

**REGION OF QUEENS MUNICIPALITY
PUBLIC HEARING
DEVELOPMENT AGREEMENT WITH
DEVAN SMITH
AUTOMOBILE REPAIR SHOP, 10446 HIGHWAY 8, HARMONY
MONDAY, JUNE 25, 2018
6:00 P.M.**

MEMBERS OF COUNCIL: Mayor David Dagley, Chair
Councillor Kevin Muise
Deputy Mayor Susan MacLeod
Councillor Jack Fancy
Councillor Raymond Fiske
Councillor Gilbert Johnson

MEMBERS OF STAFF: Chris McNeill, CAO
Mike MacLeod, Planner

REGRETS: Councillor Heather Kelly
Councillor Brian Fralic

CALL TO ORDER:

Mayor Dagley called the Public Hearing to order at 6:03 p.m.

REMARKS:

Mayor Dagley reviewed that the purpose of the Public Hearing is to provide any interested person with an opportunity to present an oral or written presentation to the Council of the Region of Queens with regards to its intention to enter into a Development Agreement with Devan Smith to allow for an automobile service station on property identified as PID #70157052 and located at 10446 Highway 8 in Harmony.

Mayor Dagley reviewed the procedures for the Hearing which was provided on the agenda.

REPORTS AND PRESENTATION BY STAFF:

Mike MacLeod, Planner, stated an application was received for a development agreement to permit the operation of an automobile repair shop. The property is presently vacant and is located at 10446 Highway 8 in Harmony in the Mixed Use Rural Residential (R5) Zone. Although an automobile repair shop is not permitted in the R5 Zone, Council can consider such a use by way of a development agreement through the Region's Municipal Planning Strategy.


WRITTEN AND ORAL PRESENTATIONS:

David Freeman – 6884 Highway 2088 – Mr. Freeman enquired about the change to the zoning. Mr. MacLeod explained that the zoning of the property stays the same. Most properties out of the core area of Caledonia are zoned as Mixed Use Rural Residential (R5) Zone. The automobile repair shop is not permitted in the R5, but can be through a Development Agreement. Mr. Freeman further stated the repair shop would be an asset to the area.

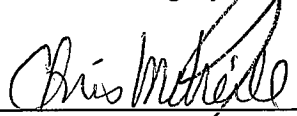
Gloria Uhlman, Hibernia Road – Ms. Uhlman stated the repair shop would be an asset to the area.

Sherri Freeman, 10779 Highway 8 – Ms. Freeman stated also that the repair shop would be a positive asset to the area.

Mayor Dagley asked three times if there were any more members of the public who wished to speak on this matter; hearing none, declared the Public Hearing adjourned at 6:15 p.m.



Mayor David Dagley, Chair



Chris McNeill, CAO



Christine Watson, Recording / Management Secretary

Date approved: July 10, 2018



Region of Queens Municipality
Staff Report:

ITEM 13.1

Development Agreement Request – 10446 Highway 8 in Harmony –
Automobile Repair Shop

Submitted By: Mike MacLeod

Date: May 22, 2018

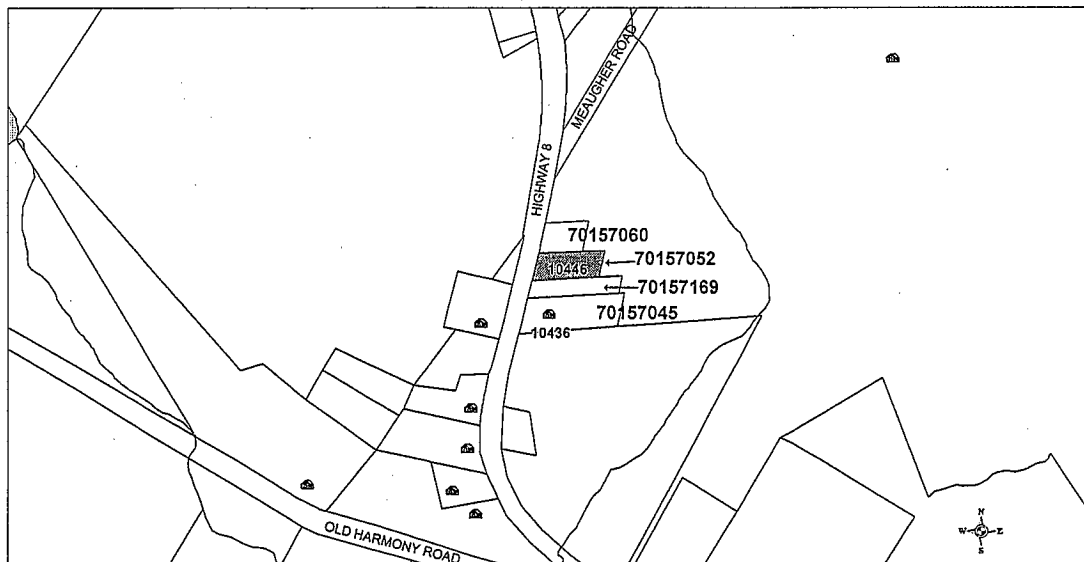
RECOMMENDATION:

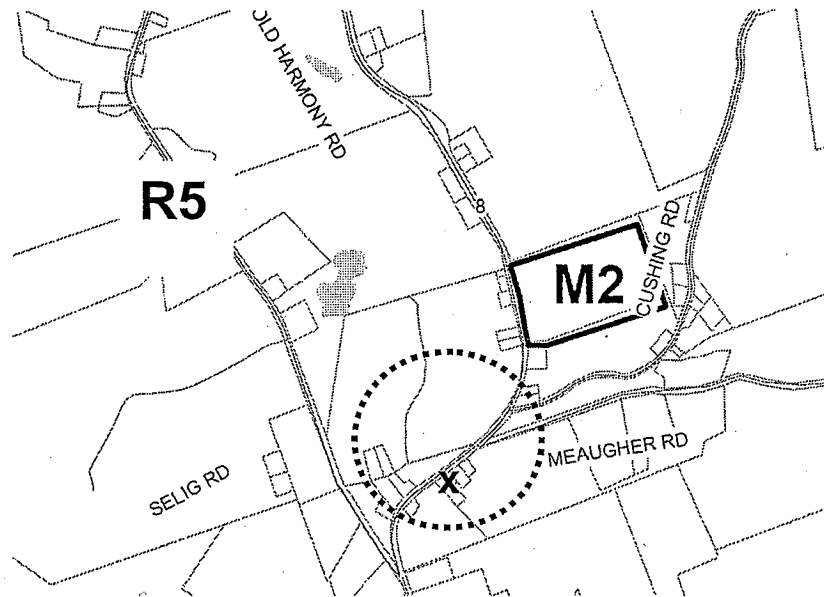
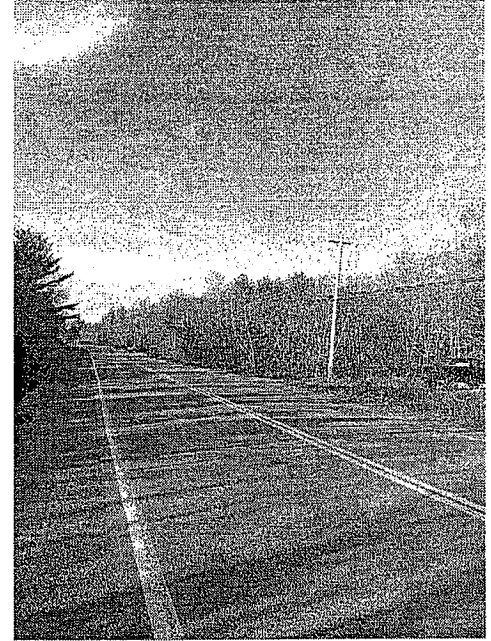
THAT the Council of the Region of Queens Municipality give notice of its intention to enter into a development agreement with Devan Smith to allow for a automobile service station on property identified as PID# 70157052 and located at 10446 Highway 8 in Harmony;

AND THAT a public hearing be scheduled for June 25, 2018 at 6:00p.m. in Caledonia, NS, venue to be determined.

BACKGROUND:

The Planning Department has received an application for a development agreement to operate an automobile service station in the Mixed Use Rural Residential (R5) Zone. The subject property is located at 10446 Highway 8 in the community of Harmony and is identified as PID# 70157052. Currently, the property is a vacant parcel of land.





Zoning Map

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



Region of Queens Municipality

ITEM 13.1

- *Agricultural uses;*
- *Apartments up to a maximum of 15 units, subject Section 12.4;*
- *Art galleries / studios;*
- *Bed and breakfast;*
- *Boarding houses to a maximum of five (5) units;*
- *Campgrounds, subject to Section 14.7;*
- *Condominiums up to a maximum of 15 units, subject Section 12.5;*
- *Convenience stores*
- *Converted dwellings;*
- *Craft shops;*
- *Day nurseries and kindergartens;*
- *Duplex Dwellings;*
- *Equestrian Facilities;*
- *Farmers markets, subject to Section 14.6;*
- *Forestry uses, subject to Section 14.8;*
- *Funeral home;*
- *Garden centres / Greenhouses / Nurseries, subject to Section 14.6;*
- *Gift shops;*
- *Grocery stores, subject to Section 14.6;*
- *Group dwellings, subject to Section 12.7;*
- *Home businesses, subject Section 9.1;*
- *Household livestock operations;*
- *Institutional uses, subject to I1 Zone requirements;*
- *Intensive livestock operations, subject to Section 14.5;*
- *Mini (Mobile) homes, subject to Section 14.4;*
- *Medical clinics, subject Section 14.6;*
- *Movie rental shops;*
- *Nursing homes, subject to Section 12.6;*
- *Personal service shops, subject to Section 14.6;*
- *Recreation / Open Space (P1) uses, subject to P1 Zone requirements;*
- *Residential care facilities, subject to Section 12.6;*
- *Restaurants (including drive in and take out), subject to Section 14.6;*
- *Self storage businesses;*
- *Semi detached dwellings;*
- *Single detached dwellings;*
- *Small options homes;*
- *Storage of commercial fishing equipment and supplies;*
- *Tourist establishments;*
- *Triplex Dwellings;*
- *Wind turbine generators (small scale), subject to Section 6.39*

POLICY AND LEGISLATIVE AUTHORITY

Although automobile service stations 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:



Region of Queens Municipality

ITEM 13.1

*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
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;

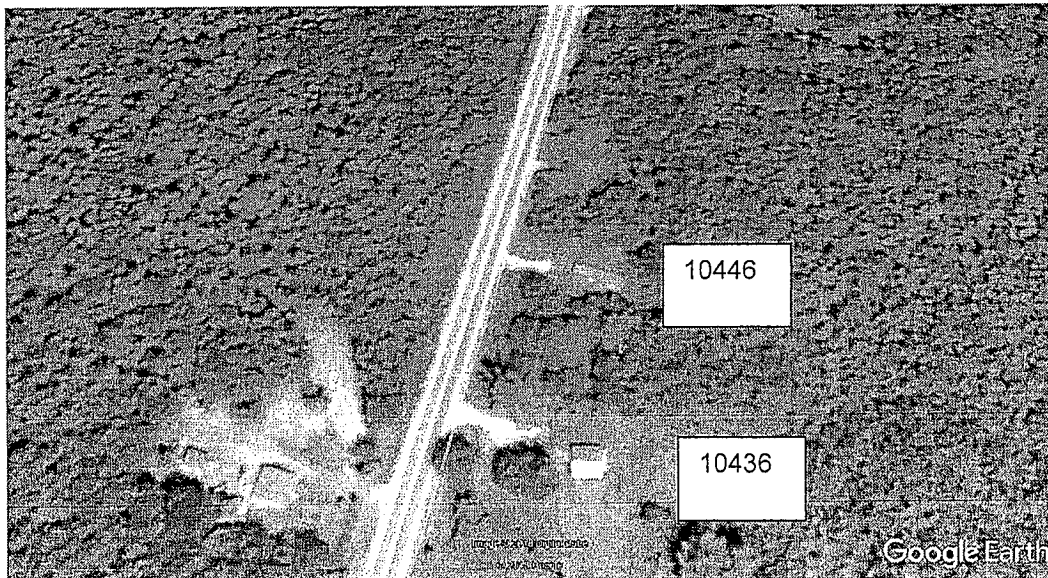
(b) provide for the time when and conditions under which the development agreement may be discharged with or without the concurrence of the property owner;

(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# 70157052 is approximately 23,000 square feet in lot size with 100 feet of frontage on Highway 8.
- The lot is currently vacant land and it is the intention of the owner to construct a new building on the property. The lot previously contained a mobile home, which has since been removed.



- The proposed operation is approximately 160 feet from residential property to the south (PID# 70155072 - civic # 10436).
- The lot is wooded on the boundaries of properties to the north and south.
- Road network is satisfactory to accommodate traffic generated by this use. Existing access to the property to be utilized.



- The property owner intends to construct a new on-site sewage disposal system to service the development.
- Water to be supplied from existing well on adjacent property. There is a deeded right of way for the purpose and use of adjacent well and water rights.
- There are two small wetland areas which extend into the subject property.
- The subject property is located approximately 3 kilometers north of the Caledonia core.

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. With this in mind, 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 from abutting properties
- Outdoor storage, including unregistered vehicles
- Outdoor lighting
- Hours of operation

The Planning Advisory Committee discussed this application at its May 7, 2018 meeting, and were in support of the proposed development agreement.

APPENDICIES: Development agreement application package attached as Appendix A.

A draft copy of a development agreement is attached as Appendix B.

An excerpt of the unapproved May 7, 2018 Planning Advisory Committee Minutes is attached as Appendix C.

Appendix A

DEVAN SMITH

18

Harmony, Caledonia NS

BOT 1BO

APRIL 16, 2018

REGION OF QUEENS MUNICIPALITY
COUNCIL and PLANNING ADVISORY COMMITTEE
249 WHITE POINT ROAD
LIVERPOOL NS
BOT 1K0

Dear Sirs or Madams,

Hello, my name is Devan Smith and I currently reside in Caledonia Queens County. I am 28 years old with a young family and I have been a Red Seal Technician for the past 3 years and I have been in the automotive trade for 15 years. Recently, I have purchased a property from the Region of Queens through a tax sale. Currently, I am seeking to have this property zoned as commercial land. If approved, I would like to use this property to operate a newly constructed automotive repair shop. The proposed zoning change is located at 10446 Highway #8 Harmony, Caledonia. PID 70157052. This property is located within a 5 min drive from central Caledonia on Route 8 which is an active highway as well as the main route for travellers who intend to enjoy our beautiful Kejimikujik National Park.

As an Automotive Technician, I have provided service in Lunenburg County for the past 11 years. Over the last several years I have recognised the need for a licenced technician to maintain and repair vehicles in the area and surrounding areas. I have also noted the demand for a fully licenced technician in order to safety inspect not only motor vehicles, but trailers as well. The convenient location that I have chosen not only is a short distance from town but is also on the direct highway to our park as I have also noted a demand for a technician on this route for the many travellers. In my time spent as a technician I am aware that exceptional customer service is crucial for maintaining

a successful business. It is my hope to provide my community with dependable quality service at a reasonable rate.

The proposed property will be equipped with a new septic system as I have had a surveyor on location to approve the use of a septic system. You will find attached the survey plan of the proposed system. Currently, I have full access to a dug well located on the property next to mine (lands of Laurie Fancy and Mildred Wile) Also, there will be more than adequate parking for customers as the driveway is currently 20 feet and I intend to widen this for ease of access for trailers. The proposed building will be no larger than 30x40 feet. A metal roof along with metal siding will finish the exterior. I have enclosed a drawing of the building lay out for you to review.

In conclusion, I would like to take this opportunity to thank you for reviewing my application. I am an ambitious, hard- working young Journeyman, and I have built a reputation in my community as a dependable and responsible technician. I am looking forward to building a successful business by providing quality automotive services to those in my community, surrounding areas and to the many travellers passing through our town. If you have any further questions at all please feel free to contact me at your convenience. I am looking forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean Smith", written in a cursive style.



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 - 10446 Hwy 8 Hammonds, Caledonia, N.S.

Property Identification Number (PID) - 70157052

Present use of subject property - None

Proposed Use of subject property - Automotive Repair Centre

Existing Lot Size - 100' x 240'

Existing Lot Frontage - 100'

3. Property Owner Information:

Name - Davian Smith

Applicant is:

- Owner
 Agent of Owner

Civic Address - Hwy 8 Hammonds, Caledonia, N.S.

Mailing Address (if different from Civic Address) - _____

Telephone Number - 902-_____

Email Address - _____

4. Zoning Information:

Existing Zoning - Residential

Proposed Zoning - Commercial

5. Property Servicing Information:

Water Services –

- Municipal System - Existing Proposed
Drilled Well - Existing Proposed
Dug Well - Existing Proposed
Other - Right of way to dug well

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 Devan Brian Smith 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 Devan Smith
Signature Devan Smith
Date April 16 2018

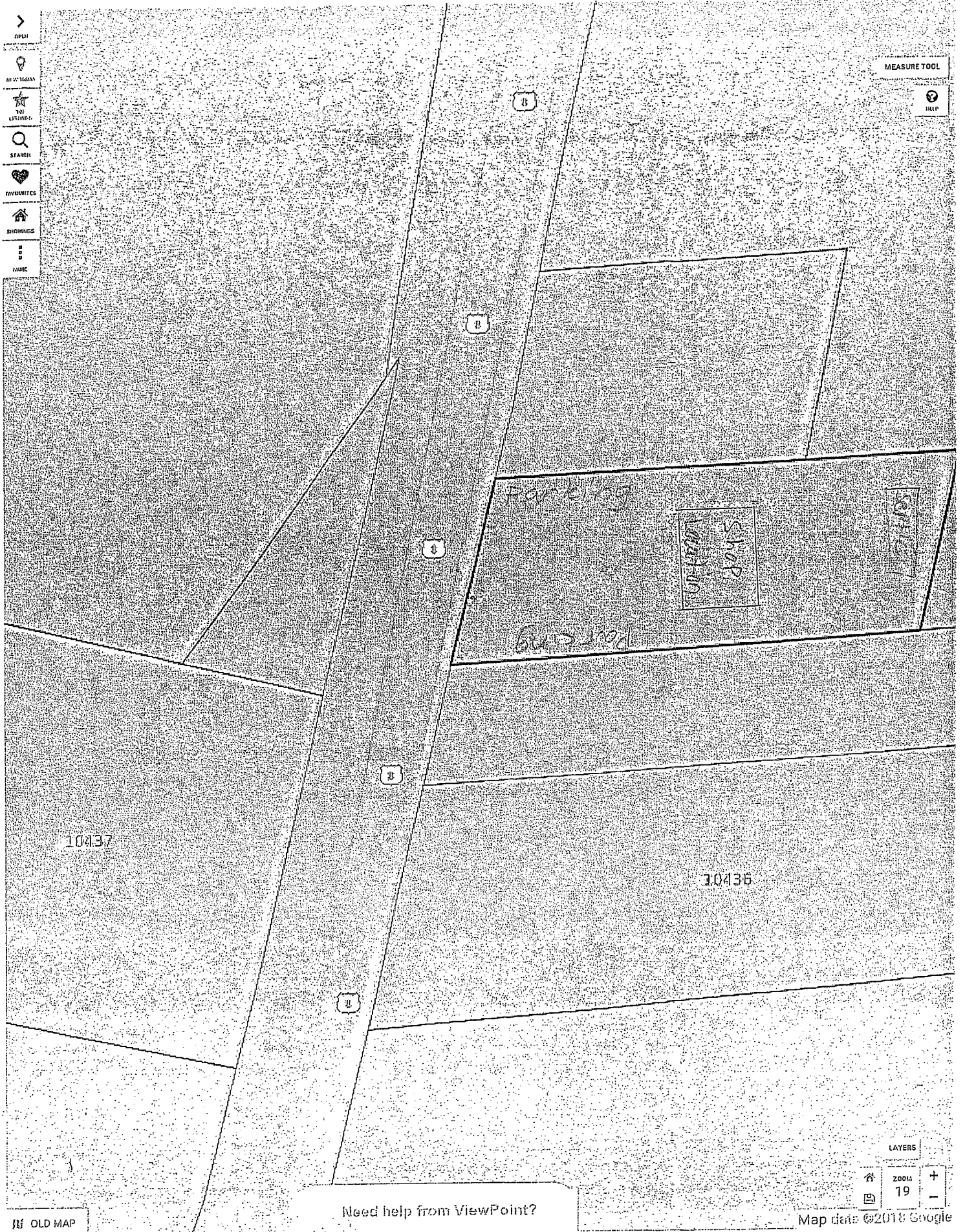
Registered Owner (if more than one) _____
Signature _____
Date _____

- 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.



- > COPY
- 💡 MY TOOLS
- 🌟 MY LISTINGS
- 🔍 SEARCH
- ❤️ FAVORITES
- 🏠 HOME
- ☰ MENU

MEASURE TOOL



10437

30436

FARMING

BUSINESS

SHOP
COURT

B

B

LAYERS

🏠 ZOOM 19

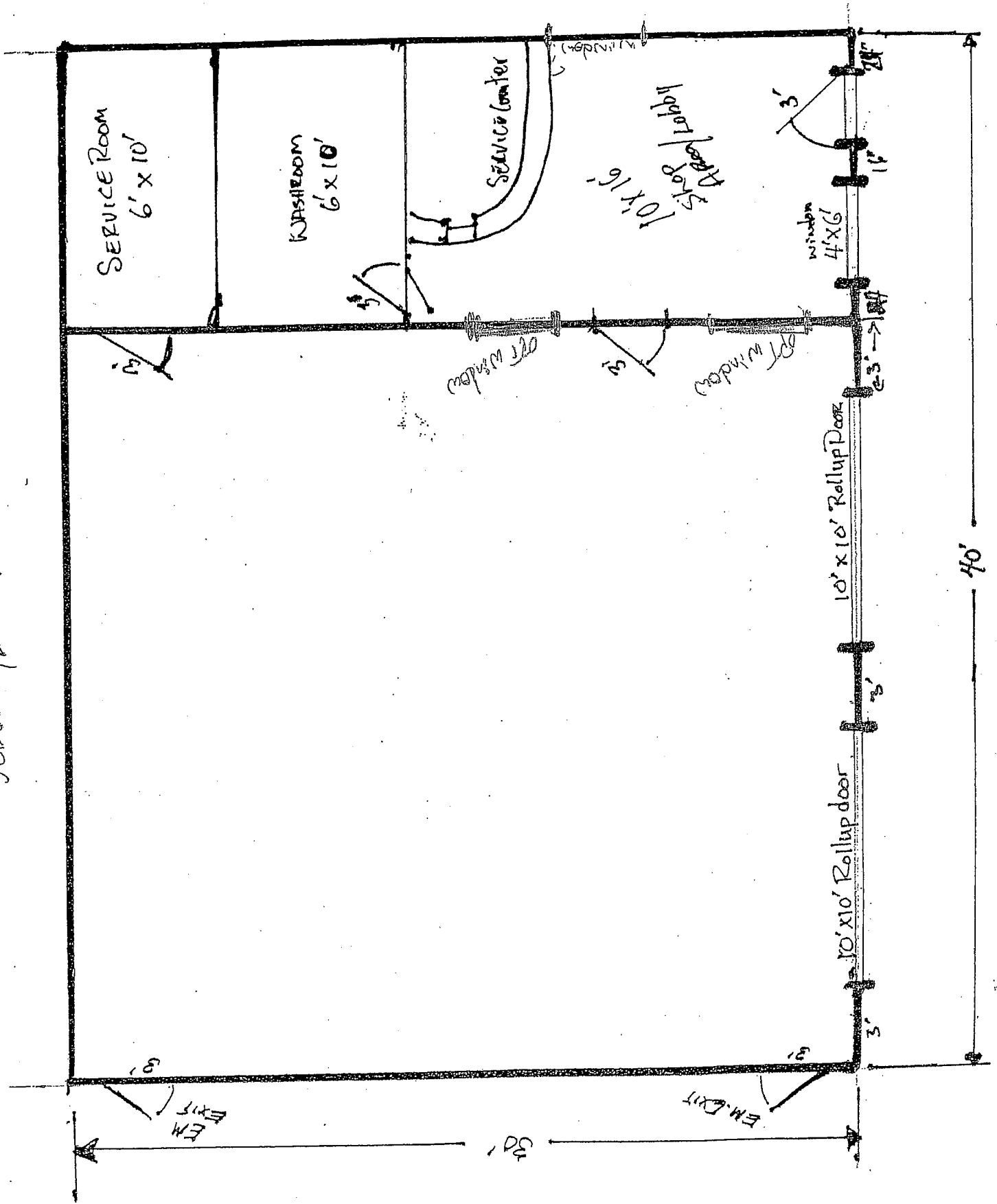
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Need help from ViewPoint?

Map data ©2018 Google

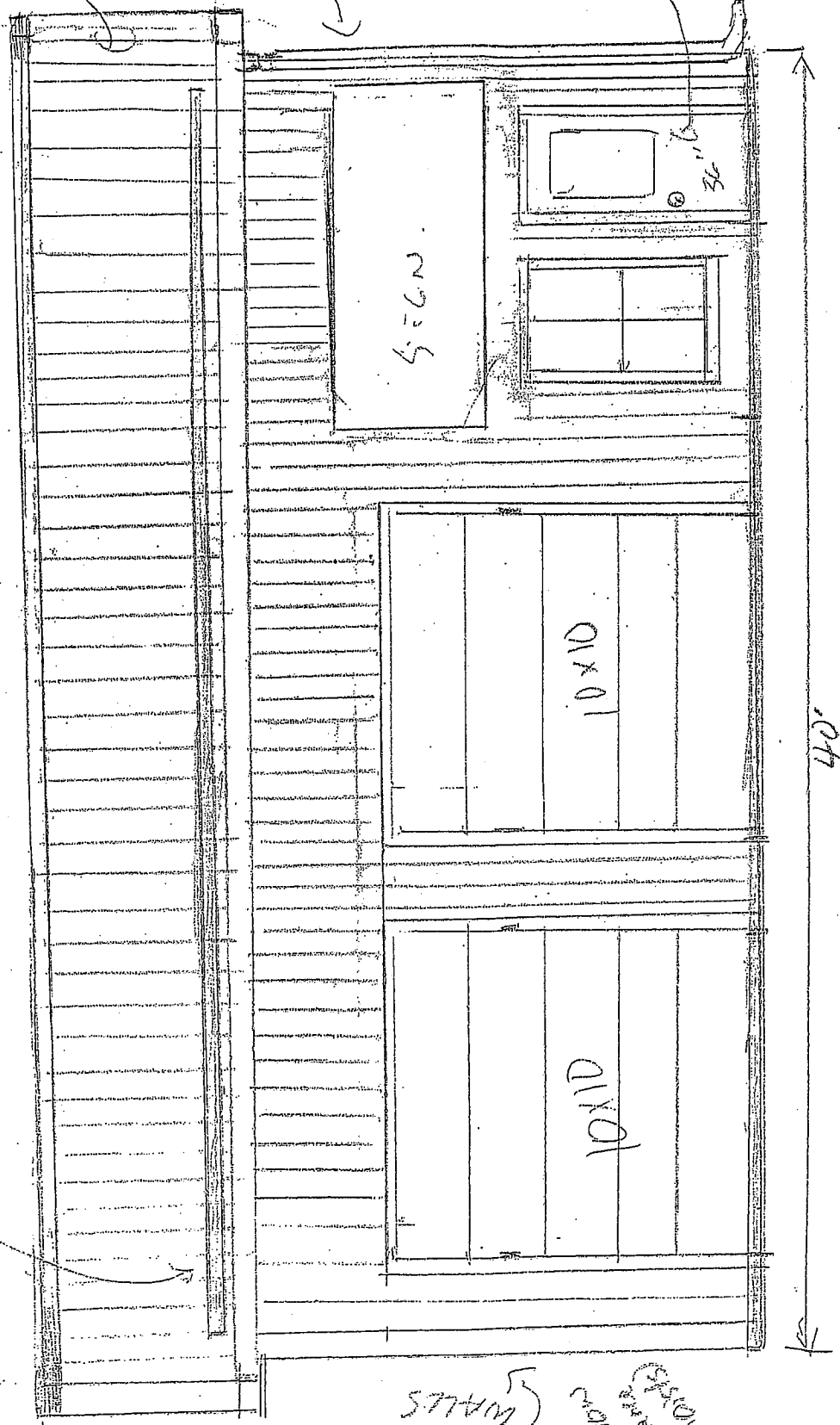
🗺️ OLD MAP

Scale $\frac{1/4" = 1ft.$



Handwritten notes at the top left: "5/15/19", "2nd floor", "North", and "5/15/19".

Handwritten note at the top right: "All doors 36" (int/ext)".



40'

Handwritten note on the left side: "6x6 = 1 ft" and "1/2 in".

Handwritten note at the bottom left: "Stair guards".

Handwritten note at the bottom right: "16' high (walls)", "To allow", "Clearance", and "for doors".

WOODLAND

Lands of
Laurie Fency &
Hildred Vile
Bk. 228 - Pg. 559

Lands of
Grant E. Smith
Bk. 210 - Pg. 1

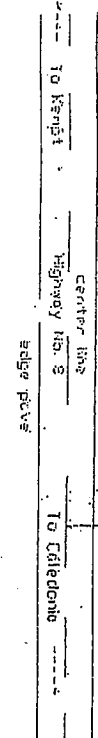
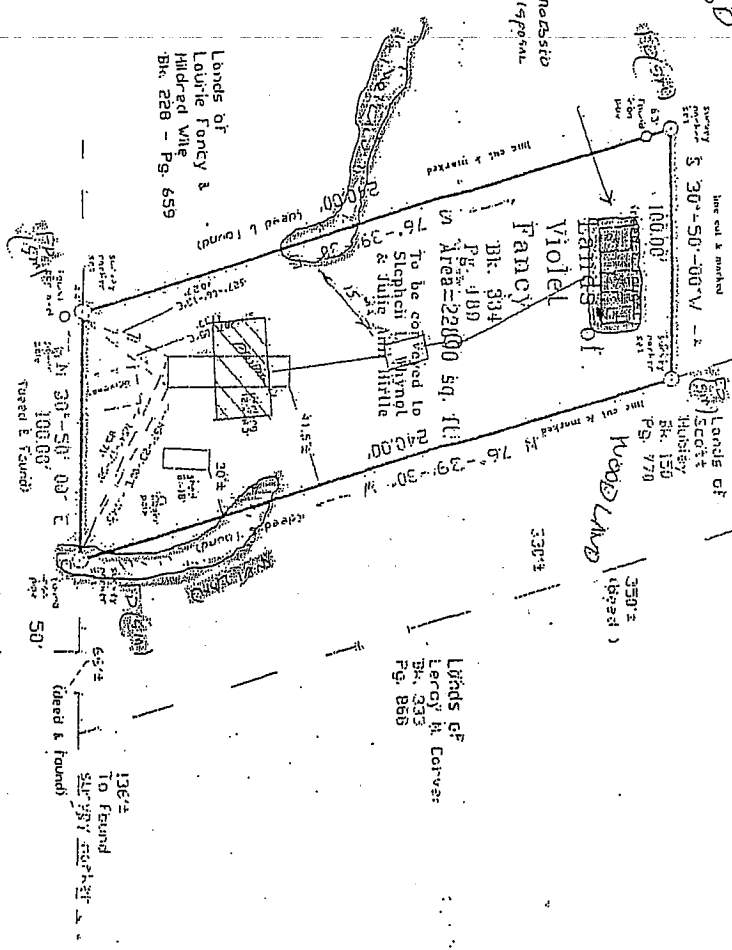
120'

Lands of
Scott
Hobby
Bk. 150
Pg. 770

WOODLAND
(1922)

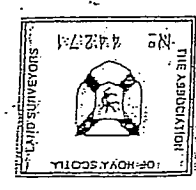
Lands of
Leroy R. Colver
Bk. 233
Pg. 856

Lands of
Laurie Fency &
Hildred Vile
Bk. 228 - Pg. 559



I, John R. Logan, of the County of Queen's Province of Ontario do hereby certify that the within instrument was filed in the Office of the Registrar of Deeds for the County of Queen's in Liverpool, N. S. this 26th day of February, A.D. 1998.

(Signature)
Registrar of Deeds



I, John R. Logan, Land Surveyor registered by this plan, was employed under this plan when made in accordance with the Nova Scotia Survey Act.
Dated this 26th day of Feb 1998.
(Signature)
John R. Logan
N. S. L. S.

Plan of Survey Showing Lands of
Violent Fency
10446, Highway No. 8, Harmony
To be conveyed to Stephen L. Wynnot & Julie
Scale: 1" = 40'
Date: 1998
Surveyed by J. R. Logan (May 21 & 23, 1998)
Dated by J. R. Logan (May 21 & 23, 1998)

THIS AGREEMENT made this day of , A.D., 2018.

BETWEEN:

DEVAN SMITH of Harmony, in the County of Queens and Province of Nova Scotia, hereinafter referred to as the "Developer"

OF THE ONE PART

-and-

THE REGION OF QUEENS MUNICIPALITY, a municipal corporation, duly incorporated under the laws of the Province of Nova Scotia and having its office in Liverpool in the County of Queens and Province of Nova Scotia, hereinafter referred to as the "Region"

OF THE SECOND PART

WHEREAS the Developer has requested that the Region enter into a Development Agreement, pursuant to Sections 225 and 230 of the Municipal Government Act of Nova Scotia, and Policy 3.3.40 of the Region of Queens Municipality Municipal Planning Strategy, so that the Developer may use the subject property in a manner which is not presently provided for under the Region's Land Use Bylaw;

AND WHEREAS the Region is prepared to enter into such an agreement on the terms and conditions hereinafter set forth;

NOW THEREFORE, in consideration of the benefits, which flow to both parties as a result of the covenants contained herein, the parties hereto agree by and between themselves as follows:

1. THAT the Developer is the registered owners of the Lands identified as PID# 70157052 and shown on Schedule "A" attached hereto (hereinafter referred to as "the Lands");
2. THAT the Developer shall not develop or use the Lands, including buildings located on the lands, for purposes other than those described in this Agreement;
3. THAT the proposed uses permitted under this Development Agreement are the following:
 - a) Automobile repair shop; and
 - b) Mixed Use Rural Residential (R5) Zone Uses
4. THAT any outdoor storage of materials shall be screened from view by an opaque fence;
5. THAT the Developer shall provide a minimum of eight (8) off-street parking space for the commercial business;
6. THAT the proposed parking area shall be maintained with a stable surface, that is treated to prevent the raising of dust or loose particles;
7. THAT any lighting for proposed parking area shall be directed away from abutting properties;
8. THAT a vegetative buffer be maintained at all times between the Lands and the adjacent properties to the north (70157060) and to the south (70157069);
9. THAT a maximum of six (6) unregistered vehicles be kept on the property at any one time;

10. THAT the developer install an on-site sewage disposal system, as approved by N.S. Department of Environment, on the Lands prior to commencement of operation;
11. THAT the hours of operation for the automobile repair shop shall be from 7:00 am to 7:00 pm;
12. THAT notwithstanding any other provisions of this Development Agreement, the Developer 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.
13. 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;
14. 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;
15. 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
16. THAT any amendment whether substantial or otherwise must be approved by both parties in writing;
17. THAT the Developer agrees to pay for all legal costs, advertising and expenses incurred by the Region that have originated from its application for this Development Agreement;
18. 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;
19. THAT this Agreement is not assignable without the written consent of the Region;
20. THAT enforcement and rights and remedies on default of this Agreement shall be as follows:
 - (a) The Developer agrees 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 Developer further agrees that, upon receiving written notification from the Development Officer to inspect the interior of any building located on the lands, the Developer agrees to allow for such inspection during any reasonable hour within two (2) days of receiving such notice.

- (b) If the Developer fails to observe or perform any condition of this Agreement, after the Region has given the Developer 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 Developer from continuing such default, and the Developer hereby submits 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 Developer; 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 Developer 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.

21. **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 _____) Devan Smith
_____)
_____)
_____) **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 Devan Smith 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"

MEAUGHER ROAD

HIGHWAY 8

70157060

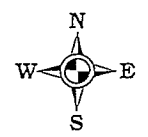
Vegetative buffer
Parking
Shop 10446
Parking
Vegetative buffer

70157052

70157169

70157045

10436



4. ACTION ITEMS AND UPDATES -

Mike MacLeod updated the committee on the following amendments in process:

-Development Agreement - Caledonia - Lewis MacLachlan - Council voted in favour of proceeding to a Public Hearing, which will be held on May 17th, 2018 at 6:00 p.m. at the United Church Hall, 1888 Hibernia Rd, Caledonia.

-Mersey Seafoods Rezoning - Public Hearing was held on April 24th, 2018 and afterwards at the Council Meeting, Council voted in favour of the rezoning.

-17 School St, Milton Rezoning - Public Hearing was held on April 24th, 2018 and afterwards at the Council Meeting, Council voted in favour of the rezoning.

-Payzant St / Brunswick St, Liverpool Rezoning - Council voted in favour of rezoning and proceeding to a Public Hearing, which will be held on May 8th, 2018 at 8:45 a.m. in Council Chambers. Mike passed around additional information from the Developer including lot layouts. Robert Ross asked if sidewalks were included as part of the developers submission? Mike advised that the site plans indicate sidewalks within the properties, but did not indicate sidewalks within the street right-of-ways. Robert felt that these infrastructure improvements ought to be the responsibility of a developer, not the tax payer. Many other jurisdictions have this requirement. Mike advised that typically in the past it wasn't a requirement in the rezoning process nor has it been for any deficiencies with water, sewer, storm sewer and roads. We currently do not have a requirement for infrastructure improvement charges, but it is perhaps something that could be considered in the MPS/LUB review. Mary White, who was absent from last months meeting, asked if the Developer doesn't build what happens? Mike indicated that there are timeframes set in the Purchase and Sale Agreement that the Developer has to follow.

Heather Kelly asked if we could add all updates for development requests to the list of action items. Mike said he would do this for future meetings.

5. DEVELOPMENT AGREEMENT REQUEST - HIGHWAY 8 IN HARMONY - AUTOMOBILE REPAIR SHOP

Heather Kelly took the opportunity to recognize Devan & Trudy Smith, applicants in the development agreement request.

Mike MacLeod reviewed a staff report respecting a request 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 at 10446 Highway 8 in the community of Harmony and is identified as PID# 70157052. The property is currently a vacant parcel of land. Automobile repair shops are not a permitted use in the R5 Zone; however, Council has set out provision in the Region's Municipal Planning Strategy (MPS) to consider such uses by way of a development agreement.

Mike indicated that the property owner intends to construct a new on-site sewage disposal system to service the development and there is a deeded right of way for the purpose and use of the adjacent properties well and water rights.

Julie Petrella asked for clarification as to whether this is a rezoning or development agreement request. Mike indicated that this type of commercial use is done by the development agreement process. The speed limit of that section of Highway 8 is 70Km/hr.

Robert Ross commended Devan Smith on his well detailed letter that accompanied the application. Robert inquired as to the use on the Heavy Industrial (M2) property to the north of the subject property. It was indicated that it was R&C Weare Logging. Robert asked if the septic approval would be done prior to the Development Agreement being finalized. Mike indicated that the septic approval would need to be done in order to get a Building Permit. Also, the wetlands shown on the survey plan (which tend to dry up during the summer) wouldn't be subject to the Land Use Bylaw's environmental setback because they are not identified on the Wetlands & Watercourses map. They would be dealt with during NS Environment's septic approval process. Robert indicated that he was uncomfortable voting on the application since the Committee had not conducted a site visit. He indicated that he would be abstaining from the vote because he was not familiar with the property and didn't have ample time to conduct his own site visit.

It was **MOVED** by **Paul Connolly** and **SECONDED** by **Susan MacLeod**

THAT the Council of the Region of Queens Municipality give notice of its intention to enter into a development agreement with Devan Smith to allow for a automobile repair shop on property identified as PID# 70157052 and located at 10446 Highway 8 in Harmony;

AND THAT a Public Hearing be scheduled for June 25, 2018 at 6:00 p.m. in Caledonia, NS, venue to be determined.

Motion Carried 7 For and 1 Opposed.

6. REQUEST FOR PROPOSALS – MUNICIPAL PLANNING STRATEGY AND LAND USE BYLAW

Mike MacLeod updated the committee that the final document has been uploaded to the Provincial procurement website and there have already been a number of emails & phone calls from consultants. The tender is open until June 15th, closing at 2 p.m.. A special PAC will be organized for the following week to go over proposals. The committee members will get a copy of all proposals prior to the meeting. This meeting will not be open to the public. Heather Kelly asked if the RFP timeline updates could be added to the list of action items. Robert Ross commended Mike on getting RFP finalized.

7. OTHER

7.1 PORT MOUTON ISLAND

Robert Ross asked whether staff or Council have heard any news about potential development on Port Mouton Island or new owners as there has been some activity on the island. Robert indicated that there were rumours within the community of future plans to develop the island. He advised that there were some very sensitive areas on