

**HALIFAX REGIONAL MUNICIPALITY**

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**MARINE DRIVE, VALLEY AND CANAL COMMUNITY COUNCIL  
MINUTES  
June 9, 2010**

**REVISED**

**PRESENT:** Councillor David Hendsbee, Chair  
Councillor Barry Dalrymple, Vice Chair  
Councillor Steve Streach

**STAFF:** Mr. Randolph Kinghorne, Municipal Solicitor  
Ms. Krista Tidgwell, Legislative Assistant

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**1. CALL TO ORDER**

The meeting was called to order at 7:04 p.m. at the Lake Echo Community Centre, 3168 Highway #7, Lake Echo.

**2. APPROVAL OF MINUTES - May 19, 2010**

**MOVED by Councillor Dalrymple, seconded by Councillor Streach, that the minutes of May 19, 2010 be approved, as presented. MOTION PUT AND PASSED.**

**3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

The Committee agreed to discuss Item 4.1 - Status Sheet Review following Item 10.1.1. - Case 01278: MPS Amendments to permit a mobile home development in Lake Echo.

**MOVED by Councillor Streach, seconded by Councillor Dalrymple, that the Order of Business be approved, as amended. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES**

**4.1 STATUS SHEET REVIEW**

**4.1.1 Cameron Park**

**4.1.2 Willie's Walk**

**4.1.3 Stan Nelson Trail**

**4.1.4 Beaver Bank Road**

**4.1.5 Civic Addressing**

These items were discussed following Item 10.1.1, see pages 9 & 10.

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS - NONE**

**8. HEARINGS**

**8.1 PUBLIC HEARINGS - None**

**8.2 VARIANCE HEARINGS - None**

## **9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

### **9.1 Correspondence**

#### **9.1.1 Bill McLaughlin**

Correspondence received from Bill McLaughlin dated June 9, 2010, respecting Case 01278: MPS Amendments to permit a mobile home development in Lake Echo.

#### **9.1.2 Josh Norwood**

Correspondence received from Josh Norwood dated June 9, 2010, respecting Case 01278: MPS Amendments to permit a mobile home development in Lake Echo.

### **9.2 Petitions**

#### **9.2.1 Allan Doane of Porter's Lake**

Petition submitted by Allan Doane, resident of Porter's Lake, containing 944 signatures in support of Case 01278: MPS Amendments to permit a mobile home development.

### **9.3 Presentations - None**

## **10. REPORTS**

### **10.1 STAFF REPORTS**

#### **10.1.1 Case 01278: MPS Amendments to permit a mobile home development in Lake Echo**

- A staff report dated May 20, 2010 was before the Community Council.
- Correspondence received from Margot Young of Environmental Design and Management Limited dated June 7, 2010 was before the Community Council.

Darrell Joudrey, Planner 1, Community Development, delivered an overview of the May 20, 2010 staff report to the Community Council.

The Community Council entered into discussion with staff responding to questions. During the discussion, the following points were noted:

- the community designation of Lake Echo under the Municipal Planning Strategy (MPS) includes Lake Echo and Mineville

- Statistics provided for in the May 20<sup>th</sup> staff report is for the community of Lake Echo and does not include Mineville
- there are 1,510 civic addresses within the Lake Echo community under the MPS, of which 354 are mobile homes (23%); an additional 200 mobile homes would increase the percentage to 36%
- under the current MPS rules the development is not permitted without Regional Council's approval
- Community Council can direct staff to develop policy criteria for a hydrological study (groundwater assessment) as part of a Development Agreement
- staff recommend a community visioning exercise be conducted for Lake Echo

Councillor Dalrymple expressed concern regarding the time frame for meeting the community visioning exercise requirement, noting that the Lake Echo visioning exercise is slated for 2015. He asked whether the Community Council has the ability to move the visioning exercise for Lake Echo up the list of community visioning projects. Mr. Kurt Pyle, Acting Supervisor, Planning Applications, Community Development, advised that the Community Council does not have the ability to alter the list of community visioning projects but could forward a recommendation to Regional Council.

It was further noted that Lake Echo is twenty-third on the list of thirty-three communities that have been identified as growth centres in order of priority of visioning exercises. Staff confirmed the following visioning exercises:

- the Penhorn community visioning exercise is in the completion stages;
- the Spryfield's visioning exercise has not been completed;
- the Woodside's visioning exercise has not been started; and
- the Porters Lake community visioning exercise is fifth on the list.

Councillor Hendsbee indicated that a watershed analysis must be completed for Porters Lake, as part of a preliminary study, prior to the completion of the Porter Lake visioning exercise and asked how comprehensive/preliminary is the watershed analysis. Mr. Pyle advised that a Request for Proposal respecting the watershed analysis has been issued and is currently in the initial stages. He noted that the analysis will address both Porters Lake and Lake Echo.

Councillor Hendsbee clarified that the site specific hydrological study will be more in depth than the preliminary watershed analysis, as part of the prerequisite for the Porters Lake community visioning exercise.

In response to questions of clarification raised by Councillor Hendsbee, staff noted the following points:

- if the proposed development was considered under a subdivision application, the development area would be approximately 600 acres; the minimum lot size for a subdivision is 40,000 feet (almost 1 unit per acre/600 units), with exclusions of wetlands, roads, common areas, etc.; a hydrology study would confirm the development area that could be sustained
- under the Regional Plan, subdivisions over 8 lots must meet the Open Space Subdivision requirements; depending on the approach, hybrid or cluster type of development, densities can vary
- average lot size throughout Lake Echo is 15-20,000 square feet; depending on when the lots were developed; there are specifications under the MPS that regulates lots sizes as opposed to what has been previously built
- residents do not require permits to cut down/remove trees from their lots; however, provision under the Land Use By-law (LUB) or a Development Agreement can restrict residents from this activity
- due to the complexity on how subdivisions are designed, staff are not able to determine the number of lots per roadway; HRM does not permit new private roads; mobile homes must be on a public road or within a mobile home park subdivision; there are restrictions for roads with cul-de-sacs and how long they can be
- the applicant has applied and received a topsoil removal permit from HRM's Development Services
- the former County of Halifax adopted a Mobile Home Park By-law that applies throughout the former county areas relative to mobile home parks
- staff are presently reviewing HRM's Mobile Home Park By-law and consideration is being given to revisions to the standards
- under the Mobile Home Park By-law there is no reference to a Development Agreement

Councillor Hendsbee requested clarification regarding the omission of information respecting the proposal's septic system and building designs from the May 20, 2010 staff report. Mr. Joudrey advised that those elements would respond better in an application for a mobile home park; however, the staff report is considering amendments to the MPS and LUB.

Staff further confirmed that the transportation study was included on HRM's website. Information regarding the type of septic system and building structure has not been posted on HRM's website.

Councillor Hendsbee advised that the Lake Echo community, through its MPS in 1989 was very specific regarding certain developments the community wanted to include and not include within the community. He noted that the MPS is a guiding document, which includes opportunities for review/revision. Lake Echo's MPS has been amended approximately nine times since its inception. Most of the recent amendments were referenced to the Regional Plan, through the interim growth management requirements and restrictions, that were implemented during the amendments to the Regional Plan. He suggested consideration be given to move the Lake Echo community visioning study from twenty-third on the list to the fifth, in conjunction with the Porters Lake community vision study. He commented that the May 20, 2010 staff report should have included information regarding other development options.

In response to a question of clarification raised by Councillor Hendsbee, Mr. Pyle confirmed that a subdivision application would be done through a Development Agreement.

Councillor Hendsbee suggested that a supplementary report be provided by staff outlining the following:

- other development options that could have been available for the proposal
- the unique differences/similarities between a mobile home park and a subdivision application
  - nature of the project
  - the road construction/standards required
  - recreational components required
  - type of water system and septic systems; whether it would be acceptable/equal/comparable
- the cost implications versus the affordability factors between a mobile home park, standard subdivision and a condominium development
  - private ownership/condominium corporation
  - operational costs for condominium fees, common charges
  - taxation implications on assessments

He further asked that information received during the meeting be posted to HRM's website for residents' review. He commented that the Municipal Clerks Office may have limitations as to what is on the public record. He asked for clarification as to what additional information can be posted to HRM's website, noting that information respecting the septic system design and building design should be part of the public record. He further noted that the Petition received during the meeting should be included within the supplementary report, along with questions raised by the Community Council during the meeting, and the responses given by staff, as part of the clarification process.



**MOVED by Councillor Dalrymple, seconded by Councillor Streach, that Marine Drive, Valley and Canal Community Council request a supplementary report to allow for further information to be provided by the involved staff.**

Councillor Hendsbee further noted that the supplementary report should provide clarification regarding requests for an environmental assessment/impact study, which addresses:

- who is responsible and for what aspects
- at what stage environmental studies are done
- what are the environmental implications
- approvals required from the Department of Environment

Further, that the supplementary report include clarification regarding the evolution of what is accepted as a “trailer”, according to the 1989 standard, as well as, the standards for 2010 for a mobile home or a single family dwelling.

Councillor Hendsbee commented that the model suggested in the May 20, 2010 staff report is a hybrid and could be accepted under a single family dwelling or a mobile home. He noted that HRM does not have a policy that reflects the new evolution of construction standards and new technologies and requested that clarification be provided within the supplementary report.

Mr. Pyle advised that staff will provide the Community Council with the different options, as well as, provide a Development Agreement with provisions for a mobile home park.

Councillor Hendsbee further suggested that the supplementary report include a frequently asked questions section that reflects questions raised by residents and staff's/Community Council's responses.

#### **MOTION PUT AND PASSED.**

In response to a point of clarification raised by **Mr. David Kay, resident of Lake Echo**, Mr. Pyle confirmed that HRM staff will be reviewing the different options under the existing planning strategy in terms of what can be developed on the piece of property and provide a comparison of the options.

#### **4. BUSINESS ARISING OUT OF THE MINUTES**

##### **4.1 STATUS SHEET REVIEW**

###### **4.1.1 Cameron Park**

Pending, item to remain on Status Sheet.

#### **4.1.2 Willie's Walk**

Pending, item to remain on Status Sheet.

#### **4.1.3 Stan Nelson Trail**

Pending, item to remain on Status Sheet.

#### **4.1.4 Beaver Bank Road**

Pending, item to remain on Status Sheet.

#### **4.1.5 Civic Addressing**

- A memo from Gayle MacLean, HRM Civic Addressing Coordinator, dated June 9, 2010 re: Outstanding Civic Addressing Corrections in District 3 was before the Community Council.

Councillor Hendsbee requested an status update regarding the following:

- projected time frame of the installation of the Lake Echo community sign for the western boundary; a sign has already been installed for the eastern boundary
- the status of the civic addressing project in the remaining areas of District 3

Ms. MacLean advised that District 3 has three outstanding projects respecting boundary clarification:

- the North Preston - Lake Major boundary is to be clarified in Fall 2010/Winter 2011; once those boundaries are confirmed signage will be installed
- the East Preston - Lake Echo boundary confirmation; project to commence Fall 2010; signage to be installed Spring 2011
- the Westphal area is to be completed in conjunction with the Cole Harbour corrections project; the estimated time frame is Winter 2010 through to Fall 2011; signage to be installed Spring 2012

Councillor Streach expressed concern regarding signage deterioration within District 1 and requested an update regarding staff's strategy for repairing the damaged signs.

Ms. MacLean indicated that some of the original signs installed in District 1 had a 3M blue material that was guaranteed to adhere to other materials. Staff encountered problems with the plywood's coating, to which the 3M material is adhered. The coating was not bonding to the plywood. Staff has identified the problem batch of wood and

replacement signs have been installed. A new form of material called Alupanel is being used. 3M has indicated that the baked aluminium coating is the best material to use with the blue vinyl. HRM has been provided a 10 year guarantee on this bonding. Staff are monitoring the signs and over 80% of the signs in District 1 are in excellent condition. She noted that District 1 has the highest majority of community signs within HRM. Staff will also be monitoring all community signs across HRM, which will assist in the replacement of deteriorating signs in a timely manner.

11. **MOTIONS - NONE**
12. **ADDED ITEMS - NONE**
13. **NOTICES OF MOTION - NONE**

#### 14. **PUBLIC PARTICIPATION**

During the public participation, several members of public requested points of clarification regarding Case 01278: MPS Amendments to permit a mobile home development in Lake Echo. The Chair indicated that this matter is not a public hearing and therefore, due to the potential risk of the matter being challenged based on procedural fairness, there would be no public input at this time. The Chair further clarified that residents are able to submit any questions, comments and/or presentations to the Clerk as part of the record.

Mr. Kinghorne confirmed that administrative action can always be challenged in the courts on the issue of procedural fairness. He noted that residents who did not attend the meeting could argue that if they were aware that the issue was being publicly discussed, they would have attended the meeting. In response to a question, Mr. Kinghorne advised that he would confirm whether an MPS amendment was appealable.

**Margot Young, Dartmouth**, requested clarification as to whether or not a matter within HRM and the Province has ever been appealed by a resident who was unable to attend a meeting where the community council allowed public input. She commented that the Halifax Charter requires certain meetings to be held and that public hearings are advertised; however, she requested further clarification as to whether there is a limit to the number of meetings and public input that can be held on a matter.

In response to questions of clarification both from the Community Council and members of the public, staff noted the following points:

- the standard notification area for a variance hearing is 30 metres; however, Community Councils and Regional Council can approve a larger notification area
- the standard notification area for an MPS amendment, Development Agreement or rezoning is based on consultation with the local Councillor; the Councillor can also chose to increase the notification area based on the community development

Councillor Hendsbee commented that public signage has also been used at the Lake Echo Community Centre, as well as, notification through local news letters. He further noted that Community Council meetings are posted on HRM's website; however, notice of public hearings are advertised in the Chronicle Herald approximately two weeks prior to the meeting date.

**Dan Regan, Lake Echo**, requested clarification regarding the appeal process for Case 01278. He indicated that he is in receipt of two emails from Councillor Hendsbee to staff, of which he obtained through the Freedom of Information Act, wherein Councillor Hendsbee, as Deputy Mayor at the time the emails were written, is indicating his desire to have this project move forward. Mr. Regan asked whether Councillors are to remain neutral and if not, any decision made on the matter could be appealed to the Nova Scotia Utility and Review Board.

Councillor Hendsbee clarified that the basis of his emails are in support of more recreational lands for the community of Lake Echo.

For clarity, Mr. Kinghorne advised that, as a general point of law it is recognized that opinions can be taken but they cannot be entrenched to the point that they are irreversible. A Councillor is entitled to have an opinion but must be open to hear from the public and be able to change that opinion.

In response to a concern raised by a member of the public, Councillor Hendsbee advised the Lake Echo community designation in the MPS refers to both the Mineville and Lake Echo areas. Staff has been consistent with the application notification area for Case 01278.

Staff indicated that residents can provide their mailing information should they wish to receive notification/information respecting Case 01278.

**Jim Reid, Lake Echo**, expressed concern regarding the maintenance and condition of River Drive in Lake Echo, commenting that the road is being neglected. He indicated that he contacted his local MLA over a month ago respecting this issue. Mr. Reid further expressed concern regarding vandalism at Camp Victoria and the local park on River Drive.

Councillor Hendsbee indicated that a resident had provided him with photographs earlier in the meeting, which shows debris left behind at the park on River Drive and off road dumping at the car pool parking lot at Exit 18. He suggested the possibility of additional policing for this area.

Mr. Reid commented that River Drive is an important access road and provided an example where the road was used by the firefighters during the large forest fire in Lake Echo in 2008. He further commented that his neighbour died in a house fire in 2009, noting that the fire trucks were bogged down in the mud on River Drive.

Councillor Hendsbee requested a letter be sent to the Department of Transportation and the Department of Natural Resources requesting clarification of ownership of River Drive, Lake Echo.

In response to a question raised by **Sarah Duncan, resident of Lake Echo**, regarding noise regulations respecting a loud radio, Mr. Kinghorne advised that the Municipal Noise By-law enforcement would typically address noise outside of regular business hours. He could not confirm whether the By-law protects against noise during the day. There may however be some relief under the criminal code if a noise reaches a certain level. He suggested Ms. Duncan contact the RCMP regarding her concern. Councillor Hendsbee agreed that Ms. Duncan should contact the RCMP and it would be up to the discretion of the By-law officer as to how her concern is enforced.

In response to a question raised by **Wanda Firth, resident of Lake Echo**, regarding time lines associated with the deferral of Case 01278 and future communication with residents, Councillor Hendsbee advised that the supplementary report could take approximately two to three months to prepare. Once the report is prepared, a meeting will be scheduled within the Lake Echo community and the same notification process will be done through e-mail, mail and public signage.

It was further noted that residents can also provide their mailing information to the Legislative Assistant to receive a hard copy of the agenda.

**15. NEXT MEETING DATE - TBA**

**16. ADJOURNMENT**

The meeting adjourned at 8:39 p.m.

Krista Tidgwell  
Legislative Assistant

**INFORMATION ITEMS**  
**June 9, 2010**

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None.