

**REGION OF QUEENS MUNICIPALITY
PLANNING ADVISORY COMMITTEE**

APRIL 9, 2018

7:00 P.M.

AGENDA

- 1. CALL TO ORDER**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES – MARCH 5, 2018**
- 4. ACTION ITEMS AND UPDATES**
- 5. DEVELOPMENT AGREEMENT REQUEST – HIGHWAY 8 IN CALEDONIA –
AUTOMOBILE REPAIR SHOP**
- 6. REZONING OF MUNICIPAL LANDS ON PAYZANT STREET AND
BRUNSWICK STREET IN LIVERPOOL TO MULTIPLE UNIT RESIDENTIAL
(R3)**
- 7. DRAFT TERMS OF REFERENCE - MUNICIPAL PLANNING STRATEGY
AND LAND USE BYLAW REVIEW**
- 8. OTHER**
- 9. NEXT MEETING – MAY 7, 2018**
- 10. ADJOURNMENT**

**PLANNING ADVISORY COMMITTEE
REGULAR MEETING
MARCH 5, 2018 - 7:00 P.M.**

MINUTES

Present: Councillor Heather Kelly, Chair
Mary White
Paul Connolly
Don Kimball
Robert Ross
Wayne Wentzell
Kim Williams
Mike MacLeod, Planner
Chris McNeill, CAO

Regrets: Councillor Susan MacLeod
Councillor Raymond Fiske
Julie Petrella

1. CALL TO ORDER -

The meeting was called to order at 7:00 p.m.

Heather Kelly took the opportunity to recognize representatives for the applicants in rezoning requests under Agenda Items 5 and 6.

2. APPROVAL OF AGENDA –

Additions: 8.1 Planning Process – PAC Minutes
8.2 PAC Agendas

It was **MOVED** by **Mary White** and **SECONDED** by **Don Kimball** that the Agenda be approved as amended.

Motion Carried Unanimously.

3. APPROVAL OF MINUTES - FEBRUARY 5, 2018

It was **MOVED** by **Mary White** and **SECONDED** by **Paul Connolly** that the Minutes of February 5, 2018 be approved as circulated.

Motion Carried Unanimously.

4. ACTION ITEMS

Heather Kelly reviewed the current list of action items, noting the one outstanding item was the ongoing development of the Terms of Reference / Request for Proposal for the MPS / LUB Review project.

5. REZONING REQUEST – 17 SCHOOL STREET IN MILTON – INSTITUTIONAL (I1) TO MULTIPLE UNIT RESIDENTIAL (R3)

Mike MacLeod reviewed an application and discussion paper respecting a proposal to rezone a portion of property identified as PID# 70162201 and located at 17 School Street in Milton from Institutional (I1) to Multiple Unit Residential (R3). Under the current Institutional (I1) Zoning, three residential units are permitted as an accessory to the main institutional use (Masonic Lodge). The three residential units are presently under construction. There is still a considerable amount of unutilized space in the former school building, and the owner wishes to be able to use this space for additional housing units. In order to accommodate this request, an amendment to the Land Use Bylaw (rezoning) will be required.

Paul Connolly enquired as to why only part of the property was intended to be rezoned. Mike MacLeod advised that it was the intention of the property owner to continue to lease a portion of the building to the Masonic Lodge, which was an Institutional use. So as to not create a non-conforming situation, the portion of the property utilized by the Masons would remain as (I1).

Robert Ross commented on the services to the property. Application references municipal water and drilled well. Steven Bowers, representative of the property owner, clarified that there were no municipal water services. The property has two drilled wells. Robert enquired as to the quantity and quality of water supply. Mr. Bowers noted that the wells supplied adequate water for about 300 children when used as a school and felt that water for the residential units would not be an issue. As for the water quality, it had already been inspected and approved. Robert suggested that a copy of the water test report be provided to the Municipality for their records.

Wayne Wentzell enquired as to the number of residential units proposed for the building. Steven Bowers advised that it was the intent to create 9 units within the existing building. Wayne also noted that there had been a fuel oil spill on the property a number of years ago and wondered what had been done to address this. Mr. Bowers advised that the spill area had been remediated.

It was **MOVED** by **Robert Ross** and **SECONDED** **Paul Connolly**

THAT the Council of the Region of Queens Municipality give notice of its intention to rezone a portion of PID# 70162201 from Institutional (I1) to Multiple Unit Residential (R3);

AND THAT a Public Hearing be held on April 24, 2018 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS. at 8:45 am.

Motion Carried Unanimously.

6. REZONING REQUEST – 38 BRISTOL AVENUE, LIVERPOOL – RESTRICTED RESIDENTIAL (R1) TO FISHING AND MARINE (M3)

Mike MacLeod reviewed an application and discussion paper pertaining to rezoning property identified as PID# 70026844 and a portion of property identified as PID# 70026786 and located at 38 Bristol Avenue in Liverpool from Restricted Residential (R1) to Fishing and Marine (M3). The properties are adjacent to what is currently being used by Mersey Seafoods Limited as a parking area (PID# 70026810). The owners of Mersey Seafoods Limited are in the initial stages of trying to re-develop their property, with an intent to construct a new and modern processing facility / office. The majority of their lands are currently Zoned as Fishing and Marine (M3), including the parcel upon which they would like to construct the new processing facility. However, in order to accommodate development setbacks and to provide for a truck turning and storage area, a rezoning of adjacent residentially zoned parcels would be required.

Wayne Wentzell wondered if there would be opportunity for the public to review and make comment on this proposal. Mike MacLeod advised that should the application to rezone receive a positive recommendation to proceed from both PAC and Council, then a required part of the process is to schedule a formal public hearing to allow comment from the public. A public hearing notice is advertised in the paper and adjacent property owners receive personal notification.

Mike Murphy, representative of Mersey Seafoods, gave an overview of the project from their perspective.

Robert Ross noted that several of the site plans included with the application identified some landscaping components around the proposed development; however, he did not feel that these provided enough detail so as to determine if sufficient buffering will be incorporated to reduce impact on adjacent uses. He felt that a more detailed landscaping plan be submitted in order to allow Council to make an informed evaluation of the proposal.

The Committee discussed the orientation of the proposed building on the property. Mike Murphy advised that it was their intention to orient the front entrance of the building to the south, facing the new parking area.

Robert Ross enquired if Mersey Seafoods has discussed their plans with property owners in the area. Mike Murphy advised that they had discussed proposal with the adjacent residential property owner to the north, but have not had an opportunity to talk to owners of Lanes. They intended to do so; however.

Robert also suggested that the Region's Engineering Department review the proposal to ensure adequacy of sewer and water services and road access to accommodate the seemingly larger processing facility. Mike MacLeod noted that he would follow up with the Works Department.

It was **MOVED** by **Robert Ross** and **SECONDED** by **Don Kimball**

THAT the Council of the Region of Queens Municipality give notice of its intention to rezone PID# 70026844 and a portion of PID# 70026786 from Restricted Residential (R1) to Fishing and Marine (M3);

AND THAT a Public Hearing be held on April 24, 2018 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS. at 8:45 am.;

AND THAT prior to the Public Hearing, representatives of Mersey Seafoods consult with adjacent property owners to discuss proposal;

AND THAT prior to the Public Hearing, Mersey Seafoods provide a landscaping plan for Council's review and approval.

Motion Carried Unanimously.

7. DRAFT TERMS OF REFERENCE – MUNICIPAL PLANNING STRATEGY AND LAND USE BYLAW REVIEW

The Committee continued its review of the draft Terms of Reference and Request for Proposals for the MPS / LUB review.

Mike MacLeod advised that he had made a number of changes to the introductory sections of the document, but noted that he did not have the time he would have liked to provide further revisions over the last couple of weeks.

Robert Ross felt that inclusion of a section which deals with how the successful consultant is going to address the diverse nature of the rural communities throughout the Region would be helpful. Robert felt that the current planning documents were far too broad to adequately address future development in our rural areas. Protection of the residential quality of life in rural Queens is of key importance. Purchasing a home is one of the biggest investment a person will make and appropriate regulations need to be in place so that future development does not detract from the residential quality of our communities.

Mary White felt that adequate time needs to be taken during the review to identify and address unique community differences.

Chris McNeill enquired if it would be the intent to incorporate different policy for different communities. Robert Ross noted that this was not necessarily the case, but community characteristics need to be assessed and appropriate policy implemented to address their needs i.e. protection of residential quality of life. Blanket zoning of rural areas is not effective. Presently, there are too many uses permitted in the R5 and R6 Zones. Need to break communities down into more specific use zones.

Don Kimball noted that some people move to an area because of the ability to potentially do more things.

Mike MacLeod advised that this is the challenge of implementing land use policy and trying to find the balance between future land uses and the protection of existing development from the impacts of these future uses.

Heather Kelly enquired as to the next steps in this process. Mike MacLeod advised that he will continue to work on refining the draft TOR/RFP over the next couple of weeks and welcomed any additional comments from the Committee during this time and would like to bring back a final draft document for the April meeting for approval.

8. OTHER

8.1 PLANNING PROCESS - MINUTES

Robert Ross commented on the timing of PAC Minutes distribution, noting that on most occasions, the minutes did not get sent out until after PAC recommendations were brought forward to Council for consideration. He felt that this background discussion needed to be

out before hand or at least incorporating some of the discussion in the Council Report. Mike MacLeod advised that he would address this concern.

8.2 PLANNING ADVISORY COMMITTEE AGENDAS

Robert Ross noted that the agenda packages for PAC were usually sent out to Committee the week prior to the meeting. He wondered if the package could also be made available on the Region's website, just like the Council agendas are. Mike MacLeod advised that this was certainly a possibility and would see that this is done for future meetings.

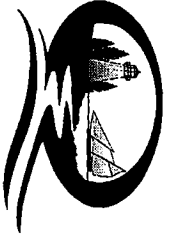
9. NEXT MEETING -

The next meeting is scheduled for April 9th , 2018.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:35 p.m.

Date



Region of Queens Municipality

**PLANNING ADVISORY COMMITTEE
ACTION PLAN**

ACTION	DATE	RESPONSIBILITY	EXPECTED COMPLETION	COMPLETED
Permit Application Format Review	September 11 / 17	Mike	Nov-17	Yes
MPS / LUB Review - List of Amendments		Committee	Ongoing	
PAC Membership for Districts 3 and 5		Mike	Nov-17	Yes
Creation of a fillable .pdf application form	December 4 / 17	Mike	18-Feb	Yes
Draft Terms of Reference / Request for Proposals		Mike / Committee	Mar-18	
PAC Agenda Package on Website	March 5/2018	Mike	Ongoing	



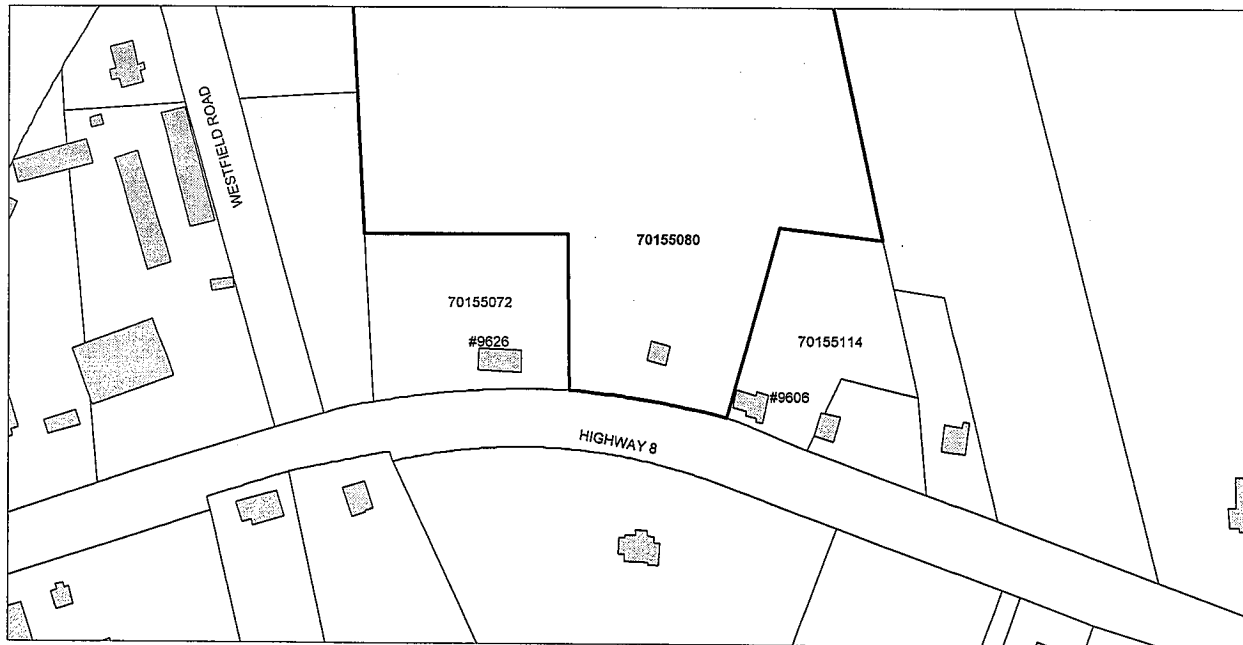
Staff Report: Development Agreement Request– Highway 8 in Caledonia
Submitted By: Mike MacLeod
Date: April 9, 2018

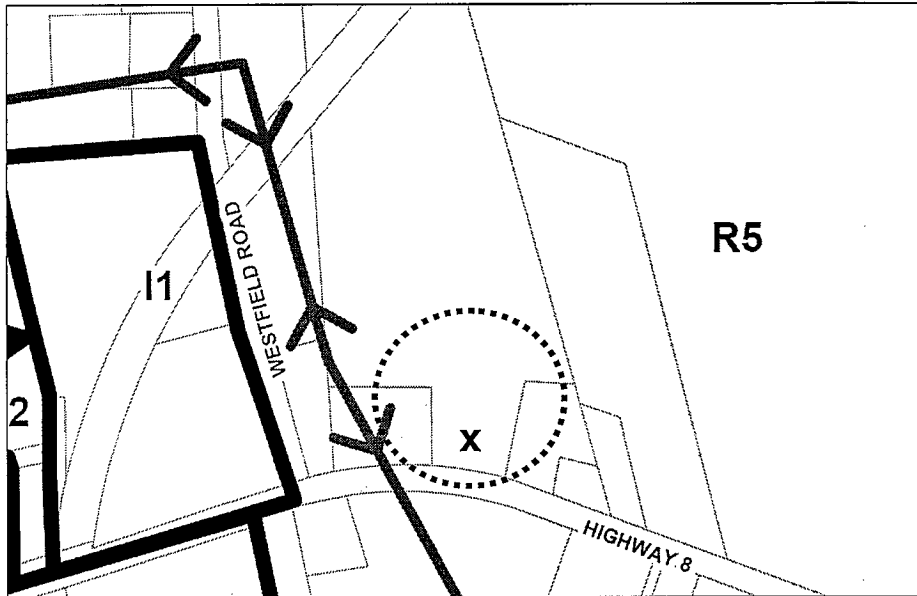
Recommendation: THAT the Council of the Region of Queens Municipality give notice of its intention to enter into a development agreement with Lewis and Sarah MacLachlan to allow for a automobile repair shop on property identified as PID# 70155080 and located on Highway 8 in Caledonia;

AND THAT a public hearing be scheduled for May 22, 2018 at 8:45 a.m. in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS.

Background –

The Planning Department has received an application for a development agreement to permit operation of an automobile repair shop in the Mixed Use Rural Residential (R5) Zone. The subject property is located on Highway 8 in the community of Caledonia and is identified as PID# 70155080. The property contains an existing personal storage building, which is adjacent to the residential property of the applicant; civic # 9606.





Zoning Map

The R5 Zone provides for a fairly extensive list uses as of right; however, the proposed use of automobile repair shop does not fall under this list of permitted uses. The uses provided for in the R5 Zone include:

- *Agricultural uses;*
- *Apartments up to a maximum of 15 units;*
- *Art galleries / studios;*
- *Bed and breakfast;*
- *Boarding houses to a maximum of 5 units;*
- *Campground;*
- *Condominiums up to a maximum of 15 unit;*
- *Convenience stores*
- *Converted dwellings;*
- *Craft shops;*
- *Day nurseries and kindergartens;*
- *Duplex Dwellings;*
- *Equestrian Facilities;*
- *Farmers market;*
- *Forestry use;*
- *Funeral home;*
- *Garden centres / Greenhouses / Nurseries;*
- *Gift shops;*
- *Grocery stores;*
- *Group dwelling;*
- *Home businesses;*
- *Household livestock operations;*
- *Institutional uses;*
- *Intensive livestock operations;*
- *Mini (Mobile) homes;*
- *Medical clinics;*
- *Movie rental shops;*
- *Nursing homes;*
- *Personal service shops;*
- *Recreation / Open Space (P1) uses;*
- *Residential care facilities;*
- *Restaurants (including drive in and take out);*
- *Self storage businesses;*
- *Semi detached dwellings;*
- *Single detached dwellings;*
- *Small options homes;*
- *Storage of commercial fishing equipment and supplie.*
- *Tourist establishments;*
- *Triplex Dwellings;*
- *Wind turbine generators (small scale),*



Policy and Legislative Authority -

Although automobile repair shops are not a permitted use in the R5 Zone, Council has set out provision in the Region's Municipal Planning Strategy (MPS) to consider such uses by way of a development agreement. The MPS sets out that:

*As economic conditions continue to change in the Region, Council wishes to provide for a degree of flexibility to consider new commercial and light industrial developments in certain residential areas that may not ordinarily allow for such uses, but may be beneficial to the local community and / or the Region as a whole. This being said; however, Council realizes that these new ventures have the potential for conflict with existing land uses and that regulations have to be established control the uses. Therefore, Council will consider new commercial development in the **Mixed Use Rural Residential (R5) Zone** and the **Mixed Use Coastal Residential (R6) Zone** by development agreement.*

Policy 3.3.40

*It shall be the intention of Council to consider **Highway Commercial (C2)** and **Light Industrial (M1)** uses in the **Mixed Use Rural Residential (R5)** and **Mixed Use Coastal Residential (R6) Zones** by development agreement under Section 225 of the Municipal Government Act, subject to Policy 12.6.1.*

When evaluating development agreements, Council must be cognizant of the overall goals and policies of this MPS. In particular, it should have regard to the criteria listed in Policy 12.6.1.

Policy 12.6.1

It shall be the intention of Council, when evaluating a Development Agreement, to have regard to the following matters where applicable:

- a. the proximity of the proposed development to recreational and other community facilities;*
- b. the impact of the proposed development on:*
 - 1. existing residential and institutional uses in the area with particular regard to the use and size of the structures that are proposed, buffering and landscaping, hours of operation for the proposed use (where applicable), noise and other similar features of the use and structure in order to minimize any potential land use conflicts with adjacent uses;*
 - 2. adequacy of municipal services with particular regard to demands on the sewer system, water system, fire protection, refuse collection, police protection, existing schools and churches;*
 - 3. pedestrian and vehicular traffic circulation with particular regard to the traffic that the development will generate, the adequacy of the proposed accesses to and from the site, traffic flows in and around the site in terms of its ability to handle any new traffic, and the adequacy of the proposed parking areas; and*
 - 4. structures on abutting lots in terms of proposed exterior siding and in terms of architectural characteristics taking into consideration such things as height, roof line and lot coverage to minimize any potential land use*

conflicts between the proposed development and structures on abutting properties.

- c. submission of a site plan showing the location of the uses and the structure or structures on the lot, building layout, parking areas, accesses to and from the site, signage provisions, buffering or landscaping provisions and lighting provisions;*
- d. adequacy of the proposed lot to ensure that adequate screening and landscaping can be undertaken to minimize the potential for any land use conflicts with adjacent uses.*

Policy 12.6.2

It shall be the intention of Council to recognize that Development Agreements shall contain such terms and conditions as are necessary to ensure that the development is consistent with the policies of this MPS. To this end, Development Agreements shall include some or all of the following terms where applicable:

- a. the specific use or uses of the land;*
- b. the size of the structures if new ones are proposed or the size of any proposed expansions to existing structure or structures;*
- c. provisions for adequate buffering to screen the development from adjacent conflicting land uses;*
- d. any matter that may be addressed in a Land Use Bylaw (i.e. parking requirements and yard requirements);*
- e. time limits for the initiation of construction;*
- f. noise levels;*
- g. the hours of operation and the maintenance requirements of the proposed use or uses; and*
- h. all other matters enabled in Section 227 of the Municipal Government Act.*

The Municipal Government Act (MGA) allows municipalities the ability to incorporate a fairly broad list of terms into a development agreement to try to mitigate potential negative effects of a proposed use. The MGA sets out that:

Content of development agreement 227

(1) A development agreement may contain terms with respect to

- (a) matters that a land-use by-law may contain;*
- (b) hours of operation;*
- (c) maintenance of the development;*
- (d) easements for the construction, maintenance or improvement of watercourses, ditches, land drainage works, stormwater systems, wastewater facilities, water systems and other utilities;*
- (e) grading or alteration in elevation or contour of the land and provision for the disposal of storm and surface water;*
- (f) the construction, in whole or in part, of a stormwater system, wastewater facilities and water system;*
- (g) the subdivision of land;*
- (h) security or performance bonding.*

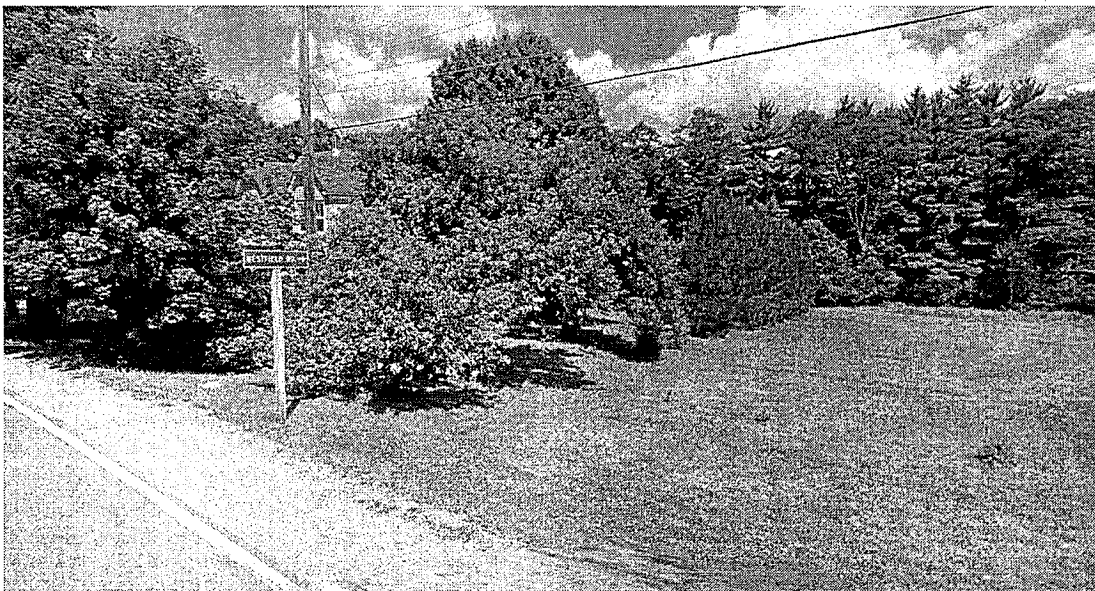
(2) A development agreement may include plans or maps.

(3) A development agreement may

- (a) identify matters which are not substantive or, alternatively, identify matters that are substantive;*
- (aa) identify if the variance provisions are to apply to the development agreement;*
- (b) provide for the time when and conditions under which the development agreement may be discharged with or without the concurrence of the property owner;*
- (c) provide that upon the completion of the development or phases of the development, the development agreement, or portions of it, may be discharged by council;*
- (d) provide that if the development does not commence or is not completed within the time specified in the development agreement, the development agreement or portions of it may be discharged by council without the concurrence of the property owner.*

Considerations -

- PID# 70155080 is a little over 12 acres in lot size with approximately 180 feet of frontage on Highway 8.
- There is an existing personal storage building located on the property which is intended to be repurposed to automobile repair.
- The proposed operation is approximately 130 feet from residential property to the west (PID# 70155072).
- The applicant is also the owner of the residential property to the east (PID# 70155114).
- There is a mix of hardwood and softwood trees on boundaries of residential properties to the east and west of the proposed operation. A buffer of pine trees has been planted along the front property line.
- Road network is satisfactory to accommodate traffic generated by this use. Existing access to the property to be utilized.
- There is ability to connect to municipal sewer services.
- Water to be supplied from existing well on adjacent property, also owned by the applicant.
- There are no wetlands or watercourses in the vicinity of the proposed operation.
- The subject property is located in close proximity to commercial area of Caledonia.



Looking towards civic # 9626 (PID# 70155072). *Note - the large tree in the centre has been cut.



Looking towards civic # 9606 (PID# 70155114).

In looking at the use that is being proposed for the property, the property itself and the surrounding area, it is the opinion of Staff that sufficient terms and condition can be incorporated into a development agreement to meet the needs of the applicant and also to mitigate potential issues that the operation may have on the surrounding area. It would be Staff's recommendation that a development agreement include provisions respecting, but not limited to:

- Off-street parking
- Maintenance of a vegetative buffer with abutting residential properties
- Outdoor storage
- Outdoor lighting
- Hours of operation

A draft copy of a development agreement has been prepared for discussion purposes and is attached as Appendix A.

Tentative Time Frame -

<u>DATE</u>	<u>PROCEEDURE</u>
April 9, 2018	Planning Advisory Committee
April 24, 2018	Council
May 2, 2018	First Public Notice
May 9, 2018	Second Public Notice
May 22, 2018	Public Hearing
May 22, 2018	Council
May 30, 2018	Notice of Passing
June 14, 2018	Appeal Period Ends



Appendices: Appendix A – Development Agreement Application Package

Appendix B – Draft Development Agreement

Report Author:

A handwritten signature in black ink, appearing to be "M. H. A.", written over a light blue horizontal line.

Appendix A

*Lewis Maclachlan
9606 Highway 8
Caledonia
NS
BOT 1B0*

March 10th, 2018

*Region of Queens Municipality
Land use bylaw amendment or development*

To whom it may concern,

I currently have a 25 foot square cinder block construction building in place that is currently being used as a hobby shop and I wish to use the same on a commercial basis. The building is located on a 12.1 acre lot which has approx 180 feet of lot frontage on trunk Highway 8. The property is bordered on either side with dwellings , one of witch is my own residence.

I am a Red Seal Licensed Automotive Service Technician with over 20yrs experience. I intend on operating a small single bay service and repair facility serving Caledonia and surrounding areas, I hope to become one of the many business owners within Caledonia that will provide the community with a much needed service.

I enclose the application for land and bylaw amendment, If you require any further information please do not hesitate to contact me, I will be happy to answer any questions you may have or can provided any further information as needed.

Yours sincerely

Lewis Maclachlan

5. Property Servicing Information:

Water Services –

- Municipal System - Existing Proposed
Drilled Well - Existing Proposed
Dug Well - Existing Proposed
Other - from existing well on home

Sewer Services –

- Municipal System - Existing Proposed
On-site System - Existing Proposed
Other - _____

Access –

- Public Road - Existing Proposed
Private Road - Existing Proposed
Other - _____

6. Declaration:

- Registered Owner of Property (Please print)

We Lewis & Sarah Maclachlan do solemnly declare that I / We are the current registered owner(s) of the property described in this application. I / We have examined the contents of this application and certify that the information submitted is accurate.

Registered Owner Lewis Maclachlan
Signature _____
Date 10 Mar 2018

Registered Owner (if more than one) Sarah L Maclachlan
Signature _____
Date 10 Mar 2018

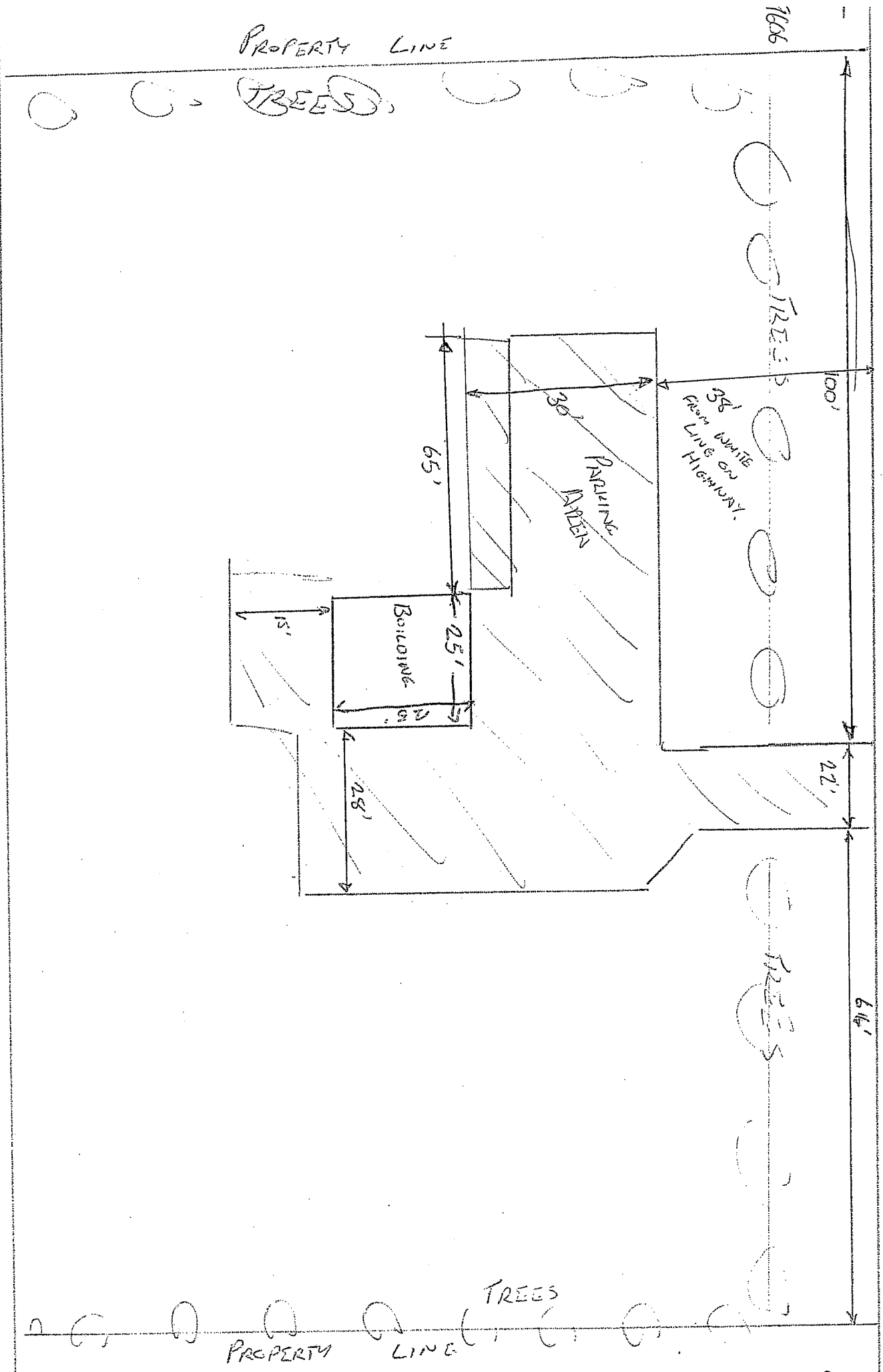
- Authorization of Registered Owner (Please print)

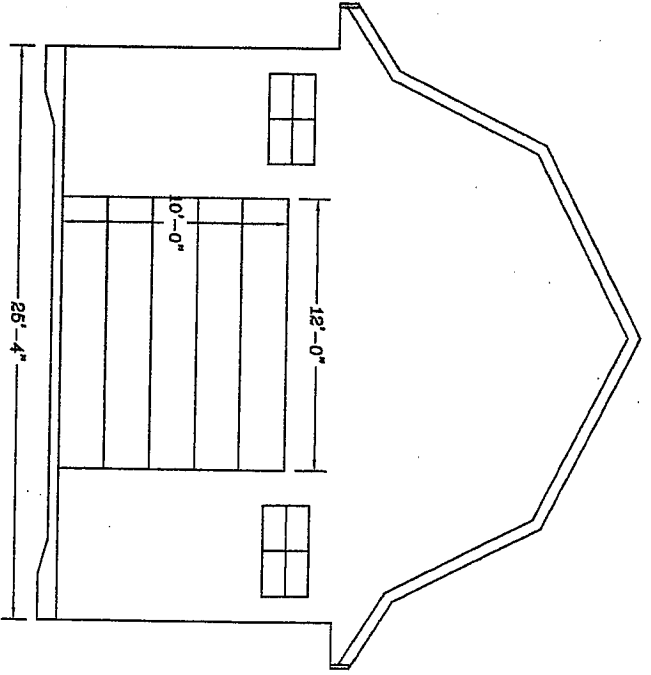
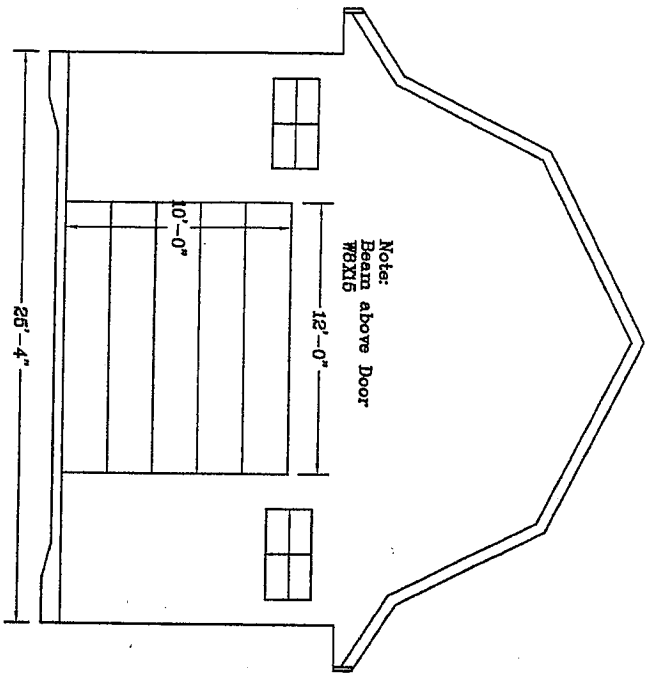
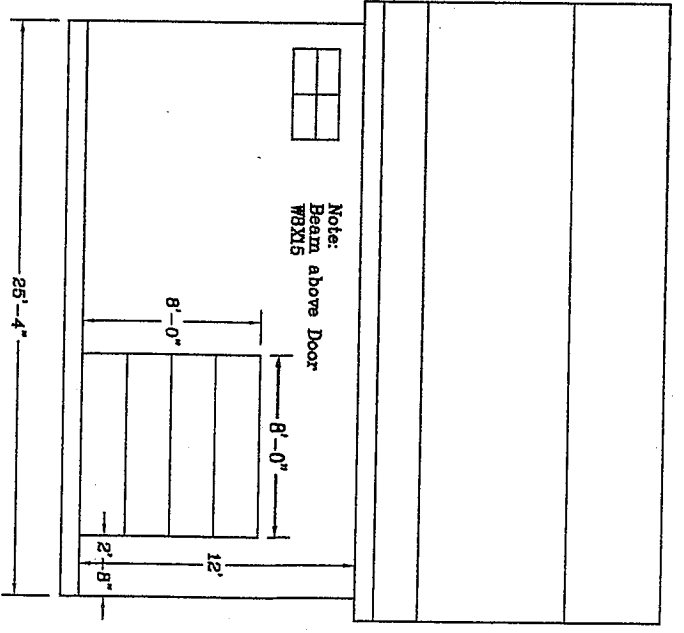
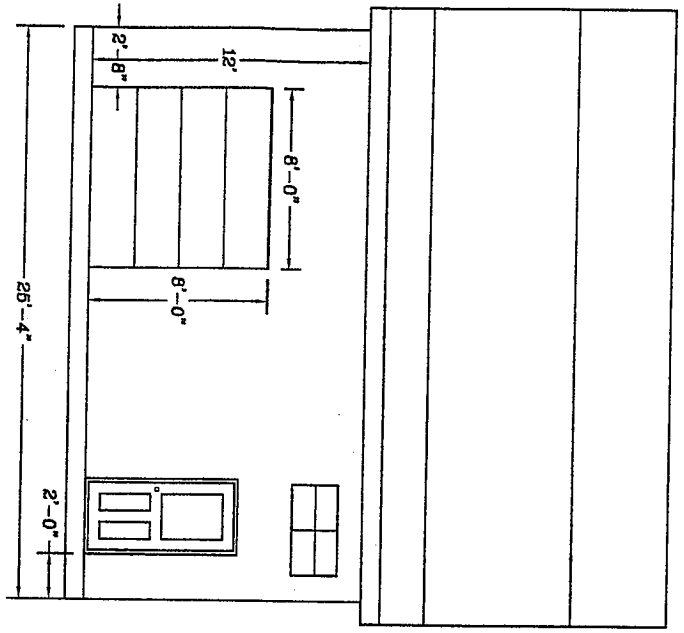
I / We _____ authorize _____
To act as agent and sign this application on my / our behalf for property located at
(Civic Address) _____ and identified as PID# _____.

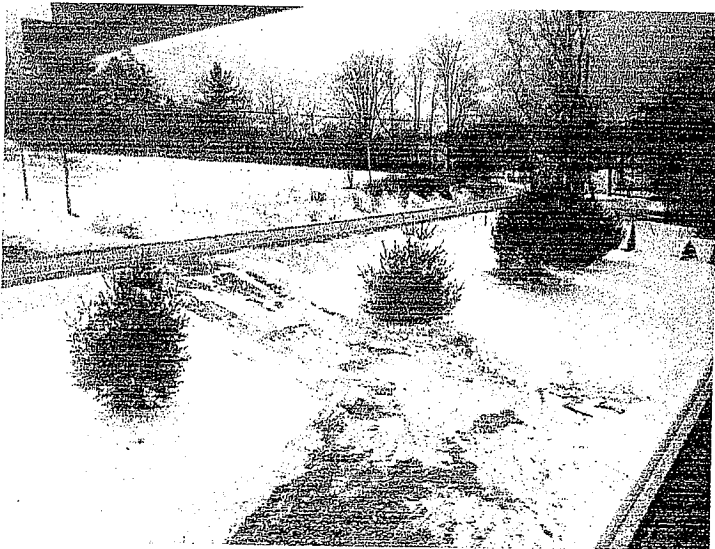
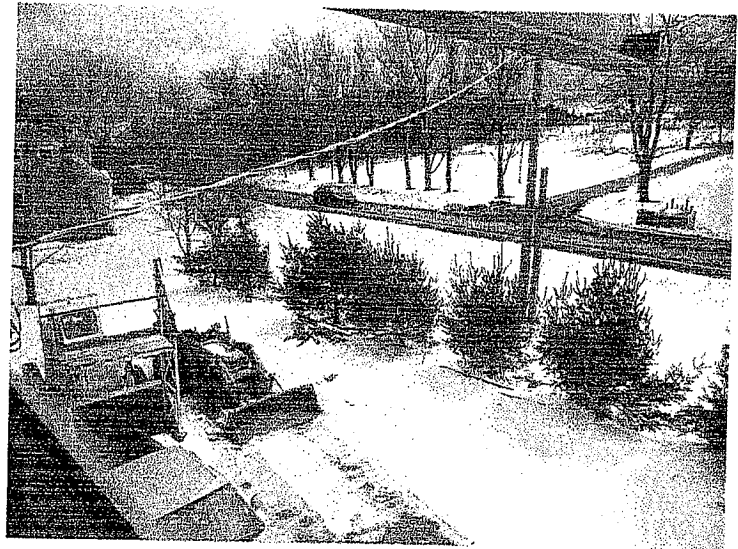
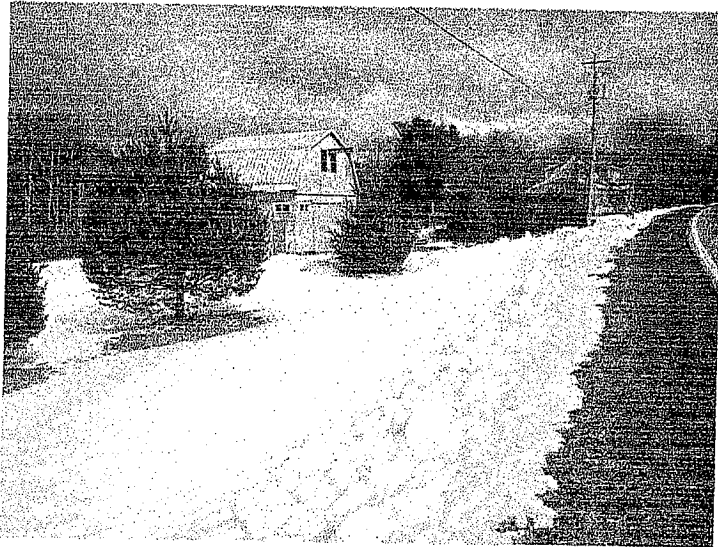
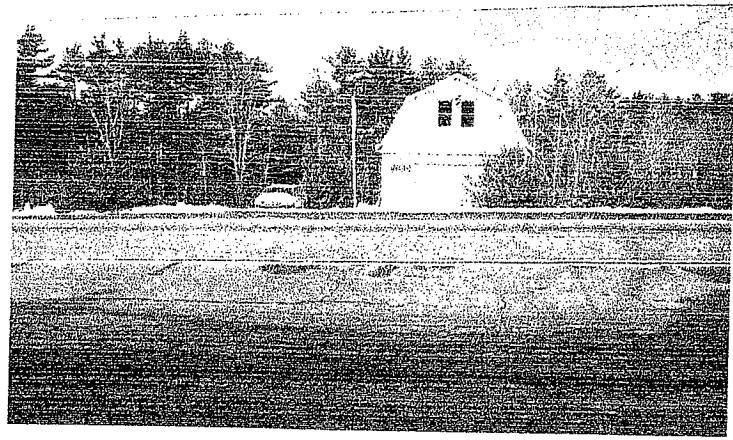
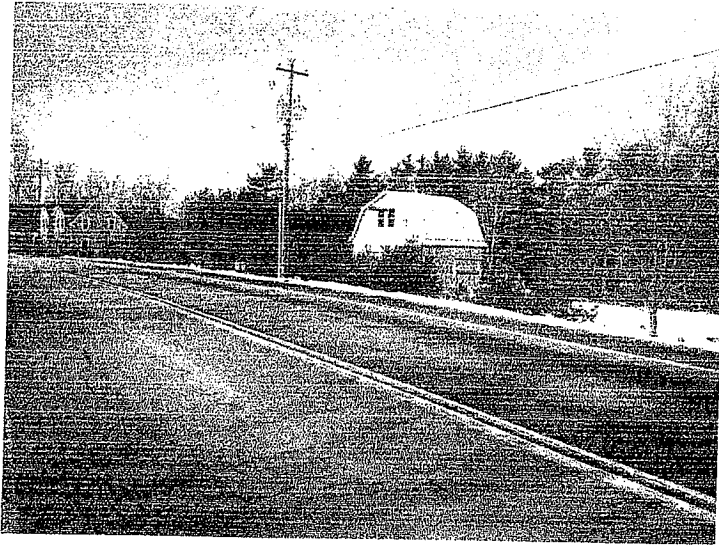
Notes:

1. The requirements of a Land Use Bylaw amendment or development agreement application are established by the Planning Department of the Region of Queens Municipality. An application approval process will not commence until a completed application and advertising deposit are received.
2. Please make cheques payable to the Region of Queens Municipality. Following completion of the amendment process, the unused balance will be returned to the applicant. However, should the deposit be insufficient to cover the cost of advertising, the applicant will be responsible for the difference.
3. It is recommended that an applicant have a pre-consultation meeting with staff of the Planning Department prior to submitting this application.

WOODLAND







9. **THAT** the hours of operation for the automobile repair shop shall be from 7:00 am to 7:00 pm;
10. **THAT** notwithstanding any other provisions of this Development Agreement, the Developers shall not undertake or carry out any development on the Lands which does not comply with:
 - (a) this Development Agreement;
 - (b) any statutes and regulations of the Province of Nova Scotia to the extent that the same are properly the subject of a development agreement; and
 - (c) appropriate Municipal Bylaws, including without restricting the generality of the foregoing, the Bylaw Respecting the Building Code Act.
11. **THAT** in the event of a dispute, the decision of the Development Officer of the Region as to whether the development is in conformance with the terms of this Agreement shall be conclusive;
12. **THAT** notwithstanding the provisions of the Region of Queens Municipality Municipal Planning Strategy and Land Use Bylaw, the Developer shall be permitted to seek substantial or non-substantial amendments to this Development Agreement, subject to the procedure as set forth in Section 230 of the Municipal Government Act of Nova Scotia;
13. **THAT** amendments which shall be considered substantial are any affecting the following:
 - (a) A change in the uses permitted;
 - (b) Any increase in the size of the building utilized for commercial purposes
14. **THAT** any amendment whether substantial or otherwise must be approved by both parties in writing;
15. **THAT** the Developers agree to pay for all legal costs, advertising and expenses incurred by the Region that have originated from its application for this Development Agreement;
16. **THAT** this Agreement shall be binding upon the parties hereto, their heirs, successors and assigns and shall run with the land which is subject to this Agreement;
17. **THAT** this Agreement is not assignable without the written consent of the Region;
18. **THAT** enforcement and rights and remedies on default of this Agreement shall be as follows:
 - (a) The Developers agree that the Development Officer appointed by the Region to enforce this Agreement shall be granted access onto the lands during all reasonable hours without obtaining consent of the Developer. The Developers further agree that, upon receiving written notification from the Development Officer to inspect the interior of any building located on the lands, the Developers agree to allow for such inspection during any reasonable hour within two (2) days of receiving such notice.
 - (b) If the Developers fail to observe or perform any condition of this Agreement, after the Region has given the Developers thirty (30) days written notice of the failure or default, then in each such case:

- (1) the Region shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developers from continuing such default, and the Developers hereby submit to the jurisdiction of such Court and waive any such defense based upon the allegation that damages would be an adequate remedy;
- (2) The Region may enter upon the lands and perform any of the covenants contained in this Agreement, whereupon all reasonable expenses whether arising out of the entry on the lands or from the performance of the covenants may be recovered from the Developers; if unpaid within 30 days of billing by the Region; by direct suit and such amount shall, until paid, form a lien upon the lands and be shown on any tax certificate issued under the Municipal Government Act;
- (3) The Region may by resolution discharge this Agreement, upon providing the Developers sixty days (60) written notice, whereupon this agreement shall have no further force or effect and henceforth the development of the lands shall conform with the provisions of the Region of Queens Municipality Land Use Bylaw;
- (4) In addition to the above-mentioned remedies, the Region reserves the right to pursue any other remediation under the Municipal Government Act or common law to ensure compliance with this Agreement.

19. **THAT** the entering into of this Agreement was approved by the Council of the Region of Queens Municipality at a duly held meeting of Council convened on the ____ day of _____, 2018.

- (a) This Agreement shall not be entered into, or signed by the parties, until the time for Appeal under Section 228 of the Municipal Government Act of Nova Scotia has elapsed, any appeals which have been lodged have been disposed of and the required resolution of Council has been affirmed by the Nova Scotia Utility and Review Board;
- (b) This Agreement does not come into effect until it is filed, by the Region of Queens Municipality, in the Registry of Deeds as set out in Section 228 of the Municipal Government Act of Nova Scotia.

IN WITNESS WHEREOF the parties have hereto set their hands and affixed their Corporate seals the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of

_____)	Per: _____
Witness)	Lewis MacLachlan
)	Per: _____
)	Sarah Louise MacLachlan
)	REGION OF QUEENS MUNICIPALITY
)	Per: _____
)	Mayor
_____)	Per: _____
Witness)	Chief Administrative Officer

PROVINCE OF NOVA SCOTIA
COUNTY OF QUEENS

ON this ____ day of _____, 2018, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing Indenture, who having been by me duly sworn, made oath and said that Lewis MacLachlan and Sarah Louise MacLachlan signed, sealed and delivered the same in his/her presence.

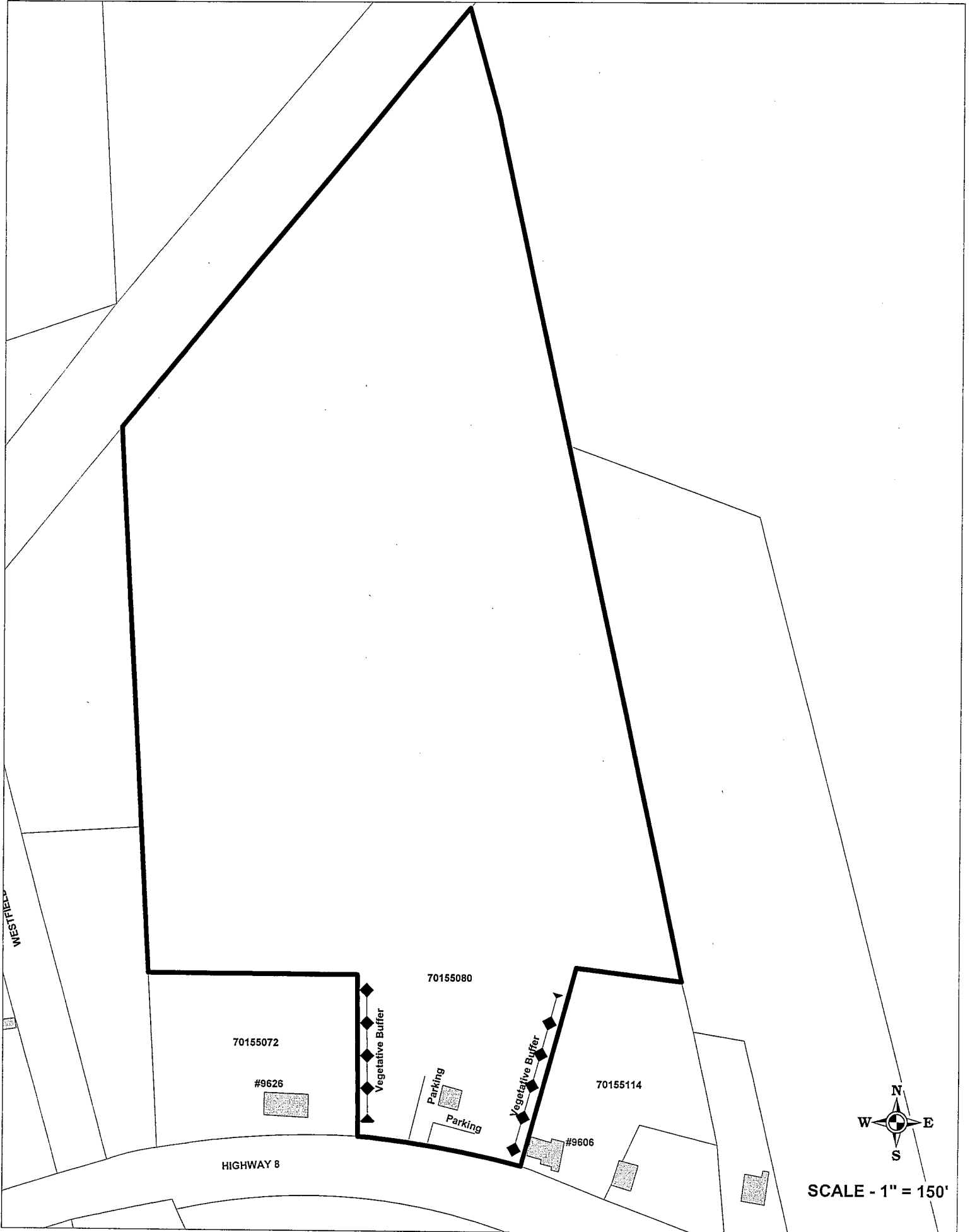
A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF QUEENS

ON this ____ day of _____, 2018, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing Indenture, who having been by me duly sworn, made oath and said that the Region of Queens Municipality, per its authorized officers, David Dagley and Chris McNeill, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court of Nova Scotia

SCHEDULE "A"





Staff Report: Rezone Municipal Lands on Payzant Street and Brunswick Street in Liverpool

Submitted By: Mike MacLeod

Date: April 9, 2018

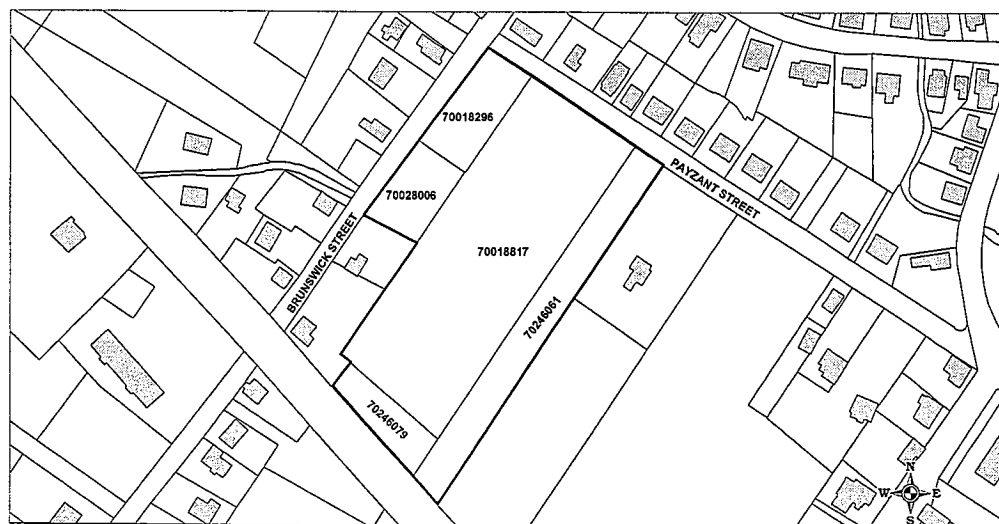
Recommendation: THAT the Council of the Region of Queens Municipality give notice of its intention to amend to the Region of Queens Municipality Land Use Bylaw which would see:

1. Rezoning of PID#'s 70018296 and 70028006 from Restricted Residential (R1) to Multiple Unit Residential (R3); and
2. Rezoning of PID#'s 70018817, 70246061 and 70246079 from Institutional (I1) to Multiple Unit Residential (R3);

AND THAT a Public Hearing be held on May 8, 2018 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS, at 8:45 am;

AND THAT all costs associated with the amendment process be borne by purchaser of lands, Gregory Thomas.

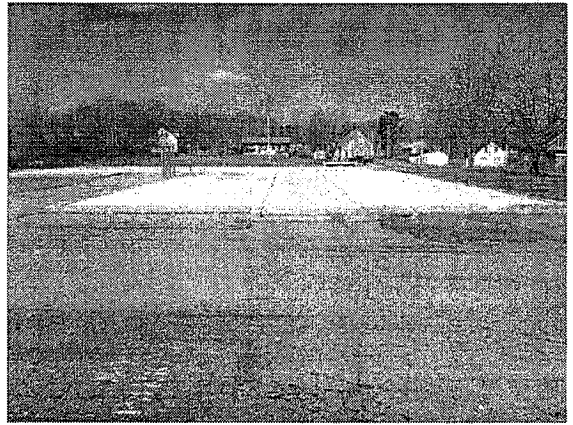
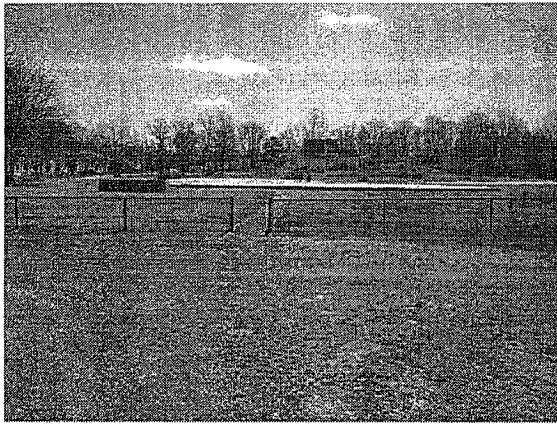
Background: Council, at its January 9th, 2018 meeting, approved entering into a purchase and sale agreement to sell approximately 4 acres of Municipal land on Payzant Street and Brunswick Street in Liverpool and known as the Gorham School lands. The properties are identified as PID# 70018296, 70028006, 70018817, 70246061 and 70246079. A condition of the sale was the development of a multiple unit residential housing project on the subject lands.





Corner of Payzant and Brunswick – looking south east.

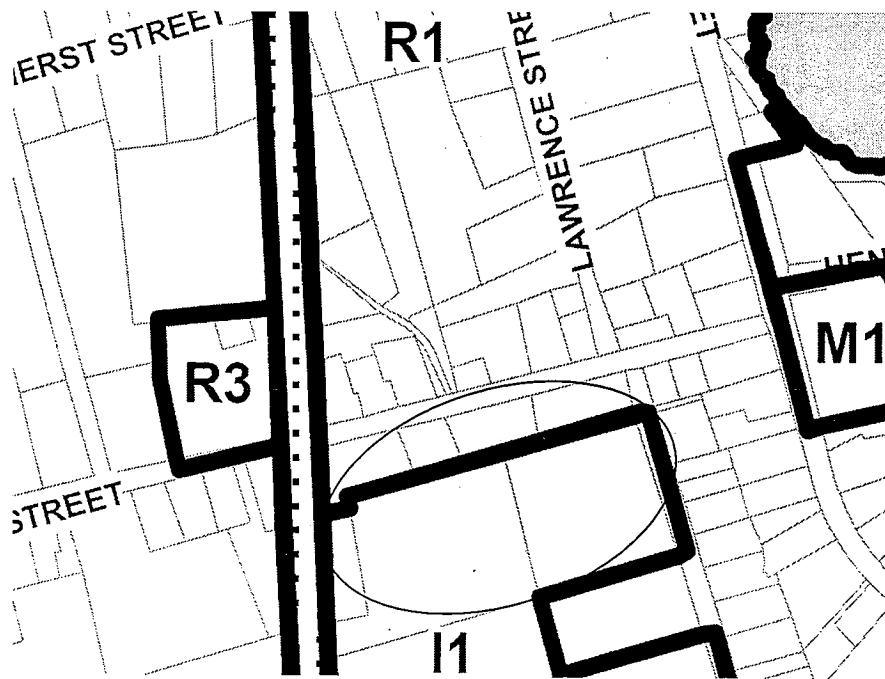
Corner of Payzant and Brunswick – looking south west.



From Brunswick Street looking south east

Looking north west toward Brunswick Street.

Under the Region's Land Use Bylaw, two of the properties; PID#'s 70018296 and 70028006; are zoned as Restricted Residential (R1), while PID#'s 70018817, 70246061 and 70246079 are zoned as Institutional (I1). In order to facilitate a multiple unit residential development for the properties, rezoning to Multiple Unit Residential (R3) will be required.



Zoning Map 1



The land transaction is scheduled to close at the end of May and the purchaser has requested that Council, as current owner of the properties, to initiate the rezoning process in an effort to shorten the timeframe upon which they can start construction. The purchaser of the lands will be responsible for the costs associated with the rezoning process.

Policy and Regulations:

The Region's Municipal Planning Strategy sets out that:

Policy 3.3.14

It shall be the intention of Council to consider new multiple unit dwellings in areas zoned Restricted Residential (R1) and General Residential (R2), by amendment to the Land Use Bylaw (rezoning). In considering such amendments, Council shall have regard to Policy 12.5.2.

The MPS sets out policy by which Council will evaluate amendment proposals.

Policy 12.5.2

It shall be the intention of Council, when considering amendments to the Land Use Bylaw, to have regard to the following:

- a) *that the proposal conforms with the intentions of this MPS and to the requirements of all other Region Bylaws and regulations.*
- b) *that the proposal is not inappropriate, or could create potential problems in relation to:*
 1. *the financial capability of the Region to absorb any costs relating to the development;*
 2. *adequacy of sewer, water, and fire protection services to support the proposed development;*
 3. *adequacy and proximity of recreational and other community facilities;*
 4. *the adequacy of road networks in, adjacent to, or leading to the proposed development in terms of ability to handle traffic that the proposed development will generate;*
 5. *the potential for the contamination of watercourses or the creation of erosion, sedimentation and /or flooding; and*
 6. *the potential for damage to or destruction of designated historical buildings and sites.*
- c) *that adequate requirements are contained in the Land Use Bylaw to reduce conflict between the proposed development and any adjacent or nearby land uses by reason of:*
 1. *type of use;*
 2. *height generation, access to and egress from the site and parking provisions;*
 3. *traffic generation, access to and egress from the site and parking provisions;*
 4. *outdoor storage;*

5. signs;
 6. provision is made for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;
 7. development is located so as not to obstruct any natural drainage channels or watercourses;
 8. the adequacy of the building separations to provide sufficient space to permit access for fire fighting equipment and to prevent the spread of fire; and
- d) site suitability in terms of percentage of slope, soil and geological conditions and other environmental and physical constraints; and
- e) potential for buffer areas, landscaping and screening to reduce potential incompatibility with adjacent land uses and transportation networks.

Within the Multiple Unit Residential (R3) Zone the list of permitted uses includes the following:

- Apartments;
- Boarding houses;
- Condominiums;
- Converted dwellings;
- Day nurseries and kindergartens;
- Group dwellings;
- Nursing homes;
- Residential care facilities;
- Row house dwellings;
- Triplexes;

The Municipal Government Act sets out the procedure for amending planning documents, which includes a timeframe in which certain components must occur. With this in mind, the proposed timing for this amendment process would be as follows:

<u>DATE</u>	<u>PROCEEDURE</u>
April 9, 2018	Planning Advisory Committee
April 10, 2018	Council
April 18, 2018	First Public Notice
April 25, 2018	Second Public Notice
May 8, 2018	Public Hearing
May 8, 2018	Council
May 16, 2018	Notice of Passing

* 14 day appeal period ends May 31, 2018.

Considerations:

- Council approved the sale of the five parcels of land, formerly the Gorham School Properties; with the intent that they be developed for multiple unit housing;
- There is a recognized need within our communities for new quality housing options. One of Council's goals for sustainable development under the MPS is to:

"promote a wide range of housing options throughout the Region to meet the needs of all residents of Queens, including new affordable housing units, high-end condominium development and senior's housing;"
- The properties comprise an area of 4 acres in total;



Region of Queens Municipality

ITEM 6

- The development is to be serviced by municipal sewer and water services. Services are adequate to accommodate proposed development;
- The surrounding area is primarily low density residential development;
- The properties are centrally located and in close proximity to local services and amenities;
- The properties front on Payzant Street and Brunswick Street in Liverpool. The existing road network is sufficient to accommodate the traffic that this development generates;
- There are no wetlands or watercourses within the bounds of the properties.

Since the closure of the Gorham School in 2012, the properties had been identified as a good location for new residential development. Staff have reviewed the file and are of the opinion that the location is a good fit for a higher density residential development and are supportive of the above recommendation.

Report Author:



**REGION OF QUEENS MUNICIPALITY
LAND USE BYLAW AMENDMENT &
DEVELOPMENT AGREEMENT APPLICATION**

For Internal Use Only

Acceptance Date: _____
Processing Date: _____



1. Application Type:

- Land Use Bylaw Amendment
 Development Agreement

2. Property Information:

Civic address of subject property - Payzant Street and Brunswick Street, Liverpool

Property Identification Number (PID) - 70018817, 70018296, 70028006, 70246079, 70246061

Present use of subject property - Vacant

Proposed use of subject property - Multiple Unit Residential Development

Existing Lot Size - 4 acres

Existing Lot Frontage - ~660 feet

3. Property Owner Information:

Name - Region of Queens Municipality

Applicant is:

- Owner
 Agent of Owner

Civic Address - 249 White Point Road, Liverpool

Mailing Address (If different from Civic Address) - P.O. Box 1264

Telephone Number - 902 354 3455

Email Address - _____

4. Zoning Information:

Existing Zoning - R1 and I1

Proposed Zoning - Multiple Unit Residential (R3)

5. Property Servicing Information:

Water Services –

- Municipal System - Existing Proposed
Drilled Well - Existing Proposed
Dug Well - Existing Proposed
Other - _____

Sewer Services –

- Municipal System - Existing Proposed
On-site System - Existing Proposed
Other - _____

Access –

- Public Road - Existing Proposed
Private Road - Existing Proposed
Other - _____

6. Declaration:

- Registered Owner of Property (Please print)

I / We _____ do solemnly declare that I / We are the current registered owner(s) of the property described in this application. I / We have examined the contents of this application and certify that the information submitted is accurate.

Registered Owner _____
Signature _____
Date _____

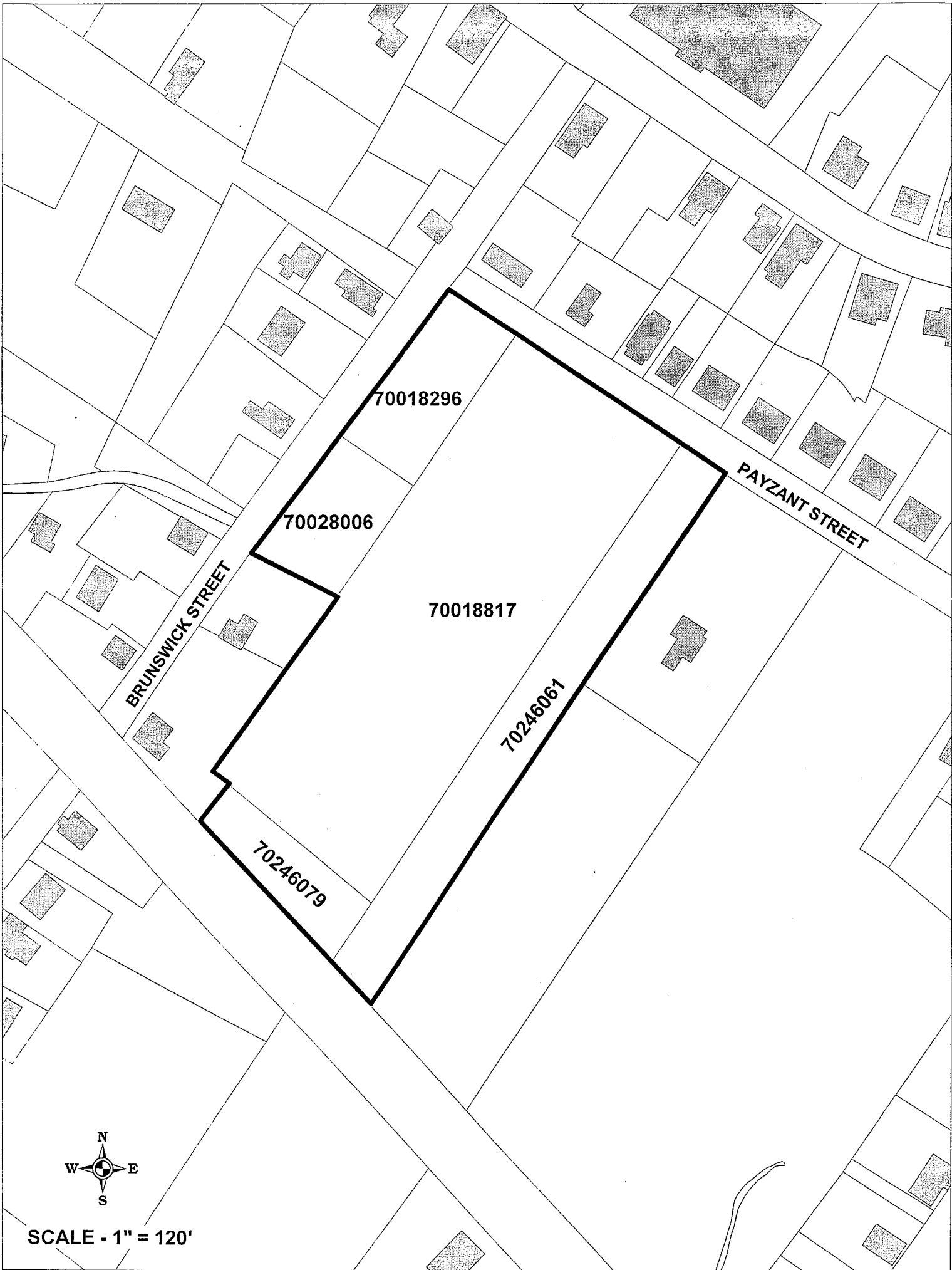
Registered Owner (if more than one) _____
Signature _____
Date _____

- Authorization of Registered Owner (Please print)

I / We _____ authorize _____
To act as agent and sign this application on my / our behalf for property located at
(Civic Address) _____ and identified as PID# _____.

Notes:

1. The requirements of a Land Use Bylaw amendment or development agreement application are established by the Planning Department of the Region of Queens Municipality. An application approval process will not commence until a completed application and advertising deposit are received.
2. Please make cheques payable to the Region of Queens Municipality. Following completion of the amendment process, the unused balance will be returned to the applicant. However, should the deposit be insufficient to cover the cost of advertising, the applicant will be responsible for the difference.
3. It is recommended that an applicant have a pre-consultation meeting with staff of the Planning Department prior to submitting this application.



70018296

70028006

70018817

70246061

70246079

BRUNSWICK STREET

PAYZANT STREET



SCALE - 1" = 120'



BRUNSWICK STREET

PAYZANT STREET

70018296

70028006

70018817

70246061

70246079



SCALE - 1" = 120'

REGION OF QUEENS MUNICIPALITY

**Municipal Planning Strategy
And Land Use Bylaw Review**



TERMS OF REFERENCE

For

REQUEST FOR PROPOSALS

DRAFT

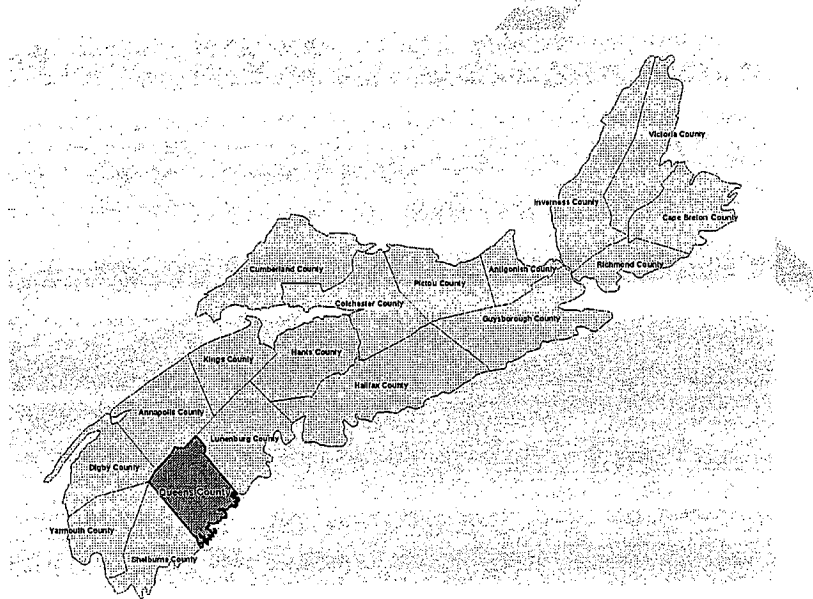
April 2018

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1. REGION OF QUEENS MUNICIPALITY – A SNAPSHOT

The Region of Queens Municipality is an outstanding part of Nova Scotia with its diverse geography of rural and urban communities, and its superior natural landscape of sandy ocean beaches, lakes, rivers, and National and Provincial Parks. The Region is committed to a prosperous future, with an emphasis on sustainable land use planning. Located on the South Shore of Nova Scotia, the Region of Queens Municipality is approximately midway between the provincial capital of Halifax to the east and Yarmouth in the west. The Region is accessed by the provincial highway systems of Highway 103, the Lighthouse Route (Trunk 3) and Kejimkujik Scenic Drive (Trunk 8). The Municipality encompasses all lands within the bounds of Queens County.

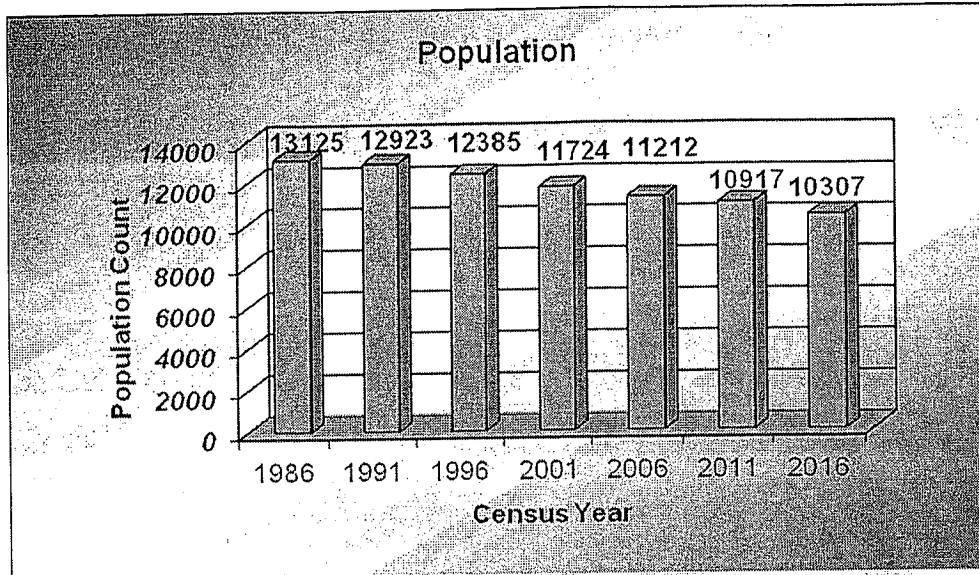


Key geographic features of the Municipality include:

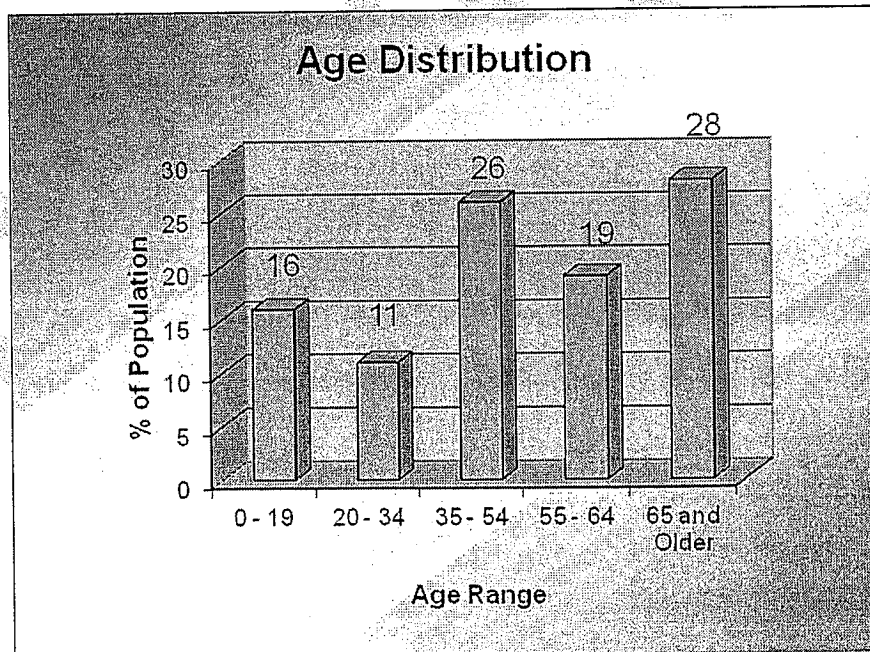
- Approximately 2,760 km² or 681,700 acres in area size.
- Approximately 220 kilometres of shoreline on the Atlantic Ocean.
- Approximately 13% of the Region is covered by freshwater bodies.
- Vast wilderness forested areas and pristine white sand beach shorelines.

The Region consists of 54 diverse communities, each with their own unique features, characteristics, challenges and opportunities. Relatively small in population and large in geographical area, the Region of Queens Municipality is primarily rural in nature, with a population density of 4.3 persons per square kilometre. A variety of resource based industries (forestry, fishing and agriculture) have played a significant role in defining the character of this rural landscape. The growth of these industries has been instrumental in supporting the development of the Municipality. Liverpool, Milton, Brooklyn and Caledonia make up the Region's most urbanized areas and play an important role as service centres to the surrounding communities and beyond.

Like many rural communities in Nova Scotia, the Region of Queens Municipality over the past 30 years, has experienced population decline, as conveyed by the following data:



According to the 2016 Census Data, the age distribution for the residents of Queens is as follows:



The median age of residents is 53.2 years, as compared to the provincial average of 45.5. Nearly one-half of the Region's population may be deemed as over 55 years of age. Another local demographic feature is the seasonal increase of non-permanent residents who live part-time in the area in their summertime homes.

The varied urban and rural communities of the Region are serviced by approximately 755 kilometres of public roads (Provincial and Municipal), and an estimated 275 kilometres of privately owned roads. The roads that are owned and maintained by the Region are predominantly located in Liverpool. Much of the private road construction is concentrated in the "cottage country lake areas" of the Molega, Labelle and Greenfield communities, located in the central interior of Queens County.

The diverse nature of the numerous communities located within the Municipality creates numerous opportunities and challenges that will need to be addressed through the Planning Strategy review and update. These community planning considerations include in part, the need for planning attention to approaches for population stability and growth, rural community economic development, urban revitalization initiatives, business and employment growth, attention to climate changes and coastal lands development, provision of enhanced affordable housing choices for seniors and young families, refinement of provisions for home based businesses and accessory residential uses, identifying and designating viable agricultural lands for future food security, protection of sensitive environmental and natural features, parkland property acquisition and funding strategies, forest fire risks and hazard lands identification, management of resource lands and our marine environments, site and building design guidelines, and preservation/ enhancement of neighbourhood and community character.

2. A BRIEF HISTORY

For thousands of years the Mi'kmaq have hunted, travelled, foraged and helped shape the Region as we know it today. Their settlement patterns reveal a detailed understanding of their environment and the true potential of the land. The warmer months of the year were spent along the coast, where a rich diversity of estuaries and salt marshes offered an abundance of food. With the arrival of winter, the Mi'kmaq would return to the interior to hunt moose and other animals in the deep snow.

The first Europeans known to have visited this area in numbers were the French in 1604, who were drawn to the Region's coastline by the fur trade, plentiful fishing and good harbours. They failed to establish a permanent settlement here; however. It was not until 1759 that New Englanders of British origin established the first European settlement in Queens County; Liverpool. Settlement then began to move inland from coastal areas. By the end of the 1800's, communities like Greenfield, Caledonia, South Brookfield and Pleasant River, were well established. The move into the interior of the Region was supported by the emergence of forestry industry, agriculture and gold mining. Although the gold mines have long since disappeared, the gold rush that began in 1884 fuelled rapid growth in the North of the Region. Communities such as Caledonia, Molega and Whiteburn Mines grew up almost overnight, attracting people from far and wide.

The Region's abundance of natural assets has played a big part in the growth of seasonal residential developments throughout the Municipality. Primarily located on lakeshores and the coastline, this form of development has accounted for much of the development that has occurred during the last few decades. As large urban areas like Halifax continue to grow, the demand for scenic natural environments and recreational opportunities will also increase.

In 1996, the former Municipality of the County of Queens and the Municipality of Liverpool pursued a voluntary amalgamation process which resulted in the creation of the Region of Queens Municipality; a process which proved to be a very positive step for the people of Queens County. Prior to amalgamation, the municipal units were duplicating many services and competing against each other for new development. Amalgamation has resulted in significant cost savings, more efficient provision of services, introduction of an innovative Region wide planning strategy, and for the most part, a more positive attitude toward new development within the Region.

The current Region of Queens Municipality Municipal Planning Strategy and Land Use Bylaw, applicable to all lands within the boundary of the Municipality, were adopted by Council on July 20, 2009. The planning documents were prepared in accordance with the provisions established by the Municipal Government Act (MGA), specifically Chapter 18 of the Statutes of Nova Scotia.

It is the Region's expectation that the updated Municipal Planning Strategy, Land Use Bylaw, and related land use, zoning and other mapping schedules be prepared in a substantive manner.

3. PROJECT BACKGROUND AND COMMUNITY PLANNING EXPECTATIONS

The Municipal Planning Strategy (MPS) and companion Land Use Bylaw are viewed as the land use policy and regulatory frameworks to guide, influence and manage positive change and development within the Region over the approximate next ten year period, and into the longer range future. The general intent of the Planning Strategy, following preliminary public consultation, is to firstly establish a shared community vision, and to then identify goals, objectives and guiding principles to achieve that vision. Thereafter, following the preparation of varied background community planning research reports, the selected consultant firm is to outline comprehensive yet succinct Policy Statements that will capture a combination of short-term and longer range land use expectations for the Region as a whole. More detailed community planning guidelines for the varied yet individually unique rural and urban sub-areas, and for a wide spectrum of other land use planning issues and/or initiatives, are to follow.

Establishing the community vision and identifying the sense of place direction for the future is deemed to be an integral early component of the planning process. From this baseline, the updated Planning Strategy will flow.

The Land Use Bylaw is intended to be aligned with the principles of land use regulation and management of land use density. Critical review of existing zone categories is to occur with the aim to provide for a more concise and systematic manner of managing land use. For example, by reducing the current level of an extensive array of allowable uses of land within most residential zones will allow the Region to continue to be an appealing place for new residents to live. Ensuring the Region's communities consistently maintain livability and quality of life enjoyment within residential neighbourhoods will be a critical in attracting these new residents. Provision for expanded commercial and other employment generating land use zone categories, based primarily upon locational criterion and property size requirements, are additionally important to facilitate orderly and

coordinated opportunities for business growth and non-residential uses of land. It is acknowledged that in specific communities of the Region however, the preference may be to maintain flexibility of land use types within residential zones.

The MPS et al update will be undertaken within broader strategic objectives established by Council for the Region of Queens Municipality. While it is recognized that community planning needs, issues and areas of focus will vary from one community to another, the MPS is to be consistent by focusing on the following indicative policy areas:

- Achieving a balance of economic, environmental and social sustainability;
- Encouraging local employment and business growth and expansion;
- Achieving economic development through community planning;
- Pursuing housing innovation, affordability, diversity, choice and density;
- Enhancing neighbourhood character and appeal of residential areas;
- Tourism development partnerships and marketing of the Region;
- Recreation, active mobility, healthy community and open space planning;
- Social policy, arts, culture and heritage considerations;
- Provision of responsive and affordable community facilities and services;
- Cost effectiveness in local transportation and municipal infrastructure; and,
- Overall emphasis on public safety and the livability of the Region.

Much has changed within the Municipality since the adoption of the Regional Planning templates of 2009. For example, as previously noted, local residents are getting older, indicating a need for the Region to become more age friendly, and to pursue efforts to retain youth and young families. In addition, with the closure of several major employers, employment and economic growth are required. With the increasing frequency, intensity and duration of climate change impacts of sea level rise and storm surges, the Region additionally requires enhanced coastal areas planning policy attention to manage threats to land uses adjacent to the ocean.

A critical component to the success of the Plan et al update will undoubtedly be the public process to engage, consult and listen to local residents and others in how they envision the future of the Region as a whole, with their neighbourhood, the rural land base, coastal areas, Liverpool's historic downtown and other commercial areas, and for a range of other community planning issues.

The RFP submission is to be responsive to the varied community planning challenges, opportunities and expectations for the Region's Planning Strategy update. The RFP submission is to additionally embrace the need for a participatory model of public engagement and conversation as part of the Plan et al update. Within their RFP submission, a detailed public consultation process proposal is to be outlined.

4. PROJECT GUIDING PRINCIPLES

Responding to these varied community planning challenges, opportunities and issues will be major themes of the revised Municipal Planning Strategy and accompanying Land Use Bylaw. With this in mind, the project scope is intended to be generally framed around six guiding principles, noted as follows:

1. Building sustainable communities where residents have varied housing choices, and increased opportunities where to live, work, learn, volunteer, shop and to have access to a variety of recreational opportunities;
2. Balancing the desires, needs and unique qualities of our diverse urban and rural communities within the Region;
3. Expanding and growing the local population and economy;
4. Preserving and enhancing community character, the natural environment, and the Region's sense of place;
5. Responding to climate change; and,
6. Engaging local residents, the business community, community organizations and external agencies and departments throughout the planning process.

Following engagement of the Project consultants, and as the Project gathers momentum, the cited Guiding Principles may be further refined and adjusted.

5. PROJECT OBJECTIVE

The objective of this RFP for the Planning Strategy et al update is to engage the services of an integrated land use planning, environmental management and engineering consulting firm with expertise in the area of sustainable land use planning. The Project Team Leader is to be an experienced and registered member of the Canadian Institute of Planners (MCIP).

The selected consultant firm, determined following an evaluation of the RFP submissions, is to commit to undertake a formal review of the Region's Municipal Planning Strategy and Land Use Bylaw over an approximate 18 month period during 2018 and 2019. The Project is to be substantially completed by the end of 2019, with formal adoption of a new Municipal Planning Strategy and Land Use Bylaw in early 2020. Substantial completion in this context, refers to the Draft Plan et al being completed and endorsed by the community and the Region of Queens Planning Advisory Committee and Council, by the end of 2019.

6. SCOPE AND DELIVERABLES

To achieve the cited Municipal Planning project review and update timeframe during the next 1.5 years, a summary of the proposed work plan phasing is provided as follows:

<u>Phase</u>	<u>Work Plan Scope</u>
1	Getting Started
2	Consultation/Visioning
3	Background Studies and Discussion Papers
4	Project Findings and Recommendations
5	Draft Municipal Planning Strategy and Land Use Bylaw
6	Final Municipal Planning Strategy and Land Use Bylaw

A description of each proposed phase of the Planning Review Project is also provided as an overview for the intended planning process and describes, in a general way, the anticipated outcomes and deliverables for each phase of the project. The RFP

submissions are to adhere to this work plan scope and/or provide an acceptable alternative work program to complete the Plan et al update project.

PHASE 1 — GETTING STARTED

The commencement stage of the Project will entail actions by both the Region and by the successful selected Consultant.

The Region, primarily through municipal planning staff and Council's Planning Advisory Committee, will undertake to:

- Schedule an introductory meeting with the Project Consultant Team members to review the Planning Strategy review and preparation requirements, expectations and deliverables for the Project.
- Provide the consultant team with relevant background information materials, including:
 - Existing Municipal Planning Strategy and Land Use Bylaw
 - Public Participation Program Policy
 - Municipal Climate Change Action Plan (MCCAP)
 - ICSP
 - Queens Attraction Strategy
 - Region of Queens Municipality Asset Inventory and Community Profile
 - Council's Strategic Priorities
 - Municipal Government Act, 1998
- Identify names and contact information for key project stakeholders such as members of Council and CAO, President of Chamber of Commerce, reps from Astor Theatre, Queens Hospital, Community Living, Historical groups, White Point/ Lane's/Best Western, Emera Centre staff, key rural community representatives, fire department chiefs, municipal engineering and recreation staff, provincial and federal departmental staff for highways, environment, health, fisheries et al, RCMP, Keji contacts;
- Provide for key Planning staff Project contact individuals; and,
- Discuss other planning issues, questions and comments from the Consultant Team members.

The Consultant, during the initial phase of the Project, shall be expected to do the following:

- Undertake preliminary research and conduct an initial and ongoing independent site visit tours of the Region;
- Attend initial Project meeting with the Region, introduce Project Team members, and discuss understanding of the Project requirements, expectations and deliverables;
- Speak to the proposed Public Consultation Plan and visioning exercise for the Project;
- Provide for opportunity to respond to questions from members of the Planning Advisory Committee; and,
- Outline the timetable dates for the milestones of the Project that the consultants intend to achieve.

PHASE 2 — CONSULTATION / VISIONING

Ongoing and consistent community engagement and conversation during the entirety of the Planning Review and Update is deemed critical to the success of the Project. Community consultation and participation will therefore be an essential component of the work program; generous and diverse opportunities for local residents, the business sector, community organization representatives and others to be engaged and welcomed as participants within the planning process will be required during each phase of the Planning Review. As such, the development of a formal Public Consultation Plan will be required as part of the early stages of the Plan Review project to describe how the selected consultant will engage the community and key stakeholder groups throughout the entire duration of the Project.

For information, it is noted that the Region of Queens elects its Council members based upon a geographical 'ward type' of system. There are 7 different Electoral Districts within the Municipality, each with an approximate population of 1300 local residents. The members of the Planning Advisory Committee are also appointed as representatives of each of the Electoral Districts.

The selected Consultant may wish to utilize the Electoral District approach as the means to undertake the public consultation program.

The Public Consultation Plan must include:

- An overview detailing how the proposed public consultation program is innovative, comprehensive, responsive and proven through examples of previous planning project public participation processes;
- Examples of previous public consultation exercises that have been recently successfully undertaken by consultant;
- Provision of a listing of all public engagement initiatives to be pursued;
- Clarification of how planning project participants and other community members will be included within a project contact and information sharing list throughout the planning process;
- Identification of social media initiatives to be utilized, including determination of whether a Project Website or Facebook Page will be established to create awareness of the Project, to highlight project public sessions and to encourage comments and perspectives from community members who may choose to converse electronically;
- Determination of whether community surveys in either hard copy or electronic form will be utilized to gauge public opinion on specific planning issues;
- Specify the number and purpose of proposed urban and rural community consultation meetings that will take place, including focus groups, workshops, round tables, design charettes, open houses, information meetings and/or statutory public meetings;
- Articulate how the submitted and provided public consultation comments that are received from local residents and other participants of the planning process will be managed, individually tabulated and/or addressed, and acknowledged; and,

- Identify a proposed Project update meeting process with both the Region of Queens Municipality Planning Department, and with the Planning Advisory Committee, that will be followed throughout the various phases of the Project.

A key product of the early stages of the Project, and following initial public consultation, will be the further requirement for the Consultant to formulate a Community Vision. The intent of the visioning, based on Council's thoughts, the PAC members' perspectives and community input, is to establish a community vision statement for the Region of Queens. The subsequent goals, objectives and guiding principles for the new Municipal Planning Strategy and Land Use Bylaw are to then flow from the Vision Statement.

The Community Vision, goals, objectives and principles will provide focus for the development of the revised planning documents. These deliverables will also continually form and inform the content and essence of the new Planning Documents.

PHASE 3 — BACKGROUND RESEARCH STUDIES AND DISCUSSION PAPERS

Municipal Plans and accompanying Land Use Bylaws are typically large, complex and comprehensive documents that cover a wide range of issues and themes impacting the operation, growth and development of the Municipality. Given this character of community plans, the amount of information that needs to be addressed and subsequently presented to the public, to Council and to Municipal staff is considerable. This RFP has determined that the most practical and optimum methodology to address the diverse community planning issues facing the Region is through an approach of preparing a series of Background Research Studies and discussion papers. The themed discussion papers additionally creates opportunity for substantive issue discussion through the public consultation process.

Each Background Report is to follow the terms of reference intent of the following discussions on each Study issue. Following the Consultant's research and review of each planning issue and as a summary to each discussion paper, the Consultant is to provide for a series of policy and/or land use regulation recommendations for potential inclusion within the Draft Municipal Planning Strategy and Land Use Bylaw.

An additional benefit of preparing Background Research Reports to the Planning Strategy and Land Use Bylaw update, is to enable the final Municipal Planning Strategy document and Land Use Bylaw to be more concise in content, and in this manner, more user friendly and readable by the layperson. Utilization of graphic illustrations are encouraged both within the Background Studies and within the final planning documents to illustrate planning concepts such as building setbacks to property lines, potential flood construction elevation levels for buildings adjacent to the ocean, for site design considerations and other similar planning requirements. Coloured land use and zoning maps are also to be provided so as to provide more effective interpretation of the map schedules.

The following six Background Research Studies and discussion papers are to be completed by the Project Consultants in Phase 3 of the Planning Review:

- Population and Demographics – The purpose of this report and discussion paper is firstly to provide an analysis and graphical summary of population and demographic statistics for the Region of Queens Municipality from the 2016 Census Canada data, from provincial economic growth studies, and upon review of other demographic forecasts and indicators. It is intended that this report will detail an understanding of ‘who we are planning for’, how local demographics and anticipated population trends may change over time, and how these demographic patterns should influence planning policy. Projections for future population growth, and the projected age composition profiles of such future growth trends, are to be additionally provided. By having this insight, the Municipality will be in a position to calculate future demand for housing, for commercial growth and to respond to the infrastructure and community facility needs of its future residents. The second facet of the Population and Demographic Study is to set the tone for the future planning direction for the community. Should the Region of Queens, for example, seek to become a more ‘complete community’, a retirement community, a tourism destination community, a more healthy and active mobility community, a technological smart community, or all of these?
- Identification of the Region’s Environmental Footprint – Determination of the sensitive environmental and open space lands that the Region wishes to preserve and protect establishes the non-developable land base of the community. Coastal hazard lands, parkland and open spaces, valuable agricultural areas, significant forest lands and wetlands are all intended to be designated as lands to be preserved. By clearly identifying lands to be protected, the remaining land base available for development consideration becomes more apparent. Beyond identification of the Region’s environmental footprint, the purpose of this paper is to additionally discuss planning issues and implications for land use management adjacent to shorelines, watercourses, wetlands and other environmentally sensitive areas. The feasibility and need for potential tree retention and replanting policy attention may also be considered for land and building development sites. Beyond identification of the Region’s environmental footprint, the impacts of climate change and adaptation strategies to address climate changes, are additionally to be documented and mapped.
- Residential Development— This Background Research Report is intended to address a broad range of residential development issues effecting the Region. Through reliance on criterion of a minimum parcel size for different types and densities of residential housing within both the serviced urban area and within the more rural communities, the residential report is to explore innovative opportunities for a more economically efficient use and intensification of the urban serviced land base for more affordable local housing such as residential infill and compact housing types. There is a further need to devise a strategy to locate, and provide design guidelines, for higher density forms of housing to successfully integrate within established residential neighbourhoods. Recommendations for seniors housing are to be advanced. Within the rural locations of the Region, residential housing is to have less constraints, but is intended to meet local needs by being in character with existing residential locations. New opportunities for accessory residential units based on property area size requirements may come to the

forefront. Planning policies for housing development within 'cottage country' and for lands adjacent to coastal areas also need to be established. Secondary suites, residential uses above commercial stores, backyard cottages, and accessory employee residential apartments are also to be considered throughout the Region. The key objectives are for housing innovation, efficient use of the land base, respect for neighbourhood character and responsive sustainable residential opportunities to address the future demographic and affordable housing needs of the Region.

- Commercial and Employment Generating Growth Management — The intent of this report is to thoroughly investigate planning policies and land use regulations to encourage growth and development in the commercial and industrial sectors. The goals are to support an expanded and more vibrant local economy, and to realize the retention of existing employment opportunities and the creation of new jobs within the Region. Merging of community economic development initiatives with land use planning will be an essential aspect of this Background Report. The commercial and industrial review will entail an examination of the existing serviced, designated, vacant and built-upon land supply, and provision of recommendations to assist in the development and expansion of the current designated land base, and to identify new commercial and employment generating lands. Land use planning attention, including refinement of permitted zone uses, for revitalization of Liverpool's historic downtown commercial core will also be required. Within the rural communities of the Region such as in Caledonia, Port Medway and Port Mouton, the commercial and employment generating lands review is to include direction for economic expansion within these locales through orderly and coordinated development patterns that have minimal impact on the quality of life and livability of established rural residential neighbourhoods. Growth and employment options within the forestry, fishery and other resource industries are to be also included within this Background Report.
- Infrastructure— This discussion paper will review in tandem with the Region's Engineer and Public Works Department, as well as with external provincial departments such as highways, issues and options respecting the Region's water supply and distribution systems, wastewater, roads, and active transportation issues. Stormwater management should be reviewed from the perspective of minimizing offsite flow volumes. Flooding issues within the Region with respect to existing and proposed land use development patterns will require attention. Liaison with the Department of Environment should also take place with regard to best practices for on-site well water quantity and quality issues, as well for on-site septic effluent disposal systems, to support continued growth in the Region's non-serviced locations. Capital infrastructure improvement recommendations should flow from this Background Report.
- General Policy— The concluding background discussion paper is to address a range of additional community planning issues. Heritage, Arts and Culture opportunities are to be captured by Policy action statements so as to grow and accentuate this aspect of the Town's character. Any locations within the Region that have archaeological significance are to be noted. Planning

considerations targeted for the seniors' age group of the Region need to be articulated. Other social planning considerations for lone parent families, for the physically disabled and for encouraging immigration may be advanced. There is a further need to define the Region's position with regard to the use of cannabis, once legalized, within public spaces of the community. This Report is to also include the recommended approach for the complete range of general land development issues unique to the Region, including the planning opportunities for site and building amenity and design considerations, refinement of existing zone categories and introduction of new residential and non-residential zones, review of permitted and accessory uses, and an update of the Definition Interpretation section of the Land Use Bylaw. Governance and administrative policies that are typically included in a Municipal Planning Strategy and Land Use Bylaw are to be similarly introduced. An implementation and monitoring process for the Region's updated Planning Strategy is to be further provided. A concluding feature of this Report shall be to identify the proposed format and structure of the new Planning Documents. User friendliness and readability of the Planning Strategy and Land Use Bylaw are suggested to be enhanced through the use of pictorial displays and graphic illustrations.

PHASE 4 – PROJECT FINDINGS AND RECOMMENDATIONS

Phase 4 of the Planning Review entails a consultation process with the Region's Planning Advisory Committee (PAC) to review and evaluate each of the Discussion Papers produced in Phase 3 of the process. Following thorough discussions with PAC on the Background Reports, the Project Consultant is to prepare a Land Use Policy Project Findings and Recommendations Report. The Policy Report will provide consolidated and integrated recommendations on the various policy matters identified within the six Background Research Reports, and serve as the baseline to draft the new Municipal Planning Strategy and Land Use Bylaw.

Following review and potential revisions to the Background Research Reports, the studies are to be shared and made available as information to the public, particularly to active participants of the planning process, and to other members of the community.

PHASE 5 — DRAFT MUNICIPAL PLANNING STRATEGY AND LAND USE BYLAW

Phase 5 will be focused on the Consultant preparing the draft Municipal Planning Strategy and Land Use Bylaw, and corresponding land use and zoning maps. Upon completion and receipt by the Region, the Draft planning documents will be circulated for review and comment to Council, the Planning Advisory Committee, varied departments within the Municipal organization as well as to relevant Federal and Provincial Departments and agencies. The Consultant will be responsible for holding seven (7) public information sessions to allow opportunity for the community members to become aware of the content of the updated planning documents, and how the revised policy directions may affect them.

Following an approximate 30 day period for external and internal review of the planning updates, and upon receipt of varied comments, the Consultant is to consider the feedback, incorporate revisions, and proceed to preparation of the final Planning Documents.

PHASE 6 — FINAL MUNICIPAL PLANNING STRATEGY AND LAND USE BYLAW

Based on the review and comments received during Phase 5 of the Planning Review, Phase 6 will require that the Consultant prepare the final draft of the Region of Queens Municipality Municipal Planning Strategy, Land Use Bylaw, and companion mapping schedules. The final draft of the Planning Documents will be presented at a formal public hearing as required under the Municipal Government Act. Subject to any final refinements; the Municipal Planning Strategy and Land Use Bylaw will be prepared for Council adoption. Once adopted by Council, the new Planning Documents will be submitted to the Department of Municipal Affairs for consideration of the Province of Nova Scotia's approval in accordance with the provisions and regulations under the Municipal Government Act.

7. STUDY AREA

The study area for the Municipal Planning Strategy et al update project is to include all lands and water bodies within the entire Region of Queens Municipality (Queens County, Nova Scotia).

8. PROPOSAL CONTENT

The RFP proposal submission should clearly identify all members of the Consultant's Project Team. Specifically the project manager is to be profiled, as well as the roles of each Team Member to be assigned to each phase or component of the project. This includes any Team Members from specialized sub-consultants. The team members assigned to land use planning, engineering, environmental review, and other areas of expertise are to be identified.

The RFP submission is to further describe the respective capabilities and professional experience of each project team member. CV resumes are to be provided. The sustainable planning project background of the firm shall be highlighted within the RFP submission. Recent Plan preparation projects, similar to the Region of Queens planning context, are to be identified.

Three Municipal Planning project references, with full client names and current contact information, are to be provided.

The proposal document should clearly demonstrate that the consultant (and sub-consultants where applicable) possess a clear understanding of the overall scope of the project, and that the Consultant firm has the staffing resources and capacity to complete the Project 'on time and on budget'.

The Consultants in their RFP submissions are encouraged to provide details of any possible innovative ideas, suggestions, recommendations, value added concepts or opportunities for improvement that would enhance the Region of Queens Municipal Strategy et al project, planning processes or community planning expectations indicated within this RFP.

Additionally, guided by the Terms of Reference of the RFP, the proposal is to describe the proposed approach, steps and methodology that the Consultant will pursue and follow to complete the project. The proposal document must include sufficient detail to demonstrate the level of effort proposed for individual team members, and a complete understanding of how the work is to be planned, undertaken, coordinated and completed.

The Consultant is to further provide a listing and/or graphic depiction of the timetable dates for the Region to receive the varied required components of the Project, including the Public Consultation Plan, Community Vision, Background Research Studies, Land Use Policy Direction and Recommendations, and the Draft and Final versions of the Planning Strategy, Land Use Bylaw and all companion map schedules.

9. SELECTION CRITERIA

Members of the Region of Queens Municipality Planning Advisory Committee, Planning Director and Chief Administrative Officer, the Selection Committee, will undertake the review of the submitted proposals to this RFP. Following review and evaluation, the Selection Committee will make appropriate recommendations to Region of Queens Council.

The Selection Committee will make its recommendation to Council on the basis of the following evaluation criteria:

- The demonstrated ability / level of experience of the consultant to provide and fulfill the services defined within this RFP (20%).
- The demonstration of relevant sustainable planning experience in similar Municipal plan update projects (20%).
- Understanding of work to be carried out (20%).
- The demonstration of creative and value added approaches to community consultation and Plan et al update process (20%).
- The total project cost (20%).

The selection of a Consultant is a competitive process and therefore the Municipality reserves the rights to accept or reject in whole or in part any or all proposals, to cancel all or part of this RFP process for any reason at the sole discretion of the Municipality, and to negotiate a contract with the selected Consultant whose proposal is considered to be most acceptable to the Municipality.

10. COST PROPOSAL

The Proposal shall include the consultant's firm fixed price for this service as outlined in the RFP. The consultant shall include within the cost, a detailed listing of the varied

tasks to be undertaken with this Project, and provide an estimate of total costs assigned to each of these Project tasks.

The pricing data shall include the assigned hourly rate and estimated hours of work for each and every Project team member including all travel, accommodation and other expenses and all HST. In addition, the project cost submission shall include an invoicing schedule, based on specific project milestones and deliverables being achieved at an agreed upon date. The Consultant's project cost submission shall represent the maximum payment from the Region to the Consultant for the Project.

The Municipal Planning Strategy et al Review Project will be budgeted over two fiscal years (2018 and 2019) with 50% of the cost being allocated in 2018, with the majority of the remaining balance being allocated in 2019 (Fiscal year running from April 1st to March 31st). Please note that a 10% portion of the total project cost shall be withheld, pending formal approval of the Municipal Planning Strategy, Land Use Bylaw and mapping schedules by Council.

11. CONTRACT AWARD

The final authority to award the Study rests solely with the Council of the Region of Queens Municipality. Consultants are advised that the lowest cost proposal will not necessarily be awarded the contract as the selection will be based on the evaluation criteria and cost is only one of the criteria. The Municipality will not be responsible for any preparation costs incurred by the Consultant submitting a proposal and will not pay for any travel expenses to participate in interviews or contract negotiations.

12. PROJECT TIME FRAME AND REPORTING

The following project schedule identifies the six work plan phases for the Project. At the conclusion of each Project phase, the Consultant is to provide the Region with the required 'Deliverables' by the noted due dates, as follows:

Expected commencement date:	June 11, 2018
Phase 1 Completion date:	June 29, 2018
Phase 2 Completion date:	September 7, 2018
Phase 3 Completion date:	March 29, 2019
Phase 4 Completion date:	April 30, 2019
Phase 5 Completion date:	September 13, 2019
Phase 6 Completion date:	November 15, 2019

** Note: Any significant change to an agreed upon work plan schedule for the Project between the Consultant and the Municipality must be approved by the Region of Queens.

The final reports and any supporting documentation, including digital files, digital maps, photographs, plans, conceptual drawings, research documents, and similar, shall become the property of the Region of Queens Municipality (RQM) and may be used in any manner the Municipality deems appropriate.

13. KEY REPORTING AND DELIVERABLES

Electronic and hard copies of all information shall be provided to the Region of Queens Municipality. All reports are to be provided electronically in a format compatible with the Municipality's software. Land Use and Zoning maps shall be provided in color both in hard copy format and electronically, preferably in MapInfo .tab format with the following projection: 3MTM Zone 5. The consultant shall also provide ten (10) draft and final bound copies of the Draft and Final copies of the revised Municipal Planning Strategy and Land Use Bylaw reports, and their companion map schedules.

14. REJECTED PROPOSALS

Proposals which are deemed by the Region of Queens to be incomplete, unconditional, illegible or obscure, or contain reservations, erasures, alterations or irregularities of any kind, may be rejected.

Proposals that contain prices which appear to be unbalanced and likely to affect adversely the interests of the RQM may be rejected.

Proposals received after the due date and time for the RFP submissions shall be rejected and not considered further.

15. CONFLICT OF INTEREST

Proponents must disclose to the RQM in their Proposal any potential conflict of interest, including any which may involve RQM employees, Council members or members or employees of agencies, boards, or commissions who may have a financial interest in the Proponent's firm. If such conflict of interest does exist the RQM may, at its discretion, refuse to consider the Proposal.

16. INDEMNIFICATION

Without limiting any other obligation of the Proponent under this Contract or otherwise, the Proponent hereby agrees to Indemnify and Save Harmless the RQM, its elected officials, officers, employees, servants, agents and others for whom the RQM is in law responsible, from and against any liability, loss, claims, demands, damages, fines and penalties, costs and expenses (including consulting fees), investigatory and legal expenses, and any other actions or causes of actions, suits, caused by or attributed to any willful or negligent act, omission, delay, or allegations thereof on the part of the Proponent, its officers, employees, subcontractors, agents, licensees, assignees, invites or other persons engaged in the performance, non-performance or attempted

performance of the Work pursuant to this Contract or anyone else for whom the Proponent is in law responsible.

Should the RQM be made a party to any litigation commenced by or against the RQM, then the Proponent will protect, indemnify and hold the RQM harmless and will promptly pay all costs, expenses, and legal fees incurred or paid by the RQM in connection with such litigation upon demand. The Proponent will also promptly pay upon demand all costs, expenses and legal fees that may be incurred or paid by the RQM in enforcing the terms, covenants and conditions in this Contract.

17. NON PERFORMANCE

The RQM reserves the right to determine non performance or poor quality of goods and/or services at any time during the process of preparing the Planning Strategy and Land Use Bylaw update Project, and further reserves the right to cancel the Project contract. The opinion of the RQM in this regard shall be final in all instances.

18. CONTRACT NEGOTIATION

The RQM will negotiate a contractual agreement with the preferred consultant. If the RQM is unable to negotiate an acceptable contractual agreement with the preferred consultant, then the second preferred consultant may be selected and a contractual agreement developed. The RQM, at any time and without liability, may withdraw from negotiations with any potential consultant.

19. TERMS AND CONDITIONS

- ❖ Proponents shall be solely and fully responsible for all costs associated with the development, preparation, transmittal and submission of any proposal or material submitted in response to this RFP. The Region of Queens Municipality assumes no contractual or other obligations as a result of the issuance of this RFP, the preparation or submission of a proposal by a proponent, the evaluation of proposals, the proponent's conduct of presentations or the selection of any proponent for further negotiations. By submitting a proposal a proponent agrees that there may be no claims whatsoever for reimbursement from the Region of Queens Municipality for any such costs. All costs incurred by the proponent during the selection process and during negotiations will be the responsibility of the proponent.
- ❖ The Region of Queens Municipality reserves the right to cancel the RFP, at its sole discretion, at any time. The RQM will not be responsible for any costs incurred by a consultant in preparing and submitting proposals and/or attending interviews. The RQM accepts no liability of any kind to a consultant prior to the signing of a contract.
- ❖ Submission of a proposal shall not obligate, nor should it be construed as obligating the RQM to accept any such proposal or to proceed further with the

project. The RQM may, in their sole discretion, elect not to proceed with the project, and may elect not to accept any or all proposals for any reason.

- ❖ At all times, the Consultant has the responsibility to notify the RQM, in writing, of any ambiguity, divergence, error, omission, oversight or contradiction contained within the proposal as it is discovered.
- ❖ Consultants may amend or withdraw their proposals prior to the closing date and time specified in the RFP by way of written or faxed notice to the RQM contact person. After the closing date and time, proposals may not be withdrawn.
- ❖ Proposals submitted shall be final and may not be altered by subsequent offerings, discussions, or commitments unless the consultant is requested to do so by the RQM.
- ❖ The consultant must identify any information in its proposal that it considers to be confidential or proprietary.
- ❖ There will not be a public opening. All proposals and accompanying documentation received under this competition will become the property of the RQM and will not be returned.
- ❖ The RQM has reserved the right to waive minor non-compliance by a consultant with the requirements of the RFP. This will allow the RQM to consider and possibly accept any proposal which is advantageous even though the proposal may be non-compliant in some minor respect.
- ❖ The RQM reserves the right to accept or reject, in whole or in part, any or all proposals.
- ❖ The RQM reserves the right to cancel and/or re-issue this RFP at any time for any reason without penalty.
- ❖ Prices quoted are to be held firm for a minimum of 120 days following the RFP closing date, and shall remain in effect through the duration of an agreement.
- ❖ The consultant's proposal shall form part of the contractual agreement by attachment and will be incorporated by reference. Claims made in the proposal shall constitute contractual warranties. Any provision in the proposal may be included in the contractual agreement as direct provision thereof.
- ❖ The successful consultant agrees to obtain and maintain all professional certifications and licenses necessary to lawfully provide the services required under this request for proposals.

20. SUBMISSION OF PROPOSALS

Sealed proposals plainly marked "RFP Land Use Planning" will be received until **2:00 P.M., May 18, 2018*** at the following address:

Region of Queens Municipality
Attn: Mike MacLeod, Planner
249 White Point Road
Liverpool, NS

21. PROJECT CONTACT

Mike MacLeod, Planner
Region of Queens Municipality
249 White Point Road, P.O. Box 1264
Liverpool, NS
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