



Subject: *Ramar Developments Limited - MPS and LUB Mapping Amendments*
To: CAO for Planning Advisory Committee, February 14, 2023
Date Prepared: February 1, 2023
Related Motions: PAC22(52), C22(233), PAC22(93), C22(348)
Prepared by: Lee-Ann Martin, Planner
Approved by: John Woodford, Director of Planning and Development

Summary

The Municipality has received an application from Ramar Developments Limited to redesignate and rezone a portion of property in East Uniacke from Rural Use (RU) Zone to Country Residential (CR) Zone. This final report recommends approval be given.

Financial Impact Statement

There are no immediate financial impacts associated with the recommendations of this report. The Finance Department has prepared a fiscal impact analysis that estimates a net benefit to the Municipality of approximately \$18,513 per year.

Recommendation

That Planning Advisory Committee recommend that Council give Second Reading and approve the application.

Recommended Motion

Planning Advisory Committee recommends that Council:

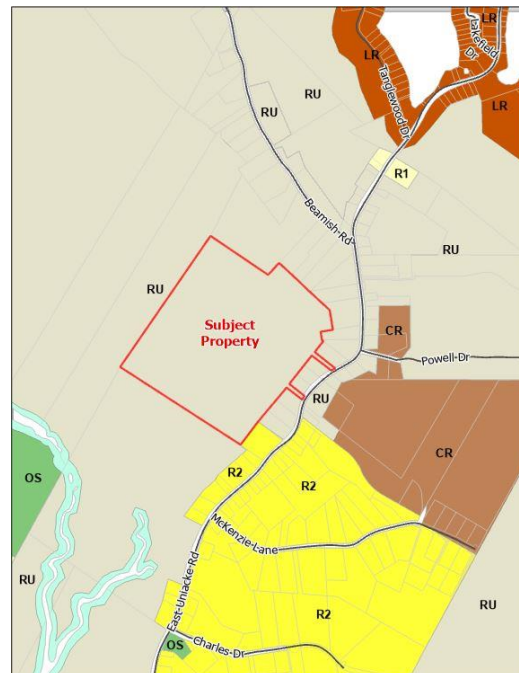
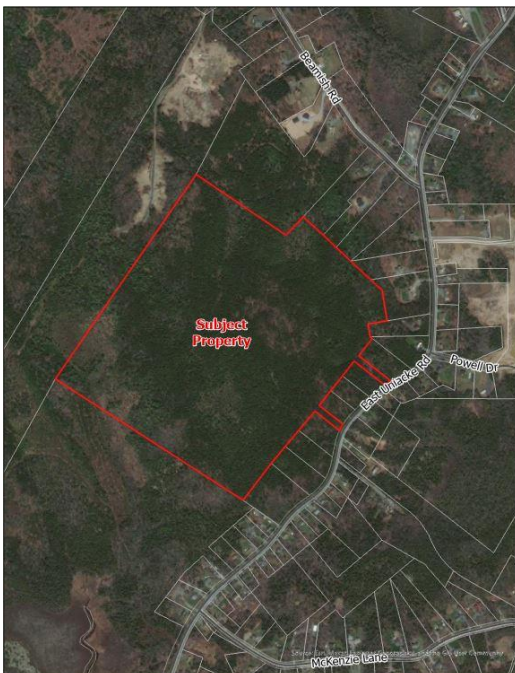
- *Give Second Reading and approve the proposal for PID 45157054 to change the designation and zone from Rural Use (RU) to Country Residential (CR).*

Background

In April 2022, the Municipality received an application from Ramar Developments Limited to redesignate and rezone a portion of property in East Uniacke from Rural Use (RU) Zone to Country Residential (CR) Zone. This application would also require a change in the land use designation from Rural Use (RU) to Country Residential (CR). This report further outlines the application and provides the policy analysis and recommendation.

Subject Property

An excerpt of the zoning map and aerial photography map below show the location of the subject property identified as PID 45157054, which is accessed via the East Uniacke Road. The forested property totals 42.2 Ha. The property is currently zoned as Rural Use (RU) Zone and is located outside of the Mount Uniacke Growth Management Area.



Development Proposal

The purpose of this proposal is to amend the Generalized Future Land Use Map (GFLUM) and the Land Use By-law Map to change the designation from Rural Use (RU) to Country Residential (CR) and the zone from Rural Use (RU) Zone to Country Residential (CR) Zone. The purpose of the application is to enable the development of a low-density subdivision. The concept plan shown below contains 54 potential lots for residential development. However, this plan is a concept only and the detailed layout, including open space, will be submitted with a subdivision application.

Amendment sheets showing the designation and zone change are appended to this report as Appendix D.



Discussion

LEGISLATIVE AUTHORITY

The Municipal Government Act, Part III gives legislative authority for this application. This section outlines the process for these amendments to be considered, including the advertisements for a Public Hearing.

FINANCIAL CONSIDERATIONS

A financial impact analysis has been provided in this report and is found in Appendix C.

MUNICIPAL PLANNING STRATEGY POLICY ANALYSIS

Staff have reviewed the proposed amendments based on the applicable policies contained in the Municipal Planning Strategy (MPS). Staff requested comments from internal departments and external agencies including Nova Scotia Public Works. A detailed table of the evaluative criteria from the enabling policies and corresponding comments from Staff and reviewing agencies are attached to this final report.

This property is within the Rural Use (RU) Zone and does not allow any new roads. Policy AR2 of the MPS states:

“Council shall establish the Rural Use (RU) Zone, whose purpose and general zoning provisions shall be consistent with the specified intent of the (RU) Designation, and furthermore:

- (i) Only permitting new residential development to occur on existing roads;”*

As a result, the property will have to be redesignated and rezoned to enable the development.

In evaluating this application, Staff referred to MPS polices associated with the Rural Use and Country Residential Designations and Zones, as well as general policies related to amending the MPS and the Land Use Bylaw (LUB).

Policy RR5 of the MPS relates to the expansion of the Country Residential (CR) designation. The policy looks at the protection of rural landscapes and that the establishment of new CR lands does not lead to continuous low-density developments in the area. This development is adjacent to other Rural Use (RU) and Two-Unit Residential (R2) zoned lands which allows for a range of housing types. Although the property is outside of the Mount Uniacke Growth Management Area, staff have identified that this development is not anticipated to generate sprawl in the area. The policy also looks at the ability to provide “soft services”, recreation and open space opportunities, and the adequacy of transportation routes. The full policy review is found in Appendix B.

Policy IM18 (b) requires that Council consider the adequacy of physical site conditions for private on-site septic and water systems. The applicant engaged Strum Consulting conduct a Level I ground water study for the proposed development. The study states a Level II study is recommended; however, it also suggests that drilled wells are expected to be satisfactory to provide an adequate yield of water of acceptable quality for the development. The study has been provided for Council’s review.

Council’s decision on this application is not appealable to the Nova Scotia Utility and Review Board as it involves an amendment to the MPS.

COMMENTS RECEIVED

The Uniacke & District Volunteer Fire Department commented that they have no concerns regarding the proposed development in terms of providing fire service to the area.

Nova Scotia Public Works stated there are no traffic impact concerns with the proposed additional residential lots accessing East Uniacke Road via the future subdivision road. Any future development on the adjacent property (PID 45145273) will require evaluation of traffic impacts for both properties.

East Hants Infrastructure & Operations provided comments stating the proposed roads shall be designed in accordance with the Municipal Standards. Other comments included that walkways may be required in accordance with the Municipal Subdivision Bylaw, and that cul-de-sacs are not permitted where the land can be efficiently serviced by other road layouts. This will be addressed at the time of a subdivision application.

East Hants Parks and Recreation department commented on the proposal in relation to the open space contribution and value of the lots. This would be conducted at the subdivision stage.

Overall, staff have found the proposal to be consistent with the intent of the Municipal Planning Strategy.

Citizen Engagement

Planning staff complied with the Citizen Engagement Policies of the Municipal Planning Strategy when processing the amendments. An advertisement outlining the proposal and indicating that it is under review by staff was placed in the *Chronicle Herald* on June 22, 2022. As part of the review process for MPS amendments, a PIM was required to hear input from the community. A letter was mailed to all property owners within 800

metres of the subject property indicating the time and date of the PIM. A notice of the PIM was also placed in the *Chronicle Herald* on August 29, 2022.

The PIM was held on September 6, 2022 at the Mount Uniacke Legion with 26 people attending, including three Councillors.

Comments regarding the proposal were as followed:

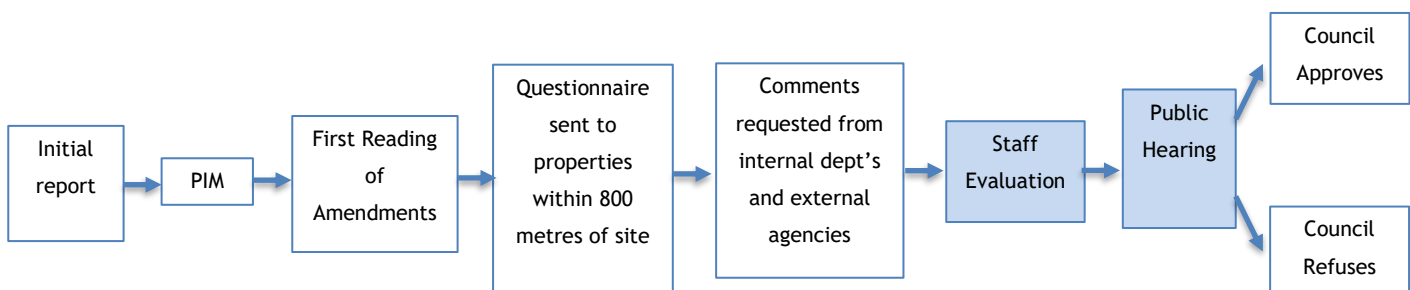
- Residents would like to see the hydrogeological study and would like to know what happens if someone’s well dries up because of the development
- Discussion surrounding the minimum lot sizes proposed. The applicant responded that the minimum lot sized would be approximately 2 acres.
- Discussion on the meaning of low-density housing
- Comments on the pressure on the East Uniacke Road
- Concerns for the natural environment
- Residents would like to see a Traffic Impact Study be undertaken for the East Uniacke Road

After First Reading was given, staff circulated questionnaires to all property owners within 800m of the subject property to provide residents further engagement opportunity on the proposal. Questionnaire responses have been provided to Council for review. Council directed staff to extend the notification distance from 300m to 800m. 130 questionnaires were sent out and nine (9) were returned. Returned questionnaires have been provided for Council to Review. Many concerns were raised regarding the state of the East Uniacke Road in terms of speed of traffic on the road, lack of street lights and maintenance of the road. After correspondence with Nova Scotia Public Works, they are not requiring a traffic impact study be conducted by the applicant for this road.

The Public Hearing was advertised in the February 8, 2023 and February 15, 2023 editions of the *Chronicle Herald*. A notice was also mailed to all property owners within 800m of the site indicating the date and time of the hearing. The municipal website and social media accounts were also used to advertise the hearing.

Conclusion

Staff have completed their review of the proposal to change the subject property to the Country Residential (CR) Designation and the Country Residential (CR) Zone. The proposed amendments have been evaluated using all applicable policies in the Municipal Planning Strategy. After the review, staff have determined that the amendments are consistent with the policies in the MPS. Staff are making the recommendation to approve this application.



Recommendation

That Planning Advisory Committee recommend that Council give Second Reading and approve the application.

Attachments

Appendix A- Public Information Meeting Notes

Appendix B- Policy Analysis

Appendix C- Financial Analysis

Appendix D- Amendment Sheets

Appendix A- Public Information Meeting Notes

Public Information Meeting

Proposed MPS and LUB Mapping Amendments, PLN22-005, East Uniacke and Proposed MPS and LUB Mapping Amendments, PLN22-006, East Uniacke

Royal Canadian Legion, 18 Veterans Lane, Mount Uniacke

September 6, 2022

Staff in attendance: Lee-Ann Martin, Development Officer & Planner
Debbie Uloth, Project Planner

Applicant: Chris Marchand

Public in attendance: 23 members of the public (including Sackville Rivers Association)
Councillor Moussa
Councillor Perry
Councillor Mitchell

Questions and Comments PLN22-06:

- Would like to see the hydrogeological study and would like to know what happens if someone’s well runs dry because of the development.
- Applicant indicated that there were separate studies done for each planning application.
- Discussed lot size and the minimum lot sizes proposed for the development. The applicant responded that the minimum lot size would be approximately 2 acres.
- Applicant indicated that each lot would have its own septic system.
- Discussion regarding the definition of low-density housing.
- Expressions of concern for finite resources and that we need to support the natural environment.
- Discussion around the pressures on the East Uniacke Road.
- Questions on whether Nova Scotia Public Works and East Hants take a holistic view on traffic (capacity, calming, enforcement).
- Discussion on the RCMP in the area.
- Talked about the need for a traffic impact study.

Appendix B- Policy Analysis

Policy	Comments
MPS Amendment Criteria	
IM12 Council shall consider map amendments to this Strategy when:	
a) A request is received for a zoning amendment that is not consistent with this Strategy's maps, but is consistent with the intent of this Strategy.	The requested zoning amendment is not consistent with the Generalized Future Land Use Map and requires a concurrent amendment to the MPS.
b) Where the boundaries of the comprehensively planning area are altered.	Not applicable to the proposal.
c) Where a request for a comprehensive development is made and it is not already designated as such; and studies show that intent of the Strategy could be met through said proposal.	Not applicable to the proposal.
d) The boundaries of the planning area are not altered.	Not applicable to the proposed application.
e) Housekeeping amendments are not warranted.	Not applicable to the proposal.
Land Use Bylaw Amendment Criteria	
IM13 It shall be the policy of Council to consider amendments to the Land Use Bylaw provided the amendment is consistent with the intent of the Municipal Planning Strategy.	This proposal is consistent with relevant MPS Policies as discussed in this report.
IM14 It shall be the policy of Council to consider an application for amendment to the Land Use Bylaw only if the application has identified a proposed use for the property. Council shall give consideration to both the proposed use and to the impact of other uses permitted in the requested zone.	This proposal is for a low-density residential subdivision with up to 54 lots.
IM15 It shall be the policy of Council to consider an application for amendment to the Land Use Bylaw only if the site meets all of the lot size and zone standards for the zone sought.	The proposed 54 lots could meet the minimum lot requirements for the CR Zone.

<p>IM16 Council shall consider the Land Use Bylaw Amendments within the applicable Generalized Future Land Use designation as subject to the policies of this Strategy</p>	<p>This LUB amendment is only possible with a concurrent amendment to the MPS to redesignate the property to CR.</p>
<p>IM17 Council shall, in considering amendments to the Land Use Bylaw, in addition to all other criteria as set out in the policies of this Strategy, have regard for the following matters:</p>	
<p>a) Whether the proposed development is in conformance with the intent of this Strategy and with the requirements of all other Municipal Bylaws and regulations as applicable matters.</p>	<p>The proposed development is in conformance with the Municipal Planning Strategy. The proposed subdivision will have to conform to the Subdivision Bylaw and requirements of the CR zone.</p>
<p>b) Whether Planning Staff have initiated a review of this Strategy, or any of the Official Community Plan documents.</p>	<p>An update of the Official Community Plan is underway but outside of this application no changes were anticipated for the property that is the subject of this application.</p>
<p>IM18 Council shall consider if the proposal is premature or inappropriate by reason of:</p>	
<p>a) The financial capability of the Municipality to absorb any costs relating to the development.</p>	<p>A fiscal impact analysis completed by the Dept of Finance indicates a net annual benefit to the municipality once this development is complete of \$18,513.</p>
<p>b) The adequacy of municipally approved water and wastewater services or if services are not provided, the adequacy of physical site conditions for private on-site septic and water system. Council shall consider comments from the Municipal Infrastructure and Operations Department or Nova Scotia Environment as applicable.</p>	<p>No municipal services are available in this area. A Level 1 hydrogeological assessment was completed for the proposal and indicates there should be adequate quantity and quality of water for the proposed 54 lots. Septic service would be subject to approval by Nova Scotia Department of Environment.</p>
<p>c) The adequacy and proximity of school, recreation, and any other community facilities. Council shall consider comments from Municipal departments and the appropriate School Board as applicable.</p>	<p>No concerns were expressed regarding overall recreation or other community facility capacity. The Regional Centre for Education monitors school registration annually and develops long-range forecasting reports regarding the future of schools in the area. The report suggests enrollment rates will decrease in the next 5 years.</p>
<p>d) The potential for significantly reducing the continuation of agricultural land uses.</p>	<p>Not applicable to the proposed application.</p>
<p>e) The adequacy of existing or proposed road networks in, adjacent to, or leading to the development and ability of the proposed development to satisfy applicable</p>	<p>NS Public Works have reviewed and are not requiring a traffic impact study for this development. Matters relating to the design of a future subdivision will be subject to review by NS Public Works and East Hants I&O Dept.</p>

stopping sight distances. Council shall consider comments from the appropriate Municipal Engineer and/or Nova Scotia Transportation and Infrastructure Renewal.	
f) The potential for the contamination of watercourses or the creation of erosion or sedimentation. Council shall consider comments from relevant Provincial Departments as applicable.	There are a number of wetlands located on the property. The development will have to comply with NS Environment erosion & sedimentation requirements during construction and must comply with provincial regulations for wetlands.
g) Creating a leap frog, scattered, or ribbon development pattern as opposed to compact and orderly development.	The proposed change will not create a leap frog, scattered or ribbon development pattern. The surrounding area contains other developments comprising single unit dwellings.
IM19 Council shall consider if the proposed development is shown on a professionally drawn site plan as being in compliance with the applicable sections of the Subdivision Bylaw, with the following matters of the Land Use Bylaw:	A concept plan for a future subdivision was submitted with the application.
a) Type of use.	Proposed CR Zone uses.
b) Number of buildings.	There could be up to 54 dwellings along with accessory buildings.
c) Yard setbacks.	Future construction would have to comply with the setback requirements of the R1 Zone of the Land Use Bylaw.
d) Height, bulk, stepback requirements, and lot coverage of any proposed structures.	Future construction would have to comply with all requirements of CR Zone in the Land Use Bylaw.
e) External appearance of any structures where design standards are in effect.	No design standards are in effect.
f) Street layout and design.	Although there is a concept plan provided, the plan would have to be reviewed under the Subdivision Bylaw should the rezoning be approved.
g) Access to and egress from the site, parking.	Access to and egress from the property is subject to the approval of NS Public Works at time of subdivision.
h) Open storage and outdoor display.	All LUB regulations will have to be met.
i) Signage.	All LUB regulations will have to be met.

j) Similar matters of planning concern.	All LUB regulations will have to be met.
IM20 Council shall consider the suitability of the proposed site in terms of the environmental features of the site, particularly susceptibility to flooding and other nuisance factors, and where applicable, comments from relevant Provincial Departments concerning the suitability of the site for development.	The subject property generally appears suitable for the proposed use. There is a wetland on the property that will have to be considered in the design of a future subdivision.
IM21 Council shall consider the provision of buffering, screening, and access control to minimize potential incompatibility with adjacent and nearby land uses, rail lines and traffic arteries.	The LUB does not require buffering and screening for residential uses in the CR zone.
IM22 Council shall consider the extent to which the proposed development, where applicable, provides for efficient pedestrian circulation and integrates pedestrian walkways and sidewalks within adjacent developments.	Sidewalks are not required. Pedestrian linkages may be required through the subdivision process.
IM23 Council shall consider the proposed development is shown to manage stormwater on-site in a manner which does not negatively impact on other properties.	Any new construction on this site must comply with storm drainage provisions of the Subdivision Bylaw.
IM24 Council shall consider massing, and compatibility of the proposed development's external appearance with adjacent buildings by means of design features, roof type, exterior cladding materials, and overall architectural style that is reasonably consistent with the style and character of the community or compliments the character of the community.	If approved, future dwellings constructed on the property would be in accordance with the zone provisions of the CR Zone. There are no design standards for dwellings in the CR zone.
RR5 In considering expansions to existing Country Residential (CR) Residential Designated areas or establishing new Country Residential (CR) designations, Council shall have regard to the following:	
a) Protect the rural landscape by ensuring that any expansion or establishment of a new CR designation does not lead to a continuous low density residential development pattern in the area;	Subject property is located outside of the Mount Uniacke GMA. The CR policy allows limited areas for expansion of the CR zone. This development is adjacent to other Rural Use (RU) and Two-Unit Residential (R2) zoned lands allowing for a range of housing types. This development is not anticipated to generate sprawl in the area.

b) Consider the remaining supply of land zoned CR and the anticipated rate of the consumption;	Existing CR designated lands on the opposite side of the East Uniacke Road to the proposed development.
c) Consider the fiscal impact on the municipality of as a result of the delivery of services and infrastructure;	The Municipality estimates a net annual benefit to the municipality once this development is complete of \$18,513.
d) Determine the ability to provide “soft” services such as schools, police, and fire protection;	The fire department commented that they have no concerns regarding providing fire service to the development.
e) Identify the environmental impacts which may occur as a result of Rural Residential Development increased development activity;	A 20m setback is required from the Sackville River. The development will also have to comply with the provincial regulations regarding wetlands.
f) Determine the adequacy of transportation routes;	Property is located off the East Uniacke Road. There is no public transportation in this area.
g) Determine the ability to provide adequate recreation and open space opportunities;	No concerns raised regarding the ability to provide recreation or open space opportunities.
h) Identify the agricultural impacts, through an Agricultural Impact Study, where the proposed expansion or establishment of a new CR designation could involve or directly abut (excluding roads) AR Zoned lands;	Not applicable. Lands do not abut Agricultural Reserve (AR) zoned lands.
i) The adequacy of the property to provide an adequate and safe water supply as determined by a hydrogeological assessment prepared by a hydrogeologist;	A Level I groundwater study was conducted and results state a Level II study is recommended; however, it also suggests that drilled wells are expected to be satisfactory to provide an adequate yield of water of acceptable quality for the development. Larger lot sized are also recommended.
j) Identify the other planning related concerns as applicable.	No other matters identified.

Appendix C- Financial Analysis

Ramar Developments Limited - Mount Uniacke						
Type of Construction (Residential/Commercial)	Assessment	Per Unit Price	Unit of Measurement	Total		
Estimated Assessed Value						
Residential	\$ 26,319,600					
Commercial	-					
Total	\$ 26,319,600					
Residential Taxes per Assessed Value	\$ 0.3053			\$ 80,353.74		
Commercial Taxes per Assessed Value	\$ 2.0553			\$ -		
RCMP Services	\$ 0.2371			\$ 62,403.77		
Mandatory Provincial Contribution (Library, Social Family, Corrections, School Education)	\$ 0.3076			\$ 80,959.09		
Mount Uniacke Fire Rate	\$ 0.1340			\$ 35,268.26		
Mount Uniacke Safety Streetlights L10	\$ 0.0038			\$ 1,000.14		
Mount Uniacke Recreation Rate	\$ 0.0070			\$ 1,842.37		
Total Tax Revenue per Year				\$ 261,827.37		
General Tax Rate Expenses						
Cost of Maintenance Municipal Roads per metre per Year	\$ 34.25		1,820 Metres	\$ 62,335.00		
Cost of Ditching	\$ 2.50		1,820 Metres	\$ 4,550.00		
Cost of repaving roads per metre	\$ 31.25		1,820 Metres	\$ 56,875.00		
Mandatory Provincial Contribution (Library, Social Family, Corrections, School Education)				\$ 80,959.09		
Cost of maintaining a park/trails (Parks and Rec) Estimate				\$ 800.00		
Replacement cost of Streetlights per year	\$ 39.98		30 Streetlights	\$ 1,199.34		
Annual cost of maintaining streetlights (power/insurance)	\$ 44.22		30 Streetlights	\$ 1,326.74		
Fire Expenses						
Fire Rates						\$ 35,268.26
Total Tax Revenue from Development						\$ 261,827.37
Total Cost of Providing Services to Proposed Development per Year						\$ 243,313.43
Financial Benefit to the Municipality						\$ 18,513.94

Appendix D- Amendment Sheets

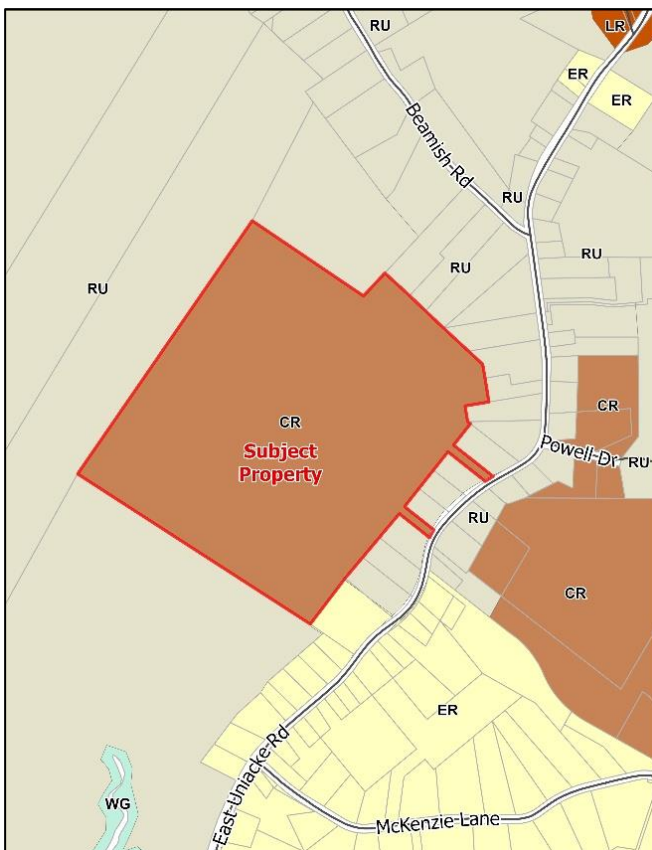
Draft Amendment Sheet

The Municipality of East Hants
Official Community Plan
Municipal Planning Strategy

Generalized Future Land Use Map 4: Mount Uniacke Growth Management Areas

Generalized Future Land Use Map 8: Official Community Plan Areas

The GFLUM designation of PID 45157054, shown on the Generalized Future Land Use Map 4: Mount Uniacke Growth Management Area and Generalized Future Land Use Map 8: Official Community Plan Areas, is changing from Rural Use (RU) to Country Residential (CR) Designation.



Draft Amendment Sheet

The Municipality of East Hants
Official Community Plan
Land Use Bylaw

Land Use Bylaw Map 4: Mount Uniacke Growth Management Area
Land Use Bylaw Map 8: Official Community Plan Areas

The zoning of PID 45157054, shown on the Land Use Bylaw Map 4: Mount Uniacke Growth Management Area and Land Use Bylaw Map 8: Official Community Plan Areas, is changing from Rural Use (RU) to Country Residential (CR) Zone.

