

Councillor Reid informed that he will not support the motion. He stated the School Board will lose \$4,652,000 in total. There have already been cuts made in the amount of \$2 million, which is not acceptable to the Board, and the proposed amount is even more again. He stated it is time to support the education system, and the motion indicates there is not support for the School Board or for the students within it.

With regard to Councillor Ball's comments, Councillor Goucher stated the much publicized letter that Deputy Warden Kelly wrote was of his own undertaking, and his remarks in no way reflected those of Council. He stated a decision about funding is one matter, and confidence in the Board is another; the issues are completely separate. He stated he supports the School Board 110 percent, although funding may not indicate this.

Councillor Bates informed that he will not support the motion. He stated the School Board cannot be expected to operate with such a reduction. He stated for every \$1 that is denied by the municipal units, service is denied to the extent of \$4, and the School Board has presented one of the best budgets with a only a 6.48 percent increase. He stated if all departments presented such a budget, Halifax County would not have financial problems.

Councillor Walker stated the Town of Bedford providing \$28,500 in supplementary funding is acceptable because the mandatory contribution for the Town of Bedford increased by 13 percent, and the County's mandatory contribution only increased by less than 8 percent. He stated if the County had such an increase in mandatory funding, the Town would have a different perspective with regard to supplementary funding. He stated the motion provides for no increase in supplementary funding, but when all contributions to the School Board is considered, there is an increase of more than 13 percent.

Warden Lichter responded that Halifax County would be delighted to be in a position of having a 14 percent increase in assessment. He stated Halifax County would like to base School Board funding on assessment rather than student population, which would create a larger increase. He stated Halifax County and Bedford do what is felt to be the best the people can afford for each municipality, and it cannot be argued whether or not it is responsible. He stated figures often appear lop-sided.

Councillor Morgan stated if each department of the Municipality were to apply for an 8 percent increase, Halifax County would not be in such a tight financial position. He stated education and social service have to be considered for cuts or a 17 percent increase will have to be passed along to the people. He stated cuts must be made somewhere in order to avoid a 17 percent increase in property taxes. He stated the City of Halifax has approved a low increase, and County residents must be upset with the proposed 15 percent increase. With area rates, Sackville residents already pay more than the two adjacent municipalities. He concluded that he will support the motion because the supplementary funding formula must be used to exercise some fiscal control.

Councillor MacKay stated he cannot support the request from the School Board this year because he firmly believes that we must make cuts to all aspects of the municipal budget. He stated he has received more calls about the budget this year than all the other years he has served on Council. He stated calls

have been from people of all walks of life, and the indication is that they want the general rate cut down. He stated everybody can live without the essentials when they have to, and School Board funding should be cut this year to keep the rate down for the taxpayers. He stated he will support the motion.

Councillor MacDonald also informed that he has received many calls from people indicating that they do not want to pay a tax increase. He stated he does not want to see the School Board cut more than necessary, but he also does not want the residents to have tax increase of more than 15 to 17 percent. Councillor MacDonald concluded that the motion should be supported in order to keep the rate down.

Councillor Deveaux stated he will not support the motion, as a School Board member. He stated he has always supported education, and it should be a major concern in terms of keeping up the present standard of education in the district; the County is very proud of its superior education system, and cuts to the School Board budget will have an affect on the schooling system. He stated what the Cities of Halifax and Dartmouth do is their business, but the Halifax County-Bedford District School Board cannot be compared to those in the Cities.

Councillor Deveaux suggested that Members of Council tour the education facilities throughout the district to see what the school system is all about and what affect cuts to the budget will have on the children. He stated there is a need for better insight into the system before decisions can be made about supplementary funding. Councillor Deveaux continued that it is not the fault of the School Board that the County is in a difficult financial position; the School Board has a reasonable budget with only a 6.7 percent increase; yet the municipal units are penalizing them because Halifax County is having financial difficulties. He stated education is the area where cuts should not be made, and if we cut back on education, we are fooling around with the future of the nation.

Deputy Mayor Kelly stated it is the duty of the School Board to do the best they can with the funds provided. He stated he finds it difficult to give the School Board more until some concerns are settled. The School Board cannot be told how to make their cuts; they are responsible to administer their programs, and they have to do this with the funds provided. He concluded that it is the School Board that has to answer to the parents of the children who's programs will be cut.

Councillor Bates commented that the Town of Bedford seems to know something about the operation of the School Board besides funding, although it is very vague. He stated it is difficult to imagine that such a cut to School Board funding would be worth the savings in taxes when school programs are cut. He stated a total cut of over \$4 million will plague children of the Municipality and the Town of Bedford, and he will not support the motion.

Councillor Morgan questioned why people always have to look for an increase. He stated when things are needed, it is not necessary to get it all in one year. He informed that he has been told that School Board members feel it is necessary to spend all the money they have been provided with. He stated the

time has come to set a limit to the increases. If Halifax County-Bedford have a better school system than the Cities of Halifax and Dartmouth, it is time to let them catch up. He stated much of the money is spent before it is approved so there is not much sense in having this meeting; it is too radical to tell the Board to cut the budget after the money has been spent.

Warden Lichter stated that when School Board members say savings must be made in 5/12 of the year, they are referring to salaries for teachers and other staff members because they have been given authority in the previous year's budget to make such contractual arrangements for a 12 month period which does not coincide with the calendar year. He stated the School Board cannot be faulted in this regard. He agreed that Halifax County must be serious about cutting excess costs, and he stated he is sorry this did not happen in the past because it will hurt at some point, and this may be the year. He stated everybody must vote on what they know as fact, not what they have heard through the grapevine.

Warden Lichter concluded that if there is a substantial increase in the tax rate and it is caused by Halifax County's own people (staff, Councillors, and School Board Members), he will recommend that Halifax County Council go on record that no more than the cost of living will be paid in the next year for the operation of Halifax County Departments, the School Board, or any County agencies. He stated the residents of Halifax County need this assurance.

Councillor MacDonald stated the Municipality has not done a good job of cutting back. He stated cuts should be practised in some of the County's own departments, such a social services, in order to provide more for the School Board.

Deputy Warden McInroy stated that in the past the Joint Councils have tried to approach 1) a formula, and 2) advance notice, and every year this same discussion takes place. He stated there should be a more logical approach to funding the School Board. He suggested that more money could be given to the School Board to get additional dollars from the Province, and the extra could be turned back to the municipal units. He stated it is all functional on each other, and there is no solution.

Councillor Sutherland clarified that the motion is for a total of \$500,000 between the Town and the County, as opposed to \$1,683,061 requested from the School Board.

Councillor Cooper stated a 20 percent and even a 15 percent increase in the tax rate is not acceptable, and he cannot support a 34 percent increase for supplementary funding to the School Board, although the budget itself only represents a 6 to 7 percent increase. However, Councillor Cooper also expressed difficulty with reducing School Board funding by \$2.5 million less than they operated with last year. He stated he will support a 6 to 7 percent increase in supplementary funding, but not this amount; nor will he support the full amount requested.

MOTION DEFEATED

It was moved by Councillor Deveaux, seconded by Councillor Reid:

"THAT total supplementary funding provided by Halifax County Municipality and the Town of Bedford to the Halifax County-Bedford District School Board not exceed \$1,683,061."
MOTION DEFEATED

It was moved by Councillor Walker, seconded by Councillor Fralick:

"THAT total supplementary funding provided by Halifax County Municipality and the Town of Bedford to the Halifax County-Bedford District School Board not exceed \$700,000."

Councillor Kelly inquired about the final affect of such funding. Mayor Christie informed it would mean \$40,000 from the Town of Bedford, \$660,000 from the County, and the Province would have to contribute \$2.1 million.

MOTION DEFEATED

It was moved by Councillor Goucher, seconded by Councillor Sutherland:

"THAT total supplementary funding provided by Halifax County Municipality and the Town of Bedford to the Halifax County-Bedford District School Board not exceed \$1,100,000."

Councillor Ball asked what Halifax County's budget, at a 15 percent increase, provides for School Board funding. Warden Lichter informed that the budget proposed with a 15 percent increase allows for \$1,180,000 in supplementary funding.

Councillor Morgan commented that if he supports this motion, he will be supporting a 15 percent tax increase for Halifax County. Warden Lichter responded that it will depend on whether or not cuts can be made from other parts of the operating budget for Halifax County. He stated if this motion is approved, Halifax County will be one step closer to the necessity of a 15 percent increase.

Councillor Eisenhauer stated the current motion does not provide for any increase in the funding level, and he agreed with Councillor Cooper that a 5 to 6 percent increase would be reasonable. A 34.5 percent increase is high, but there is a need for more than 0 percent increase in supplementary funding. He continued that education is a very important part of our society, and there are many cuts that do not have to be affected until next year. He stated he will not support the motion because there is a need for an increase to the supplementary funding.

MOTION DEFEATED

Councillor MacKay stated the system for funding education is ludicrous because it deals with three different levels of government working on three different fiscal years. He stated it will not be the end of the world if the tax rate is not set at the next Council Session; therefore,

It was moved by Councillor MacKay, seconded by Deputy Warden Kelly:

"THAT this meeting adjourn."

Warden Lichter informed that the later the tax rate is set, the later the tax bills will have to be sent out, and the deadline for interest charges will have to be extended. He stated in the end, the taxpayers will lose because the County is not able to collect the taxes early enough to generate interest. He concluded that it will also mean another meeting.

MOTION DEFEATED

It was moved by Councillor Eisenhauer, seconded by Councillor Bates:

"THAT total supplementary funding provided by Halifax County Municipality and the Town of Bedford to the Halifax County-Bedford District School Board not exceed \$1,319,500 - a 5.5 percent increase over 1988 supplementary funding."

Councillor Eisenhauer stated this motion is for \$363,561 less than requested by the School Board, but it is a 5.5 percent increase over last years funding, which is needed to keep up with growth in assessment.

MOTION DEFEATED

It was moved by Councillor Ball, seconded by Councillor Deveaux:

"THAT total supplementary funding provided by Halifax County Municipality and the Town of Bedford to the Halifax County-Bedford District School Board not exceed \$1.2 million."

MOTION DEFEATED

It was moved by Councillor Draper, seconded by Councillor Walker:

"THAT total supplementary funding provided by Halifax County Municipality and the Town of Bedford to the Halifax County-Bedford District School Board not exceed \$875,000."

MOTION DEFEATED

There was a brief discussion about those voting. Councillor MacKay stated the numbers are not equal with those present; thus, somebody is not voting. Warden Lichter informed that the differences are substantial enough that it is not worth counting in an effort to simplify the procedure.

It was moved by Councillor Goucher, seconded by Councillor Bates:

"THAT total supplementary funding provided by Halifax County Municipality and the Town of Bedford to the Halifax County-Bedford District School Board not exceed \$1,050,000."

MOTION DEFEATED

It was moved by Councillor Bayers, seconded by Councillor Goucher:

"THAT total supplementary funding provided by Halifax County Municipality and the Town of Bedford to the Halifax County-Bedford District School Board not exceed \$1,250,729."

Councillor Deveaux inquired about the affect of this motion on the School Board budget. Warden Lichter informed that it will mean a cut of \$1.72 million, including Provincial funding. He added that the School Board discussed a \$2 million decrease last week.

MOTION DEFEATED

It was moved by Councillor Ball, seconded by Councillor Bates:

"THAT total supplementary funding provided by Halifax County Municipality and the Town of Bedford to the Halifax County-Bedford District School Board not exceed \$1,200,001."

MOTION DEFEATED

It was moved by Councillor Deveaux, seconded by Councillor Bayers:

"THAT total supplementary funding provided by Halifax County Municipality and the Town of Bedford to the Halifax County-Bedford District School Board not exceed \$1,250,600."

MOTION DEFEATED

It was moved by Councillor Fralick, seconded by Councillor Goucher:

"THAT total supplementary funding provided by Halifax County Municipality and the Town of Bedford to the Halifax County-Bedford District School Board not exceed \$1,200,050."

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Deveaux, seconded by Councillor Ball:

"THAT this meeting adjourn."

MOTION CARRIED

The Joint Council Session adjourned at 6:15 p.m.

PUBLIC HEARING

RE ADOPTION OF THE MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW

FOR PLANNING DISTRICTS 14 AND 17

MONDAY, APRIL 24, 1989

PRESENT WERE: Deputy Warden McInroy, Chairman
Councillor Poirier
Councillor Fralick
Councillor Baker
Councillor Ball
Councillor Deveaux
Councillor Randall
Councillor Reid
Councillor Horne
Councillor Merrigan
Councillor Morgan
Councillor Snow
Councillor Eisenhauer
Councillor MacDonald
Councillor Boutilier
Councillor MacKay
Councillor Sutherland
Councillor Richards
Councillor Cooper

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk
Mr. R.G. Cragg, Municipal Solicitor
Mr. Bill Butler, Manager, Policy Division

SECRETARY: Glenda Hill

Deputy Warden McInroy called the Public Hearing to order at 7 p.m. with the Lord's Prayer. Mr. Kelly called the Roll.

It was moved by Councillor Ball, seconded by Councillor Deveaux:

"THAT Glenda Hill be appointed Recording Secretary."
MOTION CARRIED

Deputy Warden McInroy reviewed the procedure for the public hearing.

It was moved by Councillor Baker, seconded by Councillor Fralick:

"THAT this public hearing adjourn at 9:30 p.m."

There was a brief discussion about the ramifications of stifling discussion at a public hearing. Several Members of Council felt all the people must be given an opportunity to be heard, and the meeting should not adjourn until all have had an opportunity to speak.

MOTION DEFEATED

Mr. Butler informed that Council is now being presented with the last of the amendments to the proposed Municipal Planning Strategy and Land Use By-law for Planning Districts 14 and 17. He advised that the Department of Municipal Affairs has reviewed the proposed documents since the meeting of the Committee of the Whole, with the view of pointing out necessary amendments. Mr. Butler informed that those amendments referred to in the staff memorandum are to provide clarification, or to provide policy support for some of the regulations in the Land Use By-law, or to reflect changes that have been made to Plans which were recently approved by Council.

Mr. Butler also referred to a report which was directed to a meeting of the Committee of the Whole, March 20, 1989, with respect to private roads in this Plan area. He advised that the report contains a suggested policy to be included in the Plan which would establish Council's intention to carefully assess the issue of upgrading private roads and rights-of-way, and for the assessment to take into consideration the financial and administrative implications for the Municipality. The policy would include Council's intention that any financial arrangement to upgrade private roads not become a burden on the general public purse.

Questions from Council

Councillor Ball inquired about the implications of approval of this Plan on an existing application for paper road status. Mr. Butler informed that any road approved between the adoption of the Plan by Council and approval by Municipal Affairs will be considered an existing private road.

Councillor Ball next asked if there is any means to prevent approval of a subdivision application based on paper road status. Mr. Butler felt that a Plan is effective on a certain date and there are existing legal rights that people have. He questioned if such an avenue is available to Council. Mr. Cragg agreed with Mr. Butler, stating as long as the work to change the status of a road has commenced prior to the adoption of the Municipal Planning Strategy, it could receive that status.

Councillor Ball asked if Council has the ability to stop development on a private road before the Plan is approved by the Minister, regardless of paper road status, he suggested by some form of a moratorium. Mr. Cragg responded positively, and Mr. Butler agreed.

Councillor Horne noted that the report on private roads indicates that the Municipality has a responsibility to upgrade private roads, as well as the residents. Mr. Butler clarified that if the Municipality were to get involved with the upgrading of private roads, the Department of Transportation has clearly stated that it will not provide funding for that purpose; therefore, if the road is to be upgraded, it will be either the responsibility of the Municipality, or the residents, or some combination of the two.

Councillor Horne asked if Council has the ability to apply restrictions to existing private roads. Mr. Butler advised that it may be a possibility Council could entertain.

Councillor Merrigan inquired about legislation whereby the Department of Transportation will consider upgrading private roads with two or more homes which were constructed prior to 1975. Mr. Butler advised that the Department of Transportation does have some policy of that sort, although he is not familiar with it. Mr. Butler advised that he has been referring to the Planning Act, whereby in 1987 it was clearly stated that financial assistance would not be provided by the Department of Transportation for the upgrading of private roads. He suggested there may be a conflict between this and older policies.

Speakers in Favour of the Proposed Municipal Planning Strategy and Land Use By-law for Planning Districts 14 and 17

Harold Dillon, Commissioner, Village of Waverley, stated these documents have been a long time coming, and the Village of Waverley feel it is a good response to the concerns and hopes of the residents of the area. He stated the proposed Plan and By-law will allow the community to grow and prosper and to retain the quality of life and natural environment which is important to the citizens.

Mr. Dillon advised that when he spoke to Council last year, he made mention of the pressure on the Village of Waverley, which are of concern to the residents, including demands for heavy industrial growth and control of heavy traffic through the village centre. He advised they are also concerned about their environment and the intrusion on the Shubenacadie Canal System, including infilling of the lakes. He advised that the Village of Waverley feels this Plan and By-law will assist in dealing with these problems, and the challenge will be to apply it within the Village in order to retain the character and natural beauty of the area and to provide commercial and employment opportunities. Mr. Dillon stated it is the hope of the Village Commissioners to work with the County to put together a plan for the community centre; the MPS foresees that need and challenges the Village to proceed with it. He expressed appreciation to the PPC and to planning staff for their efforts in putting this plan together.

Mr. Dillon advised that another issue is with regard to permitted bed and breakfast uses in residential zones. He advised that the Commission received such an inquiry, and after discussion with County staff, it was concluded that such a use would only be permitted in a commercial zone under the new Plan. He stated commercial zones are relatively limited in the area, and 95 percent of the residential uses in the area do not lie within a commercial zone. He suggested some modification may be necessary to permit bed and breakfast operations.

Mr. Dillon referred to a letter written to Mr. Kelly on March 24, 1989 requesting Council to adjust the draft MPS and Land Use By-law as it pertains to the area within the boundaries of the Village of Waverley to permit provincially licensed bed and breakfast operations in a single family home subject to the limitations of the Provincial regulations. He advised that the Provincial regulations are quite strict, including approval of the Municipality.

Mr. Dillon stated the current MPS and Land Use By-law requires those seeking a bed and breakfast operation to rezone their property to C-2. He stated the

Village Commission of Waverley does not feel a C-2 spot zoning is not appropriate to permit such a venture. He suggested such a rezoning would probably be opposed by surrounding residents as a C-2 intrusion in an R-1 or R-2 zone and could bring with it inappropriate land uses available in the C-2 zone.

Mr. Dillon advised that the Commission has examined methods of dealing with a proposed bed and breakfast use. The first option would be to amend the MPS to allow a Provincially licensed bed and breakfast operation as right in any residential zone within the Village of Waverley. The second alternative would be for Council to permit such a use by development agreement in a residential zone. He stated allowing such uses as of right would simplify the process of applying for a bed and breakfast operation for the resident. The Development Agreement approach would be more administrative, but it would offer a form for neighbourhood involvement in the discussions of such a use.

Mr. Dillon advised that the Village Commissioners believe that bed and breakfast uses are proper and desirable for the community, as the attraction of the tourism industry to the community is a goal of the Commission. Therefore, on behalf of the Commission, Mr. Dillon requested Council to consider an adjustment to the Plan to enable homeowners in residential zones to make use of the Provincial bed and breakfast program.

Questions from Council

Councillor Snow asked if controlled bed and breakfast would be much called for. Mr. Dillon suggested the requests for such a use would be fairly limited; at present it is a use perceived by many to be more prevalent in rural areas. He stated there is only one such operation with the Village, although almost every house in the area is eligible. Therefore, he suggested the number of requests would be very small, although there has been interest shown by one person. He stated of all possible border line commercial uses in an area such as the Village of Waverley, bed and breakfast would not be reasonable to expect. Mr. Dillon added that the provincial licensing requirements are very strict, and he suggested that the licensing agency would limit the number and placement of such uses throughout the area.

Mr. Jack Osmond, representing Scotia Speedworld and Scotia Downs, advised that his concern is with regard to permitted uses in the AE-4 zone, as outlined in the letter addressed to Mr. Kelly.

Mr. Butler advised that the AE-4 zone will permit the car racetrack, but other activities outlined in the letter, particularly the flea market, would not be permitted by right in the AE-4 zone. He suggested some of the other requested uses would be permitted, but they would have to be accessory to the racetrack or if they are of an entirely separate nature, a separate parcel of land will be required to conduct those activities.

Mr. Osmond advised that outdoor markets are discussed in the AE-4 zone, and he suggested that flea markets are included as of right. Mr. Butler clarified that a flea market would be permitted in conjunction with or as an accessory to the racetrack while in operation. However, he suggested difficulty if the flea market is not operated at the same time as the racetrack is operated.

Mr. Butler added that the site in particular may pose a constraint in terms of the actual area zoned. He stated approximately 75 acres was zoned, which is directly related to the application to the Department of the Environment for the car racetrack. Therefore, there is not much additional lands to accommodate the additional uses. Mr. Butler stated the proposed uses, as outlined in the letter, would have to be reviewed with the Development Officer to determine if his interpretation would be in concert with that of his own. He stated indoor commercial recreation uses would be permitted, but outdoor commercial recreation uses would not be permitted, because it is covered by development agreement.

Mr. Osmond inquired about a soccer game. Mr. Butler advised that a soccer field as a private enterprise would be a outdoor commercial recreation activity, which the Plan stipulates could not be considered under the present zone, but could be considered by Development Agreement under the Industrial designation. He added that some of the lands lie within the Benery Lake Watershed area, which may pose some difficulty. Mr. Osmond responded that a soccer game will have no more effect on the watershed area than a car race. Mr. Butler stated that until Council makes a specific amendment to permit the racetrack by right, it would have only be considered by development agreement.

Mr. Osmond reiterated that a soccer game should not be excluded, and he could not understand why it could not be included by right. Mr. Butler responded that it would be up to Council to consider this through the appropriate mechanism to ensure the necessary environmental controls. He suggested that a commercial soccer field could not be considered accessory to a harness racetrack, not permitted by right under the existing zone, although it could be considered by development agreement.

Mr. Osmond stated this use was included in the plan showing the harness racetrack and all the other proposed facilities for that area. He expressed difficulty in building this facility and not being able to use it. Mr. Butler stated Council's decision was to accommodate the request for the racetrack and to provide the necessary servicing for that use; thus, the amendment reflects only the racetrack. He stated the other uses will be taken under consideration when amendments to the Plan and By-law are deliberated. He noted that some of the uses will be permitted as an accessory use to the racetrack operation and as a separate use, if there is enough land.

Mr. Osmond clarified that all of the proposed uses are to take place on the exact lands that have been zoned under the plan; there is no requirement for any additional development. Mr. Butler stated the interpretation would have to be if the uses are considered to be accessory to the racetrack, which would be to the discretion of the Development Officer.

Mr. Osmond stated outdoor markets proposed would not be incidental to the racetrack operation, but it is proposed to hold these markets on the same property. He advised that other proposals are for professional sports, indoor and outdoor entertainment, amusement and novelty rides, playground and daycare facilities, church services, bingos, auctions, and overnight camping. He stated all of the proposed uses are important to the facility, and it is important to get the views of the public in this regard at this time.

Questions from Council

Councillor MacDonald asked how these lands compare to the Atlantic Winter Fair site in terms of zoning. Mr. Butler advised that the AE-4 Zone was amended to permit car and harness racetracks, and the definition includes anything that would normally be considered accessory to those uses. He stated some of Mr. Osmond's uses could be considered accessory, but other would not fall into that category; therefore, they would have to be determined to be either specifically permitted by the zone or not.

Councillor MacKay stated he is supportive of Mr. Osmond's request; he felt the planned facility will have to be supplemented by many of the proposed uses in order to make the facility economically viable year round. He asked if the soccer field, proposed for the centre of the harness racing facility, is to be rented, leased, or loaned to amateur sport groups or to professional teams for which people will pay admission to watch. Mr. Osmond responded that he is proposing professional soccer, involving Canadian teams.

Councillor Ball suggested that Mr. Osmond's proposition is similar to that which was rejected in Dartmouth - a stadium to house international soccer matches. Mr. Osmond agreed.

Councillor Deveaux inquired about the uses permitted and those which will require an amendment, as outlined in the letter from Mr. Osmond. Mr. Butler clarified that the uses listed on the first page of the letter are permitted under the AE-4 zone. He advised that those uses on the second page of the letter may require an amendment; amusement and novelty rides in conjunction with the racetrack would be permissible, but if it is operated independently of the racetrack operation, it would not be permitted. He stated overnight camping would be in the same situation, because it is not considered accessory to a racetrack.

Councillor Deveaux commented that church services are compatible with every operation. Mr. Osmond clarified that the proposal is for church services to take place on the existing structure; a separate building will not be constructed. Mr. Butler stated a physical church structure would not be permitted, but an outdoor church service will have to be reviewed with the Development Officer and the Planning Advisory Committee for proper interpretation.

Councillor MacKay next asked if the proposed campground will be separate from the racetrack or if it will be to accommodate those with cars and horses at the racetracks. Mr. Osmond stated the overnight camping is to operate in conjunction with both racetracks; not a separate campground. He clarified there is no current plan for any hook-ups.

Councillor Cooper asked if the proposed uses are being requested by right. Mr. Osmond felt those uses are now permitted by right, but it would be easier for all if it could be agreed reasonably soon that those uses are acceptable and allowed under the designated zone.

Councillor Cooper asked what percentage of the Scotia Speedworld and Scotia Downs lands are located within the watershed designation for Benery Lake. Mr.

Osmond was not sure, although he suggested it is not very much. Councillor Cooper suggested 80 to 90 percent of the lands are included in the watershed designation, from maps he has seen. He stated the County is concerned about the quality of water from the lake, and the proposed uses would be an intensification of use of the land. He asked if the effect of these uses on the watershed should be taken into consideration. Mr. Osmond stated their plan has been approved by the Provincial and Federal Departments of the Environment, and proposed uses would not be an addition of anything that will affect the watershed area. He stated the area will be serviced by central sewer and water, and he questioned how anything else could have a detrimental affect on the watershed. He added that the lands lie two kilometres from Benery Lake with a major swamp area in the middle.

Councillor Cooper asked if approval from the Federal and Provincial Departments of the Environment were based on the harness racing track or on all proposed uses. Mr. Osmond stated approvals received were based on flows and volumes for the soccer field, camping area, etc.; they were all shown on the plan, and approvals are construction approvals. He stated the Department of the Environment does not decide on the use of the lands, but they are fully aware of all proposals for the land.

Councillor Cooper asked if Scotia Downs and Scotia Speedworld would have difficulty in developing the proposed uses under a development agreement. Mr. Osmond stated there is a difficulty with respect to time. He stated the issue has been on-going for 15 months, and it is now time to begin construction.

Councillor Cooper stated it was his impression that the basic use of these lands would be the car and harness racing tracks, and he would only consider the other proposed uses under development agreement because the affect of each use on the watershed area should be considered.

Mr. Osmond questioned if it is fair to keep the proprietors of this enterprise going for 15 months without indicating that future development would be only by development agreement. He stated all plans have been submitted to the County, and this letter was written a long time ago; this is a repeat performance in order to settle the issue.

There was a brief discussion between Mr. Osmond and Councillor Cooper about the proposed uses on the property, and the zoning that will affect those uses.

Councillor Boutilier advised that he listened to the previous presentation on the racetrack proposal, but he has never heard of any proposal for further development, including a soccer field. He asked if the other uses are proposed for the car racetrack. Mr. Osmond informed that all other uses are proposed to be development at Scotia Speedworld, with the exception of the soccer field, which is clearly shown on the Scotia Downs plans.

Councillor Boutilier asked when it was realized that there is a problem with the zoning and the proposed uses for this land. Mr. Osmond responded that he does not believe there is a problem. He advised that a similar letter was sent to the Planning Department a long time ago, looking to deal with the same issues.

Speakers in Opposition to the Proposed Municipal Planning Strategy and Land Use By-law for Planning Districts 14 and 17

Keith Boutilier, Oakfield, advised that he is the former chairman of the PPC for what is now Districts 14 and 17.

Mr. Boutilier reviewed a letter from Mr. Paul Miller, who could not be in attendance. The letter first expressed appreciation for the efforts of the PPC Chairman, Mr. Boutilier; Planners, Chris Reddy and Bill Butler; and to Councillor Snow. The letter expressed opposition to the lessened setback of 50 feet from the 100 foot setback from lakes and watercourses desired by the people. The letter also reiterated the PPC's concern about expanded development on private roads; it was the Committee's view, as well as Mr. Miller's, that expanded development on private roads should not be permitted. The letter informed that Mr. Miller supports the residents of Kings Road in their efforts in this regard. In conclusion, Mr. Miller's letter asked that Council respect the wishes of the people, as this Plan as been developed by the people, for the people.

Mr. Boutilier advised that a special meeting was called of all former members of the PPC for Planning Districts 14 and 17, and it was the unanimous opinion of those present that the final draft of the Plan and By-law does not reflect the wishes of the people of the area; changes in addition to those requested by the Minister of Municipal Affairs have been incorporated.

Mr. Boutilier advised that the area shown as Lake Fletcher throughout the document has been historically known as Fletcher's Lake, and should remain as such. Mr. Boutilier also asked that the golf course in Oakfield be zoned appropriately as Recreational, as opposed to Residential.

Mr. Boutilier advised that there was also concern expressed about zoning on the Lockview Road and surrounding area. He advised that it should be zoned R1A, as requested, and not R1B as shown. He stated he is not sure what the Residents Association of the area want, but this should be further investigated by staff.

Mr. Boutilier next advised that the remaining three points are of a more serious nature. The section referring to tertiary treatment, which was approved by the previous Council, has been replaced by a study of the Shubenacadie Canal System. He advised that the people cannot wait for another study to be completed; tertiary treatment is the way of the future, and the people strongly feel that it be returned to the plan in its original state, and the study can be carried out independent of the Plan.

Mr. Boutilier next advised that the residents have always wanted to protect the lakes in this area for future generations, and a 100 foot setback from watercourses was originally written into this plan to provide this protection. However, this has been reduced to 50 feet. He stated this is unacceptable, although the residents are willing to accept a compromise of 75 feet with no clear cutting. He stated these lakes serve as a source of water for communities outside of the District, as well as the possibility of becoming a back-up water supply to Benery Lake Watershed. He stated protection must start now.

Third, Mr. Boutilier stated private roads has been a much discussed subject during the planning process, and it was originally recommended that no development be permitted on private roads. However, the people on such roads did not want to be prevented from given lots to their children, so a compromise was made to permit the development of three lots per year per property owner. He noted that this has been proven unacceptable and removed recently, and the PPC now firmly support and recommends that no development be permitted on private roads until such time as they are brought up to Department of Transportation standards by the developers and listed by the Department of Transportation.

Mr. Boutilier concluded that this is the third Council since this planning process began, and he asked that this Council respect the previous decision of Council and the wishes of the people of Districts 14 and 17, by approving these requests. He questioned the point of public participation if these desires are ignored.

Questions from Council

Councillor Horne how many former PPC members were at the special meeting. Mr. Boutilier advised there were 13 or 14 out of a possible 22. However, he noted that some members have resigned because of the length of the process, others have moved away, and one member did not attend because he felt the meeting should have been public.

Councillor Horne asked if there was much debate over the issues. Mr. Boutilier advised there was not a lot of debate, but the Committee went back to where it was originally. He stated it was frustrating because much compromising was done over the years to arrive at the original draft, and it was simply removed. Therefore, the Committee took its original stand, which was the wishes of the people from the beginning. He advised that when the decision was made, each member surveyed their neighbours, and eight or nine people out of ten were in favour of no development on private roads; he stated the position of the Committee reflected the wishes of the people.

Councillor Horne asked if the majority of the residents of Districts 14 and 17 are in favour of this position. Mr. Boutilier informed he is very comfortable with it; he stated this is the people's plan, and he would put it against any other plan in terms of talking to the people.

Councillor Horne asked how many meetings of the PPC were held during the planning process. Mr. Boutilier responded that he has attended over 200 meetings, and the Committee itself has held approximately 150 meetings.

Councillor Horne asked if there were many people interested in private road development. Mr. Boutilier responded that they did; four consecutive public meetings were held to discuss this issue. The developers were opposed to no development on private roads, although the Committee voted 22 to 0 in favour of the position. He thought this position was taken in 1983.

Councillor Morgan asked if Mr. Boutilier was aware of any opposition to the uses proposed by Mr. Osmond and Scotia Speedworld/Scotia Downs. Mr. Boutilier advised that he is not aware of any such opposition, although he is no longer

chairman of the PPC, and this matter has not been discussed. As a personal opinion, Mr. Boutilier offered that he fails to see the difficulty with a flee market, a soccer game, and the other uses proposed. He recognized Councillor Cooper's concern about licensing and the environment, but he did not feel a flee market would create any problems in that regard.

Councillor Morgan noted that Mr. Boutilier had stated the plan should more appropriately reflect actual uses in the area, and he asked if anybody has approached him with regard to the proposed uses at the racetrack site. Mr. Boutilier advised that the only concern he has every thought of, other than the environmental concern, was the noise factor from the racetrack. He stated that it was mentioned at the PAC that there are special mufflers that will allow cars to perform but keep the noise down.

Councillor Morgan concluded by asking if Mr. Boutilier feels the people of Districts 14 and 17 are in favour of commercial and industrial development and are not opposed to this particular development. Mr. Boutilier responded that he does not have a lot of difficulty with this development, although he cannot speak for the other members of the PPC.

Councillor Baker asked if Mr. Boutilier was aware of the additional uses proposed by Scotia Speedworld/Scotia Downs. Mr. Boutilier replied that he was, although it would be very difficult to say all the people knew about the proposed uses because the racetrack came up during the planning process; the additional uses were not part of the planning deliberations. He added that he was aware of the additional uses as a result of his involvement in other community work, but not as part of the planning process.

Mona Clark, Kings Road, advised that she and her husband object to the adoption of this MPS and Land Use By-law because they do not offer any protection for people already living on private roads. She read a letter as it was circulated to Members of Council, advising that they bought their home on Kings Road 13 years ago, when there were only four permanent dwellings on the road, and the road only measured 0.8 kms. She advised that the property was bought knowing they only had an easements and that the plowing, sanding, and filling in of potholes would have to be done by themselves. However, in 1980 the developers extended the road without upgrading the first part, increasing the traffic and the hazards of travelling on this road. She stated it was not a buyer beware situation when they purchased their home, but the hazards were imposed upon them by the extension of the road without their input.

Mrs. Clark next advised that the residents of Kings Road did not express concerns about the road hazards and safety of this road during the planning process because the PPC addressed those concerns, stating the majority of people in the district did not want any more private roads as they caused too may hardships for people living there, and the cost of upgrading the roads would fall back on the taxpayer. However, this consensus was ignored by the MPC, and 54 private roads were listed in the MPS. Efforts are now in an attempt to have these roads removed from the list of private roads, particularly Kings Road because it is now open for development although nobody has to upgrade the road.

Mrs. Clark informed that shortly after Kings Road was extended, she petitioned that Kings Road be taken over by the Department of Transportation on the basis of three permanent residents prior to 1975. However, the Department's response was that there are many roads waiting to be taken over. She advised that she did not pursue the petition, but she did persist with numerous calls to the Councillor when the roads were extremely hazardous and the Kings Road Maintenance Committee could not properly maintain it. She advised that she did receive some assistance in the past because of these repeated efforts, but not recently because there have been too many complaints that private roads are not to be serviced.

Mrs. Clark requested that in the future, if any plan is to make drastic changes from the original wishes of the people, that a public notice be put forth stating the drastic changes that have been made. She also requested that Council deal with private roads as requested by the public and not the developers who are looking for gain at the expense of the taxpayers.

Questions from Council

Councillor Horne asked how long Mrs. Clark has lived on Kings Road. Mrs. Clark responded that she has lived there for 13 years. She lives at the end of the first 0.8 km of the road. She advised that she has been deeded an easement for access to her lands.

Councillor Horne asked if Mrs. Clark was aware of any development that would occur on Kings Road. Mrs. Clark responded that she was not.

Councillor Horne asked if Mrs. Clark considers there to be much traffic on Kings Road. Mrs. Clark responded that during the summer months there is much traffic, and it is not controlled from public use; the public has free use of this road. She stated there is not way to restrict the public, although there are signs posted. Residents do not own the road, so they do not have any control.

Councillor Horne asked if Mrs. Clark knows who owns the road. Mrs. Clark was of the understanding that several major landowners own the road.

Councillor Horne asked if the residents are not getting co-operation from the road owners. Mrs. Clark responded that they are not receiving any co-operation at present. She stated the PAC has been presented with the fact that the residents have offered their money in taxes over a period of time to help upgrade the road, but that was not considered acceptable. She suggested it is not acceptable because the landowners own so much land abutting the road, and they do not agree. Mrs. Clark stated the residents are not against development, but they want a safe road, and they are willing to put forth the money to make the road safe.

Councillor Horne asked when this became a problem. Mrs. Clark advised that she moved to Kings Road willing to maintain the road alone, but at that time they did not have to worry about much traffic. She felt the problem took effect when the road was extended because there are now many property owners along Kings Road; she noted that not all homes in Kings Road are permanent, but during the summer months they may as well be because there is so much traffic.

Councillor Horne asked how 70+ new lots were developed on Kings Road. Mrs. Clark responded that she did not know, but she suggested it must have been part of the past plan, permitting lake front development. However, development will now be permitted on the other side of Kings Road.

Councillor Horne asked if Mrs. Clark is concerned for her children. Mrs. Clark responded that she is most definitely concerned for her children. She advised that she must travel the road a number of times daily to pick up her children from the bus stop, and there are times when she would not consider letting her children walk in that road because the conditions are far too poor.

Councillor Fralick asked if there are many accidents on Kings Road besides those involving all-terrain vehicles. Mrs. Clark advised that she could not give specific numbers, but she suggested there have been hundreds of accidents since she has lived there. She informed that her daughter had a birthday party in February, and there were three accidents on the way to the party.

Councillor Ball advised that he visited Kings Road last week, and he was appalled by the condition of the road, although it is now considered good compared to what it was three weeks ago. Mrs. Clark agreed, stating Kings Road cannot be compared to any other road in the Province when it is icy. Councillor Ball stated it is scary to look at Kings Road and to see the results of total, uncontrolled development.

Councillor Ball stated the problem is that people bought their land years ago and now want to recoup their money, but at the expense of the safety of the residents of Kings Road. He advised that there were no street lights on Kings Road, except for a few at the beginning and end of the road. The bridges leave a lot to be desired, except for the first, which is maintained because the Department of Lands and Forests have a hatchery there. Councillor Ball stated the road is atrocious, but there must be some means of allowing development for landowners' offspring. However, he agreed that there should be no further development until road is brought up to a standard.

Mrs. Clark agreed, stating the residents do not want no development, but they want responsible development.

Councillor Ball stated the developers should be given the right to give their children land on Kings Road, but they should only be allowed to develop a certain number of lots, given the existing standard of the road. He concluded that once the County assumes responsibility for one private road, 54 others will have to be considered, which would become very dangerous and expensive.

Mrs. Clark stated people on other private roads may not want or require upgrading, but Kings Road should be considered the exception because improvements are necessary.

Councillor Deveaux stated there are many private roads in Eastern Passage, and even if it is felt Kings Road should be the exception, he would like to see all private roads in Eastern Passage taken by over the Municipality. He asked how Kings Road became a paper road. Mrs. Clark advised that Kings Road was only an easement when she moved there, but under the old plan, paper road status is permitted.

Councillor Deveaux asked if the majority of residents on Kings Road would be content to curtail future development on Kings Road until it is properly upgraded. Mrs. Clark informed they would be.

Councillor Deveaux clarified that the residents are willing to help pay for the upgrading of this road. He asked if this is for only the first 0.8 km or for the entire road. Mrs. Clark informed it would be for the entire road. Councillor Deveaux stated that the developers would also have to contribute money or at least agree to the upgrading of Kings Road. Mrs. Clark responded that most developers have to upgrade a road to Department of Transportation standards in order to sell their land. She suggested they should be legally forced to do so.

Councillor Cooper asked if Mrs. Clark feels the Municipality should be addressing private roads throughout the entire County, if it does so for one. Mrs. Clark responded that she is mainly concerned about Kings Road because it is so different.

Councillor Cooper next asked if Mrs. Clark inquired about the extension of Kings Road when it began. Mrs. Clark responded that the work began in 1980, and she is not sure, although she probably asked some questions at the time. She informed that she was away when the road opened. She suggested she did not pursue this enough at that time.

Councillor Cooper asked what Mrs. Clark understood the extension was for at the time. Mrs. Clark responded that she thought the extension was to serve as an easement to the cottages.

Councillor Merrigan asked if development on Kings Road has extended from 4 to 72 since Mrs. Clark moved to Kings Road. Mrs. Clark advised that there were four permanent homes on Kings Road when she moved there, but that was only on the first 0.8 kms of the road. The road was then extended, it is now 6.25 kms long, and there are now 70+ lots.

Councillor Merrigan asked how many lots can be developed on a private right-of-way within this planning area. Mr. Butler advised that none of the lots further up the lake were approved on the basis of being on the road right-of-way.

Councillor Merrigan commented that the same thing could happen again because people can still receive lot approval on the basis of access by water. Mr. Butler informed that the access by water provisions will be removed with the adoption of this Plan and By-law.

Councillor Merrigan stated the cause of the problem is the fact that lots were approved on the basis of access by water, as opposed to the development of the private road. Mr. Butler advised it is his understanding that many of the lots were approved on the basis of access by water, and the road access was subsequent to approval of those lots.

Councillor Merrigan asked if those lots were approved on the basis of access by water, if a road can later be developed. Mr. Butler informed that would be permitted; the road would not be official in terms of development. The road

would serve as a means of getting to their lots as an alternative to access by water.

Councillor Merrigan asked if there is ability to approve lots on the basis of access by water in other areas of the County. Mr. Butler informed it is possible in those areas covered by the Subdivision By-law.

Councillor Merrigan stated Kings Road was not developed under paper or private road status, but it was developed by using a loop-hole in the access by water legislation. He clarified that no properties will receive approval on the basis of access by water only, after this Plan and By-law are adopted. Mr. Butler agreed.

Mrs. Clark advised that the Planning Act states that the intention of paper roads is to provide an easement to cottages and certainly not to allow open development.

Councillor Horne clarified that the application for approval of Kings Road is on file, but it has not been approved. Mrs. Clark stated the application was on file before the new plan is effective so it can still be approved.

Councillor Horne asked if any water frontage lots on Kings Road were approved based on the basis of access by easement. Mr. Butler advised that he is not aware of any lots approved on this basis, but they were approved through some other means, primarily the access by water provisions, although there are other exemptions under the Subdivision By-law, which may apply to some of those. He clarified that none were approved on the basis of frontage on Kings Road.

Councillor Fralick clarified that the residents have stopped maintaining Kings Road for the past two months. Mrs. Clark agreed, and she added that members of the Maintenance Committee have refused to pay any further annual dues, which are required around May 31.

Councillor Fralick noted that Kings Road used to be plowed both ways, but this winter there was only one path cleared. Mrs. Clark objected, stating it was not plowed any differently this year than in other years, although there may have been areas which were pushed back more than others.

Councillor Fralick asked what the residents of Kings Road expect Halifax County Council to do. Mrs. Clark suggested the concerns of the PPC in 1984 be addressed by Council; she stated they did not want any more private roads. Councillor Fralick argued that the Department of Municipal Affairs will not accept that legislation. He expressed hope that the residents of Kings Road will come up with a proposal that will be generally satisfactory to all. Mrs. Clark advised that such an attempt was made when the residents were dealing with the PAC, but the landowners are not willing to compromise. She stated the residents only want a safe road.

Councillor Fralick clarified that Mrs. Clark knew Kings Road was not a public road when she purchased the land there. Mrs. Clark advised that she was at the end of the road when she purchased her land, and she had an easement; Kings Road was not open to development, and there were only two or three people travelling the road.

Robert Grant, Stewart, MacKeen & Covert, representing Tidewater Construction Company Limited, advised that he is opposing the adoption of this Plan and By-law because it attempts to severely restrict the location of extractive facilities which are necessary and ancillary to the establishment of a pit and quarry. He stated the I-3 zoning of Tidewater's lands in Waverley would restrict use of the lands to general warehousing and light industrial use.

Mr. Grant advised that Tidewater opposes this planning scheme because in 1983 Council rejected a rezoning proposal by local residents comparable to that now proposed with respect to Tidewater's land. Also, the planning scheme does not fall within the legal authority of Council under the Planning Act, and it does not make good planning sense because of its rugged terrain; the site is not developable in an economic fashion for I-3 uses until great quantities of rock have been removed.

Mr. Grant continued that public opposition to the rock quarry and aggregate operation proposed by Tidewater is based upon the unfortunate experiences which Waverley has had with existing quarries which are not at all comparable to the Tidewater proposal.

Mr. Grant expanded on these objections, as outlined in the letter circulated to Members of Council. Mr. Grant concluded that Tidewater has not stopped in its effort to develop their lands in this area as a pit and quarry; it is presently the subject matter of litigation against the Attorney General and the Provincial government. The remedy which Tidewater seeks is a permanent order which will permit Tidewater to proceed with developing this site as an aggregate manufacturing operation and quarry. He advised that if this lawsuit is successful, it will be the position of Tidewater that changes proposed in this draft MPS and By-law as it pertains to Tidewater's land will not prohibit Tidewater from proceeding with this proposed development.

Questions from Council

Councillor MacKay noted that Mr. Grant referred to \$80,000 per acre for development of light industrial use lands, and he asked what services would be provided for that cost. Mr. Grant was not certain.

Councillor MacKay clarified that the position of Tidewater with regard to the lawsuit is as concluded by Mr. Grant through the law firm of Stewart, MacKeen, and Covert. Mr. Grant stated it would be inappropriate to divulge his own opinion, but that the above-referenced position is that of Tidewater.

Councillor MacKay asked if this is the position of Tidewater, and they have the right to proceed, why would they pursue it through this means, but not let it lay to rest for a decision of the courts. Mr. Grant responded that it would not be fair to Council to have Tidewater proceed under this position without first advising Council and allowing Council the opportunity to rectify what is perceived to be an error in law and in planning principles.

Councillor MacKay stated if he has the right to do something he would not seek other approvals and put himself through other expenses and anxiety, but he would go ahead and do it. Mr. Grant advised that it would remove many

obstacles for Tidewater if the proposed documents are amended to approve the type of constraints now proposed. He stated no responsible individual or developer wants to buy into a lawsuit that is unnecessary, and if Council passes this MPS and Land Use By-law, there are a number of options open to both the Municipality and Tidewater, one of those options being that Tidewater may proceed to court to challenge the validity of the proposed amendments to the document (whether or not they are within the authority of Council). He stated another option to Tidewater would be to proceed with the development and see whether or not the Municipality is prepared to take steps against Tidewater to enforce what it considers to be valid provisions under these documents.

Councillor Boutilier noted that Mr. Grant feels the proposed scheme does not make good planning sense. He expressed objection, stating this Council is here to represent the wishes of the people. If the proposed scheme does not make good planning sense, it does represent the wishes of the people to not have a quarry in the area; thus, it is serving a good purpose.

Mr. Grant responded that he disagrees with Councillor Boutilier as to the role of Council in the planning process. He submitted that the role of Council in the planning process is not to act as a reed to the wind of public opinion, but it is Council's role to look at the matter objectively and to decide, based on principles of fairness and municipal and urban planning, what makes sense for an area. He advised that Tidewater purchased their land in 1982 when there were no restraints to prevent them from proceeding with a quarry operation on the site. However, shortly thereafter, Tidewater approached a former Councillor to seek through the public process of what was then allowed under the Zoning By-law, a Planned Unit Development Agreement in order to attract public input into the proposal. At that time, the concerns were about the environment: water quality, noise, and that it would be aesthetically displeasing. He stated this matter was finally referred to an Environmental Control Council to look at the matter scientifically and objectively, and the result was the Minister of the Environment issuing an environmental permit to Tidewater to permit the proposed project to proceed.

Velma Ledwidge, Enfield, advised that she is an elected Member of the PPC for this planning area. Mrs. Ledwidge stated much time and effort was put into learning what the people want in their communities, and as a result, the original plan was what the people wanted, bearing in mind that not all of the people can be pleased all of the time. Majority rules in a democratic society.

Mrs. Ledwidge stated the documents now presented for approval do not represent what the majority of residents want, but what a few people want to satisfy their own interests. She stated the PPC was extremely concerned for the environment; thus the requirement for a 100 foot setback from watercourses and tertiary treatment plants. She stated private roads was another area of the plan which the PPC dealt with extensively and felt very strong that the ratepayers did not wish the County to become a mini Department of Transportation at the expense of their tax dollars to upgrade private roads; most subdividers must bear this cost of building roads on their own.

Mrs. Ledwidge asked that if Council cannot see fit to approve a plan which was originally presented by the PPC, that Council reject the plan entirely.

Questions from Council

Councillor MacKay commented that it was the Minister of Municipal Affairs who rejected the original Plan and By-law, and Council and/or the PAC tried to be as generous as possible in listening to the people in a democratic process; from listening to the people, the process began to snowball. He felt it is decision-making time, although some people do not agree because they do not think Council has given enough consideration to some of the points raised. Councillor MacKay expressed appreciation for the time, money, and effort spent in the development of this Plan, as well as the frustrations. However, he stated many other issues have arisen in the interim, which is why the process has taken so long. Councillor MacKay suggested Council may have pursued those decisions with more verger in the past in order to get the original Plan, but Council might still be sitting here listening to rezoning applications and amendments. Councillor MacKay stated that he respects the comments of Mrs. Ledwidge, but he expressed hope that she will also respect what Council has had to go through in trying to make decisions and address some of the on-going problems. He alluded to Mrs. Ledwidge's comments that we cannot please all of the people all of the time.

Mrs. Ledwidge responded that she does appreciate what Council has done, but before too many more issues come up, the Plan recommended by the PPC at the wish of the majority of the residents should be approved, or matters should be let go as they may.

Beverley Shreenan, advised that she is a property owner in District 14. She expressed objection to the MPS and By-law for this planning area, particularly to Policies P-34 and P-35 in relation to private roads.

Mrs. Shreenan advised that her opposition to these policies has led her to full time involvement in the Concerned Homeowners Committee of Kings Road. She stated that during her involvement with the County and Provincial government agencies she has made some observations, objections, and recommendations.

Mrs. Shreenan referred to several quotations from past meetings, found in the library at the Department of Municipal Affairs and from records of PPC, MPC, and PAC meetings. She commented that the democratic process seems to be built with brick walls, and one of the brick walls was the Committee's unsuccessful attempt to gain the support of the MLA, the Honourable Ken Streach.

Mrs. Shreenan stated she felt safety on a roadway is a basic and legitimate concern, but it has not turned out to be so.

Mrs. Shreenan quoted minutes of several PPC meetings where there was discussion about development on private roads and whereby it was agreed that residents do not want to see development on private roads, and the Committee agreed to go public with its opposition to new private roads for year round housing.

Mrs. Shreenan suggested that the Plan for Planning Districts 14 and 17 should include a limit on development, such as the Plans for District 5, Districts 8 and 9, and Districts 15, 18 and 19 are limited to development of ten lots on private roads. However, she stated Kings Road would not apply because there are already in excess of 70 lots approved there. She expressed hope that this

shortfall would not be handed to the PPC because other recommendations of the PPC were changed at the MPC level.

Mrs. Shreenan next spoke about the draft Plan moving the PAC level, and the lack of support for the residents of Kings Road at that level. She stated that the residents of Kings Road have heard that those who are opposed to this Plan will be dealt with after the paper road is approved, and she asked that the Councillors take a greater interest in the Kings Road issue.

In closing, Mrs. Shreenan requested that Council remember the real people on the paper road, known as Kings Road, when voting on the adoption of this Plan and By-law. She stated they would love to be included in this Plan, as well.

Questions from Council

Councillor Baker stated it is unfair for Mrs. Shreenan to come here to take swipes at Warden Lichter. He stated it is unfair because he is not here to defend himself, and he is one of the most democratic people that he has ever met in his lifetime. He stated Warden Lichter is a very fair person, always supportive of the underdog. Mrs. Shreenan responded that her comments were reflective of Warden Lichter's comments at a public meeting about another Plan. She stated the comments are also from minutes, which are public document. Mrs. Shreenan stated the residents of Kings Road were flabbergasted at the treatment of the PAC towards them; they were treated unfairly throughout the whole process.

Deputy Warden McInroy noted that Mrs. Shreenan has quoted from public documents, to which she is entitled.

Councillor MacKay asked where Mrs. Shreenan's home is on Kings Road. Mrs. Shreenan replied that her home is 3 kms. in on Kings Road.

Councillor MacKay asked how Mrs. Shreenan's land was approved. Mrs. Shreenan advised that they have a deeded right-of-way to their property. Councillor MacKay clarified that he would like to know how the property was approved. Mrs. Shreenan advised that when they bought their property last year, they did so with an approved building permit. She stated the former owner may know how the lot was approved.

Councillor MacKay clarified that Mrs. Shreenan's land has water frontage. Mrs. Shreenan agreed, but she informed that there are lots shown on LRIS mapping which do not have water frontage. Councillor MacKay noted that Mr. Butler earlier informed that there are other provisions under the Planning Act to allow for approval, but the majority of the lots were approved on the basis of access by water.

Councillor MacKay noted that Mrs. Shreenan had indicated the residents are willing to approve a reasonable limit on development on Kings Road. He asked what she would considered to be reasonable. Mrs. Shreenan advised that other Plans in the County have limited development on private roads to ten, although Kings Road already has 72 lots. She stated it is the planner job to dictate how many lots would be considered reasonable.

Councillor MacKay asked if nothing changed in the planning area, nobody else ever got any development rights other than what is permitted until now, would Mrs. Shreenan be happy with Kings Road as it is now. Mrs. Shreenan stated not as it is at present. Councillor MacKay suggested that the road has not changed very much since Mrs. Shreenan acquired her property last year. Mrs. Shreenan responded that the road received paper road status since last year. The road was an access road for waterfront lots only, but the status of the road changed to a paper road because the former Minister of Lands and Forests, Ken Streach, deeded an extra 33 feet of crown lands for the development of the road. She stated if this had never been done, the residents would not be in this situation now.

Councillor Boutilier asked if Mrs. Shreenan moved to Kings Road last year. Mrs. Shreenan clarified that they bought their property in July of last year, but they have not built their home there yet. Councillor Boutilier asked if Mrs. Shreenan was happy with the lot when she purchased it with the intent to build later, although she was well aware of the situation regarding Kings Road. Mrs. Shreenan advised that she was.

Councillor Boutilier asked how things could change so dramatically between July of last year and now that Mrs. Shreenan must be before Council making a case against Kings Road. Mrs. Shreenan advised that her lot was existing when she purchased it, and the road was built for waterfront property, but without any upgrading that same road will be opened for development of thousands of acres. She stated the concern is about safety.

Councillor Boutilier asked if Mrs. Shreenan realistically thinks this area will develop into 500 to 600 homes within a short period of time. Mrs. Shreenan advised that there is now an application on file in the Planning Department for somebody purchasing a 25 acre parcel from the developers with the intention of using Kings Road for an access road for development there.

Councillor Boutilier noted that other speakers have clearly stated their intentions are not to subdivide lots as a developer. Mrs. Shreenan stated the forms have been viewed in the Planning Department. Councillor Boutilier clarified that those applications are from the same landowners that have been involved in this over the past few years. Mrs. Shreenan agreed.

Councillor Boutilier noted that Mrs. Shreenan's primary concern was the safety of Kings Road, but he suggested if safety was her primary concern, this factor would not have changed her opinion. Mrs. Shreenan stated it has changed because there is now an engineer who has stated one of the bridges is unsafe. Councillor Boutilier concluded that the bridge could have been unsafe last July. Mrs. Shreenan advised that a car went off the bridge on April 20, and one of the railroad ties has fallen away.

Councillor Boutilier stated that Council has tried to work with the residents, and at this particular time, he cannot determine an option that will help the residents of Kings Road or the landowners; the bottom line is that Council has tried to make a fair decision for all, but it is a very difficult situation.

Mrs. Shreenan advised that the road owners also find it a difficult situation because they offered assistance by road frontage, but one of the landowners

only stated that nobody will get money from him for the upgrading of Kings Road, although he wants to continue with development along the road.

Councillor Merrigan expressed concern that if the Plan is adopted today limiting development to ten lots, it will help other private roads, but not the Kings Road situation. Mr. Cragg responded that an option available to Council is to list Kings Road with others and then limit the number of lots that can be developed on an annual basis off that road. Councillor Merrigan clarified that this can be done although several applications are already on file. Mr. Cragg agreed.

Councillor Merrigan asked if a dangerous bridge or any other dangerous structure in the County Halifax could not be dealt with under the Dangerous and Unightly Premises By-law. Mr. Cragg replied that the only avenue available under this by-law is to attempt to remedy the situation, and if the attempt is not successful, Halifax County can take out an appropriate order to do the work and to prosecute. Councillor Merrigan asked if the owners of the bridge could not be ordered to fix the bridge. Mr. Cragg advised that they could under the same 30 Day Order process that other dangerous and unsightly premises are dealt with. Councillor Merrigan was of the belief that there is an avenue of protection for the residents with regard to this bridge, and he suggested this should be pursued further. Mrs. Shreenan commented that the residents of Kings Road cannot determine who owns the bridges.

Councillor Ball asked Mrs. Shreenan if she should have bought her land on Kings Road last year, if she had known what she now knows. She replied that she did not think they would have purchased this land. She stated they are supposed to be building their home right now, but they have put that on hold due to these circumstances. She stated she is quite willing to let it sit there for sometime.

Councillor Ball stated he has much empathy for Mrs. Clark and the residents who have lived on this road since before it was extended, but he has less empathy for Mrs. Shreenan because she saw the conditions of the road and considered the safety of the road before she bought it, but still proceeded to buy the land with the intentions of building a house. She asked why Mrs. Shreenan was not as concerned about the safety on this road last July as she became in December. Mrs. Shreenan advised that last July the road was only to serve the water frontage lots; it was not for the acres of land on the other side of the road.

Councillor Ball stated the safety of the road is the question, and that has not changed since last July. He asked how many houses have been built since she bought her land. She advised there are 72 lots and 17 permanent residences on Kings Road.

Councillor Ball asked if the development growth has changed on Kings Road since last July. Mrs. Shreenan replied that the potential has changed. Councillor Ball stated there is always potential danger, but until the lots are created and the people have built on them, nobody knows how dangerous it is. He stated the residents have expressed the fact that this road is very dangerous given the existing amount of traffic. If it was that dangerous to the residents that have lived there for a long time, he questioned why Mrs. Shreenan would have purchased land there, but she did not become concerned

until December. He stated other residents are concerned about the current safety of the road - not about expansion.

Councillor Fralick clarified that Mrs. Shreenan does not live on Kings Road at present. Mrs. Shreenan advised that she does not, but she does own property there. Councillor Fralick asked what Mrs. Shreenan feels would be a reasonable amount of development on Kings Road. Mrs. Shreenan responded that she has no idea, which is why the Concerned Homeowners Committee came to County Council.

Councillor Fralick next inquired about Mrs. Shreenan's reference to the Honourable Ken Streach and how he changed the status of the road. Mrs. Shreenan advised that she had informed that the residents could not get the support of the Honourable Ken Streach, and it is also the understanding that in 1987 the former Minister of Lands and Forests, Ken Streach, deeded a 33 foot right-of-way and later another 10 feet to make the road wide enough for paper road status. She clarified that Kings Road runs through Crown land.

Deputy Warden McInroy noted that when Council is in a position to make a decision, it does not have the ability to deal with Kings Road in any manner other than how all private roads in the planning area will be dealt with. He stated other action can be pursued through other avenues at a later time, but it cannot be done legally through this public hearing process.

Councillor MacDonald stated if Council does not consider what will happen if development is permitted to continue on private roads, there will be a serious problem. He stated Council should be restricting development on private roads until another remedy is found.

Councillor Horne asked Mrs. Shreenan if she was aware of the number of lots on Kings Road when she purchased her land or how many she thought there was. Mrs. Shreenan advised that she did not know. Councillor Horne next asked when Mrs. Shreenan became aware that there are 72 lots there. Mrs. Shreenan responded that she only learned this since she came to the County about the problem.

Councillor Horne commented that he was amazed that there are 72 lots on this road. He asked Mrs. Shreenan if she knows who owns the private right-of-way. Mrs. Shreenan responded that there are seven different property owners that she is aware of. Councillor Horne asked if they control the road, and if she is aware of any undue injustices in how the road is controlled. Mrs. Shreenan agreed that the road owners do have control of the road. She advised that people have been asked to leave the road, and one of the residents was assaulted on his way home from work, his wife was verbally assaulted, and their ten year old child was witness to the assault on his father.

Councillor Horne asked if Mrs. Shreenan feels there could be any understanding between the land developers and the residents in the future. Mrs. Shreenan stated she is willing to cooperate, but they are not willing to share in the cost of upgrading the road.

Councillor Richards stated that he empathizes and sympathizes with the residents of Kings Road, trying to raise a young family on such an unsafe road. He commented that it must be difficult to get a fire truck on Kings Road in the winter. However, Councillor Richards stated he is having difficulty with the

residents asking Council to make a decision to resolve their problem, although Council may not have any more answers than the citizens. He stated Councillors are also taxpayers in the County, and there is a need for much assistance to resolve this problem. He asked what the residents of Kings Road are looking for from the County of Halifax to resolve this problem. Mrs. Shreenan stated they are looking for a moratorium on development until a solution to the safety of the road is settled.

Councillor Richards asked if the limited development would also affect Mrs. Shreenan's lot. Mrs. Shreenan replied that she already has a building permit. Councillor Richards noted that if all development is ceased and all existing permits are cancelled, it may affect Mrs. Shreenan. He asked if she is prepared for that. Mrs. Shreenan responded that she is.

Councillor Richards next asked what the residents expect the County to do once all development is stopped. Mrs. Shreenan responded that something must be done with the road. Councillor Richards clarified that the residents want the County to force the road owners to do something with the road. Mrs. Shreenan responded that there is no other alternative because if development is not stopped now, the situation will be worse next year.

Councillor Fralick stated he would have been very angry if he were a cottage owner when the television cameras went to Kings Road. He asked if the cameras went to the summer or permanent homes. Mrs. Shreenan advised that they went to both with the cameras. Councillor Fralick stated if somebody does not live there year round, television coverage would be a license for thieves to go the area. He stated in order to find a solution, people should not continue to antagonize people. Mrs. Shreenan responded that she spoke the way she did because after five months of running around Halifax and Halifax County Council she is getting tired and frustrated. She stated a presentation representing these concerns was given to the PAC, and the response was "You made your bed, you lie in it." Councillor Fralick commented that the manner in which something is approached is the response received.

Councillor MacKay advised that his personal feelings, not those of the PAC, are that private roads should never be brought to Council again. He stated people want to create private roads to save dollars and to get access to private land, and if people purchase lots on such roads, it must be buyer beware. He stated a purchaser should know the rules of the games, including what he is purchasing and what his rights and obligations are. Councillor MacKay stated he does not want to see any more private roads, and he does not want to see any more development on private roads. He stated if somebody purchased something on a private road, knowingly, they must live under those conditions. He stated all existing lots there were approved according to water access, and there is now a right to cross over the land to access those lots, but there is not public access. Therefore, he suggested that the residents should get the Road Maintenance Committee going again to try and maintain the road; otherwise, everybody will suffer.

Councillor Cooper asked Mrs. Shreenan if she feels confident answering questions about the history of Kings Road whereas she has only owned land there for less than one year. Mrs. Shreenan advised that she does not.