

MOTION CARRIED

The Committee would consist of the following councillors:

Councillor Peters
Councillor Brill
Councillor Reid
Councillor Mitchell
Councillor Hendsbee
Councillor Cooper

REGIONAL LIBRARIES FUNDING FORMULA

Mayor Lichter said he received a letter from the Minister of Education asking him for a written statement to be submitted to Marianne Pape, Provincial Librarian, by March 21 concerning the library funding formula. He said it was passed on to the regional library director who has prepared a response for council to adopt as the response to the province.

Councillor Harvey said this document outlines many reasons for concerns about the proposed formula. He said in its worst case scenario puts Halifax County at a bad disadvantage and does not recognize growth or population etc.

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

"THAT COUNCIL ADOPT THE LIBRARY BOARD RECOMMENDATION AS HALIFAX COUNTYS POSITION ON THE FUNDING FORMULA AND REPORT ACKNOWLEDGING THERE ARE MANY OTHER ASPECTS OF THE REPORT WHICH BEAR ATTENTION BUT AT THIS PARTICULAR POINT IN TIME IT IS ESSENTIAL THAT THE FUNDING FORMULA INADEQUACIES BE ADDRESSED"

MOTION CARRIED

ARCTIC TRADER - COUNCILLOR SMILEY

Councillor Smiley said this boat sunk and is in the centre of the community where the bridge spans the harbour. The community has made a decision that they want it removed. She said she has been told that there are surveys being done to see whether or not it was a harm to navigation and at that time they would make a determination on whether or not it would be removed. She said a diving unit has been down to look at the boat and it is her understanding that if it is less than six feet under, it could be determined to be a navigation hazard. She said at low tide it was only three feet under water which makes it a hazard to navigation. She said a lot of the oil had been pumped out but there is some bunker sea seeping out and washing up on shore. She said the community has requested a letter be written to the

Minister of Fisheries the Honourable Brian Tobin asking that he immediately step in and remove this navigational hazard from the East River Harbour.

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

"THAT A LETTER BE WRITTEN TO THE HONOURABLE BRIAN TOBIN, MINISTER OF FISHERIES, WITH A COPY TO LLOYD HENDERSON OF HARBOURS AND PORTS AND TO THE MP AND MLA, REQUESTING THE REMOVAL OF THE BOAT"

MOTION CARRIED

BY-LAW #40, 41 AND 42 - COUNCILLOR RANDALL

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

"THAT NOTICE OF MOTION BE GIVEN FOR FIRST READING AT THE NEXT COUNCIL SESSION TO INCLUDE THAT PORTION OF THE COMMUNITY OF PORTERS THAT LIES WITHIN DISTRICT #9"

MOTION CARRIED

COLLECTION OF HAZARDOUS MATERIAL - COUNCILLOR RANDALL

Councillor Randall said he had received a memo from the Mayor's office regarding special collection days. He asked if this was in reference to hazardous materials. He said the memo deals with special household collection days and also a recycling program. He said the memo lists eight locations where materials will be picked up.

Mayor Lichter said this is the hazardous waste collection and the one that would affect Councillor Randall's area is the Middle Musquodoboit depot.

Councillor Hendsbee said he would like to see a depot established somewhere between Lake Echo and Preston to Musquodoboit Harbour. He said he would like to request that Metro Authority add another site to the list if possible.

Councillor Cooper said there is a limitation on the number of vehicles. He said he would like to request that the county representatives on Metro Authority try to seek some means by which, if the number of vehicles they are prepared to allow is going to exceed that total, they can arrange an interim place so that everyone can be accommodated.

Mayor Lichter said the household hazardous waste collection day is not a cheap proposition. He said that kind of a day was selected because the deadline of setting up a temporary one depot

was not able to be met. He said this was because of the rezonings that were required. He said if council is telling him that the permanent depot to be set up in Dartmouth is not going to serve any purpose because people are not going to bring in their hazardous waste, then money will be wasted. He said there are presently eight different days but not necessarily eight different locations. He said the depots have to be special with trained staff that can really handle and know what to do with hazardous chemicals.

Councillor Cooper asked if Metro Authority has a plan to having a central depot where there may be satellite or mobile teams that could bring material from outside the community. He said maybe Metro Authority should be looking at setting up a mobile service where things could be collected and brought in to the central depot rather than having people transport.

CN RAIL - COUNCILLOR PETERS

Councillor Peters said in 1989 the private crossing for CN Rail that access between highway #2 and Church Street was closed according to the rules and regulations of the time. That has virtually shut off the second access to a large area of Wellington and that area such as Grand Lake Village, Kings Road, Sunnylea Road, Church Street and all those in between. When contacted, CN acknowledged the fact that by closing that they have now made it that there is only one exit point from the area and they advised that whoever wishes to upgrade that crossing could do it at an expense of \$120,000+. She said there has been discussions through the ratepayers association and the local MLA and they don't seem to be budging on it. She said she is suggesting council send a letter to CN Rail asking that an emergency access, over that private crossing, be designated. If it is required that it be gated that be done perhaps with the keys or crash gate facilities being designated with the local fire department.

It was moved by Councillor Peters, seconded by Councillor Hendsbee:

"THAT A LETTER BE WRITTEN TO CN ASKING FOR AN EMERGENCY ACCESS ACROSS THAT RAIL TO ACCESS HIGHWAY #2 AND CHURCH STREET AND THAT CN OFFICIALS MEET WITH THE WELLINGTON FIRE DEPARTMENT CHIEF, ED BUTLER AND MR. BERNIE TURPIN TO FACILITATE THIS"

MOTION CARRIEDTRANSPORTATION - COUNCILLOR MERRIGAN

Councillor Merrigan asked when the J streets are taken over by the municipalities in April of 1995 what happens to the fifteen

year program of paving streets in the municipality and in the province.

Mayor Lichter said a list of all class J streets was received on Monday. He said the engineering staff is going to look at what can be done. He said any of those roads that haven't been paved, which are fifteen year roads, are going to be the responsibility of the municipality because the province did not agree to having a basic standard established to which the province would bring all those roads before the county takes them over.

Councillor Merrigan said these subdivision streets are going to be downloaded in April, 1995. He said he has a concern that they will not be spending any money on these streets this year. He asked if the municipality has any ability to know what is going on and if there had been discussions with them on this.

Mayor Lichter said the Minister of Municipal Affairs is going to be at the municipality to discuss with council the service exchange.

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

'THAT A LETTER BE WRITTEN TO THE MINISTER OF TRANSPORTATION, WITH A COPY TO THE MLA, REQUESTING THAT UNDER THE FIFTEEN YEAR PROGRAM, THE MINISTER, PAVE GALLOWAY ROAD, BIRCH ROAD AND DAVIS DRIVE. FURTHER THAT THE MINISTER BE ASKED WHEN DO THEY EXPECT TO PUT THE PIECE OF SIDEWALK, WHICH THEY PROMISED TWO YEARS AGO, FROM KINSAC CORNER TO BALLFIELD"

MOTION CARRIED

DEPARTMENT OF FISHERIES - COUNCILLOR FRALICK

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

"THAT A LETTER BE WRITTEN TO THE FEDERAL MINISTER OF FISHERIES, THE LOCAL MP, THE PREMIER OF THE PROVINCE AND THE PRIME MINISTER OF CANADA, ASKING FOR A REPORT ON THE HERRING STOCKS IN THE PROVINCE OF NOVA SCOTIA"

MOTION CARRIED

UPDATE ON SENIORS HOUSING, DISTRICT 4 - COUNCILLOR MITCHELL

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

"THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF HOUSING AND CONSUMER AFFAIRS, WITH A COPY TO THE MLA, REQUESTING THAT THE DEPARTMENT CONDUCT A NEED AND DEMAND SURVEY TO DETERMINE THE NEED TO CONSTRUCT A 10 UNIT SENIOR CITIZEN'S APARTMENT PROJECT IN DISTRICT #4, MORE PARTICULARLY IN THE VILLAGE OF SHAD BAY, WHERE THE DEPARTMENT PRESENTLY OWNS PROPERTY AND SHOULD THE NEED EXIST, REQUEST THAT THE DEPARTMENT PROCEED WITH THE NECESSARY STEPS TOWARDS SECURING FUNDING AND EVENTUAL CONSTRUCTION OF THE PROJECT"

MOTION CARRIED

URGENT AGENDA ITEMS

Metro Policing - Councillor Deveaux

Councillor Deveaux said this was in reference to a proposed study being carried out by Municipal Affairs regarding municipal policing. He said he was under the understanding that this was going to include part of the county or the urban areas.

Mayor Lichter said it was for the three existing police forces and not the RCMP.

Mr. Meech said when commissioner Hayward had examined the regionalization of policing he had suggested that it be done in phases such as merging the municipal police forces initially and at some future date, look at broadening that.

Councillor Hendsbee said he would like to go on record for thanking the mayor and the metro authority for passing the motion to de list East Lake, site H from the environmental assessment and hearing.

Landfill Site - Councillor Deveaux

Councillor Deveaux asked if there were any steps being taken to expropriate the land in the Mayor's district for a landfill site.

Mayor Lichter said no there were no steps being taken and no steps would be taken until it is known whether or not there will be incineration. He said the people have voted in favour of locating a landfill site there having been promised that it will be incinerator ash and non combustibles that will go to that landfill site. He said there is no decision on whether there will be an incinerator or not. He said he has informed the residents not to agree to anything until after it is known. He said the minister will not be in the position to make a decision until the end of July.

Councillor Deveaux said perhaps it could be expropriated and used

as a landfill site to meet some kind of deadline before the first of July.

Mayor Lichter said according to the experts it takes approximately a year and a half to two years to actually build and develop the landfill. It also takes at least half a year to a year to have an environmental assessment done.

Mr. Crooks said the lengthy part of the process of expropriation is the compensation process. The taking of the land is fairly expeditiously done.

Council held general discussion on the landfill issue.

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

"THAT A COMMITTEE OF THE WHOLE BE HELD DEALING WITH THE LANDFILL ISSUE"

MOTION CARRIED

PCB Contract

Mayor Lichter said Councillor Peters wrote to the environmental protection branch of the federal government indicating that a consulting company would be required at \$7,000. He said he received the answer indicating that they agree to this and they want him to sign a letter indicating agreement. He said he wanted to make sure he had councils authorization to sign this letter. He read the letter to council.

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

"THAT MAYOR LICHTER BE AUTHORIZED TO SIGN THE LETTER, DATED MARCH 14, 1994, FROM F. COLIN DUERDEN, CHAIRMAN, ATLANTIC REGION PCB DESTRUCTION PROGRAM WORKING COMMITTEE"

MOTION CARRIED

Department of Transportation - Councillor Smiley

Councillor Smiley said they have a serious situation at the intersection of Purcell's Road and Number 7 highway. She said there is a very dangerous curve.

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

'THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION ASKING THAT THE SPEED LIMIT, AT THAT

INTERSECTION, BE REDUCED AND ALSO THAT THE PLACEMENT OF A CHILDREN AT PLAY SIGN BE ERECTED"

MOTION CARRIEDADDITION OF ITEMS TO THE APRIL 5, 1994 COUNCIL SESSION

DOT - Councillor Rankin
Arctic Trader - Councillor Smiley
DOT - Councillor Randall
Beaverbank Servicing - Councillor Merrigan

DECEMBER 14, 1993 DISCUSSION PAPER RESPONSE TO PROVINCIAL MUNICIPAL SERVICE EXCHANGE

Mayor Lichter said council will be meeting with the minister of municipal affairs on the 21st of March. He said when details of the reform package became available he sat down with Mr. Meech and Mr. McLellan to discuss the issue and they have reached a joint conclusion that Halifax County can't simply say to the province that this is no good, instead there should be a recommendation. The province has excluded education and a few other items. He said Mr. Meech and Mr. McLellan has included all of that and if commercial assessment is considered in determining the ability to pay then it has to be considered for the entire package. He said the schedules that are attached include Halifax County's proposal and their proposal. He asked council to study the paper and if they have any questions to contact either Mr. Meech or Mr. McLellan before the meeting on March 21.

Councillor Harvey asked if the report was based on the fact that education and libraries would be totally a provincial responsibility.

Mayor Lichter said in this total service exchange education would be factored in. He said right now there is a \$0.37 mandatory cost per \$100 equalized assessment. The province has the right, at any time, to adjust that \$0.37 figure to whatever they want. He said this means there is a door left open for downloading even after service exchange. What Halifax County is saying to them is that in order to get the education, the library and all the other expenses in there and assigned to a certain party, and still make it revenue neutral, it has to be in there.

Mr. McLellan said a finalized copy of the report would be sent to the Minister in advance of her meeting with Halifax County council.

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

"THAT A COMMITTEE OF THE WHOLE BE HELD ON MONDAY, MARCH 21, 1994 AT 4:30 P.M."

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Merrigan:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

COMMITTEE OF THE WHOLE

March 2, 1994

PRESENT WERE: Mayor Lichter
Councillor Meade
Councillor Fralick
Councillor Mitchell
Councillor Ball
Councillor Deveaux
Councillor Hendsbee
Councillor Randall
Councillor Reid
Councillor Peters
Councillor Snow
Councillor Barnet
Councillor Boutilier
Councillor Sutherland
Councillor Turner
Councillor Cooper

ALSO PRESENT: Dale Reinhardt, Acting Municipal Clerk
Julia Horncastle, Recording Secretary

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The meeting was called to order at 3:30 p.m.

ECONOMIC DEVELOPMENT

Mr. Ray Roberts and Mr. Bill Pardy made a presentation to council with regards to economic development in Halifax County.

Mayor Lichter said that what will have to be done is to have a recommendation as to what kind of policy framework is needed to assist all the agencies that are out there to be able to tap the community resources that are in existence.

ENGINEERING DEPARTMENT - SUBDIVISION APPROVAL PROCESS

Mr. Holt of Doane Raymond made a presentation to council. The report was referred to the Executive Committee.

The meeting adjourned at 6:30 p.m.

PUBLIC HEARING

March 7, 1994

PRESENT WERE: Mayor Lichter
Councillor Fralick
Councillor Mitchell
Councillor Deveaux
Deputy Mayor Bates
Councillor Hendsbee
Councillor Randall
Councillor Smiley
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Snow
Councillor Boutilier
Councillor Sutherland
Councillor Turner
Councillor McInroy
Councillor Cooper

ALSO PRESENT: Dale Reinhardt, Acting Municipal Clerk
Julia Horncastle, Recording Secretary

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The meeting was called to order at 6:00 p.m.

PUBLIC HEARING - DEFERRED FROM FEBRUARY 7, 1994

RA-24-20-92-11 - APPLICATION BY MICHAEL FURLONG TO ZONE A PORTION OF THE LAND OF WAYNE MORRISEY SITUATED ON THE NORTH SIDE OF HIGHWAY NO. 7 AND IMMEDIATELY TO THE WEST OF THE QUODDY RIVER, TO SD (SALVAGE YARD AND DUMP) ZONE; AND

ZA-24-21-92-11 - APPLICATION BY THE MUNICIPALITY TO AMEND THE PROVISIONS FOR SALVAGE YARDS UNDER ZONING BY-LAW NO. 24. THE AMENDMENTS WOULD REQUIRE SALVAGE YARD OPERATIONS, INCLUDING ALL BUILDINGS, STRUCTURES AND USE OF LAND FOR STORAGE, TO MAINTAIN A MINIMUM SETBACK OF 100 FEET FROM A WATERCOURSE.

Mayor Lichter asked planning staff if the legal aspects of this deferral request had been checked out.

Mr. Kurt Pyle said this had been checked and it can be deferred.

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

"THAT THE PUBLIC HEARING BE DEFERRED TO MARCH 28, 1994"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Peters:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

COMMITTEE OF THE WHOLE

March 7, 1994

PRESENT WERE: Mayor Lichter
Councillor Fralick
Councillor Mitchell
Councillor Deveaux
Deputy Mayor Bates
Councillor Hendsbee
Councillor Randall
Councillor Smiley
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Snow
Councillor Boutilier
Councillor Sutherland
Councillor Turner
Councillor McInroy
Councillor Cooper

ALSO PRESENT: Dale Reinhardt, Acting Municipal Clerk
Julia Horncastle, Recording Secretary

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The meeting was called to order at 6:00 p.m.

HALIFAX DARTMOUTH PORT DEVELOPMENT COMMISSION

A presentation was made to council by Mr. Bruce Evans, Mr. John Gratwick and Mr. Victor Bain of the Port Development Commission. Mr. Gratwick spoke to council and outlined what the Port Development Commission is and what its basic purpose is. He also spoke on the current issues of importance to the Port of Halifax. Mr. Bain spoke to council on Commission activities and the economic impacts of those activities.

Mayor Lichter thanked the representatives for attending and making their presentation to council.

FRIENDS OF MCNABS ISLAND SOCIETY

Mr. Alan Jean-Joyce made a presentation to council. He said the society feels the island should be turned into a regional park and have been fighting towards the industrialization of the island with the proposed sewage treatment plant at Ives Cove.

Mayor Lichter thanked Mr. Jean-Joyce for his presentation and suggested that if he wanted some action out of council he could communicate with him or one of the councillors, in writing, as to the type of motion he would like.

COLE HARBOUR PLACE COMMON CHARGES

Council agreed to defer the issue to future meeting.

ADJOURNMENT

It was moved by Councillor Peters:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

March 14, 1994

PRESENT WERE: Mayor Lichter
Councillor Rankin
Councillor Fralick
Councillor Deveaux
Councillor Hendsbee
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Barnet
Councillor Harvey
Councillor Sutherland
Councillor Turner
Councillor McInroy
Councillor Cooper

ALSO PRESENT: Dale Reinhardt, Acting Municipal Clerk
Fred Crooks, Municipal Solicitor
Julia Horncastle, Recording Secretary

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The meeting was called to order at 6:00 p.m.

ZA-F&S-13-93 - APPLICATION BY THE MUNICIPALITY TO AMEND THE
REQUIREMENTS OF THE LAND USE BY-LAW FOR PLANNING DISTRICTS 14 AND
17 SO AS TO PRECLUDE HOME BUSINESS USES ON PROPERTIES ACCESSED BY
PRIVATE RIGHT-OF-WAYS; AND

ZA-F&S-01-94 - APPLICATION BY THE MUNICIPALITY TO AMEND THE
PROVISIONS FOR EXISTING INDUSTRIAL AND COMMERCIAL USES UNDER THE
LAND USE BY-LAW FOR PLANNING DISTRICTS 14 AND 17.

Mr. Paul Morgan gave the staff presentation. He said there are two applications which are presented in the February 7, 1994 staff report. Both applications apply to the provisions of the Land Use By-law for planning districts 14 and 17. He said both applications are unrelated to each other.

The first application originates from a rezoning application which council heard last summer. The application was made to rezone a property from a suburban residential zone to the R-1E zone (residential estate zone) to allow for a slightly larger accessory building. The R-1E allowed one thousand square foot building were the R-1B zone allowed only seven hundred and fifty square feet. An objection was raised at the public hearing by one of the neighbours. This was not to the larger scale garage

but to the fact that the R-1E zone allows home businesses in the garage up to one thousand square feet. The objection was raised because the properties were located on a private right-of-way and had access over a driveway that was owned and maintained by the property owners on it. It was felt that because of the status of the road the objection was the possibility of business on the road introducing additional traffic which they didn't want. He said the residents did point out that under the current restrictions in the By-law, development on private and schedule A roads is limited to residential, open space and resource uses. He said after the rezoning application was approved, staff was asked to investigate this matter. He said they found there are provisions for home business in the R-1E zone, the R-6 zone and the R-7 (rural estate) zone. He said the provisions are quite similar in that a business of up to one thousand square feet in either the house or the accessory building. The main difference is that the latter two zones allow for outdoor storage.

He said there is probably merit in the objection raised. There are a number of lots in this plan area that were created as access by water lots under old provision of the subdivision by-law. This was intended to allow for cottages on lakes that would be accessed by boat. This provision in the by-law is now gone but a number of these lots were created in this way and property owners got together and built roads around the lake over shared easements.

He said the difficulty with this type of situation from the municipality's perspective is that neither the municipality or the province have any control over the maintenance or the safety of these roads. He said it is documented in the planning strategy that this posed concerns. He said they have suggested, in Appendix A, restriction being put on home businesses on any lot which doesn't have frontage on a public road or approved private road. A business would be restricted to provisions made for office uses under 6.3 which allows for office uses up to three hundred square feet within the dwelling. This restriction would apply in all three zones, R-1E, R-6 and R-7.

QUESTIONS FROM COUNCIL

No questions from council.

SPEAKERS IN FAVOUR

No speakers in favour.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

"THAT APPENDIX A OF A BY-LAW TO AMEND THE LAND USE BY-LAW FOR PLANNING DISTRICTS 14 AND 17 BE APPROVED"

MOTION CARRIED

Mr. Morgan said the second part of this was initiated by staff. Permit applications had been received from Mr. John Obritsch who owns the Airline Golf Club in the Old Guysborough Road near the Halifax International Airport. He had come in and applied for a permit to enlarge a storage shed. He intended to double the size of the existing shed and remove another. Under the by-law a permit could not be issued for this as a golf course is considered a commercial recreation use and the by-law suggests that any new or expanded commercial recreation uses require the approval of a development agreement by council. He said commercial recreation include things like golf courses, marinas, race tracks. These are things that could pose environmental concerns or could be a nuisance to the neighbour if not properly located or landscaped etc. He said they looked at the provisions of the land use by-law and there is a section for existing uses. There are provisions made for different types of uses. Appendix B is what they would recommend for existing commercial recreation uses - no expansion or enlargement to any main building would be permitted or any expansion to the area devoted to the use but provision would be made to allow for new accessory buildings or replacement or expansion of existing accessory buildings.

He said the property is zoned R-6 which allows for accessory buildings of up to one thousand square feet which would accommodate this request. He said staff would recommend that the provision outlined in Appendix B be approved by council.

QUESTIONS FROM COUNCIL

Councillor Sutherland asked if this deals with existing or new proposals to be dealt with through a development agreement.

Mr. Morgan said this would apply to existing uses. He said there are two golf clubs in this plan area and there is a race track by the airport. He said it won't have much effect other than the few uses that are there. Any new use could not have an accessory building unless you the use established and that would require councils approval of a development agreement.

SPEAKERS IN FAVOUR

No speakers in favour.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

"THAT APPENDIX B OF A BY-LAW TO AMEND THE LAND USE BY-LAW FOR PLANNING DISTRICTS 14 AND 17 BE APPROVED"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Peters:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

March 28, 1994

PRESENT WERE: Mayor Lichter
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Mitchell
Councillor Ball
Councillor Deveaux
Deputy Mayor Bates
Councillor Hendsbee
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Peters
Councillor Snow
Councillor Harvey
Councillor Sutherland
Councillor Turner
Councillor McInroy
Councillor Cooper

ALSO PRESENT: K. R. Meech, Chief Administrative Officer
Fred Crooks, Municipal Solicitor
Dale Reinhardt, Acting Municipal Clerk

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The meeting was called to order at 6:00 p.m. with the Lord's
Prayer. Mr. Reinhardt called roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING
SECRETARY"

MOTION CARRIED

Mayor Lichter outlined the procedure followed for a public
hearing.

Amendments with respect to the establishment of Water Service
Districts within Planning Districts 15, 18 and 19; Planning
District 5; Planning Districts 14 and 17; Sackville and the
Subdivision By-law (PA-FEN-17-93/ZAP-FEN-17-93/PA-PD5-17-93/ PA-
SA-17-93/SB-05-93)

Mr. Bill Butler gave the staff presentation. He said this

application has to do with the approval of water service districts within four planning strategies. He said this issue was first brought to the attention of council in April of last year with the tabling of a report on April the first. The concerns that led staff to table, with respect to central water, were due to the rate and scale of development that was either occurring or proposed to be occurring in the Hammonds Plains area on the basis of central water services only. The concern of staff led them to the realization that the use of central water needed to be better controlled and regulated by council in terms of both overall capacity that was available to the municipality as well as with respect to other concerns such as the technical design of these central water systems, the financial implications as well as general planning considerations. At that time staff was so concerned about the potential implications which central water had in terms of its unplanned nature of the way it was occurring that staff advised council that until such time as firm direction was provided, that no further extensions of the central water would be approved outside of designated serviceable areas.

Council held a special committee of the whole meeting on June 7, 1993 to consider the issue of central water. It was a public meeting with advertising being put in newspaper and any interested people were invited to attend and were heard by council. There were numerous written as well as oral submissions made to council. Staff was directed, following the meeting, to review these submissions and come back to council with a revised report. This was done in September of 1993 at which time staff recommended specific water service districts for the approval of council. The districts that were recommended and subsequently approved in September included Bedford South, the Beaverbank area, the Windsor Junction/Lakeview area, Waverley, Herring Cove, the Lucasville/Hammonds Plains Road area up to English Corner. There was also an area included in the neighbourhood of the Kingswood/Blue Mountain area on the Hammonds Plains Road. The lands included where those for which tentative application had been made subsequent to the first raising of the issue in April. In addition to establishing water service district council also dealt with revision to the municipal services general specifications. These revisions established criteria under which council would evaluate proposals to establish new or expanded water service districts.

The criteria included preparation of a master infrastructure plan by a proponent as well as a financial plan and implementation plan. Following councils approval of the water service districts in September as well as the revisions to the general specifications, planning staff undertook to prepare the specific amendments to the various municipal planning strategies which would recognize and support those water service districts. The results of that are the report before council this evening dated December 13, 1993. The planning strategy amendments themselves

are basically identical for the four plan areas involved (Sackville, 15, 18 and 19, 14 and 17 and district 5) with respect to the actual water service districts themselves. The amendments establish text amendments that provide some background to the issue of water service districts within each of those strategies. Contain policy that establishes that no central water shall be permitted outside of a designated water service district as well as require provision of central water within a water service district. There is one exception to that rule which is if there happens to be a developer wishing to put in a new road, who is more than a thousand feet away from an existing central water system, that developer would be entitled not to install central water. Other than that if you are within a water service district you must install central water.

Consistent with the September decision of council, the policies proposed also provide a policy basis which would guide council in the consideration of new or extended water service districts within each of the four plan areas if the proposal should come forward. The amendments to the specific planning strategy also includes specific maps within each planning strategy that would outline the water service district. In district 5 it would be the Herring Cove water service district. He said he has included the three schedules for the subdivision by-law.

In addition to the amendments related to the water service districts, the plan amendments for 15, 18 and 19 also include amendments relative to the lands within the water service districts in the Kingswood/Blue Mountain landholding area. The amendments would redesignate those lands from mixed use or rural resource to residential. The redesignation of those lands is intended to reflect the type of development which has been occurring and which is intended to occur on the remainder of those lands. In addition the land use by-law for 15, 18 and 19 also contains provisions to rezone those lands appropriately to R-1. He referenced Appendix B of the staff report.

The subdivision by-law amendments are outlined in the staff report dated December under Appendix F. Three new schedules would be added to the subdivision by-law which would show the water service districts that have been approved by council. He referenced an attached memorandum dated February 14th which suggests item F as shown on page 24 of the staff report should be replaced with the amendments outlined in that memorandum. Those changes would establish a definition of a water service district. Would provide that central water must be provided where new streets within a thousand feet of existing facilities are proposed; would provide that no central water services shall be provided on a private road and would establish that no extension of central water services would be permitted beyond the boundaries of a water service district.

He said the amendments before council tonight recognize, within individual municipal planning strategies, the water service districts and the criteria that were approved by council in the fall of 1993. They provide that central water extensions, in the future, will occur in a planned and rational manner.

QUESTIONS FROM COUNCIL

No questions from council.

SPEAKERS IN FAVOUR

Barbara Verge, Maplewood Village, Hammonds Plains spoke in favour of the application. She said she is in favour of bringing the water up to English Corner but she would also like to see Maplewood Village, which is 200 metres up the Pockwock Road from English Corner, to be included. She said there are a number of homes along the Hammonds Plains Road and in their subdivision that have water problems. She said they either don't have water now or can't drink the water. She said they have a water line running directly in back of the subdivision and yet cannot hook on to it. She said there is a school on the Hammonds Plains Road and a fire station which has well problems. She said there is industry there which rely on two pumpers from the fire department. She said with the increase in residential it is needed now. She said she has a concern with the change of Kingswood to R-1. She said she would like council to take into account if it is changed to R-1 there will be more residents and there is already overcrowding in the elementary school. She said if approval is going to be given for residential then schools for the area have to be taken into account.

Bill Mannett, English Corner, spoke in favour of the application. He said they spend \$40.00 per month to bring drinking water into the home. He said they take their clothes outside the house at least once a month to wash them because the water is so hard. He said they can't wash cars or water lawns because the wells run dry. He said he has a water filter system on his well which he can't use because there is not enough water to use it. He said they have to scrub tubs and toilets because of the rust. He said he is in favour of having the water brought into the subdivision.

Pearlene Oliver, 909 Lucasville Road, spoke in favour of the application. She said she would like to know how long the wait will be for the water. She said she has to bring her water in from the Beechville Baptist Church for drinking purposes.

Mayor Lichter informed Mrs. Oliver that this project was included under the infrastructure program but he could not give her a time frame.

Mrs. Oliver asked if it went into the trailer court would it go

through the whole road.

Mayor Lichter confirmed that she was referencing Timber Trails. He said the hope of the county is that the water line along the road would be sufficient to serve both the residents and the mobile home park; however, if the county cannot move ahead with the entire project the county may have to permit the owner of the mobile home park to put in a line that would serve only the mobile home park and at the cost of the owner of the mobile home park.

Mrs. Oliver asked if there was a possibility that the mobile home park would have water and it may be years before it would be available to her.

Mayor Lichter said Councillor Giffin has been working hard on the issue.

Ms. Coleen Goodine resident of Maplewood Subdivision. She said her well goes dry and residents have to re-drill their wells. She said when these wells are dug there are no guarantees that they will find water and that water is going to be good. She said the children of the Hammonds Plains School are in portables and in some instances the toilets in the bathrooms cannot be flushed. She feels there should be something done.

Brenda Sawyer from Maplewood Village said she pays each summer to have water trucked in from Beavercreek to give her enough water to cook and flush her toilets. She said her laundry is taken out during the summer.

SPEAKERS IN OPPOSITION

No speakers in opposition

DECISION OF COUNCIL

Mr. Crooks said one of the requests is for extension of the proposed boundaries to include the Maplewood Subdivision and, from a technical point of view, because those are not the boundaries that were advertised and were not in the public notice, that would be a substantive change to the application which has been advertised and which is before council tonight could not be accomplished without further advertisement. The other matter involved the extension of service within the boundaries that are proposed.

Mr. Meech said it is his understanding that the people from Maplewood, English Corner and along the Lucasville Road need a water supply to replace their existing wells because of poor quality or quantity. He said what is being considered this evening is placing water service district boundaries. He said

that in itself does not ensure that the area would receive central water. He said the issue from the residents point of view is more a case of having council agree to do a capital expenditure to extend the water lines to serve those particular communities and when the decision is taken to extend the water lines then the water service district boundary could be established as part of the package. He said based on what was represented here this evening that would be dealt with as a capital expenditure and part of it would be at the time when the commitment was made to extend the water line along the Lucasville Road or to extend it to the subdivisions such as Maplewood and English Corner. He said at that time an amendment to change the boundary can be put forward. He said what is being considered this evening in terms of the boundary even if there was a decision taken to amend the boundary to include Maplewood that in itself does not guarantee that there is a commitment to expand the water lines. He said there is provision in the capital program to extend the water along the Lucasville Road and it will depend on when the financial resources are available to undertake the program. He said the change to the boundary would not, at this point, satisfy what the need or concern is. He said it needs a decision by council to proceed with a capital construction program to extend the water.

Mayor Lichter said one of the speakers from the Maplewood subdivision mentioned a figure of 200 metres away from the present boundary. He said there was a provision in the staff report whereby within 1,000 feet of the boundary if a road is being developed water servicing could be extended.

Mr. Butler said that is intended to apply to any area of land within a water service district. He said when they discussed, with the engineering department, the water service district themselves it was felt that there may be some land holdings within some of the existing or the proposed, under these planning strategies, water service districts that would be further away than 1,000 feet from the existing trunk line. He said they are trying to be fair as to whether or not the county was going to require everybody to extend. He said Maplewood is outside and would not be included.

Mayor Lichter asked if a separate amendment would be required to have Maplewood and English Corner included.

Mr. Butler confirmed this.

Deputy Mayor Bates said if it is already known that they are having problems with water in those two established subdivisions why weren't they included.

Mr. Butler said when this was previously discussed there was no mention of the Maplewood area. He said to his knowledge it was

never indicated as an area to which water service districts should have been ascribed. He said there was a suggestion that the Maplewood area should be put in and, at that time, it was pointed out that these amendments are intended to recognize what was done in September and if, at some point in the future, the Maplewood area is to be added it could be done so through a separate amendment process.

Mayor Lichter said based on what the solicitor is saying it is a legality.

Councillor Sutherland said he feels it would be advisable to have a report from staff in relation to extending to English Corner and to Maplewood subdivision.

Mayor Lichter said he would ask council to bring the issue to the next council session and have a motion posed there to direct PAC to undertake the necessary steps to do the work that is needed.

Councillor Fralick asked if the elementary school would be included.

Mayor Lichter said this will be included in the study.

Mr. Meech said what council needs to do is to undertake to do an amendment to the planning strategy to include those areas. He said to his knowledge Halifax County has not done a study on the water quality problem in the area. He said the first step is to identify exactly the extent of the problem and to what areas it does cover. He said if this indicates there is a requirement for a central water then that would come back as a substantiation to support the need to revise the boundary to include that area. He said he would be concerned that just because the boundary is changed to include the area there is no guarantee that you are going to get the water. He said the need for it has to be established and then this would come forward as a package for a capital program as well as the suggested boundaries to include it in the water service districts.

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

"THAT APPENDIX A BE ADOPTED"

MOTION CARRIED

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

"THAT APPENDIX B BE ADOPTED"

MOTION CARRIED

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

"THAT APPENDIX C BE ADOPTED"

MOTION CARRIED

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

"THAT APPENDIX D BE ADOPTED"

MOTION CARRIED

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

"THAT APPENDIX E BE ADOPTED"

MOTION CARRIED

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

"THAT APPENDIX F AS AMENDED WITH THE FEBRUARY 14TH
STAFF REPORT BE ADOPTED"

MOTION CARRIED

RA-24-20-92-11 & ZA-24-21-92-11 - REZONING APPLICATION BY MICHAEL
FURLONG AND AMENDMENTS TO ZONING BY-LAW NO. 24

Mayor Lichter informed council that the above noted application was withdrawn.

ZA-F&S-16-93 - AMENDMENTS TO THE PROVISIONS AND REQUIREMENTS OF
THE LAND USE BY-LAW FOR PLANNING DISTRICTS 14 AND 17
(AGRICULTURAL USES).

Paul Morgan made the staff presentation. He said this is an application to amend the provisions for the existing agricultural uses under the land use by-law for planning districts 14 and also to amend a number of the development standards for agricultural uses in several of the zones in the same plan area. The application was brought about by a property owner in Fall River who was interested in putting a barn on his property in conjunction with a hobby farm and under the existing rules could not do this. The property is owned by Long Wave Enterprises of which Laurie Baker is the director and resident. It is located on the South side of the Fall River Road. The property is approximately 54 acres in size.

He said Charlie Baker resides on the property with his family. He has a small hobby farm operation and he would like to put up a new barn to be used for keeping goats and the storage of feed for goats. He said Mr. Baker cannot do this under the existing regulations as the property is zoned as a residential zone which

does not permit agricultural uses. He said Mr. Baker made application to rezone the property to R-6 (rural residential zone) which would allow for agricultural uses. He said he would note that this rezoning application is not before council tonight. He said alternate provisions have been made which would not involve rezoning.

He said during the course of the evaluation it was found that even if the R-6 zone had been approved it would still not have accommodated his intentions because the zone only allows for a barn of up to 1,000 square feet in floor area. He said staff looked at making amendments to the provision because he does have a fairly large property and there is ample opportunity for good setbacks from the neighbouring property lines. Mr. Morgan proceed to show council slides of the property.

He said this property is within a residential designation where priority is given to suburban style residential development. A majority of the properties are zoned R-1 suburban residential zone as this property is. The zone only permits single unit dwellings, two unit dwellings, limited office space in your home as well as day care facilities. There are general provisions in the by-law, as it stands now, that state that notwithstanding the zoning placed on any property an existing agricultural use is permitted to the extent it existed on the date of the by-law and any structure devoted to that use is permitted to expand in up to ten percent floor area. He said there are also policy provisions within this designation to allow for application, by any property that was in existence when the by-law was adopted, to the R-6 zone. He said this by-law was adopted in 1989. He said Mr. Baker contended that this property has been used for agricultural uses long before that. He said at the time of the initial staff report they did not have that much evidence that could substantiate the claim. He said in the memorandum dated March 1, 1994 there are a number of affidavits, from neighbouring residents, attached supporting this claim. He said two additional affidavits were provided today.

He said staff initially recommended approval of the R-6 zone under this provision. The concern raised by the R-6 zone however was that it also allows for mobile dwellings on individual lots. These could have been considered out of character with the Fall River Subdivision and a number of other houses in the area which are primarily single unit dwellings. He said staff made an alternate proposal which is presented in Appendix A of the memorandum dated March 1, 1994. He said that would allow existing agricultural uses to expand subject to the requirements of part 10 of the land use by-law. He said that is the provisions for the agricultural uses under the R-6 zone. He said this would give all the rights for agricultural uses under the R-6 zone but would not allow for mobile dwellings. He said Mr. Baker is satisfied with that.

He said the other aspect of the application deals with the development standards for agricultural uses. He said the provisions as they stand right now won't accommodate these intentions. He said staff looked at all standards under the by-law and, as indicated in the staff report from pages 7 to 9, identified a number of ambiguities and inconsistencies in the by-law such as limitations to the height of the building. He said under the general provisions it says there are none. He said another is that for the R-6 zone it allows for setbacks from the property line if your barn or structure has more than ten animals or fifty domestic fowl but if it has less than that it is silent on the matter. He said this would suggest that if you had a barn for the keeping of nine horses, there are no setback requirements. He said there is also some ambiguity between the R-6 and the R-7 zones. There is a definition of an intensive agricultural uses and both zones contain development standards for intensive agricultural uses. He said these uses include slaughter houses, commercial poultry operations, mushroom farms, etc. He said when you read the planning strategy it is evident that it was not the intent of council, through these policies, to allow for intensive agricultural uses in the R-6 zone but it was the intention to allow them in the R-7.

He said, with regard to the request of Mr. Baker, it was the feeling of staff that given on a larger size property it would not seem inappropriate to allow for larger size structures provided that adequate setbacks were maintained. He said to address all this they proposed an amendment which is contained in appendix B of the staff report dated November 8, 1993. He said these amendments are intended to address all these outstanding issues. He said for the R-6 zone any provisions for intensive agricultural uses would be removed so there would be no chance that something of this nature could be established on the Baker property. It does allow for an agricultural building over 1,000 square feet and up to 2,000 square feet provided the size of the lot is over 120,000 square feet. He said there are more substantial setbacks established - 150 feet from all the property lines; setbacks from adjacent dwellings, watercourses and staff also put provisions that disposal areas for livestock waste has to be set back 300 feet from a watercourse or any potable water supply. He said it is the feeling of staff that these standards are much more appropriate and would address a number of the concerns for agricultural uses. It would also allow the Baker proposal to proceed.

He said the recommendation put forward is that the Appendix A of the memorandum dated March 1, 1994 be approved and Appendix B of the staff report dated November 8, 1993 be approved. He said for the information of the Sackville councillors a public hearing has been held and a decision deferred but it will have to go back to public hearing again because provisions for exiting agricultural uses would also have to go to public hearing.

QUESTIONS FROM COUNCIL

Councillor Cooper said, with regard to the setbacks for the minimum distance from potable water supplies, appendix B says "it shall be 300 feet except on their own property". He asked if there was provision there to protect the water supply and if so why not protect the water supply on the same property.

Mr. Morgan said that he would suggest that on your own property you have more control over where you are going to locate your house in relation to the storage area. He said it would be located such that the ground water is not directed towards your own water supply.

Councillor Cooper asked if it was given consideration. He asked if the Department of Health have any regulations regarding this.

Mr. Morgan said they do not but he has talked to a number of the inspectors and they do make recommendations to the property owners.

Councillor Cooper referenced Appendix B section 4.4 (b). He asked if that was in the previous 4.4 section.

Mr. Morgan said the previous one only talked about the buildings within the C-4. He said what they are doing is clarifying what is an accessory building and what is a second building on a lot. He said a barn, for example, is a second building permitted on the same lot where the zone permits where provisions have been made in a zone. He said the same would apply to a home occupation. He said this is suggesting that you can have a home occupation in a secondary building where the zone so permits. He said provisions are made in the R-6 zone and R1-E zone and R-7 zone. He said it would make it clear that in an R1-A or R1-B you could not consider your garage for a home business because the zoning does not provide for it.

Councillor Peters asked if this affected sideyard clearances on existing barns on existing R-6 properties.

Mr. Morgan said there is a general provision in the by-law for existing buildings. He said it says that even if you don't comply with the zone standards and your building was there before the by-law came into effect, you are allowed to put any addition on provided that you did not further encroach within the required setback.

Councillor Peters confirmed that the R-6 people do not loose any privileges this way.

Mr. Morgan confirmed this.

SPEAKERS IN FAVOUR

Mr. Charles Baker spoke in favour of the application. He said he has spoken with PAC and has had a number of meetings with his brother, who is the property owner, and Councillor Snow. He said the intentions are honourable. He said there is approximately 54 acres and is 1,000 feet plus in width. It is rectangular in shape. It is approximately one mile long. He said he obtained a mailing list of residents in the area who were to receive letters from the county council. He said the majority of people did receive their letters and a few people did not because of assessment addresses not being correct. He said he called on a lot of the residents and property owners and has not received opposition. He said he copied the letter sent by the county and provided anyone, who had not received a copy, with a copy. He said he put a letter together asking for endorsement by the property owners. He said he provided Mr. Morgan with 44 letters and three that were given to him this evening. He said they intend to keep it as much as possible to what it presently is. He said the existing barn is too small. He said he presently has two goats, a few hens, a couple of roosters and a rabbit. He said they are not into intensive use and they are aware that once the guidelines are changed by the municipality they nor anyone else can do that. He said the property has been used since 1920 and he intends to keep the house as close to the original as possible. He said he intends to add more gardens. He said the property was used for a ballfield. He said they have not restricted public access. He said people still use the property for their recreational vehicles and for snowmobiling and children use the property as a short cut to come through from Fall River Village. He said he has contacted the majority of abutting property owners. He said the animals are primarily for the children, he keeps the property clean and he intends to keep it that way. He said he wants to put up a new barn for the animals and there were restrictions and loopholes as to how you interpret what. He said they want to put a barn so there is an adequate barn for hay storage. He said he feels they are doing what they feel is right for the community and they are willing to listen to any concerns. He said his son supplies some of the neighbours with fresh eggs from their laying hens. He said he has signatures endorsing what is being proposed.

Mr. Raymond Geddes spoke in favour. He said his property abuts the property in question and he is in agreement with the barn. He said he would like to see the farm stay the way it is rather than see a subdivision there.

Mr. Roy Oaks spoke in favour of the application. He said he has lived in the area all his life and has know the property owners.

Mr. Garry Geddes, Fall River, spoke in favour of the application.

He said he has lived in Fall River for a few years and has quite often walked through the property. He said people are welcome to use the property for recreation purposes. He said he feels it is good that there can be that size property within this type of situation. He said his property adjoins Mr. Bakers on one side and a business on another.

Mr. Laurie Baker, owner, spoke in favour of the application. He said he has lived in Fall River since 1980. He said he developed a drug store in Fall River and has other properties in the county. He said he did not purchase this property to develop. He said he wanted this property as a homestead and also to operate a farm. He said he grew up in the county and had animals. He said all he would like is to continue this. He said most properties are developed and it is very unique that this one isn't and that is the way they would like to keep it. He said he would not like to have to move to another county. He said if they are not able to accomplish this it would be a loss to the whole community. He said he operates a drug store and, from a business point of view, he would not do something that would upset the neighbourhood. He said he has spoken to the majority of property owners and they cooperated fully.

Sonya Arnold, Fall River Village, spoke in favour of the application. She said the residents do believe what Mr. Baker is saying. She said the children make use of the property. She said they are looking forward to what Mr. Baker is proposing.

SPEAKERS IN OPPOSITION

Mr. Pettipas, the president of the LWF ratepayers association spoke to council. He said they have no problems with Mr. Baker who they feel is a reputable citizen but they are looking at the possibility that Mr. Baker may not always own this property. He said they have to look at the ramifications. He said the LWF ratepayers is stating that in their opinion this is not an agricultural area, it is a residential area. He said they will fight any R6 zoning. He said it is too open and allows things like trailer parks etc. He said they have no problems with Mr. Baker but do have some questions. He said the problem with this is what happens with the zoning. He asked what would happen if the Bakers sold the property and the occupant came in an cleared the property entirely of trees and fenced it and wanted to herd large quantities of cows, would he be allowed to do it.

Mr. Morgan said if the owner wanted to clear the trees he could do this whether it was R1 or R6 zoning.

Mr. Pettipas asked if there are any restrictions or does the resident say what exactly he is going to raise. He asked if there was any limitation on what could be done on this property.

Mr. Morgan said under the proposal he would be allowed to have an agricultural building of up to two thousand square feet provided he keeps it at least one hundred and fifty feet from any property line and two hundred plus feet from any abutting residents. It would have to be three hundred feet from any watercourse. The animal storage areas would have to be two hundred feet from any watercourse. There would be no by-law regulating exactly where the animals roam.

Mr. Pettipas said the problem the LWF ratepayers association has is that it has no problem with the hobby farm but it seems that a precedent is being set for allowing agricultural uses within R1-B zone. He said he has not received any comfort in the fact that if a person wanted to clear this land entirely, whether the topography allows it or not, it seems to be saying that someone could build the barn, clear the land, fence it and have a large grazing area for as many cows, horses, etc. He said the ratepayers have misgivings. He said he had stated in his first letter that if the applicant wants to apply for a contract rezoning they would support changes to the planning act which would allow such an application. The applicant would then state exactly what is to be done with the property and the uses would be strictly defined. A public hearing would take place and, if the abutting owners were in favour of the outlining uses, then so be it. He said this is setting a precedent and he does not believe that council realizes where this could go. He said this is going to be an open agricultural area. He said they have no problem with this application if it is strictly defined. If it is a hobby farm, so be it but to put something which could effectively be a large farming operation in the middle of a large residential area is wrong. He said when the area was zoned by the PPC a few years back interested groups were notified and had the opportunity to request certain zoning. No such zoning was requested for this property. He asked if Mr. Morgan could give him and the LWF ratepayers association some comfort that there is a control mechanism. He said he sees no control mechanism. This is a wide open farming area and the next person coming down the line might not have the same intention that the Bakers have. If it is strictly defined LWF has no problems but as it is now they have grave misgivings.

Mayor Lichter said the control mechanism asked for is not there; however, it was stated that he did not have any difficulty with Mr. Baker. He said if Mr. Baker decides to sell, the person who buys would have to have the money to raise cattle.

Mr. Pettipas said he has no problem with the Bakers but he does have problems with council opening what he would refer to as a can of worms. He said if they come back after there are problems the county cannot do anything. He said the residents paid for their property on the basis of an R1-B zoning. He said if there was a mechanism to have a PUD on this the Bakers could tell

exactly what they want. It could be specified and LWF would have the comfort it wants and would be protected from someone who could come behind them. He said he feels that most of the Europeans who buy land want to go back to nature. He said if someone else wants to come in under the same heading this is setting the precedent with this one.

Mayor Lichter asked Mr. Morgan when the letter referenced by Mr. Pettipas arrived was there any consideration given to having a development agreement put in place.

Mr. Morgan said it had been discussed among the staff. He said it seemed the primary concern coming from the organization was the possibility that the R6 zone allowed for mobile dwellings. He said he wanted to make clear that the R6 zone does not allow for mobile home parks. It would allow for mobile dwellings on individual lots. He said the possibility of a development agreement was discussed and staff feels that the standards established under the land use by-law are adequate. He said the municipality, to some extent, relies on property owners to show some judgement and common sense. He said in this case the things they would be concerned with are referenced in the report. He said nuisance and health related concerns can be addressed by adequate setbacks.

Mr. Pettipas said he hopes council thinks about this. He said he feels this is being done the wrong way.

Mayor Lichter, for the record, informed council that Mr. Morgan had provided him with 44 letters of support that Mr. Baker has received from individuals in the general area.

Mr. Baker said planning has been thorough. He said he does not know how many people Mr. Pettipas is representing. He said his is a hobby farm. He said if they wanted to clear the land they can do this by right. He said Mr. Pettipas had made reference to a two thousand square foot structure and this is not a lot of space. He said he has gone over this with Councillor Snow with respect to this application. He said his brother has stated that he is a businessman and has put a lot of money into Fall River. He has a vested interest to keep things proper or lose that business. He said he feels they are doing the right thing. He said it is his understanding that they have an ongoing agricultural use.

DECISION OF COUNCIL

Councillor Snow said he has lived near this property. He said he has no objection to a hobby farm. He said as the councillor for the area he has listened to everyone who has called him and nothing has been negative. He said what the chairman of the ratepayers association says could happen but he feels there are

enough laws and rules to keep it under control.

It was moved by Councillor Snow, seconded by Councillor Mitchell:

"THAT APPENDIX A OF THE STAFF REPORT DATED NOVEMBER 8, 1993 BE APPROVED"

Councillor Cooper said he recognizes the concerns of the ratepayers association but he feels the clarification is in the report itself. He referenced page 8 which stated " the planning strategy establishes R6 to recognize/support existing semi rural environment while providing for protection of more suburban type residential subdivisions". In support of this objective, the zone permits lower density residential development, home business uses, community uses and limited agricultural uses. He said the preceding paragraph give the R-7 the intensive agricultural uses which is managed land to maximize production etc. He asked whether an R6 zone, with its limited agricultural uses, would prevent clearing and maximizing use of the land for agricultural purposes.

Mr. Morgan said the amendment that is being proposed for existing agricultural uses, it is only existing agricultural uses, would be able to expand pursuant to part 10 which is the requirements of the R6 zone. Right now there is a standard which says no intensive agricultural use shall be located less than five hundred feet from a number of residential zones. He said they looked at that and, according to the policies, there was never council's intention to every allow intensive agricultural uses in the R6 zone. Under these amendments in Appendix B any provisions for intensive agricultural uses in the R6 zone, which would include such things as feed lots, poultry operations, mushroom farms, boiler plants and slaughter houses, which are things which would be obnoxious to the neighbours. He said these could not even be considered because they would be in violation of the by-law. He said by adopting the new standards under Appendix B of the original staff report will take out any possibility for intensive agricultural uses.

Councillor Cooper said the idea is to have a hobby farm and if it is successful and appreciated he wishes them the best of luck. If it is intended for anything other than that then it should not be there.

Mayor Lichter asked if the solicitor agreed that the wording is the same as Mr. Morgan indicates that it is.

Mr. Crooks said the municipal solicitor does not review the text of the land use by-law amendments or the rationale and analysis of them as they are prepared for these hearings. He said he has not had an opportunity to review the matter. He said he did not hear in anything that Mr. Morgan said that would give a