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## **Municipal Council Meeting Agenda**

**Tuesday, November 28, 2023 – 9:00 a.m.**

**MODL Council Chambers – 10 Allée Champlain Drive, Cookville**

<b>1.</b>	<b>Call to Order</b>	
1.1	Mi'kma'ki Territorial Acknowledgement	
<b>2.</b>	<b>Announcements, Acknowledgements, Recognition</b>	
2.1	International Day of People with Disabilities .....	1
<b>3.</b>	<b>Public Input (15 Minutes)</b>	
<b>4.</b>	<b>Changes/Approval of Agenda</b> (as circulated)	
<b>5.</b>	<b>Approval of Minutes</b> - November 14, 2023	
<b>6.</b>	<b>Business Arising from Minutes</b>	
<b>7.</b>	<b>Awarding of Tenders/RFPs – Nil</b>	
<b>8.</b>	<b>Presentations/Scheduled Times</b>	
8.1	New Housing in MODL, Greg House & Morgan MacDonald .....	9:15 a.m. 2-11
<b>9.</b>	<b>Consideration of Correspondence – Nil</b>	
<b>10.</b>	<b>Recommendations from Committees &amp; Boards</b>	
<b>10.1</b>	<b>Planning Advisory Committee</b> .....	12
10.1.1	Municipal Planning Strategy & Land Use By-law Amendments re Coastal Protection (view Maps <a href="https://engage.modl.ca/coastal-protection">https://engage.modl.ca/coastal-protection</a> ) .....	13-31
10.1.2	Municipal Planning Strategy & Land Use By-law Amendments re Cluster Developments.....	32-53
<b>10.2</b>	<b>Policy &amp; Strategy Committee</b> .....	54
10.2.1	Protect MODL's Old Growth Forests .....	55-62
10.2.2	Hydrant Charge Proposed Policy 096 .....	63-66
10.2.3	Declaration on Gender Based Violence .....	67-68
<b>10.3</b>	<b>REMO Advisory Committee</b> .....	69
10.3.1	Approval of Additional Funds to 2023/2024 REMO Budget .....	70

<b>11.</b>	<b>Staff Reports</b>	
<b>11.1</b>	<b>Administration</b>	
11.1.1	MODL Priorities for Municipal Capital Growth Program .....	71-73
<b>11.2</b>	<b>Recreation, Parks &amp; Tourism</b>	
11.2.1	Sawpit Wharf Park Community Plan RFP #2023-05-405 .....	74-76
<b>11.3</b>	<b>Planning Services</b>	
11.3.1	Approval of Amendments to Policy 027 Heritage Property .....	77-83
11.3.2	Renewal of Rocky Lake Charge Area Road Management Agreement.....	84-96
<b>12.</b>	<b>Mayor's/Deputy Mayor's/Councillors' Matters</b>	
12.1	LCLC Update	
12.2	Deputy Mayor's Update	
12.3	Mayor's Update	
<b>13.</b>	<b>Added Items</b>	
<b>14.</b>	<b>In Camera</b>	
14.1	Contract Negotiations under Section 22(2)(e) of the MGA	
<b>15.</b>	<b>Adjournment</b>	

## **International Day of People with Disabilities**

December 3 is the International Day of People with Disabilities.

The annual observance of the International Day of Persons with Disabilities was proclaimed in 1992 by the United Nations General Assembly. The observance of the Day aims to promote an understanding of disability issues and mobilize support for the dignity, rights, and well-being of persons with disabilities.

It is a day for:

- Celebration – to recognize and value the diversity of our global community, and to cherish the role we all play, regardless of our abilities;
- Learning – to understand and learn from the experiences of people with living with a disability;
- Optimism – to look towards the future and the creation of a world where a person is not characterised by their disabilities, but by their abilities;
- Action – where all people, organisations, agencies and charities not only show their support for International Day of People with Disabilities, but take on a commitment to create a world characterised by equal human rights.

Over 30% of Nova Scotians have a disability. We are working hard to make Nova Scotia accessible by 2030. Everyone can help make the places we live, work, learn, and play more accessible.

To find out more about what we are doing about accessibility in Lunenburg County, visit [accessiblelunenburgcounty.ca](http://accessiblelunenburgcounty.ca).

**Council**

Item: #8.1

Date: November 28, 2023

Authorization: T. MacEwan



# New Housing In The Municipal District of Lunenburg

Steering development policy towards local ownership and social benefit



## Who Are We?

Greg House & Morgan MacDonald

- We are MODL residents who have planned, managed and constructed new housing in MODL.
- Collectively we have a background in business, construction, environmental science, housing related nonprofit and cooperative administration, and volunteerism
- We are currently incorporating our housing business partnership with an experienced management and advisory team

## What would we like to share?

-We have been working with Canadian Mortgage and Housing Corporation (CMHC) and a local Credit Union for over a year

- We would like to share our experience developing an affordable housing project

\*\* Affordable housing is defined as any size apartment or house whose rent is 30% of the Median Renter Income in a given region. **This results in affordable rents being defined as \$970 - \$1100/month in MODL.**

\*\* Affordable housing is standard market housing but cheaper rent!

\*\* It's unrelated to public housing, and social housing. Anyone can apply to rent an affordable apartment or home.



## **Current Housing**

### **Nova Scotia Housing Needs Report**

- There is a housing supply shortage across the housing spectrum.
- The current pace of construction cannot fill the expected gap.
- Nova Scotia needs an estimated 71,600 new units by 2027
- Specialized Labour shortages are impacting housing construction
- Lack of housing options will also impact the workforce directly and threatens the region's long term prosperity



# Support for New Housing

## Challenges, Risks, and Opportunities

- Historic amounts of government money (\$82+ billion) will be spent to support new housing construction through the CMHC
- MODL is an attractive area to build due to fewer of these barriers than most areas
- Un-zoned areas are at risk of unregulated development for high end market housing and expensive open land condo housing/apartments
- Un-zoned areas also provide a unique opportunity to build housing through programs that guarantee affordable, accessible, environmentally responsible housing



# Canadian Housing and Mortgage Corporation

## Affordable Programs

- The CMHC offers a variety of programs that support housing construction and improvement
- These programs offer varying degrees of supports based on social outcomes. **All require a contractual commitment to these outcomes for 10 - 20+ years.**
- Projects with the most **affordability, accessibility, environmental performance** and longest commitment to these outcomes access the greatest levels of support
- Projects funded through these programs will result in contractually obligated, high quality, socially beneficial housing for our community.
- Municipal policies and programs can either support or impede these projects

# Challenges of New CMHC Programs

- These programs were designed for major cities and suburbs. Applying them in a rural context is be challenging.
- Projects of any size are currently possible in most areas of MODL under regulations that were designed with an expectation of low density housing
- Projects under 5 units are not accepted by the CMHC. Eligible developments of 5+ units are a stretch for local builder/owners in areas with additional development cost
- Multiunit housing in Canada is mostly built by large corporations with a business model that generally requires projects of 30+ units to be financially viable
- Large 30+ unit developments can negatively impact infrastructure, local environments, and day to day experience of community and also face labour shortages, supply issues, and community resistance



# Creating Affordable Housing In MODL

A New Approach: Locally Built and Owned, Gentle Density

-We ask for **Developments of 5 units being possible as-a-right and 6-9 units being possible through simplified planning approval**

- By reducing upfront costs for NGO's, community groups, and local builder/owners MODL can help these groups tap into federal housing funding

- We envision locally built and owned affordable housing designed for functionally, resilience, and simplicity not resale/refinance value.

- Building without the need for elevators, cranes, engineering firms, architects, site managers, traffic control is more cost effective and makes small projects financially viable with faster delivery. **These 5 to 9 unit projects would be the “missing middle” governments have sought for years**

- Using cost efficiencies to lower rents and improve environmental performance, projects will qualify for full CMHC support and allow reinvestment in further right-sized development



# Protecting a Path to Housing

## Local benefits from Local Solutions to a national problem

- Continue allowing 2 dwellings, 5 unit developments (eg. duplex, Triplex) under existing building regulations and guidelines. These projects are at a scale that is viable for small contractors and community groups to complete
- When possible cover, finance, waive, or offset development payment/requirements needed to apply for CMHC programs. Make completion of work conditional for project end instead of project start
- Consider supporting early stage development through grants or loans to successful CMHC social outcome applicants by using tax or second position collateral agreements
- Avoid restrictive wording from social/environmental housing programs in MODL that require many years experience in exact kind a scale of work to be undertaken
- Commit to supporting and encouraging local business and contractors (this includes small and new businesses) to access housing development and environmental upgrade funding streams

## Our Experience with Council and Staff

- We have had the opportunity to speak with the Mayor, CAO, and planning/development staff over the last weeks after reaching out to our local councilor
- We have shared our perspective and concerns while learning about the challenges council and staff face with new development
- We support the proposed draft regulations from the MODL Planning Office that allow oversight of large developments but leave a narrow less burdensome path for smaller affordable housing projects
- We hope this council will see the tremendous opportunity MODL has to improve the lives of our residence and invigorate our local economy
- We hope MODL will support a local builder/owner industry tap into federal and provincial money, bringing good paying jobs and high quality housing with affordable units to our area

**Council**  
Item: #10.1  
Date: November 28, 2023  
Authorization: T. MacEwan



## Municipality of the District of Lunenburg Planning & Development Services

October 26, 2023

To Her Worship, Mayor Bolivar-Getson, and Councillors  
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors:

The Planning Advisory Committee, in session on Thursday, October 26, 2023, made the following recommendation to Municipal Council:

**“That Municipal Council endorse the recommended coastal protection measures contained in Option 1 in the Coastal Protection – Policy Recommendations Report and instruct staff to draft a Municipal Planning Strategy amendment and new Land Use By-law respecting these measures to be brought before Council for First Reading, with the exception of timeline be for 3-years”.**

Respectfully submitted,

The Chair and Members  
of the Planning Advisory Committee

/jh

Attachments

**Council**  
Item: #10.1.1  
Date: November 28, 2023  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Request for Decision**

**Report to: Planning Advisory Committee**

**Submitted by: Ella R. Gindi, Planner I**

**Date: October 12, 2023 - amended October 26, 2023**

**Re: Coastal Protection – Policy Recommendations**

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### **Recommendation**

**That the Planning Advisory Committee (PAC) respectfully recommend to Council that:**

**Council endorse the recommended coastal protection measures contained in Option 1 below and instruct staff to draft a Municipal Planning Strategy amendment and new Land Use By-law respecting these measures to be brought before Council for First Reading.**

### **Discussion**

The Municipality of the District of Lunenburg (MODL)'s Council directed staff to develop coastal development land use regulations after the province indefinitely delayed the implementation of the Coastal Protection Act (CPA) regulations, initially scheduled for spring 2023.

The objective of the new regulations is twofold: first, to prevent the construction of new homes, businesses, and structures in areas vulnerable to coastal flooding or erosion; second, to safeguard sensitive coastal ecosystems from the detrimental effects of human activity and development. The report presents planning staff policy recommendations for coastal protection in MODL, focusing on protecting residential buildings from severe storms, rising sea levels, and erosion while preserving the natural environment from harmful development.

The proposed policies also aim to conserve coastal access and protect sensitive ecosystems, preserving the region's natural beauty and biodiversity. By adopting these recommended

policies, MODL can establish comprehensive and sustainable coastal protection strategies, ensuring the community's well-being and quality of life while effectively mitigating the impacts of climate change and rising sea levels.

## **What Has Been Done:**

### **Preparation of background report (attached)**

Staff compiled a comprehensive coastal protection background report that analyzed legislation from federal, provincial, municipal, and nongovernmental levels. The report focused on climate change's impact, addressing sea level rise projections, subsidence, and storm events causing coastal flooding. It also examined coastal erosion and ecosystem preservation, including wetlands and dunes. The assessment encompassed municipal regulations, a jurisdictional review of other municipalities, and consultations with experts from government and nonprofits. The report offered illustrative examples of regulatory tools to tackle flooding, erosion, and ecosystem protection, providing valuable insights and solutions.

### **Workshop with Council and Experts**

On May 9th, 2023, a comprehensive Coastal Protection workshop convened council members and experts from various organizations. The event featured professionals from ClimAtlantic, NS Department of Environment and Climate Change, Dalhousie University, Natural Resources Canada, Ducks Unlimited Canada, TransCoastal Adaptations, Environment Canada, and NS Department of Natural Resources and Renewables. They shared insights on Coastal Flooding, Erosion, and Sensitive Coastal Ecosystems. Staff also presented regulatory tools for safeguarding developments and ecosystems. The workshop facilitated a valuable knowledge exchange, fostering effective coastal protection strategies.

### **Public Engagement Campaign**

The Coastal Protection project's public engagement campaign prioritized widespread access to information and community involvement. The campaign aimed to educate the public by employing varied communication methods like postcards, newspaper ads, radio ads, social media (especially Facebook), and newsletters. The central focus was the Engagement Website, launched in late May, offering fact sheets, images, and infographics on Coastal Protection topics. It also featured an FAQ section and an Expert Interview Podcast Series for in-depth insights. Community input was collected through an 18-question survey available online and in paper format at municipal offices and open house events. The survey garnered participation from 369 individuals. The campaign utilized an Interactive Map to pinpoint erosion and flooding areas and sensitive coastal ecosystems. Open houses, including in-person and virtual formats, drew around 240 attendees each, offering informative presentations, Q&A sessions, and interactive activities.

## **What We Heard Report**

The What We Heard Report (WWHR) provides a summary of the feedback gathered from community members during the first round of public engagement on Coastal Protection. The feedback covers various topics, including coastal erosion, sea level rise, and coastal ecosystems. The survey and open houses were conducted to involve the community in the process of developing coastal regulations, and the feedback received will serve as a valuable starting point for this endeavor. The Coastal Protection project commenced in mid-April 2023, and the Municipality is actively working on formulating the necessary regulations. The aim is to have these regulations in place and implemented by the end of 2023.

## **Further Consultation with Experts**

Following the initial round of public engagement, staff took additional steps to enhance their expertise by consulting with experts to assess coastal flooding and erosion accurately. Collaborating with specialists from the Department of Fisheries and Oceans, Natural Resources Canada, and a Climate Change professor from Dalhousie University School of Planning provided valuable data for calculating the necessary Vertical Elevation and Horizontal Setbacks.

Moreover, staff conducted detailed mapping efforts, carefully identifying, and categorizing protected and unprotected coastal wetlands. By integrating this information with the wetlands and dunes layer from the interactive open house map, they five wetlands were recommended for evaluation by Ducks Unlimited, aiming to determine the significance and value of these wetlands and their potential for preservation and protection.

## **Coastal Flooding**

One of the primary objectives of these land use regulations is to prioritize human safety, protect critical infrastructure, and preserve the natural environment against the potential impacts of coastal flooding. These regulations will aim to ensure that residential structures and other developments can withstand the challenges posed by coastal hazards throughout their lifespan, including up to 2100. To achieve this, commonly employed approaches include implementing vertical elevation setbacks and establishing flood zones where development is restricted. By incorporating data on Sea Level Rise (SLR), tidal patterns, and storm surges, these regulations can safeguard residential buildings and other vulnerable assets from anticipated severe storms and sea level rise.

## **Possible Regulatory Tools**

- **A Vertical Elevation Setback** is a regulatory measure applied in coastal regions to mitigate flood risks and safeguard properties. It entails setting a specific height requirement for constructing buildings. To adhere to this regulation, property owners would elevate new

structures (or portions of them) above the prescribed height standard by constructing them to meet the requirement or raising the land beneath them.

- **Coastal Flood Risk Zoning** is a regulatory measure that would designate vulnerable areas along the coastline that are at risk of periodic or permanent inundation during specific weather conditions. New development would be limited or outright prohibited in these areas due to the risks of flooding.
- **Education and Public Awareness Initiatives** are largely in the form of communications tools to foster a proactive and informed approach to coastal development. These efforts would involve informing residents and stakeholders about new regulations that may apply, as well as general risks associated with coastal flooding and the significance of adopting responsible coastal development practices.

### **Calculating Vertical Elevations**

Vertical elevation regulations involve a combination of three specific elements: sea level rise, tides, and storm surge. The following details the information gathered that has informed the recommendations contained further in this report.

#### **Sea Level Rise**

Natural Resources Canada (NRCan) has developed a comprehensive dataset for present and future relative sea levels in Canada that consider three Representative Concentration Pathways (RCP) climate scenarios (low, medium, and high emissions) and an enhanced scenario. The scenarios take global emissions data provided by the Intergovernmental Panel on Climate Change (IPCC) into account and project potential sea level rise in Canada for the decades leading up to 2100.

The IPCC uses the 5th percentile and the 95th percentile as statistical measures to represent the range of possible outcomes for future climate scenarios. The 5th percentile is a low estimate, indicating the lower end of projected outcomes, with a 95% probability that the actual outcome will be higher. It is associated with scenarios having lower greenhouse gas emissions or more optimistic assumptions. On the other hand, the 95th percentile represents a more conservative estimate, indicating the upper end of projected outcomes, with only a 5% probability of exceeding this value. It is associated with scenarios having higher greenhouse gas emissions or more pessimistic assumptions. The enhanced scenario introduces an additional 65 cm of global sea-level elevation to the middle forecast of the most extreme (95th percentile) climate scenario by 2100. This increment of 65 cm accounts for a potential supplementary input arising from the Antarctic Ice Sheet.

Following extensive meetings and discussions with experts from the Federal Government's departments, such as the Department of Fisheries and Oceans, Natural Resources Canada, and Dalhousie University School of Planning, the 95th percentile has been determined to be the most appropriate climate projection for Sea Level Rise (SLR).

Based on this dataset and incorporating the conversion from CGVD28 to CGVD2013, ClimAtlantic provides the following sea level rise projections for MODL:

- 5th Percentile (low emissions): 0.52m
- **95th Percentile (high emissions): 1.57m**
- Enhanced Scenario: 2.39m

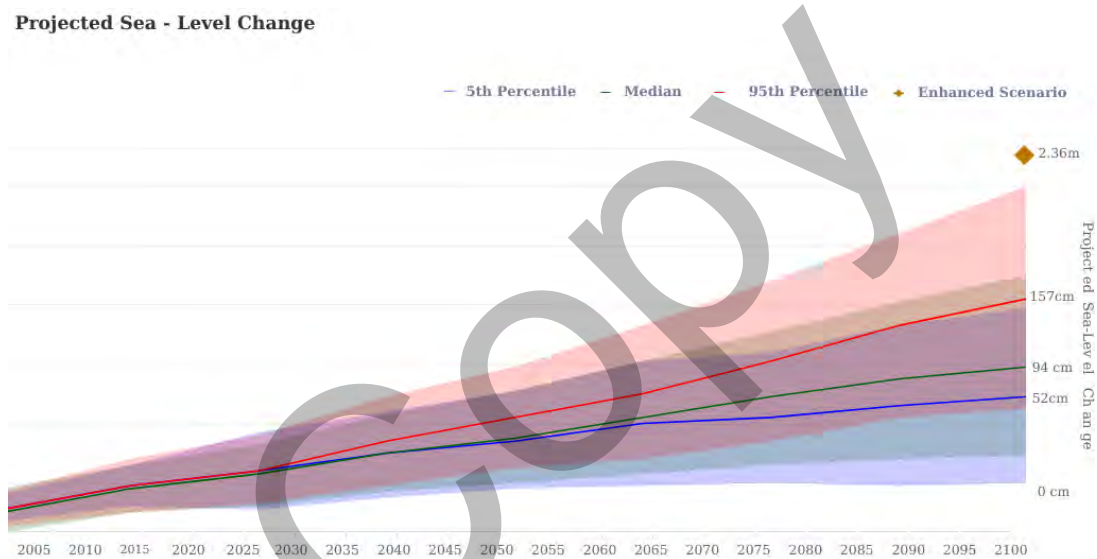


Figure 1: Projected SLR by 2100 using IPCC emission scenarios.

### Higher High Water Large Tide (HHWLT)

HHWLT is a high-water level often occurring during 'winter spring tides.' These tides happen several times a month (not just during the winter or spring) and are associated with a full moon or a new moon approximately every two weeks. Based on data provided by Fisheries and Oceans Canada for the small craft harbours located throughout MODL, the projected HHWLT (in CGVD2013) for MODL ranges from 0.68 to 0.77m. By using a conservative approach, a 0.77m tide is the most appropriate to use in this case.

## **Storm Surges**

Storm surges can elevate water levels during extreme weather events. They occur because of strong winds and low air pressure during coastal storms, bringing water above HHWLT or any other simultaneously occurring tide level. The maximum storm surge scenario ever measured in Nova Scotia is based on Hurricane Juan in 2003, which was measured to be 1.63m.

## **Final Projections for MODL**

The total sea level rise in CGVD2013 for MODL is estimated at 2.34m (SLR + HHWLT). When we add the maximum storm surge, the final projection for MODL, including SLR, HHWLT, and storm surge, is 3.97m.

## **What We Heard Report**

Among all respondents, 40% are extremely concerned, and 31% are very concerned about coastal flooding. Similar viewpoints are held by waterfront property owners with existing structures, with 42% concerned and 31% very concerned, making it a combined 73% of them being very concerned about coastal flooding.

For vacant property owners, 24% are extremely concerned, 21% very concerned, and 18% moderately concerned, totaling 63% expressing moderate to extreme concern regarding coastal flooding.

Among coastal property owners, 31% believe their properties are impacted by coastal flooding from storms and hurricanes. While not all respondents own coastal property, 80% acknowledge community-wide effects of coastal flooding. A common community request is for "realistic regulations," as 65% feel current land use rules fall short in addressing coastal flooding.

Regarding the desired level of protection, 54% of all respondents prefer high restrictions, with 77% supporting either moderate or high restrictions against coastal flooding. Comparing responses from coastal property owners with structures to all respondents shows consistent patterns. However, those owning waterfront properties tend to favour higher regulations for coastal flooding. Among these property owners, 46% opt for high protection and 22% for moderate protection. Among property owners with vacant land, 31% seek strong protection, 24% moderate protection, and 27% some protection.

## Staff Recommendations

### 1. Utilize 1.57m Elevation Reference for Sea Level Rise:

- Base all calculations on an elevation of 1.57 metres relative to the 2013 CGVD, providing a standardized basis for assessment. This is consistent with recommendations from experts and aligns with the 95<sup>th</sup> percentile of the IPCC report on sea level rise.

### 2. Employ a Two-Zone Coastal Flooding Approach:

#### Area A – Coastal Inundation Area (0 – 2.34 m)

- Includes areas at highest risk of coastal flooding by year 2100.
- Based on a combination of sea level rise and high tides – areas projected to be frequently under water by 2100.
- ~~Limit-Prohibit~~ new residential and institutional uses within the inundation area due to their higher risk and higher probability of frequent flooding in these areas.
- Restrict infilling in this area, as raising ground level does not eliminate other risks such as emergency access, well contamination, etc.

#### Area B – Storm Surge Area (2.34 m – 3.49 m)

- Includes areas at a lower risk of coastal flooding by year 2100, when compared to Area A.
- Based on a combination of sea level rise, high tides, and storm surge – areas projected to be under water only during a storm event.
- ~~Limit-Prohibit~~ new institutional uses within the storm surge area due to them being the highest risk and possibility of containing vulnerable populations such as seniors or children.

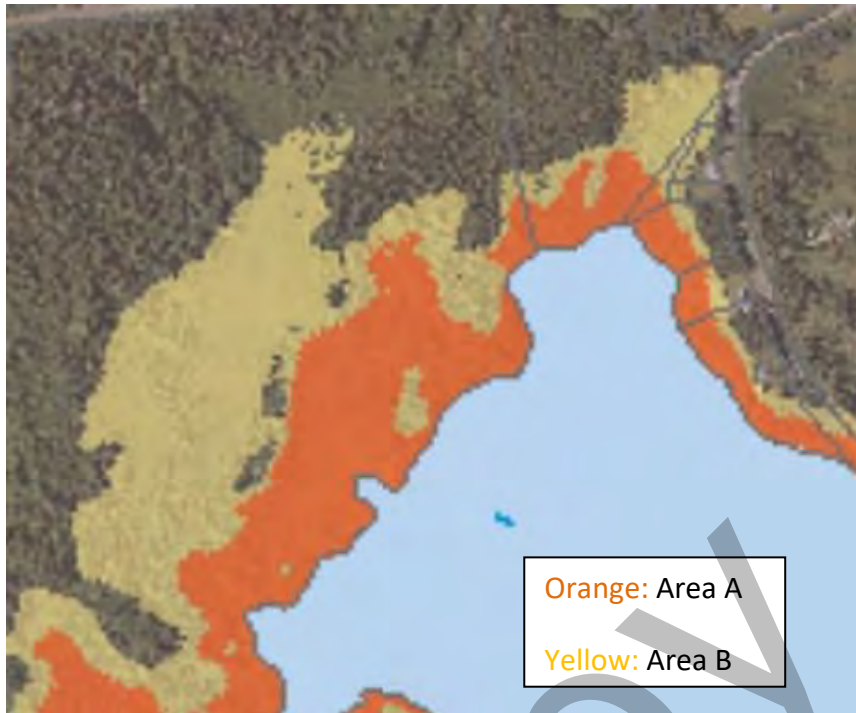


Figure 2: Two Zone Coastal Flooding Approach

### 3. Exemptions:

- Allow exemptions for low-value accessory structures (sheds, decks, piers, boardwalks, gazebos, etc.).
- Extend exemptions to essential marine-related functions and activities that necessitate a presence within low-lying areas. This includes provisions for boat builders, fish shacks, marinas, wharves, and similar enterprises.

### 4. Non-Conforming Allowances:

- Permit non-conforming developments to undergo renovations, rebuilding, or relocation, if these actions do not result in increased floor space or further elevation reduction.

### 5. Flexibility for Existing Developments:

- Allow flexibility for property owners to shift existing developments away from areas prone to coastal flooding risks. Property owners wishing to relocate existing structures from coastal inundation risk areas to higher elevations should be encouraged. However, there might be constraints to such relocations due to existing development criteria, such as property line setbacks or even the minimum vertical setback requirement. In scenarios where these constraints apply, the emphasis should be on mitigating flooding hazards rather than adhering strictly to regulations governing development standards.

## **6. Public Awareness and Education:**

- Introduce initiatives to raise public awareness about the new regulations and promote education about coastal protection and the associated risks of coastal flooding.

## **7 Conduct a 5-year Policy Review:**

- Review the coastal protection regulations regularly and update them in accordance with the latest climate change models and projections.

## **Coastal Erosion**

A variety of factors can influence coastal erosion. Erosion refers to the natural process of rock and sediment breaking down above and below the water surface due to waves, tides, wind, storms, ice, rain, and runoff. Rates of erosion vary across the coast due to factors like

- Exposure to the elements
- Tide
- Sediment type
- Human activities
- Climate change.

Soil density affects erosion rates, with tightly packed soil eroding slowly and irreversibly, while loosely packed soil erodes faster and can be restored naturally or with human help. Erosion occurs at the bottom of slopes due to wave action, leading to slope collapse. MODL's surficial geology varies across the municipality, with areas like Ground Moraine and Streamlined Drift more prone to erosion (annual rates of 0.4m to 0.7m). Some coastal communities with exposed bedrock have lower erosion risk. Development regulations, particularly near watercourses, can help mitigate erosion and sedimentation.

## **Possible Regulatory Tools**

To protect coastal properties, three different approaches for implementing horizontal setbacks have been reviewed:

### **Approach 1: Site-Specific Setbacks:**

Qualified professionals assess individual properties to determine risk levels for coastal flooding and erosion. This approach provides the most accurate and suitable setback requirements but could add the most cost for property owners and would increase work for staff to review the relevant documents by the designated professional that indicate the justifications for the horizontal setbacks.

### **Approach 2: Zoning and Setbacks:**

Setbacks would be determined based on the surficial geology and erosion rates in various areas. This approach considers the differences in erosion rates and soil types, making it significantly more accurate than using universal setbacks. Due to the limited data available on coastal community erosion rates and the varying requirements among different communities, additional work would need to be done to study local erosion rates across the municipality.

### **Approach 3: Universal Setbacks:**

The approach involves using predetermined setbacks that are uniformly applied across the municipality. While this method is easier to enforce, it is less accurate compared to other methods, which may result in setbacks that are either inadequate or excessive in certain areas.

### **Education and Awareness**

Understanding coastal erosion through public education is crucial due to various reasons. Coastal erosion, driven by human activities and environmental influences, requires awareness of its causes and effects to identify risks to communities and properties. This helps residents to adopt resilient building practices, consider relocating structures from vulnerable areas and use natural-based solutions such as a living shoreline instead of hard infrastructure. Raising awareness fosters collective responsibility, promoting conservation efforts and advocacy for coastal resilience. Informed citizens contribute to policy shaping for responsible coastal development.

### **Calculating Horizontal Setbacks for Erosion**

To calculate a horizontal setback, the annual erosion rate is multiplied by the lifespan of a structure which, for the purposes of this work, is approximately until the year 2100. During discussions with experts, one suggested method for assessing the annual erosion rate is examining historical erosion records. However, there is a limitation in our region, as few historical erosion records are available. According to the provincial historical erosion records for Hirtle's Beach, the annual erosion rate ranges from 0.7 metres to 0.9 metres. Based on this data, the potential horizontal setbacks would be as follows:

#### **Erosion rates X life of a structure = \_\_\_ m setback**

- For an annual erosion rate of 0.7 metres: 0.7 metres \* 77 years = 53.9 metres
- For an annual erosion rate of 0.9 metres: 0.9 metres \* 77 years = 69 metres

### **What We Heard Report**

In the survey, 38% of respondents are extremely concerned, and 32% are very concerned about coastal erosion. This pattern holds among coastal property owners with structures, where 38%

are extremely concerned, and 33% are very concerned. However, those with vacant properties show moderate (34%) or slight (27%) concern. Coastal erosion affects 42% of property owners with structures and 46% of vacant property owners, while 85% overall note its impact on community properties.

Over 65% believe current regulations inadequately protect coastal properties from erosion. Respondents favor moderate to high regulations against coastal erosion. Owners of properties with existing infrastructure lean towards high protection (46%), followed by moderate (27%), and some protection (18%). For vacant waterfront property owners, preferences vary: 28% high protection, 27% moderate, 24% some protection, and 21% no new regulations.

Responses diversify when asked about regulating hard barriers like rock armouring and sea walls. The Coastal Protection public engagement aimed to educate on erosion combat, specifically living shorelines, partnered with TransCoastal Adaptations for a public training session. Survey results on best erosion-slowing methods reveal 46% favoring a combination of soft and hard barriers, 36% preferring soft barriers, and 11% endorsing hard barriers. 'Other' responses vary, both supporting and opposing hard barriers.

## **Staff Recommendations:**

### **1. Implement a Universal Setback**

**Option 1:** Establish a universal coastal horizontal setback of 50 metres, measured from the top of the bank adjacent to the water.

- A universal horizontal setback of 50 metres is largely based on a provincial assessment of the annual erosion rate of Hirtle's Beach derived from established erosion rates of 0.7 metres/year and projected across a 77-year timeframe. The setback will help to protect new development from the impacts of coastal erosion and ensure a safe distance from the coastal shoreline.

### **2. Allow Some Reductions to Setbacks**

- Erosion rates can vary between areas, with some experiencing lower rates compared to Hirtle's Beach. To accommodate this, property owners would be permitted to engage a professional to demonstrate that a lower erosion rate exists and could build closer than 50 (option 1) or 30 (option 2) metres. Setback distances could be reduced, but only down to a minimum of 15 metres from the top of bank.

### **3. Vegetative Buffers:**

- Require a 15-metre vegetative buffer from the top of bank to mitigate erosion, minimize the risk of flooding and allow for habitat protection. Natural barriers help stabilize the soil and absorb excess water, strengthening coastal resilience. An allowance for water access and

use calculated as a percentage of the total frontage (to a maximum amount) would be permitted.

#### **4. Flexibility for Existing Developments**

- Allow property owners with existing developments to expand beyond existing footprints, provided that the expansion is furthest from the erosion area.
- Property owners interested in relocating existing structures away from eroding banks should be supported. To allow this, obstacles like other development standards, including property line setbacks or even the minimum horizontal setback, might hinder such relocations. In such scenarios, hazard avoidance would be prioritized over regulations relating to community aesthetics.

#### **5. Exemptions for Water-Related Uses and Activities**

- Allow exemptions from horizontal setbacks to address specific cases, including minor vegetation clearance, recreational and scientific installations, safety structures, and buildings that rely on water access for their intended functionality. These exemptions would encompass a variety of water-related uses and activities, such as fish plants, boat construction, boat houses, piers, decks, marinas, and slipways.

#### **6. Public Awareness and Education**

- Raise public awareness about coastal erosion and the use of soft barriers like living shorelines. Living shorelines, made of natural materials such as plants, sand, or rock, promote ecosystem growth and resilience. Unlike hard structures, i.e., rock armouring, they support the growth of plants and animals, ensuring the long-term health of coastal ecosystems.

#### **7 Conduct a 5-year Policy Review:**

- Review the coastal protection regulations regularly and update them in accordance with the latest climate change models and projections.

### **Sensitive Coastal Ecosystems**

Coastal ecosystems, including salt marshes, dunes, and beaches, form an interdependent and intricate system. Their sensitivity to development pressure is notable, as they collectively contribute to a multifaceted ecosystem. These environments provide essential functions such as coastal protection and serve as habitats for diverse plant and animal species. Nevertheless, human actions like development can disrupt wetland habitats and hinder their crucial ecological roles.

## Possible Regulatory Tools

- **A Conservation Zone** could be established to prevent development on or near significant environmental features that are critical to the coastal ecosystem. This could include provincially identified wetlands, dunes, spits, and gravel beaches. For those wetlands not identified by the province already, NGOs such as Ducks Unlimited could be engaged to assist in evaluating and mapping them.
  - The Municipality of Argyle implemented a Coastal Wetlands (CW) Zone for specific activities in line with coastal habitat classifications. Additionally, the County of Kings, Region of Queen's Municipality, and Town of Mahone Bay have conservation zones to protect wetlands and preserve their ecological integrity.
- **A Horizontal Setback and Riparian Buffer** around wetlands could mitigate potential development impact on wetlands. Some municipalities have applied setbacks from wetlands instead of a conservation zone. For example, in the Municipality of Chester, setbacks of 20 metres apply to all water bodies, including wetlands. In the Municipality of Cumberland, a horizontal buffer of 30.5 metres is established along all wetlands.

## Establishing Setbacks from Wetlands

Many regions provide varying recommendations for minimum vegetated buffer widths in municipal planning documents, ranging from 10 to 30 metres. Identifying the optimal buffer size for retaining runoff pollutants remains a challenge. Buffers within 20 to 30 metres have shown impressive nutrient and pollution reduction rates of around 80% to 90% (Dennison, 2022). Alberta and British Columbia both have a 30m vegetative buffers to protect waterbodies (Hoekstra & Hannam, 2017). Several municipalities in Nova Scotia established regulatory measures such as conservation zones or setbacks to protect wetlands and dunes.

## What We Heard Report

The survey results revealed that 57% of all respondents and 56% of coastal property owners with existing infrastructure are extremely concerned about the potential loss of coastal environmental features like wetlands and dunes. Concern levels among vacant coastal property owners varied. Most respondents had a moderate to high understanding of the benefits of sensitive coastal ecosystems. Additionally, 84% expressed a strong value in protecting ecologically sensitive coastal areas (Appendix A, Question 11).

Beyond the survey, residents emphasized the significance of safeguarding coastal ecosystems to preserve natural beauty, essential habitats, erosion prevention, and water contamination filtration. Public engagement feedback outlined observed changes to coastal ecosystems, including sand loss, wetlands flooding, and disturbances from development.

Overall, 84% of survey respondents considered protecting sensitive areas a high priority. While 83% of property owners with existing infrastructure and 67% of vacant property owners shared this priority, opinions on the level of protection varied among vacant property owners.

Likewise, a significant portion of respondents, both overall (66%) and property owners with existing infrastructure (58%), believed a high level of regulation was suitable for coastal ecosystems. Vacant property owners displayed more diverse responses regarding the necessary level of protection.

### **Staff Recommendations:**

#### **1. Establish a 30 m Horizontal Setbacks for Coastal Wetlands**

- Establish a 30-meter horizontal setback around protected and identified coastal wetlands.
- Utilizing a constraint overlay approach (vs. a zone approach) allows more flexibility when inaccuracies in mapping are identified. This approach would require property owners to engage a professional to show differences from mapping when they exist but avoids the lengthy process of zoning amendments.

#### **2. Require Vegetative Buffers**

- Vegetative buffers act as natural barriers, preserving critical biodiversity and maintaining the ecological balance of the coastal ecosystem.

#### **3. Collaboration**

- Continue partnerships with Ducks Unlimited Canada and other groups to scientifically identify and map coastal wetlands that are currently not covered by provincial mapping. This would aim to enhance the comprehensive understanding of coastal wetland ecosystems, facilitating informed decisions for their conservation and effective management.

#### **4. Public Awareness and Education**

- Launch public awareness campaigns to highlight the ecological importance of wetlands and dunes. Educating the community about their ecological services will foster appreciation and support for their preservation.

#### **5. Conduct a 5-year Policy Review:**

Review the coastal protection regulations regularly and update them in accordance with the latest climate change models and projections.

## **Options for Consideration:**

The following options are for the Planning Advisory Committee to evaluate before providing their recommendations to the council.

### **Option 1 (Recommended): Proceed with all staff policy recommendations (see appendix I) to mitigate risks associated with coastal protection.**

These policies are formulated following scientific data from governmental and non-governmental organizations. They conform with the coastal protection regulations applicable in neighbouring regions and establish a framework for managing coastal flooding, erosion, and the regulation of delicate coastal ecosystems, guided by coastal management best practices, with the primary aim of mitigating the risks associated with flooding and erosion while preserving the integrity of sensitive coastal ecosystems.

### **Option 2: Proceed with all staff recommendations except for:**

#### **Coastal Flooding:**

- Apply a vertical elevation setback of 0-3.97m relative to CGVD 2013 in which institutional uses will be prohibited and residential uses will be permitted provided that the habitable space meets the elevation requirement by either building on higher ground elevating the habitable areas.
  - A vertical elevation setback is considered a best practice in coastal management to mitigate the impacts of coastal flooding on development. It is an approach all neighbouring municipalities and many local and provincial jurisdictions across Canada have used. However, the act of elevating residential structures in low-lying areas still needs to be improved. This approach carries inherent risks, including the need for evacuations during flooding events and potential damage to critical infrastructure such as wells and sewage treatment systems. Moreover, it perpetuates the reliance on coastal armoring practices, increases access-related challenges, and can potentially encroach upon vulnerable coastal ecosystems.
- Enable infilling to increase the elevation requirements and have an access route if it does not encroach on ecological sensitive areas.
- Non-conforming allowances: Enable the expansion of the footprint of existing, non-conforming uses, provided the expansion is at or above the elevation of the existing structure.

#### **Coastal Erosion:**

- Apply a 30m horizontal setback from top of bank to the main wall of a structure to mitigate coastal erosion. Enable exemptions for marine related uses.

The Region of Queens Municipality employs this approach. Nevertheless, a 30-meter horizontal setback may prove inadequate in specific areas where erosion rates exceed the protection afforded by such a setback. Consequently, Option 1 offers a broader setback to safeguard all coastal areas, including those vulnerable to higher erosion rates. Furthermore, it includes a provision that allows for reducing the setback distance. This reduction can be pursued by a study from a qualified professional justifying a reduced setback in areas with lower erosion rates.

**Option 3:**

**No new regulations to address coastal protection.**

- This option is not recommended due to the increasing severity of storms and rising sea levels, leading to heightened coastal flooding and erosion risks. Such conditions pose a significant threat to both development projects and the overall safety and well-being of residents in coastal areas.

<b>Report Preparation</b>	
<b>Department</b>	Planning and Development Services
<b>Report Prepared by</b>	Ella R. Gindi, Planner I
<b>Report Approved by</b>	
<b>Date Reviewed by C.A.O.</b>	

## Appendix I

<b>Coastal Protection Policy Recommendations</b>	
<b>Coastal Flooding</b>	
1	<p>Utilize 1.57m Elevation Reference for Sea Level Rise:</p> <ul style="list-style-type: none"> <li>• Base all calculations on an elevation of 1.57 metres relative to the 2013 CGVD, providing a standardized basis for assessment. This is consistent with recommendations from experts and aligns with the 95th percentile of the IPCC report on sea level rise.</li> </ul>
2	<p>Employ a Two-Zone Coastal Flooding Approach</p> <p><b>Area A (Orange):</b> Coastal Inundation (0-2.34m)</p> <ul style="list-style-type: none"> <li>○ <del>Limit-Prohibit</del> Residential and Institutional Uses</li> <li>○ <del>Limit-Prohibit</del> Infilling</li> </ul> <p><b>Area B (Yellow):</b> Storm Surge (2.34m-3.97m)</p> <ul style="list-style-type: none"> <li>○ <del>Limit-Prohibit</del> Institutional Uses</li> </ul> <p style="color: red; font-size: small;">(Note: it was clarified that 'limit' indicates prohibit instead)</p>
3	<p>Specific Exemptions from vertical setback for:</p> <ul style="list-style-type: none"> <li>• Low-value accessory structures (i.e., sheds, decks, piers, boardwalks, gazebos, etc.).</li> <li>• Marine related activities</li> </ul>
4	<p>Non-conforming allowances</p> <ul style="list-style-type: none"> <li>• Permit non-conforming developments to undergo renovations, rebuilding, or relocation, as long as these actions do not result in increased floor space or further elevation reduction.</li> </ul>
5	<p>Flexibility for Existing Development</p> <ul style="list-style-type: none"> <li>• Encouraging the relocation of existing structures in coastal inundation risk areas.</li> </ul>
6	<p>Public Awareness &amp; Education</p> <ul style="list-style-type: none"> <li>• Introduce initiatives to raise public awareness about the new regulations and promote</li> </ul>

	education about coastal protection and the associated risks of coastal flooding.
7	<p>Conduct a 5-year Policy Review</p> <ul style="list-style-type: none"> <li>• Update in accordance with the latest climate change models and projections.</li> </ul>
<b>Coastal Erosion</b>	
8	<p>Implement a Universal Setback of 50m</p> <ul style="list-style-type: none"> <li>• A universal horizontal setback of 50 metres, measured from the top of the bank adjacent to the water.</li> </ul>
9	<p>Allow Setback Reduction</p> <ul style="list-style-type: none"> <li>• Engage a professional to demonstrate that a lower erosion rate exists and could build closer than 50 meters down to a minimum of 15m.</li> </ul>
10	<p>Vegetative Buffer Requirement</p> <ul style="list-style-type: none"> <li>• Enforce a 15m buffer from top bank.</li> </ul>
11	<p>Flexibility for Existing Developments</p> <ul style="list-style-type: none"> <li>• Allow property owners with existing developments to expand beyond existing footprints, provided that the expansion is furthest from the erosion area.</li> <li>• Property owners interested in relocating existing structures away from eroding banks should be supported. To allow this, obstacles like other development standards, including property line setbacks or even the minimum horizontal setback, might hinder such relocations. In such scenarios, hazard avoidance would be prioritized over regulations relating to community aesthetics.</li> </ul>
12	<p>Exemptions for Water-Related Uses &amp; Activities</p> <ul style="list-style-type: none"> <li>• Allow exemptions from horizontal setbacks to address specific cases, including minor vegetation clearance, recreational and scientific installations, safety structures, and buildings that rely on water access for their intended functionality. These exemptions would encompass a variety of water-related uses and activities, such as fish plants, boat construction, boat houses, piers, decks, marinas, and slipways.</li> </ul>

13	<p>Public Awareness and Education</p> <ul style="list-style-type: none"> <li>● Raise public awareness about coastal erosion and the use of soft barriers like living shorelines.</li> </ul>
14	<p>Conduct a 5-year Policy Review</p> <ul style="list-style-type: none"> <li>● Review the coastal protection regulations regularly and update them in accordance with the latest climate change models and projections.</li> </ul>
<b>Sensitive Coastal Ecosystems</b>	
15	<p>Establish a 30m Horizontal Setback for Coastal Wetlands</p> <ul style="list-style-type: none"> <li>● Wetland Constraint Overlay Mapping <ul style="list-style-type: none"> <li>○ To manage ecologically sensitive areas by limiting development in these zones</li> </ul> </li> </ul>
16	<p>Require a Vegetative buffer.</p> <ul style="list-style-type: none"> <li>● Vegetative buffers act as natural barriers, preserving critical biodiversity and maintaining the ecological balance of the coastal ecosystem.</li> </ul>
17	<p>Collaboration with Environmental non-governmental organizations</p> <ul style="list-style-type: none"> <li>● Continue partnerships with Ducks Unlimited Canada and other groups to scientifically identify and map coastal wetlands that are currently not covered by provincial mapping.</li> </ul>
18	<p>Public Awareness &amp; Education</p> <ul style="list-style-type: none"> <li>● Launch public awareness campaigns to highlight the ecological importance of wetlands and dunes.</li> </ul>
19	<p>Conduct a 5-year Policy Review</p> <ul style="list-style-type: none"> <li>● Review the coastal protection regulations regularly and update them in accordance with the latest climate change models and projections.</li> </ul>

**Council**  
Item: #10.1  
Date: November 28, 2023  
Authorization: T. MacEwan



## Municipality of the District of Lunenburg Planning & Development Services

October 12, 2023

To Her Worship, Mayor Bolivar-Getson, and Councillors  
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors:

The Planning Advisory Committee, in session on October 12, 2023, made the following recommendation to Municipal Council:

**“That Municipal Council endorse the recommended cluster development regulation measures contained in Option 1 below and instruct staff to draft a Municipal Planning Strategy amendment and new Land Use By-Law respecting these measures to be brought before Council for First reading.**

**Option 1 makes the following recommendations which are expanded upon in the report:**

- 1. Regulate Using the Site Plan Approval Process**
- 2. Establish Definitions and General Requirements**
- 3. Meet Private Roads Standards**
- 4. Demonstrate Adequate Servicing**
- 5. Demonstrate Environmental Impact**
- 6. Encourage the Development of Conservation Design Cluster Development”.**

Respectfully submitted,

The Chair and Members  
of the Planning Advisory Committee

/jh

Attachments



**Council**  
Item: #10.1.2  
Date: November 28, 2023  
Authorization: T. MacEwan

## **Municipality of the District of Lunenburg Regulatory Report**

**Report to: Council**

**Prepared by: Jacob Macpherson, Planner I**

**Date: November 28, 2023**

**Re: Cluster Development Regulation Report**

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### **Background**

The Municipality of the District of Lunenburg (MODL)'s Council directed staff to develop regulations for the construction of Cluster Developments in MODL.

Cluster developments, sometimes called grouped or cluster dwellings, are a type of residential development where several detached and/or multiple-unit dwellings are located on the same property. The objective of the new regulations is to ensure that new cluster development projects follow standards that are appropriate to the size, configuration, and location of the proposed development. This report presents planning staff policy recommendations for cluster development in MODL, focusing on human safety, service capacity, and the natural environment.

### **Discussion**

#### **Discussion of Planning Advisory Committee Meeting**

During the Planning Advisory Committee meeting held on October 12, suggestions were made by the Committee to examine certain elements based on additional discussions and feedback with members of the public. Those items are discussed below.

## **Affordable Housing Considerations**

It has been expressed during meetings and through submitted comments from the public and development community that defining cluster developments as containing 5 or more units composed of two or more dwellings would lead to viability issues for small affordable housing development projects. Staff is supportive of the suggestion that the triggering number be increased from 5 to 6, as reflected in the updated recommendations for Option 1.

Another matter raised regarding cluster development style housing surrounds the process of applying for Federal grants intended to support the development of affordable housing. By adding additional requirements to the pre-construction stages of development such as designing and constructing a private road, an unintentional cost is placed on affordable housing developers before the grant application is approved or denied, which typically occurs after these requirements have been met. To account for the uncertainty involving grants that support affordable housing, staff recommends that, as part of the Site Plan Approval process, the Development Officer be provided with the discretion to establish an agreement with the developer to delay certain requirements of the overall development process (e.g. private road construction) so long as all requirements are met before a certain point in the building permit process.

Introducing this flexibility into the site plan approval process allows grant-seeking housing developers to operate with more certainty while ensuring that proper development standards are being universally met. Staff recommendation #8 has been added under Option 1 to reflect this matter.

In addition to allowances through the site plan approval process, Staff recommends that Council consider providing funding opportunities to assist in the satisfaction of development costs for affordable housing developments as part of the Municipality's housing acceleration efforts. These opportunities would further enable affordable housing development while still ensuring those dwellings have adequate construction standards. The details of such funding can be considered further as more becomes known about MODL's housing initiative. Staff recommendation #9 has been added under Option 1 to reflect this matter.

Additional suggestions were also raised around defining cluster developments using bedroom counts and in how cluster developments should meet the private road standards. Staff believe these other elements are not necessary to achieve the affordable housing objectives described by some of the project proponents.

## **Development Agreement Versus Site Plan Approval Process**

During the PAC meeting, members of the public and committee members raised the question of which approvals method is most appropriate. Staff remains in support of regulating the cluster development proposals through the site plan approval planning process.

A planning approval process assesses a proposal to use or develop land; different requirements need different processes. A development agreement process supports flexibility through negotiation between the Municipality, developer, and members of the public. In comparison, a site plan approval process follows a more streamlined process that is generally less time consuming to complete.

Many Nova Scotian municipalities that regulate cluster development use the development agreement process to consider landscaping and architectural design on a more flexible case by case basis. Staff's recommended regulations do not involve flexibility for the purpose of regulating private road standards, servicing requirements, and environmental impacts because these requirements will always be imposed in a uniform way, as was requested during the October 12 PAC meeting. The use of a streamlined process is also consistent with MODL's subdivision regulations, which do not require a development agreement and do not involve any direct public engagement. Should the need arise, Council always retains the choice to hold a public meeting on any specific development if direct public input is desired in that process.

## **Environmental Requirements**

Participants in the engagement campaign expressed that cluster development regulations should be applied in a contextual way based on the number of units in a proposed development but also the natural features of the site itself. For this reason, it was specified in recommendation five that, for cluster developments with ten or more units, a development officer **may** require the applicant to perform an environmental study. During the Planning Advisory Council (PAC) meeting, it was expressed by PAC members and residents that, because existing data on environmental features is limited, all cluster developments over ten units should conduct an environmental study. Staff is in support of this alternative. Because the study in question would be applied to all cluster developments of ten or more units, the requirements of the study have changed to accommodate this. Modifications to the report have been made in accordance with these changes under Part 5 of Option 1.

Staff recommends requiring all cluster developments of ten or more units to demonstrate, through a study completed by a qualified professional or professionals, the potential impact and recommended mitigation measure for the following items within the subject property:

- Wetlands

- Natural habitats
- Species at risk

### **Density Limitations and Surrounding Density**

Staff is not recommending that the density of residential development be limited by surrounding density because, beyond the concerns outlined in this section which are addressed by staff's existing recommendations, there is not currently a good planning rationale to limit density beyond the capacity of the land area to support development and associated services.

To avoid levels of density dissimilar to surrounding residential areas, it was suggested during the PAC meeting that the density of new cluster developments should be limited based on surrounding residential density, allowing for limited growth over time. The concerns surrounding density involved additional pressure on private roads leading to vehicle access issues and ensuring that development does not put pressure on the local capacity of waste and water. Staff recognizes the need to manage these impacts. By requiring cluster developments to meet MODL's private road standards, provide a servicing plan, and in some circumstances provide a hydrogeological report, high levels of density are already being restricted in cases where it is unsuitable and, where the land can support density, provisions are being proposed to ensure that off-site impacts are appropriately minimized.

The density rules used by the Halifax Regional Municipality (HRM) to determine allowable density were also proposed as a means of determining allowable density. These limitations are applied based on identified growth areas, the design of the development, and the capacity of the site. In the case of staff's recommendations, the capacity of the site would be the only factor applicable to MODL's cluster development regulations, as addressed through the recommendations provided.

### **Emergency Access**

A desire was expressed during PAC to update existing road standards to require multiple entry and exit points on a subdivision or cluster development for the sake of sufficient access during an emergency. Staff recognizes these concerns. However, specific road standards fall outside of the scope of the cluster development project as these standards would be modified by amending the MODL Subdivision By-law which would apply to both subdivisions and cluster developments.

## **Review Regulations Every Five Years**

It was suggested that, like other regulations, the cluster development regulations be reviewed every five years. Staff is in support of this addition to the regulations and the recommendations have been updated accordingly in Part 7 of Option 1.

## **Options for Consideration**

### **Option 1: Staff Recommended Option**

#### **Description**

This option entails implementing all of staff's recommendations. Implementing these recommendations will cause the cluster development model to no longer be a more permissive approach compared to a residential subdivision.

#### **Discussion**

The recommendations would require all new cluster developments, defined as six (6) or more dwelling units within two or more dwellings on one lot, to undergo a site plan approval process. This process is designed to ensure that road standards are in place to ensure human safety, that the scale of cluster development does not exceed its potential service capacity for the development and surrounding properties, that avenues remain available for affordable housing projects, and that no unnecessary environmental harm is being caused by cluster developments.

The proposed policies are contained in Appendix I.

#### **Motion**

If Council wishes to direct staff to draft a Municipal Planning Strategy amendment and new Land Use By-Law, staff recommend the following motion:

**“That Council accept the staff recommendations contained within Option 1 as presented in Appendix I, and direct staff to draft a Municipal Planning Strategy amendment and new Land Use By-Law respecting these measures to be brought before Council for consideration.”**

### **Option 2: PAC Recommendation Option**

#### **Description**

This option entails implementing only the recommendations that were presented to the Planning Advisory Committee in October. The proposed policies are contained in Appendix II.

#### **Discussion**

Option 2 still fulfills the majority of goals set out in this project. However, Option 2 could pose

an unintentional burden to developers who make use of grants provided for affordable housing development which would disincentivize the creation of affordable housing in MODL. Additionally, Option 2 proposes different environmental requirements that do not reflect the discussion of the PAC that have been incorporated into Option 1. Finally, Option 2 does not require this plan to be reviewed every five years.

### **Motion**

If Council wishes to direct staff to draft a Municipal Planning Strategy amendment and new Land Use By-Law, staff recommend the following motion:

**“That Council accept the staff recommendations contained within Option 2 as presented in Appendix II, and direct staff to draft a Municipal Planning Strategy amendment and new Land Use By-Law respecting these measures to be brought before Council for consideration.”**

### **Option 3: Refer back to PAC**

#### **Description**

This option would allow Council to send staff back to seek additional feedback and discuss additional options with the Planning Advisory Committee (PAC) and the public before drafting the cluster development regulations.

#### **Discussion**

In the case that Council does not want to proceed with Option 1 or 2, planning staff highly recommends this option as opposed to stopping work entirely on the project, as outlined in Option 4.

### **Motion**

If Council wishes to send staff back to meet with the Planning Advisory Committee, staff recommends the following motion:

**“That Council instruct staff to reconvene with the Planning Advisory Committee for a renewed discussion on the proposed cluster development regulations and further work on new options for Council’s consideration.”**

### **Option 4: Do Not Implement Regulations**

#### **Discussion**

This option entails not implementing any of staff’s recommendations, meaning cluster development will continue to lack specific regulations in the Municipality. Substandard roads potentially resulting from a lack of regulation may not be able to accommodate emergency service vehicles or vehicles which must be safely driven out of the property in the event of an

evacuation, posing a risk to human life. Additionally, the public engagement process indicated that the lack of regulation around cluster development has caused servicing capacity and environmental considerations to go unaddressed, which would continue if no regulations were implemented.

**Motion**

If Council wishes to not proceed with any of the options provided by staff this is the following recommended motion:

**“That Council formally direct staff to cease any further work on the project.”**

## Appendix I

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### Option 1 – Staff’s Recommendations

#### 1. Regulate Using the Site Plan Approval Process

The site plan approval process is a tool that enables the Municipality to establish additional criteria through the Land Use By-law where there are uses that require additional oversight or where there is a need to provide some flexibility in the ways land use controls are implemented.

#### 2. Establish Definitions and General Requirements

In order to properly regulate cluster developments, a clear definition of what constitutes a cluster development is required. The definition will specify the types of building(s) that constitute a cluster development as well as the criteria that will trigger the need for a site plan approval. Staff are recommending that a Cluster Development be **defined as containing 6 or more units composed of two or more dwellings.**

#### 3. Meet Private Roads Standards

It is recommended that all new cluster developments be required to meet the municipality’s private road design and construction standards, found in the existing subdivision by-law. These standards exist to ensure that emergency service vehicles have sufficient space to navigate and that vehicles can safely be driven out of the property in the event of an evacuation. It also helps ensure that the construction of these roads is done properly with the proper site preparation and road base to prolong the life and function of the road.

#### 4. Demonstrate Adequate Servicing

It is recommended that applicants demonstrate that their site can be properly serviced by water and wastewater treatment. For all defined cluster developments, the applicant would provide a servicing plan showing the layout of the site and associated wastewater systems in accordance with Nova Scotia Environment’s on-site sewage technical guidelines. For cluster developments with 10 or more units or where known water quality and quantity issues exist, the application would be required to perform a hydrogeological assessment and conform to the guidelines set out in Nova Scotia Environment’s groundwater assessment standards.

#### 5. Demonstrate Environmental Impact

Staff recommends requiring all cluster developments of 10 or more units to demonstrate, through a study completed by a qualified professional or professionals, the potential impact and recommended mitigation measure for the following items within the subject property:

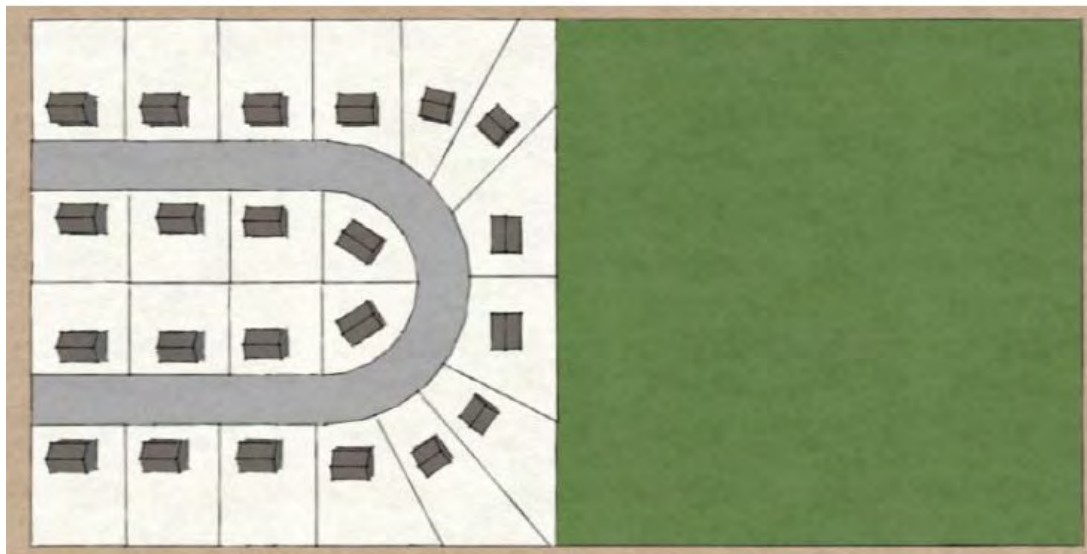
- Wetlands

- Natural habitats
- Species at risk

## **6. Encourage the Development of Conservation Design Cluster Development**

Conservation Design Development is a form of residential subdivision designed to conserve open space in rural areas and protect environmental features. The basic principle of the design is to locate homes on the portion of the site best suited for development while retaining the remainder of the site as open space.

As part of these regulations, Council should consider the adoption of a policy to promote the goals of conservation design style cluster development as a means of meeting the requirements set out in the site plan approval process.



Example of Conservation Design Layout | Credit – Halifax Regional Municipality

## **7. Review Policy Every Five Years:**

Review the cluster development regulations every five years and update them in accordance with best practices for development regulations.

## **8. Provide Flexibility Within the Site Plan Approval Process**

To account for the uncertainty involving grants that support the development of affordable housing, staff recommends that, as part of the Site Plan Approval process, the Development Officer be provided with the discretion to establish an agreement with the developer to delay certain requirements of the overall development process (e.g. private road construction) so long as all requirements are met before a certain point in the building permit process.

## **9. Consider Funding Opportunities for Affordable Housing**

Staff recommends that Council consider providing funding opportunities to assist in the satisfaction of development costs for affordable housing developments as part of the Municipality's housing acceleration efforts.

## Appendix II

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### Option 2 - PAC Cluster Development Regulations

#### 1. Regulate Using the Site Plan Approval Process

The site plan approval process is a tool that enables the Municipality to establish additional criteria through the Land Use By-law where there are uses that require additional oversight or where there is a need to provide some flexibility in the ways land use controls are implemented. The approval itself could also deal with aspects such as locations of structures, vegetation, parking, access, lighting, and grading.

#### 2. Establish Definitions and General Requirements

In order to properly regulate cluster developments, a clear definition of what constitutes a cluster development is required. The definition will specify the types of building(s) that constitute a cluster development as well as the criteria that will trigger the need for a site plan approval. Staff are recommending that a Cluster Development be **defined as containing 5 or more units composed of two or more dwellings.**

#### 3. Meet Private Roads Standards

It is recommended that all new cluster developments be required to meet the municipality's private road design and construction standards, found in the existing subdivision by-law. These standards exist to ensure that emergency service vehicles have sufficient space to navigate and that vehicles can safely be driven out of the property in the event of an evacuation. It also helps ensure that the construction of these roads is done properly with the proper site preparation and road base to prolong the life and function of the road.

#### 4. Demonstrate Adequate Servicing

It is recommended that applicants demonstrate that their site can be properly serviced by water and wastewater treatment. For all defined cluster developments, the applicant would provide a servicing plan showing the layout of the site and associated wastewater systems in accordance with Nova Scotia Environment's on-site sewage technical guidelines. For cluster developments with 10 or more units or where known water quality and quantity issues exist, the application would be required to perform a hydrogeological assessment and conform to the guidelines set out in Nova Scotia Environment's groundwater assessment standards.

#### 5. Demonstrate Environmental Impact

Staff recommend that for cluster developments that contain 10 or more units, a development officer may require the applicant to demonstrate that the development would not cause unnecessary environmental harm.

## 6. Encourage the Development of Conservation Design Cluster Development

Conservation Design Development is a form of residential subdivision designed to conserve open space in rural areas and protect environmental features. The basic principle of the design is to locate homes on the portion of the site best suited for development while retaining the remainder of the site as open space.

As part of these regulations, Council should consider the adoption of a policy to promote the goals of conservation design style cluster development as a means of meeting the requirements set out in the site plan approval process.

Report Preparation	
Department	Planning and Development
Report Prepared by	Jacob Macpherson, Planner I
Report Approved by	Reid Shepherd, Manager of Planning
Date Reviewed by C.A.O.	

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## Appendix III

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### PAC Report



## Municipality of the District of Lunenburg Regulatory Report

**Report to: PAC**

**Prepared by: Jacob Macpherson, Planner I**

**Date: October 12, 2023**

**Re: Cluster Development Regulation Report**

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### Recommendation

**That the Planning Advisory Committee respectfully recommend to Council that:**

**Council endorse the recommended cluster development regulation measures contained in Option 1 below and instruct staff to draft a Municipal Planning Strategy amendment and new Land Use By-Law respecting these measures to be brought before Council for First reading. Option 1 makes the following recommendations which are expanded upon in the report:**

**1. Regulate Using the Site Plan Approval Process**

- 2. Establish Definitions and General Requirements**
- 3. Meet Private Roads Standards**
- 4. Demonstrate Adequate Servicing**
- 5. Demonstrate Environmental Impact**
- 6. Encourage the Development of Conservation Design Cluster Development**

## **Discussion**

The Municipality of the District of Lunenburg (MODL)'s Council directed staff to develop regulations for the construction of Cluster Developments in MODL.

Cluster developments, sometimes called grouped or cluster dwellings, are a type of residential development where several detached and/or multiple-unit dwellings are located on the same property. The objective of the new regulations is to ensure that new cluster development projects follow standards that are appropriate to the size, configuration, and location of the proposed development. This report presents planning staff policy recommendations for cluster development in MODL, focusing on human safety, service capacity, and the natural environment.

## **Steps Completed**

### **Preparation of Background Report**

Staff compiled a comprehensive cluster development background report that analyzed municipal legislation for cluster development. The report looked at existing regulations for cluster development in Nova Scotian municipalities to explore what regulations in MODL might look like.

### **Public Engagement Campaign**

The Municipality pursued a variety of engagement methods to gather community input on matters related to cluster development while also increasing local awareness of the upcoming regulations. Advertising for the project itself was circulated through Facebook postings and radio ads. Feedback on the project was gathered through a three-question survey that received 137 responses. An open house was hosted in Cookville on July 10, 2023, and had more than 69 attendees.

## What we Heard Report

The What we Heard Report (WWHR) provides a summary of the feedback gathered from community members during the first round of public engagement on cluster development. The feedback covers various aspects of cluster development regulations, including:

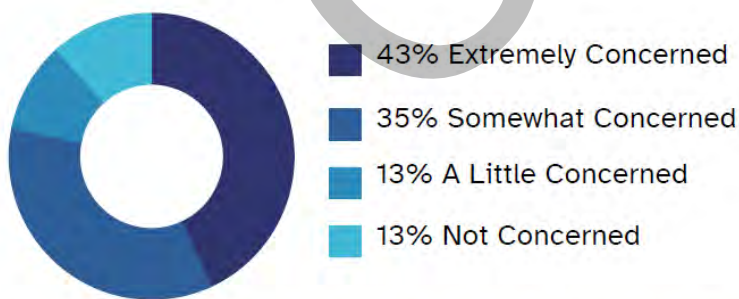
- road standards,
- servicing capacity,
- the environment,
- density, and
- the effect of new regulations on existing cluster developments.

The survey and open house were conducted to involve the community in the process of developing cluster development regulations, and the feedback received will serve as a valuable starting point for this project. The Cluster Development project commenced on June 2, 2023, and the Municipality is actively working on drafting the necessary regulations. The aim is to have these regulations in place and implemented by the end of 2023. The full Cluster Development WWHR can be found in Appendix A.

## Survey

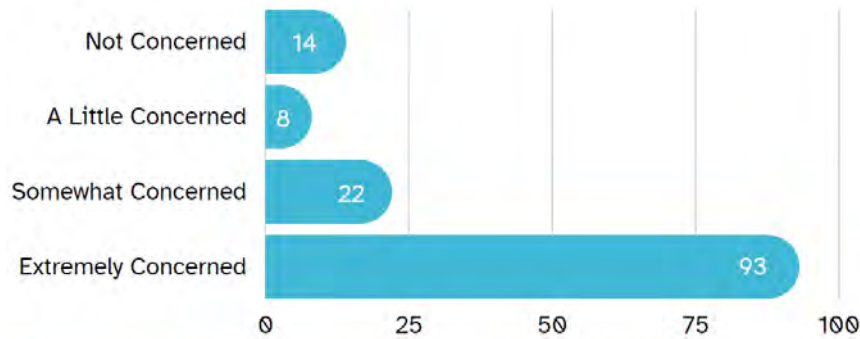
The survey, which received 137 responses, found an overall high level of concern for all listed aspects of cluster development. Of the respondents, 42% lived near a proposed or existing cluster development.

- The survey revealed that 43% of respondents were extremely concerned about **road construction and access** as an aspect of cluster development.



Concern for Road Construction/Access for Cluster Development (All Respondents)

- 68% of respondents were extremely concerned about the effect that cluster developments can have on **water quality and quantity** under MODL's current regulations.



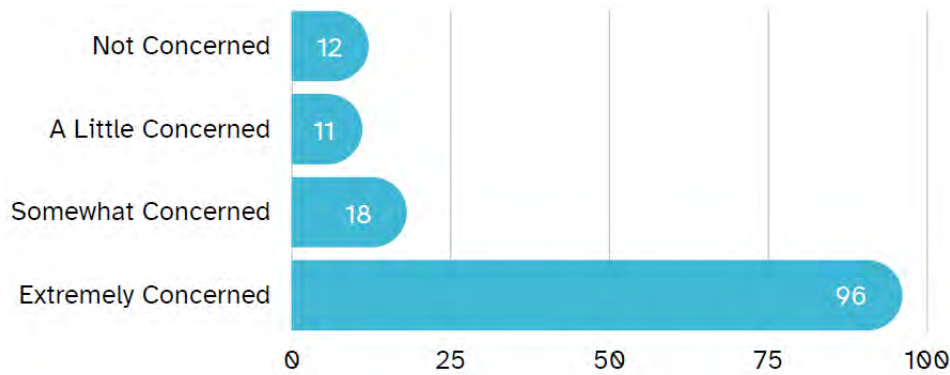
How concerned are you about the following aspects of cluster developments? - Water Quality and Quantity

- 73% of respondents were extremely concerned about **sewage treatment** as an aspect of cluster development.



How concerned are you about the following aspects of cluster developments? - Sewage treatment

- 70% of respondents were extremely concerned about **environmental impacts** from cluster developments in the municipality.



How concerned are you about the environmental impacts of cluster developments?

## Cluster Development Regulations

The primary objectives of these land use regulations are to prioritize human safety, ensure proper infrastructure standards, and preserve the natural environment against the potential impacts of development. The regulations aim to ensure that appropriate standards are applied to cluster developments while avoiding unnecessary requirements.

## Staff Recommendations

### 1. Regulate Using the Site Plan Approval Process

The site plan approval process is a tool that enables the Municipality to establish additional criteria through the Land Use By-law where there are uses that require additional oversight or where there is a need to provide some flexibility in the ways land use controls are implemented. The approval itself could also deal with aspects such as locations of structures, vegetation, parking, access, lighting, and grading.

### 2. Establish Definitions and General Requirements

In order to properly regulate cluster developments, a clear definition of what constitutes a cluster development is required. The definition will specify the types of building(s) that constitute a cluster development as well as the criteria that will trigger the need for a site plan approval. Staff are recommending that a Cluster Development be **defined as containing 5 or more units composed of two or more dwellings.**

### 3. Meet Private Roads Standards

It is recommended that all new cluster developments be required to meet the municipality's private road design and construction standards, found in the existing subdivision by-law. **These standards exist to ensure that emergency service vehicles have sufficient space to navigate and that vehicles can safely be driven out of the property in the event of an**

evacuation. It also helps ensure that the construction of these roads is done properly with the proper site preparation and road base to prolong the life and function of the road.

#### **4. Demonstrate Adequate Servicing**

It is recommended that applicants demonstrate that their site can be properly serviced by water and wastewater treatment. For all defined cluster developments, the applicant would provide a servicing plan showing the layout of the site and associated wastewater systems in accordance with Nova Scotia Environment's on-site sewage technical guidelines. For cluster developments with 10 or more units or where known water quality and quantity issues exist, the application would be required to perform a hydrogeological assessment and conform to the guidelines set out in Nova Scotia Environment's groundwater assessment standards.

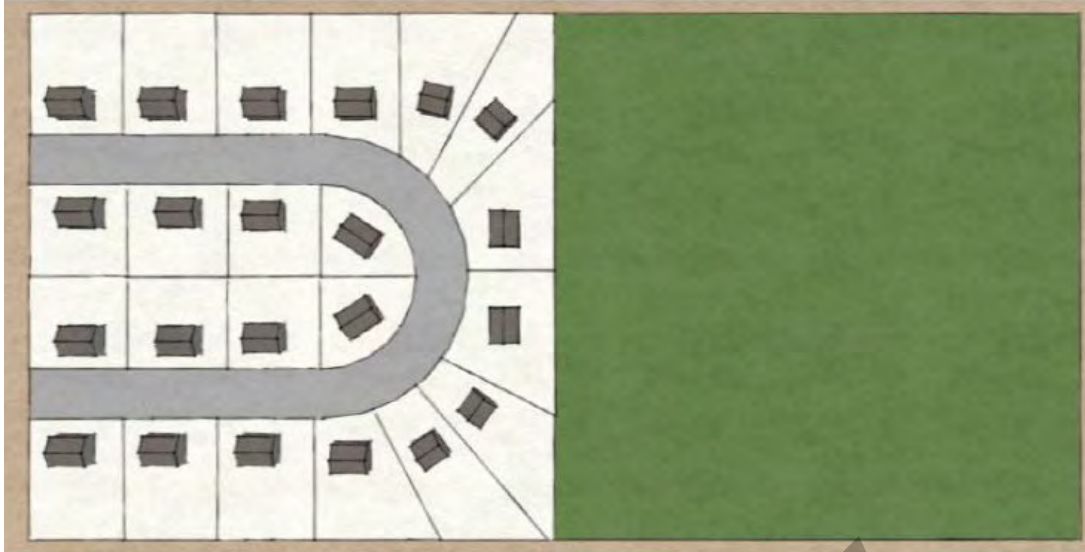
#### **5. Demonstrate Environmental Impact**

Staff recommend that for cluster developments that contain 10 or more units, a development officer may require the applicant to demonstrate that the development would not cause unnecessary environmental harm.

#### **6. Encourage the Development of Conservation Design Cluster Development**

Conservation Design Development is a form of residential subdivision designed to conserve open space in rural areas and protect environmental features. The basic principle of the design is to locate homes on the portion of the site best suited for development while retaining the remainder of the site as open space.

As part of these regulations, Council should consider the adoption of a policy to promote the goals of conservation design style cluster development as a means of meeting the requirements set out in the site plan approval process.



Example of Conservation Design Layout | Credit – Halifax Regional Municipality

## Options

### Option 1: Staff Recommended Option

This option entails implementing all six of staff's recommendations. Implementing these recommendations will cause the cluster development model to no longer be a more permissive approach compared to a residential subdivision.

The recommendations require all new cluster developments, defined as five (5) or more dwelling units within two or more dwellings on one lot, to undergo a site plan approval process. This process is designed to ensure that road standards are in place to ensure human safety, that the scale of cluster development does not exceed its potential service capacity for the development and surrounding properties, and that no unnecessary environmental harm is being caused by cluster developments.

### Option 2: Do Not Implement Regulations

This option entails not implementing any of staff's recommendations, meaning cluster development will continue to lack specific regulations in the Municipality. Substandard roads potentially resulting from a lack of regulation may not be able to accommodate emergency service vehicles or vehicles which must be safely driven out of the property in the event of an evacuation, posing a risk to human life. Additionally, the public engagement process indicated that the lack of regulation around cluster development has caused servicing capacity and

environmental considerations to go unaddressed, which would continue if no regulations were implemented.

Report Preparation	
Department	Planning and Development
Report Prepared by	Jacob Macpherson, Planner I
Report Approved by	Reid Shepherd, Manager of Planning
Date Reviewed by C.A.O.	

Copy



## Municipality of the District of Lunenburg

10 Allée Champlain Drive, Cookville, Nova Scotia, Canada, B4V 9E4  
Phone: 902.543.8181 Fax: 902.543.7123 Web Site: [www.modl.ca](http://www.modl.ca)

November 21, 2023

To Her Worship, Mayor Bolivar-Getson, and Councillors  
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors:

The Policy & Strategy Committee, in session on Tuesday, November 21, 2023, made the following recommendations to Council:

1. That Municipal Council write a letter to the Provincial Minister responsible for Natural Resources and Renewables, Tory Rushton, with copies to Premier Houston and local MLAs Becky Durhan and Susan Corkum-Greek, requesting expedited identification of all Old Growth Forests on Crown Land in the Municipality of the District of Lunenburg.
2. That Municipal Council accepts Policy 096 Hydrant Charge, as presented, and hereby gives 7 days' notice of councils intention to adopt the proposed policy at the November 28, 2023, Council Meeting.
3. That a proclamation be prepared for the Mayor, stating Council's support in declaring Gender Based Violence to be an epidemic.

Respectfully submitted,

Chairperson and Members  
Policy & Strategy Committee

/jp



## Memorandum

**To: Policy and Strategy Committee**  
**From: Abhimanyu Jain, Climate Change and Sustainability Manager**  
**Date: November 21, 2023**  
**Re: Letter to the Premier of Nova Scotia to Protect MODL's Old Growth Forests**

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Through this memorandum it is recommended:

**“That the Policy and Strategy Committee recommend the Municipal Council to write a letter to the Premier of Nova Scotia, requesting expedited identification of all Old Growth Forests on Crown Land in the Municipality of the District of Lunenburg.”**

### Background

This recommendation arises from Mr. George Buranyi's presentation during the Municipal Council meeting on July 25, 2023. Mr. Buranyi highlighted key aspects concerning Lunenburg County's old growth forests and the environmental commitments of the Nova Scotia Government:

- In October 2021, the Nova Scotia Government passed the Environmental Goals and Climate Change Reduction Act, aiming to conserve at least 20% of the province's land and water by 2030.
- Mr. Buranyi emphasized the importance of protecting specific forests, such as Public Land Minamkeak Lake and Public Land with multi-aged old forest and mature old forest in Lunenburg County.
- He highlighted the decline in forests aged over 80 years old, significant forest cover loss due to clearcutting practices in Lunenburg County, and the ecological importance of old forests in various aspects such as carbon sequestration, biodiversity support, water purification, and wildfire resilience.
- He presented the “Save our Old Forests (S.O.O.F.)'s Petition to the Premier” to MODL's Municipal Council to request Premier to pause all harvesting and roadbuilding activities in old growth forests until the 20% conservation target is met.

### **Provincial Action towards Old Growth Forests Protection**

The Province introduced an Interim Old Forest Policy in 1999 to conserve old-growth forests across all eco-districts on Crown land in Nova Scotia. The province further expanded its conservation efforts with Old Forest Policy in 2012. Since its implementation, the policy has helped to conserve thousands of hectares of maturing old forests and old-growth forests across provincial Crown land. However, with increasing pressures from private land development and climate change, this policy wasn't enough to protect old growth forests.

Responding to recommendations by Dr. William Lahey, the Province developed a new Old-Growth Forest Policy in August 2022. This policy aims to enhance old growth forest protection on crown land, defining "old growth" as forests with at least 20% of the tree stand being 100 years or older. The new policy protects designated old-growth forest areas from logging or commercial activities and estimates protection for approximately 32,000 hectares of old growth forests on crown land.

### **Staff Recommendation**

In the Municipality of the District of Lunenburg, approximately 19,170 hectares of crown land exist, with only 645 hectares currently protected under the new Old-Growth Forest Policy (2022). The memorandum includes a map that highlights the crown land in MODL with green color. The Province plans to continuously update its mapping to identify more old growth forests for protection.

Given the critical importance of preserving these old growth forests, staff recommends that the Policy and Strategy Committee recommend the Municipal Council to write a letter to the Nova Scotia Premier to request to expedite the identification of all old growth forests on crown land in the Municipality of the District of Lunenburg. This action will automatically protect the newly identified old growth forests on crown land from harvesting and commercial activities.

Additionally, this recommendation aligns with the Municipality's commitment in its Local Climate Change Action Plan 2030 to protect 20% of the Municipality's land and water mass by 2030.

For reference, Mr. Buranyi's presentation from the Council meeting is attached below.

<b>Memorandum Preparation</b>	
<b>Department</b>	Planning & Development Services
<b>Prepared by</b>	Abhimanyu Jain, Climate Change and Sustainability Manager
<b>Approved by</b>	
<b>Date Reviewed by C.A.O.</b>	



# Save Our Old Forests (SOOF) Request to the Municipality of the District of the County of Lunenburg



Forest Cover lost in Lunenburg county, mainly to clearcutting, in 2001. Satellite imagery from Global Forest Watch.



## Forest cover lost between 2001-2022



## Protecting 20% of Nova Scotia by 2030

- The Environmental Goals and Climate Change Reduction Act was passed by the Nova Scotia Legislature in October 2021.

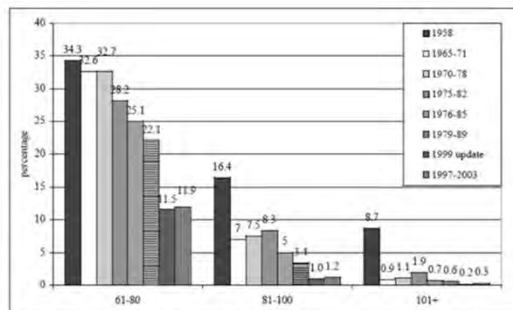
It includes a commitment “to conserve at least 20% of the total land and water mass of the Province by 2030 as protected areas and other effective area-based conservation measures”.



So which forests should we protect?

- Public Land Minamkeak Lake.
- Public Land with multiaged old forest and mature old forest in Lunenburg County.

In 1958, 25% of Nova Scotia's forests were over 80 years old. In 2003 that figure was 1.5%.



Sources: The Forest Resources of Nova Scotia (1958); Nova Scotia Forest Inventory Provincial Summary 1965-1971, 1970-1978, 1975-1982, 1976-1985, 1979-1989; DNR GIS 1995 Inventory Data (September 1999 update), DNR GIS Unpublished Inventory Data (1997-2003). Note: Figures have been rounded.

Figure 4. Provincial forest area by age classes over 61 years as percentage of total forest area from 1958-2003. Sourced from GPI Atlantic (2008).

There are still areas of public land in Lunenburg county with pockets of old forest or mixed aged/old forest. The public land in the designated watershed of Bridgewater is one instance, as are public lands north of Chester and a few other areas in Lunenburg.

- Old forests are special. You can feel it. People need old forests on public land.
- And they store more carbon
- They support more diverse forms of life
- They cleanse water and regulate its flow
- They are less flammable and more resilient

- Only 4% of Lunenburg County forests are protected.
- Lunenburg has lost over 13% of tree cover in the past 20 years.
- Forests are the most reliable and best means of carbon sequestration, protection against biodiversity loss, and hope of meeting our climate goals.
- We are not opposed to all forestry.
- We are opposed to logging forests that should be protected

## S.O.O.F.'s Petition to the Premier

WHEREAS our Government has committed in law to protecting 20% of Nova Scotia's lands and waters by 2030 but is continuing to permit logging of old forests of high conservation value on Crown land,

THEREFORE we, the undersigned residents of Nova Scotia, call upon the Premier to pause all harvesting and roadbuilding activities in forests over 80 years old on Crown land in Lunenburg County until such time as 20% of Nova Scotia's lands have been permanently protected.

We ask that the Mayor make the same request of the Premier on behalf of the Municipality of the County of Lunenburg



**Council**  
Item: #10.2.2  
Date: November 28, 2023  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Request for Decision**

**Report to:** Policy & Strategy Committee  
**Submitted by:** Elana Wentzell, CPA, CMA  
**Date:** 2023-11-21  
**Re:** Hydrant Charge Proposed Policy 096

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#### **Recommendation**

It is recommended that the Policy & Strategy Committee accept Policy 096 Hydrant Charge Policy as presented and hereby give seven (7) days' notice of its intention to approve the proposed policy at the November 28, 2023 Council Meeting.

#### **Executive summary**

On February 21, 2023, staff presented the Committee with background information on the hydrant charge area rate that is applicable in the Pinegrove and MacCulloch Road areas where fire hydrants are located.

The Committee directed staff to develop a policy based on the existing practice of billing only those properties located within 1,000 feet of a hydrant.

#### **Discussion**

The attached proposed policy was developed clarifying the charge area, how the charge is calculated and what properties are billed.

#### **Budget implications**

Because the policy does not change how the hydrant rates are calculated or applied, there are no budget implications.

**Alternatives**

The Committee can accept the policy as submitted or make any changes it deems necessary.

**Conclusion**

Staff believe this policy addresses the intent of the Committee to formalize the way the hydrant charges are calculated and applied.

Report Preparation	
Department	Finance
Report Prepared by	Elana Wentzell
Report Approved by	
Date Reviewed by C.A.O.	

Copy

## Municipality of the District of Lunenburg

Policy Details	
<b>Name</b>	Hydrant Charge
<b>Number</b>	096
<b>Legislative Authority</b>	Municipal Government Act - Section 75
<b>Effective Date</b>	April 1, 2024

### Purpose

- 1 To establish how hydrant charges are billed to property owners in the Municipality of the District of Lunenburg.

### Hydrant Charge

- 2 A hydrant charge is the amount billed to property owners for the annual maintenance of hydrants located in the hydrant charge district.

### Hydrant Charge District

- 3
  - (1) The Hydrant Charge District means the area where the charge is imposed, and has its boundaries identified on mapping.
  - (2) The Hydrant Charge District includes all properties located within 1,000 feet of a hydrant within the MacCulloch Road and Pinegrove Area.

### Hydrant Charge Rate

- 4
  - (1) The Hydrant charge rate will be calculated by determining the cost of all hydrants and dividing that cost into the total taxable assessment in the hydrant charge district to determine the area rate to be applied. This area rate applies to all taxable assessment (residential, resource and commercial assessed property in the charge district).
  - (2) Finance staff will maintain a continuity schedule to ensure annual under/over collection of hydrant rates is applied to the rate calculation in the following year.
  - (3) The rate will be approved by Council yearly during budget deliberations and there will not be an administrative fee charged for this service.

(4) This charge will be included on and become part of the total taxes due on the interim and final tax bill. This charge is a first lien on the real property and may be collected in the same manner as taxes.

**Effective Date**

5 This policy will come into effect on April 1, 2024.

Policy Adoption	
Date of Original Passage	
Date of Notice of Intent to Amend/Repeal	N/A
Date of Council Approval	
Date of Effective Date (if different from council approval)	
I certify that this Policy XXX was adopted by Municipal Council as indicated above.	
Signature of Municipal Clerk	Date

Version	Amendment Description	Approval Date
Original V1	Hydrant Charge	<<date>>
		<<date>>

**Request for Agenda Items under  
Mayor's/Deputy Mayor's/Councillors' Matters**

Council  
Item: #10.2.3  
Date: November 21, 2023  
Authorization: T. MacEwan

TO: Chief Administrative Officer  
FROM: Kacy DeLong  
DATE: November 12, 2023

1. Agenda Item  
Request for a declaration

2. On what agenda do you want the item placed?  
Council

3. Do you have written material to circulate with the agenda? Yes  No

If you do, please attach it to this form. If you do not, please explain.

In the body of the email, please find supporting written material

4. What is its relevance to Council or the committee?

The worst mass murder in Canadian history was deemed to be perpetrated as a result of intimate partner violence. The Mass Casuality Commission has made many recommendations for how all levels of government can support ending gender based violence. A declaration from MODL to support this work will demonstrate council's commitment to building solutions in the face of this epidemic. Be the Peace could use its expertise to help draft the declaration

5. What outcome(s) are you seeking?

A declaration by the mayor in support of council declaring Gender Based Violence to be an epidemic

Kacy DeLong  
Councillor's Signature

Digitally signed by Kacy DeLong  
Date: 2023.11.12 22:02:13 -04'00'

November 12, 2023  
Date

Approval for agenda: Yes  No

Reason for Denial:

Mayor or Chair of Committee

Date

## Joanne Powers

---

**From:** Joanne.Powers@modl.ca  
**Subject:** FW: 2 Agenda Items - Policy & Strategy Committee - November 21, 2023, 1 for future agenda  
**Attachments:** Request to Add Agenda Items - Mayor-Deputy-Councillor Matters (009).pdf; Request to Add Agenda Items - Mayor-Deputy-Councillor Matters (007).pdf; Request to Add Agenda Items - Mayor-Deputy-Councillor Matters (005).pdf

**From:** Kacy DeLong <Kacy.Delong@modl.ca>  
**Sent:** Tuesday, November 14, 2023 9:21 AM  
**To:** Joanne Powers <Joanne.Powers@modl.ca>  
**Subject:** RE: 2 Agenda Items - Policy & Strategy Committee - November 21, 2023, 1 for future agenda

Hi Joanne,  
Please find attached two items for consideration for the upcoming Policy and Strategy agenda.

As well, please find an item for a future meeting (TBD) requesting a declaration on gender-based violence. Here is the supporting material for this item:

Text from Be the Peace Institute's newsletter:  
Federal Justice Minister Arif Virani responded to the Supervising Coroner of the Renfrew County Femicide Inquiry with a declaration of GBV as an epidemic in Canada.

This, after the province of Ontario has refused to do so despite more than 40 cities and municipalities in Ontario having made this symbolic and powerful declaration already.

Minister Virani's letter also contained responses to some of the inquiry's 86 jury recommendations including, the federal government's intent to criminalize coercive control, review criminal harassment, increase data collection on femicide, government efforts to strengthen protections for victims of crime, as well as referencing the work and recommendations of the Nova Scotia Mass Casualty Commission and public inquiry into the mass shooting in 2020.

Funding and implementation commitments related to the National Action Plan to End GBV were also itemized.

Link to Toronto's actions in declaring GBV and intimate partner violence an epidemic:  
<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC8.2>

Response from The Honourable Arif Virani, Minister of Justice and Attorney General of Canada to the Office of the Chief Coroner which headed the inquiry into GBV in Ontario: [CKW- Justice Attorney General response.pdf\(Review\) - Adobe cloud storage](#)

The Guardian's Tracey Lindeman in Ottawa, August 16th, 2023  
[Canada calls gender violence an epidemic after triple femicide inquest | Canada | The Guardian](#)

The Globe & Mail's Molly Hayes, August 16th, 2023  
<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:6529a8b4-ef19-3669-9bf2-51d5aaefad82>

**Council**  
Item: #10.3  
Date: November 28, 2023  
Authorization: T. MacEwan



**Municipality of the District of Lunenburg**  
10 Allée Champlain Drive Cookville Nova Scotia Canada B4V 9E4  
**Administration**  
Phone: 902.543.8181 Fax: 902.543.7123 Web Site: [www.modl.ca](http://www.modl.ca)

November 9, 2023

Mayor Carolyn Bolivar-Getson & Council  
Municipality of the District of Lunenburg  
10 Allée Champlain Drive  
Cookville NS B4V 9E4

Dear Mayor Bolivar-Getson:

**RE: REMO 2023/24 Budget Variance Update**

At the October 31, 2023, Regional Emergency Management Organization (REMO) Advisory Committee meeting, the Committee passed the following motion:

**“that the Regional Emergency Management Advisory Committee approve an additional \$20,200 for the 2023/24 budget and recommend approval to the partner municipal units in accordance with Section 20 of the Inter-Municipal Agreement.”**

Please find attached the breakdown of costs per individual unit based on uniform assessment.

Please forward this budget variance update to your Council for consideration and approval. Once approved, please forward a copy of Council’s motion approving the motion to Angela Henhoeffler, Municipality of the District of Lunenburg ([angela.henhoeffler@modl.ca](mailto:angela.henhoeffler@modl.ca)) for insertion on a future REMO agenda.

Sincerely,

Tom MacEwan  
Chief Administrative Officer

/jgp  
Attach.  
cc: Angela Henhoeffler, REMC

**Background on REMO Budget**

REMO has for several years returned small operating surpluses to the partner units. Early evaluation of the current year’s operating forecast suggests that this will not be the case for the 2023/24 budget year.

There are a few factors combining to result in extra expenditures. First, the need for REMO responses, including the major flash flooding event in July have depleted the REMO contingency account. Second, to improve REMO’s response capabilities, training for a large number of municipal staff is planned for this fiscal year, which will be provided in house to keep costs lower and to ensure the content is tailored to Lunenburg REMO, but this approach will still incur costs.

Finally, we are anticipating changes to personnel costs according to MODL’s salary administration and personnel policies. The estimated differences are summarized in the table below:

Item	Estimated Addition
REMO Contingency	\$4,000
Municipal Staff Training	\$8,000
Personnel Costs	\$8,200

**Proposed 2023/24 REMO Budget Variance**

The total approved budget for REMO in 2023/24 is set at \$171,800. The additional anticipated cost for these three items comes to \$20,200 or 12% of the total budget. The breakdown of costs per individual unit based on uniform assessment is provided below:

Unit	Percentage	Amount
Bridgewater	12%	\$ 2,505
Mahone Bay	3%	\$ 505
Chester	30%	\$ 6,080
MODL	50%	\$ 10,080
Lunenburg	5%	\$ 1,030
Total		\$ 20,200

**Council**  
Item: #11.1.1  
Date: November 28, 2023  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Report to Council**

**Report To:** Municipal Council  
**Submitted By:** Amy Wamboldt  
**Date:** November 22, 2023  
**Re:** Municipal Capital Growth Program

---

#### **Recommended Motion**

**“that Municipal Council endorse the following projects as funding priorities for the Municipal Capital Growth Program:**

**Priority # 1— Cookville Wastewater Treatment Plant Upgrades; and,**

**Priority # 2 — Sidewalk Accessibility Upgrades along Nathan Cirillo and Pine Grove Road”**

#### **Background**

The Municipal Capital Growth Program is a new funding program administered by the NS Department of Municipal Affairs and Housing. The program supports investment in municipal infrastructure projects such as:

- water and wastewater (including storm-sewer separation)
- accessibility
- climate change adaptation
- brownfield redevelopment preparation (restore contaminated land to allow for future development)

Projects that address critical capacity issues or expand infrastructure services in the municipality are given priority in the evaluation process. Priority is also given to projects that

build more accessible or adaptable communities and restore contaminated land to allow for future development.

Projects can be multi-year and need to be complete by 31 March 2026.

The funding for the program is 50% of eligible costs. The total amount of money to be distributed across the province is \$32 M. Applications are accepted until December 13, 2023 and require a motion of Council in support of the project(s) to accompany the application.

## **Recommendations**

### **1. Cookville WWTP Upgrades**

The Cookville Wastewater Treatment Plant (WWTP) is operating at approximately 25-30% of its design capacity. Recent development projects and proposed projects for Osprey Village are residential based, which tend to consume much more treatment capacity than the current commercial development type in this area. It is expected that wastewater generated by the current projects under construction and the proposed development scheduled over the next 2 years will exceed the design capacity of the Cookville WWTP. To ensure MODL can provide sufficient wastewater service for the Osprey Village area, both future and present, Council has decided to prepare for the construction of the 3<sup>rd</sup> operating phase of this plant. The plant is designed for 4 possible phases and is currently operating in its 2<sup>nd</sup> phase design. The original cost estimate for the plant upgrades was \$500,000 for design work and \$9,000,000 for construction. To assist with this project, MODL was awarded \$6,679,629 through the ICIP Environmental Quality funding program in 2022/2023.

Following an Existing Conditions and Capacity Assessment completed by a consultant in early 2023, the cost to upgrade the WWTP to its phase 3 capacity was \$15,000,000. A draft pre-design report completed in November of 2023, suggests the cost could be \$18,000,000. Staff are recommending this project as the #1 priority for the Municipal Capital Growth Program, as the program presents an opportunity to help close the funding gap on this project.

### **2. Accessibility Upgrades Nathan Cirillo and Pine Grove Road**

As the province has requested that municipalities submit an additional priority project as part of the Municipal Capital Growth Program application, staff are recommending the sidewalks and curbs project along Nathan Cirillo and Pine Grove Road be submitted. The project is currently listed as an \$840,000 project to be designed in 2024/25 and completed in 2025/26, however, as current economic conditions have led to significant price increases, staff anticipate that a revised, increased, budget for this project would be required for the grant application. Additionally, the project scope would be expanded to include all accessibility elements expected for newly built infrastructure.

Report Preparation	
<b>Department</b>	Administration
<b>Report Prepared by</b>	Amy Wamboldt, Grant Coordinator
<b>Report Approved by</b>	Alex Dumaresq, CAO
<b>Date Reviewed by C.A.O.</b>	

**Council**  
Item: #11.2.1  
Date: November 28, 2023  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Request for Decision**

**Report to:** Municipal Council

**Submitted by:** Trudy Payne, Director of Recreation, Parks & Tourism

**Date:** November 28, 2023

**Re:** Sawpit Wharf Park Community Plan RFP # 2023-05-405

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#### **Recommended Motions**

**That Council does not proceed in awarding the Sawpit Wharf Community Park Plan RFP # 2023-05-405 as the proposal received was a non-compliant bid.**

**That Council re-issue the Sawpit Wharf Park Community Plan RFP and increase the budget from \$29,000 to \$39,000 with the additional funds to come from the Park Standards Upgrades capital account 02-2700010-972.**

#### **Background**

The 2023-2024 capital budget includes \$29,000 to develop a Community Plan for Sawpit Wharf Park. Council directed staff to release the RFP after the Sawpit wharf assessment was completed. The RFP was advertised in early October with a closing date of October 26, 2023. The RFP was posted on the Provincial Procurement site. Four firms reached out with additional questions in which the questions and responses were posted on the Provincial Procurement site for all potential bidders to view. One of the questions asked was what the budget is, in which \$23,000 was posted. At the closing date and time only one proposal was received. The full \$29,000 was not posted as funds will be required to help pay for costs outside the consultant's contract for such things as advertising, renting venues, etc. and based on previous projects staff felt this amount should be sufficient. One of the other companies that made inquiries did reach out after the RFP deadline and stated they did not submit a bid as they felt the scope of work did not match the amount budgeted.

#### **Executive Summary**

Based on there being one submission which is over the original budget, it is staff's recommendation not to award the RFP and increase the budget to \$39,000 and re-issue the RFP.

By re-issuing the RFP and increasing the budget the potential of having more than one bid submitted is likely and this would help ensure competitive pricing. This recommendation was discussed with MODL's legal counsel who advised this would be within MODL's legal rights to re-issue the RFP and increase the budget to encourage more competitive proposals. The additional funding could come from the capital budget Park Standards Upgrades account no. 02-2700010-972. The budget for this account is \$340,000 and could accommodate the additional funding being recommended to re-issue the RFP.

This was a project budgeted in the 2022-2023 budget and carried over to the 2023-2024 and was postponed in this budget year until the wharf assessment was completed. The Sawpit Wharf Park Advisory Committee made the recommendation to include in both the 2022-2023 budget and then again in the 2023-2024 budget to have a Community Plan developed and support moving forward with this project in this fiscal year.

### **Budget Implications**

There would be no increase in the capital budget overall. What it would mean is utilizing the additional funds being recommended from the \$340,000 budgeted for the Park Standards Upgrades to accommodate the Sawpit Wharf Park Community Plan.

### **Alternatives**

The other option for Council's consideration is:

1. Not award the RFP due to it being over budget and not proceed with the Community Plan within this fiscal year.

### **Strategic Plan**

Re-create Parks is one of Council's strategic priorities.

### **Work Plan**

Issuing an RFP to hire a consulting firm to conduct community consultation, develop a community plan with recommendations and an implementation plan is part of the Recreation, Parks and Tourism's Department workplan for 2023-2024.

### **Summary**

This is a project that was scheduled to happen in the 2022-2023 fiscal year. For various reasons, one being staff changes within the department, the project did not move forward within that fiscal year. The funds were carried forward in 2023-2024 and postponed until after the wharf assessment was completed. The Sawpit Wharf Park Advisory Committee, which consists of community members appointed by Council, to give advice and make recommendations to

Council, is anticipating that the development of the community plan will take place within this fiscal year.

<b>Report Preparation</b>	
<b>Department</b>	Recreation, Parks & Trails
<b>Report Prepared by</b>	Trudy Payne, Director of Recreation, Parks & Trails
<b>Report Approved by</b>	
<b>Date Reviewed by C.A.O.</b>	

**Council**  
Item: #11.3.1  
Date: November 28, 2023  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Report to Council**

**Report To: Municipal Council**

**Submitted By: Ella R. Gindi, Planner I/ Heritage Planner**

**Date: November 28, 2023**

**Re: Policy 027- Heritage Property Policy Review**

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On October 26, 2023, the Planning Staff met with the Heritage Advisory Committee to discuss proposed revisions to Policy-027 to the Heritage Property Policy.

In Section 5, changes included adding "character-defining element of a" after "A" and inserting "but not limited to" after "include" to show the listed elements are not exhaustive. Another proposed change in Subsection 6(b) allowed replacing existing roofing with metal, as long as the roof material is not considered a character-defining element of the heritage property.

The Heritage Advisory Committee recommended Council approval of these revisions to Policy - 027.

On November 14, the Planning Staff presented the proposed revisions and the Heritage Advisory Committee's recommendations to Council. Council accepted the recommendation and provided a 7-day notice of their approval. A formatted copy of the revised policy is attached to this report.

<b>Report Preparation</b>	
<b>Department</b>	Planning & Development Services
<b>Report Prepared by</b>	Ella R. Gindi, Heritage Planner
<b>Report Approved by</b>	Jeff A. Merrill, Director of Planning and Development Services
<b>Date Reviewed by C.A.O.</b>	

# Municipality of the District of Lunenburg

Policy Details	
Name	Heritage Property
Number	027
Legislative Authority	Heritage Property By-law, Sections 6 and 9
Effective Date	May 11, 2004

## Short Title

- 1 This Policy may be cited as the Heritage Property Policy.

## Definitions

- 2 In this Policy, the Heritage Advisory Committee is as defined in subsection 5(2) of the Heritage Property By-law.

## Minimum Threshold

- 3 (1) The Heritage Advisory Committee may recommend to the Municipality that a building be registered as a municipal heritage property in the Registry of Heritage Property, if the heritage value of the recommended building is scored at least 75 out of 100 points.  
  
(2) The Heritage Advisory Committee may recommend to the Municipality that a public-building interior, streetscape, cultural landscape, or area be registered as a municipal heritage property in the Registry of Heritage Property, if the Heritage Advisory Committee deems the heritage value of the recommended public-building interior, streetscape, cultural landscape, or area as significant.

## Evaluation Guidelines

- 4 (1) The score in subsection 3(1) is calculated by combining all the points of the criteria stated in the evaluation guidelines in Schedule A.  
  
(2) The criteria in Section 3 must not be inconsistent with the Standards & Guidelines for the Conservation of Historic Places in Canada.

## Substantial alterations

- 5 Substantial alterations to a character defining element of a municipal heritage property may include but not limited to
  - (a) demolition;

- (b) addition;
- (c) changing the colour scheme of the structure;
- (d) alterations that change the massing of the building;
- (e) alterations that change the building's original style, such as
  - (i) building form with respect to orientation, proportion, and height;
  - (ii) roof shape with respect to style, pitch, and the addition of roof elements such as towers and dormers;
  - (iii) visual balance with respect to the arrangement of parts or elements of the building including, but not limited to, windows, doors, bays, porches, and dormers;
  - (iv) windows with respect to size, style, placement, orientation, and materials;
  - (v) doors with respect to size, style, placement, materials and the addition of sidelights and transoms;
  - (vi) cladding with respect to style, placement, orientation, and materials;
  - (vii) molding or trim with the respect to style, placement, materials and the removal or addition of;
  - (viii) stairs, porches, decks, balconies, verandahs, and porticos with respect to style, materials, and the removal or addition of all or part of the structure;
  - (ix) skylights with respect to the addition, removal, or replacement of; and
  - (x) dormers with respect to size, style, and placement.

### **Non-substantial Alterations**

**6** Municipality deems the following alterations as non-substantial:

- (a) painting using the same colour scheme;
- (b) repairs to or the replacement of existing materials where no change in size, style, placement, orientation, or materials is to occur, such as wood clapboard with wood

clapboard of the same exposure to the weather, and asphalt shingles with asphalt shingles.

(i) Changing to metal roof materials is permitted as long as the roof material is not deemed to be a character defining element.

### Alteration Approval Process

- 7 After receiving an application in Section 10 of the Heritage Property By-law, the heritage officer must issue a letter to the owner of the municipal heritage property, stating that
- (a) under the criteria in Section 6, the application is a non-substantial alteration; or
  - (b) approval from the Council is required for the proposed alteration.

Policy Adoption	
Date of Original Passage	May 11, 2004
Date of Notice of Intent to Amend	November 14, 2023
Date of Council Approval	
Date of Effective Date (if different from council approval)	N/A
I certify that this Policy 027 Heritage Property was adopted by Municipal Council as indicated above.	
Signature of Municipal Clerk	Date

Version	Amendment Description	Approval Date
Original V1	Passage of Original Policy	May 11, 2004
V2	Amendments included deletion of sections 1 through 4 and replacing with new sections 1 through 7	April 27, 2021
V3	Amend s. 5 substantial alterations by adding “character defining elements” and “but not limited” and s. 6 add new clause (b) that addresses roofing material alterations.	

# Schedule A

## Municipal Heritage Property – Evaluation Criteria

### Introduction

The following is a system designed to provide a framework for the Heritage Advisory Committee when assessing the individual significance and character of potential heritage properties. The criteria enclosed was compiled using various Heritage Advisory Committee’s selection criteria (Housing & Municipal Affairs, Annapolis County, and the Town of Lunenburg).

### Evaluation Criteria

#### Age

Building materials, deeds, newspaper clippings, and architectural styles can be useful in determining the age of a structure. The following are the following recommended age groupings and the respective points.

- Pre 1840 15 points
- 1840- 85 years ago 10 points

**Potential Points 15 points**

#### Historical Association & Land Mark

Age alone, is not a good determining factor. The historical significance of a building in relation to a person, event, group or organization, on a local, provincial or national level, is also an important factor in determining the historical significance of a potential property. In addition to this is the significance of the building as a land mark. This criteria should be of reasonable age, dating back at least two generations.

- Importance at a Provincial Level 5 points
- Importance at a Regional (Municipal Level) 5 points
- Importance at a Local (Community) Level 5 points
- Of no special merit 0 points

**Potential Points 15 points**

#### Architecture

The second set of criteria deals with the architectural merits of the property. The evaluation form breaks this set of criteria into Site, Construction, Alterations and Style.

### Site

Of important consideration is whether the property occupies the original site of construction. The points awarded are based on 4 possible ranges

- Structure has not been moved 15 points
- Structure has been placed on new foundation on the original site 10 points
- Structure has been relocated, but is in close proximity to its original site 5 points
- Structure has been moved to a new site 0 points

**Potential Points 15 points**

### Construction

Is the method of construction and build technology used, rare and unique to the area. (i.e. materials used ) It is important to make assessment based upon the number of existing buildings in the area of this type.

- A very rare example 15 points
- A rare example 10 points
- A common example, or 5 points
- A very common example 0 points

**Potential Points 15 points**

### Style

Is the property reminiscent of a unique or notable architectural style in history. Once again, it is important to make an assessment based upon the rarity of the style within the area.

- A very rare example 15 points
- A rare example 10 points
- A common example 5 points
- A very common example 0 points

**Potential Points 15 points**

### Alterations

The extent to which the property has been visibly altered from its original construction on the exterior. This will range from a structure which has not been altered in any way, to one which has totally lost its character. Several things can be considered alterations, such as additions to the exterior, any change in the exterior surface materials etc. Obviously the number and type of alterations will affect the score.

- No exterior alterations 15 points
- A few minor exterior alterations 10 points
- Several minor to major exterior alterations 5 points
- Building has lost its character 0 points

**Potential Points 15 points**

The Heritage Property Act also empowers Council with the ability to register an Area. The Service Nova Scotia and Municipal Relations defines an Area as:

visibly physical and human-made features as old burial grounds with visible gravemarkers, historic gardens, or statutes and monuments where they are of architectural, historical, or cultural- as opposed to archaeological or ecological – value (Dept. of Municipal Affairs: Registering Properties).

When an application is made for consideration by HAC, as to the registering of an Area, certain sections of the Evaluation form will not be applicable. Therefore, the total score required is reduced.

**Council**  
Item: #11.3.2  
Date: November 28, 2023  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Request for Decision**

**Report to:** MUNICIPAL COUNCIL

**Submitted by:** Norma Schiefer, Municipal Development Officer

**Date:** November 28, 2023

**Re:** Request for Renewal of Rocky Lake Charge Area Road Maintenance Agreement

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#### **Recommendation**

That Municipal Council renew the Rocky Lake Charge Area Road Maintenance Agreement for an additional three (3) years with all terms and conditions of the original agreement remaining in place.

And further that a renewal Agreement being entered into between the Municipality and Mr. Dave Sutherland, as applicant, that satisfies the requirements of clause 9 of the Private Roads By-law.

#### **Executive summary**

A request has been received from Mr. Dave Sutherland to renew the road maintenance agreement which allows the Municipality to collect road maintenance fees for the identified Rocky Lake Charge Area for an additional three (3) years.

#### **Discussion**

The Municipality of Lunenburg's Private Roads By-law provides the opportunity for an individual to submit a request to Council for charges to be collected within a Charge Area.

The original agreement was signed with Dave Sutherland, as applicant, on March 25, 2021, with the condition to be in effect for a period of three (3) years. At the end of that time, it shall be reviewed by Council for a further renewal, termination or transfer, if an Association is formed.

The Rocky Lake charge area has been unsuccessful in setting up an Association due to the number of foreign residents. The agreement was put in place to allow fees to be collected to bring the private road up to a maintainable standard. The renewal request is not increasing the rate but continuing with the original submission intention to bring the road up to a standard that will be easier to maintain in the future.

Mr. Sutherland states there will be no fee increase, just a continuation of the original request.

As stated by Mr. Sutherland, once he is able to form an Association the agreement will be transferred.

### **Budget implications**

There will be no additional budget implications. This will remain the same as it has been in the last 3 years.

The amount of \$2700.00 is added to the budget as revenue and \$2571.43 added as an expense. [\$2571.43 plus \$128.57 admin fee = \$2700.00]

### **Alternatives**

Municipal Council's alternatives would be to not renew the agreement and return the collection of the road fees to Mr. Sutherland;

Or request Mr. Sutherland form an Association to transfer the agreement.

### **Conclusion**

If Council is in agreement to renew the Agreement with Mr. Sutherland to continue with the collection of the road fees as per the conditions set out in the original agreement, the motion is provided. A draft agreement is attached and is being reviewed by the Municipal Solicitor.

<b>Report Preparation</b>	
<b>Department</b>	Planning and Development Services
<b>Report Prepared by</b>	Norma Schiefer, Municipal Development Officer
<b>Report Approved by</b>	Jeff Merrill, Director
<b>Date Reviewed by C.A.O.</b>	

Dave Sutherland  
87 Kitpu Lane  
Camperdown, NS B4V 9A1

28 June 2023

Municipality of the District of Lunenburg - Council  
210 Aberdeen Rd  
Bridgewater, NS B4V 4G8

Subject: "Rock Lake Charge Area" Road Maintenance

References: A. Private Roads By-law adopted 9 June, 2020, amended 25 Feb, 2021

B. Lot Plan for Rocky Lake Subdivision (attached)

C. Request for the establishment of the "Rock Lake Charge Area" dated 11 Aug, 2020

D. Rocky Lake Charge Area Road Maintenance Agreement dated 25 March, 2021

Dear MODL Council,

In accordance with the 2020 by-law respecting the maintenance and improvement of private roads (reference A) I hereby submit this request as an applicant requesting that a charge area established for the community of Rocky Lake (previously identified as the "Rocky Lake Charge Area"), specifically consisting of the 20 lots in the subdivision that is built on Kitpu Lane and Pulowech Rd be renewed/extended for three years in accordance with para 7 of the agreement at reference D.

In the initial submission (reference C), it was noted that it would take an estimated 30 loads of class A gravel to establish a decent road surface. Over the past 3 years the money that was collected was used as detailed in the initial request to:

- a. Fill in the defect to ensure the safe passage of emergency vehicles;
- b. Provide 12 loads of class A gravel to help solidify the soft base of the road;  
and
- c. Provide fuel and maintenance for equipment that was provided to conduct the maintenance of the road.

These efforts have provided some stability to the road surface and a further three years of maintenance will allow the purchase of the remaining gravel needed to complete the surfacing of the road as per the initial submission (reference C).

In addition to the efforts provided to maintain the road I have drafted by-laws in the hope of formally establishing the charge area association and emailed it to the lot owners that I have contact information for (I have correct information for 16 of the 20 owners through the NS Registry of Deeds). Unfortunately I only had two responses to that communication, both positive, but it is not enough to move forward with the creation of

the association at this time. These efforts will continue, but the lack of the association should not impede the continued maintenance of the road.

There are now three full time residents and three cottage properties that have structures established on the properties. The three full time residents (includes myself), are the only responses I have received. I can only trust that the email information that was provided by the other residents remains correct as no emails were reported as rejected. I have endeavoured to keep all owners apprised of every action taken though the emailing of a semi-annual newsletter.

The intended actions of this submission are for the sole purposes of the continued maintenance of the existing infrastructure as per the initial submission. There are no additional capital improvements neither permitted nor intended.

Gerald Veinot Excavation as it is the closest quarry providing class 'A' gravel to the surface to the road surface. Over the last three years the cost of delivered gravel has risen to \$355 per load. As such the monies collected will be used as follows:

- a. 5 tandem loads of gravel per year at the current price of \$355.00/load plus tax (\$2041.25); and
- b. One lot owner has offered use of a tractor for seasonal resurfacing and winter plowing and will also be compensated for use of such tractor to cover, as a minimum, routine maintenance and repairs for this use arising from road maintenance use. This cost is approx. \$500 per year.
- c. Any remaining funds are used for fuel for the tractor and brush cutting equipment to keep the road clear.

I hereby propose that, since it is still not possible to form an association at this time due to the inability to get enough owners from abroad together to establish and association, that the established Charge Area be continued and supported, and that the following tiered assessment be continued as permitted by the by-law:

1. Any lot owner who currently has title of a lot but has no structure yet established on that lot be assessed a yearly fee of \$100.
  - a. This represents only half of the original fee set about in the covenant.
  - b. It takes into consideration that there is less use but an equal entitlement to any and all parts of the road (not just to your house but to visit your neighbour and to the lake access right of way).
  - c. It benefits the value of every property to have access properly maintained.
2. Any lot owner that utilizes their lot as a seasonal residence be assessed at the rate of \$200 as per the original covenant.
  - a. This reflects and increased use of the road by owners, guests, utilities services, etc.
  - b. It also reflects the fact that roads must be cleared in the winter for insurance purposes on structures.

3. Any lot owner who resides here as a permanent year-round resident be assessed \$300.
  - a. This fee reflects the fact that added wear and tear is placed on the road as it is used more often.

It is requested that these assessments be collected by the MODL during the tax collection, subject to the associated administration fee. Given the current state of development, this would provide the following assessment:

- a. 14 lots at \$100/year (Lots 1,2,6,7,9,11, and 13 to 20 inclusive)
- b. 3 lots at \$200/year (Lots 3, 5 and 12)
- c. 3 lots at \$300/year (Lots 4, 8 and 10)

This would provide an annual fee of \$2900 for road maintenance. Less 5% for the MODL administration costs (\$145) leaves \$2755 per year to invest in the road maintenance. Any such fees collected will be administered solely for the purpose of the maintenance of the roads in the proposed charge area and would be financially accounted for in a separate account established for such purposes and all documented accordingly and be made available for any lot owners inspection should it be requested.

By approving this request it allows for the continued maintenance of the road in such leading to the establishment of a maintainable surface. There are no excess funds as all monies are used solely for the surface maintenance at this time and as such it does allow for a general reserve until such time as the maintenance to the entire road system is complete. It would also further continue to see the financial burden of road maintenance distributed proportionally and fairly amongst the landowners within the designated Charge Area.

At such time as the number of lot owners permits the legal establishment of an association, any such association will immediately take responsibility for all administrative and financial matters related to the maintenance of road as per the by-law.

I have established an email account [RockyLakeChargeArea@outlook.com](mailto:RockyLakeChargeArea@outlook.com) for the purposes of managing any electronic communication that is for the purposes of administering the proposed charge area. I commit to working with the other lot owners as per the intent of this submission for the mutual benefit of the community.

Respectfully submitted by,



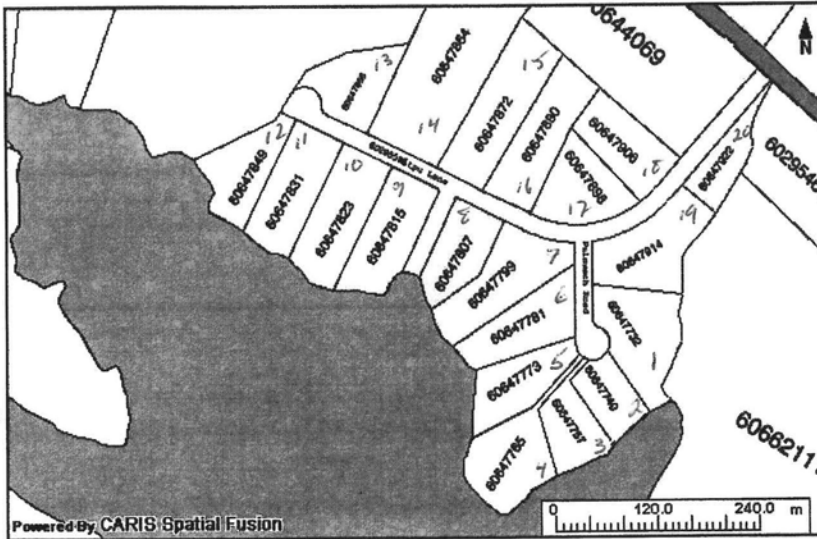
Dave Sutherland

(On behalf of the proposed "Rocky Lake Charge Area")



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Lat: 44-16-37N Long: 64-37-54W Scale: 6027 Zoom: 2

Location: [Redacted]

**1 Property found**

PID: **60647807** Details

AAN: **09939474**

Value: \$180,900 (2011 RESIDENTIAL TAXABLE)

Address: 87 KITPU LANE  
CAMPERDOWN  
LOT 8

County: LUNENBURG COUNTY

Owner: HEINZ BEGGEL  
MECHTHILD BEGGEL

LR: LAND REGISTRATION

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [Land Registration Act subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.

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AND WHEREAS the Municipal Council, in session on \_\_\_\_\_, passed the following motion:

**That Municipal Council renew the Rocky Lake Charge Area Road Maintenance Agreement for an additional three (3) years with all terms and conditions of the original agreement remaining in place.**

**And further that a renewal Agreement being entered into between the Municipality and Mr. Dave Sutherland, as applicant, that satisfies the requirements of clause 9 of the Private Roads By-law.**

AND WHEREAS the parties wish to enter into this agreement to give effect to their intentions with respect to the levy and collection of such charges, pursuant to the Bylaw.

WITNESSETH that in consideration of the mutual agreements set out herein, the parties agree as follows:

1. The parties agree the Request of the applicant of the ROCKY LAKE charge area, attached hereto as Schedule "A", shall form the basis of the charge created hereby, pursuant to the Bylaw.
2. The Charge Area to which this agreement shall apply is as shown in Schedule "B" attached hereto.
3. The Municipality shall levy and collect a charge of:
  - A uniform amount per lot based on occupancy within the charge area.
  - The said charge is to be approved annually by Municipal Council, pursuant to the Private Roads By-law.
4. The Municipality shall turn over to the Applicant, the charges collected, for use in the maintenance of the Roads, in accordance with the Bylaw. The Municipality shall not be held responsible for relying on and shall be permitted to rely on any lot identification information provided by the Applicant.
5. The Applicant shall be responsible for performing or contracting, the work associated with the maintenance of the Roads.
6. The Municipality shall have no responsibility or liability of any kind with respect to the Roads or the condition of the Roads or for their maintenance, and the Applicant shall indemnify and save harmless the Municipality, its officers, servants, agents and employees, its and their heirs, executors, administrators, successors and assigns, or any of them, from and against all risk of loss, damage or injury and against all claims, demands, actions and causes of action whatsoever arising out of, or in any way attributable to the operation of this Agreement, including but not limited to any and all liability or

responsibility with respect to the work associated with the improvement or maintenance of the Roads.

7. This Agreement shall be in effect for a period of three (3) years from the date of signing. At that time, it shall be reviewed by Council for a further renewal, termination or transfer, if an Association is formed.
8. This Agreement may be transferrable to an Association created for the purpose of collecting private road fees and maintaining the Roads within the charge area, subject to all requirements of the Private Roads By-law pertaining to an application by Association being met.

DRAFT

IN WITNESS WHEREOF the parties to these presents have signed, sealed and delivered the same the day and year first above written.

SIGNED, SEALED AND DELIVERED ) ROCKY LAKE charge area Applicant  
In the presence of: )  
)  
)  
)  
) Per: \_\_\_\_\_  
Witness ) David Sutherland  
)  
)  
)

MUNICIPALITY OF THE DISTRICT  
OF LUNENBURG  
)  
)  
) Per: \_\_\_\_\_  
Witness ) Mayor Carolyn Bolivar-Getson  
)  
)  
)

) Per: \_\_\_\_\_  
Witness ) April Whynot-Lohnes, Municipal Clerk  
)



## AFFIDAVIT OF STATUS

PROVINCE OF NOVA SCOTIA    )  
COUNTY OF LUNENBURG        )

I, David Sutherland, of Camperdown, in the County of Lunenburg and Province of Nova Scotia, the "Deponent", make oath and swear that:

1. THAT I am the Applicant herein. Except, as otherwise stated, I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. THAT I acknowledge that I have executed the foregoing Instrument under seal on the date of this Affidavit.
3. THAT this acknowledgement is made pursuant to s. 31(a) of the Registry Act, R.S.N.S. 1989, c.392 or s. 79(1)(a) of the Land Registration Act as the case may be, for the purpose of registering this instrument.
4. THAT I am nineteen years of age or older and I am resident of Canada under the Income Tax Act (Canada).
5. For the purpose of this Affidavit "spouse" means either of a man or a woman who
  - (a) are married to each other,
  - (b) are married to each other by a marriage that is voidable and has not been voided by a judgment of nullity,
  - (c) have gone through a form of marriage with each other, in good faith, that is void and are cohabiting or have cohabited within the preceding year, or
  - (d) is a party to a registered domestic partner declaration made in accordance with Section 53 of the Vital Statistics Act (Nova Scotia) but does not include a former domestic partner.
6. THAT I am a spouse and Yvette Marie Sutherland is my spouse and have no other spouse as defined herein. I am not a party to an unregistered domestic partner declaration.

