



Subject: *M&M Developments Ltd. - MPS and LUB Mapping Amendments*
To: CAO for Planning Advisory Committee, October 17, 2023
Date Prepared: October 10, 2023
Related Motions: PAC22(104) December, C22(430)
Prepared by: Rachel Gilbert, Manager of Planning
Approved by: John Woodford, Director of Planning and Development

Summary

The Municipality has received an application from M&M Developments Limited to redesignate and rezone a property in Enfield from Rural Use (RU) Zone to Country Residential (CR) Zone. This report requests first reading and requests approval to schedule a public hearing.

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 first reading be given to the MPS and LUB amendments and that authorization be given to schedule a public hearing.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *Give first reading and authorize staff to schedule a public hearing to consider a proposal for PID 45371069 to change the designation and zone from Rural Use (RU) to Country Residential (CR).*

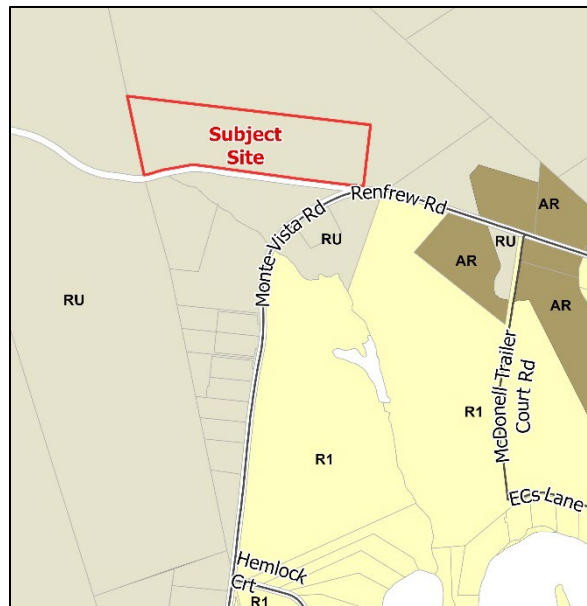
Background

The Municipality has received an application from M&M Developments Limited to redesignate and rezone a property in Enfield from Rural Use (RU) Zone to Country Residential (CR) Zone. This application would also require a change in the land use designation from Rural Use (RU) to Country Residential (CR).

A public information meeting was held on March 7, 2023. Notes from that meeting are included as Appendix B to this staff report.

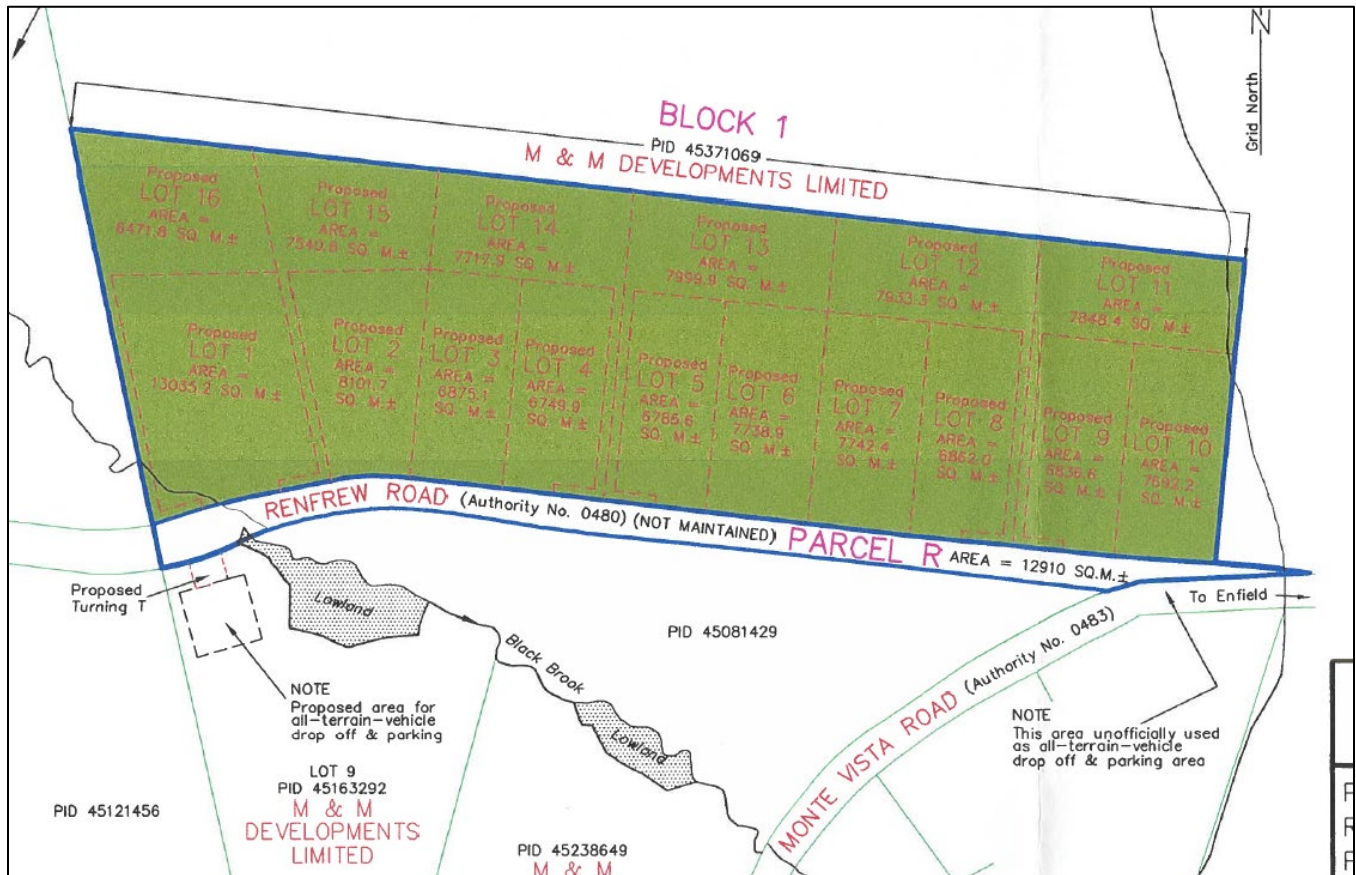
Subject Property

An excerpt of the zoning map and an aerial photography map below show the location of the subject property identified as PID 45371069, Enfield. One corner of the property is located on Monte Vista Road and Renfrew Road. The property is currently zoned as Rural Use (RU) Zone and designated as Rural Use. The land is currently vacant and wooded.



Development Proposal

The purpose of this proposal is to amend the Generalized Future Land Use Map (GFLUM) and the Land Use By-law Map to change the designation and zone from Rural Use (RU) to Country Residential (CR). The purpose of the application is to enable the development of a low-density subdivision. The concept plan below contains 16 potential lots for residential development. However, this plan is a concept only and the detailed layout, including compliance with the subdivision bylaw and open space, will be dealt with at subdivision application stage.



The portion of Renfrew Road that the site abuts is an unmaintained K-Class Road. This does not meet the definition of a Public Street or Highway in the Subdivision Bylaw. It is under the Subdivision Bylaw regulations that any future subdivision application will be reviewed.

Section 3 of the Subdivision Bylaw defines a Public Street or Highway as “...any street or highway owned and maintained by Nova Scotia Transportation and Infrastructure Renewal or the Municipality of East Hants but excluding designated controlled access highways pursuant to the Public Highways Act.”

Parking Lot for AT Vehicles

At the PIM there was some discussion regarding the proposed parking lot for AT vehicles. The applicant has decided to remove that element of the site plan. The proposal no longer includes a parking area for these vehicles. This decision was made based on comments made at the PIM and also the future maintenance responsibility for this area which would fall on the property owner.

Policy Analysis

Staff are currently reviewing the proposed amendments based on the applicable policies contained in the Municipal Planning Strategy (MPS). Staff will be requesting comments from internal departments and external agencies including Nova Scotia Public Works. 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.

This property is within the Rural Use (RU) Zone and does not allow any new roads. Policy AR2 of the MPS states:

“Council shall establish the Rural Use (RU) Zone, whose purpose and general zoning provisions shall be consistent with the specified intent of the (RU) Designation, and furthermore:

- (i) Only permitting new residential development to occur on existing roads;”*

As a result, the property will have to be redesignated and rezoned to enable the development.

Upgrading of K Class Road

Through the processing of this current application, planning staff have sought comments from NS Public Works and the municipal department of Infrastructure & Operations. NS Public Works (NSPW) have confirmed the section of the K class road can be upgraded (municipal standards) for the purpose of land development and ownership of the road section would be turned over to the Municipality. They have indicated that the developer would need to produce an acceptable intersection design.

In addition to comments from NSPW the municipal department of Roads and Engineering have also made comments regarding the upgrade of the road. They have indicated that land outside of the applicant’s control may be required in order to comply with Municipal Standards, ‘All intersection roads must connect at an angle of 70 to 90 degrees for a minimum distance of 30 m from the centreline of the intersectional road...’.

Following comments from both the NS department of Public Works and the municipal department of Roads and Engineering, the developer was requested to provide a design for the intersection of the unmaintained section of Renfrew Road with Renfrew Road. The applicant has submitted a design for this intersection which was prepared by a professional engineer. The design of the intersection appears to be in compliance with current Municipal Standards for gravel roads. Nova Scotia Public Works have confirmed that the intersection design did not meet their requirements. The developers’ engineer has reviewed those comments and has confirmed the intersecting angle can be adjusted to 90°.

The detailed design for the new section of municipal road and the intersection will be provided at the subdivision stage. Planning staff are content based on submitted information from the applicants engineer and from comments from municipal department of Roads and Engineering and NSPW that the intersection design can be accommodated.

Financial Impact Assessment

When the initial report for this application was presented to PAC there was some discussion regarding the distance of the proposed new section of municipal road to the nearest municipal road and the impact of servicing the new section of road. A financial impact analysis will be provided in the final staff report.

Groundwater Assessment

Policy RR5(i) of the Municipal Planning Strategy indicates that Council shall have regard to ‘the adequacy of the property to provide an adequate and safe water supply as determined by a hydrogeological assessment prepared by a hydrologist’. A Level 1 hydrogeological (groundwater) assessment has been completed for the application by Strum Consulting.

The study found that there were not a lot of wells in the area around the site to get a good picture of well water supply in the area. Based on the NS Well Logs Database, no wells were found within a 500 metre buffer of the site and therefore a larger radius of 2 km was used to look for wells near the location of the site. Within 2 km of the site the average yield of existing wells was 104 Lpm with actual long term production rates may be in the 34.3 Lpm to 52.0 Lpm. Strum confirmed that if the wells placed at the site were consistent with nearby wells reviewed, there would be abundant water. Recommendations are provided in the study for the developer as to the depth of wells for any new dwellings.

Following the submission of the study, planning staff reached out to Strum to seek further clarification on the reasoning behind recommending a Level 2 study. In the hydrogeological study a Level 2 assessment is recommended. Strum have indicated that in a Level 1 assessment, it is very difficult to determine whether well interference could be an issue without actual data on or near the site, even though existing review suggests that (assuming similar geological conditions exist) a shortage is not anticipated. Strum have suggested that out of an abundance of caution, it should be assumed that this could be an issue.

Strum have indicated that they are making a water yield interpretation on data from wells located some distance from the actual site and it is not known what the impact on well interference would be on residential units on the proposed land and also other homes nearby. Also, based on hydrogeological conditions (i.e. bedrock type, faults, etc) the potential for water quality issues is present. Testing of well water quality would aid in assessing any such issues, if present, and in developing a plan, should it be necessary to manage any such problems.

A Level 2 study would be a large expense for the developer to undertake to further study the groundwater at the site but it would give a more accurate understanding of the groundwater supply. As mentioned above Strum confirmed that if the wells placed at the site were consistent with nearby wells reviewed, there would be abundant water. Staff are not recommending that a Level 2 assessment be required by PAC and Council may wish to have that additional information before making their decision.

In the final staff report Staff will refer to MPS policies associated with the Country Residential Designation, as well as general policies related to amending the MPS and the Land Use Bylaw (LUB).

Council's decision on this application is not appealable to the Nova Scotia Utility and Review Board as it involves an amendment to the MPS.

STRATEGIC ALIGNEMENT

One of the Key Strategies from the Strategic Plan is Strong Community. Providing for a variety of housing options helps to create a community where people can move to or stay in their community.

LEGISLATIVE AUTHORITY

The Municipal Government Act, Part III 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 with the final staff report.

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 was placed in the February 9, 2023 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. The PIM was held on March 7, 2023. Notes from that meeting are appended to this staff report as Appendix B.

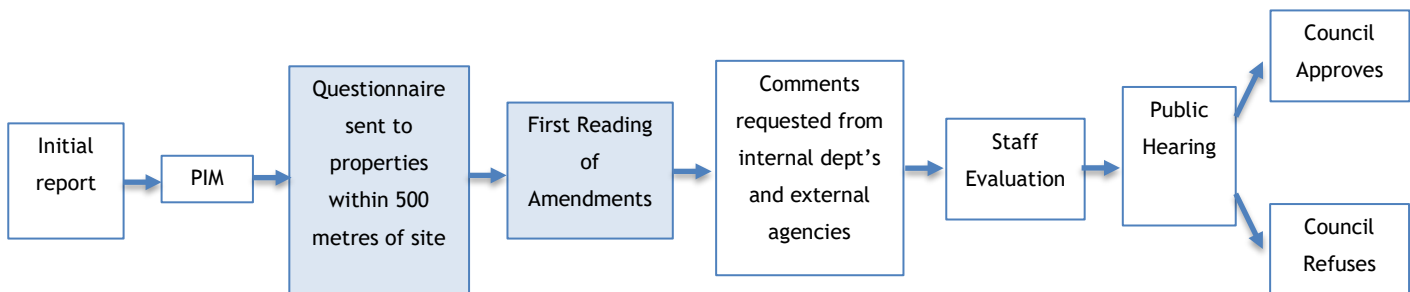
A letter and questionnaire will be mailed to all property owners and residents within 300 metres of the subject property seeking comments regarding the application. Copies of those returned questionnaires will be scanned and provided to PAC and Council with the final staff report. PAC should note that amendments adopted in September 2023 to the citizen engagement policies of the MPS enable questionnaires to be mailed out following a public information meeting.

To notify the public with details of the public hearing a notice will be placed in the Chronicle Herald and letter will be mailed to property owners and residents within 300 metres of the application property.

Conclusion

Staff will continue to review the proposal to change the subject property to the Country Residential (CR) Designation and Zone. The proposed amendments will be evaluated using all applicable policies in the Municipal Planning Strategy.

Staff will provide a full analysis of the application, including all identified issues in the final staff report.



Alternatives

Planning Advisory Committee may recommend that the application not proceed further in which case the application will be deemed refused. Staff do not recommend this approach.

Attachments

Appendix A - Level 1 Groundwater Assessment

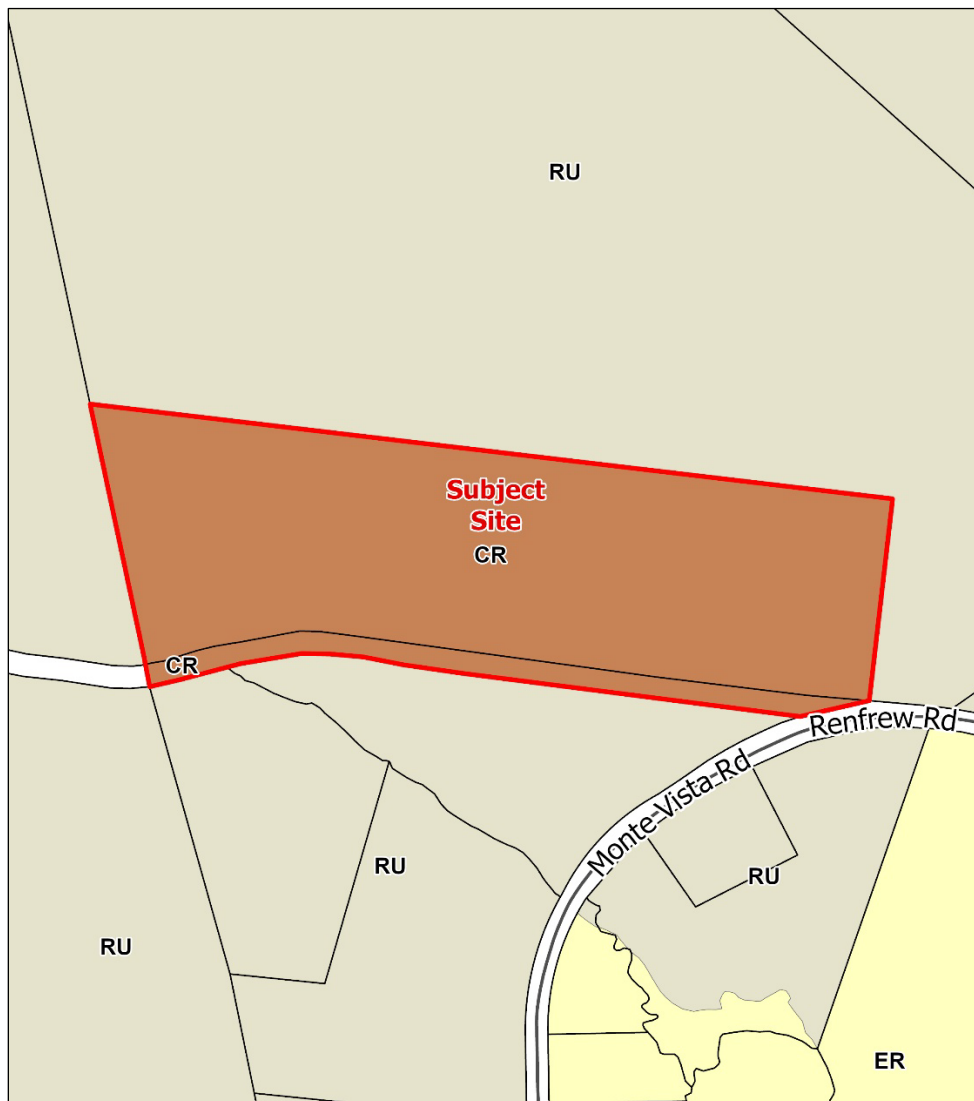
Appendix A - Draft Amendment Sheets

Amendment Sheet

The Municipality of East Hants
Official Community Plan
Municipal Planning Strategy

Generalized Future Land Use Map 8: Official Community Plan Areas

The GFLUM Designation of PID 45371069, Enfield has been redesignated from Rural Use (RU) Designation to Country Residential (CR) Designation.

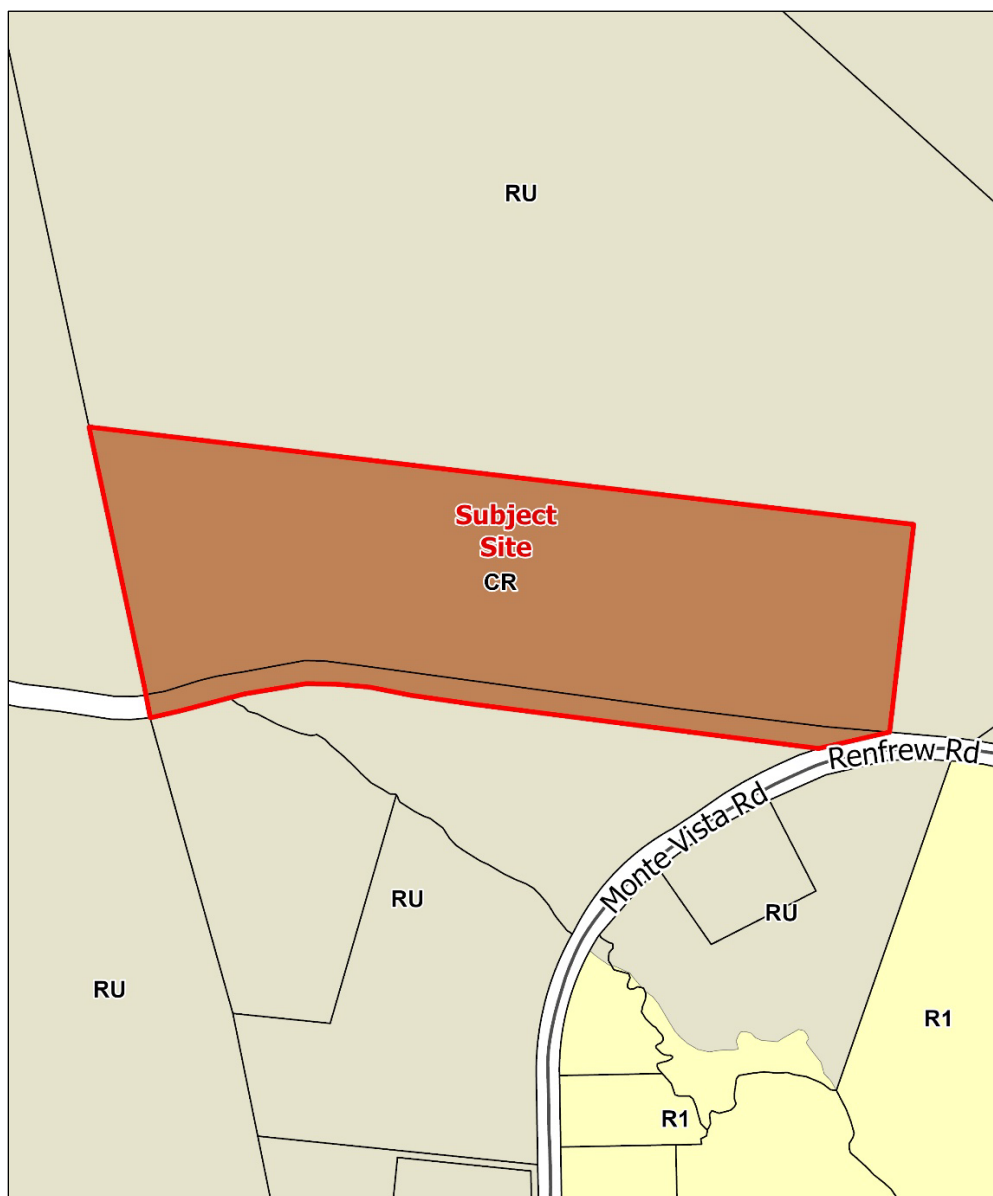


Amendment Sheet

The Municipality of East Hants
Official Community Plan
Land Use Bylaw

Land Use Bylaw Map 8: Official Community Plan Area

The Zoning of PID 45371069, Enfield has been redesignated from Rural Use (RU) Zone to Country Residential (CR) Zone.



Appendix B - Notes from Public Information Meeting

For PLN22-009 - M&M Developments Ltd.

Proposed MPS and LUB Mapping Amendments to Permit the Development of a Residential Neighbourhood.

Meeting Held March 7, 2023

Staff in attendance:

Debbie Uloth, Project Planner (DU)
Rachel Gilbert, Manager of Planning (RG)

Applicant:

Wayne Stillman (WS)
John Cogle (JC)

Public In attendance:

Approximately 45 people including Councillors (this was the attendance numbers for two PIM's)

Questions and Comments:

- Questions were asked about K Class roads and whether they are maintained by the Province.
- Who will be responsible for the maintenance of the all-terrain vehicle parking lot?
- The open space dedication requirement through Subdivision Bylaw was discussed. Staff indicated that PRC was not interested in acquiring the parking lot as an open space parcel and that PRC staff was leaning towards a cash contribution.
- Staff indicated that East Hants does not require the all-terrain parking area and that there is no ability to require it under our land use policies and regulations.
- How big are the lots proposed to be? The applicant indicated that the lots would be around 7,000 m² +/-.
- How much are the lots? The applicant indicated that the cost of the lots would depend on the total cost of development. The lots would be market value.
- Discussion was held regarding the hydrogeological study, including the cost of the study.

- RG discussed intersection improvements. Some public members indicated that the intersection improvements were not clear.
- The applicant indicated that a stop sign would be required. The location of the stop sign was discussed.
- The purpose of the all-terrain vehicle parking area was discussed further and included how people would offload their trucks.
- Discussed road improvements and asked why the Province wouldn't maintain ownership of the newly upgraded road.
- Discussion on the type of dwelling that would be constructed - single unit dwellings.
- Staff indicated that under the Municipal regulations that the upgraded Renfrew Road could be paved or unpaved.
- Comments were made about people outside of East Hants coming into East Hants to ride their all-terrain vehicles in the Renfrew Road area. The applicant indicated that the idea of the parking area came from concerns from residents.
- Question regarding how many vehicles could fit in the parking lot.
- Questions came up regarding if the applicant had considered putting the road through the middle of the subject lands. The applicant indicated that a road through the middle of the property would result in lots that were too small for septic approval.
- Question asked about what would be the minimum number of lots the applicant would need to develop in order to pay for upgrading Renfrew Road.
- Question regarding the length of the road that would be upgraded.
- Discussion was held regarding the width of the road already owned by the province and a question was asked on whether it would need to be widened.
- Will there be any objections to forestry companies using the improved road to access their lands on the rest of Renfrew Road. Staff indicated that the road would be treated the same as any other public road.