

SPECIAL COUNCIL

A special meeting of the Municipal Council of the Municipality of the County of Colchester was held at 7:00 p.m. on December 3, 2002 at the Fire Hall in Stewiacke, Nova Scotia.

Purpose of Meeting

The purpose of the special meeting was to conduct a public hearing regarding the proposed St. Andrews River Watershed Municipal Planning Strategy and Land-Use By-law. Copies of the proposed Strategy and By-law had previously been circulated to Council.

Roll Call

The following Councillors were in attendance:

Mayor Mike Smith, Chair	
Councillor Bob Taylor	District #1
Councillor Bill Masters	District #2
Deputy Mayor Hugh Matheson	District #3
Councillor Richard Elliott	District #4
Councillor Glen Edwards	District #5
Councillor Ron Cavanaugh	District #6
Councillor Soley Lynds	District #8
Councillor Keith Baas	District #9
Councillor Doug Cooke	District #10
Councillor Earl McKenna	District #11

Absent:

Councillor Jimmie LeFresne	District #7
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Public Hearing - Municipal Planning Strategy and Land- Use By-law - St. Andrews River Watershed

Mayor Smith reminded Councillors that only those present throughout the entire hearing are permitted to vote, that in order for the Planning Strategy and Land-Use By-law to pass, it must receive a majority vote of the entire Council, that this public hearing is Council's opportunity to hear the application and every concern of area residents. Individual Councillors have an opportunity to debate the merits of the Planning Strategy and By-law when the motion is presented to Council. Staff are present at this hearing to answer any technical questions that may arise.

Mr. Crawford Macpherson, Director of Community Development provided an overview of the Strategy and By-law before Council. The Planning Strategy is a response to a request from the Town of Stewiacke who approached the Municipality because the vast majority of the watershed for their water supply, the St. Andrews River, is outside the

Town boundaries. Only about two percent of the watershed area lies within the Town of Stewiacke.

County Council agreed to participate in a joint exercise with Stewiacke and a joint planning advisory committee was formed to oversee the plan process. Membership of this committee was comprised of both Town and County representatives.

An outside consultant was hired by the Town to conduct the process and prepare a draft document. This draft was presented to the public in May 2002 and its strong environmental emphasis resulted in recommendations such as minimum lot size of five acres, 300-foot setbacks and no new commercial development. Understandably, the residents in the area voiced strong concerns to the first draft.

As a result of the citizen concerns, the Joint Planning Advisory Committee (JPAC) reconsidered the document. The membership of the JPAC was changed to include one citizen coalition representative. The thrust of the strategy was changed in an attempt to have it complement existing legislation and to address gaps in the legislation.

The new plan has the following attributes:

- S** balance between protection of water quality and the rights of land owners
- S** better community input for better balance
- S** one zone very similar to rural general zone with a few added restrictions for water quality

Under this plan, the community can continue to grow. People can still:

- 1) build homes
- 2) establish businesses
- 3) make a living from their resources - farm, cut trees, dig gravel

Mr. Macpherson advised that the By-law controls the following:

- S** directs high density residential to areas with public sewer systems;
- S** creates a 100-foot separation from watercourses for new construction;
- S** identifies and prohibits higher risk commercial that poses greatest threat to water quality:

- 1) petroleum/chemical bulk storage business

- 2) gas stations
- 3) salvage yards
- 4) cement batching plants and asphalt plants not accessory to a pit operation
- 5) construction and demolition debris sites
- 6) businesses with dry cleaning fluid or photo chemicals as part of process
- 7) commercial activity that includes the emission of waste water, including tailings ponds as part of process

The By-law will not due to the following:

1. Give control of this part of Colchester to the Town of Stewiacke.
2. Shut down gravel operations or portable asphalt plants.
3. Prohibit the use of existing lots or giving land to family members.
4. Control trail development or use of ATV's.
5. Shut down farming or prevent forest harvesting.

In conclusion, Mr. Macpherson stated that from a staff perspective, the proposed by-law protects the interests of most land owners and at the same time, offers a few simple safeguards for the watershed. Therefore, staff recommend approval of the draft Strategy and Land-Use By-law.

Correspondence

A letter from Mr. Vernon Sibley dated December 3, 2002 was read into the record (copy on file in the Clerk's office).

Public Presentations

Mayor Smith called for public presentations on this matter and the following individuals voiced opposition to the Strategy and Land-Use By-law:

Mr. Winston Settle
Ms. Barbara Taylor
Mr. Darrell Creelman
Mr. Bob Sharples
Mr. Alf Giles
Ms. Denise Angle
Mr. Steve Ellis
Mr. Al Lawrence
Ms. Valerie Sibley
Mr. Bill Hatcher
Mr. Joseph Babin
Mr. Steve Nielsen
Ms. Stephanie Hines

Mr. Vernon Sibley
Mr. Brian Verbroom
Mr Robert Giffen
Mr. Peter Vissers
Ms. Lois Fowler
Ms. Joan Barnhill
Ms. Linda Sibley
Mr. Chris Rovers
Ms. Brandi Rockel
Mr. Larry McLeod
Mr. Matthew Crouse
Mr. Leo Rovers

The foregoing objected to the Strategy and By-law based on one or more of the following reasons:

- S** The Land values in the zoned area will decrease.
- S** The County will be liable for compensating the residents when their land values decrease. Why should the County take on this liability?
- S** Stop this process and start a new one. The residents don't want a watershed zone.
- S** The proposed by-law gives absolute power to the Town of Stewiacke to control land use in the County.
- S** The Town of Stewiacke has authority to control land in the County through a separate stewardship committee which has no requirement to allow the County to participate. The Stewardship Committee is not even obligated to inform the County of proposed changes.
- S** The Town of Stewiacke should seek an alternate water supply. Northwest Lake is only eight to ten kilometres away.
- S** Permanent cement batching and asphalt plants should be permitted.
- S** Stewiacke should not be able to tell County residents what they can do with their land.
- S** The residents were not properly consulted throughout this process. The residents should have been individually notified.
- S** The residents were not notified about the watershed designation in 1973. This designation was not published in the Royal Gazette until 1982 and roadway signs to the watershed advising it as a designated area were erected in 2000.
- S** The new by-law is too restrictive as it does not allow garages to be built.

- S** Everything is in place under the existing Environmental Act to protect the environment from problems associated with gas stations and gravel pits so these uses need not be restricted through a by-law. Any obstacles to business is bad.
- S** The By-law will restrict farming uses in the area and farmers will not be able to carry on their way of life.

Councillor Dereck Rhoddy and Mayor Chris Wright made presentations on behalf of the Town of Stewiacke and in favour of the Strategy and By-law before Council.

Councillor Rhoddy thanked Colchester Council for participating in this process. The initial draft documents were bold in their approach and drew a strong response from the community. With the help of the JPAC and community, changes and amendments were made to the initial draft which better reflects the desires of the community. Councillor Rhoddy concluded that it is crucial that this process be completed as they will assist in keeping the St. Andrews River clean for years to come.

Responding to a question from Mayor Smith, Mayor Chris Wright described the composition of the existing Stewardship Committee. The Committee does have representation from the County but the final decision maker is Stewiacke Town Council. Mayor Wright committed that future Stewardship Committee meetings and discussions will be held in a public forum.

Mayor Wright urged Council to adopt the Planning Strategy and Land-Use By-law as they reflect many hours of work and consultation and will result in not only immediate protection but also a legacy for years to come.

Mr. Steve Proctor spoke neither in favour nor opposed to the Strategy and By-law but inquired what is the advanced protection to the water supply provided by the new by-law.

**Report of the Joint
Planning Advisory
Committee**

Deputy Mayor Matheson indicated that the JPAC was recommending that Council approve the Strategy and By-law amendments. The following motion was put:

Moved by Deputy Mayor Matheson
Seconded by Councillor Edwards

“That the Joint Planning Advisory Committee recommends to Council the adoption of the St. Andrews Municipal Planning Strategy and Land-Use

By-law.”

motion tabled.

Moved by Councillor Cooke
Seconded by Councillor Cavanaugh

“That the motion to approve the adoption of the St. Andrews Municipal Planning Strategy and Land-Use By-law be tabled.”

Motion Carried.

(Deputy Mayor Matheson, Councillor Edwards, Masters, Lynds and Mayor Smith opposed)

Adjournment

The meeting adjourned at 10:30 p.m.

Gary MacIsaac
Municipal Clerk