



Subject: *Chris Marchand - MPS and LUB Mapping Amendments*
To: CAO for Planning Advisory Committee, February 14, 2023
Date Prepared: February 1, 2023
Related Motions: PAC22(63), C22(274), PAC22(92), C22(347)
Prepared by: Lee-Ann Martin, Planner
Approved by: John Woodford, Director of Planning and Development

Summary

The Municipality has received an application from Chris Marchand to redesignate and rezone a portion of property in East Uniacke from Rural Use (RU) Zone to Established Residential Neighbourhood (R1) Zone. This report recommends that 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 \$28,757 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:

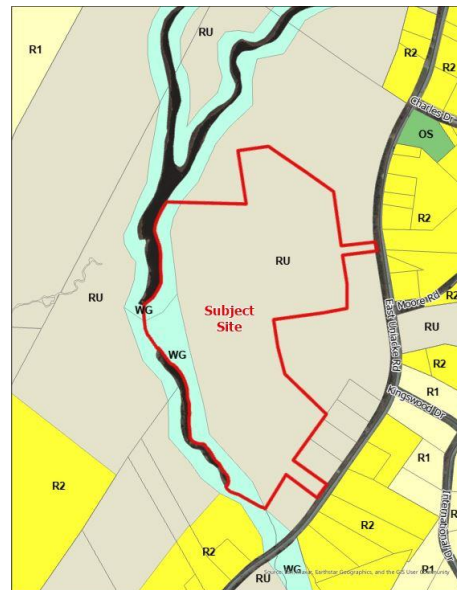
- *Give Second Reading to a proposal for a portion of PID 45143237 to change the designation from Rural Use (RU) to Established Residential Neighbourhood (ER) and the zone from Rural Use (RU) to Established Residential Neighbourhood (R1).*

Background

In April 2022, the Municipality received an application from Chris Marchand on behalf of Aubrey and Cheryl Powell to redesignate and rezone a portion of property in East Uniacke from Rural Use (RU) Zone to Established Residential Neighbourhood (R1) Zone. This application would also require a change in the land use designation from the Rural Use (RU) designation to the Established Residential Neighbourhood (ER) designation.

Subject Property

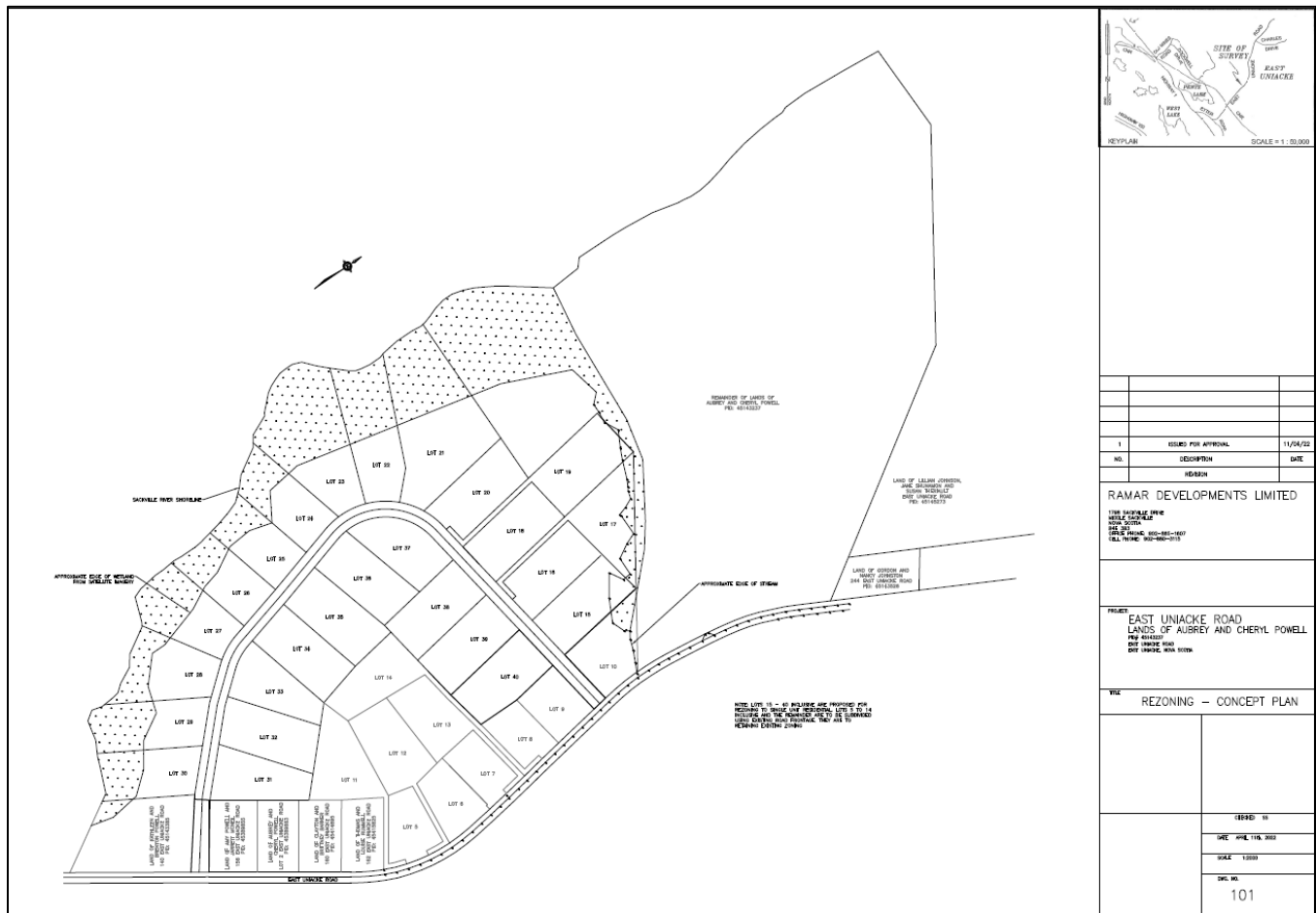
An excerpt of the zoning map and aerial photography map below show the location of the subject property identified as PID 45143237, which is accessed via the East Uniacke Road. The forested property totals 37.4 Ha with the subject portion to be rezoned and redesignated totaling approximately 22.2 Ha. The property is currently zoned as Rural Use (RU) Zone with portions of the property with the Watershed Greenbelt (WG) Zoning along the Sackville River. The property is also located within 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 Bylaw Map to change the designation from Rural Use (RU) to Established Residential Neighbourhood (ER) and the zone from Rural Use (RU) to Established Residential Neighbourhood (R1) Zone to enable the development of a low-density subdivision. The concept plan shown below contains 35 potential new lots for residential development. Lots 5 through 14 on the concept plan are shown to be using the existing road frontage on the East Uniacke Road, therefore are not included in the rezoning and redesignation. 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. A detailed table of the evaluative criteria from the enabling policies and corresponding comments from Staff and reviewing agencies is attached to this final report.

The Mount Uniacke Growth Management Area is unique in that it enables development based on on-site sewage and water service. However, within this area the Rural Use (RU) Zone does not allow 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 Mount Uniacke Growth Management Area as well as general policies related to amending the MPS and the Land Use Bylaw (LUB).

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 to 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 RECIEVED

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 roads.

The Sackville Rivers Association provided comments stating items they would like to see regarding the proposed development and the protection of the river including retaining the existing Watercourse Greenbelt (WG) zoning, providing public access to the river, and ensuring erosion and sedimentation control during construction. A full list of their comments is provided in the Public Information Meeting notes found in Appendix A.

East Hants Infrastructure & Operations provided comments stating all proposed roads will have to be designed in accordance with Municipal Standards and a stormwater management plan will be required.

East Hants Parks and Recreation department commented on the proposal in relation to the open space contribution and value of the lots. The details regarding the open space contribution would be determined 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 will comply 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 July 27, 2022 edition of the *Chronicle Herald*. As part of the review process for MPS amendments, a Public Information Meeting (PIM) was required to hear input from the community. A letter was mailed to all property owners within 300 metres of the subject property indicting the date and time 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. There were 26 people in attendance including three Councillors. The following comments were noted:

- Concerns regarding the state of the East Uniacke Road and who will be responsible for repairs to the road
- Concerns regarding the speed of traffic on the East Uniacke Road
- Questions asked about the Watercourse Greenbelt (WG) Zone and whether that zone would be retained
- Residents would like to see a Traffic Impact Study conducted

- Asked if the Fire Department would be consulted
- Discussion around the difference between the planning application and subdivision application
- Representative from the Sackville Rivers Association in attendance provided a list of items they would like addressed. Those include:
 - Watercourse greenbelt be retained on the Sackville River
 - 30-metre buffer on the un-named stream
 - Sedimentation and erosion control during construction to limit silt disposition in the stream and river
 - No direct stormwater drainage into the river or feeder stream
 - Septic fields as far as possible from the river and stream
 - Allowance for public access to the river (possible trail along the river)
 - Retain as many trees as possible
- Discussion regarding the development pressures and taking a holistic approach to growth in Mount Uniacke
- More parks and open spaces in Mount Uniacke

Full meeting notes are attached to this staff report in Appendix A.

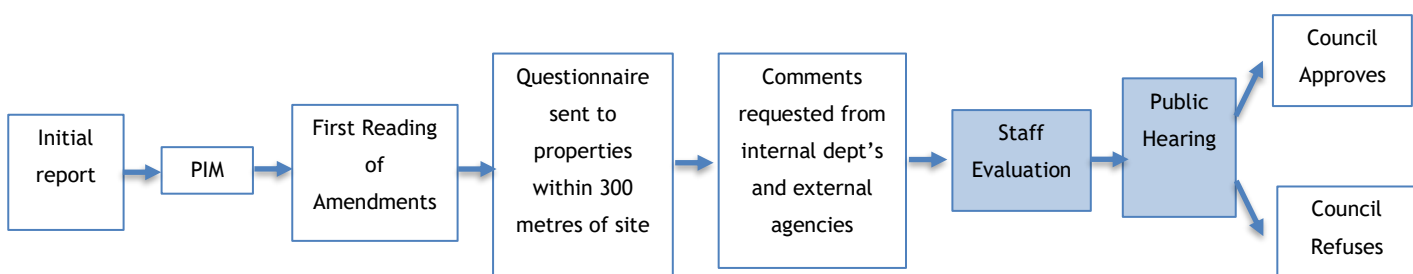
A questionnaire was circulated to all property owners within 300m of the subject property to provide residents further engagement opportunity on the proposal. 57 questionnaires were sent out and eight (8) were returned. Questionnaire responses have been provided to Council for review. Many concerns were raised regarding the state of the East Uniacke Road in terms of speed of traffic on the road, and lack of maintenance. After correspondence with Nova Scotia Public Works, they are not requiring a traffic impact study be conducted by the applicant for this road. Other comments from the questionnaires included:

- Concern for wildlife in the area
- Concern for flooding during construction
- Comments regarding the use of hockey stick lots in the development. May cause concern for homeowners in the future.
- Concerns regarding the water supply and quality for neighbouring properties.

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 300m of the site providing notice of the Hearing. The municipal website and social media were also used to advertise the Hearing.

Conclusion

Staff have completed their review of the proposal to change the subject property to the Established Residential (ER) Designation and the Established Residential Neighbourhood (R1) Zone. The proposed amendments have been evaluated using all applicable policies in the Municipal Planning Strategy and found to be consistent with these policies. Therefore, staff are recommending approval of 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

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 & Comments PLN22-05:

- Attendees asked questions regarding the hydrogeological study and the applicant responded with details from the study.
- Questions were asked about the Watercourse Greenbelt (WG) Zone and whether the zone was going to be changed or not.
- Questions were asked about the East Uniacke Road and who was going to be responsible for repairs to the road from construction vehicles.
- Concerns were raised regarding the speed of traffic on East Uniacke Road.
- Attendees thought that a traffic study for the East Uniacke Road should be undertaken.
- Asked if the fire department was going to be consulted.
- Staff discussed the process and discussed the difference between an as-of-right subdivision and a planning application.
- Sackville Rivers Association would like to interact with the Developer and indicated a list of items they would like to see addressed:
 - Would like to see the greenbelt along the river maintained.
 - This area is the headwaters of the Sackville River and should be kept clean.
 - Tributaries should also be buffered.
 - Siltation and sedimentation into a watercourse causes the most damage to a river system.
 - Would like the area of hard surfaces kept at a minimum.
 - Stormwater should not be directed into the river or tributaries.
 - Septic systems should be kept away from the river.
 - Maintain large trees where possible.
 - Allowances for public access to the river.

- Conservation corridor along the river which includes a trail.
- Talked about the open space lands on Charles Drive and how gas tax funding should be used to create a park at the site.
- Discussion around taxes and that Mount Uniacke has no services and that the Corridor gets all of the services.
- Councillor Moussa discussed the CAP program and taxes; also discussed the Recreation Study that is being undertaken for the Mount Uniacke area.
- Concerns about seniors and access to services and their tax burden.
- Discussion by Councillors on how projects get moved forward and how groups of people need to champion a cause.
- Wanted to have Nova Scotia Public Works attend a meeting for the development.
- Discussion was held about development pressures and about taking a holistic approach to growth in Mount Uniacke.

Appendix B- Policy Analysis

Policy	Comments
<p>Mount Uniacke Growth Management Area</p> <p>GM16 Council shall encourage both residential and commercial development within the Mount Uniacke Growth Management Area.</p>	<p>The proposal would enable residential development under the R1 Zone.</p>
<p>MPS Amendment Criteria</p>	
<p>IM12 Council shall consider map amendments to this Strategy when:</p>	
<p>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.</p>	<p>The requested zoning amendment is not consistent with the Generalized Future Land Use Map and requires a concurrent amendment to the MPS. This change is consistent with policy for the Mt Uniacke GMA and with the goal to provide for a range of housing.</p>
<p>b) Where the boundaries of the comprehensively planning area are altered.</p>	<p>Not applicable to the proposal.</p>
<p>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.</p>	<p>Not applicable to the proposal.</p>
<p>d) The boundaries of the planning area are not altered.</p>	<p>Not applicable to the proposed application.</p>
<p>e) Housekeeping amendments are not warranted.</p>	<p>Not applicable to the proposal.</p>
<p>Land Use Bylaw Amendment Criteria</p>	
<p>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.</p>	<p>This proposal is consistent with relevant MPS Policies.</p>
<p>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.</p>	<p>This proposal is for a low-density residential subdivision with up to 35 lots.</p>
<p>IM15 It shall be the policy of Council to consider an application for amendment to the Land Use Bylaw</p>	<p>The proposed 35 lots could meet the minimum lot requirements for the R1 Zone.</p>

<p>only if the site meets all of the lot size and zone standards for the zone sought.</p>	
<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 ER.</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 Mount Uniacke Growth Management Area. The proposed subdivision will have to conform to the Subdivision Bylaw and requirements of the R1 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 approximately \$28,757.</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 35 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 school, 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 stopping sight distances. Council shall consider comments from the appropriate Municipal Engineer and/or Nova Scotia Transportation and Infrastructure Renewal.</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>
<p>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.</p>	<p>The property borders the Sackville River. The portion of the property fronting onto the river is zoned Watercourse Greenbelt (WG) and this zoning is not proposed to change. The development will also have to comply with NS Environment erosion & sedimentation requirements during construction.</p>
<p>g) Creating a leap frog, scattered, or ribbon development pattern as opposed to compact and orderly development.</p>	<p>The proposed change will not create a leap frog, scattered or ribbon development pattern. The surrounding area contains other developments comprising single unit dwellings.</p>
<p>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:</p>	<p>A concept plan for a future subdivision was submitted with the application.</p>
<p>a) Type of use.</p>	<p>Proposed R1 Zone uses.</p>
<p>b) Number of buildings.</p>	<p>There could be up to 35 dwellings along with accessory buildings.</p>
<p>c) Yard setbacks.</p>	<p>Future construction would have to comply with the setback requirements of the R1 Zone of the Land Use Bylaw.</p>
<p>d) Height, bulk, stepback requirements, and lot coverage of any proposed structures.</p>	<p>Future construction would have to comply with all requirements of R1 Zone in the Land Use Bylaw.</p>
<p>e) External appearance of any structures where design standards are in effect.</p>	<p>No design standards are in effect.</p>
<p>f) Street layout and design.</p>	<p>Although there is a concept plan provided, the plan would have to be reviewed under the Subdivision Bylaw should the rezoning be approved.</p>
<p>g) Access to and egress from the site, parking.</p>	<p>Access to and egress from the property is subject to the approval of NS Public Works at time of subdivision.</p>
<p>All LUB regulations will have to be met.</p>	

h) Open storage and outdoor display.	
i) Signage.	All LUB regulations will have to be met.
j) Similar matters of planning concern.	All LUB regulations will have to be met.
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>The LUB does not require buffering and screening for residential uses in the R1 zone.</p>
<p>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.</p>	<p>Sidewalks are not required in the Mount Uniacke Growth Management Area. Pedestrian linkages may be required through the subdivision process.</p>
<p>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.</p>	<p>Any new construction on this site must comply with stormwater drainage provisions of the Subdivision Bylaw.</p>
<p>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.</p>	<p>If approved, future dwellings constructed on the property would be in accordance with the zone provisions of the R1 Zone. There are no design standards for dwellings in the R1 zone.</p>
<p>IM25 Council shall consider the following matters in Growth Management Areas and other areas where applicable to determine if the proposed development contributes to a favourable community form, and the proposed development's ability to:</p>	

<p>a) Provide for efficient pedestrian movement into, out of, and within the development, especially between commercial and residential neighbourhoods, as well as the ability for pedestrian routes to link with existing sidewalks, active transportation routes and walking trails on abutting lands to provide for a cohesive network of same.</p>	<p>Sidewalks are not required in the Mount Uniacke Growth Management Area. Pedestrian linkages may be required through the subdivision process.</p>
<p>b) Council shall consider, where appropriate, the impact of the development on the comfort and design of proposed streets and existing street users. This shall include whether the proposed development is human scaled, is easily accessible to active transportation users, and if it promotes visual variety and interest for active transportation users.</p>	<p>Sidewalks are not required in the Mount Uniacke Growth Management Area. Active transportation routes, trails and pedestrian connections would be subject to review by the East Hants Department of Recreation, Parks & Culture at time of subdivision application. The Sackville River's Association is hoping that land along the Sackville River will allow for public access to the river.</p>

Appendix C- Financial Analysis

Powell - Mount Uniacke					
Type of Construction (Residential/Commercial)	Assessment	Per Unit Price	Unit of Measurement	Total	Total
Estimated Assessed Value					
Residential	\$ 17,059,000				
Commercial	\$ -				
Total	\$ 17,059,000				
Residential Taxes per Assessed Value	\$ 0.3053			\$ 52,081.13	
Commercial Taxes per Assessed Value	\$ 2.0553			\$ -	
RCMP Services	\$ 0.2371			\$ 40,446.89	
Mandatory Provincial Contribution (Library, Social Family, Corrections, School Education)	\$ 0.3076			\$ 52,473.48	
Mount Uniacke Fire Rate	\$ 0.1340			\$ 22,859.06	
Mount Uniacke Safety Streetlights L10	\$ 0.0038			\$ 648.24	
Mount Uniacke Recreation Rate	\$ 0.0070			\$ 1,194.13	
Total Tax Revenue per Year				\$ 169,702.93	
General Tax Rate Expenses					
Cost of Maintenance Municipal Roads per metre per Year		\$ 34.25	930 Metres	\$ 31,852.50	
Cost of Ditching		\$ 2.50	930 Metres	\$ 2,325.00	
Cost of repaving roads per metre		\$ 31.25	930 Metres	\$ 29,062.50	
Replacement cost of Storm System per year				\$ 1,110.00	
Mandatory Provincial Contribution (Library, Social Family, Corrections, School Education)				\$ 52,473.48	
Replacement cost of Streetlights per year		\$ 39.98	15 Streetlights	\$ 599.67	
Annual cost of maintaining streetlights (power/insurance)		\$ 44.22	15 Streetlights	\$ 663.37	
Fire Expenses					
Fire Rates				\$ 22,859.06	
Total Tax Revenue from Development					
Total Cost of Providing Services to Proposed Development per Year				\$ 169,702.93	
Financial Benefit to the Municipality				\$ 140,945.58	
				\$ 28,757.35	

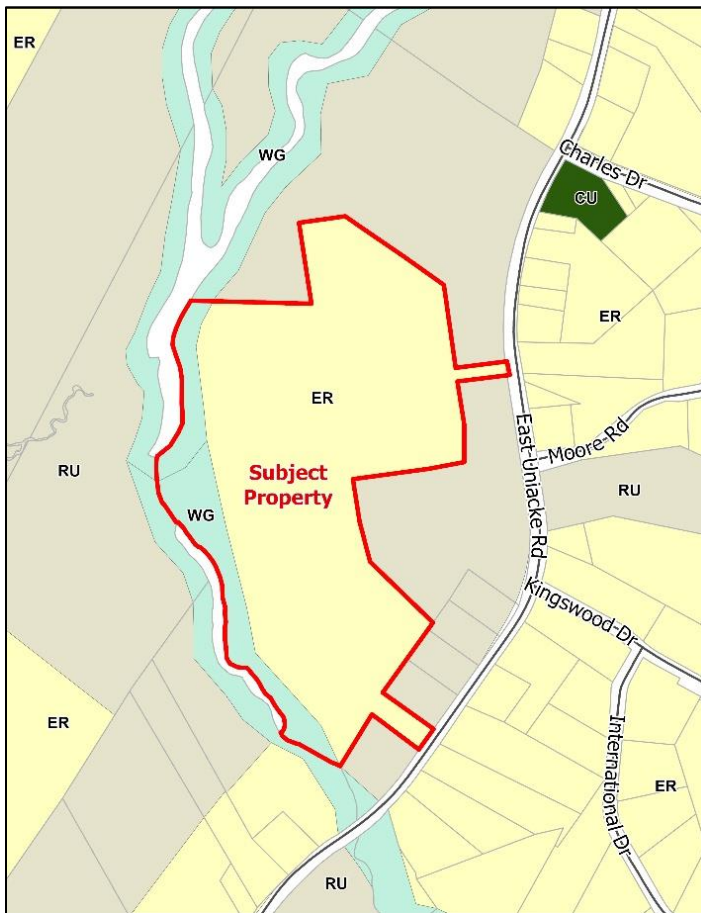
Appendix D- Amendment Sheets

Draft Amendment Sheet

The Municipality of East Hants
Official Community Plan
Municipal Planning Strategy

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

The GFLUM designation of a portion of PID 45143237, shown on the Generalized Future Land Use Map 4: Mount Uniacke Growth Management Area, is changing from Rural Use (RU) to Established Residential Neighbourhood (ER) 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

The zone of a portion of PID 45143237, shown on Land Use Bylaw Map 4: Mount Uniacke Growth Management Area, is changing from Rural Use (RU) to Established Residential Neighbourhood (ER) Designation.

