

Municipality of the District of Lunenburg

Minutes of a Special Meeting of Municipal Council

Held in Council Chamber, 10 Allée Champlain Drive, Cookville, N.S.
Tuesday, December 5, 2023 – following Finance Committee Meeting

Attendance

Mayor Carolyn Bolivar-Getson
Deputy Mayor Wendy Oickle, District 3
Councillor Leitha Haysom, District 1 (left at 11:31 a.m. and joined virtually)
Councillor Martin Bell, District 2
Councillor Pam Hubley, District 4
Councillor Cathy Moore, District 5
Councillor Sandra Statton, District 6
Councillor Kacy DeLong, District 8
Councillor Reid Whynot, District 9 (left at 11:19 a.m.)
Councillor Chasidy Veinotte, District 10

Regrets

Councillor Michelle Greek, District 7

Staff

Tom MacEwan, Chief Administrative Officer
Alex Dumaresq, Deputy CAO
April Whynot-Lohnes, Municipal Clerk
Tina Robichaud-Bond, Executive Assistant

1. Call to Order

Mayor Bolivar-Getson called the meeting to order at 10:07 a.m. and began by acknowledging that the meeting was held in Mi'kma'ki, the traditional territory of the Mi'kmaq people.

2. Awarding of Tenders/RFPs

2.1 RFP #2023-05-405 Sawpit Wharf Park Community Plan

Trudy Payne, Director of Recreation, Parks & Tourism was in attendance and reviewed the report, "Sawpit Wharf Park Community Plan RFP #2023-05-405" (circulated with the agenda) providing details on the tender process for the Sawpit Wharf assessment.

Ms. Payne clarified that the bid received was non-compliant as the Addendum was not signed. This, however, was considered a low-risk non-compliance as it did not impede the work, and it could be waived.

Ms. Payne reviewed the recommended options available to Council and noted that a third option was to award the RFP to the submitter and increase the budget to allow the award.

It was clarified that the \$39,000 budget did not include HST nor the \$6,000 for advertising rental revenue.

It was noted that there would be a risk of not getting any bids should the tender be advertised again, but that an increased budget may allow for more competitive bids.

A concern was raised that consistently accepting over budgeted tenders would set a precedent.

2023-187 Moved by Councillor Veinotte, seconded by Councillor Bell that Municipal Council not proceed in awarding the Sawpit Wharf Community Park Plan RFP # 2023-05-405; and further, that Municipal 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. Carried. Those Opposed: Councillor Statton & Mayor Bolivar-Getson.

3. Recommendations from Committees & Boards

3.1 Planning Advisory Committee

3.1.1 Municipal Planning Strategy & Land Use By-law Amendments

Reid Sheppard, Senior Planner, and Jacob Macpherson, Planner I, were in attendance.

A report from Mr. Macpherson, titled "Cluster Development Regulation Report" outlining the recommendations of the Planning Advisory Committee (PAC) was circulated with the agenda. It was noted that considerations discussed and agreed to by the PAC, the public considerations, and further research were not reflected in the recommendation of the PAC.

Mr. Macpherson gave a presentation on Drafting Regulations – Cluster Development (attach to Minutes) providing details on the following:

- Purpose of regulations
- Steps completed
- Engagement Summary
- Post PAC discussions
- Recommended cluster development regulations
- Next steps

Mr. Macpherson reviewed the recommended cluster development regulations and gave recommendations on proposed amendments to the PAC recommendations.

Clarity was provided on the approval process, public input and time constraints respecting as of right permits, site plan approvals and development agreements.

Councillor Whynot left the meeting at 11:19 a.m.

Councillor Haysom left the meeting at 11:31 a.m. and joined virtually.

Council discussed and agreed to each staff recommendation as provided in Option 1 with the following amendments:

#1 Regulate using the site plan approval process

- Use a two-tiered approach
- Smaller developments use site plan approval (9 or less units)
- Larger developments use development agreement (10 or more units)

#2 Establish definitions and general requirements

- As defined in Option 1

#3 Meet private road standards

- Cluster development to follow the Private Road Standard in relation to subdivision by-law

#4 Demonstrate adequate servicing

- As defined in Option 1

#5 Demonstrate environmental impact

- As defined in Option 1

#6 Encourage development of conservation design cluster development

- As defined in Option 1

#7 Review Policy every 5 years

- As defined in Option 1
- Yearly check-in

#8 Provide flexibility within the site plan approval process

- As defined in Option 1

#9 Consider funding opportunities for affordable housing

- Remove this recommendation at this time but bring forward for future discussion.

2023-188 Move by Councillor Bell, seconded by Councillor Hubley that Municipal Council direct staff to prepare Municipal Planning Strategy and Land Use Bylaw amendments related to cluster developments based on the input from the Planning Advisory Committee, the staff presentation, and Council discussion. Carried. Opposed: Councillor Veinotte

Mayor Bolivar-Getson noted that there were public members in attendance who wished to speak, and although Public Input was not on the Special Council agenda, she invited the speakers to provide their comments.

Morgan McDonald, Crousetown, spoke on the matter of Cluster Developments, more specifically the removal of recommendation #9 regarding funding opportunities for affordable housing. He noted that there are barriers faced by non-profit and charitable organizations accessing federal funding, and the requirements to meet federal standards and application expenses can be high and possibly out of reach for non-profit or charitable organizations. He suggested that providing a lending program to access low interest rate borrowing would be helpful to non-profit and charitable organizations to meet the various requirements for affordable housing projects and could also be a source of revenue for the Municipality.

Jim Eisenhower, Second Peninsula, advised that he was pleased with the changes to the recommendations regarding Cluster Developments, and noted that his concern was with density issues with cluster development projects. He suggested that the regulations be iron clad to ensure no loopholes and that the site planning process be transparent throughout.

4. Adjournment

There being no further business, the meeting adjourned at 12:28 p.m.



Drafting Regulations

Cluster Development

November 28, 2023



Agenda

01

Background

02

Post PAC Discussion:

- Affordable housing
- Planning approval process
- Environmental requirements
- Density limitations
- Emergency access
- Review of regulations

03

Recommended Cluster Development Regulations

04

Next Steps

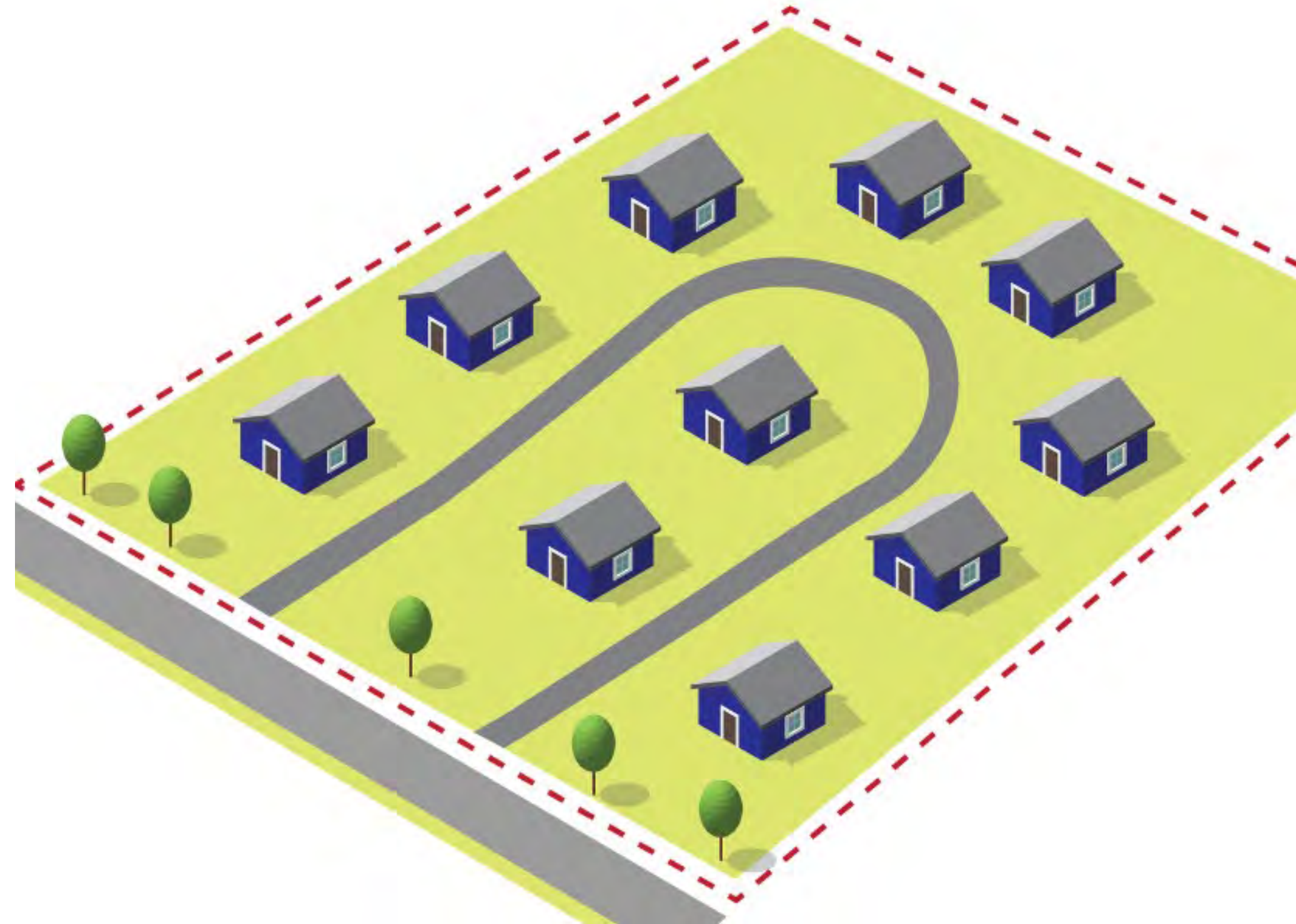
Background

Purpose

- Lack of existing regulations
- Safety, environment, capacity

Completed to date

- Background Report
- Public Engagement Campaign
 - Advertising
 - Engagement Website
 - Open House
- What We Heard Report



Background

Engagement Summary

- High level of concern for
 - New cluster development standards and existing developments
 - Road Construction and Access
 - Servicing and infrastructure
 - Environmental impact
 - Density

Post PAC Considerations

- PAC and the public raised additional considerations that weren't reflected in the PAC motion.
 - Research and recommendations were updated
- Affordable housing proponents brought forward new information and comments since the PAC meeting.
 - Research and recommendations were updated
- *A staff recommendation (different from the PAC motion) is included.
- Next: Walk-through of new information and summary of all recommendations.

Affordable Housing Considerations

- Discussion with affordable housing developers after the PAC meeting:
- Staff has included recommendations for:
 - Defining cluster developments as 6 or more dwelling units in a lot with two or more dwellings to enable small-scale housing projects.
 - Allowing flexibility in the order of steps in the Site Plan Approval process to enable developers to seek affordable housing grants while maintaining universal development standards.
 - Council to consider funding opportunities for affordable housing as a part of MODL's housing acceleration efforts.

Development Agreement Versus Site Plan Approval

- Suggestion to use the Development Agreement Process during the PAC meeting.
- Staff still recommends regulating cluster development through the **site plan approval** planning process:
 - Different requirements need different approval processes
 - The recommended regulations do not substantially benefit from the in-depth process of a Development Agreement.
 - Council always retains the choice to hold a public meeting on any specific development.



Post-PAC Discussion

Environmental Requirements

Staff Recommends

- Request from PAC that all cluster developments of ten or more units conduct an environmental study, as opposed to a case-by-case basis.

- To support this change, the requirements of the environmental study are altered to fit more general cases.



Post-PAC Discussion

Density Limitations and Surrounding Density

- Discussion about limiting the density of cluster developments based on surrounding development.
- Staff is not recommending that the density of residential development be limited by surrounding density.
- Existing recommendations address density and associated issues:
 - Road standards
 - Servicing plan
 - Hydrogeological report
 - Environmental study

Post-PAC Discussion

Emergency Access

- Discussion at PAC about providing multiple entry and exit points for emergency situations.
- Staff recognizes these concerns.
 - Specific road standards fall outside of the project scope but could be edited in the Subdivision By-law.
 - Emergency management concerns may also be examined more broadly beyond the number of access routes required.

1) Regulate Using the Site Plan Approval Process

- Provides appropriate oversight and flexibility in how land use controls are implemented

2) Establish Definitions and General Requirements

- Define what constitutes a Cluster Development

- Staff are recommending that a Cluster Development be defined as containing 6 or more dwelling units in a lot with two or more dwellings

- Serves as the Site Plan Approval trigger criteria

3) Meet Private Road Standards

- Staff recommends that all new cluster developments meet MODL's private road standards

4) Demonstrate Adequate Servicing

- Demonstrate the site's capacity to be properly serviced by water and wastewater treatment while meeting the standards set out by Nova Scotia Environment
 - Wastewater: All cluster developments - servicing plan
 - Water: Developments of 10+ units - hydrogeological study

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 measures for the following items within the subject property:

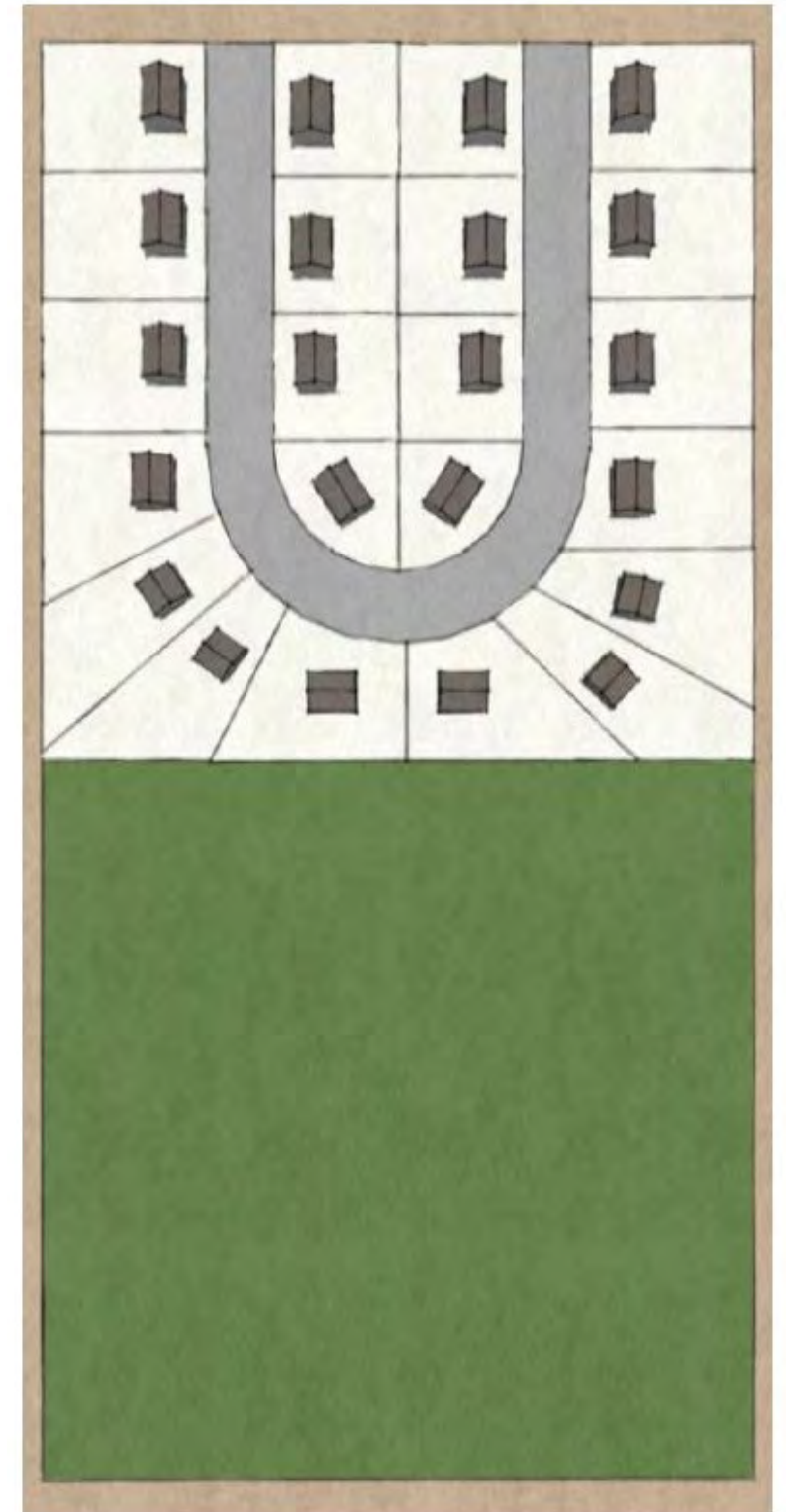
- Wetlands
- Natural habitats
- Species at risk”

6) Encourage the Development of Conservation Design Cluster Development

- Promote design that conserves natural features and open space
- Aligns with regulatory requirements for servicing and environment

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.



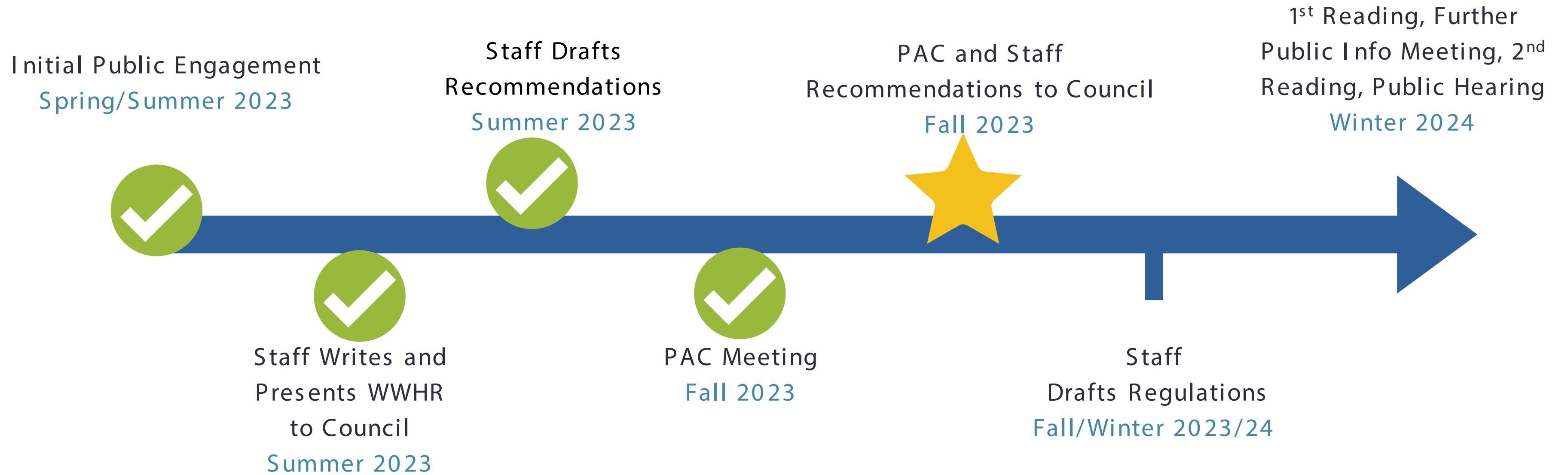
8) Provide Flexibility Within the Site Plan Approval Process

- A Development Officer may establish an agreement with the developer to delay certain requirements of the overall development process.
- All requirements must still be met before a certain point in the building permit process.
- Provides flexibility for developers seeking affordable housing grants.

9) Consider Funding Opportunities for Affordable Housing

- Staff recommends Council consider funding opportunities to assist in satisfying development costs as part of the Municipality's housing acceleration efforts.

Next Steps



Motion and Direction

- Staff recommend that Council not accept the PAC motion
 - It does not include all the additional input and recommendations that have occurred because of their own feedback. It also does not include feedback from stakeholders gathered since then.
- Therefore: If Council wishes to direct staff to draft a Municipal Planning Strategy amendment and new Land Use By-Law, staff recommend the following motion, as is noted in the report:

“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.”