

***Gail Sloane and Peter MacDougall-
MPS and LUB Mapping Amendment
Application***

Planning Advisory Committee

May 18, 2021

Planning & Development Department



EAST HANTS

Background

- Agricultural Reserve (AR) Designation and Zone applied to the 3 properties.
- Applicant has explained they were unaware of the AR Zoning. They explain that the land was cleared in 1997 with no agricultural activity conducted on the property.
- The applicant would like to sell their property to a buyer who wants to construct a non-farm dwelling.
- Non-farm dwellings are permitted in the Rural Use (RU) Zone.
- A re-designation and rezoning is proposed for 3 properties - land may be amalgamated to sell one larger property.





Aerial photography from August 2019

2016 Plan Review Changes

- The land (3 properties) was re-designated and rezoned to Agricultural Reserve (AR) through the 2016 Plan Review.
- At that time, planning staff reviewed our own aerial photography; PVSC imagery; Google satellite images; street view and an agricultural land use survey, throughout the zoned area of the municipality to identify any new areas of land which appeared to be in agricultural use.
- In some cases AR Zoning was removed from properties.
- Letters were mailed to all property owners where zoning was proposed to change. Staff cannot confirm that the letters were received by the applicant but copies of letters that were mailed have been located.
- At the 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 completing.

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.
- Staff cannot determine whether this property is being used as agricultural land or not, although there appears to be some agricultural activity (i.e. manure being spread on the property).
- The property is taxed for residential

Policy Analysis

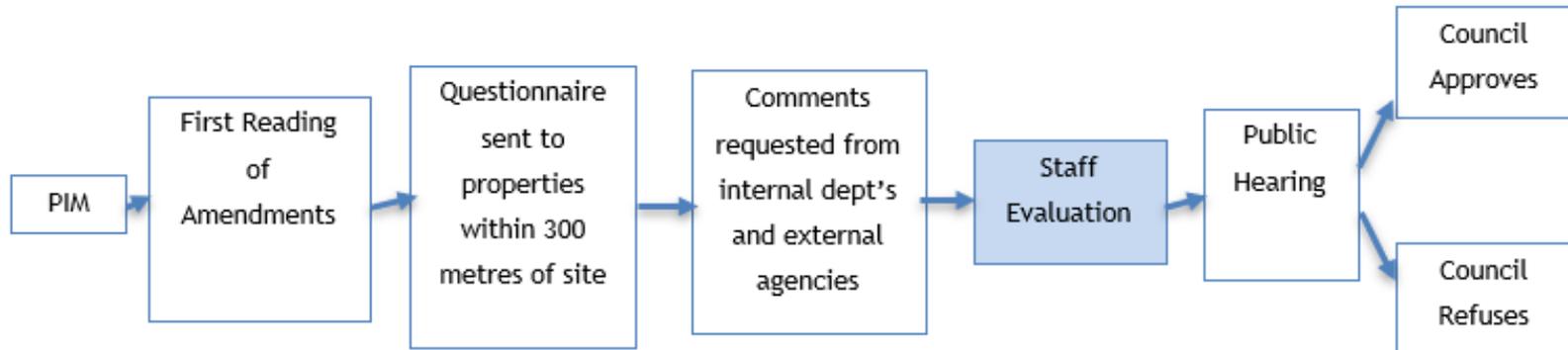
- The Municipal Planning Strategy seeks to identify, protect and foster the agricultural industry within the municipality and to minimize conflicts between agricultural operations and other land uses. The Agricultural Reserve (AR) Designation has been applied in accordance with policy AR10 and is based on active agricultural land.
- Staff are concerned with the impact of approving this redesignation and rezoning on the integrity of the policies which protect the agricultural reserve land and without evidence that this land is not farmed staff are recommending that the application not be approved.
- However, staff understand that with this particular application there are arguments which Council may consider important when reviewing the proposal.
 - The applicants purchased the land in 1997 with the intention of building a non-farm dwelling which was permitted at that time.
 - The land is taxed as residential so has been viewed as a residential building lot by the owner.
 - The applicants appear to only own this one parcel (PID # 45278769) of land within East Hants and this land is reasonably small for a farm operation to be run independently of any other land.

Policy Analysis

- The properties identified as PID# 45402567 and PID# 45375433 have only small portions of land designated and zoned as Agricultural Reserve (AR) and whilst staff suggest all active farmland should be protected, the loss of these areas will not significantly impact the overall viability of the Agricultural Reserve land and also the bank of active farmland protected under the AR designation.
- Staff have drafted an alternative motion should Council wish to approve the redesignation and rezoning of these three properties.
- If Council determines that the proposed amendments are in the best interest of the Municipality 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.

Process & Public Engagement

- A Public Information Meeting (PIM) was held on February 10th.
- A questionnaire has been mailed to property owners within 300 metres but no responses have been received from nearby property owners.
 - The owner of two of the properties responded with a questionnaire but their response has not been included.



Recommendation

That the application be refused for the proposed amendments to the designation and zone of the three properties.

Recommended Motion

Planning Advisory Committee recommend that Council:

- *Refuse the application 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).*

Alternative Motion

Planning Advisory Committee recommend that Council:

- *Give second reading and approve 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).*