



Subject: *Plan Update - Community Consultation Update and Draft Planning Documents*
To: CAO for Planning Advisory Committee, January 17, 2023
Date Prepared: January 12, 2023
Related Motions: PAC21(14), PAC21(5), PAC21(6), C21(23), C21(24), PAC21(26)
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Summary

As part of the Official Community Plan Update, Planning staff will be providing Planning Advisory Committee with community consultation updates. These updates are intended to provide PAC with information on consultation that has taken place or any upcoming consultation that has been scheduled.

Community consultation was held in November 2022 on the first draft of the East Hants Official Community Plan. In total there were seven (7) sessions held, with each session starting with an open house and finishing with a public information meeting. This report provides feedback from the sessions to Planning Advisory Committee.

Emails and letters are still being received from residents of the Future Planned Area, stemming from the November meetings. In order to ensure that residents have ample opportunity to submit their concerns, requests for changes will be presented to PAC as part of the staff report proposed for February. In addition, the February staff report will also address Council Motion C22(434). Responses and comments from the mail out will be addressed at a future PAC meeting.

Financial Impact Statement

The Community Plan Update has been budgeted for in the Municipal Budget

Recommendation

There is no recommendation associated with the adoption of this report.

Recommended Motion

There is no recommendation associated with the adoption of this report.

Background

An initial draft of the East Hants Official Community Plan has been completed. New land use policies and regulations for the future planned area have been prepared in accordance with Council direction. In addition, updates to the planning documents for the comprehensive planned area have also been amended in accordance with Council direction.

Below are the engagement items that have taken place since starting the Community Plan Update and proposed future engagement.

Type of Engagement	Date	Details
Letters to adjoining Municipalities	April 2021	Letters were mailed to the Municipalities of Colchester, West Hants and Halifax and to Sipekne'katik First Nation indicating the East Hants Official Community Plan Update had been initiated and that Planning staff were open to discussing the review with our neighbouring jurisdictions. To date, the Director of Planning has only received verbal communication on the Plan Update and no meetings have been requested.
Developer's Briefing	May 2021	Planning staff held a Developer's Briefing through a Zoom meeting on May 20, 2021. The Briefing notified Developers of the Plan Update and identified some of the key policies and regulations that are to be reviewed as part of the Plan Update. In addition, the Briefing also provided Developers with demographic data, a summary of the Municipal Standards updates, an overview of large infrastructure projects that will be undertaken by the Municipality, and changes to time lines for building permits, building inspections, and site plan approval.
Agricultural Advisory Committee Meeting	June 2021 to June 2022	The Agricultural Advisory Committee held five meetings regarding the Plan Update. The AAC worked with Planning staff to develop proposed agricultural land use policies and regulations for the Future Planned Area. A final report from the AAC was presented to PAC at their June 2022 meeting. Results of the PAC meeting were positive; however, East Hants Council voted not to accept all of the recommendations made by the AAC committee.
Plan Update Survey	Summer 2021	The Plan Update Survey was opened the first week of July and closed to the public September 1, 2021. Survey Monkey was used for the digital survey. In addition, hard copies of the survey were also available for residents to complete. The survey was advertised in the Municipal Newsletter, Lisa's Web, and on our Municipal website and social media feeds. A total of 430 Plan Update Surveys were submitted. Results of the survey were presented to PAC in Community Engagement Report.
Plan Update Open Houses - Rural East Hants Communities	October 2021	East Hants Plan Update open houses were held during the month of October 2021. The open houses were designed for rural residents and discussions were held on what it means to have the future planned area comprehensively zoned. Residents also had the opportunity to review the community inventory maps and discuss land use issues such as shoreline erosion, agricultural activities, recreational vehicle use and more.

		Open houses were held in the communities of Noel, Walton, Kennetcook, Upper Rawdon and Maitland.
Community Engagement Report	December 2021	A Community Engagement Report outlining the results of the Plan Update Survey and Open House events was presented to PAC at their meeting in December 2021. The results of the community engagement helped to inform land use policies and regulations for the future planned area.
Plan Update Background Reports	Spring 2021 to Summer 2022	As part of the East Hants Official Community Plan Update, Planning staff have been preparing and presenting background papers on various land use topics to PAC. Direction from PAC has been given to staff on each of the papers, which will be incorporated into the final policy and regulations of the 2023 East Hants Official Community Plan.
Plan Update Stakeholder Meeting: Mennonite Community, Northfield	July 2022	The Director of Planning met with Mennonite Community members in Northfield on July 7 th to discuss the Plan Update, land use topics, and future development in Northfield.
Plan Update Open Houses and Public Information Meeting- All East Hants	November 2022	The initial draft of the East Hants Official Community Plan and associated GFLUM and LUB maps were presented to East Hants residents. Seven open houses and public information meetings were held in the communities of Walton, Noel, Upper Rawdon, Kennetcook, Maitland, Mount Uniacke, and Milford during the month of November. Meeting notes from these sessions has been attached as Appendix A. Follow-up correspondence and requests from residents will be presented to PAC as part of a Plan Update report tentatively scheduled for February.
Letter to Residents with Zone Changes as part of the Plan Update	Jan./Feb. 2023	In response to Motion C22(435), <i>“that Council direct staff to send each individual direct correspondence to owners with proposed zoning in January so that people have more time to provide feedback on the proposed zoning,”</i> staff will be preparing letters indicating proposed zoning, for property owners who have a proposed zoning change. Due to the time it takes to organize a 6,000-letter mailout, the mailout will extend into February.
First Reading of the East Hants Official Community Plan	To be determined	Once the required updates to the Plan are complete, staff will recommend first reading of the East Hants Official Community Plan.
Public Hearing	To be determined	After first reading of the East Hants Official Community Plan, a public hearing for the Plan Update will be organized.

Discussion

The seven meetings held in November were well attended and those who spoke at the meetings expressed strong opinions. Agricultural land protection was the largest issue for the majority of residents, with many residents not agreeing with the goal of protecting agricultural land for future generations. In the future planned area, many residents feel that the draft agricultural policies are too restrictive, preventing landowners from using their property as they see fit. Residents also questioned the Province's authority to require Council to protect agricultural land. A letter from the Government of Nova Scotia indicates that planning documents have to be reasonably consistent with the Statements of Provincial Interest but really did not provide further guidance on what would be considered reasonable.

Other issues that came up at the meetings were the rate of erosion and the accuracy of the Fundy Shoreline Vulnerability Study. The study is accurate but there was confusion on how to interpret the erosion and flood lines. Questions regarding campgrounds and the restrictiveness of zoning were also mentioned. Although very few residents spoke in favor of regulations during the public information meetings, many staff had one on one conversations with landowners with positive remarks regarding proposed regulations.

Following the November meetings, additional comments from residents have been received. Many of the emails/letters are requests to have the Agricultural Reserve (AR) Zoning removed from a resident's land. Other letters express concerns over the requirement for land use zoning in general. Correspondence is still being received from residents; therefore, requests and comments from residents will be included in the staff report on the Plan Update tentatively scheduled for February.

COUNCIL MOTIONS

At their December 21, 2022 meeting, Council passed two motions related to the Plan Update. Motion C22(434) was passed *"that Council direct staff to do a jurisdictional scan of an abutting municipalities with regards to agricultural (AR) zoning."* This motion will be addressed as part of the staff report tentatively scheduled for February.

Also, at their December meeting, Council passed motion C22(435) *"that Council direct staff to send each individual direct correspondence to owners with proposed zoning in January so that people have more time to provide feedback on the proposed zoning."* Staff has started the process of sending individual letters to the nearly 6,000 owners of properties with a proposed zoning change. However, due to the time required to configure the databases and create individualized letters associated with this task, it is not expected to be completed until sometime in February.

Unfortunately, this approach does not give PAC time to consider changes to the proposed land use policies and regulations prior to letters being sent. There are items, other than agriculture, that still should be considered by PAC.

STRATEGIC ALIGNMENT

Amendments to the East Hants Official Community Plan aligns with Council Strategic goal to build strong communities by "Ensure[ing] the East Hants official community plan is effective in managing changes in the community, reducing land use conflict and protecting both natural resources and community character."

LEGISLATIVE AUTHORITY

The Municipality has Legislative Authority to create land use policies and regulations under Part 8 of the Municipal Government Act.

FINANCIAL CONSIDERATIONS

The Community Plan Update has been budgeted for in the Municipal Budget.

Conclusion

Planning staff have provided a brief outline of past and future community engagement. As part of the report, staff have also provided PAC with notes from the November Plan Update meetings. A Plan Update report scheduled for February will address the requested jurisdictional scan and will review individual requests and/or comments from individual property owners. Staff are continuing with the mailout process in response to Motion C22(435).

EAST HANTS OFFICIAL COMMUNITY PLAN UPDATE MEETINGS MEETING NOTES

November 2022

Location	Comments	Date
Kennetcook 39	<ul style="list-style-type: none"> • Discussion was held over what a “grandfathered” use is and when it would apply to properties in the future planned area. As explained the term ‘non-conforming use’. • Are the requirements for minimum planning a trickle-down from the Federal Government? • Is the Provincial government downloading to the Municipal government? • Province is responsible for septic and environmental issues. • There are some overlapping regulations between the Provincial government and the Municipal government. • There is a potential that a property owner could be in violation of both government regulations. • Discussion was held over how the original boundary between the comprehensive planned portion of East Hants and the future area of East Hants was determined. • Discussion was held over the process after first reading and staff indicated that anyone who owned property in the area would receive a letter indicating what their property is proposed to be zoned. • Questions on whether the Province overruled all planning matters. • Further discussed RU-2 proposed regulations. • Discussion around how big a building could be constructed without zoning and with zoning. • Questions around insurance and the proposed FF and FE Zone, and whether or not residents would have issues getting insurance. • Discussion around the 10 m measurement above sea level. • Questions on whether garages would be permitted on a property prior to getting a permit for a house. • Discussion around the subdivision of land on existing right-of-way easements. • Discussion held around how the consultant determined the shoreline setbacks. • Further discussed shoreline erosion. • Discussion around the number of dwelling units permitted in the RU-2 Zone. • Explained the option of rural comprehensive development districts for some types of residential developments. 	Nov. 7, 2022
Upper Rawdon	<ul style="list-style-type: none"> • Discussion regarding non-conforming uses and when it would apply to properties in the future planned area. • Discussion around campgrounds and when the regulations will be put in place: 	Nov. 8, 2022

<p>35-40</p>	<ul style="list-style-type: none"> ○ Number of sites that would be permitted (no maximum). ○ Disposal of grey water and black water. ○ Questions asked regarding noise. ○ Talked about site plan approval. <ul style="list-style-type: none"> ● Questions on the type of uses that would be permitted on AR Zoned lands and the ability to construct a farm dwelling. ● Asked how a property owner could object to AR Zoning. ● Asked about the subdivision requirements of AR Zoned land and the ability to give land to children. ● Discussed the ability to change forested land to farmland. Nothing in regs prevents this from happening. ● Question about Upper Rawdon Hamlet - staff indicated that this was no longer being proposed. ● Discussion on how AR zoning was identified and whether we looked at ownership of the land. ● What is the benefit of having AR Zoned land. ● What happens when a farmer retires and they don't want to farm anymore? ● Discussed the process for changing land that is proposed to be zoned AR. ● The Warden mentioned the possibility of land swapping. ● Discussed the process for adopting the new land use designations and zones. ● Are there any hidden restrictions? (Documents available online for review) ● Discussed what property owners can construct on farmland. ● Is there a minimum amount of farmland the Municipality is trying to maintain? ● Agriculture will not be restricted on land zoned RU-2. ● Does AR Zoning mean the land will be less valuable? ● How are campgrounds taxed. 	
<p>Mount Uniacke</p> <p>25-30</p>	<ul style="list-style-type: none"> ● Discussion on non-conforming uses. ● Discussion around why there are land use policies. ● Questions around tiny homes and tiny homes on wheels - where are they permitted? ● Questions on how agricultural lands were identified. Talked about the same method of identification was used in the comprehensive planned area. ● Discussion about the identification of agricultural land in Mount Uniacke and about the importance of bees in regard to farming. ● Some residents felt that agricultural land should be identified in Mount Uniacke for future use. 	<p>Nov. 9, 2022</p>
<p>Milford</p> <p>27</p>	<ul style="list-style-type: none"> ● Discussed non-conforming uses and how they apply to campgrounds. ● Talked about apartment buildings along Highway 2 and changes to the Plan Update that would improve their appearance. ● Questions on what happened to the survey responses and feedback from the initial meetings. John explained that all of the feedback went into the December 2021 Community Engagement Report and that some items were actioned (such as campgrounds) while others were not. The Plan Update was not meant to be a comprehensive plan review. 	<p>Nov. 14, 2022</p>

	<ul style="list-style-type: none"> • Unhappy about the lack of change in the document based on community feedback. • Discussed public open space and private common amenity space for apartment buildings. Discussed changes to private common amenity space. • John talked about the letter to Nova Scotia Municipal Affairs and Housing requesting changes to the MGA to require open space contributions for multiple-unit developments. 	
Walton 22	<ul style="list-style-type: none"> • Discussion on the restrictions on agricultural zoned lands and the limitations for building non-farm related dwellings • Question regarding the purpose of this plan update and why the Province is enforcing these regulations, especially in rural municipalities. • Question on whether all land in the Walton area is considered agricultural land. Discussed the process for how agricultural lands were determined. • Discussion about Burntcoat Head Park and why it is not zoned agricultural • Residents voiced their displeasure with this project and believed they should be allowed to do what they want with their own land • Further discussion on agricultural zoning and whether it is determined based on a set number of acres or tax dollars 	Nov. 21, 2022
Noel 45	<ul style="list-style-type: none"> • Discussion on the process of the Bill that requires Municipalities to bring comprehensive zoning to currently unzoned areas • Question regarding the process for how staff determined what is agricultural lands • Resident felt it was unfair that the municipality deems what residents can and cannot do with their lands • Discussion on the subdivision of agricultural land and what can and cannot be built on farm lands. • Further discussion on how agricultural lands were determined • MLA John MacDonald provided insight to residents on the Provincial decision to bring zoning across the Province. He detailed that there was some miscommunication and misinformation regarding what was being required of the Province. • Question about the timeline for this project. • Discussion on other municipalities regulations for agricultural lands. • Question on why the municipality cannot be zoned a “resource” zone and simply tax residents extra and leave the decision to what they can do with their land to the property owner. • Comment on how this zoning provides a disincentive to farmers. • Further discussion on the limitations of agricultural zoned lands and being able to subdivide lots for family and building either farm related or non-farm relation dwellings. • Comment from a member of the Agricultural Advisory Committee member stating comments being made by residents were also made by members of the Committee, however they felt they had no choice in changing the recommendations. 	Nov. 22, 2022

	<ul style="list-style-type: none"> • Question on what happens if Council does not agree with what is being proposed. Discussion on the background studies and direction from Council regarding the draft document. • Comment on why residents cannot stat whether they want their land zoned agricultural. 	
<p>Maitland Approx. 90</p>	<ul style="list-style-type: none"> • It appears as though a lot of inactive farmland and been zoned as agricultural land. • Is there a way to get the whole document printed off (process explained)? • If you armor the shoreline do the setbacks still come into play? (explained the coastal erosion study option) • Are residents allowed to amour the banks? (Provincial/Federal jurisdiction) • How long does it take to change the AR Zone? (discussed process) • The next report on community engagement will be presented to Planning Advisory Committee sometime in the new year. • The banks are 75 ft high along some parts of the shoreline, the report says there is going to be erosion and flooding? • Why can the Municipality Zone the park OS and do whatever they want? • Question about Class 2 soils. Warden explained that Class 2 soils were not part of Council’s consideration for the designation of AR Zoned land. • The Warden explained the Provincial requirement for mandatory planning. • Warden indicated that Councillors have been listening to the concerns of residents and they would continue to the listen to the concerns. In addition, Council will take into consideration the concerns of residents when making their decision. • Discussed the Rural Use North (RU-2) Zone. • Discussion around agricultural policies and the province. • Discussed the Statements of Provincial Interest. • Warden mentioned that residents should send (email/letter) their questions, concerns, and comments to the Planning Department. • Questions about how Planning Advisory Committee is selected. • Questions about how Agricultural Advisory Committee is selected. • Long discussion on Agricultural Reserve (AR) Zoned land. • Have the people vote on agricultural zoning. Asked to have a plebiscite on the issue, so that residents could have a direct say in the matter. • Warden explained the decision making process of Council and that a decision is made by majority vote. • Can you clarify the process of creating new lots and developing agricultural land? • When does Council think they will hear from the Province on the requirement for AR zoned land? • Councillor Rhyno read email from MLA. • AR zoning prevents children from returning home and building dwellings. • How long until the zoning is in place? (discussed the process) 	<p>Nov. 29, 2022</p>

- Councillor Garden-Cole spoke and talked about what she had heard.
- Resident indicated that their property was not useful as agricultural land.
- Can Council's decision on the adoption of the Planning documents be appealed by residents? (No, explained)
- John discussed Ministerial approval of the Official Community Plan.
- Discussion regarding future communication to residents over zoning.
- How was AR Zoned land determined? (explained)
- Farmers should have self identified.
- Residents indicated that too much land was proposed to be zoned AR and that the AR Zone is too restrictive.
- When is the public hearing? (not sure at this time)
- Resident asked how split zoning should be interpreted.