



Subject: *Edward Hunter - MPS and LUB Mapping Amendments*
To: CAO for Planning Advisory Committee, March 18, 2025
Date Prepared: March 4, 2025
Related Motions: PAC24(44), PAC24(45), PAC25(21), C24(254), C24(255), C25(70)
Prepared by: Lee-Ann Martin, Planner and Development Officer
Approved by: John Woodford, Director of Planning and Development

Summary

The Municipality has received an application from Edward Hunter to redesignate and rezone a property in Upper Nine Mile River from the Agricultural Reserve (AR) zone and designation to the Rural Use (RU) zone and designation. This report provides the policy analysis for the proposed amendments and recommends that approval be given.

Financial Impact Statement

There are no immediate financial impacts associated with the rezoning and redesignation of these lands.

Recommendation

That Planning Advisory Committee recommend that Council give Second Reading and approval be given to the application.

Recommended Motion

Planning Advisory Committee recommends that Council:

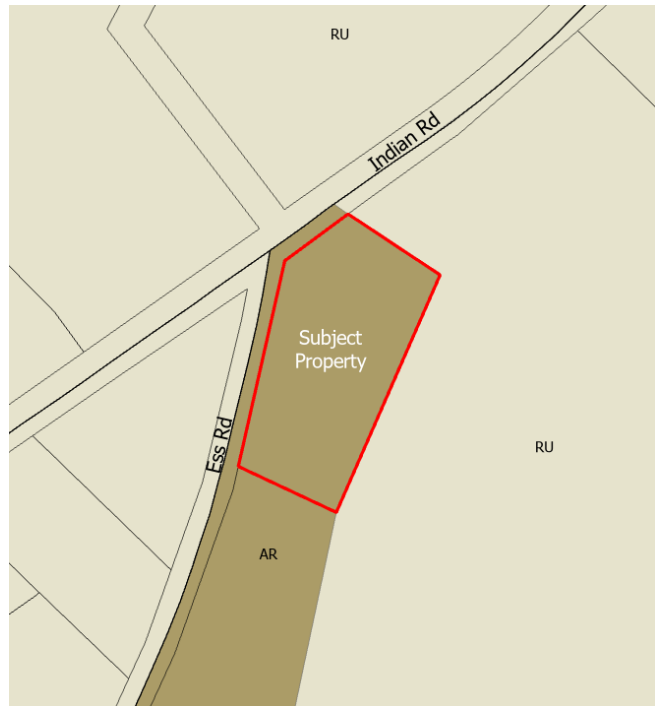
- *Give Second Reading and approve the proposal for PID 45189206 to amend the Municipal Planning Strategy and Land Use Bylaw by changing from the Agricultural Reserve (AR) zone and designation to the Rural Use (RU) zone and designation*

Background

In January 2024, the Municipality received an application from Edward Hunter to redesignate and rezone a property in Upper Nine Mile River from the Agricultural Reserve (AR) to the Rural Use (RU).

Subject Property

An excerpt of the zoning map and aerial photography map below show the location of the subject property identified as PID 45189206, which is accessed via Indian Road and Ess Road. The property totals 1.4 Ha and is vacant land. The property is not located within a Growth Management Area or Growth Reserve Area. There is Agricultural Reserve zoning on the adjacent property on Ess Road and Rural Use zoning on the rear property on Indian Road.



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 and zone from property that is currently zoned Agricultural Reserve (AR) to the Rural Use (RU) zone and designation to enable future development that is permitted as-of-right under the LUB. There is no specific development proposal associated with this application.

Discussion

LEGISLATIVE AUTHORITY

The Municipal Government Act, Part VIII 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

The rezoning and redesignation of the lands will not have any financial impact to the Municipality.

MUNICIPAL PLANNING STRATEGY POLICY ANALYSIS

Staff have reviewed the proposed amendments based on the applicable policies contained in the Municipal Planning Strategy (MPS). As part of the review, staff have 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 found in Appendix A.

The property will have to be redesignated and rezoned to enable the development of non-farm related uses. If this application is approved, all RU zone uses would be permitted on this property. The Rural Use (RU) zone allows for a variety of uses including but not limited to, residential uses included single unit dwellings, two-unit dwellings, and multiplex dwellings up to 8-units (through a development agreement), commercial uses including but not limited to: Tradesperson and Craftsperson, Retail and Rental Stores, Restaurants, Agricultural uses, and Forestry uses. With a rezoning and redesignation, there is nothing to restrict what someone chooses to build on the property, provided the use is permitted within the Rural Use (RU) zone.

In evaluating this application, Staff have referred to MPS policies associated with the Rural Use (RU) designation as well as general policies related to amending the MPS and the Land Use Bylaw (LUB). The review also looked at the impact of the loss of agricultural land and policies relating to the Agricultural Reserve (AR) designation.

Policy AR17 of the Municipal Planning Strategy considers non-agricultural uses by development agreement only on Agricultural Reserve designated lands. The applicant was informed of this policy and the ability to proceed with a development agreement option; however, he chose to proceed with the rezoning and redesignation application.

One of the provincial statements of interest has regard for the preservation and protection of agricultural lands in the province for the development of viable and sustainable agriculture. The applicant engaged a professional Agrologist, James C. Stephens, AACI, MRICS, P.App., P.Ag., from Hillside Consulting Ltd., to conduct an Agricultural Impact Study for the subject property, compliant with Appendix A-Agricultural Impact Study, of the Municipal Planning Strategy. The study is required to evaluate the CLI soil classification and the impact of the loss of agricultural land based on the proposed application.

The study results concluded the subject property consists entirely of Class 3, Subclass S soils. The study author determined this classification is from mapping data at a large scale and does not recognize the small-scale use restrictions. The author found that in their professional opinion, based on the site's poor drainage, the classification Class 4 Subclass W under the Canadian Land Inventory (CLI) soil classification would be the most appropriate for the site. The CLI defines Class 4 soils as followed:

Class 4: Soils in this class have severe limitations that restrict the range of crops or require special conservation practices, or both. The limitations seriously affect one or more of the following practices: timing and ease of tillage; planting and harvesting; choice of crops; and methods of conservation. The soils are low to fair in productivity for a fair range of crops but may have high productivity for a specially adapted crop.

SUBCLASS W: excess water – Excess water other than from flooding limits use for agriculture. The excess water may be due to poor drainage, a high-water table, seepage or runoff from surrounding areas.

The property had previously been harvested by a former owner of the lands; however, the harvesting has reportedly not occurred in the past several years and it appears regrowth of trees and other shrubs has begun on the property. The study indicated that the rezoning of the lands to Rural Use will have a negligible impact on the supply and connectivity of agricultural lands within East Hants. The full study has been provided to PAC and Council for review.

Agricultural Advisory Committee

Under the terms of reference, one of the mandates of the Agricultural Advisory Committee is to review land use applications regarding large parcels of agricultural land and provide recommendations to the Planning Advisory Committee. A meeting of the Agricultural Advisory Committee was held on November 27th, 2024; however, quorum was not obtained. The meeting was rescheduled and held on January 28th, 2025. The following motion from the Committee was made:

Moved that the Agricultural Advisory Committee recommend to the Planning Advisory Committee recommends to Council to not approved the rezoning and redesignation from Agricultural Reserve (AR) to Rural Use (RU).

The Committee suggested the applicant reconsider policy AR17 of the Municipal Planning Strategy, in order to protect and preserve the current zoning on the property. Policy AR 17 states that “Council shall consider non-agricultural uses in the Agricultural Reserve (AR) Zone by development agreement only”.

Notes from the Agricultural Advisory Committee have been provided for Planning Advisory Committee and Council to review.

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 a July 2024 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 and residents within 500m (as per Council motion C24(255), extending the notification distance from 300m to 500m) of the subject property indicating the date, time and location of the PIM. The PIM is an opportunity for residents to ask questions and provide comments regarding the application. A notice of the PIM was also placed in the *Chronicle Herald*.

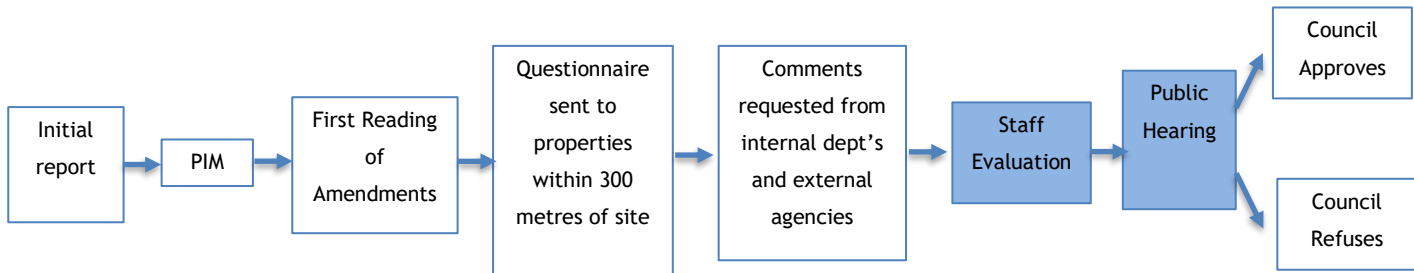
The PIM was held on November 5th, 2024 at the Municipal office in Elmsdale. No members of the public attending the meeting; therefore, no comments or questions were asked.

Following the PIM, a letter and questionnaire was mailed to all property owners and residents within 500m of the subject property providing residents another opportunity to express their thoughts on the proposal. 22 letters were mailed out, and four (4) were returned. The responses did not have any concerns with the proposed application; however, requested development on the property be limited to residential uses only. Copies of the responses have been provided for PAC and Council to review.

Conclusion

Staff will continue to review the proposal to change the zone and designation from the Agricultural Reserve (AR) to the Rural Use (RU) zone and designation. The proposed amendments will be evaluated using all applicable policies in the Municipal Planning Strategy, in particular the policies regarding the protection of agricultural land. Staff will make a recommendation to PAC in their final staff report.

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



Alternatives

Planning Advisory Committee may recommend that the application be refused.

Appendix

1. Evaluation Criteria
2. Amendment Sheets

Attachments

1. Agricultural Impact Study prepared by Hillside Consulting Ltd.
2. Questionnaire responses received to date.
3. Agricultural Advisory Committee Notes

Appendix A: Evaluation Criteria

Municipal Planning Strategy Policy	Comments
IM11 Council shall only consider private applications to amend this Strategy where said amendments in the best interest of the Municipality.	Council shall determine whether this application is in the best interest of the Municipality
IM13 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.	A request to rezone and redesignate the property was received
b) Where the boundaries of the comprehensively planning area are altered.	Not applicable
c) Where a request for a comprehensive development district is made and it is not already designated as such; and studies show that the intent of the Strategy could be met through said proposal.	Not applicable
d) The boundaries of the planning area are altered.	Not applicable
e) Housekeeping amendments are warranted.	Not applicable
AR1 Council shall establish the Rural Use (RU) Designation, which shall be generally placed on lands outside of the more urbanized regions of the Municipality. The RU Designation shall encourage the continuation of a moderately changing and diverse rural landscape through the appropriate implementation of acceptable uses within the Rural Use (RU) Zone. This designation shall allow for a range of low-density development options that are consistent with the type of development occurring in rural areas.	
AR10 Council shall apply the Agricultural Reserve (AR) Designation based on active agricultural lands. Future AR Designations may be based on the following criteria:	The subject property is not active agricultural land and has not been used for agricultural activities for many years.
a) Protecting the continuation of existing farming areas	The surrounding properties on Indian Road and Ess Road are primarily Rural Use (RU) zoned with some AR zoning adjacent to the lands. As per the Agricultural Impact Study, it was determined that the change in designation and zone would have little impact on the supply and connectivity of AR zoned

	lands within the Municipality. This property is also not being actively farmed.
b) Providing for logical boundaries around farming areas such as roads, property lines, rivers, and other natural features	This area is not being actively farmed. One adjacent property is also zoned Agricultural Reserve, however is vacant. The remaining property surrounding the subject property are zoned Rural Use.
c) Protecting active agricultural lands and lands defined by the Canada Land Inventory Soil Capability for Agriculture (CLI) rating as showing soils with Class 3 or active Class 4 or better.	As per the Agricultural Impact Study that was completed for the site, the lands are found to adhere to the Class 3 soils, however, the study author found the lands were more suitable under the Class 4 definition and the land is not active agricultural land.
AR11 Council shall recognize the importance of good agricultural soils to the entire Municipality	The Agricultural Impact Study author indicated that the lands are Class 3 soils, however based in their professional opinion are best suited to be classified as Class 4.
AR17 Council shall consider non-agricultural uses in the Agricultural Reserve (AR) Zone by development agreement only. In considering a proposal for such development, Council shall have regard for the following matters:	This policy was presented to the applicant; however, they chose to continue with the redesignation and rezoning application. The applicant does not have a concept plan for this property.
a) That the use is permitted in the Rural Use (RU) Zone;	There is no proposed used associated with the application
b) That the property is not classified as active farmland;	The property is currently vacant
c) an Agricultural Impact Study has been prepared as outlined in the format shown in the Appendix, by a qualified professional at the expense of the applicant which concludes: i) That the proposed development does not jeopardize the long-term viability of the farms and agricultural lands; ii) That there is no longer viability in maintaining the agricultural operation; or iii) That 90% or more of the property has soils defined as Class 4 or lower capability for agriculture.	The Agricultural Impact Study was prepared by Hillside Consulting Ltd. The study is available for PAC and Council to review. The study contains the CLI soil classification and indicates that the rezoning and redesignation of the lands would have little impact on the supply and connectivity of agricultural lands within the Municipality.
AR32 Council shall establish an Agricultural Advisory Committee consisting of members	The Agricultural Advisory Committee was consulted on the application. The meeting notes are attached to this report.

<p>of the agricultural community, Councillors, Municipal Staff, as well as members from the Federation of Agriculture and other agriculturally related organizations. The mandate of the Agricultural Advisory Committee shall be to make recommendations to Planning Advisory Committee on agricultural matters.</p>	
<p>CE21</p> <p>Council shall, when considering amendments to the East Hants Municipal Planning Strategy, require the following:</p>	
<p>a) Consultation requirements for Land Use Bylaw amendments, as outlined in this strategy, shall be followed.</p>	<p>Land Use Bylaw amendment requirements are being followed such as a letter and questionnaire to surrounding land owners and advertisement of a public hearing.</p>
<p>b) In addition, the Planning Advisory Committee shall conduct at minimum one public information and input meeting on the proposed amendments prior to Council holding a public hearing, unless said amendments are housekeeping in nature.</p>	<p>A Public Information Meeting was held in November 2024. No members of the public attended.</p>
<p>c) Other consultation methods as deemed appropriate by Council such as design charrettes or organized site visits</p>	<p>No other consultation methods were used for the application.</p>
<p>Land Use Bylaw Amendment Criteria</p>	
<p>IM14 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>The LUB mapping amendment would be concurrent with an amendment to the Municipal Planning Strategy mapping.</p>
<p>IM15 It shall be the policy of Council to consider an application for an 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>There is no specific use proposed with this application. Should the rezoning and redesignation be approved, all uses within the Rural Use (RU) zone would be permitted.</p>
<p>IM16 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.</p>	<p>The property meets both the lot area and lot frontage requirements for the Rural Use (RU) zone as per the Land Use Bylaw</p>
	<p>This LUB amendment is enabled by Policy IM13 as outlined in the Municipal Planning Strategy.</p>

IM17	Council shall consider the Land Use Bylaw Amendments within the applicable Generalized Future Land Use designation as subject to the policies of this Strategy	
IM18	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:	
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.	The proposal is enabled by Policy IM13 of the Municipal Planning Strategy. Policy AR17 permits non-farm uses by Development Agreement in the AR zone only. The applicant requested the land be rezoned as it is not an active farm.
b)	Whether Planning Staff have initiated a review of this Strategy, or any of the Official Community Plan documents.	There is no current review of planning documents underway.
IM19	Council shall consider if the proposal is premature or inappropriate by reason of:	
a)	The financial capability of the Municipality to absorb any costs relating to the development.	There are no immediate financial impacts to the Municipality with this application.
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.	The property is not within the serviceable boundary. Any development of the land would require on-site well and septic.
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.	Not applicable as there are no proposed uses associated with this application.
d)	The potential for significantly reducing the continuation of agricultural land uses.	Although this is a vacant piece of Agricultural Reserve (AR) land, it has not been actively farmed in a number of years and the Agricultural Impact study author indicated that it would not have an impact on the continuation of agricultural land in the Municipality.
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.	Nova Scotia Public Works commented on the application and stated the rezoning and redesignation is not anticipated to have a negative impact on the provincial road network.

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 no wetlands or watercourses on this property.
g) Creating a leap frog, scattered, or ribbon development pattern as opposed to compact and orderly development.	The majority of the surrounding lands are zoned Rural Use (RU). A leapfrog, scattered, or ribbon development would not occur.
IM20 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:	No site plan was provided as the applicant does not have a specific concept plan proposed for the property.
a) Type of use.	Must comply with the permitted uses of the Rural Use (RU) zone
b) Number of buildings.	No buildings proposed as part of this application
c) Yard setbacks	Yard setbacks will have to comply with the Land Use Bylaw.
d) Height, bulk, stepback requirements, and lot coverage of any proposed structures.	The height, bulk, setback, and lot coverage requirements will have to comply with the Land Use Bylaw
e) External appearance of any structures where design standards are in effect.	No design requirements are in effect in the Rural Use (RU) zone.
f) Street layout and design.	No new streets are proposed
g) Access to and egress from the site, parking.	A Work Within Highway Right of Way permit from Nova Scotia Public works would be required for any developments on this land.
h) Open storage and outdoor display.	No commercial open storage or outdoor display is proposed as part of the application.
i) Signage.	No signage is proposed as part of the development.
j) Similar matters of planning concern.	N/A
IM21 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	Nova Scotia Environment does not comment on rezoning/redesignation applications. There are no wetlands or watercourses located on site. Approval from Nova Scotia Environment would be required for any future development on the site.

Provincial Departments concerning the suitability of the site for development.		
IM22	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.	Must comply with the requirements of the Land Use Bylaw
	IM23: 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.	Not applicable
IM24	Council shall consider the proposed development is shown to manage stormwater on-site in a manner which does not negatively impact on other properties.	Not applicable
IM25	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.	The Rural Use (RU) zone does not have design requirements.
IM26	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:	
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.	Not applicable
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 humanscaled, is easily accessible to active transportation users, and if it promotes visual variety and interest for active transportation users.	Not applicable

Draft Amendment Sheet

The Municipality of East Hants
Official Community Plan
Municipal Planning Strategy

Generalized Future Land Use Map 8: Official Community Plan Area

The GFLUM designation of PID 45189206, Upper Nine Mile River, shown on the Generalized Future Land Use Map 8: Official Community Plan Area, is changing from Agricultural Reserve (AR) Designation to Rural Use (RU) Designation.



Draft Amendment Sheet

The Municipality of East Hants
Official Community Plan
Land Use Bylaw

Land Use Bylaw Map 8: Official Community Plan Areas

The land use zone of PID 45189206, Upper Nine Mile River, shown on the Land Use Bylaw Map 8: Official Community Plan Area, is changing from Agricultural Reserve (AR) Zone to Rural Use (RU) Zone.

