



Subject: *Edward Hunter - MPS and LUB Mapping Amendments*
To: CAO for Planning Advisory Committee, February 18, 2025
Date Prepared: February 4, 2025
Related Motions: PAC24(44), PAC24(45), C24(254), C24(255)
Prepared by: Lee-Ann Martin, Planner and Development Officer
Approved by: John Woodford, Director of Planning and Development

Summary

The Municipality has received an application from Edward Hunter to redesignate and rezone a property in Upper Nine Mile River from the Agricultural Reserve (AR) zone and designation to the Rural Use (RU) zone and designation. This report further outlines the application and provides comments from the Agricultural Advisory Committee (AAC).

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 Planning Advisory Committee recommend that Council give First Reading to the application

Recommended Motion

Planning Advisory Committee recommends that Council:

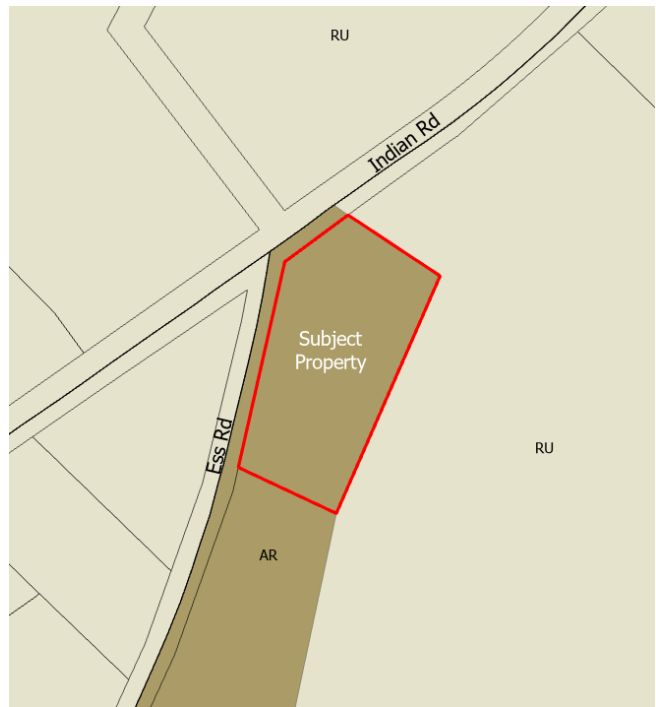
- *Give First Reading to consider a proposal for PID 45189206 to change from the Agricultural Reserve (AR) zone and designation to the Rural Use (RU) zone and designation and for the purpose of enabling a Public Hearing; and authorize staff to schedule a Public Hearing.*

Background

In January 2024, the Municipality received an application from Edward Hunter to redesignate and rezone a property in Upper Nine Mile River from the Agricultural Reserve (AR) Zone to the Rural Use (RU) Zone. This application would also require a change in the land use designation.

Subject Property

An excerpt of the zoning map and aerial photography map below show the location of the subject property identified as PID 45189206, which is accessed via Indian Road and Ess Road. The property totals 1.4 Ha and is vacant land. The property is not located within a Growth Management Area or Growth Reserve Area. There is Agricultural Reserve zoning on the adjacent property on Ess Road and Rural Use zoning on the rear property on Indian Road.



Development Proposal

The purpose of this proposal is to amend the Generalized Future Land Use Map (GFLUM) and the Land Use Bylaw Map to change the designation and zone from property that is currently zoned Agricultural Reserve (AR) to the Rural Use (RU) zone and designation to enable future development that is permitted as-of-right under the LUB. There is no specific development proposal associated with this application.

Discussion

LEGISLATIVE AUTHORITY

The Municipal Government Act, Part VIII 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 in the final staff report.

MUNICIPAL PLANNING STRATEGY POLICY ANALYSIS

Staff are currently reviewing the proposed amendments based on the applicable policies contained in the Municipal Planning Strategy (MPS). As part of the review, 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.

The property will have to be redesignated and rezoned to enable the development of non-farm related uses. If this application is approved, all RU zone uses would be permitted on this property.

In evaluating this application, Staff will refer to MPS polices associated with the Rural Use (RU) designation as well as general policies related to amending the MPS and the Land Use Bylaw (LUB). The review will also look at the impact of the loss of agricultural land and policies relating to the Agricultural Reserve (AR) designation.

Policy AR17 of the Municipal Planning Strategy considers non-agricultural uses by development agreement only on Agricultural Reserve designated lands. The applicant was informed of this policy and the ability to proceed with a development agreement option, however, chose to proceed with the rezoning and redesignation application.

One of the provincial statements of interest has regard for the preservation and protection of agricultural lands in the province for the development of viable and sustainable agriculture. The applicant engaged a professional Agrologist, James C. Stephens, AACI, MRICS, P.App., P.Ag., from Hillside Consulting Ltd., to conduct an Agricultural Impact Study for the subject property, compliant with Appendix A-Agricultural Impact Study, of the Municipal Planning Strategy. The study is required to evaluate the CLI soil classification and the impact of the loss of agricultural land based on the proposed application.

The study results concluded the subject property consists entirely of Class 3, Subclass S soils. The study author determined this classification is from mapping data at a large scale and does not recognize the small-scale use restrictions. The author found that in their professional opinion, based on the site's poor drainage, the classification Class 4 Subclass W under the Canadian Land Inventory (CLI) soil classification would be the most appropriate for the site. The CLI defines Class 4 soils as followed:

Class 4: Soils in this class have severe limitations that restrict the range of crops or require special conservation practices, or both. The limitations seriously affect one or more of the following practices: timing and ease of tillage; planting and harvesting; choice of crops; and methods of conservation. The soils are low to fair in productivity for a fair range of crops but may have high productivity for a specially adapted crop.

SUBCLASS W: excess water – Excess water other than from flooding limits use for agriculture. The excess water may be due to poor drainage, a high-water table, seepage or runoff from surrounding areas.

The property had previously been harvested by a former owner of the lands; however, the harvesting has reportedly not occurred in the past several years and it appears regrowth of trees and other shrubs has begun on the property. The study indicated that the rezoning of the lands to Rural Use will have a negligible impact on the supply and connectivity of agricultural lands within East Hants. The full study has been provided to PAC and Council for review.

A full review of the Agricultural Impact Study will be provided to PAC and Council in the final staff report.

Agricultural Advisory Committee

Under the terms of reference, one of the mandates of the Agricultural Advisory Committee is to review land use applications regarding large parcels of agricultural land and provide recommendations to the Planning Advisory Committee. A meeting of the Agricultural Advisory Committee was held on November 27th, 2024; however, quorum was not obtained. The meeting was rescheduled and held on January 28th, 2025. The following motion from the Committee was made:

Moved that the Agricultural Advisory Committee recommend to the Planning Advisory Committee recommends to Council to not approved the rezoning and redesignation from Agricultural Reserve (AR) to Rural Use (RU).

The Committee suggested the applicant reconsider policy AR17 of the Municipal Planning Strategy, in order to protect and preserve the current zoning on the property. Policy AR 17 states that “Council shall consider non-agricultural uses in the Agricultural Reserve (AR) Zone by development agreement only”.

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 a July 2024 edition of the *Chronicle Herald*. As part of the review process for MPS amendments, a Public Information Meeting (PIM) was required to hear input from the community. A letter was mailed to all property owners and residents within 500m (as per Council motion C24(255), extending the notification distance from 300m to 500m) of the subject property indicating the date, time and location of the PIM. The PIM is an opportunity for residents to ask questions and provide comments regarding the application. A notice of the PIM was also placed in the *Chronicle Herald*.

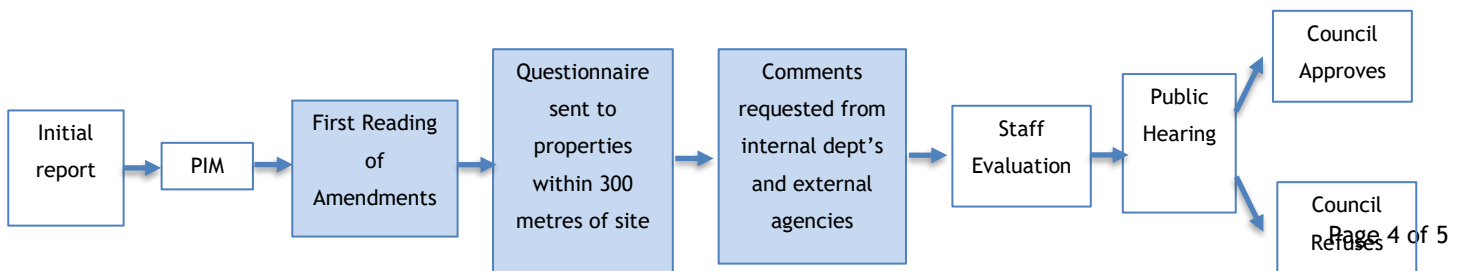
The PIM was held on November 5th, 2024 at the Municipal office in Elmsdale. No members of the public attending the meeting; therefore, no comments or questions were asked.

Following the PIM, a letter and questionnaire was mailed to all property owners and residents within 500m of the subject property providing residents another opportunity to express their thoughts on the proposal. 22 letters were mailed out, and four (4) were returned. The responses did not have any concerns with the proposed application; however, requested development on the property be limited to residential uses only. Copies of the responses received to date have been appended to this staff report.

Conclusion

Staff will continue to review the proposal to change the zone and designation from the Agricultural Reserve (AR) to the Rural Use (RU) zone and designation. The proposed amendments will be evaluated using all applicable policies in the Municipal Planning Strategy, in particular the policies regarding the protection of agricultural land. Staff will make a recommendation to PAC in their final staff report.

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



Recommendation

That Planning Advisory Committee recommend that Council give First Reading to the application.

Alternatives

If the PAC does not support this application, they can choose to recommend that Council not move forward with the application. Planning staff do not support this approach and recommend that the file be taken to a Public Hearing to allow staff to complete their full review and analysis of the policies to be provided to PAC and Council in the final staff report.

Attachments

Agricultural Impact Study prepared by Hillside Consulting.

Questionnaire responses received to date.