

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF THE MUNICIPAL GOVERNMENT ACT

- and -

IN THE MATTER OF AN APPEAL by R&N FARMS LIMITED from the decision of a development officer dated October 2, 2009, which refused to issue a development permit to develop a mink farm at Carlton (PID 90319435), Municipality of the District of Yarmouth, Nova Scotia

BEFORE:  Dawna J. Ring, Q.C., Member

DECISION AND ORDER

WHEREAS the Board received an appeal by R&N Farms Limited from the decision of a development officer of the Municipality of the District of Yarmouth ("Yarmouth") dated October 2, 2009, which refused to issue a development permit to develop a mink farm;

AND WHEREAS the Council for Yarmouth amended Land Use By-law Part 23, Section 5(c) by increasing the minimum setback from watercourses to 500 feet ("amended LUB");

AND WHEREAS public notice of the proposed amendment was first advertised before the decision of the development officer regarding the application of R&N Farms Limited;

AND WHEREAS pursuant to the *Municipal Government Act*, S.N.S. 1998, c. 18, as amended, the Board ordered on July 29, 2010, that the amended LUB applied

to the appeal of R&N Farms Limited such that R&N Farms Limited would be required to prove its development application complied with the amended LUB;


AND WHEREAS the Board ordered on August 16, 2010, that the appeal of Hamilton et. al. be dismissed, having found that the decision of Council to adopt the amended LUB was reasonably consistent with Yarmouth's Municipal Planning Strategy;

AND WHEREAS R&N Farms Limited wrote an email to the Board dated August 13, 2010, attached as Schedule "A", which includes: ... "R&N Farms Limited's acknowledgement that the development permit application cannot satisfy all of the requirements of the amended LUB";

AND WHEREAS with the above acknowledgement of R&N Farms Limited, the Board confirms the decision of the development officer as the Board finds the decision complied with the amended LUB;

IT IS ORDERED that the appeal of R&N Farms Limited is dismissed.

DATED at Halifax, Nova Scotia, this 16th day of August, 2010.


Nancy Munnell
Clerk of the Board

NSUARB Nova Scotia Utility & Review Board - response to August 12, 2010 letter

From: "Rick LeBlanc" <rickleblanc@ns.sympatico.ca>
To: "NSUARB Nova Scotia Utility & Review Board" <uarb.board@gov.ns.ca>
Date: 8/13/2010 3:34 PM
Subject: response to August 12, 2010 letter

August 13, 2010

Nova Scotia Utility and Review Board
1601 Lower Water Street
Suite 300
PO Box 1692, Unit "M"
Halifax, NS B3J 3S3

Attention: Ms. Elaine Wagner

Dear Ms. Wagner

**Re: R&N Farms Limited-Appeal to the Refusal to Issue a Development Permit to
Develop a Mink Farm at Carlton (PID 90319435),
Municipality of the District of Yarmouth- Planning Appeal-PL-0**

Further to the Board's correspondence of August 12, 2010, R&N Farms Limited agrees that an evidentiary hearing is not required due to the Board's earlier decisions in this matter and the decision in the Mink Breeder's case. It does not appear appropriate to withdraw the appeal since various aspects of it have been decided and appeal rights need to be maintained, but R&N Farms Limited invites dismissal of the appeal based on the board's earlier decisions and R&N Farms Limited's acknowledgement that the development permit application cannot satisfy all of the requirements of the amended LUB.

Regards

Richard LeBlanc, BBA
President

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