



Subject: *Plan Update – Second Reading and Final Approval*
To: CAO for Planning Advisory Committee, July 18, 2023
Date Prepared: July 12, 2023
Related Motions: PAC21(14), PAC21(5), PAC23(27), C23(158)
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Approved by: John Woodford, Director of Planning and Development

Summary

Staff has prepared the final report for the Plan Update and have prepared the final draft of the 2023 East Hants Official Community Plan (Municipal Planning Strategy, Land Use Bylaw and Subdivision Bylaw) for Planning Advisory Committee’s review and recommendation for second and final reading.

First Reading of the 2023 East Hants Official Community Plan was given at the May 2023 Council meeting.

Financial Impact Statement

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

Recommendation

That the 2023 East Hants Official Community Plan is given second reading and approved.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *give second reading and approve the 2023 Municipal Planning Strategy, Bylaw P-400;*
- *give second reading and approve the 2023 Land Use Bylaw, Bylaw P-500; and*
- *give second reading and approve the 2023 Subdivision Bylaw, Bylaw P-600.*

Background

The East Hants Plan Update process is nearing the finish. Council authorized staff to initiate the Plan Update in January 2021, including bringing comprehensive land use planning to the northern portion of the Municipality. Updates are proposed to the Planning documents in accordance with East Hants Council's direction and in accordance with the Minimum Planning Requirements Regulations.

Staff have undertaken extensive community and stakeholder engagement throughout the update process. Council has used the feedback from residents to direct the contents of the Planning documents. Second reading and approval of the 2023 East Hants Official Community Plan is now ready. A copy of the draft documents have been provided to PAC members, one set of draft documents shows the edits and one copy is complete without edits.

Discussion

COMMUNITY ENGAGEMENT

Community engagement began in the summer of 2021 with an online survey for all residents of East Hants asking for their feedback on a variety of land use issues. In October 2021 staff proceeded with five initial open houses throughout the future planned area of East Hants, Walton, Noel, Maitland, Kennetcook, and Upper Rawdon. These initial open houses provided residents with information on the purpose of land use planning and some of the issues that could be addressed through the planning process. Residents also had the opportunity to view land use inventory maps to determine if staff had identified all the appropriate land uses for their property. With the feedback from the resident survey and the open house meetings, staff began to prepare and present background papers for Planning Advisory Committee to consider. After receiving direction from East Hants Council on the background papers, staff prepared a draft of the Plan Update documents, which was presented to PAC in September of 2022. After authorization from Council, staff went back out to the community to hold seven meetings across the Municipality to present the draft Planning documents (Walton, Noel, Maitland, Kennetcook, Upper Rawdon, Mount Uniacke, and Milford).

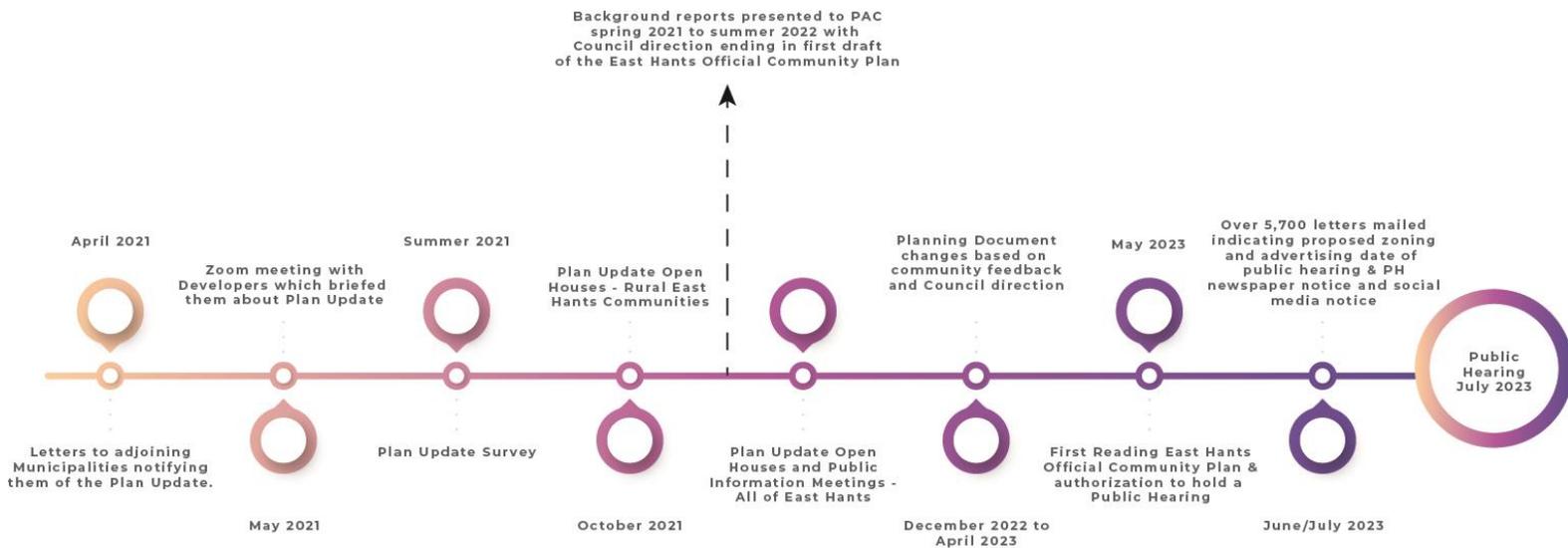
During the second set of community meetings, many residents voiced their concerns regarding the proposed planning policies and regulations. As a result of community feedback at the meetings, direction was given to Planning staff from Council to remove agricultural-related policies and regulations from land in the future planned area of the Municipality. At subsequent Council meetings, Council also directed modifications be made to the Fundy Erosion Overlay Zone to allow for some development in the 2100 erosion area. Both of these directions have been incorporated into the final draft of the 2023 East Hants Official Community plan.

The final step in the community engagement includes the mail out of over 5,700 letters identifying zoning changes on properties, advertising of the public hearing, and the public hearing scheduled for July 27th. Since the mail-out, staff has received 43 phone calls, 9 emails, approximately 4 front counter inquiries, and 2 meetings with residents. There were a variety of questions that staff responded to, below is a list of the most common questions:

- How is zoning going to impact property taxes.
- Requests for more information on the zones and on the purpose of land use regulations in general.
- Inquires if a new development was being proposed on neighbouring lands.
- A couple of requests for elevation measurements.
- A few requests for maps.
- Clarification on property boundaries and zoning boundaries (i.e. land that has already eroded may have zoning because the property boundaries have not been resurveyed)
- Questions on the route of rivers we have identified.

- Questions on possible agricultural zoning in the future.
- Questions about lawfully existing uses.
- WG Zone setbacks versus Provincial Regulations.

Below is an image showing the timeline of the community engagement.



NEW COMMUNITY PLAN UPDATES

Planning Advisory Committee has reviewed a range of topics throughout the Plan Update process. Below is a recap of some of the topics that have been included in the 2023 East Hants Official Community Plan.

- **Rural Use North (RU-2) Designation and Zone:** This new land use designation and zone was created for the northern portion of the Municipality and is based on the Rural Use (RU) Designation and Zone that is already in use in the comprehensively planned portion of East Hants. The majority of properties (over 4,000) in the future planned area are proposed to be zoned Rural Use North (RU-2). The zone allows for a wide variety of residential and commercial uses but requires Council’s approval for uses that could be obnoxious.
- **Fundy Erosion Overlay (FE-2050) and (FE-2100) Designations and Zones:** To understand the impacts of the Bay of Fundy tides on the coastal area of East Hants, Council commissioned a study to identify the areas at risk from coastal erosion. Historical aerial photography and other data was used to identify the location of the coastline from 1973 and 2019. These rates of erosion were projected forward to identify the areas at risk of coastal erosion between now and the year 2100. As a result, two new zones have been created, the Fundy Erosion Overlay (FE-2050) Zone and the Fundy Erosion Overlay (FE-2100) Zone.

In the Fundy Erosion Overlay (FE-2050) Zone, new structures are not permitted as land in this zone is expected to erode within the next 27 years. In the Fundy Erosion Overlay (FE-2100) Zone, new structures are only permitted by site plan approval and must be located on either skirts or helical piles to allow for the structure to be relocated. Land in the FE-2100 Zone is expected to erode in the next 77 years. Some exceptions apply to these regulations. Accessory structures to an existing main building are permitted in either zone and the replacement of existing buildings due to fire or other damage is permitted. Where a coastal erosion study has been completed and a coastal bank has been stabilized, a

new structure may be permitted in either zone, subject to requirements in the Land Use Bylaw. In some cases, the zoning may show an area that has already been lost due to erosion.

- **Fundy Flood Risk Overlay (FF) Designation and Zone:** This new land use designation and zone was created to protect property owners along the Bay of Fundy from potential flooding. New main buildings, which are permitted by the underlying zone but are located within the Fundy Flood Risk Overlay (FF) Zone, shall be flood proofed by requiring a minimum finished floor elevation of 10.0 m (CVGD2013). Some uses are restricted, which pose a risk to residents or to the environment during storm surge flooding. In some cases, zoning extends to a portion of the property that has already been lost to shoreline erosion.
- **Milford Groundwater Overlay (MGW) Designation and Zone:** A new zone has been created for all land within the Milford Growth Management Area. The purpose of the zone is to protect the impact of well interference on existing groundwater supplies, Council is proposing the Milford Groundwater Overlay (MGW) Zone. New developments that include: subdivisions where more than four residential lots are to be created; over four residential units on a property; or water-intensive commercial uses, require a development agreement application. A hydrogeological study will be required with these development agreement applications and also for requests to rezone property within the MGW Zone.
- **Campgrounds:** New regulations require campgrounds to be considered by site plan approval. These regulations are applicable to both the Rural Use (RU) Zone and the Rural Use North (RU-2) Zone.
- **Amenity space changes for the R3, MC, and R2-T zones:** Common amenity space design requirements have been improved to try and create engaging park spaces for residents. Townhouses will require larger private amenity spaces while on-street townhouses will no longer require common outdoor amenity space.
- **Village Core (VC) Designation and Zone Updates:** Amendments are proposed to the Village Core (VC) Zone. These amendments include increasing the size of an as-of-right single use commercial use to 400 m², an incentive to try and protect homes of a historic nature, and tweaks to the Village Core Form Based Zone Regulations.
- **Parking updates for Shubenacadie:** To allow for properties in Shubenacadie to use shared or public parking areas and to have public parking areas count towards their parking requirements. To start the design process of creating a shared Municipally owned parking lot.
- Other amendments to the Municipal Planning Strategy, Land Use Bylaw, and Subdivision Bylaw. Most of these changes were identified in the Omnibus Reports.
- Minor zoning changes in the comprehensive planned portion of East Hants as outlined in previous staff reports.

Other items were discussed during the Plan Update process where no changes were proposed to the Planning documents, such as gravel roads and hockey stick lots. All of the topic papers discussed as part of the Plan Update can be found at easthants.ca/community-plan-update.

AGRICULTURAL ADVISORY COMMITTEE

As part of the Plan Update process, staff engaged the Agricultural Advisory Committee (AAC) to consider agricultural land uses in East Hants and to consider agricultural land use in accordance with the Nova Scotia Statements of Provincial Interest. AAC members met several times over the Plan Update process and prepared a report for PAC. Initially, PAC and Council endorsed the majority of the recommendations in the report and the agricultural policies and regulations were added to the draft Planning Documents. However, following

community engagement events, Council directed staff to remove all Agricultural Reserve (AR) Zoning from the future planned area of the Municipality.

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.

Attachments

Draft East Hants Official Community Plan showing amendments

Draft East Hants Official Community Plan - Final Version

Conclusion

The Plan Update process is now complete. The East Hants Official Community Plan now has comprehensive land use planning that extends to all properties within our Municipal boundaries. Staff have undertaken extensive citizen engagement throughout the Plan Update process and have developed complete Planning Documents in accordance with the Minimum Planning Requirements Regulations. Planning staff now recommend second reading and approval of the East Hants Official Community Plan so that the Planning documents may be forwarded to the Minister of Municipal Affairs and Housing for review.