



Subject: *Edward Hunter - MPS and LUB Mapping Amendments*
To: CAO for Planning Advisory Committee, July 16, 2024
Date Prepared: June 25, 2024
Related Motions: None
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 initial report outlines the application and recommends that a Public Information Meeting be held.

Financial Impact Statement

There are no immediate financial impacts associated with the recommendations of this report. Information on the financial impact of the amendments will be provided in the final report.

Recommendation

That Planning Advisory Committee recommend that Council authorize staff to schedule a Public Information Meeting and to direct staff to seek comments from the Agricultural Advisory Committee

Recommended Motion

Planning Advisory Committee recommends that Council:

- *Authorize staff to schedule a Public Information Meeting to consider a proposal for PID 45189206 to change from the Agricultural Reserve (AR) zone and designation to the Rural Use (RU) zone and designation.*
- *Direct staff to seek comments on the application from the East Hants Agricultural Advisory Committee*

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) Zone to the Rural Use (RU) Zone. This application would also require a change in the land use designation. This initial report outlines the application and recommends that a Public Information Meeting be held.

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.

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

A financial impact analysis will be provided in the final staff report.

MUNICIPAL PLANNING STRATEGY POLICY ANALYSIS

Staff are currently reviewing the proposed amendments based on the applicable policies contained in the Municipal Planning Strategy (MPS). As part of the review, staff will be requesting 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 will be attached to the final report.

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.

In evaluating this application, Staff will refer to MPS polices 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 will also look 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, 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 and 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 found to adhere to the definition of Class 4 Subclass W under the Canadian Land Inventory (CLI) soil classification. 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.

A full review of the Agricultural Impact Study will be provided to PAC and Council in the final staff report.

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. Planning staff recommend seeking comments from the Agricultural Advisory Committee on proposed redesignation and rezoning.

Citizen Engagement

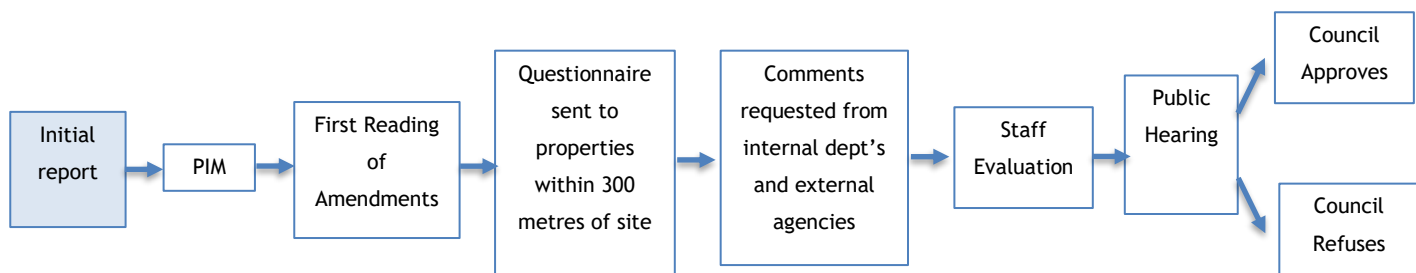
Planning staff will comply with the Citizen Engagement Policies of the Municipal Planning Strategy when processing the amendments. An advertisement outlining the proposal and indicating that it is under review by staff will be placed in an upcoming edition of the *Chronicle Herald*. As part of the review process for MPS amendments, a Public Information Meeting (PIM) is required to hear input from the community. A letter will be mailed to all property owners and residents within 300 metres of the subject property indicating the date, time and location of the PIM and residents will have an opportunity to ask questions regarding the application. A notice of the PIM will also be placed in the *Chronicle Herald*.

After the PIM is held, a letter and questionnaire will again be mailed to all property owners and residents within 300m of the subject property providing residents another opportunity to express their thoughts on the proposal.

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.



Recommendation

That Planning Advisory Committee recommend that Council authorize staff to schedule a Public Information Meeting and to direct staff to seek comments from the Agricultural Advisory Committee

Alternatives

If the PAC does not support this application, they can choose to recommend that Council not move forward with the application. Planning staff do not support this approach and recommend that the file be taken to a Public Hearing to allow staff to complete their full review and analysis of the policies to be provided to PAC and Council in the final staff report.

Another alternative may be to not seek comments from the Agricultural Advisory Committee.

Attachments

Agricultural Impact Study prepared by Hillside Consulting.