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PUBLIC HEARING AGENDA
Monday June 9, 2025 AT 6:15 PM
Stewiacke Community Centre Stewiacke

Before we begin our meeting, we would like to acknowledge that Stewiacke is in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq people.

1. Call to Order
2. Attendance
3. Confirmation of advertisement.
4. Correspondence received regarding the application/amendment
5. Reading of the recommendation from PAC.
6. Confirmation of correspondence
7. Planning Staff presentation
8. Presentations by members of the public
9. Questions from the gallery - first round
10. Questions from the gallery - second round
11. Questions from the gallery - third round
12. Adjournment

Burton and Heather Killen

720 Main Street West
Stewiacke Nova Scotia
B0N 2J0
902 890- 5055

29 May 2024

Marc Seguin

CAO, Chief Administrative Officer
295 George Street
Stewiacke, Nova Scotia
B0N 2J0

Good Morning Marc,

This letter serves as a formal request for an exemption to the proposed amendments to the Town of Stewiacke's Municipal Planning Strategy (MPS) and Land Use By-Law (LUB), as they relate to Section 205 of the Municipal Government Act (MGA), and the proposed new Standalone By-law implementing development charges for new residential development utilizing the Town's public drinking water. We understand the Town's critical need to manage demand on its water and wastewater treatment capacity and to regulate new development to ensure sustainable growth. However, we believe a specific exemption is warranted for properties that can demonstrably prove complete independence from municipal services.

Overview of Our Development:, located on approximately 560 acres currently without municipal services, presents a unique circumstance that aligns with the spirit and purpose of responsible development.

While offering significant benefits to the Town of Stewiacke without burdening its infrastructure.

Key Points in Support of Our Request:

Self-Sufficient Development: We are proposing a development that will not utilize Town Services for water or wastewater. Our plans, supported by comprehensive studies, demonstrate a self-sufficient water supply through private wells and an approved private septic system that will not increase demand on the municipal water treatment facilities. This independence from municipal infrastructure is a cornerstone of our proposal.

Demonstrated Independence JRL Consultants have completed recommended studies including Wetland Studies, a Development Concept Plan, Traffic Impact Statements, Topography, and Watercourse Analysis.

Able Engineering has prepared a subdivision plan.

Sightline Planning and Approvals has extensive documentation and data proving the feasibility of Lot Sizes to support self-sufficient water and wastewater systems for a less restrictive subdivision process.

Alignment with MGA Principals: While Section 205 of the MGA empowers municipal councils to regulate development, the MGA also provides mechanisms for flexibility and addressing unique circumstances. Section 227.1 allows for highly customized and comprehensive development agreements that can address a wide array of development projects, and Section 235 introduces flexibility through Variances. Our proposal, which does not rely on municipal services, aligns with the MGA's objective of responsible development and effective community management.

Benefits to the Town of Stewiacke:

No Burden on Municipal Services: Our development will not contribute to the strain on the Town's water treatment capacity or wastewater infrastructure.

Adds to Housing Supply. Stewiacke is a fast-growing town, having experienced a 13.4% growth rate from 2016-2021 (compared to Nova Scotia's 5% and Halifax Metropolitan 9.1%); indicating a significant demand for new housing. Our project will contribute to meeting this demand.

Increased Tax Revenue: This development will add to the Town's revenues, contributing to the financial health of the community without increasing operational costs for essential services.

No Harm to Community or Neighbours: The proposed development has been carefully planned to minimize any negative impact on the existing community or neighbours. Our studies confirm the development will not compromise environmental standards or create undue burdens on surrounding areas.

Unique Circumstances: Our property's lack of municipal services make it uniquely positioned for a self-sufficient development model. We believe it is inequitable for properties that can independently manage services to be subject to the same restrictions as those who rely on a stressed municipal infrastructure.

Cumulative Impact: The cumulative impact of our development does not involve the use of Town's services, thereby not adding to the cumulative demand on your infrastructure.

Fairness and Future Development: We understand the Town's desire for new regulations, however, we are concerned that a blanket application without exemptions for a self-sufficient development could intentionally stifle appropriate growth. This raises questions about fairness for developments that can independently manage services versus those that rely on municipal infrastructure. We believe our proposed exemption sets a precedent for responsible, self-sufficient development that benefits the Town.

Due Diligence and Planning: Sightline Planning and Approvals' Land Planning Opinion (LPO) determines a maximum density for the subject property 560 acres as of right, with potential for redevelopment via a municipal discretionary planning application process through a development agreement. This LPO is an important part of our due diligence and informs our business decisions.

Correspondence with Town Officials: We have engaged in correspondence with Mr. Jason Foz, Director of Planning and Development, and Mr Colin Forsyth of Colchester Subdivision ByLaws, demonstrating our commitment to understand and navigate the regulatory landscape.

Specific Considerations and Questions for the Town:

We respectfully request clarifications and considerations on the following points as part of your review:

NSUARB Involvement: Could you confirm if the Nova Scotia Utility and Review Board (NSUARB) is involved in the review and approval of these new regulations and development charges?

Town's Engaged Expertise: Could you provide information on the engineers, planners, or environmental consultants with relevant references and expertise that the Town of Stewiacke has engaged with to inform these new regulations?

Ongoing Compliance: Will there be ongoing periodic inspections or reporting requirements to ensure continued compliance with our self sufficiency regarding water and waste water services?

Future Connection Possibility: In the future, is there a possibility of connecting to municipal services, and if so, what would be the standard connection fees?

Effective Date of Changes: What is the effective date of the changes being made by the Town of Stewiacke regarding the MPS, LUB, and development charges ByLaw?

Emergency Procedures and Infrastructure Management: We inquire about emergency procedures in place for the pumping station and any follow-up on underground water leakage.

Additionally, what conservation information has the Town put forward for residents to manage water demand?

Variance Provision Act (Section 235 MGA): We note that Section 235 of the MGA outlines when a Development officer may grant a variance. While our request focuses on an exemption, this section highlights the MGA's inherent flexibility to address unique property circumstances that may not perfectly align with universal ByLaw applications.

Development Agreements (Section 227 MGA): Section 227 agreements represent a critical instrument in the province's land use planning framework, offering a flexible mechanism for managing

complex development projects. This framework approach to planning control ensures that the land use remains responsive to community needs and prevents stagnation. We are open to exploring a Section 227 agreement that addresses the specifics of our self sufficient development.

Future Review of Regulations: Will these new regulations be reviewed again, for example, in 2035?

In Conclusion, while we understand the Town of Stewiacke's crucial need to manage demand on its water and wastewater treatment capacity, we firmly believe the proposed amendments should include a specific exemption for developments that can demonstrably prove complete independence from these municipal services. This approach allows for responsible development, respects property rights in rural areas, and encourages innovative self-sufficient solutions without compromising the Town's critical infrastructure or the integrity of its planning goals.

We respectfully request that the Town Council consider our request for exemption and review the comprehensive documentation provided by our consultants. We are available at your convenience to discuss this matter further and provide any additional information required.

Respectfully

Burton and Heather Killen



PREPARED FOR
Stewiacke Town Council - June 9, 2025

PREPARED BY
Jacob Macpherson, Planner

DATE
June 5, 2025

SUBJECT
Measures to manage new demand on Stewiacke's public drinking water supply until capacity is improved or better understood. Includes proposed amendments to the Town of Stewiacke's Municipal Planning Strategy and Land Use By-law regulating new growth in and outside of the Town's serviced area plus a standalone bylaw outlining development charges for new residential development.

RECOMMENDATION

Staff recommend that Council approve the following items set out in this report:

- a. Amendments to the Municipal Planning Strategy and Land Use By-law that will regulate new development in Stewiacke to manage new demand on the Town's water treatment capacity and restrict subdivision in rural areas.
- b. A new standalone by-law that implements development charges for new residential development that uses Stewiacke's public drinking water, adjusted by the number of dwelling units and water laterals.
- c. Amendments to the Town of Stewiacke Fees Policy 2014-37 to set the fee amount which is referenced by the Development Charges Bylaw.

BACKGROUND

Water Conservation Measures

On February 12, 2025, Staff presented a report to the Planning Advisory Committee in response to ongoing concerns over the limited ability of the Town's centralized drinking water system to provide drinking water to residents in the face of rising drinking water demands from new development. The report outlined ways to manage growth through various limitations to development intended to minimize new demand on the Town's water system while slowing subdivision in presently rural areas to reserve land for future municipally serviced growth once capacity is improved. The Planning Advisory Committee followed staff's recommendation that Council instruct staff to produce the regulations. On February 13, 2025, the Committee of the Whole agreed that staff should proceed with drafting the regulations, which were presented to the Planning Advisory Committee on April 1. PAC then recommended that Staff proceed to public engagement. A meeting with the development community was held on April 22 at Town Hall and a Public Information Session was held on April 26 at the Stewiacke Public Library. In response to the input gathered, staff made modifications to the proposed regulations and met with the Planning Advisory Committee to discuss. On May 13, the Committee made a recommendation to Council to adopt the regulations with the included changes.

The regulations provided in this report:

- set development restrictions on the number of dwelling units per lot in a new serviced overlay area;
- limit the number of subdivisions per lot in a new rural overlay area;
- set a performance standard for water intensive uses such as a car wash;
- require connection to municipal drinking water where it is available; and
- establish a new development charge bylaw which applies to new serviced residential development.
- amend the Town's Fees Policy to set the rate referred to by the new Development Charges Bylaw

What we Heard

A meeting with the development community was held on April 22 at Town Hall and a Public Information Session was held on April 26 at the Stewiacke Public Library. The following topics were discussed during the sessions:

- **Alternatives** - multiple members of the development community expressed that the Town should consider alternatives to slowing the pace of development. Three examples were mentioned: (1) pursuing water conservation on existing water uses (e.g. watering lawns, pools). (2) Installing a temporary treatment plant or renewing/repairing the existing plant to allow growth in the Town to continue while the new treatment plant is being built. (3) Allowing development to continue through on-site well water usage.
- **Importance of ensuring water capacity for current users** - Comments were made during both sessions regarding the importance of ensuring the Municipality is able to serve existing users of public drinking water. As a way of addressing water shortages in the town, emergency measures for existing residents to conserve water was expressed as a way to make maximum use of the Town's current capacity while allowing development to continue.
- **Development charges** - members of the development community expressed that the development charge is too onerous for multi-unit buildings that are either being built in the near future or are to be built after the new treatment plant is complete. It was suggested to limit the fee for developments over a certain density instead of charging only on a per-unit basis. Increasing the water rates for existing customers was also considered. In both sessions, comments were made that the development charges should be lifted once the new water treatment plant is complete while others suggested that this would be unlikely to occur.
- **Impact on Development Industry** - members of the development community raised concerns over the impact that the regulations would have on their plans to continue developing in the Town. It was stated that some projects which would not be covered by the non-conforming clause of the Municipal Government Act have already received significant investment and should be exempt from the new regulations. Others expressed concern over the ability of the Town to service the tenants of new development, especially high density residential development.
- **Impact of slowing development** - members of both engagement sessions expressed concerns over the overall success and prosperity of the Town moving forward if development is to slow down significantly.
- **Future water treatment plant** - questions arose in both sessions over the price of the new water treatment system and how the Town will cover the cost. The timeline before the new plant is completed was also a concern, as delays to its completion would also delay growth and development in Stewiacke. For instance, if the Provincial and Federal government do not contribute to funding the project, residents were wondering how the Municipality would proceed. One resident expressed that the Town should provide a financial plan showing the payback period for financing the plant.
- **Lack of data** - members of both engagement sessions expressed that more information should be gathered about Stewiacke's current capacity to treat and distribute drinking water. It is not currently known how much potable water is being lost to leakage before it reaches customers. It is also unclear how many additional dwelling units the existing water treatment plant can support or if the Town is projected to grow as much as it has in previous years.

Discussion on What we Heard

Lack of Data

The comments provided during the engagement sessions highlight the impact the water conservation regulations would have on the development community. While the importance of ensuring a stable supply of water to residents was understood, members of the sessions expressed that the lack of data available made it difficult to have an informed opinion about the degree to which development in the Town should be slowed down. A 2023 study by CBCL was intended to provide this kind of data, but was unable to pinpoint statistics such as the number of dwelling units the Town could support with its existing system. The Town is investigating how much treated water is being lost through leakage from water pipes using existing data, but another full capacity study is not recommended as a part of this project. The existing treatment plant, which draws water directly from the St. Andrews river, is not sophisticated enough for detailed capacity information to be gathered.

Alternatives

Upgrading Stewiacke's existing treatment plant is one a potential pathway to increasing water treatment capacity in the Town, but there are obstacles to doing so. The cost would likely be paid entirely by the Municipality as opposed to a new treatment plant which would receive a combined two-thirds funding from the Provincial and Federal government.

In the course of a year, the rate at which water is drawn from the St. Andrews river regularly triggers the ecological maintenance flow requirements of the Department of Environment and Climate Change, so it is less likely that funding would be granted to enable more water to be drawn from the river compared to the development of a new treatment plant that draws water from a central well. Other measures, such as efforts to reduce the amount of water currently being used by residents, would help improve the Town's water capacity but Staff are not recommending these measures be taken as an alternative to slowing the pace of development through the proposed regulations.

Use of On-Site Well

By requiring new development to connect to public drinking water where it is available and by limiting the rate of subdivision in more rural areas of Town, the proposed regulations slow down the rate of development that would use on-site well water. Staff are recommending these measures because residential development using on-site well require larger lots which, once the new treatment plant is completed, could considerably reduce the amount of land remaining within the Town for centrally the serviced development that will help to pay for the new treatment plant.

Development Charge By-law for Multi Unit Projects

It has been recognized that the development charge by-law may not be lifted once the new water treatment plant is completed and high density development is once again permitted in Town. Because the Development Charge By-law did not account for the impact the charge would have on multi-unit dwellings, the recommended rates have been changed for all dwelling units after the first. Previously a \$3,000 charge was applied on a per dwelling unit basis to all development serviced by Municipal drinking water. The new recommended approach is to charge \$3,000 for the first dwelling unit and \$900 for each additional unit after the first. For instance, a new 60 dwelling unit apartment building serviced by public drinking water would be charged \$56,100 instead of \$180,000 through this new by-law.

Extension of the Non-Conforming Clause

The intention of the Water Conservation regulations is to reduce the pace of new development without causing unnecessary disruption to projects that are already underway. For projects that have undertaken substantial design work and have obtained tentative approval for a specific development project, it is Staff's recommendation that these projects be exempt from the proposed limitations on the number of new dwelling units permitted.

MUNICIPAL PLANNING STRATEGY AMENDMENTS

TOPIC	PAGE/SECTION	RECOMMENDED AMENDMENT
1. Conservation Overlay Preamble	Page 9 Section 2.3.3 Water System	<p>Remove the following text: “The completion of the new 450,000 gallon reservoir means the water system will have significant capacity to service future development.”</p> <p>Replace with “In response to concerns over the ability of Stewiacke’s existing water treatment system to support new growth in the Town, Council has established a Serviced Water Conservation Overlay with the intention of temporarily slowing the speed of residential development and restricting new commercial land uses that make intensive use of Town water until service capacity improves.</p> <p>To accompany the Serviced Water Conservation Overlay, Council has established a Rural Reserve Overlay. By restricting growth in areas that are to be serviced with public drinking water, it is probable that development pressure will be pushed to areas outside of the water coverage map through the use of on-site well, which Council wishes to mitigate through this overlay.”</p>
2. Reflect Current Development Trends and fix Typographical Error	Page 9 Section 2.3.3	<p>Remove stricken text “Council also feels is it very important to conserve water as much as possible. The Town has experienced a reduction in water usage recently and is hopeful that this trend will continue. Not only is the conservation of water a worthy sustainability goal but it will reduce the need for costly water infrastructure projects in the long term.”</p> <p>Replace With Not only is the conservation of water a worthy sustainability goal but it will reduce the need for costly water infrastructure projects in the long term.</p>
3. Establish Serviced Water Conservation Overlay	Page 9 Section 2.3.3 Water System	<p>Add a new policy after Policy ICSP 3: “Policy ICSP 4 - It shall be a policy of Council to establish the Serviced Water Conservation Overlay on the Town’s zoning map. This overlay is intended to apply to areas where public drinking water is being supplied or has the immediate potential to be supplied by public drinking water.”</p>
4. Establish Rural Reserve Overlay	Page 9 Section 2.3.3 Water System	<p>Add a new policy after the new Policy ICSP 4: “Policy ICSP 5 - It shall be a policy of Council to establish the Rural Reserve Overlay on the Town’s zoning map. This overlay is intended to apply to rural areas outside of the Serviced Water Conservation Overlay.”</p>
5. Reflect Current Development Trends	Page 15 Section 2.3.11 Strategic Growth	<p>Remove: “The Town is well positioned to grow in the coming years. This growth should be directed so as to minimize the amount of public expenditures needed to accommodate development.”</p> <p>Replace With: “Growth in the Town should be directed to minimize the public expenditure required to accommodate new development.”</p>

LAND USE BYLAW AMENDMENTS

TOPIC	PAGE/SECTION	RECOMMENDED AMENDMENT
1. Reflect Current Development Trends	Page 15 Section 3.1 Overall Development	Remove stricken text “Stewiacke has a water and wastewater system which services most of the Town’s population. There is a significant amount of vacant land located adjacent to the systems and considerable excess capacities in the systems. Development on this vacant land may occur on the existing public streets or a landowner may construct a new public street with services connecting to the public services.”
2. New Definition, Water Intensive Use	Page 12 Definitions	Add a Definition Beneath ‘Watercourse’ Water Intensive Use means a use that incorporates water as part of a product, service or process and shall include: (a) Garden centres; (b) Commercial greenhouses; (c) Plant nurseries; (d) Golf courses; (e) Laundromats; (f) Water attractions; (g) Food or beverage processing plants; and (h) Any other use identified as water intensive by the Municipal engineer.
3. Require Connection to Central Services	Page 20 General Provisions for All Zones Section 5.5	Add a Policy Beneath 5.4 5.5 Connection to Central Services New plumbed buildings shall be connected to the public drinking water system where such service is available. Where service availability is unclear, the Municipal Engineer shall decide based on site conditions and available system capacity.
4. Regulate Water Intensive Uses	Page 22 General Provisions for All Zones Section 5.21	Add a Policy Beneath 5.20 5.21 Water Intensive Uses Where Water Intensive Uses are permitted in a zone, no development permit will be issued for any Water Intensive Use unless the development is not connected to the public drinking water system or the applicant provides an end use water consumption study, conducted by a qualified professional, indicating that the estimated peak water consumption of the development would not exceed 400 gallons per day.
5. Add Serviced Water Conservation Overlay	Page 47 Part 14 Overlays Section 14.1	Add a New Part Beneath Part 13 Part 14 Overlays 14.1 Serviced Water Conservation Overlay In the Serviced Water Conservation Overlay, permitted uses shall include all uses permitted in the underlying zones with the following exceptions: a. Based on the lot delineations of Schedule C (Map of Water Conservation Overlays), a development permit shall not be issued if two or more dwelling units have already been approved on a given lot. b. A development shall be exempt from 14.1 (a) if a development permit or tentative approval for subdivision have been approved by the Development Officer, or if the Development Officer determines, at their sole discretion, that a complete application for a Development Permit has been received.

TOPIC	PAGE/SECTION	RECOMMENDED AMENDMENT
5. Add Rural Reserve Overlay	Page 47 Part 14 Overlays Section 14.2	Add a New Section Beneath 14.1 14.2 Rural Reserve Overlay Within the Rural Reserve Overlay, the number of new lots that may be created from an area of land shall be restricted to three lots per calendar year.

DEVELOPMENT CHARGES BYLAW

The following regulations would form a separate bylaw to apply development charges to all new residential development that is to be serviced by public drinking water.

Development Charges Bylaw

- 1 **TITLE**
This bylaw shall be known as and may be cited as “The Development Charges Bylaw for the Town of Stewiacke”.
- 2 **DEFINITIONS**
For the purposes of this Bylaw, the following words shall have the meanings hereby assigned to them:
 - “Dwelling Unit” means a dwelling unit as defined in the Land Use Bylaw.
 - “Water Serviced Lot” means a lot that has a Municipally approved water lateral.
 - “Water Unserviced Lot” means a lot that is not a Water Serviced Lot.
- 2.1 **Development Subject to Charges**
Infrastructure charges shall be due and payable to the Municipality on a Water Unserviced Lot upon request to be serviced by public drinking water for residential purposes.
- 2.2 **Rates**
The fee for developments subject to charges under this bylaw shall be charged based on the rates of the Town of Stewiacke Fees Policy.

AMENDMENTS TO FEES POLICY 2014 - 37

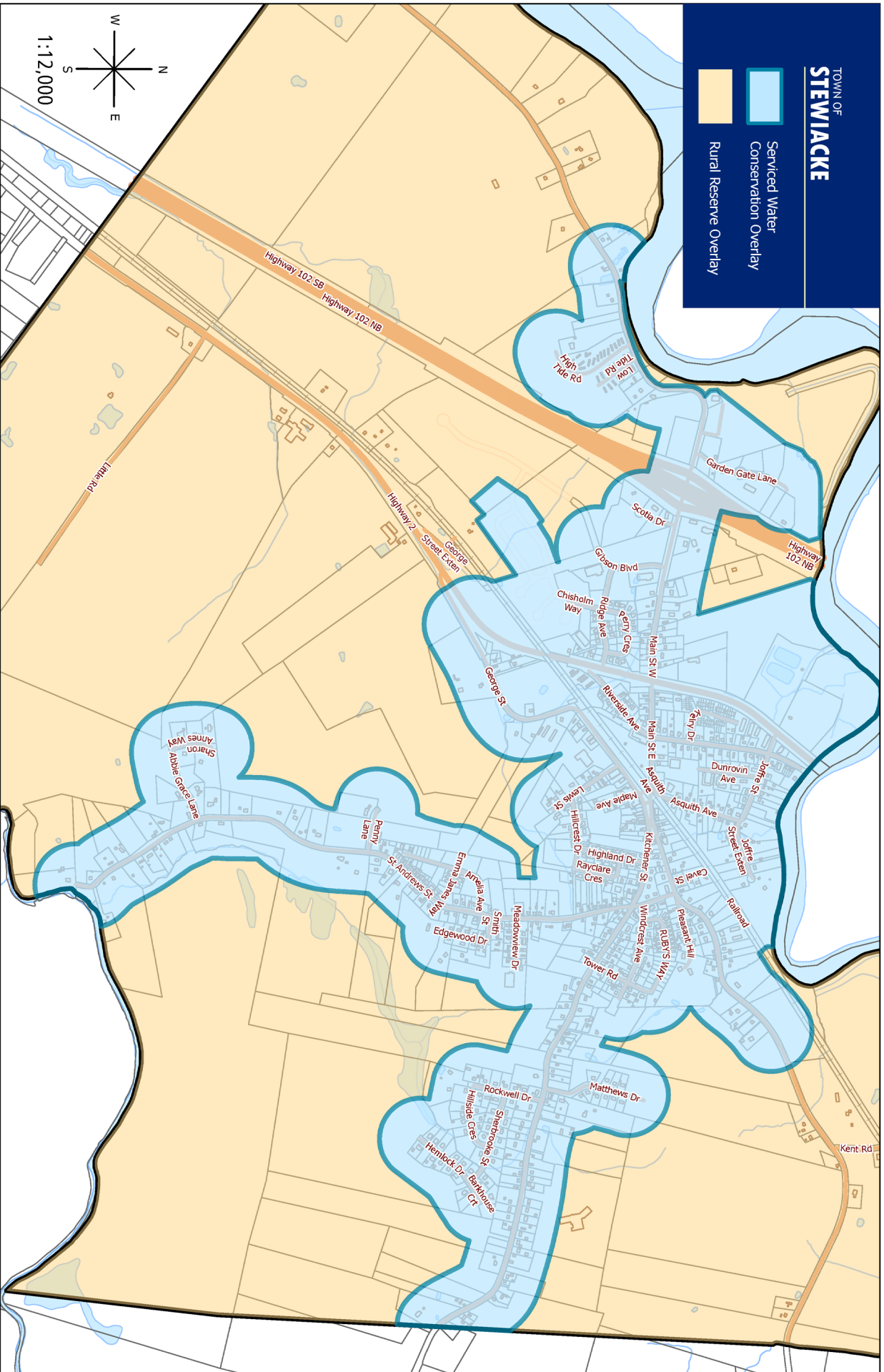
The following amendment sets the fee of the Development Charges By-law.

TOPIC	PAGE/SECTION	RECOMMENDED AMENDMENT
1. Set fee of development charges for drinking water connection	Page 3 Sewer/Water Connection	Add , below “Installation of Water Lateral” and before “Development Control Fees”, a new header “Development Charges” Development Charges Connection to Town Drinking Water - \$3,000 for the connection of a water lateral, plus \$900 for each dwelling unit to be connected after the first.

APPENDIX A - WATER CONSERVATION OVERLAYS

TOWN OF STEWIACKE

-  Serviced Water Conservation Overlay
-  Rural Reserve Overlay





SPECIAL MEETING OF COUNCIL AGENDA
Monday June 9, 2025
Stewiacke Community Centre Stewiacke NS

Before we begin our meeting, we would like to acknowledge that Stewiacke is in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq people.

This meeting will start immediately following the Public Hearing which begins at 6:15PM.

1. Call to Order of the Special Meeting of Council
2. Attendance
3. Approval of / Changes to Agenda
4. Disclosure of Interest on Agenda Items
5. Approval of Minutes N/A
6. Announcements / Proclamations – N/A
7. Presentations – NA
8. Written Petitions and Correspondence – N/A
9. Business
 - A) Planning Advisory Committee
10. By-laws and Policies – N/A
11. Citizen Comments – N/A
12. Mayor Report – N/A



SPECIAL MEETING OF COUNCIL AGENDA
Monday June 9, 2025
Stewiacke Community Centre Stewiacke NS

13. Councillors Reports – N/A
14. In-Camera Session – N/A
15. Notice of Motion and Reconsideration – N/A
16. Adjournment