



PLANNING ADVISORY COMMITTEE MEETING

TUESDAY, JANUARY 13, 2015

1:00 p.m.

COUNCIL CHAMBERS

A G E N D A

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1. Call Meeting to Order (Ben Sivak)	
2. Election of Chairperson and Vice Chairperson (Ben Sivak)	
3. Consent to Agenda Items	
4. Approval of the Agenda	
5. Approval of Minutes	
➤ Planning Advisory Committee Minutes – December 9, 2014	1
6. Proposed development agreement to permit the construction of a new worship and activity centre at the Kingswood Camp, Lake George – File 14-06 (Ian Watson)	7
7. Proposed Land Use Bylaw text amendment to change the regulations concerning tourist cabins in rural zones – File 14-22 (Mark Fredericks)	33
PAC as the Heritage Advisory Committee	
8. Proposed amendments to the Grand Pré Heritage Conservation District Maps to remove a property from the Heritage Conservation District – File 14-17 (Mark Fredericks)	45
9. Information/Discussion Item – Review of Planning tools (Presentation – Ben Sivak)	
10. Consideration of Consent to Agenda Items	
11. Adjournment	
Comments from the Public	

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UPCOMING PLANNING MEETINGS

Public Hearing

Thursday, January 15, 2015 – 6:00pm – Council Chambers, Municipal Complex – 87 Cornwallis Street, Kentville – Proposed development agreement to allow a fertilizer storage facility at 7053 Hwy 1, Coldbrook (File 14-21 – Ian Watson)

Public Information Meeting

Monday, January 19, 2015 – 7:00pm – West Brooklyn Community Hall, 410 West Brooklyn Mountain Road, West Brooklyn – Proposed development agreement to allow multi-unit residential development on the Oak Island Road in Avonport (File 14-23 – Graeme Buffett)

Planning Advisory Committee Workshop

Tuesday, January 27, 2015 – 1:00pm – Orchards Room, Municipal Complex, 87 Cornwallis Street, Kentville – Review of Draft MPS/LUB – Neighbourhood Priority and Employment Priority Designations

PLANNING ADVISORY COMMITTEE

Meeting, Date and Time	A meeting of the Planning Advisory Committee (PAC) was held on Tuesday, December 9, 2014 at 1:00 p.m. in the Council Chambers, Municipal Complex, Kentville, NS.
Attending	In Attendance:
PAC Members	Deputy Warden Brian Hirtle – District 4 Councillor Emma Van Rooyen – District 2 Councillor Wayne Atwater – District 5 Councillor Dale Lloyd – Councillor 8 Councillor Jim Winsor – District 11 Colin Best – Citizen Member Peter Jackson – Citizen Member Merrill Ward – Citizen Member
Planning Staff	Ben Sivak – Manager of Planning Services Leanne Jennings – Planner Cindy Benedict – Recording Secretary
CAO	Tom MacEwan
Councillors	Councillor Pauline Raven – District 3 Councillor Mike Ennis – District 12
Public	3 Members
Call to Order	Chair Deputy Warden Hirtle called the meeting to order with all Planning Advisory Committee members in attendance.
Consent to Agenda Items	There was no consent to agenda items.
Approval of the Agenda	On motion of Councillor Winsor and Mr. Best, that the agenda be approved as circulated. Motion Carried.
Approval of Minutes	On motion of Councillor Lloyd and Councillor Atwater, that the minutes of the Planning Advisory Committee meeting held on Tuesday, November 12, 2014 be approved as circulated. Motion Carried. On motion of Councillor Van Rooyen and Councillor Atwater, that the minutes of the Public Participation Meeting held on November 17, 2014 be approved as circulated. Motion Carried. On motion of Councillor Atwater and Councillor Van Rooyen, that the minutes of the Public Participation Meeting held on December 1, 2014 be approved as circulated. Motion Carried.

Proposed development agreement for property in Coldbrook (File 14-21)

Ben Sivak presented the application by Valley Fertilizers Ltd./Scotian Gold Cooperative Ltd. to enter into a development agreement to permit the expansion of the non-conforming fertilizer production facility at 7053 Hwy 1 in Coldbrook. The applicant wishes to construct a storage building on the subject site to hold the fertilizer product after it has been bagged for retail sale. The circulated report is attached to these minutes.

Discussion Points:

- What is involved with the production of fertilizer and are there any related environmental matters.

There was consensus that Murdoch MacKenzie, Scotian Gold, address the Committee pertaining to the production of fertilizer.

Mr. MacKenzie explained that the production entails the blending of different minerals together. The products are hauled in and stored in large bays. The products are mixed together and stored in 10 kg – 40 kg bags. In the spring trucks are loaded whereby the fertilizer is spread across the farmers' fields. Nova Scotia Environment requires yearly testing to be carried out on the seven drilled wells that around the property to ensure that the water levels are maintained and that the water is safe.

- Discussed the possibility of fast tracking the application by holding special council sessions.
- Inquired if the test wells are pumped before they are sampled to ensure that a true sample is obtained.

Ben Sivak provided clarification on comments raised:

- Scotian Gold has obtained Environmental approval for the production of fertilizer. There are specific controls in the approval for such things as emissions and containment.
- The timeline associated with the application was explained and that there are constraints with the work that needs to be done.
- Staff will discuss with the CAO and the applicant the possibility of expediting the application process.

On motion of Councillor Lloyd and Dr. Jackson, that the Planning Advisory Committee recommends that Municipal Council give Initial Consideration and hold a Public Hearing regarding entering into a development agreement to permit expansion of the non-conforming fertilizer facility at 7053 Hwy 1 in Coldbrook which is substantively the same (save for minor differences in form) as the draft set out in Appendix E of the report dated December 9th, 2014. Motion Carried.

Review of commercial livestock operation and non-farm dwelling separation requirements (File P13-06)

Leanne Jennings presented the Council initiated project to consider amendments to the Municipal Planning Strategy and Land Use Bylaw that allow non-farm dwellings in Hortonville to be located closer than 600 feet from existing commercial livestock operations, and allow commercial livestock operations within Hortonville to be located closer than 300 feet from neighbouring dwellings. The report is attached to the December 9, 2014 Planning Advisory Committee agenda package.

Discussion Points:

- Amendments impact the Hortonville Historic Grid only and are not County-wide.
- What was the rationale for when the constraints were put in place?
- Need to consider that this works two ways and that it is going to stand the test down the road.
- The requirement that a farm building has to be 200 feet from a property line is a standard that could be used.
- There are multiple vacant pig barns in the County that could be reutilized. Do vacant farm barns have to follow the 1,000 foot separation distance from a residential property?
- Is there any plan to expand the scope of the project to the rest of the County?
- There is a need to survey how many acres are in the agricultural district and how many of the vacant buildings not currently being used for livestock are within 1,000 feet of a hamlet or a growth centre. How many of the vacant buildings have the potential to be reutilized?
- Has it been part of the review process to have discussion with the 2006 Agricultural Review panel?

Leanne Jennings provided clarification on comments raised:

- Separation requirements for the agricultural industry have been in place since 1979. The rationale for that is to protect non-farm dwellings from any obnoxious emissions, smells, noises, etc. The other separation distance that is being removed as part of the amendments is a more recent requirement that was put in place as part of the 2006 agricultural review which requires any new non-farm dwellings to be separated a minimum of 600 feet from existing commercial livestock operations in order to provide the farmers more flexibility for where they might locate their commercial livestock operation.
- The current regulation requires that new commercial livestock operations be located 300 feet from a neighbouring dwelling in the agricultural zone which is the area being talked about in Hortonville.
- The scope of the project put on the Work Plan by Council was to specifically address Anne Curry's situation and her property in Hortonville.
- The agricultural community in general was consulted as part of the forum and it was clear that there needs to be more flexibility provided to farmers in locating livestock operations.

Ben Sivak clarified that there is a current rule that livestock operation barns need to be 1,000 feet from growth centre and/or hamlet boundaries that creates a constraint throughout the county. Through the Kings 2050 project staff is looking at ways to reduce the separation requirements to make it easier for livestock operations to locate in the agricultural areas.

Ben Sivak clarified that the scope of the project is very narrow to focus on Anne Curry's situation. The direction was to ensure that changes made

to the Hortonville area are consistent with proposed changes for the rest of the County.

On motion of Councillor Van Rooyen and Councillor Atwater, that the Planning Advisory Committee recommends that Council give First Reading and hold a Public Hearing regarding the amendments that allow non-farm dwellings in Hortonville to be located closer than 600 feet from existing commercial livestock operations, and allow commercial livestock operations within Hortonville to be located closer than 300 feet from neighbouring dwellings, as outlined in Appendix C of the report to PAC dated December 9th, 2014. Motion Carried.

Proposed Land Use Bylaw amendments for Special Uses Provision (File P14-08)

Leanne Jennings presented the project to review and clarify the Special Uses provision within the Land Use Bylaw. The report is attached to the December 9, 2014 Planning Advisory Committee agenda package.

Discussion Points:

- The maximum time of 30 days could be seen as being excessive.
- Why not permit a 30 day period for more than a one-time occurrence per year?
- A 30 day occurrence can be an aggravation to an adjacent area taking into consideration the noise level, time of use/event, etc.
- Is the provision geared to protecting agricultural land?

Leanne Jennings provided clarification on comments raised:

- Trying to provide greater clarification to the provision. The thirty day stipulation is in the current wording of the provision. Are clarifying that the 30 days must be consecutive rather than staggered for those special occasions/events that are unique to an area that take place just once a year.
- The uses are permitted without a development permit; there is no regulation but a degree of leniency is allowed because the uses are temporary and unique. It would be difficult to regulate for one particular use. One event per year is seen as being flexible enough.
- Events required to take place more than once a year would need a development permit and abide by the proper zoning or take place through a development agreement.
- The special uses provision is not specifically geared to protecting agricultural land. It allows one special temporary commercial use/event to take place on any property in the County in a given calendar year. The provision is not regulating the private use of land only those uses/events that are commercial in nature.
- Going forward in Kings 2050 the difference between an agri-tainment use and an agri-tourism use has been better distinguished.

On motion of Councillor Atwater and Mr. Ward, that the Planning Advisory Committee recommends that Municipal Council give First Reading and hold a Public Hearing regarding an amendment to Section 3.2.13 of the Land Use Bylaw, as described in Appendix B of the report dated December 9, 2014. Motion Carried.

Proposed amendments to accommodate the potential expansion of the Michelin tire plant in Waterville (File P14-09)

Leanne Jennings presented the Council project to consider amendments to the Municipal Planning Strategy and Land Use Bylaw to provide the ability to rezone a portion of the Municipal Airport property in Waterville from Airport (T1) to Heavy Industrial (M2) in order to accommodate the potential expansion of the Michelin tire plant. The report is attached to the December 9, 2014 Planning Advisory Committee agenda package.

Discussion Points:

- If there should be no future expansion of the Michelin plant can the subject land still be used for flying purposes?
- There is no option but to rezone the land since there is a signed agreement with Michelin.

Leanne Jennings provided clarification on comments raised:

- The rezoning of the land will not prohibit the ability of the airport operation to continue as normal. However, Council has made the decision to close the Airport in September 2015.
- The Purchase and Sale Agreement indicates that Council has the intention to rezone the property. However Council is required to go through the process of amending the Municipal Planning Strategy as dictated by the Municipal Government Act.

Tom MacEwan commented that the sale of the land to Michelin is conditional upon the rezoning.

On motion of Councillor Lloyd and Dr. Jackson, that the Planning Advisory Committee recommends that Council give First Reading and hold a Public Hearing regarding the amendments to the Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) to rezone a portion of the Municipal Airport property from the Airport (T1) Zone to the Heavy Industrial (M2) Zone, as described in Appendix B of the report to the Planning Advisory Committee dated December 9th, 2014. Motion Carried.

Advertising for general Land Use Bylaw text amendments

Ben Sivak presented the report regarding Advertising for General Land Use Bylaw text amendments. The report is attached to the December 9, 2014 Planning Advisory Committee agenda package.

Discussion Points:

- Consideration of using on-site signage on the subject property.
- Increased use of radio announcements is a good option to consider to make our communication more accessible as well as using twitter media.
- The Chair, having been given permission to speak from the chair, inquired as to why an on-site sign could not be a generic sign making reference to the County website. The sign could be located at the entrance to a subdivision or a lake, for example.
- The challenge is how to be fair and provide the opportunity to engage everyone for feedback that could be affected by a proposed text amendment. Need to find incremental ways of communicating.
- Suggested compiling a data base listing of all emails in the County for communication purposes.

- Need to engage the people of the municipality on matters that could affect their lives. Suggested communicating with established County organizations about changes that could affect them, e.g., community recreation groups.
- Do whatever is possible to engage the County citizens. Look at the fee as being the cost of doing business.

Ben Sivak provided clarification on comments raised:

- On-site signage works better for a rezoning or a development agreement that is site specific rather than for a general text amendment that can affect numerous properties throughout the County. The associated constraints with on-site signage were noted, e.g., installation, take down and maintenance.

On motion of Councillor Van Rooyen and Dr. Jackson, that the Planning Advisory Committee refer the discussion concerning advertising LUB text amendments to Planning Staff for further discussion with the CAO and management team, including the views and points raised by PAC members expressed at the December 9th, 2014 PAC meeting. Motion Carried.

Next Meeting

Tuesday, January 13, 2015 – 1:00 p.m.

April 2015 Meeting

There was consensus of the members that the April 2015 meeting be held on Wednesday, April 15, 2015 at 1:00 pm due to conflict with the budget process on April 14, 2015.

Adjournment

On motion of Councillor Atwater and Dr. Jackson, there being no further business, the meeting adjourned at 2:33 p.m.

Approved by:

Deputy Warden Brian Hirtle
PAC Chairperson

Cindy L. Benedict
Recording Secretary

Comments from the Public

There were no comments from the public.



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

Development agreement application to allow for the expansion of a camp facility at 8 Q7 Road, Lake George

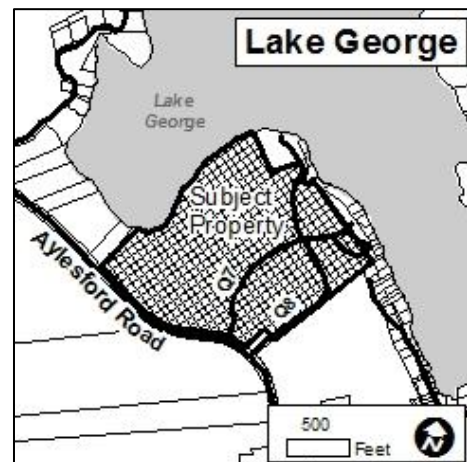
Date: January 13, 2015

Prepared by: Ian Watson, Planner and Jamy-Ellen Klenavic, Planner

Applicant	Laurie Hennigar, Registered Agent for the Kingswood Camp Society
Land Owner	Eastern Valley Baptist Association
Proposal	To allow for construction of a worship and activity centre, two new cabins, and renovations to the director's cabin on camp property
Location	8 Q7 Road, Lake George, PID 55125488 and PID 55523518
Area	Approximately 46.5 acres (18.8 hectares)
Designation	Shoreland District
Zone	Seasonal Residential (S1)
Surrounding Uses	Seasonal dwellings, low density residential dwellings, vacant land (see Appendix C for surrounding zoning).
Neighbour Notification	Staff sent notification letters to the owners of the 27 properties located within 500 feet of the subject property.

1. PROPOSAL

Kingswood Camp Society, on behalf of the Eastern Valley Baptist Association, has applied for a development agreement to permit the construction of a new worship and activity centre (“Proposed Centre”) on the Kingswood Camp property (“the Subject Property”) at 8 Q7 Road, Lake George, PID 55125488 and PID 55523518 (see adjacent map). The Proposed Centre would be 90 feet by 50 feet and located to the south of the existing main lodge. The Kingswood Camp Society is also considering the future construction of two new dormitories, each to accommodate up to 24 campers and 2 counsellors, and renovation of or addition to the existing director’s cabin.



A draft Development Agreement is attached to this report as Appendix D.

2. OPTIONS

In response to the application, Planning Advisory Committee may:

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

3. BACKGROUND

Kingswood Camp is a non-commercial Camp Facility located at 8 Q7 Road, Lake George, Nova Scotia. Its mandate is to provide Christian-based programming in an outdoor setting that promotes campers' physical, emotional, social, and spiritual development.

The intention of this application is twofold. First, the Kingswood Camp Society seeks a development agreement to build a worship and activity centre along road Q7 in the central area of their camp. Second, the Society wishes to be able to renovate the existing director's cabin and construct two additional dormitory buildings to replace existing dormitory facilities.

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

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

The site for the Proposed Centre has already been cleared, and includes a large open space for additional parking. The Camp is accessed by two private roads, Q7 and Q8.

4. INFORMATION

4.1 Request for Comment

Staff contacted Municipal service areas and applicable external agencies for comments or concerns regarding this application and received the following correspondence:

- The Nova Scotia Department of Transportation and Infrastructure Renewal concluded that the existing intersection between Q8 Road and the Aylesford Road does not meet Stop Sight Distance Standards. NSTIR will allow the existing entrance to remain for the purposes of this Development Agreement, on the condition, laid out in section 2.4 of the Development Agreement, that the entrance must be upgraded to meet the Sight Stop Distance Standard if any new development that will increase the Camp's population is undertaken.
- Kings County Development and Building Services requested that vegetation on the site be maintained.
- Kings County Department of Engineering and Public Works had no concerns about the proposed development.

- The Nova Scotia Department of Environment did not respond to planning staff's request for comments.
- The Aylesford Fire Department has no concerns about its ability to respond to a fire at the Kingswood Camp.
- Nova Scotia Department of Natural Resources noted that Lake George is designated a Significant Habitat of Concern to protect nesting habitat for the common loon. The proposed uses are located away from the shoreline, so the Department's comments do not cause concern.
- Results of the 2013 Kings County Lake Monitoring Program indicate that the past three-year average for chlorophyll *a* levels was 3.30 µg/L, which is higher than the guideline of 2.5 µg/L set by Council. This does not raise an immediate need to be overly-restrictive on development on this lake, but does suggest that development should proceed with caution, as discussed in section 5.2, below.
- Municipal legal counsel reviewed the draft Development Agreement.

4.2 Public Information Meeting

The Municipality hosted a Public Information Meeting at 7:00 pm on Thursday, May 22 at the Kingswood Camp Main Lodge. Eight Members of the public attended. The primary concern raised by neighbours was overflow parking on drop-off/-pick-up days blocking clear travel on the Q8 road. The development of the Proposed Centre would add additional parking capacity. This additional parking, along with discussions between the applicant and the neighbours, appears to have resolved this concern.

Please see Appendix E for detailed notes from the Public Information Meeting.

5. POLICY REVIEW

5.1 Ability to enter into a Development Agreement

The Kingswood Camp is a non-conforming use and, as a result, the proposal is not permitted as-of-right in the Seasonal Residential (S1) zone.

The subject property is located within the Shoreland District. Policy 3.5 of Council's Municipal Planning Strategy, Shoreland Districts, expresses Council's desire to maintain the Municipality's waterfronts as areas of recreation to which the public has access, and notes that lakefronts on the South Mountain in particular have high potential for recreational use.

Municipal Planning Strategy Policy 3.5.8.1 is the primary enabling policy for the proposed Camp Facility. The policy states:

“Within the S1 and S2 Zones Council may consider a variety of residential, commercial, recreational, institutional, resource development or other medium and large scale permanent or seasonal residential development proposals by development agreement.”

This application is proceeding *via* the development agreement approval process pursuant to Policy 3.5.8.1 of Council's Municipal Planning Strategy, and subsection 5.5.1 of the Land Use By-Law, which states:

“Within the Shoreland Districts the following shall be permitted by Development Agreement:

5.5.1 Medium or large scale recreational, commercial, recreational, institutional, or resource development in the Seasonal Residential (S1) and Future Shoreland (S2) Zones, as provided for in Policy 3.5.8.1 of the Municipal Planning Strategy.”

5.2 Specific Development Agreement Policies

Municipal Planning Strategy Policy 3.5.8.3 indicates that Council must be satisfied that development agreement proposals will not create or contribute to erosion, that any contaminants flowing into the lake do not exceed acceptable levels or harm the natural ecosystem, that they can meet waste removal standards set by Nova Scotia Environment, and that they will not negatively impact identified Significant Habitats. Please see the table attached as Appendix A for details of this policy.

Staff has no concerns that the proposal would create undue erosion issues, or that silt, nutrients or other contaminants from the proposed development would negatively impact natural ecosystems. The proposed development would represent only a moderate intensification of the existing use, and none of the proposed or prospective structures would be located within 65 feet of the Lake George shoreline. The Camp property is approximately 46.5 acres in area, and only a part of the Property is developed. If the Property were developed as-of-right, the Land Use Bylaw would permit a residential density of one dwelling per acre; the proposed development would not allow a density greater than what would be allowed as-of-right if the Camp were a conforming use.

Levels of chlorophyll a are a key indicator of trophic state, or level of aquatic vegetation. As such, Council has set water quality objectives by describing chlorophyll a level guidelines in Policy 3.5.4.1 of the Municipal Planning Strategy, which states:

“It is Council's intention to set the water quality objective for the eighteen lakes in the watershed beginning at Lake George and ending at Lumsden Pond at a maximum Chlorophyll a concentration of no more than 2.5 µg/L. Where according to the predicted value - water quality in those lakes is at or exceeds 2.5 µg/L, Council intends to limit development to either lands 350 feet back from the shoreline of the lake or watercourse, or by site plan as provided for in this Strategy. [...]

Since 1997, the Kings County Lake Monitoring Program has monitored water quality in the lakes located in Kings County that are part of the Gaspereau River watershed, including Lake George. The Program uses several measures to determine lake water quality, including levels of chlorophyll a. Between 1997 and 2012, the average chlorophyll a level in Lake George was 2.32 µg/L. The three-year average for 2010 to 2013 was 3.30 µg/L. This result is above Council's

guidelines. However, this lake does not currently show a long-term statistical change in chlorophyll a levels, so the recent highs may be a result of cyclical fluctuations.

These results do not immediately point to a need to be overly-restrictive on development on this lake, but do suggest that development should proceed with caution. As a result, the draft Development Agreement includes provisions to require regular maintenance of the Camp's septic system, and to allow a Kings County Development Officer to inspect the Camp's septic maintenance records. Since this development is proceeding through the development agreement process, it is not necessary that it also go through the site plan approval process described in Policy 3.5.4.1, above. It is also worth noting again that the zoning on the property would permit up to 46 residential dwellings if the camp did not exist, so the camp itself is likely better in regards to water quality than the permitted alternative.

The Nova Scotia Department of Natural Resources has designated Lake George a Significant Habitat of Concern to protect nesting habitat of the common loon. However, since the proposed development will not take place within 65 feet of the shore of Lake George, and since the application does not result in a foreseeable increase in the Camp's population, Staff believes that it will have minimal or no impact on Significant Habitats.

5.3 General Development Agreement Policies

Policy 6.3.3 of Council's Municipal Planning Strategy contains a number of general criteria for considering all development agreements (Appendix B). These criteria consider whether the proposal is consistent with Council's intentions, as expressed through the Municipal Planning Strategy, and the impact of the proposal on the road network, parking, access and egress, services, development pattern, environment, finances, and wellfields.

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 and seminar spaces used for educational or religious purposes. Since the proposal represents a moderate level of new development, even when the prospective plans for new dormitories and renovations are considered, changes to existing impacts on erosion, contaminant flows, and sensitive wildlife habitats, are likely to be negligible.

MPS Policy 3.5.4.5 requires a minimum shoreline setback of 65 feet for primary buildings and structures. Sections 2.2 and 2.5 of the Development Agreement require any new structures to be constructed in the building envelope identified in Schedule B of the Development Agreement, which provides a 65 feet setback from Lake George, and that existing vegetation be maintained within 65 feet of the Lake George shoreline wherever appropriate.

The Nova Scotia Department of Transportation and Infrastructure Renewal has indicated that the existing intersection between the Q8 private road and the Aylesford Road does not meet the Stop Sight Distance Standard as it was applied by the Department. However, the NS Department of Transportation and Infrastructure Renewal will allow the proposed development, provided that the construction of any structure that would result in an increase in the Camp's population must be accompanied by approval from the Department of Transportation and

Infrastructure Renewal of the Camp's entrance. The Department of Transportation and Infrastructure Renewal indicated that it would not approve the existing entrance to the Camp if there is any increase in the Camp's population. The proposed Development Agreement addresses this in part by requiring the decommissioning of existing cabins before new cabins can be occupied.

The proposal will have no impact on Municipal finances. The Camp is not directly accessed by a public street and is not served by Municipal water or sewer facilities; neither of these things will change if the application is permitted. Likewise, the proposal would have little or no impact on the existing development pattern, since is only a slight intensification of an existing use.

MPS Policy 6.3.3.1 (c) specifies a number of controls a development agreement may put in place in order to reduce potential land use conflicts. Staff does not expect any significant conflict of uses. Adjacent uses are residential, and the Camp and its neighbours have been co-existing for many years with no significant conflict.

MPS Policy 3.7.9 permits non-conforming uses, such as the Camp, to continue, so long as they do not conflict with adjacent primary resource activity. Uses that are immediately adjacent to the Camp are residential; the closest resource-focused uses are the lands zoned Forestry (F1) across Aylesford Road from the Camp. Given this lack of immediate adjacency, Staff is not concerned that the proposal will create a conflict between the non-conforming use of the Camp and primary resource activity.

Similarly, Staff is confident that the proposal will not have a negative impact on the water quality in Lake George. New development will be set back from the shoreline. Also, the Camp is not projecting an increase in the Camp's population, so any changes in the Camp's septic requirements will be incidental.

6. SUMMARY OF DRAFT DEVELOPMENT AGREEMENT

The following summarizes the key controls contained in the draft development agreement attached as Appendix D:

- Section 2.1 permits the Kingswood Camp to be used as a Camp Facility,
- Section 2.2 references a site plan, where a building envelope is described to allow for the proposed activity centre and the prospective plans for two new dormitory buildings and renovations to the director's cabin
- Section 2.3 requires the Property Owner to decommission existing beds for campers before new cabins/beds can be occupied
- Section 2.5 requires that the Property Owner submit current permits from the Nova Scotia Department of Transportation and Infrastructure Renewal prior to receiving any development or buildings permits for the construction of new facilities that will increase the Camp population.
- Section 2.6 requires the Property Owner to maintain existing vegetation except where new buildings are permitted inside the building envelope described on the site plan
- Section 2.9 requires maintenance of the septic system and allows a Development Officer to inspect the records of the maintenance

Substantive matters in a development agreement are those that would require the entire planning process—including a Public Hearing—in order to change them. In the proposed Development Agreement the only substantive matter is the uses allowed on the property.

7. CONCLUSION

In Staff's opinion, the terms of the proposed Development Agreement are in keeping with and carry out the policies of the Municipal Planning Strategy. The Camp property is sufficiently large to allow the development without creating a density that is out of line with the density permitted for as-of-right uses. The proposed development would represent a minimal intensification of the existing use, and would enhance recreational opportunities on Lake George. Staff considers that the development can take place with little or no consequence to water quality in Lake George.

Staff, therefore, recommends that the draft Development Agreement be approved.

8. STAFF RECOMMENDATION

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

Planning Advisory Committee recommends that Municipal Council give Initial Consideration and hold a Public Hearing regarding entering into a development agreement to allow for the construction of an Activity Centre, construction of two new dormitories, and renovations to the existing directors' cabin at the Kingswood Camp, 8 Q7 Road, Lake George, which is substantively the same (save for minor differences in form) as the draft set out in Appendix E of the report dated January 13, 2015

9. APPENDIXES

Appendix A – MPS Policies 3.5.8.3, 3.5.8.4, and 3.5.8.5

Appendix B – General Development Agreement policies

Appendix C – Reference Zoning Map

Appendix D – Draft Development Agreement

Appendix E – May 22, 2014 Public Information Meeting Notes

Appendix A

MPS Policies 3.5.8.3, 3.5.8.4, and 3.5.8.5 – Medium and Large Scale Development

3.5.8.3

In considering development agreement proposals under policy 3.5.8.1, Council shall be satisfied that the proposal:

<i>a. will not create or contribute to erosion issues</i>	No proposed or prospective facilities or structures within 65 feet of the shoreline.
<i>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.</i>	No new facilities or structures within 65 feet of the shoreline. Regular maintenance of existing septic system required by section 2.8 of the draft Development Agreement.
<i>c. can meet the waste and septic system requirements of Nova Scotia Environment.</i>	Nova Scotia Environment did not respond to request for comment. The Building Official's practice is to request renewed septic approvals before permitting the construction of any new building that could increase septic loading (cabins, expanded food services, etc.)
<i>d. will not negatively impact sensitive wildlife habitats shown on the Nova Scotia Department of Natural Resources Significant Habitat map.</i>	Mapping does not show any migratory bird, of concern species, rare plant or species at risk on the camp property. However, the existing camp is adjacent to Lake George, which is described as a Nova Scotia Department of Natural Resources Significant Habitat of Concern. No construction to take place within 65 feet of the shoreline. There are no wetlands on the site.
<i>e. can meet the General Development Agreement Requirements Criteria contained in Section 6.3.3 of this Strategy.</i>	Meets Section 6 criteria, as described in Appendix B.

3.5.8.4

The development agreement may contain specific controls and requirements which are geared to preventing water and environmental contamination including:

<i>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.</i>	Terms of the DA require a 65 ft setback from the shoreline.
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<p><i>b. the preservation of natural vegetation within the required setback from a water body.</i></p>	<p>Section 2.5 of the DA requires that existing natural vegetation within 65 feet of the shoreline shall be retained where possible.</p>
<p><i>c. the regular maintenance of septic systems or other facilities which require continued maintenance to ensure proper functioning.</i></p>	<p>Section 2.8 of the DA requires that the septic system must be maintained in good working order and that the Development Officer may require information proving that the septic system is regularly maintained.</p>
<p><i>d. regular monitoring of lake, stream, or wetland quality in the vicinity of the proposed development.</i></p>	<p>Lake George has a water quality objective and is monitored as part of the Kings County Lake Monitoring Program. Proposed and prospective development unlikely to impact water quality.</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><i>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.</i></p>	<p>Not applicable. The proposed development would occur a sufficient distance from Lake George to render any effects on wetlands, watercourses and habitats unlikely.</p>
<p><i>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.</i></p>	<p>Not applicable. The proposed development is similar to development that exists on the Property, would be of moderate scale and is clustered with existing structures. The topology, hydrology, ecology and wildlife habitats of the Property will be minimally impacted.</p>
<p><i>d. detailed site plan, maps, drawings</i></p>	<p>A site plan is attached to the draft Development Agreement.</p>
<p><i>e. the independent application of the Lake Capacity Model to a lake that has not been studied and assigned a water quality objective.</i></p>	<p>Not applicable. Council has assigned a water quality objective to Lake George.</p>

Appendix B

MPS Policy 6.3.3.1 – General Criteria for Entering a Development Agreement

A Development Agreement shall not require an amendment to the Land Use Bylaw but shall be binding upon the property until the agreement or part thereof is discharged by the Municipality. In considering Development Agreements under the Municipal Government Act, in addition to all other criteria as set out in various policies of this Strategy, Council shall be satisfied:

<i>a. that the proposal is in keeping with the intent of the MPS</i>	The proposal is consistent with the intent of the MPS as described in Section 5 of this report.
<i>b. that the proposal is not premature or inappropriate by reason of:</i>	
<i>i. financial capability of the Municipality</i>	No Municipal investment is required.
<i>ii. adequacy of the site to accommodate on site services: water and sewer</i>	NS Department of Environment did not express any concerns in relation to the adequacy of the site to accommodate on site services. Existing onsite services will serve new development. The Building Officials’s practice is to request renewed septic approvals before permitting the construction of any new building that could increase septic loading (cabins, expanded food services, etc.)
<i>iii. potential for pollution problems</i>	The proposed use is relatively benign from a pollution point-of-view.
<i>iv. adequacy of storm drainage</i>	The Property is an ample size to accommodate storm drainage without any special considerations.
<i>v. adequacy of road network</i>	NS Department of Transportation and Infrastructure Renewal had no concerns regarding adequacy of road network.
<i>vi. adequacy and proximity to community facilities</i>	Adequate. Nearest hospital is in Kentville. No anticipated requirement for other community facilities.
<i>vii. adequacy of municipal fire protection services and equipment</i>	The Aylesford Fire Department considers that existing fire protection services are adequate.
<i>viii. creating a scattered development pattern</i>	The proposal will not create a scattered development pattern.

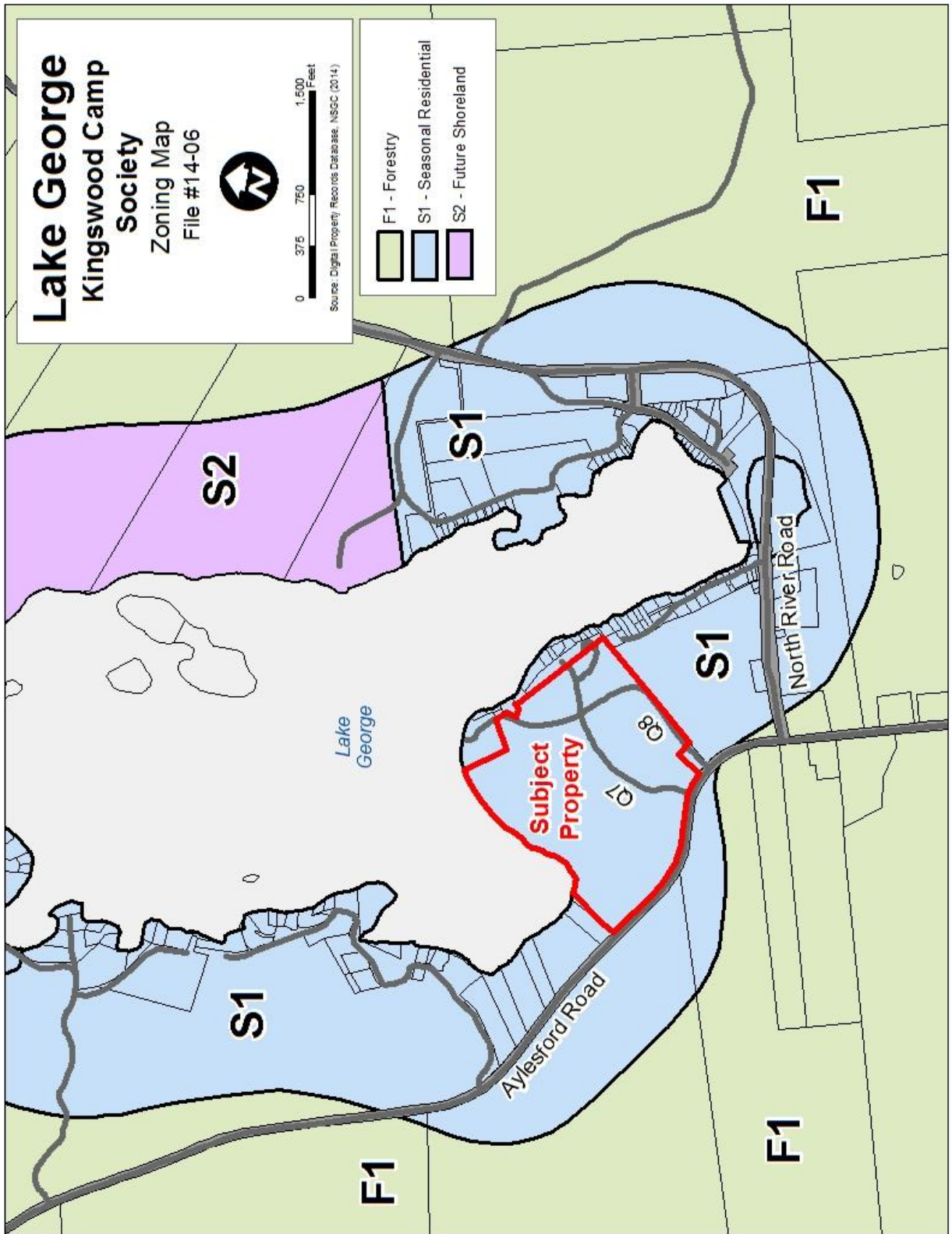
<p><i>ix. the suitability of the site in terms of the landscape and environmental features</i></p>	<p>Existing development of similar size and placement indicates that the site is suitable for the proposed development. There are no remarkable landscapes or environmental features on the Property.</p>
<p><i>x. traffic generation, access and egress, and parking</i></p>	<p>All parking is accommodated on the site. NS Department of Transportation and Infrastructure Renewal determined that existing entrance does not meet Stop Sight Distance Standards. NS TIR will permit entrance as is for this Development Agreement but entrance will need upgrading before any increase in traffic to the Camp is generated. See Section 2.4 of the Development Agreement.</p>
<p><i>xi. compatibility with adjacent uses</i></p>	<p>The proposal is compatible with seasonal and year round residential development on Lake George.</p>

The Development Agreement may specify that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:

<p><i>i. the type of use</i></p>	<p>Use is limited to a camp facility and accessory structures.</p>
<p><i>ii. the location of positioning of outlets for air, water and noise within the context of the Land Use Bylaw</i></p>	<p>Not applicable.</p>
<p><i>iii. the height, bulk and lot coverage of any proposed buildings or structures</i></p>	<p>The general location of the buildings is restricted by site plan. The buildings and other structures are located on the site in a way that will not conflict with neighbouring properties.</p>
<p><i>iv. traffic generation</i></p>	<p>No significant issues. The proposed development is not expected to increase vehicular traffic to the Property.</p>
<p><i>v. access to and egress from the site and the distance of these from street intersections</i></p>	<p>Any increase in Camp population will require approval from NS Department of Transportation and Infrastructure Renewal and changes to the existing entrance. See section 2.4 of the Development Agreement.</p>

<i>vi. availability, accessibility of on-site parking</i>	The Property has adequate and appropriate on-site parking.
<i>vii. outdoor storage and/or displays</i>	Not applicable.
<i>viii. signs and lighting</i>	Lighting to be directed away from neighbouring properties.
<i>ix. hours of operation</i>	Not restricted.
<i>x. maintenance of the development</i>	Property to be maintained in good repair; septic system must be maintained and is subject to inspection by Kings County Building and Development Services.
<i>xi. buffering, landscaping, screening and access control</i>	The draft Development Agreement requires retention of natural vegetation where possible.
<i>xii. the suitability of the site in terms of the landscape and environmental features</i>	Existing development of similar size and placement indicates that the site is suitable for the proposed development. There are no remarkable landscapes or environmental features on the Property.
<i>xiii. the terms of the agreement provide for the discharge of the agreement or parts thereof upon the successful fulfillment of its terms</i>	The agreement may be discharged. See Section 3.5 of the Development Agreement.
<i>xiv. appropriate phasing and stage by stage control</i>	Phasing was not requested and is not needed.

Appendix C – Reference Zoning Map



Appendix D – Draft Development Agreement

THIS DEVELOPMENT AGREEMENT made this _____ day of _____, A.D.

BETWEEN:

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

of the First Part

and

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

of the Second Part

WHEREAS the Property Owner is the owner of certain lands and premises (hereinafter called the "Property") which lands are more particularly described in Schedule A attached hereto and which are known as 8 Q7 Road, Lake George and 15 Q8 Road, Lake George, and by Property Identification (PID) Numbers 55125488 and 55523518; and

WHEREAS the Property Owner wishes to use the Property for a Camp Facility; and

WHEREAS the Property is situated within an area designated Shoreland District on the Future Land Use Map of the Municipal Planning Strategy, and zoned Seasonal Residential (S1); and

WHEREAS Policy 6.3.2.1 of the Municipal Planning Strategy and Part 5, Subsection 5.5.1 of the Land Use Bylaw provide that the proposed use may be developed only if authorized by development agreement; and

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

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

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

PART 1 AGREEMENT CONTEXT

1.1 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A	Property Description
Schedule B	Site Plan

1.2 Municipal Planning Strategy and Land Use Bylaw

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

1.3 Definitions

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

- (a) *Development Officer* means the Development Officer appointed by the Council of the Municipality.
- (b) *Camp Facility* means a development that includes the following specific uses that are typically part of or accessory to a permanent institutional camp facility operated for a social, cultural, sporting, religious or educational purpose: cabins, dining hall, administrative offices; seasonal staff accommodations, boat houses; activity centres; medical clinics; sports fields; trails; gift shop; classrooms, seminar, and conference spaces used for social, cultural, sporting, educational or religious purposes but excludes the nightly rental of space for the temporary accommodation of recreational vehicles or tents. The specific uses permitted are not limited to those listed within this definition but any specific use must be a use that is usually part of or accessory to a permanent institutional camp facility operated for a social, cultural, sporting, religious or educational purpose.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

The Property Owner's use of the Property shall be limited to the following uses:

- (a) The use of the property as a Camp Facility, in accordance with the terms of this Agreement.

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

2.2 Site Plan

- (a) The Property Owner shall develop and use the Property in general conformance with the Site Plan attached as Schedule 'B' to this Agreement.
- (b) The existing buildings, cabin, and boathouse shown on the Site Plan shall be permitted to be replaced and/or expanded by up to 10 percent of their respective gross floor area.
- (c) The Property Owner shall be permitted to construct new a total of up to two cabins, one seasonal staff accommodation, and one worship/activity centre within the areas designated as "building envelopes" on the Site Plan. These new buildings shall be set back at least five feet from the edge of any adjacent traveled way.

2.3 New Cabins

The Development Officer shall not grant Occupancy Permits for new cabin(s) until the Property Owner has obtained a Demolition Permit or Renovation Permit to decommission an equal number of beds provided for campers in existing cabins, and that all other requirements for the issuance of an Occupancy Permit have been met.

2.4 Appearance of Property

The Property Owner shall at all times maintain all structures and services on the Property in good repair and a useable state, and maintain the Property in a neat and presentable condition including all structures, driveways, parking areas, sports and recreation fields and boathouses.

2.5 Access and Egress

- (a) Any alteration to access and egress points on the Property shall be approved by the Nova Scotia Department of Transportation and Infrastructure Renewal.

- (b) The Property owner shall submit current permits from the Department of Transportation and Infrastructure Renewal prior to receiving any development or buildings permits for the construction of new facilities.

2.6 Vegetation

- (a) In conformance with the Site Plan the Property Owner shall preserve natural vegetation on the Property within 65 feet of the shoreline.
- (b) Notwithstanding the foregoing, the Property Owner shall be permitted to manage vegetation within 65 feet of the shoreline for the purpose of reducing fire hazard.

2.7 Exterior Lighting

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

2.8 Parking

All parking associated with the Camp Facility shall be maintained on the Property for the duration of the Property's use as a Camp Facility.

2.9 Water and Sewerage Services

- (a) The Property Owner must maintain a septic system on the Property that can accommodate the maximum size of permitted development and is approved by the body having jurisdiction.
- (b) The Development Officer may at any time require the Property Owner to submit information proving that the on-site septic system is regularly maintained and/or that it is in good working order.
- (c) The Property Owner is responsible for providing an on-site water supply on the Property to accommodate the Use.

PART 3 CHANGES AND DISCHARGE

- 3.1** The Property Owner shall not vary or change the use of the Property, except as provided for in Section 2.1, Use, of this Agreement, unless a new development agreement is entered into with the Municipality or this Agreement is amended.
- 3.2** Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed by Council without a public hearing.

3.3 The following matters are substantive matters:

(a) The Uses allowed in Section 2.1.

3.4 The boundaries of the lot to which this Agreement applies may be altered by the creation or expansion of public streets or municipal open space. Upon conveyance of land by the Property Owner to either:

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

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

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

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

PART 4 IMPLEMENTATION

4.1 Commencement of Operation

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

4.2 Drawings to be Provided

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

4.3 Completion and Expiry Date

The Property Owner shall sign this Agreement within 180 calendar days from the date the appeal period lapses or all appeals have been abandoned or disposed of or the development agreement has been affirmed by the Nova Scotia Utility and Review Board or the unexecuted Agreement shall be null and void.

PART 5 COMPLIANCE

5.1 Compliance With Other Bylaws and Regulations

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

5.2 Municipal Responsibility

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

5.3 Warranties by Property Owner

The Property Owner warrants as follows:

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

5.5 Costs

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

5.6 Full Agreement

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

5.7 Severability of Provisions

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

5.8 Interpretation

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

5.9 Breach of Terms or Conditions

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

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

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

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

MUNICIPALITY OF THE COUNTY OF KINGS

Witness

Diana Brothers, Warden

Witness

Tom MacEwan, Municipal Clerk

SIGNED, SEALED AND DELIVERED
In the presence of:

EASTERN VALLEY BAPTIST ASSOCIATION

Witness

Gail Cook, Moderator

Schedule A
Property Description

Acquired from Property Online, October 27, 2014

PID 55125488

ALL that certain tract or parcel of land and premises situate, lying and being in the Village of Lake George in the Township of Aylesford in the County of Kings and Province of Nova Scotia, bounded and described as follows:

BEGINNING on the east limited of the Public Highway running north and south to Lake George at the northwest corner of land of Keith Lutz;

THENCE northerly along the east limit of said Public Highway to a stake set;

THENCE easterly along the south side of other land of the said Starr P. Thomas and following a wire fence to the shore of Lake George;

THENCE southeasterly along the Shore of said Lake George to an iron stake set on the southerly side of a large granite rock;

THENCE in a straight course southerly along the west side line of other land of the said Starr P. Thomas three hundred and forty-five feet to a stake set;

THENCE in a straight course easterly along the south side of said other land of the said Starr P. Thomas two hundred and twenty-five feet to a stake set;

THENCE in a straight course southerly to a stake set in the north line of said land of Keith Lutz;

THENCE westerly along the north side line of said land of the said Keith Lutz to the place of beginning,

SAVE AND EXCEPTING THEREOUT AND THEREFROM that lot of land conveyed by Susan Lutz, and husband Albert to Della Elizabeth Lutz wife of Frank Lutz, dated July 18th, 1938, recorded in the Registry of Deeds at Kentville, N.S., in Book 160, Folio 121.

AND FURTHER SAVING AND EXCEPTING THEREOUT AND THEREFROM all that portion of the lot of land as shown and delineated as Lot X on a Plan of Subdivision and Consolidation dated April 19, 1994 and recorded on April 21, 1994 as Plan P9579.

SUBJECT to rights of way granted to certain land owners over and along the said lot of land hereby conveyed by the said Starr P. Thomas or his predecessors in title.

RESERVING however to the said Starr P. Thomas, his heirs and assigns, as owner of lands between the said lot of land hereby conveyed and the shore of Lake George a free uninterrupted right of way both ingress and egress (in common with the said grantees, their successors in office and assigns and all others entitled to a right of way) over and along that Private Road now in use extending from the said public highway easterly across the said lot of land hereby conveyed to the said lands of the said Starr P. Thomas for all purposes in connection with the convenient use and enjoyment of the said land of Starr P. Thomas between the above described lot of land hereby conveyed and the shore of the said Lake George.

PID 55523518

ALL that certain lot of land and premises situate on the Eastern side of the public highway leading southerly through the Village of Lake George, sometimes called the Lake George Road, in the Township of Aylesford in the County of Kings and Province of Nova Scotia bounded and described as follows:

BEGINNING at an iron stake set at the southwest corner of a lot of land now or formerly owned by Joseph Baltzer;

THENCE easterly along the south side line of said land now or formerly of Joseph Baltzer three hundred and twenty five feet, more or less to the shore of Lake George

THENCE southerly along the shore of said Lake George to a metal stake set at the northeast corner of lands of the said Trustees of Kingswood United Baptist Camp;

THENCE westerly along the north side line of said land of the Trustees of Kingswood United Baptist Camp to their northwest corner at a metal stake set in the east limit of said Lake George Road;

THENCE northerly fifty feet along the east limit of said road to the place of beginning.

SAVING AND EXCEPTING out of the above parcel, a portion of the following described lot, all that certain lot, piece or parcel of land lying and being situate at Lake George in the County of Kings and Province of Nova Scotia and shown and delineated as Lot X on a Plan of Subdivision and consolidation prepared by Shawn R. Stoddart, N.S.L.S. No 534 dated April 19, 1994 and recorded at the Registry of Deeds for the County of Kings and Province of Nova Scotia on April 21, 1994 as Plan P 9579 and more particularly bounded and described as follows:

COMMENCING at a survey marker placed at the intersection of the southwest corner of land now or formerly of Colin Moore and Irene M. Moore and the east sideline of Aylesford Road;

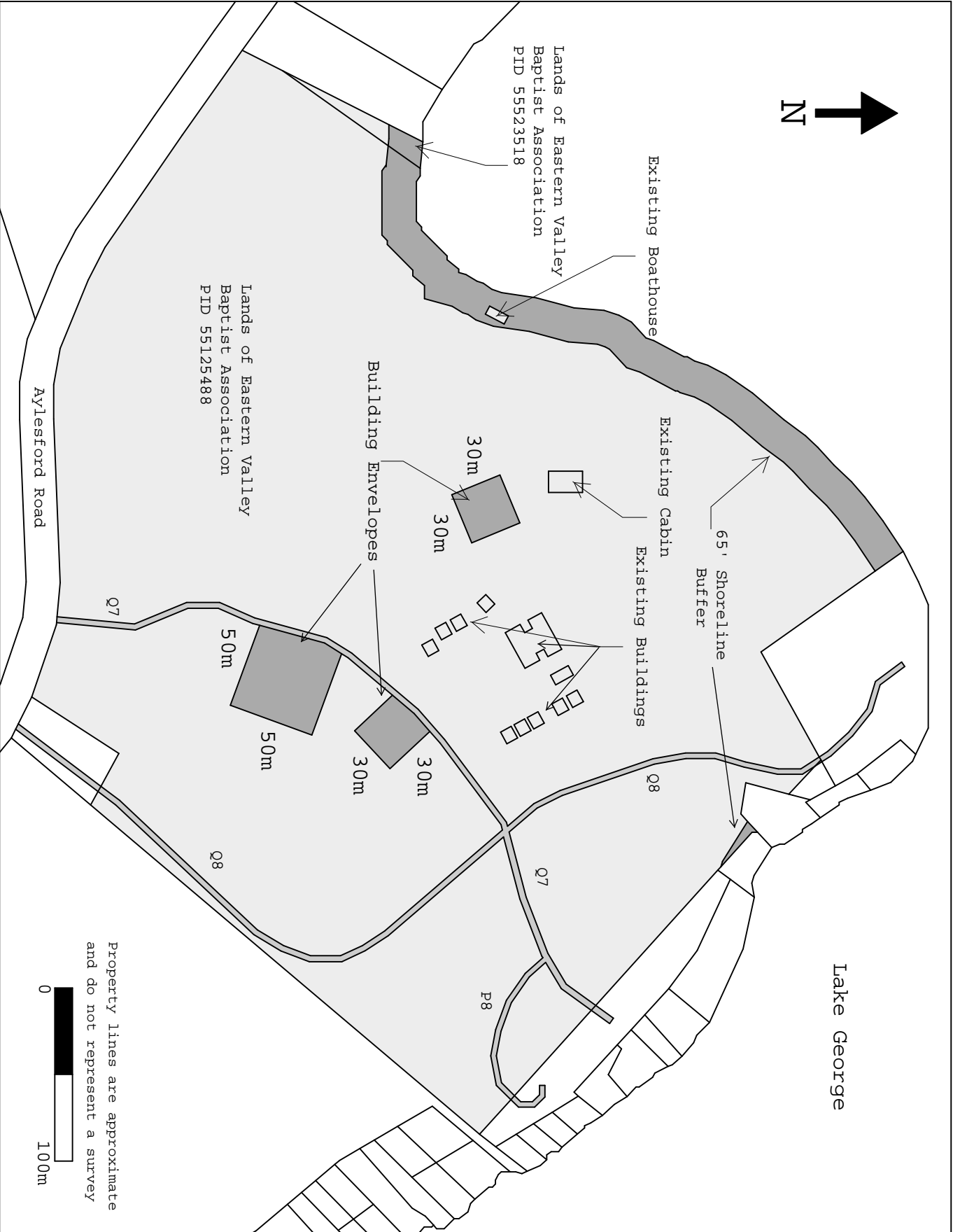
THENCE along the east sideline of Aylesford Road south 55 degrees 33 minutes 58 seconds east 59.71 feet to a survey marker found being the Point of Beginning.

THENCE continuing along the east sideline of Aylesford Road south 55 degrees 26 minutes 52 seconds east 65.00 feet to a survey marker placed,

THENCE north 26 degrees 17 minutes 50 seconds east 383.51 feet to a survey marker found.

THENCE south 36 degrees 03 minutes 05 seconds west 379.66 feet to a survey marker found being the point of beginning.

Containing an area of 12,335 square feet.



Schedule 'B'

Property lines are approximate and do not represent a survey



Appendix E – May 22, 2014 Public Information Meeting Notes

File 14-06 – Proposed Development Agreement for Property at Kingswood Camp, Lake George

Meeting, Date and Time	A Public Information Meeting was held on Thursday, May 22, 2014 at 7:00 p.m. at the Kingswood Camp Main Lodge, Q8 Aylesford Road, Lake George, NS.
Attending	In Attendance:
Councillors and Planning Advisory Committee Members	Councillor Dale Lloyd – District 8 Councillor Wayne Atwater – District 5 (PAC Alternate)
Staff	Ian Watson – Planner Jamy-Ellen Klenavic – Planner Cindy Benedict – Recording Secretary
Applicant	Laurie Hennigar – Kingswood Camp Society
Public	8 Members
Welcome and Introductions	<p>The Chair, Councillor Dale Lloyd, called the meeting to order, introductions were made and the members of the public were welcomed to the meeting.</p> <p>Ian Watson explained that the Public Information Meeting provides an opportunity for interested citizens to express concerns and/or receive clarification on any aspect of the development proposal. No evaluation or decisions have been made at this point.</p>
Presentations	<p>Jamy-Ellen Klenavic provided an overview of the planning process and the criteria that will be used to evaluate the application for a development agreement to permit the construction of a new worship and activity centre at the Kingswood Camp, Lake George, NS (PID 55125488).</p> <p>Following the presentation, the floor was opened for questions and/or comments from the public.</p>
Comments from the Public	<p>John Gerrits – Sheffield Mills (Camp Director)</p> <ul style="list-style-type: none">• Inquired if the Public Hearing will be held at the Kingswood Camp or in the Council Chambers. <p>Ian Watson stated that the Public Hearing is held in the Council Chambers in the Municipal Complex.</p> <p>Greg Henderson – Lake George</p> <ul style="list-style-type: none">• Raised concern over additional parking for the proposed 50' x 90' structure. Presently the road is not always clear for access to individual properties and for emergency vehicles.

- If there is going to be increased traffic on the property, the condition of the wood on the land could be a potential fire hazard.

John Gerrits – Sheffield Mills

- There should not be any increased activity as there is no intent to increase the camp population. Are limited to 60 campers.
- There will be a large parking lot at the subject site and more parking could be created to the south of the little cabin on the hill.

Greg Henderson – Lake George

- What will happen to the condition of the road during construction and how will this be dealt with?

Laurie Hennigar – Lake George

- The 200' x 200' lot has been cleared and the building will be 50' x 90'. The remaining space will be made into a parking area which will eliminate the need for parking along the road.
- Will be looking at the condition of the area, e.g., downed/fallen trees, etc.
- Stated that in addition to the proposed development agreement to allow for the construction of the 50' x 90' worship and activity centre, clauses be added for future plans, e.g., two additional cabins for a total of 72 children and for modifications to the director's cabin.

Ian Watson stated that the criteria considered when looking at a development agreement includes such things as emergency services and that adequate parking is provided.

Laurie Hennigar – Lake George

- During the construction stage, can use the road coming in from Aylesford Road.

Adjournment

There being no further discussion, the Chair thanked those in attendance and adjourned the meeting at 7:20 p.m.

Cindy L. Benedict
Recording Secretary



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

Application to amend the text of the LUB to adjust the Tourist Cabin requirements
 (File 14-22)

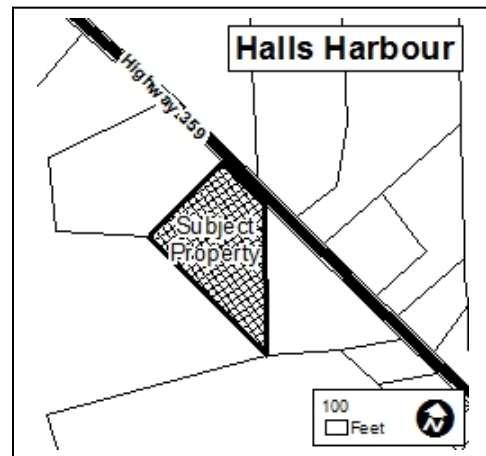
January 13, 2015

Prepared by: Mark Fredericks, GIS Planner

Applicant	Paul Price
Land Owner	Paul George Price and Theresa Ann Ellsworth
Proposal	To amend the LUB text to allow an existing building to meet Tourist Cabin requirements
Location	Halls Harbour
Area	N/A for general text amendment (applicants property is 6.3 acres)
Designation	Forestry
Zone	Forestry (F1)
Surrounding Uses	Rural area, forested lands and some residential uses
Neighbour Notification	Staff sent notification letters to the 10 owners of property within 500' of the subject property

1. PROPOSAL

The applicant has requested changes to the Land Use Bylaw requirements that allow tourist cabins in rural zones. Tourist cabins are currently permitted in most of the County's rural zones, but properties must meet certain lot requirements and setback distances to qualify. The applicant has completed a renovation to an existing out building in an effort to create extra living space for a family member. However this building is not currently permitted in the F1 Zone unless it is considered a *tourist cabin*. The applicant's property is not able to meet all of the current requirements for tourist cabins. This application is seeking to adjust these requirements in order to allow the existing building to be legally occupied.



2. OPTIONS

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

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

3. BACKGROUND

The applicant's property is located in the Forestry District and is zoned Forestry (F1). The application is a general text amendment to the LUB and is therefore not a site specific amendment. The proposed changes would apply to most rural zones in the County.

The applicant received a renovation permit for the existing out building on his property. This authorized a renovation to the building for general repair and upgrade purposes, but not to create a second standalone dwelling. It was discovered during a building inspection that the space was built to include all the elements of a complete dwelling unit. A Stop Work Order was placed on the building because a second dwelling unit is not allowed on the property, and because building inspections had not been completed at regular steps during the renovation process.

Staff explored whether the building could qualify as a tourist cabin to allow this second dwelling unit but the applicant's property does not meet all of the requirements needed to be eligible. Staff then received a planning application to change these requirements to accommodate the applicant's situation.

The LUB requirements that the applicant's property cannot meet, are found in Section 10 – General Provisions for Rural Zones.

“LUB 10.1.5.4 The proposed development is located more than 500 feet from any existing residential dwelling other than the residential dwelling of the operator of the tourist commercial development, and 500 feet from any residential lot in an approved or in process Plan of Subdivision for a multi-lot Country Residential development.”

The applicant's property meets several of the requirements for allowing a tourist cabin, but does not successfully comply with the 500 foot separation distance required in 10.1.5.4. The nearest neighboring house is within approximately 300 feet from the location of the applicant's existing building.

“LUB 10.1.5.9 The lot frontage is not less than 300 feet.”

The applicant's property has approximately 280 feet of road frontage, slightly less than the 300 foot minimum. Having this minimum frontage helps ensure large lot sizes in an effort to reduce any potential nuisance, but rural properties can often be oddly shaped and may have a narrower frontage with property lines that widen toward the back. This is the case with the applicant's property where he has approximately 280' of road frontage but the property widens towards the back, and still includes a large 6 acres of land.

4. INFORMATION

The renovated building has been upgraded with accessibility in mind, as the building was intended for an older family member and has been setup with an accessible ramp for those with limited mobility. Staff understands that the intended use is partly for family and partly to have the potential for a tourist rental in the summer season. The site is mostly wooded and is located in a rural area on the way into Halls Harbour.



Staff discussed the proposed amendments with municipal Development Officers and agreed on the necessary LUB requirements that would accommodate the applicant's request.

A Public Information Meeting was held on November 12th where there were 3 members of the public in attendance, and no concerns were raised. One member of the public, Bobbie Taylor spoke in support of the application. She is the applicant's nearest neighbor and lives across the street from the subject property and had no concerns. Staff also received one phone call from another neighbor who supported the applicant in his request to adjust the requirements. See Appendix B for the full meeting notes.



5. POLICY REVIEW

5.1 Enabling Policy

The Municipal Planning Strategy does not provide specific guiding policies on the size of separation distances or buffering needs for Tourist Cabins, although it does discuss the ability to allow tourist cabins as of right in MPS Section 4.4.8 and the value of providing buffers and setbacks between surrounding residential uses:

"4.4.8.4 Council will permit "as of right", small scale proposals for developments for tourist commercial facilities for lodging, food services, and ancillary uses, in the Forestry, Country Residential, Hamlet Historic Residential, and Shoreland Districts, subject to the provisions of this Section and Section 10.1.5 of the Land Use Bylaw..."

The applicant's property is in the Forestry District and is therefore eligible for a tourist cabin development as of right. MPS Section 4.4.8.4 further provides direction for the detailed requirements to include in the LUB.

"In providing for small scale tourist commercial facilities for lodging and food services as of right, it is Council's intent to ensure that this type of development be well separated and well buffered from surrounding residential properties in order to minimize the potential nuisance created by a commercial use. Driveway access to these facilities shall also be regulated.

"Small scale proposals" for tourist commercial facilities for lodging shall mean the following:

a. no more than five (5) tourist cabins, with total floor space of all cabins being less than 5000 square feet; or

b. an inn, lodge, or resort (as defined in the Land Use Bylaw), with no more than 10 guest rooms, with total floor space of the building less than 5000 square feet; or

c. a combination inn, lodge, or resort with tourist cabins, with floor space of all buildings less than 5000 square feet, and total number of guest rooms in all buildings no more than 10

Small scale proposals shall not include:

a. a tourist commercial food service facility which caters to the general public, that is, members of the public which are not overnight guests"

The MPS section above notes that separation distances can help reduce nuisance from a neighboring commercial use. In most cases the greater the distance, the less chance of nuisance.

Based on this direction, the LUB sets a separation distance of 500 feet to the nearest neighboring home. Since the precise approach is not prescribed in the MPS, the LUB separation requirements can be amended provided it is consistent in the intent of the policy.

In this case, a reduction of the separation distance requirement is needed because the applicant's proposed cabin is less than 300 feet from the nearest dwelling. The proposed amendments, therefore, reduce the separation distances for very small operations like the applicant's 1 cabin, where the impact on surrounding residential uses is expected to be much less than a 5000 sq ft tourist lodge for example. Rather than a one size fits all standard, the distances to surrounding residential properties can be measured in a tiered approach, where setbacks are smaller for 1 cabin, but remain larger for 2 or 3 cabins or for an inn or lodge. Specifically, the proposed amendments would:

- Reduce the distance to the nearest neighboring home from 500' to 250' for operations offering only 1 tourist cabin.
- Keep the larger setbacks for 2 or more cabins or larger operations where the distances remain at 500' with no changes proposed.

The requirement for a minimum of 300 feet of road frontage for tourist cabins is also not specifically addressed in the MPS and therefore, this requirement can also be amended. The only general intent achieved with the large road frontage requirement is to help reduce land use conflict by ensuring only large lots quality. However, rural properties can often be oddly shaped and may have a narrower frontage with property lines that widen toward the back. This

is the case with the applicant's property which has approximately 280' of road frontage but the property widens towards the back, and still includes a large 6 acres of land. A minimum lot size of 100,000 sq feet is also specified as a requirement for tourist cabins, and would still ensure only larger lots qualify for a tourist cabin, even if the road frontage is reduced. As a result, the proposed amendments reduce the road frontage requirement. Specifically, the proposed amendments would:

- Reduce the minimum road frontage requirement from 300' to 250' for all tourist cabins or related uses

These proposed amendments to the LUB requirements for tourist cabins would allow the applicant to meet the requirements of the LUB and move towards approvals to legally occupy the renovated building. It would also offer the flexibility to other land owners who are interested in building 1 cabin on a property that does not meet the requirements for a larger operation.

5.2 General LUB amendment Policies

MPS Section 6.2.2.1 contains a number of general criteria for considering LUB amendments. 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 development criteria contained in MPS Section 6.2 the proposed amendments are either consistent with, or not applicable due to the general nature of text amendments. In other words, it is difficult to comment on the adequacy of specifics such as storm drainage when the amendments apply to many different properties across the county in rural zones. However, where applicable the proposed amendments are consistent with the criteria and MPS intent. A full list of these criteria and comments can be found in more detail in Appendix D.

In terms of the overall intent of the planning strategy, Staff believe that the proposed amendments find a reasonable balance between protection of privacy and allowing development, by having a set of distances that is tiered to adjust for small or medium/large developments. This approach is consistent with the goals of reducing land use conflict and maintaining compatibility as discussed in section 4.4.8 of the Planning Strategy.

6. CONCLUSION

In Staff's opinion, the proposed amendments are consistent with the general intent of the Planning Strategy and in keeping with the character of the rural areas. The ability to have a Tourist Cabin is clearly set out in the MPS, and providing a reduced set of requirements for small operations will make it easier for tourist businesses to get established in rural areas.

7. STAFF RECOMMENDATION

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

Planning Advisory Committee recommends that Municipal Council give First Reading and hold a Public Hearing regarding the text amendments to requirements for tourist cabins in rural zones as described in Appendix A of the report dated January 13, 2015.

8. APPENDIXES

Appendix A – Proposed Amendments

Appendix B – PIM Meeting Notes

Appendix C – Reference Zoning Map

Appendix D – General Rezoning of DA policies

Appendix A
Proposed amendments

THE MUNICIPALITY OF THE COUNTY OF KINGS

AMENDMENT TO BYLAW #75
COUNTY OF KINGS LAND USE BYLAW

General text amendments to adjust the requirements for tourist cabins in rural zones

BYLAW 75

1. Delete section 10.1.5.4, concerning tourist development separation distance requirements, and replace it with the following

10.1.5.4

- (a) *The proposed development of 1 tourist cabin is located more than 250 feet from any existing residential dwelling other than the residential dwelling of the operator of the tourist commercial development, and 250 feet from any residential lot in an approved or in process Plan of Subdivision for a multi-lot Country Residential development.*

- (b) *The proposed development of 2 or more cabins or inn, lodge or resort is located more than 500 feet from any existing residential dwelling other than the residential dwelling of the operator of the tourist commercial development, and 500 feet from any residential lot in an approved or in process Plan of Subdivision for a multi-lot Country Residential development.*

2. Amend section 10.1.5.9 , as shown using strikeouts below.

10.1.5.9 The lot frontage is not less than ~~300~~ 250 feet.

**Appendix B
PIM Meeting Notes**

MUNICIPALITY OF THE COUNTY OF KINGS

PLANNING SERVICES

PUBLIC INFORMATION MEETING NOTES

**File 14-22 – Proposed Land Use Bylaw Text Amendment
(Tourist Cabins)**

<i>Meeting, Date and Time</i>	A Public Information Meeting was held on Wednesday, November 12, 2014 at 1:00 p.m. in the Council Chambers of the Municipal Complex, 87 Cornwallis Street, Kentville, NS.
<i>Attending</i>	In Attendance:
<i>Planning Advisory Committee Members</i>	Councillor Wayne Atwater – District 5 Councillor Dale Lloyd – District 8 Councillor Jim Winsor – District 11 Colin Best – Citizen Member Peter Jackson – Citizen Member Merrill Ward – Citizen Member
<i>Regrets</i>	Deputy Warden Brian Hirtle – District 4 Councillor Emma Van Rooyen – District 2
<i>Planning Staff</i>	Ben Sivak – Manager of Planning Services Mark Fredericks – GIS Planner Ian Watson – Planner Graeme Buffett – Planner Cindy Benedict – Recording Secretary
<i>Councillors</i>	Councillor Pauline Raven – District 3
<i>Public</i>	3 Members
<i>Welcome and Introductions</i>	Vice Chair Dr. Peter Jackson called the meeting to order, introduced the newly elected Planning Advisory Committee Council members and welcomed the public to the meeting. The Vice Chair explained that the Public Information Meeting provides an opportunity for interested citizens to express concerns and/or receive clarification on any aspect of the proposal. No evaluation or decisions have been made at this point.
<i>Presentation</i>	Mark Fredericks provided a brief overview of the planning process and the criteria that will be used to evaluate potential changes to the text of the Land Use Bylaw to change the regulations concerning tourist cabins in rural zones. The changes would accommodate a tourist cabin on Hwy 359 in Halls Harbour, NS. Support for the application was received from a nearby property owner.

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

Comments from the Public

Bobbie Taylor – Halls Harbour

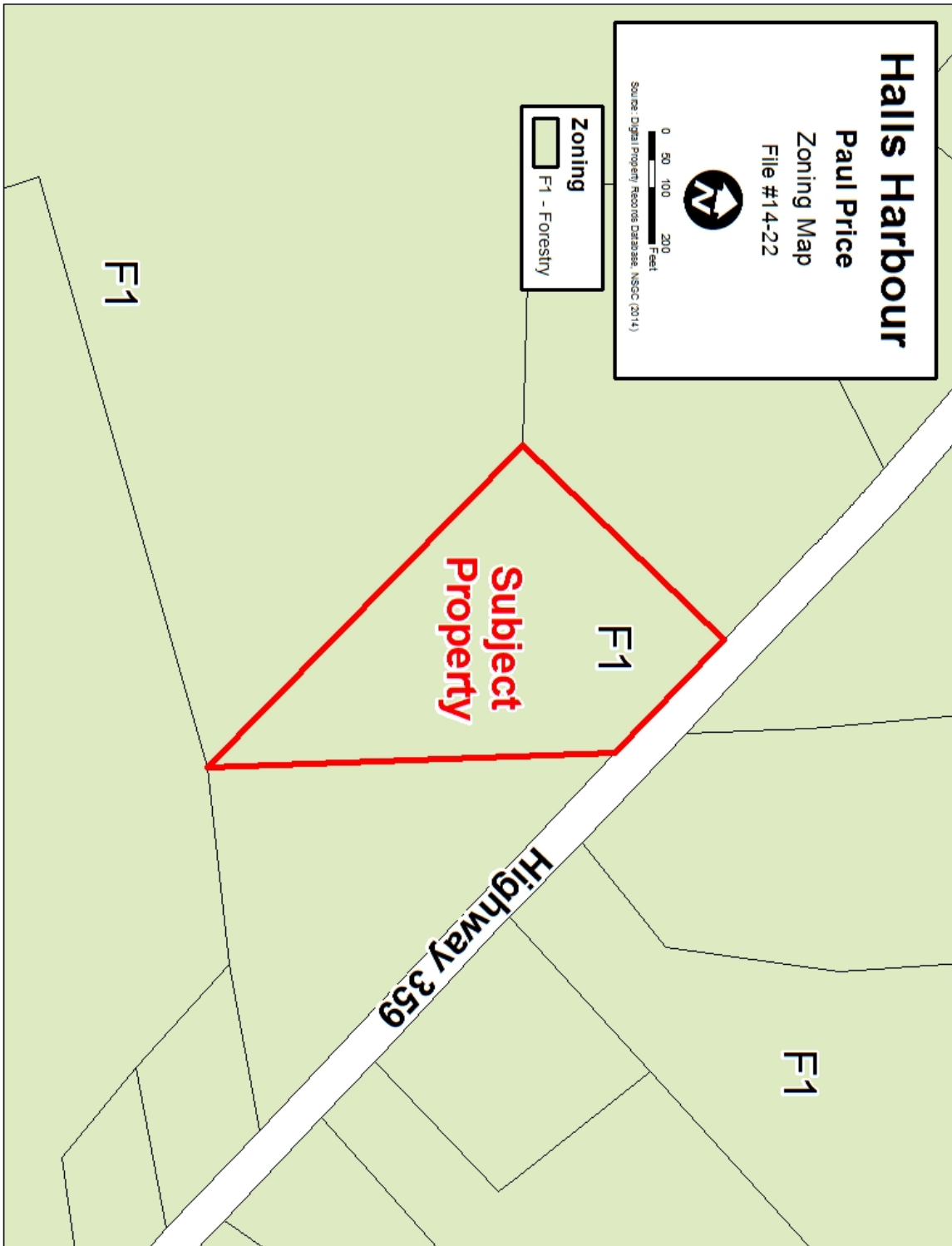
- Is the closest neighbour to the subject property and has no reservations with the proposal.

Adjournment

There being no further discussion, the Chair thanked those in attendance and adjourned the meeting at 1:09 p.m.

Cindy L. Benedict
Recording Secretary

Appendix C
Reference Zoning Map



Appendix D
MPS policy 6.2.2: Amendments to the Land Use Bylaw

MPS Policy	Proposal
6.2.2 Amendment to the Land Use Bylaw	
6.2.2.1 ... in addition to all other criteria as set out in the various policies of this Strategy, Council shall be satisfied:	
a) that the proposal is in keeping with the intent of the MPS	The proposal meets the general intent of the MPS as discussed in section 5 of this report.
b) that the proposal is not premature by reason of:	
i. financial capability of municipality	Not applicable to general text amendments, but proposal does not require municipal investment
ii. adequacy of the site to accommodate on site services: water and sewer	Not applicable to general text amendments, but the minimum lot size requirements remain and is sized large enough to accommodate an onsite sewer and water services.
iii. potential for pollution problem	Not applicable to general text amendments
iv. adequacy of storm drainage	Not applicable to general text amendments
v. adequacy and proximity to community facilities	Not applicable to general text amendments or rural tourist accommodations
vi. adequacy of road network	Not applicable to general text amendments, but Highway 359 is an adequate and major route.
vii. potential for watercourse contamination	Not applicable to general text amendments, but no watercourse contamination issues are expected
viii. create scattered development pattern	The proposed amendments apply to an option that can allow for a scattered development pattern. However staff consider this as part of the intent, or the appeal of rural tourist accommodations - to be somewhat isolated and scattered and not occurring in the same linear blocks typical of urban developments.
ix. traffic generation, access and egress, and parking	Not applicable to general text amendments, but parking and access are addressed though other sections of the land use bylaw
x. incompatibility with adjacent uses	This is discussed further in section 5 of this report, but Staff consider a tiered approach to be a balanced approach to reducing compatibility problems. Setback distances are kept as they are for larger developments but reduced for smaller developments of 1 or 2 tourist cabins.
xi. potential for overcrowding on lakeshores	Not applicable to general text amendments, and the development option is not permitted in the Shoreland S1 or S2 Zones
xii. potential for contamination of, or interference with designated groundwater supply protection area	Not applicable to general text amendments, but there are no designated ground water protection areas located nearby the subject property.

<p>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</p>	<p>Not applicable to general text amendments, but there are no obvious building constraints visible on the subject property.</p>
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Municipality of the County of Kings
Report to the Heritage Advisory Committee

Application to amend the Grand Pre Conservation District Map by removing a property at 2135 Grand Pre Rd, Grand Pre. (File 14-17)

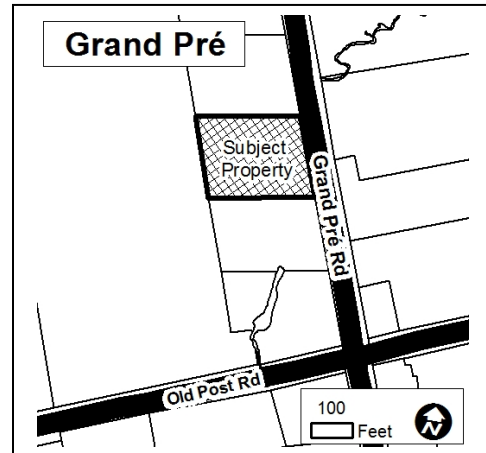
January 13, 2015

Prepared by: Mark Fredericks, GIS Planner

Applicant	Raymond and Laurel Shay
Land Owner	John Stuart Blair and Carol Gay Blair
Proposal	Remove property from the Heritage Conservation District
Location	2135 Grand Pre Road, Grand Pre (PID 55236194)
Area	1.15 acres OR 50,137 sq ft
Designation	Hamlet Historic Residential (HH)
Zone	Hamlet Historic Residential (R9)
Surrounding Uses	Residential uses, agricultural uses and nearby Parks Canada site
Neighbour Notification	Staff sent notification letters to the 20 owners of properties within 500' of the subject property

1. PROPOSAL

The applicants have requested to have the subject property removed from the Grand Pre Heritage Conservation District. The home is thought to be only 27 years old and is not a historic home. The house does not comply with the current design guidelines of the conservation plan and bylaw because the home was built before these documents were adopted. The request to de-register this property was initiated during a sale of the home to new owners who plan to renovate the structure in the future and are not interested in any architectural limits potentially imposed by the existing design guidelines. They have expressed some concern that the design guidelines could affect their ability to renovate or expand the home to suit their future needs.



2. OPTIONS

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

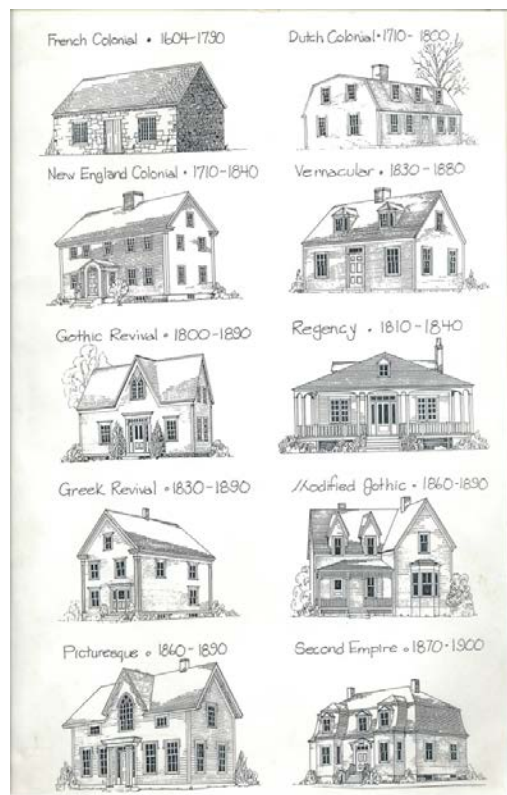
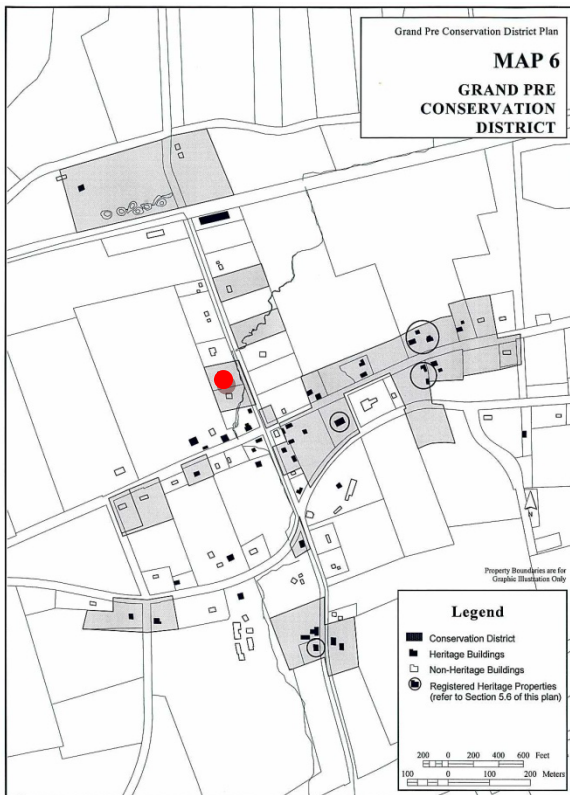
- A. Recommend that Council approve the amendments as drafted
- B. Recommend that Council refuse the amendments as drafted
- C. Provide alternative direction, such as requesting further information on a specific topic, or making changes to the amendments

3. BACKGROUND

The subject property is shown as being within the Conservation District on Map 6 of the Grand Pre Heritage Conservation District Plan and again on the district map within the Bylaw. It falls into the Hamlet Historic Residential Designation (HH) and zone (R9) in the Municipal Planning Strategy and Land Use Bylaw. The existing home on the property is approximately 27 years old and does not hold historic value, but was included within the conservation district. Therefore the modern building has architectural controls that are intended for much older houses or for designing a new home or additions that are intended to mimic historic styles.

The request to deregister the property from the conservation district is separate from typical amendments to either the MPS or LUB because the property's inclusion in the conservation district is found in the Conservation District Plan document. Adopted by Council in 1999, this policy document has a companion Bylaw which includes a Design Guidelines section. This section dictates architectural requirements for the construction of new buildings or alterations and additions to existing buildings. For renovation projects affecting the exterior of a building, or for new builds on properties within the conservation district, a Certificate of Appropriateness is required. This is a permit that is issued by the Municipal Heritage Officer, verifying that the proposed project is consistent with the Bylaw's design guidelines. This Certificate of Appropriateness represents the additional level of regulation that the applicants and new owners wish to avoid. These guidelines control elements of the building form including roof pitch, cladding types, window types and sizes and other architectural details that are often not applicable to existing newer homes.

The Grand Pre Conservation District Plan and Bylaw were adopted in February of 1999. Inclusion in the Conservation District was a voluntary process where property owners had the ability to 'opt-out' of the district to avoid having the design guidelines apply to their property. Some property owners chose to opt-out while over 20 other property owners chose to be included. Some of these included modern homes that do not have historic value like the subject property, and several were old and valuable historic buildings. Today's conservation district still includes this mixture of historic homes, and newer modern homes. The district boundary is not a contiguous block but a scattered arrangement of properties within the community. Below is Map 6 from the conservation plan, showing the boundary of the Conservation District (grey properties) and some examples of the historic home types that can be found in Grand Pre.



This is a photo of the subject property and existing home that was built approximately 27 years ago. It does not comply with several of the design guidelines including cladding type, roof pitch and trim details.



The subject property was included in the conservation district during the consultation process during the mid 1990's. The owners did not object to having their home included in the heritage conservation district at that time. However the new owners are in opposition to having the home in the district, and if given the option today as the previous owners had originally, they would not have chosen to voluntarily be included within the conservation district.

4. INFORMATION

During a site visit, staff observed the well kept modern day home. A long and low single storey building with vinyl siding. There was an accessory home based antiques shop operated by the previous owners. This part of the home previously used as retail space is now considered gained space for the new owners and may become additional living space or garage space. However, renovations to this part of the home are part of why the new owners would like to be removed from the conservation district, to have the flexibility to convert this space into whatever best suits their needs.

Staff contacted internal municipal departments for comments on the proposed amendments.

- Engineering and Public Works confirmed that the property is connected to the municipal sewer system. They also noted there is no central water service here so a private well would serve the home.
- Development Control has commented on the ability to renovate the home within the existing design guidelines that apply when a property is included in the conservation district. They indicated there is some ability to renovate the structure if architectural elements remains compatible with the existing style or are consistent with the design Guidelines.
- Staff had conversations with the new property owners who remain unsure of their exact plans with respect to future renovations. This uncertainty in renovation plans highlights part of their desire to be removed from the conservation district to open up flexibility in design.
- Staff received a letter from a neighboring property owner who does not support the de-registering of the subject property.

A Public Information meeting was not required for this application as specified in the Municipal Planning Policies PLAN-09-001.

5. POLICY REVIEW

5.1 Enabling Policy

The Grand Pre Heritage Conservation District Plan section 4.6 enables an amendment to reduce the boundary of the conservation district. The request to remove the subject property is considered a reduction of the conservation district boundary. The policy and criteria for this type of amendment are shown below:

4.6 It shall be the intention of Council to consider reductions of the boundary of the heritage conservation district by withdrawal of specific properties or portions of properties from the district, upon application by the owner of such properties for an amendment to the Grand Pré Conservation District Map. Council shall have regard to the following criteria:

- (a) the stated reasons for the proposed boundary amendment;*
- (b) the extent to which continued inclusion of the property within the heritage conservation district places an undue hardship upon the property owner;*
- (c) the architectural character, landscape character and historical association of the property in terms of its value as part of the heritage conservation district;*
- (d) the extent to which the boundary amendment will reduce the cohesiveness of the district or diminish the effectiveness of the conservation plan and bylaw;*
- (e) any alternatives to the boundary amendment which may be available.*

Staff have reviewed these criteria fully in Appendix B and in general find that the request is compliant or consistent with these criteria. The applicant's reasoning states that the home does not contribute to the history, culture or architecture of Grand Pré. The inclusion in the district does place limitations on how the home can be renovated and reworked to suit the new owner's needs. The property has little historical value and does not reduce the cohesiveness of the district as it is already a scattered arrangement of properties. The only alternative to the boundary amendment is to keep the property in the district and require the applicants to perform renovations within the design guidelines.

5.2 Changes to the District Boundary

Section 4.7 of the Grand Pré Conservation District Plan state that

CHANGES TO THE DISTRICT BOUNDARY REQUIRE AMENDMENTS TO THE PLAN AND BYLAW

Amendments to the heritage conservation plan and bylaw shall be processed in accordance with the Heritage Property Act and the Regulations for Heritage Conservation Districts and require approval by the Council and the Minister in charge of the Administration of the Heritage Property Act.

This application is required to be processed in accordance with the Heritage Property Act and will also need to be approved by the Minister as a district boundary change is considered to be a significant amendment. A change to the boundary also requires amendments to both the Plan and Bylaw because the Conservation District map is included in both documents. Therefore any map amendment would need a map replacement in both the Plan document and Bylaw document.

5.3 Heritage Property Act

The Heritage Property Act enables a conservation district plan and bylaw to be amended concurrently, by stating the following:

(6) A conservation plan and conservation by-law approved by the Minister pursuant to subsection (5) may concurrently be amended, revised or repealed by the council and subsections (3) to (5) apply mutatis mutandis.

Subsections (3) to (5) are reviewed in detail in appendix D, although many of them do not apply to this application and are intended more for the initial establishment of a conservation district. However, the application is consistent with these policies wherever applicable.

The Heritage Property Act also outlines the powers of the heritage advisory committee

Powers of heritage advisory committee

13 *The heritage advisory committee may advise the municipality respecting*

...

(ba) the preparation, amendment, revision or repeal of a conservation plan and conservation by-law;

...

The heritage advisory committee may advise the municipality respecting amendments to a conservation plan and bylaw. Recommending the proposed amendments to Council is within the powers granted to the municipal Heritage Advisory Committee.

6. CONCLUSION

Staff are giving a positive recommendation to the request to remove the subject property from the conservation district because the property does not represent a significant heritage value and currently does not comply with the conservation bylaw's design guidelines. The property's new owners would prefer to be able to renovate this building to suit their needs without having to work within the limitations imposed by the Bylaw and design guidelines. Staff considers this a reasonable request considering the age of the home, modern appearance and the lack of historic value the property holds.

7. STAFF RECOMMENDATION

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

Heritage Advisory Committee recommends that Municipal Council give First Reading and hold a Public Hearing regarding the application to amend the Grand Pre Conservation District Map by removing a property at 2135 Grand Pre Rd, Grand Pre as described in Appendix D of the report dated January 13, 2015.

8. APPENDIXES

Appendix A – Letter of Intent

Appendix B – Reduction of the District Boundary Policies

Appendix C – Heritage Property Act policies

Appendix D – Proposed map amendments (Plan and Bylaw)

Appendix A – Letter of Intent



Letter/Removal from Heritage Conservation District
On behalf of Raymond & Laurel Shay

Attachment/Appointment Letter

July 25th, 2014

From: Wayne Merrill & Toni Blackman
Royal LePage~Merrill & Hennessey
386 Main Street, Wolfville NS B4P 1C9
Office: 902-542-5747
Fax: 902-542-7992
Email: waynemerrill@royallepage.ca
minimom_ca@yahoo.ca

Attention: Mark Fredericks

Re: 2135 Grand Pre Rd., Grand Pre

Please accept this letter and copy of "Application" to have the aboved noted property at 2135 Grand Pre Rd., Grand Pre, "REMOVED" from the "Heritage Conservation District". The simple reason, this home is only "twenty-seven years old" and hence has no "historical significance" to the history of Grand Pre or its culture, architecture or otherwise.

Respectfully,


Wayne Merrill/Broker/Owner


Toni Blackman/Professional Sales Agent

Royal LePage ~ Merrill & Hennessey

Appendix B
Reduction of the District Boundary Policies

<p>4.6 It shall be the intention of Council to consider reductions of the boundary of the heritage conservation district by withdrawal of specific properties or portions of properties from the district, upon application by the owner of such properties for an amendment to the Grand Pré Conservation District Map. Council shall have regard to the following criteria:</p>	
<p>(a) the stated reasons for the proposed boundary amendment;</p>	<p>See Appendix A for letter of intent which states that the home has no historic value and does not contribute to the history, culture or architecture of Grand Pré.</p>
<p>(b) the extent to which continued inclusion of the property within the heritage conservation district places an undue hardship upon the property owner;</p>	<p>The effect on the property owner relates to their ability to design and execute the renovation plans they wish to a modern home without working with design guidelines intended for historic homes.</p>
<p>(c) the architectural character, landscape character and historical association of the property in terms of its value as part of the heritage conservation district;</p>	<p>The property has no historical value other than being located in a community that contains many historic homes and a rich cultural history. The property does not add value as part of the heritage conservation district</p>
<p>(d) the extent to which the boundary amendment will reduce the cohesiveness of the district or diminish the effectiveness of the conservation plan and bylaw;</p>	<p>The proposed amendment to the district would not reduce the cohesiveness of the district as it is already a scattered arrangement of properties.</p>
<p>(e) any alternatives to the boundary amendment which may be available.</p>	<p>The only alternatives to the boundary amendment is to keep the property in the district and work within the design guidelines.</p>

Appendix C
Heritage Property Act policies

(3) A conservation plan and conservation by-law shall be adopted by a majority vote of the whole council after a public hearing and consideration of any submissions received, but only those councillors present at the public hearing may vote upon the adoption of the conservation plan and conservation by-law.	To be determined, and is consistent with our typical planning process for Council's public hearing to occur before second reading.
(4) The Minister shall forward a copy of the conservation plan and conservation by-law and the prescribed background studies and information to the Minister responsible for the Municipal Government Act for that Minister's recommendation.	Proposed amendments would still require ministers approval after Council's approval.
(5) The Minister shall approve a conservation plan and conservation by-law unless	
(a) the conservation by-law does not carry out the intent of the conservation plan;	The bylaw remains consistent with the intent of the conservation plan.
(b) the conservation plan is not implemented by the conservation by-law;	The conservation plan is still implemented by the conservation bylaw.
(c) the prescribed background studies or information do not support the conservation plan or conservation by-law;	N/A this information was considered appropriate for the initial creation of the conservation district.
(d) the conservation plan or conservation by-law conflicts with an applicable provincial land-use policy or regulation adopted pursuant to the Municipal Government Act;	Neither the plan nor bylaw is considered to conflict with an applicable land use policy.
(e) the conservation plan or conservation by-law conflicts with the applicable municipal planning strategy or land-use by-law;	Neither the plan nor bylaw is considered to conflict with an applicable land use policy.
(f) in the opinion of the Minister, there is a conflict with any other provincial interest, and they take effect on and not before approval by the Minister.	To be determined by minister

**Appendix D
Proposed map amendment**

THE MUNICIPALITY OF THE COUNTY OF KINGS

**AMENDMENT TO COUNTY OF KINGS
GRAND PRE HERITAGE CONSERVATION DISTRICT PLAN**

AND

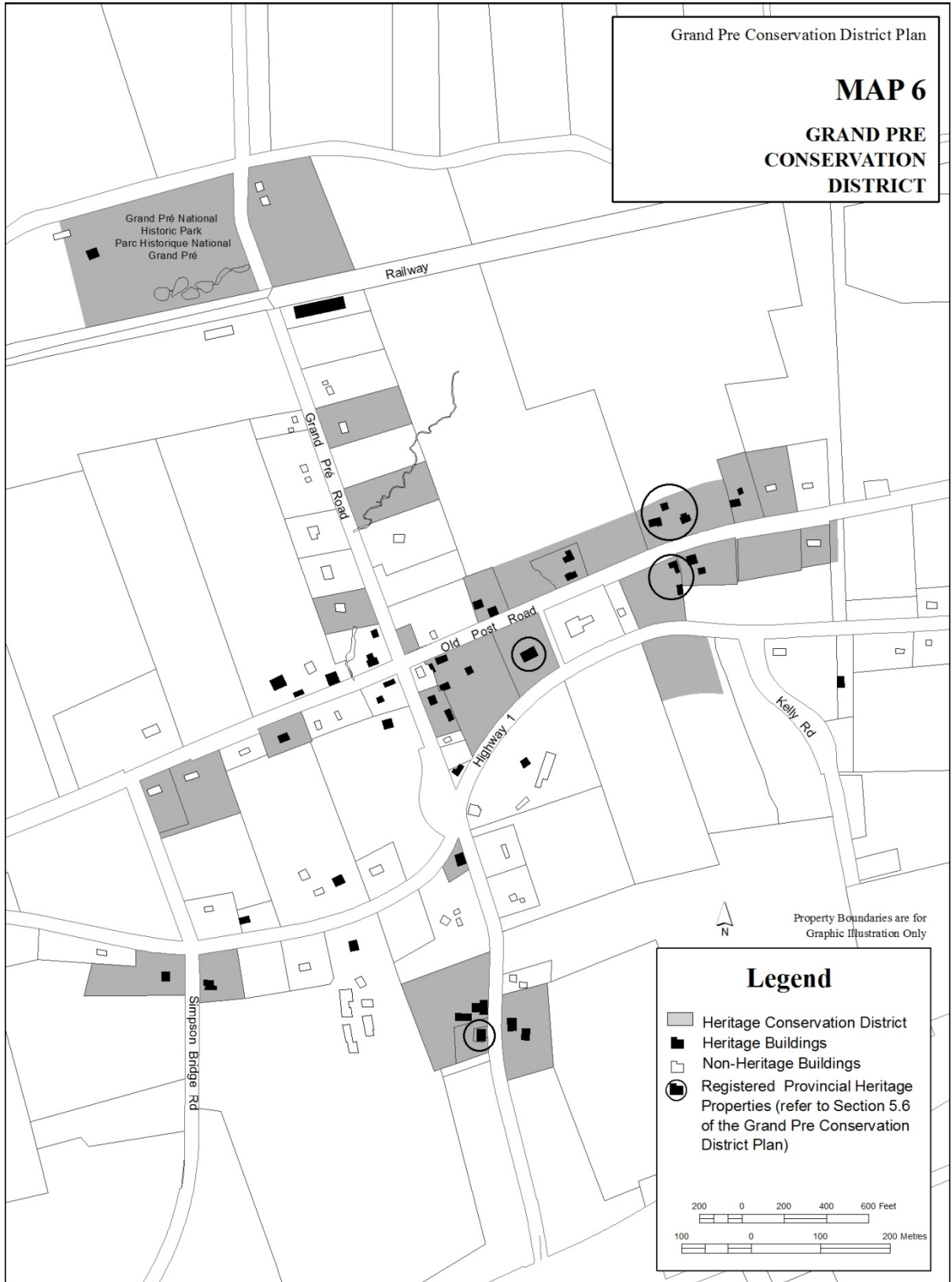
**AMENDMENT TO COUNTY OF KINGS
GRAND PRE HERITAGE CONSERVATION DISTRICT BYLAW**

**Map amendment to the Grand Pre Conservation District Map by removing a property at
2135 Grand Pre Rd, Grand Pre**




GRAND PRE HERITAGE CONSERVATION DISTRICT PLAN

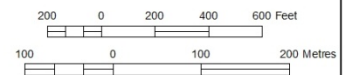
1. Delete MAP 6 and replace it with the following:

MAP 6
GRAND PRE
CONSERVATION
DISTRICT



Legend

-  Heritage Conservation District
-  Heritage Buildings
-  Non-Heritage Buildings
-  Registered Provincial Heritage Properties (refer to Section 5.6 of the Grand Pre Conservation District Plan)



GRAND PRE HERITAGE CONSERVATION DISTRICT BYLAW

1. Delete Grand Pre Conservation District Bylaw Map and replace it with the following:

