

Councillor Boutilier asked if the Metropolitan Authority had the legal authority to change the process.

Mr. Crooks stated that he assumed that this was a matter which was dealt with and capable of being dealt with by a majority vote of the members of the Metropolitan Authority. He stated that other commitments may have been made with participating units but, in terms of the process, unless its a matter specifically calling for a greater than majority vote or some special procedure for either changing what was done or embarking on a new course it would be dealt with by way of a matter of business by way of a majority vote.

Councillor Cooper stated that this started when the decision was made to look at Burnside Industrial Park but was changed when Dartmouth wanted compensation in the form of taxes and grants. He stated that the only choice left is to decide what is going to be best for the tax payers of the Municipality and the whole Municipal region. He stated that if it means a better price and better advantage for the Municipality then the County should be prepared to look at costing.

Councillor Rankin stated that he sees no indication of the Council wishing to change the process. He stated that it is very much in the best interest of the County to keep the Metropolitan Authority on track with the process; the landfill, the closing of the present landfill and the waste to energy facility.

Councillor Deveaux stated that he agreed with the motion but, if Halifax was given an option to make a bid, then the County should be given the same option.

#### MOTION CARRIED

#### ADDITION OF ITEMS TO THE MARCH 3, 1992 COUNCIL SESSION

Council Committee Structure - Councillor Rankin

#### DATE FOR COMMITTEE OF THE WHOLE MEETING

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

"THAT AN IN-CAMERA COMMITTEE OF THE WHOLE MEETING BE HELD ON TUESDAY, MARCH 3, 1992 AT 4:00 P.M."

#### MOTION CARRIED

#### ADJOURNMENT

It was moved by Councillor Giffin, seconded by Councillor

COUNCIL SESSION

21

FEBRUARY 18, 1992

MacDonald:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

February 10, 1992

PRESENT WERE: Warden Lichter  
Councillor Meade  
Councillor Rankin  
Councillor Fralick  
Councillor Holland  
Councillor Deveaux  
Councillor Bates  
Councillor Adams  
Councillor Randall  
Councillor Bayers  
Councillor Smiley  
Councillor Taylor  
Councillor Merrigan  
Councillor Giffin  
Councillor MacDonald  
Councillor Harvey  
Councillor Richards

ALSO PRESENT: G. J. Kelly, Municipal Clerk  
Fred Crooks, Municipal Solicitor

REGRETS: Councillor Ball  
Councillor Peters  
Councillor Brill  
Councillor Snow  
Councillor Boutilier  
Councillor McInroy  
Councillor Cooper  
Deputy Warden Sutherland

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The meeting was called to order at 7:00 p.m. with the Lord's Prayer.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY"

MOTION CARRIED

1. ZA-SA-03-91/ZA-CH/W-04-91/ZA-TLB-05-91/ZA-EP/CB-06-91/ZA-LM-07-91/ZA-1&3-08-91/ZA-PD5-09-91/ZA-F&S-10-91/ZA-8&9-12-91/ZA-LAW-13-91 - Application by the Municipality to amend the Land Use By-laws for the above-noted plan areas to incorporate definitions and revised parking standards for full service, take-out and drive-in restaurants, and also to delete reference to a separate

parking requirement for licensed restaurants in order to prevent overlap.

Maureen Ryan presented the staff report.

She stated that the report is a proposal to amend the Land Use By-laws to incorporate more precise definitions in revised parking standards for full service take out and drive in restaurants. She stated that the proposed amendments do not apply to the Land Use By-laws for Districts 15, 18 and 19 since Council just recently approved of these amendments for this plan area at a public hearing on December 9, 1991.

She stated that full service restaurants, take outs and drive ins are similar land use activities which can impose different degrees of parking demand. She stated that in order to control the unique effects which restaurants can have on an area Land Use By-laws commonly contain separate definitions and parking requirements for each restaurant type. She stated that only two of the ten Land Use By-laws within Halifax County contain definitions for full service and take out restaurants and even these By-laws do not contain a separate definition for drive in restaurants. In addition these By-laws do not describe what constitutes an accessory component which can lead to confusion when a full service restaurant offers a take out service as an accessory function.

She stated that in order to alleviate this confusion when administering parking requirements it is recommended that the proposed definitions as described in Appendix A - F and H - K be incorporated within the respective Land Use By-laws. She stated that the full service restaurant definition describes this operation as an activity where food is prepared primarily for consumption within the building and may include a take out area which does not exceed 10% of the gross floor area. She stated that these restaurants are also characterized by the provision of table service and may be licensed to serve alcoholic beverages.

She stated that a drive in restaurant offers food service for both consumption within and outside of the building. These restaurants are distinguished by the provision of take out services from a drive through car pick up window. Take out restaurants are described as an operation which provides food services primarily for off site consumption. The definition recognizes that these restaurants may have an accessory eating area which does not exceed 25% of the gross floor area. She stated that these operations are distinguished by the provision of home delivery services.

She stated that in terms of the revised parking standards all the Land Use By-laws contain separate parking requirements for full service and take out restaurants. These requirements do not

contain a separate requirement for drive in and they do not reflect more current standards which are now being used by various regulatory agencies staff have surveyed. She stated that it is therefore recommended corresponding changes be brought about to the existing parking requirements to reflect more modern day standards and to administer separate parking requirements for all three types of restaurants. She stated that, at present, the majority of the Land Use By-laws require 1 parking space per 5 seats for full service restaurants; a minimum of 25 spaces plus 1 space for every 5 seats for a take out restaurant; and the greater of 1 space per 3 seats or 1 space per 100 square feet for licensed restaurants.

She stated that since the proposed definition for full service restaurants includes licensed restaurants it is recommended that separate parking requirements be deleted in order to prevent overlap and confusion. She stated that it is also recommended that the most common reported standard of 20 spaces per 1,000 square feet of gross floor area be incorporated within the Land Use By-laws. She stated that this standard is much easier to administer since it is based on a fixed measurement of floor area. She stated that the most recent and commonly reported standard for take out restaurants is 16 spaces per 1,000 square feet of floor area.

She stated that within the Municipality small scale take outs are often operated from a convenience store along collector highways and it is therefore necessary to establish a minimum requirement in these instances to ensure that some parking is provided. She stated that specifically it is recommended that the Land Use By-laws be amended to require 16 spaces per 1,000 square feet for take out restaurants which are greater than 300 square feet and a minimum of 5 spaces for take outs which are 300 square feet or less. She stated that the most commonly reported standard for drive in restaurants is 27 parking spaces per 1,000 square feet of floor area. This standard is also based on parking demand studies and is also therefore recommended that the Land Use By-laws be amended to require this parking requirement for drive in restaurants.

She stated that should the proposed amendments be approved, there are two specific benefits; firstly, the proposed definitions will bring about more clarity in the administration and enforcement of restaurant parking requirements and secondly, the revised parking standards will bring about more equitable distribution between the required parking for take out and drive in restaurants. She stated that these parking requirements, overall, will be easier to administer since they are based on the fixed measurement of floor space.

#### QUESTIONS FROM COUNCIL

Councillor Holland asked if there was a grandfather clause. He asked if this will have to take effect for a restaurant that has been operating without any problems for the last 50 years.

Ms. Ryan stated that the grandfather clause there will be afforded by the planning act and they will become known as a legal non conforming land use activity but they can continue on unless the property were destroyed by fire up to 75% of the assessed value. If this should occur and they were to reconstruct then they would have to meet the parking requirements of the day. She stated that if they were to discontinue operation of the restaurant for a period of six consecutive months then they could not restart without meeting the parking requirements of the day.

Councillor Holland asked if this was primarily for a new restaurant that is going into business.

Ms. Ryan stated yes.

SPEAKERS IN FAVOUR

None

SPEAKERS IN OPPOSITION

None

DECISION OF COUNCIL

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

"THAT ZA-SA-03-91 APPENDIX A ZONING BY-LAW AMENDMENT BE APPROVED"

MOTION CARRIED

It was moved by Councillor Richards, seconded by Councillor Rankin:

"THAT ZA-CH/W-04-91 APPENDIX B ZONING BY-LAW AMENDMENT BE APPROVED"

MOTION CARRIED

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

"THAT ZA-EP/CB-06-91 APPENDIX C ZONING BY-LAW AMENDMENT BE APPROVED"

MOTION CARRIED

It was moved by Councillor Harvey, seconded by Councillor Giffin:

"THAT ZA-TLB-05-91 APPENDIX D ZONING BY-LAW AMENDMENT  
BE APPROVED"

MOTION CARRIED

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

"THAT ZA-1&3-08-91 APPENDIX E ZONING BY-LAW AMENDMENT  
BE APPROVED"

MOTION CARRIED

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

"THAT ZA-PD5-09-91 APPENDIX F ZONING BY-LAW AMENDMENT  
BE APPROVED"

MOTION CARRIED

Warden Lichter stated that Appendix G was deleted and not being dealt with at this time.

It was moved by Councillor Smiley, seconded by Councillor Giffin:

"THAT ZA-8&9-12-91 APPENDIX H ZONING BY-LAW AMENDMENT  
BE APPROVED"

MOTION CARRIED

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

"THAT ZA-F&S-10-91 APPENDIX I ZONING BY-LAW AMENDMENT  
BE APPROVED"

MOTION CARRIED

It was moved by Councillor Richards, seconded by Councillor Giffin:

"THAT ZA-LM-07-91 APPENDIX J ZONING BY-LAW AMENDMENT BE  
APPROVED'

MOTION CARRIED

PUBLIC HEARING

6

FEBRUARY 10, 1992

It was moved by Councillor Randall, seconded by Councillor Adams:

"THAT ZA-LAW-13-91 APPENDIX K ZONING BY-LAW AMENDMENT  
BE APPROVED"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Giffin, seconded by Councillor  
Merrigan:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

February 24, 1992

PRESENT WERE: Deputy Warden Sutherland, Chairman  
Councillor Rankin  
Councillor Holland  
Councillor Ball  
Councillor Bates  
Councillor Adams  
Councillor Randall  
Councillor Smiley  
Councillor Taylor  
Councillor Peters  
Councillor Merrigan  
Councillor Brill  
Councillor Giffin  
Councillor MacDonald  
Councillor Boutilier  
Councillor Harvey  
Councillor Meade  
Councillor Richards  
Councillor McInroy  
Councillor Cooper

ALSO PRESENT: K. R. Meech, Chief Administrative Officer  
G. J. Kelly, Municipal Clerk  
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CALL TO ORDER

Deputy Warden Sutherland called the meeting to order at 7:00 p.m. with the Lord's Prayer. Mr. Kelly called the roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor MacDonald, seconded by Councillor Brill:

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY".

MOTION CARRIED.

APPLICATION #DA-8&9-07-91-08 - APPLICATION BY MOUNTAINVIEW MOBILE HOME PARK LIMITED TO ENTER INTO A DEVELOPMENT AGREEMENT TO PERMIT THE EXPANSION OF MOUNTAINVIEW MOBILE HOME PARK IN LAKE ECHO BY 59 MOBILE HOME SPACES, PURSUANT TO POLICY P-64 OF THE MUNICIPAL PLANNING STRATEGY.

Mr. Tony O'Carroll, Planner, advised the application by Mountainview Mobile Home Park Limited to expand the existing Mobile Home Park in Lake Echo by 59 spaces was supported by the Municipal Planning Strategy for Districts 8&9. He advised although the Planning Strategy did not support the development of any new Mobile Home Parks within the plan area due to concerns with respect to contamination of water supplies, nevertheless, it fully supported expansion of existing Mobile Home Parks to the extent that the capacity of the existing sewage treatment plant could be fully utilized. He advised as this proposal was to expand the existing Mountainview Mobile Home Park by 59 spaces, it should be pointed out that the sewage treatment plant was shared by the abutting Wandalyann Mobile Home Park. The total number of mobile dwellings being served by the existing sewage treatment plant was, of course, higher than the number of mobile homes in the existing Mountainview Mobile Home Park by several hundred. The proviso in the Municipal Planning Strategy was that this expansion be in accordance with the provisions of the joint certificate issued in 1990. Mr. O'Carroll advised a new joint certificate had been applied for by the proponent and Planning Staff asked the Departments of Health and Environment to comment upon this proposal. In

principle, he advised, they supported the expansion of the park by 59 spaces subject to Halifax County providing very specific controls over the operation and maintenance of the sewage treatment plant. In other words, if problems occurred with the sewage treatment plant, Halifax County would be responsible for preventing further development of mobile home spaces as well as taking remedial action in dealing with the matter if necessary.

Mr. O'Carroll said there had been several problems over the years with the sewage treatment plant serving these mobile home parks; however, the applicant had met every condition provided through the Departments of Health and Environment to ensure that the sewage treatment plant was working properly. He stated the relationship of the mobile home parks to the sewage treatment plant, which was the most critical issue, could be seen by referring to the Maps, Pages 8&9 of the report provided. He advised the Planning Department did not show the Wandalyne Mobile Home Park as this was not part of the property covered by this agreement. He advised, however, that the Wandalyne Mobile Home Park was located immediately to the south of the Mountainview Mobile Home Park and the sewage treatment plant was located just off Circle Drive before it accessed into Mountainview Mobile Home Park. The expansion was proposed along Bumpy Lane in which the southern portion was already being developed as an existing Mobile Home zone.

Mr. O'Carroll advised the Municipal Planning Strategy was quite detailed in the sort of considerations that Council was required to give. He advised that these considerations were summarized on Page 12, Appendix A. He stated this outlined Policy 64A, specifically to the Mobile Home Park, and Policy 89 which was a General Implementation Policy. He stated this section summarized any concerns and, in brackets, indicated how these concerns were addressed in the proposed Development Agreement.

He reiterated the capacity of the sewage treatment plant had been approved, in principle, by the Departments of Health and Environment subject to the Development Agreement indicating Halifax County could stop further expansion if there was a problem ensuring that remedial action would be taken.

Mr. O'Carroll advised in addition to those factors, other services were viewed such as park services, the amount of recreation space and provision for fire safety. He stated the proposal included 11 acres for recreation and the Halifax County Recreation Department had advised this was satisfactory. He advised this included active as well as passive space. There was a beach park proposed for active use and trails through the reserved passive recreational areas as shown. In addition, the applicant agreed to share road access to his park as well as the sewage treatment plant. He stated this included the proposed playground which was located abutting the Mobile Home Park which could be seen on the Development Agreement, Page 10 of the report. He stated the playground was not shown in the agreement; however, the agreement referred to the sharing of resources within the joint park systems. He reiterated there was sufficient recreational land both active and passive for all residents of both mobile home parks.

He stated although there was no provision specifically for it, the fire department expressed a concern with respect to fire trucks getting water to these parks, as there was no pressurized water system. He advised the applicant has agreed to install a dry fire hydrant to ensure water was available year round. As well, the applicant's water supply was spring fed so there was a more-than-adequate water supply for this purpose.

Mr. O'Carroll referred back to Appendix "A". He stated concerns were expressed by the Engineer with respect to the proposed surface drainage. Under the terms of the agreement, the applicant was required to produce drawings and to prove that his system would work before permits were received. He stated the Development Agreement was entirely designed to put the burden on the developer to ensure that all systems worked properly.

Mr. O'Carroll advised there were very few concerns with this development relative to the impact of the surrounding residential environment. He stated the park that was proposing to expand was back of the original park which abutted a couple residential areas in Lake Echo. He stated where the expansion was proposed was a long way from any existing residential environment. He stated the area was well treed and Mr. Norwood agreed to keep as many trees as possible other than where he needed to remove them for the purpose of laying out mobile home spaces.

He stated the Department of Transportation expressed no difficulty with this application at the present time with respect to access onto the public road which extended some degree up to Circle Drive. If Mr. Norwood wished to expand any further, however, he would do a detailed traffic study before embarking on further expansion. He advised both parks coming through that access road were reaching a point where they would have to start looking at the impact on the public road system; however, they did not have a problem with the 59 spaces as indicated. Mr. O'Carroll advised though the site was suitable, it did not, from a Land Use point of view, compromise any other existing uses by any stretch of a Planner's imagination.

Mr. O'Carroll stated the only concern the Planning Department had brought to the Planning Advisory Committee's attention was that the school in Lake Echo (Belle Park Academic Centre) was overcrowded according to the School Board. In order to accommodate the students, it had a large number of portable classrooms and the need for a school was acknowledged. At the time the plan was adopted, it was acknowledged there was a potential problem. The intention of the applicant was supported by the Planning Advisory Committee, because it was felt it would be unfair to stop Mr. Norwood from developing his mobile home park even though this could add theoretically 20 students to the elementary school. However, the Planning Department agreed to the development to at least Phase #2 so that the developer would at the most, develop 30 lots in the first phase and 30 lots in the second.

He stated, at present, due to the current market, Mr. Norwood was not sure whether he would develop even 30 lots at this stage. He stated they could not be sure of the exact impact on the school but the Planning Department did not feel there would be any more than 10 students added to Belle Park over the next year if Mr. Norwood should develop the 30 lots permitted in Phase 1.

Mr. O'Carroll stated the agreement, in detail, covered the control of the services, the sewage treatment plant especially, by providing for monitoring of the receiving waters with a trained person looking after it. He stated through the Mobile Home Park Operating Permit Process, the status of the park and the services in it were reviewed and if they were up to the standards required by the Mobile Home Park By-law, then the operating permit was issued. He stated this was controlled by the Mobile Home Park By-law but it was acknowledged in this Development Agreement so that the development procedures would work hand in hand with the mobile home park operating procedure which was contained in a separate Municipal By-law. In summary, staff felt that this met the intention of the plan. It did not create any problems of compatibility with any surrounding land uses. He advised it had the approval, in principle, of the various Provincial departments, and Municipal Departments except the School Board Office.

He advised that staff, therefore, recommended approval of the Development Agreement.

#### QUESTIONS FROM COUNCIL

Councillor Ball asked whose responsibility it would be to develop those recreational lands for the suitability of the individuals in the Mobile Home Park and if this would be developed before the expansion took place.

Mr. O'Carroll replied the agreement provided for this. He referred to Part 7, Development and Maintenance of Recreation Areas. He then referred to Section 7.2. Mr. O'Carroll stated the applicant could build the first lot of homes but within one year, he had to do this. If he did not, Halifax County would have to do it themselves or ask him to comply. He stated permits would not be given for the second phase unless he had followed through with the first phase.

Councillor Ball expressed concern with respect to the owner having 30 spaces in the first phase of development with nothing done with respect to the recreational space. Councillor Ball asked if Halifax County would then be in a position to remove those 30 spaces. He said he did not know if Halifax County would be willing to remove 30 families from the mobile home park after the fact.

Mr. O'Carroll responded one would have to hear Mr. Norwood's explanation. He stated Halifax County had done this before with other mobile home park developers and the provision had been included. He stated it had been reserved that the recreation area was complete and in one situation, it was done to a higher standard than actually asked for in the agreement.

Councillor Ball replied in some cases, he would agree with Mr. O'Carroll, depending on the participant, as to how far they were going to proceed. He asked if there was any provision here for playground facilities.

Mr. O'Carroll responded the applicant had stated that he intended, with his father, to develop a children's playground on lands that immediately abutted this property on which Mountainview Mobile Home Park was located. He stated this would be shared with his father for the benefit of residents of both parks. He stated some of the area had already been graded for the playground.

Councillor Ball asked how many units in 1991 building permits were issued in District 8.

Mr. O'Carroll replied he did not have the figures present. He stated he would not like to guess because he did not deal with these figures on a day-to-day basis.

Councillor Ball stated in August of 1991, staff rejected the original Development Agreement. He stated one of the primary things they used to base this decision on was the fact that Belle Park School was extremely overcrowded. He felt this report still reflected the fact that even phasing in did not address the problem of the school being overcrowded. He expressed concern with staff, in essence, taking the same report, changing one little part of the report with respect to the phasing in and presently recommending approval.

Mr. O'Carroll responded they were specifically directed by the Planning Advisory Committee to negotiate with Mr. Norwood on the basis of a phased Development Agreement for this expansion. He stated, in general, the development had continued in Districts 8&9 and had been fairly steady for a number of years as it related to single unit dwellings and students coming from there. He stated the School Board Office in September was predicting they would have to add another portable.

Councillor Ball questioned the School Board's formula .4 children per household where they said the phasing in would include potentially 10 or 12 students.

Mr. O'Carroll replied the formula was between .3 and .4 children which seemed to be accepted.

Councillor Ball asked what would happen if the average number of people per household had two children times 59 lots - you then ended up with 120 children with a school presently overcrowded.

Councillor Ball expressed concern that if this application was approved, they were also condoning an overcrowded school situation and he could see difficulties.

Councillor Richards referred to Mr. O'Carroll's opening remarks that there were no new mobile home parks permitted in Districts 8&9 under the plan. He asked if that was correct and, if so, what was the reason for that.

Mr. O'Carroll replied that was correct and that basically, at the time, when the plan was being formulated there were concerns with respect to pollution to their waters. He stated this was the main concern expressed not just in Lake Echo but also in the Chezzetcooks as well. He stated they did not want private sewage treatment plants anywhere, no centralized sewage treatment plants at all but wanted everything to be on-site. He stated they accepted the ones existing. He advised of one in District 9 and the large one located in Lake Echo. He stated they said they would support its existence and that the owners, if they had potential to develop on their existing sewage treatment plants, could do so but they were not to expand those sewage treatment plants but only to optimize the use of them.

Councillor Richards asked if these two parks could only expand to the limit of the current sewage treatment plant but could not expand the plant.

Mr. O'Carroll responded that was correct, they could not expand the plant in terms of the original design. He stated they may do things to ensure that they get to use the designed capacity. He advised they had made various improvements and continue to make improvements to receiving some sort of holding pond or holding tank so that effluent coming from it did not go straight into the receiving water and then down into Lake Echo. He stated if they installed a tight system, they would presumably be able to get more capacity. Consultants were supposed to do a study of the sewage system as well as the pipes and try to estimate just what they could expect in the end to increase the number of hookups.

Councillor Richards referred to Appendix "A" of the report regarding the capacity of the sewage treatment plant. He questioned if the words there related to the plant expansion or to the Mobile Home Park expansion.

Mr. O'Carroll responded it related to the number of hookups they would permit to that system. He stated they agreed, in principle, that 59 more hookups would be permitted to that system provided Halifax County, in the Development Agreement, put in controls which would enable the County to prevent any further expansion if a problem occurred. If, after ten lots, the plant was at its capacity, Halifax County would stop it there until that situation was brought under control.

Councillor Richards asked if through review by Halifax County and the Department of Health, etc, there was any indication given as to how far the plant could be expanded.

Mr. O'Carroll replied they had not committed themselves at all. He stated they looked at its rated capacity and arrived at a figure, if what was being installed at present was a perfectly tight system. He stated if the system in the existing park in Wandalyann was not tight, the owner was responsible for the inflow and infiltration that was affecting that capacity.

Councillor Richards questioned if this particular park could expand quite extensively if the plant would accommodate it, even though new parks were not permitted.

Mr. O'Carroll responded theoretically this particular park could expand quite extensively if the plant would accommodate it even though new parks were not permitted.

Councillor Peters questioned the level of treatment in the sewage plant and how it would impact on the receiving body of water.

Mr. O'Carroll responded he was uncertain and could not answer that question with a degree of expertise. Halifax County required the developer, under the agreement, to set up a monitoring program and to provide the results to the Department of Health on an annual basis on the quality of the receiving water. He stated the sewage treatment plant was the subject of two fairly intensive reviews by the Department of Health over the years and various work had been done on several occasions. He stated the most recent one again upgraded the performance relative to the quality of the effluent. All of these things had been done by the applicant as required by the Department of Health.

Councillor Peters questioned if this was at the developer's expense or the Municipality's.

Mr. O'Carroll responded it was at the developer's expense.

Councillor Peters questioned which were the receiving bodies of water.

Mr. O'Carroll responded he was not sure if any of the maps showed this. It went into Lake Echo, and came down by McCoy's Pond. He referred to Pages 4&5 of the report. He stated there was a little pond on the North side of Highway #7.

Councillor Peters questioned if a Traffic Impact Analysis would be at the owner's expense described on Page 3 of the report provided.

Mr. O'Carroll responded the Traffic Impact Analysis was a recommendation of the Department of Transportation. Halifax County did not basically require that. If the owner came back and applied again for a new Development Agreement or to amend this agreement to allow for another 30 hookups, at that time Halifax County would pull this letter out and indicate there was a problem. He stated Halifax County would ask the Department of Transportation if it would approve the expansion of that park. If the Department of Transportation indicated 30 new units would overutilize the access system, it would not be approved and Halifax County would reject it. He stated it would be to the applicant's interest to have some sort of study done which would indicate the impact of any further increase on that road system.

Councillor Peters referred to the privately owned sewage treatment plant. She stated she knew, in a number of areas, that these were a burden financially to the Municipality when the original owner moved away or sold to another individual. The burden then fell to the Municipality. She expressed concern with respect to this matter.

Mr. O'Carroll stated at present, the system was working fine and all improvements requested had been done. He stated he could not guarantee 100 percent that this would continue to work successfully for the long term. He responded the applicant was willing to deal with problems when they occurred; extensive work had been done which was paid by the applicant entirely.

Councillor Adams stated this individual had been a good corporate neighbor. To this end, he had also complied with the wish of the fire department to install a dry hydrant and questioned where this would be located.

Mr. O'Carroll responded this dry hydrant would be installed on what Mr. Norwood considered to be the Water Supply Lake which was a springfed lake off to the Northeast of Lewis Lake. He stated off Bumpy Lane, there was an access road that

proceeded down to that lake where there would be no problem in getting a fire truck down there or running a hose down.

Councillor Taylor expressed concern with respect to residential development in subdivisions and asked if the School Board had any objections.

Mr. O'Carroll responded almost all of the zoning was R-1 and by having that zone, individuals could come in and apply for a building permit and proceed to build. Mr. O'Carroll stated the problem with the school was expressed in the plan three or four years ago. At that time, in their opinion, the school was already overcrowded and portable classrooms were used there for a number of years. He stated the plan addressed this problem, that it should be monitored and Council should try to persuade the School Board to build a new school there.

Councillor Taylor asked if any applications had been objected to because of this overcrowding.

Mr. O'Carroll responded not for building permits. He stated Halifax County did not have the authority to do that.

Councillor Taylor asked if this original application was rejected on those grounds.

Mr. O'Carroll responded yes, the original application was rejected on those grounds because this was a specific application for a Development Agreement which meant Council was entering as a partner with Mr. Norwood and, therefore, was assuming responsibility along with Mr. Norwood and was accepting by its actions that it would add more of a potential to the school situation.

Deputy Warden Sutherland asked if there had been any correspondence received in support of or in opposition to the application.

Mr. Kelly advised no correspondence had been received.

#### SPEAKERS IN FAVOR

Mr. Blair MacKenna advised he represented Mr. Norwood and Mountainview Mobile Home Park and that he and Mr. Norwood were present to answer any questions Council might have. He stated they were, as well, present on August 12, 1992 for the Planning Advisory Committee meeting at which time the major concern detected was with respect to schools. He stated the matter was well canvassed by all of those present and it was felt it would be unfair or unjust not to allow this development to proceed because of an overcrowded school situation when, in fact, other developments, by right, could proceed. He stated with respect to the playground, it had already been cleared and an application had already been forwarded to the Department of Environment for approval for the beach area. He mentioned the operation of the plant, 15/15 for the sedimentary solids operating at 8 and 8 which was almost half of what was required. He advised independent tests had been done on two occasions in two different months by CBCL, in which case both of those results were 8 and 8.

Mr. MacKenna stated the present plan for the expansion of the park was over a two year period and possibly a longer period given the economic climate. It would certainly not be any earlier than a two year period. According to the calculations they had done with the number of students from the park in relation to the number of units presently there, there would be approximately 10 to 14 students if the correlation of units to the students followed through. He stated this would be over the two year period if it was totally developed within that time. He advised in terms of cost, they had attended many meetings with the Department of Environment and the Department of Health in relation to the operation of the sewage treatment plant. Mr. Norwood had expended for both parks in excess of 1/2 million dollars developing the sewage treatment plant. He

stated at the present time, the flow rate was 30,000 gallons per day and, according to the Engineers assisting with the development, at the present time as it is operating, had the capacity for 90,000 gallons per day. Therefore, it was operating well under capacity. He stated Mr. Norwood, in conjunction with his father, had been operating mobile home parks since 1972 and it was fair to say they had always tried to comply with the requirements of the Municipal, Provincial or Federal Governments. He stated the park was well maintained, they were not absentee landlords - they worked at the park all of the time. He stated they were "hands on" operators involved on a daily basis with the operation. He stated due to the amount of capital expenditure that had gone into the development of the park, in particular the sewage treatment plant, it was difficult to pay the capital cost of operating with the existing number of units within the park. He stated where the units were presently located, they were not adjacent to or near residential areas. He stated, in their view, this would not adversely affect any of the existing developments presently occurring in Lake Echo.

#### QUESTIONS FROM COUNCIL

Councillor Cooper referred to the flow capacity being 90,000 gallons per day and asked if this could be translated into the number of units that the system could handle.

Mr. Blair MacKenna advised there were presently 104 units on the system. There were 290 units altogether which included both parks.

Councillor Cooper asked if Mr. MacKenna was indicating if the ultimate capacity at the moment should be somewhere in the order of 900 units, three times of what was presently there.

Mr. MacKenna responded potentially that could be. He stated they were certainly not applying for that but for 59 units.

Councillor MacDonald questioned the qualifications to get into the park. He questioned if there were all mobile homes there or were lots made available for whoever wanted them.

Mr. MacKenna responded most of the individuals who made application had to apply and be qualified before they were allowed to move their mobile home into the park. Mr. MacKenna stated most of the units going into the park were new mobile mini homes.

#### SPEAKERS IN OPPOSITION

None

#### DECISION OF COUNCIL

Councillor Adams stated the situation and concern with respect to the school was in existence since 1980 and that was an important point.

It was moved by Councillor Adams, seconded by Councillor Cooper:

"THAT the development agreement between the Municipality of the County of Halifax and Mountainview Mobile Home Park Limited to permit the expansion of the existing Mountainview Mobile Home Park situated at Lake Echo by 59 mobile home spaces be approved."

Councillor Cooper stated Council did not often see over the last number of years Development Agreements such as these address the matters that should be addressed with regard to the protection of the Environment and surrounding areas. He stated this seemed to be one of the more complete ones he had seen and it took

into consideration all of the concerns that might be addressed. He stated he hoped this standard would be maintained with other applications such as this that they may see in the future.

MOTION CARRIED.

APPLICATION NUMBER - RA-FEN-22-90-18 - APPLICATION BY ARMOYAN GROUP LIMITED TO REZONE PROPERTY LOCATED ADJACENT TO KINGSWOOD ON THE LAKE SUBDIVISION ON THE HAMMONDS PLAINS ROAD, FROM MR-1 (MIXED RESOURCE) ZONE TO R-6 (RURAL RESIDENTIAL) ZONE IN ORDER TO PERMIT A PROPOSED EXTENSION OF THE SUBDIVISION TO LONG LAKE ON THE BASIS OF LOTS HAVING A MINIMUM LOT AREA OF LESS THAN 80,000 SQUARE FEET

Mr. Kurt Pyle, Planner, advised with this application, three staff reports had been generated. He advised he would start with the initial one for August 12, 1991 and move forward. He advised an application had been received from The Armoyan Group Limited to rezone a portion of its company's properties off Hammonds Plains Road, west of Uplands Park from MR-1 (mixed resource 1) zone to R-6 (rural residential). The purpose of the application was to permit the second phase of Kingswood on the Lake to have lots that had less than 80,000 square feet, which was the minimum lot area required under the MR-1 Zone. He advised the property was situated within the Rural Resource Designation which had been applied to the backlands of the plan areas which were generally undeveloped and without access to the road system. He advised the Rural Resources Designation gave priority to resource uses and resource industrial uses. The property was zoned MR-1, which in addition to resource uses, permitted residential developments on lots of 80,000 square feet or more, in accordance with Policies P-47 and P-121. He advised staff reviewed the proposed development and were of the opinion that the proposed rezoning was premature and inconsistent with the intent of the Rural Resource Designation. He advised Policy P-47B required that proposed rezoning did not negatively affect any existing or potential resource development. In this instance, an application to operate a quarry on the adjacent property had been submitted to the Municipality by Blue Mountain Resources Limited. He advised the application was presently on hold pending the result of an environmental assessment. The establishment of a higher density residential development than was presently permitted would increase the level of land use incompatibility should the quarry be established to the detriment of both the quarry operation and the residents of Kingswood on the Lake. He advised until such time as a final decision on the quarry was made, the approval of the requested rezoning was considered by Staff inconsistent with the intent of the Planning Strategy to give priority to resource development and secondly, to be premature.

He advised the concept plan for Phase 2 did not provide enough information for either the Department of Health or the Department of Environment to make a positive recommendation as required by Policy P-47. Also, the lack of development within Phase 1 of the development made the rezoning of the subject land also premature.

Mr. Pyle advised the Halifax County/Bedford District School Board expressed concern re overcrowding in local schools and stated that it could not accommodate any additional students. He advised the fact that Phase 1 could be developed as of right, a solution to the school problem would not be created with the expansion of the proposed Phase 2. He advised the report concludes that, in the opinion of staff, the rezoning was inconsistent with the intent of the Planning Strategy and could not adequately assess the environmental concerns required under Policy P-47. He advised staff, therefore, recommended rejection of the application.

Mr. Pyle advised in the addendum report dated January 13, 1992, in response to a request by The Armoyan Group Limited after receiving the August 12, 1991 staff report to defer the application until more additional information could be provided to staff, the area to be rezoned was referred to as Phase 2 of Kingswood

on the Lake. He advised the new information provided showed that the phase-in scheme of the development had changed and the area part of this rezoning was now referred to as Phase 4. He advised in the first three phases of Kingswood on the Lake, only Phase 1 had received final endorsement which permitted The Armoyan Group to sell lots and build homes. The remaining phases were at the final, which was Phase 2 and tentative Phase 3, subdivision approval stages which did not permit lots be sold or built upon. With only limited construction activity in Phase 1 at that time, staff were of the opinion that there was little demonstrated need for the development of Phase 4 at this time; therefore, the proposed rezoning was considered premature.

He advised Policy P-47D required a positive recommendation from the Department of Health on the suitability of the site for an on-site sewage disposal system. The new information provided by the developer was on a soil permeability data. He advised the applicant concludes that the site could permit lots less than 80,000 square feet; however, the Department of Health states that soil permeability data is not enough information for them to make a positive recommendation. Therefore, the application was considered also premature based on the lack of information. He advised the issue of rezoning relative to Policy P-47D which made the application inconsistent with the Planning Strategy for the MR-1 Zone (Mixed Resource Designation), no additional information or changes had been made by the applicant so staff's position on this issue has remained the same. He advised the report concluded that the additional information provided still lacked the necessary information re development activity data to change staff's position on the issue of the development being premature. Also, Policy P-47 still was not met; therefore, he advised staff still recommended rejection of the application.

Mr. Pyle advised the second addendum report dated February 17, 1992 intent was to further clarify staff's position on the application and to update the current status of development activity on Kingswood on the Lake as a result of the PAC meeting on January 20, 1992 where the consultant provided additional information on the phasing and development activity within Kingswood on the Lake.

Mr. Pyle advised Phase 2, according to the consultant, had now received final endorsement. Phase 3 had been submitted for final subdivision approval which presently to date had received final subdivision approval, Phase 4 for tentative subdivision approval. As this process went overtime, the phases changed. Phase 4 had now changed into two sections, Phase 4 and Phase 4A. He advised Phase 4 had been submitted for tentative approval while Phase 4A had not. He advised by submitting Phase 4 for tentative subdivision approval, the Department of Health was presently able to give a positive recommendation for that area of the rezoning but not for Phase 4A because no tentative subdivision approval plan was provided to the Planning Department or the Department of Health.

He advised staff visited the site on three occasions, last being January 27, 1992. At that time, only nine homes were completed and only one was under construction. Phase 2, at the time when the site visit was made, only received final approval and now it had received final endorsement. As a result, potential for development activity in Phase 2 was higher as now homes and lots were allowed to be sold.

He advised, in conclusion, the primary concern with the proposed rezoning was that the majority of the area to be rezoned was located within 1/2 mile of an active area for a quarry operation proposed by Blue Mountain Resources Limited and that the approval of the rezoning may prejudiciously affect the application for a Development Agreement made by the developer, the proposed quarry prior to the submission of this application.

He advised according to Policy P-24, which permitted a Development Agreement for the proposed quarry to be considered, a proposed quarry and associated facilities should not be located within one-half mile of a residential (R-1, RR-1, R-2, R-3)

or rural residential (R-6) zone or a mobile home park. If the zoning was approved, then the proposed quarry operation would have to be either rejected by Council or scaled down by approximately 43 acres, which would affect the viability of the proposal.

He advised although staff conceded some aspects of the developer's argument that the proposed rezoning was not premature and the lots being proposed were suitable for on-site sewage disposal systems with lots of less than 80,000 square feet, the main issue continued to be one of incompatibility between the proposed residential development and the quarry operation proposed on the adjacent lot. Given that the basic premise of the Rural Resource designation is to avoid such conflicts, staff could not recommend a rezoning which would lead to additional residential development being established in an area where resource activity was being considered.

#### QUESTIONS FROM COUNCIL

Councillor Giffin questioned the ten homes developed in the area as mentioned. He stated on the latest hand-out of February 17, 1992, it indicated 18 homes were built.

Mr. Pyle advised that information was provided by the developer at his presentation that 18 homes were built. He advised when staff went out on the 27th, only ten were being built.

Councillor Giffin responded there were many more than ten.

Mr. Pyle advised a survey was conducted on February 27, 1992 and, to date, there had been one additional home being built which totalled eleven.

Councillor Brill questioned why the primary concern was the location near the quarry operation. He stated this had only been identified in the third report and asked why it was not identified in the other two reports.

Mr. Pyle responded indirectly it was identified. The policy of the resource designation was to give priority to resource development. The fact that Blue Mountain Resources Limited was not within a resource designation, but in a mixed use designation, resource designation still gave priority to resource development. He stated that was why the third report was drawn up to state exactly what the interpretation was.

Councillor Brill stated the last time they addressed this issue, there were three concerns and the developer met those three concerns. He expressed concern with there now being another concern.

Mr. Pyle stated the active quarry area of Blue Mountain Resources Limited had not changed. He stated the resource designation gave priority to resource development which was Blue Mountain. Requirement to allow Blue Mountain to a quarry was by Development Agreement. He stated one of the policies said that Blue Mountain Resources Limited could not be within one half mile of an R-6 zone and therefore it was inconsistent with the intent of the resource designation.

Councillor Brill questioned if Blue Mountain Resources Limited had started the quarry yet and if not, when did they propose to do so.

Mr. Pyle responded Blue Mountain Resources Limited went through an environmental review. The report by the Environmental Review Committee would be submitted to the Minister on March 13, 1992. Approximately 10-14 days after that, they would hear whether the application was a yes or a no.

Councillor Rankin expressed concern with respect to overcrowded schools. He felt that a lot of projects proposed would be in jeopardy if Halifax County looked

very closely at schools and used that as prime criteria for rejection. He stated surely Mr. Pyle was not saying that there already was incompatibility that Council approved by subdivision.

Mr. Pyle responded as the plan stated, it was the size of the lots decrease in area, the amount of the potential of the incompatibility. This was a judgement made in the plan.

Councillor Boutilier stated he was confused with the timing of the applications if The Armoian Group, approximately 17 months ago, made an application prior to Blue Mountain Resources Limited.

Mr. Pyle responded Blue Mountain Resources Limited submitted their application prior to The Armoian Group submitting their application to the Planning Department.

Councillor Boutilier stated the quarry application had not been approved. He stated it could, in fact, be turned down. He stated he thought applications were looked at based on their merits and that you could not include other things that would preclude or prejudice it. He stated in this case, this seemed to be what was being done. He stated they were saying something else might come along, so Halifax County could not consider this proposal or application by The Armoian Group.

Mr. Pyle responded that was usually the case.

Councillor Boutilier stated if his understanding was correct The Armoian Group's proposal would go through and Kingswood as well, then the quarry would be of some jeopardy because of the site distance from residential development; therefore, it wouldn't be able to happen.

Mr. Pyle responded that it was not that it couldn't happen. He stated either developer would have to scale down his project. If he did not, one of the policies required that it had to be one half mile away from an R-1, RR-1, R-2, R-3 or R-6 zone.

Councillor Boutilier responded knowing some of the concerns individuals had expressed concerning the quarry, it seemed to him that Halifax County was showing that they were giving a preference to a quarry situation when, in fact, residential development was taking a "backseat" to it. He stated he felt that was personally rather perplexing that Halifax County would allow latitude or flexibility for a quarry operation where someone wanted to develop, by right. He felt Halifax County was putting "roadblocks" in front of that.

Mr. Pyle stated the term "potential resource development" opened up Blue Mountain Resources Limited. He stated they could not be excluded from the equation because it was a potential resource development even though it was not a final one. He stated the Policies were written that the rural resource designation gave priority to resource development. That was how the plan was written and that was how they would interpret it not taking sides for Blue Mountain Resources Limited over Mr. Armoian or vice versa.

Deputy Warden Sutherland advised Deputy Mayor Bill Stone entered the Chamber.

Councillor Giffin stated the intent of the plan was never to have a quarry in District 18. He stated he did not want to prejudice a hearing Council may have coming before this Council in dealing with Blue Mountain's quarry. He stated if they got through the environmental assessment that was now before the Minister and it was approved, then it would be coming before this Council for discussion. He stated both the Town of Bedford and the City of Halifax spoke very strongly against this quarry. Every individual who spoke at meetings on the quarry spoke against the quarry operation.

Councillor Ball stated there were three things he would like to point out, two of which were contradictions. He stated sitting at the Planning Advisory Committee and listening to The Armoyan Group make their presentation before the Planning Advisory Committee, he found two inconsistencies. The first was a contradiction or inconsistency in the agreement between Blue Mountain Resources Limited and The Armoyan Group. He stated it was inferred or implied that Blue Mountain Resources Limited was basically in agreement and knew about the proposed development and agreed to the rezoning of the parcel property from what it presently was zoned to an R-6 zone to allow more development. He stated he then looked at a letter circulated to Council from Stewart McKelvey who were Barristers and Solicitors for Blue Mountain Resources Limited and they, in turn, suggested that the only agreement they had with The Armoyan Group was in May of 1991 to point out that any storm runoff coming from the Armoyan development would be permitted on Blue Mountain Resources but in no way, shape or form were they endorsing or supporting rezoning of the property. He stated the second contradiction was when the Armoyan Group presented the number of lots they had sold, tentative approval, built, etc. He stated they left him with the impression that they virtually sold out the development and that Phase 1 was sold out - there were twenty some homes built and so forth. He stated staff says that the last time they went out, there were eleven homes under construction. He stated that was a big contradiction.

Councillor Richards stated he felt a point of order was necessary. He stated questions to staff were specifically to be asked with respect to the report. He stated if they wished to get into debate with respect to the proposal, he felt that should come at a later point in the agenda after they had heard from members of the public. He stated he was not prepared to debate the issue at this point. He stated he was present to listen and hear to make a decision at a later point and time. He stated he would ask Council Members to adhere to that policy.

Councillor Ball stated he was trying to receive clarification. He stated he wanted to know how many houses were being built. He asked if Staff observed eleven.

Mr. Pyle responded yes, staff observed eleven houses to date.

Councillor Ball asked if Mr. Pyle had any knowledge of an agreement between The Armoyan Group and Blue Mountain Resources.

Mr. Pyle stated they did have knowledge of this agreement.

Councillor Ball asked if this agreement was reflected in the letter that was circulated at this session.

Mr. Pyle responded they never received a copy of the agreement.

Councillor Ball questioned the knowledge of the agreement that Mr. Pyle had between Blue Mountain Resources and The Armoyan Group.

Mr. Pyle responded the only knowledge they had of the agreement between Blue Mountain Resources Limited and The Armoyan Group was with respect to the drainage.

Councillor Ball questioned if Mr. Pyle felt at the Planning Advisory Committee meeting that Blue Mountain Resources were in agreement with The Armoyan Group's proposal of rezoning.

Mr. Pyle responded as referred to by the consultant at the Planning Advisory Committee meeting, he did feel Blue Mountain Resources Limited were in agreement with The Armoyan Group's proposal of rezoning.

Deputy Warden Sutherland questioned if there was an agreement existing between Blue Mountain Resources Limited and The Armoyan Group, he asked Mr. Dickson if he would comment with respect to this matter.

Councillor Ball stated he was trying to clarify an issue that he felt was very important; he was trying to find out if what was reflected in the letter provided and what was inferred at the Planning Advisory Committee meeting was not the same.

Councillor Merrigan stated they were talking about a quarry being built. They did not want a prejudiced County's position as to whether they could support that quarry down the road. He expressed concern with reducing the lot sizes of this development from 80,000 square feet down to what the Department of Health would allow. He asked if this was what the application was all about.

Mr. Pyle responded that was correct, that the application was with respect to the lot sizes.

Councillor Merrigan stated he did not understand what was trying to be indicated.

Mr. Pyle responded the quarry had to be 1/2 mile from any piece of property that was zoned R-1, RR-1, R-2, R-3 or R-6 or in a mobile home park. It was not that the residential properties would have to move, but that Blue Mountain Resources Limited would.

Councillor Merrigan expressed concern with respect to building houses on 80,000 square foot lots and that there was no protection for those houses from any such thing as a quarry per distance. He questioned the distance requirements with respect to this quarry and those homes in the area.

Mr. Pyle responded the Nova Scotia Pits & Quarries Guidelines has a requirement that the active quarry site has to be 1/2 mile from a residential zoned property. Unfortunately, it was being interpreted by the Environmental Control Committee what was meant by that interpretation in terms of residential proportion. He reiterated according to their plans, a quarry could not be within 1/2 mile of an R-1, RR-1, R-2, R-3 or R-6 zone. He stated Halifax County's guidelines were very specific in terms of what zones quarries could not be next to where the Pits and Quarries Guidelines were not that specific.

Councillor Merrigan questioned how far distant did a quarry have to be built from a subdivision.

Mr. Pyle responded a quarry had to be built according to the minimum requirements in the Development Agreement.

Councillor Merrigan referred to the regulations with regard to Pit and Quarry Guidelines mentioned earlier.

Mr. Pyle responded it was only a guideline, not a regulation. He stated that the final decision was up to the Minister of Environment, and that it could be flexed however desired. The Minister was to make a decision sometime in March.

Councillor Merrigan questioned Halifax County's guidelines with respect to pits and quarries.

Mr. Pyle responded Halifax County had a guideline for quarries. Quarries have to be 1/2 mile from any R-1, RR-1, R-2, R-3 or R-6 zone or mobile home park.

Councillor Merrigan asked if this developer could develop these 80,000 square foot lots.

Mr. Pyle responded the developer could develop these 80,000 square foot lots if he submitted the plans.

Councillor Merrigan stated that would, therefore, be a residential area.

Mr. Pyle stated he understood what Councillor Merrigan was indicating but Halifax County policies indicated that this was with regard to only those residential areas that were zoned R-1, RR-1, R-2, R-3 or R-6 and mobile home parks.

Deputy Warden Sutherland suggested that Council keep their remarks pertaining to the application being dealt with.

Councillor Taylor stated he was under the same impression as Councillor Ball with respect to this agreement between Blue Mountain Resources Limited and The Armoyan Group. He stated he was led to believe one thing at the Planning Advisory Committee meeting and now was hearing an entirely different thing.

Deputy Warden Sutherland asked if there had been any correspondence received either in favor or opposed to this application.

Mr. Kelly advised two items of correspondence were received today with respect to this application. One item was dated February 21, 1992 to Members of Council from Stephen L. Wallace, the firm of Wallace MacDonald and Lively Limited. He advised the second letter was from Robert G. Grant, addressed to Warden & Members of Council dated February 24, 1992. Both items of correspondence had been circulated to Council members. He advised he had just been handed an item of correspondence dated February 24, 1992 in conjunction with the application by The Armoyan Group Limited signed by R. J. Clinger, P.Eng.

#### SPEAKERS IN FAVOR

Ms. Chris Gerrior wished to speak in favor of the application. She stated she wished to speak of job generations resulting from The Armoyan Group's Development in 1991/1992. She stated in speaking briefly with Dexter Construction Company Limited, a general idea of the direct jobs generated over the past year by The Armoyan Group Limited could be summarized. She stated considering the Dexter work crews alone, job generation could be broken down according to the following various trades: Grading and drivers - eight men, Survey Crew - two men, Pipe Crew - seven men, Gravel Crew - 5 men, Curb and Sidewalk Crew - Seven Men, stabilization - ten men, Paving Crew - eight men, not to mention the landscapers. She advised over the course of the project, there would be an additional 15 to 20 individuals involved in the development process with Dexter Construction Company alone. These figures did not consider the builders and contractors who were dealing with the construction of individual homes on the site. She advised there was also no allowance for direct employment benefit to the suppliers of materials such as gyproc, wood, electrical, plumbing supplies, cement, windows and other hardware involved in the construction industry. This also did not take into consideration the additional work that involved Halifax County Municipality, the Nova Scotia Department of Environment, Nova Scotia Department of Health, Maritime Tel & Tel Line Crews, Nova Scotia Power Corporation Line Crews and any number of other spin-off trades and sub-trades of the industry. She stated as an example, gas and diesel fuel purchases for heavy equipment were increased and financial institutions were busier. She also mentioned the work of real estate agents who actively promoted the subdivision through advertising in both the local newspapers, Halifax Herald and the Daily News. She stated it was no exaggeration to say the work generated by The Armoyan Group's contribution to the economy could well run into millions of dollars in a direct and indirect sense. Figures for Kingswood on the Lake Subdivision were basically similar to those of Armcrest. She stated this resulted in the employment of 60 individuals on a more or less continuing basis during the development of this subdivision. Spin off work generated would be similar to that of Armcrest as well. She stated extra work was made for individuals such

as Barrett Enterprises who could not access areas for logging without their road system installed in the development of the property. Even the Public Hearings generated by the various applications submitted had generated much more work for Planners, surveyors, consultants and architects. She stated work generated stemmed from the sale of several lots to builders who were financed partially by The Armoyan Group and also for the partial clearing for road building purposes of the next phases of the subdivision. Dexter Construction used ten men for this job and worked approximately one month to accomplish the work. Again, surveyors and other contractors benefited by their involvement in the economy as well. She stated there was one very real benefit to the general state of the economy which had not yet been mentioned. As well as over 160 actual jobs and the spin off employment mentioned earlier, this was the time to stimulate. She stated activity had been created among other developers. People who had not been motivated to develop because of the poor economic climate have begun to reconsider their positions and do some tentative developing because of their successes even in hard times. In a recession economy such as this one, every stimulus to create employment could contribute to the economic turnaround which she felt was desperately needed in this region. She advised The Armoyan Group should be permitted, if not encouraged, to continue to develop their properties, Kingswood on the Lake and others in the same manner and fashion demonstrated in the past and to continue to contribute in the same stimulating fashion to the quality of life in this area. She stated to stifle the development by unreasonable posturing and lack of foresight, ultimately, the County's tax base and the whole local economy would suffer. She said she could tell Council that in Phase 1, 27 out of 29 lots were either under agreement of sale or built on. She stated she believed there was somewhere between ten homes built there at present with individuals either living in them or getting prepared to live in them. She stated she thought there was another 17 waiting to start. A lot of holdbacks was with regard to the weather, economy, interest rates, etc. She stated individuals were in desperate need of jobs. She stated growth such as this was needed in their economy, which would create many, many jobs. She stated in Phase 2, there were 20 lots sold or under agreement of purchase of sale. She stated they considered them sold and the developer did when an individual wrote an offer subject to the final approvals in getting a building permit. She advised in Phase 3, there were 11 lots individuals would like to purchase, out of 33 but final approvals were not granted as yet.

She stated as mentioned earlier, it was very important that jobs be created. She stated there was employment for the contractors, sub-trades, electricians, plumbers, painters, carpenters, gyprocers, tapers, carpet layers, appraisers, insurance, financial industries, flooring, window and doors, siding companies, newspapers, photos, sign companies and there was work for other individuals who did not have skills or papers such as individuals required to clear the land. She stated surveyors, printing companies, realtors and even the grocery store in the area would benefit from this development once individuals moved in. There was a great tax base that came from this type of development, deed transfer tax, taxes on the houses as lots were sold, as the contractors build there was more deed transfer tax put on. She then mentioned the work created with respect to pavement, driveways, roads. She stated there were many things that would benefit by approving this zoning and requested that Council consider this very seriously.

#### QUESTIONS FROM COUNCIL

Councillor Bates referred to figures quoted related to Dexter Construction. He questioned if Dexter Construction was owned by Municipal Contracting or if they had a similar ownership.

Ms. Gerrior responded they had a similar ownership. She stated they had completed a great deal of work.

Councillor Bates asked if they were large quarry operators.

Ms. Gerrior responded she believed they were large quarry operators.

Councillor Ball asked if Ms. Gerrior was an employee of The Armoyan Group.

Ms. Gerrior responded that she was not an employee of The Armoyan Group - she was Vice President of Home Life Pat King Real Estate and that they marketed the property. She advised she had agents in the office that had listings on the property.

Councillor Ball questioned even though Ms. Gerrior was not an employee of The Armoyan Group, if there was a financial stake for her company.

Ms. Gerrior responded there was definitely a financial stake.

Councillor Ball stated according to the staff report and the Planning Advisory Committee meeting that took place a few weeks ago, it was indicated that there were 18 homes built. Councillor Ball asked if Ms. Gerrior was agreeing with the Municipality's Staff person who suggested that there were 11 homes under construction or built.

Ms. Gerrior advised she was not at that meeting. She advised a developer considered the properties as being sold or startups as soon as lots were cleared or agreements to purchase drawn up.

Councillor Ball stated it was very specific at the Planning Advisory Committee meeting that there were 18 homes either built or under current construction. He questioned if Ms. Gerrior concurred with Mr. Pyle from staff that there were 11 homes built or under construction.

Ms. Gerrior responded she did not go out there and count the homes. She did indicate in Phase 1, there were ten homes and she believed there was one started in Phase 2; however, there were 17 starts in Phase 1 where individuals were waiting for the weather.

Deputy Warden Sutherland stated he did not know what point Councillor Ball was trying to make.

Councillor Ball stated he had one question in conjunction with the real estate company. He questioned if when properties were sold, did realtors stipulate the fact that the lot could be sold but individuals were made to understand that there was an environmental assessment taking place for the potential of a rock quarry located on the adjacent parcel of land.

Ms. Gerrior responded the purchasers were very much aware of this.

Councillor Ball asked if that was recorded with the Registrar of Deeds when the lawyer proceeded to search the deed to the property. He questioned if there was a note made to that extent.

Ms. Gerrior stated to her knowledge she was 90 percent sure there was a note made to that extent.

Councillor Taylor questioned if Ms. Gerrior indicated that Dexter Construction owned Rocky Lake Quarry.

Ms. Gerrior stated Dexter Construction did own Rocky Lake Quarry.

Councillor Taylor questioned, if further to that, Dexter Construction did most of The Armoyan Group's subgrading, as well as gravel and pavement.

Ms. Gerrior responded that Dexter Construction did do most of The Armoyan Group's subgrading, gravel and pavement.

SPEAKERS IN FAVOR

Ms. Betsy Vanhelvoort, Coordinating Chairperson of the Black Duck Committee, wished in a general sense to support the application but advised the Committee was not familiar with the specifics of this particular application. She stated she was definitely in support of residential and recreational use in that area. She stated the Black Duck Committee began three years ago as a group of approximately 20 residential and recreational groups that included residential groups in the City of Halifax, County of Halifax including Hammonds Plains and Uplands Park, and the residential associations in Bedford as well as a number of other recreational groups. She stated if Halifax County required those specific names, they would certainly be provided. She advised this Committee had worked in conjunction with various Municipalities and with the Province related to the Blue Mountain Resources proposed quarry in the Kearney Lake area. She stated the Committee opposed a quarry in this area, on the basis that they felt it would interrupt and destroy the quality of life of residents and recreational users in the area. She stated they felt very strongly that those parts of the Planning Act encouraged inter-municipal land use compatibility, particularly related to this issue. She stated this land abutted both the City of Halifax and the Town of Bedford, and that the watersheds were of great importance to all of them. She stated the Committee would like to have them protected regardless of what the proposal was. She stated they also felt that this particular proposal was compatible with the residential use of families that lived there and have lived there for many generations. She felt residential use was clearly established in this area as was recreational use. She stated, the Committee, would like Halifax County to have on record the Committee's support and encouragement of compatible inter-municipal land use as it pertained to residential and recreational use. The Committee felt the type of resource industrial use that had been proposed was incompatible with the other two Municipalities and with the surrounding residents and recreational use within Halifax County. She felt if Halifax County wished to look into this further, either related to the Committee as a group or would like to follow the proceeds of the Environmental Control Council Hearing, there were over 55 submissions including Uplands Park and the residents along Hammonds Plains Road who very clearly stated their objection to that proposal and to that type of land use in the area.

QUESTIONS FROM COUNCIL

Councillor Ball asked if Ms. Vanhelvoort felt if Halifax County endorsed the proposal tonight for The Armoyan Group that it would be another piece of ammunition to put the proposed rock quarry to the side.

Ms. Vanhelvoort stated she did not feel she could really respond to that as this was Council's decision. She was indicating that she wished to be placed on record both provincially and municipally, as being opposed to the proposed quarry. She stated the Committee would like the Municipality to oppose the particular proposed quarry as it was felt this was incompatible. She stated they were present to support compatible land use for the residents in the area and for the recreational users in metro.

Councillor Ball stated he wanted reflected in the record that if and because Council endorsed this proposal, that it did not prejudice the fact that Council may endorse another proposal such as a rock quarry one year and a half to two years down the road.

Ms. Vanhelvoort responded that was Council's decision.

Councillor Ball stated he understood that but he wanted this understood publicly that Council would still have that option.

SPEAKERS IN FAVOR

Mr. Ron Kelly, Resident of Uplands Park, indicated he had been a resident for 26 years and was present in support of the request for the rezoning of the lands of The Armoyan Group from Rural Mixed Resource to Residential designation. He stated he would like to comment on the reason given by the Planning Department in their recommendation to reject the application. He stated on February 12, 1992, there was an article in the Daily News headed "Subdivision Growth Could Harm Quarry". He stated he only wished that the Planning Department would show the same concern for the several subdivisions in the area, the heading might then read "Quarry would Harm Subdivisions". He advised in November of 1991, there was a Public Hearing held by the Nova Scotia Environmental Review Board with respect to the proposed quarry. It was the longest and had the most submissions from individuals and groups opposing the quarry of any similar hearing. He felt this was a very strong indication of the feelings of the residents of Halifax County, Bedford and the Kearney Lake Road area. He stated the Environmental Study prepared for Blue Mountain Resources Limited contained many inaccurate, inadequate and unsubstantiated statements. He stated he was sure if the Minister of the Environment made his decision on the facts, there would be no quarry on this site. He stated in support of the request for the rezoning, it was his opinion, and that of others he had talked to that the more residential zoned land in the area, the better. He stated the land was currently zoned mixed resources which from his understanding, could allow anything from a stone quarry to a single family dwelling. He felt if the owner of this land was prepared to restrict its use to residential only, then this would aid the planning of the area and the land use was predetermined and limited to residential only. With regard to concern with respect to school overcrowding, this appeared to him to be a problem in all populated areas of Halifax County. He felt the area under discussion being pretty much the boundary adjoining Bedford and Halifax was to be expected to attract substantial growth. He stated as far back as the late 1970's and early 1980's, when he was a Member of the Board of Trustees for the Hammonds Plains School, they were aware at that time that this school was in an area of expected high growth and would require substantial upgrading. He advised because of the vast amount of land which was zoned M-1, MR-1 or MU-1, it made it very difficult to do proper planning.

He stated in closing, he would like to invite those individuals who were not familiar with the area to drive through Uplands Park and Kingswood. He stated both were nice pleasant places to live and raise families. He stated neither subdivision would be complimented by most occupancies provided by MR zoning.

#### QUESTIONS FROM COUNCIL

None.

Deputy Warden Sutherland requested the Solicitor, Mr. Allan Dickson, to briefly address as to whether or not there was some liability in reference to Halifax County dealing with this particular application at this particular time.

Mr. Allan Dickson, Solicitor, responded Council was to consider this application on its merits without reference to the specific other application which was pending. He stated he would refer Council to Policy P-47 of the Municipal Planning Strategy which listed the factors which Council should take into consideration in making a decision here tonight. He stated as Mr. Pyle pointed out earlier, as far as a quarry was concerned, the Policy provided that Council could look at the effect of the proposed development on existing and potential resource development.

#### SPEAKERS IN FAVOR

Mr. Stephen Wallace of Wallace MacDonald & Lively Consulting Engineering and Land Surveying Firm, Bedford, retained by The Armoyan Group to provide some consulting services wished to speak in favor relative to this rezoning application.