

# Bog Road, Hantsport/Hants Border Rezoning Request

Planning and Heritage Advisory Committee (PAC/HAC)

December 8<sup>th</sup>, 2022

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# Application

- A completed application was originally received from Claude O'Hara on October 23<sup>rd</sup>, 2022. The applicant has now changed to Sheldon Chisholm.
- The application was to permit the building of multiple semi-detached dwellings by rezoning to the Two Unit Residential (R-2) zone.



West Hants

**Bog Road**  
PID's 45366473, 45366481, 45366499,  
45366507, and 45366515







# Orthophoto

- The subject lots are primarily open field and cleared land abutting Bog Road
- There are a number of residential uses located abutting and directly across Bog Road from the subject lots, as well as a former agricultural use behind the subject lots

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Orthophoto

0 50 100  
Metres  
Scale: 1:3,000

-  Subject Properties
-  Community Boundaries
-  Parcels
-  Roads

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West Hants

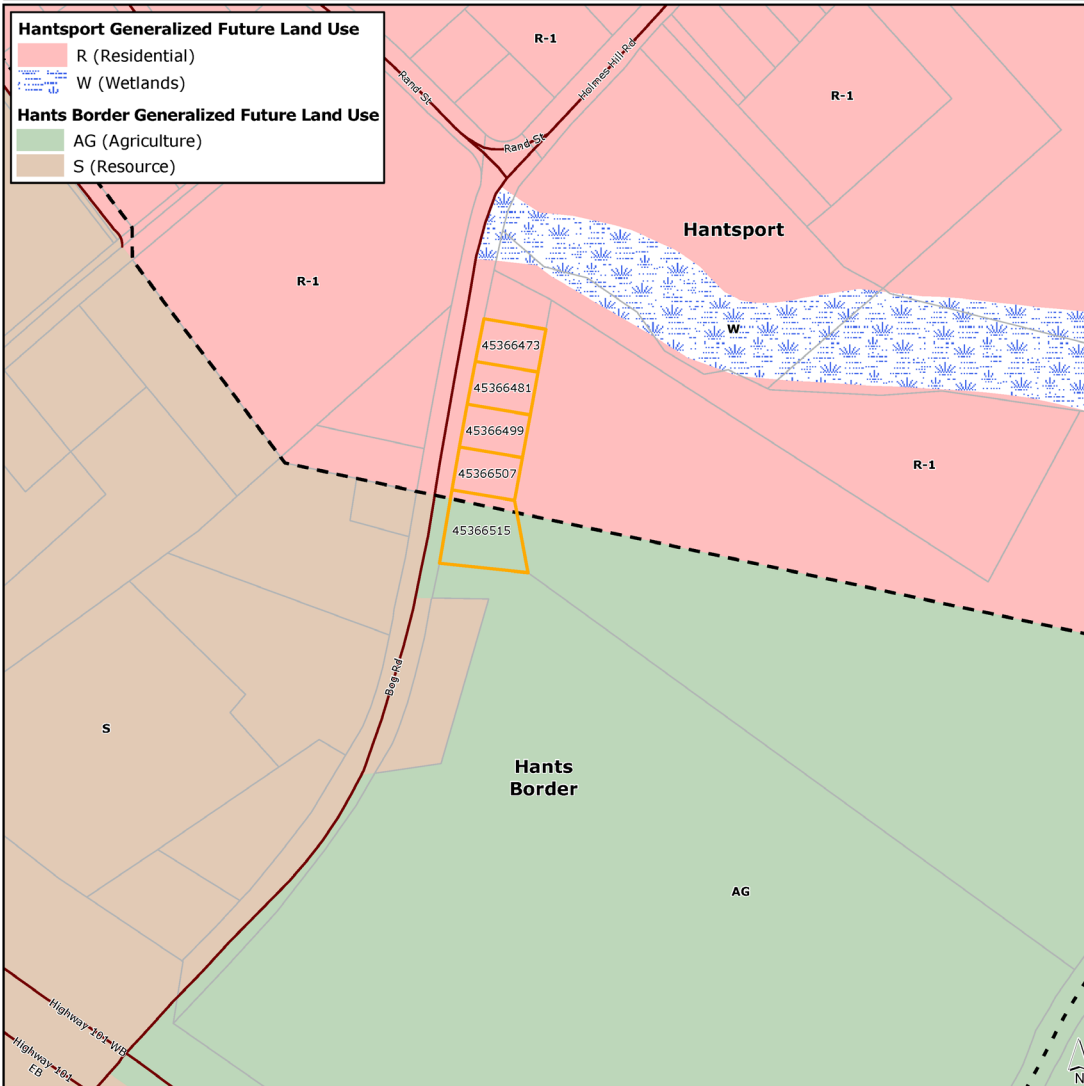
**Bog Road**  
**PID's 45366473, 45366481, 45366499,**  
**45366507, and 45366515**

**Hantsport Generalized Future Land Use**

- R (Residential)
- W (Wetlands)

**Hants Border Generalized Future Land Use**

- AG (Agriculture)
- S (Resource)



# GFLUM - Current

Current Designation Hantsport:

- Residential

Current Designation West Hants:

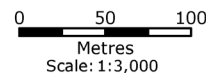
- Agriculture

Proposed Designation West Hants:

- Residential

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**Generalized Future Land Use**



- Subject Properties
- Community Boundaries
- Parcels
- Roads

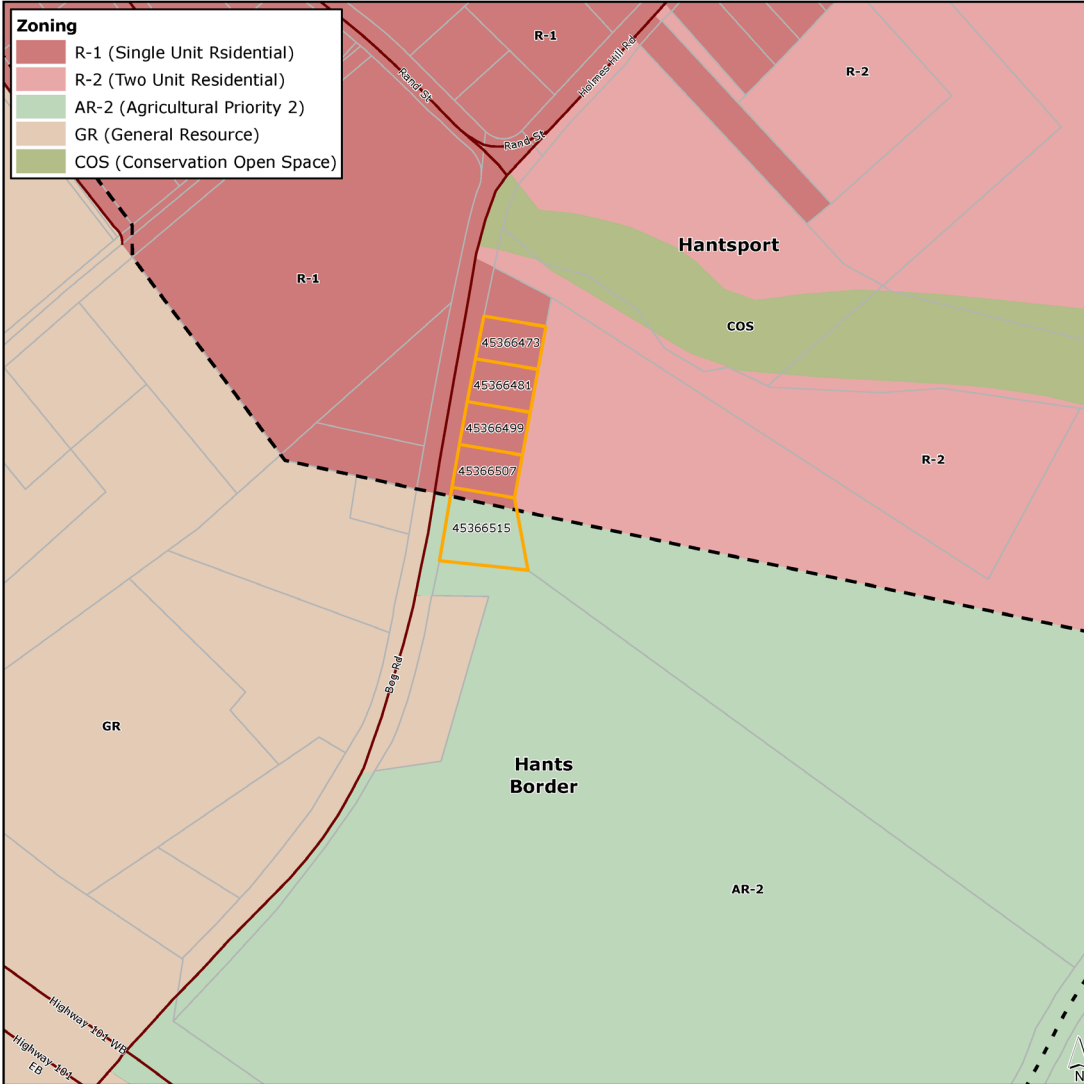
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**Bog Road**  
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# Zoning - Current

Current Zone Hantsport:

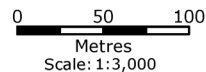
- Single Unit Residential (R-1)

Current Zone West Hants:

- Agricultural Priority Two (AR-2)

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### Zoning



- Subject Properties
- Community Boundaries
- Parcels
- Roads

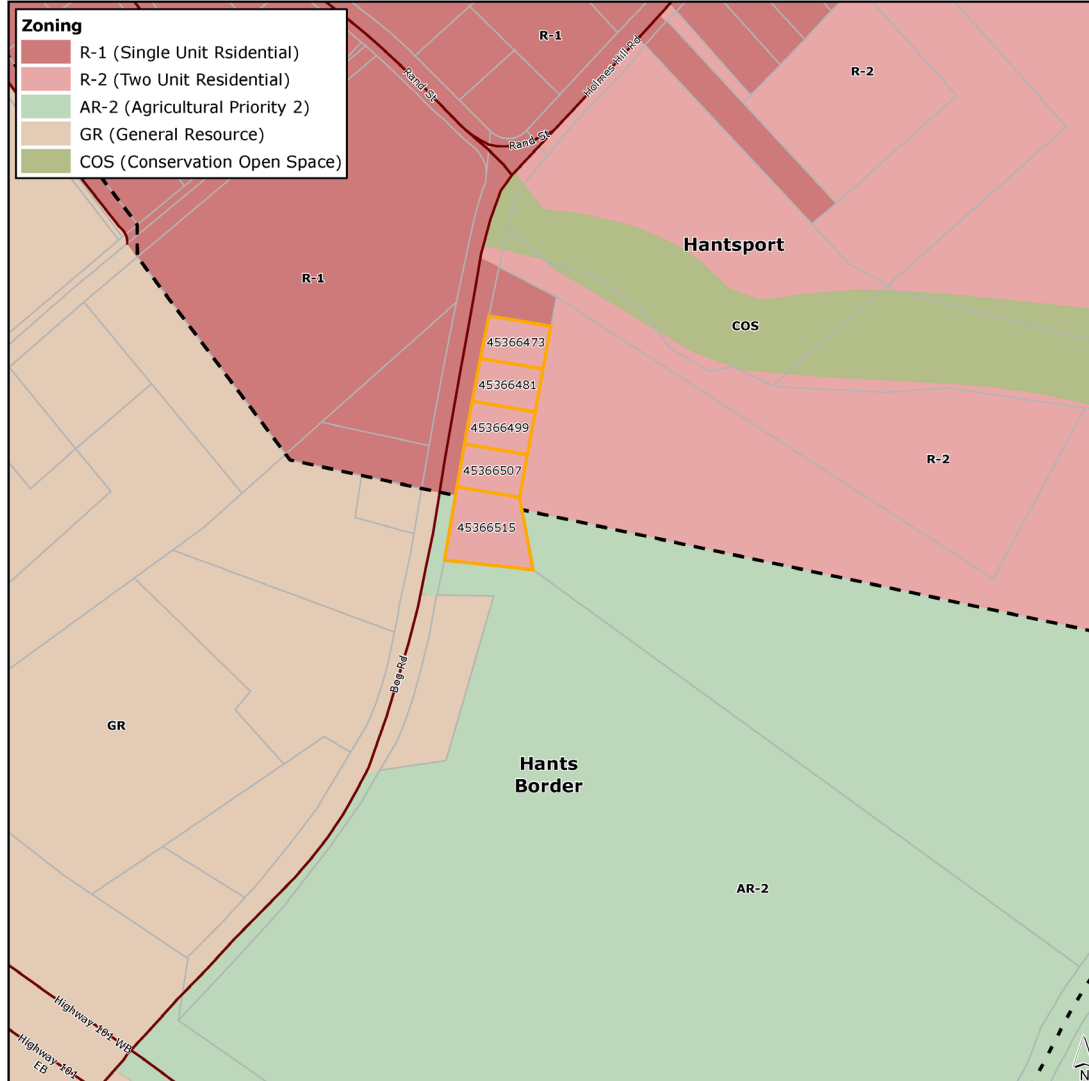
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West Hants

**Bog Road**  
PID's 45366473, 45366481, 45366499,  
45366507, and 45366515



# Zoning - Proposed

Proposed Zone:

- Two Unit Residential (R-2)

Permitted Uses –  
Hantsport

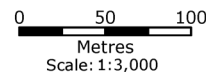
- Single and Two-unit Dwellings
- Guest houses
- Bed & breakfast
- Boarding rooms
- Residential day care

West Hants

- Single and Two-unit Dwellings
- Mini homes

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### Proposed Zoning



- Subject Properties
- Community Boundaries
- Parcels
- Roads

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View from Subject Lots along Bog Road



View of surrounding properties from Bog Road



# Hantsport MPS

**Policy RP-2A** provides Council with the ability to consider rezoning land within the Residential designation to the Two Unit Residential (R-2). In summary, the criteria are met since:

- the subject lots have access to municipal services; and
- the proposed use is similar in nature to the surrounding uses and is not anticipated to conflict with the adjacent existing uses.



# Hantsport MPS

**Policy IM-3** states general criteria for amendments to the Land Use By-law. In summary, the criteria are met since:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, Municipal Traffic Authority, and Area Manager of the Nova Scotia Department of Public Works have no concerns which have not been addressed in this report.



# West Hants MPS

**Policy 8.6.1** states the criteria for the agrologist report required to determine the agricultural capability for the subject lot. In summary, the criteria are met since:

- the agrologist has stated that the subject lot is considered Class 4 as per the CLI soil classification and exhibits constraints with regard to agriculture including stoniness, steepness of slope, and poor drainage;
- the author of the report is a professional agrologist (endorsed by the Nova Scotia Institute of Agrologists) who performed a site visit;
- the report includes a site plan showing the study area; and
- the report identifies site features and reasons that the subject lot would not be productive agricultural land.



# West Hants MPS

**Policy 16.1.1** allows Council to review and make amendments to the Municipal Planning Strategy including the Generalized Future Land Use Map.

- Amendments may be considered when the GFLUM is required to be changed, in order to bring the Strategy in line with the Statements of Provincial Interest, or when Council deems it necessary because of a change in policy intensions or the development environment. Residential development in the area, coupled with this request for amendment suggests a change in the development environment for this area.

# West Hants MPS

**Policy 16.3.1** states general criteria for amendments to the Land Use By-law. In summary, the criteria are met since:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, Municipal Traffic Authority, and Area Manager of the Nova Scotia Department of Public Works have no concerns which have not been addressed in this report.



# Statements of Provincial Interest

- The **Statement of Provincial Interest Regarding Housing** seeks to provide a wide range of housing types and opportunities to meet the needs of all Nova Scotians. The proposed development aligns with this interest as permitting two-unit residential dwellings in this area would enable a higher density and increased number of residential units to be provided for the community.
- The **Statement of Provincial Interest Regarding Infrastructure** seeks to make efficient use of existing municipal water supply and wastewater disposal systems. The proposed development aligns with this interest as the subject lots are currently vacant and enabling infill development would allow for effective use of existing municipal services.
- The **Statement of Provincial Interest Regarding Agricultural Land** seeks to protect agricultural land for the development of a viable and sustainable agriculture and food industry. This statement applies to all active agricultural land and land with agricultural potential in the Province. As determined by the agrologist, the subject lot (PID 45366515) has very low agricultural capability and would be unsuitable for the use of agricultural production of most crops due to various characteristics of its soil and topography, particularly its steep slope and poor drainage. Based on this determination from the agrologist, there are policies for Council to consider rezoning and redesignation of the subject lot.



# Public Information Meeting Notes

- A Public Information Meeting was held on November 10. The meeting was broadcast live on the Municipal Facebook page.
- Ten (10) members of the public attended the Public Information Meeting.
- The deadline for comments was November 25.
- During the meeting, Mark Peterson raised concerns with the removal of agricultural land. Melody Dempsey inquired about former agricultural uses on the subject lot and raised concerns with the development of the lots located behind the subject lots and the view of the farmland from existing properties. Graham Sanford presented concerns regarding the proposed rezoning, a complaint with the Nova Scotia Department of Environment and Climate Change, a potential violation of the Land Use By-law, access to and water supply for abutting lots, food production goals of the Province, and the affordability of residential developments.
- One (1) phone call and three (3) written comments were received during the comment period.



# Public Comment Submissions Notes

Comments received included:

- Concerns regarding an existing driveway located on one of the existing subject lots which was considered by the resident to not be up to code and concerns with the safety of pedestrians on Bog Road
- Request for additional time for Graham Sanford to present
- A document containing 26 questions and comments regarding:
  - rezoning purpose, access, property development, road safety, developer portfolio, developer contact, financing, a commitment matrix, watercourses and contamination, agrologist report determination, removal of PID 45366515 from the application, water supply, request for detailed metrics of development and pricing, wildlife study, additional property ownership, economic modeling, alternative development models and scenarios, landowner engagement, comparable building forms, project construction, artist renderings of views, concept planning, access to an abutting property, agricultural uses for sloped land, and request for an additional agrologist report



# Public Comment Submissions Responses

- The following is a list of responses to the 26 questions and comments received from Graham Sanford:
  1. The rezoning request was to permit two-unit residential development on the subject lots. Access to land located behind the subject lots is not considered as part of this amendment.
  2. The Municipal Traffic Authority and the Nova Scotia Department of Public Works determines how lots may be accessed. Initial inquiries received from both the Province and the Traffic Authority show no concerns regarding the subject lots abutting Bog Road.
  3. The specifics of the property development are not considered during the Land Use By-law amendment process. Site plans have not been required or requested.
  4. Road safety concerns should be directed to the Nova Scotia Department of Public Works.
  5. Who the applicant is not a criteria staff can consider as part of the evaluation. Request for examples of housing developments should be directed to the developer.
  6. Questions regarding the contact information should be directed to the developer.
  7. Financing is not a consideration in the planning process.



# Public Comment Submissions Responses Cont.

8. Developer participation in a Commitment Matrix is not a consideration in the planning process. Request for developer participation should be directed to the developer.
9. The developer will be required to adhere to the Nova Scotia Department of Environment and Climate Change's regulations on the protection of watercourses.
10. The developer will be required to adhere to the Nova Scotia Department of Environment and Climate Change's regulations on the protection of watercourses.
11. Your comments regarding the justification of slope in the agrologist's report are noted and Council will be advised of them.
12. The Public Works Department confirmed that the subject lots are able to receive water from municipal servicing.
13. Unit layout or pricing is not considered as part of the Land Use By-law amendment process. Questions regarding layout or pricing should be directed to the developer.
14. There is no criterion in the Municipal Planning Strategy that would a wildlife study to be considered for this amendment.
15. Concerns of additional property ownership is not considered as part of the Land Use By-law amendment process.
16. Economic modeling is not considered as part of the Land Use By-law amendment process. Questions regarding economic modeling should be directed to the developer.



# Public Comment Submissions Responses Cont.

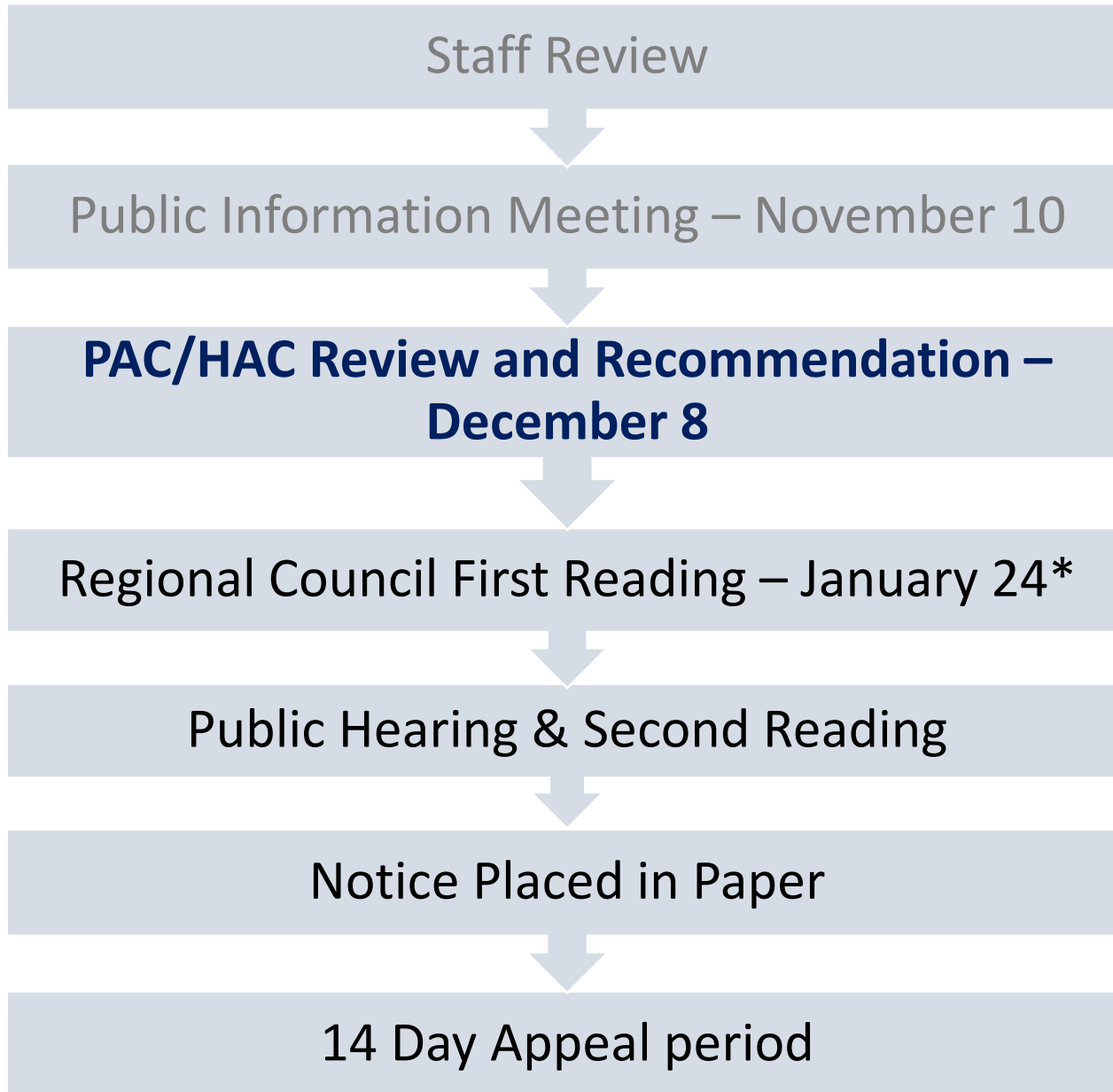
17. The applicant has requested a Land Use By-law amendment to permit two-unit residential dwellings. Staff only consider the request of the applicant and other uses permitted within the requested zone during a land Use By-law amendment process.
18. The applicant has requested a Land Use By-law amendment to permit two-unit residential dwellings. Questions regarding alternative development consideration should be directed to the developer.
19. Staff have followed the Public Participation Program Policy for this application, which is used to determine the public engagement process for all applications.
20. Questions regarding comparable building forms should be directed to the developer.
21. Project construction is not considered as part of the Land Use By-law amendment process. Questions regarding phasing and construction management should be directed to the developer.
22. Renderings of views are not considered as part of the Land Use By-law amendment process. Questions regarding view renderings should be directed to the developer.
23. Questions about the developer's concept planning related to the proposal should be directed to the developer.



# Public Comment Submissions Responses Cont.

24. A change in zoning does not affect property boundaries or access. PID 45046315 currently does not have road frontage.
25. Staff rely on the report of a professional agrologist to determine the viability of agricultural development on land.
26. The criteria in the Municipal Planning Strategy requires a report from a professional agrologist. An agrologist report has been submitted and will be used as part of the Land Use By-law amendment process.

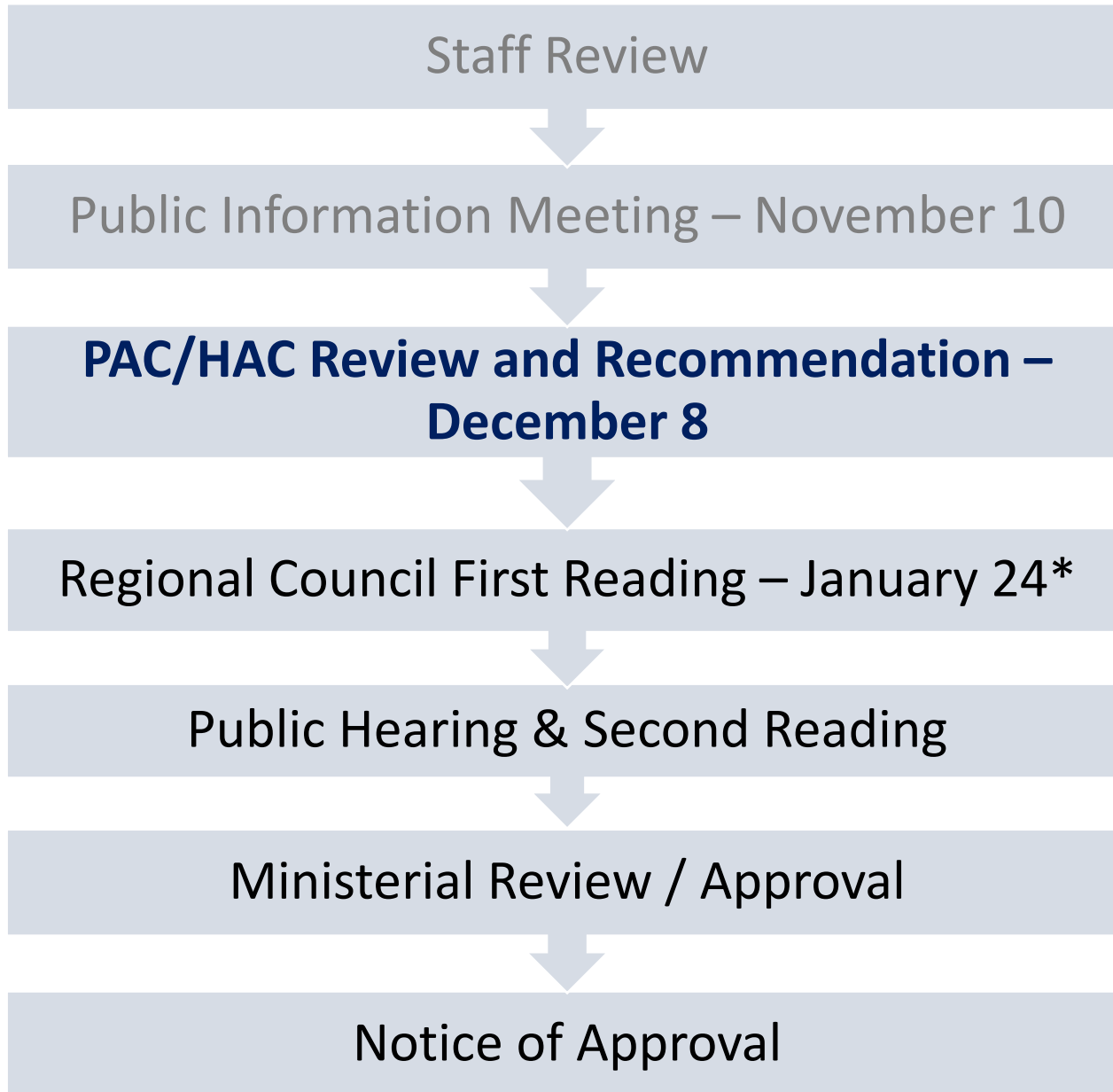




# Process (Hantsport)

\* Anticipated Date





## Process (West Hants)

\* Anticipated Date

# Recommendations (Hantsport) (1 of 2)

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the Hantsport Land Use-Bylaw by rezoning PIDs 45366473, 45366481, 45366499, 45366507, and a portion of 45366515 on Bog Road, Hantsport from the Single Unit Residential (R-1) zone to the Two Unit Residential (R-2) zone.



# Recommendations (West Hants) (2 of 2)

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy to include PID 45366515 in the Residential designation and amending Schedule A of the West Hants Land Use-Bylaw by rezoning PID 45366515 on Bog Road, Hants Border from the Agricultural Priority Two (AR-2) zone to the Two Unit Residential (R-2) zone.





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