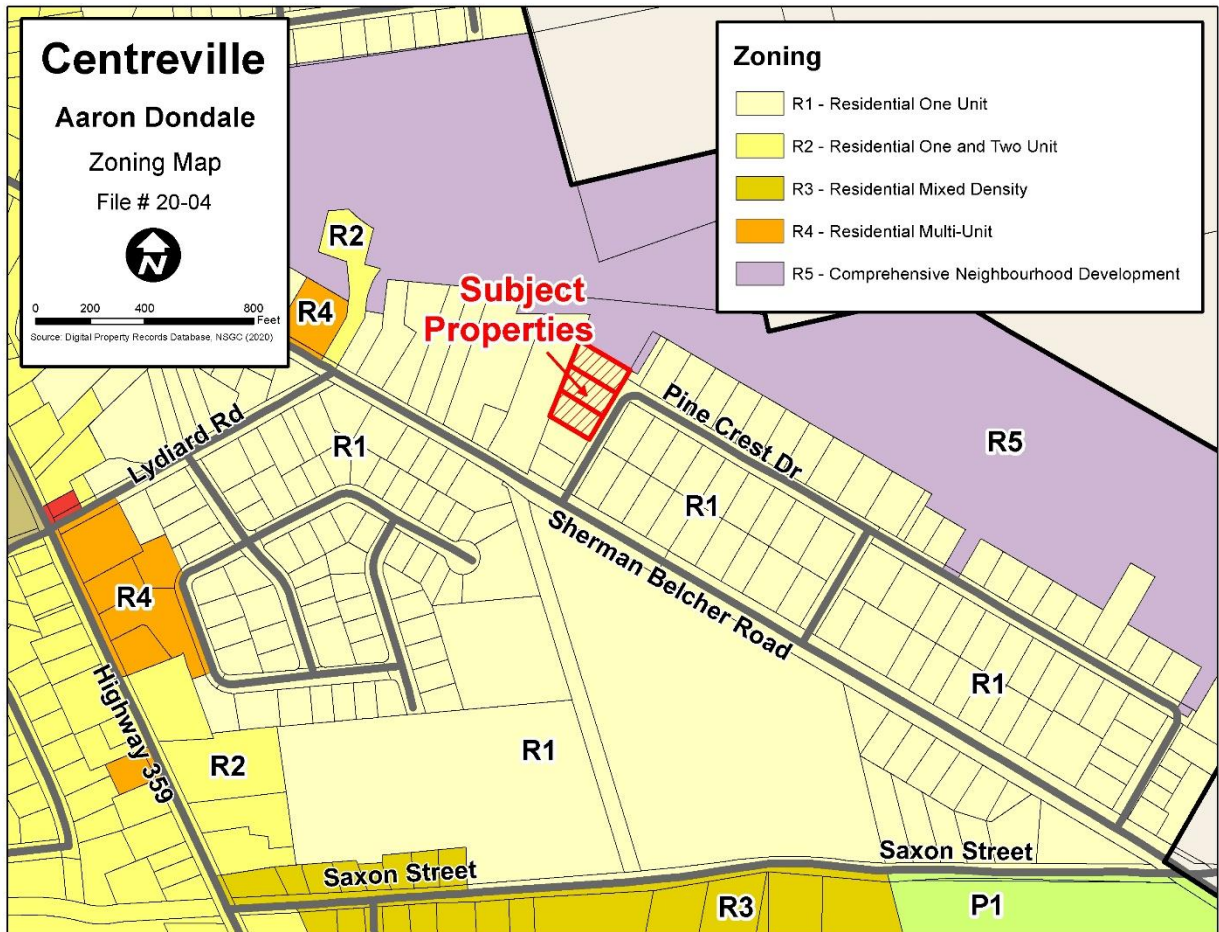
Appendix C: Municipal Planning Strategy (Bylaw #56), Section 6.2.2.1 – Amendment to the Land Use Bylaw, General Criteria

Appendix D: Municipal Planning Strategy (Bylaw #105), Section 5.3-4 – General Criteria to Consider for all Development Agreements and Land Use By-law Amendments

Appendix E: Request for Comments

Appendix F: Proposed Land Use Bylaw Map Amendment (Bylaw #75 and Bylaw #106)

Appendix A: Reference Zoning Map



Appendix B: Comments Received From Public

The Municipality received one email communication, dated June 19th, 2020, from a neighbouring property owner with regarding to this application. The comments are found below:

"We are Glen and Cheryl Morine of 1033 Sherman belcher rd. This property in question is connected to one side of ours....

We have been at this property since 2002, For the last 18 years it has been a rental property having at least 8 different renters.

We have had to deal with the following,

junk car salvager who would drag garbage over the property line

Unlicensed daycare with kids, roaming dogs, and a pig on our property

(these people left behind a cat that we have taken in)

Mother and daughter who would constantly fight and argue outside.

The motorcycle gang (the gate keepers) lived there for 2-3 years

young persons who thought it is ok to blast car stereo when being outside

And we have fruit berries on our property that the fruit seemed to go missing.

During the renovation That Mr. Dondale just had completed, we had to walk the property every evening to pickup the garbage that would blow over.

So NO>>> We do not need anymore intrusive persons, being a homeowner and taxpayer we deserve a little respect and to be able to enjoy what we have".

Appendix C: Municipal Planning Strategy (Bylaw 56), Section 6.2.2.1 – Amendment to the Land Use Bylaw, General Criteria

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:

Criteria	Comments
<i>a. the proposal is in keeping with the intent of the Strategy, including the intent of any Secondary Planning Strategy, and can meet the requirements of all other Municipal Bylaws and regulations</i>	The proposed rezoning through an LUB map amendment is consistent with the intent set forth in the MPS because the enabling policies permit the rezoning of land within the Residential designation to any other zone within the designation.
<i>b. that the proposed rezoning is not premature or inappropriate by reason of:</i>	
<i>i. the financial capability of the Municipality to absorb any costs related to the development of the subject site</i>	There are no costs to the Municipality associated with the proposed rezoning and any subsequent development.
<i>ii. the impact on, or feasibility and costs of, sewerage and water services if central services are to be provided, or adequacy of physical site conditions for private on-site sewer and water systems</i>	EPW has confirmed the existing sewer system can support the demand added from this proposed development. The site would be served with a private well.
<i>iii. the potential for creating, or contributing to, a pollution problem including the contamination of watercourses</i>	Given the low impact and common land use of the surrounding properties, staff does not anticipate risks with regard to pollution, including the contamination of watercourses. The applicant will be required to follow provincial specifications and regulations pertaining to development and drainage during construction.
<i>iv. the adequacy of storm drainage and the effect on adjacent uses</i>	It is the responsibility of the land owner to ensure adequate drainage.
<i>v. the adequacy and proximity of school, recreation, and any other community facilities</i>	There are a number of recreation, and community facilities within close proximity to the subject properties. The closest school, Aldershot elementary, is located within six kilometres of the subject properties.
<i>vi. the adequacy of street or road networks in, adjacent to, or leading to the subject site</i>	Nova Scotia DTIR is satisfied that the existing road network is adequate for the existing and proposed dwellings to and from the site. No traffic study is required nor does DTIR have any concerns at this time.
<i>vii. the potential for the contamination of a watercourse due to erosion or sedimentation</i>	Watercourse contamination associated with the proposed rezoning and LUB Map amendment is not anticipated.

<p><i>viii. creating extensive intervening parcels of vacant land between the existing developed lands and the proposed site, or a scattered or ribbon development pattern as opposed to compact development</i></p>	<p>The development form permitted by the proposed rezoning would contribute to a compact, efficient development pattern suitable for, and consistent with, the surrounding area.</p>
<p><i>ix. traffic generation, access to and egress from the subject site, and parking</i></p>	<p>Nova Scotia DTIR satisfied that the existing road network is adequate for all traffic to and from the site. No traffic study is required by DTIR.</p>
<p><i>x. incompatibility with adjacent uses and the existing development form of the surrounding area</i></p>	<p>The proposed zone and development is compatible and complementary to the existing development form and adjacent uses in the surrounding area.</p>
<p><i>xi. the potential for overcrowding on lakeshores or the reduction of water quality</i></p>	<p>Not applicable – no lakefront</p>
<p><i>xii. the potential for contamination of, or interference with a designated groundwater supply protection area</i></p>	<p>There is no designated groundwater supply protection area within close proximity to the subject properties.</p>
<p><i>c. the proposed site is suitable for development in terms of steepness of grades, soil and geological conditions, location of watercourses, marshes, swamps, or bogs and proximity of highway ramps, railway rights-of-way and other similar factors that may pose a hazard to development</i></p>	<p>There does not appear to be any explicit hazards to the development of the subject property with regard to the proposed rezoning or subsequent form of development which the rezoning would permit.</p>

APPENDIX D: By-law 105 - Municipal Planning Strategy, Policy 5.3.7 General Criteria to Consider for all Development Agreements and Land Use By-law Amendments

Policy 5.3.7

Council expects to receive applications to amend the Land Use By-law or enter into a development agreement for development that is not permitted as-of-right in the Land Use By-law. Council has established criteria to ensure the proposal is appropriate and consistent with the intent of this Strategy.

Council shall be satisfied that a proposal to amend the Land Use By-law or to enter into a development agreement:

Criteria	Comments
<i>a. is consistent with the intent of this Municipal Planning Strategy, including the Vision Statements, relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;</i>	The proposed land use by-law map amendment is consistent with the intent of the MPS, and the applicable goals, objectives and policies contained within the Secondary Plan for the Centreville community.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	The proposed amendment is not in conflict with any Municipal or Provincial programs, By-laws, or regulations.
<i>c. that the proposal is not premature or inappropriate by reason of:</i>	
<i>i. the Municipal or village costs related to the proposal;</i>	The proposal does not involve any development costs to the Municipality.
<i>ii. land use compatibility with surrounding land uses;</i>	The proposed land use would be compatible with the surrounding land use
<i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>	The subject properties are within close proximity to recreation and other community facilities with the ability to serve the subject properties. The closest elementary school, Aldershot Elementary School, is within six kilometres of the subject properties.
<i>iv. the creation of any excessive traffic hazards or congestion due to road or pedestrian network adequacy within, adjacent to, and leading to the proposal;</i>	The Department of Transportation and Infrastructure Renewal provided comments and did not raise concerns with the proposed structure/use.
<i>v. the adequacy of fire protection services and equipment;</i>	Kentville Fire was consulted and has confirmed it has sufficient equipment to adequately serve the proposal.
<i>vi. the adequacy of sewer and water services, including but not limited to on-site services;</i>	Municipal Engineering and Public Works has confirmed the existing sewer service has the capacity to serve the proposed use.
<i>vii. the potential for creating flooding or serious drainage problems either within the area of development or nearby areas;</i>	Property owner is required to contain all post-development storm water flow on site.

<p><i>viii. negative impacts on identified wellfields or other groundwater supplies for the area;</i></p>	<p>There are no identified wellfields in the area, nor groundwater supplies. The area is serviced by private wells.</p>
<p><i>ix. pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i></p>	<p>EPW has commented the applicant will be required to follow Municipal specifications regarding soil erosion at the time of construction.</p>
<p><i>x. negative impacts on lake water quality or nearby wetlands;</i></p>	<p>Not applicable.</p>
<p><i>xi. negative impacts on neighbouring farm operations;</i></p>	<p>Not applicable as there is no agricultural activities on neighbouring properties.</p>
<p><i>xii. the suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way.</i></p>	<p>The subject property is suitable in terms of grades, soils, geological conditions, and proximity to natural features and rights-of-way.</p>

Appendix E: Request for Comments

Nova Scotia Department of Transportation and Infrastructure Renewal (DTIR)

- Nova Scotia Department of Transportation and Infrastructure Renewal (DTIR) has not issued an access permit for a driveway for any proposed development
- Has no current concerns with the existing road networks or potential traffic generation;
- Proposed access point passes stop sighting distance, can be addressed at the time of permitting;
- Does not require a traffic analysis.

Nova Scotia Environment (NSE)

- No comments were received from NSE.

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

- Engineering and Public Works (Municipality of the County of Kings) staff noted the applicant is required to follow Nova Scotia Environment regulations regarding sedimentation/erosion control and alternations of existing drainage during future construction;
- EPW did not bring forth any additional concerns.

Municipality of the County of Kings Building and Enforcement

- The Manager of Building and Enforcement Services indicated that the development will need to be built to the minimum standards and may include barrier free compliance and engineered design;
- Fire protection services for the subject property and proposed use have been deemed to be adequate by the Kentville fire chief.

Municipality of the County of Kings Development Control

- The subject properties all comply with the lot size requirements of the R2 zone;
- The dwelling appears to be straddling the property line between PIDs 55056626 & 55327498;
- The dwelling is not compliant with the required minimum setbacks applicable in the R2 Zone and is considered a non-conforming structure;
- Provided the proposed development complies with the requirements of the Land Use By-law and approvals for driveway and sewer can be obtained, development permits will be approved;
- Property lines of the three lots may be altered subject to compliance with Subdivision By-law and the Land Use By-law.

Appendix F: Proposed Land Use Bylaw Map Amendment (Bylaw 75)

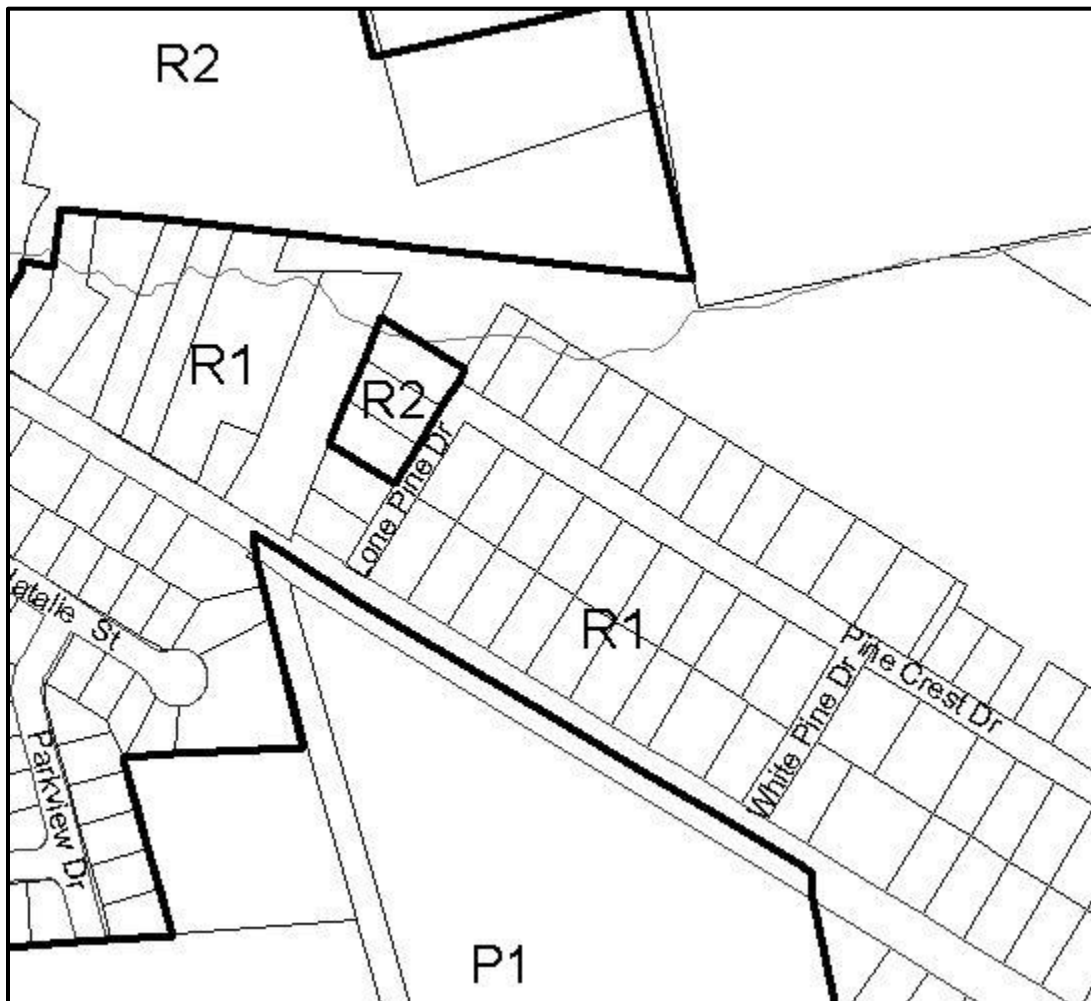
THE MUNICIPALITY OF THE COUNTY OF KINGS

**AMENDMENT TO BYLAW 75
COUNTY OF KINGS LAND USE BYLAW**

Land Use Bylaw Map Amendment to rezone the properties at 1011 Lone Pine Drive, PID55056626, 55327498, & 55327506, Centreville from the Residential Single Dwelling (R1) Zone to the Residential One and Two Unit (R2) Zone.

BYLAW 75 Land Use Bylaw

1. Amend Map 5, Zoning map for the Municipality of the County of Kings, by rezoning a portion of the property at 1011 Lone Pine Drive, (PIDs 55056626, 55327498, & 55327506), Centreville from the Residential One Unit (R1) to the Residential One and Two Unit (R2) as shown on the inset copy of a portion of Schedule 4g below.



Proposed Land Use Bylaw Map Amendment (By-law 106)

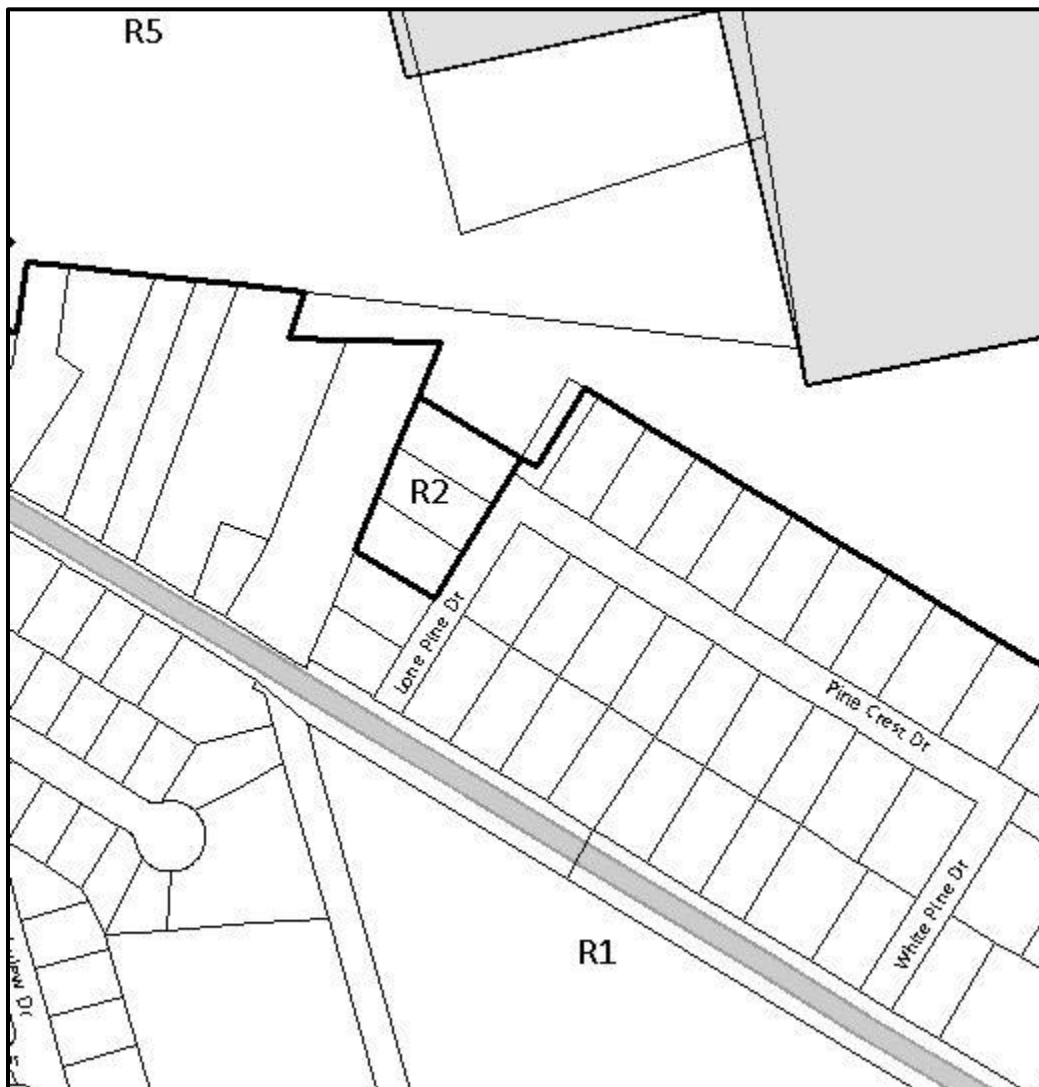
THE MUNICIPALITY OF THE COUNTY OF KINGS

**AMENDMENT TO BY-LAW 106
COUNTY OF KINGS LAND USE BYLAW**

Land Use Bylaw Map Amendment to rezone the properties at 1011 Lone Pine Drive, PID55056626, 55327498, & 55327506, Centreville from the Residential One Unit (R1) Zone to the Residential One and Two Unit (R2) Zone.

BY-LAW 106 Land Use By-law

2. Amend Map 4, Centreville, by rezoning a portion of the properties at 1011 Lone Pine Drive, PID55056626, 55327498, & 55327506, Centreville from the Residential One Unit (R1) Zone to the Residential One and Two Unit (R2) Zone.as shown on the inset copy of a portion of Map 4 below.





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

Planning application to rezone the property at 9453 Commercial Street, New Minas from the Mixed Commercial Residential (C3) Zone to the Institutional (I1) Zone to permit new digital signage.

(File #20-05)

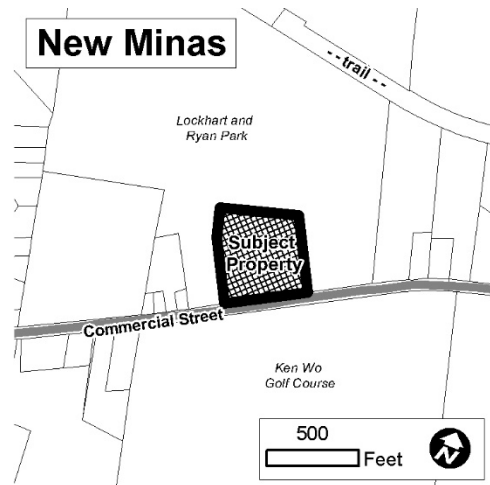
July 14th 2020

Prepared by: Planning and Development Services

Applicant	John Merrill
Land Owner	New Minas Baptist Church
Proposal	To rezone the property to the Institutional (I1) Zone to permit a digital sign
Location	9453 Commercial Street, New Minas (PID 55210629)
Lot Area	212,923 sq ft (approximately 4.8 acres)
Designation	Commercial (C)
Zone	Mixed Commercial Residential (C3)
Surrounding Uses	Public facility(Village of New Minas, Louis Millet complex), Park space (Lockhart and Ryan Park) Golf course (Ken Wo Golf) Residential and commercial uses nearby
Neighbour Notification	Staff sent notification letters to the 10 owners of properties within 500 feet of the subject property

1. SUMMARY

John Merrill, on behalf of the New Minas Baptist Church has applied to rezone the Church property at 9453 on Commercial Street, New Minas, back to the Institutional Zone. Their property was zoned Institutional and changed into a mixed-use zone during the updated Planning Documents, adopted in early 2020. The new planning documents set the subject property into the *Mixed Commercial Residential (C3) Zone*, which permits the church and its accessory uses. However, the Mixed Commercial Residential (C3) Zone does not permit digital display signs. The New Minas Baptist Church has submitted a rezoning application for a zone that would permit a digital sign.



2. OPTIONS

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

- A. Recommend that Council approve the amendment, as drafted;
- B. Recommend that Council refuse the amendment, as drafted; or
- C. Provide alternative direction, such as requesting further information on a specific topic.

3. PROPERTY BACKGROUND

The subject property is home to the New Minas Baptist Church. The church has been located in New Minas since the 1980s. It is currently zoned Mixed Commercial Residential (C3) and is within the Commercial Designation (C) within the New Minas Growth Centre. In 1981, The New Minas Baptist Church group purchased a portion of land to build the church from the surrounding *Ryan property* – now known as Lockhart and Ryan Park. Today the church is surrounded by this park space, Ken Wo Golf Course across the street, and is next door to the new offices of the Village of New Minas and the Louis Millett Community Complex. Additional uses located in proximity to the church include a variety of residential uses to the east and west, along Commercial Street including one and two unit dwellings as well as a 4-storey apartment building. To the west, there is a larger range of commercial businesses including smaller businesses operating out of buildings formerly used as dwellings as well as large-format retail uses. This area is a diverse part of the Growth Centre of New Minas.

The New Minas Church also offers a day care facility and has expanded with building additions in 2004 and 2008 that provided more classroom space, a multi purpose room, offices and meeting spaces.

The Church is looking to replace their existing roadside sign along Commercial Street with a changeable digital sign, which requires a rezoning to the Institutional (I1) Zone. No other changes are intended with the proposed zone change. Moving to the Institutional zone would be consistent with the Institutional zoning applied to this property in the past under the New Minas Land Use Bylaw.

4. INFORMATION

4.1 Comments from Public

Under the Planning Policies of the Municipality of the County of Kings (PLAN-09-001), a Public Information Meeting was required. A letter was sent out to 10 property owners within a 500 foot radius of the subject property seeking comments on the proposed Land Use Bylaw Map amendment. Due to the State of Emergency declared by the Province of Nova Scotia as a result of the COVID-19 pandemic, a Public Information Meeting was held remotely beginning in June. A recording by the area Councillor and planner was posted to the website of the Municipality for a period of 30 days. This recording included a presentation of the application, policies that enable Council to consider the land use by-law map amendment and inviting questions and comments from the public to be submitted via telephone and email.

No written letters, emails or phone calls were received from the public expressing any comment or concern regarding this proposed rezoning.

4.2 Requests for Comments

Staff requested comments from both internal and external departments on the application. The Department of Transportation and Infrastructure Renewal found the existing road network to be

adequate for the proposed use and that no further traffic study was required. Engineering and Public Works had no concerns with the proposed zoning. Building and Enforcement confirmed with the New Minas Fire Chief that adequate fire protection services are available and that depending on the size of the sign, a footing and structural design may be required. Municipal Development Officer confirmed the existing building and its uses are permitted within the Institutional Zone, and permits would be required for the new digital sign.

A full summary of the comments received are in Appendix C of this report.

5. POLICY REVIEW – LAND USE BYLAW AMENDMENTS

5.1 Enabling MPS Policies

This application requests an amendment to the land use by-law to rezone the property at 9453 Commercial Street in New Minas to the Institutional Zone. The Municipal Planning Strategy By-law 105 – Policy 5.3.3 enables this type of rezoning.

Municipal By-Law #105

MPS 5.3.3 enables Council to:

*“consider amendments to any one of the zoning maps of the Land Use By-law provided the application is for a specific development and: (a) is to rezone land to another **zone enabled within the same designation**, unless the zone change is specifically prohibited within this Strategy;”*

The Commercial designation permits a variety of Commercial Zones and those land use zones listed in **MPS 3.0.32** which is a list of general zones that are flexible in their application, and includes the Institutional (I1) Zone.

MPS 3.0.32

*“Council shall: permit the following zones within all designations: (a) Environmental Constraints (O1) Zone; (b) **Institutional** (I1) Zone; (c) Commercial Recreation (P1) Zone; and (d) Aggregate Related Industry (N2) Zone”*

5.2 General Rezoning application criteria

MPS 5.3.5 *“consider, in relation to all applications to rezone land:*

(a) the applicable zone placement policies, including any specific policy criteria for applying the proposed zone set out within this Strategy”

The Institutional Zone placement policies consider the Institutional Zone for large facilities with big parking demands and land area. The New Minas Baptist Church has a very large parking area, a 4-acre property and a building that has grown several times.

(b) the impact of both the specific development proposal and of other possible uses permitted in the proposed zone; and

The impact is already occurring with an existing church that has existed for decades in an equivalent Institutional zone in a previous planning document – the New Minas Land Use Bylaw.

(c) the general criteria for amending the Land Use By-law set out in section 5.3 Development Agreements and Amending the Land Use By-law.”

These criteria are reviewed below and in Appendix D.

5.3 General LUB amendment criteria

Section 5.3.7 of the Municipal Planning Strategy contains a number of general criteria for all applications for an amendment to the land use bylaw (Appendix D). These criteria consider the impact of the proposal on the road network, services, development pattern, environment, finances, and wellfields, as well as the proposal's consistency with the intent of the planning strategy.

In terms of the general criteria contained in the Municipal Planning Strategy there are no additional costs to the Municipality or concerns regarding storm drainage, road networks or traffic generation or land use compatibility. A detailed review of these criteria is Appendix D.

6. CONCLUSION

The proposed rezoning is in keeping with the intent of the enabling policies found in the Municipal Planning Strategy, and the proposal meets all of the general criteria for amending the Land Use Bylaw and the placement policies of the Institutional Zone.

The application of the Mixed Commercial Residential (C3) Zone on the subject property provided options to “*areas where flexibility between residential and commercial uses is desired.*” -MPS 3.2.2(c). The C3 zone was intended to enable flexibility by permitting a broad range of residential uses and commercial uses that are understood to have minimal impacts on residential uses. Prohibiting electronic signs in the C3 Zone was part of this combination between residential and commercial uses. However, since the area surrounding the subject property is Institutional (I1) and the Commercial Recreation (P1) the rezoning of the subject property which allows for electronic signs is not expected to create problems with residential uses since residential uses are not permitted in these zones.

7. 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 recommend that Council give First Reading to and hold a Public Hearing regarding the map amendment to the Land Use By-law to rezone the property at 9453 Commercial Street (PID 55210629) from the Mixed Commercial Residential (C3) Zone to the Institutional (I1) Zone, as described in Appendix E of the report dated July 14th 2020.

8. APPENDICIES

Appendix A: Zoning Map

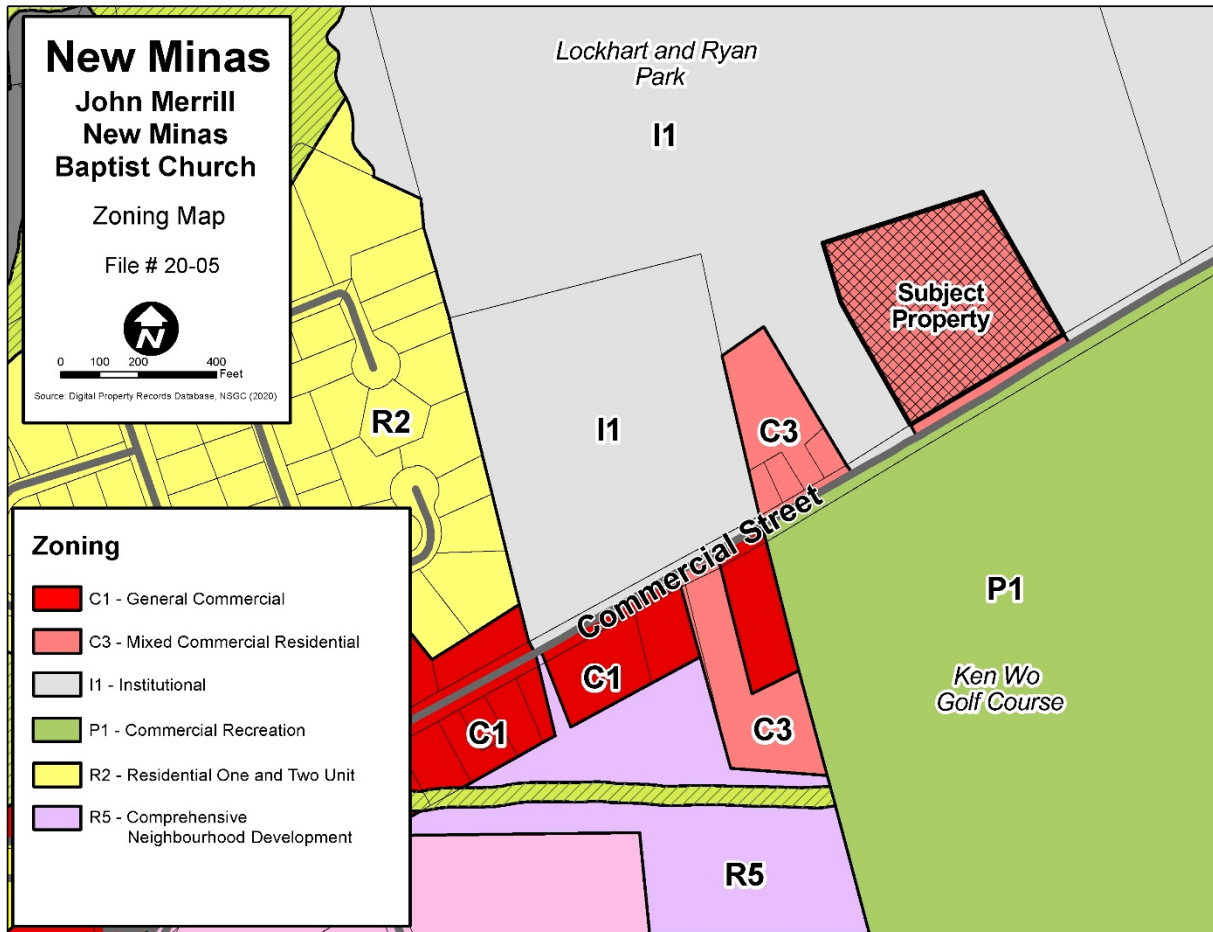
Appendix B: Public Comments

Appendix C: Request for Comments

Appendix D: Municipal Planning Strategy - General Criteria for LUB amendments

Appendix E: Proposed Land Use By-law Map Amendment (By-law 106)

Appendix A: Reference Zoning Map



Appendix B: Public Comments

Municipal Staff did not receive any public comments or questions.

Appendix C: Request for Comments

Nova Scotia Department of Transportation and Infrastructure Renewal (DTIR)

- DTIR staff confirmed that the surrounding road network and access to and from the site were satisfactory. They raised no concerns with the proposed rezoning or potential traffic generation.
- DTIR staff will consider the exact location and size of the proposed digital sign during the permit approval process.

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

- Engineering and Public Works (Municipality of the County of Kings) staff had no concerns with the proposed rezoning.

Municipality of the County of Kings Building and Enforcement

- The Manager of Building and Enforcement Services indicated that depending on the size and design of the sign there may be a need for signoffs by an Engineer for such things as structural design and the foundation of the sign. This will be addressed at the time of permitting;
- Verified that the fire protection services are adequate to serve the subject property and its land uses.

Municipality of the County of Kings Development Control

- The Municipal Development Officer indicated that regarding the digital sign, the property owner will be subject to the regular sign provisions of the Land Use By-law including the specific provisions for electronic message board;
- Verified that the use of the property for a church and day care, are both permitted uses within the Institutional (I1) zone.
- Clarified that a building and development permit will be required to replace the sign with the proposed digital sign.

Appendix D: Municipal Planning Strategy - General Criteria for LUB amendments

By-law 105 - Municipal Planning Strategy, Policy 5.3.7 General Criteria to Consider for all Development Agreements and Land Use By-law Amendments

Policy 5.3.7

Council expects to receive applications to amend the Land Use By-law or enter into a development agreement for development that is not permitted as-of-right in the Land Use By-law. Council has established criteria to ensure the proposal is appropriate and consistent with the intent of this Strategy.

Council shall be satisfied that a proposal to amend the Land Use By-law or to enter into a development agreement:

Criteria	Comments
<i>a. is consistent with the intent of this Municipal Planning Strategy, including the Vision Statements, relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;</i>	The proposed land use by-law map amendment is consistent with the intent of the MPS.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	The proposed amendment is not in conflict with any Municipal or Provincial programs, By-laws, or regulations.
<i>c. that the proposal is not premature or inappropriate by reason of:</i>	
<i>i. the Municipal or village costs related to the proposal;</i>	The proposal does not involve any development costs to the Municipality.
<i>ii. land use compatibility with surrounding land uses;</i>	The existing land use is compatible with the surrounding institutional land uses
<i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>	Not applicable – residential uses not proposed
<i>iv. the creation of any excessive traffic hazards or congestion due to road or pedestrian network adequacy within, adjacent to, and leading to the proposal;</i>	The Department of Transportation and Infrastructure Renewal confirmed that the surrounding road network and access to the site were satisfactory. Consideration of the proposed sign will occur during the permit approval process.
<i>v. the adequacy of fire protection services and equipment;</i>	New Minas Fire department was consulted and has confirmed it has sufficient equipment to adequately serve the subject property.
<i>vi. the adequacy of sewer and water services, including but not limited to on-site services;</i>	Municipal Engineering and Public Works has confirmed that existing sewer and water services are able to continue serving the property.
<i>vii. the potential for creating flooding or serious drainage problems either</i>	No observable risks. The existing site conditions are not expected to change.

<i>within the area of development or nearby areas;</i>	
<i>viii. negative impacts on identified wellfields or other groundwater supplies for the area;</i>	No observable risks. The existing site conditions are not expected to change.
<i>ix. pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i>	No observable risks. The existing site conditions are not expected to change.
<i>x. negative impacts on lake water quality or nearby wetlands;</i>	Not applicable.
<i>xi. negative impacts on neighbouring farm operations;</i>	Not applicable.
<i>xii. the suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way.</i>	The subject property is suitable in terms of grades, soils, and the existing site conditions are not expected to change.

Appendix E: Proposed Land Use By-law Map Amendment (By-law 106)

THE MUNICIPALITY OF THE COUNTY OF KINGS

**AMENDMENT TO BY-LAW 106
COUNTY OF KINGS LAND USE BY-LAW**

Land Use By-law Map Amendment to rezone the property at 9453 Commercial Street, New Minas from the Mixed Commercial Residential (C3) Zone to the Institutional (I1) Zone.

BY-LAW 106 Land Use By-law

1. Amend Map 9, Land Use By-Law zoning map for New Minas by rezoning at 9453 Commercial Street, New Minas, from the Mixed Commercial Residential (C3) Zone to the Institutional (I1) Zone, as shown on the inset copy of a portion of Map 9 below.

