



Subject: 3230225 Nova Scotia Limited (Cottage Country) Application: MPS and LUB Mapping Amendments and Development Agreement
To: CAO for Planning Advisory Committee, February 20, 2024
Date Prepared: February 15, 2024
Related Motions: None
Prepared by: Debbie Uloth, Project Planner
Approved by: John Woodford, Director of Planning and Development

Summary

The Municipality has received an application from 3230225 Nova Scotia Limited (Cottage Country) to change the land use designation of PID 45147154, PID 45147253, and PID 45187242 from Rural Use (RU) to Rural Comprehensive Development District (RCDD) and rezone the same PIDs from Rural Use (RU) to Rural Comprehensive Development District (RCDD) Zone. A small portion of PID 45187242 is also proposed to be redesignated and rezoned from Lakeshore Residential (LR) to Rural Comprehensive Development District (RCDD). In addition, the application requests that Council consider entering into a development agreement for the same properties, with the addition of PID 45155314, PID 45403144, PID 45392602, and PID 45155306, to permit a 550 dwelling unit bare-land condominium development with 24.6 hectares of multi-use development (commercial & residential). The land under consideration is located between East Uniacke Road, Nature Drive, and Long Lake Road, East Uniacke, adjacent to the existing Cottage Country development.

Financial Impact Statement

There is no immediate financial impact from the recommendations in this report. A fiscal impact analysis will be completed for the final staff report.

Recommendation

That Planning Advisory Committee recommends that Council authorize staff to schedule a public information meeting in the community of Mount Uniacke.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *authorize staff to schedule a public information meeting to consider an application from 3230225 Nova Scotia Limited (Cottage Country) to amend the MPS and LUB by changing the land use designation and zone of PID 45147154, PID 45147253, and PID 45187242 to Rural Comprehensive Development District (RCDD) and to consider entering into a development agreement, with the addition of PID 45155314, PID 45403144, PID 45392602, and PID 45155306, to permit a 550 dwelling unit bare-land condominium development on 418 hectares of land with 24.6 hectares of multi-use development (commercial & residential).*

Background

Planning staff received an application from 3230225 Nova Scotia Limited (Cottage Country) in January 2024. The application proposes to change the Generalized Future Land Use Designation of lands identified as PID 45147154, PID 45147253, and PID 45187242 from Rural Use (RU) to Rural Comprehensive Development District (RCDD) and to rezone the same from Rural Use (RU) to Rural Comprehensive Development District (RCDD) Zone. A small portion of PID 45187242 is also proposed to be redesignated and rezoned from Lakeshore Residential (LR) to Rural Comprehensive Development District (RCDD). In addition, the application requests that Council consider entering into a development agreement for the same properties, with the addition of PID 45155314, PID 45403144, PID 45392602, and PID 45155306, to permit a 550 dwelling unit bare-land condominium development with 24.6 hectares of multi-use development (commercial & residential).

In 2010, East Hants Council approved an application to permit the development of 401 bare-land condominium units on Long Lake. In the staff reports for the initial application, Cottage Country was described as a condominium resort community, where only 10% to 30% of residents would be living in the community full-time. To date 135 of the 401 permitted dwelling units have been constructed, with nearly all of the dwellings being occupied by full-time residents.

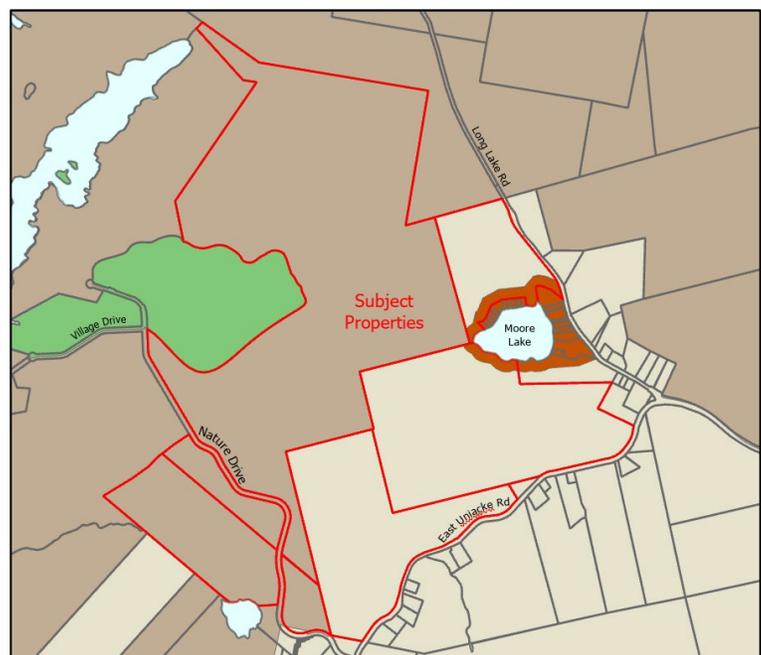
Hants County Condominium Corporation Number 12 is run by a condo board. Hants County Condominium Corporation Number 6 is still majority-owned by Cottage Country and does not yet have a condo board. The existing Cottage Country development agreement enables development of over 340 hectares of land.

Discussion

SUBJECT PROPERTY

The subject properties are shown on the map to the right and are identified as PID 45147154, PID 45147253, PID 45187242, PID 45155314, PID 45403144, PID 45392602, and PID 45155306, East Uniacke. These lands are located between Nature Drive, East Uniacke Road, and Long Lake Road. The total area of the subject lands is approximately 418 hectares (1088 acres).

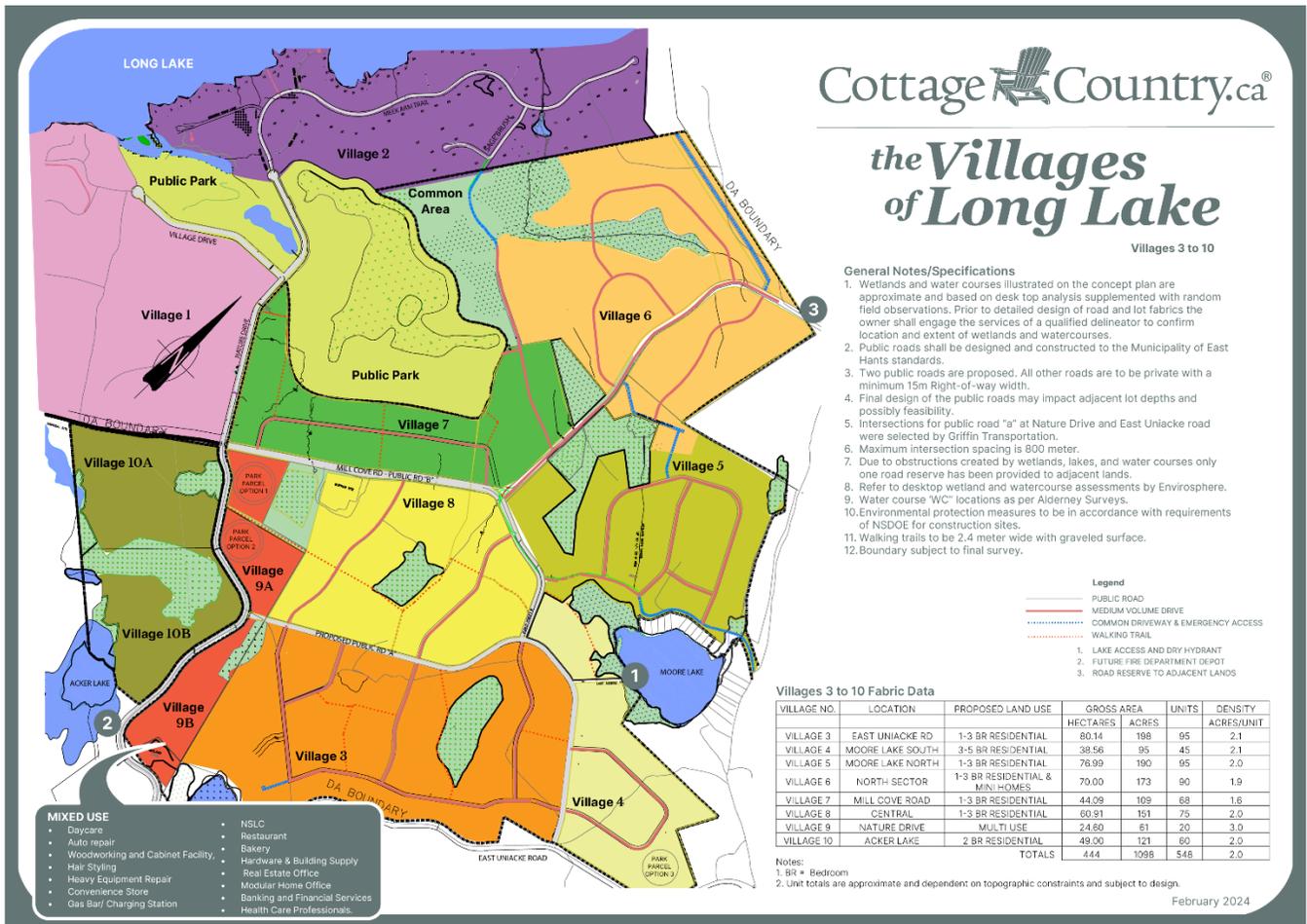
The properties are zoned a combination of Rural Comprehensive Development District (RCDD), Rural Use (RU), and Lakeshore Residential (LR). Properties to the south, across East Uniacke Road, are zoned Rural Use (RU) Zone. Properties to the North, East, and West are zoned Rural Comprehensive Development District (RCDD). In addition, there is parkland that is owned by the Municipality and zoned Open Space (OS) Zone, which is adjacent to the subject site.



DEVELOPMENT PROPOSAL

The purpose of this application is to amend the Municipal Planning Strategy and Land Use Bylaw, so that all properties that are a part of the application are designated and zoned Rural Comprehensive Development District (RCDD) and to enter into a development agreement to permit a 550 dwelling unit bare-land

condominium development with 24.6 hectares of multi-use development (commercial & residential). A concept plan of the proposed development is shown below and is attached as Appendix A.



The concept plan shows the 550 dwelling units and the multiple use lands divided into eight (8) different condo villages. The development includes two new public roads that run through the new development and that connect Nature Drive to East Uniacke Road. The concept plan also shows multiple private driveways running through the development. One private driveway in Village 5 connects to Long Lake Road. The concept plan shows open space for future park development in two locations. A small park with frontage on Moores Lake and a second future park location to be determined. Each condominium development also has an area for the common use of residents living in the condo development. Village 9A and 9B are proposed to be subdivided and sold as freehold lots and will not be incorporated into a condo development. The applicant has asked for a wide range of commercial uses to be permitted on the multiple use lands and staff will narrow down the uses as the application proceeds. The concept plan also shows wetland areas.

Together with the existing Cottage Country development, there are proposed to be 951 bare-land condominium units as part of the development. Staff do have concerns with the lack of amenities in the area to support the number of proposed residents. For example, the nearest convenience store from the entrance of Nature Drive is Eddy's Variety at 10.3 km and Beaverbank Convenience at 13 km. The issue of amenities will be discussed in more detail in future reports.

POLICY ANALYSIS

Both MPS and LUB mapping amendments and the development agreement are being considered simultaneously. Policy IM11 of the MPS is the policy that permits Council to consider the proposed mapping amendments. East Hants Council has to determine if the proposed mapping application is in the best interest of the Municipality. In

addition to the implementing policies, Policy RR13 of the MPS allows Council to consider entering into a development agreement for a residential bare-land condominium development. In considering Policy RR13, Council has to consider whether the proposed development overwhelms the potential rural residential development focus of the RCDD designation or if the proposed development contributes to an exurban development pattern.

Although the application includes lands that are already zoned RCDD and lands that are not zoned RCDD, the Solicitor has indicated that the application is not appealable to the NSUARB if the application is refused. This is due to the application including lands where a mapping change is being requested to the MPS. The application can only be appealed if the Developer resubmitted a new application for just the lands that are already zoned RCDD and it was refused by Council.

Bare-Land Condominium Development Considerations

The provincial Condominium Regulations define, a bare-land condo property as a property that contains units that consist of land on which dwellings may be located or constructed after acceptance for registration. As Council considers the future development of multiple bare-land condominium developments in East Uniacke, staff have identified some bare-land condominium issues that have arisen since the initial Cottage Country development agreement was entered into.

An article by Cambridge University Press states that the use of bare-land condominium development “*endows groups of single-house lot owners with fiscal capacity and governing authority to assume important aspects of local government*” (Condominium to the Country: The Sprawl of Ownership within Private Local Government in British Columbia). This form of private regulation may create issues between the rules of the local government and the condominium corporation. Over the past few years, staff have run into this issue. As an example, a resident purchased 5 acres of land for exclusive use in Hants County Condominium Corporation Number 12 intending to own horses. However, the existing DA does not permit residents to have ungulates, staff informed the resident that the only way he could have horses on his property was to have the development agreement amended. However, the process is not as simple as it would be if the land was in single ownership. Instead, because the land is in common ownership, it means that Hants County Condominium Corporation Number 12 has to apply for the development agreement amendment. So, the condo board decides before it goes to Council if the resident should be allowed to have horses. Thereby determining control of how land is used instead of the Municipal Government.

The same issue occurs with accessory dwelling units. The existing development agreement was approved in 2010 before Council created policies and regulations that permit most single-unit dwelling owners to have an accessory dwelling unit. The accessory dwelling unit regulations came into effect in 2016. The existing development agreement does not allow for secondary dwelling units. Instead of being able to directly apply for an amendment to the 2010 Development Agreement to permit an accessory dwelling unit. The resident who owns the house has to ask the condo board to apply to have the development agreement amended. The condo board then gets to decide on whether to grant the resident's request. Further to this, any changes to the 2010 Development Agreement may impact all of the condo unit owners. The costs of registering a development agreement on each condo unit could also end up costing the board tens of thousands of dollars in legal and registration fees depending on the number of condo units in each condominium corporation.

Another issue to consider is that land in a condominium is in common ownership, thereby possibly making it difficult in the future to create land use regulations that would regulate individual units in a condominium corporation. For example, if Council extended the Bylaw P-1200, Lot Grading and Drainage to rural areas, the current Bylaw would not be in effect for land in Cottage Country because a condo unit is not a subdivided lot. The Condo Corporation owns the land the residents just have exclusive use on a portion of the land.

CITIZEN ENGAGEMENT

Planning staff will comply with the Citizen Engagement Policies of the Municipal Planning Strategy when processing this application. An advertisement outlining the application and indicating that it had been received and was under review by staff was placed in the *Chronicle Herald* in February 2024. A Public Information Meeting (PIM) is required for all amendments to the Municipal Planning Strategy unless they are housekeeping in nature. Unless directed otherwise, a letter indicating the time and date of the PIM will be mailed to all residents and property owners within 300 m of the subject properties. Additional advertising will be placed on the East Hants website and on our social media feeds.

STRATEGIC ALIGNMENT

The 2021-2024 East Hants Strategic Plan identifies ‘Strong Community’ as one of the four areas of strategic focus.

LEGISLATIVE AUTHORITY

The legislative authority is set out in the Municipal Government Act, Part VIII. This part of the MGA sets out the process for MPS and LUB amendments to be considered and for consideration of a development agreement.

FINANCIAL CONSIDERATIONS

A fiscal impact analysis will be completed for the final staff report.

Alternatives

Planning Advisory Committee can refuse the application.

Attachments

Appendix A - Concept Plan

the Villages of Long Lake

Villages 3 to 10

General Notes/Specifications

- Wetlands and water courses illustrated on the concept plan are approximate and based on desk top analysis supplemented with random field observations. Prior to detailed design of road and lot fabrics the owner shall engage the services of a qualified delineator to confirm location and extent of wetlands and watercourses.
- Public roads shall be designed and constructed to the Municipality of East Hants standards.
- Two public roads are proposed. All other roads are to be private with a minimum 15m Right-of-way width.
- Final design of the public roads may impact adjacent lot depths and possibly feasibility.
- Intersections for public road "a" at Nature Drive and East Uniacke road were selected by Griffin Transportation.
- Maximum intersection spacing is 800 meter.
- Due to obstructions created by wetlands, lakes, and water courses only one road reserve has been provided to adjacent lands.
- Refer to desktop wetland and watercourse assessments by Envirosphere.
- Water course "WC" locations as per Alderney Surveys.
- Environmental protection measures to be in accordance with requirements of NSDOE for construction sites.
- Walking trails to be 2.4 meter wide with graveled surface.
- Boundary subject to final survey.

Legend

-  PUBLIC ROAD
-  MEDIUM VOLUME DRIVE
-  COMMON DRIVEWAY & EMERGENCY ACCESS
-  WALKING TRAIL

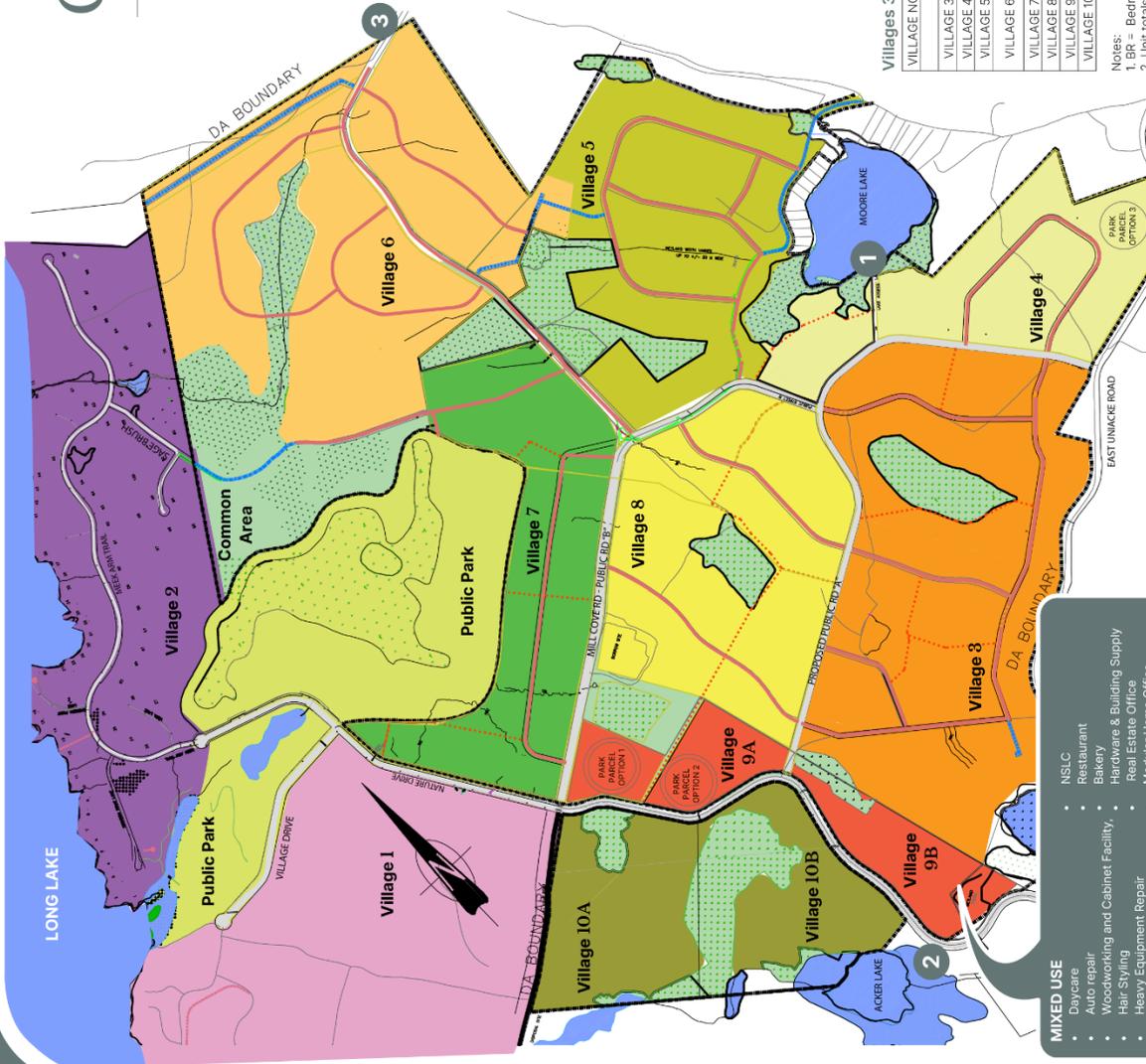
- Lake Access and Dry Hydrant
- Future Fire Department Depot
- Road Reserve to Adjacent Lands

Villages 3 to 10 Fabric Data

VILLAGE NO.	LOCATION	PROPOSED LAND USE	GROSS AREA HECTARES	ACRES	UNITS	DENSITY ACRES/UNIT
VILLAGE 3	EAST UNIACKE RD	1-3 BR RESIDENTIAL	80.14	198	95	2.1
VILLAGE 4	MOORE LAKE SOUTH	3-5 BR RESIDENTIAL	38.56	95	45	2.1
VILLAGE 5	MOORE LAKE NORTH	1-3 BR RESIDENTIAL	76.89	190	95	2.0
VILLAGE 6	NORTH SECTOR	1-3 BR RESIDENTIAL & MINI-HOMES	70.00	173	90	1.9
VILLAGE 7	MILL COVE ROAD	1-3 BR RESIDENTIAL	44.09	109	68	1.6
VILLAGE 8	CENTRAL	1-3 BR RESIDENTIAL	60.91	151	75	2.0
VILLAGE 9	NATURE DRIVE	MULTI USE	24.60	61	20	3.0
VILLAGE 10	ACKER LAKE	2 BR RESIDENTIAL	49.00	121	60	2.0
TOTALS			444	1088	548	2.0

- Notes:
 1. BR = Bedroom
 2. Unit totals are approximate and dependent on topographic constraints and subject to design.

February 2024



- #### MIXED USE
- Daycare
 - Restaurant
 - Auto repair
 - Bakery
 - Woodworking and Cabinet Facility
 - Hair Styling
 - Heavy Equipment Repair
 - Convenience Store
 - Gas Bar/ Charging Station
 - NSLC
 - Restaurant
 - Bakery
 - Hardware & Building Supply
 - Real Estate Office
 - Modular Home Office
 - Banking and Financial Services
 - Health Care Professionals.