



MUNICIPALITY of the  
COUNTY of KINGS

## Planning Advisory Committee

Tuesday, October 11, 2022 at 1:00 p.m.

Council Chambers

181 Coldbrook Village Park Drive

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# PLANNING ADVISORY COMMITTEE

**Tuesday, August 9, 2022**

## **Draft Minutes**

<b>Meeting, Date and Time</b>	A meeting of the Planning Advisory Committee (PAC) was held on Tuesday, August 9, 2022 in the Council Chambers at 181 Coldbrook Village Park Drive.
<b>Attending</b>	In Attendance:
<b>PAC Members</b>	Councillor Martha Armstrong – District 4 (Chair) Councillor Dick Killam – District 3 (Vice Chair) Councillor June Granger – District 1 Councillor Jim Winsor – District 8 Councillor Peter Allen – District 9 Chantal Gagnon – Citizen Member Kate Friars – Citizen Member Logan Morse – Citizen Member
<b>Municipal Staff</b>	Trish Javorek – Director of Planning and Inspections Laura Mosher – Manager of Planning and Development Services Joanna McGrath – Recording Secretary
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<b>1. Meeting to Order</b>	Councillor Armstrong, Chair, called the meeting to order at 1:01 p.m.
<b>2. Roll Call</b>	Roll call was taken.
<b>3. Amendments to Agenda</b>	Councillor Armstrong requested an amendment to the agenda. Scott Conrod, CAO will make a presentation to the PAC on Incentive and Bonus Zoning within the New Minas Secondary Plan. This item will be added as Item 7a and Councillor Winsor – Motion to Rescind will become Item 7b.
<b>4. Approval of the Agenda</b>	<b>On motion of Ms. Gagnon and Councillor Allen, that the agenda be approved as amended.</b> <b>The question was called on the motion. Motion carried.</b>
<b>5. Disclosure of Conflict of Interest Issues</b>	There were no conflict of interest issues disclosed.
<b>6. Approval of Minutes</b>	
<b>a) June 14, 2022</b>	<b>On motion of Councillor Winsor and Councillor Granger, that the minutes of the Planning Advisory Committee meeting held on Tuesday, June 14 be approved as circulated.</b>

**The question was called on the motion. Motion carried.**

**7. Business Arising from the Minutes**

**a) Staff Follow-up on PAC Motion of June 14, 2022**

Scott Conrod, CAO provided a presentation on Incentive and Bonus Zoning – being included in the New Minas Secondary Plan.

Questions of Clarification:

Councillor Winsor asked to confirm that a study would be done regarding incentive and bonus zoning before moving forward with any amendments to the Municipal Planning Strategy. He agreed that there is an opportunity that needs to be looked at further. Mr. Conrod agreed that it would be something that would form part of the annual work plan. The CAO indicated that the concept and approach should be explored for the entire Municipality and additional information should be prepared to enable a productive community engagement on this matter.

The CAO concluded with a recommendation that the New Minas Secondary Plan move forward without these provisions at this time.

**On motion of Councillor Winsor and Councillor Killam, that the Planning Advisory Committee release the draft Growth Centre of New Minas Secondary Plan for consultation absent references to incentive or bonus zoning.**

**The question was called on the motion. Motion carried.**

**b) Motion to Rescind**

Councillor Winsor stated that given the motion that was approved in Item 7a, it makes this motion unnecessary.

**8. Approval of Centreville Area Advisory Committee members**

Per Municipal policy PLAN-09-002 (Area Advisory Committee Policy), the Centreville District Community Development Association (CDCDA) has forwarded their recommendations for citizen and Responsible Organization members to the PAC for approval.

**On motion of Councillor Allen and Councillor Winsor, that the Planning Advisory Committee recommends that Council appoint Aaron Dondale and Kimberley Foote, members of the Centreville District Community Development Association, to sit on the Centreville Area Advisory Committee for a one (1) year term and that Michael Foote be appointed citizen member for a two (2) year term.**

**The question was called on the motion. Motion carried.**

**9. Business**

**a) Application to enter into a development agreement on**

Laura Mosher, Manager of Planning and Development Services, presented an application by Robert Coldwell to enter into a Development Agreement to permit two residential units in an existing accessory building.

**Commercial Street in  
New Minas (PID  
55210538) (File #21-19)**

**Questions of Clarification:**

Councillor Granger asked for clarification around parking requirements and the existing main building that has commercial and residential use. Staff advised that parking is calculated based on the rates indicated in the Land Use By-law. Three residential units require one parking space each and the commercial requirement is based on the floor area and the use.

A citizen member stated that the accessory building does not meet the zone setbacks and asked how that is addressed in the development agreement. Staff explained that the building was there prior to this application and while the deck on the outset was encroaching on the neighbouring property, that has now been remedied. Since this property is in an active commercial area, the impacts from surrounding commercial uses would be expected to be more intense than a residential use. The negative impacts of additional residential units would not be overly onerous given that the properties to the rear can also have two units. Additional residential units on a commercial property would have a fairly minor impact.

A citizen member also asked if a development agreement negates the fact that the structure does not meet the setbacks and whether such an agreement legalizes what has already been developed on the property. Given this situation, of commercial uses, residential uses and the topography of the lots, staff advised that a development agreement does legalize that deficiency.

A question was raised by a citizen member related to requirements to comply with the building code. Staff reminded PAC that building code issues is outside the committee's review but also clarified that, at the time of permitting, compliance with the building code would be required.

A discussion occurred related to the legalizing a situation. Staff clarified that the structure was never used as a residential dwelling(s) but that renovations commenced without a permit and through that process, it was determined that the desire was to create dwelling units. Staff explained that every application needs to be taken on a case-by-case basis that the purpose of a development agreement is to be able to look at a site, its specific context and the policy.

**On motion of Mr. Morse and Councillor Killam, that the Planning Advisory Committee recommends that Council give Initial Consideration to and hold a Public Hearing regarding entering into a development agreement for the property located at 9347 Commercial Street, (PID 55210538) New Minas to legalize one residential unit and permit the development of an additional residential unit within an accessory building, as described in Appendix C of the report dated August 9th, 2022.**

## Debate:

Councillor Killam asked whether a broader approach to this type of development could be considered since we are in a housing crisis. Staff advised that Council has directed staff to investigate and prepare recommendations on permissions for accessory dwellings.

**The question was called on the motion. Motion carried.****b) Application to enter into a development agreement on Coleman Road in Waterville (PID 55369302) (File #22-05)**

Mark Fredericks, Planner, presented an application by Donald Baker to enter into a Development Agreement to permit development of a farm dwelling accessory to a new farm.

## Questions of Clarification:

Councillor Granger asked if there was a limitation on the size of a dwelling on a property with A1 zoning. Staff advised that there is no limitation beyond complying with the Agreement's site plan.

A citizen member asked what the rules would be surrounding renting the home if there was ever a time Mr. Baker no longer lived on the property. Staff indicated that there would be no restriction on renting the house provided it remained a farm dwelling.

**On motion of Councillor Killam and Mr. Morse, that the Planning Advisory Committee recommends that Municipal Council give Initial Consideration to and hold a Public Hearing regarding entering into a development agreement to permit a farm dwelling accessory to a farming business in the Agricultural (A1) Zone on the property located at 88 Coleman Road (PID 55368302), Waterville which is substantively the same (save for minor differences in form) as the draft set out in Appendix D of the report dated August 9, 2022.**

## Debate:

Councillor Killam expressed his support for this application and shared that he is pleased to see this being brought forward.

**The question was called on the motion. Motion carried.****c) Application for a non-substantive amendment to a development agreement in Greenwich (PID 5505960) (File 22-18)**

Ms. Mosher presented an application by Chris Morine to approve a non-substantive amendment of the Development Agreement to permit the development of a multi-unit dwelling located at the end of Fairbanks Ave in Greenwich.

## Questions of Clarification:

A citizen member asked why there are construction deadlines placed in a development agreement. Staff spoke to their current practices that for applying deadlines, these are used typically only in cases of compliance. It gives planning staff an option to bring something into compliance. The citizen

member also asked if Block A and Block B of the development agreement are also expired. Staff explained that the deadline on Blocks A and B were also expired but that if these were to be developed that a non-substantive amendment could be entertained.

A citizen member requested clarification that the original agreement for this parcel was being considered as a care home and now the developer is considering apartments. They asked if the applicant would have to go through another development agreement process to change the intent. Staff clarified that the development agreement always provided for either a care home or apartments on this parcel.

Councillor Armstrong stated that this agreement has been expired for five years and asked why the fact they did not meet their requirements not render this particular development agreement void, therefore enabling the applicant to apply for another development agreement which may look exactly the same but without a construction deadline. Staff advised that as planners, these questions are asked every time a development agreement is drafted. The agreement itself specifies what are substantive and non-substantive amendments and how deadlines may be established. At the time the drafters of this development agreement wanted a deadline, which has brought us here. Councillor Armstrong asked about the legalities of a development agreement and asked if given that it is a legal document, if it is still valid if it has expired. Staff advised that they did get a legal opinion and that moving forward in the manner recommended by staff is appropriate from a legal perspective.

Councillor Winsor inquired in regards to what would happen if the PAC voted against amending the development agreement and asked what options would be available. Staff advised that if the PAC recommended that Council not approve the amendment and Council agreed, then the applicant could then appeal to the Utility and Review Board (UARB).

Staff advised that it is important to remember in the non-substantive amendments that the development agreement is in place because it already went through the process and has already been deemed at Council as appropriate for that area, unless staff have a reason to believe that it is no longer appropriate. The development agreement indicates that if it is a non-substantive amendment staff will typically bring it forward without opposition because it has already gone through the democratic process of being approved.

**On motion of Councillor Allen and Mr. Morse, that Planning Advisory Committee recommend that Municipal Council approves the non-substantive amendment of the development agreement dates April 3, 2007 between MIR 1 Developments Inc. and the Municipality of the County of Kings, concerning the property identified as Lot C8 Fairbanks Avenue (PID 55505960), Greenwich as described in Appendix A of the report dated August 9, 2022.**

Debate:

Councillor Winsor stated that things have changed since this development agreement was drafted. Given that in the process it says that an item needs to be presented to and approved by PAC and Council, there must be something to that. He believes that the process may need to be reviewed.

**The question was called on the motion. Motion carried.**

**10. Other Business**

**a) Scheduling of a Public Participation Meeting**

The Committee scheduled a Public Participation Meeting for the New Minas Secondary Plan for September 13, 2022 at 6pm in Council Chambers at 181 Coldbrook Village Park Drive.

**11. Public Comments**

None.

**12. Date of Next Meeting**

Tuesday, September 13, 2022 at 3:00 p.m.

**13. Adjournment**

**There being no further business, on motion of Ms. Friars and Councillor Allen, that the meeting adjourn.**

The meeting adjourned at 2:27 p.m.

**Approved:**

Planning Advisory Committee

Month/Day/Year

# THE MUNICIPALITY OF THE COUNTY OF KINGS

## REPORT TO PLANNING ADVISORY COMMITTEE

**Subject:** Appointments to the Kingston Area Advisory Committee

**From:** Planning & Development Services

**Date:** October 11, 2022

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### **Background**

Area Advisory Committees (AACs) are established by Municipal Council to review and provide recommendations to the Planning Advisory Committee (PAC) with respect to planning matters within the Committee's applicable area (Land Use By-law map and text amendment applications and development agreement and amending development agreement applications). The Area Advisory Committee's responsible organization will recruit and recommend its responsible organization members and citizen members to the Planning Advisory Committee. PAC will receive and consider the membership recommendations and forward them onto Council who will appoint the members of the AACs by resolution.

The Area Advisory Committee Policy (PLAN-09-002) establishes the roles and responsibilities for the Area Advisory Committees and lists the Village of Kingston as the responsible organization responsible for recruiting members for the Area Advisory Committee.

The Kingston AAC has provided Staff with the list of their Responsible Organization Members and Citizen Members and are recommending that PAC forward the respective names to Municipal Council for appointment by resolution by passing the following motion.

### **Recommendation**

**The Planning Advisory Committee recommends that Municipal Council appoint the following Responsible Organization Members for one (1) year terms and the following Citizen Members for two (2) year terms for the Kingston Area Advisory Committee:**

### **Kingston Area Advisory Committee**

#### **Responsible Organization Members**

Commissioner Wayne Fowler  
Commissioner Lauren Avery  
Commissioner Neil Larder

#### **Citizen Members**

Paul McNeil

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

Greenwood Growth Centre Boundary – Municipal Planning Strategy Amendment  
October 11, 2022

### 1. PROPOSAL

Council initiated a Municipal Planning Strategy (MPS) amendment to adjust the Growth Centre of Greenwood boundary. The properties subject to this amendment process currently holds a rural designation. The intention is to amend the boundary defined in the MPS to include these parcels in the Growth Centre of Greenwood, and amend the Future Land Use Map and Zoning Map to rezone these properties to enable a broad range of housing options. This amendment would include PIDs 55512149, 55507297, 55507313, 55308928, and 55507305. Additionally, staff propose amending the Zoning Map to re-zone PIDs 55490163, 55490171, 55489330, and 55512131 to enable cohesive consideration of these institutional properties in any future development of the subject site.



Map 1: Primary and Secondary subject site

## 2. OPTIONS

Section 204 of the *Municipal Government Act* requires Council to adopt a public participation program before undertaking the preparation of planning documents, which includes any amendments to the Municipal Planning Strategy. In response to the proposed draft, the Planning Advisory Committee may:

- A. Schedule a Public Participation Meeting to consider the amendments to the Municipal Planning Strategy, as drafted;
- B. Schedule a Public Participation Meeting to consider the amendments to the Municipal Planning Strategy, with adjustments;
- C. Provide alternative direction, such as requesting further information on a specific topic.

## 3. STAFF RECOMMENDATION

Staff recommend that the Planning Advisory Committee schedule a Public Participation Meeting to consider amending the Municipal Planning Strategy and Land Use By-law to adjust the Growth Centre of Greenwood boundary, as drafted:

**That Planning Advisory Committee hold a Public Participation Meeting regarding the proposed amendments to the Municipal Planning Strategy and Land Use By-law to include the land primary subject site (PIDs 55512149, 55507297, 55507313, 55308928, and 55507305) in the Growth Centre of Greenwood boundary, re-designate the lands as Residential on the Future Land Use Map, and re-zone to Comprehensive Neighbourhood Development (R5) Zone on the Zoning Map, and to re-zone the secondary subject site (PIDs 55490163, 55490171, 55489330, and 55512131) to Comprehensive Neighbourhood Development (R5) Zone on the Zoning Map, which will permit comprehensive residential development.**

## 4. BACKGROUND

Growth Centres are intended to create vibrant, complete communities within the Municipality of the County of Kings. There are twelve distinct Growth Centres within the Municipality, in which roughly half of residents live. Some Growth Centres, such as Greenwood, are located within a village, which pursuant to the *Municipal Government Act* can provide services within the village (library, water, sewer, etc.); however, villages are not enabled to make land use planning decisions. Thus, regardless of their village status, these areas are subject to the Municipal Planning Strategy (MPS).

The designation of Growth Centres was initially intended to support the protection of agricultural land and rural character in the Municipality. In the 1970s, residents and organizations were concerned about the pace of development in prime agricultural areas as the population grew. In response, the Municipality created the Urban Growth Centre and Rural Land Capability designations to define these areas and plan for their future development. Growth Centres have been very successful in concentrating new residential and commercial development.

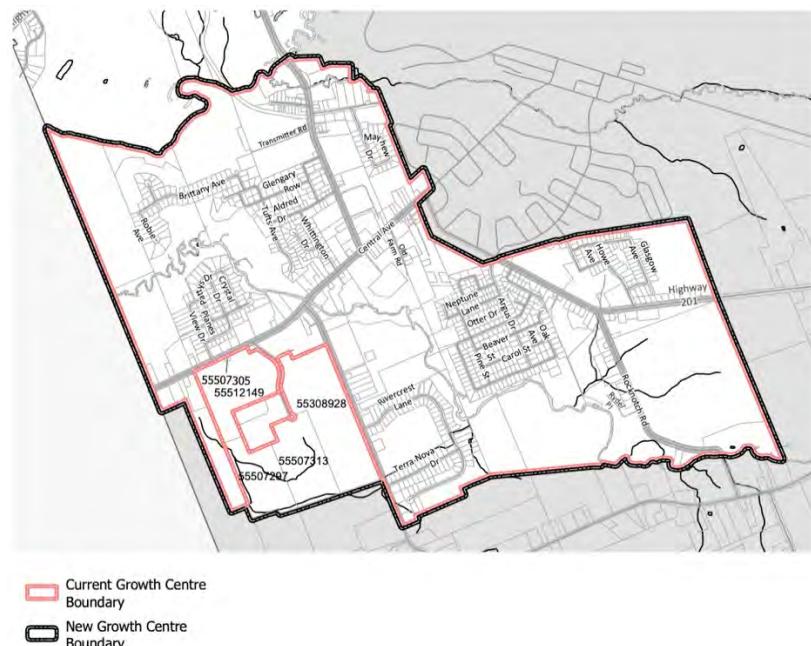
In contrast to Growth Centres, Rural areas typically feature uninterrupted stretches of undeveloped land, including sensitive natural features and active agricultural land. These areas are often used for agriculture or resource extraction industries. The MPS currently permits a limited amount of residential development in these areas. Some of these rural areas contain small clusters of residential, commercial, and industrial development (formerly known as Hamlets), usually located near key transportation routes. The MPS does not support significant growth in these areas.

### **Greenwood Site Conditions**

Greenwood is located in the west end of the Municipality between the banks of the Annapolis and Fales rivers. The community grew rapidly in the 1940s with the arrival of the air force base (CFB Greenwood), which is now considered the largest in Eastern Canada. Today, it is the commercial centre for the broader area and features a diverse array of housing and businesses to meet the diverse and sometimes transient nature of the population.

The subject site, also referred to as "Clements Park", includes PIDs 55512149, 55507297, 55507313, 55308928, and 55507305. This is an approximately 140-acre parcel of serviced land which is located in proximity to CFB 14-Wing Greenwood. These are federal lands and associated with the base; however, they are not currently used for any military purpose. In the past this land was used as the location for military housing. The housing has been removed, but roads and central services remain on or adjacent to the property. There is a desire to repurpose these properties to utilize them for housing. The site is in proximity to commercial and community services, with an approximately 1 kilometre walk to the Sobeys grocery store, and École Rose-des-Vents and Dwight Ross Elementary School directly adjacent to the site.

The secondary subject site includes PIDs 55490163, 55490171, 55489330, and 55512131, which are the schools, as well as a small municipal parcel that contains a sewer lift station. Including these properties in the zoning proposal will allow a more holistic approach to future plans for the site.



*Map 2: Greenwood existing and proposed Growth Centre boundary.*



*Photo: Pathway along Central Ave, adjacent to subject site.*



*Photo: Sewer lift station on the corner of Central Ave and Bedford Road.*

On February 23, 2022, Mayor Muttart, on behalf of the Municipality, extended a request to the Minister of National Defence and the Minister of Municipal Affairs and Housing, asking the Department of National Defence (DND) to consider divesting from the lands, and for the Province of Nova Scotia to consider using these lands to advance its housing strategy and plans. On March 20, 2022, Joanne Lostracco responded on behalf of DND, confirming that the land would need to be declared surplus before it could be disposed for housing purposes, and identifying an upcoming detailed master planning process that will help identify DND land requirements in Greenwood. The Honourable Minister John. A. Lohr responded to the Municipality's request on April 11, 2022, agreeing that the leveraging of government lands to advance affordable housing development aligns with national and provincial housing strategies. He said that he believes the Canadian Mortgage and Housing Corporation (CMHC) can access surplus government lands to make them available for development through the Federal Lands Initiative. Minister Lohr said that he will reach out to his colleagues at the CMHC to discuss opportunities to leverage these lands to support National Housing Strategy objectives.

## 5. POLICY REVIEW

### Municipal Planning Strategy

In some circumstances the Municipal Planning Strategy enables unique uses that would not otherwise be permitted in a zone to be considered by development agreement. However, since growth boundaries between Growth Centres and Rural Areas are established in the Municipal Planning Strategy, an amendment to the Plan is necessary. Amendments to the Municipal Planning Strategy are, by their nature, changes to the Municipality's land use policy and Council is free to make such changes provided they are consistent with the Statements of Provincial Interest and the Minimum Planning Requirements Regulations made under the *Municipal Government Act*. However, staff believes such changes should be reasonably consistent with the balance of the Municipal Planning Strategy.

The vision of the Municipal Planning Strategy establishes priorities intended to direct the Municipality's approach to development. These priorities are themed by topics such as Settlement, Transportation, or Economic Development. Priorities related to Settlement in the Municipality are to concentrate new commercial and residential development in the Growth Centres, and to encourage efficient service and infrastructure delivery. Priorities related to Rural areas are to retain the rural character of the area and to mitigate negative impacts to sensitive natural features and vistas. The MPS provides the following overarching policy pertaining to rural areas:

2.2.1 *areas located outside of Growth Centres as rural areas on Schedule A – Municipal Structure. These areas are intended to contain primarily agricultural and resource uses and their related industries, rural commercial uses, rural industrial uses, recreational uses, renewable energy uses, and **limited residential development**;*

In contrast to the policy pertaining to rural areas, the MPS provides the following policy pertaining to Growth Centres boundaries:

2.1.3 *recognize that Growth Centres have characteristics that differentiate them from the surrounding rural areas of the Municipality. These characteristics may include*

- (a) *central sewer services;*
- (b) *central water services;*
- (c) *active transportation corridors;*
- (d) *community facilities;*
- (e) *recreation facilities;*
- (f) *educational facilities;*
- (g) *diverse housing options; or*
- (h) *a concentration of commercial and/or industrial opportunities;*

2.1.4 *establish detailed and individualized policy direction within the Secondary Plan for each of the Growth Centres of Kingston, **Greenwood**, Centreville, Coldbrook, and Port Williams;*

The land subject to the amendment are more in keeping with the definition of Growth Centre than Rural Area, as outlined in 2.2.1 and 2.1.3. The properties subject to this amendment are not currently used for any of the purposes outlined in Policy 2.2.1. As previously described, it is vacant, serviced land which has been used in the past as housing for 14-Wing Greenwood. It should be noted that although the properties are technically serviced, the capacity and quality of these services is unknown. There are municipal services nearby that can be used to extend new services into the site should more intense use be permitted. Further, evaluating the capacity of these services and the effect of any new development would be completed during the development agreement process, should the properties be rezoned to a Comprehensive Neighbourhood Development (R5) zone.

Beyond existing servicing, the properties are well-connected to the rest of Greenwood, and there are some amenities directly adjacent and in the vicinity of properties, such as the Dwight Ross Elementary School. The proposed re-designation and re-zoning is in accordance with the policies and objectives provided in the Greenwood Secondary Plan, as directed in policy 2.1.4.

Growth Centre boundaries ought to:

2.1.8 *place Growth Centre boundaries according to the following criteria:*

***(b) minimizing the spread of urban development into agricultural areas;***

***(c) encouraging cost-effective water, sewer, and transportation networks;***

Growth Centre boundaries are intended to support the desires of residents in protecting agricultural lands, to discourage inefficient development patterns, and to enable the efficient provision of services. These boundaries were not intended to impede growth, rather to allow Council to conduct growth management on a regional rather than a community scale. Council recognizes that more land may need to be made available given the pace of development. The MPS provides that the expansion of these Growth Centres may be required:

2.1.10 *identify Future Growth Centre Expansion Areas, as identified on Schedule A - Municipal Structure, in order to plan for transportation networks and central service connections; and*

2.1.11 *collaborate with the appropriate towns, villages, First Nations communities and other regional stakeholders to develop and implement a comprehensive land use plan for any area within a Future Growth Centre Expansion Area being considered for Growth Centre classification;*

Policy related to the consideration of Growth Centre boundary expansions:

2.1.13 *periodically review the boundaries of Growth Centres, with any amendments to be in accordance with:*

*(a) the Growth Centre Boundaries policies contained in this section;*

- (b) the future Growth Centre Expansion Areas policies contained in this section; and
- (c) the results of an Agricultural Impact Assessment where a Growth Centre Boundary is proposed to expand to include lands within the Agricultural (A1) Zone.

The proposed MPS amendment does not comply with policy 2.1.13b in respect to future growth expansion areas. It is important to recognize that this expansion was unlikely to have been considered feasible at the time the MPS was written; the lands were designated for federal purposes, and thus were reasonable to leave outside the Growth Centre boundary. Today, there is an opportunity to recognize the potential of these properties as sensible areas for expansion – they are easily serviced, accessible, located along a central corridor in Greenwood, and located near amenities and commercial areas. The proposed amendment is an opportunity to consider the potential of these properties to contribute to the settlement objectives and priorities recognized across the Municipality.

Council's initial motion to initiate the MPS amendment process suggested consideration of the Residential Mixed Density (R3) Zone. However, if Council accepts the proposed amendment to the MPS, staff recommends amending the Future Land Use Map and the Land Use Bylaw (LUB) to re-designate and re-zone the land to the Residential (R) Designation and the Comprehensive Neighbourhood Development (R5) Zone. The Comprehensive Neighbourhood Development (R5) Zone is well-suited to the large scale of the site, the potential need to develop new services, and the possibility of designing a unique neighbourhood with a mix of housing types to align with provincial and national housing strategies.

Described in the MPS,

*"the Comprehensive Neighbourhood Development (R5) Zone is intended for integrated and comprehensive planning of new large-scale neighbourhoods by development agreement. This zone is appropriate for locations that are environmentally sensitive or prominently located within an established community, or where an innovative development form is desirable."*

The MPS provides the following policy regarding zoning lands as R5:

3.1.11            *zone as Comprehensive Neighbourhood Development (R5) lands that are intended to enable the development of large-scale and **comprehensively-planned** neighbourhoods. This zone may be applied to areas that:*

- (a) are a **minimum of five (5) acres** in size;
- (b) would benefit from a **public planning process**, such as lands that are prominently located within an established community; and
- (c) need to be **well integrated with surrounding lands** to meet the goals of this Strategy including, but not limited to, areas that require the construction of important transportation infrastructure, that contain or abut environmentally sensitive features, or where an innovative development form is desired;

The subject site meets all of these criteria.

## Statements of Provincial Interest

Section 198 of the *Municipal Government Act* requires that municipal planning documents be “reasonably consistent” with the directives of the statements of provincial interest. The proposed amendment to the MPS remains consistent with the Statements of Provincial Interest under the *Municipal Government Act*:

Drinking Water	N/A. The subject site is not within the wellfield protection area for Greenwood.
Flood Risk Areas	N/A. The subject site is not within a floodplain.
Agricultural Land	The Canada Lands Inventory classifies the bulk of the subject site as “Class 4” for agricultural purposes. These soils have “severe limitations”, and are thus only considered “good soils” by the Statement of Provincial Interest if they are actively farmed. In other words, these soils are not considered “good soils”. However, much of PID 55308928 and a small portion of PID55507313 are identified as “Class 3”, which are considered “good soils”. However, these lots are surrounded by development, are located in close proximity to infrastructure, and have the potential to be used to efficiently further housing options in Greenwood. Staff is of the opinion that these lots are unlikely to be used for agriculture, and that there is an opportunity here to better meet the Statements of Provincial Interest regarding Infrastructure and Housing.
Infrastructure	The Municipality aims to ensure infrastructure is used efficiently and cost-effectively by <b>directing development to areas with existing infrastructure</b> and limiting its installation where development is discouraged. The subject site was formerly serviced, and it may be possible to utilize these existing services. Barring this, the site is also adjacent to significant municipal infrastructure and expansion of these services into the subject site would be relatively efficient.
Housing	The Municipality is committed to diverse housing forms, types and tenures through <b>development of various zones to accommodate, and comprehensively designed residential areas</b> with specifications for wide-ranging housing types. The proposed change to the subject site would enable approximately 140 acres of new housing development within close proximity to services and amenities. The proposed Comprehensive Neighbourhood Development (R5) Zone would enable a diverse mix of housing options.

## **Timing of Amendments**

The subject site remains under the ownership of DND, and cannot be made surplus for general housing until such time as 14 Wing Greenwood completes its master planning process. However, the Federal Government is not subject to municipal land use planning. Therefore, there is little risk to moving forward with the amendments as proposed at this time – the proposed Growth Centre boundary and zoning would simply be ready for such time as the lands are declared surplus, and in the meantime would not present any barrier or limitation on Federal use of the lands.

## **6. CONCLUSION**

The subject site currently holds a Rural area designation yet it exhibits very few characteristics of rural areas outlined in the MPS. The land was previously serviced and has been used for housing in the past. An MPS and LUB amendment to the Greenwood Growth Centre boundary, re-designating the land to Residential (R), and re-zoning the land Comprehensive Neighbourhood Development (R5) zone would permit the advancement of Municipal, Provincial, and Federal housing strategies and plans, while allowing Council to maintain some discretion on any future developments and comprehensive analysis of servicing through the development agreement process. Staff recommend that the Planning Advisory Committee schedule a Public Participation Meeting to consider amending the Municipal Planning Strategy to adjust the Greenwood growth boundary.

## **7. APPENDICES**

**Appendix A: Proposed Growth Centre of Greenwood Boundary Amendment**

**Appendix B: Proposed MPS Schedule A – Municipal Structure Map**

**Appendix C: Proposed MPS Schedule B – Rural Future Land Use Map**

**Appendix D: Proposed MPS Schedule C6 – Greenwood Future Land Use Map**

**Appendix E: Proposed MPS Schedule E06-6 – Sidewalk Priority – Kingston Greenwood**

**Appendix F: Proposed LUB Map 6 – Greenwood Zoning Map**

**Appendix G: Proposed LUB Map 13 – Rural Zoning Map**

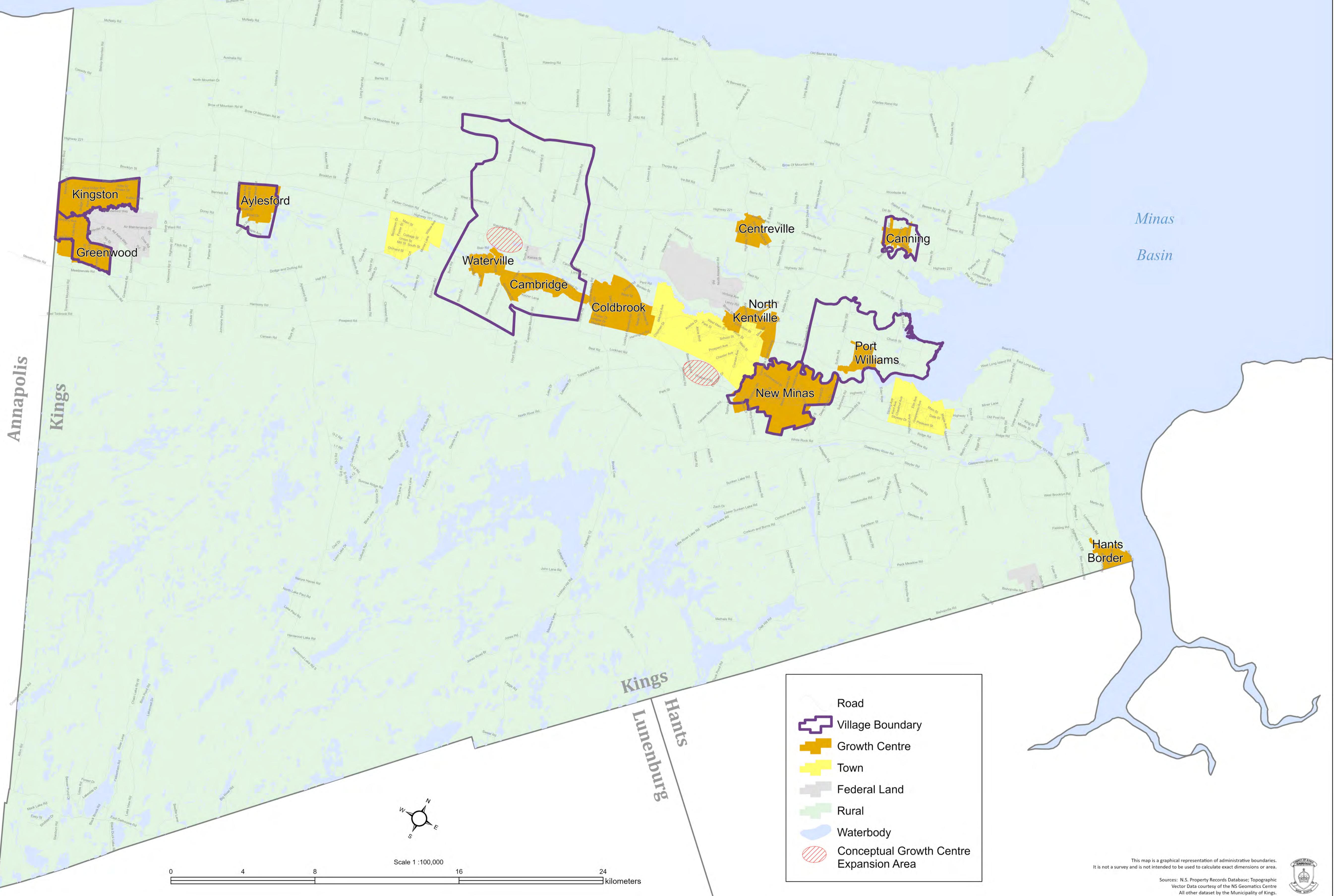
## Appendix A: Proposed Growth Centre of Greenwood Boundary Adjustment



# Municipal Planning Strategy

## Municipal Structure Map - Schedule A

### BAY OF FUNDY



MUNICIPALITY OF THE COUNTY OF KINGS


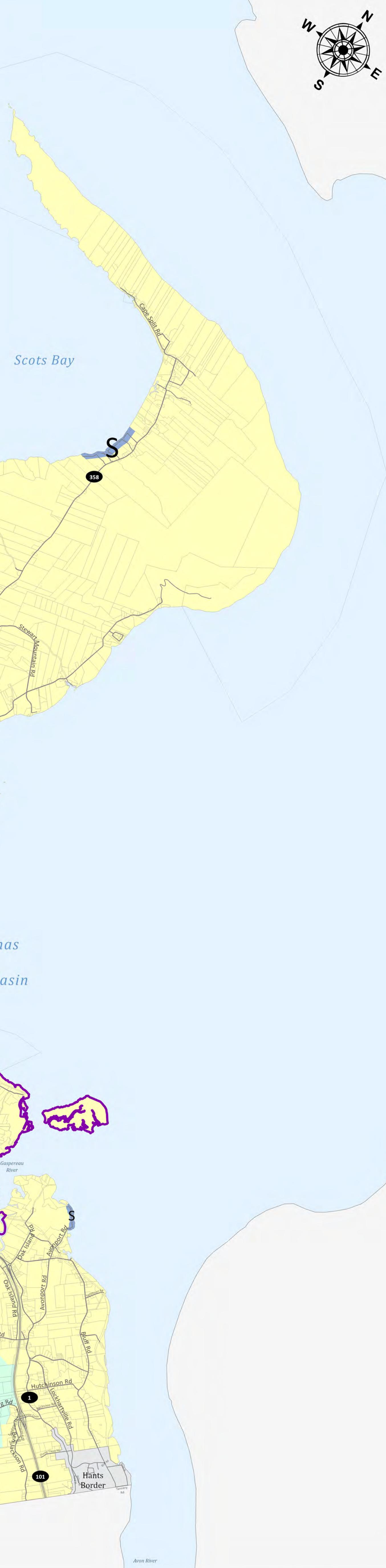
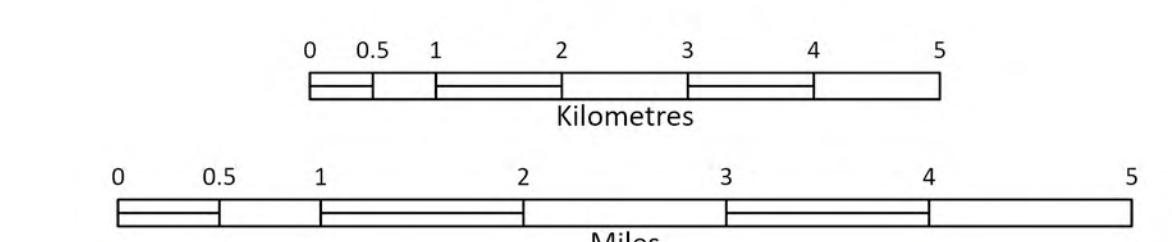
MUNICIPAL PLANNING STRATEGY

RURAL FUTURE LAND USE

Schedule B

Approved On:  
Amended To:

Scale 1:60,000



Property Data: Nova Scotia Property Resource Database (2019)  
Planimetric Data: Nova Scotia Topographic Database (2008), Compliments of the NS Geomatics Centre, Annapolis  
County, Nova Scotia, Canada  
This map is a graphical representation of property boundaries and Municipal boundaries.  
It is not a survey and is not intended to be used to calculate exact dimensions or areas.



GROWTH CENTRE  
**Greenwood**  
FUTURE LAND USE  
*Schedule C6*

C - Commercial Designation

M - Industrial Designation

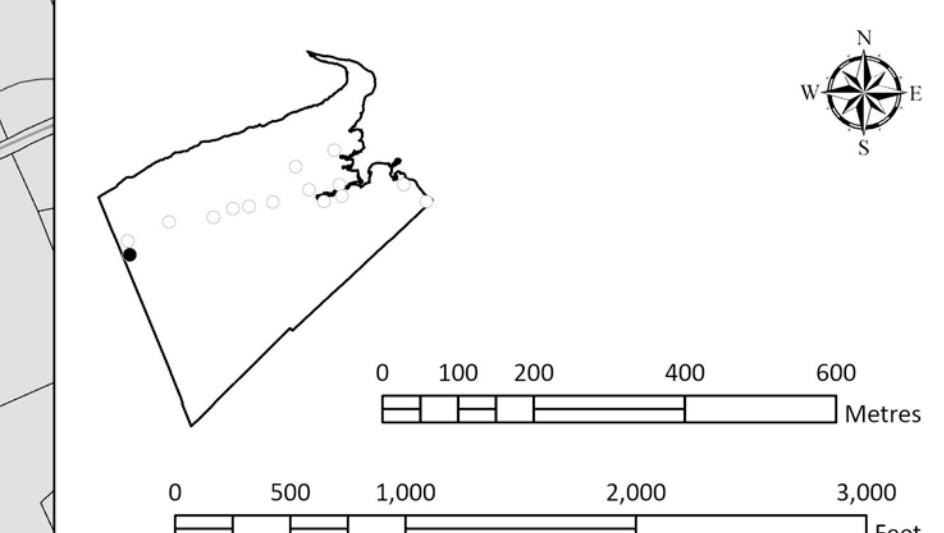
R - Residential Designation

- Growth Centre
- Town, First Nations or Federal Land
- Rural Area
- Waterbody
- Road Centreline

APPROVED ON: March 5, 2020

AMENDED TO:

MAP UPDATED: September 20, 2022



This map is a graphical representation of property boundaries and Municipal boundaries.  
It is not a survey and is not intended to be used to calculate exact dimensions or area.  
Source: Property Records Database (2019) and Topographic  
Database (2008); NS Geomatics Centre  
Zoning, Roads Database; Municipality of Kings (2019)

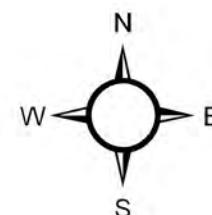


MUNICIPALITY OF THE COUNTY OF KINGS

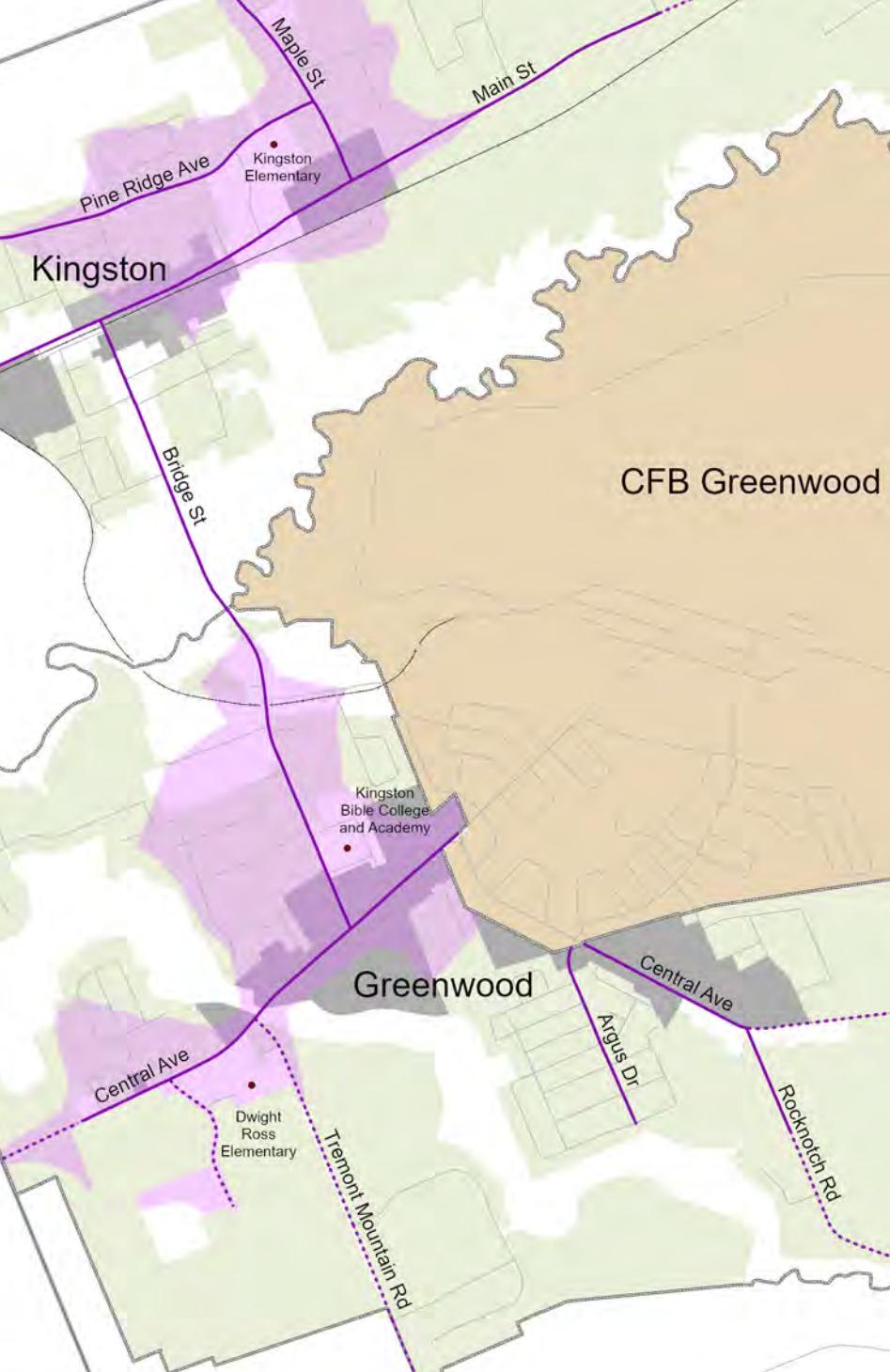
# Sidewalk Priority Map E6

## Kingston and Greenwood

Kings County  
Annapolis County



Scale 1:24,000  
0 0.25 0.5 1  
kilometres



- Priority Area with Existing Sidewalks
- Priority Area without Sidewalks
- Elementary Schools
- Active Transport Railbed
- Approximate 1km School Zone
- Residential Zoning
- C1 - General Commercial
- C2 - Central Business
- Growth Centre Boundary
- Non-Municipal

This map is an illustration of sidewalk priority, which is determined based on the criteria outlined in the MPS Strategy section 2.3. Sidewalk ownership and maintenance are the responsibility of either the Towns, Villages or Municipality of Kings County.

This map is a graphical representation of Municipal boundaries. It is not a survey and is not intended to be used to calculate exact dimensions or area.

Sources:  
Topographic Database courtesy of the NS Geomatics Centre.  
All other data originates with the Municipality of Kings.



GROWTH CENTRE  
**Greenwood**  
LAND USE BY-LAW  
*Map 6*

- R1 - Residential One Unit
- R2 - Residential One and Two Units
- R3 - Residential Mixed Density
- R4 - Residential Multi-Unit
- R5 - Comprehensive Neighbourhood Development
- C1 - General Commercial
- C3 - Mixed Commercial Residential
- M1 - Light Industrial Commercial
- I1 - Institutional
- A2 - Rural Mixed Use
- P1 - Commercial Recreation
- D1 - Environmental Constraints Zone

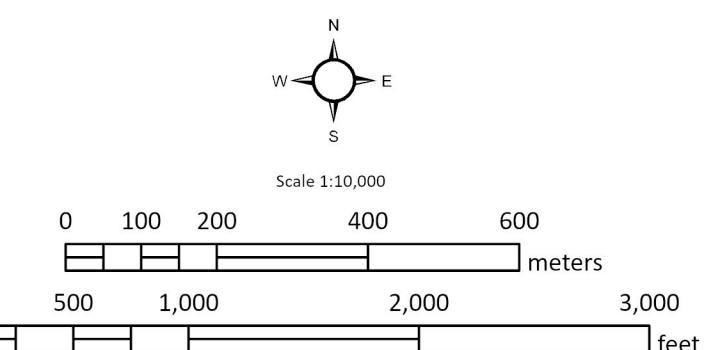
-  Growth Centre
-  Noise Exposure Contour (35)
-  Town, First Nations or Federal Land
-  Rural Area
-  Development Agreement
-  Environmentally Sensitive Area (ESA) Overlay
-  Wellfield Zone
-  Waterbody
-  Collector Road
-  Road

APPROVED ON: March 5, 2020

**AMENDED TO:**

MAP UPDATED: September 20, 2022

## Growth Centres in Kings County



lands covered by watercourses/waterbodies shall be subject to the requirements of the Environmental Constraints (O1) Zone.

This map is a graphical representation of property boundaries and Municipal boundaries. It is not a survey and is not intended to be used to calculate exact dimensions or area.

Source: Property Records Database and Topographic Database, NS Geomatics Centre; all other data originates with the Municipality of the County of Kings.



# Municipality of the County of Kings

## MUNICIPALITY OF THE COUNTY OF KINGS


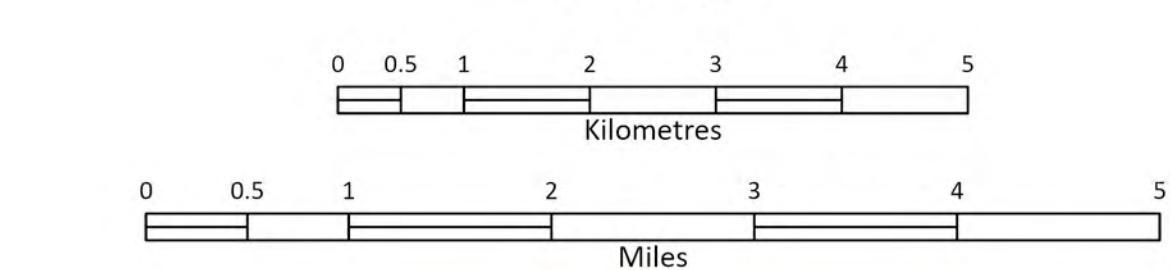
### LAND USE BYLAW

### RURAL ZONING

#### Map 13

Approved On: March 5, 2020  
Map Update (DA): Aug 17, 2021  
Amended On: October 1, 2021

Scale 1:60,000



#### ZONING

A1 - Agricultural	M3 - Rural Industrial
A2 - Rural Mixed Use	N1 - Resource
A3 - Farm Commercial	O1 - Environmental Constraints
A4 - Country Residential	P1 - Commercial Recreation
A5 - Historic Hamlet of Grand Pre	S1 - Shoreland Residential
C4 - Rural Commercial	S2 - Shoreland Limited Development
C5 - Highway Commercial	T1 - Tidal Shoreland
I1 - Institutional	T2 - Tidal Commercial

#### OVERLAYS

Environmentally Sensitive Area (ESA)	Federal Land
Wellfield Zone	Growth Centre
Proposed Wolfville Wellfield Zones	Town
Town Water Supply Overlay (TWS)	Property Boundary
Grand Pre and Area Community Plan	Development Agreement
Wind Turbine Overlay	Waterbody

#### OTHER FEATURES

Road	Property Boundary
Property Boundary	Federal Land
Development Agreement	Growth Centre
Waterbody	Town
Wind Turbine Overlay	Property Boundary
Proposed Wolfville Wellfield Zones	Development Agreement
Grand Pre and Area Community Plan	Waterbody
Road	Road

Lands covered by watercourses/wetlands shall be subject to the requirements of the Environmental Constraints (O1) Zone.

Source: Property Data: Nova Scotia Property Records Database (2020); Planning Data: Nova Scotia Planning Data (2020); Zoning Overlays: Development Agreements; Municipality of Kings Database (2020).

This map is a graphical representation of property boundaries and Municipal boundaries. It is not a survey and is not intended to be used to calculate exact dimensions or areas.



## Municipality of the County of Kings

### Report to the Planning Advisory Committee

Planning application for a Development Agreement to permit a change in a non-conforming use in a structure from Farm Supportive use to a warehousing use on a portion of the property located at 34 Sun Valley Drive (PID 55374086), Aylesford East. (File #22-11)

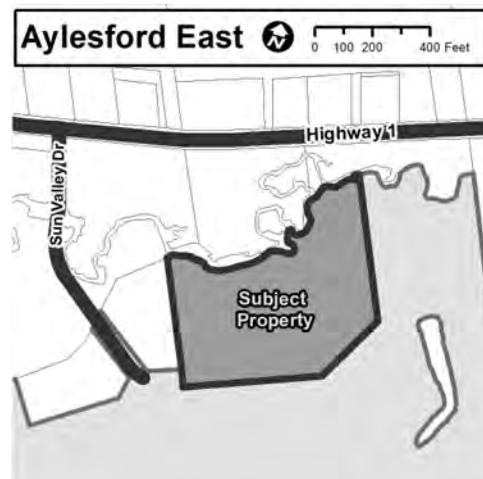
October 11, 2022

Prepared by: Planning and Development Services

<b>Applicant</b>	David Ernst (Terra Beata Farms Ltd.)
<b>Land Owner</b>	Terra Beata Farms Ltd.
<b>Proposal</b>	To enter into a Development Agreement to permit a change in a Farm Supportive Use to a Warehousing use for a portion of the property located at 34 Sun Valley Drive (PID 55374086), Aylesford.
<b>Location</b>	34 Sun Valley Drive, Aylesford East.
<b>Lot Area</b>	223 acres (total) 7.5 acres (Proposed lot to be subdivided and regulated by Development Agreement)
<b>Designation</b>	Agricultural (A)
<b>Zone</b>	Rural Mixed Use (A2) and Environmental Constraints (O1)
<b>Surrounding Uses</b>	Primarily low-density residential and agricultural uses
<b>Neighbour Notification</b>	23 Letters providing notification of the planning application were mailed to property owners within 500 feet of the subject property

#### 1. PROPOSAL

David Ernst, on behalf of Terra Beata Farms Ltd., has applied to enter into a Development Agreement for a portion of the property located at 34 Sun Valley Drive, Aylesford East. If approved by Council, the Development Agreement would permit an existing building used for Farm Supportive Use to be used as a Warehouse not related to a farm. This Development Agreement would allow the property owner to subdivide and sell the portion of the property containing the buildings controlled by the Development Agreement without road frontage. The remaining portion of the property would continue to be utilized for agricultural (cranberry) production, which is a use permitted as-of-right in the underlying zone and would not be subject to the Development Agreement.



## 2. OPTIONS

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

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

## 3. STAFF RECOMMENDATION

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

**The Planning Advisory Committee recommends that Council give Initial Consideration to and hold a Public Hearing regarding entering into a Development Agreement to permit a change of non-conforming use in a structure to a use similar in nature that is not permitted in the zone located on a portion of the property at 34 Sun Valley Drive (PID 55374086), Aylesford East as described in Appendix D of the report dated October 11, 2022.**

## 4. BACKGROUND

The property has been in active agricultural use as a cranberry farm for the past several decades. Consolidations occurred in 1998 and in 2012 of neighbouring land parcels resulting in the large, irregularly configured 223-acre land parcel. In addition to the cranberry production on the property, for a number of years cranberry processing, storage and distribution has also occurred in the 17,850 square foot building on the east side of the lot. The property is accessed through a right-of-way extending from Highway 1.

The applicant/property owner purchased the property in 2019 from another cranberry producer, with the intention to continue the cultivation of cranberries on the property. The current owner has other facilities for the storage, processing and distribution of cranberries elsewhere, making the existing building located on the subject property redundant for their business. The lack of road frontage limits the uses permitted in the Land Use By-law for the re-use of the existing building. The applicant has entered into an agreement of purchase and sale with regard to the building and a 7.5-acre portion of the subject property that the building is situated upon. The agreement of purchase and sale is conditional upon the establishment of a Development Agreement to enable warehousing and storage for a use occurring off-site as a permitted use.

## 5. SITE INFORMATION

### 5.1 Subject Property Information

A site visit was conducted on April 1<sup>st</sup>, 2022 by the planner on the file. The planner walked the subject property and discussed the intent behind the planning application with the applicant. The planner took photos of the subject property. An additional site visit was conducted on August 19<sup>th</sup>, 2022 by the planner who had then began managing the application.

The subject property has a total approximate lot area of 223 acres. The area which would be subject to the development agreement comprises approximately 7.5 acres of the northern section of the property. The subject property is irregularly shaped as a result of multiple consolidations that have occurred as well as natural features such as the Annapolis River that have resulted in natural property boundaries. The subject property is developed with an existing single storey building on site which was previously used for agricultural processing and warehousing as well as a small farm office. There is an additional illegal building currently used for the storage of materials and vehicles that is intended to be removed prior to the time of subdivision. The subject property does not have public road frontage and is accessed via Sun Valley Drive, a private named right-of-way that extends southward from Highway 1 approximately 660 feet to the property boundary.

There is a significant presence of watercourses, wetlands, and other water features identified on and abutting the subject property, particularly with regard to the portion of the subject property that the development agreement is intended to be applied to. The Annapolis River runs alongside the northern property boundary and forms a natural property boundary. Approximately 4.25 acres of the portion of the subject property for which the proposed development agreement would be applicable is zoned Environmental Constraints (O1). The remaining approximate 3.25 acre of the subject property intended to be regulated by the development agreement, which includes the private right-of-way (Sun Valley Drive) used to access the subject property, is zoned Rural Mixed Use (A2) Zone.

Neighbouring properties, abutting the subject property which also utilize Sun Valley Drive for access, are zoned Rural Mixed Use (A2). There is a one-lane bridge that crosses the Annapolis River as part of Sun Valley Drive. The properties on the opposite side of the Annapolis River are either zoned Environmental Constraints (O1), or are split between the Environmental Constraints (O1) and Rural Mixed Use (A2) Zone. Properties on the North side of Highway 1 are zoned Agriculture (A1), though the majority are existing residential uses. Approximately 600 feet west of the intersection of Sun Valley Drive and Highway 1 is the boundary of the Aylesford Growth Centre. Properties on the opposite side of this boundary, with frontage onto Highway 1, are zoned either General Commercial (C1) or Mixed Commercial Residential (C3) and are utilized for commercial or residential uses.

### 5.2 Comments from Public

Under the Planning Policies of the Municipality of the County of Kings (PLAN-09-001), a Public Information Meeting (PIM) was required because the application concerns a development agreement. A PIM was held in the community at the Aylesford and District Fire Hall (1083 Park Street) on Tuesday, May 10<sup>th</sup>, 2022. A total of 23 property owners within 500 feet of the portion of the subject property for which the proposed

development agreement would be applicable were notified via letter mail. A notice for the public information meeting was also placed in the *Annapolis Valley Register* on Thursday, April 28<sup>th</sup>, 2022.

No comments from the public were received.

### **5.3 Requests for Comments**

Staff requested a legal opinion be obtained by the applicant regarding the right of way on Sun Valley Drive. The applicant engaged the firm of Burke, MacDonald and Luczak, Barristers and Solicitors, to provide an opinion which appears below:

1. The right of way easement for the benefit of PID 55374086 is described as " WITH THE PRIVILEGE of a right of way or pent road from said John Foster's North line to the Post Road." There are no limitations on the use of the easement. The "right of way or pent road" referred to therein is Sun Valley Drive.
2. The use of a right of way may be extended to the owners of subdivided parts of the original lot served by easement.
3. Because the right of way has no limitation, it would remain valid after a change in use permitted by the development agreement.

## **6. POLICY REVIEW**

### **Land Use By-law – Development Agreement**

The application is eligible to be considered by development agreement, as enabled in Section 14.7.5 (b) of the Land Use By-law (LUB). This section of the LUB lists the uses that can be considered by development agreement regarding a change in use of a non-conforming use of land or a non-conforming use in a structure to another use not permitted within the underlying zone.

#### ***"LUB 14.7.5 Expansion of Non-conforming Uses and Structures***

*(b) A change in use of a non-conforming use of land or a non-conforming use in a structure to another use not permitted within the underlying zone in accordance with policy 3.0.4 of the Municipal Planning Strategy."*

#### **Municipal Planning Strategy - Enabling Policy and Criteria**

Policy 3.0.4 of the Municipal Planning Strategy allows Council to consider changes to the non-conforming use of land or the non-conforming use of a structure to a use similar in nature that is not permitted in the underlying zone by development agreement. This policy allows Council to consider the requested change in use for the building located on the portion of the property being sought for a development agreement at 34 Sun Valley Drive.

**"MPS 3.0.4 consider only by development agreement a change in a non-conforming use of land or a non-conforming use in a structure to a use similar in nature that is not permitted in the zone. In evaluating such development agreements, Council shall be satisfied that:**

*(a) the use will not adversely affect adjacent land uses;*

The use proposed to be enabled by the development agreement within the existing building are set back and not within proximity to other properties within the area. Further, the proposed use, warehousing, is similar in nature to a portion of the previous use, agricultural storage, which occurred in the structure. The warehousing and storage use is not proposed to see much daily activity and be completely contained within the building and should overall have minimal disruption to the adjacent land uses.

*(b) adequate buffering, setback or separation distances are maintained to reduce visual and other impacts on surrounding uses;*

The structure is located approximately 325 feet from the closest neighbouring dwelling. The subject property has a natural property boundary from additional residential properties, owing to the Annapolis River. The remaining property boundary abuts the existing cranberry farm. The building is existing and the use is similar to the prior use and should not have an increased visual impact on neighbouring properties and uses.

*(c) the new use is not obnoxious by virtue of noise, odour, dust, vibration, smoke or other emission;*

The proposed use is similar in nature to the previous use occurring in the structure. The warehousing and storage is not proposed to see daily activity and would not produce any obnoxious emissions.

*(d) adequate provision is made for the acceptable maintenance and appearance of the expansion; and*

Clauses in the development agreement require acceptable and continued maintenance of the structure and the subject property.

*(e) the proposal meets the general development agreement criteria set out in section 5.3 Development Agreements and Amending the Land Use By-law;*

The proposal meets the general development criteria as described in Appendix C of the report.

### **General LUB amendment Policies**

Section 5.3 of the Municipal Planning Strategy (By-law #105) contains a number of general criteria for to consider when entering into a development agreement (Appendix C). These criteria consider the impact of the proposal on the road network, services, development pattern, environment, finances, and wellfields, as well as the proposal's consistency with the intent of the planning strategy. In terms of the other general development criteria contained in the Municipal Planning Strategy there are no additional costs to the Municipality related to the development agreement and development of the subject

property. Staff received comments from the NS Department of Public Works which indicated that it has no concerns with vehicular access to Highway 1, site drainage or the proposed site plan.

## **7. SUMMARY OF DRAFT DEVELOPMENT AGREEMENT**

The draft development agreement has been attached in Appendix D of this report. The main content includes:

- Enabling the use of an existing structure on the subject property for warehouse use which is not permitted in the existing zone.

## **8. CONCLUSION**

It is Staff's opinion that the ability to reuse this building is limited by the lack of road frontage, however, the proposed use of this building that will be enabled by this Development Agreement is an appropriate use of the existing infrastructure and will not have any additional impact on the neighbouring properties. The proposal is in keeping with the intent of the policies found in the Municipal Planning Strategy. The proposal meets all of the general Development Agreement criteria. As a result, a positive recommendation with regard to the application is being made to the Planning Advisory Committee

## **9. APPENDICES**

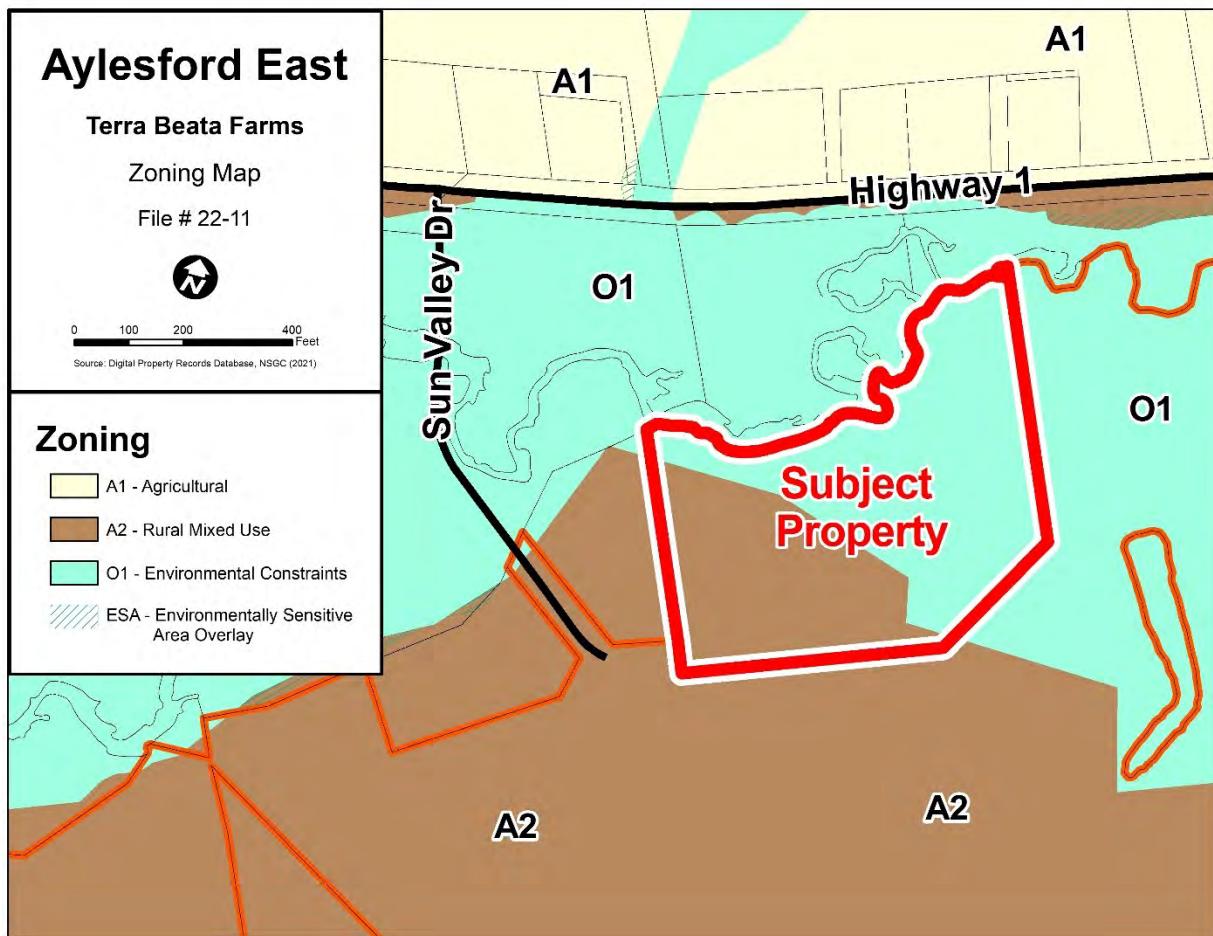
**Appendix A: Zoning Map**

**Appendix B: Air Photo Map**

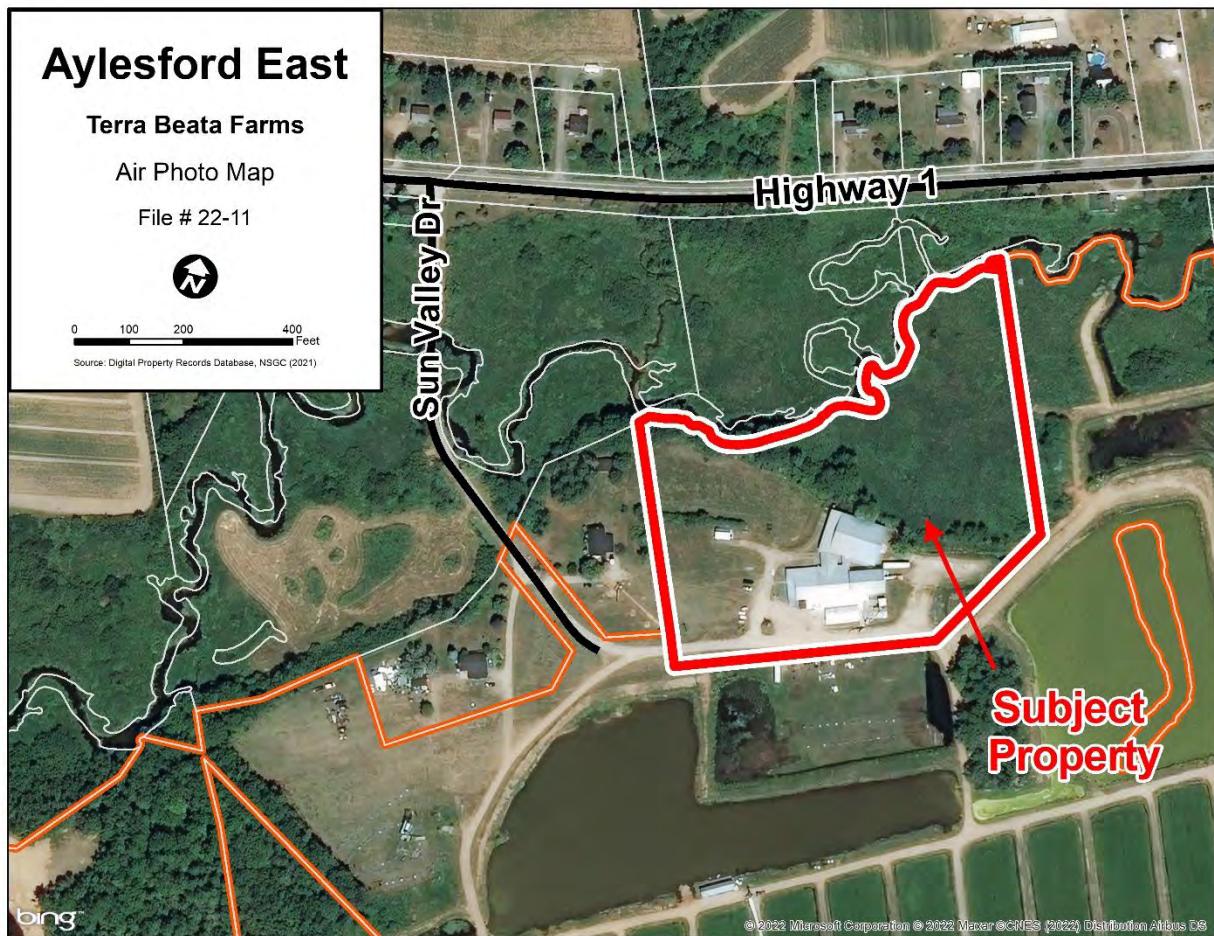
**Appendix C: Municipal Planning Strategy (By-law #105), Section 5.3. – General Criteria to Consider for all Development Agreements and Land Use By-law Amendments**

**Appendix D: Draft Development Agreement**

## Appendix A: Zoning Map



## Appendix B: Air Photo Map



**Appendix C: Municipal Planning Strategy (By-law #105), Section 5.3. – General Criteria to consider for all Development Agreements and Land Use By-law Amendments**

**Policy 5.3.7**

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

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

Criteria	Comments
<i>a. is consistent with the intent of this Municipal Planning Strategy, including the Vision Statements, relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;</i>	The proposed development agreement is consistent with the intent of the Municipal Planning Strategy, and the applicable goals, objectives and policies contained within the Municipal Planning Strategy.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	The proposed development agreement is not in conflict with any Municipal or Provincial programs, By-laws, or regulations.
<i>c. that the proposal is not premature or inappropriate due to:</i>	
<i>i. the Municipal or village costs related to the proposal;</i>	The proposal does not involve any development costs to the Municipality.
<i>ii. land use compatibility with surrounding land uses;</i>	The proposed land use would be compatible with the surrounding land uses.
<i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>	Not Applicable – no residential uses are proposed.
<i>iv. the creation of any excessive traffic hazards or congestion due to road or pedestrian network adequacy within, adjacent to, and leading to the proposal;</i>	The provincial Department of Public Works has no concerns regarding road networks or traffic generated by this use.
<i>v. the adequacy of fire protection services and equipment;</i>	Adequate fire protection services and equipment for the proposed use has been confirmed.
<i>vi. the adequacy of sewer and water services;</i>	Not applicable - Municipal services are not available, sewer and water services would be privately owned and regulated by Nova Scotia Environment.
<i>vii. the potential for creating flooding or serious drainage problems either within the area of development or nearby areas;</i>	Uses permitted through the proposal are not expected to generate issues since the uses enabled in this Development Agreement are within an existing building which should not result in flooding or drainage problems.

<i>viii. negative impacts on identified wellfields or other groundwater supplies for the area;</i>	Not applicable. There are no wellfields in proximity to the subject site.
<i>ix. pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i>	No new construction or significant site disturbances are being proposed. The uses enabled by this Development Agreement will be within the existing building.
<i>x. negative impacts on lake water quality or nearby wetlands;</i>	There are no nearby lakes, the uses enabled by this Development Agreement will be within the existing building and are not expected to have a negative impact on the nearby wetland area.
<i>xi. negative impacts on neighbouring farm operations;</i>	No negative impacts are expected on the existing cranberry growing operation or on other area farm operations.
<i>xii. the suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way.</i>	The uses enabled by this Development Agreement will be within the existing building.

## **Appendix D: Draft Development Agreement**

BETWEEN:

**David Ernst**, of Heckmans Island, 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 Coldbrook, Kings County, Nova Scotia, hereinafter called the "Municipality",

of the Second Part

WHEREAS the Property Owner is the owner of certain lands and premises (hereinafter called the "Property") which lands are more particularly described in Schedule A attached hereto and which are known as Property Identification (PID) Number 55374086; and

WHEREAS the Property Owner wishes to use the Property for a warehouse use; and

WHEREAS the Property is situated within an area designated Agriculture (A) on the Future Land Use Map of the Municipal Planning Strategy, and zoned Rural Mixed Use (A2) and Environmental Constraints (O1) on the Zoning Map of the Land Use By-law; and

WHEREAS policies 3.0.4 and 5.3 of the Municipal Planning Strategy and section 14.7.5 of the Land Use By-law provide that the proposed use may be permitted 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 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 By-law

- (a) *Municipal Planning Strategy* means By-law 105 of the Municipality, approved on March 5, 2020, as amended, or successor by-laws.
- (b) *Land Use By-law* means By-law 106 of the Municipality, approved on March 5, 2020, as amended, or successor by-laws.

### 1.3 Definitions

Unless otherwise defined in this Agreement, all words used herein shall have the same meaning as defined in the Land Use By-law unless the context clearly indicates otherwise. Words not defined in the Land Use By-law but defined herein are:

- (a) *Development Officer* means the Development Officer appointed by the Council of the Municipality.

## PART 2 DEVELOPMENT REQUIREMENTS

### 2.1 Use

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

- (a) those uses permitted by the underlying zoning in the Land Use By-law (as may be amended from time-to-time); and
- (b) a Warehouse in the existing building identified on Schedule B -Site Plan.

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

### 2.2 Appearance of Property

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

### **2.3 Subdivision**

The Property may be subdivided to create “Lot 2022” as graphically shown in Schedule B. This Agreement may be discharged from the remainder of the Property upon approval of the aforementioned subdivision. The structure labelled as “To Be Removed” on Schedule B of this agreement shall be removed prior to the approval of a plan of subdivision.

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

### **2.4 Erosion and Sedimentation Control**

During any site preparation, construction activities or demolition activities of a structure or parking area, all exposed soil shall be stabilized immediately, and all silt and sediment shall be contained within the site as required by the Municipal Specifications and according to the practices outlined in the Department of Environment *Erosion and Sedimentation Control Handbook for Construction*, or any successor documents, so as to effectively control erosion of the soil.

### **2.5 Lighting**

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

### **2.6 Servicing**

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

## **PART 3 CHANGES AND DISCHARGE**

**3.1** Any matters in this Agreement which are not specified in Subsection 3.2 below are not substantive matters and may be changed by Council without a public hearing.

**3.2** The following matters are substantive matters:

(a) the use permitted on the property as listed in Section 2.1 of this Agreement.

**3.3** 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.

**3.4** Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter and this Agreement may be discharged in whole or in part by Council without a public hearing under the following conditions:

(a) At the request of the Property Owner if the use enabled by this Agreement has ceased or is otherwise permitted in the absence of this Agreement.

(b) Following the approval of a Plan of Subdivision, as described in section 2.3 of this Agreement.

**3.5** Notice of Intent to discharge this Agreement may be given by the Municipality to the Property Owner following a resolution of Council to give such Notice:

(a) as provided for in Section 3.4 of this Agreement; or

(b) at the discretion of the Municipality, with or without the concurrence of the Property Owner, where the Development has, in the reasonable opinion of council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or,

(c) at any time upon the written request of the Property Owner, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.

**3.6** Council may discharge this Agreement thirty (30) days after a Notice of Intent to Discharge has been given.

## **PART 4 IMPLEMENTATION**

### **4.1 Commencement of Operation**

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

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

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

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

- (a) The Property Owner shall sign this Agreement within 14 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 By-laws and Regulations**

- (a) Nothing in this Agreement shall exempt the Property Owner from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority or approval required thereunder.
- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

#### **5.2 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.

The Environmental Constraints (O1) Zone identifies lands at risk of flooding and erosion based on the best information available to the Municipality. The Municipality does not make any representations about the accuracy of this information or provide any assurances that flooding and erosion risks will not exceed these predictions or occur in other areas. Property owners are responsible for all risks associated with development, the effectiveness of flood resistant measures, and the impacts of development on neighbouring properties.

#### **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 Property Owner has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Property Owner to sign the Development Agreement to validly bind the Lands.

(b) The Property Owner has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

#### **5.4 Onus For Compliance On Property Owner**

Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

#### **5.5 Breach of Terms or Conditions**

Upon breach of any term or condition of this Agreement, the Municipality may notify the Property Owner in writing. In the event that the Property Owner has not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of the Development Agreement.

#### **5.8 Development Agreement Bound to Land**

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the Municipal Government Act.

#### **5.9 Assignment of Agreement**

The Property Owner may, at any time and from time to time, transfer or assign this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this Agreement.

#### **5.10 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, and all costs of advertising for and recording of any amendments.

#### **5.11 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.

## **5.12 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.

## **5.13 Interpretation**

- (a) Where the context requires, the singular shall include the plural, and the use of words in one gender shall include all genders as circumstances warrant;
- (b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.
- (c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

## **5.14 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 designing officers of the Municipality of the County of Kings, duly authorized in that behalf, in the presence of:

---

Witness

**MUNICIPALITY OF THE COUNTY  
OF KINGS**

---

Peter Muttart, Mayor

Date

---

Witness

---

Janny Postema, Municipal Clerk

Date

SIGNED, SEALED AND DELIVERED  
In the presence of:

---

Witness

**DAVID ERNST (TERRA BEATA FARMS)**

---

Name of Signing Authority

Date

---

Witness

---

Name of Signing Authority

Date

Schedule A – Property Description (source: Property Online, September 14, 2022)

FIRST CONSOLIDATED PARCEL

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

BEGINNING at Nova Scotia Control Monument 7496 traveling S 50 degrees 04 minutes 00 seconds E, 760.59 feet to a survey marker found at the northwest corner of lands conveyed to Cecil G. Chase and Phyllis C. Chase in Book 1006 at Page 729;

THENCE S 53 degrees 41 minutes 30 seconds E, 264.87 feet to a survey marker placed at the southwest corner of said lands of Cecil G. Chase and Phyllis C. Chase;

THENCE N 71 degrees 07 minutes 30 seconds E, 119.66 feet to a survey marker placed at the southwest corner of said lands of Cecil G. Chase and Phyllis C. Chase;

THENCE N 23 degrees 25 minutes 10 seconds W, 390.80 feet to a survey marker found at the northeast corner of lands of Cecil G. Chase and Phyllis C. Chase;

THENCE Easterly 1363 feet, more or less, along the southern boundary of the Annapolis River to a reference point being the Northwest corner of lands now or formerly of Katherine Morris et al (Book 485, Page 795, Plan P-10477);

THENCE S 22 degrees 48 minutes 30 seconds E, 950.39 feet to a survey marker found;

THENCE S 22 degrees 48 minutes 30 seconds E, 109.69 feet to a survey marker found;

THENCE S 22 degrees 48 minutes 30 seconds E, 508.59 feet to a survey marker found;

THENCE S 22 degrees 51 minutes 35 seconds E, 1378.60 feet to a survey marker placed;

THENCE S 24 degrees 04 minutes 05 seconds E, 224.38 feet to a survey marker placed;

THENCE S 61 degrees 05 minutes 00 seconds W, 1422.80 feet along the northern boundary of lands conveyed to John Foster in Book 164 in Page 668 to a survey marker placed;

THENCE S 62 degrees 05 minutes 25 seconds W, 497.62 feet along the northern boundary of said lands of John Foster to a survey marker placed;

THENCE N 25 degrees 32 minutes 00 seconds W, 617.00 feet along the southern boundary of lands conveyed to Klahanie Kamping Limited in Book 314 at Page 344 to a survey marker placed;

THENCE N 23 degrees 25 minutes 45 seconds W, 1281.67 feet to a survey marker placed;

THENCE N 23 degrees 43 minutes 20 seconds W, 324.40 feet to a survey marker placed;

THENCE N 65 degrees 10 minutes 30 seconds E, 299.81 feet along the southern boundary of lands conveyed to Herbert Oyler in Book 151 at Page 448 to a survey marker placed;

THENCE N 59 degrees 14 minutes 55 seconds W, 534.47 feet along the eastern boundary of said lands of Herbert Oyler to a survey marker placed;

THENCE N 28 degrees 40 minutes 15 seconds W, 15.29 feet to a survey marker placed at the southeast corner of lands conveyed to Herbert Oyler in Book 151 Page 140;

THENCE N 22 degrees 38 minutes 35 seconds W, approximately 88 feet to a reference point;

THENCE Easterly by the South boundary of lands now or formerly of Henry Robert Keddy (Book 180, Page 143) 310 feet more or less to a reference point in the Northwest corner of Lot 1;

THENCE S 32 degrees 26 minutes 20 seconds E, approximately 27 feet to a survey marker found;

THENCE S 32 degrees 26 minutes 20 seconds E, 169.20 feet along the western boundary of lands conveyed to Donald C. Bezanson and Jean E. Bezanson in Book 977 at Page 418 to a survey marker found at the southwest corner of said lands;

THENCE N 56 degrees 36 minutes 20 seconds E, 323.80 feet to a survey marker found;

THENCE N 12 degrees 56 minutes 20 seconds E, 79.24 feet along the southeastern boundary of lands conveyed to Donald C. Bezanson and Jean E. Bezanson to a survey marker found;

THENCE N 53 degrees 35 minutes 35 seconds W, 213.08 feet to a survey marker placed at the northwest corner of said lands of Donald C. Bezanson and Jean E. Bezanson;

THENCE N 11 degrees 02 minutes 50 seconds E, 73.23 feet to a survey marker found that being the place of beginning.

BEING AND INTENDED TO BE Parcel B.C.-1-98 shown in Shaun R. Stoddart Plan E-97064 dated April 16, 1997 that was filed in the above Registry Office on August 12, 1998 as Plan No. P-11069. The Municipality of the County of Kings approved the consolidation of these lands on August 11, 1998 under its file 980112.

AND ALSO

SECOND CONSOLIDATED PARCEL

ALL that certain lot, piece or parcel of land situate and being in Aylesford, in the County of Kings, Province of Nova Scotia and shown as Parcel A, a portion of which is shown on a Plan of Subdivision certified by Eric J. Morse, N.S.L.S., Plan No. 2011-008, dated January 13, 2012, and bounded and described as follows:

COMMENCING at an iron stake on the east side of the Millville Road and in the southwest corner of land now or formerly of Joan Burns;

THENCE in said Burns south line and the south line of lands now or formerly of R. Burton to an iron stake;

THENCE northerly in said Burton's east line to a wire fence on the south line of land now or formerly of Bernard Taylor;

THENCE following the said fence the course of said Taylor's south line until it comes to an iron stake near the concrete spillway, said iron stake being the POINT OF BEGINNING;

THENCE North 79 degrees 56 minutes 34 seconds East 289.41 feet along the south boundary of lands now or formerly of Troy Bradley Keddy to an iron pipe;

THENCE North 40 degrees 10 minutes 27 seconds East 231.86 feet along the south boundary of lands now or formerly of Troy Bradley Keddy to an iron bar;

THENCE continuing North 40 degrees 10 minutes 27 seconds East 46 feet more or less to the ordinary high water mark on the south side of the Annapolis River;

THENCE easterly following the ordinary high water mark of the south boundary of the Annapolis River 21 feet more or less to a wire fence;

THENCE easterly along the said wire fence 97 feet more or less to a survey marker;

THENCE South 28 degrees 40 minutes 15 seconds East 15.29 feet to a survey marker;

THENCE continuing South 28 degrees 40 minutes 15 seconds East 125.29 feet along the west boundary of lands now or formerly of Herbert Oyler to a point;

THENCE South 23 degrees 43 minutes 20 seconds East 315.93 feet along the west boundary of lands now or formerly of Herbert Oyler to a point;

THENCE South 23 degrees 43 minutes 20 seconds East 324.40 feet along the west boundary of lands now or formerly of Muskoka Lakes Cranberry Company Limited to a survey marker;

THENCE South 23 degrees 25 minutes 45 seconds East 1281.67 feet along the west boundary of lands now or formerly of Muskoka Lakes Cranberry Company Limited to a survey marker;

THENCE South 25 degrees 32 minutes 00 seconds East 617.00 feet along the west boundary of lands now or formerly of Muskoka Lakes Cranberry Company Limited to a survey marker;

THENCE southerly along the west boundary of lands now or formerly of Richard Harold Foster to the north boundary of lands now or formerly of Muskoka Lakes Cranberry Company Limited;

THENCE westerly along the north boundary of lands now or formerly of Muskoka Lakes Cranberry Company Limited to a survey marker;

THENCE South 33 degrees 15 minutes 13 seconds East 1485.00 feet along the west boundary of lands now or formerly of Muskoka Lakes Cranberry Company Limited to a survey marker;

THENCE westerly along the north boundary of the Old French Road to the east boundary of lands now or formerly of Muskoka Lakes Cranberry Company Limited;

THENCE Northerly along the east boundary of lands now or formerly of Muskoka Lakes Cranberry Company Limited to the northern edge of the base of the dam of the Millville Cranberry Bog, so-called;

THENCE in a westerly direction along the base of the dam to an iron pipe located at the western extremity of the northern edge of the base of the dam;

THENCE northerly along the west side of a ditch, being the east boundary of lands now or formerly of Cyril Edmund Lowe and Mildred Edith Lowe to a point at the southeast corner of lands now or formerly of Muskoka Lakes Cranberry Company Limited and viewable on Plan P11068, recorded at the Registry of Deeds for Kings County;

THENCE North 44 degrees 46 minutes 00 seconds East 62.90 feet along the south boundary of lands now or formerly of Muskoka Lakes Cranberry Company Limited to an iron pipe;

THENCE North 27 degrees 06 minutes 04 seconds West 320.86 feet along the east boundary of lands now or formerly of Muskoka Lakes Cranberry Company Limited to a survey marker;

THENCE North 64 degrees 31 minutes 39 seconds East 147.46 feet along the south boundary of lands retained by Gary and Brenda Smith Holding Limited to a survey marker;

THENCE North 61 degrees 16 minutes 57 seconds East 340.33 feet along the south boundary of lands retained by Gary and Brenda Smith Holding Limited to a survey marker;

THENCE North 09 degrees 08 minutes 16 seconds West 259.07 feet along the east boundary of lands retained by Gary and Brenda Smith Holding Limited to a survey marker;

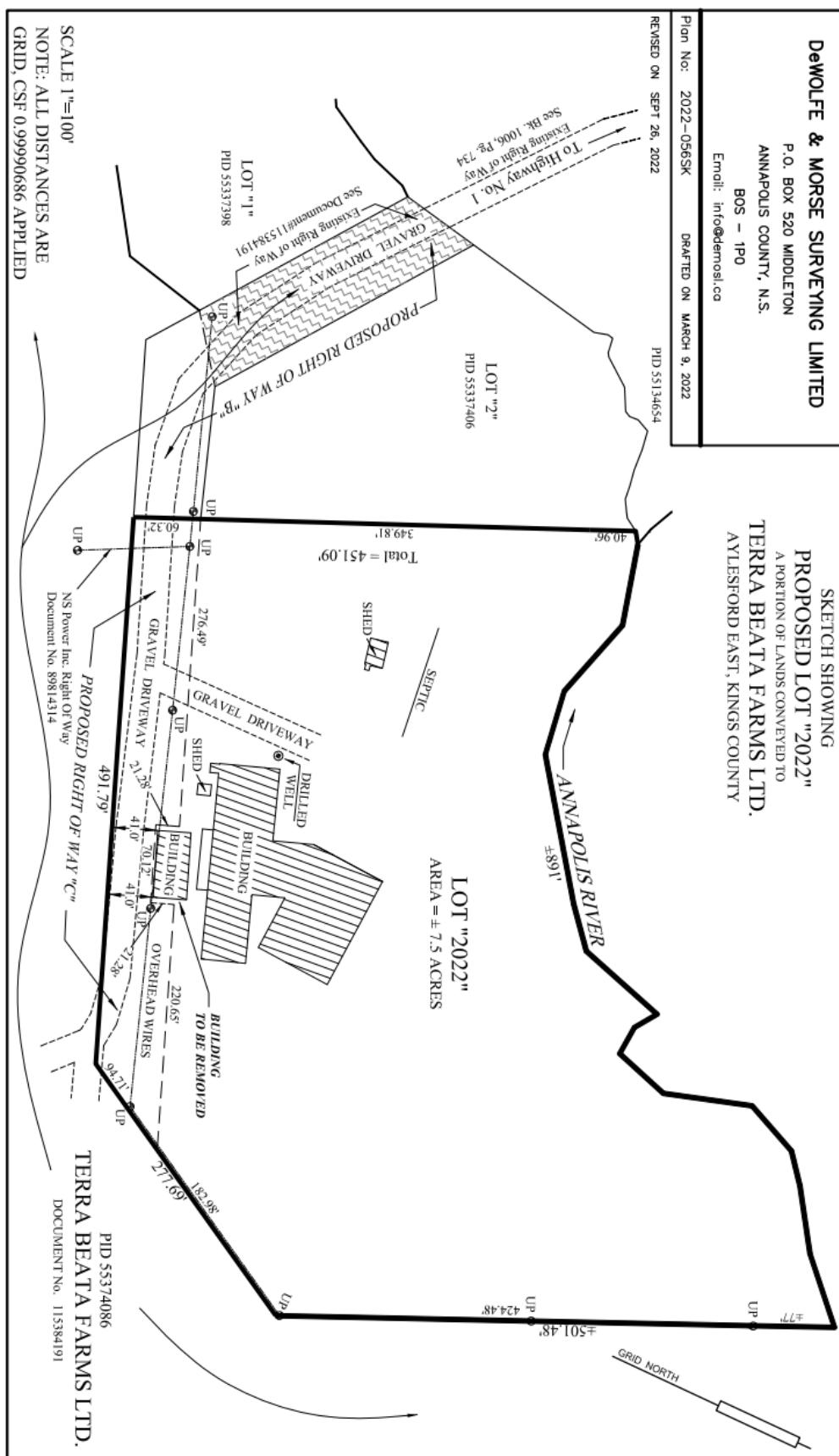
THENCE North 25 degrees 21 minutes 53 seconds West 188.60 feet along the east boundary of lands retained by Gary and Brenda Smith Holding Limited to a survey marker;

THENCE North 26 degrees 40 minutes 08 seconds West 753.67 feet along the east boundary of lands retained by Gary and Brenda Smith Holding Limited to an iron stake, said iron stake being the POINT OF BEGINNING.

BENEFIT:

WITH THE PRIVILEGE of a right of way or pent road from said John Foster's North line to the Post Road.

Schedule B – Site Plan





## Report to the Planning Advisory Committee

Planning application to rezone the southern portion of the property located at 1299 Ridge Road (PID 55190854), Wolfville Ridge from the Rural Mixed Use (A2) Zone to the Rural Commercial (C4) Zone. (File #22-19)

October 11, 2022

Prepared by: Planning and Development Services

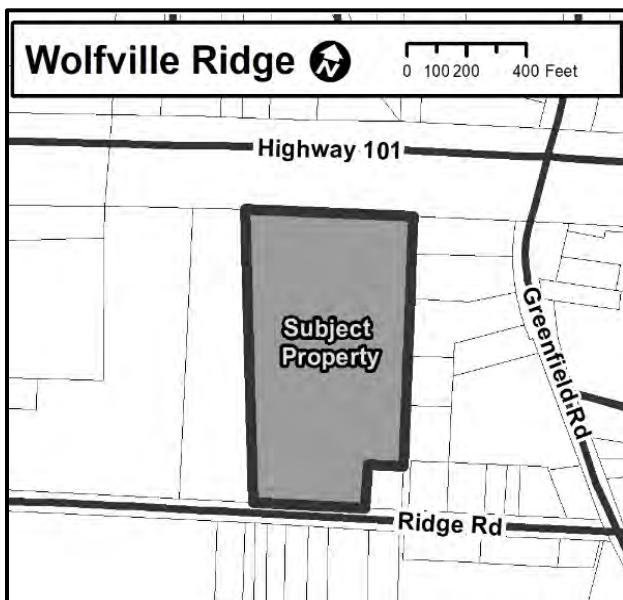
<b>Applicant</b>	Travis Mills
<b>Land Owner</b>	Travis Mills
<b>Proposal</b>	To rezone a portion of the property at 1299 Ridge Road, Wolfville Ridge from the Rural Mixed Use (A2) Zone to the Rural Commercial (C4) Zone.
<b>Location</b>	1299 Ridge Road (PID 55190854), Wolfville Ridge
<b>Lot Area</b>	11.2 acres (total) 4.5 acres (portion to be rezoned)
<b>Designation</b>	Agricultural (A)
<b>Zone</b>	Rural Mixed Use (A2)
<b>Surrounding Uses</b>	Primarily low-density residential with some agriculture
<b>Neighbour Notification</b>	36 Letters providing notification of the planning application were mailed to property owners within 500 feet of the subject property

### 1. PROPOSAL

Travis Mills has applied to rezone the southern portion of the property located at 1299 Ridge Road (PID 55190854), Wolfville Ridge from the Rural Mixed Use (A2) Zone to the Rural Commercial (C4) Zone to permit the use of an existing structure on site for the storage of construction materials and office space related to his existing construction company. The remaining portion of the property is currently vacant and would remain zoned as Rural Mixed Use (A2).

### 2. OPTIONS

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



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

### **3. STAFF RECOMMENDATION**

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

**The Planning Advisory Committee recommends that Council give First Reading to and hold a Public Hearing regarding rezoning the southern portion of the property located at 1299 Ridge Road (PID 55190854), Wolfville Ridge from the Rural Mixed Use (A2) Zone to the Rural Commercial (C4) Zone as shown in Appendix C of this report dated October 11, 2022.**

### **4. BACKGROUND**

The property contains an approximately 16,000 square foot building originally used as an equestrian barn with a capacity for 26 horses and an indoor riding area and was previously used to provide commercial horseback riding lessons to members of the public. The age and precise history of the structure is unknown but based on file photos and accounts, the barn appears to have fallen into considerable disrepair over the years prior to the applicant's purchase and most recently contained three residential units. Of the previous three residential units, one was illegal, and due to this, the Municipality faced ongoing enforcement issues in the past. No other structures or residences exist on the property nor are any being proposed.

The applicant recently purchased the property and has completed both structural and aesthetic renovations to the building with the intention of utilizing the structure for the storage of business-related construction materials and office space. Renovations to the existing building have not increased building height or building footprint nor expanded beyond the extent of the original building envelope. Based on photos of the original barn, the renovated building façade and general exterior appears to be in keeping with the previous historic architectural style of the structure and have improved its appearance and structural state. Further, as part of these renovations, the owner removed all three residential units from the structure and with their approval, relocated the tenants to other nearby accommodations under his ownership.

The current Rural Mixed Use (A2) zoning of the property allows for agricultural storage but not for building and construction contractors (and accessory storage) or for office use. Both of these uses would be permitted under the proposed Rural Commercial (C4) zoning.

The applicant seeks to rezone the southern approximately 4.5 acres of the property which encompasses the existing driveway, parking areas and building. The approximately 6.7 acres remaining in the northern part of the property would remain zoned Rural Mixed Use (A2) as illustrated in Appendix C.

## 1. 5. SITE INFORMATION

### **5.1 Subject Property Information**

A site visit was conducted on July 20<sup>th</sup>, 2022 by the planner on the file. The planner walked the subject property and discussed the intent behind the planning application with the applicant. The planner took photos of the subject property. An additional site visit was conducted on August 19<sup>th</sup>, 2022, by the planner who had then began managing the application and the application was again discussed with the applicant.

The subject property has a total approximate lot area of 11.2 acres with the southern 4.5 acres being the portion considered to be rezoned. Neighbouring properties are mostly low density residential with some nearby agricultural uses. The zoning of neighbouring properties is Rural Mixed Use (A2).

The property has two access points from Ridge Road via an existing semi-circle driveway, contains a single existing non-residential structure and has no known environmental constraints or any recent use for agricultural purposes.

### **5.2 Public Outreach**

Under the Planning Policies of the Municipality of the County of Kings (PLAN-09-001), a Public Information Meeting (PIM) was required because the application concerns a development agreement.

A PIM was held at the Horton Community Centre on July 21<sup>th</sup>, 2022 and the associated presentation has been made available online via the municipal website since that time.

A total of 36 property owners within 500 feet of the subject property for which the proposed development agreement would be applicable were notified via letter mail. A notice of the public meeting was also placed in the *Valley Journal-Advertiser* on July 12<sup>th</sup>, 2022.

Based on expressed neighbourhood concerns, comments were requested from the NS Department of Public Works regarding traffic circulation, site access and egress and the impacts of the proposed use on localized traffic generally. The province responded indicating that it has no concerns with the impact on road networks, access to or from the site, that a traffic study is not required for the proposal and that if any future structure expansions on site may be proposed then further review may be required at that time.

The Planning Advisory Committee (PAC) should be aware that there has been local neighbourhood concerns/comments regarding the proposal. It is clear that many local residents greatly value their rural lifestyles but based on comments received by the Municipality (of which appear in Appendix E) there may have also been initial or ongoing public misunderstanding regarding the proposal that is in front of PAC.

These are briefly addressed below for the sake of brevity and clarity.

Answers to specific comments received from the public appear below:

- Potential impacts on traffic and transportation systems based on the proposed change in zoning/use of the structure and site are described above and are not a concern for the province.
- Ridge Road is a provincial road. The Municipality has no responsibility regarding design or maintenance of such road as such.
- The site is not zoned Agricultural (A1). It is currently entirely zoned A2.
- No Industrial use is being proposed nor is one permitted in the C4 zone.
- No residential housing of any sort is being proposed.
- The property is not currently being used for agricultural production nor has been in the recent past.
- There are no fire safety concerns.
- No place of worship is being proposed but any permitted use in the C4 zoning, could in theory occur as well as could any uses permitted under the current A2 zoning.
- No additional street lighting is either being proposed or being considered by the Municipality.
- The only building on the property is being renovated to a better state of repairs and appears to be in keeping with previous historical building form and exterior architecture as well as being intended for a similar use than is presently permitted and one that has no expected negative impacts on the area or neighbourhood.
- The proposal as it is provided, would allow no structural impact on community urban design or built physical form within the community excepting the improvement of an already existing structure.

## 6. POLICY REVIEW

### 6.1 Municipal Planning Strategy - Enabling Policy and Criteria

#### Policy 3.4.23

*“consider re-zoning from Rural Mixed Use (A2) to Rural Industrial (M3) or Rural Commercial (C4). In considering such amendments, Council shall be satisfied that:*

*“(a) The application only applies to:*

*(i) land that has not been in recent agricultural production as determined through a review of diverse information sources including, but not limited to:*

- (a) Schedule F – Land Cover Map;*
- (b) Aerial Photography;*
- (c) Assessment information;*
- (d) Local knowledge; and/or*
- (e) Any other relevant sources that become available*

Based on air photo images, vegetation, accounts and site visits, the property itself does not appear to have been utilized for agricultural production at any time in the recent past. Local knowledge suggests that it has not been used for agricultural uses beyond providing horseback riding lessons for a significant amount of time.

***(b) The proposal would not re-zone more land than required for the specific proposal cited in the application***

The applicant is seeking to rezone only the portion of the property containing the existing building and surrounding space for required parking and access. The majority of the property would remain zoned Rural Mixed Use (A2).

***(c) Will not create undue conflict with nearby agricultural or rural residents; and***

The property does not abut any existing agricultural uses. There are areas within the Agricultural (A1) Zone on the south side of Ridge Road at variable depths of 250 to 350 feet beyond the front property lines but it is the opinion of Staff that the proposed rezoning will not affect the productivity of the lands or the ability for them to continue to be farmed.

Based on internal and external reviews of the proposal, no conflicts regarding concerns such as: traffic generation, fire safety, street lighting or a negative impact on built community form or urban design are expected.

***(d) Meets the general Land-Use By-law amendment criteria set out in section 5.3 Development Agreements and Amendments to the Land Use By-law.” (Provided in Appendix D).***

## **Section 2.2 Rural Areas**

The Contextual Text at the beginning of section 2.2 of the MPS, pertaining to Rural Areas indicates, “*The rural areas also include small clusters of residential, commercial and industrial development, formerly known as Hamlets, that are intended to provide opportunities for rural living and supporting services such as agriculture and resource extraction. Council does not support significant expansions to the developed area in these locations.*”

Areas formerly known as Hamlets were traditionally clusters of a mix of uses including residential, commercial and industrial development. These areas were intended to provide opportunities for uses supportive of the surrounding areas, whether commercial uses for rural residents or uses to support resource uses. The proposal is within a former Hamlet. The application of the Rural Mixed Use (A2) Zone is intended to reflect and maintain this traditional mix of uses. The subject property abuts Highway 101 and the Town of Wolfville beyond. In this regard, the community of Wolfville Ridge is similar to South Berwick or Greenwich, wherein there are urban influences resulting from nearby Towns and Growth Centres. The applicant is seeking to utilize an existing building with no expansion of the building envelope or footprint.

The current Rural Mixed Use (A2) zoning of the subject property allows for uses such as Forest Industry Uses, Abattoirs and Agricultural Equipment and Parts Sales and Services. The proposed building and

construction contractors use permitted within the Rural Commercial (C4) zone may be less impactful than permitted uses in the current zone. In the opinion of Staff, the proposal does not then constitute a significant expansion to the developed area.

Policy 2.2.1 states that Council shall,

*"identify areas located outside of Growth Centres as rural areas on Schedule A – Municipal Structure. These areas are intended to contain primarily agricultural, and resource uses and their related industries, rural commercial uses, rural industrial uses, recreational uses, renewable energy uses and limited residential development."*

The Rural Commercial Zone (C4) was created to provide opportunities for commercial uses to locate and expand in rural communities serving rural industries, visitors and residents. In the opinion of Staff, the uses permitted within the Rural Commercial Zone (C4) are appropriate and reasonable.

The proposed building and construction contractors use afforded by a rezoning to the Rural Commercial (C4) zone would allow an existing construction business to operate on the subject property. In the opinion of staff, construction services are a related use to agricultural and resource uses.

Policy 2.2.2 (a) states that Council shall,

*"establish and enable the following Rural Zones common to the Agricultural and Resource Designations in the Land Use By-law:*

*(a) Rural Commercial (C4): lands zoned for commercial uses serving rural industries, visitors and residents to locate and expand in rural communities.*

The Municipality does not pre-zone lands as Rural Commercial (C4). Therefore, in order for uses permitted within the Rural Commercial (C4) zone to "expand in rural communities" an application for a rezoning must be made to establish new rural commercial uses.

- Policy 2.2.8 states Council shall,

*"restrict uses that are not related or complementary to agricultural or resource uses"*

The proposed building and construction contractors use afforded by a rezoning to the Rural Commercial (C4) zone would allow an existing construction business to operate on the subject property. In the opinion of staff, construction services are complementary to and supportive of various agricultural and resource uses.

- General LUB amendment Policies

Policy 5.3.5 (b) states that Council shall,

*"consider, in relation to all applications to rezone land:*

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

The Rural Commercial (C4) Zone is intended to provide opportunities for commercial uses to locate in rural communities serving rural businesses, visitors, and residents. Examples of permitted uses within the Rural Commercial (C4) Zone include but are not limited to: Animal Boarding Facilities, Agricultural Related Industries, Professional Trades, Funeral Homes and Greenhouses.

In the opinion of staff, the subject property is located near more urbanized areas, borders Highway 101 and is an appropriate location for uses permitted within the Rural Commercial (C4) zone.

The Rural Commercial Zone (C4) was created to provide opportunities for commercial uses to locate and expand in rural communities serving rural industries, visitors and residents. In the opinion of staff, the uses permitted within the Rural Commercial Zone (C4) are appropriate and reasonable.

Policy 5.3.7 of the Municipal Planning Strategy contain a number of general criteria for applications for a map amendment to the applicable land use by-laws. These criteria consider the impact of the proposal on the road network, services, development pattern, environment, finances, and wellfields, as well as the proposal's consistency with the intent of the planning strategy. In terms of the other general development criteria contained in the Municipal Planning Strategy there are no additional costs to the Municipality related to the rezoning of the subject property. There are no concerns regarding storm drainage, services, road networks leading to the subject property, environmental impacts or traffic generation.

## **7. CONCLUSION**

The proposal is in keeping with the intent of the policies found in the Municipal Planning Strategy and meets the goals and objectives outlined in the Municipal Planning Strategy. As a result, a positive recommendation with regard to the application is being made to the Planning Advisory Committee.

## **8. APPENDICES**

**Appendix A: Zoning Map**

**Appendix B: Air Photo Map**

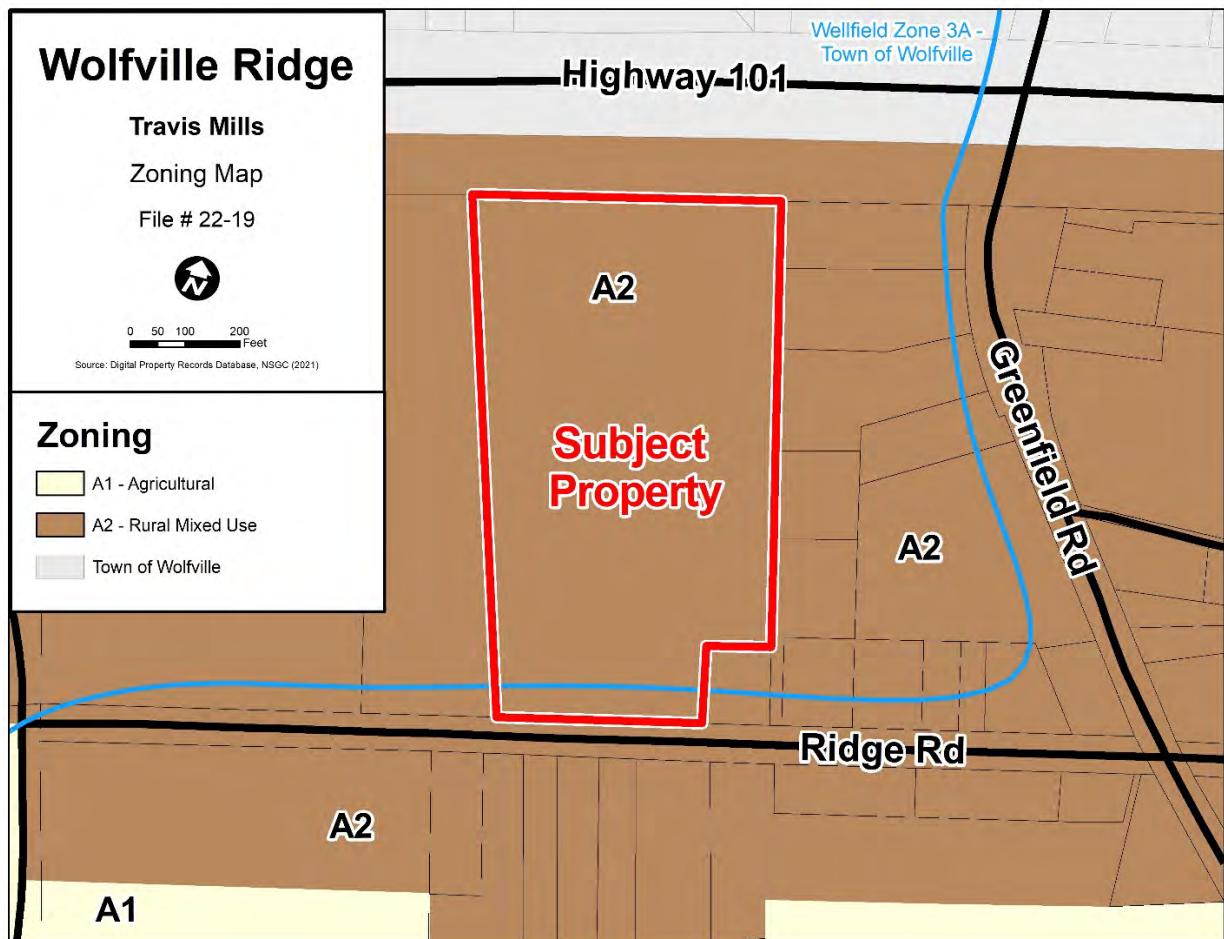
**Appendix C: Rezoning Area Map**

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

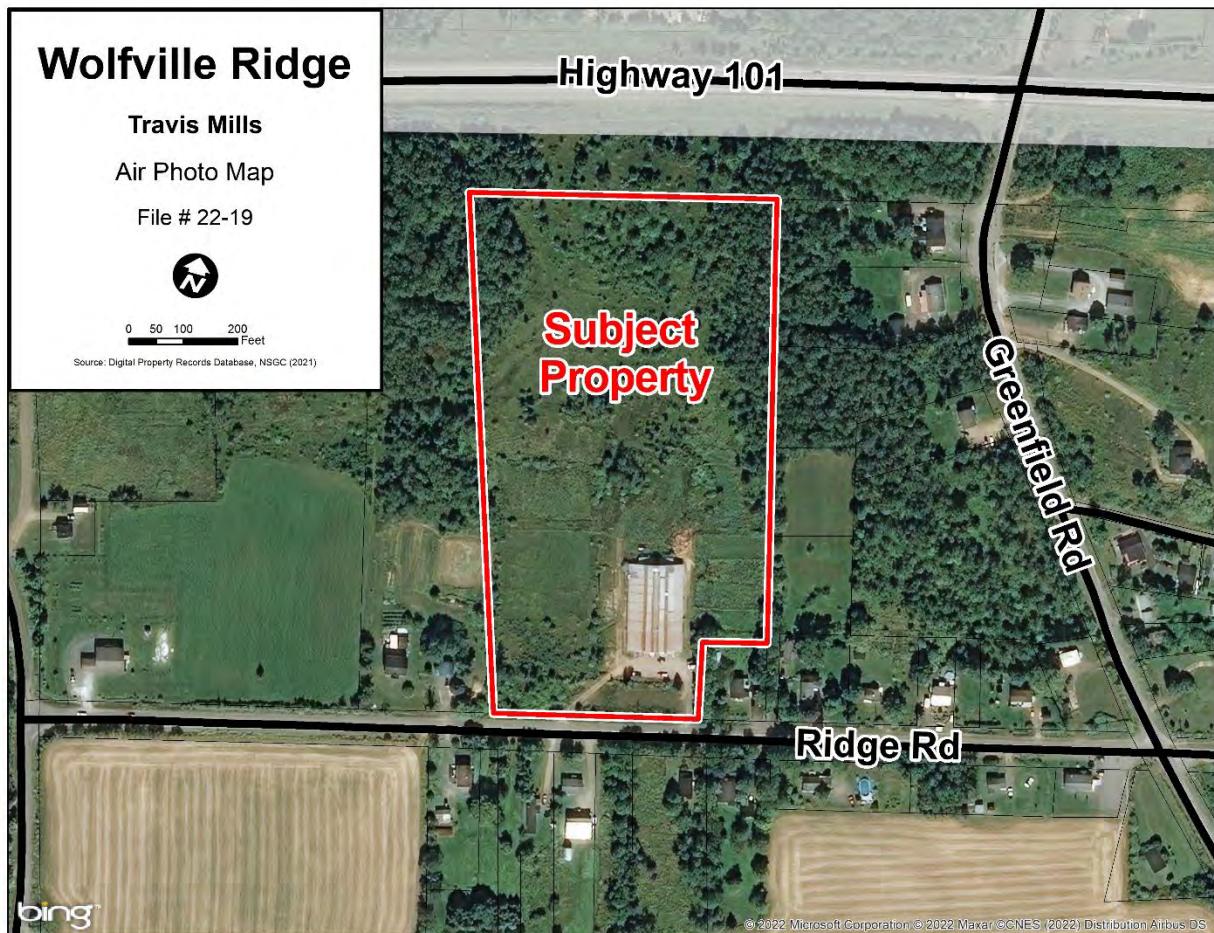
**Appendix E: Comments Received from the Public**

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

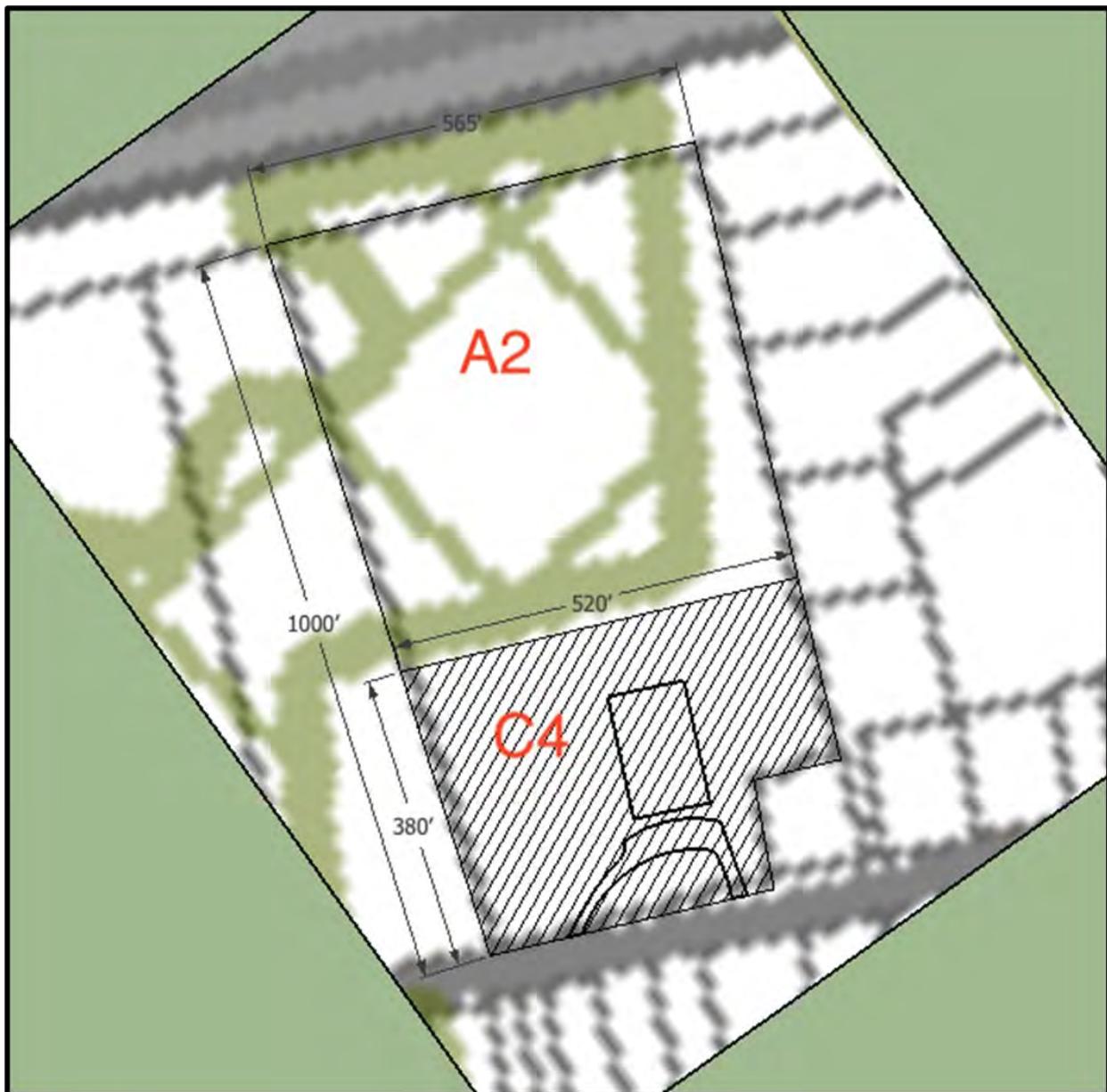
## Appendix A: Zoning Map



## Appendix B: Air Photo Map



**Appendix C: Rezoning Area Map**



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

**Policy 5.3.7**

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

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

Criteria	Comments
<i>a. is consistent with the intent of this Municipal Planning Strategy, including the Vision Statements, relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;</i>	The proposed land use by-law map amendment is consistent with the intent of the Municipal Planning Strategy, and the applicable goals, objectives and policies contained within the Municipal Planning Strategy.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	The proposed amendment is not in conflict with any Municipal or Provincial programs, By-laws, or regulations.
<i>c. that the proposal is not premature or inappropriate due to:</i>	
<i>i. the Municipal or village costs related to the proposal;</i>	The proposal does not involve any development costs to the Municipality.
<i>ii. land use compatibility with surrounding land uses;</i>	The proposal would allow a use which is similar to currently permitted uses and would be compatible with the surrounding land uses.
<i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>	Not Applicable – no residential uses are proposed.
<i>iv. the creation of any excessive traffic hazards or congestion due to road or pedestrian network adequacy within, adjacent to, and leading to the proposal;</i>	The NS Department of Public Works has no concerns with regard to road network circulation, access to or from the property or traffic generation.
<i>v. the adequacy of fire protection services and equipment;</i>	The existence of adequate fire protection services for the proposed use has been confirmed.
<i>vi. the adequacy of sewer and water services;</i>	Not applicable.
<i>vii. the potential for creating flooding or serious drainage problems either within the area of development or nearby areas;</i>	Uses permitted through the proposed rezoning are not expected to generate drainage issues.
<i>viii. negative impacts on identified wellfields or other groundwater supplies for the area;</i>	The proposal is in keeping with current wellfield policies and no negative impacts are expected

ix. <i>pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i>	The property owner will be required to follow provincial specifications regarding soil erosion during construction/renovation phases which is a provincial enforcement issue.
x. <i>negative impacts on lake water quality or nearby wetlands;</i>	Not applicable – subject property is not in proximity to identified lakes or wetlands.
xi. <i>negative impacts on neighbouring farm operations;</i>	Not applicable – there are no farming operations in proximity to the subject property.
xii. <i>the suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way.</i>	The subject property is suitable in terms of grades, soils, geological conditions, and proximity to natural features and rights-of-way.

## Appendix E: Comments Received from the Public

**From:** [Joe Lilly](#)  
**To:** [Laurie-Ann Clarke](#)  
**Subject:** Could this one be added to the PDF instead?  
**Date:** October 6, 2022 2:02:33 PM

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**From:** Joe Lilly  
**Sent:** October 6, 2022 2:01 PM  
**To:** 'Aunt Sheron' <[auntbaker@msn.com](mailto:auntbaker@msn.com)>  
**Subject:** RE: Travis Mills zoning request Ridge Rd.

Hello Sheron.

Regarding municipal policies I have forwarded general rezoning enabling polices in the past weeks and explained before that depending on each application, differing additional policies may then come into play.

At this point, the application is on the PAC agenda for Oct 11 and that will include the staff report.

The report will go through various policies that apply to this application. It is likely best that once the report/agenda is posted that the applicable policies can be looked at more closely then.

Once posted, you will find the agenda here:

<https://www.countyofkings.ca/government/council/minutes.aspx>

Joe

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**From:** Aunt Sheron <[auntbaker@msn.com](mailto:auntbaker@msn.com)>  
**Sent:** October 6, 2022 1:02 PM  
**To:** Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>  
**Subject:** RE: Travis Mills zoning request Ridge Rd.

Hello Joe,

Sorry if you are confused did not intend to do that to you. I will explain if I can. In regards to the community letter, not a problem. It came from Travis himself, however I did think that these issues would have been discussed with your dept so wanted to clarify them. Not so? So I guess they are irrelevant to you then. In regard to the Nursery, it is just the latest of what he says he intends to do with the property in a series of other possibilities.

I was trying to point out to you/planning that there have been a number of things from the start to

now that he has either planned to do and changed his mind , and or has added too. That is for us that live here a clear indication that what he says today , may be different by tomorrow. This only magnifies our concerns. But what we see from planning is that all of this is irrelevant. Only to leave us as residents far more frustrated with the overall process.

As far as the policy goes, we are all still very confused, about that. We are not people that spend hours and days pouring out policy of planning depts.. We can not ask our councilor for assistance because he has explained that planning has instructed him to refer all planning questions to them. But we again do not seem to be getting the help we need to understand exactly what policy is allowing or potentially allowing a C4 zoning for a construction business in a A1 and A2 area when everything we see or find reflects the preservation of these zones. Even when in each of the Agra zones it states that in the event of a conflict between a agra use and a non agra use the agra use should prevail.

However it must be that the developer understands these things much better because he has decided long before the application was even submitted for the C4 that he was prepared for its success. Confidently enough to have invested money and time in believing his application would be successful.

Well I guess we shall see now as to how we will next need to move forward on this as residents, I understand that this is on the agenda for next weeks PAC meeting. We will learn as we go. Mistakes and all.

Sheron

Sent from [Mail](#) for Windows

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**From:** [Joe Lilly](#)

**Sent:** Thursday, October 6, 2022 11:08 AM

**To:** ['Aunt Sheron'](#)

**Subject:** RE: Travis Mills zoning request Ridge Rd.

Hello again Sheron.

Firstly, yes, your below email and all public comments will be included in the report that goes to the PAC.

I am not sure where all of this may be coming from today, but I will attempt to address and clarify below:

1. I know nothing about any “community letter” that may have been sent by the applicant or anyone else. However, unless submitted by the applicant directly to myself then I also

cannot verify origin or then include anything in the PAC report that way, so please do not forward.

2. Any previous discussions that may or may not have been had by anyone at any time regarding potential uses of the property are irrelevant to this application. This application is for exactly what we have discussed multiple times and that is what is being considered by the municipality.
3. I have already spoken to your concerns with products originating in Asia. Product places of origin are not relevant to this or any planning application although as a side note, I once lived for 7 months in China and 4 months in Japan. Beautiful countries and people. It's really worth a trip if ever interested.
4. I don't believe a tree nursery is specified in the zoning by-law but would very likely fall under an agricultural use which is permitted in both the A2 and C4 zones. I honestly don't know if storing trees in buckets would qualify as a nursery but again Sheron, these things are NOT a part of this application.
5. If you previously dealt with the Department of Agriculture regarding an orchard, then you are aware that is a Provincial department. Any related regulations are therefore not a municipal matter and I cannot speak to the subject. You are of course free to contact the province directly.
6. I am confused by your comments regarding building housing on the property, various companies, etc... No housing is being proposed and the other comments are again irrelevant to the application. I am also confused about your comments regarding offices, possible house sales, etc.. These again, have nothing to do with this application.
7. You were already previously copied on my reply to Shaji regarding road and transportation matters but to be clear again, Ridge Road is a Provincial Road. The County has no responsibility for its design or condition and as previously stated, the province has already indicated it has no concerns with traffic related to the application or proposed use. I would suggest contacting the province if you have concerns with any of these things.

Understand that the MOK is considering a rezoning application as it has been submitted. That is all. The proposal is being examined under municipal policies and based on those; a recommendation will be made to the PAC. If the application moves forward then Council will make a decision in the months to come again, guided by municipal policies.

Regards.

Joe

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**From:** Aunt Sheron <[auntbaker@msn.com](mailto:auntbaker@msn.com)>  
**Sent:** October 6, 2022 9:45 AM  
**To:** Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>; Councillors <[Councillors@countyofkings.ca](mailto:Councillors@countyofkings.ca)>  
**Subject:** Travis Mills zoning request Ridge Rd.

Good morning Joe,

I am sure that you are aware of this but Mr. Mills sent out a letter stating his intended use of the property for 1299 Ridge Rd. among other things on that community letter was a new intended use.

So in a short time this is the list of intended uses. When the barn was purchased in Oct. of 21 by the numbered company in Toronto ( public information available from Land Registry of Deeds) the permit was for the reno of a livestock barn, and currently remains in that category even after the ownership was transferred the following May of 22 to Mr. Mills, again public information available from Registry of Deeds.

It was then noted that there was an intention for two at least apartments to be built, heated storage/ personal storage( he is still using this term in describing his intended use in the community), building of kitchen cabinets, offices, construction material such as tile from China specially mentioned at the information session (creating shipments via Halterm) in addition to other construction material that would be required for his housing projects in other locations. That would then be “moved from storage” to his project locations ( in my world distributed) in addition to this he now is stating he has plans for a tree nursery on site. That this tree nursery would serve his personal needs and interests for again his on site projects in other locations.

I point all of these intended uses out to show clearly the amount of different intentions that has come up even before the C4 zoning has been granted. It is also interesting how varied and how often these intentions change. So what could be next? And how long will it be before the next possible use comes up? If all of this is occurring before the rezoning, it is hard not to be concerned with what could happen after a C4 Rezoning.

So I would like to address this intended “nursery”

I believe the term implies a place where growing , and selling of plant products takes place to most people. Every nursery around here indicates that. In truth that would be a very wonderful idea and a perfect place for it. A wonderful whoohoo moment we could all get excited about if that is what the entire property could be used for.

I do not know what zone that would fall under, A2 perhaps but I could not find it there, Could you clear that part up, thanks in advance for that.

Also I believe that there must be some criteria, registrations and inspections involved in a nursery. I say this because when I went to plant a small orchard at a previous residence the dept. of agra at the time said I could only have so many according to my land amount. Otherwise it would need to be

registered, and checked and recorded/inspected for things such as insects and fungus that could affect other plant life and trees on my and others properties. So I in the end limited my planting.

If Mr. Mills is planning on this tree nursery is he growing the trees, that would take a very long time for them to be useful to him and his projects. Or perhaps he will be doing what has been his currant habit purchasing more established trees in growing buckets and “storing them” on his property until he uses them on site? Does that qualify as a nursery?

As well Mr. Mills has stated that these trees are just to be used for his project properties so that brings us back to the question “how does that benefit us here” The local residents!

I am unsure of many of these things and I am sure you may be as well. I will be taking them time to check them out from reliable sources.

Side notes:

in this letter Mr. Mills has passed out he has mentioned his partnership with two men for the Mee Rd. housing. A company that starts with a C I believe. Neither of these two men are listed in ownership on the barn. Unless of course that has very recently changed. Currently just Mr. Mills has listed ownership. Previously a numbered company from Toronto he had a connection to. We have no interest (for the record) in what Mr. Mills and these two men have going on that project. We do not know how this relates to this property on Ridge Rd. That is not our concern , nor the concern of any our local residents. That is a separate company that he is part of. He is part of at least three that we are aware of. ( again this was brought up at the information hearing that we were aware of this) Our only concern at this time is with the property on Ridge Road.

Also in this letter Mr. Mills himself is using the term warehouse, a term repeatedly your department has said many times that this is not to be used as a warehouse, it seems that the term warehouse is one that we are all using expect for the planning department.

( By-law #106 – Land Use By-law

Part 5: Definitions 17-31

**Warehouse** means a building where wares or goods are stored, such as, but not limited to, cold storage facilities and distribution centres, but does not include a retail store.)

**I would also like to point out that Mr. Mills is currently not building houses on this property. So This is not a housing issue!!!** Where he is currently building and the type of buildings he is creating is of no valid importance to what is going on at 1299 Ridge Rd. There are many construction companies in the province of Nova Scotia. All of us in my husband’s family are trades people, electrical, painters, wall finishers, plumbers, roofers. I have worked with the trades. Most companies/individuals do not bring this type of “storage” and “redispurstment “of construction material on this scale home with them. But should the rumors be true (we all know how rumors are you can not trust them at all) then Mr. Mills has plans to sell his own home and he will not be dealing

with this in his own back yard.

As well this letter hints / suggests that there has been some concern of some kind that the offices that he is requesting will be used by other companies ? I would like to officially say that no one in our group or anyone we have encountered has suggested/implied or even ever discussed that these offices would be used by anyone else for any other reason.

One last address to this memo of Mr. Mills one of the most concerning factors is the statement that in made saying that His Business would created no change or even perhaps create an improvement in the traffic conditions on the road. This is a very disappointing perspective. As I have already said before we have already dealt with transfer trucks onloading product for his business that held up traffic in both directions, that there was also a truck that was seen at five am waiting in front of a homeowner's house across from his property waiting for access. We could go on but we would only be repeating things that have already been said so may times and repeated matter that we continue to pursue.

Thank you for your time Joe, I know you are a very busy man, I look forward to meeting you in person.

Sheron Hatt Atwell

Ps I am trusting as you said that a copy of this will go to PAC without me sending it to them.

This message contains confidential information and is intended only for the intended recipient(s). If you are not the named recipient you should not read, distribute or copy this e-mail. Please notify the sender immediately via e-mail if you have received this e-mail by mistake; then, delete this e-mail from your system.

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4.

In conclusion we say this,

this is the type of business that belongs in an industrial park, not a small residential agra community. The purchases he has made to date now result in A1 land being locked in and inaccessible. To anyone that would use it. I know for a fact how very little this developer values agra land, it has been said to me directly many times.

This property could have been so better used and been so much more beneficial to the community so much more welcomed to us all that live here and to visitors alike if only there had been an effort to focus on A1/A2 possibilities.

In this mad rush and push for housing there is a place for everyone, let this developer do his bidding and business in a more appropriate environment where they would be welcomed and where it should be, In the boundaries of the towns where apartments and such should be addressed and where other warehouses like this exit now, empty waiting to be used.

Respectfully,

Name

Address

Paul Atwell 1336 Ridge Road 902-698-9893  
Kelly Smith 1336 Ridge Road 902-301-1391  
Sharon Hall Atwell 1235 Ridge Rd 902-697-2085  
Brian Atwell 1315 Ridge Road 902-691-3638  
Mary Moore 1366 Ridge Road A.S. 902-542-5321  
Endy Moore 1366 Ridge Road, NS 902-542-5321  
Graham Atwell - 1235 Ridge Road 902-697-2085  
Ernest Patura 1288 Ridge Rd 902-542-7166  
George Dell 1318 Ridge Rd 902-542-3923  
Owen Atwell 1288 Ridge Rd 902-542-7166

NAME	ADDRESS	PHONE
Angela Schell	3153 Mager Rd	542-5801
Agg Kennedy	2946-B Greenfield Rd	697-2084
James AW Brown	11	697-2086
James Corrigan - alias	2976C Greenfield	698-7875
Alan Hampshire	2976C Greenfield	778-710-7251
Theresa Kowaluk	2946 Greenfield Rd	902 385-2029
Henry Begg	3155 Farm	902-642-0109
Bill Begg	2946 Farm	902-680-0028
Xulia Fraser	11 Skyway Drive, Apt 110 (regular user of Ridge Road)	902-993-0309
Marlene Rennie	3159 Greenfield Rd	902-300-0253
DAVID DERMOTT 1120 RIDGE RD		902 542-7387
Joy Watson	1041 Ridge Rd	416 906 4331
Stephen Anderson	1071 Ridge Road	902-690-5921
Hills Lake	1021 Ridge Road	902-542-7312
Margaret Lake	1027 Ridge Rd.	902-542-7312
Juliette Jeanne	704 Ridge Rd	902-542-3711
Theresa Danica	974 Ridge Road	902-542-2903
George W. Williams	1215 Ridge Rd	902-670-1506
Dave French	1101 Ridge Rd.	902-542-5714
Rebecca Webster	1081 Ridge Rd.	289-772-8551
Bernard Tonge	1028 Ridge Rd.	902-542-2422
Barbara Buff	3236 Greenfield Rd	902-542-3454
Barbara Packlum	3236 Greenfield Rd	902-542-3464
Nathalie Harris	Sunkin Lake	902-542-1079
Joannell Ward	974 Ridge Rd.	902-542-2903
Den CORNWELL	855 Passover Rd.	902-542-2071
Chet + Ruth Davidson	2918 GREENFIELD RD.	902-542-3465

NAME	ADDRESS	PHONE
Andrea A. Goldwell	1380 Ridge Road	902-542-7355
Dawnay A. Goldwell	1380 Ridge Road	902-542-7355
Kim Goldwell	1380 Ridge Rd	902-542-7355
Ellen Hunt	1381 Ridge Rd	902-542-0471
Carol Hunt	1391 Ridge Rd	902-542-0471
Carol	856 Ridge Rd	867-444-8966
Dee Kujisch	1513 Ridge Rd	902-542-0114
Jordan Kujisch	Renvale Farms	902-679-9761
Joseph C. Lunn	"	902-300-2088
Peter Lunn	"	902-692-1872
Wade Marine	1904 Gaspereau Rd	902-491-8670
Darrell Marine	1909 Gaspereau Rd	902-599-1452
Don Difford	1878 Gaspereau River Rd	902-300-9393
Shannon M. Martin	1618 Gaspereau River Rd.	902-541-7354
Monica L. Martin	1773 Gaspereau River Rd.	902-790-0575
Donald Smith	1745 Gaspereau Rd.	902-542-3923
Karen Negus	1471 Gaspereau St. Rd.	902-410-1127
Patrick Waters	1471 Gaspereau Rd. 20	902-840-0843
Robert W. Weller	1219 Gaspereau River Rd	902-592-3004
Andrea Schwerke Wyle	986 Ridge Rd	902-542-3153
Norm. Smith	902-542-9165	140 Greenwich Rd. S.
Justin Mumford	902-698-3165	148 Greenwich Rd
Stephen Egger	902-542-5301	164 Gaspereau River Rd. S. of 1
Debbie Rose	902-542-7547	2381 Ridge Rd. Northwood
Stacy Munro	"	"
Markley Baker	902-986-2618	666 Gaspereau River Rd.
House M. Jordan	902-542-4533	114 Gaspereau River Rd.
Donald Culhane	902-670-7311	12 Old Mill Rd.
Elizabeth Hudson	902-692-2590	23 Old Mill Rd.
Berly Wil	3002 Greenfield Rd	902-542-3476
Donna Daddam	3022 Greenfield Rd	902-542-5988
Debbie Jacobson	3022 Greenfield Rd	902-542-5988
Taylor Haupstel	3118 Greenfield Rd	902-670-1758
Deb Goule	3118 Greenfield Rd.	-902-476-8087
*Lorraine Butters	1736 Walnut St. Sackville	902-422-4855
Carter Lake	1052 RIDGE RD. WOLFVILLE RIDGE	902-542-5929
CP. DON HERTIDGE	3119 Greenfield Rd. Sackville, NS.	902-549-4743
Donna & Jim Nelson	1035 Ridge Rd. WOLFVILLE	902-542-9295

Sept 25, 2022

Planning Department Kings County NS

Attention: Mayor and Councilors of Kings County, NS

Attention: Joe Lilly Planning Department Kings County, NS

Attention: PAC Kings County, NS

Concerning: File numbers 22-13/22-19 (note there are two file numbers on the public hearing notice)

Travis Mills rezoning application A2 to C4 1299 Ridge Rd.

Memo

Please find attached a copy of a petition. This petition is not complete of all possible signatures. There may be other potential signatures to add to this. As they are accumulated, they will be sent in and noted that they are part of this petition.

In addition, there is also another separate online petition created by the Wolf Ridge Winery that will also be sent in independently by them. Plus, a personal family Petition sent in by my family with my personal signature attached to that petition. (My signature is not attached to this one)

I understand from others that there were thirty-six notices sent out in the mail for the Information Session. (Postage marked for the Monday prior to the Thursday night meeting) However, I was the only person to receive this notice in our area the night before the meeting. And I went about to my closest neighbors who never did receive anything at all.

I can also personally attest to the fact that my mail lady hand delivered my mail to me on July 20<sup>th</sup>,22. She had another issue to discuss with me regarding a mail delivery. That was approximately three thirty in the afternoon. (Our mail arrives late in the day)

My notice for the information session was not in the mail at that time. It arrived sometime between then and when my husband arrived home and he picked it up from my mailbox.

The fact is that most of the neighbors to the west of me except for Mr. Peter Levy did not receive any. I have personally spoke with most of them and they were completely in the dark to this matter. Even the Winery and the Rotary Club did not receive notice and they are directly across from me.

Of the neighbors to the east down to Gaspreau Ave those that did receive a notice received them the morning of or the day after the meeting. And factually not all received the same information and none including myself received any information on what C4 entailed.

This was also the case at the information session I (thanks to my husband and a friend) made copies of the C4 zoning sheet and passed it out at the hearing because no information was provided there either.

The meeting itself was vague, and it very much needs repeating how misleading the information was on what would be available in video for viewing after the meeting.

Which brings me to my next point. It is imperative that records of these meetings should be kept. If this were a company, or any club that would be the priority. Things were said and attitudes expressed that should have been recorded.

I would also like to address the newspaper issue. In all my door-to-door conversation only three people indicated regular access to any newspaper. One to the Chronical, one to the local that said they never look for such things as municipal information. Only one said they saw the notice.

And while it may be true that the planning department has followed all the correct municipal planning procedures, this is clearly not a way to reach anyone. And that I believe should be the goal.

This way of doing things is not working and exhibits although not intentional a strong disrespect towards the affected residents of any area involved in such issues, not just this one situation. Five hundred feet from a source of a disputed area is nowhere near enough coverage especially in a rural area where people own large road frontages, such as myself.

There is also an issue with timing, summer is when no one is around, especially this year, after two years of Covid and when all anyone wants to do is shut off the news and get away anywhere.

Summer post covid is even harder to get information, get anyone at home, get anyone at work involved. There has been extremely poor consideration of the people that will be greatly affected by this! (again, not intentional but policy related) adding to this a feeling of urgency with a possible short time for considering the outcome.

I am not a planner; I am not a member of council but something in my layman's understanding of service to the people leads us to feel that the result of this process seems to have gone a little off track.

Leading to one of our major concerns; It is very clear that most residents do not want this rezoning. They have voiced that loudly and clearly. Between my family petition, This petition, the individual letters, and the Winery petition. Could there be any doubt as to what the right thing to do is?

It should be a given that the people that live here should have the most important voice. Should be of the highest consideration. That they should have the right to choose how they want to live. They should have the strongest perspective when deciding outcome.

But it does not feel that way. Somehow, a group of people that do not know us or care about us, just entered our home and our lives. Saying this is how we think you should live, how we think you should be grateful for us (said at meeting) and what we see as our vision for you. Otherwise, you are not progressive or forward thinking (I am being polite here)

Again, we say that we each have our own vision and story but collectively we choose to live in this community as A1 and A2 not commercial. We do not understand how they can just come into our community and say we want this or that and then it is up to us to try and fight an uphill battle to stop it. We believe it should be the other way around.

We intend to carry on in our efforts to get your attention enough to make you see we do not want this rezoning. These are developers and that brings an attitude and perspective that does not suit our little community.

We will put up signs, gather more signatures, carry on doing what needs to be done to get you not only see and understand us but we hope that you will also act on our behalf the residence and interested people of this area and the people that you are supposed to represent and care about.

There is another issue that has come to forefront during all of this. That is the issue of rezoning for nonprofits such as community hall, places of worship and legions etc.

We have no issue with such projects; however, we do feel it justified and reasonable to request that when these organizations do not follow through with their intended purpose of use or no longer decide to operate on the property as originally stated or in the event they then decide to sell the property to another end user that is not a nonprofit, that their current zoning should revert back to the previous zoning.

Preventing a new owner from taking advantage of the existing zoning of the not-for-profit group for a different purpose altogether. Therefor requiring them to begin their own request for a rezoning as they would have otherwise needed to do.

Your Truly,

Sheron Hatt Atwell (1235 Ridge Rd., Wolfville Ridge)

On behalf of the following residents

Sept 25, 2022

Planning Department Kings County NS

Attention: Joe Lilly Planning Department Kings County, NS

Re: File numbers 22-13/22-19 (note there are two file numbers on the public hearing notice)

Travis Mills rezoning application A2 to C4 1299 Ridge Rd.

Opening Statement:

This is a petition open to the residents and those affected by this rezoning change in anyway. Including those that use the area roads for recreational purposes and for transportation of themselves to work or normal daily activities such as grocery shopping, medical appointments, or other normal day to day errands and uses.

The purpose of this petition is to provide an alternative to those that would prefer to sign a note already in existence that collaborate their views and concerns rather than to go online and try and source out the appropriate avenue to voice their opinions on this matter.

Other means of submissions may exist but this is in addition to those, and this is not intended to be a duplicate of any other petition or objection submitted. This is a separate petition in its entirety.

Everyone that has signed has either read or had the highlights of their concerns read to them and agree with the majority or all the concerns listed.

Highlights of concerns:

1. **Disruption of the current peaceful existence** and culture of the area that already exist here. We may be considered backward (it has been said) or not forward thinkers or seem against progress. The truth is progress is subjective. We feel that we are forward thinking in that we have matured to the point where we know how we want to live our lives and have made that choice. In the place of our choosing.

If we wanted to live in a more industrial/urban environment that is where we would have gone to live. In a province that is extremely food insecure we have chosen to live in a place where agra is not only supported but active and participated. In.

We like how we live here, in our small little community where there is combination of farming and rural lifestyle where we feel safe, known and feel connected. We have just as valuable a neighborhood to us as anyone may feel about their own homes.

2. **Effect on property values.** After discussing the possible C4 zone change with a very experienced real estate seller, it was clearly stated that currently this area is very much in demand as far as residential sales go, because of the exiting A1 and A2 zoning. (Combined limited residential and agra uses). Based on their experience they strongly believe that any ventures that would move any of this area into any kind of Commercial zoning would violate and erode that desire.
3. We feel that **this type of business does not belong here**, it is more appropriate to an industrial or business park. Clearly the person/persons trying to rezone this property does not feel as connected to this community as we do; otherwise, they would not have even considered this. Even animals know better than to take some things to their nest.
4. **This will set a huge precedent and opens a door that cannot be closed**, especially with all the potential options available under this zoning. And while it may be said that for now this or that is the plan, these people are developers. A group of people that some of us have a great deal of experience with. Much is always left unsaid, and plans change very quickly when opportunities afford themselves. It is all about the money /profits and benefits for their bottom lines. Not about the best interests of the community they insert themselves into.

None of us living here and plan on staying here want this. For some of us this is our retirements homes, others have been here all their lives and some of them their families before. A lifetime of work and dreams gone down the drain that cannot be rebuilt at any price could be taken from us with this rezoning and what it could bring in a very short time down the road.

5. **Increase in traffic personal safety is a huge concern, we are a rural road, all** these extra heavy trucks and equipment on them is going to take a huge toll in the damage to the road, and to the safety of the pedestrian and vehicle traffic. We have a lot of accidents by students and other drivers this will just add more problems to the mix. We have a lot of pedestrian traffic, that come up from the town of Wolfville to walk the loop and a lot of cyclers that come along this route including racing events.

**Residents already have justified fears in navigating our road in recent times.**

Mothers' area already worried about their children and just last week a pedestrian was forced off the road and into a ditch by a gravel truck that did not have room enough for them and the oncoming traffic.

As it is we need to seriously consider restricting times and uses for some types of these vehicles. We have already witnessed transfer trucks coming in opposite directions of east and west and not a breath between them. And seen transfer trucks at five in the

morning waiting in front of a local homeowner's house to be able to access and be unloaded with Quebec license plates.

We are in the process of requesting a study for the already existing traffic and are prepared to request a second one for this new issue. As it is we need to seriously consider restricting times and uses for some types of these vehicles without adding more trouble to the mix.

6. **We have visitors, and new people building and renovating that want to come and will be coming more often** to a new winery to air b and b's as well to the soon to be newly updated and revitalized Old Orchard Inn. What a disappoint for them for what they will be expecting to enjoy in this area. They are not coming to see a busy construction business.

The impact that this business and the C4 zoning will have on the tourism in the area should be obvious. The park will soon connect with the winery. There will be events, and occasions that will bring tourists and many will be on foot enabling them to enjoy the area and the events taking place.

7. **Even though currently this is a request for the front three acres only to be rezoned, it has come to our recent attention as explained by Laura Mosher that the current owner/s could also apply for the back acreage to be rezoned to C4 (or other owners as well).**

**After speaking with someone else that has a lot of experience in planning departments, they have strongly suggested that if this rezoning were to go forward that it would be very difficult to say no to anyone else that should apply in the area for the same zoning.**

8. **We have people farming here**, The Patterson's , The Bishops and The Biggs own and farm large lots on Ridge Road, The Kenny's Own a field on Ridge Road that is used, they also use a large portion of other properties on "The Ridge" (these families are opposed to this rezoning), including using a portion of my own property (1235 Ridge Rd.) to take silage from to feed their diary cattle.

If you eat ice cream or drink milk from a local farmer, the food to the cow that produces the milk that makes that ice cream or cheese could well come from my own land (1235 Ridge Rd.) and while my contribution may seem small, I can tell you the farmer that receives it always tells me how grateful he has been over the years to add our silage to his yield.

**We have one new and possibly a second winery coming up on this road.** There are people that even though you can not see them when you drive by are engaged in small scale farming there are cows, chickens, pigs, sheep, and geese.

Many of us have preserving gardens that we rely on each year and berries as well. To say we are not farming here is seriously inaccurate. We are and live a A1 and A2 life style.

Please also consider that just because a piece of land has not been actively farmed for a number of years does not make it invaluable as farmland. Even if it is only a small-scale parcel or even smaller a homeowner with an acre or two.

My own piece of land was poor soil, and only used for a small section for potatoes and cabbage because that is all that would grow, even hay would not grow well before we came. Since then, we have brought in topsoil, had the land fed, and worked. Planted trees, shrubs for protection and drainage, and lots and lots of berry bushes and veggie gardens.

We also now have a farmer that we initially paid to improve our field that now has used it for fifteen years for his silage. Bird and animal life where there was none before, it is not the same piece of land as it was. It has been greatly improved by our use and efforts.

Another person recently purchased a nearby parcel that had been let go because the owner aged out. He has now brought back the fields and will be bringing in animals in the next year or so.

Yet another example is a newer purchaser that is also intending to rework and build up another section on The Ridge, and yet another large family farm is looking at the old Forsyth parcel that is currently being used by the Kenny farm until it resells. (Where the Legion was to go) to use for agra purposes but is awaiting this outcome of this rezoning.

In a province where food insecurity is acknowledged as a fact, and where even a small little parcel can help to make a person and their family more food secure and self-reliant; why would anyone consider abolishing an existing agra potential on a piece of land that is so clearly well fertilized by grazing animals.

9. **We have serious concerns about the security requirements** that will take place for this C4 business, the excessive lighting that will be needed to satisfy insurance companies and to satisfy the need to protect construction supplies from the added concern of

crime. (I have checked and on commercial business for insurance one of the main questions is how much lighting you plan to have)

The possibility of security cameras that may be used or required is very unnerving. Both the cameras and the lighting are a huge intrusion on our personal lives and comforts as well as our privacy and enjoyment of living in our community.

Just recently in the news there was a report of construction materials being stolen. This is a high-risk commodity, and I am sure the developer and the insurance company are both aware of this and know they will need to take some steps to avoid this potential and likely problem.

We do not want to lose our dark sky; we do not want to change our current landscape from Agra 1 and 2 to live in an industrial or urban type of environment. We have invested our lives and finances in this place. It is why **we choose to live as we are, not how someone else with no connection to this place wants us to live.**

If you were to take the time to google commercial construction supply companies/ warehouses you would find the list mainly includes places like Home Hardware/Kent Building Supplies, Home Depot and the like including also included in the commercial listing of such companies is a company named MCR Building Supplies in Dartmouth, a company very much like the one attempting to be created here.

If you were to look a bit further, you would also see where these companies are all located. It is not in areas like ours but in industrial parks or industrial areas in urban centers. This alone should be a strong indication of how out of place a company like this would be in our little community.

10.

**We feel that this invasion was “sprung” on us** and that this came out of nowhere, that we were not at all considered by the applicants and investors of this project and the request for the C4 zoning. We do not even understand how the applicant could have progressed this far.

We know that the original purchase was a numbered company from Toronto, last Oct. A partnership of three individuals of varying degrees or forms of investment and involvement. The ownership name was then transferred in the spring to Mr. Mills prior to the application for rezoning.

None of these people are invested in our community by any emotional attachment or personal involvement. Including Mr. Mills who has owned a home next to mine for the last fourteen years.

**We have as a distinct community with our own plans and desires for our little hamlet.**

And while somewhere along the way someone other than us has decided to remove our hamlet status or wording for our community and even if those same authorities have changed designation on a piece of paper; what has not changed is the heart of us and who and what and how we see ourselves.

**We are still “The Ridge” not part of the town of Wolfville, Kentville or New Minas! We do not see ourselves through the eyes of someone from Toronto or any other large urban center. We wish to remain rural. We are the ones that live here, Some of our families for four generations and more.**

11. **There is no benefit here in this rezoning to any of us locally,** only to the operators of this to be warehouse/distribution/construction business. **This could have been such a wonderful opportunity given a little time for someone to explore alternate options such as an exciting new farm market, community garden, or local Community not for profit Arts Center.** Even an orchard, or a field of corn all of which would have enhanced the area for the local population and visitors alike and been very welcomed here.

The truth being we would have more then welcomed new ownership for the horse barn if they had been resident and cared about what they owned as several previous owners had done.

Sincerely,

The residence and concerned citizens of the area of the community of Wolfville Ridge

Signature list attached

## **Call Log**

Sharon Hatt Atwell – July 21<sup>st</sup>, 2022:

- Notice sent too late
- Concern about the 500ft. mailout, not far enough
- More people will be effected
- Likes rural, quiet, peace
- Knows applicant, business, goals, etc.

Charlene Smith, 3245 Greenfield Road – July 27<sup>th</sup>, 2022:

- Opposed to proposed rezoning
- Apparently applicant has been telling neighbours there is intention for further development on the property (housing, condominium, etc.) – Caller admitted this is second-hand information
- Worried about disruption to community and impact on rural, quiet lifestyle
- Wants to start petition to oppose application

Linda Barkhouse, - July 29<sup>th</sup>, 2022, August 26, 2022

- Does not have a particular problem with what they are going to do
- Traffic concerns, noise consideration, no trucks at 6am
- Travis has been a very good neighbour
- Update August 26<sup>th</sup>, 2022 – Ms. Barkhouse has reiterated her support and has indicated that another neighbour may be misrepresenting her position

Cliff Stanley – August 31, 2022

- Clarified 500 foot written notification for applications
- Described the approval process i.e. PAC – Public Hearing
- Provided links to application on MOK website
- Indicated he will be sending emailed specifics in terms of comments and questions

Shelley Thompson – September 7, 2022

- Concerned about heavy truck traffic
- Informed that this was not an industrial application
- Informed that no streetlights are proposed or being considered
- Informed about 500-foot public notification policy
- Concerned about quality of life
- Stated that increased tax dollars may be motivation for possible approval.

Greg Davis – September 13, 2022

- Explained process
- Explained Utilities and Review Board as per an appeal
- Major concern is traffic/trucks
- He will email more comments and I will send him links to PAC agenda, etc

Originally sent Aug 8<sup>th</sup> 22 to Will Robinson Mushkat

Received Sept 28 (1:30)

Pg 1

Planning Dept. Kings County NS

Attention: Department Supervisor; Planning Coordinator (Will Robinson-Mushkat)

Re: File No. 22-13/ 22-19 (there are two file numbers on the notice)

Travis Mills A2 to C4 Zoning

CC County Councilors of Kings County

### Opening Statement

I am addressing this to you as my first personal statement after attending the public meeting regarding this issue. The meeting took place on July 21, twenty-two at Horton Community Centre, Grand Pre, NS.

Please take note that some of us that are family members that live on Ridge Road have decided to make a combined statement rather than each one completing and sending separate emails/letters or individual phone calls.

Each of us has read or heard the contents and have signed our agreement independently as well as noting our separate addresses.

The first item of concern however before I move on to more personal points is the timing of the notice received of the meeting. It has always been my understanding right or wrongly that we should have two weeks /fourteen days of notice prior to this sort of meeting.

Not all people wish to connect digitally to the world or are they always tethered to their phones, as much as modern government seems to think we do or should. Especially during summer months when we spend our days out of doors or away from our homes altogether.

As well to this point and as pointed out previously to Mr. Robinson-Mushkat if any person does not have prior reason of any issue why would you be looking for information on sites pertaining to issues of rezoning whether in your area or not.

Most people receive their general news on TV if inside to see it and not by newspaper. So, a direct mail out is the best option for notification. In our rural settings especially. In this case the attempt to do so was poorly considered.

Some but very few within the inappropriately allocated 500 ft allowance received this notice the night before the meeting, others the next morning meaning the day of the meeting. One possibly two after the meeting, one for sure did not receive one at all. One person well outside of the 500 ft mark received a notice. As well not all people received the same information in their notices, and none received information on exactly C4 meant. I personally (Sheron) had to copy that information and give it to them.

The envelope was post marked for the Monday previous. With well-known and well documented lengthy mail deliveries why was this mail out posted so closely to the meeting date? It did not leave the community time for informed or knowledgeable attendance.

As a added note, there is disappointment on what is exactly on the video of the meeting, not much of the meeting itself is being shown for those that did not get there.

This issue needs to be addressed and amended by the people responsible for regulating the distribution of information of these kinds of issues.

The second issue pertaining to this opening statement is this: The following personal statement is just that very personal. It will tell you how and why we feel the way we do about this. It will always be honest, open, and truthful and hopefully show our hearts as well.

Sincerely,

Graham Atwell and Sheron Hatt Atwell

1235 Ridge Rd, Wolfville Ridge, B4P2R1

9026928228 (C/Text only)

9026972085(L)

**Travis Mills came into our lives as our neighbor with a phone call from Toronto**  
just after he and Miyoshi purchased the old Rathbone property beside us. He said, he wanted a simpler life and wanted to do a little “farming” on his land because they were vegetarians, so this was very important to them.

Over the years however Travis had a shift in focus to development, building apartments now consumed him. Several times he directly asked about purchasing our land, even making a comment once that no matter in the end would get it anyway. He may have been teasing but I did not take it that way.

He would ask about others as well from time to time, if I thought they may sell or even asked them directly. It has been clear what his intentions have been.

He has never hidden his agenda or desire that he would get all the land here he could. He is a developer! And he has made **his vision** known.

He has led me to understand (and everyone else) several times how well versed and knowledgeable and how strategically he follows zonings, therefor I fully believe he knew exactly what was contained in the C4 zoning allowances. Everyone was already questioning the windows, why windows for storage.

He has also claimed that he has “people” watching everything that goes up for sale so that he can be immediately informed of it. And of course, how or what he sees, and views is the value of land. And again, most of us see this differently too.

Financially now it seems he is now backed by Toronto investors. It was not a real surprise to find out that the barn was originally purchased by them (# company from Toronto) last Oct/21 and only transferred over to his name in early May of 22.

It has been a difficult decision for me to decide to take this in the direction that I have with him. He has been my neighbor for so many years now, it was also hard to see his response to the question posed to him and his attitude what if this rezoning does not pass what will you do? His response “you do not want to know” I always have a contingency plan, in a very disconcerting tone.

Even more disturbing was his “friend” response when I said, “yes I think I do want to know” and Travis leaned over him to me and his “friend” told him to keep quiet and not say anything. Making a person wonder who is in ownership?

We are a community that so many of our families here created, working hard for generations and still do. We have a lot to lose.

We have welcomed wonderful new people that have grown into the heart of this place and gravitated here for what is already is in the area, integrating their dreams and family while still acknowledging and participating in the importance of the agra value of this land.

We have people with sheep/geese, cows, chickens, and wonderfully wonderful pigs. (Ben McCormick) We have a new winery emerging and yes, we do have a park that once was and could be again utilized by the community and visitors and we have hopes that one day soon it will be again. We are a A2 community.

While we may not always agree with each other on certain issues or agendas, we always respect each other.

So, let talk turkey.

**Products from China**, this is what is to be stored and distributed at this location. this is a benefit to no one here. With all the leaning and desire to support local, it would have been good in this case to support Canadian. I have three brothers in this field in various capacities.

China has a horrible reputation for quality and toxicity of their products. And there have already been many reports of China purchased construction products going badly. For me this a problem on many levels.

This means container shipping, that means traveling from Halifax to here, delivering, on this road, unloading on this road, and then distributing from this road.

Just as it would be for any other product that comes to any WAREHOUSE SUPPLY CENTRE. Just like any other building center I have worked for, and like any other construction site I have been on for my work.

I have personal experience with this. I worked in a special accounts for international shipments dealing with rates , tariffs, subsidies and salvage for interborder shipments. For Jodrey and Pulsifer/Polestar. I fully understand the implications of this.

There is also a vast difference between a warehouse and storage. He already stated at the meeting that the warehouse would be filled to the rafters!

All this movement creates congestion with traffic flow getting in and out of the site, blocking and slowing and congesting oncoming traffic. This would create, vastly more heavy weight traffic and heavy mechanical weight trucks on the road resulting in a lot more noise and a lot more damage to roads. This traffic increase would come in from both east and west exits either the Melancon exit or Grand pre and the Horton School area exit.

To say there would be one shipment a week is a misleading statement. There would be a constant movement of filling up and taking out and replacing. In addition, the C4 would allow for retail space and there you have it a fully operational retail building supply outlet.

Specializing in potential left-over construction job products or even new China construction products. And this in and out of site would happen every day, regardless of the currant rhythm of the community /disregarding community events, church service wine tour buses, school buses or hours when people would normally experience the peace and quiet of their homes.

Clearly there is no benefit to the local economy which would otherwise be purchased from Kents, Home Hardware or Home Depot or Cerotic in Dartmouth , etc.

This in theory could be just a start for them or the people that they may sell it to who would most likely have a different vision from him and again from us the residences of this area.

### **The Noise.**

The constant noise of beeping is not temporary! I have worked for building supply companies, I have designed and worked on construction sites I always had to wear protective ear plugs or alternatives.

Recently I had to call my doctor to get better recommendations for ear plugs and must wear them in my house. I am getting one migraine after another as it is, and yes, the renovation part of this is temporarily temporary (I believe there would be more to come if the C4 is passed) but the permanency of the warehouse would continue to create that in and of itself, in its self-described purpose.

There have been several people asking where is that constant noise coming from as it is. And I must be honest. Since they have stopped working there (day after the meeting) It is so much more peaceful and pleasant here around us and that also has been mentioned by others as well.

### **How does a local resident benefit from this noise?**

### **Traffic and the Greater demand on our road.**

***Recreational walkers, runners, and bicyclers in groups, and as individuals use this road a lot, from the lower side (east) to the Horton school area daily.(west)***

We have a lot of children in this area as more move in there are more and they are active. People come across roads to chat, to visit, to take a peek at what you have growing. We are and live as small community does.

***We have two school in the area , elementary and high school, that means buses, kids for buses and kids driving.***

We have single rural road that has a lot of accidents now. That is in the process of having some sections with speed reductions completed as a result. Fire, Ambulance and tow trucks either pass through, attend or return on this road day after day.

As it is there are construction vehicles traveling to this site or the other construction sites in the town across this road, so many just this morning I could not count. Heavy huge vehicles carrying heavy loads.

Yes, we have traffic now, work and school traffic but in between there are much slower times of traffic.

### Water

We all have wells here and septic systems and we are happy to have that vs water and sewer supplied. I am concerned with both the impact additional pressure on the water table and what C4 usage could possibly lead to and or the contamination of our water supply. From several potential sources including a higher risk of leaked diesel fuel from trucks, etc.

### The winery

**This is an A2 Agra business and very welcomed in the area.**

**We love Sanja and Yanine and they are already part of our neighborhood**

I cannot imagine that this would have a positive impact on the new winery in the area. This would not be what someone coming in would expect to find in this kind of environment, tourist, wine tours, sipping barns directly across the road from all this. Wow that would certainly take away from my idea of a relaxing time away with the girls.

**The winery is a clear and undisputed benefit to the area. And falls under A2**

### Local air B &B 's

I do not think I recall seeing a busy construction warehouse business listed on many tourist brochures as a must-see attraction. We have Air B & B visitors strolling peacefully up the road to check on the progress on the new winery quite often.

No, I just do not see this as a benefit to them.

**This also falls under the A2 currently in place.**

### **The residents**

There is not a single resident that will benefit in any way from this rezoning. Not the new people just beginning to build their new beautiful homes in the area. Who came here for the current community culture and environment?

How sad for them if after all they had anticipated and expected in what living here would be like, that their **vision** would just vanish.

Not us who love the land and the people of the area, and the currant culture. It was said at the meeting by Mr. Mills friend that we/ I want to destroy Mr. Mills vision. At the meeting I took ownership of that statement, It is true that we do not want the culture or environment **that the developer's vision will create** in the place where we live. But we encourage him to follow his dreams and vision in a more suitable place.

We walk our fields in peace and quiet. We worked hard for what we now have. To have a lifestyle or retirement that we could look forward to and enjoy.

If this goes through to C4 some in our area will seriously consider selling. Because the changes and the possibility of what would come next are just too great of a disruption to our lives. This is causing a lot of stress on many people here.

### **So who benefits?**

**There is only one conclusion to this, the developers of course and all the future doors that may be open by setting this president, because once there is one application passed, there certainly will be more requests for the same in our area. Resulting in something very precious to us to be lost.**

## INTERESTING NOTES.

1. **The horse barn always had an office.** Fact, it had originally one apt upstairs for the night care- taker, given in low rent for looking after the animals at night., latter by and new owner the upper single apt was turned to two. Downstairs is where the office was, a bath and tack rooms with perhaps a bunk for a needy vet/owner waiting for a fowl, and a warming room for newborn or ill horses.
2. It was the last group of absentee owners who repeatedly cycled through a pattern of letting it go to tax sale and then rebuying under a different numbered company when the thing went wrong. And unaccountable. They only used the barn as a tax shelter. Under various numbered companies.
3. There is a bill in the NS legislature under the safe community's act that states that we who live in communities should be assured of the peaceful enjoyment of our properties, I think that there is relevance here.
- 4.

In conclusion we say this,

this is the type of business that belongs in an industrial park, not a small residential agra community. The purchases he has made to date now result in A1 land being locked in and inaccessible. To anyone that would use it. I know for a fact how very little this developer values agra land, it has been said to me directly many times.

This property could have been so better used and been so much more beneficial to the community so much more welcomed to us all that live here and to visitors alike if only there had been an effort to focus on A1/A2 possibilities.

In this mad rush and push for housing there is a place for everyone, let this developer do his bidding and business in a more appropriate environment where they would be welcomed and where it should be, In the boundaries of the towns

where apartments and such should be addressed and where other warehouses like this exit now, empty waiting to be used.

Respectfully,

Name	Address	Phone
Paul Atwell	1336 Ridge Rd. Wolfville Ridge	9026989893
Kelly Smith	1336 Ridge Rd. Wolfville Ridge	9023001391
Sheron Hatt Atwell	1235 Ridge Rd. Wolfville Ridge	9026928228
Graham Atwell	1235 Ridge Rd. Wolfville Ridge	9026972085
Brian Atwell	1315 Ridge Rd. Wolfville Ridge	9026913638
Gary Morine	1366 Ridge Rd. Wolfville Ridge	9025425321
Evelyn Morine	1366 Ridge Rd. Wolfville Ridge	9025425321
Ernest Atwell	1288 Ridge Rd. Wolfville Ridge	9025427166
Owen Atwell	1288 Ridge Rd. Wolfville Ridge	9025427166
Margie De Ell	1318 Ridge Rd. Wolfville Ridge	9025423923

**Note: a copy of the original handwritten signatures was attached to the email sent to Mr. Mushkat to show that it was signed by the people named above.**

Dear Mr. Joe Lilly (Planner), Mr. Peter Allen (Councillor) and Mr. Peter Muttart (Mayor);

We are writing to express significant concern on the proposed rezoning of 1299 Ridge Road (PID 55190854) from rural mixed use (A2) to rural commercial (C4) to permit storage facilities and business offices on property (File # 22-19).

There are a number of reasons why this application should not be approved as it is contrary to multiple Municipal Policies and Land use Bylaws.

The intended use will create undue conflict with nearby agricultural practice and rural residence. This is not in compliance to Municipal Policy 3.4.23.

Our vineyard is situated directly across from this property. We are making significant investments in our vineyard to increase the profile of and to promote Wolfville Ridge as an extension of the wine country of Wolfville/Gaspereau Valley. Our intent is to promote agri-tourism and to further boost local tourism that will benefit the local community, the Town of Wolfville and the County of Kings. A commercial/industrial warehouse across from our vineyard with large lorry traffic and industrial activity is not only contrary to this purpose, but it also obstructs it and puts all the investment we have made in this agricultural community at risk.

We have also made investments to purchase the historic Ridge Stile Park from the Rotary Club. In support with local community and RCMP we have taken action to stop all the drug trafficking and sexual solicitation activity in the park. Our vision is to restore the park to its original luster so that it can be enjoyed again by the local community for family friendly activities. Having an industrial operation across the street from the park again obstructs this vision of restoring this historic landmark of not just Wolfville Ridge but the entire Annapolis Valley region.

We are also planning to build a house and Make Wolfville Ridge community our home. We are certain that all the commercial and industrial activity will cause significant disruption to the quiet and peaceful living that local community currently enjoys. The noise from the large lorry traffic at odd hours is already disturbing the local residents. This will get worse as the commercial/industrial activity picks up at this location. There will also be constant flood lighting in the nighttime that is required for the intended use and for the security of storage and warehousing facility. This again will be right across the street from where we are planning to build our house and will significantly disrupt our lives.

The zoning conversion and proposed use of the property also fails to satisfy multiple general criteria for Municipal Planning Strategy Policy 5.3.7

- a. This proposal for warehouse for building supplies will cause undue financial impact to the local community and this proposal will only benefit the owner/developer of this property and provides no tangible or intangible benefit to the local community, Town or the County.

Properties in this block and neighbouring blocks of Wolfville Ridge community is currently positioned at a premium and quite sought after. An industrial/commercial zoned property will devalue all surrounding property including our property across the street.

As part of promoting agri-tourism we plan to run two bed and breakfast cottages. Operating these cottages will be severely impacted with all the industrial/commercial activity and puts our

investment and ability to generate revenue at risk. In addition to us building tourist-stay cottages, there already exist a number of tourist-stays in the area. This type of an operation will discourage tourists to come to stay at local places on the Ridge and cause undue financial impact to the local community.

Increased lorry traffic to transport building supplies in and out of this location will cause undue wear and tear of Ridge Road. The County and as a result the local community will have to continuously invest in undue road maintenance.

- b. This proposed of building supplies warehouse and office use is not compatible with the surrounding land use.

Except for a local community church and the historic Ridge Stile Park the surrounding land is used as residential or agricultural. There are no offices, warehouses or building supplies storage facilities anywhere on Ridge Road. Areas are already zoned and allocated for this type of use in more commercial and industrial areas of the town centers of Wolfville, New Minas and Kentville. It will be better for the local community and for the developer to set up this operation in either one of these designated areas.

- c. Increased lorry traffic due to transportation and warehousing of building supplies will cause a number of traffic hazards and congestion.

There is no direct access to this location from the highway. The lorries transporting building supplies and materials will have to use exit 10 or exit 11 and drive through residential neighbourhoods to access this location at all odd hours of the day. Ridge Road is used on a regular base by local residents for walking (dogs), running, biking etc. There is also a substantial amount of use by school children. Residents participating in all these activities will be endangered as a result.

This hazard will become even greater after sunset as Ridge Road had no streetlights and becomes almost pitch dark after the sun sets. Fast lorry traffic in the evenings with almost certainty will endanger people and wildlife using the road.

Ridge Road is not built to carry large lorry traffic on a regular base. There are two very sharp (90 degree) bend in Ridge Road by Stile park. We have witnessed two cars that could not control speed and rolled over onto our property in the last two years. The accidents at that bend are almost unavoidable and accidents caused by large heavy weighted lorries will cause far more property damage and possible life casualties.

- d. Storage of all these industrial building materials and possibly chemicals put the neighbourhood at risk of a fire hazard. This may potentially increase home insurance premiums for neighbouring home (including our future home) as it increases the risk of property and life loss due to a potential fire.
- e. All this lorry traffic will also cause an adverse environmental impact.

There is quite a bit of wildlife (deer, raccoons etc.) that crosses Ridge Road on a regular basis. Increased lorry traffic will endanger this wildlife – very similar to the daily deaths that we see on highway 1.

There is also a likelihood of increased gas fumes pollution due to running lorries and lorries idling at the facility.

A sync hole has developed at the entrance of the dirt road into Stile Park. Increased lorry traffic will worsen this sync hole and the county will have to invest a significant amount of money to fix this environmental hazard.

- f. This site may also not be suitable for the supply of utilities. Commercial operation like this requires more power than an average home. In order to run operations, the developer may have to install power steppers or generators that will cause environmental and noise pollution.

We are also of additional concern as due process has not been followed for the application consideration process. We were not notified by the County of the preliminary information session and were not able to participate to personally express our concerns on how this rezoning and proposed land use will have an adverse impact on our livelihood and plans to establish a home within the Wolfville Ridge community.

Sincerely.

Jana Tamm & Shaji Zaidi

## Laurie-Ann Clarke

---

**From:** Laura Mosher  
**Sent:** September 6, 2022 9:44 AM  
**To:** Joe Lilly  
**Subject:** FW: rezoning of 1299 Wolfville Ridge Road from A2 to C4

fyi

**Laura Mosher MCIP LPP (She/Her)**  
Manager, Planning and Development Services

181 Coldbrook Village Park Drive, Coldbrook B4R 1B9  
t: (902) 690-6102  
f: (902) 679-0911  
[www.countyofkings.ca](http://www.countyofkings.ca)

---

**From:** Peter Muttart <[mayor.muttart@countyofkings.ca](mailto:mayor.muttart@countyofkings.ca)>  
**Sent:** September 6, 2022 9:42 AM  
**To:** Laura Mosher <[lmosher@countyofkings.ca](mailto:lmosher@countyofkings.ca)>  
**Subject:** FW: rezoning of 1299 Wolfville Ridge Road from A2 to C4

---

**From:** Richard van der Baaren <[rvb@eastlink.ca](mailto:rvb@eastlink.ca)>  
**Sent:** September 6, 2022 9:24 AM  
**To:** Peter Allen <[councillor.allen@countyofkings.ca](mailto:councillor.allen@countyofkings.ca)>  
**Cc:** Peter Muttart <[mayor.muttart@countyofkings.ca](mailto:mayor.muttart@countyofkings.ca)>; June Granger <[councillor.granger@countyofkings.ca](mailto:councillor.granger@countyofkings.ca)>; Lexie Misner <[councillor.misner@countyofkings.ca](mailto:councillor.misner@countyofkings.ca)>; Dick Killam <[councillor.killam@countyofkings.ca](mailto:councillor.killam@countyofkings.ca)>; Martha Armstrong <[councillor.armstrong@countyofkings.ca](mailto:councillor.armstrong@countyofkings.ca)>; Tim Harding <[councillor.harding@countyofkings.ca](mailto:councillor.harding@countyofkings.ca)>; Joel Hirtle <[councillor.jhirtle@countyofkings.ca](mailto:councillor.jhirtle@countyofkings.ca)>; Emily Lutz <[councillor.lutz@countyofkings.ca](mailto:councillor.lutz@countyofkings.ca)>; Jim Winsor <[councillor.winsor@countyofkings.ca](mailto:councillor.winsor@countyofkings.ca)>  
**Subject:** rezoning of 1299 Wolfville Ridge Road from A2 to C4

Peter/ Councillors

I am sending you this message to let you know that I am against the rezoning of 1299 Wolfville Ridge Road from A2 to C4.

I'm suspect you have received many objections to this application from other residents who live in the area.

My concerns would be the same as the concerns of my neighbours and other Wolfville Ridge residents, most notably:

- Noise
- Traffic
- Property Value
- incompatible with the land use for our area
- rezoning sets a precedent for adjoining lands and the road as a whole
  - slippery slope to greater commercial development

- Kings Council stated goal to “restrict uses that are not related or complementary to agricultural or resource uses” (2.2.8)
- disruption of community values and way of life

My understanding is this application will be voted on by the councilors.

Without doing a lot of reading/ research I suspect the case for approving this application would include reasons such as:

- Jobs (not so much in this case)
- Tax revenue for the Municipality of Kings  
Approving this application is not a wise or fair way to generate tax revenue for the municipality.
- Affordable housing  
The plan seems to be to warehouse building supplies (I don't believe changing 1299 Wolfville Ridge Road from A2 to C4 is going to have any impact on the affordable housing shortage)
- At the meeting in Hortonville it was mentioned that the property was an eyesore and run-down.  
If so, changing to C4 and fixing up the property is still not a step in the right direction.  
It just seems unnecessary to me.

I suspect most of you are familiar with the affected area.

If you have not been to this area recently I would suggest you take a drive and have a look before you make your decision.

Richard van der Baaren  
11 Highland Ave  
Wolfville Ridge, N.S.  
B4P2R2

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## Laurie-Ann Clarke

---

**From:** Joe Lilly  
**Sent:** August 30, 2022 9:49 AM  
**To:** 'Grant Smith'  
**Subject:** notification question

I was not managing the file at the time, but it is my understanding that properties within 500 feet of the property being considered in a planning application receive written notice.

The public information meeting of July 21 was also advertised in the Valley Journal-Advertiser on Tuesday, July 12th, 2022.

---

**From:** Grant Smith <grantandmichelesmith@gmail.com>  
**Sent:** August 30, 2022 9:31 AM  
**To:** Joe Lilly <jlilly@countyofkings.ca>  
**Subject:** Re: 1299 Ridge Road -reZoning proposal (2)

Thank you for the clarification. It very much appreciated. I did not receive a letter from the county. I found out about it through one of my neighbors. Why was I not contacted?

On Tue, 30 Aug 2022 at 9:23 AM, Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)> wrote:

Regarding where the application is in the process, municipal Council does not meet in August so things could begin moving forward with direct Council involvement in September. Due to unforeseen issues that might arise, I can never say exactly when any application will move forward absolutely but the earliest that this one could do so would begin with my presenting it to Planning Advisory Committee (PAC) on September 13. This would be followed by a presentation to full municipal Council on October 4 .

At that point, public notices via newspapers and mailed notice to nearby properties would be given again twice over a two-week period leading up to a final Council meeting on November 1. On November 1st, a Public Hearing portion of that meeting would occur, and Council would then make a final decision to approve or decline this and any other applications on the agenda. All approved OR declined applications may also be appealed within 14 days.

NOTE: The PAC and Municipal Council/Public Hearing meetings are open to the public and opportunities for any comments and feedback are possible. Applicants are also welcome to attend but it is not required.

Joe

---

**From:** Grant Smith <[grantandmichelesmith@gmail.com](mailto:grantandmichelesmith@gmail.com)>

**Sent:** August 30, 2022 9:14 AM

**To:** Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>

**Subject:** Re: 1299 Ridge Road -reZoning proposal (2)

Yes thank you. So as to my second question where are we at in the process?

On Tue, 30 Aug 2022 at 9:01 AM, Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)> wrote:

Good morning.

According to my records, your original email was replied to by Laura Mosher, Manager of Planning and Development Services on August 17, 2022.

I have pasted her reply from that date below and do confirm that your letter was received and added to the application file.

If you have any other questions I would also be happy to try to answer them.

Regards.

Joe Lilly

*Hi Michele,*

*Thank you for your email – your community is clearly very important to you. I have cc'd the planner on this file, Joe Lilly. He will include your comments as part of his staff report to Planning Advisory Committee.*

*I did want to take the opportunity to clarify some matters in your email, however. The application is to rezone a portion of the property from the Rural Mixed Use (A2) Zone to the Rural Commercial (C4) Zone. The property is not currently in the Agricultural (A1) Zone and it is not proposed for industrial development. Further, we have policies that govern the installation of street lights along roads and we generally do not do this in rural areas and where we do typically coincides with the location of a school, not an industrial or commercial use.*

*Thank you again for your comments and time in drafting them, we will ensure that Council has an opportunity to review them in advance of their decision. Thanks,*

*Laura Mosher MCIP LPP (She/Her)*

*Manager, Planning and Development Services*

[181 Coldbrook Village Park Drive, Coldbrook B4R 1B9](#)

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---

**From:** Grant Smith <[grantandmichelesmith@gmail.com](mailto:grantandmichelesmith@gmail.com)>  
**Sent:** August 30, 2022 8:11 AM  
**To:** Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>  
**Subject:** Fwd: 1299 Ridge Road -reZoning proposal

Hello

I'm a resident on Ridge Road. It is my understanding that you are now overseeing the zoning request for 1299.

Have you received my letter? I have not received confirmation that you have received it. Please advise. I would like to know where you are in this process and what voice the residents have in their neighbors zoning.

We have put a great deal of money into our home and we would be very adversely affected by this.

Thank you for your time and consideration.

I look forward to hearing from you.

Regards,

Michele Smith

----- Forwarded message -----

From: **Grant Smith** <[grantandmichelesmith@gmail.com](mailto:grantandmichelesmith@gmail.com)>

Date: Wed, 17 Aug 2022 at 3:23 PM

Subject: 1299 Ridge Road -reZoning proposal

To: <[councillor.allen@countyofkings.ca](mailto:councillor.allen@countyofkings.ca)>, <[lmosher@countyofkings.ca](mailto:lmosher@countyofkings.ca)>, <[mfredericks@countyofkings.ca](mailto:mfredericks@countyofkings.ca)>, <[wrobinsonmushkat@countyofkings.ca](mailto:wrobinsonmushkat@countyofkings.ca)>

To whom it may concern;

It has come to my attention that a local resident/developer at 1299 Ridge Road is seeking to alter the zoning for their land from A1/A2 to a C4 Industrial zoning.

I am so saddened and disgusted that this is even being considered in our beautiful community.

We purchased on Ridge Road because of the zoning and the assurance that Kings County would make it difficult to rezone in favor of developers. I grew up in a rural area of Long Island, NY. 50+ years ago it was sod, onion, pumpkin and potato farms with a few dotted wineries and apple groves. Sound familiar? Today all of that is gone. Developers moved in and zoning was altered, and slowly they transformed the area in the name of business development. Today the beautiful countryside of Long Island is gone, the once agricultural area is unrecognizable urban development and industrial sprawl. I pray that does not happen here.

As you know once this rezoning precedent is set it will allow other properties to be converted and ultimately create a snowball effect and subsequently lower property values on Ridge Road. It must be acknowledged that this request is completely incompatible with the land use for our area and the overall impact from a C4 zoning will adversely affect the overall Wolfville Ridge Community and many other areas of district 9.

Some of the biggest and most negative impacts will be decreased property values and the deterioration of our roads due to increased weight, congestion from additional traffic and not to mention the barreling noise of trucks using Ridge Road at exits 9, 10 and 11 to get to this property at 1299 Ridge Rd. All residents along this path will be impacted by the increased traffic of overweight and semi trucks causing noise pollution and road deterioration. Again, this is incompatible with who we are as a community.

On this proposed property it would be detrimental financially, visually and possibly environmentally for the neighboring residents since the industrial properties would need code minimum lighting, waste removal and utilities. The lights would be on all night, street lights would need to be installed as well as the noise pollution generated from trucks and tractor-trailers hauling non agricultural good. All of this will ruin our rural ambiance and natural environment. Industrial zoning is also some of the highest crime areas in many communities further putting residents in harm's way.

If you say yes to one rezoning on Ridge Road you will open it up to other developers and request for rezoning. That in itself should be the number one reason to deny this rezoning request. It would be the slippery slope and decline of Wolfville Ridge.

Ridge Road is an amazing little gem in Kings county and should be preserved in its existing state of residential and agricultural zoning. Along with its historical significance, it has some of the best views of both the gaspereau valley and blomidon making it a very desirable place to live and commands higher than average housing prices even in a down market. The historical Wright of Stile Park is less than 800 meters from this property on Ridge Road and should not be sullied with poor zoning. Why on earth would you allow it to be spoiled by one developer's request to make his life easier.

There is plenty of C4 zoning already existing in Kings County that this individual can use to run his warehouse and distribution of his materials... not in our neighborhood.

It was this person's poor choice to purchase the barn and it is his own issue that his land has little value beyond an A1 land price as a result. That is not a reason to change the zoning. The residents of Ridge Road should not have to lose their home values, environmental beauty of the Ridge, pay to repair the wear and tear of our roads and make the whole of the Ridge suffer because of his choice. If he wants a warehouse or distribution center there are existing industrial zones elsewhere in Kings county. Ridge Road should remain residential and agricultural in its zoning.

It is my understanding that this individual is a multi family home developer and while I say more power to him to help our area with the need for affordable homes his request is completely incompatible with our residential and agricultural area. Travis Mills' request should be denied based on the will of the local residents of Ridge Road and the affected areas and not the desire to stay in the good graces of developers.

Please say No and deny this request to change the zoning from A1/A2 to any form of industrial zoning.

Thank you for your consideration.

Regards,  
Michele Smith  
[1154 Ridge Road](http://1154RidgeRoad.WolfvilleRidgeNSB4P2R1)  
[Wolfville Ridge NS B4P 2R1](http://1154RidgeRoad.WolfvilleRidgeNSB4P2R1)

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## Laurie-Ann Clarke

---

**From:** Joe Lilly  
**Sent:** August 23, 2022 9:30 AM  
**To:** 'rachel@glinx.com'  
**Subject:** Planning Application - 1299 Ridge Road

Good morning Sharleen and thank you for your correspondence.

Your email was forwarded to me as I am the new planner handling this application. I have only just begun with the municipality so please bear with me as I am still reviewing a number of files.

I will try to answer your questions as best I am able but please feel free to contact me again if you wish any clarification or have other concerns.

1. The entire parcel of land in question at 1299 Ridge Road is currently zoned A2. No part of the parcel is zoned A1.
2. The current application before the municipality is proposing to rezone the southern portion of the parcel from A2 (Rural Mixed Use) to C4 (Rural Commercial). The A2 zone allows for agricultural storage and the applicant proposes to use the structure for storage of construction material (lumber, tile, piping, etc.) associated with his business as well as some related office space. This use would be permitted in the C4 zone.
3. No industrial development or rental buildings/units are being proposed at this time.
4. The existing structure on the property is being renovated but no changes to building footprint, height, etc. are being proposed at this time so building setbacks and related matters are not impacted.

I hope that answers some of your concerns and again please get in touch if I have missed anything. I have included your email in the application file.

Joe Lilly MURP  
Planner, Planning & Development Division

181 Coldbrook Village Park Drive, Coldbrook B4R 1B9  
t: (888) 486-5339 (6150)  
t: (902) 334-5660  
f: (902) 679-0911  
www.countyofkings.ca

-----Original Message-----

From: Sharleen Smith <rachel@glinx.com>  
Sent: August 19, 2022 1:59 PM  
To: Will Robinson-Mushkat <wrobinson-mushkat@countyofkings.ca>  
Subject: Planning Application - 1299 Ridge Road

Dear Sir,

I hereby submit my letter of opposition to the application placed by Travis Mills to rezone the property located at 1299 Ridge Road, File 22-13.

As per Mr. Mill's statement, his plan is to fill the existing structure with building supplies sourced from China. His further intent is to rezone a portion of the property, bordering my own property, in order to erect a rental building, with future plans to acquire additional surrounding properties, thereby enabling him to extend his initial rezoning reach.

The rural community of the Ridge Road Hamlet has enjoyed a specific lifestyle culture for many years and development of this nature is not commensurate with the continuation of this enjoyment by local inhabitants and, in particular, those who own adjacent and bordering properties. Regarding the increase in traffic, heavy machinery, noise and light pollution, I cite Bill No. 1, Article 4, Section 2, Sub-section B, in stating that the proposed rezoning and usage of the property is an interference, both present and future, in the, "peaceful enjoyment of one or more properties in the community or neighbourhood."

In addition, the proposed usage of said property provides no contribution to the community, its inhabitants, or the local economy. In consideration of the plentiful amount of land available in the Coldbrook Industrial Park, as well as elsewhere, for this type of business and development, the eventual nature of this rezoning appears evident, and is strongly opposed.

Many of the residents of the Ridge Road Hamlet have invested their lives in procuring and preparing properties upon which to retire in peace and enjoyment, without the threat of development and the prohibitive rise in taxes that would eventually displace us. Nova Scotians take pride in their rural communities and the quaint culture that brings visitors across our borders every year. The desire for tax dollars, financial windfalls, and urban development, will destroy the culture that could be preserved in harmony with commercial enterprise, by using discretion when approving applications for incompatible rezoning. It is my hope that good judgement will be exercised in this matter and that business applications of this nature can be approved to their most appropriate locations. Our industrial parks have a veritable plethora of available space without forcing long term residents to constantly fight for peace, property, and security against outside commercial interests.

Thanking you in advance for your representation in this matter, I remain,

Sharleen Smith  
3245 Greenfield Road,  
Wolfville Ridge, NS

(902) 542-3775

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**Joe Lilly MURP**

Planner, Planning & Development Division

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t: (902) 334-5660

f: (902) 679-0911

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

## Laurie-Ann Clarke

---

**From:** Laura Mosher  
**Sent:** July 27, 2022 3:51 PM  
**To:** Will Robinson-Mushkat  
**Subject:** FW: Wolfville Ridge application of rezoning from A2 to C4 File Re 22-19

Fyi

**Laura Mosher MCIP LPP (She/Her)**  
Manager, Planning and Development Services

181 Coldbrook Village Park Drive, Coldbrook B4R 1B9  
t: (902) 690-6102  
f: (902) 679-0911  
[www.countyofkings.ca](http://www.countyofkings.ca)

---

**From:** Jim Winsor <councillor.winsor@countyofkings.ca>  
**Sent:** July 27, 2022 3:43 PM  
**To:** Trish Javorek <tjavorek@countyofkings.ca>; Laura Mosher <lmosher@countyofkings.ca>  
**Cc:** Peter Allen <councillor.allen@countyofkings.ca>  
**Subject:** FW: Wolfville Ridge application of rezoning from A2 to C4 File Re 22-19

I have no idea what this is about....and I expect that the District Councillor may be dealing with the matter.

Jim

---

**From:** Sheron Atwell <[madeinns@hotmail.ca](mailto:madeinns@hotmail.ca)>  
**Sent:** July 26, 2022 4:42 PM  
**To:** Peter Allen <[councillor.allen@countyofkings.ca](mailto:councillor.allen@countyofkings.ca)>; Jim Winsor <[councillor.winsor@countyofkings.ca](mailto:councillor.winsor@countyofkings.ca)>; Emily Lutz <[councillor.lutz@countyofkings.ca](mailto:councillor.lutz@countyofkings.ca)>; Joel Hirtle <[councillor.jhirtle@countyofkings.ca](mailto:councillor.jhirtle@countyofkings.ca)>; Tim Harding <[councillor.harding@countyofkings.ca](mailto:councillor.harding@countyofkings.ca)>; Tim Harding <[councillor.harding@countyofkings.ca](mailto:councillor.harding@countyofkings.ca)>; Martha Armstrong <[councillor.armstrong@countyofkings.ca](mailto:councillor.armstrong@countyofkings.ca)>; Dick Killam <[councillor.killam@countyofkings.ca](mailto:councillor.killam@countyofkings.ca)>; Lexie Misner <[councillor.misner@countyofkings.ca](mailto:councillor.misner@countyofkings.ca)>; June Granger <[councillor.granger@countyofkings.ca](mailto:councillor.granger@countyofkings.ca)>; [robinsonmushkat@countyofkings.ca](mailto:robinsonmushkat@countyofkings.ca)  
**Subject:** Wolfville Ridge application of rezoning from A2 to C4 File Re 22-19

Dear Councilor's,

The residents of this area last week , received notice of a information meeting on Thursday just the previous day of the meeting. We (those) that received the notice were in shock. Since then we have been trying to gather information and form a means of creating our best hope of stopping this application from going forward. This is so not what we want here. We are small community , a community that everyone wants to live in. We are trying very hard to preserve this precious gift that we have.

In the coming months given time to group and develop a strategy will begin to form a campaign of resistance to this idea. In the meantime I am asking for you to help us stop this. Get to know our area and see what we value it so much. A mix of Agra and families . We are a rare piece of the puzzle in the world that longs to be us and we are worth keeping.

Cc Will Robinson-Mushkat

Sheron Hatt Atwell  
1235 Ridge Rd.  
NS, B4P2R1

Sent from [Mail](#) for Windows

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## Laurie-Ann Clarke

---

**From:** Joe Lilly  
**Sent:** August 30, 2022 9:23 AM  
**To:** 'Grant Smith'  
**Subject:** RE: 1299 Ridge Road -reZoning proposal (2)

Regarding where the application is in the process, municipal Council does not meet in August so things could begin moving forward with direct Council involvement in September. Due to unforeseen issues that might arise, I can never say exactly when any application will move forward absolutely but the earliest that this one could do so would begin with my presenting it to Planning Advisory Committee (PAC) on September 13. This would be followed by a presentation to full municipal Council on October 4 .

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Joe

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**Sent:** August 30, 2022 9:14 AM  
**To:** Joe Lilly <jlilly@countyofkings.ca>  
**Subject:** Re: 1299 Ridge Road -reZoning proposal (2)

Yes thank you. So as to my second question where are we at in the process?

On Tue, 30 Aug 2022 at 9:01 AM, Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)> wrote:

Good morning.

According to my records, your original email was replied to by Laura Mosher, Manager of Planning and Development Services on August 17, 2022.

I have pasted her reply from that date below and do confirm that your letter was received and added to the application file.

If you have any other questions I would also be happy to try to answer them.

Regards.

Joe Lilly

*Hi Michele,*

*Thank you for your email – your community is clearly very important to you. I have cc'd the planner on this file, Joe Lilly. He will include your comments as part of his staff report to Planning Advisory Committee.*

*I did want to take the opportunity to clarify some matters in your email, however. The application is to rezone a portion of the property from the Rural Mixed Use (A2) Zone to the Rural Commercial (C4) Zone. The property is not currently in the Agricultural (A1) Zone and it is not proposed for industrial development. Further, we have policies that govern the installation of street lights along roads and we generally do not do this in rural areas and where we do typically coincides with the location of a school, not an industrial or commercial use.*

*Thank you again for your comments and time in drafting them, we will ensure that Council has an opportunity to review them in advance of their decision. Thanks,*

*Laura Mosher MCIP LPP (She/Her)*

*Manager, Planning and Development Services*

*181 Coldbrook Village Park Drive, Coldbrook B4R 1B9*

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*f: (902) 679-0911*

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We have put a great deal of money into our home and we would be very adversely affected by this.

Thank you for your time and consideration.

I look forward to hearing from you.

Regards,

Michele Smith

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Date: Wed, 17 Aug 2022 at 3:23 PM  
Subject: 1299 Ridge Road -reZoning proposal  
To: <[councillor.allen@countyofkings.ca](mailto:councillor.allen@countyofkings.ca)>, <[lmosher@countyofkings.ca](mailto:lmosher@countyofkings.ca)>, <[mfredericks@countyofkings.ca](mailto:mfredericks@countyofkings.ca)>, <[wrobinsonmushkat@countyofkings.ca](mailto:wrobinsonmushkat@countyofkings.ca)>

To whom it may concern;

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We purchased on Ridge Road because of the zoning and the assurance that Kings County would make it difficult to rezone in favor of developers. I grew up in a rural area of Long Island, NY. 50+ years ago it was sod, onion, pumpkin and potato farms with a few dotted wineries and apple groves. Sound familiar? Today all of that is gone. Developers moved in and zoning was altered, and slowly they transformed the area in the name of business development. Today the beautiful countryside of Long Island is gone, the once agricultural area is unrecognizable urban development and industrial sprawl. I pray that does not happen here.

As you know once this rezoning precedent is set it will allow other properties to be converted and ultimately create a snowball effect and subsequently lower property values on Ridge Road. It must be acknowledged that this request is completely incompatible with the land use for our area and the overall impact from a C4 zoning will adversely affect the overall Wolfville Ridge Community and many other areas of district 9.

Some of the biggest and most negative impacts will be decreased property values and the deterioration of our roads due to increased weight, congestion from additional traffic and not to mention the barreling noise of trucks using Ridge Road at exits 9, 10 and 11 to get to this property at 1299 Ridge Rd. All residents along this path will be impacted by the increased traffic of overweight and semi trucks causing noise pollution and road deterioration. Again, this is incompatible with who we are as a community.

On this proposed property it would be detrimental financially, visually and possibly environmentally for the neighboring residents since the industrial properties would need code minimum lighting, waste removal and utilities. The lights would be on all night, street lights would need to be installed as well as the noise pollution generated from trucks and tractor-trailers hauling non agricultural good. All of this will ruin our rural ambiance and natural environment. Industrial zoning is also some of the highest crime areas in many communities further putting residents in harm's way.

If you say yes to one rezoning on Ridge Road you will open it up to other developers and request for rezoning. That in itself should be the number one reason to deny this rezoning request. It would be the slippery slope and decline of Wolfville Ridge.

Ridge Road is an amazing little gem in Kings county and should be preserved in its existing state of residential and agricultural zoning. Along with its historical significance, it has some of the best views of both the gaspereau valley and blomidon making it a very desirable place to live and commands higher than average housing prices even in a down market. The historical Wright of Stile Park is less than 800 meters from this property on Ridge Road and should not be sullied with poor zoning. Why on earth would you allow it to be spoiled by one developer's request to make his life easier.

There is plenty of C4 zoning already existing in Kings County that this individual can use to run his warehouse and distribution of his materials... not in our neighborhood.

It was this person's poor choice to purchase the barn and it is his own issue that his land has little value beyond an A1 land price as a result. That is not a reason to change the zoning. The residents of Ridge Road should not have to lose their home values, environmental beauty of the Ridge, pay to repair the wear and tear of our roads and make the whole of the Ridge suffer because of his choice. If he wants a warehouse or distribution center there are existing industrial zones elsewhere in Kings county. Ridge Road should remain residential and agricultural in its zoning.

It is my understanding that this individual is a multi family home developer and while I say more power to him to help our area with the need for affordable homes his request is completely incompatible with our residential and agricultural area. Travis Mills' request should be denied based on the will of the local residents of Ridge Road and the affected areas and not the desire to stay in the good graces of developers.

Please say No and deny this request to change the zoning from A1/A2 to any form of industrial zoning.

Thank you for your consideration.

Regards,  
Michele Smith  
1154 Ridge Road  
Wolfville Ridge NS B4P 2R1

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## Laurie-Ann Clarke

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**From:** Laura Mosher  
**Sent:** August 17, 2022 3:58 PM  
**To:** 'Grant Smith'; Peter Allen  
**Cc:** Joe Lilly  
**Subject:** RE: 1299 Ridge Road -reZoning proposal

Hi Michele,

Thank you for your email – your community is clearly very important to you. I have cc'd the planner on this file, Joe Lilly. He will include your comments as part of his staff report to Planning Advisory Committee.

I did want to take the opportunity to clarify some matters in your email, however. The application is to rezone a portion of the property from the Rural Mixed Use (A2) Zone to the Rural Commercial (C4) Zone. The property is not currently in the Agricultural (A1) Zone and it is not proposed for industrial development. Further, we have policies that govern the installation of street lights along roads and we generally do not do this in rural areas and where we do typically coincides with the location of a school, not an industrial or commercial use.

Thank you again for your comments and time in drafting them, we will ensure that Council has an opportunity to review them in advance of their decision. Thanks,

**Laura Mosher MCIP LPP (She/Her)**  
Manager, Planning and Development Services

181 Coldbrook Village Park Drive, Coldbrook B4R 1B9  
t: (902) 690-6102  
f: (902) 679-0911  
[www.countyofkings.ca](http://www.countyofkings.ca)

**From:** Grant Smith <grantandmichelesmith@gmail.com>  
**Sent:** August 17, 2022 3:24 PM  
**To:** Peter Allen <councillor.allen@countyofkings.ca>; Laura Mosher <lmosher@countyofkings.ca>; Mark Fredericks <mfredericks@countyofkings.ca>; wrobinsonmushkat@countyofkings.ca  
**Subject:** 1299 Ridge Road -reZoning proposal

To whom it may concern;

It has come to my attention that a local resident/developer at 1299 Ridge Road is seeking to alter the zoning for their land from A1/A2 to a C4 Industrial zoning.

I am so saddened and disgusted that this is even being considered in our beautiful community.

We purchased on Ridge Road because of the zoning and the assurance that Kings County would make it difficult to rezone in favor of developers. I grew up in a rural area of Long Island, NY. 50+ years ago it was sod, onion, pumpkin and potato farms with a few dotted wineries and apple groves. Sound familiar? Today all of that is gone. Developers moved in and zoning was altered, and slowly they transformed the area in the name of business development. Today the beautiful countryside of Long Island is gone, the once agricultural area is unrecognizable urban development and industrial sprawl. I pray that does not happen here.

As you know once this rezoning precedent is set it will allow other properties to be converted and ultimately create a snowball effect and subsequently lower property values on Ridge Road. It must be acknowledged that this request is completely incompatible with the land use for our area and the overall impact from a C4 zoning will adversely affect the overall Wolfville Ridge Community and many other areas of district 9.

Some of the biggest and most negative impacts will be decreased property values and the deterioration of our roads due to increased weight, congestion from additional traffic and not to mention the barreling noise of trucks using Ridge Road at exits 9, 10 and 11 to get to this property at 1299 Ridge Rd. All residents along this path will be impacted by the increased traffic of overweight and semi trucks causing noise pollution and road deterioration. Again, this is incompatible with who we are as a community.

On this proposed property it would be detrimental financially, visually and possibly environmentally for the neighboring residents since the industrial properties would need code minimum lighting, waste removal and utilities. The lights would be on all night, street lights would need to be installed as well as the noise pollution generated from trucks and tractor-trailers hauling non agricultural good. All of this will ruin our rural ambience and natural environment. Industrial zoning is also some of the highest crime areas in many communities further putting residents in harm's way.

If you say yes to one rezoning on Ridge Road you will open it up to other developers and request for rezoning. That in itself should be the number one reason to deny this rezoning request. It would be the slippery slope and decline of Wolfville Ridge.

Ridge Road is an amazing little gem in Kings county and should be preserved in its existing state of residential and agricultural zoning. Along with its historical significance, it has some of the best views of both the gaspereau valley and blomidon making it a very desirable place to live and commands higher than average housing prices even in a down market. The historical Wright of Stile Park is less than 800 meters from this property on Ridge Road and should not be sullied with poor zoning. Why on earth would you allow it to be spoiled by one developer's request to make his life easier.

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It was this person's poor choice to purchase the barn and it is his own issue that his land has little value beyond an A1 land price as a result. That is not a reason to change the zoning. The residents of Ridge Road should not have to lose their home values, environmental beauty of the Ridge, pay to repair the wear and tear of our roads and make the whole of the Ridge suffer because of his choice. If he wants a warehouse or distribution center there are existing industrial zones elsewhere in Kings county. Ridge Road should remain residential and agricultural in its zoning.

It is my understanding that this individual is a multi family home developer and while I say more power to him to help our area with the need for affordable homes his request is completely incompatible with our residential and agricultural area. Travis Mills' request should be denied based on the will of the local residents of Ridge Road and the affected areas and not the desire to stay in the good graces of developers.

Please say No and deny this request to change the zoning from A1/A2 to any form of industrial zoning.

Thank you for your consideration.

Regards,  
Michele Smith  
1154 Ridge Road  
Wolfville Ridge NS B4P 2R1

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## Laurie-Ann Clarke

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**From:** Joe Lilly  
**Sent:** August 30, 2022 9:12 AM  
**To:** 'Aunt Sheron'  
**Subject:** RE: add on question from Sheron

Hello Sheron.

Correct. Transcripts of PIMs are not created nor saved by the municipality. No transcript of the PIM related to file 22-19 (or for any PIMs I am aware of) exist in municipal records.

The previous links I have forwarded provide direct access to a recording of the PIM presentation. To my understanding, that is the extent of what was recorded.

I do not believe it is common practice at the municipality to record any PIMs beyond the presentations themselves and the below recording is all that is on record in that regard regarding this application.

[https://www.countyofkings.ca/engage/pim\\_vid.aspx?i=65](https://www.countyofkings.ca/engage/pim_vid.aspx?i=65)

Joe

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**From:** Aunt Sheron <auntbaker@msn.com>  
**Sent:** August 29, 2022 6:59 PM  
**To:** Joe Lilly <jlilly@countyofkings.ca>  
**Subject:** add on question from Sheron

Sorry forgot to ask,

So there is not a transcript of that information session but is there an audio of the full meeting?

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## Laurie-Ann Clarke

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**From:** Joe Lilly  
**Sent:** October 3, 2022 9:38 AM  
**To:** 'Aunt Sheron'  
**Subject:** RE: additional point of interest RE: Zoning Definitions/

Hi Sheron.

Thanks for your comments. They have been added to the record.

Joe

---

**From:** Aunt Sheron <auntbaker@msn.com>  
**Sent:** September 29, 2022 1:44 PM  
**To:** Joe Lilly <jlilly@countyofkings.ca>; PAC Members <PAC@countyofkings.ca>; Councillors <Councillors@countyofkings.ca>  
**Subject:** additional point of interest RE: Zoning Definitions/

As an additional comment, I would like to point out one more fact regarding "Mr. Mills" property. Currently he now is in ownership of a fully up to date agricultural livestock barn (according to county building permits) sitting on eleven acres of land. In addition his home which borders this eleven acre property on the west side has a house and almost another five acres.

**So now in his ownership he owns a fully operational livestock barn , a home , and over fifteen acres of land in a A2 zone.** This is more then enough to warrant a small family farm capable a having a huge positive impact on food production in our area and the province. Not only impacting food security in a positive way but also enhancing the potential for tourism, benefitting the local wineries and Air B and B's in the area and all other of the local residents. Now that is where the real benefits could lie for all of us.

Sent from [Mail](#) for Windows

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**From:** [Aunt Sheron](#)  
**Sent:** Thursday, September 29, 2022 1:23 PM  
**To:** [ASWyle@tutanota.com](#)  
**Subject:** FW: Zoning Definitions/ FOLLOW UP TO JOE LILLY'S QUESTON

Sent from [Mail](#) for Windows

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**From:** [Aunt Sheron](#)  
**Sent:** Wednesday, September 28, 2022 1:26 PM  
**To:** [Joe Lilly; Pac; councillors@countyofkings.ca](#)  
**Subject:** RE: Zoning Definitions

Mmmmmmmmm such confusion on what this building is intended to be used for. The permit is under A2 , restoration of a livestock barn. Yes? And continues to be shown as being a “livestock” barn under renovation, yes ? And agreed if it were to store agriculture equipment under A2 it would not be an issue. A2 is a agricultural designation. As a agra community we support agra business. However clearly there is no intended use for a agricultural business here. Mr. Mills nor his associates have no intention and never have of raising cows /pigs or horses. Hence the request for rezoning. We would far rather support a Needs and Feed store which is firmly rooted in Agriculture but would even more prefer to see something growing. Off course cows would be very welcome. 😊

I am still not sure or clear as to your understanding of the use intended here for this site. I do not know what you are currently being told ( Mr. Mills changes his intentions over time) , but it has always been clear to us who live here and have heard Mr. Mills speak on his clear distain of what he refers to as useless agra land , and from the information session what this was going to be used for. And yes again we all very much understand that once the C4 is permitted if it is; the consequences' are that whatever is permitted in C4 will never again have any merit for discussion. That is the point of all of this. And why we are fighting so hard to keep the A2 designation.

Mr. Mills himself said what it was to be used for at the information session, Filling it to the rafters with product whether from China or somewhere else is not the overall issue. It is to be used for the store/warehouse and distribute those products. Use can use any specific word you choose to describe the activity, but that does not change that a duck is a duck. It flies and sounds like a duck even if you call it a chicken or a cow.

And as I said , if the zoning is passed then that would open up all the other possibilities available under C4 to these investors. And anyone else who wishes to follow his lead. All of us know that this will be fully utilized to the maximum potential use and advantage of these investors. **We all know this. It is common knowledge.** We also understand it is his desire to build kitchen cabinets on site for his apartments. He was doing that in his house garage previously.

The issue of china product is two fold, at the very top of the C4 rezoning list , it lists the purpose is to benefit the LOCAL residents and economy, product coming in from Asia doe not benefit anyone locally. Especially local building supply companies already in existence locally that may already be selling the same or similar product to both residential or construction customers. Secondly that also means additional traffic coming in from Halterm , container shipments ! ! Would you want to live next to that, deal with the consequences of that? Again returning to the point of this creating a business more akin to a Kents , Home Hardware and Construction Supply company.

And in regards, to the retail sales, yes we are very much aware and very much concerned with the allowance for retail sales in C4, and again A2 is for Agra there is a very vast difference between supporting a Agra business in a Arga orientated community and a Construction company who's only benefits include their personal profit margins. Agriculture means food for everyone, a construction company is created by people who's sole interest is in making a personal profit any way they can.

I am saying again, I have worked in this field and understand it very well. Including the mindset of contractors and developers. We all know , are aware of, and understand the results of the C4 zoning to our area. We get it that once done they can do anything they want under that zone, until the next request for rezoning comes up. And we all have no doubt that it will.

And of course all of this goes against the policy of Kings County to protect Agriculture land use. Joe we live in Rural Nova Scotia, and we very much want to keep it rural, we are proud of that and do not want to be urban, resemble urban, live urban. There are currently lots of places available to accommodate that, including where just up the road from us Mr. Levey took his business, and built a large building in the Port Williams Industrial Park .

I am having some very serious concerns here with what seems to be a situation that seems to be putting the residents needs and desires on the back burner. Again according to the purpose of C4 it is to benefit us locally, **no one here will benefit from this.** This is a business that will ultimately change all of our lives here. Along with the more obvious concern of the lack of protection of that property that at present is in an existing Agra zone.

I would like to point out that many people have made many attempts to rezone property here for a variety of reasons. None have or will have such an egregious negative affect on our little community as this will have. Or set such a over reaching president.

I would also like to say thank you Joe, it must be a difficult thing to try and slip into place as your are doing. I would like to say welcome to your new home, we are good people, hardworking, honest and caring. If things were a little different and you lived near me , I would bake you a fresh loaf of bread to welcome you.

Sheron

Sent from [Mail](#) for Windows

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**From:** [Joe Lilly](#)  
**Sent:** Wednesday, September 28, 2022 10:56 AM  
**To:** ['Aunt Sheron'](#)  
**Cc:** [PAC Members](#)  
**Subject:** Zoning Definitions

Hello Sheron.

Could you please further explain your concern with products originating in China and Japan?

This has been mentioned several times before and I am not clear on what the issue may be or why it seems to be an issue at all. I can say that where any product may originate is not a factor in this or any other application.

As I stated to Shaji, no warehousing use is being proposed. The proposed use is "Building and Construction Contractors" and storage is permitted under this use. By-law definitions can be found via the link below:

[https://www.countyofkings.ca/upload/All\\_Uplets/Living/services/planning/lub/bylaw/documents/16%20-20Part%205%20-%20Section%2017%20Definitions.pdf](https://www.countyofkings.ca/upload/All_Uplets/Living/services/planning/lub/bylaw/documents/16%20-20Part%205%20-%20Section%2017%20Definitions.pdf)

The applicant is also not required to provide a detailed list of what their business storage may entail.

It may be worth noting as well that under the current A2 zoning, uses such as an abattoir and agricultural equipment sales and services would be permitted as of right with no need for a rezoning.

Any landowner may choose to at least attempt to use their property for whichever uses may be permitted under the zoning that their property holds.

Joe

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**From:** Aunt Sheron <[auntbaker@msn.com](mailto:auntbaker@msn.com)>  
**Sent:** September 27, 2022 6:30 PM  
**To:** Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>  
**Subject:** RE: Concerns with the C4 Zoning Application on Wolfville Ridge

Hello Joe,

I am replying to your response to Shaji that no warehousing is being proposed, clearly at the information session Mr. Mills stated that he would be bringing product in from China and latter on said to another individual after the meeting perhaps also Japan, and at the meeting itself that he would be filling the warehouse to the rafters. As a matter of fact his friend and neighbor across the street said he could also use her shed if he needed it. (not to be taken seriously of course)

So can you tell me if the C4 will allow for warehousing of his construction material and exactly what does the term warehouse mean to Kings County planning because in my world this is a warehouse for construction material. So will this mean he can not fill the barn with construction material??

And exactly what does "related business storage" refer to? Heavy Equipment, containers, construction material such as flooring, tiles, wall board, lighting, electrical supplies?

Or does this mean storage for other building supply business that have been invited to use his space? Etc.

Mr. Mills has changed his mind several times during the process regarding its purpose, apartments, not apartments, renovation of a livestock barn, to a request for commercial rezoning for ??? There is not doubt that what ever opportunity is permitted in the C4 zoning , once passed it will be fully utilized at any given point. Whatever he is currently saying his intentions are. Mr. Mills and his associates are developers and have one goal in mind, the progression of whatever enables them to develop.

Sheron

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## **Laurie-Ann Clarke**

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**From:** Joe Lilly  
**Sent:** September 9, 2022 2:00 PM  
**To:** 'Michelle Mailman'  
**Subject:** RE: Agenda for September 13th 2022 meeting

Hello Michelle.

At this point in time I don't know myself.

I will bring any application forward should it be in keeping and when the time permits but cannot speak to what may have gone on to see a meeting cancelled.

Please know that I have also not gone through the process in NS myself yet so do not have experiences or insights I might lend.

Joe

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**From:** Michelle Mailman <mailmanmichelle@gmail.com>  
**Sent:** September 9, 2022 1:46 PM  
**To:** Joe Lilly <jlilly@countyofkings.ca>  
**Subject:** Re: Agenda for September 13th 2022 meeting

Good afternoon Joe,

I just noticed that September 13th PAC meeting date has been removed, could you perhaps explain?

On Thu, Sep 8, 2022 at 1:28 PM Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)> wrote:

Hi Michelle,

PAC agendas and minutes can be found at the below link. I see that no agenda has yet been posted for September 13<sup>th</sup> but am told it should be up tomorrow.

<https://www.countyofkings.ca/government/council/minutes.aspx>

Information about planning applications in general can be found via this link:

<https://www.countyofkings.ca/engage/pim.aspx>

Joe

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**From:** Michelle Mailman <[mailmanmichelle@gmail.com](mailto:mailmanmichelle@gmail.com)>  
**Sent:** September 8, 2022 1:03 PM  
**To:** Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>  
**Subject:** Re: Agenda for September 13th 2022 meeting

Where should I look for the posting ?

On Thu, Sep 8, 2022 at 11:55 AM Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)> wrote:

Hello Michelle,

I have not seen the PAC agenda yet and am not sure if it has been finalized but it should be posted likely by tomorrow.

Joe

---

**From:** Michelle Mailman <[mailmanmichelle@gmail.com](mailto:mailmanmichelle@gmail.com)>  
**Sent:** September 8, 2022 11:28 AM

**To:** Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>  
**Subject:** Agenda for September 13th 2022 meeting

Good morning Joe,

Would you please send a copy of the agenda for the meeting on September 13th, 2022. Planning advisory committee.

Thank you kindly in advance.

Michelle Mailman

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## Laurie-Ann Clarke

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**From:** Joe Lilly  
**Sent:** September 20, 2022 9:42 AM  
**To:** 'ann hatt'  
**Subject:** RE: C4 Ridge Rd.

Good morning,

Building and construction contractors is not a permitted use in an A2 zone.

Joe

---

**From:** ann hatt <annhatt@live.ca>  
**Sent:** September 19, 2022 8:10 PM  
**To:** Joe Lilly <jlilly@countyofkings.ca>  
**Subject:** C4 Ridge Rd.

Hi,

Can you tell me if the property is still in A2 zoning if it is possible to operate a construction company in this zone before rezoning is approved?

Sheron

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## Laurie-Ann Clarke

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**From:** Joe Lilly  
**Sent:** September 15, 2022 3:22 PM  
**To:** 'ann hatt'; Aunt Sheron  
**Subject:** RE: c4 zoning ridge road,

Good afternoon.

I received separate emails from you both regarding a traffic study within just a few minutes so am replying together for the sake of clarity on the matter.

As part of the application review process, I requested that the NS department of public works review this application (22-19) in terms of potential impacts on vehicular traffic and roadways. This is not an uncommon practice when reviewing many planning applications.

How the province may choose to conduct their review, however, is not something that the municipality is involved with. The response I received was that the province has no concerns with the applications impact on road networks or access to or from the site and that a traffic study is not required.

I understand your concerns, but the province provided responses only. I do not know how their review was conducted or if a formal traffic study exists.

If there are any other questions, please let me know.

Regards,

Joe

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**From:** ann hatt <annhatt@live.ca>  
**Sent:** September 15, 2022 2:51 PM  
**To:** Joe Lilly <jlilly@countyofkings.ca>  
**Subject:** c4 zoning ridge road,

I understand that there has been a Traffic study by the province on this issue. I would like a copy of that report please, where could I find that.

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## Laurie-Ann Clarke

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**From:** Shaji Zaidi <shaji.zaidi@gmail.com>  
**Sent:** October 5, 2022 11:37 AM  
**To:** Joe Lilly; Peter Allen  
**Cc:** Aunt Sheron; Peter Muttart; Laura Mosher  
**Subject:** RE: Concerns with the C4 Zoning Application on Wolfville Ridge

Hello Joe,

Thank you again for your prompt response and for bringing my comments forward.

For clarification, the concern is not non-residential use. As you pointed out there are cases where that use is already permitted under A2 and is agricultural in nature. My vineyard is one of these cases.

The concern is other type of non-residential use that will be permitted under this proposed C4 zoning change. Much of this use could potentially be of disservice and detrimental to this community.

Thanking you again for all your attention to this matter.

Shaji

Sent from [Mail](#) for Windows

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**From:** [Joe Lilly](#)  
**Sent:** Wednesday, October 5, 2022 10:36 AM  
**To:** [Shaji Zaidi](#); [Peter Allen](#)  
**Cc:** [Aunt Sheron](#); [Peter Muttart](#); [Laura Mosher](#)  
**Subject:** RE: Concerns with the C4 Zoning Application on Wolfville Ridge

Good morning Shaji,

If anyone wishes to utilize a property for a particular use then, as with any type of use, the zone must allow it. If it does not, then a rezoning could be applied for.

So you are aware, non-residential uses are such as abattoirs and “agricultural equipment and parts sales and services” among others are permitted uses in the current A2 zone. The specific matter of if the proposed use under this application is non-residential or not seems moot considering various non-residential uses are already permitted under both the current and the proposed zoning.

I will add your comments to the file record.

Regards.

Joe

---

**From:** Shaji Zaidi <shaji.zaidi@gmail.com>  
**Sent:** October 5, 2022 10:09 AM  
**To:** Joe Lilly <jlilly@countyofkings.ca>; Peter Allen <councillor.allen@countyofkings.ca>  
**Cc:** Aunt Sheron <auntbaker@msn.com>; Peter Muttart <mayor.muttart@countyofkings.ca>; Laura Mosher <lmosher@countyofkings.ca>  
**Subject:** RE: Concerns with the C4 Zoning Application on Wolfville Ridge

Hello Again Joe,

I have one other question:

If “Warehousing in the sense of a distribution centre for goods being stored and shipped to various other businesses for example would not be permitted” at this time, once the site is rezoned to C4, what would be the process for this developer to apply for running this type of an operation? Would it be a simple application to adjust this use or would it require a different zoning?

The reason I am so concerned about this is because at this time the way the building is being renovated, there are not only overwhelming indications of its intended use as a warehouse facility (regardless of what has been disclosed in the application); also I have heard reports from neighbours that they have already witnessed lorries loading building material and transporting it out.

Additionally, the C4 zoning is in general of extreme concern to me and to neighbours not only of this intended use but also what the future use could be if it was sold to someone else. Amongst the list of non-residential allowed use are Auto Repair Shop, Heavy Equipment Facility and other uses that will cause environmental issues and be invasive to this agricultural residential community.

I am sure neither you or anyone on this recipient list would like to see an auto repair shop right next to your house :-)

With all that said, I would still default back to my original email where I outlined and I still think that many of the criteria outlined in Municipal Policy 3.4.23 and Municipal Planning Strategy Policy 5.3.7 are not being met with this zoning change application and should be moved forward to PAC with a recommendation to not approve – or at the very least, requires further consideration, expert opinion/study, investigation of the actual intended use and consultation with the immediate neighbouring community.

My intent here is to not challenge the process and the right for someone to apply for development application or to hinder progress. I just want to make sure that is it for the betterment of the community as it is intended to be. In this case there is overwhelming evidence that this zone change will not benefit the community at all. On the contrary it will deteriorate this community and is only beneficial to this singular developer/investor.

Respectfully,

Shaji

Sent from [Mail](#) for Windows

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**From:** [Shaji Zaidi](#)  
**Sent:** Tuesday, October 4, 2022 9:56 AM  
**To:** [Joe Lilly](#); [Peter Allen](#)  
**Cc:** [Aunt Sheron](#); [Peter Muttart](#); [Laura Mosher](#)  
**Subject:** RE: Concerns with the C4 Zoning Application on Wolfville Ridge

Hello Again Joe and thank you for your prompt response.

I am reassured to get further clarification from you that “Warehousing in the sense of a distribution centre for goods being stored and shipped to various other businesses for example would not be permitted”

Additionally based on what you have suggested, I will take my concerns about increased risk of accidents and potential damage to my property and/or loss of life to NS department of public works.

Thanks,

Shaji

Sent from [Mail](#) for Windows

---

**From:** [Joe Lilly](#)

**Sent:** Tuesday, October 4, 2022 9:20 AM

**To:** [Shaji Zaidi](#); [Peter Allen](#)

**Cc:** [Aunt Sheron](#); [Peter Muttart](#); [Laura Mosher](#)

**Subject:** RE: Concerns with the C4 Zoning Application on Wolfville Ridge

Hello Shaji,

Comments are below:

1. It is not MOK policy to record the entirety of PIMs. If an applicant also wishes to make a presentation that would be recorded along with the municipal presentation but to my knowledge, the remainder of PIMs, e.g., public discussion, are not recorded I don't personally know of any that have been.
2. The use of “Building and Construction Contractors” permits storage. To my knowledge that is what is intended, has been disclosed and would be permitted. Warehousing in the sense of a distribution centre for goods being stored and shipped to various other businesses for example would not be permitted. Complaint matters are handled by different arms of the municipality depending on type. I would suggest calling the main MOK line and asking to be appropriately transferred if desired in the future. 902-678-6141
3. There may be some jurisdictional confusion from previous discussions but to be clear, Ridge Road is a Provincial road. The County has no responsibility for its design or condition. I would suggest contacting the province if you have concerns with these things.

I hope that is of assistance.

Joe

---

**From:** Shaji Zaidi <[shajizaidi@gmail.com](mailto:shajizaidi@gmail.com)>

**Sent:** October 3, 2022 6:49 PM

**To:** Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>; Peter Allen <[councillor.allen@countyofkings.ca](mailto:councillor.allen@countyofkings.ca)>

**Cc:** Aunt Sheron <[auntbaker@msn.com](mailto:auntbaker@msn.com)>; Peter Muttart <[mayor.muttart@countyofkings.ca](mailto:mayor.muttart@countyofkings.ca)>; Laura Mosher <[lmosher@countyofkings.ca](mailto:lmosher@countyofkings.ca)>

**Subject:** RE: Concerns with the C4 Zoning Application on Wolfville Ridge

Hello Joe,

With respect I may not be appropriately communicating my point in some respects. Please see some additional comments in your email below for your record and consideration.

Thanks,

Shaji

Sent from [Mail](#) for Windows

---

**From:** [Joe Lilly](#)

**Sent:** Tuesday, September 27, 2022 11:56 AM

**To:** [Shaji Zaidi](#); [Peter Allen](#)

**Cc:** [Aunt Sheron](#); [Peter Muttart](#); [Laura Mosher](#)

**Subject:** RE: Concerns with the C4 Zoning Application on Wolfville Ridge

Good morning Shaji,

I will attempt to answer your concerns below:

1. The address utilized for written notification of the PIM was from the MOK database used for tax purposes. I have contacted the relevant municipal staff to clarify the address data.

SZ: Thanks you for making this correction.

2. The video recording of the PIM for application 22-19 that is posted on the MOK website is the complete record of the meeting. I have informed other residents as well that the PIM presentations are what is recorded and posted but not the remainder of a meeting. All planning applications are treated the same this way and no other record either recorded or written, exists.

SZ: Thanks for the clarification that only the PIM presentation is made available. I have been following some other development application in the area and see full discourse with the applicants available online. Is that because these meetings were through video conferences?

3. The proposal is to rezone to C4 to allow for the use of "Building and Construction Contractors". This would include some limited office space and related business storage. To be clear, no warehousing use is being proposed.

SZ: I do understand what has been disclosed in the proposal, however from what I have gathered thus far the applicants intend to use this facility as a full fledge warehousing operation; and this intended use is not fully disclosed in the application. I also understand that you are limited in your decision making process to the information that has been provided to you and not on the likelihood of what contrary use may be intended. If that case happen to be that the site is indeed used for warehousing operations, could you then please assure me that the neighbouring community could rely on a complaint process with the county to stop this undisclosed use of the site.

4. I understand your concerns with the lack of street lighting. I have also heard from other area residents who seem just as concerned that street lighting may be being installed due the proposed rezoning. At present, I can say that no street lighting is being considered.

SZ: It is good to know that no street lights are being considered. But to my point that I make in my previous email, this lack of street lights makes this site dangerous for large lorry traffic in the night time. I again reiterate

that if there is added lorry traffic on Ridge Road that results in damage to my property or loss of life due to an accident, I will have no recourse but to ask the County to take accountability for property damage and/or loss of life.

5. As far as making requests for lighting it would likely be best to contact Engineering and Public Works. Contact information for the municipality can be found here: <https://www.countyofkings.ca/contact/>

SZ: Again, you misunderstand me. I am not looking to make a request for more lighting, I am simply pointing out the fact that lack of street lights makes this site dangerous and more susceptible to accidents – where there is to be more lorry traffic as a result of this C4 zoning approval

Please get in touch if there is anything else.

Joe

---

**From:** Shaji Zaidi <[shaji.zaidi@gmail.com](mailto:shaji.zaidi@gmail.com)>

**Sent:** September 26, 2022 5:09 PM

**To:** Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>; Peter Allen <[councillor.allen@countyofkings.ca](mailto:councillor.allen@countyofkings.ca)>

**Cc:** Aunt Sheron <[auntbaker@msn.com](mailto:auntbaker@msn.com)>; Peter Muttart <[mayor.muttart@countyofkings.ca](mailto:mayor.muttart@countyofkings.ca)>; Laura Mosher <[lmosher@countyofkings.ca](mailto:lmosher@countyofkings.ca)>

**Subject:** RE: Concerns with the C4 Zoning Application on Wolfville Ridge

Hello Joe,

Thank you for your early response. Please find some additional responses and comments below to each of your numbered items in the email.

1. The address you have in your records is incorrect. Please make the corrections as noted below:

Shaji Zaidi & Jana Tamm  
45 Woodman Road,  
Apartment 303  
Wolfville, NS  
B4P0B8

I have seen the video of the PIM that was posted on the Kings County web site. Unfortunately the video only includes the introductory briefing from you and not the actual proceedings from the meeting. If there is a different link that includes this information, please forward it to me.

2. Yes, I understand that the zoning is for commercial designation. However, from what I have gathered thus far, this investor is gearing this site to be a full fledged warehousing operation. I am concerned that this intended use is different than what the investor has disclosed in the application and the actual intended use is bordering industrial in nature.
3. I am surprised that NS department of public works has expressed no concerns. I am curious if you or anyone from NS department of public works have had the opportunity to come to the site and do an assessment to make this determination. Are you aware of the two 90 Degree bends right next to my property that these frequent heavy lorries will have to maneuver through to reach this subject property. Are you also aware that there have been two cars in the last two years that loose control and flip onto my property. I witnessed one of these myself and was not too far from the location where the car flipped multiple times and ended up in the middle of my land. If frequent lorries are run through this area, it is only a matter of time that they will cause accidents, damage to my property and possibly loss of life. I am documenting this concern here for the reason

that if and when these accidents happen, I will have no recourse but to ask the County to take accountability for property damage and/or loss of life. Additionally, are you also aware that this section of Ridge Road has no street light and becomes pitch dark after sunset. As you may also know a significant amount of lorry traffic operates at night for these type of warehousing operations. Operating lorries in the dark with no street lights will only increase the likelihood of these accidents. This is an extreme concern for me. Please let me know how I can increase awareness of this concern so that it is addressed in the appropriately deserved manner.

4. Again I am concerned that the Wolfville fire service is not aware that this will be a full fledged warehousing operation. Even if Wolfville fire service was equipped to deal with potential fires the increased likelihood of fires resulting from this warehousing operation increases the risk for the local residential community and needs to be addressed.
5. Just because the subject property has not been utilized for agricultural production in the recent past does not make it a natural candidate for conversion to C4 zoning. All properties surrounding this subject property are used as residential/agricultural land either as small residential farms or for agricultural production
6. Thank you for sharing the link. I will keep an eye out for the published agenda for the October 11<sup>th</sup> PAC meeting.

Thank you again for your response attention to and support in this matter.

Sincerely,

Shaji Zaidi  
(604) 897 8105

Sent from [Mail](#) for Windows

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**From:** [Joe Lilly](#)  
**Sent:** Thursday, September 15, 2022 10:22 AM  
**To:** [Shaji Zaidi](#); [Peter Allen](#)  
**Cc:** [Aunt Sheron](#); [Peter Muttart](#); [Laura Mosher](#)  
**Subject:** RE: Concerns with the C4 Zoning Application on Wolfville Ridge

Dear Mr. Zaidi,

Thank you for taking the time to express your concerns. Your email and attachments have been added to the record and will be made available to the Planning Advisory Committee (PAC) at the time that this application (22-19) moves forward.

I will attempt to address your concerns below.

1. Regarding notification, I have re-examined the mailing list that was used for notification of the public information meeting (PIM) and you appear to have been included.

I have noted the address I have on file below but please advise if this may be incorrect. Please also note that notification in this manner is a municipal policy but not a provincial requirement.

TAMM JANA ZAIDI SYED SHAJI  
45 300 WOODMAN RD  
WOLFVILLE NS CAN  
B4P0B8

A PIM was held at the Horton Community Centre on July 21th, 2022 and the associated presentation has been made available online via the municipal website since that time. Please let me know if you would like a direct link to the presentation forwarded. A notice of the public meeting was also placed in the Valley Journal-Advertiser on July 12th, 2022. Significant public comments have already been received regarding this application and I encourage any residents to continue to express their thoughts.

2. Where you reference an “industrial operation” in your letter this is incorrect. The application is to rezone a portion of the property at 1299 Ridge Road, Wolfville Ridge from the Rural Mixed Use (A2) Zone to the Rural Commercial (C4) Zone. No industrial use is being proposed.
3. As I have mentioned to other area residents, I requested that the NS department of public works review this application in terms of potential impacts on vehicular traffic and roadways. The province responded indicating that it has no concerns with the impact on road networks or access to or from the site and that a traffic study is not required.
4. Wolfville fire services advised that fire services and equipment are adequate to serve this proposal.
5. The subject property has not been utilized for agricultural production in the recent past.
6. A copy of the staff report regarding this application will be made available when the PAC agenda is published publicly. Please find the below link regarding accessing these items. I believe Sheron may already have this information, but any member of the public is able to access it individually once an agenda has been posted.

<https://www.countyofkings.ca/government/council/minutesaspx>

This and all applications are reviewed in terms of municipal policy, the land use by-law and any other applicable regulations. Once a review is complete, a recommendation will be made in the staff report and the application will move forward to PAC and at a later date, to Council for a decision. The earliest that this process might begin is the next scheduled PAC meeting on October 11.

If you have further questions, please contact me at your convenience.

Regards

Joe Lilly

---

**From:** Shaji Zaidi <[shaji.zaidi@gmail.com](mailto:shaji.zaidi@gmail.com)>

**Sent:** September 14, 2022 11:55 PM

**To:** Peter Allen <[councillor.allen@countyofkings.ca](mailto:councillor.allen@countyofkings.ca)>; Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>

**Cc:** Aunt Sheron <[auntbaker@msn.com](mailto:auntbaker@msn.com)>; Peter Muttart <[mayor.muttart@countyofkings.ca](mailto:mayor.muttart@countyofkings.ca)>

**Subject:** Concerns with the C4 Zoning Application on Wolfville Ridge

CC to Mayor Peter Muttart for information and with reference of Cliff Stanley of the Rotary Club

Hello Mr. Peter Allen,

It was a pleasure meeting you last week. I wanted to personally thank you for taking the time and for your patience to listen to our personal concerns and concerns as a community.

There was some emotion and passion in what everyone had to say I hope this gives you a good perspective of how opposed the community is to this application and the prospects of agricultural land being converted and used for other commercial purposes that do not support or promote agriculture.

As suggested I have added Mr Joe Lilly to this email to officially record my letter of concern and help inform the report that he will be preparing to present to the PAC.

Attached are copies of the documents I handed to you in the meeting.

1. My personal letter of concern citing how this application does not comply with Municipal Policy 3.4.23 and Municipal Planning Strategy Policy 5.3.7.
2. A petition that was started to make the local community aware and express opposition if so desired.
3. Petition signatures of over 235 people who follow or have some relation to our farming and wine country signed, out of which 40 signatures are from communities local to us.

@Mr. Joe Lilly, Please feel free to reach out to me if you need any additional information from me.

As discussed with Mr. Peter Allen, please provide Sheron, CCed in this email, a copy of the report, once it is ready to be presented to the PAC.

Thanking you both for your time, consideration and support

Sincerely,

Shaji Zaidi  
(604) 897 8105

Sent from [Mail](#) for Windows

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## Laurie-Ann Clarke

---

**From:** Joe Lilly  
**Sent:** September 27, 2022 11:56 AM  
**To:** 'Shaji Zaidi'; Peter Allen  
**Cc:** Aunt Sheron; Peter Muttart; Laura Mosher  
**Subject:** RE: Concerns with the C4 Zoning Application on Wolfville Ridge

Good morning Shaji,

I will attempt to answer your concerns below:

1. The address utilized for written notification of the PIM was from the MOK database used for tax purposes. I have contacted the relevant municipal staff to clarify the address data.
2. The video recording of the PIM for application 22-19 that is posted on the MOK website is the complete record of the meeting. I have informed other residents as well that the PIM presentations are what is recorded and posted but not the remainder of a meeting. All planning applications are treated the same this way and no other record either recorded or written, exists.
3. The proposal is to rezone to C4 to allow for the use of "Building and Construction Contractors". This would include some limited office space and related business storage. To be clear, no warehousing use is being proposed.
4. I understand your concerns with the lack of street lighting. I have also heard from other area residents who seem just as concerned that street lighting may be being installed due the proposed rezoning. At present, I can say that no street lighting is being considered.
5. As far as making requests for lighting it would likely be best to contact Engineering and Public Works. Contact information for the municipality can be found here: <https://www.countyofkings.ca/contact/>

Please get in touch if there is anything else.

Joe

---

**From:** Shaji Zaidi <shaji.zaidi@gmail.com>  
**Sent:** September 26, 2022 5:09 PM  
**To:** Joe Lilly <jlilly@countyofkings.ca>; Peter Allen <councillor.allen@countyofkings.ca>  
**Cc:** Aunt Sheron <auntbaker@msn.com>; Peter Muttart <mayor.muttart@countyofkings.ca>; Laura Mosher <lmosher@countyofkings.ca>  
**Subject:** RE: Concerns with the C4 Zoning Application on Wolfville Ridge

Hello Joe,

Thank you for your early response. Please find some additional responses and comments below to each of your numbered items in the email.

1. The address you have in your records is incorrect. Please make the corrections as noted below:

Shaji Zaidi & Jana Tamm  
45 Woodman Road,  
Apartment 303  
Wolfville, NS  
B4P0B8

I have seen the video of the PIM that was posted on the Kings County web site. Unfortunately the video only includes the introductory briefing from you and not the actual proceedings from the meeting. If there is a different link that includes this information, please forward it to me.

2. Yes, I understand that the zoning is for commercial designation. However, from what I have gathered thus far, this investor is gearing this site to be a full fledged warehousing operation. I am concerned that this intended use is different than what the investor has disclosed in the application and the actual intended use is bordering industrial in nature.
3. I am surprised that NS department of public works has expressed no concerns. I am curious if you or anyone from NS department of public works have had the opportunity to come to the site and do an assessment to make this determination. Are you aware of the two 90 Degree bends right next to my property that these frequent heavy lorries will have to maneuver through to reach this subject property. Are you also aware that there have been two cars in the last two years that loose control and flip onto my property. I witnessed one of these myself and was not too far from the location where the car flipped multiple times and ended up in the middle of my land. If frequent lorries are run through this area, it is only a matter of time that they will cause accidents, damage to my property and possibly loss of life. I am documenting this concern here for the reason that if and when these accidents happen, I will have no recourse but to ask the County to take accountability for property damage and/or loss of life. Additionally, are you also aware that this section of Ridge Road has no street light and becomes pitch dark after sunset. As you may also know a significant amount of lorry traffic operates at night for these type of warehousing operations. Operating lorries in the dark with no street lights will only increase the likelihood of these accidents. This is an extreme concern for me. Please let me know how I can increase awareness of this concern so that it is addressed in the appropriately deserved manner.
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5. Just because the subject property has not been utilized for agricultural production in the recent past does not make it a natural candidate for conversion to C4 zoning. All properties surrounding this subject property are used as residential/agricultural land either as small residential farms or for agricultural production.
6. Thank you for sharing the link. I will keep an eye out for the published agenda for the October 11<sup>th</sup> PAC meeting.

Thank you again for your response attention to and support in this matter.

Sincerely,

Shaji Zaidi  
(604) 897 8105

Sent from [Mail](#) for Windows

---

**From:** [Joe Lilly](#)  
**Sent:** Thursday, September 15, 2022 10:22 AM

**To:** [Shaji Zaidi](#); [Peter Allen](#)

**Cc:** [Aunt Sheron](#); [Peter Muttart](#); [Laura Mosher](#)

**Subject:** RE: Concerns with the C4 Zoning Application on Wolfville Ridge

Dear Mr. Zaidi,

Thank you for taking the time to express your concerns. Your email and attachments have been added to the record and will be made available to the Planning Advisory Committee (PAC) at the time that this application (22-19) moves forward.

I will attempt to address your concerns below.

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B4P0B8

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If you have further questions, please contact me at your convenience.

Regards

Joe Lilly

---

**From:** Shaji Zaidi <[shaji.zaidi@gmail.com](mailto:shaji.zaidi@gmail.com)>

**Sent:** September 14, 2022 11:55 PM

**To:** Peter Allen <[councillor.allen@countyofkings.ca](mailto:councillor.allen@countyofkings.ca)>; Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>

**Cc:** Aunt Sheron <[auntbaker@msn.com](mailto:auntbaker@msn.com)>; Peter Muttart <[mayor.muttart@countyofkings.ca](mailto:mayor.muttart@countyofkings.ca)>

**Subject:** Concerns with the C4 Zoning Application on Wolfville Ridge

CC to Mayor Peter Muttart for information and with reference of Cliff Stanley of the Rotary Club

Hello Mr. Peter Allen,

It was a pleasure meeting you last week. I wanted to personally thank you for taking the time and for your patience to listen to our personal concerns and concerns as a community.

There was some emotion and passion in what everyone had to say. I hope this gives you a good perspective of how opposed the community is to this application and the prospects of agricultural land being converted and used for other commercial purposes that do not support or promote agriculture.

As suggested I have added Mr. Joe Lilly to this email to officially record my letter of concern and help inform the report that he will be preparing to present to the PAC.

Attached are copies of the documents I handed to you in the meeting.

1. My personal letter of concern citing how this application does not comply with Municipal Policy 3.4.23 and Municipal Planning Strategy Policy 5.3.7.
2. A petition that was started to make the local community aware and express opposition if so desired.
3. Petition signatures of over 235 people who follow or have some relation to our farming and wine country signed, out of which 40 signatures are from communities local to us.

@Mr. Joe Lilly, Please feel free to reach out to me if you need any additional information from me.

As discussed with Mr. Peter Allen, please provide Sheron, CCed in this email, a copy of the report, once it is ready to be presented to the PAC.

Thanking you both for your time, consideration and support

Sincerely,

Shaji Zaidi  
(604) 897 8105

Sent from [Mail](#) for Windows

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## Laurie-Ann Clarke

---

**From:** Joe Lilly  
**Sent:** September 2, 2022 11:21 AM  
**To:** 'ASWyile@tutanota.com'  
**Subject:** RE: Opposed to C4 rezoning at 1299 Ridge Rd

Hi Andrea.

I understand that a community may feel uncomfortable with or even fearful of any change but planning applications are examined on a case-by-case basis against zoning by-laws and the Municipal Planning Strategy among other things.

An applicant cannot simply say they should be approved for something in the future because any other application may have been previously. The same review process would apply and be then based on any municipal/provincial regulations that might exist at that time.

Yes, there is however, theoretically nothing to stop any landowner from at least exploring/attempting a rezoning of any sort and anywhere if they wish but that has always been the case. The end result of this application would not impact that ability either way.

Joe

---

**From:** ASWyile@tutanota.com <aswyile@tutanota.com>  
**Sent:** September 2, 2022 10:51 AM  
**To:** Joe Lilly <jlilly@countyofkings.ca>  
**Cc:** Laura Mosher <lmosher@countyofkings.ca>  
**Subject:** RE: Opposed to C4 rezoning at 1299 Ridge Rd

Thanks for this too, Joe. And yet, if the front part gets re-zoned to C4 there is nothing to stop the back end of the property being requested to also become C4, and likewise neighbouring properties. This first application is risky because it is the thin edge of the wedge.

Andrea

[www.widowwyile.com](http://www.widowwyile.com)

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Sep 2, 2022, 10:32 by [jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca):

Hello again Ms. Schwenke Wyile.

I am not sure if it has been fully communicated but to your concern for the proposed rezoning of this site, only approximately 4.5 of the total 11.2 acres is being proposed for C4.

This area encompasses the existing building, driveway and parking space and represents the minimum necessary to allow the proposal. The remaining approximately 6.7 acres to the rear of the property would remain zoned A2 under this application

Apologies if this may not have been made clear previously.

Joe

---

**From:** Joe Lilly  
**Sent:** September 2, 2022 10:14 AM  
**To:** 'ASWyile@tutanota.com' <[ASWyile@tutanota.com](mailto:ASWyile@tutanota.com)>  
**Cc:** Laura Mosher <[lmosher@countyofkings.ca](mailto:lmosher@countyofkings.ca)>  
**Subject:** RE: Opposed to C4 rezoning at 1299 Ridge Rd

Good morning.

Apologies if the reply was lengthy. I was attempting to address concerns that have been previously voiced to hopefully clarify the situation.

The C4 zoning is being proposed primarily because while the current Rural Mixed Use (A2) zoning would permit agricultural storage for example, Rural Commercial (C4) zoning would be required to permit storage related to a construction/contracting business.

Your concern with lighting emanating from the site itself has been noted and I believe could be able to be addressed.

I re-read and apologies for not being clearer. I meant that if you wish to speak further on the application, I can be available prior to it moving ahead to PAC for consideration. Again, I cannot confirm when this application will be placed on the PAC agenda at this stage.

Regards.

Joe

---

**From:** [ASWyle@tutanota.com](mailto:ASWyle@tutanota.com) <[ASWyle@tutanota.com](mailto:ASWyle@tutanota.com)>  
**Sent:** September 1, 2022 7:58 PM  
**To:** Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>  
**Cc:** Jim Winsor <[councillor.winsor@countyofkings.ca](mailto:councillor.winsor@countyofkings.ca)>; PAC Members <[PAC@countyofkings.ca](mailto:PAC@countyofkings.ca)>; Councillors <[Councillors@countyofkings.ca](mailto:Councillors@countyofkings.ca)>; Laura Mosher <[lmosher@countyofkings.ca](mailto:lmosher@countyofkings.ca)>  
**Subject:** RE: Opposed to C4 rezoning at 1299 Ridge Rd

Thank you very much for your detailed reply, Joe as I believe it clears up a few things. However, I'd like to clarify that my concerns about lighting were lights around the building rather than street lights, though I am glad to learn that no street lighting is being considered. I also don't think it should matter if Agriculturally zoned land is not being actively used for agriculture--the point is that it is zoned agricultural because it is arable land in a farming area and such zoning needs to be preserved. It is actually very good for the land to be allowed a rest from human demands. Just because it has been fallow for a time is NOT a good reason to zone it commercial. The building had formerly housed horses and had an indoor riding ring--isn't that a rather different use than the storage and offices the application proposes? If storage and offices are permitted under A2, then why the request to rezone to C4?

As for the Province's lack of concern regarding traffic flow, that is dismaying and lacks basic common sense. If the Province won't do it, then it is up to Municipal governments to be more sensible and fill the gap. After all, we are the people who live here!

I had checked the Planning Committee meeting schedule and figured that Sept. 13th could be when this file will be discussed. I'll be checking back for an agenda!

Lastly, in your closing lines I wonder what I might let you know, if I wish? "Please let me know if you wish."

Wishing you a pleasant labour day weekend,

Andrea

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Sep 1, 2022, 19:19 by [jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca):

Dear Ms. Schwenke Wyile,

Thank you for your interest in this application as well as your concern for your community. It is important. Truly it is and I hope that yours and anyone's concern and valuing never ends.

I have just begun this position but please do not think that as a man or a father I value anything less about anything regardless of who you might be.

To the application:

There may have been some confusion as to the application in general throughout the community so please allow me to state a few generally commented on items to date. These may not all apply

directly to your concerns but of which I will though, address in the latter portion of my response as best I can.

- Impacts on traffic and transportation systems based on the proposed change in zoning/use of the structure and site are described above are not a concern for the province.
- The site is not zoned A1. It is currently entirely zoned A2.
- No Industrial use or industrial zone is being proposed.
- The property is not currently being used for agricultural production nor has been used as so in the recent past.
- There are no fire safety concerns.
- No place of worship is being proposed.
- The only building on the property is being renovated to a better state of repairs and appears to be in keeping with previous historical building form and exterior architecture as well as being intended for a similar use which is presently permitted.
- As no new buildings, etc. are being proposed, the proposal as it is provided, would impose no structural impact on negative community urban design or built physical form within the community excepting the positive of the improvement of an already existing structure.

Each and any planning application that may come before municipal Council for a decision is based on the particular proposal at the time. While understanding your concern, common law precedents which may be applicable within other levels of law and government are not always directly applicable in terms of this level of government nor under these circumstances.

To your other concerns directly, no street lighting is being proposed or being considered by the municipality. On-site lighting could be and likely would be controlled under the development agreement I believe.

Regarding public notice of the application, I include the below excerpt from Laura Mosher MCIP LPP, Manager, Planning and Development Services describing the process in more detail.

“With regard to notice for the Public Information Meeting, we make every effort to get notices out quickly, however, there are sometimes delays with Canada Post. The good news in this regard is that there is the video available for people to view. The PIM was held on July 21st, and the video was uploaded the following day. An advertisement was placed in the newspaper on July 12th. The video is

still available for viewing today, and will remain available until the item goes before Planning Advisory Committee. Prior to us recording videos, we provided one opportunity for members of the public to learn about the application and that was at the in person meeting, only. By posting a video, we have expanded the opportunities for public engagement. The Public Information Meeting is not a requirement under the province's Municipal Government Act – it is something that the Municipality of the County of Kings has opted to provide for the public to ensure that engagement happens early in the process. "

Future notifications to any residents of the community will be based on municipal policy.

I would be happy to receive written feedback and am available for in-person or phone conversations as well. There would also be opportunities for public participation within the approval process itself as this application would first be presented to Planning Advisory Committee (PAC) and then to full Council. At that point, public notices via newspapers and mailed notice to nearby properties would be given again twice over a two-week period leading up to an additional final Council meeting. A Public Hearing portion of that meeting would occur, and Council would then make a final decision to approve or decline this and any other applications on the agenda.

All approved OR declined applications may also be appealed within 14 days.

Please note for clarity that the above noted PAC and Municipal Council/Public Hearing meetings are open to the public and opportunities for comments and feedback are possible prior to a final Council decision. It is always difficult to say exactly when a planning application may move forward in the approval process but so you are also aware, the earliest that this application could begin to be considered would be at the next PAC meeting on September 13. For the moment however, I do not believe that agenda has yet been finalized.

Your email has been saved for the record and will be made available to Council.

Please let me know if you wish.

Best Regards.

Joe

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**From:** Jim Winsor <[councillor.winsor@countyofkings.ca](mailto:councillor.winsor@countyofkings.ca)>  
**Sent:** September 1, 2022 5:10 PM  
**To:** 'ASWyle@tutanota.com' <[aswyile@tutanota.com](mailto:aswyile@tutanota.com)>; Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>; PAC Members <[PAC@countyofkings.ca](mailto:PAC@countyofkings.ca)>; Councillors <[Councillors@countyofkings.ca](mailto:Councillors@countyofkings.ca)>  
**Subject:** RE: Opposed to C4 rezoning at 1299 Ridge Rd

Thank you for your thoughtful comments.

Jim

**Jim Winsor**

Municipal Councillor, District 8



c: (902) 680-5405  
f: (902) 678-9279  
e: [Councillor.winsor@countyofkings.ca](mailto:Councillor.winsor@countyofkings.ca)

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**From:** [ASWyle@tutanota.com](mailto:ASWyle@tutanota.com) <[aswyile@tutanota.com](mailto:aswyile@tutanota.com)>  
**Sent:** September 1, 2022 2:29 PM  
**To:** Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>; PAC Members <[PAC@countyofkings.ca](mailto:PAC@countyofkings.ca)>; Councillors <[Councillors@countyofkings.ca](mailto:Councillors@countyofkings.ca)>  
**Subject:** Opposed to C4 rezoning at 1299 Ridge Rd

Dear Joe Lilly and King's County Planning Department,

Mayor Muttart, Councillor Allen and Other District Councillors,

As a two decades plus resident of Ridge Road (#986), a grandmother, and a woman committed to the support small local farms and the protection and respect for rural lands, regeneration, and agriculture, I write to file my personal objection to the proposed rezoning of 1299 Ridge from A2 to C4. Although I have been glad to see the former riding barn being renovated, I am perturbed that the renovation seems to have a particular goal in mind that is not permitted in the Mixed Use A2 zone, namely storage of construction materials and offices, particularly when there are many options that space could be used for under A2.

My main concern is that such a rezoning will be precedent setting and then enable the back end of that property, followed by other properties in the neighbourhood, to also be rezoned, which would be contrary to the Kings MPS-LUB's stated goal of preserving arable lands for food security and future generations. To those goals I would add the importance of maintaining the necessary green and at least somewhat "wild" spaces for the many undomesticated creatures people share Wolfville Ridge with. My view on this is in keeping with Council's own stated goal not to "support significant expansions to the developed area" in rural locations. Indeed item 2.2.8 states the goal to "restrict uses that are not related or complementary to agricultural or resource uses." The warehousing and distribution of construction materials does not fall under any of the mixed agricultural land uses described in A2. The possibility that 1299 Ridge Rd might become a retail space, or other commercial ventures beyond storage, as permitted under C4, is also perturbing.

My second major concern regards the increased truck traffic that will come from having a warehouse on Ridge Road. It is already precarious to enjoy a walk or cycle along the road due to minimal shoulders by deep ditches and vehicles racing along, often far faster than the 80 km/hr speed limit. There are "blind" spots along the road, including one by my house, as well as two very tight turns, one with effectively no shoulder by Stiles Park, a historic rural site. This traffic will likely affect the whole road, but will be particularly onerous for the "block" between Highland Avenue and Greenfield Road. The access to Ridge Road from highway 101 exits 9, 10, and 11 also means that residents along those rural routes will be affected by the increased transport truck traffic that will inevitably degrade the roads, which were not built for that purpose, faster. Nearly all residents along these roads issue warnings about traffic hazards and have concerns about road safety due to speed, curves, and visibility. Many people visit the area for agricultural tourism and County residents also often come up to Wolfville Ridge to enjoy the view, so this concern is both personal and for the public. Finally, Ridge Road is a school zone where road safety must be a priority.

The increased lighting required for a commercial space will also glare and eliminate the precious dark of the night sky for people and animals living close by 1299 Ridge Rd. In these precarious times of increasing costs and disruption, such a storage facility is also likely to invite theft/crime. The minimum code lighting and security required to deter that will seriously upset the living conditions for residents and wild creatures in our community.

There are many other considerations likely to overturn the general peace of our (now former) hamlet if the rezoning were to go ahead, particularly when taking a long view, which is what planning should always do. After all the efforts you have made to address the strong calls to eliminate loopholes in the rezoning of agricultural lands in the updated MPS-LUB, please don't open new ones by rezoning 1299 Ridge Road to Rural Commercial. That property and building can serve its owner and the community at large in the A zoning it has always been in, which suits the land it is part of.

Further, from what I've heard from neighbours within the 500' zone, the initial procedural processes for this application have been disconcerting. First is the lack of notice adjoining property owners were given before the first public information meeting in July. Although apparently 36 letters were mailed

to property owners within 500 feet of the subject property (as per the email from Joe Lilly to Michelle Mailman, Aug. 31, 2022), it seems these were not mailed in a timely fashion as only one person received written notice (Sheron Atwell), with a mere 24 hours' notice. A few others received theirs the following days, which was too late. And just this morning I heard from a Ridge Rd resident in Hortonville that she received a letter, though she lives several kilometres away from the property in question. Such poor timing and confusion are deeply problematic, to say the least. Surely there should also be a sign at the front of the property in question announcing the zoning change request? That would give local residents another clearly visible means of finding out. Such notice is vital when the very nature of a neighbourhood is potentially on the brink of dramatic change. Secondly, although the meeting was recorded, neither the original recording nor the minutes are available on the Kings County website, as promised at the meeting, further impeding informed community participation in the proceedings. If doing this is not standard practice, then that should have been made clear at the meeting. Nonetheless, I was glad to at least be able to hear and see a version of the main presentation once I learned about the potential rezoning this past week. Improved communication and transparency from hereon in will greatly facilitate matters for all concerned.

Please keep me apprised of the next steps and decisions on this file.

With urgency and with thanks for your thoughtful attention, Yours Sincerely,

Andrea Schwenke Wyile

986 Ridge Rd

Wolfville Ridge

902-542-3153

[ASWyile@tutanota.com](mailto:ASWyile@tutanota.com)

[www.widowwyile.com](http://www.widowwyile.com)

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## Laurie-Ann Clarke

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**From:** Joe Lilly  
**Sent:** September 1, 2022 8:54 AM  
**To:** 'Aunt Sheron'  
**Subject:** RE: place of worship question

Hi Sheron,

The C4 (Rural Commercial) zone permits “building and construction contractors” and office use. The current A2 (Rural Mixed Use) zone only permits agricultural storage.

The applicant wishes to store construction materials for their business so has applied for a rezoning to allow it.

That is the purpose of this application.

Joe

---

**From:** Aunt Sheron <auntbaker@msn.com>  
**Sent:** August 31, 2022 6:51 PM  
**To:** Joe Lilly <jlilly@countyofkings.ca>  
**Subject:** RE: place of worship question

Hi, thanks for this, I do not see where there is a place for construction storage materials in A2 but I am not in the planning dept and could not be understanding correctly. So If I am not seeing this correctly please let me know.

Sheron

Sent from [Mail](#) for Windows

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**From:** [Joe Lilly](#)  
**Sent:** Tuesday, August 30, 2022 2:21 PM  
**To:** ['Aunt Sheron'](#)  
**Subject:** RE: place of worship question

1. Below is a link to all Agriculture (A) zone uses

[https://www.countyofkings.ca/upload/All\\_Uplets/Living/services/planning/lub/bylaw/documents/07%20-%20Part%202%20-%20Section%208%20Agricultural%20Zones.pdf](https://www.countyofkings.ca/upload/All_Uplets/Living/services/planning/lub/bylaw/documents/07%20-%20Part%202%20-%20Section%208%20Agricultural%20Zones.pdf)

2. Below is a link to all Commercial (C) zone uses

[https://www.countyofkings.ca/upload/All\\_Uplets/Living/services/planning/lub/bylaw/documents/04%20-%20Part%202%20-%20Section%205%20Commercial%20Zones.pdf](https://www.countyofkings.ca/upload/All_Uplets/Living/services/planning/lub/bylaw/documents/04%20-%20Part%202%20-%20Section%205%20Commercial%20Zones.pdf)

Why a non-profit or any other organization or individual may wish to apply to rezone from A2 to C4 would be dependant on what they wished to do along with any number of other things and is therefore impossible to say as each application is unique.

---

**From:** Aunt Sheron <[auntbaker@msn.com](mailto:auntbaker@msn.com)>

**Sent:** August 30, 2022 1:31 PM

**To:** Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>

**Subject:** RE: place of worship question

No this does not answer my question. And non profits do not always require public hearings and this is not to address any particular application it is a question in general.

And again I am not asking if a place of worship is permitted in A1` or A2 or C4. It is there is no debate on that.

This is not address the question We know what C4 allows

This is the question. ... When a non profit wants to go from A2 to C4 why would be a reason they need to do that?

This is the next question... because I am unable to navigate and understand clearly what is on the web site and where to find it I believe that you are able to help me with that.

Where in A2 can I find that construction storage is permitted?

Sent from [Mail](#) for Windows

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**From:** [Joe Lilly](#)

**Sent:** Tuesday, August 30, 2022 12:52 PM

**To:** ['Aunt Sheron'](#)

**Subject:** RE: place of worship question

Sheron,

1. As I said, a place of worship is permitted in an A2 zone. No rezoning necessary.
2. If anyone wishes to rezone a property to anything else, then the required processes to do so are the same.
3. C4 permits “building and construction contractors” and office use which is the stated reason why this application has been made.

I believe this has all been previously addressed but the municipality is only considering the specific planning application that has been submitted.

---

**From:** Aunt Sheron <[auntbaker@msn.com](mailto:auntbaker@msn.com)>

**Sent:** August 30, 2022 12:18 PM

**To:** Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>

**Subject:** RE: place of worship question

Hi, I understand this and I am so sorry to be so confusing. Sometimes in emails it is hard to properly translate. But here goes I will try to be clearer.

So this is a hypothetical situation. With generalized non specific to any zoning application questions.

If a person (any person) wanted to in A2 to apply a place of worship, what would cause them to need a C4 designation? ( my understanding is they can have a place of worship in A2 without a public hearing as a non profit, I understand that and would not debate that. Nor should I )

My real question is what would they need to do as a non profit(place of worship or otherwise ) to earn themselves a C4 designation without going to a public hearing. Examples might be a school, a gym, (these are only hypothetical if's because we do not know what those factors may be) ect.

At the same time remaining in A2 would they be able to have multiple uses such as storage of construction material (again hypothetically) in the A2 designation, or build kitchen cabinets etc while remaining in A2 either in the same building as the worship center or in a separate building on the property?

I could not find storage for non agra uses on the list I found for A2. Again I am not proficient in finding such things on the county website. And more then not most of us have a similar issue with trying to understand this.

Thank you for time I know you must be busy, but your understanding that these issues are important to us is very appreciated. 😊

Sheron

Sent from [Mail](#) for Windows

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**From:** [Joe Lilly](#)

**Sent:** Tuesday, August 30, 2022 11:54 AM

**To:** ['Aunt Sheron'](#)

**Subject:** RE: place of worship question

The current application is to permit a change in zoning from A2 to C4 to allow construction storage and some office space use.

Multiple uses as permitted under a C4 designation would be allowed.

The application does not mention a place of worship but that would be permitted in a C4 zone just as it is under the current A2 zoning.

---

**From:** Aunt Sheron <[auntbaker@msn.com](mailto:auntbaker@msn.com)>

**Sent:** August 30, 2022 11:13 AM

**To:** Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>  
**Subject:** RE: place of worship question

Answered except for this. If there is a place of worship in a part of a building, can the remaining part of the building be used for other purposes such as storage? Oh and I know that a place of worship is possible in a A2 but what would it need a C4 zoning for. What other purpose would it need to move it to a C4.

Sorry if I am unclear at times. I do not speak planning. 😊

Sent from [Mail](#) for Windows

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**From:** [Joe Lilly](#)  
**Sent:** Tuesday, August 30, 2022 9:43 AM  
**To:** ['Aunt Sheron'](#)  
**Subject:** place of worship question

Hi Sheron.

I am not sure that I fully understand your concerns but will attempt to answer.

1. “place of worship” is a permitted use within both the C4 and A2 zones so in this case, that particular use would be permitted as of right regardless of application 22-19 being approved OR denied.
2. Zoning designations “run with the land”, meaning that if a property is sold, etc., the zoning remains the same regardless of ownership and until that zoning is officially changed. For example, a property zoned R1 could be sold 10x over 30+ years but unless the zoning somehow officially changes then the land would remain R1.

Joe

---

**From:** Aunt Sheron <[auntbaker@msn.com](mailto:auntbaker@msn.com)>  
**Sent:** August 29, 2022 6:57 PM  
**To:** Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>  
**Subject:** Ridge Rd. application

Hi, once again sorry about the second request, still can not find it but my computer is very old and is having difficulty with the windows 11 system.

I have another question. Surprise lol

So please if you can clarify the following if Mr. Mills or anyone else for that matter decides to

- A. invite worship services to take place in the front portion of the building and request a c4 zoning for a non profit ; one that would then not require a public hearing would be then be allowed to carry on at the same time with any other purpose , say storage of building materials for his currant or future projects in a different portion of this building or another building in the property.

Would a C4 zone be created for a place of worship or remain an A2?

B. If Mr. Mills or anyone else created said place of worship then sold in to say a numbered company , and if it had been changed to the C4 zone because of the place of worship, would it revert back if the usage changed or would the c4 remain and there allow Mr. Mills or anyone else to carry on without concern of a public hearing with whatever the c4 would normally allow.

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## Laurie-Ann Clarke

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**From:** Joe Lilly  
**Sent:** August 29, 2022 3:51 PM  
**To:** 'Aunt Sheron'  
**Cc:** Laura Mosher  
**Subject:** RE: Planning Dept opening statement.docx

Hello again Ms. Atwell.

Please find my previous reply of August 19 below which was sent in response to your original email of the same date. All of which have been added to the application file. I hope this answers your concerns.

Regards.

Joe

*Good afternoon Ms. Atwell.*

*Thank you for your email and yes, I have recently taken over this and a number of other applications from the previous planner. I am just completing my initial week with the municipality and while have worked in other municipal environments in the past, each is different in terms of policies and procedures. While still familiarizing myself with those as well as the applications themselves, I will attempt to answer your questions as you raised them.*

1. *The file number I am working with for the Ridge Road application is 22-19. I believe 22-13 may be a different application.*
2. *I received your attached petition and have added it to the file.*
3. *Emails saved by the previous planner are included in the file but I did not immediately find any other petitions. If I do receive any new or previously sent petitions, I have created a separate file for them and will certainly add anything received to the record.*
4. *Regarding the July 21 Public Information Meeting (PIM), I have inquired, and the municipality does not create or save transcripts of these meetings. Recordings of the presentation however, are made and are publicly available. Please find the below direct link to access the PIM presentation for the Ridge Road application as well as a link to the application itself both posted on the municipal website. I have also included a screenshot.*
  - A. *Link to application on municipal website:*  
<https://www.countyofkings.ca/engage/pim.aspx>
  - B. *Link to public information meeting (PIM) presentation:*  
[https://www.countyofkings.ca/engage/pim\\_vid.aspx?i=65](https://www.countyofkings.ca/engage/pim_vid.aspx?i=65)
5. *Regarding where the application is in the process, municipal Council does not meet in August so things could begin moving forward with direct Council involvement in September. Due to unforeseen issues that might arise, I can never say exactly when any application will move forward absolutely but the earliest that this one could do so would begin with my presenting it to Planning Advisory Committee (PAC) on September 13. This would be*

*followed by a presentation to full municipal Council on October 4 . At that point, public notices via newspapers and mailed notice to nearby properties would be given again twice over a two-week period leading up to a final Council meeting on November 1. On November 1st, a Public Hearing portion of that meeting would occur, and Council would then make a final decision to approve or decline this and any other applications on the agenda. All approved OR declined applications may also be appealed within 14 days.*

*NOTE: The PAC and Municipal Council/Public Hearing meetings are open to the public and opportunities for any comments and feedback are possible. Applicants are welcome to attend but it is not required.*

*6. Regarding your final question, the municipality and planning department works with all applicants and the public to try to ensure processes are clear, voices are heard and potential solutions are found as much as may be possible. That being said, any planning related application can only be judged by what is being proposed by any applicant. That means that any stated proposal is examined against various documents such as land use by-laws, planning strategies, any provincial requirements etc. and any proposal then moves forward to Council for a decision. If an application is approved, then whatever an applicant has proposed becomes a permitted land use and the planning department is no longer involved.*

*Any land use anywhere in the municipality that is not a permitted one could possibly become subject to procedures such as by-law enforcement, but I cannot speak to anything beyond the application approval process.*

*I hope the answers your questions and I will state the caveat that I have not yet gone through the above described process so while I believe I have it correct, if I learn otherwise I will try to update you.*

*Best regards.*

*Joe Lilly MURP  
Planner, Planning & Development Division*

*181 Coldbrook Village Park Drive, Coldbrook B4R 1B9  
t: (888) 486-5339 (6150)  
t: (902) 334-5660  
f: (902) 679-0911  
www.countyofkings.ca*

*From: Aunt Sheron <auntbaker@msn.com>  
Sent: August 19, 2022 10:20 AM  
To: Joe Lilly <jlilly@countyofkings.ca>  
Subject: FW: Planning Dept opening statement.docx*

*Good morning Mr. Lilly,*

*I understand that you have taken over the file number/numbers 22-13/22-19 (why are there two file numbers?) from Will. Regarding a request for zoning from A2 to C4 on Ridge Rd Wolfville, by Travis Mills. I am resending this copy of a family only petition (involves six homes in the immediate area of this property including my brother in law that borders this property on the east side). Everyone on this is family and we are a generational family that have lived here for several generations and hope to continue to do so. The attachment is to show the individual signatures as they were written. This is not a duplicate of any other petition that may be ongoing (there are others).*

This leads me to this question. Were you able to access Mr. Robinsons-Mushcats emails so that you were able to retrieve the ones already sent by others individually? Examples being Keizer family, Ried family, Michael Mailman, and Michael Smith etc. etc?

Next question is this, would you please send me the complete transcript of the July 21 /22 information session or the complete copy of the video from start to finish for this /these files. Or could you please tell me /send me how to access a link to this information? I am not overly familiar with how to get information on the county website, not much of a tekke. Sorry.

Next question is where are we now in the process, there are a lot of people working on getting information out and creating various petitions and want to make sure that this information gets passed on before any reports or decisions are made.

We would also like to know how long of a notice we will have before a public meeting and how we will all be notified?

And my last question for now is this. What is the responsibility of the person/persons that have made the application for the change in zoning to be clear and forthright about their currant and future intentions for the property should the zoning change be accepted or rejected?

Thank you for your time , I know that it is valuable and that you will need time to orientate yourself to your new role.

Respectfully,

Sheron Hatt Atwell  
1235 Ridge Rd.  
9026972085 (L) 9026928228 (C)

---

**From:** Aunt Sheron <auntbaker@msn.com>  
**Sent:** August 29, 2022 3:34 PM  
**To:** Joe Lilly <jlilly@countyofkings.ca>  
**Subject:** RE: Planning Dept opening statement.docx

Good after Mr. Lilly,

I am asking for confirmation of my letter /email of objection that has now been sent twice. Once to Will and once to you I was given to understand that I would receive a note of confirmation that it has been received and to date have not been sent one for either submission. Not have I had a response to any of the questions below.

I was at last able to find the video but we were told that a full transcript would also be available. Is this correct. We were expecting to see the whole meeting but I have since been informed that is not the case. We would like to know what is in the transcript.

Could you please respond in some way.

Thank you.

Sheron

Sent from [Mail](#) for Windows

---

**From:** [Aunt Sheron](#)  
**Sent:** Friday, August 19, 2022 10:20 AM  
**To:** [jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)  
**Subject:** FW: Planning Dept opening statement.docx

Good morning Mr. Lilly,

I understand that you have taken over the file number/numbers 22-13/22-19 (why are there two file numbers?) from Will. Regarding a request for zoning from A2 to C4 on Ridge Rd Wolfville, by Travis Mills. I am resending this copy of a family only petition (involves six homes in the immediate area of this property including my brother in law that borders this property on the east side). Everyone on this is family and we are a generational family that have lived here for several generations and hope to continue to do so. The attachment is to show the individual signatures as they were written. This is not a duplicate of any other petition that may be ongoing (there are others).

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Next question is this, would you please send me the complete transcript of the July 21 /22 information session or the complete copy of the video from start to finish for this /these files. Or could you please tell me /send me how to access a link to this information? I am not overly familiar with how to get information on the county website, not much of a tekke. Sorry.

Next question is where are we now in the process, there are a lot of people working on getting information out and creating various petitions and want to make sure that this information gets passed on before any reports or decisions are made.

We would also like to know how long of a notice we will have before a public meeting and how we will all be notified?

And my last question for now is this. What is the responsibility of the person/persons that have made the application for the change in zoning to be clear and forthright about their current and future intentions for the property should the zoning change be accepted or rejected?

Thank you for your time, I know that it is valuable and that you will need time to orientate yourself to your new role.

Respectfully,

Sheron Hatt Atwell  
1235 Ridge Rd.  
9026972085 (L) 9026928228 (C)

Sent from [Mail](#) for Windows

---

**From:** [Aunt Sheron](#)  
**Sent:** Monday, August 8, 2022 9:36 AM  
**To:** [wrobinsonmuskat@countyofkings.ca](mailto:wrobinsonmuskat@countyofkings.ca)  
**Cc:** [councillor.granger@countyofkings.ca](mailto:councillor.granger@countyofkings.ca); [councillor.misner@countyofkings.ca](mailto:councillor.misner@countyofkings.ca); [councillor.killam@countyofkings.ca](mailto:councillor.killam@countyofkings.ca); [councillor.armstrong@countyofkings.ca](mailto:councillor.armstrong@countyofkings.ca); [councillor.harding@countyofkings.ca](mailto:councillor.harding@countyofkings.ca)  
**Subject:** Planning Dept opening statement.docx

<https://1drv.ms/w/s!ApLqMCRFl02uyXakwPBR2lHPo5ss?e=L9haf3>

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## Laurie-Ann Clarke

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**From:** Joe Lilly  
**Sent:** September 23, 2022 12:44 PM  
**To:** 'ann hatt'  
**Subject:** RE: quick question

Sheron.

As I have said before and below.

Any organization be it non-profit or corporate or whichever goes through the same rezoning process as far as I am aware in NS.

If you could be specific regarding your concerns this way I may be able to respond more appropriately.

Joe

---

**From:** ann hatt <annhatt@live.ca>  
**Sent:** September 23, 2022 9:34 AM  
**To:** Joe Lilly <jlilly@countyofkings.ca>  
**Subject:** RE: quick question

Sorry Joe, this is a new thing for me, my understanding is that organizations, such as legions ( as in a local piece of land across from me was rezoned to a C4 without a hearing because it was a non profit and did not require a hearing) so this is confusing to me. I think I will call you to make sure I am understanding correctly. Emails sometimes just confuse things. 😊

Sent from [Mail](#) for Windows

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**From:** [Joe Lilly](#)  
**Sent:** Tuesday, September 20, 2022 9:18 AM  
**To:** ['ann hatt'](#)  
**Cc:** [Laura Mosher](#)  
**Subject:** RE: quick question

Hi Sheron.

I have differing emails on record so am assuming that this is Sheron Atwell.

The process for a rezoning is the same regardless of which sort of organization or individual may be applying.

Joe

---

**From:** ann hatt <[annhatt@live.ca](mailto:annhatt@live.ca)>  
**Sent:** September 19, 2022 4:19 PM  
**To:** Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>  
**Subject:** quick question

Could you please confirm with me that non profits examples, legions, community halls, places of worship do not need public hearing as other zonings do. Seems there is some confusion among some people on this issue. Thanks much. 😊

Sheron

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## Laurie-Ann Clarke

---

**From:** Joe Lilly  
**Sent:** October 3, 2022 2:36 PM  
**To:** 'ASWyile@tutanota.com'  
**Subject:** RE: Request for further info & meeting re 1299 Ridge  
**Attachments:** Planning App- Fillable- July 2022.pdf

Hi Andrea.

I've attached a copy of the MOK planning application form (blank) if that's what you wanted but completed and submitted forms regarding an application are not available to the public.

During the public involvement process, the public can access the previous PIM presentation available online, ask any questions or express thoughts and then before a PAC, access the posted meeting agenda which would include a copy of the staff report on each application being heard on that date. The public can also attend the PAC and Council meetings and have the opportunity to speak if they wish.

Policies used to assess planning applications are based in the Municipal Planning Strategy and Land Use By-law but can vary based on things like the type of application, what is specifically being proposed within an application type, involved zoning type(s), localized environmental constraints, etc.. There are "General Criteria to Consider for all Development Agreements and Land Use By-law Amendments" (Section 5.3 of the MPS) but other policies may also apply or not apply depending.

Hope that is clearer.

Joe

---

**From:** ASWyile@tutanota.com <aswyile@tutanota.com>  
**Sent:** October 3, 2022 1:57 PM  
**To:** Joe Lilly <jlilly@countyofkings.ca>  
**Cc:** Peter Allen <councillor.allen@countyofkings.ca>  
**Subject:** RE: Request for further info & meeting re 1299 Ridge

Hi Joe,

I guess my request wasn't clear enough, sorry. What I'd like to see is the form one has to use to apply for a rezoning, and also the policy that is used by King's County Planning and Council in order to assess the request.

In terms of my query of whether the public can be granted access to the rezoning application, I mean the actual application, not the presentation about the application that is available on the website.

Thanks,  
Andrea

--

Oct 3, 2022, 11:40 by [jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca):

Hello Andrea,

This application (22-19) is still in a draft state in which it is reviewed internally at various levels and has not been yet placed on the Planning Advisory Committee (PAC) agenda for consideration. I cannot say when this may happen at this stage but encourage you to monitor the municipal website via the below link:

<https://www.countyofkings.ca/government/committees.aspx>

I will try to answer your concern below.

1. By “other things” I was referring to provincial legislation when it applies to a particular site or issue under jurisdiction.
2. I am not exactly sure what you mean by the public being able to access a rezoning application. Notice of this application has been on the municipal website for some time now and when a planning application moves forward to PAC, the associated report is placed on the committee agenda which is also then posted publicly on the MOK website as well.
3. The PAC as well as Council hold regular monthly meetings at which the public is welcome to attend. The next scheduled meeting is on Tuesday, October 11.

I hope that addresses your concerns. Regards.

Joe

---

**From:** [ASWyile@tutanota.com](mailto:ASWyile@tutanota.com) <[ASWyile@tutanota.com](mailto:ASWyile@tutanota.com)>  
**Sent:** October 3, 2022 11:15 AM  
**To:** Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>; Peter Allen <[councillor.allen@countyofkings.ca](mailto:councillor.allen@countyofkings.ca)>  
**Subject:** Request for further info & meeting re 1299 Ridge

Good Morning Joe and Peter,

Could you, Joe, kindly send me the links to the County's

- rezoning application
- policy for assessing such applications

I would like to understand why it has been sounding as though the request to rezone 1299 Ridge from A2 to C4 will be approved when everything I can find in the bylaws clearly indicates that the top priority of the LUB is to protect agricultural zoning (see bolded parts of by-laws below body of letter).

As Joe wrote to me in response to my letter of opposition to such a rezoning:

"planning applications are examined on a case-by-case basis against zoning by-laws and the Municipal Planning Strategy among other things."

What are the "other things" referred to in the above?

Is it possible for the public to access a rezoning application as it is for them to access a building permit?

We do not have concerns about business ventures that are allowed in A2. Our concerns are entirely based on the drastic differences that a C4 zoning would allow and enable. These differences are clearly spelled out in the names of these zones. A for agricultural; C for commercial. Utterly different and not compatible on Agricultural Ridge Rd.

I would also like to request a meeting with the Planning Committee after the report is released but in advance of the meeting at which you discuss the report. Am I right to assume that report will be released by the end of this week?

Finally, I would like to emphatically reiterate that the fundamental concern about this rezoning is road safety and that we will not be satisfied with anything less than a full road safety inspection.

LUB excerpts indicating agricultural priority and value:

By-law #106 – Land Use By-law  
Section 8: Agricultural Zones 8.3-1  
A1  
8.3 AGRICULTURAL (A1) ZONE

### 8.3.1 Zone Purpose

The purpose of the Agricultural (A1) Zone is to protect agricultural land for a viable and sustainable agriculture and food industry, in accordance with policy 3.4.2 (a) of the Municipal Planning Strategy. This zone will provide maximum flexibility for agricultural and complementary uses and **limit non-farm development, including housing. In the event of a conflict between an agricultural use and a non-agricultural use, the agricultural use shall take priority.**

By-law #106 – Land Use By-law

Section 8: Agricultural Zones 8.4-1

A2

### **8.4 RURAL MIXED USE (A2) ZONE**

8.4.1 Zone Purpose

The purpose of the Rural Mixed Use (A2) Zone is to provide for **a mix of agricultural, residential and resource uses, in order to enable the expansion of the agricultural industry as well as accommodate demand for rural housing**, in accordance with policy **3.4.19. In the event of a conflict between an agricultural use and a non-agricultural use, the agricultural use shall take priority.**

By-law #106 – Land Use By-law

Section 5: Commercial Zones 5.6-1

C4

### **5.6 RURAL COMMERCIAL (C4) ZONE**

5.6.1 Zone Purpose

The purpose of the Rural Commercial (C4) Zone is **to provide opportunities for commercial uses to locate and expand in rural communities serving rural industries, visitors, and residents**, in accordance with policies 2.2.2 (a), 2.2.7 and 2.2.8 of the Municipal Planning Strategy.

*Note: Wolfville Ridge does not serve local industries(notably building and construction industries) and a C4 zone won't serve visitors or residents either; A2 is what is suitable on the section of Ridge Rd. that 1299 belongs to.*

In my analysis thus far, I see only costs to the community, not benefits.

Cordially,

Andrea

Andrea Schwenke Wyile

986 Ridge Rd

--

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<https://tutanota.com>

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## Laurie-Ann Clarke

---

**From:** Laura Mosher  
**Sent:** August 31, 2022 3:02 PM  
**To:** 'Michelle Mailman'; Joe Lilly  
**Subject:** RE: Request for Transcript & Audio Public meeting July 21st,2022- time sensitive!!!

Hi Michelle,

I'm going to jump in here just because I can provide some more information from when Joe had not yet started with us at MoK.

Due to unforeseen technical issues, we were not able to record the presentation as it was delivered on the evening when the Public Information Meeting took place. In order to continue to provide a robust public engagement program for this application, in lieu of not having a video from the meeting that could be posted, the presentation was re-recorded and posted the next day. I reviewed the powerpoint presentation prior to the meeting and I have reviewed the video and I cannot find any discrepancy between the two. Can you advise on what was the specific discrepancy between the presentation that you heard vs. the one that is online?

With regard to notice for the Public Information Meeting, we make every effort to get notices out quickly, however, there are sometimes delays with Canada Post. The good news in this regard is that there is the video available for people to view. The PIM was held on July 21<sup>st</sup>, and the video was uploaded the following day. An advertisement was placed in the newspaper on July 12<sup>th</sup>. The video is still available for viewing today, and will remain available until the item goes before Planning Advisory Committee. Prior to us recording videos, we provided one opportunity for members of the public to learn about the application and that was at the in person meeting, only. By posting a video, we have expanded the opportunities for public engagement. The Public Information Meeting is not a requirement under the province's Municipal Government Act – it is something that the Municipality of the County of Kings has opted to provide for the public to ensure that engagement happens early in the process.

Thanks,

**Laura Mosher MCIP LPP (She/Her)**  
Manager, Planning and Development Services

181 Coldbrook Village Park Drive, Coldbrook B4R 1B9  
t: (902) 690-6102  
f: (902) 679-0911  
[www.countyofkings.ca](http://www.countyofkings.ca)

**From:** Michelle Mailman <mailmanmichelle@gmail.com>  
**Sent:** August 31, 2022 1:15 PM  
**To:** Joe Lilly <jlilly@countyofkings.ca>  
**Cc:** Laura Mosher <lmosher@countyofkings.ca>  
**Subject:** Re: Request for Transcript & Audio Public meeting July 21st,2022- time sensitive!!!

Hi Joe,

To clarify my concerns around the PIM July 21st, 2022

1. The “actual” presentation was NOT posted to the Municipality of Kings website it was in fact an altered version of the presentation.
2. Insufficient time provided to the public about the PIM.  
Time between the dated letter of invite July 14th,2022 to receipt of said letter July 20,2022. I count a total of 6 days is that enough time for the MOK due diligence?

Hope this helps clarify my concerns on this particular issue.

Concerned Citizen  
Michelle Mailman

On Wed, Aug 31, 2022 at 11:13 AM Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)> wrote:

Hi Michelle,

Again, I was not with the municipality when this PIM was held but understand there may have been technical issues with a recording at the actual “in-person” meeting so instead, a recording of the presentation itself (which was given during the meeting) was publicly posted for the sake of clarity.

The purpose of a PIM is to primarily inform the public of an application, explain the policies that enable the application to occur and to essentially begin a public discourse and this appears to have been a successful step in the process. With only the presentation portion (e.g. not public comments) of any PIM recorded and posted as standard practice, I do not understand what could be effectively different in this case. Can you please clarify your concerns?

As far as I am aware, the PIM process was followed correctly and in a transparent manner. I will of course try to continue processing this and all applications following the same principles.

Regards.

Joe

---

**From:** Michelle Mailman <[mailmanmichelle@gmail.com](mailto:mailmanmichelle@gmail.com)>  
**Sent:** August 31, 2022 10:21 AM  
**To:** Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>  
**Cc:** Emily Lutz <[councillor.lutz@countyofkings.ca](mailto:councillor.lutz@countyofkings.ca)>; Jim Winsor <[councillor.winsor@countyofkings.ca](mailto:councillor.winsor@countyofkings.ca)>; Joel Hirtle <[councillor.jhirtle@countyofkings.ca](mailto:councillor.jhirtle@countyofkings.ca)>; June Granger <[councillor.granger@countyofkings.ca](mailto:councillor.granger@countyofkings.ca)>; Laura Mosher <[lmosher@countyofkings.ca](mailto:lmosher@countyofkings.ca)>; Lexie Misner <[councillor.misner@countyofkings.ca](mailto:councillor.misner@countyofkings.ca)>; Martha Armstrong <[councillor.armstrong@countyofkings.ca](mailto:councillor.armstrong@countyofkings.ca)>; Peter Allen <[councillor.allen@countyofkings.ca](mailto:councillor.allen@countyofkings.ca)>; Peter Muttart <[mayor.muttart@countyofkings.ca](mailto:mayor.muttart@countyofkings.ca)>; Tim Harding <[councillor.harding@countyofkings.ca](mailto:councillor.harding@countyofkings.ca)>; [councillor.killiam@countyofkings.ca](mailto:councillor.killiam@countyofkings.ca)  
**Subject:** Re: Request for Transcript & Audio Public meeting July 21st,2022- time sensitive!!!

Good morning Joe,

Thank you so much for getting back to me so promptly, and welcome aboard this particular role , I look forward to working with you all in the future on this file.

I must correct you on the point of the video (File 22-19) that has been posted to the Municipality of Kings website which is most definitely NOT the presentation that I attended on the night of July 21st, 2022. I will have everyone that attended that night from the community attest to this fact. I would be looking for resolution to this issue.

Perhaps you could resend letters to those 36 community members with a new public meeting date and time to “re-set” this file so as to have complete information/ details from start to finish, This would be a great way to show the public transparency in moving forward in your new role with the Municipality of Kings.

To my knowledge one community member received the letter 1 day prior to the PIM and was dated as written on July 14th,2022 letter was received July 20th, 2022 with meeting happening the next night? I’m also wondering if policies and procedures had been followed with adequate time to inform the community on this file 22-19 ?

Please advise via email once the agenda has been written for the PAC meeting on September 13th, 2022

Thank you again

Transparency Matters

Michelle Mailman

(902) 692-1044

On Wed, Aug 31, 2022 at 9:30 AM Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)> wrote:

Good morning Michelle.

Thank you for the email. My name is Joe Lilly and I am the new planner on this file (22-19) taking over after Will left the position and municipality.

I am new to the role but as I understand things and based on this as well as other Public Information Meeting (PIMs) recordings I have viewed, it is standard procedure for the municipality to post recordings of the presentations given at the various PIMs but not to record the remainder of the meetings themselves. I believe this is due to the fact that further recordings of individuals attending meetings could potentially be redistributed within other media sources and may cause possible privacy concerns.

To your questions more directly, I believe that the PIM presentation recording in question and as posted on the municipal website, is the full extent of any recorded video and audio for that meeting. I also understand that no transcripts of PIMs are produced or recorded. In terms of public engagement/notice regarding the application and associated PIM, again I was not on this file at the time but believe that procedures were followed in terms of 36 letters being mailed to property owners within 500 feet of the subject property as well as a meeting notice being advertised in the Valley Journal-Advertiser.

In terms of future opportunities to provide comments I would be happy to receive written feedback and am available for in-person or phone conversations as well. There would also be opportunities for public participation within the approval process itself as this application would first be presented to Planning Advisory Committee (PAC) and then to full Council. At that point, public notices via newspapers and mailed notice to nearby properties would be given again twice over a two-week period leading up to an additional final Council meeting. A Public Hearing portion of that meeting would occur, and Council would then make

a final decision to approve or decline this and any other applications on the agenda. All approved OR declined applications may also be appealed within 14 days.

Please note for clarity that the above noted PAC and Municipal Council/Public Hearing meetings are open to the public and opportunities for comments and feedback are possible prior to a final Council decision. It is always difficult to say exactly when a planning application may move forward in the approval process but so you are also aware, the earliest that this application could begin to be considered would be at the next PAC meeting on September 13. For the moment however, I do not believe that agenda has yet been finalized.

I have copied Laura Mosher, Manager, Planning and Development Services, on this email in the case that I may be mistaken on any points of process.

Regards.

Joe

---

**From:** Michelle Mailman <[mailmanmichelle@gmail.com](mailto:mailmanmichelle@gmail.com)>  
**Sent:** August 30, 2022 5:52 PM  
**To:** Peter Allen <[councillor.allen@countyofkings.ca](mailto:councillor.allen@countyofkings.ca)>; Martha Armstrong <[councillor.armstrong@countyofkings.ca](mailto:councillor.armstrong@countyofkings.ca)>; Tim Harding <[councillor.harding@countyofkings.ca](mailto:councillor.harding@countyofkings.ca)>; Joel Hirtle <[councillor.jhirtle@countyofkings.ca](mailto:councillor.jhirtle@countyofkings.ca)>; [councillor.killiam@countyofkings.ca](mailto:councillor.killiam@countyofkings.ca); Emily Lutz <[councillor.lutz@countyofkings.ca](mailto:councillor.lutz@countyofkings.ca)>; Lexie Misner <[councillor.misner@countyofkings.ca](mailto:councillor.misner@countyofkings.ca)>; Jim Winsor <[councillor.winsor@countyofkings.ca](mailto:councillor.winsor@countyofkings.ca)>; Joe Lilly <[jlilly@countyofkings.ca](mailto:jlilly@countyofkings.ca)>  
**Cc:** June Granger <[councillor.granger@countyofkings.ca](mailto:councillor.granger@countyofkings.ca)>; Peter Muttart <[mayor.muttart@countyofkings.ca](mailto:mayor.muttart@countyofkings.ca)>  
**Subject:** Request for Transcript & Audio Public meeting July 21st,2022- time sensitive!!!

Good afternoon,

After attending in person the public meeting held at the Horton community hall on July 21st, 2022, about rezoning A2 to C4 property of concern 1299 Ridge Road, where we had been asked to be quite while the presentation was being done since it would be recorded and would be uploaded to MOK website within 24 hours of meeting.

I went on to view the uploaded video to find out that it was not what was presented on the night of July 21, 2022???? it also took me a couple tries to actually find the proper file since the invite had two different file numbers attached to it. No questions and answers were uploaded either ?

I would like to request a copy of the actual meeting transcripts plus audio for the entirety of the meeting that I attended on the night of July 21,2022, should you not be able to provide me with this perhaps another meeting should occur at another time so that community members can be informed ethically!

I feel that as a property owner on agriculture land in the County of Kings I am not being heard. I'm very certain that there's no more agriculture land being made, being a 4H family this issue is very important to us and our future survival.

Please forward transcripts to [mailmanmichelle@gmail.com](mailto:mailmanmichelle@gmail.com)

Audio can be sent to my messenger account.

Many thanks in advance.

Kind regards,

Michelle Mailman

(902)692-1044

[mailmanmichelle@gmail.com](mailto:mailmanmichelle@gmail.com)

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## **Laurie-Ann Clarke**

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**From:** Joe Lilly  
**Sent:** September 20, 2022 9:52 AM  
**To:** 'm0567@yahoo.com'  
**Subject:** RE: Rezoning Application Comments - 1299 Ridge Road (PID 55190854)

Hello Mr. Peters.

Thank you for your comments. Will has left the municipality and I am the new planner on this file.

I have added your email to the public record.

Joe Lilly

-----Original Message-----

From: Stephen Peters <m0567@yahoo.com>  
Sent: September 19, 2022 10:50 AM  
To: Will Robinson-Mushkat <wrobinson-mushkat@countyofkings.ca>  
Subject: Rezoning Application Comments - 1299 Ridge Road (PID 55190854)

I am writing to you today to share the opinions of the Rotary Club of Wolfville's members concerning possible zoning changes to the property at 1299 Ridge Road (PID 55190854). The Club has owned land in this area for a number of years, operating as Stile Park and an adjacent actively farmed agricultural property. The agricultural land was sold recently to an individual who has planted a vineyard with future intentions to operate a winery. We feel that these activities are very much in keeping with the agricultural and residential nature of this property and its surroundings. We are very concerned that the zoning changes being proposed and the activities mentioned by the owners are of an industrial nature not in keeping with the quiet enjoyment of current residents, and would be much more appropriate to an industrial park setting, such as the one found in the Kentville Business Park.

As a secondary issue we are concerned with how residents and land owners are being informed about the proposed zoning change process. We are told that landholders within 500 ft of a property must be informed in advance of public meetings about zoning changes to that property. We have talked with some land owners who declared not receiving notice, while others only received notice the day before or the day of the initial meeting. A member of Municipal staff informed us that publication in a Provincial newspaper is the primary means of notifying the public beyond the immediate area. This seems to us to be a poor use of communications resources in 2022.

We appreciate your attention to these matters and would be happy to discuss them further at any time.

Stephen Peters  
President (2022-2024)  
Rotary Club of Wolfville  
PO Box 101  
Port Williams, NS  
B0P 1T0  
(902) 542-3069  
president@rotaryclubofwolfville.org

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## Laurie-Ann Clarke

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**From:** Joe Lilly  
**Sent:** August 31, 2022 10:52 AM  
**To:** 'Michelle Mailman'  
**Cc:** Laura Mosher  
**Subject:** RE: Re-zoning letter (003)

Hello again Michelle.

Regarding your below request for additional notification, the municipality has policies in this regard surrounding multiple written notices to nearby (500 feet) properties prior to a Public Hearing on an application as well as advertisements in local newspapers.

The municipal website is also a source of information regarding planning applications but due to capacity issues and staff commitments, additional notifications are not provided beyond the above as it can then become a more unwieldy process which can also be confusing for residents in terms of who may or may not receive direct notifications if beyond the 500 feet.

Joe

---

**From:** Michelle Mailman <mailmanmichelle@gmail.com>  
**Sent:** August 30, 2022 5:23 PM  
**To:** Joe Lilly <jlilly@countyofkings.ca>  
**Cc:** Peter Allen <councillor.allen@countyofkings.ca>; Martha Armstrong <councillor.armstrong@countyofkings.ca>; June Granger <councillor.granger@countyofkings.ca>; Tim Harding <councillor.harding@countyofkings.ca>; Joel Hirtle <councillor.jhirtle@countyofkings.ca>; councillor.killiam@countyofkings.ca; Emily Lutz <councillor.lutz@countyofkings.ca>; Lexie Misner <councillor.misner@countyofkings.ca>; Jim Winsor <councillor.winsor@countyofkings.ca>  
**Subject:** Fwd: Re-zoning letter (003)

To all parties,

Please notify me with a 2 week advance notice as to date and time the public hearing will be held regarding this zoning matter at 1299 Ridge Road, since I do not receive the local Advertiser. I can be contacted via phone or email.

Kind regards,

Michelle Mailman  
(902)692-1044  
[mailmanmichelle@gmail.com](mailto:mailmanmichelle@gmail.com)

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## Laurie-Ann Clarke

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**From:** Joe Lilly  
**Sent:** September 27, 2022 11:43 AM  
**To:** 'Sheron Atwell'  
**Cc:** PAC Members  
**Subject:** RE: Rezoning Petition C4 Wolfville Ridge

Good morning Sheron.

Your email and attached files have all been added to the project file and public record. Whenever the application moves forward, these will be made available to the PAC as well.

Just for clarity, the process that any planning application goes through is governed by both Provincial legislation and Municipal policy. Planning departments try to work with any applicant as needed but these laws and policies are what control the planning process and to the best of my knowledge, even prior to my taking over the file, these have been followed and will continue to be.

I also wanted to address one matter you mentioned as there may have been some confusion. I am unsure what your concerns may be regarding rezoning for non-profit organizations, but as I may have mentioned before, no non-profit organization is involved in this application. I can say though, that while any land use zone may be potentially changed in the future, once a zone is established it stays with the land regardless of ownership. If the ownership of any piece of land changes, a zone cannot legally revert to any previous zoning.

If you have any questions, please let me know.

Joe

---

**From:** Sheron Atwell <madeinns@hotmail.ca>  
**Sent:** September 26, 2022 6:58 PM  
**To:** Joe Lilly <jlilly@countyofkings.ca>  
**Cc:** PAC Members <PAC@countyofkings.ca>; Councillors <Councillors@countyofkings.ca>  
**Subject:** Rezoning Petition C4 Wolfville Ridge

I am sorry but my previous attempt would not accept the download the petition document. Old finicky computer issue. (I do have a new one but have not had the time to set it up yet)

Any questions please feel free to ask.

Respectfully,

Sheron Hatt Atwell

Sent from [Mail](#) for Windows

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## Laurie-Ann Clarke

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**From:** Laura Mosher  
**Sent:** August 15, 2022 10:30 AM  
**To:** 'Richard van der Baaren'  
**Cc:** Peter Allen; Joe Lilly  
**Subject:** RE: Richard van der Baaren 11 Highland Ave Wolfville Ridge, Questions About Travis Mills Application File #22-13? or 22-19?

Hi Richard,

Will has left the County of Kings to pursue a different employment opportunity. This file has been re-assigned to Joe Lilly (cc'd on this email) but as it's Joe's first day, I can address your email to get you an answer quickly.

If my recollection serves me correctly, we have only had one rezoning from the Rural Mixed Use (A2) Zone to the Rural Commercial (C4) Zone since the new documents were adopted in 2019. The nature of the file was very different from this file – it was to enable an existing house to be used as a short term rental from time to time. This application was approved by Council. We do not have any applications that were ultimately refused by Council that contemplated an A2 → C4 change.

That being said, Staff's recommendation is based on whether or not the application meets the applicable policies contained within the Municipal Planning Strategy (which can be accessed [here](#)). Generally speaking, Council does discuss the application amongst themselves prior to making a decision and if they refuse an application, they are required to give a reason as to why they believe the application does not meet or carry out the intent of the policies of the MPS.

Please let me know if you would like to discuss further. Thanks,

**Laura Mosher MCIP LPP (She/Her)**  
Manager, Planning and Development Services

181 Coldbrook Village Park Drive, Coldbrook B4R 1B9  
t: (902) 690-6102  
f: (902) 679-0911  
[www.countyofkings.ca](http://www.countyofkings.ca)

---

**From:** Richard van der Baaren <rvb@eastlink.ca>  
**Sent:** August 15, 2022 9:34 AM  
**To:** Will Robinson-Mushkat <wrobinson-mushkat@countyofkings.ca>  
**Cc:** Peter Allen <councillor.allen@countyofkings.ca>  
**Subject:** RE: Richard van der Baaren 11 Highland Ave Wolfville Ridge, Questions About Travis Mills Application File #22-13? or 22-19?

Will

Can you give me an example of a recent/most recent similar application(A2 to C4) in the Municipality of the County of Kings that was denied and a similar application that was passed/allowed.

When an application is voted on, is there a summation of the reasoning behind the decision or is it just a vote with no explanation?

Rick van der Baaren

---

**From:** Will Robinson-Mushkat [<mailto:wrobinson-mushkat@countyofkings.ca>]  
**Sent:** July 29, 2022 4:32 PM  
**To:** 'Richard van der Baaren'  
**Cc:** Peter Allen  
**Subject:** RE: Richard van der Baaren 11 Hlghland Ave Wolfville Ridge, Questions About Travis Mills Application File #22-13? or 22-19?

Hello Richard,

Thank-you for your email and attendance at the meeting last Thursday, please find my responses to your questions below. Should you have additional questions or wish to discuss further, please do not hesitate to call or email me.

Kind regards,

-Will Robinson-Mushkat

---

**From:** Richard van der Baaren <[rwb@eastlink.ca](mailto:rwb@eastlink.ca)>  
**Sent:** July 27, 2022 5:19 PM  
**To:** Will Robinson-Mushkat <[wrobinson-mushkat@countyofkings.ca](mailto:wrobinson-mushkat@countyofkings.ca)>  
**Cc:** Peter Allen <[councillor.allen@countyofkings.ca](mailto:councillor.allen@countyofkings.ca)>  
**Subject:** Richard van der Baaren 11 Hlghland Ave Wolfville Ridge, Questions About Travis Mills Application File #22-13? or 22-19?

Will

I attended the last half of the meeting at the Horton Community Centre.  
I have a few questions and comments.

So, the applicant is applying to change the zoning of the front portion of the lot from A2 to C4 so he can have a office space?

The applicant is applying to change the zoning to permit the use: Building and Construction Contractors, as defined in the Land Use By-law "**Building and Construction Contractors**" means land, a building, or portion of a building used by general purpose and specialized building and construction contractors, including, but not limited to, well drillers, plumbers, carpenters, electricians, heating and air conditioning technicians, **storage**, repair, **preparation** and **other uses related to the operation of the business** as well as residential and commercial cleaning for office uses. The emphasis added is mine.

Is there a definition of the term "office space"?

No. However, there is a definition for Business Office "Business Office means a building or part of a building where persons are employed in the managing, directing, or **conducting a service on behalf of clients** such as a financial institution (bank, insurance agency), a professional office (doctor, dentist, lawyer, engineer, surveyor), a government office, a call centre, or a business office of a non-profit charitable organization, but does not include a medical or dental clinic. Again, the emphasis added is mine.

Does the zoning have to change for him to have a office space?

Yes, for both of the uses listed above (Building and Construction Contractors and Business Office) the zoning would have to change. Neither are permitted uses in the Rural Mixed Use (A2) Zone but both are permitted uses in the Rural Commercial (C4) Zone.

If he gets the zoning change, will he and future owners be able to use the rezoned area for all the activities listed on the handout?

Potentially. However, I will note that many of the permitted uses listed in the Rural Commercial (C4) Zone have special and/or unique conditions attached to them which may preclude permits from being issued for them. Further, the majority of the property is located within a wellfield zone for the Town of Wolfville. There are policy requirements in the MPS that would require approval from the Town of Wolfville prior to permits being issued. It is likely some of the uses listed would not be permitted owing to the wellfield zone – gas bar, just as an example, jumps out at me as a use that may not be permitted in this particular location. I would also note that other than the public agenda, no other handouts were provided to attendees of the PIM by the Municipality.

Perhaps every use would require a new application?

No; provided Council approves the rezoning to the C4 Zone any uses listed as permitted in the zone (provided there were no special conditions and/or were not prohibited or restricted by the wellfield zone) would be permitted without a planning application. They would, however, still be subject to the permitting requirements of the Municipality.

If every use required a new application there would not be a zoning issue if it were already C4?

I am not quite sure what you mean by this question. My understanding is that there was no “pre-zoning” to the C4 Zone. Rather, Council has the ability to rezone properties in rural zones, other than the Agricultural (A1) Zone, to either the Rural Industrial (M3) or Rural Commercial (C4) Zone when an application is submitted, the property and application meet the specific and general criteria, and the application goes through the discretionary approval process.

Rick van der Baaren

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## Laurie-Ann Clarke

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**From:** Joe Lilly  
**Sent:** September 2, 2022 11:28 AM  
**To:** 'Linda Barkhouse'  
**Cc:** Laura Mosher  
**Subject:** RE: Ridge Road zoning change

Good morning Linda and thank you for your comments.

I appreciate your feedback and have copied Laura Mosher (Manager of Planning) on this reply so that she is also aware.

Your email will be added to the record and included in the report to Planning Advisory Committee and Council.

Thank you again.

Joe Lilly

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**From:** Linda Barkhouse <ljbarkhouse2@gmail.com>  
**Sent:** September 2, 2022 11:19 AM  
**To:** Joe Lilly <jlilly@countyofkings.ca>  
**Subject:** Ridge Road zoning change

Hi, I own a property right next to the site asking for a zoning change. My address is 1305 Ridge Road. I am not opposed to the zoning change although it does to some degree affect my enjoyment of my property. I am a bit concerned about the increased noise the change will cause. I have already had months of being awakened between 6 and 6:30 am as Kings County doesn't have a noise bylaw. (This does need to be changed.) Also at the moment the back of the site is very messy and unfortunately is the view I get from my deck. I have been told this will be cleaned up as soon as construction is done so I will try to be patient.

It has come to my attention that Sharon at the end of the street is greatly opposed to this change and unfortunately is spreading some misinformation about her conversation with me regarding the change.

To be very clear... Travis did NOT kill my cat. The cat is alive and well. The cat was injured last summer and came home from the direction of Travis's home but there are other homes in that direction and I have no reason to believe Travis had anything to do with his injury.

Travis did NOT try to force me to sell my property to him. When I mentioned that I might be moving he said he might be interested in buying. I have informed Sharon to stop spreading this misinformation and I want to be sure it in no way impacts the zoning change.

Thank you. Linda Barkhouse

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## Laurie-Ann Clarke

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**From:** Joe Lilly  
**Sent:** September 14, 2022 9:11 AM  
**To:** 'Grant Smith'  
**Subject:** RE: Ridge Road

Good morning Michele.

Your comments have been added to the file record and will appear in the report to planning advisory committee (PAC) along with others.

Unfortunately, no one can predict if or where a planning application may arise for whatever reason but they are all processed in the same manner and based on the same reviews, by-laws and policies.

The status of the rezoning (22-19) application for Ridge Road remains unchanged at present. The PAC meeting for September was cancelled so the next possible date that any application may move forward to PAC would be October 11.

Regards,

Joe

---

**From:** Grant Smith <grantandmichelesmith@gmail.com>  
**Sent:** September 14, 2022 8:12 AM  
**To:** Joe Lilly <jlilly@countyofkings.ca>  
**Subject:** Ridge Road

To Mr. Lily,

I saw this post and think it should be noted. This is the development people on the Ridge want. Not commercial warehouses, or building supply distribution centers. There are other areas already slated for this type of business.

I know myself and my husband who is a landscape architect welcome economic development...when it makes sense and is compatible with our neighborhood. We are an agricultural area. We bought this area for the A1/A2 land around us. We actually did look at zoning maps and asked the county and our agent about provincial and county changes. We were assured that Kings County does not rezone lightly and we hope this remains true. I know we bought into this area in 2019 for this very reason.

Is there any updates on the status of this permit?

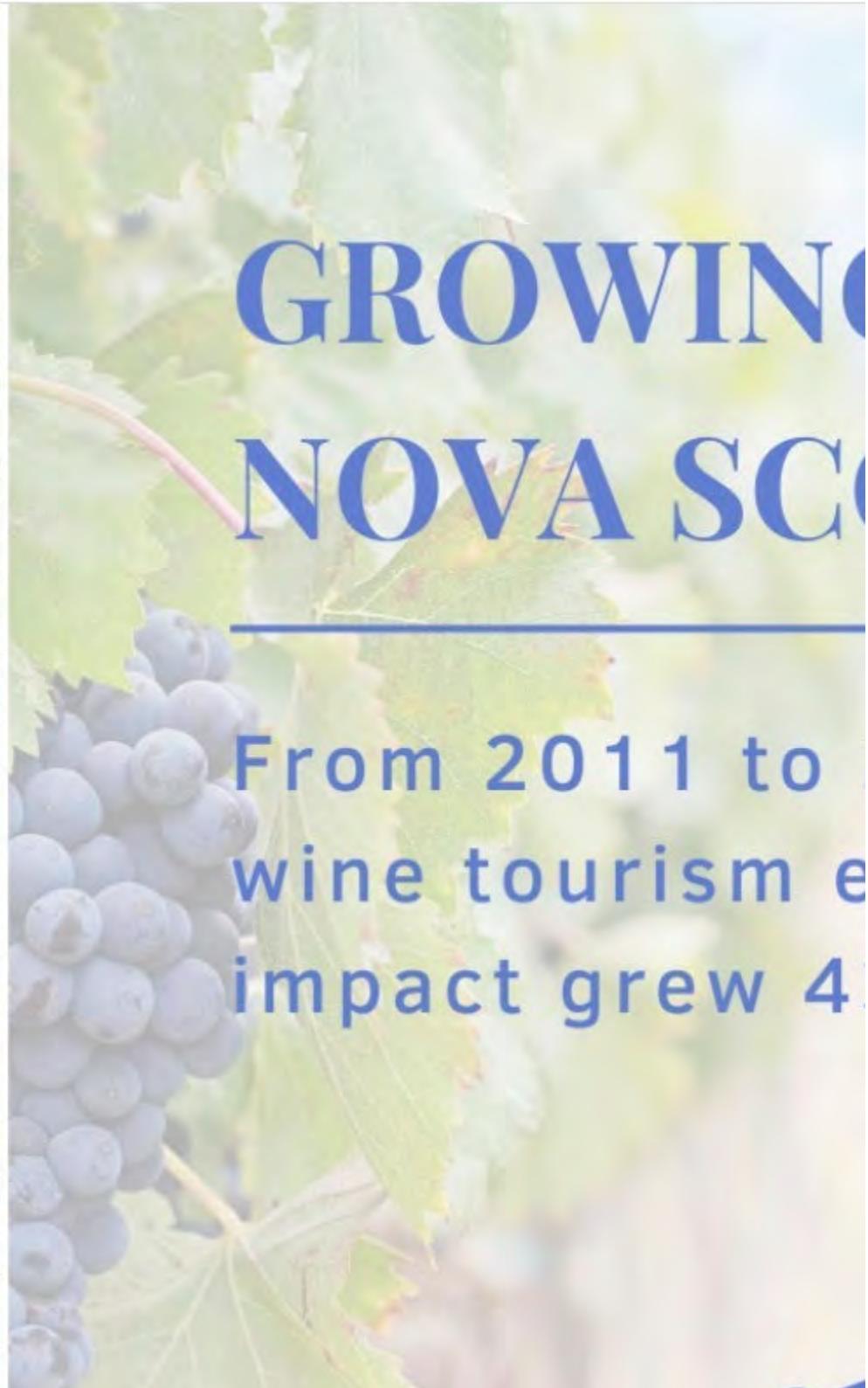
Thank you for your time and consideration.

Regards,  
Michele Smith





**winesofns**



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## Laurie-Ann Clarke

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**From:** Joe Lilly  
**Sent:** September 20, 2022 9:34 AM  
**To:** 'Sheron Atwell'  
**Cc:** Laura Mosher  
**Subject:** RE: Traffic Study /Minister of Public Works

Hi Sheron.

I believe that the planning advisory committee can be reached at [pac@countyofkings.ca](mailto:pac@countyofkings.ca)

In order for communications to be kept clear and on the record please also copy me on any correspondence so it may be added to the file.

Thank you

Joe

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**From:** Sheron Atwell <madeinns@hotmail.ca>  
**Sent:** September 19, 2022 3:10 PM  
**To:** Joe Lilly <jlilly@countyofkings.ca>; Councillors <Councillors@countyofkings.ca>  
**Subject:** FW: Traffic Study /Minister of Public Works

We are asking that you please keep this request confidential. As well Joe could you please provide a single email if possible so we may send information to the PAC. Thank you for this.

Sent from [Mail](#) for Windows

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**From:** [Sheron Atwell](#)  
**Sent:** Monday, September 19, 2022 3:01 PM  
**To:** [correspondencepw@ns.ca](mailto:correspondencepw@ns.ca)  
**Subject:** Date Correction FW: Traffic Study /Minister of Public Works

Sent from [Mail](#) for Windows

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**From:** [Sheron Atwell](#)  
**Sent:** Monday, September 19, 2022 3:00 PM  
**To:** [Sheron Atwell](#)  
**Subject:** RE: Traffic Study /Minister of Public Works

Sent from [Mail](#) for Windows

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**From:** [Sheron Atwell](#)  
**Sent:** Monday, September 19, 2022 2:55 PM  
**To:** [correspondencepw@ns.ca](mailto:correspondencepw@ns.ca)  
**Subject:** Traffic Study /Minister of Public Works

To whom it may concern,

As per my conversation with Meredith Murry on Friday Sept. 16, 22. I am sending this to ask for assistance and a rethinking of a recent traffic study requested by the County of Kings in regards to a rezoning request from A2 to a Commercial C4 zone. ( Travis Mills 1299 Ridge Rd. file numbers 22-13/22-19)

The request for this is two fold, meaning that there are two separate issues but that they are indeed connected. They include from exit 9 (Avonport to West Brooklyn /Melanson River Rd ) through to exit 11 ( Wolfville Ridge/Horton School/Greenwich)

These issues involve in general concerns by all residents regarding the exiting traffic of oversized vehicles, their weights and their widths, their frequency the purpose for their use and speeds for these exits and roads in-between and also additional concerns because of a developers currant attempt to rezone a section of land within this area to a construction supply warehouse/distribution with product coming in from China that will be dispersing to various development sites. Causing more stress to roads and residents along this route.

I have spoke with a civil engineer not connected with the province or county and he looked up some information for me and has shown me that these roads are showing as local roads on the currant provincial map. Yet when I had spoke with the provincial compliance dept., he explained to me that these road were indicted to be classed as "B" roads which would allow the same kind of vehicles currently allowed on the 101. This is confusing! He also feels strongly that our roads are not suitable for what they are being used for.

We are a rural residential area zoned A1 and A2, how can we be expected to accept such a dangerous designation? People live here with children. This area is between two schools, one high school and one elementarily. And a active community with neighbours and family coming and going from each others homes on foot, bicycle, etc. There are bike races and runners, and walkers on a regular basis.

We have poor site lines, corners that do not accommodate large vehicles that are unable to turn easily or safely. We experience accidents on a regulars basis on one corner alone. On average one every two months at least. People are being forced off the road into ditches including myself and others with children because there is not enough room for the large construction vehicles and oncoming traffic.

Transfer trucks are bypassing each other with not a breath between them, huge long construction vehicles are traveling these roads at night going into the area that is trying to be rezoned ( large gravel truck with extra long flatbed attached with heavy construction equipment loaded on the flatbed). Large trucks are also departing from this same location.

Transfer trucks are waiting in front of homes at five in the morning to gain access, containers are already on site, and traffic is being held up from both directions with transfer trucks unloading on the road. Large trucks are having inside sets of double wheels on the payment while their outside wheels are on the shoulder of the road, forcing people off the road. Transfer trucks are honking at seniors with their autistic grandchildren in tow. Autistic children are sound sensitive!

One bicycler has already been killed on this road. Who would be responsible if someone else is injured or dies because the road and the traffic is not compatible? Are the residents no longer aloud to use the road recreationally for pedestrian traffic? In their own neighborhood because it is not safe for them to do so?

Do the school buses need to make other arrangements to drop all the children off in their driveways because it is not safe for them coming home? Does the province need to put in sidewalks to protect us all the way from one exit to the other at least on one side of the road? Will that mean I will lose all the trees I have been protecting for the last twelve years from being cut down?

Who will pay for all of this damage to the roads, the province , the county, the developers, the truckers, Us? My taxes are already outages for a rural area with no services other then garbage pickup once every two weeks, and a road we can not feel safe to be on.

We have some very serious problems between these two exits already, that need to be considered, we can not deal with what this new attempt to bring a fully operation construction supply warehouse to this road and our little community will bring.

We are asking for a comprehensive study of the area. One that will include the needs of the residents as the primary focus of concerns!

We are a agra area and recognize the need for agra vehicles, for passagener vehicles able to come and go freely etc. Agra vehicles use the road according to the need of the season. Their presence varies. And because we support agra we accept them without issue. We are looking for restrictions of weight , width, time of use and speed, and purpose of use !

We look forward to hearing from someone very soon regarding this issue.

One behalf of the Wolfville Ridge C4 zoning opposition committee.

Sheron Hatt Atwell  
1235 Ridge Rd.  
Wolfville Ridge, NS  
B4P 2R1

LAND LINE 9026972085  
CELL (text only) 9026928228

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## Laurie-Ann Clarke

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**From:** Joe Lilly  
**Sent:** September 28, 2022 10:56 AM  
**To:** 'Aunt Sheron'  
**Cc:** PAC Members  
**Subject:** Zoning Definitions

Hello Sheron.

Could you please further explain your concern with products originating in China and Japan?

This has been mentioned several times before and I am not clear on what the issue may be or why it seems to be an issue at all. I can say that where any product may originate is not a factor in this or any other application.

As I stated to Shaji, no warehousing use is being proposed. The proposed use is "Building and Construction Contractors" and storage is permitted under this use. By-law definitions can be found via the link below:

[https://www.countyofkings.ca/upload/All\\_Uplets/Living/services/planning/lub/bylaw/documents/16%20-%20Part%205%20-%20Section%2017%20Definitions.pdf](https://www.countyofkings.ca/upload/All_Uplets/Living/services/planning/lub/bylaw/documents/16%20-%20Part%205%20-%20Section%2017%20Definitions.pdf)

The applicant is also not required to provide a detailed list of what their business storage may entail.

It may be worth noting as well that under the current A2 zoning, uses such as an abattoir and agricultural equipment sales and services would be permitted as of right with no need for a rezoning.

Any landowner may choose to at least attempt to use their property for whichever uses may be permitted under the zoning that their property holds.

Joe

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**From:** Aunt Sheron <auntbaker@msn.com>  
**Sent:** September 27, 2022 6:30 PM  
**To:** Joe Lilly <jlilly@countyofkings.ca>  
**Subject:** RE: Concerns with the C4 Zoning Application on Wolfville Ridge

Hello Joe,

I am replying to your response to Shaji that no warehousing is being proposed, clearly at the information session Mr. Mills stated that he would be bringing product in from China and latter on said to another individual after the meeting perhaps also Japan, and at the meeting itself that he would be filling the warehouse to the rafters. As a matter of fact his friend and neighbor across the street said he could also use her shed if he needed it. (not to be taken seriously of course)

So can you tell me if the C4 will allow for warehousing of his construction material and exactly what does the term warehouse mean to Kings County planning because in my world this is a warehouse for construction material. So will this mean he can not fill the barn with construction material??

And exactly what does “related business storage” refer to? Heavy Equipment, containers, construction material such as flooring, tiles, wall board, lighting, electrical supplies?

Or does this mean storage for other building supply business that have been invited to use his space? Etc.

Mr. Mills has changed his mind several times during the process regarding its purpose, apartments, not apartments, renovation of a livestock barn, to a request for commercial rezoning for ??? There is not doubt that whatever opportunity is permitted in the C4 zoning , once passed it will be fully utilized at any given point. Whatever he is currently saying his intentions are. Mr. Mills and his associates are developers and have one goal in mind, the progression of whatever enables them to develop.

Sheron

Name	City	Province	Postal Code	Country	Signed On
Shaji Zaidi	Wolfville	Local		Canada	8/14/2022
Jana Tamm	Wolfville	Local	B3K	Canada	8/14/2022
Jerusha Young	Wolfville Ridge	Local	B4P 2R1	Canada	8/14/2022
Sophia Forsythe	Kentville	Local	B4N	Canada	8/14/2022
Michele Smith	Wolfville Ridge	Local	B4P	Canada	8/14/2022
Dianne Tubman	Kingston	Local	K7K	Canada	8/14/2022
Ralph Williams	Wolfville Ridge	Local	B4P 2 R1	Canada	8/15/2022
Ben MacCormick	Wolfville	Local	B4P	Canada	8/15/2022
Sheron Atwell	Wolfville	Local	B4P 2R1	Canada	8/15/2022
Kevin Hatt	New Minas	Local	B4N	Canada	8/15/2022
Keltie MacNeill	Wolfville Ridge	Local	B4P 2R1	Canada	8/15/2022
Sarah Acker	Wolfville	Local	B4P	Canada	8/15/2022
Stephanie Tremblay	Kentville	Local	B4N	Canada	8/16/2022
carol doucet	Wolfville	Local	B4P2R1	Canada	8/16/2022
Cindy Trudel	Wolfville	Local	B4P 2R1	Canada	8/16/2022
Elizabeth Charlton	Wolfville	Local	B4P 1E9	Canada	8/17/2022
Rebecca Smith	Wolfville	Local	B4P 1H9	Canada	8/17/2022
Joy Watson	Wolfville	Local	b4p2r1	Canada	8/17/2022
Anna Watson	Wolfville	Local	B4P1Z8	Canada	8/17/2022
otis Gillstrom	Wolfville Ridge	Local	B4P	Canada	8/18/2022
Sonya Forman	Wolfville	Local	B4P 1T2	Canada	8/19/2022
Cathy Fraser	Wolfville	Local	B4P	Canada	8/20/2022
Stephen Anderson	Wolfville	Local	B4P 2R1	Canada	8/23/2022
Jennifer Bush	Wolfville	Local	B4P 2R1	Canada	8/23/2022
linda hughan	wolfville	Local	b4p 2n2	Canada	8/30/2022
Gordon Townsend	Wolfville	Local	B4P 1B7	Canada	8/31/2022
Robert Burke	Wolfville	Local	B4P1X6	Canada	8/31/2022
Winnie Horton	Wolfville	Local	B4P	Canada	8/31/2022
Gregory MacNeill	Wolfville	Local	B4P	Canada	9/2/2022
Shannon Reynolds	Kentville	Local	B4N 5a7	Canada	9/2/2022
Marjorie MacNeill	Wolfville	Local	B4P	Canada	9/3/2022
Kelly Uren	Kentville	Local	B4N	Canada	9/3/2022
Antonio Buttice	Windsor	Local	N9B	Canada	9/4/2022
Norah Folks	Wolfville	Local	B4P	Canada	9/4/2022
Renata Verri	Wolfville	Local	B4P1V6	Canada	9/4/2022
Taunya Kinnie- Sheffield	Middle Sackville	Local	B4C	Canada	9/4/2022
Katharine Baldwin	Wolfville	Local	B4P1V7	Canada	9/4/2022
janice stewart	Wolfville	Local	B4P 2R3	Canada	9/5/2022
Shelly Blackman	Wolfville	Local	B4P 2L8	Canada	9/6/2022
Jody Rhodenizer	Wolfville	Local	B4P 1Y3	Canada	9/8/2022
Karin Kivila	Dublin	Not Local		Ireland	8/14/2022
Teresa McSpurren	Revelstoke	Not Local	V0E2S3	Canada	8/14/2022
Intisab Tahir	Toronto	Not Local	M6C	Canada	8/14/2022
Lenore Black	Markham	Not Local	L3R	Canada	8/14/2022
Willow Auswald	Kitchener	Not Local	N2H 6A7	Canada	8/14/2022
Bradley Stricker	Montreal	Not Local	H3S 1Y7	Canada	8/14/2022
Nichola Bartsch	British Columbia	Not Local	V3M 0J9	Canada	8/14/2022
Keith MacCormick	Gaspereau	Not Local	B4P	Canada	8/14/2022
Ekam Guron	Abbotsford	Not Local	V2S	Canada	8/14/2022
Judy Bruce	Wasaga Beach	Not Local	L9Z 2B1	Canada	8/14/2022
Grant Smith		Not Local		Saudi Arabia	8/14/2022

Michael MacIntyre	Ottawa, ON	Not Local	K1V9Z1	Canada	8/14/2022
sylvia sb	Montreal	Not Local	h2m	Canada	8/14/2022
John Appah	Toronto	Not Local	M3N	Canada	8/14/2022
hamid mehrabi	Montreal	Not Local	h4v2a5	Canada	8/14/2022
Simranpreet Kaur	Surrey	Not Local	V3W	Canada	8/14/2022
asshole should be banned	toronto	Not Local	M1s5t1	Canada	8/14/2022
Matt Dunn	St. John's	Not Local	A1E	Canada	8/14/2022
Todd Meier	Vernon	Not Local	V1T 2L9	Canada	8/14/2022
Scott Nicholson	North Sydney	Not Local	B2a	Canada	8/14/2022
Van Haeften Van Haeften	Toronto	Not Local	6850	Canada	8/15/2022
Ella Gwen	Halifax	Not Local	B3K	Canada	8/15/2022
Kaia Blake	Brampton	Not Local	L7A	Canada	8/15/2022
wilson ogumor	Winnipeg	Not Local	R3T	Canada	8/15/2022
Segun James	Montreal	Not Local	H3N	Canada	8/15/2022
Kim Bailey		Not Local		Canada	8/15/2022
Harleen Kaur	Mississauga	Not Local	L5M 2E1	Canada	8/15/2022
Ethan Valdez	Mississauga	Not Local	L5B	Canada	8/15/2022
Marina NW	Toronto	Not Local	M9N 1J8	Canada	8/15/2022
Anthony Pressick	Meaford	Not Local	N4L1R6	Canada	8/15/2022
Mark Huffman	Welland	Not Local	L3B 5N8	Canada	8/15/2022
Saber Williams	Clinton	Not Local	N0M	Canada	8/15/2022
Doyle Prier	Dundalk	Not Local	N0C 1B0	Canada	8/15/2022
Joan Klatt	Oakville	Not Local	L6H	Canada	8/15/2022
s m	Ottawa	Not Local	K1A	Canada	8/15/2022
Frankie Bee	Toronto	Not Local	M6L	Canada	8/15/2022
Nicolai Herrero	Hamilton	Not Local	L8W	Canada	8/15/2022
Naomi Forrest	Chilliwack	Not Local	V2P	Canada	8/15/2022
Tammy Fenske	Regina	Not Local	S4M	Canada	8/15/2022
Ayo Kayode	Toronto	Not Local	M4P	Canada	8/15/2022
Sarah Johnstone	Orillia	Not Local	L3V 7V5	Canada	8/15/2022
Brittany Meadow	Calgary	Not Local	T3G	Canada	8/15/2022
roland d'amour	Ottawa	Not Local	K2B	Canada	8/15/2022
Tamm Fenske	Regina	Not Local	S4M	Canada	8/15/2022
chris baird	Ottawa	Not Local	K2H	Canada	8/15/2022
Dan Liamg	Surrey	Not Local	V4A	Canada	8/15/2022
Padraig Sullivan	Toronto	Not Local	H2L	Canada	8/15/2022
mark klarenbach	Edmonton	Not Local	T6H 5G5	Canada	8/15/2022
Jacquard Allan	Halifax	Not Local	B3K	Canada	8/16/2022
Kristel Rast	Parksville	Not Local	V9P	Canada	8/16/2022
joanne corkum	Gaspereau	Not Local	B4p	Canada	8/16/2022
vanessa ligington	Ajax	Not Local	L1S	Canada	8/16/2022
Saila Kilabuk	Calgary	Not Local	T3E	Canada	8/16/2022
Amanda Melo	Hamilton	Not Local	L8L	Canada	8/16/2022
Nancy Crouse	Fort Erie	Not Local	L2A3X3	Canada	8/16/2022
Martin Trepanier	Montreal	Not Local	H2G 2Z2	Canada	8/16/2022
Yunia Quintero	Toronto	Not Local	M1l3j1	Canada	8/16/2022
Cheyenne Goehr	Kitchener	Not Local	N2N	Canada	8/16/2022
Rene Ebacher	toronto	Not Local	M6P1V3	Canada	8/16/2022
Lynda Hoogendoorn	Mississauga	Not Local	L5M 6B7	Canada	8/16/2022
Marilyn Cieremans	Gananoque	Not Local	K7G 2V4	Canada	8/16/2022
D Olson	Calgary	Not Local	T3K	Canada	8/16/2022
Merlina Sullivan	STURGEON COUNTY	Not Local	T8R 2C5	Canada	8/16/2022

ELENA Lurie	Toronto	Not Local	M2H3C2	Canada	8/16/2022
Holly Kruger	Stratford	Not Local	N5A	Canada	8/16/2022
Gursimran Dhaliwal	Edmonton	Not Local	T6T 1Y7	Canada	8/16/2022
Jaskaran Kaur	Chilliwack	Not Local	V2P	Canada	8/16/2022
Pam Matthews	Halifax	Not Local	B3H	Canada	8/16/2022
Susana Muñoz	Madrid	Not Local	28019	Spain	8/16/2022
vimalpreet kaur	Surrey	Not Local	V3R	Canada	8/16/2022
Ash Notputtingmylastname	Sturgeon Falls	Not Local	P2B	Canada	8/16/2022
Sandeep Samra	Brampton	Not Local	L6R	Canada	8/16/2022
Harmanpreet Kaur	Surrey	Not Local	V3T 2Z1	Canada	8/16/2022
Manssi Ratte	Abbotsford	Not Local	V2S	Canada	8/16/2022
Taagen Gaines-Benner	Victoria	Not Local	V8P	Canada	8/16/2022
Mark Belanger	Nanaimo	Not Local	V9T 2H2	Canada	8/16/2022
Ozgur Guney	Montréal	Not Local	H7N5N2	Canada	8/16/2022
Elly English	Surrey	Not Local	V3Z	Canada	8/16/2022
Carter Rushton	Vancouver	Not Local	V5R	Canada	8/16/2022
Tamana Powar	Edmonton	Not Local	T6L	Canada	8/16/2022
Kerry Mewhort	Oliver	Not Local	VoH 1T0	Canada	8/16/2022
bronwen evans	vancouver	Not Local	98101	Canada	8/16/2022
Debbie Kea	Strathmore	Not Local	T1P1J6	Canada	8/16/2022
Frankie B. Wylde	Newmarket	Not Local	L3Y3B3	Canada	8/17/2022
Rosemarie Roy	Saint John	Not Local	E2L	Canada	8/17/2022
Angel Woytovich	Toronto	Not Local	M3J	Canada	8/17/2022
Andrea Jensen	Calgary	Not Local	T3J 1P1	Canada	8/17/2022
Denise Smith	Ellershouse	Not Local	B0N	Canada	8/18/2022
Marlene Frame	Halifax	Not Local	B3H	Canada	8/18/2022
Esther Klein	Pickering	Not Local	L1V	Canada	8/18/2022
Nadia Islam	Halifax	Not Local	B3H	Canada	8/19/2022
Lynda Corkum	Halifax	Not Local	B3K	Canada	8/19/2022
Maryanne Porter	Dartmouth	Not Local	B3A	Canada	8/19/2022
Jill Edgar	Foothills	Not Local	T1S 3B2	Canada	8/19/2022
Shahzeena Khan	Woodbridge	Not Local	L4H	Canada	8/19/2022
Carol Hunt	Conception Bay South	Not Local	A1W 4K4	Canada	8/19/2022
Devon Nully	Yarmouth, NS	Not Local	B2W	Canada	8/19/2022
Ayesha Shaikh	Toronto	Not Local	M1b2h1	Canada	8/19/2022
Joanna Wine	Dartmouth	Not Local	B2W 4S5	Canada	8/19/2022
Yoram Elharrar	Vancouver	Not Local	V6Z	Canada	8/19/2022
Mike Camp	Edmonton	Not Local	T6M 0G2	Canada	8/19/2022
Rachel Steeves	Lawrencetown	Not Local	B2Z	Canada	8/20/2022
C de S	Waterloo	Not Local	N2L	Canada	8/23/2022
Shier Sabuelba	Toronto	Not Local	M6p4b1	Canada	8/23/2022
Faith Wyant	Toronto	Not Local	M4G3M2	Canada	8/23/2022
Leslie Blanchard	Cowansville	Not Local	j2k 1I2	Canada	8/23/2022
Peter Geller	Peterborough	Not Local	K9H0A8	Canada	8/23/2022
Igor Peshkov	Coquitlam	Not Local	V3K 3W3	Canada	8/23/2022
Gabrielle Doucet	Calgary	Not Local	T2Z 3S5	Canada	8/23/2022
Rebecca Beaton	Aurora, Ontario	Not Local	L4G-1Z9	Canada	8/23/2022
Connor Laine	London	Not Local	N5X	Canada	8/23/2022
Barb Macuch	Saint Albert	Not Local	T8N 4S3	Canada	8/23/2022
karl shushkovsky	calgary	Not Local	T2X 1G2	Canada	8/23/2022
Morgan Rasmussen	Lethbridge	Not Local	T1K	Canada	8/23/2022
Annika Siemens	Bawlf	Not Local	T0B	Canada	8/23/2022

Ellie Colivas	Richmond Hill	Not Local	L4C	Canada	8/23/2022
Judith McMasters	Canmore	Not Local	T1W	Canada	8/23/2022
Gary Williams	Niagara on the Lake	Not Local	LOS1J0	Canada	8/23/2022
Christopher Stimson	Akron	Not Local	44313	Canada	8/23/2022
Lesley-Jane Butters	Halifax	Not Local	B3H 3S5	Canada	8/25/2022
Sarah Trask	QuÃ©bec	Not Local	G1K	Canada	8/31/2022
Brad Jones	Edmonton	Not Local	T6W 1E7	Canada	9/2/2022
MHD Jamal Koly	Toronto	Not Local	M4C	Canada	9/2/2022
Danielle Delorme	Winnipeg	Not Local	R2N	Canada	9/2/2022
J Simpson	ON	Not Local	P2N 2S7	Canada	9/2/2022
Reesa Bruce	Strathmore	Not Local	T1P 1K1	Canada	9/2/2022
pouya sharifi	London	Not Local	N6H 4V3	Canada	9/2/2022
Annie A	Surrey	Not Local	V3R1Z7	Canada	9/2/2022
Brenda Bressette	London	Not Local	N6J	Canada	9/2/2022
Lau Bea	Quebec	Not Local	J4H	Canada	9/2/2022
Robbie Brar	Brampton	Not Local	L6P	Canada	9/2/2022
Michelle Pollard	Scarborough	Not Local	M1E	Canada	9/2/2022
Tanzila Shaikh	North York	Not Local	M1k	Canada	9/2/2022
Brianne Henderson	Halifax	Not Local	B3M	Canada	9/2/2022
Brianna Atkinson		Not Local		Canada	9/2/2022
William Milner	Ottawa	Not Local	K1N 6H3	Canada	9/2/2022
Gordon Leite	Winnipeg	Not Local	R2C0T8	Canada	9/2/2022
Farzana Naeem	Toronto	Not Local	M4E	Canada	9/2/2022
Ann McRuvie	Caledon	Not Local	L7e 1h9	Canada	9/2/2022
tim shaw	Calgary	Not Local	t2a0a8	Canada	9/2/2022
Stephen Stewart	Hamilton	Not Local	L8K 5J6	Canada	9/2/2022
Malcolm Weatherston	Langley	Not Local	V1M3E3	Canada	9/2/2022
Jonathan Nayler	Madoc	Not Local	K0K	Canada	9/2/2022
Hilary Brown	Seeley's Bay	Not Local	K0H 2N0	Canada	9/3/2022
C Sonke	Guelph	Not Local	N1E	Canada	9/3/2022
M.G. Bown-Orr	Vancouver	Not Local	V6G2X9	Canada	9/3/2022
Claire Sanchez	Calgary	Not Local	T3J	Canada	9/3/2022
Danny Li		Not Local		Canada	9/3/2022
Lyubov Nikitayeva	Toronto	Not Local	M3H5X6	Canada	9/4/2022
Abdul Fatah	Nepean	Not Local	K2J	Canada	9/4/2022
Breanne Llewellyn	Halifax	Not Local	B3M	Canada	9/4/2022
Brett Leary	Pakenham	Not Local	K0A2X0	Canada	9/4/2022
Ray Rowe	Calgary	Not Local	T3J	Canada	9/4/2022
Suu Yang	Toronto	Not Local	M4M 3B4	Canada	9/4/2022
Garnet Greipl	Olds	Not Local	T4h1p8	Canada	9/4/2022
Alex Davies	Langley	Not Local	V3A	Canada	9/4/2022
Richard Hewlett	Surrey	Not Local	V3R	Canada	9/4/2022
Jane Armstrong	New Westminster	Not Local	V3L 5V6	Canada	9/4/2022
John Haczewski	Delta	Not Local	V4C 5T9	Canada	9/4/2022
chris williamson	Port Perry	Not Local	I9l1b4	Canada	9/4/2022
Margery Mason		Not Local		Canada	9/4/2022
Rhonda Tucker		Not Local		Canada	9/4/2022
Stéphane Fernandes	Scarborough	Not Local	M1S	Canada	9/4/2022
Katherine Herrera	Saint-Lambert	Not Local	J4R1w4	Canada	9/4/2022
Rima El-Zoor	Ottawa	Not Local	K1k 1k1	Canada	9/4/2022
Amel Abelsayed	Bradford West Gwillimbury	Not Local	L3Z0A3	Canada	9/4/2022
Basra Noor	Mississauga	Not Local	L4Z	Canada	9/4/2022

Ryan Sorenson	Vancouver	Not Local	V5Z	Canada	9/4/2022
Debbie Freeman	Halifax	Not Local	B3R	Canada	9/4/2022
Sulaiman Islam	Toronto	Not Local	M9R	Canada	9/4/2022
Tara Sharma	Brampton	Not Local	L6Z	Canada	9/4/2022
Christine Bray	Kelowna BC	Not Local	V4T 2X5	Canada	9/4/2022
Fran Storms	Burnaby	Not Local	V3N	Canada	9/4/2022
Elyse Fortuna	Montréal	Not Local	H9C	Canada	9/4/2022
june bullied	Toronto	Not Local	m6p 2s2	Canada	9/4/2022
Victoria Pitchford	Toronto	Not Local	M1R1R5	Canada	9/4/2022
Shawna Lernowicz	Winnipeg	Not Local	R2J3Z8	Canada	9/4/2022
Brandi Fawcett	Little Britain	Not Local	K0M 2C0	Canada	9/4/2022
Angelica Barth	Reging	Not Local	S4P 1P6	Canada	9/4/2022
Elizabeth miller	Stirling	Not Local	k0k3e0	Canada	9/4/2022
farwa wajahat	Saskatoon	Not Local	S7J3E3	Canada	9/4/2022
Sanil Sharma	Ancaster	Not Local	L9k0e2	Canada	9/4/2022
Donna Smith	Toronto	Not Local	M4L 2M3	Canada	9/4/2022
Mark Kerluke	Slave Lake, AB	Not Local	T0G 2A1	Canada	9/4/2022
Aryanna Shams	Cochrane	Not Local	T4C	Canada	9/5/2022
Zainab Ali	Calgary	Not Local	T2Y 3j4	Canada	9/5/2022
Shannon Vaughan	Caledon	Not Local	L7C 3S9	Canada	9/5/2022
Yousuf Shariq	Edmonton	Not Local	T6J	Canada	9/5/2022
Saifur Syed	Stouffville	Not Local	L4A	Canada	9/5/2022
anna edmondson	Sechelt	Not Local		Canada	9/5/2022
Karley Walker	Sidney	Not Local	V8L	Canada	9/5/2022
Johanne Bolduc	Laval	Not Local	J7J 0S4	Canada	9/5/2022
Eric De Loor	Victoria	Not Local	V9A 4N6	Canada	9/5/2022
timi wood	Ottawa	Not Local	K1S	Canada	9/5/2022
Donna Dupuis	Thamesville	Not Local	N0p2k0	Canada	9/5/2022

# Preserve Agricultural Land on Wolfville Ridge!



[Shaji Zaidi](#) started this petition

Wolfville Ridge is located just South, a short walk up the slope from the town of Wolfville, Nova Scotia. In addition to some of the more breathtaking views of the Gaspereau Valley, it consists of a very supportive community of residents and farmers. Many of them have been there for generations. Except for a community church and the historic Ridge Stily Park all of the land is designated and, in many ways, protected as agricultural (A1/A2).

Recently a 10-acre parcel located at 1299 Ridge Road was purchased by an outside investor from Toronto who is intending to use this location to warehouse and possibly wholesale their building and construction materials from this location. To serve this purpose, this investor has submitted an application to turn this agricultural land to an industrial zoning (C4).

As a Wolfville Ridge community, we are extremely disturbed about having an industrial operation run out of our agricultural community! The lorry traffic and other industrial activity will have a severe impact on our small farming community; it will pollute our environment; and a shift like this will set a precedence for other land to be converted for industrial operations!

Please help us to stop the conversion of agricultural land on Wolfville Ridge to industrial land. This will destroy our small farming community!

I am writing to you today to share the opinions of the Rotary Club of Wolfville's members concerning possible zoning changes to the property at 1299 Ridge Road (PID 55190854). The Club has owned land in this area for a number of years, operating as Stile Park and an adjacent actively farmed agricultural property. The agricultural land was sold recently to an individual who has planted a vineyard with future intentions to operate a winery. We feel that these activities are very much in keeping with the agricultural and residential nature of this property and its surroundings. We are very concerned that the zoning changes being proposed and the activities mentioned by the owners are of an industrial nature not in keeping with the quiet enjoyment of current residents, and would be much more appropriate to an industrial park setting, such as the one found in the Kentville Business Park.

As a secondary issue we are concerned with how residents and land owners are being informed about the proposed zoning change process. We are told that landholders within 500 ft of a property must be informed in advance of public meetings about zoning changes to that property. We have talked with some land owners who declared not receiving notice, while others only received notice the day before or the day of the initial meeting. A member of Municipal staff informed us that publication in a Provincial newspaper is the primary means of notifying the public beyond the immediate area. This seems to us to be a poor use of communications resources in 2022.

We appreciate your attention to these matters and would be happy to discuss them further at any time.

Stephen Peters  
President (2022-2024)  
Rotary Club of Wolfville  
PO Box 101  
Port Williams, NS  
B0P 1T0  
(902) 542-3069

**Appendix F: Draft Land Use By-law Map Amendment (By-law 106)**

**THE MUNICIPALITY OF THE COUNTY OF KINGS**

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

**Rezone a portion the property at 1299 Ridge Road, Wolfville Ridge from the Rural Mixed Use (A2) Zone to the Rural Commercial (C4) Zone.**

**BY-LAW 106 Land Use By-law**

1. Amend Map 13 by adjusting the zone boundary to rezone a portion of PID 55190854, from the Rural Mixed Use (A2) Zone to the Rural Commercial (C4) Zone, as shown on the inset copy of a portion of Map 13 below.





MUNICIPALITY of the  
COUNTY of KINGS

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

Development Agreement to permit five Recreational Cabins at 1439 Baxters Harbour Road, Baxters Harbour. (File #21-27)

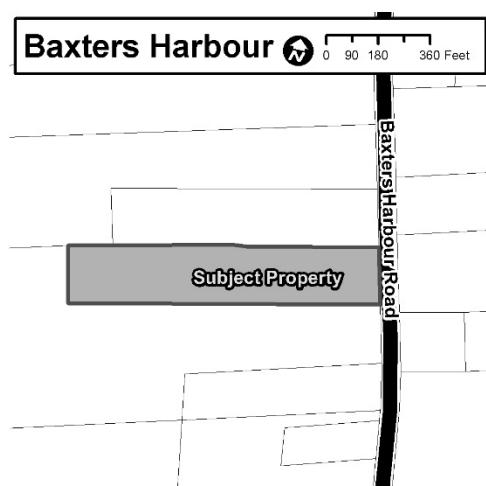
October 11, 2022

Prepared by: Planning and Development Services

<b>Applicant</b>	Dwayne Mailman
<b>Land Owner</b>	Deborah Ann Mailman and Dwayne Raymond Mailman
<b>Proposal</b>	Development agreement to permit 5 recreational cabins
<b>Location</b>	1439 Baxters Harbour Road, (PID 55011332) Baxters Harbour
<b>Lot Area</b>	5 acres or 217,800 square feet
<b>Designation</b>	Shoreland and Agricultural designations
<b>Zone</b>	Tidal Shoreland (T1) and Rural Mixed Use (A2)
<b>Surrounding Uses</b>	Rural Residential uses and forested land
<b>Neighbour Notification</b>	12 letters were sent to property owners within 500 feet of the subject property

### 1. PROPOSAL

Dwayne Mailman has applied for permission to locate five recreational cabins on a 5-acre property in Baxters Harbour that he co-owns with Deborah Mailman. The co-owners have one existing cabin on the property (1439 Baxters Harbour Road, shown below) and are looking to phase the development of up to 4 additional cabins to rent as short-term tourist accommodations in Baxters Harbour which is increasingly popular as a coastal tourism destination.



## **2. OPTIONS**

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

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

## **3. 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 Initial Consideration to and hold a Public Hearing regarding entering into a development agreement to permit up to five recreational cabins at 1439 Baxters Harbour Road (PID 55011332) which is substantively the same (save for minor differences in form) as the draft set out in Appendix D of the report dated October 11, 2022.**

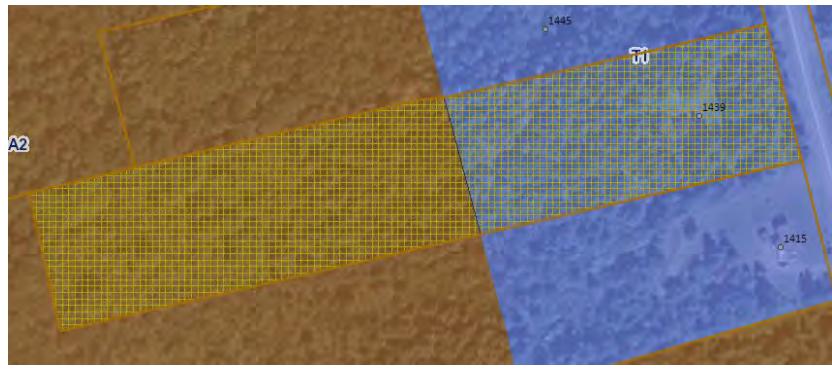
## **4. BACKGROUND**

The subject property had a seasonal dwelling on it for many years and was recently replaced with a new cabin in 2020 by the current owners. The applicant has rented this cabin to visitors in the past and wants to provide additional cabins to accommodate the growing demand for visitor-oriented accommodations in the region.

Two recreational cabins are permitted as-of-right when a property in the Rural Mixed Use (A2) Zone has a main dwelling. If a land owner wants to build 5 cabins on one property, a development agreement can be used to consider site-specific layout and buffering details.

## 5. SITE INFORMATION

The subject property is located in the coastal community of Baxters Harbour and is split-zoned Tidal Shoreland (T1) in the front portion, and zoned Rural Mixed Use (A2) in the rear. The property is approximately 200 feet wide and over 1000 feet deep, totaling 5 acres in size. Most of the property is forested with a small cleared area around the existing recreational cabin. The proposed layout of the subject property would utilize the existing driveway and maintain at least 50 feet of setback between the new cabins and all property lines.



### Public Input

Staff held a Public Information Meeting regarding a rezoning to the Commercial Recreation (P1) Zone to permit the requested number of cabins. This planning application began as a rezoning but became a development agreement after hearing from the community about the open ended aspects of a rezoning. Staff also received a letter from the land owner to the south (Appendix B) who was concerned with the proximity of the proposed recreational cabins and the possibility of noise and other disturbances.

Following the concerns heard from the community and the adjacent neighbours, Staff and the applicant discussed a development agreement option that would enable recreational cabins to be built and offer some more certainty about the location and form of development for those who live nearby. An increased setback, to a minimum of 50 feet was achieved to help provide more separation between the adjacent properties.

During the public consultation, Staff also heard concerns of worsening parking problems near the beach and members of the community felt that more rental accommodations may contribute to the existing parking problems. Staff recognise parking near the beach is a community issue but were unable to address this within the scope of this planning application, and do not expect a significant worsening with the potential for 5 cabins on the subject property.

## 6. POLICY REVIEW – DEVELOPMENT AGREEMENT

### Land Use By-law

The proposed recreational cabins can be considered by development agreement as enabled in Section 9.5.5 of the LUB. This section of the LUB lists the uses that can be considered by development agreement within the Tidal Shoreland (T1) Zone:

### ***LUB 9.5.5 Uses Considered by Development Agreement***

*Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Tidal Shoreland (T1) Zone:*

- (a) Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy;*

The subject property is split-zoned and a portion of it falls in the Rural Mixed Use (A2) Zone. The proposed recreational cabins can also be considered by development agreement as enabled in Section 8.4.5 of the LUB. This section of the LUB lists the uses that can be considered by development agreement within the Rural Mixed Use (A2) Zone:

### ***LUB 8.4.5 Uses Considered by Development Agreement***

*Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Rural Mixed Use (A2) Zone:*

- (a) Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy. ...*

## **Municipal Planning Strategy**

### **6.1.1 Enabling Policy and Criteria**

The Municipal Planning Strategy includes a policy that can accommodate proposals for visitor-oriented uses by development agreement.

**MPS 2.5.13** consider only by development agreement within the Agriculture, Resource, and Shoreland Designations, with the exception of in the Agricultural (A1) Zone, proposals for visitor-oriented developments not permitted as-of-right. In evaluating development agreements, Council shall be satisfied that:

- (a) the proposal is oriented to visitors or the travelling public, such as, but not limited to, lodging, restaurants, events venues, or other type of special attractions;*
- (b) the subject property has a lot area that can appropriately accommodate the proposed use, any accessory uses and structures, parking areas and required infrastructure;*
- (c) the site facilities are adequately buffered and/or separated from surrounding residential dwellings (other than a residential dwelling occupied by the operator) to mitigate negative impacts associated with noise, light, and other visual impacts;*

The proposal is a visitor-oriented development that offers lodging in a popular tourist destination community. The subject property is wooded and the proposed recreational cabins are separated from

neighboring properties with a 50 foot setback. The recreational cabins and facilities will be positioned along the length of the long property. The 50 foot setback is a minimum area to help provide separation with neighbors and mitigate impact from noise, light and other activity.

### **MPS Shoreland Objectives**

The MPS Objectives in the Shoreland area aim to provide opportunities for outdoor recreation, which are plentiful in the community of Baxters Harbour, where the proposed accommodations would support guests in the coastal community.

*Economic Development Goal: To provide opportunities for tourism development in shoreland areas; and To provide flexibility for local development in coastal communities.*

*Healthy Communities Goal: To provide opportunities for outdoor recreation and To encourage stewardship of lake health.*

### **MPS Agricultural Designation Objectives**

The property is split into two future land use designations, and the back half of the property is located within the Agricultural Designation.

*Rural and Natural Areas: To maintain the rural character of the landscape; and To protect sensitive natural features.*

The MPS Objectives in the agricultural area are focused on agriculture and innovation in related industries. The additional objective above relates to maintaining rural character, which the proposed development achieves by using a 50 foot setback and only permitting 5 cabins on the 5 acre property which is not out of character with typical rural residential development across the Municipality.

#### **6.1.2 General Development Agreement Criteria**

Municipal Planning Strategy section 5.3.7 contains the general criteria used to consider all development agreement proposals. 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 Municipal Planning Strategy (see Appendix C for more detail).

It is Staff's opinion that the proposal meets the general criteria in that it will not result in any direct costs to the Municipality, raises no traffic concern from the provincial road authority and is compatible with the surrounding rural development pattern. The proposal will be serviced by a private sanitary septic system and water well and can meet these general criteria – more detailed review as Appendix C.

## **7. SUMMARY OF DRAFT DEVELOPMENT AGREEMENT**

The draft development agreement is attached as Appendix D to this report. The main content of the development agreement enables the land owner to build a total of five recreational cabins on the 5 acre subject property in Baxters Harbour. The development agreement requires compliance with provincial regulations for wells and septic systems. The agreement also requires a 50 foot setback for all development that will provide additional separation between the recreational cabins and neighbouring properties.

## **8. CONCLUSION**

The draft development agreement permits 5 recreational cabins on a 5 acre property, with a minimum 50 foot setback to help separate the cabins from neighbours. The proposal is consistent with the goals of supporting tourism and visitor-oriented opportunities and in areas with eco-tourism opportunities, like in Baxters Harbour. The proposed development agreement can meet the specific and general Development Agreement criteria as a result; a positive recommendation is being made to the Planning Advisory Committee.

## **9. APPENDICES**

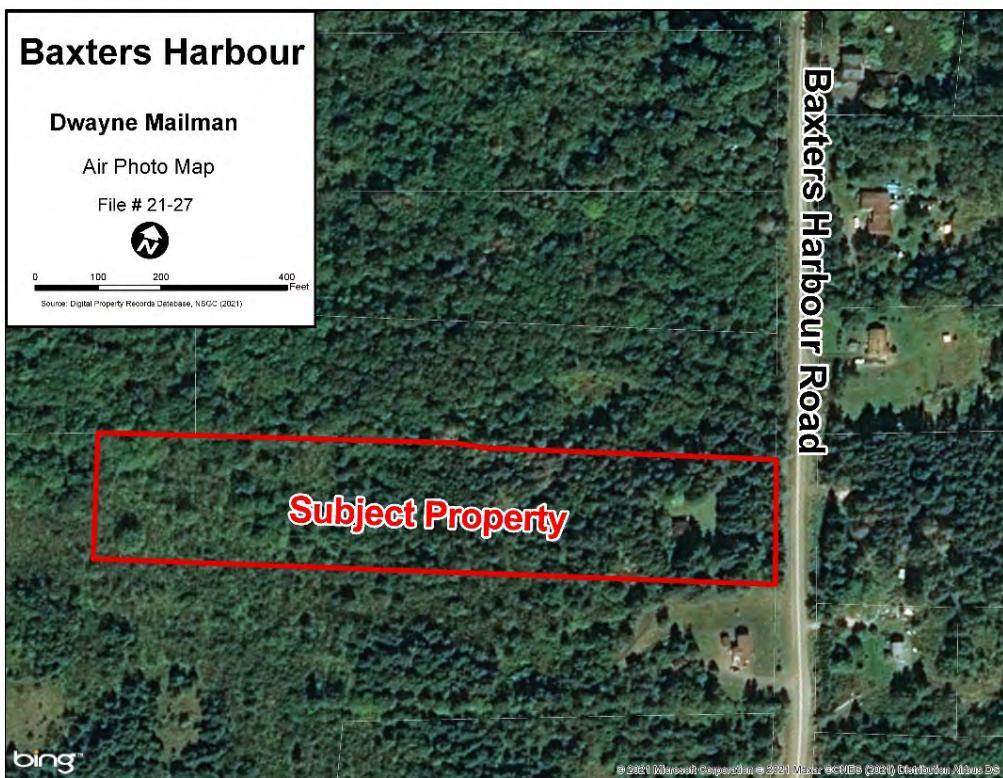
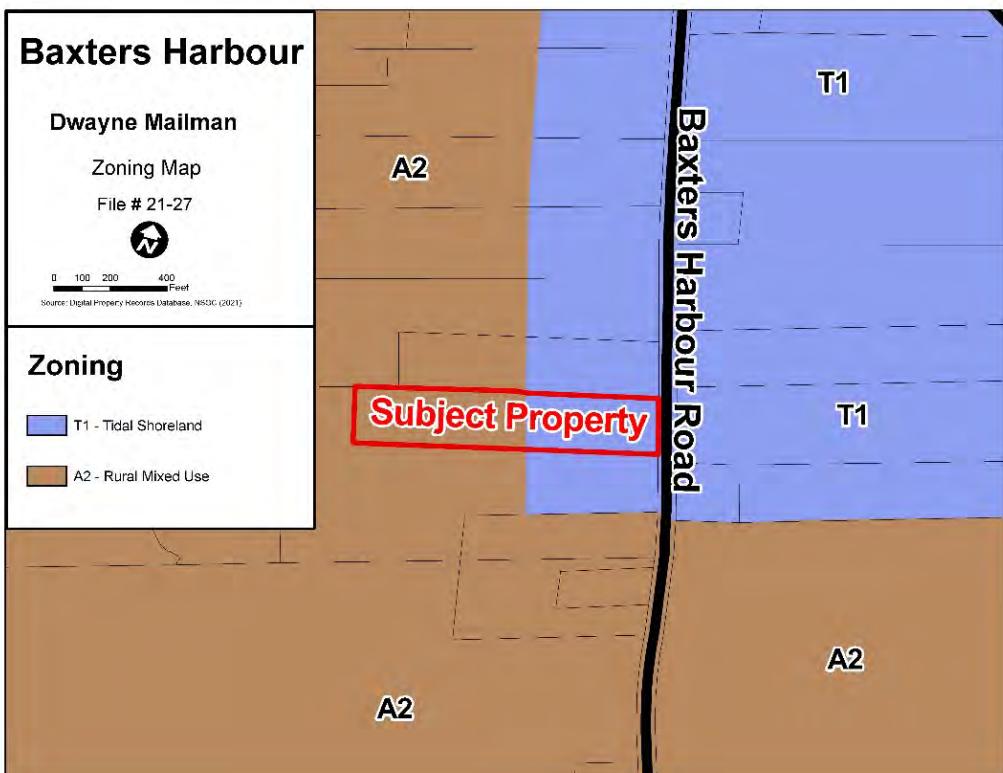
Appendix A: Maps

Appendix B: Public Comments

Appendix C: General Development Agreement Criteria

Appendix D: Draft Development Agreement

## Appendix A: Maps



## Appendix B: Public Comments

- Staff received several phone calls from land owners in the community of Baxters Harbour regarding the existing parking problem near the beach. These comments were related to the possibility of additional tourist accommodations. The proposal is required to provide parking for their guests and not permitted to park on the street. The parking problems experienced by residents of the community are not addressed through this development agreement.
- Staff discussed the proposal multiple times with the owners of the adjacent parcel at 1415 Baxters Harbour Road who had concerns with noise and proximity of the proposed development. Emails and a letter received are included below.
- **Letter from the Baxters Harbour Community Association:**



March 21st, 2022

Planning and Development Services  
Mark Fredericks - Planner  
181 Coldbrook Village Park Drive  
Coldbrook, Nova Scotia  
B4R 1B9  
[\(mfredericks@countyofkings.ca\)](mailto:mfredericks@countyofkings.ca)

Dear M. Fredericks,

I am reaching out to you today representing Baxter's Harbour Community Association in regards to File #21-27 on the proposed rezoning of the property of 1439 Baxters Harbour Rd from Tidal Shoreland (T1) designation to Commercial Recreation (P1) zone, this to accommodate a campground development.

As a community association, we wish to highlight the concerns of the people who call this community home and who care deeply about this place. One of our main concern at this time is to accommodate the dramatic increase in visitor traffic to our beaches while preserving the rustic beauty inherent to this land and quality of life of its residents.

Any commercial development of scale having a potential to exacerbate this current condition should be approached with community concerns in mind. Those have been expressed to Kings County Municipality Planning Advisory Committee through correspondance on August 9th, 2021.

We therefore request to be included in further discussions pertaining to this particular project and be included in the decision making process.

Thank you for your consideration Mr Fredericks.

Please accept my best regards,

Andrée-Anne Bédard  
*On behalf of Baxters Harbour Community Association*

**Letter from Adjacent Neighbour - Part 1**

February 22, 2022

Mark Fredericks, GIS Planner  
Municipality of the County of Kings

Re: File #21-27 Application to rezone the property at 1439 Baxters Harbour Road

Dear Mark:

Following please find our comments on this proposal. As you know, my wife Sharlene and I live in the house immediately south of the property in the rezoning proposal. Our bedroom is on the north side of our house, approximately 75' from the property line. We purchased this house in 2017 and quite frankly, we're not sure we would have proceeded with our purchase had we known there was the possibility of a campground being established next door. It was important to us to live in a rural area with quiet neighbours.

My first observation is that I'm not sure the property in question actually meets the standard for rezoning. As identified in 11.3.3(b) (Zone Requirements) under Commercial Recreation (P1) Zone, campground property shall have a minimum lot frontage of 200'. Using the Measure tool on both the Public Atlas page of the County website and a similar tool found at [viewpoint.ca](http://viewpoint.ca), I measured less than 200'. We understand there may be discrepancies between online maps and actual survey pins but we would suggest this point requires clarification.

Assuming the property at 1439 is not disqualified by rule, our major concern is potential noise disturbance from campers but we're also wary of possible trespass onto our property, as it borders 1439 on two sides. As you mentioned, zoning requirements mandate a minimum 40' setback from the property line and depending on campground layout, we don't know if that would be enough to ensure our privacy. Minimum setback could mean that campers are only 35 meters from our bedroom. The space between the two lots has some growth on it at this time but there are large swathes with little or no vegetation.

We don't know what kind of effect a campground next-door might have on property value or resale potential and this is a concern to us. We love Nova Scotia but have no family in the immediate area

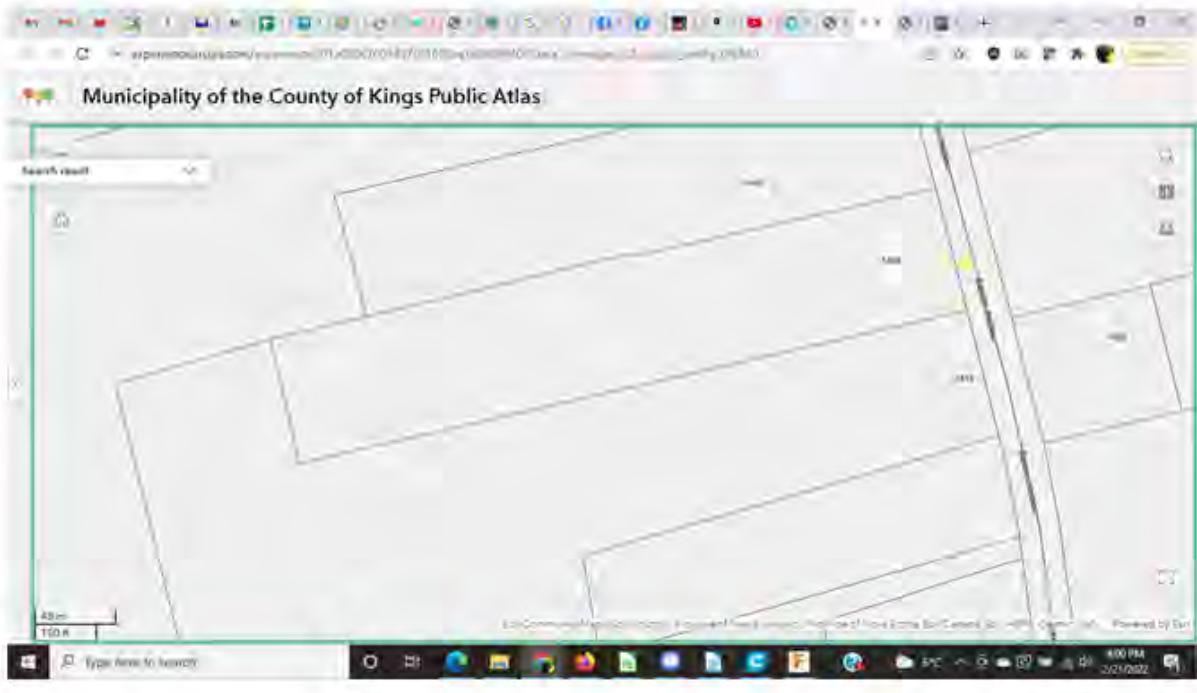
and we know that at some point as we age, we'll probably have to try to sell this house in order to move on. A campground implies a noisy environment, especially in summer when people like to spend time outside. We're afraid that we might be handicapped in this effort by something that changed after we purchased our home.

We would appreciate if you could keep us apprised of any developments.

Sincerely,

Frank & Sharlene John  
1415 Baxters Harbour Road  
Canning, NS B0P1H0

Ref.: [https://www.countyofkings.ca/upload/All\\_Uploads/Information/draftmps/zoning/P1%20-%20Commercial%20Recreation%20Zone.pdf](https://www.countyofkings.ca/upload/All_Uploads/Information/draftmps/zoning/P1%20-%20Commercial%20Recreation%20Zone.pdf)



- Following the concerns heard from the community and immediate neighbours, staff and the applicant discussed a development agreement option that would provide the requested cabins and ensure some certainty about the locations and form of development for those who live nearby.

- **Letter from Adjacent Neighbour - Part 2**

Hi Mark,

This seems a lot more reassuring in that it's not open-ended. Cabins spread out along the length of the property would probably minimize potential noise and other disturbances. Thanks for keeping us apprised and we appreciate your help.

Frank

On Fri, Jun 24, 2022 at 4:20 PM Mark Fredericks <[mfredericks@countyofkings.ca](mailto:mfredericks@countyofkings.ca)> wrote:

Hi Frank and Shari,

We have been working with the applicant on the proposed development next to your home in Baxters Harbour. The direction of the project has been guided away from a campground rezoning, and into a development agreement that will help ensure the location and form of future development.

The draft development agreement accommodates up to 5 cabins total on the property (1 existing cabin plus 4 additional cabins). The location of these cabins would be positioned with a large wooded setback (75 feet minimum) along the side yard where the property abuts yours, and the future cabins would be spread out along the length of the property.

Please let me know if you have any comments or questions, and whether this arrangement feels more comfortable as an adjacent neighbour.

Thanks

**Mark Fredericks**

GIS Planner 902-690-6276

Planning and Development Services

MUNICIPALITY OF THE COUNTY OF KINGS

## APPENDIX C – General Development Agreement Criteria

### **Policy 5.3.7**

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

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

Criteria	Comments
<i>a. is consistent with the intent of this Municipal Planning Strategy, including the Vision Statements, relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;</i>	Consistent with the intent of Shoreland and Agricultural areas to be developed carefully and provide opportunities for tourism in coastal communities. The ability to consider visitor-oriented developments is also enabled in the Agricultural designation.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	No conflict with programs or by-laws.
<i>c. that the proposal is not premature or inappropriate due to:</i>	
<i>i. the Municipal or village costs related to the proposal;</i>	The proposal does not involve any development costs to the Municipality.
<i>ii. land use compatibility with surrounding land uses;</i>	50 foot setbacks can help minimize conflict with nearby residential uses.
<i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>	Not applicable – no residential uses are proposed.
<i>iv. the creation of any excessive traffic hazards or congestion due to road or pedestrian network adequacy within, adjacent to, and leading to the proposal;</i>	Traffic impact is expected to be minimal with only 5 cabins. The Department of Public Works had no concerns and indicated an access permit could be issued for the existing driveway location.
<i>v. the adequacy of fire protection services and equipment;</i>	The Canning Fire Chief confirmed their coverage to this area was adequate.
<i>vi. the adequacy of sewer and water services;</i>	The development agreement requires both water and sewer systems to be approved by the provincial authority having jurisdiction.
<i>vii. the potential for creating flooding or serious drainage problems either within the area of development or nearby areas;</i>	Not expected.
<i>viii. negative impacts on identified wellfields or other groundwater supplies for the area;</i>	There are no Wellfield Protection Overlays in the area.
<i>ix. pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i>	Not expected.

x. <i>negative impacts on lake water quality or nearby wetlands;</i>	Not applicable, the proposed addition is not in proximity to a lake or known wetlands.
xi. <i>negative impacts on neighbouring farm operations;</i>	Not expected.
xii. <i>the suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way.</i>	The site is suitable for the proposed development of up to 5 recreational cabins.

Appendix D: Draft Development Agreement

THIS DEVELOPMENT AGREEMENT BETWEEN:

**Dwayne Raymond Mailman** of Toronto, Ontario and **Deborah Ann Mailman** of Aylesford, Nova Scotia hereinafter called the "Property Owners",

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 Coldbrook, Kings County, Nova Scotia, hereinafter called the "Municipality",

of the Second Part

WHEREAS the Property Owner is the owner of certain lands and premises (hereinafter called the "Property") which lands are more particularly described in Schedule A attached hereto and which are known as Property Identification (PID) Number **55011332**; and

WHEREAS the Property Owner wishes to use the Property for a group of tourist cabins.

WHEREAS the Property is situated within an area designated **Shoreland (S)** and **Agricultural (A)** on the Future Land Use Map of the Municipal Planning Strategy, and zoned **Tidal Shoreland (T1)** and **Rural Mixed Use (A2)** on the Zoning Map of the Land Use By-law; and

WHEREAS policy **2.5.13** of the Municipal Planning Strategy and sections **9.5.5 (a) (Shoreland) & 8.4.5 (a) (Agricultural)** of the Land Use By-law 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 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 By-law**

- (a) *Municipal Planning Strategy* means By-law 105 of the Municipality, approved on March 5, 2020 as amended, or successor by-laws.
- (b) *Land Use By-law* means By-law 106 of the Municipality, approved on March 5, 2020 as amended, or successor by-laws.
- (c) *Subdivision Bylaw* means Bylaw 60 of the Municipality, approved September 5, 1995, as amended, or successor by-laws.

### **1.3 Definitions**

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

- (a) *Development Officer* means the Development Officer appointed by the Council of the Municipality.

## **PART 2 DEVELOPMENT REQUIREMENTS**

### **2.1 Uses**

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

- (a) Recreational Cabins – not to exceed 5 recreational cabins with a maximum building footprint of 1,000 sq feet for each cabin. One of the cabins may be used as the main dwelling; and
- (b) Accessory uses

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

### **2.2 Site Plan**

- (a) Development of any Recreational Cabins and any accessory uses or activities such as parking spaces, fire pits, and gathering areas shall remain within the Building Envelope shown on Schedule B - Site Plan.

(b) Accessory uses and structures shall be subject to the setbacks for accessory buildings in the Tidal Shoreland (T1) Zone.

**2.3 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.

**2.4 Subdivision**

Subdivision of the Property that results in a reduced total lot area shall not be permitted.

**2.5 Lighting**

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

**2.6 Servicing**

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

**2.7 Parking**

The property Owners shall provide a minimum of 1 parking space per recreational cabin.

**2.8 Signs**

- (a) Signage on the Property shall be consistent with Municipality of the County of Kings Land Use By-law (By-law #106) - Section 14.6.16: Signs in Rural Zones
- (b) Signage shall not obstruct the sight lines at the driveway entrance/exit
- (c) Internally illuminated signs are prohibited
- (d) The Property Owner shall obtain a development permit from the Development Officer prior to the installation of any sign

**PART 3 CHANGES AND DISCHARGE**

**3.1** Any matters in this Agreement which are not specified in Subsection 3.2 below are not substantive matters and may be changed by Council without a public hearing.

**3.2** The following matters are substantive matters:

- a) The uses enabled on the property by this Agreement as listed in Section 2.1 (b) of this Agreement;

**3.3** Accessory uses and structures permitted by the underlying zoning on the Property shall not require any amendment to this Agreement.

**3.4** Upon conveyance of land by the Property Owner to the road authority for the purpose of creating or expanding a public street over the Property.

Registration of the deed reflecting the conveyance shall be conclusive evidence that this Agreement shall be discharged as it relates to the public street, as of the date of registration with the Land Registration 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 permitted by this Agreement may be commenced on the Property until the Municipality has issued the required Development Permits and Building Permits

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

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

##### **4.3 Signatures**

The Property Owner shall sign this Agreement within 60 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, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority or approval required thereunder.

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

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

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

The Property Owner warrants as follows:

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

### **5.4      Costs**

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

### **5.5      Full Agreement**

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

### **5.6      Severability of Provisions**

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

### **5.7      Interpretation**

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

### **5.8      Breach of Terms or Conditions**

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

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

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

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

---

Witness

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Witness

SIGNED, SEALED AND DELIVERED  
In the presence of:

---

Witness

---

Witness

**MUNICIPALITY OF THE COUNTY  
OF KINGS**

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Peter Muttart, Mayor  
Date:

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Janny Postema, Municipal Clerk  
Date:

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Dwayne Raymond Mailman  
Date:

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Deborah Ann Mailman  
Date:

Schedule A – Property Description

(Taken from Property Online – June 2022)

**PARCEL DESCRIPTION (PID No. 55011332)**

**SCHEDULE "A"**

**685.**

ALL THAT CERTAIN lot of land situate at or near Baxter's Harbour in the County of Kings and Province of Nova Scotia, shown on a plan of survey hereinafter referred to and more particularly bounded and described as follows:

COMMENCING at a survey marker set in the West limit of Baxter's Harbour Road, said survey marker being located from Nova Scotia Control Monument No. 8167, N30°25'56"W, 52.32 Feet;

THENCE S77°09'28"W, 1,085 Feet to a survey marker set;

THENCE N12°50'32"W, 200.74 Feet to a survey marker set;

THENCE N78°38'28"E, 588.71 Feet to a survey marker set in the South boundary of lands of Richard Carlton Gifford (Book 460 Page 300);

THENCE N84°07'57"E, 51.26 Feet to a survey marker set;

THENCE N77°17'03"E, 481.35 Feet to a survey marker set in the West limit of the Baxter's Harbour Road;

THENCE S14°38'00"E, 198.70 Feet to the place of commencement;

CONTAINING, in area, 5.00 acres and being Parcel V.D.S.-1 as shown on a plan of survey prepared by Valley Surveys (Frank Longstaff, N.S.L.S. No. 279) dated February 23, 1990, and approved by the Municipality of the County of Kings under Approval Registration No. 900043.

Schedule B - Site Plan



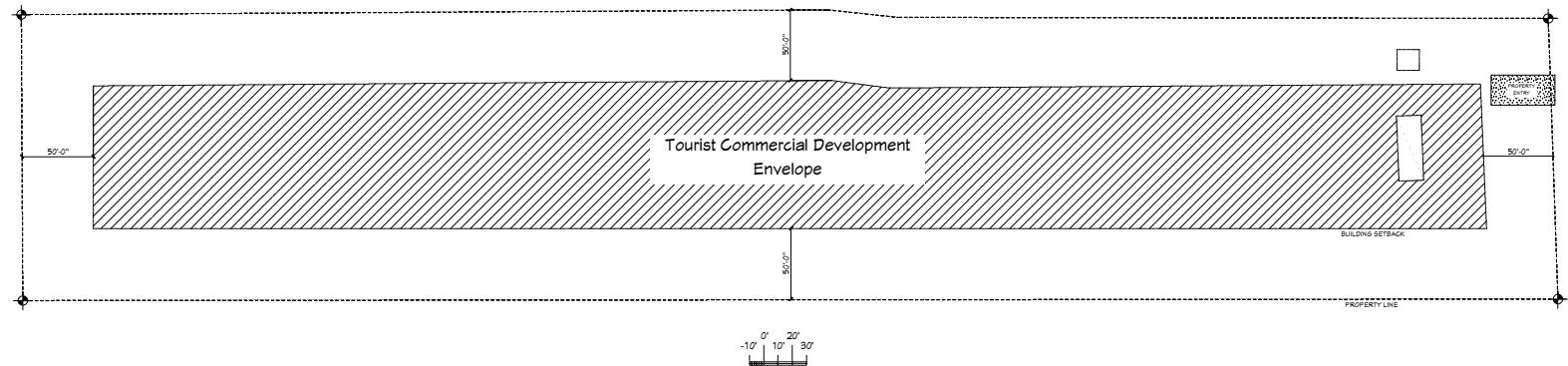
GOODWOOD HOME & COTTAGE DESIGN

MACRO PRELIMINARY SITE LAYOUT  
1439 BAXTER'S HARBOUR ROAD  
BAXTER'S HARBOUR, NS.

DATE:  
Oct 7/22

SCALE:  
NTS

A0





MUNICIPALITY *of the*  
COUNTY *of* KING S

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

### LAND USE BY-LAW TEXT AMENDMENT TO THE LIST OF PERMITTED USES IN THE AGRICULTURAL (A1)

ZONE (File #22-12)

September 13, 2022

Prepared by: Planning and Development Services

<b>Applicant</b>	Michael Napier
<b>Land Owner</b>	SG Levy & Sons Ltd.
<b>Proposal</b>	To add existing forest industry uses to the list of permitted uses in the Agricultural (A1) Zone
<b>Designation</b>	Agricultural
<b>Zone</b>	Agricultural (A1) Zone
<b>Neighbour Notification</b>	24 letters sent

#### 1. PROPOSAL

The application from Michael Napier, on behalf of SG Levy and Sons Ltd. is requesting an amendment to the list of permitted uses in the Agricultural (A1) Zone to add existing forest industry uses. The current forest industry operation, located at 1004 Gaspereau River Road is considered a non-conforming use under the Land Use By-law. Approval of this application would remove this status and allow them to be a permitted use.

#### 2. OPTIONS

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

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

### 3. STAFF RECOMMENDATION

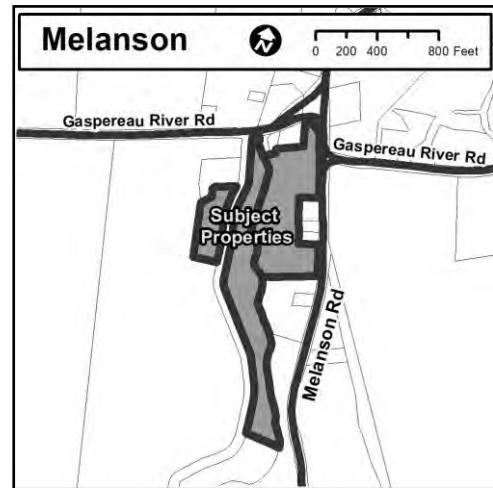
Staff recommend that the Planning Advisory Committee forward a positive recommendation by passing the following motion.

**Planning Advisory Committee recommends that Municipal Council approve the amendment to the Land Use By-law to add Existing Forest Industry Uses to the list of permitted uses in the Agricultural (A1) Zone as described in Appendix A of the report dated September 13, 2022.**

### 4. BACKGROUND

SG Levy & Sons has been operating in this location since 1948 and consists of a sawmill operation where unprocessed trees are stripped and milled into lumber for construction and other applications. The owners of SG Levy & Sons recently approached Staff to request permits for the construction of a storage building to hold wood chips which are required for a new contract that the operation secured. It was at this time that Staff became aware of the non-conforming status of the use.

A use becomes non-conforming when a Municipality amends regulations associated with a use or structure. A non-conforming use is a use that legally existed prior to the change to the documents. A non-conforming structure is one that does not meet the setback or other building requirements outlined in the Land Use By-law.



There are times when a use is intentionally made non-conforming such as when the predominant use of an area has changed over time. An isolated commercial or industrial use within a residential area may be an indication of such a transition, for example. In these cases, it may be appropriate for a Council to render this use non-conforming. Non-conforming uses are permitted to continue operating in perpetuity, however, should something happen that discontinues the use, such as damage to a building or a change in ownership, it may affect the ability for the use to be re-established. Furthermore, expansions of non-conforming uses may not always be permitted or may require a planning application, such as a development agreement.

There are other times when non-conforming status was not intentional or information has come to light that triggers a reconsideration of such action. In these cases, it may be more appropriate to adopt amendments that include the use as a permitted use, thereby removing the non-conforming status. In this case, reconsideration is merited given the nature of the use as it relates to the intent of the zone. Furthermore, a non-conforming status on this type of use, which is particularly subject to damage by fire, is very detrimental since the reconstruction of buildings would need to be considered by development agreement for each new building.

This use, and similar operations, contribute to the economy of the Municipality and provide an important service. Rendering such uses non-conforming could have negative impacts on the economy throughout the Municipality. Staff do not regularly receive complaints related to this or other existing Forest Industry Uses within the Agricultural (A1) Zone indicating that they generally operate without conflict with agricultural uses. As such, Staff are of the opinion that there is merit in reviewing the list of permitted uses in the Agricultural (A1) Zone and to consider amending the list to add 'Forest Industry Use – Existing' to the list of permitted uses.

Using this approach would not enable the development of new Forest Industry Uses within the Agricultural (A1) Zone. Staff are of the opinion that there are more appropriate locations for the establishment of new operations, such as the Resource (N1) Zone, the Rural Mixed Use (A2) Zone and the Rural Industrial (M3) Zone. These zones have been applied, in part, to reflect that the soils in these areas are not as high quality as those in the Agricultural (A1) Zone. This amendment would only effect operations already legally in existence and enable them to continue without further restriction on expansion or reconstruction.

## 5. POLICY REVIEW

The policy review associated with a Land Use By-law text amendment differs from the review for a site specific application such as a rezoning or a development agreement. This policy review will review the vision, goals and objectives of the Municipal Planning Strategy for the Agricultural (A1) Zone and designation to determine if the addition of existing Forest Industry Uses as a permitted use is consistent within the planning framework established by Council.

The vision statement for Rural and Natural Areas indicates that a priority for rural areas includes the sustainable development of natural resources. Since logging operations are often remote, the processing of lumber from raw materials includes significant amounts transportation firstly, from where the resources are removed to the processing location and then to consumers. Enabling the processing of raw materials in proximity to where they are extracted increases the sustainability over time by reducing greenhouse gas emissions associated with transportation.

The vision statement for Economic Development indicates that local businesses in both traditional and non-traditional sectors are intended to be supported. Removing restrictions on expansion and replacement will support Forest Industry Uses, which have been a traditional sector within the Municipality.

With regard to the goals and objectives contained within the MPS, the proposed amendments assist in achieving these as well. Within the section of the MPS related to Rural Areas, the goal of these areas is, *"To identify where the existing rural character, ecological value and economic functions of rural areas is protected."* By ensuring these types of uses are able to continue operating as they have in the past, the economic function of rural areas is protected and maintained not only for Forest Industry Use operators, but also for forestry companies extracting trees prior to processing as well as providing local resources to local residents and businesses.

The objectives of this section includes, under Economic Development, “*To foster industry that increases the viability of and supports rural businesses.*” In support of this objective, policy 2.2.1 states, “*Council shall identify areas located outside of Growth Centres as rural areas on Schedule A – Municipal Structure. These areas are intended to contain primarily agricultural and resource uses and their related industries...*”. This policy indicates that such uses should be located in rural areas. Adding Forest Industry Uses to the list of permitted uses in the Agricultural (A1) Zone will ensure that the viability of this use into the future. Furthermore, since land is often forested prior to being brought into agricultural production, this use supports local farmers and well as forestry uses by ensuring lumber removed from future farm fields can be processed locally.

Within the section of the MPS related to Economic Development, objectives indicate that value-added processing is meant to be supported and to “*cultivate a resilient economy.*” Ensuring that lumber can be milled within our community, the Municipality can ensure that required goods do not need to travel great distances to local consumers, reducing reliance on outside resources, and increasing resiliency.

Particular to the Agricultural designation, the objectives also supports the addition of existing Forest Industry Uses to the list of permitted uses within the Agricultural (A1) Zone stating, under Settlement, “*To limit and manage non-farm development that could otherwise be located in Growth Centres.*” This use is a non-farm use, but is not appropriate within Growth Centres. Forest Industry Uses and Agricultural uses share similar impacts that are normally undesirable within Growth Centres including the creation of noise, dust, odours and vibration.

Section 5.3 of the MPS outlines policies related to amending the Land Use By-law and Development Agreements. Policy 5.3.2 indicates, “*Council shall amend the text of the Land Use By-law provided the proposal meets the general criteria for amending the Land Use By-law set out in section 5.3 Development Agreements and Amending the Land Use By-law.*” Section 5.3.7 contains the general criteria. 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 Municipal Planning Strategy. Where this application does not propose new construction, and where the amendment applies only to existing operations, Staff are satisfied that there are no concerns related to these criteria.

## 6. CONCLUSION

Staff have reviewed this request for a text amendment to the Land use By-law against the vision, goals, objectives and policies of the MPS and have determined that the proposed amendments are consistent with the policies of the MPS. As a result, Staff are making a positive recommendation to the Planning Advisory Committee.

## 7. APPENDIXES

### Appendix A – Proposed Amendment

## APPENDIX A – DRAFT AMENDMENT

### Proposed Land Use Bylaw Text Amendment (By-law 106)

#### THE MUNICIPALITY OF THE COUNTY OF KINGS

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

##### Land Use Bylaw Text Amendment to add a permitted use within Agricultural (A1) Zone.

##### BY-LAW 106 Land Use By-law

1. Amend section 8.3.2.1 of the Land Use By-Law, Permitted Uses within the Agricultural (A1) Zone, by adding Forest Industry Uses - Existing to the Permitted Uses List.

##### 8.3.2.1 Permitted Uses

- The following uses shall be permitted in Agricultural (A1) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

EXISTING USES	SPECIAL CONDITIONS
Animal Boarding Facilities – Existing	Section 14.3
Community Facilities – Existing	
Farm Museums – Existing	
Places of Worship – Existing	
<i>Forest Industry Uses – Existing</i>	
Remote-controlled Aircraft Fields – Existing	
Residential Uses – Existing	
Wildlife Rescue and Rehabilitation Centres – Existing	

AGRICULTURAL USES	SPECIAL CONDITIONS
Abattoirs	
Agricultural Equipment and Parts Sales and Services	
Agricultural Uses	
Agritainment Uses	Section 14.3
Bunkhouses	Section 8.3.4.3
Farm Dwellings	Section 8.3.4.3
Farm or Vineyard Product Sampling	
Farm Market Outlets	
Farm Supportive Uses	
Farm Tenements	

AGRICULTURAL USES	SPECIAL CONDITIONS
Fishing Uses	
Forestry Uses	
Greenhouses	
Livestock Operations	Section 14.3

RESIDENTIAL USES	SPECIAL CONDITIONS
Mobile Homes	Sections 8.3.4.1 and 8.3.4.2
One Unit Dwellings	Sections 8.3.4.1 and 8.3.4.2
Two Unit Dwellings	Sections 8.3.4.1 and 8.3.4.2

- Amended [date] to add Forest Industry Uses - Existing, File 22-12

2. Amend section 8.3.3 to add Forest Industry Uses:

### 8.3.3 Zone Requirements

The following requirements shall apply to all development located in the Agricultural (A1) Zone.

	Requirement	Existing Uses	Livestock Operations & Abattoirs	Agricultural Uses and Forest Industry Uses	Residential Uses
(a)	Minimum Lot Area:	30,000 sq ft.	200,000 sq ft.	100,000 sq ft.	30,000 sq ft.
(b)	Minimum Lot Frontage:	100 ft.	20 ft.	20 ft.	200 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	40 ft.	40 ft.	40 ft.	40 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Accessory Buildings	20 ft. 10 ft.	100 ft. 40 ft.	40 ft. 20 ft.	20 ft. 10 ft
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Accessory Buildings	40 ft. 20 ft.	100 ft. 40 ft.	40 ft. 20 ft.	40 ft. 20 ft.
(f)	Maximum Building Height: (i) Main Buildings	35 ft. 20 ft.	55 ft. 35 ft.	55 ft. 35 ft.	35 ft. 20 ft.

(ii) Accessory Buildings			
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- Amended [date] to add Forest Industry Uses - Existing, File 22-12

September 13, 2022

Mayor Peter Muttart  
Municipality of the County of Kings  
181 Coldbrook Village Park Drive  
Coldbrook, NS B4R 1B9

**Re: Draft New Minas Secondary Planning Strategy**

Dear Mayor Muttart,

On behalf of the New Minas Village Commission (Commission), I am writing this letter to thank the Municipality for all the work and progress that has been made on the draft New Minas Secondary Planning Strategy (SPS). The Commission is excited for the growth and opportunity that the new SPS will open up for our community, both in the existing developed corridor as well as the lands to the south of Hwy 101, which have up to now been in the New Minas Holding (H1) Zone. We are grateful for all of the contributions made by municipal staff, consultants, working group/committee members, volunteers and members of the public towards this project.

The Commission is also grateful that the bonus zoning provisions have been removed from the draft SPS. Although the August 9, 2022 motion to rescind was not necessary, the Commission endorses the 17 points that were outlined in the Rationale for Rescinding. The Commission is hopeful that bonus zoning provisions will not be considered as future amendments to the SPS.

The Commission would like to raise two additional items for consideration before the draft SPS is formally adopted:

1. Maximum Front/Flankage Setback of 50ft

The Commission would like to ensure that the maximum front/flankage setback of 50ft will not lead to unintended aesthetic impacts along Commercial Street. For example, if a building was oriented to accommodate parking on one side, the “back” of the building would be visible to oncoming traffic. Is there additional wording that could be incorporated into the SPS (perhaps under Section 5.3.6.1 Site Plan Approval in the Growth Centre of New Minas) to outline aesthetic requirements for all building sides visible from Commercial Street?

2. Section 4.7.3 (b) — requirement to daylight at least 600ft of stream upon comprehensive development of the County Fair Mall by development agreement

This requirement limits the future redevelopment of the site, as outlined by Crombie REIT (the property owner) in a separate letter. Most times of the year the flow through the existing culvert is very low to no flow. However, during heavy rainfall events (particularly in combination with spring snow melt) the flow through the existing culvert can be substantial. Daylighting the culvert would increase the risk for flooding and erosion during high run-off events, while conversely being unsightly during the times when there is no flow. An underground piped system (designed as part of an updated stormwater management plan and with

the requirement for legal easements to be put in place) would provide a more suitable solution for both conditions.

Thank you for the opportunity to participate in this process, and for your consideration in these matters.

Sincerely,



**Dave Chaulk**  
Commission Chair  
t 902-681-2387 | e [davec@newminas.com](mailto:davec@newminas.com)

Village of New Minas  
9489 Commercial Street  
New Minas, NS B4N 3G3  
[newminas.com](http://newminas.com)



September 12, 2022

Municipality of the County of Kings  
181 Coldbrook Village Park Drive  
Coldbrook, NS  
B4R 1B9  
Tel: 902-678-6141

To Whom It May Concern,

Our team has had several discussions on the topic of daylighting the stream that runs through our property at County Fair Mall in the proposed secondary plan. Crombie is supportive of future land use intensification to both build and improve the community, and we would also be supportive of beautification initiatives taken by the County.

In terms of daylighting the stream as outlined, doing so on our property would result in operational, access, and severe land disruption issues. In its current commercial use, we would not be supportive of this initiative. However, depending on future development uses, we will further consider our support.

Warm regards,



Ian MacDonald  
Director, Development  
Crombie REIT