



# Committee of the Whole

Tuesday, January 8, 2019

8:30 a.m.

Council Chambers, Town Hall  
359 Main Street

## Agenda

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### Call to Order

**1. Approval of Agenda**

**2. Approval of Minutes:**

- a. Committee of the Whole Minutes, December 4, 2018

**3. Presentations:**

- a. Wolfville Business Development Corporation (WBDC)

**4. Public Input/Question Period**

Procedure: A thirty-minute time period will be provided for members of the public to address Council regarding questions, concerns and/or ideas. Each person will have a maximum of two minutes to address Council with a second two-minute time period provided if there is time remaining within the thirty-minute Public Input/Question Period timeframe.

**5. Committee Reports (Internal)**

- a. Planning Advisory Committee
  - i. RFD 083-2018: Craft Beverage Amendments
  - ii. RFD 082-2018: Gaspereau Ave DA

[Website](#)

**6. Staff Reports for Discussion**

- a. RFD 077-2018: Hospitality Policy



- b. RFD 001-2019: Travel Expense Reimbursement Policy
- c. RFD 084-2018: Climate Change & Energy Staffing
- d. Discussion – Follow Up to Joint Session with County of Kings  
– December 19, 2018

## **7. CAO Report**

## **8. Committee Reports (External)**

- a. Valley Waste Resource Management (VWRM) [website](#)
- b. Wolfville Business Development Corporation (WBDC) [website](#)

## **9. Public Input/Question Period**

Procedure: A thirty-minute time period will be provided for members of the public to address Council regarding questions, concerns and/or ideas. Each person will have a maximum of two minutes to address Council with a second two-minute time period provided if there is time remaining within the thirty-minute Public Input/Question Period timeframe.

## **10. Regular Meeting Adjourned**



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**APPROVAL OF AGENDA**

Moved

Seconded

That the agenda be approved as circulated and/or amended.

**APPROVAL OF MINUTES**

**a. December 4, 2018 Committee of the Whole Meeting**

Moved

Seconded

That the minutes of the December 4, 2018 Committee of the Whole meeting be approved as circulated and/or amended.

**STAFF REPORTS FOR DISCUSSION**

**a. RFD 083-2018: Craft Beverage Amendments**

Moved

Seconded

That Committee of the Whole forward the following motion to Council for decision:  
That Council proceed to 1st Reading with amendments to the Municipal Planning Strategy and Land Use By-law as follows:

- a clear policy statement in the Municipal Planning Strategy related to the Craft Beverage industry;
- an amendment to the definition of Accessory Use to allow off-site sales; and
- an amendment to the Land Use By-law to restrict “contract brewing”.

**b. RFD 082-2018: Gaspereau Ave D.A.**

Moved

Seconded

That Committee of the Whole forward the following motion to Council for decision:  
That council forward the draft development agreement for pid 55274591 to a public hearing before decision at council.

**c. RFD 077-2018: Hospitality Policy**

Moved

Seconded

That Committee of the Whole forward the following motion to Council for decision:  
That Council approve the attached draft Hospitality Policy 120-016, with an effective date of January 1, 2019.

**d. RFD 001-2019: Travel Expense Reimbursement Policy**

Moved

Seconded



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That Committee of the Whole forward the following motion to Council for decision:  
That Council approve the amended Policy 120-008, attached, and the changes be effective January 1, 2019.

**e. RFD 084-2018: Climate & Energy Planning Staffing**

Moved  
Seconded

That Committee of the Whole forward the following motion to Council for decision:  
That Council approve spending to support a climate change and energy coordinator staff person for a term of 24 months in the amount of \$23,200 from regular operating funds between January 8, 2018 and march 31, 2021, in addition to \$92,800 from confirmed grant revenues.

Moved  
Seconded

That Council approve spending to support "*Wolfville inspire*" in the amount of \$60,000 from confirmed grant revenues to be spent over the 2019-2020 and 2020-2021 fiscal years.

**ADJOURNMENT**

Moved  
Seconded

That the regular Committee of the Whole meeting be adjourned.

#### ATTENDING

- Mayor Jeff Cantwell
- Deputy Mayor Jodi MacKay
- Councillor Mercedes Brian
- Councillor Wendy Elliott
- Councillor Wendy Donovan
- Councillor Carl Oldham
- Councillor Oonagh Proudfoot
- Chief Administrative Officer Erin Beaudin, and
- Recording Secretary Jean-Luc Prevost

#### ALSO ATTENDING

- Director Finance Mike MacLean
- Director Public Works Kevin Kerr
- Director Planning & Development Devin Lake, and
- Interested members of the public

#### CALL TO ORDER

Chair, Mayor Cantwell, called the meeting to order at 8:31 am

#### Agenda Item

- |  | Discussion and Decisions   |                |
|--|--|----------------|
| <b>1. Approval of Agenda</b>                               | <b>01-12-18 IT WAS REGULARLY MOVED AND SECONDED THAT THE AGENDA BE APPROVED AS CIRCULATED</b>  | <b>CARRIED</b> |
| <b>2. Approval of Minutes</b>                              |  |                |
| <b>a. November 6, 2018</b>                                 | <b>02-12-18 IT WAS REGULARLY MOVED AND SECONDED THAT THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF NOVEMBER 6, 2018 BE APPROVED AS CIRCULATED</b><br>Amendments: <ul style="list-style-type: none"><li>○ Page 2 states the PAC report as submitted by Councillor Oldham which should be Deputy Mayor MacKay.</li></ul> <b>THE MINUTES WERE APPROVED WITH THE ABOVE NOTED CHANGES</b>                          | <b>CARRIED</b> |
| <b>3. Presentation:<br/>PVSC – Assessment<br/>Approach</b> | Carlos Resendes, VP Business and Innovation at the Property Valuation Services Corporation gave a presentation to Council detailing their approach to Property Assessments for Municipalities. Their presentation included a Commercial Income approach, important assessment dates, the Town of Wolfville’s 2018 activity overview and assessment history, as well as an explanation of the Provincial CAP program. |                |

*Mayor Cantwell called for a break at 9:27 am.*

*The meeting resumed at 9:39 am.*

Agenda Item	Discussion and Decisions
<b>4. Committee Reports (Internal)</b>	
a. <u>Planning Advisory Committee</u> Deputy Mayor MackKay	Director of Planning & Development, Devin Lake, explained to Council some of the points PAC have been exploring in its last few MPS review meetings as they work towards completing the draft MPS document. The points which have been discussed in depth are: <ul style="list-style-type: none"><li>○ Changes to process for development agreements</li><li>○ Flood risk approaches</li><li>○ Short Term Rentals</li></ul>
<b>5. Staff Reports for Discussion</b>	
a. <b>RFD 077-2018</b> <b>Expense Hospitality Policy</b>	In the fall of 2017, Bill No. 10 was introduced with MGA Section 65A which included new requirements around Expense Reimbursement policies and requires a Hospitality Policy. This RFD brings forward information for Council to consider regarding this change. Further discussion will take place at the scheduled Committee of the Whole meeting on January 8 <sup>th</sup> , 2019.
b. <b>RFD 076-2018</b> <b>St George's Lodge</b>	St. Georges Lodge, 43 Gaspereau Avenue, had received a partial tax exemption from the Town for years through an old Bylaw. The Bylaw was replaced with a Town Policy, 140-014, in April 2016 at which time St. Georges Lodge was placed in Schedule C along with several other properties in Town receiving partial property tax exemptions.  It was determined that the Lodge did not meet the intent/criteria of the Policy 140-014 and Council's decision earlier this year to remove St. Georges Lodge from Schedule C was confirmed. St. Georges Lodge will not receive property tax exemptions.
c. <b>Info Report</b> <b>Capital Budget</b> <b>Project Charters</b>	Staff have provided Council with Project Charters related to major capital projects included in the Ten-Year Capital Investment Plan (CIP). These Charters help ensure clarity of scope of work, timing, and areas of responsibility.  As noted in the budget Info Report presented at the November Committee of the Whole (COW) meeting, the Charters would be provided to Council in December if possible.  Staff feel it is helpful to provide Council the information now as it will help inform upcoming budget discussions. It also provides more time for members of Council to review the information before more detailed budget deliberations begin in January.  There was discussion about the Town Paving Policy, which states that sidewalks will be paved at the same time as the street they are adjacent to. One concern of Council is that some sidewalks are deteriorating faster than their streets and require attention sooner.

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**Agenda Item**

**Discussion and Decisions**

**6. CAO Report**

- This report was attached as a regular Agenda item. Some items which Chief Administrative Officer Erin Beaudin wanted to highlight was:
  - The success of our Night of Lights Festival this past Friday, November 30<sup>th</sup>.
  - The Last Wolfville 125 event coming up is a brunch on New Years Eve at the Wolfville Farmer's Market.
  - There is the Resolution Run on the 1<sup>st</sup> of January.
  - A draft Nuisance Party Bylaw is circulating to the appropriate Committees for discussion; staff have been working on this document and hope to bring to Council in the near future.
  - Our Recreation Department will be based in the Recreation Centre once the new Director of Parks and Recreation, Kelton Thomason, starts on the 17<sup>th</sup> of December.
  - A reminder to Council and Citizens that the December Council Meeting is Tuesday the 11<sup>th</sup> and not on the 18<sup>th</sup>, due to the holidays.

**7. Committee Reports (External)**

**a. Valley Waste Resource Management (VWRM)  
Councillor Elliott**

The Nova Scotia Supreme Court made the decision that Annapolis County cannot expropriate the Western Management Centre, although they are expected to appeal the decision.

VWRM has incurred \$50,000 in costs to collect its green bins in Annapolis thus far. It seems some residents prefer the green bins to the newer ones.

Acting General Manager Cathie Osborne noted that by December 30<sup>th</sup> VW will have cash flow issues, but documentation is being collected for the Municipal Finance Corp. debenture.

**b. Kings Point-to-Point (KPPT)  
Councillor Brian**

The KPPT chair was unable to attend November's Board Meeting as Wolfville Council was in a retreat that evening. The agenda is enclosed. In November the Chair initiated a monthly meeting with the Manager and a review of bank statements, bank reconciliation, and Canada Revenue remittances as financial oversight.

**c. Wolfville Business Development Corporation (WBDC)  
Councillor Donovan**

WBDC Partnership with NS Tourism is underway to create a video promoting Wolfville and Area.

Speaker system for downtown discussed. Speakers can only be placed on the decorative light standards (which have electrical outlets). These lights are not currently on Front Street and don't extend the full length of the commercial area of Main Street. Board agreed to postpone speaker system to the next budget year where additional resources may be available.

**Agenda Item**

**Discussion and Decisions**

- The WBDC indicated their desire to present to Town Council during the upcoming Town budget process regarding their interest in being an active partner in these initiatives and ensuring that the Town is fully aware of the business community's needs and interests with respect to infrastructure.
- 8. Public Input / Question Period** Audrey Conroy of Bishop Avenue expressed that she was pleased with the idea of the Town installing an additional charging station for electric vehicles in partnership with Acadia.
- 9. Adjournment to in-Camera** **03-12-17 IT WAS REGULARLY MOVED AND SECONDED THAT THE COMMITTEE OF THE WHOLE MEETING ADJOURN TO AN IN-CAMERA MEETING AT 11:26 AM UNDER SECTION 22(2)(G) OF THE MUNICIPAL GOVERNMENT ACT – PERSONNEL MATTERS** **CARRIED**
- 10. Adjournment of in-Camera and Regular Meeting** **04-12-18 IT WAS REGULARLY MOVED AND SECONDED THAT THE COMMITTEE OF THE WHOLE MEETING ADJOURN AT 11:49 AM.**

**Approved by Committee of the Whole Motion 02-01-19, January 8, 2019**

**As recorded by Jean-Luc Prevost, AA Corporate Services**





Urgencies in 2019 Town Of Wolfville Budget

# Parking

- More all day parking options for business employees and owners
- NS Power lot full capacity
  - Skatepark move spring?
  - Railtown lot full capacity as well
- Parking signage revamp
- Parking lot aesthetics
  - All year round tourism
  - **Cultivated experience for mind, body and soil**



# Street Lighting

- Power outlets on Front st. decorative lights
  - Public Works looking into it
  - Options on speeding the process up
- Black light posts:
  - East of Tim Hortons to Willow in Capital Budget **2021-22**
    - Ideas and options on shortening timeline
  - Lights to Blomidon Inn
    - Safety and accessibility
  - Lights up Gaspereau Avenue
    - Inclusion of growing business / commercial district
- Lights for clock park and end of Elm in Budget **2019**

# Accessibility

- More drop off zones
  - 20-minute stop spots.
- Sidewalk Safety on well traveled sidewalks
  - One lane from Blomidon to VIC on south side
  - Beat up concrete and dangerous for walkers.
    - Magic Wine Bus participants
    - Guests of Inn
- Wolfville Walkability signage
  - Polite and informative messaging

## COMMITTEE UPDATE

Title: Planning Advisory Committee  
Date: January 8, 2018  
Department: Planning Department



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### UPDATE

The Planning Advisory Committee (PAC) met on Wednesday, Dec 12, 2018 for a Public Participation Meeting (PPM) regarding potential amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB). The PPM was followed by the regularly scheduled meeting of the PAC.

#### PPM

The PPM focused on MPS and LUB amendments to clarify how the craft beverage industry would operate in the Town moving forward. Comments were varied but a focus from those in attendance that spoke was the Church Brewing Company (329 Main Street) where a Development Permit has already been issued. Background and an audio recording of the meeting can be found on the Town's website, [here](#).

#### Regular Meeting

The focus of the regular meeting was MPS Amendments related to Craft Beverage Industry, and a proposed development at the south end of Gaspereau Avenue.

- Discussions regarding how Craft Beverage operators would be permitted to operate in Wolfville focused largely on volumes, traffic, smells, noise and other issues raised during the PPM. The focus was more on a specific project and not the overall amendment package. The PAC recommended to Council that the issue return to them with more information, as follows.

**MOTION:** THAT THE PLANNING ADVISORY COMMITTEE RECOMMEND THAT COUNCIL REQUEST MORE INFORMATION FROM STAFF RELATED TO TRAFFIC, ODOUR AND NOISE MANAGEMENT, SUB-CONTRACTING OF EQUIPMENT ON PREMISES AND IMPLICATIONS TO WATER AND SEWER USAGE AT THE LEVEL OF PRODUCTION WITHIN THE NSLC'S DEFINITION OF A MICRO-BREWERY AND NANO-BREWERY.

- Discussions regarding the proposed development at the South end of Gaspereau Avenue focused on how this proposal meets the intention of Town of Wolfville development policies, and how the Town of Wolfville can support the developer to promote walkability by extending sidewalks along Gaspereau Avenue. PAC recommended to Council:

**MOTION:** THAT THE PLANNING ADVISORY COMMITTEE PROVIDE A POSITIVE RECOMMENDATION TO COUNCIL FOR THE DRAFT DEVELOPMENT AGREEMENT FOR PID 55274591 AND THAT IT BE FORWARDED TO COUNCIL FOR INITIAL CONSIDERATION.

## REQUEST FOR DECISION 083-2018

Plan Amendments: Craft Beverage Industry in Wolfville

Date: 2019-01-08

Department: Planning & Development

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## SUMMARY

### Plan Amendments: Craft Beverage Industry in Wolfville

The purpose of this report is for Council to consider the recommendation of the Planning Advisory Committee (PAC) from December 12, 2018. Given the outcome of the PAC meeting, Staff have provided a revised approach to move the off-site sales component of the issue forward while continuing discussions at the PAC on better accommodating new craft beverage operators and achieving Council's priorities as outlined in their 2017-2021 Strategic Plan. The revised approach is seen as a reasonable path forward given:

- Staff were directed to work on these amendments to deal with the outcome of the judicial review related to off-site sales.
- There was confusion at PAC on the nature of the amendments and how they would impact already approved businesses.
- There appeared to be consensus on certain issues at PAC that can move forward (e.g. off-site sales, contract brewing).
- Discussions can and should continue at PAC on part of the amendment package.

These amendments were initiated when Council directed Staff to "Amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to establish clear parameters for the craft beverage industry in the Town" (Option 2 from RFD-075-2018). This was after considering options - including enforcement - related to a recent court decision that places limitations on off-site sales for accessory uses. The Annapolis Cider Company and the Church Brewing Company have both been approved as accessory uses to restaurant and/or retail uses.

The first step in the process to amend the Municipal Planning Strategy and Land Use By-law is a Public Participation meeting (PPM) in front of the Planning Advisory Committee (PAC). This meeting was held in advance of the regularly scheduled meeting of the PAC, December 12, 2018. The Planning Advisory Committee were asked to consider amendments that would:

- Provide a clear policy statement in the Municipal Planning Strategy related to the Craft Beverage industry
- Amend the definition of Accessory Use to allow off-site sales
- Introduce a framework to consider new applications for craft beverage land uses, including definitions
- Improve the buffering provisions between commercial and residential uses
- Provide the Development Officer the ability to request additional information on potential nuisance (smells, etc) from existing or proposed operators

Given the concerns raised at the Public Participation meeting, the PAC did not reach a recommendation on the amendment package presented by Staff, nor was much of it discussed in detail. The PAC passed a motion requesting more information on impacts of brewery activities. PAC Motion (Dec 12, 2018):

## REQUEST FOR DECISION 083-2018

Plan Amendments: Craft Beverage Industry in Wolfville

Date: 2019-01-08

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*MOTION: THAT THE PLANNING ADVISORY COMMITTEE RECOMMEND THAT COUNCIL REQUEST MORE INFORMATION FROM STAFF RELATED TO TRAFFIC, ODOUR AND NOISE MANAGEMENT, SUB-CONTRACTING OF EQUIPMENT ON PREMISES AND IMPLICATIONS TO WATER AND SEWER USAGE AT THE LEVEL OF PRODUCTION WITHIN THE NSLC'S DEFINITION OF A MICRO-BREWERY AND NANO-BREWERY.*

**CARRIED**

*MOTION: THAT THE PLANNING ADVISORY COMMITTEE PROVIDES A POSITIVE RECOMMENDATION TO COUNCIL REGARDING THE AMENDMENTS ATTACHED TO THE DECEMBER 12, 2018 PAC STAFF REPORT RELATED TO THE OPERATION OF THE CRAFT BEVERAGE INDUSTRY IN THE TOWN*

**POSTPONED**

### **RECOMMENDED STAFF APPROACH:**

Staff are recommending that Council proceed to 1<sup>st</sup> Reading with a portion of the amendments and send the remainder back to the PAC for more discussion and inclusion in the final draft of the new Municipal Planning Strategy and Land Use By-law:

- 1) Move forward to 1<sup>st</sup> Reading and a Public Hearing:
  - a clear policy statement in the Municipal Planning Strategy related to the Craft Beverage industry;
  - an amendment to the definition of Accessory Use to allow off-site sales; and
  - limitations on "contract brewing".
  
- 2) Send back to PAC for discussion and inclusion in the final MPS and LUB documents:
  - introducing a framework to consider new applications, for craft beverage land uses, including definitions;
  - improving the buffering provisions in the Land Use By-law;
  - providing the Development Officer the ability to request additional information on potential nuisance from existing or proposed operators; and
  - other matters raised by the PAC or Council.

### **DRAFT MOTION:**

*That Council proceed to 1st Reading with amendments to the Municipal Planning Strategy and Land Use By-law as follows:*

- *a clear policy statement in the Municipal Planning Strategy related to the Craft Beverage industry;*
  - *an amendment to the definition of Accessory Use to allow off-site sales; and*
  - *an amendment to the Land Use By-law to restrict "contract brewing".*
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## REQUEST FOR DECISION 083-2018

Plan Amendments: Craft Beverage Industry in Wolfville

Date: 2019-01-08

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### CAO COMMENTS

The CAO supports the recommendation of staff.

#### 1) LEGISLATIVE AUTHORITY

See attached PAC Staff Report.

#### 2) STAFF RECOMMENDATION

See Summary section above.

#### 3) REFERENCES AND ATTACHMENTS

- PAC Staff Report: Craft Beverage Amendments, dated 2018-12-12

#### 4) DISCUSSION

##### Proposed Approach from Staff moving forward

From Staff's perspective there was some confusion at the PPM/PAC meeting on what was being considered, possibly because the issue of off-site sales for existing operators raised by the judicial review decision was conflated with the broader issue of establishing clear parameters in the MPS and LUB for the craft beverage industry going forward. Much of the content in the amendment package and questions posed by Staff were not discussed. The focus was largely on addressing resident concerns in the 329 Main Street vicinity.

Staff were requested by Council to bring them options on the implications of a recent judicial review decision. The reason for doing so was to deal with off-site sales limitations.

Staff's current proposed approach:

- 1) simplifies the amendment package to focus on off-site sales,
- 2) provides clarity for the existing operators (Church Brewing Co. and Annapolis Cider Co.)
- 3) separates areas where there seemed to be consensus among the members of the PAC (including "contract brewing") from areas where further discussion is still warranted, and
- 4) addresses the concern at the PPM/PAC meeting that the broader amendments for the craft beverage industry should be dealt with as part of the full MPS/LUB review.

The amendments proposed to go back to PAC can be packaged with the final draft of the MPS. Until the new MPS comes into force, any new craft beverage use could be permitted accessory and subordinate to a permitted use or uses in the C-1 zone (status quo), with off-site sales permitted, if the approach recommended in this report were to be adopted.



## REQUEST FOR DECISION 083-2018

Plan Amendments: Craft Beverage Industry in Wolfville

Date: 2019-01-08

Department: Planning & Development

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### Existing Craft Beverage Businesses

Although multiple craft beverage businesses operate in the Town (e.g. Paddys, Bad Apple), the Annapolis Cider Company and Church Brewing Company are primarily implicated where Development Permits have been approved for the brewing component of each “accessory” to the main use of a restaurant and/or retail.

The terms of these development permits that have already been issued (e.g. the 15,000 HL maximum volume in the Church Brewing Development Permit) cannot be altered at this stage.

Although there was a clear desire from neighbouring residents to alter the maximum permitted volume at 329 Main Street, this is not considered a possibility at this stage. However, it is important to note that the brewery use and associated land use impacts (e.g. parking, noise, etc) still must remain “subordinate” to the large restaurant and retail space on site, and the brewery use cannot expand to be greater than the restaurant and retail operations in floor area.

### Public Participation Meeting and PAC

An audio recording of the PPM and PAC meeting can be found [here](#).

At the Public Participation Meeting preceding the regularly scheduled PAC meeting, feedback from the community focused mainly on the process around 329 Main Street and the potential impacts on residents living near a brewery use such as increased traffic, increased noise, odour, and impacts of high-volume water use. Other residents spoke to the increased employment opportunities, heritage restoration potential, and other benefits new developments and change bring to the Town.

After the PPM concluded, much of the Planning Advisory Committee discussion focused on the Church Brewing Company (329 Main Street) and resident concerns with this business (e.g. volume, noise, smells, traffic, etc). There did seem to be consensus on allowing off-site sales and on restricting “contract brewing” (in some cases, if a brewery is not using its full production capacity, it will sub-contract its facilities to other breweries to make use of its space and equipment).

Considering these comments (and more – see recording), the Planning Advisory Committee could not come to agreement on the proposed amendments without having more information (see PAC motion above).

### Additional Information for the PAC

To aid in PAC and Council decision making on the broader amendments to the MPS and LUB regarding the craft beverage industry, Staff can endeavor to bring back the additional information PAC requested on December 12 on potential land use impacts from brewery uses, and also continue the discussion on the other aspects of the amendments. The following questions were directed at PAC but not discussed:

- Should the C-2 zone be considered? Summer Street or Lots along Main Street through DA or Rezoning?

## REQUEST FOR DECISION 083-2018

Plan Amendments: Craft Beverage Industry in Wolfville

Date: 2019-01-08

Department: Planning & Development

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- Should Micro Brewing or Distilling be permitted by DA in the C-1 zone?
- Wine related uses are not well defined nor understood – should we better enable them?

Staff see value in further discussing these and other aspects, separate from dealing with the outcome of the judicial review decision regarding Accessory Use. These discussions would inform the framework for allowing new craft beverage uses and be included in the final MPS and LUB.

### The Big Picture

Multiple brewery activities have existed within the town for many years. Council's Strategic Plan, which intentionally describes Wolfville as a "spirited" community, describes goals to support Wolfville as a premier destination in Atlantic Canada for... craft beverage and wine experiences, to create a business ready environment for future expansion and attraction opportunities, and to foster the success of our existing business community.

Staff feel it critical to clarify if Council would like to permit existing business activities to conduct off-site sales.

For more information on this issue and the process to date, see the attached PAC Staff Report.

## 5) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

See PAC Staff Report.

## 6) COMMUNICATION REQUIREMENTS

See attached PAC Staff Report.

Final wording and legal review of any amendments that move forward to first reading would be finalized in advance of the public hearing.

## 7) OPTIONS

1. **Proposed Approach:** Clearly permit craft beverage uses as accessory to a permitted use or uses, with off-site sales, with amendments to the MPS and LUB, and to refer further discussion on future-brewery uses, including impacts, to the Planning Advisory Committee. Note: The final wording of the MPS amendment and contract brewing (if this approach moves forward) would be provided before the Public Hearing. The 'Accessory Use' definition is provided in Attachment 1 to the PAC Report.

*MOTION: That Council proceed to 1st Reading with amendments to the Municipal Planning Strategy and Land Use By-law that include:*

- *a clear policy statement in the Municipal Planning Strategy related to the Craft Beverage industry;*

## REQUEST FOR DECISION 083-2018

Plan Amendments: Craft Beverage Industry in Wolfville

Date: 2019-01-08

Department: Planning & Development

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- *an amendment to the definition of Accessory Use to allow off-site sales; and*
  - *an amendment to the Land Use By-law to restrict “contract brewing”.*
- 2. Original Staff Recommendation to PAC:** To clearly permit craft beverage uses as accessory with off-site sales to a volume of 15,000 hectoliters or as primary use if less than 2,000 hectoliters or by Development Agreement, with amendments to MPS and LUB as attached to the December 12, 2018 PAC Report.

*MOTION: That Council directs Staff to enable craft beverage uses, with amendments to the Municipal Planning Strategy and Land Use By-Law, as attached to the December 12, 2018 PAC Staff Report.*

- 3. PAC recommendation:** To return the entire issue, including off-site sales, to PAC with more information

*MOTION: That council request more information from staff be provided to PAC related to traffic, odour and noise management, sub-contracting of equipment on premises and implications to water and sewer usage at the level of production within the NSLC’s definition of a micro-brewery and nano-brewery.*

- 4. A variation or alteration of any of the above**

**REQUEST FOR DECISION 083-2018**

Plan Amendments: Craft Beverage Industry in Wolfville

Date: 2019-01-08

Department: Planning & Development

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**ATTACHMENT A**

**REPORT TO PLANNING ADVISORY COMMITTEE (PPM and PAC)**

**MPS Amendments – Craft Beverage Industry**

Date: 2018-12-12

Department: Planning & Development

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<b>APPLICANT</b>	Initiated by Council – November of 2018
<b>PROPOSAL</b>	To amend the Municipal Planning Strategy and Land Use By-law to provide clear parameters to the craft beverage industry (existing and future operators)
<b>LOCATION</b>	Various (all lands zoned Central Commercial and Industrial/Commercial)
<b>LOT SIZE</b>	N/A
<b>DESIGNATION</b>	Central Commercial (CC)
<b>ZONE</b>	Central Commercial (C-1), Industrial Commercial (C-3)
<b>SURROUNDING USES</b>	Varied – amendments would apply to various commercial properties
<b>NEIGHBOUR NOTIFICATION</b>	Public notice and direct mailing to property owners, email notifications, website and social media

**1) Issue and Overview**

Council has directed Staff to “Amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to establish clear parameters for the craft beverage industry in the Town” (Option 2 from RFD-075-2018). This was after considering options (including enforcement) related to a recent court decision that places limitations on off-site sales for accessory uses (see RFD-075 attached for additional background).

While working on providing clear parameters to the Craft Beverage industry, Council and Staff are conscious of balancing concerns pertaining to these types of land uses in different parts of the Town. This report provides a framework to begin the Plan Amendment process at the Public Participation meeting and includes key considerations and a recommended approach from Staff.

The draft amendments contained in this report (see Attachment 1) form the basis for feedback at the Public Participation Meeting in advance of the amendments being considered by the Planning Advisory Committee. A recommendation will be provided to Council on the amendments before a finalized approach is considered at a Public Hearing and a decision is made by Council. This process will take a number of months.

## REQUEST FOR DECISION 083-2018

Plan Amendments: Craft Beverage Industry in Wolfville

Date: 2019-01-08

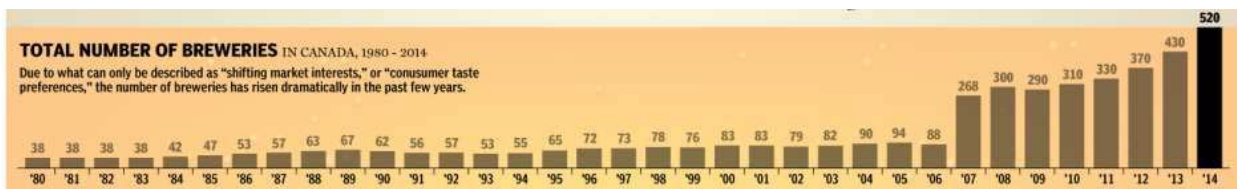
Department: Planning & Development



## 2) Background

The wine, craft brewing, distilling and related business activities are an emerging industry in Canada. Nova Scotia has seen rapid growth in both stand-alone operations as well as combined restaurant and brewery (or distilling or winery) activities of varying scales.

The speed of industry growth has led to many municipalities struggling with how to enable or regulate combined restaurant, retail and craft beverage uses as these activities can manifest in a variety of ways which may be considered through different lenses: vibrancy, walkability and street-level activity, economic growth and jobs, ideas around industrial uses and accessory uses, neighbourhood compatibility and others.



The Town (and surrounding area) is known as a destination for culinary and beverage experiences and has prospective, existing and growing businesses with varying craft beverage operations contributing to the regional economy. Given that operators in the Town are now facing unclear parameters, and given Council's strategic plan (see attachments), this is an issue that is being clarified by Council through this plan amendment process.

Although the MPS is currently undergoing a comprehensive review, the timelines for the review are such that Council has directed Staff to explore these amendments outside of the overall plan review process. Staff expects that any policy changes resulting from this process can be incorporated into the new MPS and LUB once adopted, in addition to being implemented into the existing documents during the interim.

This Municipal Planning Strategy and Land Use By-law amendment process comes at the direction of Council through motions at the October and November meetings of Council, as follows:

October 16, 2018 Council Motion:

**IT WAS REGULARLY MOVED AND SECONDED**

**THAT COUNCIL DIRECT STAFF TO PREPARE A REPORT OUTLINING OPTIONS TO ADDRESS THE OUTCOME OF THE 329 MAIN STREET CHURCH BREWERY COURT DECISION REGARDING ACCESSORY USE AND IMPLICATIONS TO EXISTING AND FUTURE CRAFT BEVERAGE OPERATORS IN THE TOWN.**

**CARRIED**

November 22, 2018 Council Motion:

**IT WAS REGULARLY MOVED AND SECONDED**

**THAT COUNCIL DIRECT STAFF TO DELAY ENFORCEMENT AND MOVE FORWARD WITH OPTION 2 AS OUTLINED IN THE ACCESSORY USES OPTIONS RFD-075**

**CARRIED**

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For additional background a link to RFD-075 referenced in the above motion is provided in the 'attachments/reference' portion of this report.

### 3) Staff Recommendation

Staff recommend that the Planning Advisory Committee consider the information in this report and the feedback during the Public Participation meeting when making a recommendation to Council (including any suggested revisions) on the amendments to the Municipal Planning Strategy and Land Use By-law outlined in Attachment 1 of this report.

Draft Motion: That the Planning Advisory Committee provides a positive recommendation to Council regarding the amendments attached to the December 12, 2018 PAC Staff Report related to the operation of the craft beverage industry in the Town (+ **suggested revisions, if any**).

### 4) Key Considerations and Discussion

#### Details on Staff Recommendation

The proposed approach from Staff (see Attachment 1 for draft amendments):

#### 1) Provides clear policy intent in the Municipal Planning Strategy.

- Staff is suggesting that craft beverage uses should be permitted when of a limited size or accessory to a main use or uses in the C-1 zone. In the C-3 zone larger stand-alone operations are proposed to be considered by Development Agreement only.

#### 2) Amends the definition of 'Accessory Use' to allow off-site sales.

- The amended definition (see Attachment 1) would remove the 'exclusively devoted' terminology in the existing definition and allow prospective and future operators to have clarity on selling kegs to licensed establishments, at farm markets, to the NSLC, etc.
- Provides equal footing to operators in the Town and those with only a partial operation in Town (e.g. Bad Apple Brewing) and also avoids enforcement difficulties where product is moved from a location in Town to a warehouse out of Town (tracking where that product goes and jurisdictional authority issues).
- An overall volume limitation (up to 15,000 hectolitres), a size requirement (e.g. it must be smaller in floor area), and market realities would limit overall output for accessory uses.
- PAC and Council should consider whether brewing (or other activities like distilling) accessory to a large restaurant and retail would cause more land use impacts than the primary use. In other words, will it be subordinate? In Staff's view the accessory portion

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will typically be subordinate on factors of parking, traffic, and noise (typical issues of concern). A willingness to monitor and improve the Town's approach to compliance and management of these issues is as important as any regulation or policy approach.

- If a business in Town gets to a higher volume - how exactly will the business operate? (e.g. would they have a distribution warehouse outside of Town like Annapolis Cider has now?).
- It is also important to consider the other uses that are permitted as-of-right in the C-1 zone currently (automobile rentals, automobile service stations, repair shops, plumbing, heating and electrical services (or similar trades), grocery stores, etc) and how these uses are comparable to what we are considering and how they contribute to the type of downtown we are looking to achieve. By listing uses as permitted and not allowing other uses, we are deciding what can take place in our downtown area and ultimately the overall vibrancy and long-term sustainability.
- Many other jurisdictions do not limit off-site sales for "accessory uses".

### **3) Introduces a framework to consider new applications, including definitions.**

- Permit (as-of-right) microbreweries or micro distilleries in the C-1 zone, only accessory to permitted use(s)
- Permit (as-of-right) stand-alone Nanobreweries and Wine related uses in the C-1 zone
- Permit (as-of-right) microbreweries, distilleries, wineries accessory to a C-1 permitted use in the C-3 zone
- Allow consideration by Development Agreement for Industrial / Commercial scale brewing or distilling in the C-3 zone
- Introduce definitions to clearly define the above proposed uses

### **4) Replaces the buffering provisions in the Land Use By-law with additional requirements**

- Most applicable when uses are adjacent to residential areas

### **5) Enables the Development Officer to request additional information, studies or reports on potential nuisance**

- This would be for permitted development (as-of-right) and applications that come through a Development Agreement have this ability through existing requirements.

Other existing regulations would continue as well (e.g. architectural controls, triggers for a DA when applying for a lounge or buildings of a certain size, etc).

## Municipal Planning Strategy Amendments

When Council is considering amendments to its Municipal Planning Strategy, a wide range of issues should be considered before a decision is made. In this process the Town is creating new policy and



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looking forward. The Town has been conducting a comprehensive review of its Municipal Planning Strategy, Land Use By-law and Design Guidelines for a number of years and the Craft Beverage Industry (subject to detailed regulations) has been included in discussions, particularly since the current Council adopted a Strategic Plan that states under *Leveraging our Economic Opportunities*: “To advance Wolfville as a premier destination in Atlantic Canada for culinary, craft beverage and wine experiences.” A summary of Council’s current Strategic Plan is attached.

Part 213 of the *Municipal Government Act* outlines the purpose of a municipal planning strategy: “to provide statements of policy to guide the development and management of the municipality and, to further this purpose, to establish:

- policies which address problems and opportunities concerning the development of land and the effects of the development;
- policies to provide a framework for the environmental, social and economic development within a municipality;
- policies that are reasonably consistent with the intent of statements of provincial interest; and
- specify programs and actions necessary for implementing the municipal planning.



Staff are recommending that Council state their intent for these types of uses clearly in the Municipal Planning Strategy.

### Commercial Land Use Policy in Wolfville – Now and in the Future

Existing policies of the Town’s Municipal Planning Strategy outline intent from the Central Commercial (CC) Designated Area and include:

#### **5.1 OBJECTIVES**

It shall be the intention of Council:

5.1.20 to enhance and strengthen the downtown central commercial district of Wolfville as the focal point of commercial and community activity

#### **PART 9 COMMERCIAL DEVELOPMENT AND LAND USE**



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### Background

... A mixture of land uses in the commercial core of the community allows people to live within walking distance of work and obtain basic services and necessities without requiring private transportation. An area that contains a variety of land uses can also be more vibrant and filled with people and activity....

...The Town of Wolfville has a reputation for demonstrating leadership and innovation at the municipal level.....

...Creating a unique “sense of place” around the downtown shopping district was suggested as one means of increasing downtown pedestrian traffic and encouraging “life on the street”. Specific recommendations about sustainability focused on making the downtown a walkable experience; bringing housing downtown, increasing density in the downtown and developing environmental and conservation standards aimed at improving quality of life and making the downtown area a more desirable place to live and work....

### 9.2 CENTRAL COMMERCIAL

... council recognizes the traditions of this area and encourages complementary commercial and residential activity. Council intends to allow a wide range of commercial and community services while respecting the pedestrian streetscape...

... commercial policies are intended to facilitate a wide range of commercial activity and services and maintain and enhance mixed uses in the downtown....

The Future MPS has not been adopted as formal policy at this time but given we are getting close to finishing it should be acknowledged given the substantial amount of consultation and thinking that have gone into shaping the Draft 2 documents (see reference section for a link to the documents). The new planning documents provide a framework for a ‘Core Area’ composed of the commercial core and the adjacent neighbourhood. The vision and policy excerpts from Draft 2 of the MPS are included here:

Core Area Vision:

Wolfville’s core area is **alive, inviting and connected**. It is a place for everyone – with streets full of busy shops, cafes, **entertainment and thriving business**. It is a hub for both **commerce and creativity**. It is connected to the broader community through a series of **trails, walkways** and parks. It provides **gathering spaces** and an over all **sense of identity** for the Town.

### 5.4 CORE COMMERCIAL DESIGNATION

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... The core commercial area policies set out in this plan are intended to facilitate a wide range of commercial and mixed use activity in order to maintain and enhance the vibrancy of what is the heart of Wolfville.....

... Commercial development is important to the Town for long-term fiscal health and the role that business plays in providing services and amenities that add significantly to the quality of life enjoyed by residents. The Town has differentiated itself on its diverse offering of small-scale retail, dining, professional services and cultural offerings for residents and visitors alike. The Town continues to be a destination of choice for tourists coming to the region and is at the centre of the burgeoning local wine and culinary industry. The Town's commercial core also hosts large scale events such as Devour! and the Deep Roots Music Festival, contributing to the multi-use nature of the area.

The overall strategic direction, other sections, and specific policies outlined in Draft 2 of the MPS should be reviewed and are relevant to making amendment decisions moving forward. A link to the Draft 2 Planning documents is included in the reference portion of this report (see Part 2 and Part 5 of the MPS document).

### Mitigating Negative Impacts

The proposed approach attempts to accommodate change while addressing concerns by limiting the size of operations in the C-1 zone, introducing additional buffering requirements, and considering industrial sized operations only in the C-3 zone by Development Agreement.

### Policy 18.6.1 of the MPS

Not only our existing planning documents should be considered when making MPS amendments; however, it is important to reference Policy 18.6.1 of the existing MPS. This policy outlines various considerations to consider when making Land Use decisions (typical for Development Agreements and Land Use By-law amendments), some of which are included here. The full policy is included in the appendices for reference.

### Industrial Use and Volume

The province defines different classifications of Craft Beverage establishments. A "Commercial" or Industrial Brewing operation is defined as exceeding a certain volume. Staff have used the provincial definitions to inform the industrial definition proposed:

**Brewery – Commercial** means a brewery or cidery engaged in the production of more than 15,000 hectolitres per year of beer or other related beverages where the primary business function is to sell packaged product to the Nova Scotia Liquor Commission and thence to the general public through retail liquor stores or for export.

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This type of operation is not proposed to be enabled on Main Street or anywhere in the C-1 zone. Staff have used the industry classifications established by the Province to inform the proposed definitions (see Attachment 1). It should also be noted that an Industrial scaled brewery is not permitted to include any type of associated licensed premise (e.g. restaurant or tasting room, etc).

### The Craft Beverage Industry

The craft beverage industry has been very popular in the last number of years yet sales at the NSLC continue to be dominated by major brands (96% of beer sold). It is competitive for a craft brewery to even get 1 SKU (one of their products on the shelf) at the NSLC or at one of the 4 private liquor stores in the province. Many craft beverage operators do the majority of their sales at their on-site retail locations and supplement with a variety of off-site sales (markets, events, keg sales, NSLC, private liquor stores, etc).

In Wolfville, the Annapolis Cider Company currently make the majority (95%) of their sales through their on-site retail location (have ~100,000 people through their door/year) and only 5% currently is sold through the NSLC. These numbers are a static look at their business and with ongoing renovations this mix may change as they move forward.

The Church Brewing Company does not have a definitive volume/year at this point (it will largely be dictated by market demand) but are installing capacity to grow over time.

When looking at other brewing operations in the province (Boxing Rock, Garrison, Propeller, 2 Crows, Good Robot, North Brewing, Tattamagouche Brewing, 9 Locks, SchoolHouse, Wayfarers, Sea Level, etc) there is a range in volume from 500 hectolitres in 2017 from Seal Level, ~2000-8000 hectolitres from North Brewing, 2 Crows and similar operations. Propeller and Garrison seem to be the only ones near the 15,000 hectolitre cap. Propeller sold 10,000 hectolitres in 2016 which equals 1,950,000 pint glasses or 3,440,000 bottles of beer. They have been in operation since 1997 and have two locations in Halifax/Dartmouth.

When considering the amendments it may be helpful to consider the overall volume equivalents: 1 hectolitre = 195 pint glasses or 344 bottles of beer/cider; 15,000 hectolitres = 2,925,000 pint glasses, 5,160,000 bottles.

The NSLC reported in 2017: *NS craft beer sales grew by 25.5% to \$7.6 million. The craft beer industry comprises four percent of all beer sold. There are now 32 microbreweries in Nova Scotia and more than 40 craft beer listings available at NSLC stores.*

### Jurisdictional Scan

Staff have researched and spoken with Staff in various jurisdictions on this issue. Many in Nova Scotia (outside of HRM) do not have the craft beverage, wine and other related economic opportunities that

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Wolfville and area have. Some planning Staff said they have some older regulations but would like to update them (not a pressing issue). Other small communities often look to Wolfville on how to deal with this type of emerging issue. The Town should not just adopt an approach from elsewhere but we should use experience dealing with these uses to understand how to best handle the issue in the Wolfville context.

As examples, the experience in HRM and Windsor (most familiar to Staff) are provided here while more information from other jurisdictions (outside of NS as well) are provided in the attachments to this report.

**Halifax Regional Municipality's Centreplan** – addresses micro-breweries as if they are a niche restaurant or hospitality style use, permitting them in many commercial areas on “pedestrian oriented commercial streets” within the peninsula aside from established residential neighborhoods (see Attachment 3 for a detailed overview of the HRM approach).

**Town of Windsor LUB amendments** – The Town has seen new businesses in the downtown in recent years and includes the SchoolHouse Brewery. The Town also has 2 micro distilleries opening. Their Council are currently permitting Micro Breweries and Distilleries (as defined in this document) as a permitted as of right use and amending their existing, dated regulations around industrial scale brewing in their commercial/industrial areas. Their approach is more permissive than what is proposed in this document but one that is more consistent with their current economic and political realities combined with their existing built form and opportunities around this.

### Limitations to amending the existing planning documents

The Town currently does not use “Site Plan Approval” as a means to consider development proposals in the Town. Through the ongoing plan review, a move away from Development Agreements to Site Plan approval has been endorsed from the PAC and Council to-date; however, further details are forthcoming. These amendments use the existing development application tools (“as-of-right” and “Development Agreement”) to address the Craft Beverage issue. Limitations to this approach can be addressed once the final (new) Municipal Planning Strategy and Land Use By-law are adopted and these amendments are integrated.

### Sustainability and Contemporary Planning Approaches

Mixed and co-locating of uses is emerging again as a contemporary planning approach which can counteract some of the negative impacts from suburbanization and intense separation of uses (e.g. increased car trips and associated GHG emissions). There has increasingly been a suburban mindset (e.g. large parking areas) applied to downtown areas, particularly since the 1950's and many places are now looking to away from this approach.

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The beverage industry has traditionally had large, top down corporations supplying most of the market and we are seeing a shift (although very slight in terms of market share) to a more participatory model of market share where consumer preferences are pushing for more local, sustainable product. The Craft Beverage industry has added value in many downtown and main street locations. The [One Nova Scotia report](#) speaks to the need for us to think differently about the way things have been done in the Province.

### 5) Plan Amendment Process

The process for amending the Municipal Planning Strategy and Land Use By-Law involves:

- 1) Public Participation Meeting at PAC (with mail notification, newspaper ads)
- 2) Consideration by the Planning Advisory Committee and a Recommendation by the Committee to Council
- 3) Initial Consideration by Council at Committee of the Whole
- 4) 1<sup>st</sup> Reading of the Amendments and intent to hold a Public Hearing
- 5) Public Hearing at Council (with mail notification, newspaper ads)
- 6) Second reading and decision by Council
- 7) Provincial Review

This process is mandated through the *Municipal Government Act*. A graphic of the process is also provided in the attachments.

The first step is a Public Participation Meeting (PPM) in front of PAC to receive input on the amendment options, pursuant to the Town's Public Participation Program Policy and requirements of the *Municipal Government Act*, including notification and advertising. After this Public Participation meeting, the issue will be considered by PAC and a recommendation provided to Council.

Council will consider the recommendation from the PAC and make any revisions or direct Staff to do additional work on the topic if warranted. The adoption of amendments to the MPS requires first reading by Council, a Public Hearing, and a final decision by Council at second reading. There is no appeal mechanism for policy adopted in the MPS with corresponding Land Use amendments.

### 6) Attachments and Reference

#### ATTACHMENTS

- 1) Draft MPS and LUB Amendments
  - 2) Policy 18.6.1
  - 3) Jurisdictional Scan
  - 4) Council Strategic Plan
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- 5) Excerpt from Financial Post “Rise of Craft Beer”
- 6) Decision Making Considerations (from ongoing Plan Review process)
- 7) Municipal Planning Strategy Amendment Process

### REFERENCE

- 1) Draft 2 of the ongoing comprehensive plan review – found [here](#).
- 2) RFD 075-2018 (relevant background) – found [here](#) (starts on page 133)

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## ATTACHMENT 1

### Craft Beverage Amendments

#### DRAFT Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) Amendments

(for discussion and feedback at the Public Participation Meeting)

#### Note:

Current MPS and LUB can be found [here](#). Draft 2 of the ongoing MPS and LUB Review can be found [here](#).

#### Municipal Planning Strategy Draft Amendments

1. In Part 9.2.3 Central Commercial add the following bullet point:
  - *Craft beverage uses of a certain size as stand-alone operations or accessory to a permitted use (or uses) where off-site sales are permitted.*
2. In Part 9.4.3 Industrial Commercial add the following bullet point:
  - *Craft beverage uses of a certain size as stand-alone operations or accessory to a permitted use (or uses) where off-site sales are permitted.*
3. In Part 9.4.6 Industrial Commercial add the following to consideration by Development Agreement:
  - *New, stand-alone craft beverage production uses, including Commercial Brewing and Distilling as defined in the Land Use By-law.*

#### Land Use By-law Draft Amendments

1. In **Part 12 Central Commercial (C-1) Zone**, add to the list under “12.1 Permitted Developments” the new bullet points shown below:
  - **Microbrewery** accessory to a permitted main use
  - **Microdistillery** accessory to a permitted main use
  - **Nanobrewery**
  - **Winery**
2. In Part 14 Industrial/Commercial (C-3) Zone, add to the list under “14.1 Permitted Developments”
  - **Microbrewery** accessory to a permitted C-1 zone main use or uses
  - **Microdistillery** accessory to a permitted C-1 zone main use or uses
3. In **Part 14 Industrial/Commercial (C-3) Zone**, add to the list under “14.3 Developments Permitted by Development Agreement” the new bullet points shown below:



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- **Brewery – Commercial**
- **Distillery – Commercial**
- **Microbrewery**
- **Microdistillery**
- **Winery**

4. In **Part 25 Definitions** delete the definition of “Accessory Use” and replace with the following:

**Accessory Use** means the use of land or a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot. i.e., coffee roasting is an accessory use to the permitted retail sale of coffee beans.

5. In **Part 25 Definitions** add the following definitions:

**Brewery – Commercial** means a brewery or cidery engaged in the production of more than 15,000 hectolitres per year of beer or other related beverages where the primary business function is to sell packaged product to the Nova Scotia Liquor Commission and thence to the general public through retail liquor stores or for export.

**Distillery - Commercial** means a distillery in the production of more than 75,000 litres per year of liquor and spirits, other than wine or beer, where the product is blended or bottled for sale to the Nova Scotia Liquor Commission and thence to the general public through retail liquor stores or for export.

**Microbrewery** means a craft brewery or cidery engaged in the production and packaging of less than 15,000 hectolitres per year of specialty or craft beer, ale, cider or other related beverages.

**Microdistillery** means a craft distillery engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than wine or beer.

**Nanobrewery** means a craft brewery or cidery engaged in the production and packaging of less than 2,000 hectolitres per year of specialty or craft beer, ale, cider or other related beverages.

**Winery** means an establishment engaged in the production of wine and includes facilities on the same lot where wine may be blended, mixed, stored, packaged and sold. (*Note: 2000 hectolitre volume cap if permitted in C-1?*).

6. In **Part 11 General Requirements for All Commercial Zones**, delete 11.1 Abutting Yard Requirements and replace with the following:

### **11.1 Abutting Yard Requirements / Landscape Buffer**

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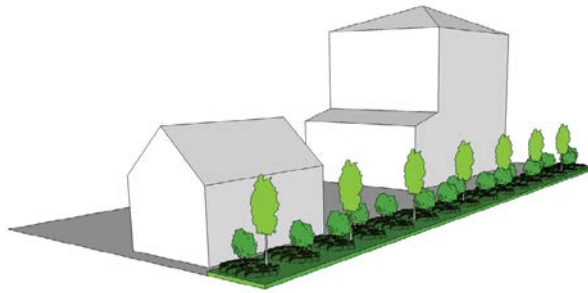
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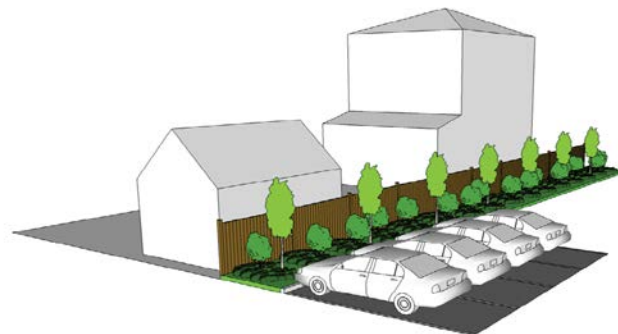
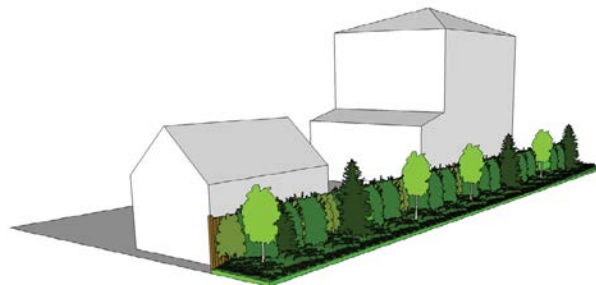


Where a yard in a Commercial zone abuts a yard in any Residential, Institutional, Park or Recreation zone a landscaped buffer is required. The minimum yard requirement for the abutting yard shall be 3 metres and shall include one or more of the following:

- (a) at least one shrub (at least 1.0 metre high) for every 2.0 linear metres of buffer and one tree (minimum base caliper of 50 millimetres) for every 4.5 linear metres of buffer;



- (b) evergreen shrubs (at least 1.0 metre high) that form an opaque and continuous visual barrier or an opaque wood fence or masonry wall at least 1.8 metres high.



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No parking space, driveway or travel lane shall be permitted in the 3 metre landscape buffer. This requirement may be reduced to 1.5 metres provided that landscape screening as described in 11.1(b) provides a visual barrier along the lot line.

7. In **Part 11 General Requirements for All Commercial Zones**, add the following:

### **11.3 Additional information, studies, reports**

The Development Officer may request additional information, studies or reports to better understand how and if the impact(s) of a potential permitted land use may be mitigated.

## ATTACHMENT 2

### 18.6 CRITERIA FOR DEVELOPMENT AGREEMENTS AND CRITERIA FOR LAND USE BY-LAW AMENDMENTS

*It shall be the policy of Council:*

*18.6.1 to consider the following in addition to all other criteria set out in the various policies of this Municipal Planning Strategy, when considering proposals for development agreements and Land Use By-law amendments:*

- (a) to ensure that the proposal conforms to the intent of the Municipal Planning Strategy and to all other applicable Town By-laws and regulations, except where the application for a development agreement modifies the requirements of the Land Use By-law or the Subdivision By-law.*
- (b) to ensure that the development does not cause conflict with adjacent land uses, disturb the quiet enjoyment of adjacent lands, or alter the character and stability of surrounding neighbourhoods through:*
  - i. the type and intensity of use; and*
  - ii. the height, mass or architectural design of proposed buildings; and*
  - iii. hours of operation of the use; and*
  - iv. outdoor lighting; and*
  - v. noise, vibration or odour; and*
  - vi. vehicle and pedestrian traffic; and*
  - vii. alteration of land levels and/or drainage patterns; and*
  - viii. deprivation of natural light*
- (c) to ensure that the capacity of local services is adequate to accommodate the proposed development and such services will include, but not be limited to the following:*
  - i. sanitary and storm sewer systems; and*
  - ii. water systems; and*
  - iii. schools; and*
  - iv. recreation and community facilities; and*
  - v. fire and police protection; and*
  - vi. street and walkway networks; and*
  - vii. solid waste collection and disposal systems*

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- (d) to ensure that the proposal is not premature or inappropriate by reason of the financial ability of the Town to absorb capital and/or maintenance costs related to the development.*
- (e) to ensure that the proposal does not cause environmental damage or damage to adjacent properties through:
  - i. pollution of soils, water or air; and*
  - ii. erosion or sedimentation; and*
  - iii. interference with natural drainage systems and watercourses; and*
  - iv. flooding**
- (f) to ensure that the proposal protects and preserves matters of public interest such as, but not limited to:
  - i. historically significant buildings;*
  - ii. public access to shorelines, parks and public and community facilities;*
  - iii. important and significant cultural features, natural land features and vegetation.**
- (g) to ensure that the proposed site and building design provides the following:
  - i. useable active transportation networks that contribute to existing active transportation links throughout the community; and*
  - ii. functional vehicle circulation and parking and loading facilities designed to avoid congestion on or near the property and to allow vehicles to move safely within and while entering and exiting the property; and*
  - iii. facilities for the safe movement of pedestrians and cyclists; and*
  - iv. adequate landscaping features such as trees, shrubs, hedges, fences, flower beds, and lawns to successfully integrate the new development into the surrounding area; and*
  - v. screening of utilitarian elements, such as but not limited to; mechanical and electrical equipment, and garbage storage bins; and*
  - vi. safe access for emergency vehicles; and*
  - vii. adequate separation from, and consideration of, public and private utility corridors to ensure their continued safe and functional operation; and*
  - viii. architectural features, including but not limited to, mass, scale, roof style, trim elements, exterior cladding materials, and the shape, size and relationship of doors and windows; that are visually compatible with surrounding buildings in the case of a new building or with the existing building in the case of an addition; and**

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- ix. useable outdoor amenity space for use of residents in a residential development; and*
  - x. accessible facilities for the storage and collection of solid waste materials; and*
  - xi. appropriate consideration for energy conservation; and*
  - xii. appropriate consideration of and response to site conditions, including but not limited to; slopes, soil and geological conditions, vegetation, watercourses, wet lands, and drainage.*
- (h) where Council determines, on the advice of a licensed professional, that there is a significant risk of environmental damage from any proposed development which does not require an assessment under the Environmental Assessment Act, environmental studies shall be carried out at the expense of the developer for the purpose of determining the nature and extent of any environmental impact and no agreement shall be approved until Council is satisfied that the proposed development will not create or result in undue environmental damage.*

### ATTACHMENT 3 - Jurisdictional Scan

Wolfville is the latest community to struggle with the implications of brewery uses and how to regulate them. Across Canada municipalities have found a variety of methods to regulate brewery uses in down town areas, yet consistently enabled breweries in some capacity. The most detailed regulations are from communities who have been struggling with this issue the longest, which emerged earliest and most rapidly on the westcoast of Canada. The following are a survey of community approaches to this issue from Nova Scotia and from small and medium communities from BC's westcoast, as well as Winnipeg and Halifax Regional Municipality.

#### Nova Scotia

##### Halifax Regional Municipality – Centre Plan

The Centre Plan recognizes brewing uses as outlined in the definitions section of the Land Use By-Law

(136) Micro-Brewery means a craft brewery primarily engaged in the production and packaging of less than 15,000 hectolitres per year of specialty or craft beer, ale, or other malt beverages. The facility may include accessory uses such as retail sale, wholesale, tours and events or hospitality room, where beverages produced at the facility can be sampled.

(137) Micro-Distillery means a craft distillery primarily engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than wine and beer. The facility may include accessory uses such as retail sale, wholesale, tours and events or hospitality room, where beverages produced at the facility can be sampled.

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### Permitted Areas

CEN-2 CEN-1 COR HR-2 HR-1 and Pedestrian-Oriented Commercial Streets

#### *Pedestrian-Oriented Commercial Streets*

##### ***Preamble from MPS 4.4 Pedestrian-Oriented Commercial Streets***

Pedestrian-oriented commercial streets are characterized by a concentration of ground level retail and service street walls in close placement to the sidewalk with narrow shop fronts, high levels of glazing. This environment is to be supported and encouraged.

The quality of the public realm is key to an enjoyable and safe pedestrian experience. This can be achieved by setting buildings back far enough from the street to create opportunities for landscaping and active uses, but close enough to create a feeling of continuity and enclosure. The ground floor uses and

appearance of the building façade are also fundamental to the experience. While pedway networks may provide pedestrian weather protection, pedways can reduce pedestrian activity at the street level, and do not support the objectives of this Plan.

*41 Along a streetline that abuts a pedestrian-oriented commercial street identified on Schedule 6, only the following uses may be located on the ground floor of a building:*

- (a) retail uses;
- (b) restaurants;
- (c) drinking establishments;
- (d) financial institutions;
- (e) medical clinics;
- (f) personal services;
- (g) cinemas;
- (h) fitness centres;
- (i) grocery stores;
- (j) local commercial uses;
- (k) hotels;

## REQUEST FOR DECISION 083-2018

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- (l) micro-breweries or micro-distilleries;
- (m) cultural uses;
- (n) university or college; and
- (o) pedestrian entrances and lobbies for any other use permitted in the zone.

## Landscaping

### General Landscaped Buffer Requirements

144 (1) A landscaped buffer, where required in Table 6, must be provided when a development lot abuts a different zone. A buffer of the type indicated in Table 6 (“L1” or “L2”) must be provided along each lot line that separates the development lot from a different zone.

**Table 6: Landscape buffer requirement**

		Abutting zone			
		COR	HR-2, HR-1	ER-3, ER-2, ER-1, MH	P, RPK
Zone of development lot	D	L1	L1	L2	L1
	CEN-2	L1	L1	L2	L1
	CEN-1	L1	L1	L2	L1
	COR			L2	L1
	HR-2			L1	
	HR-1			L1	

- (2) No structures or parking areas are permitted within any required landscaped buffer.

### What are the levels of landscaping?

L1 General Landscaped Buffer

145 (1) Any L1 landscaped buffer must contain:

- (a) at least one shrub (at least 1.0 metre high) for every 2.0 linear metres of buffer;
- (b) at least one tree (with a minimum base caliper of 50 millimetres) for every 4.5 linear metres of buffer; or



## REQUEST FOR DECISION 083-2018

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(c) a combination of trees and shrubs, if the minimum requirements of either 145(1)(a) or 145(1)(b) are met.

(2) Trees and shrubs in an L1 landscaped buffer may be grouped.

(3) At least 50% of the L1 buffer ground area must be covered with salt-tolerant groundcover plants.

### L2 Screen Landscaped Buffer

146 (1) Any L2 landscaped buffer must contain:

(a) evergreen shrubs (at least 1.0 metre high) that form an opaque and continuous visual barrier; and

(b) at least one tree (with a minimum base caliper of 50 millimetres) for every 4.5 linear metres of buffer.

(2) Where an L2 landscaped buffer abuts an HR-2, HR-1, ER-3, ER-2, ER-1, or MH zone, an opaque wood fence or masonry wall at least 1.8 metres high must also be provided.

(3) Trees in an L2 landscaped buffer may be grouped.

(4) An L2 buffer's remaining ground area must be covered with salt-tolerant groundcover plants.

## Parking Requirements

Micro-breweries are not listed as a distinct use in the parking requirements (Table 7 draft LUB).

Generally they are moving away from having any parking requirements.

- If it is considered a Local Commercial Use then – no parking required
- If it is a Drinking Establishment then –1 space for every 35 sq. m GFA in the Higher-Order Residential – 2 (HR-2), and Higher-Order Residential – 1 (HR-1)( areas - in the Centre 1, Centre 2, and Corridor no required parking
- If it's a Restaurant then ditto as Drinking Establishments
- If it is an Industrial Use then parking requirements are Not Applicable.

## Other NS Small Towns

### Town of Antigonish

Antigonish allows microbreweries as accessory use, or a primary use in Commercial Light Industrial Zone. Breweries as an accessory use are permitted in the C-1, downtown commercial zoning. There is no clear definition of a microbrewery yet these uses are noted in Part 14 of the Land Use By-Law which states:

Part 14 – C-1 Permitted Uses

## REQUEST FOR DECISION 083-2018

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“... -licensed liquor establishments  
- microbrewery accessory to a licensed liquor establishment...”

### Town of Bridgewater

Bridgewater allows *wineries and micro-breweries* in most of their commercial and industrial zones as of right. Larger breweries are permitted in the Industrial zones by Development Agreement. Beverage rooms, a unique liquor licensing category not permitted in Wolfville which does not have a limit on number of beverages, are permitted by Development Agreement as well as lounges. A Microbrewery in Bridgewater is defined as: “...*a small-scale brewery which typically produces limited quantity of specialty beers, and may sell beverages and food made on site to the public.*”

### Town of Truro

Truro permits breweries in the Industrial zones. Microbrewery is not permitted as of right in any zone. In speaking to their Staff they would like to update their regulations. As an accessory use it is permitted in accordance with the Land Use By-Law which requires them to be “... *the use or uses which take place on the same site as the principal use, and of a nature customarily and clearly secondary and incidental to the principal use.*” Truro permits beverage rooms, lounges, and cabarets as of right.

## British Columbia

### Communities of Sechelt and Gibsons, on BC's Sunshine Coast

[link](#)

Micro-Breweries are permitted within the “Downtown Centre” zoning, in a similar fashion to restaurants, yet limited. Gibsons limited maximum area dedicated to Brewing to no more than 50% of the building area, and Sechelt limited the area to 110 sq m, both intending to reflect existing neighborhood scale and limit industrial concerns. The local business interests (Chamber and BID) supported the inclusion of Micro-Breweries in the Downtown core. Staff recognized Micro-Breweries’ ability to connect with Council’s strategic goals and plans which include:

- a vibrant, local and sustainable economy that provide a full range of goods, services and opportunities (Strategic Plan)
- the creation of a diverse and thriving local economy that provides meaningful employment and a positive business environment as well as support for the arts and culture opportunities (Sustainability Action Plan).
- a vibrant commercial Downtown with pedestrian orientation and support under the economic objectives for entrepreneurship, innovation, self-employment and small-to-medium sized business expansion (Vision Plan)
- aims to develop a vibrant and welcoming seaside downtown, and is the primary location for the community’s tourist commercial, retail, office, cultural, and civic uses and supports mixed-use developments (Official Community Plan [MPS])
- Support from Chamber of Commerce, Business Improvement Association.

## REQUEST FOR DECISION 083-2018

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### **Ucluelet (incl. Vancouver Island case study)**

[Link](#)

Within Ucluelet, a staff report examined the inclusion of brewery activities within a pub use for a specific parcel as part of an applicant's request to amend the community plan and permit such a use. A review of established Vancouver Island brew-pubs and micro-breweries was conducted which included contacting staff at the municipalities of Powell River, Courtney, Cumberland, and Nanaimo. The results found the "resounding feedback [was] positive with no complaints based on noise, smell, waste materials or loading". For the specific site under consideration, no loading areas were included in the proposal yet the applicant committed to ensuring loading and unloading activities were limited to early mornings or as consistent with existing loading and unloading activities.

Planning staff recognized that the Microbrewery use was consistent with the intent of their Official Community Plan, emphasizing Policy 2 of the Village Square Policies which states "Tourist accommodation (e.g. boutique hotels) and supporting uses are encouraged (e.g. eating and drinking establishments) to locate in the Village Square designation." The microbrewery activities were limited to 6,000 hectolitres to limit the industrial use, and Staff recognized that larger volumes would be permitted within industrial zones only.

### **Winnipeg**

[Link](#)

Winnipeg permits micro-breweries within small-scale commercial and mixed-use districts such as the Downtown area. Winnipeg defines them as: a "micro-brewery, distillery or winery" is an accessory use that can only be developed in conjunction with a restaurant or drinking establishment (bar) use, and recognizes that off-site sales are permitted. Winnipeg also defines "craft-brewery, distillery or winery" as a principal use where brewing is the primary function of the use and a smaller-scale commercial component may be developed with the brewery, such as a tasting room or gift shop, this use is limited and not included in Downtown Areas. The rationale used is to "recognize and support the role that commercial businesses play in local employment" (Complete Communities, Section 06-3)

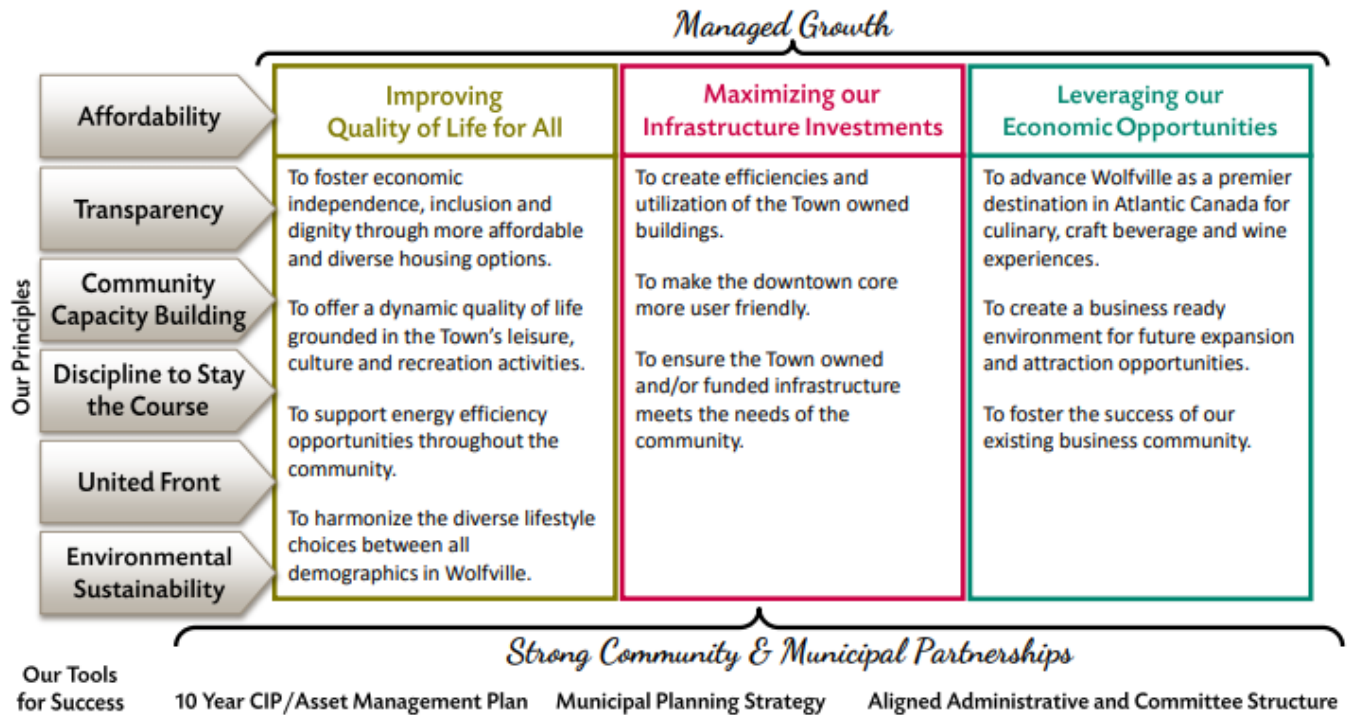


**ATTACHMENT 4 - Town of Wolfville Strategic Plan, 2017 – 2021 (summary)**



Our Vision: We are a *spirited* community where *all can feel part of* and celebrate our *green* town.

Our Mission: We provide leadership and collaborative governance in the allocation of public resources for the greater good of the Wolfville community





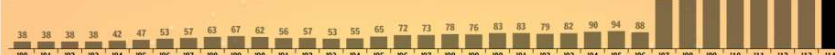
ATTACHMENT 5 – Rise of Craft Beer

# THE RISE OF CRAFT BEER

The term 'craft beer' has always been under scrutiny. Micro and macro breweries alike can produce what they call craft beer. Craft brewers should ideally use high-quality malted grains and hops, use adjuncts that add body, flavour and aroma such as spices, fruit, unmalts wheat, or Belgian candy sugar, and brew in batches smaller than 75 hectolitres. But these are just guidelines, not strict rules. As we have no clear definition of 'craft,' the graphics below are based on volume of beer produced. What is clear, however, is that interest in small, local brewers is as high as it's ever been.

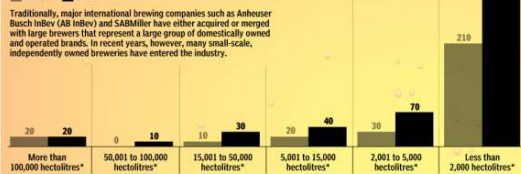
## TOTAL NUMBER OF BREWERIES IN CANADA, 1980-2014

Due to what can only be described as "shifting market interests," or "consumer taste preferences," the number of breweries has risen dramatically in the past few years.



## BREWERIES BY PRODUCTION LEVEL: NUMBER OF LICENSED BREWERIES, BY HOW MUCH BEER THEY PRODUCE IN A YEAR IN CANADA, IN HECTOLITRES\*

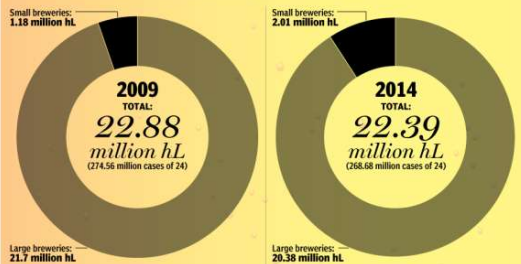
2009 2014



## VOLUME OF PACKAGED BEER PRODUCED IN CANADA, 2009 VS. 2014

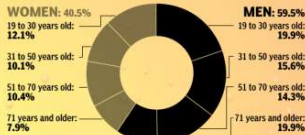
BEER PRODUCED BY SMALL BREWERIES\*\* BEER PRODUCED BY LARGE BREWERIES\*\*\*

Small breweries: 1.8 million hL (2009), 2.01 million hL (2014). Large breweries: 21.7 million hL (2009), 20.38 million hL (2014). Total: 22.88 million hL (2009), 22.39 million hL (2014).



## WHO DRINKS BEER?

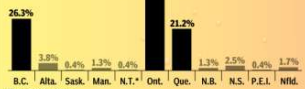
MAJOR MARKET SEGMENTATION, CANADA, 2015



## WHERE ARE CANADIAN BEERS MADE?

BUSINESS LOCATIONS, CANADA, 2015

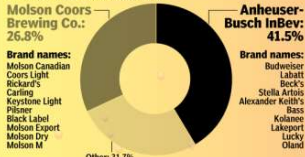
Due to the high transportation costs of shipping a heavy product such as beer, breweries are commonly located near the major markets they serve most. As a result, industry establishments are overwhelmingly concentrated in provinces with densely populated metropolitan areas.



## THE CANADIAN MACRO-BREWERIES

MARKET SHARE, CANADA, 2015

The two major Canadian beer sellers are the result of years of mergers and acquisitions. Both are expected to continue experiencing declines in revenue due to declining consumer sentiment and reduced demand for their flagship brands, according to a 2015 report by IBISWorld.



## KEY STATISTICS

Though breweries overall have suffered from declining alcohol consumption, consumers are increasingly electing to buy less beer in favour of higher-quality brands. Here are some key Canadian statistics:



## TYPES OF CRAFT BEER IN CANADA

The examples selected are all winners of the 2015 Canadian Brewing Awards. These are taken from just a few of the beer styles brewed by Canadian companies.

Blonde Lagers	Amber Lagers	Dark Lagers	Craft Ales	Craft Pilsners	Craft Porters	Craft Stouts	Craft Specialty Beers
Light and bright sparkling with the smoothness of pale malts and complemented by hops	Rich in colour and refreshing in character with just a hint of caramel	Roasted flavours of these beers are complemented by hints of caramel or chocolate	Mild and full bodied with a rich head and a wide range of distinct flavours, aromas and colours	Mild maltness combined with a crisp, clean hop character. Possibly grassy, floral or spicy hop aromas and taste	Rich and unobtrusive, this is a heavier brew than most with just a hint of sweetness and a rich, malty character	Rich malty flavour with roasty, nutty or caramel flavours. Drier in character than porters and low to moderate bitterness	Any beer that doesn't fit in the other categories. Bold, bold, experimental, or just plain weird. Often with new flavours added
Examples: N.B.: Pale Ale - Moosehead Breweries Ltd.; B.C.: Station House Blonde Ale - Station House Brewing Co.; Ont.: Northern Lager - Sleeping Giant Brewing Co.	Examples: Ont.: Old Flame Red - Old Flame Brewing Co.; B.C.: Los Muertos Cerveza Negra - Bat Tattos Brewery; B.C.: Whistler Brewing Big Sky Uncommon Lager - Northern Brewing Ltd.; Ont.: Waterloo Dark - Brick Brewing Co.	Examples: B.C.: Hermann's Dark Lager - Vancouver Island Brewery; B.C.: Creeley Tiede Dunkel - Moon Under Water Brewery; Ont.: Waterloo Dark - Brick Brewing Co.	Examples: P.L.I.: Caban Iron Bridge Brew - Prince Edward Island Brewing Co.; Ont.: King Pilsner - Provincial Brewings of Canada; B.C.: Lager - Cannon Brewery; N.B.: La Kedgewick - Brasseries de Petit-Sault	Examples: Ont.: Charcoal Porter - Innocent Brewing Co.; Alta.: Old Man Winter - Rabbit Creek Brewery; B.C.: Porter - Gladstone Brewing	Examples: B.C.: Seven Sammits Milk Stout - Rossland Beer Co.; B.C.: Sasquatch Stout - Old Yak Brewing; Sask.: Milk Stout - Black Bridge Brewery	Examples: B.C.: Sovereign Super Saison - Four Winds Brewing Co.; B.C.: Dead Frog Nutty Uncle Peanut Butter Stout - Dead Frog Brewing Co.; N.S.: Bulwark Gold Traditional Craft Cider - Mavin Estate Wines	

Excerpt from Financial Post, originally published September 1, 2015 retrieved on Dec 3, 2018 from <https://business.financialpost.com/news/retail-marketing/the-rise-of-craft-beer-in-canada-an-infographic>





## ATTACHMENT 6

### Decision Making Considerations

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- Consultation and feedback
- Strategic Priorities, Other Town Reports
- Advice from Professionals and Best Practice
- Take us toward what you want?
- Keeping with Values of Community?
- Compliant with MGA requirements?
- Practical? Doable? Measurable?
- Broader region impacts?
- Best for all and not a few?

**KEEP IN MIND:**

- We must advocate for some voices and present a balanced perspective.
- No silver bullets. Land use is only one tool.
- Polarized views on some issues. No consensus.
- NIMBYism.

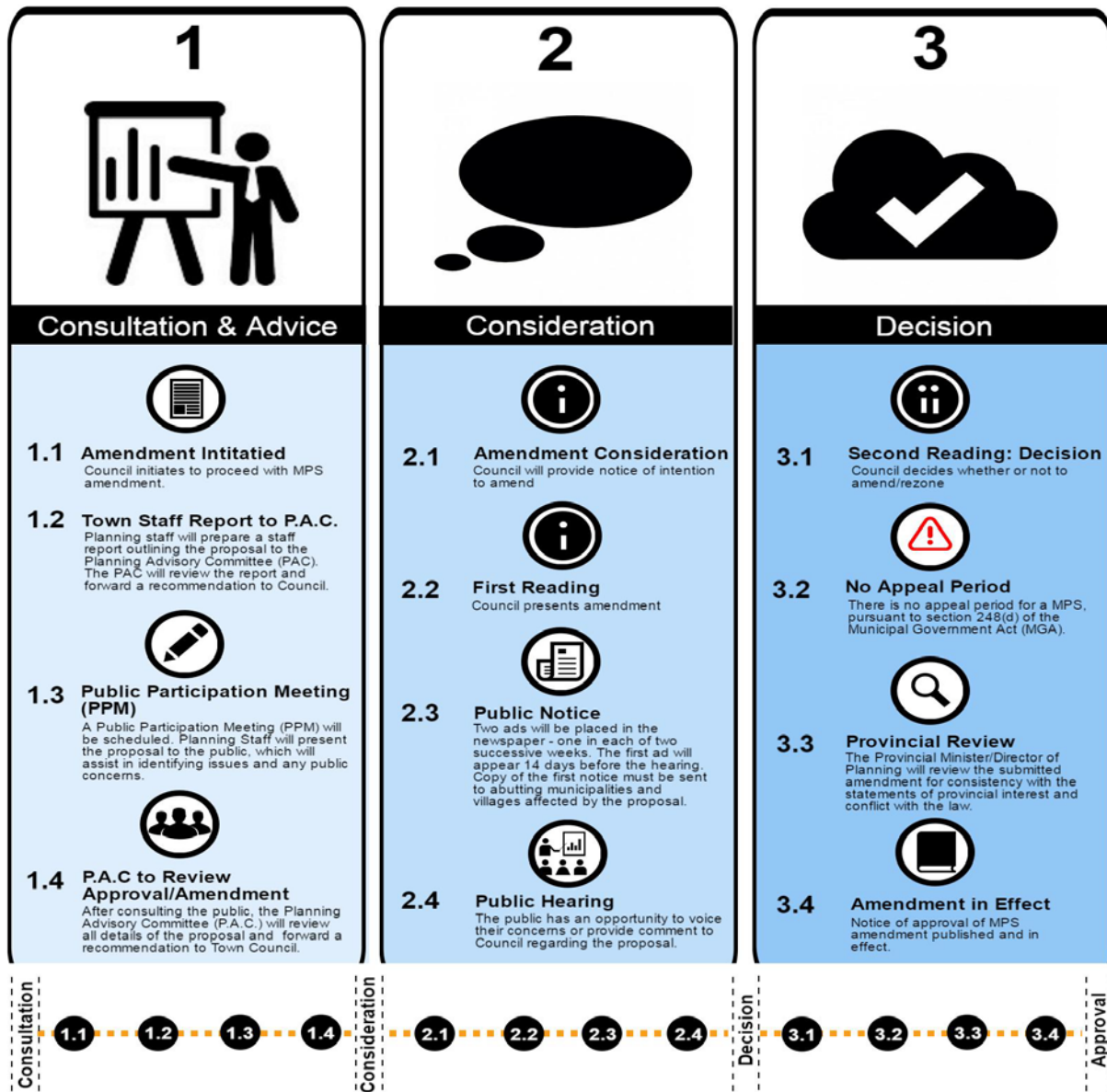
#growingtogether

Taken from ongoing MPS review material:

[https://www.wolfville.ca/component/com\\_docman/Itemid,264/alias,2126-mps-draft-2-report-final-25-07-2018/category\\_slug,planning/view/download/](https://www.wolfville.ca/component/com_docman/Itemid,264/alias,2126-mps-draft-2-report-final-25-07-2018/category_slug,planning/view/download/)



**ATTACHMENT 7 – Municipal Planning Strategy Amendment Process**



**REQUEST FOR DECISION 082-2018**

PID 55274591, Gaspereau Avenue  
Proposed Development Agreement (DA 2018-008)  
Date: January 8, 2019  
Department: Planning & Development



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**SUMMARY**

**PID 55274591 Gaspereau Avenue  
Development Agreement (DA 2018-008)**

For COW to consider the PAC recommendation regarding the draft development agreement at PID 55274591 Gaspereau Avenue to develop up to 48 residential units and associated features on the subject property.

PAC Motion (December 12, 2018):

*THAT THE PLANNING ADVISORY COMMITTEE PROVIDE A POSITIVE RECOMMENDATION TO COUNCIL FOR THE DRAFT DEVELOPMENT AGREEMENT FOR PID 55274591 AND THAT IT BE FORWARDED TO COUNCIL FOR INITIAL CONSIDERATION*

*CARRIED*

**DRAFT MOTION:**

THAT COUNCIL FORWARD THE DRAFT DEVELOPMENT AGREEMENT FOR PID 55274591 TO A PUBLIC HEARING BEFORE DECISION AT COUNCIL.



## REQUEST FOR DECISION 082-2018

PID 55274591, Gaspereau Avenue  
Proposed Development Agreement (DA 2018-008)  
Date: January 8, 2019  
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### 1) CAO COMMENTS

No Comments Required.

### 2) LEGISLATIVE AUTHORITY

The Municipal Government Act Section 47 enables Council to make decisions in the exercise of its powers on behalf of the Municipality, which includes directing staff. The Municipal Planning Strategy regulates requirements for Development Agreements. The Land Use By-Law identifies when development agreements are appropriate.

### 3) STAFF RECOMMENDATION

Staff considers the draft development agreement consistent with the relevant policies of the Municipal Planning Strategy (MPS) and recommends that it be forwarded to a Public Hearing.

### 4) REFERENCES AND ATTACHMENTS

Attachment 1: PAC Staff Report dated Dec 12, 2018, incl. Draft Development Agreement

### 5) DISCUSSION

The applicant requests permission to develop up to 48 units and various features and public amenities on the subject lands. The application was presented to Planning Advisory Committee to positive feedback and forwarded with a positive recommendation to Council with little other comment on the application.

Comments at the PAC meeting related to the application focused on the opportunity for the Town of Wolfville to extend sidewalks south along Gaspereau Avenue to accommodate this development, to promote walkability, to promote equitable access, and to promote healthier living. PAC members expressed interest in extending the public sidewalk along Gaspereau Avenue to include frontage on this property given the proposed density.

### 6) FINANCIAL IMPLICATIONS

The subject lands are currently vacant. A development of this density along areas of existing infrastructure increases the long-term financial sustainability of the Town of Wolfville and reduce the ecological-economic impacts of Wolfville residents by enabling small-unit housing options.

### 7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Full policy review provided in the attached PAC Staff Report.

### 8) COMMUNICATION REQUIREMENTS

## REQUEST FOR DECISION 082-2018

PID 55274591, Gaspereau Avenue  
Proposed Development Agreement (DA 2018-008)  
Date: January 8, 2019  
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The Town held a Public Information Meeting on October 26th, 2018 and the notes from the session are included as part of the attached PAC Staff Report. The next step in the process is for the application to go forward to a public hearing, which has tentatively been set for February 19, 2019. This step provides the opportunity for Council to hear directly from the public regarding the proposal. Notification of the public hearing will be mailed to neighbouring property owners, ads will be placed in the newspaper, and information posted to the Town's website and social media. The existing sign will remain placed on the property indicating the property is subject to a development agreement application. Following the public hearing, Council will then give consideration to the development agreement.

### 9) ALTERNATIVES

1. COTW recommends that Council to refer the application to the Planning Advisory Committee with specific direction or questions for consideration.
2. COTW forwards the application to Council with a recommendation to reject the application.

## REQUEST FOR DECISION 082-2018

PID 55274591, Gaspereau Avenue  
Proposed Development Agreement (DA 2018-008)  
Date: January 8, 2019  
Department: Planning & Development



### ATTACHMENT 1

## REPORT TO PLANNING ADVISORY COMMITTEE Development Agreement Proposal (DA 2018-008) PID 55274591, Gaspereau Avenue

Date: Dec 12, 2018  
Department: Planning & Development



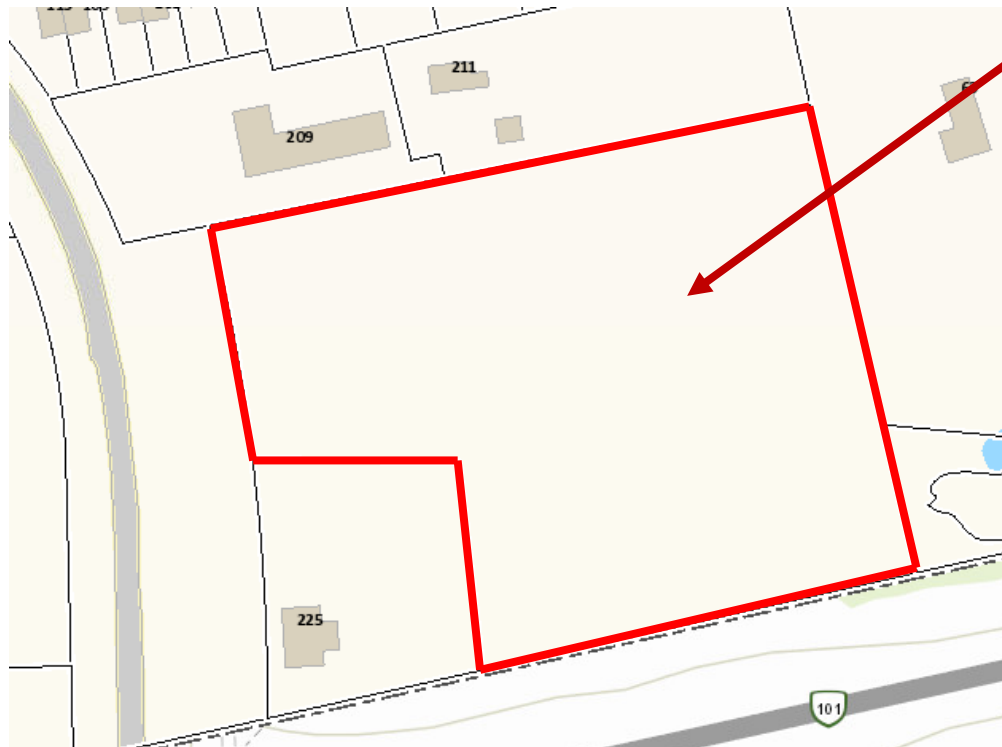
<b>APPLICANT</b>	Travis Mills, on behalf of the property owner, Joyce Johnson.
<b>PROPOSAL</b>	To allow for the construction of six multi-unit residential buildings with a total of 48 dwelling units included in a mix of 16 three-bedroom units, 14 two-bedroom units, and 18 one-bedroom units as outlined in this report
<b>LOCATION</b>	PID 55274591, between 209 and 225 Gaspereau Avenue
<b>LOT SIZE</b>	4 Acres
<b>DESIGNATION</b>	Comprehensive Development District (CDD)
<b>ZONE</b>	Residential Comprehensive Development District (RCDD)
<b>SURROUNDING USES</b>	A mix of medium and low-density residential dwellings, near high-density residential
<b>ARCHITECTURAL GUIDELINES</b>	NA
<b>NEIGHBOUR NOTIFICATION</b>	Email list from PIM meeting; Newspaper ads and notices mailed to surrounding property owners within 100 metres; Sign placed on property

## REQUEST FOR DECISION 082-2018

PID 55274591, Gaspereau Avenue  
Proposed Development Agreement (DA 2018-008)  
Date: January 8, 2019  
Department: Planning & Development



### PROPERTY LOCATION



PID 55274591 is located between 209 and 225 Gaspereau as shown in Figure 1.

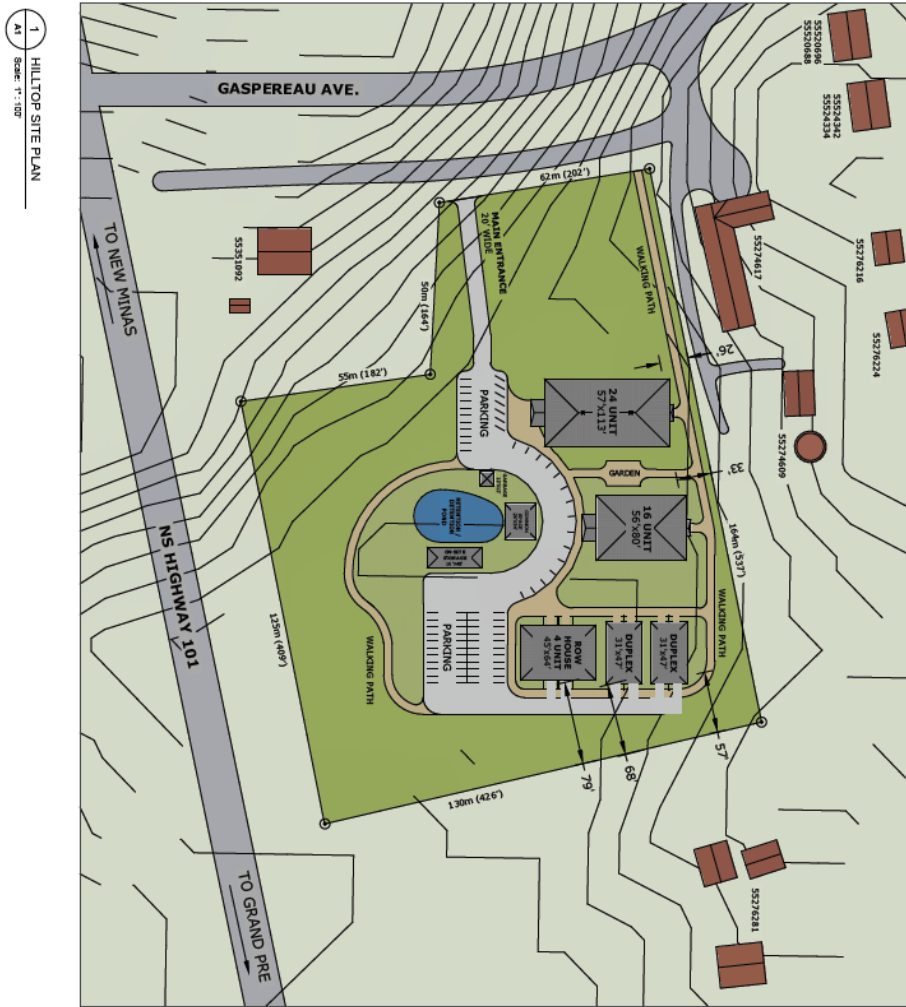
Figure 1 – Context Map

### PROPOSAL

Travis Mills, on behalf of the property owner Joyce Johnson of PID # 55274591, is seeking a development agreement that would allow for five residential buildings containing a mix of three-bedroom, two bedroom, and single bedroom units and a common building for events. The proposal features 48 dwelling units, 79 vehicle parking spaces, 20 bicycle parking spaces, a small woodland trail, a water feature and detention pond, children's natural playground, raised garden beds, and the opportunity for residential chickens. Energy efficiency goals for the project are to integrate passive house principles and achieve 90% energy savings over existing building code. The applicant has also expressed interest in using local supplies and manufacturers where possible and minimizing the volume of plastic in the development.



Proposed Site/Landscaping Plan (Figure 2 & 3)

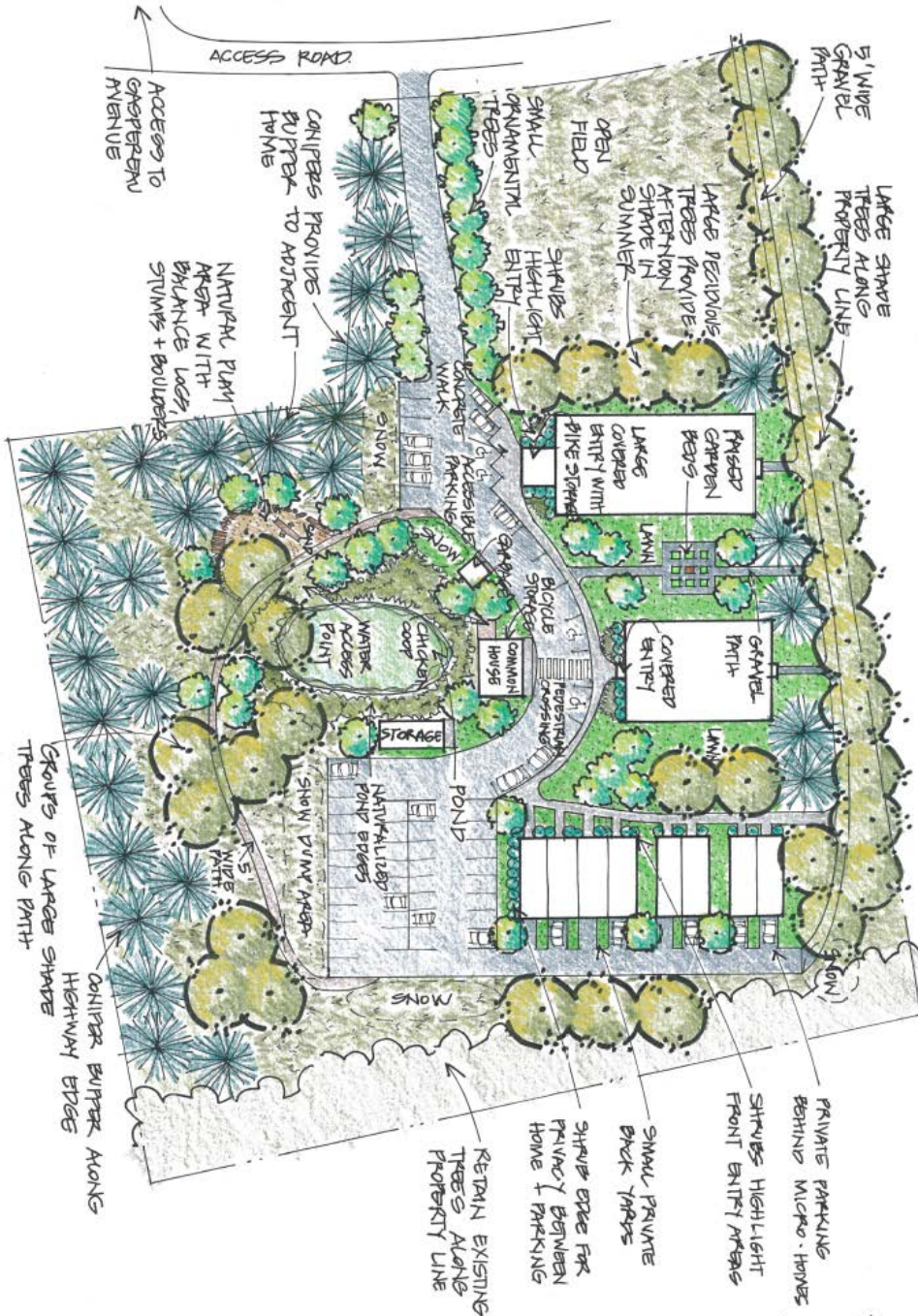


PID 55274591  
 4.4 ACRES



<b>A</b> 1	DRAWN BY Philip Dennis, P. Eng. DESCRIBED IN SITE PLAN	PROJECT NO. 2018-004 PROJECT HillTop	ISSUE 2018.12.03 REVISION REV -	CLIENT Travis Mills 1273 Ridge Rd. Wolfville NS		





**HILLTOP**  
**LANDSCAPE CONCEPT PLAN**  
 JOY ELLIOTT, LANDSCAPE ARCHITECTURAL DESIGN • NOV 2018

# REQUEST FOR DECISION 082-2018

PID 55274591, Gaspereau Avenue  
Proposed Development Agreement (DA 2018-008)  
Date: January 8, 2019  
Department: Planning & Development



## Proposed Elevations of 24 unit building (figure 4)

This building shall contain 3 three-bedroom units, 3 two-bedroom units, and 18 one-bedroom units with elevator access.



2	A	DRAWN BY Philip Daniels, P. Eng.	PROJECT NO. 2018-004	DATE 2018.12.03	CLIENT Travis Mills 1272 Ridge Rd. Wolfville NS
		DESIGNED BY 24 UNIT ELEVATIONS	PROJECT PERIOD	REVISION REV -	



# REQUEST FOR DECISION 082-2018

PID 55274591, Gaspereau Avenue  
Proposed Development Agreement (DA 2018-008)  
Date: January 8, 2019  
Department: Planning & Development





## Proposed Elevations of 16 unit building (figure 5)

This building shall contain 2 two-bedroom, 2 three-bedroom, and 12 one-bedroom “micro” units. Micro units shall be at below market rents. Staircase access is provided.



3	A	DRAWN BY Philip Dennis, P. Eng.	PROJECT NO. 2018-004	DATE 2018.12.03	CLIENT Trials Mills, 1273 Ridge Rd. Wolfville NS
		REVISIONS 15 UNIT ELEVATIONS	PROJECT HILLOP	REVISION REV -	



## Proposed Elevations of 4 unit townhouses (figure 6)

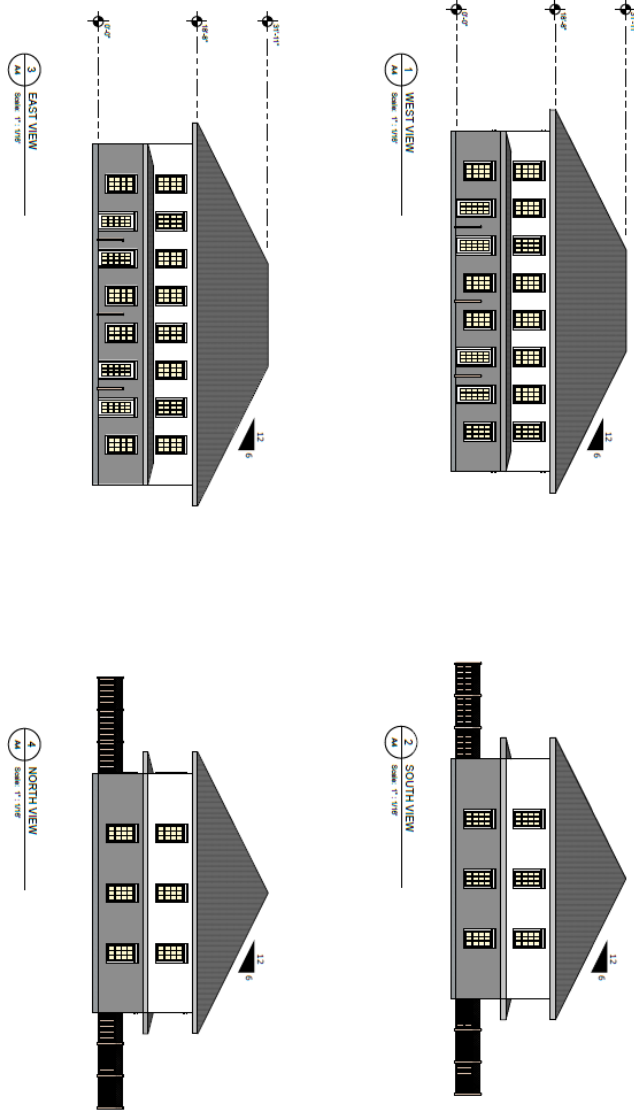


# REQUEST FOR DECISION 082-2018

PID 55274591, Gaspereau Avenue  
 Proposed Development Agreement (DA 2018-008)  
 Date: January 8, 2019  
 Department: Planning & Development



This building shall contain 2 two-bedroom and 2 three-bedroom split-units. Bedrooms are accessed by stairs.

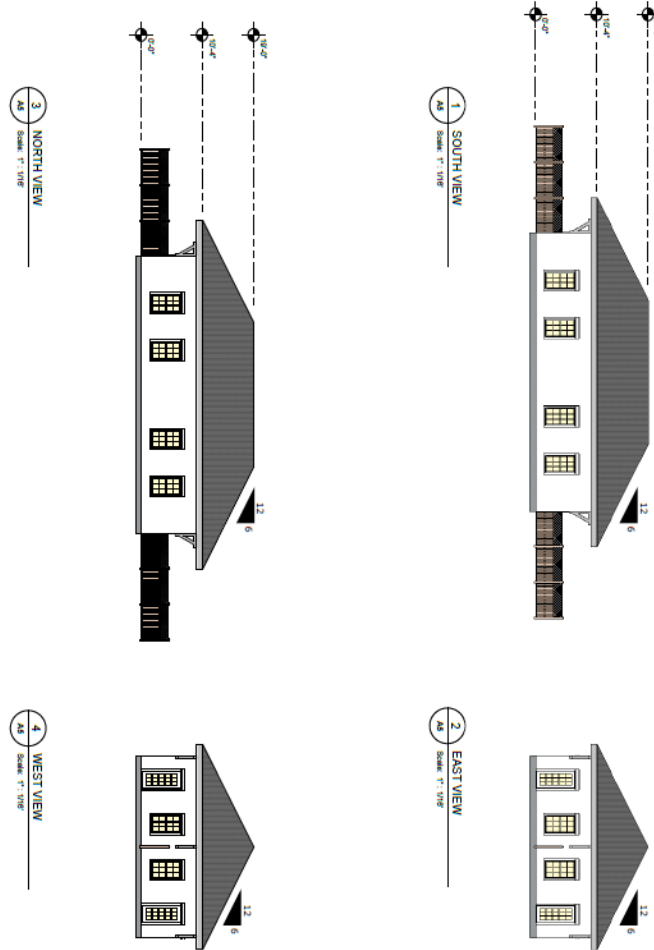


<b>A</b> 4	DRAWN BY Philip Dennis, P. Eng.	PROJECT NO. 2018-004	DATE 2018.12.03	CLIENT Traves Mills 1273 Ridge Rd. Wolfville NS
	DEDUCTOR ROW HOUSE ELEVATIONS	PROJECT Hilltop	DRAWN REV -	



Proposed Elevations of 2 unit buildings (figure 7)

2 two-unit buildings shall contain a total of 4 two-bedroom units with ground floor access.



fdsfs

5 <b>A</b>	DRAWN BY Philip Dennis, P. Eng. CHECKED BY DUPLEX ELEVATIONS	PROJECT NO. 2018-004 PROJECT Hilltop	ISSUE 2018.12.03 REVISIONS REV -	CLIENT Travis Mills 1273 Ridge Rd. Wolfville NS		

## REQUEST FOR DECISION 082-2018

PID 55274591, Gaspereau Avenue  
Proposed Development Agreement (DA 2018-008)  
Date: January 8, 2019  
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### PROCESS & NEXT STEPS

Section 230 of The Municipal Government Act (MGA) establishes the process for the approval of a Development Agreement. This process requires review by the Planning Advisory Committee and the holding of a Public Hearing by Council prior to a decision by Council to approve or reject the proposal. The decision by Council may be appealed to the Nova Scotia Utility and Review Board by an aggrieved person or by the Applicant.

The first stage of the application review process began at the Public Information Meeting (PIM) held on October 26, 2018. Property owners within 100 metres of the development were notified by mail, indicating that the site was subject to a development agreement application. The purpose of the PIM was to provide the public with an opportunity to offer preliminary feedback on the request and allow the applicant to answer any questions that would arise. The subject property (PID 55274591) is not located within an Architectural Control Area. Feedback from the public information meeting has been circulated to the applicant, and alterations have been made to address concerns of drainage, parking and traffic.

The next step in the Development Agreement process (as shown below), will be to have the Planning Advisory Committee (PAC) review this report and provide a recommendation to Council. Council will then provide Initial Consideration, and if passed, a Public Hearing will be scheduled prior to a decision on the proposal from Council.

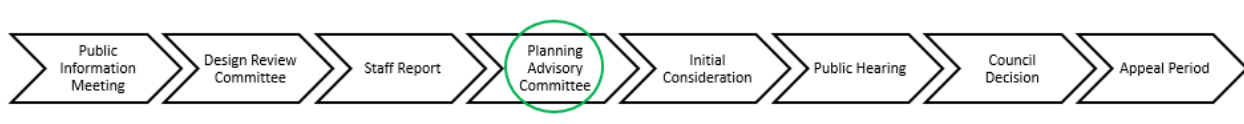


Figure 8 – Development Agreement Process

### POLICY REVIEW & DISCUSSION

The property is designated Comprehensive Development District (CDD) in the [Municipal Planning Strategy \(MPS\)](#) and zoned Residential Comprehensive Development District (RCDD) in the [Land Use Bylaw \(LUB\)](#). The property is 4 acres in size, fronting on Gaspereau Street's old road, just east of the existing road, and located between 209 and 225 Gaspereau Street. It has no notable development constraints or limitations based on slope.

The Municipal Planning Strategy (MPS) includes several policies for Council to consider when reviewing such an application. This section provides relevant policies for this development proposal and discussion on criteria set out within these policies.

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### **Municipal Planning Strategy – Part 5 – Objectives**

Within the list of objectives outlined in Part 5 of the MPS, the two objectives most relevant to the proposed development are 5.1.9 and 5.1.10. These objectives read as follows:

*“5.1.9 to manage growth and control land use and development in a manner that will minimize urban sprawl and increase density and reduce conflicts between land uses in a manner that is compatible with the Town’s Sustainability Declaration and Vision.”*

*“5.1.10 to control land use and development in a manner that will preserve, enhance and protect the natural environment of the Town and ensure open space opportunities for all residents.”*

### **Land Use By-law Part 10 Residential Comprehensive Development District (RCDD) Zone**

#### **10.2 Development Permitted by Development Agreement**

*“Within the RCDD zone the following uses may be permitted in accordance with Part 8.4 and Policy 18.6.1 of the Municipal Planning Strategy:*

- *All new residential uses*
- *Limited institutional uses*
- *Local commercial uses”*

### **Municipal Planning Strategy**

#### **Part 8 Comprehensive Development District**

*“8.4.3 to consider only by development agreement, all proposals for development within the Residential Comprehensive Development District (RCDD) zone for mixed residential uses, limited institutional uses and local commercial uses.”*

*“8.4.4 to ensure the following criteria are met when Council is considering development proposals in the Residential Comprehensive Development District (RCDD) zone:*

- (a) a minimum EnerGuide rating of 80 is achieved by all new single unit and two unit residential dwellings; and*
- (b) the maximum density of residential dwellings units shall be an average of 12 dwelling units per acre and the minimum density shall be an average of 5 dwelling units per acre; and*
- (c) require all power and communication infrastructure to be located underground (both primary and secondary); and*

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*(d) development is in accordance with policy 18.6.1.”*

*“8.4.5 to require that all developments within the Residential Comprehensive Development District (RCDD) zone respond to sustainability principles.....” See Attachment 2 for more details and staff comments.*

### **Municipal Planning Strategy – Part 13 – Transportation, Public Services and Utilities**

*“13.1.4 to require future developments to make provision for pedestrians, cyclists, transit users and automobiles.”*

*“13.1.6 to encourage compact development patterns that reduces automobile dependence.”*

### **Municipal Planning Strategy – Part 15 Parking, Yard Requirements And Temporary Uses**

*“15.1.1 to establish parking standards in the Land Use By-law and ensure that where developments are permitted by development agreement, the agreement makes provision for adequate parking to serve the proposal and encourages alternatives to impermeable surfaces.”*

### **Municipal Planning Strategy – Part 16 – Landscaping, Lighting, Open Storage and Accessory Structures**

*“16.1.1 to require landscaping in any development subject to a development agreement and to establish time frames for its installation, in order to enhance or preserve the character and environment of the neighbourhood, to provide screening or buffers and to reduce conflict with adjacent land uses. Multi-unit residential development will require a landscape plan prepared by a landscape architect or certified landscape designer.”*

### **Municipal Planning Strategy – Part 18 – Implementation**

The policies 9.2.4 & 12.1.7 outlined in the MPS states that a *“development is in accordance with Policy 18.6.1.”* Policy 18.6.1 of the MPS contains general policies that are to be considered for all development agreement applications. An overview of issues arising from these general criteria is reviewed below in Table A while a summary of the entire policy, with Staff comment to each criterion, is provided as *Attachment 1.*



**Table A – Discussion of MPS Policy 18.6.1**

Select Criterion	Discussion
<p>1. Conflict with adjacent land uses</p>	<p>Section 18.6.1 (b) of the MPS states:  <i>“to ensure that the development does not cause conflict with adjacent land uses, disturb the quiet enjoyment of adjacent lands, or alter the character and stability of surrounding neighbourhoods...            (i) The type and intensity of use;”</i></p> <p>The proposed use is 5 residential buildings and a 6<sup>th</sup> common building, with parking, trails and amenities for the public. A total of 48 dwelling units represents a substantial change in intensity of use compared to the existing context. Local commercial uses shall be enabled for ground-floor units with exterior access to promote local services and reduce the need for vehicle use to access basic needs.</p> <p>Neighboring uses include low and medium density residential. A combination of single unit dwellings, family homes, and multi-unit buildings are immediately adjacent. Within a five-minute walk exist more-frequent multi-unit and single unit dwellings. High-density residential, apartment buildings and commercial buildings are within a 10 minute walk.</p> <p>The proposed development of this vacant lot shall increase intensity in a manner that is consistent with other properties in the area. This intensity of use is mitigated with vegetative landscaping.</p>
<p>2. Parking, Traffic &amp; Egress</p>	<p>Section 18.6.1 (g) of the MPS states:  <i>“to ensure that the proposed site and building design provides the following:            (ii) functional vehicle circulation and parking and loading facilities designed to avoid congestion on or near the property and to allow vehicles to move safely within and while entering and exiting the property;”</i></p> <p>While the increased intensity shall increase traffic, no issues are anticipated by staff as the existing infrastructure is currently</p>

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	underutilized and designed to accommodate substantial volumes of traffic. <b>Public Works to Review</b>
3. Hydrology & Flooding	Section 18.6.1 (e) of the MPS states: <i>“to ensure that the proposal does not cause environmental damage or damage to adjacent properties through:</i> (ii) <i>erosion or sedimentation”</i> A storm water drainage plan is required to address storm water runoff and sediment control during construction. See Attachment 4 for more details. <b>Public Works to Review</b>

Staff believe the development proposal is consistent with the intent and criteria set out in Policy 18.6.1 of the MPS. A summary table for MPS Policy 18.6.1 with Staff comment to each criterion is provided in *Attachment 1*.

### REVIEW FROM OTHER DEPARTMENTS

Forthcoming review by Public Works department before Public Hearing is held.

### PUBLIC INFORMATION MEETING

The Town held a Public Information Meeting on October 26, 2018. Notes from this meeting are included as Attachment 1. Comments from the public revolved around increased congestion, water drainage, and concerns of neighborhood change.

### SUMMARY OF DRAFT DEVELOPMENT AGREEMENT PROVISIONS

- To allow for the construction of 5 multi-unit residential buildings, a single common building and accessory buildings, as shown on Landscape Plan
- To require 79 parking spaces, as shown on Landscape Plan
- To enable local commercial uses for all ground floor units with exterior access
- To enable small quantities of farm animals and local agricultural uses
- To require landscaping and buffering as shown on Landscape Plan
- To require a stormwater management plan

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### COMMENTS & CONCLUSIONS

The subject property is currently vacant. The development agreement application proposes the construction of five multi unit buildings, with a variety of single-bedroom, two-bedroom, and three-bedroom units totalling 48 dwelling units, a common building, a variety of public amenities. Local commercial uses are enabled to enable walkable access to local services for the future.

Staff believe the development proposal meets the overall intent of the Municipal Planning Strategy and is consistent with relevant policies.

### STAFF RECOMMENDATION

Staff recommends that the Planning Advisory Committee provide a positive recommendation to Council regarding the Draft Development Agreement for PID 55274591 and that the attached Draft Development Agreement be forwarded to Council for Initial Consideration before a Public Hearing is held.

### ATTACHMENTS

1. Notes from Public Information Meeting
2. Policy Summary Tables
3. Site Plan
4. Draft Development Agreement



## ATTACHMENT 1 – Notes from Public Information Meeting

Public Information Meeting  
6.00 PM – Council Chambers  
Development Agreement Proposal  
PID 55274591 Gaspereau Avenue

### Attending

*Staff:* Planner Jeremy Banks & Assistant Development Officer James Collicutt

*Applicant:* Travis Mills

*12 Members of the Public*

Planner Jeremy Banks began the meeting with a PowerPoint presentation that provided an overview of the proposal to construct 48 residential dwelling units within 6 new buildings on a vacant parcel located on Gaspereau Avenue. The relevant background information, applicable policies, land use considerations, architectural guidelines and process were reviewed as they relate to the proposal before Mr. Banks turned to the public for their input.

### Public Comments & Questions

#### **Edward Cross, 225 Gaspereau Ave:**

- Asked about the traffic situation on the Gaspereau extension (Old Gaspereau Avenue); minimal maintenance and no stop sign onto Gaspereau Avenue. How will this be handled? Drainage is also a concern as this is a wet site and he would like to also see a drainage plan included in future reports.

#### **Shirley Theriault 211 Gaspereau Ave:**

- Is concerned about drainage issues and asked about power - underground or above?

*Mr. Mills replied:*

- The power will be underground.

Mr. Mills took this opportunity to speak to the public. He feels that there is a desire and demand for this type of development in Wolfville. He also noted that an engineer will be hired to manage drainage on the site and that he is committed to addressing any issues that may arise.

**Konrad Bayer, 63 Pleasant St:**

- Asked what is the timeline for construction? Will trees be removed?

*Mr. Mills replied:*

- 3 phases over three years. Hoping to keep as many trees as possible.

**Edward Cross, 225 Gaspereau Ave:**

- Asked where will the power come in?

*Mr. Mills replied:*

- Not sure where it will enter the site, but it will come in underground.

**Marc Poirier, 74 Dale St:**

- What the capital cost will be?

*Mr. Mills replied:*

- Estimates \$6-7 million.

**Marilyn Manzer, 53 Pleasant St:**

- Does the layout take advantage of passive solar gain?

*Mr. Mills replied:*

- The row houses aren't particularly well-situated for passive solar gain, but the longer apartment buildings do. For the other buildings located closest to Gaspereau Avenue, the positioning isn't ideal, but they were sited in a such a way that they will get morning/afternoon sun. The goal is to have all units catch at least some direct sunlight.

**Audrey Conroy, 35 Bishop Ave:**

- Commended the developer for his design and mixed offerings for residents.

*Mr. Mills replied:*

- Hopes that these units will appeal to young families and other groups.

**Konrad Bayer, 63 Pleasant St:**

- Will these units be rentals or for sale? Will you be the property manager?

*Mr. Mills replied:*

- They will be rentals in the current model. Hoping to be the property manager, but if not, an appropriate company will be hired.

**Edward Cross, 225 Gaspereau Ave:**

- Will the smaller building shown in the presentation be a garage?

*Mr. Mills replied:*

- It could possibly become a micro-apartment building or a community space for all residents to use. The exact usage of the building hasn't been firmed-up yet.

**Konrad Bayer, 63 Pleasant St:**

- What is the commercial building shown? What is the old Gaspereau Avenue?

*Mr. Mills replied:*

- Possible space for “experimental” commercial uses such as a bakery or art studio; not included in the current DA but its in the back of the developer’s mind.

*Mr. Banks replied:*

- Old Gaspereau Avenue was the original path of Gaspereau Avenue, but now remains as a relic of when the Town realigned it to its current configuration.

*Mr. Mills added:*

- Old Gaspereau Avenue won’t be the access for the development, his development will merge directly onto Gaspereau Avenue.

As there were no further comments or questions, Mr. Banks adjourned the meeting at 6.30 PM.

## ATTACHMENT 2 - Policy Summary Tables

**Policy 8.4.4 and 8.4.5** of the MPS states the general policies for all development agreements on Residential Comprehensive Development District (RCDD) zones. As part of the review for this section, staff may have contacted other departments or outside agencies to seek specific information. The following table outlines the policy and provides Staff comment:

Policy 8.4.4	Staff Comment
<p><b><i>to ensure the following criteria are met when Council is considering development proposals in the Residential Comprehensive Development District (RCDD) zone:</i></b></p>	
<p><b><i>(a) a minimum EnerGuide rating of 80 is achieved by all new single unit and two unit residential dwellings; and</i></b></p>	<ul style="list-style-type: none"> <li>• No issue</li> </ul>
<p><b><i>(b) the maximum density of residential dwellings units shall be an average of 12 dwelling units per acre and the minimum density shall be an average of 5 dwelling units per acre; and</i></b></p>	<ul style="list-style-type: none"> <li>• The proposed development has a density of 12 units per acre.</li> </ul>
<p><b><i>(c) require all power and communication infrastructure to be located underground (both primary and secondary); and</i></b></p>	<ul style="list-style-type: none"> <li>• No issue</li> </ul>
<p><b><i>(d) development is in accordance with policy 18.6.1.</i></b></p>	<ul style="list-style-type: none"> <li>• See below</li> </ul>
Policy 8.4.5	• Staff Comment
<p><b><i>to require that all developments within the Residential Comprehensive Development District (RCDD) zone respond to sustainability principles. The sustainability principles to be considered by Council shall include, but not be limited to the following:</i></b></p>	
<p><b><i>(a) the project provides buildings and site design that reduce the required operational energy requirements by a significant amount from conventional buildings. (e.g. district heating systems)</i></b></p>	<ul style="list-style-type: none"> <li>• Energy efficiencies of up to 90% are intended through passive house design.</li> </ul>
<p><b><i>(b) the project provides buildings and site design that substantially reduce the impact on the environment through:</i></b>  <b><i>i. retention of natural systems, e.g. retaining natural slopes</i></b></p>	<ul style="list-style-type: none"> <li>• The project minimizes land dedicated to hard surface areas and maximizes natural environmental systems.</li> <li>• The project is anticipated to be net-zero ready</li> <li>• Water retention ponds are included</li> </ul>

<p><i>ii. retention of Category 2 soils, e.g. community gardens</i></p> <p><i>iii. use of renewable energy sources, e.g. site orientation</i></p> <p><i>iv. management of construction wastes</i></p> <p><i>v. reduced storm water run off, e.g. storm retention ponds</i></p> <p><i>vi. water conservation; e.g. low flow fixtures</i></p> <p><i>vii. waste reduction including solid waste and sewage</i></p> <p><i>viii. use of environmentally sustainable materials</i></p> <p><i>ix. use of certified Fair Trade products</i></p>	<ul style="list-style-type: none"> <li>• Plastic use is anticipated to be minimal</li> <li>• Materials and labour is anticipated to be sourced locally where possible</li> </ul>
<p><b><i>(c) the project provides an affordability component that would meet the need to provide housing in Wolfville that is affordable and available for all sectors of society.</i></b></p>	<ul style="list-style-type: none"> <li>• 12 of 48 units are “micro lofts” which are anticipated to have market rents at 90% of new construction or better.</li> </ul>
<p><b><i>(d) the project provides for alternative or shared housing and services models such as co-operative housing, co-housing, life lease, car pooling/sharing, district heating, etc.</i></b></p>	<ul style="list-style-type: none"> <li>• TBC</li> </ul>
<p><b><i>(e) the project provides barrier free/accessible housing units</i></b></p>	<ul style="list-style-type: none"> <li>• Accessible housing units are included as per building code</li> </ul>
<p><b><i>(f) the project demonstrates high quality architectural and environmental design that is compatible with the landscape and that will contribute positively to the immediate area and the Town in general</i></b></p>	<ul style="list-style-type: none"> <li>• The project minimizes impact on natural topography and slopes while increasing the trees on the site</li> </ul>
<p><b><i>(g) the project provides a mixture of housing types and densities as well as a variety of housing designs</i></b></p>	<ul style="list-style-type: none"> <li>• The project includes one, two and three bedroom units in a variety of designs.</li> </ul>
<p><b><i>(h) the project provides public or private amenities such as parks, walkways, public art, daycare, cultural venues, and public gathering spaces.</i></b></p>	<ul style="list-style-type: none"> <li>• The project includes a small woodland trail, a water feature and detention pond, children’s natural playground, raised garden beds, and the opportunity for residential chickens.</li> </ul>
<p><b><i>(i) the project provides active transportation routes and amenities and maximizes connections with existing trail/walkway systems.</i></b></p>	<ul style="list-style-type: none"> <li>• Off-road trails are included for bicycles and pedestrians. 20 bicycle parking stalls are included near entrances to main buildings.</li> </ul>
<p><b><i>(j) the project provides access to public transportation</i></b></p>	<ul style="list-style-type: none"> <li>• A transit stop is located at Gaspereau Avenue and Pleasant Street, within 200m of the project</li> </ul>
<p><b><i>(k) the project provides mixed uses of a local commercial nature including but not</i></b></p>	<ul style="list-style-type: none"> <li>• Local commercial is enabled for ground floor units that have direct exterior access.</li> </ul>

<i>limited to convenience stores, laundromats, farm markets, etc.</i>	
<i>(l) the proposal makes efficient use of land in relation to infrastructure requirements (e.g. clustering of homes).</i>	<ul style="list-style-type: none"> <li>No issue</li> </ul>

**Policy 18.6.1** of the MPS states the general policies for all development agreements. As part of the review for this section, staff may have contacted other departments or outside agencies to seek specific information. The following table outlines the policy and provides Staff comment:

<b>General Development Agreement Policies of the MPS (Section 18.6.1)</b>	<b>Staff Comment</b>
<i>(a) to ensure that the proposal conforms to the intent of the MPS and to all other applicable Town By-Laws and regulations, except where the application for a development agreement modifies the requirements of the LUB or Subdivision By-Law.</i>	<ul style="list-style-type: none"> <li>This proposal is enabled for consideration by development agreement and in Staff's opinion the proposal is consistent with the intent of the MPS.</li> </ul>
<i>(b) to ensure that the development does not cause conflict with adjacent land uses, disturb the quiet enjoyment of adjacent lands, or alter the character and stability of surrounding neighbourhoods through:</i>	
<i>i) the type and intensity of use</i>	<ul style="list-style-type: none"> <li>The proposed use is 5 residential buildings and a common building, with parking, trails and amenities for the public. A total of 48 dwelling units represents a substantial change in intensity of use compared to the existing context. Local commercial uses shall be enabled for ground-floor units with exterior access.</li> <li>Neighboring uses include low and medium density residential. A combination of single unit dwellings, family homes, and multi-unit buildings are immediately adjacent. Within a five-minute walk exist more-frequent multi-unit and single unit dwellings. High-density residential, apartment buildings and commercial buildings are within a 10 minute walk.</li> <li>The proposed development of this vacant lot shall increase intensity in a manner that is consistent</li> </ul>

	with other properties in the area. This intensity of use is mitigated with vegetative landscaping.
ii) <i>the height, mass or architectural design of proposed buildings</i>	<ul style="list-style-type: none"> <li>The height of the largest building is within 39 feet. The massing is large in scale and is sheltered from neighboring properties by vegetative landscaping.</li> <li>The property is not within an architectural control area.</li> </ul>
iii) <i>hours of operation of the use</i>	<ul style="list-style-type: none"> <li>Consistent with surrounding uses.</li> </ul>
iv) <i>outdoor lighting</i>	<ul style="list-style-type: none"> <li>outdoor lighting will be required to not cause negative impacts to adjacent properties</li> </ul>
v) <i>noise, vibration, or odour</i>	<ul style="list-style-type: none"> <li>the dwelling units on this property may result in increased noise</li> </ul>
vi) <i>vehicles and pedestrian traffic</i>	<ul style="list-style-type: none"> <li>This development shall increase pedestrian and vehicle traffic in the area.</li> <li>Public Works to Review</li> </ul>
vii) <i>alteration of land levels/or drainage patterns</i>	<ul style="list-style-type: none"> <li>Public Works to Review.</li> </ul>
viii) <i>deprivation of natural light</i>	<ul style="list-style-type: none"> <li>No issues anticipated.</li> </ul>
(c) <i>to ensure that the capacity of local services is adequate to accommodate the proposed development and such services will include, but not be limited to the following:</i>	<ul style="list-style-type: none"> <li></li> </ul>
i) <i>sanitary and storm sewer systems</i>	<ul style="list-style-type: none"> <li>Adequate capacity</li> </ul>
ii) <i>water systems</i>	<ul style="list-style-type: none"> <li>Adequate capacity</li> </ul>
iii) <i>schools</i>	<ul style="list-style-type: none"> <li>No issues</li> </ul>
iv) <i>recreation and community facilities</i>	<ul style="list-style-type: none"> <li>No issues</li> </ul>
v) <i>fire and police protection</i>	<ul style="list-style-type: none"> <li>No issues</li> </ul>
vi) <i>street and walkway networks</i>	<ul style="list-style-type: none"> <li>No issues</li> </ul>
vii) <i>solid waste collection and disposal systems</i>	<ul style="list-style-type: none"> <li>No issues</li> </ul>
(d) <i>to ensure that the proposal is not premature or inappropriate by reason of the financial ability of the town to absorb capital and/or maintenance costs related to the development.</i>	<ul style="list-style-type: none"> <li>No costs to be incurred by the Town</li> </ul>



<b>(e)</b> to ensure that the proposal does not cause environmental damage or damage to adjacent properties through:	<ul style="list-style-type: none"> <li>•</li> </ul>
i) pollution of soils, water or air	<ul style="list-style-type: none"> <li>• No issues</li> </ul>
ii) erosion or sedimentation	<ul style="list-style-type: none"> <li>• A storm water drainage plan is required to address storm water runoff and sediment control during construction, see Attachment 4.</li> <li>• <b>Public Works to Review</b></li> </ul>
iii) interference with natural drainage systems	<ul style="list-style-type: none"> <li>• See above</li> </ul>
iv) flooding	<ul style="list-style-type: none"> <li>• See above</li> </ul>
<b>(f)</b> to ensure that the proposal protects and preserves matters of public interest such as, but not limited to:	<ul style="list-style-type: none"> <li>•</li> </ul>
i) historically significant buildings	<ul style="list-style-type: none"> <li>• No issues</li> </ul>
ii) public access to shorelines, parks and public and community facilities	<ul style="list-style-type: none"> <li>• No issues</li> </ul>
iii) important and significant cultural features, natural land features and vegetation	<ul style="list-style-type: none"> <li>• No issues</li> </ul>
<b>(g)</b> to ensure that the proposed site and building design provides the following:	<ul style="list-style-type: none"> <li>•</li> </ul>
i) useable active transportation networks that contribute to existing active transportation links throughout the community	<ul style="list-style-type: none"> <li>• Adjacent to sidewalks and near active transportation trails (Harvest Moon Trail).</li> </ul>
ii) functional vehicle circulation and parking and loading facilities designed to avoid congestion on or near the property and to allow vehicles to move safely within and while entering and exiting the property	<ul style="list-style-type: none"> <li>• While the increased intensity shall increase traffic, no issues are anticipated by staff as the existing infrastructure is currently underutilized and designed to accommodate substantial volumes of traffic.</li> </ul>
iii) facilities for the safe movement of pedestrians and cyclists	<ul style="list-style-type: none"> <li>• off-street pathways connecting residences to the street are provided near the northern property line, through vegetative landscaping and bufferin.</li> </ul>
iv) adequate landscaping features such as trees, shrubs, hedges, fences, flower beds and lawns to successfully integrate the new	<ul style="list-style-type: none"> <li>• Adequate landscaping provided (See Landscape Plan as part of Attachment 3, Draft Development Agreement)</li> </ul>

<i>development into the surrounding area</i>	
<i>v) screening of utilitarian elements, such as but not limited to; mechanical and electrical equipment, and garbage storage bins</i>	<ul style="list-style-type: none"> <li>• Utilitarian elements are to be screened</li> </ul>
<i>vi) safe access for emergency vehicles</i>	<ul style="list-style-type: none"> <li>• No issues</li> </ul>
<i>vii)adequate separation from, and consideration of, public and private utility corridors to ensure their continued safe and functional operation</i>	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
<i>viii) architectural features, including but not limited to, mass, scale, roof style, trim elements, exterior cladding materials, and the shape, size and relationship of doors and windows; that are visually compatible with surrounding buildings in the case of a new building or with the existing building in the case of an addition</i>	<ul style="list-style-type: none"> <li>• The scale of the vacant land and density of the proposed development have enabled the landscape plan to include vegetative landscaping to preserve the existing neighborhood context of park-land and natural woods.</li> <li>• Where the development is near neighboring properties, more intense vegetative buffering is provided with a minor trail system.</li> </ul>
<i>ix) useable outdoor amenity space for use of residents in a residential development</i>	<ul style="list-style-type: none"> <li>• a small woodland trail, a water feature and detention pond, children’s natural playground, raised garden beds, and the opportunity for residential animals is included as shown on the Landscape Plan, include as part of Attachment 3, Draft Development Agreement.</li> </ul>
<i>x) accessible facilities for the storage and collection of solid waste materials</i>	<ul style="list-style-type: none"> <li>• Accessible facilities are required through development agreement.</li> </ul>
<i>xi) appropriate consideration for energy conservation</i>	<ul style="list-style-type: none"> <li>• Building will have to meet current building code requirements</li> </ul>
<i>xii)appropriate consideration of and response to site conditions, including but not limited to; slopes, soil, and geological conditions, vegetation, watercourses, wet lands, and drainage</i>	<ul style="list-style-type: none"> <li>• site conditions have been taken into consideration</li> </ul>

<p><i>(h) where Council determines, on the advice of a licensed professional, that there is a significant risk of environmental damage from any proposed development which does not require an assessment under the Environmental Assessment Act, environmental studies shall be carried out at the expense of the developer for the purpose of determining the nature and extent of any environmental impact and no agreement shall be approved until Council is satisfied that the proposed development will not create or result in undue environmental damage</i></p>	<ul style="list-style-type: none"> <li>• No issues identified</li> </ul>
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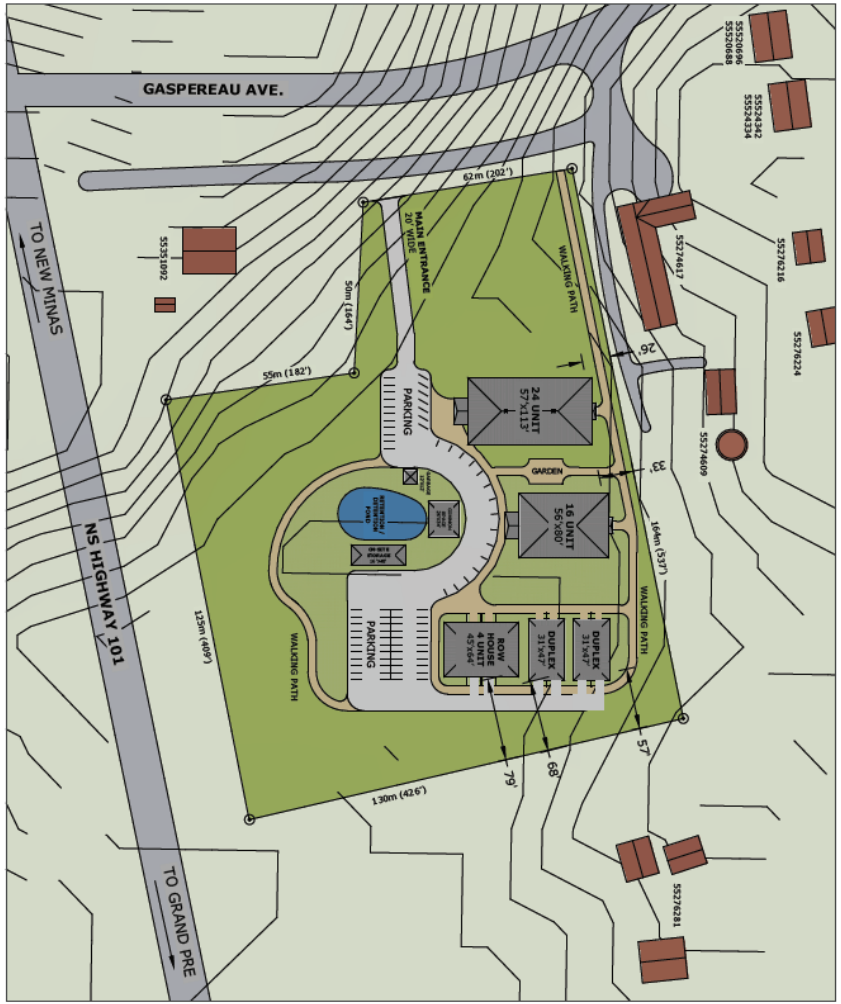
**Policy 18.6.2** establishes what conditions may be established in the development agreement. The conditions are limited to those listed, and to the specific policies guiding the particular type of development.

<p align="center"><b>Policy 18.6.2 of the MPS</b></p>	
<p align="center"><b>SECTION 18.6.2</b></p>	<p align="center"><b>STAFF COMMENT</b></p>
<p><b>18.6.2</b> that a development agreement may contain such terms and conditions that are provided for in Section 227 of the Municipal Government Act which ensures that the proposed development is consistent with policies of this Municipal Planning Strategy. The agreement may include some or all of the following:</p> <ul style="list-style-type: none"> <li><b>(a)</b> the specific type of use;</li> <li><b>(b)</b> the size of the structure(s) within a development;</li> <li><b>(c)</b> the percentage of land that may be built upon and the size of yards, courts, or other open spaces;</li> <li><b>(d)</b> the location of structure(s) in relation to watercourses, steep slopes and development constraint areas;</li> <li><b>(e)</b> storm water drainage plans;</li> </ul>	<ul style="list-style-type: none"> <li>• The draft Development Agreement includes terms and conditions in relation to many of the items included in 18.6.2.</li> </ul>

- |   |  |
|---|--|
| <ul style="list-style-type: none"><li><i>(f) the maximum and minimum density of the population within the development; the architectural design or external appearance of structures, in particular its compatibility with adjacent structures, where required by policy;</i></li><li><i>(g) traffic generation, access to and egress from the site and impact on abutting streets and parking;</i></li><li><i>(h) landscape design plan indicating the type, size and location of all landscaping elements that buffer or screen the development. This may also include fencing, walkways and outdoor lighting;</i></li><li><i>(i) open storage and outdoor display;</i></li><li><i>(j) public display or advertising;</i></li><li><i>(k) maintenance of the development;</i></li><li><i>(l) any other matter which may be addressed in the Land Use By-law or Subdivision By-Law, such as parking requirements, yard requirements, etc.;</i></li><li><i>(m) site specific information relating to soils, geology, hydrology and vegetation.</i></li></ul> |  |
|---|--|

# ATTACHMENT 3 – Site Plan

1 HILLTOP SITE PLAN  
 AS Scale 1" = 100'



PID 55274591  
 4.4 ACRES



	DRAWN BY Philip Dennis, P. Eng. INCORPORATED SITE PLAN	PROJECT NO. 2018-004 PROJECT Hilltop	ISSUE 2018.12.03 REVISION REV -	CLIENT Travis Mills 1273 Ridge Rd. Wolfville NS		

## ATTACHMENT 4 – Draft Development Agreement

This **Development Agreement** is made this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

BETWEEN:

**JOYCE JOHNSON**

(Hereinafter called the “Developer”)

OF THE FIRST PART

- and -

**TOWN OF WOLFVILLE**

A municipal body corporate,  
(Hereinafter called the “Town”)

OF THE SECOND PART

WHEREAS the Developer has requested that the Town enter into a Development Agreement relating to the use and development of the Lands (PID 55274591) pursuant to the provisions of the Municipal Government Act and the Municipal Planning Strategy for the Town of Wolfville;

AND WHEREAS a condition of granting approval for the development of the Lands is that the parties enter into this Development Agreement;

AND WHEREAS the Town Council of the Town, at its meeting on July 18th, 2017 approved entering into this Development Agreement to permit the establishment of a Planned Development on the Lands, subject to the registered owner of the Lands entering into this Development Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the covenants made in this Development Agreement and other valuable consideration the Developer and the Tenant and the Town agree to the following terms.

## 1. Schedules

The following schedules form part of this Development Agreement:

- Schedule "A" – Legal Parcel Description of Lands
- Schedule "B" – Site Plan/Landscape Plan for the Lands
- Schedule "C" – Elevations

## 2. Definitions

2.1 In this Development Agreement:

"Barrier Free Parking Stall" means the provisions set forth under Section 3.8.2.2 (4) and Section 3.8.2.2(5) under Schedule C within the Nova Scotia Building Code Regulations made under Section 4 of the Building Code Act.

"Building By-Law" means Chapter 65 of the By-Laws of the Town of Wolfville.

"Developer" means the owner(s) of the lands, their heirs, successors, assigns, and all subsequent owners of the lands.

"Development" means two main buildings on the lands with a total of eight units on the Lands.

"Development Officer" means the Development Officer appointed by the Town of Wolfville under the provisions of the *Municipal Government Act*.

"Engineer" means the Engineer appointed by the Town of Wolfville under the provisions of the *Municipal Government Act*.

"Effective date" means the date on which this Development Agreement is deemed to be entered into under the terms of this Development Agreement.

"Lands" means the real property in the Town of Wolfville owned by the Developer, PID 55274591, and as described in Schedule "A".

"Land Use By-Law" means the Land Use By-Law of the Town of Wolfville in force from time to time, adopted and amended by the Wolfville Town Council under the provisions of the *Municipal Government Act*. At the date of this Development Agreement, it is the Land Use By-Law adopted by Council on September 23, 2008, and recorded at the Kentville Land Registry Office on November 6, 2008, as Document Number 92078600.

“Local Commercial Use” means a convenience store, laundromat, farm market or small scale commercial use aimed at a local neighbourhood clientele.

“Municipal Planning Strategy” means the municipal planning strategy of the Town of Wolfville in force from time to time, adopted and amended by the Wolfville Town Council under the provisions of the *Municipal Government Act*. At the date of this Development Agreement, it is the Municipal Planning Strategy adopted by Council on September 23, 2008, and recorded at the Kentville Registry of Deeds Office on November 6, 2008, as Document Number 92078543.

“MGA” means the *Municipal Government Act*, S.N.S. 1998, c. 18, as amended.

“Planning Documents” means Land Use Bylaw, Municipal Planning Strategy, and Subdivision Bylaw.

- 2.2** Where terms (words or phrases) are not defined in this Development Agreement, definitions in the Town’s planning documents shall apply. Where terms are not defined in the planning documents, definitions in the MGA shall apply. Where terms are not defined in the aforementioned sources, their ordinary meaning shall apply.

### **3. Relevance of Planning Documents and Other Regulations**

- 3.1** This Development Agreement contains definitions and regulations for the Development. It complements the Town’s Planning Documents. Unless specified in this Development Agreement, requirements in the Town’s Planning Documents shall apply. Where there is a conflict between this Development Agreement and the Planning Documents, this Development Agreement shall prevail.
- 3.2** Regulations outside of this Development Agreement or the Town’s Planning Documents may be applicable to the Development. However, the terms of this Development Agreement shall not be materially changed in order to comply with such regulations without an amendment to this Development Agreement.

### **4. Background**

The developer has requested approval to 48 units, contained within five residential multi-unit buildings, accessory buildings, and amenities on the Lands.

### **5. Terms**

#### **5.1 Development Conditions**



### **5.1.1 Permits and Approvals**

- 5.1.1.2** This Development Agreement allows the Developer to obtain development permits, other permits, and permissions to allow uses permitted by this Agreement.
- 5.1.1.3** The Developer shall be responsible for obtaining all necessary permits and approvals required by law for the Development, including but not limited to development permits, building permits, and any approvals required from the Province of Nova Scotia.
- 5.1.1.4** Obligations or other requirements in this Development Agreement are those of the Developer, unless otherwise specified.

### **5.1.2 Land Use**

- 5.1.2.1** The following uses are permitted:
- (a)** Five multi-unit residential buildings containing no more than 48 dwelling units total;
  - (b)** Local commercial uses within ground-floor spaces that have direct exterior access;
  - (c)** Rearing and keeping of twenty laying hens, contained on the property, no less than 24 meters from property edges.
  - (d)** Any accessory buildings or uses permitted by the Land Use Bylaw.

### **5.1.3 Landscaping & Site Requirements**

- 5.1.3.1** The Development shall conform to the zone standards of the Land Use By-law, as established in Section 8.4 of the Municipal Planning Strategy except as otherwise established by this Agreement.
- 5.1.3.2** All Development shall occur on the Lands.
- 5.1.3.3** Development on the Lands shall be built generally in accordance with the Site Plan/Landscape Plan and Specifications of Schedule "B." Landscaping requirements as shown in Schedule "B" may be varied to accommodate minor

details, including but not limited to different plant varieties and the location of planting beds.

- 5.1.3.4 The Developer shall establish and maintain all non-hard surface areas on the Lands as landscaped areas.
- 5.1.3.5 Storm water runoff from the Lands shall not be directed onto adjacent properties unless permission is obtained from the adjacent property owner for the direction of such storm water runoff. A storm water drainage plan addressing storm water runoff as well as sediment controls during construction shall be submitted to and approved by the Town Engineer prior to the commencement of construction.
- 5.1.3.6 No parking shall be permitted on non-hard surfaced areas of the site.
- 5.1.3.7 The Development shall develop and maintain a total of 79 parking spaces, as shown on Schedule "B".
- 5.1.3.8 The Developer shall provide onsite lighting for all driveways and walkways on the Lands of number and design sufficient to provide for the reasonable safety and security of vehicles and pedestrians. All lighting fixtures shall be of a design as to prevent the unreasonable illumination of adjacent properties and full cut off fixtures shall be used for all outdoor lighting.

#### **5.1.4 Municipal Services**

- 5.1.4.1 The parties agree that municipal sanitary sewer and water services are available in the street on Gaspereau Avenue. All costs to connect the two new buildings (as shown on Schedule "B") to these services are the responsibility of the Developer.
- 5.1.4.2 The Town makes no warranties, guarantees or claims as to the adequacy of the Town's water supply to provide the recommended Fire Flow amounts for protection of the building from fire. The Developer shall satisfy itself that the available fire flows are satisfactory to meet its needs.

#### **5.1.5 Refuse Storage and Utility Equipment**

**5.1.5.1** Refuse, compost, recyclables, and other similar matters shall be stored within the building(s), or within accessory structures or containers pursuant to the requirements of the Land Use Bylaw, Valley Region Solid Waste-Resource Management By-Law, and other applicable regulations.

**5.1.5.2** Containers referenced in 5.1.5.1 shall be located so that they are visually screened.

**5.1.5.3** Utility equipment such as mechanical and electrical equipment shall be visually screened by fencing or landscaping.

#### **5.1.6 General Maintenance and Operation**

**5.1.6.1** Buildings, landscaping, and other related features shall be maintained in good condition, pursuant to the Town's Property Minimum Standards By-law.

#### **5.1.7 Architecture**

**5.1.7.1** The Developer shall build the new multi-unit residential buildings generally in accordance with roof lines, windows and front entry as illustrated in Schedule "C", Architectural Design.

#### **5.1.8 Timing**

**5.1.8.1** This Development Agreement shall be deemed to be entered into on the day the Agreement is registered in the registry as per section 228(3) of the MGA. All time requirements imposed in this Development Agreement shall be calculated from that date unless otherwise specified.

**5.1.8.2** Development enabled by this Agreement, for the Lands on PID 55274591, shall be completed within eight (8) years. Upon failure to meet this timing requirement, the Town may discharge this Development Agreement without the consent of the Developer or Tenant.

**5.1.8.3** Within 1 year of the issuance of the occupancy permit for the Development, all landscaping required by this Agreement shall be completed.

#### **5.1.9 Amendment**

**5.1.9.1** With the exception of matters which the Town and the Developer do not consider to be substantive, the amendment of any other matter in this

Development Agreement can only be made under the provisions of Section 230 of the MGA, including the holding of a Public Hearing.

**5.1.9.2** Following are matters in this Development Agreement which the Town and the Developer do not consider to be substantive:

**(a)** The requirements for completion imposed by section 5.1.8.2.

#### **5.1.10 Expenses**

**5.1.10.1** The Developer shall pay all costs and expenses incurred by the Town related to this Development Agreement.

#### **5.1.11 Liability**

**5.1.11.1** The Developer shall be liable for any damage caused to persons or public or private property by the Developer or any contractor or other individual doing work related to the Development. The Developer shall indemnify the Town and save it harmless from any claim, cause of action, or liability in any way relating to the Development. The Developer shall obtain and maintain in force throughout the course of construction on the Development, liability insurance coverage to insure the responsibilities which the Developer is assuming in this section.

#### **5.1.12 Default**

**5.1.12.1** If the Developer fails to comply strictly with any term of this Development Agreement or any legislation applicable to this Development Agreement, the Town may, after 30 days notice in writing to the Developer, enter the lands and perform any obligation with which the Developer has failed to comply strictly. All expenses arising out of the entry of the Lands and performance of the obligations may be recovered by the Town from the Developer by direct suit and shall form a charge upon the Lands. The Developer shall pay interest on any sum so expended by the Town at the same monthly rate charged by the

Town for tax arrears on the outstanding balance from time to time. Such interest costs shall be treated as an expense.

**5.1.12.2** If the Developer breaches any of the terms of this Development Agreement, the Town, at its sole option, may:

- (a)** Terminate this Development Agreement;
- (b)** Exercise its rights under paragraph 5.1.12.1 above; or,
- (c)** Take no action.

**5.1.12.3** Any election by the Town to take no action on a breach of this Development Agreement by the Developer shall not bar the Town from exercising its rights under this Development Agreement on any other breach.

**5.1.12.4** Any expenses incurred by the Town in exercising its rights under sections 5.1.11.1 and 5.1.11.2, or either of them, shall include, but are not limited to, costs and expenses incurred in returning the Lands to their original condition before work began on the Development and all solicitors' fees and disbursements incurred in terminating or discharging this Development Agreement. The costs and expenses shall be paid by the Developer to the Town as a debt and may be recovered by direct suit. Such expenses form a first lien on the Lands as provided by Section 507 of the Municipal Government Act. The Developer shall pay interest on the costs and expenses, outstanding from time to time, at the same monthly rate charged by the Town for municipal real property tax arrears. Such interest costs shall be treated as an expense.

### **5.1.13 Administration**

The Development Officer administers this Agreement. The Development Officer's decision is final and binding on all parties.

## **6. Warranties by the Developer**

### **6.1 Title and Authority**

**6.1.1** The Developer warrants as follows:

- (a) The Developer has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance, or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Developer has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Developer to sign this Development Agreement to validly bind the Lands.
- (b) The Developer has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

## 7. Full Agreement

### 7.1 Other Agreements

7.1.1 This Development Agreement constitutes the entire agreement and contract entered into by the Town and the Developer. No other agreement or representation, whether oral or written, shall be binding.

7.1.2 This Development Agreement shall not be a precedent for any other agreement either between the Town and the Developer or between the Town and any other party.

## 8. Notice

Any notice to be given under this Development Agreement shall be made in writing and either served personally or forwarded by courier or by registered mail, postage prepaid, if to the Town to:

Town of Wolfville  
359 Main Street  
Wolfville, Nova Scotia  
B4P 1A1  
Attention: Development Officer

and if to the Developer:

JOYCE JOHNSON

181 Herring Cove Road

Halifax, Nova Scotia, B3P 1K9

**9. Headings**

The headings used in this Development Agreement are for convenience only. If any of the headings are inconsistent with the provisions of the Development Agreement which it introduces, the provisions of the Development Agreement shall apply.

**10. Binding Effect**

This Development Agreement shall ensure to the benefit of and be binding upon the parties to this Development Agreement, their respective successors, administrators, and assigns.

**11. Execution**

In witness of this Development Agreement the parties have signed, sealed and delivered it to each other on the date set out at the top of the first page.

SIGNED, SEALED AND DELIVERED )  
In the presence of: )  
)  
) TOWN OF WOLFVILLE  
)  
)  
) By \_\_\_\_\_  
) MAYOR

\_\_\_\_\_  
Witness )  
)  
) By \_\_\_\_\_  
) TOWN CLERK  
)  
)

SIGNED, SEALED AND DELIVERED )  
In the presence of: ) By \_\_\_\_\_  
) JOYCE JOHNSON  
)  
)  
\_\_\_\_\_  
Witness )  
)  
)

CANADA

PROVINCE OF NOVA SCOTIA  
COUNTY OF KINGS

I certify that on \_\_\_\_\_, 2019, \_\_\_\_\_  
a witness to this agreement came before me, made oath, and swore that the **TOWN OF WOLFWILLE**, caused the same to be executed by its proper officers who affixed its Corporate Seal and subscribed their hands in its name and in its behalf in his/her presence.

\_\_\_\_\_  
A Commissioner of the Supreme Court of Nova Scotia

CANADA  
PROVINCE OF NOVA SCOTIA  
COUNTY OF KINGS

I certify that on \_\_\_\_\_, 2019, \_\_\_\_\_  
a witness to this agreement came before me, made oath, and swore that **Joyce Johnson** caused the same to be executed by its proper officers who affixed its Corporate Seal and subscribed their hands in its name and in its behalf in his/her presence.

\_\_\_\_\_  
A Commissioner of the Supreme Court of Nova Scotia



DRAFT

## Schedule "A" – Parcel Description

ALL that certain lot or parcel of land and premises situated in Wolfville aforesaid, and bounded and described as follows:

BOUNDED on the west by the highway leading from Wolfville to Gaspereaux, on the north by lands formerly of J.B. Davison, now of Mrs. Christine Lyman, on the east by lands formerly of Arthur Wallace and Samuel Moore, and on the south by lands formerly of E. Percy Brown, now of the estate of the late Ernest Eagles, containing ten acres more or less, the same being all the lands conveyed to Allen Trueman McConnell by Hendrick Vanzoost and Feikje Reitsma Vanzoost by Deed dated the 17th day of November A.D. 1913 and recorded in the Registry of Deeds Office for Kings County in Book No. 109, Page 452.

SAVING and excepting all that certain lands, situate, lying and being at or near the District of Wolfville, in the County of Kings, Province of Nova Scotia, a portion of which is more particularly bounded and described as follows:

BEGINNING at the point of intersection of the boundary between the lands of the Releasors and those now or formerly of Doris Reid with the Southeastern boundary of the existing old Gaspereau Avenue so-called and 33 feet perpendicularly distance from the centre line thereof;

THENCE in a Northeasterly direction following the several courses of the last mentioned old road boundary a distance of 98 feet, more or less, or until it meets the Northeastern boundary of Trunk Highway #101 so-called a controlled access highway section leading from Norton Bridge to Highland Avenue and 100 feet perpendicularly distant from the centre line of construction thereof;

THENCE in a Southeasterly direction parallel to the said centre line a distance of 625 feet, more or less, or until it meets the boundary between the lands of the Releasors and those now or formerly of Allison Rockwell;

THENCE in a Southwesterly direction following the alignment of the last mentioned boundary a distance of 160 feet, more or less, or until it meets the aforesaid boundary between the lands of the Releasors and those now or formerly of Doris Reid;

THENCE in a Northwesterly direction following the alignment of the last mentioned boundary a distance of 645 feet, more or less, to the point of beginning;

THE above described parcel of land is shown outlined in red on the annexed plan and contains 1.58 acres, more or less;

THE same being the lands expropriated by Her Majesty the Queen, in the right of Her Province of Nova Scotia, as confirmed by a Deed of Release executed by Elmer Kinnie and Blanche Kinnie on the 14th day of April, 1970.

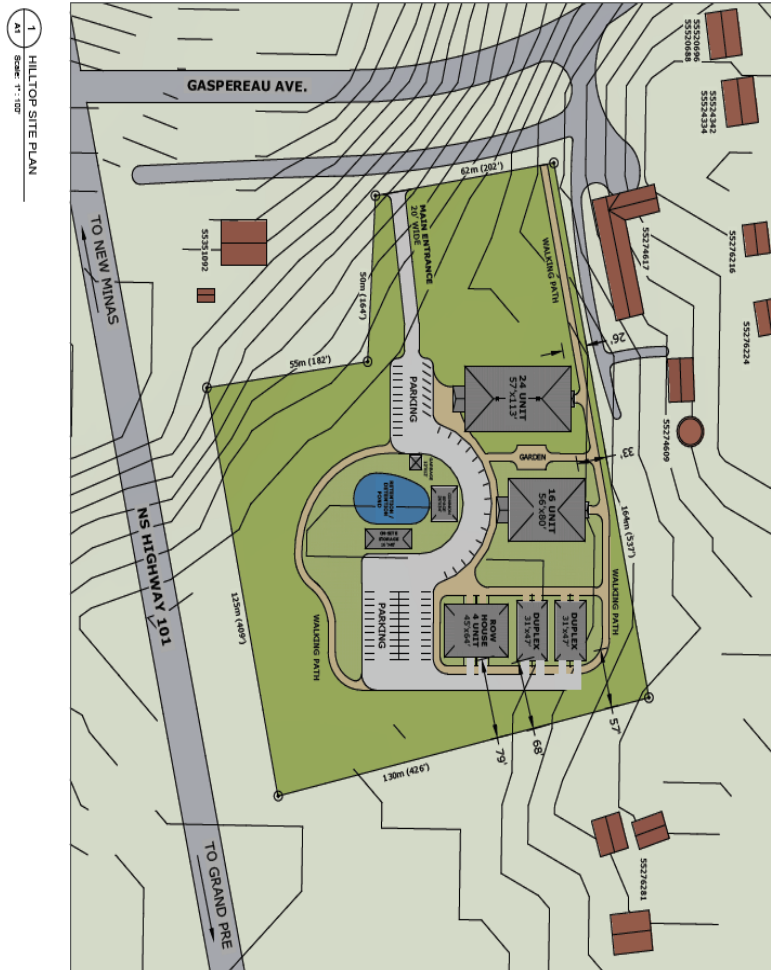
BEING AND INTENDED TO BE the same lands conveyed by Elmer B. Kinnie, Grantor and Blanche Lillian Kinnie to Elmer B. Kinnie and Blanche Lillian Kinnie, as Joint Tenants, by Deed dated the 22nd day of March, 1988 and recorded in the Kings County Registry Office in Book 731 at Page 334.

EXCEPTING THEREOUT AND THEREFROM Lot K.W.-1 as depicted on Plan of Subdivision of lands of the heirs of Blanche Lillian Kinnie prepared by Cyr Surveys, Plan No. S-2-95074, dated July 31st, 1995, and filed in the Registry of Deeds at Kentville, as P-10023, Lot K.W.-1 having been sold to Donald Mark Grover Webster and Janet Ruth Webster by deed dated 10 August, 1995.

**CERTIFICATE OF REGISTRAR**



**Schedule "B" Site and Landscaping Plan**



PID 55274591  
 4.4 ACRES



<b>A</b>	DRAWN BY Philo Dennis, P. Eng.	PROJECT NO. 2018-004	DATE 2018.12.03	CLIENT Travis Mills 1273 Ridge Rd. Wolfville NS	
	DESCRIPTION SITE PLAN	PROJECT Hilltop	REVISION REV -		

**REQUEST FOR DECISION #082-2018**

PID 55274591 Gaspereau Avenue - Travis Mills

Date: 2019-01-08

Department: Community Development



**HILLTOP**  
**LANDSCAPE CONCEPT PLAN**  
 JOY ELLIOTT, LANDSCAPE ARCHITECTURAL DESIGN • NOV 2018



**Schedule "C" – Elevations**

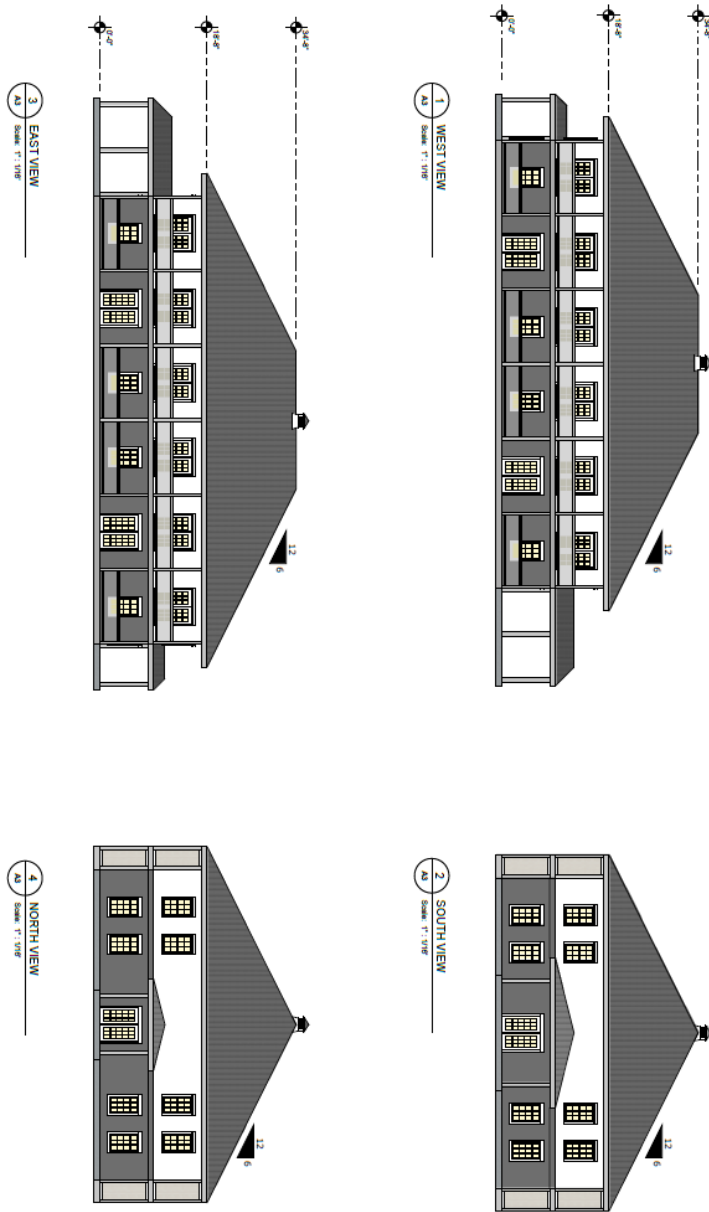
Elevations of 24 unit building



<b>2</b> <b>A</b>	DRAWN BY Philip Dennis, P. Eng. PROJECT 24 UNIT ELEVATIONS	PROJECT NO. 2018-004 PROJECT HILLOP	DATE 2018.12.03 REVISION REV -	CLIENT Travis Mills 1273 Ridge Rd. Wolfville NS		



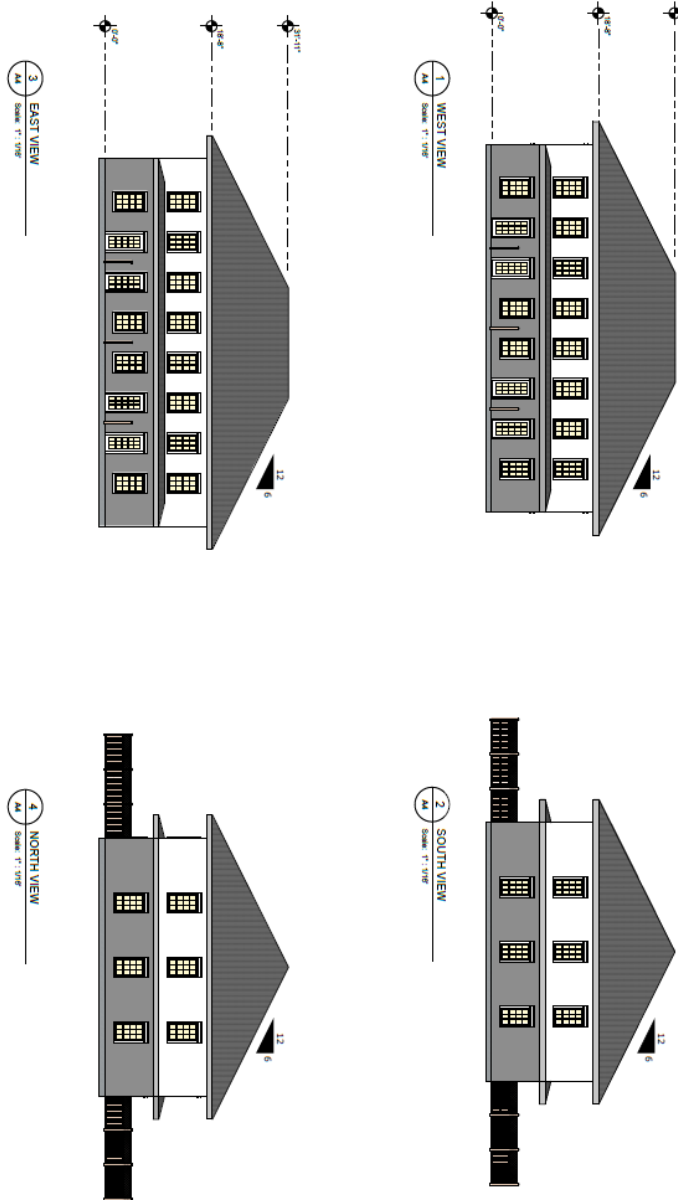
Elevations of 16 unit building



<p>3</p> <p><b>A</b></p>	<p>DRAWN BY Philip Dennis, P. Eng.</p> <p>PROJECT NO. 2018-004</p> <p>PROJECT Hilltop</p>	<p>DATE 2018.12.03</p> <p>REVISION HATCHES REV -</p>	<p>CLIENT Travis Mills 1273 Bridge Rd. Wolfville NS</p>		
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Elevations of 4 unit townhouses

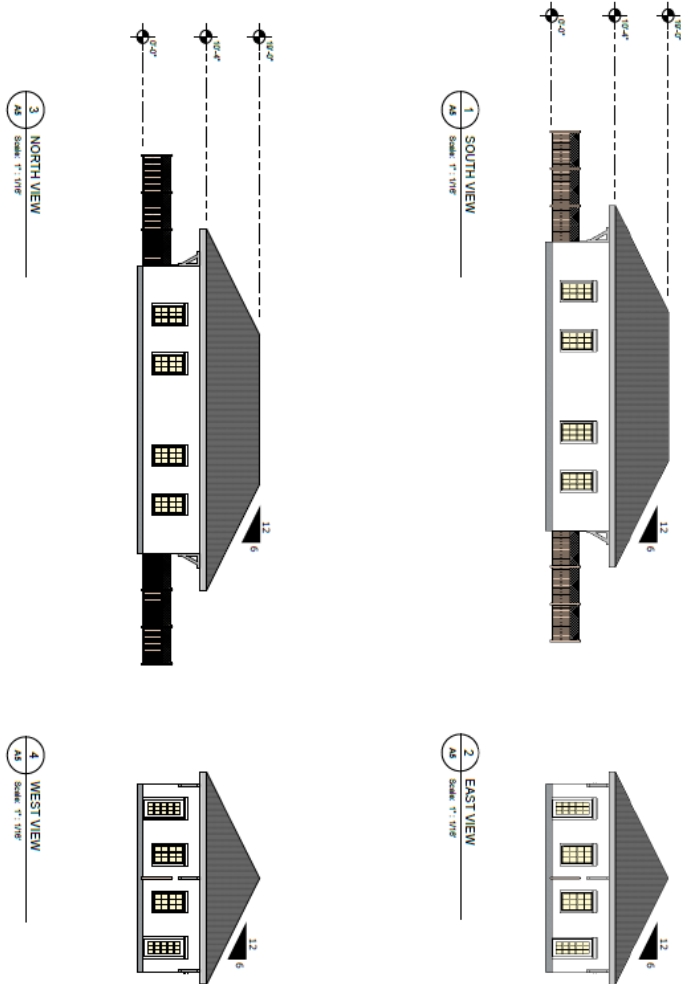


4 <b>A</b>	DRAWN BY Philip Dennis, P. Eng. ARCHITECT ROW HOUSE ELEVATIONS	PROJECT NO. 2018-004 PROJECT Hilltop	DATE 2018.12.03 DRAWING REV -	CLIENT Travis Mills 1273 Ridge Rd. Wolfville NS		





Elevations of 2 unit buildings



<b>5</b> <b>A</b>	DRAWN BY: Philip Dennis, P. Eng. OCCURRENCE: DUPLEX ELEVATIONS	PROJECT NO: 2018-004 PROJECT: Hilltop	DATE: 2018.12.03 REVISION: REV -	CLIENT: Travis Mills 1273 Ridge Rd. Wolfville NS		



## REQUEST FOR DECISION 077-2018

Title: Hospitality Policy  
Date: 2018-12-04 - **UPDATED For January 8, 2019**  
Department: Finance

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## SUMMARY

### Hospitality Policy

Due to issues in the past in other areas of the province with regard to questionable spending by elected officials and senior management, the provincial government initiated steps to amend the Municipal Government Act (MGA) to enhance accountability and transparency around expense reimbursements. In the fall of 2017 Bill No. 10 was introduced with MGA Section 65A including new requirements around Expense Reimbursement policies, and adding a requirement to have a Hospitality policy.

The Town of Wolfville's existing Travel, Meal, and Miscellaneous Allowance Policy (120-008) already met the key requirements of the changes to the MGA, most notably stipulating that alcohol was not eligible for reimbursement.

The requirement for a Hospitality Policy was new to municipal units in the province, meaning councils would now be reviewing and adopting a policy framework they likely did not have in the past. This RFD brings forward information for Council to consider in adopting this new policy area.

**January 8, 2019 will be Council's second review of the draft policy.**

### DRAFT MOTION:

~~None provided for the December Committee of the Whole (COW) Meeting. The intent is to review the draft Policy with Council, obtain feedback and bring a revised, final draft version to January COW for final review. This would allow the Policy to be approved at the regular January Council meeting.~~

**That Council approve the attached draft Hospitality Policy 120-016, with an effective date of January 1, 2019.**

## REQUEST FOR DECISION 077-2018

Title: Hospitality Policy  
Date: 2018-12-04 - **UPDATED For January 8, 2019**  
Department: Finance

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### 1) CAO COMMENTS

~~No comments required at this time.~~ **The CAO supports the recommendations of staff. The draft policy is consistent with provincial best practices and will allow the Town to be compliant with provincial regulations.**

### 2) LEGISLATIVE AUTHORITY

- Municipal Government Act (MGA) s. 65A
- Provincial Financial Reporting and Accounting Manual (FRAM) for municipalities

### 3) STAFF RECOMMENDATION

**Staff recommend adoption of the Policy as presented in the draft attached to this RFD. The draft, as presented, is based on the Association of Municipal Administrators model policy with changes incorporated to**

~~No specific recommendation for the December meeting. Will be noted for January COW after getting feedback and direction from Council at December 4 COW.~~

### 4) REFERENCES AND ATTACHMENTS

- Travel, Meal, and Miscellaneous Allowance Policy #120-008
- Draft Hospitality Policy 120-016 – attached – **with revisions noted from December 4<sup>th</sup> version**

### 5) DISCUSSION

**Council reviewed the first draft version of the Policy on December 4<sup>th</sup>, with general acceptance of the layout and terms included.**

**One area of discussion involved clause 5.3, expenditures on gifts. Wording has been added to reflect the December 4<sup>th</sup> discussion, effectively noting the dollar amount to be spent on gifts (if applicable) must be “reasonable and appropriate” for the specific circumstances.**

As noted in the Summary on page 1, the province has amended the MGA to add specific requirements for municipalities to follow with regard Expense Reimbursements and a new Hospitality Policy to adopt.

The Town’s Policy 120-008 already meets key requirements of the new legislation for routine expense reimbursements. Although it does not yet have references to new Review and Reporting requirements, these can be brought back at a later date.

## REQUEST FOR DECISION 077-2018

Title: Hospitality Policy  
Date: 2018-12-04 - **UPDATED For January 8, 2019**  
Department: Finance

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This RFD is focused on opening the discussion around a new Hospitality Policy. The draft presented is meant to be an initial draft to allow Council to consider the nature of this new legislated requirement. The expectation is through discussion on December 4<sup>th</sup>, direction will be given to staff to refine/amend the document and a final draft will be brought back to January COW. The attached document is meant to generate discussion with Council, and staff will review possible points of interest and/or decision during the presentation at the December 4<sup>th</sup> meeting. Items to point out now include:

- The Association of Municipal Administrators (AMANS) Model Policy was utilized as a starting point for the Town's document. Most of the requirements are drawn from the AMANS source, adapted to the Town's policy template layout.
- Key difference from an Expense Reimbursement Policy is the provision for purchase of alcohol.
- Recognizing the need for a higher level of oversight, partially related to the potential for alcohol expenses, the model policy includes sign off by two individuals before reimbursement is considered.
- A clause covering criteria for purchasing gifts is included.
- Formal recognition of provincial Reporting and Review requirements are included. This may be redundant as the legislation and FRAM would echo the same information. Inclusion helps with transparency to the public, so their inclusion is recommended.
  - Timelines for reporting and review requirements are shorter in the draft Town document compared to the AMANS model Policy. Staff feel the number of days allowed in the model policy are not needed, and that timely reporting the information is enhanced by shortening the window of time allowed.
  - Where applicable, timelines have been selected to mirror the timeline u=typical of the annual external financial audit.
- Selection of Effective Date – current suggestion is to make it April 1, 2019 which is the start of the next fiscal year.

## 6) FINANCIAL IMPLICATIONS

None at this time. Once Policy is adopted, there may be additional budget requirements to provide funding for previously disallowed spending.

## 7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Adoption of the Policy is a legislated requirement, however it's purpose is consistent with the Town's Strategic Principles of Affordability and Transparency.

## 8) COMMUNICATION REQUIREMENTS

**REQUEST FOR DECISION 077-2018**

Title: Hospitality Policy

Date: 2018-12-04 - **UPDATED For January 8, 2019**

Department: Finance

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None at this time. More information to be provided with revised report to come back to January COW.

**9) ALTERNATIVES**

No alternatives exist with regard adoption of policy. Specific clauses within the Policy are open to some alteration, as long as the provincial mandate is met.



## POLICY

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<b>Hospitality Policy</b>	
<b>Policy Number:</b> ###-###	<b>Supersedes Policy Number:</b> Not Applicable or Policy No.
<b>Effective Date:</b> 2019-04-01	<b>Approved by Council Motion Number:</b> ##-##-##

### 1.0 Purpose

It is the policy of the Town of Wolfville to recognize that hospitality-related activities are, at times, necessary and legitimate expenses supporting the effective conduct of government business and for reasons of diplomacy, protocol, business development or promotional advocacy.

The offering of hospitality will be done in such a manner so as to reflect the prudent stewardship of public funds. This policy safeguards the appropriate use of public funds through the establishment of uniform standards and procedures with the goal to:

- 1.1 Provide direction and guidance with respect to the appropriate expensing of necessary hospitality expenses that support the **Town's** objectives.
- 1.2 Ensure hospitality is offered in an accountable, economical and consistent manner in the facilitation of government business and/or for reasons of diplomacy, protocol, business development or promotional advocacy.
- 1.3 Ensure taxpayers' dollars are used prudently and responsibly with a focus on accountability and transparency

### 2.0 Scope

This Policy is applicable to Town Council elected officials, CAO, and employees seeking reimbursement for hospitality expenses.

### 3.0 References

- 3.1 Nova Scotia Municipal Government Act (MGA) Section 65A



## POLICY

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### 4.0 Definitions

- 4.1 **Policy** means a course or principle of action adopted or proposed by a government, party, business or individual.
- 4.2 **Hospitality and Hospitality Event** is a reception, ceremony, conference, or other event that involves hosting individuals from outside the **Town of Wolfville**. Hospitality may be offered under the following circumstances in accordance with this policy:
- (a) Hosting out of foreign dignitaries;
  - (b) Engaging in official public matters with representatives from other governments, business, industry or labour leaders, or other community leaders;
  - (c) Sponsoring or hosting conferences;
  - (d) Hosting ceremonies / recognition events; and
  - (e) Other official functions, as approved by the CAO.
- 4.3 **Routine Town of Wolfville Business** is any legitimate conduct of business covered under Town Policy 120-008 and NOT eligible under this Policy 120-016 as Hospitality or Hospitality Event, i.e. if an expense is not eligible under clause 4.2 above, then it will be administered by reference to Policy 120-008.
- 4.4 **Signing Authority**, for the purposes of this Policy, are the individuals responsible for the administration of this Policy and approving reimbursement claims prior to submission to the Accounts Payable process.
- 4.5 **Town** includes any expenses by the Wolfville Volunteer Fire Department which are to be paid by the Town of Wolfville. Not included are activities/expenses of the Wolfville Volunteer Fire Department which are paid through the Volunteer organizations bank account.

### 5.0 Policy

- 5.1 Subject to this policy, all hospitality events require prior authorization.
- a. Requests for prior authorization should be in writing and include:
    - i. Rationale/purpose of the event;
    - ii. Estimated number of attendees and their business affiliations;
    - iii. If alcohol is to be provided at the event, the reasons that the provision of alcohol is appropriate and warranted in the circumstances;
    - iv. Estimated cost anticipated.



## POLICY

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- b. Requests shall be reviewed by the CAO (or designate), who shall consider the value and benefit of the proposed event in relation to the estimated costs in deciding whether to approve the expenditure(s) under this Policy.
- c. In instances where ~~prior~~ approval has not been obtained prior to hospitality expenditures, then information required under 5.1.a must be submitted to the CAO along with documented reasons why prior approval was not possible.

5.2 **Reimbursement for alcoholic beverages may be considered under this Policy.** While the standard for hospitality is the provision of non-alcoholic beverages, the provision of alcohol in the context of hospitality for reasons of diplomacy, protocol, business development or promotional advocacy is deemed an acceptable expense in limited circumstances. Any request for approval to serve alcohol at a hospitality event must have prior approval by ~~either~~ the CAO (or designate).

- a. Town employees and members of Council are expected to act responsibly in the use of public funds and in the care and well-being of themselves, other employees and their respective guests with respect to the serving of alcohol.
- b. Town employees and members of Council will demonstrate good judgment in the reasonableness of the quantity and expense of alcoholic beverages offered to guests.
- c. If alcohol is provided at a hospitality event, food must be served

5.3 For reasons of diplomacy, protocol, business development or promotional advocacy, the giving of token gifts to individuals outside of government (~~value not to exceed [\$40.00]~~) is sometimes appropriate. Any giving of gifts requires prior approval by ~~either~~ the CAO (or designate). No specific dollar limit is set by this Policy. The maximum to be spent on a gift shall be reasonable and appropriate under the circumstances of the specific hosting event.

5.4 Claims for reimbursement of hospitality expenses must be submitted on the form provided by the Town and shall be signed by the Claimant

- a. Receipts are required for reimbursement of all hospitality expenses.
- b. A copy of the signed prior authorization for the hospitality event for which the expense was incurred shall be submitted with claim; and
- c. The names and positions of the guests at the hospitality event shall be submitted



## POLICY

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- 5.5 No hospitality expense claim shall be paid unless the claim is first approved for payment by two Signing Authorities. Hospitality expense reports must be submitted and approved as follows:
- a. Staff hospitality expense reports must be approved by their respective Department Head and CAO
  - b. Chief Administrative Officer (CAO) hospitality expense report must be approved by the Mayor and Chair of Audit Committee
  - c. Expense reports for the Mayor will be approved by the CAO and Chair of Audit Committee.
  - d. Council expense reports will be approved by the CAO and Mayor.
- 5.6 **Reporting Requirements** will be in accordance with MGA s. 65A and include the following:
- a. Within 45 days of the end of each fiscal quarter, prepare and post a hospitality expense report on the Town's website that describes all of the hospitality expenses incurred, including purchases of alcohol, during the quarter;
  - b. By July 31 of each year, prepare and post a hospitality expense report on the Town's website that describes all of the hospitality expenses incurred, including purchases of alcohol, during the previous fiscal year.
  - c. Annually submit all required documentation to the Minister of Municipal Affairs in accordance with requirements set out in the Financial Reporting and Accounting Manual.





## POLICY

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- 5.7 **Review Requirements** will include the following:
- a. By July 31<sup>st</sup> of each year, the Audit Committee shall review the annual hospitality summary report.
  - b. By the January 31<sup>st</sup> immediately following a regular election held under the *Municipal Elections Act*, Council shall review this policy and, following a motion by Council, either re-adopt the policy or amend the policy and adopt the policy as amended.

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CAO or Town Clerk

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Date

DRAFT

**REQUEST FOR DECISION 001-2019**

Title: Travel, Meal, and Miscellaneous Allowance Policy

Date: 2019-01-08

Department: Finance

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## SUMMARY

### Policy 120-008 - Travel, Meal, and Miscellaneous Allowance Policy

The Town's expense reimbursement policy (Travel, Meal, and Miscellaneous Allowance Policy) was last amended in 2012. Key aspects of the Policy have been the requirement for detailed receipts, use of provincial mileage rate for use of personal vehicles, and the inclusion of an allowance for councillor (and town committee members) to assist with child care expenses.

Since 2012, the provincial government has introduced new legislation to tighten controls around how municipalities manage travel expense reimbursements. The 2017 legislated changes were in response to irregular spending practices in other parts of the province. Key aspects of the new provincial requirements involve making alcoholic beverages ineligible for reimbursement, website posting of council/CAO expense reimbursement summaries, and specific requirements for the annual audit of expenses.

The Town of Wolfville already stipulates that alcohol expenses are ineligible for reimbursement, and the town's requirement for detailed receipts already ensures a higher level of accountability. However, some amendments to the Policy are needed to build in the new reporting and audit requirements (similar to the new Hospitality Policy).

#### **DRAFT MOTION:**

That Council approve the amended Policy 120-008, attached, and the changes be effective January 1, 2019.

## REQUEST FOR DECISION 001-2019

Title: Travel, Meal, and Miscellaneous Allowance Policy

Date: 2019-01-08

Department: Finance

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### 1) CAO COMMENTS

The CAO supports the recommendations of staff. These changes will ensure that the Town complies with the provincial legislation and will improve transparency and accountability to the public.

### 2) LEGISLATIVE AUTHORITY

Municipal Government Act (MGA)

### 3) STAFF RECOMMENDATION

That Council approve the amended Policy and it apply to any expenses incurred from January 1<sup>st</sup>, 2019 forward.

### 4) REFERENCES AND ATTACHMENTS

1. Town Policy 120-008 with draft revisions (attached)

### 5) DISCUSSION

The Town's expense reimbursement policy (Travel, Meal, and Miscellaneous Allowance Policy 120-008) has been in place since 2012 and has helped ensure the Town's expense reimbursements are done so in an accountable manner (receipts required) and limiting reimbursement to "reasonable and appropriate" expenditures (including a clause that explicitly notes alcohol is NOT eligible for reimbursement).

Subsequent to the Town's adoption of the 2012 Policy, the provincial government carried out a review of internal controls that could improve how municipalities manage expense reimbursements. The focus was on elected officials and senior administrators and stemmed from irregular expenses reimbursed in a couple of areas of the province. One of the key aspects of the new 2017 legislation was the exclusion of alcohol as a reimbursable expense. It should be noted that the Town of Wolfville already had that exclusion as part of the 2012 Policy.

In addition to the legislated requirements, there have been a couple of issues encountered over the last 7 years in the Town's application of Policy 120-008. The three most common issues/discussions have been around:

- Receipts based meal reimbursement versus per diems
- No allowance for incidentals via a per diem
- Extension of child care expenses to include councilors attending conferences

Other than the three noted areas above, the Town's existing policy has functioned well in ensuring adequate controls and accountability in the use of public funds, in an area that other jurisdictions have encountered difficulties in keeping the public trust. The focus on "reasonable and appropriate"

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## REQUEST FOR DECISION 001-2019

Title: Travel, Meal, and Miscellaneous Allowance Policy

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expenses has ensured staff and council consider not only the dollar amount being incurred, but also the nature of the expense. The Director of Finance and CAO have disallowed smaller dollar amounts over the past years simply because the nature of the expense was not reasonable and appropriate. Although this can be a difficult position to be in, i.e. declining to approve selected expenses, it is not an unreasonable responsibility to carry out.

Regarding the 3 issues identified on page 2, the following comments are offered:

- **Receipts based versus per diems**

- Many municipalities use per diem meal allowances rather than require receipts.
- Per diems are “easy” as a predetermined dollar amount is permitted, which requires no judgement as to appropriateness.
- Per diems do however still require staff to verify whether a meal has been provided at the function someone is attending. For example, most conferences provide a number of meals during the course of the multi-day event. An appropriate internal control with per diems is to verify how many meals were not provided to ensure participant only receives a per diem for meals purchased.
- The Town’s longstanding exclusion of alcohol expenses, works better under a receipts based system than per diems. With per diems there is nothing to prevent a person from receiving \$60-\$70 per day to cover 3 meals and using a portion of those funds for alcohol.
- Receipts provide a clear record of what was spent and how tax payer money is being spent.
- Receipts, using a “reasonable and appropriate” requirement does put the onus on those approving the expenses to use judgement as to whether the dollars spent should be fully reimbursed. The CAO and Director of Finance have to date, with the support of the Mayor’s review of council expenses, shown a desire to ensure amounts are both reasonable and appropriate. It is not unusual to adjust amounts submitted to a lower dollar amount or disallow altogether.

- **No Allowance for incidentals**

- Many policies include an allowance for incidentals, expressed in terms of a per diem (\$17 to \$18 per day is common). This specific per diem would apply to every day one is out of Town on business.
- Similar to meal per diems, there is no requirement to have actually spent any money to receive this daily allowance.
- The Town Policy does not provide an allowance for incidentals.
- The Town Policy does allow, as previously noted, reimbursement for “reasonable and appropriate” items. In theory this would allow reimbursement for something that might

## REQUEST FOR DECISION 001-2019

Title: Travel, Meal, and Miscellaneous Allowance Policy

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otherwise be covered under incidentals. In practice, there are rarely any expense claims for items that might otherwise be considered an incidental.

- Staff have had no issues processing claims with respect to this type of item. It is highlighted in this report, as there have been requests to add a per diem incidental allowance to the Policy. Staff do not recommend this request be considered.

- **Extension of child care expenses to include conference attendance**

- An often forgotten and rarely noted clause in the Town's current Policy is the provision to cover child care expenses for councillors (and committee members) while they attend town meetings. This clause was added in 2012 and Wolfville may have been one of the 1<sup>st</sup> municipal policies in the province to have such a provision.
- The Policy provision (clause 5.3) currently does not cover costs associated with attendance at conferences. The Policy wording is noted as "per approved meeting" which did not include conferences when the Policy was adopted in 2012.
- There have been a few times since 2012 that the question has arisen as to whether conference attendance should become part of the allowable rationale for the expense reimbursement.
- The amount currently noted in the Policy is a maximum reimbursement of \$30, and it excludes use of family members providing the child care service. **IF** council wishes to extend coverage to include conferences, it would be reasonable to set a higher maximum for those occasions, for example \$70/day.
- Kings County, for example, added child care (called Family Care) to their Policy in fall 2018 and the coverage is more broad; it is noted as coverage incurred for council duties, which includes conferences.
- Staff believe there is one aspect of the child care reimbursement that has not been discussed here or in other jurisdictions, and that relates to single parent versus dual parent households. Staff see these as requiring different potential dollar reimbursements.
  - In circumstances where there are two parents in the household, then it is not unreasonable to expect the other parent to potentially be available to assist with child care. In those circumstances where both parents are unavailable (for example both out of town on business), then the maximum daily allowance paid by the Town should be half of the \$70 maximum. The rationale is the employer of the non-councilor parent should be equally responsible for child care as the taxpayer is for the member of council.
- Extension of child care to cover conferences would not be expected to be difficult to manage as there have been limited circumstances over the last 7 years where any amount has been reimbursed by the Town under the existing provision.

## REQUEST FOR DECISION 001-2019

Title: Travel, Meal, and Miscellaneous Allowance Policy

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No changes for the above three items have been made to the draft policy revisions. Staff recommend continuation of the receipts based approach and not adding an incidental per diem. With regard to child care reimbursement, if it is Council's desire to expand the provision to include conferences, then it would be relatively straight forward to add that wording prior to the draft policy going to Council for final approval.

Two clauses have been added to the draft policy, and they relate to the new legislated requirements for reporting and review. These clauses are the same as noted in the new draft Hospitality Policy and staff's proposed wording for Wolfville includes tighter timelines than required by the province.

The only other change incorporated in the draft document is under clause 5.4 covering approvals. Added reference to the CAO and Director of Finance have been included. The rationale for this suggested change is to improve consistency with how all other Town expenditures are approved and processed, recognizing that it is staff responsibility (specifically senior staff) to review/approve all expenditures. Travel expense reimbursements are not unusual transactions and therefore fall within the routine transaction approvals. Having the CAO and Director of Finance sign off helps ensure consistency in applying the Policy direction from Council.

## 6) FINANCIAL IMPLICATIONS

No material impact expected on Town finances. The Town already has a successful process by which level of expenses have remained reasonable.

## 7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

This Policy deals specifically with transparency and accountability, which are ongoing commitments by Council to the public.

## 8) COMMUNICATION REQUIREMENTS

None required.

## 9) ALTERNATIVES

Generally speaking, alternatives would include:

- Change to per diems. This would require development of dollar maximums.
- Expand child care to include conference attendance by members of Council.



## POLICY

<b>TRAVEL, MEAL, AND MISCELLANEOUS ALLOWANCE POLICY</b>	
<b>Policy Number:</b> 120-008	<b>Supersedes Policy Number:</b> Human Resource Policy 6-20
<b>Effective Date:</b> 2012-09-17	<b>Approval By Council Motion Number:</b> 07-09-12

### 1.0 Purpose

It is the policy of the Town of Wolfville to reimburse elected officials, employees, or designated representatives of the Town for travel, meal and other expenses associated with travel when on approved town business. Reimbursement shall be for all reasonable and appropriate expenses.

### 2.0 Scope

This Policy is applicable to Town Council elected officials and Town of Wolfville employees seeking reimbursement for travel, meal and other expenses.

### 3.0 References

- 3.1 [Nova Scotia Municipal Government Act](#) (MGA)

### 4.0 Definitions

- 4.1 **Town of Wolfville Business:** Any legitimate conduct of business for the purposes of the governance and administration of the Town which includes, but is not limited to:
- a. a function, meeting, seminar, or conference associated with any Provincial or Federal Government department or agency,
  - b. a function sponsored by a training or educational institution,
  - c. a function sponsored by the Union of Nova Scotia Municipalities, Towns' Caucus, Federation of Canadian Municipalities, Association of Municipal Administrators, Canadian Association of Municipal Administrators, Recreation Association of Nova Scotia, Tourism Industry Association, a regional development authority or professional association,
  - d. meetings with representatives of other municipal units,
  - e. trips to and from locations outside the Town of Wolfville for securing supplies or services for work-related purposes, or consulting with other groups or individuals,



## POLICY

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- f. travel by recreation and tourism staff relating to Town of Wolfville produced recreation and tourism programming.

4.2 **Travel Expense:** Includes but is not limited to accommodations, air fare, rail or ferry transport, mileage (kilometers driven), meals, gratuities, taxi, parking, bridge tolls, and work-related phone calls and faxes. Items excluded are vehicle fuels and vehicle operating costs including repairs to personal vehicles.

### 5.0 Policy

5.1 Receipts are required for reimbursement of all travel expenses unless otherwise stated below.

5.2 Mileage will be reimbursed at the rate used by the Provincial government for its travel reimbursement process (receipts not applicable).

5.3 Councillor and Town committee members can be reimbursed for Child care expenses to a maximum of \$30 per approved meeting. In lieu of receipts, the name and address of the individual providing the child care service must be provided. Reimbursement is limited to non-family members.

5.4 Expense reports must be submitted and approved as follows:

- a. Staff expense reports must be approved by their respective Department Head.
- b. Chief Administrative Officer (CAO) expenses must be approved by the Mayor and Director of Finance or Deputy Mayor.
- c. Expense reports for the Mayor will be approved by the CAO and Director of Finance Deputy Mayor.
- d. Council expense reports will be approved by the CAO and Director of Finance Mayor.

5.5 Alcoholic beverages are not eligible for reimbursement.

**5.6 Reporting Requirements** will be in accordance with MGA s. 65A and include the following:

- a. Within 45 days of the end of each fiscal quarter, prepare and post a summary expense report on the Town's website that describes all expense reimbursements incurred during the quarter;
- b. By July 31 of each year, prepare and post a summary expense report on the Town's website that describes all expense reimbursements incurred during the quarter;





## POLICY

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c. Annually submit all required documentation to the Minister of Municipal Affairs in accordance with requirements set out in the Financial Reporting and Accounting Manual.

**5.7 Review Requirements** will include the following:

a. By July 31<sup>st</sup> of each year, the Audit Committee shall review the annual expense reimbursement summary report.

b. By the January 31<sup>st</sup> immediately following a regular election held under the *Municipal Elections Act*, Council shall review this policy and, following a motion by Council, either re-adopt the policy or amend the policy and adopt the policy as amended.

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CAO

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Date

DRAFT



## SUMMARY

### Climate & Energy Planning Staff

Planning and Development has been working over the current fiscal year at obtaining grant funding to enable the Town to consider augmenting its focus on environmental initiatives/projects. This work was carried out in accordance with the Town's Operations Plan, and its timing coincides with Council's recent reaffirmation of the need to be a more active participant in climate change action.

Through Staff's efforts funding sources have been secured towards a term staff position and a series of community-focused climate and energy projects collectively referred to as "Wolfville Inspire". The proposed initiatives will require the Town to commit to expenditures over the next two budget years, which will be built into the upcoming draft 2019/20 budget document. In order to meet the timelines of the FCM grant program and have the term staff person on board before April 1<sup>st</sup>, staff require Council's approval to proceed with the terms of the grant agreement.

This staff person and project contribute to the Town of Wolfville's further participation in the Partners for Climate Protection (PCP) program. Anticipated deliverables from this work include an updated inventory of GHG emissions (Milestone 1 of PCP program, see graphic right), greenhouse gas reduction targets (Milestone 2), a local action plan (Milestone 3) as well as the implementing and monitoring actions taken (Milestone 4 & 5).

#### Five-Milestone Framework



1. Establish a baseline GHG inventory and forecast



2. Set GHG reduction targets



3. Develop a local action plan



4. Implement the plan or set of activities



5. Monitor progress and report results

#### Draft Motions

- 1) *That Council approve the addition of a two year term Energy Coordinator staff position, at a maximum 2 year total of \$130,000 covering salary and benefits (\$65,000 annually), to be funded by way of FCM grant funding in the amount of \$92,800 and Town funding of \$37,200 over two years.*
- 2) *That Council approve spending to support "Wolfville Inspire" in the amount of \$60,000, to be funded by way of external grant funding secured by the Planning Department.*



## 1) CAO COMMENTS

The CAO supports the recommendations of staff. The proposed staff person and “Wolfville Inspire” initiative both serve to help deliver on Council’s Strategic Priorities.

## 2) LEGISLATIVE AUTHORITY

The Municipal Government Act Section 47 enables Council to make decisions in the exercise of its powers on behalf of the Municipality, which includes directing staff.

## 3) STAFF RECOMMENDATION

Refer to the draft motion.

## 4) REFERENCES AND ATTACHMENTS

1. Community Energy Investment Plan: The Way Forward, Town of Bridgewater ([link](#))
2. Economic Development Through Transformative Community Energy Planning: A Toolkit for Municipalities everywhere, Town of Bridgewater ([link](#))
3. Partners For Climate Protection, Federation of Canadian Municipalities ([link](#))

## 5) DISCUSSION

Planning and Development has been working over the current fiscal year at obtaining grant funding to enable the Town to consider augmenting it’s focus on environmental initiatives/projects. This work was carried out in accordance with the Town’s Operations Plan, and its timing coincides with Council’s recent reaffirmation of the need to be a more active participant in acting on climate change.

Through Staff’s efforts funding sources have been secured towards a term staff position (focused on climate mitigation) and a series of community-focused climate and energy projects collectively referred to as “Wolfville Inspire”. The proposed initiatives will require the Town to commit to expenditures over the next two budget years, which will be built into the upcoming draft 2019/20 budget document.

**Climate Change** – Change in the state of the climate that can be identified by changes in the mean or variability of its properties and that persists for an extended period – typically decades or longer.

**Adaptation** – The process of adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities

**Mitigation** – Efforts to stop, reduce or prevent the emission of greenhouse gases. Mitigation can mean using new technologies and renewable energies, making older equipment more energy efficient, or changing management practices or consumer behavior.

A more detailed workplan will be developed in the lead up to hiring the Climate Change and Energy Coordinator position, if approved.

## **Background**

The 2018-2022 Operational Plan included initiating community energy planning. It states:

*“Community Energy Planning*

*We will work toward the creation of a Community Energy Plan for the Town of Wolfville. The intention of the Community Energy Plan is to help define community priorities around energy with a goal of improving efficiency, cutting emissions, enhancing community resilience, managing future risks and driving economic development. This plan will complement the work being done on the Municipal Planning Strategy. This will be a multi-year initiative.”*

As part of that process, Director Lake and Planner Banks seek opportunities for learning, peer-support, and financial opportunities to support a Community Energy Planning Process in collaboration with the Environmental Sustainability Committee.

That work has led to collaborating with Samantha Peverill from Quality Urban Energy Systems of Tomorrow (QUEST) towards resuming the Town of Wolfville’s work with the Federation of Canadian Municipalities (FCM) Partners for Climate Protection (PCP) program.

As part of the approach to the PCP program, the Town of Wolfville has applied for and obtained funding for an energy staff person, for 24 months, to move forward with the PCP program with activities that include:

- Updated Inventory of Greenhouse Gas emissions within the Town of Wolfville (Milestone 1 of PCP)
- Greenhouse Gas Reduction Target Setting (Milestone 2 of PCP)
  - Engaging the public on energy education and goal setting
- Develop a Local Action Plan (Milestone 3 of PCP)
  - Work with staff, community members and stakeholders to foster a feasible and collaborative approach
  - Research best practices and propose institutional changes
  - Develop and refine an economic plan for energy solutions and poverty reduction in the short and long-term, for the Town of Wolfville and residents (See Section 4 References, item 2: *Economic Development Through Transformative Community Energy Planning*)

To support work for climate and energy planning, we have aligned partners such as:

- Town of Wolfville – Environmental Sustainability Committee
  - Already assisting with grant applications
  - Steering committee & working groups as needed
- Acadia University
  - Partnering on electric vehicle charging station (Acadia Office of Sustainability)

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Climate & Energy Planning Staffing

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- Developing a jurisdictional survey of energy planning approaches (Community Development Dept)
- Solar Nova Scotia and NS Community Building's Pilot Project
  - To develop community interest, and promote, opportunities to develop solar energy for individuals and collaboratively
  - Installing a solar array on the Community Development building to increase capacity and show leadership
- Town of Windsor (and/or other municipalities)
  - Incorporate a regional approach and collaboration (subject to service agreement)
- Town of Bridgewater
  - Presenter at Environmental Sustainability Committee
  - Learning partner and leader in climate & energy planning as:
    - economic generator
    - poverty reduction
- Clean Foundation – Transition 2050
  - Capacity building, leadership and collaboration on climate issues, which includes:
    - Developing a GHG inventory, identifying how to help residents retrofit their homes, developing approaches to reduce GHG emissions of municipal buildings, reducing emissions of vehicle fleets, and identifying other best practices
    - Municipal partners: Cumberland County, Chester, Inverness County, Windsor, West Hants

The additional funding obtained for the community focused “*Wolfville Inspire*” over the 2019-2020 and 2020-2021 fiscal years, includes:

- Partial Implementation of Local Action Plan (Milestone 4 of PCP)
  - Development of a marketing and promotions strategy to increase individual engagement and action towards a more sustainable future
- Hiring summer staff to conduct door to door research and relationship building with residents of Wolfville and Windsor to contribute to PCP Milestones 1-4, and determine:
  - Household energy use (aka. Inventorying GHG emissions, Milestone 1 of PCP)
  - Interest in transitioning to sustainable energy (aka. Setting GHG reduction targets, Milestone 2 of PCP)
  - Research and feedback towards a Community Energy Plan (aka. Research towards Milestone 2 & 3 of PCP)
  - Awareness of existing opportunities (aka. Early plan implementation, Milestone 4 of PCP)
- Partial Implementation of Monitoring (Milestone 5 of PCP)
  - Processing of data collected towards Community Energy Planning
  - Conducting follow-up survey with residents to inform future plans, at end of year 2 of this project



## 6) FINANCIAL IMPLICATIONS

The impact on the Town's finances will span two fiscal years. In total the amounts involved are:

### FCM Grant Process

Total 2 year salary maximum (\$58,000 per year)	\$116,000
FCM contribution @ 80%	<u>(92,800)</u>
Town Contribution FCM application	23,200
ADD:	
Employee benefit costs for two years @ 12%	<u>14,000</u>
TOTAL Town Contribution	<u>\$37,200</u>

In addition to the funding of the two year term staff position, funding of up to \$60,000 has been secured by staff. This funding will be fully supported based on actual project costs, i.e. net cost to Town if \$60,000 incurred will be nil. Anticipated long term outcomes for this work are reduced carbon emissions due to reduced fossil-fuel use, positive economic benefits through minimizing energy costs, and economic generation to hopefully make the position sustainable long-term.

## 7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

This project aligns with the Town of Wolfville's Municipal Planning Strategy (MPS) - also approved as the Town's Integrated Community Sustainability Plan (ICSP) – which identifies sustainability and environmental concerns as key concerns for the community in section 1.3, 2.1 and 2.2

These sections embed elements of sustainability, as informed by The Natural Step (TNS) Framework into decision making and land use policies that reduce energy needs and pollutions while seeking to increase renewable resource use and protect the environment.

The Town of Wolfville is currently reviewing its MPS and sustainability continues to be captured in the updated document, including stronger links between GHG emissions, energy and land use. Support for GHG emissions reduction is also contained in the Town's 2018-2022 Budget/Operations, Council's Strategic Plan, and is to be applied to the Town's Asset Management Plan.

**REQUEST FOR DECISION #084-2017**

Climate & Energy Planning Staffing

Date: 2019-01-08

Department: Planning & Development






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In addition, the Town of Wolfville’s Environmental Sustainability Committee identified the Partners for Climate Protection program as an ideal path to achieving many of the environmental and sustainability goals outlined above and recommended further participation in the PCP program to Council.

This staff person and project contribute to the Town of Wolfville’s further participation in the Partners for Climate Protection (PCP) program. Anticipated deliverables from this work include an updated inventory of GHG emissions (Milestone 1 of PCP program, see graphic right), greenhouse gas reduction targets (Milestone 2), a local action plan (Milestone 3), and early steps of implementation and monitoring (Milestone 4 & 5)

**Five-Milestone Framework**

-  1. Establish a baseline GHG inventory and forecast
-  2. Set GHG reduction targets
-  3. Develop a local action plan
-  4. Implement the plan or set of activities
-  5. Monitor progress and report results

**8) COMMUNICATION REQUIREMENTS**

A press conference/funding announcement will be forthcoming. No external communication is required, yet this project will include various awareness, education, and publicity campaigns to support community energy planning and reduction of environmental impacts over the 2019-2020 and 2020-2021 fiscal years.

**9) ALTERNATIVES**

- 1. Not approve the additional spending and dismiss the confirmed grants
- 2. Approve the additional spending with alterations to the workplan described.

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## 1. Improving Quality of Life for All

- The Wolfville 125 working group finished out the year with an amazing community brunch attracting well over 200 people; the event included a community skate and a group photo. Brunch included crepes from Naked Crepe, waffles from The Real Scoop, a smorgasbord of meats from Just Us Coffee, cheese, croissants and fresh apple cider. Coffee, tea and fruit was supplied by the WBDC and breakfast sandwiches were prepared by volunteers from the Wolfville Historic Society. An outdoor photo was taken with those attending at the end of the event and there were also daytime fireworks to celebrate the 125th year;
- Children attending the New Year's Eve brunch enjoyed face painting, balloon animals and a great magic show. Many completed a form indicating what Wolfville would look like in 25 years which will be placed in the time capsule that will be stored at Randall House until 2043;
- The tradition of the Resolution Run/walk followed the Wolfville 125 brunch with 115 folks participating. The entry fee for the Run/walk was a contribution to the Wolfville foodbank and the event raised over \$340.00 in cash and 25 plus bags of food;
- Afterschool programming begins the week of January 7th at the Rec Centre along with the "After the Bell" groups starting the week of January 14<sup>th</sup>;
- Planning is underway for the Town Winter Warmer that takes place in February;
- An Open House took place December 10th for the public to visit the Town Hall and view the Draft Accessibility Plan and talk with staff and members of the Accessibility Committee;
- The Art in Public Spaces Committee is updating the art site plan and policy as is preparing for community outreach;
- The Environmental Sustainability Committee will be presented with a work plan to advance Climate and Energy priorities of Council.

## 2. Maximizing Our Infrastructure Investments

- Staff repaired two water main breaks in December;
- Department of Environment completed an audit of the water system in December;
- A new, more comprehensive water sampling plan was submitted to Department of Environment in December and will form the template for future annual sampling plans;
- Staff Winter shifts started December 10th – earlier than usual due to early winter conditions;
- Aeration lines in cell 2 of the lagoon has started and will be completed in the spring as weather permits;
- Blomidon Terrace sidewalk is prepped for asphalt and will be completed in the spring as weather permits;
- The Library Working Group will be meeting with the Review Group at the end of January and continue to work through the Action Plan approved by Council;
- Staff, using the Commissionaires, are finishing up the fall parking counts. This is part of an ongoing effort to quantify and understand parking supply/demand. A report will be brought to Council once the data is processed in early 2019;



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### 3. Leveraging our Economic Opportunities

- Staff continue to work with Developers on Development Agreement proposals and an alteration to a registered heritage building;
- Staff are finalizing grant funding to secure a 24-month Climate Change and Energy Coordinator position for the Town.

### 4. Operational Updates

- Staff have completed Fire Inspection background and inventory work and are proceeding with notification and inspections as per the priorities outlined in the system of municipal fire inspections;
- Staff are working through MPS Draft II comments and feedback. Staff will continue discussion and seek direction at the next number of PAC meetings;
- Staff are working on updates to the property minimum standards by-law and working with the Building/Fire Official, Development Officer, and legal to better deal with Rental Businesses in the Town (e.g. licensing). Preliminary discussions have also taken place on a Nuisance Party By-law;
- Nick Zamora, Community Development Officer and Kelton Thomason, Director of Parks and Recreation have moved into their new location and will be working out of the Rec Centre;
- Town of Wolfville website users will be asked to complete a short website satisfaction survey later in January to provide feedback part of the proposed website review that will include accessibility features;
- Finance staff completed training on an upgrade to the billing software and a new e-billing service is being offered to customers/citizens. It is now possible to sign up to receive your water and/or tax bills by email. This should provide some efficiencies with the reduction of handling paper copies of bills, as well as improved environmental stewardship by reducing reliance on paper. Notice of this change has also gone out with the water bills and Town's webpage;
- Planning Staff and Town's Development Officer continue to provide services to the Town of Windsor;
- Work continues on the Town's budget estimates, with the upcoming January 18th Special COW meeting to review first draft of the budget;
- In addition to the VWRM FOIPOP application received in November, the Town received another FOIPOP application in mid-December related to 329 Main Street. Work will continue on these files in the coming weeks;
- Finance Dept was busy with payroll projects during December, completing the retro pay adjustment to unionized staff and implementing the new 2019 tax tables for the 2019 calendar year. Attention will turn to reconciliations and preparation of 2018 T4's which are required to be issued no later than end of February;
- The Town has downloaded the 2019 Assessment Roll from PVSC, and work will begin on analyzing the changes from a year ago;
- The December 31st water bills have been completed and are going in the mail the first week of January;

## CAO REPORT

January 8<sup>th</sup>, 2019

Department: Office of the CAO



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- The UARB issued their decision on the Water Rate application the Town submitted last year, approving the rate changes as submitted. Notices are included with the water bills indicating rates will increase effective January 1st.

## COMMITTEE UPDATE

Title: Valley Waste  
Date: January 8, 2019  
Department: Town Council

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### UPDATE

Valley Waste Resource Management's board met Dec. 19 for a preliminary look at the 2019-2020 operating and capital budget. The numbers have changed since then, but the numbers are reduced. Currently expenses are pegged at \$10.6 million and the municipal parties' contribution would be \$7.3 million.

- A new general manager is on the horizon hopefully. Meanwhile Cathie Osborne has been keeping the operations running smoothly in a period of flux. Kings County engineer Scott Quinn has been seconded to offer advice on possible upgrades to the east and west management centres now that the legal issue of ownership has been removed (although the judicial decision is under appeal).

## COMMITTEE UPDATE

Title: WBDC  
Date: Jan 8, 2019  
Department: Town Council

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### UPDATE

The WBDC met on December 19<sup>th</sup>, 2018.

Highlights of the meeting included:

Summer Student Application was submitted in December

WBDC supports banning plastic bags

- Would also like to ban plastic straws
- WBDC looking into creating reusable logo bags to sell
- \$1 donation from sale of each bag to go to Mudley Fund

Winter Marketing Recap

- Wolfville Glows and the tree lighting were very successful with largest attendance
- Mr. and Mrs. Santa Claus were a big hit
- Vendors were happy
- \$125.85 was raised for Mudley Fund

Downtown Christmas Look

- Next year - more decorations on Gasperau, Elm and Central Ave
- Perhaps another tree at other end of town on Gasperau
- Buy more lights in January on sale
- Need to determine timeline for power on poles on Front Street so that lights could be placed there

WBDC Billboard

- Asking membership for feedback on new designs for a second billboard and one design will be picked
- Will play Wolfville Glows video before each movie at Al Whittle theatre

New Business

- Parking meters - Councillor Oldham raised various options that were discussed
- Crosswalk lighting was also discussed