



WEST HANTS REGIONAL MUNICIPALITY REPORT

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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Mark Fredericks, Senior Planner

Date: January 11, 2024

Subject: WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road, Vaughan; File #23-29

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

To enable the rezoning of the subject lot to the General Resource (GR) zone, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

"...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law to rezone PID 45218658 on Armstrong Lake East Road in Vaughan, from the Open Space (OS) zone to the General Resource (GR) zone as shown in the report #23-29 to the Planning and Heritage Advisory Committee dated January 11, 2024."

BACKGROUND

The subject lot was conveyed to the Municipality of West Hants when a subdivision application was submitted by the landowners, Dalhousie Projects Ltd. in 1989. The original survey is included as *Figure 4* which labels the subject property as lot #128.

The Parks and Open Space plan was adopted by West Hants Council in 2016 with two goals: (1) to direct the operations, maintenance, acquisition, divestment, funding, and programming of

the Municipal parks and open space network; and (2) To ensure that the local network of parks and open space will continue to meet recreational needs and protect unique, natural, and cultural resources for the next ten years. This plan recognized several parcels that were suitable for divestiture. On October 26, 2021, Council approved the motion to:

APPROVE THE DIVESTMENT OF 17 MUNICIPALLY OWNED PARKLAND PROPERTIES AS RECOMMENDED IN THE WEST HANTS PARKS AND OPEN SPACES PLAN AND FURTHER THAT THE PROCEEDS OF SALE BE RECORDED IN A CAPITAL RESERVE ACCOUNT AND TO BE DIRECTED TO THE COMMUNITY FOR WHICH THE PROPERTY RESIDED OR THE PROCEEDS CAME FROM.

Municipal Council directed the CAO to submit planning applications to rezone a select list of these surplus parcels by passing the following motion on September 11, 2023:

*THAT THE CHIEF ADMINISTRATIVE OFFICER BE DIRECTED TO SUBMIT AN APPLICATION TO THE PLANNING AND DEVELOPMENT DEPARTMENT TO CONSIDER REZONING LANDS PREVIOUSLY IDENTIFIED AS SURPLUS, PID 45226636, 45045952, 45215290, 45221868, 45222254, **45218658**, 45222049, 45236601 AND 45225018 TO PROVIDE OPPORTUNITY FOR RESIDENTIAL DEVELOPMENT.*

A completed application was received on September 20, 2023, from Mark Phillips, Chief Administrative Officer (CAO) of West Hants Regional Municipality, on behalf of the landowner, West Hants Regional Municipality. The application was needed for Council to consider rezoning of the subject lot from the Open Space (OS) zone to the General Resource (GR) zone to allow the potential for residential development.

DISCUSSION

The subject lot is approximately 16 acres in size with approximately 133 feet of road frontage on Armstrong Lake East Road. The lot is currently designated Resource (S) on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (*Figure 1*). The subject lot is zoned Open Space (OS) on Schedule A of the West Hants Land Use By-law (WHLUB) (*Figure 2*).

Surrounding Context

All properties surrounding the subject lot are also designated Resource and zoned General Resource (GR) zone. The subject lot is in a lake side cottage area of Vaughan, that surrounds Armstrong Lake in a development called Chalet Hamlet.

The immediately surrounding properties are a mixture of vacant lots and some single unit dwellings and cottages. The south and east sides of the subject lot border a large lot (2750 acres) of Crown land. The nearest dwelling which abuts the subject lot on the west is a single unit dwelling owned by David Borden, who met with staff on site and provided a tour of his property and the subject lot. This tour highlighted some of the rocky terrain common to the area, including steep slopes and exposed bedrock which could be barriers for parkland

development, or residential development. The subject lot has large rock outcroppings and a wet area along Armstrong Lake East Road.



Figure 1 - Exposed bedrock throughout subject lot



Figure 2 - Entrance to subject lot

Parks and Open Space

The 2016 Parks and Open Space Plan identified the subject lot as an appropriate property to divest. The plan recognized the proceeds of the sale could be used to help fund other Municipally owned parks and open spaces in the area. The Armstrong Lake community has a picnic park with water access on a 4-acre property owned by the Municipality known as the Armstrong Lake Park, at 640 Armstrong Lake East Road.



Figure 3 - Armstrong Lake Park

Subdivision By-law

The West Hants Subdivision By-law outlines the parkland dedication required as part of any subdivision process. This process is the method that resulted in the Municipality owning the subject lot during a subdivision process in 1989. The details of parkland dedication are outlined in the Subdivision By-law, and an excerpt of this is shown below:

PART 14: PARKLAND DEDICATION

71. Prior to approval by the Development Officer of the final plan of subdivision, the subdivider shall either:
- (a) transfer to the Municipality, free of encumbrances, for parks, playgrounds, and similar public purposes, an area of useable land within the area being subdivided equal to five percent (5%) of the area of the lots to be approved, as shown on the final plan of subdivision, exclusive of streets, easements, and the residue of the land of the subdivider; or
 - (b) provide to the Municipality a sum of money equivalent to five percent (5%) of the market value, as determined by an assessor, of the lots to be approved, as shown on the final plan of subdivision, exclusive of streets, easements, and the residue of the land of the subdivider; or
 - (c) where the Council agrees, provide to the Municipality equivalent value, in any combination as determined by the Municipality; or
 - (d) where the Council agrees, transfer to the Municipality, free of encumbrances, an area of useable land of equal value outside the area being subdivided but within the boundaries of the Municipality, in lieu of the land in the subdivision required to be transferred under [subsection 71\(a\)](#).
72. Where the area of land being subdivided has frontage on the ocean, a river or a lake, any land transferred in accordance with [subsection 71\(a\)](#) shall include either useable land with frontage on the ocean, river or lake or land suitable for public access to the ocean, river or lake.
- Transfer of land
- Transfer of cash in lieu
- Transfer of equivalent value
- Transfer of land outside area being subdivided
- Transfer of land with water frontage

The subject lot was a transfer of land to comply with the criteria in subsection 71 of the West Hants Subdivision By-law, as it contributed towards five percent (5%) of the area of the lots to be approved at that time.

Document Review

Section 13.2 of the WHMPS describes Council’s intention of the Open Space zone to “...apply primarily to parkland and publicly-owned outdoor recreational uses which generally do not require main buildings. The main purpose of the zone is to preserve and protect open space for the use of residents of West Hants.”

Policy 13.2.1 *It shall be the intention of Council to establish an Open Space (OS) zone which applies to parks and other public outdoor recreation uses, cemeteries, historic sites and similar uses. Generally, open space uses do not involve main buildings, but the zone may also be applied to certain institutional uses, such as museums and interpretive centres, which are located on large parcels of land used as parkland.*

Policy 13.2.2 *It shall be the policy of Council to zone only public lands for open space purposes.*

The subject property has been zoned Open Space (OS) since it was created, as it was publicly owned over the past 34 years. However, this parcel was never developed into a park and the 2016 Parks and Open Space Plan identified it as a property for the Municipality to consider divesting. This determination considered the availability of open space in the area and the potential for the divestment to help fund the development of nearby Municipally owned parks and open space uses.

The intention of the Resource designation is outlined in Section 9 of the WHMPS. The purpose of the General Resource (GR) zone and the Resource designation is to prioritize resource based land uses and accommodate rural residential development which includes cottage style developments.

Policy 9.1.1 *It shall be the policy of Council to establish a General Resource (GR) zone which will apply to areas of West Hants in the Resource designation which are outside the Growth Centres, Village and Hamlets and are not zoned for agricultural, mineral or water supply uses. This includes large parcels of Crown land, land owned by forestry companies, areas of seasonal residential development which are accessed by private roads, and rural areas which are not considered to be under intense development pressure.*

The subject lot is part of an existing community around Armstrong Lake which is not zoned for agriculture, or part of a growth centre, village, or hamlet and meets the intent and purpose of the General Resource (GR) zone. The subject lot is on a private road owned and maintained by the Chalet Hamlet Property Owners Association. This area can most appropriately accommodate seasonal dwellings and single unit dwellings as outlined in Policy 9.1.8 and may permit some resource type uses if rezoned to the General Resource (GR) zone.

Policy 9.1.8 *It shall be the policy of Council that new private roads for subdivision purposes shall be permitted only in the General Resource zone. Development on private roads shall be limited to seasonal dwellings, single unit dwellings, home-based businesses and resource uses.*

General Criteria

WHMPS Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the Land Use By-law (Attachment A). In summary, the proposed rezoning meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Development Officer, Manager of Building and Fire Inspection Services, Nova Scotia Public Works, and the private road owners/property owners association have no concerns with the proposed rezoning which have not been addressed in this report.

Public Information Meeting

During the Public Information Meeting for this file staff heard from a neighboring property owner regarding the topography and valuation of the property if listed for sale. Another comment during the meeting was regarding access during extreme weather events like a wildfire. While this community does include secondary/ informal routes, the overall road

network for private roads is not under review as part of this application. However, staff will be considering amendments to the MPS, LUB and SUB to require secondary/emergency exits for private road developments in the future, through the planning document review project which is ongoing. More information is included in Attachment B – Public Information Meeting Notes.

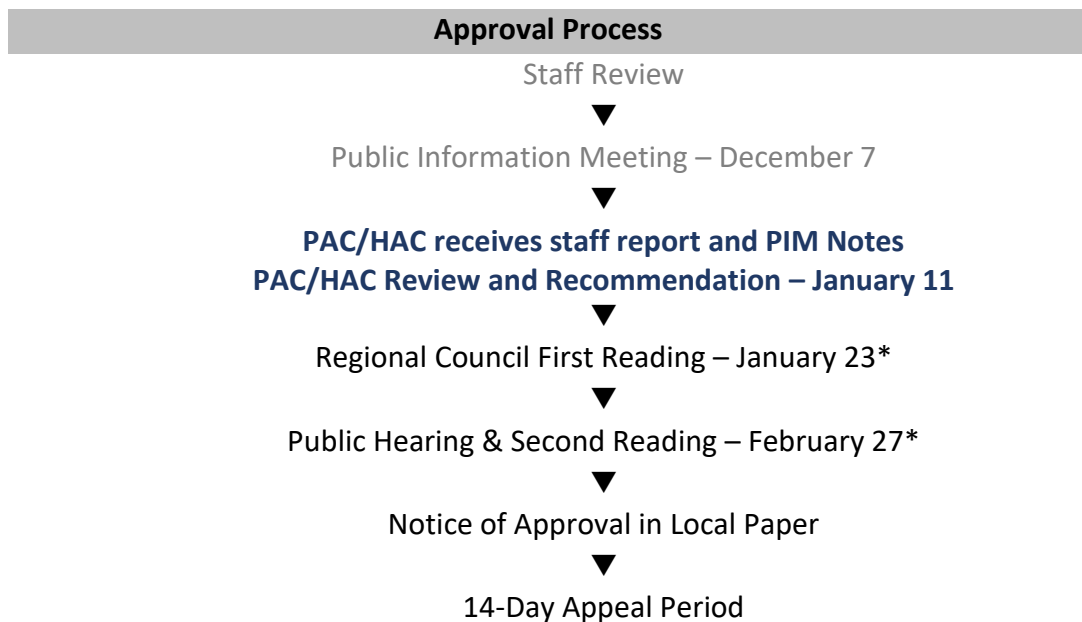
MUNICIPAL CLIMATE CHANGE ACTION PLAN

The West Hants Municipal Climate Change Action Plan (MCCAP) does not recognize the Vaughan area to be at risk from sea level or storm surge. The subject lot is elevated above Armstrong Lake and is sloped towards the road which appears to drain storm water effectively towards the lake. The MCCAP report does not show any climate change related flood risk on the subject lot.

If the property is sold, any new property owners are responsible for ensuring that the lot is suitable for the proposed use.

NEXT STEPS

As noted above, the proposed amendment has been considered within the context of both the intent of the Resource designation and the general amendment criteria of the WHMPS and is consistent with the intent, objectives, and policies of the WHMPS. The amendment is also consistent with the findings and recommendations of the 2016 Parks and Open Space Plan. As a result, it is reasonable to amend the zoning of PID 45218658 from the Open Space (OS) zone to the General Resource (GR) zone.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report. However, the possible future sale of the subject lot, following the rezoning could generate Municipal revenue.

ALTERNATIVES

In response to the application, PAC/HAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the WHLUB map amendment as drafted or as specifically revised by direction of PAC/HAC;
Or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract - Current
Figure 3	West Hants Zoning Map Extract – Proposed
Figure 4	Survey of Subdivision 1989
Attachment A	Policy Summary for WHLUB Amendments
Attachment B	Public Information Meeting Notes

Report Prepared by: _____
Mark Fredericks, Senior Planner

Report Reviewed by: _____
Sara Poirier, Director of Planning and Development

Figure 1 - West Hants GFLUM Extract

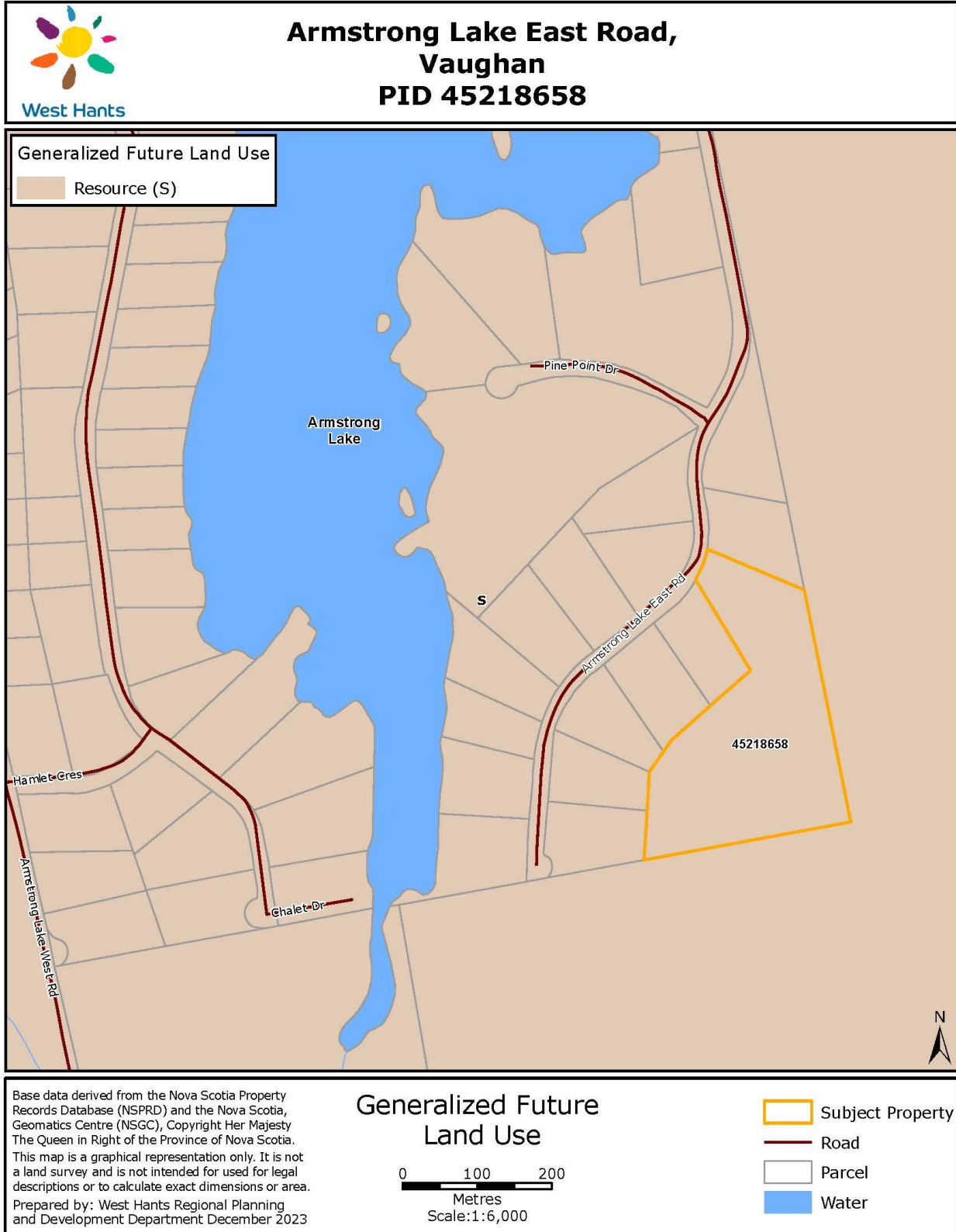


Figure 2 - West Hants Zoning Map Extract - Current

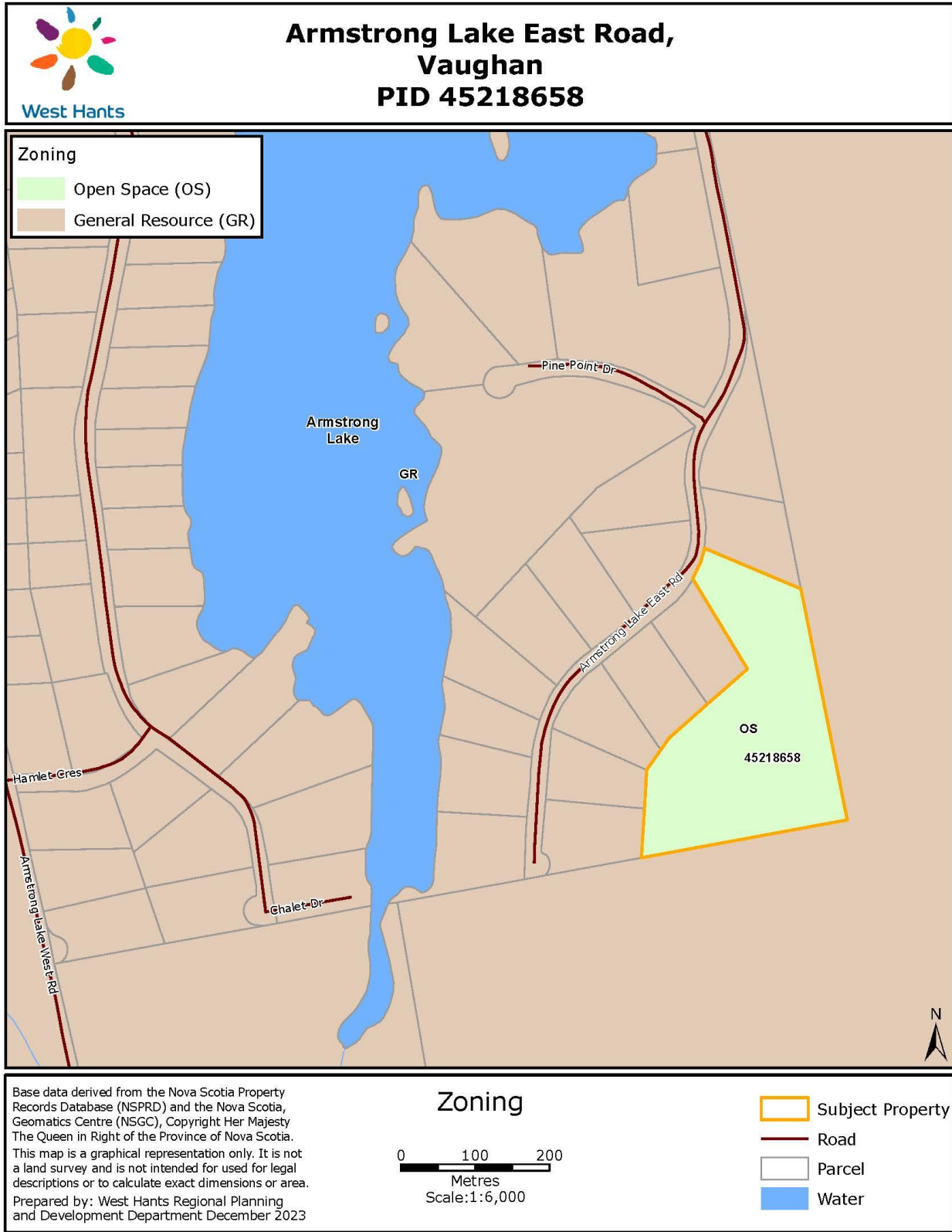


Figure 3 - West Hants Zoning Map Extract - Proposed

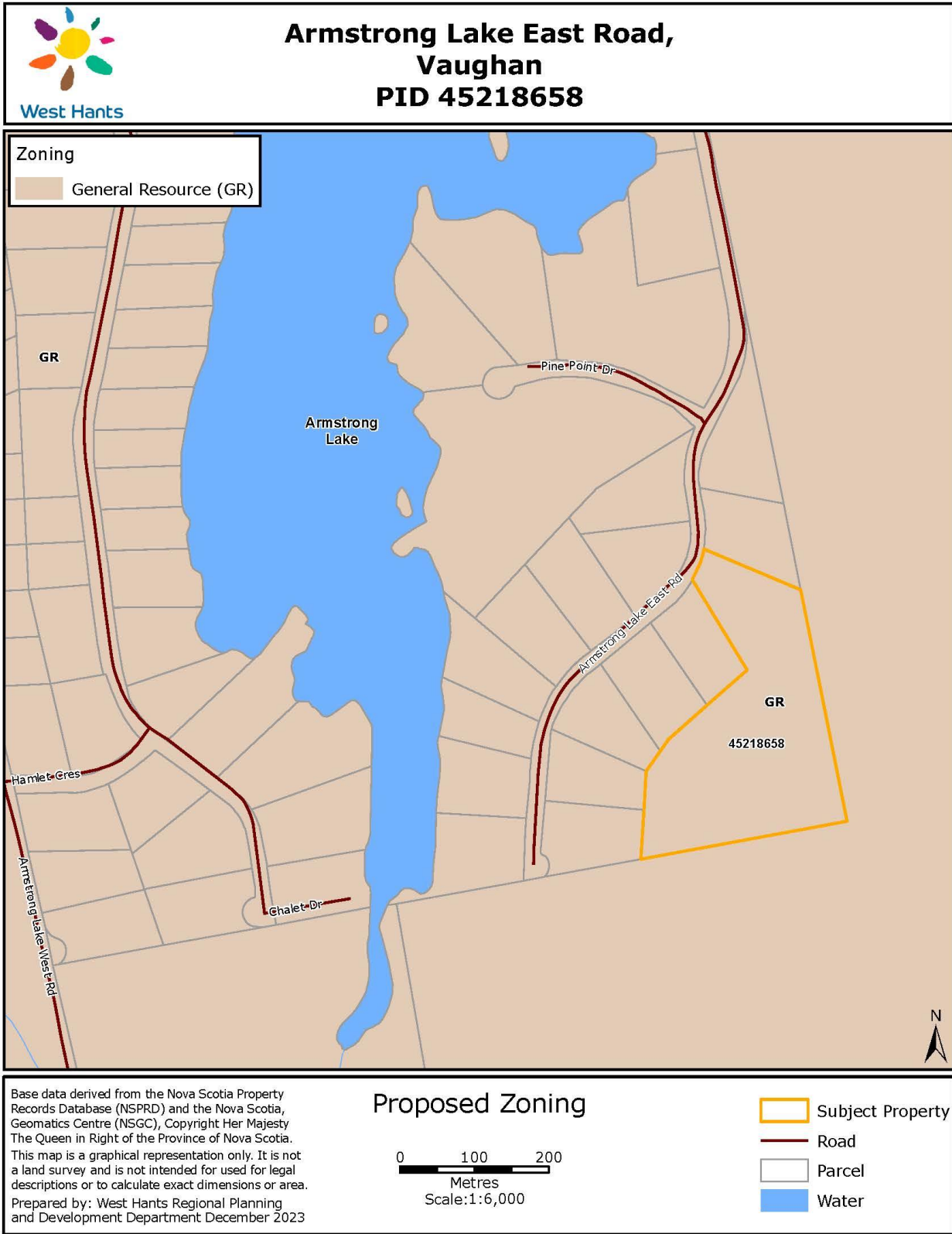
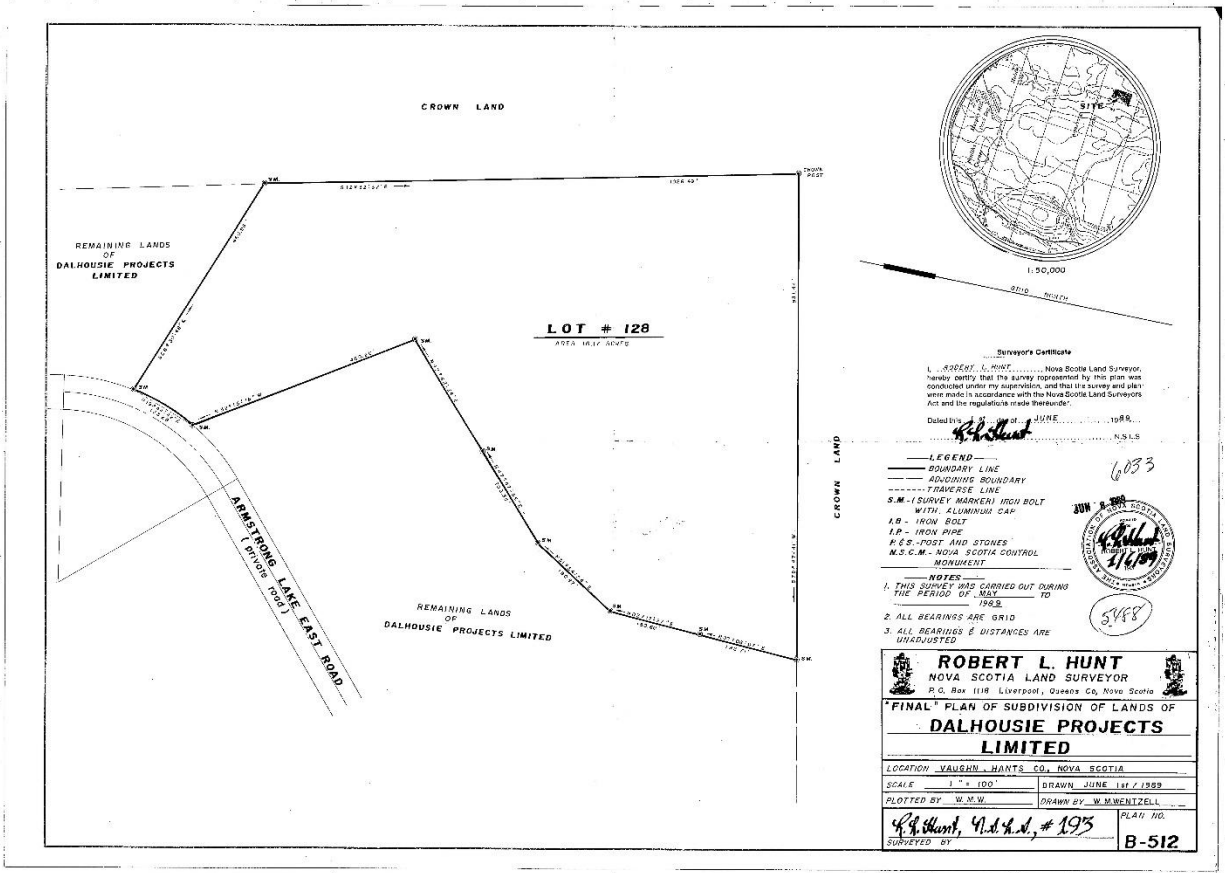


Figure 4 - Survey Subdivision 1989



Attachment A - Policy Summary for WHLUB Amendments

Policy 16.3.1 In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	No Municipal sewer or water services are available in Vaughan. The subject property has more than adequate lot area to meet the minimum lot size requirements for lots serviced by on-site well and septic. The approval for these on-site services is the jurisdiction of Nova Scotia Department of Environment and Climate Change.
<i>(ii) the adequacy of school facilities;</i>	The proposed rezoning represents a very small potential increase in school population which is expected to be accommodated by surrounding schools.
<i>(iii) The adequacy of fire protection and other emergency services;</i>	The South West (Windsor) Fire Department is approximately 5km away from the subject property. Staff reached out to the Fire Chief but have not yet received any feedback. It is unlikely that the proposed zoning would create any new issues with adequacy of emergency equipment or response time due to the low density of the residential uses permitted in the General Resource (GR) zone.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The local roads around Armstrong Lake are privately owned and maintained by the Chalet Hamlet Property Owners Association. Staff spoke with Patrick Landry who is one of the Directors of the association. He was supportive of the rezoning and possible sale, as this could increase the number of homes or cottages which contribute dues towards the maintenance of the road. Patrick confirmed that the existing roads are able to accommodate low density residential development if rezoned.

<p><i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i></p>	<p>There are no anticipated costs to the Municipality regarding this development. However, the possible future sale of the subject property, following the rezoning, could generate Municipal revenue.</p>
<p><i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on site sewage disposal system;</i></p>	<p>See (a)(i) above.</p>
<p><i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>The Chalet Hamlet Property Owners Association had no concerns with the suitability of road regarding the proposed rezoning. There is no active rail transportation in the vicinity. There is no sidewalk or other pedestrian infrastructure in the vicinity.</p>
<p><i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The shape and size of the lot is larger than the surrounding lots. Staff expect that the shape and dimensions of the subject lot could enable it to be used for a residential use.</p>
<p><i>(e) the pattern of development which the proposal might create;</i></p>	<p>The arrangement of properties in this area is consistent with typical rural residential private road developments. The rezoning would not create any unusual development patterns.</p>
<p><i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;</i></p>	<p>The subject lot appears suitable for the proposed residential development. The subject lot has a wet area next to the road and has an incline and out cropping of bedrock throughout it. These aspects may introduce some challenges for most forms of development including parkland or residential.</p>
<p><i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and</i></p>	<p>All Municipal, Provincial, and Federal regulations will have to be met.</p>
<p><i>(h) any other matter required by relevant policies of this Strategy.</i></p>	<p>All relevant matters have been addressed in this report.</p>

Attachment B - Public Information Meeting Notes

December 7 - 21, 2023

WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road; File 23-29

Meeting date and time	A Public Information Meeting was held on December 7, 2023 beginning at 6 p.m. in Council Chambers at 76 Morison Drive in Windsor.
Attending	In attendance: <ul style="list-style-type: none">• Councillor Francis• Councillor Ivey• Senior Planner, Mark Fredericks• Planner, Alex Dunphy• Director of Planning and Development, Sara Poirier• Planning Administrative Assistant, Vanessa Lake• PAC/HAC member, Paul Beazley• 4 members of the public
Applicant CAO Mark Philips on behalf of Council Subject Lot PID 45218658, Armstrong Lake East Road	Planner Fredericks outlined the request from the Chief Administrative Officer to rezone a surplus Municipal property on Armstrong Lake East Road from the Open Space (OS) zone to the General Resource (GR) zone.
Comments	Four members of the public were present at the meeting. Paul Beazley requested that the PAC/HAC report should include some discussion around road access, particularly relating to the wildfires issues with limited access in the spring of 2023. <i>Staff responded that this information could be included in the report that comes forward to PAC/HAC.</i> David Borden requested that when pricing the property for sale, consideration should be given to the steep slopes, rocky terrain, and water on the site as these may present barriers to residential development and the appraised value should reflect this. <i>Staff responded that appraisals were being done for some of the selected surplus lands being rezoned, but they were not certain if this property has or will be receiving a property appraisal. Planner Fredericks is looking to meet David on the site to explore the area as it abuts Mr. Borden's property.</i>

	No additional input was received during the comment period.
Adjournment	There being no further business, the meeting adjourned at 6:15 p.m.