



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____

Alex Dunphy, Planner

Date: January 11, 2024

Subject: Housekeeping Amendment: Hantsport – West Hants Boundary; File # 23-44

LEGISLATIVE AUTHORITY

Municipal Government Act Part VIII, *Planning and Development*

RECOMMENDATION

Should Council wish to approve the amendments, the following motions would be in order:

...that PAC/HAC recommends that Council give First Reading and hold Public Hearing to consider amending the boundary line shown on the maps of the Hantsport Municipal Planning Strategy and Land Use By-law and the West Hants Municipal Planning Strategy and Land Use By-law to reflect the former Town of Hantsport boundary as shown in the 2006 survey plan as show in the report File #23-44 to the Planning and Heritage Advisory Committee dated January 11, 2024;

...that PAC/HAC recommends that Council give First Reading and hold Public Hearing to consider amending the Generalized Future Land Use Map of the Hantsport Municipal Planning Strategy to include a portion of PID 45046315 and 45366515 in the Residential designation and amending Schedule A of the Hantsport Land Use By-law to include a portion of PID 45046315 and 45366515 in the Two Unit Residential (R-2) zone as show in the report File #23-44 to the Planning and Heritage Advisory Committee dated January 11, 2024.

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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It was brought to staff’s attention during an application to rezone five (5) lots on Bog Road that there was a discrepancy between the text and the map of the Hantsport Land Use By-law. Additional background information can be found in the staff reports for File 22-24 and 22-25. This report outlines an option to remedy the identified discrepancy, ensuring that the planning documents follow the former Town of Hantsport boundary as previously surveyed.

DISCUSSION

Section 3.3. of the Hantsport Land Use By-law outlines how zoning boundaries will be determined. Section 3.3 (e) states that *“where a zone boundary is indicated as following the town boundary, the town limit shall be the boundary”*. However, upon further investigation of a survey plan from 2006 (Appendix A) it was determined that the mapping boundary does not follow the former Town boundary as previously surveyed. The survey plan indicates that the surveyor established an approximate location for the former Town boundary, which follows the lot boundary of PID 45046315 and that splits through PID 45366515. This line is also depicted on archived mapping of the former Hantsport and West Hants (1976, 1994). Staff are unaware of when the boundary line was changed on the mapping.

The issue was brought to staff’s attention by a developer’s surveyor who is adamant that more of their property should be designated/zoned residential rather than agricultural. They believe the planning document mapping should follow the former Town boundary, as stated in the Hantsport Land Use By-law.

Department of Municipal Affairs and Housing

In response to questions about the boundary in March 2023 the Department of Municipal Affairs and Housing responded that *“As the former Town of Hantsport dissolved in 2015, the Municipality is responsible for determining the location of the boundary. We have reviewed the documents and the subdivision plan from 2006 and suggest you seek a legal opinion on the location of the boundary in relation to your planning documents. In the Hantsport Land Use By-law, Section 3.3 (e) ties the zoning boundary to the former town boundary.”*

Legal Opinion

To follow up to the correspondence from the Department of Municipal Affairs and Housing, staff reached out to the Municipal Solicitor for legal advice on the Hantsport Land Use By-law referencing the former Town boundary as the zoning boundary. The Municipal Solicitor advised staff that it would be best to ensure that all mapping produced by the Municipality is consistent. Two options were proposed, both of which requiring the usually public planning process:

1. Alter the mapping in the West Hants Municipal Planning Strategy and Land Use By-law, as well as the Hantsport Municipal Planning Strategy and Land Use By-law to reflect the former town boundary line as shown in the 2006 survey plan; or
2. Change the statement in the Hantsport Land Use By-law (Section 3.3(e)) to remove the requirement that the mapping follow the former Town boundary.

This report relates to the first option provided by the Municipal Solicitor, which is to amend the mapping of the planning documents to follow the text of the Hantsport Land Use By-law.

Designation and Zoning

The smaller of the two affected lots (PID 45366515) is split designated Residential on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) and the Hantsport Municipal Planning Strategy (HMPS). The lot is split zoned Two Unit Residential (R-2) on Schedule A of the West Hants Land Use By-law (WHLUB) and the Hantsport Municipal Planning Strategy (HLUB). Surrounding land uses include primarily low-density residential units and farmland to the south of the affected lots.

If Council agrees to change the boundary of the mapping in the Hantsport Municipal Planning Strategy (HMPS), Hantsport Land Use By-law (HLUB), West Hants Municipal Planning Strategy (WHMPS), and West Hants Land Use By-law (WHLUB) to follow the former Town of Hantsport boundary as identified on a survey plan from 2006, Council will also need to determine the designation and zoning of lots impacted by the boundary change. This would include a portion of PID 45046315 and a portion of PID 45366515 which would then be contained within the Hantsport plan area.

Both PIDs would require designation and zoning amendments to the Residential designation on the Generalized Future Land Use Map of the HMPS (Appendix B) and the Two Unit Residential (R-2) zone on the zoning map of the HLUB (Appendix C).

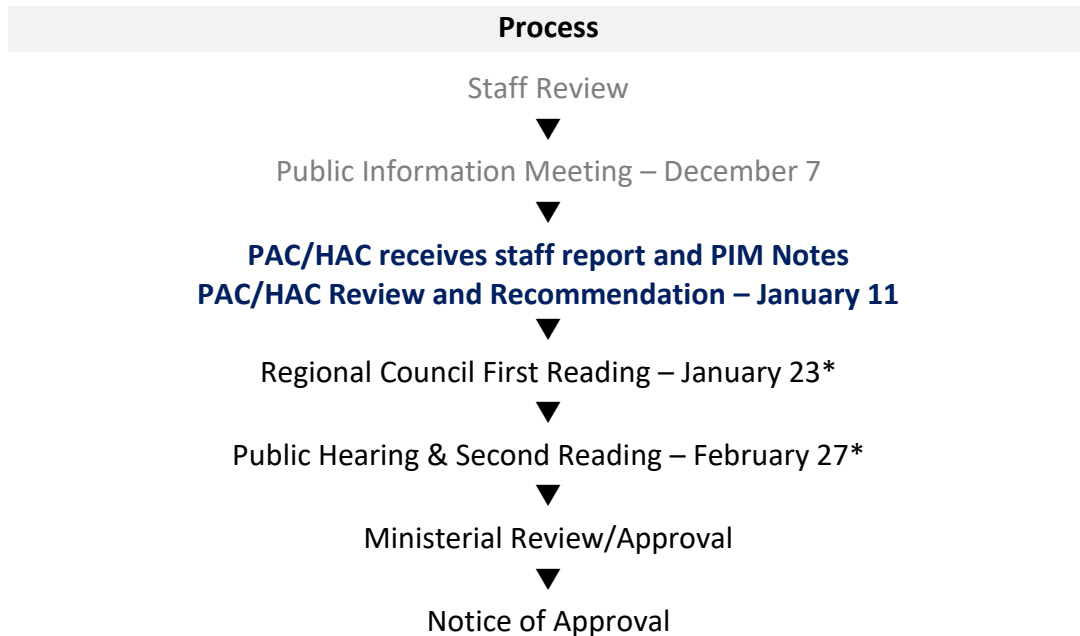
NSCAF Community Boundary

Staff consulted with a representative for the Nova Scotia Civic Addressing File (NSCAF) who confirmed that their data for the Hantsport community boundary has been the same as what is currently shown in the planning document since at least 2006. The Hantsport town boundary layer that was used in previous versions of the planning documents came from the Nova Scotia Topographic Database (NSTDB), which was at the time different than NSCAF community boundaries.

The representative for the Nova Scotia Civic Addressing File (NSCAF) confirmed that the process to change the NSCAF community boundary is straightforward once a request is made. These changes can be implemented within a few business days. From discussions with NSCAF, there are no implications to changing this boundary, other than including more of the sole property

owner's lots within the Hantsport planning area.

NEXT STEPS



FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

There are implications to the owner of PIDs 45046315 and 45366515 based on how much of the lot can be developed as-of-right under the new zoning. Residential zoning would permit subdivision of the lots to allow residential development which is more than what the original agricultural zoning would permit.

APPENDICIES

Appendix A	2006 Survey
Appendix B	Proposed GFLUM Boundary Amendment
Appendix C	Proposed Zoning Boundary Amendment
Appendix D	Public Information Meeting Notes

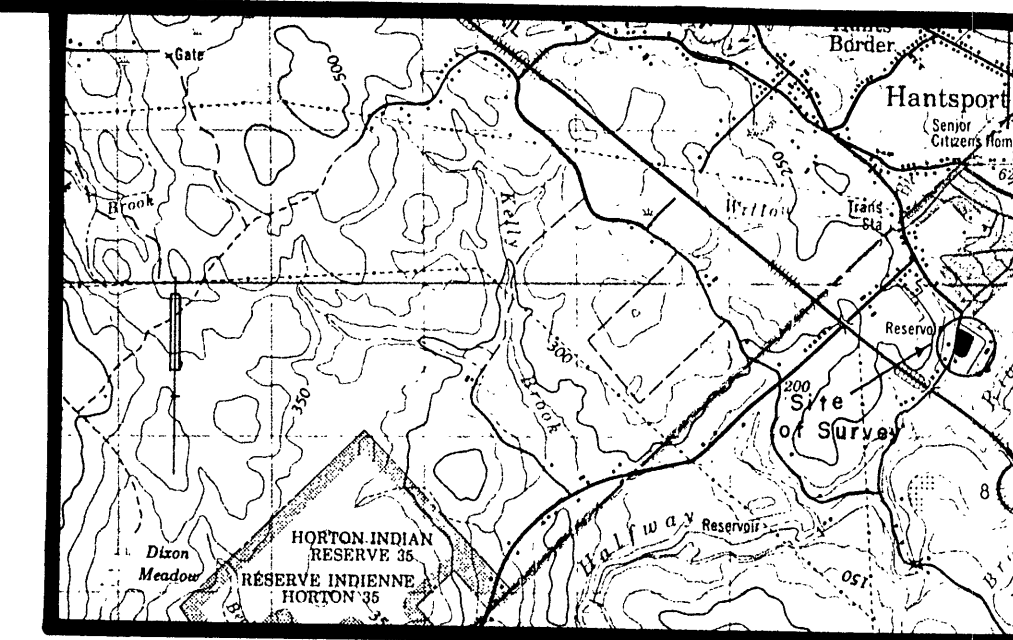
Report Prepared by: _____

Alex Dunphy, Planner

Report Reviewed by:

Sara Poirier, Director of Planning and Development

Appendix A – 2006 Survey

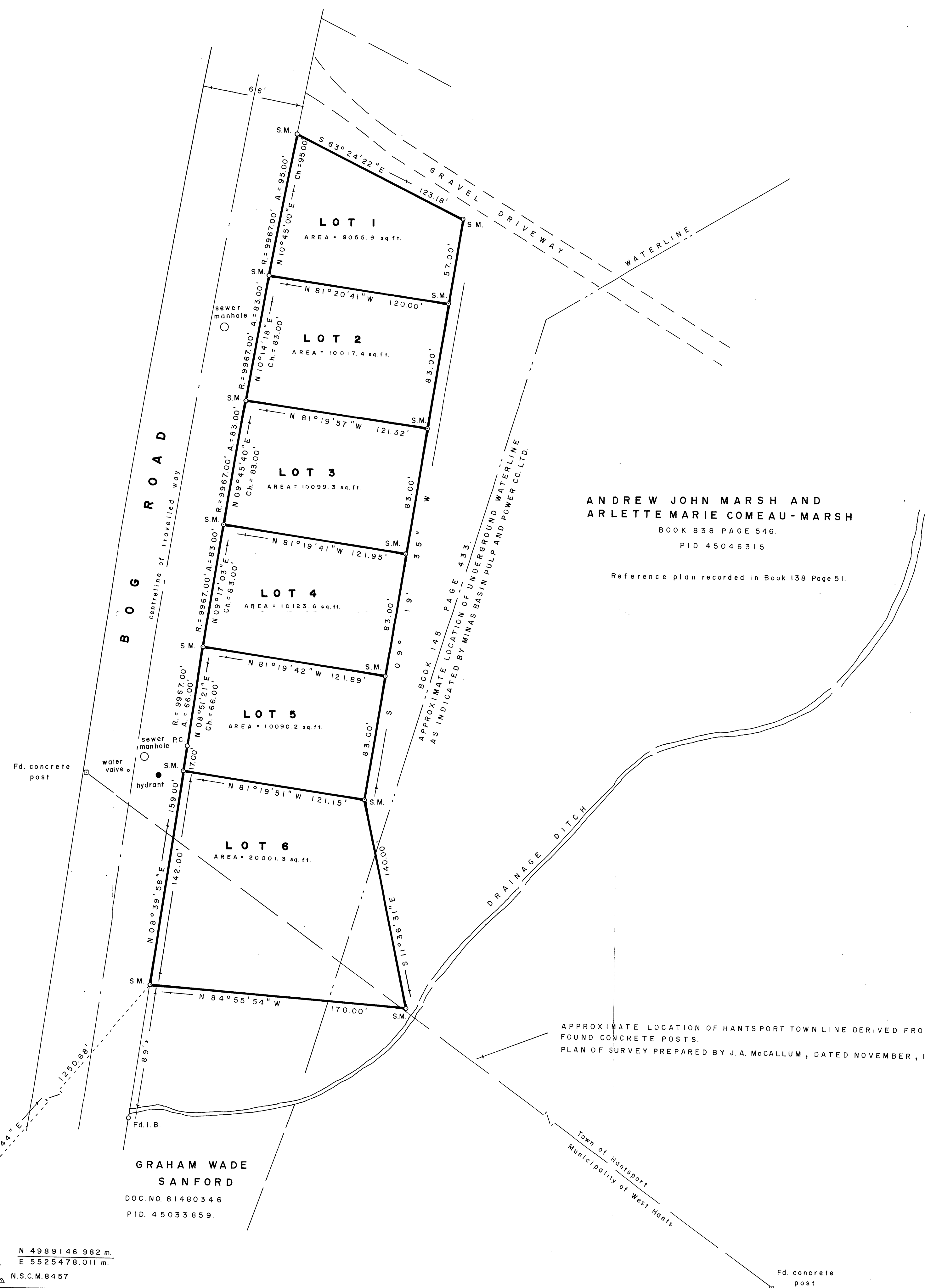


KEY PLAN SCALE 1:50,000

LEGEND

- S.M. SURVEY MARKER
- I.P. IRON PIPE
- I.B. IRON BAR
- C.P. CALCULATED POINT
- R.P. ROCK POST
- △ N.S.C.M. NOVA SCOTIA CONTROL MONUMENT
- W.P. WOODEN POST
- Fd FOUND
- WIT WITNESS
- P.C. POINT OF CURVATURE
- R, A, Ch, T RADIUS, ARC, CHORD, TANGENT
- (D), (M), (P), (C) DEED, MEASURED, PLAN, CALCULATED
- C/L, T/L CENTRELINE, TIE LINE
- OHWM ORDINARY HIGH WATER MARK
- LANDS DEALT WITH BY THIS SURVEY
- LINE NOT TO SCALE

THIS SURVEY WAS CONDUCTED DURING THE PERIOD OF
MAY 2 - JUNE 1, 2005.
SCALE FACTOR WAS NOT APPLIED TO DISTANCES.
COMPASS RULE ADJUSTMENT WAS APPLIED TO MEASUREMENTS.
BEARINGS ARE REFERRED TO THE NOVA SCOTIA S^d MODIFIED TRANSVERSE
MERCATOR GRID, ZONE 5, CENTRAL MERIDIAN 64°30' WEST AND WERE
DERIVED FROM THE LINE JOINING N.S.C.M. 8456 TO N.S.C.M. 8457
HAVING A BEARING S 41°41' 34" E.



ANDREW JOHN MARSH AND
ARLETTE MARIE COMEAU-MARSH
BOOK 838 PAGE 546
PID. 45046315.

Reference plan recorded in Book 138 Page 51.

REGISTERED OR RECORDED AT 1:41.90 CLOCK
AUG 23 2006 A.D. AS NO. 85951516
Janet Burns Acting
Tina Landzaat, Registrar

PLAN OF SURVEY SHOWING
LOTS 1 to 6
SUBDIVISION OF LAND OF
ANDREW JOHN MARSH AND
ARLETTE MARIE COMEAU-MARSH
BOG ROAD, HANTSPORT,
HANTS COUNTY, NOVA SCOTIA.

THIS FINAL PLAN OF SUBDIVISION IS APPROVED FOR LOTS 1 TO 6 AS SHOWN.
Dated August 21, 2006
D. Allan Cyr
DEVELOPMENT OFFICER

SURVEYORS CERTIFICATE
I, D. ALLAN CYR, NOVA SCOTIA LAND SURVEYOR, HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAN WAS CONDUCTED UNDER MY SUPERVISION AND THAT THE SURVEY AND PLAN WERE MADE IN ACCORDANCE WITH THE NOVA SCOTIA LAND SURVEYORS ACT AND THE REGULATIONS MADE THEREUNDER.
DATED THIS 7th DAY OF JUNE, 2005
D. Allan Cyr N.S.L.S.

SCALE: 1" = 40'
40 30 20 10 0 40 80 120

OF NOVA SCOTIA LAND SURVEYORS
No 54949
D. ALLAN CYR,
Nova Scotia Land Surveyor
P.O. Box 904,
Kentville, N.S.
B4N 4H8
DATE OF PLAN JUNE 7, 2005
PLAN NO. S-11-2005-024

MUNICIPALITY OF WEST HANTS
FINAL PLAN APPROVED
PLAN No. 32-06
APPROVAL OF LOT 6
REMARKS: No part of this plan is shown on any other plan.
I certify that this plan of subdivision has been duly approved in accordance with the provisions of the Municipal Government Act.
Date Aug 23/2006
Signed [Signature]
WEST HANTS MUNICIPAL DEVELOPMENT OFFICER

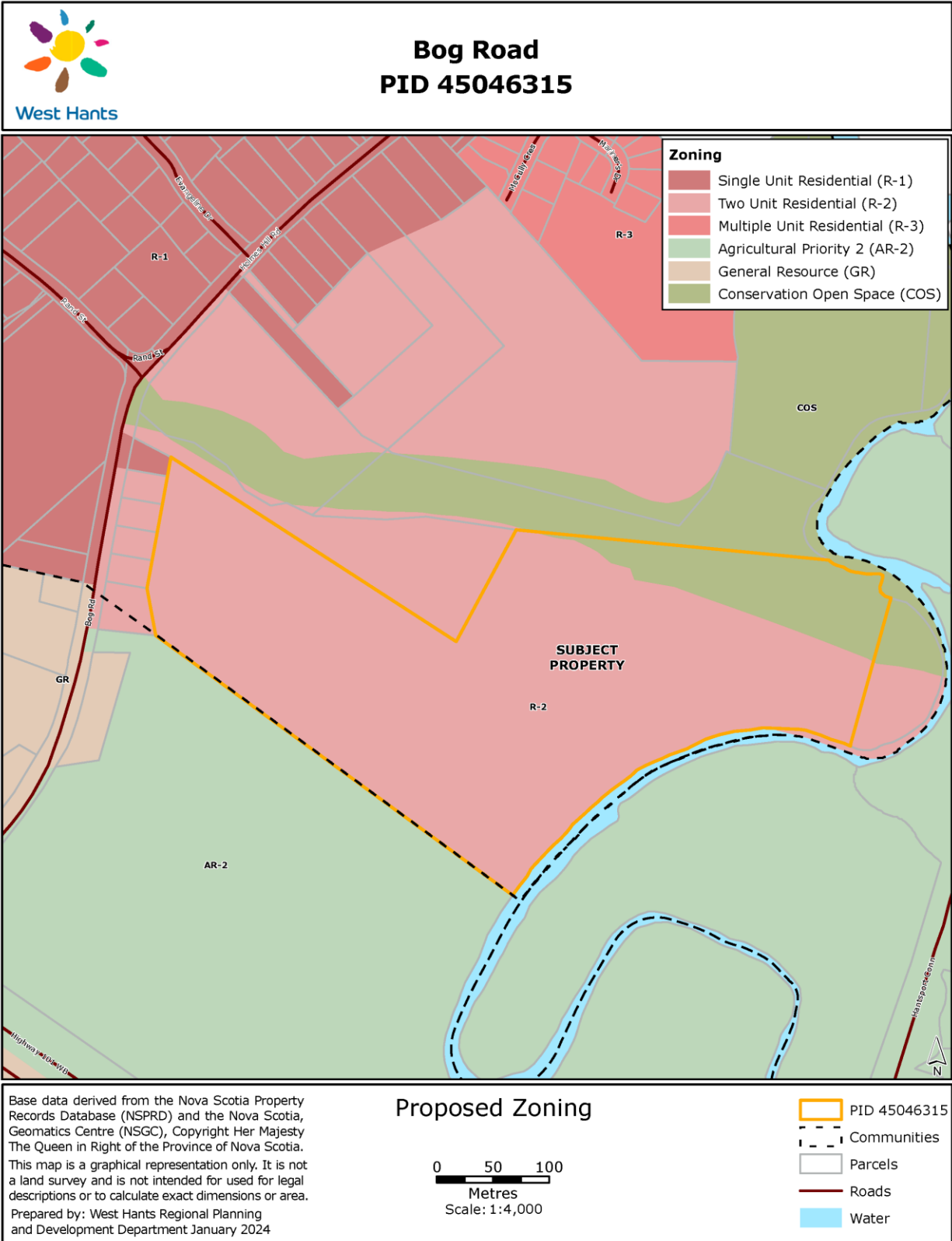
4990379.259 m
24380.369 m
N.S.C.M. 8456
N 4989146.982 m
E 5525478.011 m
N.S.C.M. 8457

GRAHAM WADE
SANFORD
DOC. NO. 81480346
PID. 45033859.

APPROXIMATE LOCATION OF HANTSPORT TOWN LINE DERIVED FROM FOUND CONCRETE POSTS.
PLAN OF SURVEY PREPARED BY J.A. McCALLUM, DATED NOVEMBER, 1904.

GRID NORTH

Appendix C – Proposed Zoning Boundary Amendment



Appendix D – Public Information Meeting Notes

December 7 - 21, 2023

Housekeeping Amendment: Hantsport – West Hants Boundary; File # 23-44

Meeting date and time	A Public Information Meeting was held on December 7, 2023 beginning at 6:29 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance for the meeting: Two (2) Councillors: <ul style="list-style-type: none">• Councillor Francis (Chair)• Councillor Ivey Four (4) members of staff: <ul style="list-style-type: none">• Planner Dunphy• Planner Fredricks• Planning Assistant Lake• Director Poirier 3 members of the public.
Applicant Internal project Property Hantsport/West Hants boundary	Planner Dunphy outlined the application to amend the Hantsport and West Hants planning documents to change the Hantsport/West Hants boundary line to follow the former Town boundary line as shown in a survey provided to staff.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between December 7 - 21, 2023. Staff received no additional comments or questions from the public.1 Councillor spoke during the December 7, 2023, Public Information Meeting. Staff responses are included in purple text. <ul style="list-style-type: none">• Councillor Ivey asked about a former rezoning which occurred on one of the lots that would be affected by the movement of the boundary line. Alex explained the previous rezoning application for the lots along Bog Road and that moving the boundary line would not affect that property. Councillor Ivey then asked if the intent was to split the lot affected as shown in the survey plan. Alex responded that the intention was to follow the

	former Town boundary line and that the lot would be split between the Hantsport and West Hants jurisdiction.
Adjournment	The PIM was adjourned at approximately 6:44 p.m.