

PUBLIC HEARING

Development Agreement Application to enable
Marine Related Aquaculture Use along
Highway 3 (PID 90341140), Eel Brook, NS



Application Details

- The applicant has applied for a Development Agreement application to bring the existing uses on the subject property, Marine Related – Aquaculture, into compliance with existing Municipal planning documents.
- The Marine Related – Aquaculture Uses have been in operations since 1995.
- The applicant owns the properties immediately adjacent to the subject property, to the east (PID 90110107) and west (PID 90110057).

Note that the following matters are primarily regulated through the province:

- Driveway access on to Highway 3.
- Activities on Eel Lake related to the aquaculture operations.

Property Context

- The subject property is located along Highway 3 (PID 90341140), Eel Brook, NS.
- **Property Size:** ± 2.3 acres (0.93 ha).
- **Property Frontage:** ± 292.88 ft (89.27 m).
- **Current Use:** Marine Related – Aquaculture Uses. Two (2) 40 ft shipping containers, one (1) 20 ft shipping container, and one (1) sorting and grading building. The remainder of the property is well-treed and vacant.
- **Access:** Property is accessed adjacent property (PID 90110107), under the same ownership, from Highway 3 via private driveway.



Site Context

- The subject property, PID 90341140 (outlined in green) is currently designated Coastal Communities in the Municipal Planning Strategy (MPS), and zoned Coastal Community (CC) in the Land Use By-law (LUB). The property recently went through the subdivision process which separate the home from the business.



Policy Considerations

Municipal Planning Strategy Policy

- A detailed table of the evaluative criteria from the enabling MPS policies and corresponding comments from Staff is attached as Attachment B.
- Existing policies in the Municipal Planning Strategy enable Council to consider amendments to the Land Use By-Law regulations without requiring amendments to the Municipal Planning Strategy policy as it is within the Coastal Community (CC) designation.
- This application is enabled by Policy 3.3.7 of the Municipal Planning Strategy.

Why is a Development Agreement Necessary?

- Aquaculture activities in the Coastal Community (CC) zone require a development agreement.

Discussion

- The surrounding properties along Highway 3 are currently zoned Coastal Community (CC). The Coastal Communities designation recognizes that the surrounding land use will accommodate growth and development in a manner similar to the Rural Centres. A number of aquaculture operations currently exist surrounding Eel Lake.
- The intent of the Coastal Community (CC) Designation is to accommodate an ample supply of diverse residential, commercial, institutional, recreational, agriculture, forestry, and light industrial uses. The lots immediately to the east and west of the subject site are currently occupied by a residential dwelling, under the same ownership as the subject site, while Eel Lake exists to the north.
- Staff feels the proposal is consistent with the intent of the Municipal Planning Strategy (MPS) based on the review of policies contained in the MPS, as indicated in more detail in Appendix B.

Public Engagement

- Staff has complied with the Public Participation Policies of the MPS.
- As per Section 206 of the *Municipal Government Act*, a public hearing is required when entering into a Development Agreement to provide an opportunity for the community to provide input on the application.
- An advertisement outlining the application and indicating that it has been received and notifying the public of the public hearing was placed in the *Tri-County Vanguard* on January 1st, 2026, and January 15th, 2026.
- An advertisement for the proposed development agreement was placed on the Municipality's website on January 2nd, 2026.
- A notice of public hearing was mailed to property owners within 152m of the subject property on January 2nd, 2026.
- A sign was placed on the subject property on May 16th 2025, notifying residents that an application has been received.
- As indicated in the *Municipal Government Act*, there is a right of appeal option for approval or refusal of the development agreement.

Next Steps

- Staff will continue to review the proposal as public feedback is received.
- Council scheduled a Public Hearing for January 29, 2026.
- Public hearing mailout notices was sent to property owners within 152 metres of the subject property.
- Notice of Public Hearing advertisement was put in the January 1st and January 15th, 2026, *Tri-County VanGuard*.
- We received one phone call inquiring about the purpose of the sign. The application and process was explained, but the caller did not leave any comments.
- One property owner raised a concern regarding the delivery truck and indicated a preference for it to pull onto the property, off the road, for loading and unloading. The owner expressed full support for this development.
- Process is as follows:



The proposal may be considered by Council through the following applicable policies of the Municipal Planning Strategy for Argyle (MPS):

Applicable Policies	Staff Comments
Policy 3.3.1: It shall be the policy of Council to designate sections of the mainland and all islands as Coastal Communities (CC) on the Generalized Future Land Use Maps to accommodate growth and development in a manner similar to the <u>Rural Centres</u> .	The subject site is within the Coastal Communities (CC) designation.
Policy 3.3.3: It shall be the policy of Council that the intent of the Coastal Communities (CC) designation and zone is to accommodate a wide range of residential, institutional, commercial, industrial, agricultural, recreational and utility uses.	The subject site is within the Coastal Communities (CC) designation, and as per the Land Use By-law, the existing use of the site is aquaculture.
Policy 3.3.7: It shall be the policy of Council that Council may consider the following uses by development agreement, pursuant to the requirements of Policy 13.14, in the Coastal Community (CC) Zone: f) Aquaculture (Indoor and Outdoor)	The subject site is within this <u>zone</u> and the existing use of the site is aquaculture.
Policy 8.6.4: It shall be the policy of Council to permit compatible Light Industrial uses in the Coastal Communities (CC) Zone, the Light Industrial (LI) Zone, the Business Park (BP) Zone, and the Rural Development (RD) Zone.	The existing land use is compatible with light industrial uses and is primarily to grow oysters related to activities on Eel Lake.
Policy 9.5.1: To support and encourage all local aquacultural initiatives, especially those involved in food production and farm market activities.	This policy directly supports this proposal.
Policy 9.5.2: To support existing and new aquaculture uses in the Municipality and innovative aquaculture initiatives in the region.	This policy directly supports this proposal.
Policy 9.5.3: To ensure all aquaculture practices consider the impact on the natural environment, and mitigate any risks of farmed species interacting with natural systems.	The aquaculture use has approval from the Department of Fisheries (Attachment C).
Policy 13.12: To enter into development agreement pursuant to the <i>Municipal Government Act</i> on the terms and conditions set forth in this Municipal Planning Strategy and a development agreement shall: 13.12.1 specify the development, expansion, alteration, or change in use permitted; and 13.12.2 specify the conditions under which the development may occur; and 13.12.3 set forth the terms by which Council may terminate the agreement. 13.12.4 The provisions of the Land Use By-law shall prevail after discharge of any agreement.	The required provisions are contained in the draft Development Agreement.
Policy 13.14: To consider the following in addition to all other criteria set out in the various policies of this Municipal Planning Strategy, when considering	The existing development conforms to the intent of the MPS.

amendments to the Land Use By-law, or proposals for development agreements:

- 13.14.1 That a development permit may be issued for any existing use on the lot for which the development agreement or amendment has been requested; and
- 13.14.2 That the proposal conforms to the intent of the Municipal Planning Strategy and to all other applicable Municipal By-laws and regulations, except where the application is for a development agreement and the requirements of the Land Use By-law need not be met; and

13.14.4 That the proposal is not in conflict with Municipal or Provincial programs in effect in the Municipality; and that the proposal is not premature or inappropriate by reason of the:

- a) financial ability of the Municipality to absorb costs related to the development; or
- b) adequacy of sewer and water services, including fire flows and water pressure or the adequacy of the site for on-site services; or
- c) creation or worsening of a pollution problem in the area such as but not limited to soil erosion and siltation of watercourses; or
- d) adequacy of storm drainage and effects of alteration to drainage patterns, including the potential for creation of a flooding problem; or
- e) suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way; or
- f) adequacy and proximity of school, recreation and other community facilities; or
- g) adequacy of road networks in, nearby, and leading to the development, regarding congestion and traffic hazards; and
- h) That the proposal provides adequate off-street parking to prevent congestion, nuisance and inconvenience in the area; and
- i) The hours of operation are appropriate for the neighbourhood; and
- j) That the primary architectural features of the proposal, including but not limited to bulk, scale, roof shape, building materials, exterior cladding and shape, and size and relationship of doors and windows, shall be visually compatible with nearby buildings in the case of a new building, or with the original building in the case of an addition; and
- k) That the proposal will not significantly alter the character or stability of the surrounding neighbourhood.

- a) No financial impacts are expected to the Municipality from the existing development.
- b) The application was circulated to staff and no on-site servicing concerns were identified. Any required on-site services, including any upgrading would be subject to requirements of the NS Environment and Climate Change.
- c) No concerns are expected from the existing development.
- d) No drainage concerns are expected from the existing development.
- e) No new development is proposed. No impacts to the adjacent marine environment are anticipated.
- f) Subject site is not nearby to schools, recreation and other community facilities. This is preferable for this application.
- g) No significant impacts are expected to the transportation network from the existing development.
- h) Site has adequate room for parking.
- i) The operation is not expected to generate significant evening traffic, or traffic in general.
- j) No further development is proposed on the property at this time.
- k) No further development is proposed on the property at this time, though all existing buildings are set back and well screened from the road.



Thank You/Merci