



**Subject:** *Gail Sloane & Peter MacDougall Proposed MPS & LUB Mapping Amendments*  
**To:** CAO for Planning Advisory Committee, March 9, 2021  
**Date Prepared:** March 1, 2021  
**Related Motions:** PAC20(68) December and C20(380) December  
**Prepared by:** Rachel Gilbert, Manager of Planning  
**Approved by:** John Woodford, Director of Planning and Development

---

### Summary

The Municipality has received an application from Gail Sloane and Peter MacDougall to amend the designation and zone on three properties from Agricultural Reserve (AR) to Rural Use (RU). They are selling their property and the Agricultural Reserve (AR) Zone would not allow the buyer to build a non-farm dwelling.

### Financial Impact Statement

There is no immediate financial impact from the recommendations in this report. A financial impact analysis will be completed as part of the review for this application.

### Recommendation

That first reading be given to the redesignation and rezoning and that authorization be given to schedule a public hearing.

### Recommended Motion

*Planning Advisory Committee recommend that Council:*

- *Give first reading to the proposal from Gail Sloane and Peter MacDougall to change the designation and zone of 3 properties on Barr Settlement Road from Agricultural Reserve (AR) to Rural Use (RU); and*
- *Authorize staff to schedule a public hearing.*

---

## Background

Planning staff received an application from Gail Sloane and Peter MacDougall to amend the designation and zone on 3 properties on Barr Settlement Road. The applicants are selling their property and the potential buyer contacted the municipality to talk about their plans for the property which is to build a non-farm dwelling. The Agricultural Reserve (AR) Zone does not enable non-farm dwellings. In addition to the applicants own property, the request also includes removing the AR designation and zone on two other adjacent properties which are owned by the applicants family members. A letter will be submitted confirming that the owner of the other two properties consent to the proposal moving forward. The applicants suggest that two of the properties may be amalgamated through the subdivision process, including a small sliver of land from the large parcel to sell to the potential buyer as one property.

The Agricultural Reserve Designation and Zone was applied to these 3 properties during the 2016 Plan Review. At that time, planning staff reviewed our own aerial photography; PVSC imagery; Google satellite images and an agricultural land use survey, throughout the zoned area of the municipality to identify any new areas of land which came into agricultural use; moved existing AR zoning boundaries to property boundaries, where appropriate; and in some cases AR Zoning was removed. In this specific case the AR designation and zoning was applied.

### Plan Review Mailout

The applicant explains that she was unaware of the Agricultural Reserve Zoning on their property. Letters were mailed to all property owners where zoning was proposed to change, with information on the proposed change. The applicant requested to see a copy of the letter but at that time planning staff did not have easy access to the files due to the organizing of old files. Some time has been spent trying to locate the letters and a copy of the letter mailed to the applicant has been located and has been appended to the staff report.

We cannot confirm that the applicant and the owners of the other properties received a letter but letters were mailed out. At this time of the plan review any property owners who had concerns about proposed rezoning were invited to provide comments to Council prior to the plan review completion.

### Use of Land

The applicant has explained that the land has been cleared since 1997 with no agricultural activity conducted on the properties. She has mentioned that her father has mowed the properties annually to prevent re-growth. She also explained that some of the land is unsuitable for agricultural due to water accumulation.

At Planning Advisory Committee in December 2020, previous committee member John Van de Riet explained that he had visited the property the same day as the December 2020 PAC meeting. John Van de Riet is himself a farmer and previously was a member of the Agricultural Advisory Committee. He commented that he was not convinced that it was never agriculture. He said that the piece on the right looked like it was a piece of agricultural land and had been farmed. He also said that at the time of his visit heaps of manure were on the property waiting for application. In February 2021, it appeared that manure had recently been spread on the land. Staff cannot determine whether the land is being used as agricultural land or not. Although there appears to be some agricultural activity.

The applicants property is being taxed as residential.

---

## Subject Site

The subject land includes 3 properties. All 3 of these properties are located on Barr Settlement Road in West Indian Road. The property identified as PID 45278769 has AR designation and zoning applied to the whole of the property. The other 2 properties, identified as PID 45402567 and PID 45375433, have only a portion of them applied with AR designation and zoning applied. The remainder of these 2 properties are zoned and designated Rural Use (RU).

The land surrounding the properties are zoned a mixture of Rural Use (RU) and Agricultural Reserve (AR).

Zoning information is provided on the map to the right. The area of land the subject of the application has been outlined. In addition to this an excerpt of out in-house aerial photography is provided below. Aerial photography provided by PVSC has been included in Appendix A of this staff report.



## Development Proposal

The purpose of this application is to allow for a non-farm dwelling. The current zoning for the property would not allow for a dwelling which isn't related to a bona fide farm operation. Farm dwellings may consist of the principal residence of the farm owner; additional farm labour; or family employed on the farm. Under the Land Use Bylaw, the definition of a 'Bona Fide Farm' is an agricultural operation that is actively engaged in farming and earns at least \$5,000 per calendar year from agricultural activities on the farm.

The potential buyer is not a farmer or related to a farming operation and therefore under the Land Use Bylaw a non-farm dwelling would not be permitted.

If approved, the proposed re-designation and rezoning would enable a non-farm dwelling to be constructed.



## Policy Analysis

The Planning and Development Department is currently reviewing the proposal based on the applicable policies contained in the Municipal Planning Strategy. To address potential compatibility issues with neighbouring residences and businesses, and to comply with criteria applied to consideration of this application, 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.

At their meeting in December 2020, Planning Advisory Committee discussed whether to consult with the Agricultural Advisory Committee but decided not to pursue this further.

There is no right of appeal for amendments to the Municipal Planning Strategy. If approved, the amendments will be reviewed by the NS department of Municipal Affairs and Housing. During their review they will consider

the NS Provincial Statements of Interest and in particular the Statement of Provincial Interest Regarding Agricultural Land. The final staff report will provide further information on the Statement of Provincial Interest Regarding Agricultural Land.

---

## Citizen Engagement

Planning staff will comply with 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 is under review by staff has been placed in the *Chronicle Herald*.

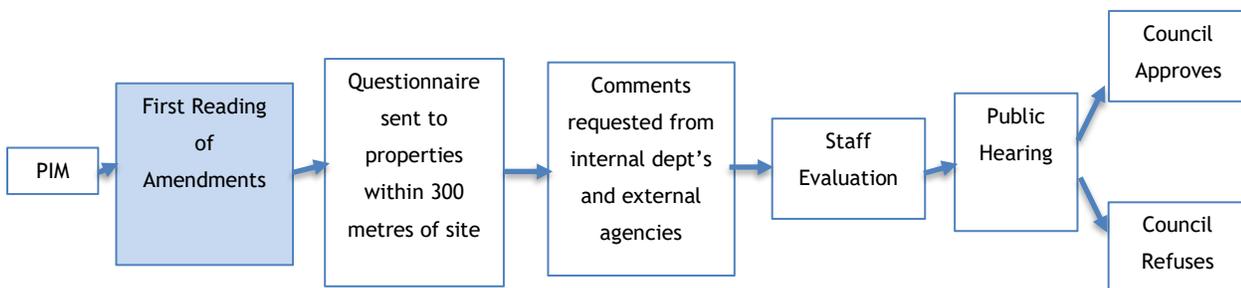
A Public Information Meeting (PIM) is required for this application and this meeting was held in February 2021. Due to Covid-19 restrictions, the public information meeting was held as a digital meeting that residents can join digitally or call and listen to the presentation. The meeting was held in February 2021. A letter indicating the time and date of the PIM was mailed to all property owners within a 300 m of the subject properties indicating the time and date of the meeting. There were no comments from members of the public but the applicant raised some comments. A summary of the Public Information Meeting has been provided in Appendix C.

A questionnaire will be mailed to property owners within 300 metres of the application site. Polices in the MPS require that first reading be given before questionnaires are mailed out.

---

## Conclusion

Planning staff will continue to review the application by Gail Sloane and Peter MacDougall to re-designate 3 properties from Agricultural Reserve to Rural Use to enable a non-farm dwelling to be constructed. The applicants' proposal will be evaluated using all applicable policies in the Municipal Planning Strategy. Staff will make a recommendation to PAC in their final staff report.



---

## Recommendation

That first reading be given to the redesignation and rezoning and that authorization be given to schedule a public hearing.

Appendix A - Aerial Photography provided by PVSC



## Appendix B - Draft Proposed Amendments

### 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 45278769, and a portion of PID 45402567 and PID 45375433, Barr Settlement Road in West Indian Road shown on the Generalized Future Land Use Map 8: has been redesignated from Agricultural Reserve (AR) Designation to Rural Use (RU) Designation.



## Amendment Sheet

The Municipality of East Hants  
Official Community Plan  
Municipal Planning Strategy

### Land Use Bylaw Map 8: Official Community Plan Areas

---

The LUB zone of PID 45278769, and a portion of PID 45402567 and PID 45375433, Barr Settlement Road in West Indian Road, shown on Land Use Bylaw Map 8: Official Community Plan Areas, has been rezoned from Agricultural Reserve (AR) Zone to Rural Use (RU) Zone.



## Appendix C - Public Information Meeting Notes

### Digital Public Information Meeting - Gail Sloane and Peter MacDougall

(February 10, 2021)

Staff:

Ms. Rachel Gilbert, Manager of Planning  
Ms. Debbie Uloth, Project Planner  
Ms. Aurora Douthwright, Communications Coordinator  
Ms. Sheralee Mitchell-MacEwan, Assistant Municipal Clerk

Applicant:

Gail Sloane and Peter MacDougall

Call to Order:

Ms. Rachel Gilbert, Manager of Planning

Presentation:

Staff Presentation: Ms. Rachel Gilbert, Manager of Planning

Applicant:

Applicant comments made by both Gail Sloane and Peter MacDougall:

- Asked about the rationale for changing the designation and zone
- Suggest that land is worthless as agricultural reserve as its too small
- Land purchased with the intention to build a house
- The zone was changed without knowledge - didn't receive letters confirming change
- The land is too small to generate \$5,000

Public:

- No comments or questions from the public

## Appendix D - Copy of letter mailed to applicant

Appended as a separate document