

roughly behind the lot lines. The water would filter through a bit of an area before it hit the lake but there is a possibility that some improvements could be made.

Councillor Hendsbee asked if there would be any flooding or runoff problems.

Mr. Morgan said if this was to be considered it would have to be engineered. He said you would not want it to discharge into a low lying portion and have the waters back up onto the rear lots or onto the lots backing onto Charles Road.

Councillor Hendsbee asked if there was any problem with accepting the subdivision fee for the lots even though there is no policy with regards to this.

Mayor Ball said this is not a fee but a negotiated part of the agreement as a contribution which is different than a specific fee which the county is going to charge. This is something that was negotiated as a contribution. It is not a policy but rather a part of the development agreement process.

Councillor Hendsbee asked if this was over and above the parkland contribution.

Mr. Morgan confirmed this. He said the proposal was made to the applicant to be considered because, in this community, there are a lot of demands to develop the existing parklands. This is not mandatory but is something that, for a modest fee, could go a long way to help the community achieve its objectives with regards to parkland and the applicant was prepared to make this commitment.

Councillor Hendsbee asked if there was any concern with regards to the narrow right of way access to the park. What problems would the developer have if council were not to approve one or two lots that were wide in that area.

Mr. Morgan said the frontage as shown as 100 feet would not be inconsistent with the policy. It does say that council would like to have the minimum of one hundred feet. One of the problems is that where a lot of the lands are behind houses, residents have complained that kids hang out there and it is unsafe for younger kids because they can't be seen from houses. He said mothers don't feel safe taking kids in there. He said, in terms of the development, by increasing it some they felt that it would be close to the street and this would give more flexibility.

Councillor Hendsbee asked if there is going to be more than one entrance to the park.

Mr. Morgan outlined, on a map of the area, possible entrances and exits to the park.

Councillor Barnet referenced the E type lots. He asked if staff has looked at the numbering situation with regards to civic numbering.

Mr. Morgan said they have not specifically dealt with this. He said the numbering will presumably be placed on a small ground sign.

Councillor Barnet asked if there is provision for this type of lot other than going through a CDD in the current plan.

Mr. Morgan said it would only be through agreement. There is no zone that allows for this. The planning act allows the municipality to vary it's subdivision regulations and land use standards. He said in this situation the county would be reluctant to do this if there were too many houses but here there are four houses that would be sharing a driveway. He said since they are going to be in off the main road they are going to have to cooperate with three other people and make sure the road is upkept.

Councillor Barnet asked how the drainage reserve would be developed. Would it be developed as a drainage corridor or landscaped.

Mr. Morgan said except for the mail box site where there is going to be fill placed and other than that it will be left in an undisturbed state as will the open space on the other side. He there will be an onus come subdivision stage to show that lot E-4 that is abutting the drainage reserve could be developed without posing undue risk of flood potential to a house on it. If that can't be achieved it becomes part of the open space that is part of the contract.

Councillor Barnet asked if services for these lots will be provided through an easement on the initial E lot that comes out to the front.

Mr. Morgan referenced the map and showed where the common easement would be.

Councillor Peters referenced the walkways and asked who was going to construct them and at what stage they are going to be constructed.

Mr. Morgan said they will be paved with asphalt and there will be four foot chain link fence on each side which will be the responsibility of the applicant. It will be done at the time of the approval of the abutting lots. He said he would also like

to note that with regards to the parkland the chain link fence is going to extend along the common lot lines with the abutting residents. He said this is above normal subdivision requirements.

Councillor Peters said she approves of the amount of land that has been given in reserve. She asked who was responsible for the buffer zone.

Mr. Morgan said that this is under the contract. When a final plan of subdivision comes in, there will be a conservation easement shown. When the lands are conveyed to the lot owners the easement has to be shown in the deed. The property owner is prohibited from cutting any trees down or removing vegetation.

Councillor Peters referenced the area that is the easement for the four lots. She asked if that would then be technically a private right of way that would have to be maintained by those.

Mr. Morgan said it would be part of the last lot but when the lots are conveyed to the other property owners they would have a right of way easement over it. The municipality would have the maintenance easement over this.

Councillor Peters asked who would build the road.

Mr. Morgan said the developer would and it has to be paved as well.

Councillor Deveaux asked whether the developer or the municipality would be responsible for the pumping station.

Mr. Morgan said there is no centralized pumping station at the present time. The problem being experienced at the present time is that lands around the reservoir are so close in elevation that it does not give adequate pressure for showers and normal daily consumption. Under the terms of this agreement no lots will be approved until the pumping station is in place. It will ensure that all this development will have adequate pressure. He said the report is suggesting the possibility that this pump may resolve some of the other problems. Upsizing the pump to meet the additional lands for other areas is not a significant cost. Some of the more significant costs are incurred in installing valves and things within the existing distribution main. In some cases there would have to be extensions.

Councillor Deveaux asked if it could be of benefit, in future, to other areas beyond this subdivision.

Mr. Morgan said there could be benefits that extend beyond the boundaries of this. He said there is a target set of seventy percent single unit dwellings and thirty percent higher density

which would include semi detached housing, mobiles, mobile home parks, townhouses, apartment buildings, etc. He said that target is set for the Timberlea plan area. The most recent survey, in 1993, found that in the current state of affairs roughly fifty five percent of the housing stock is single unit dwellings. The housing target is achieved at this point in time. He said to some extent that reflects a lot of semi detached housing developments allowed by right through the previous plan. The biggest such subdivision is right next door; Greenwood Heights, Maplewood Subdivision where all the block lands were zoned R-2.

A lot of semi detached housing was built there. He said the strategy says that council is required to consider this housing target. It also says that, where lands are designated as CDD and negotiated through an agreement, because of the additional controls and benefits the municipality could achieve through a good designed subdivision, it could allow for up to fifty percent of the units, within the development, to be higher density. In this case the semi detached is considered higher density and you can see that the applicant is looking for forty eight percent of the total units to be higher density development.

He said there are other considerations here as well. He said there is another CDD application underway in this district. It is a very large project located on the lands of North American Real Estate Ltd., the principal being Stan Havill who has roughly 600 acres. He said a master plan has been prepared and is currently under review. He said the plan is proposing, over those 600 acres, half the units would be higher density development. The scale of this project has a population projection of over ten thousand people. If council approves half the units within that development as higher density it will have a significant effect on the housing mix.

Mayor Ball said that staff believes, on this report, that it is in conjunction with the development plan that exists there.

Councillor Rankin said this would be examined within the context of what has been addressed in the MPS.

Councillor Cooper said the July 18th report refers to water pumping and distribution system design criteria and make a reference to Schedule E. He asked if this was referring to the water booster pumping system.

Mr. Morgan confirmed this. He said the agreement that was attached to the July 18th report did not have the Schedule E, the design specifications, for the water booster station. The specifications were provided and staff have indicated that they were satisfactory to the engineering department. There were four recommendations from his department, to council, which should be considered. The most important of them was the lot

grading certification. Under this subdivision another feature would be that at the time building permits are submitted lot grading plans will also be forwarded. He said that is not required under standard R-1 zoning. Before an occupancy permit will be issued there will have to be certification from a professional engineer that the lots were graded in accordance with the approved plans. The objective of this was to try to preclude, especially where the houses are closer together, nuisance problems such as ponding on the lots or flooding basements. He said staff felt this would go a long way to achieving that end. Initially the applicant was not prepared to accept this recommendation or the others. He said the Armoyan Group is now prepared to accept these recommendations, including the lot grading certification, on the condition that no other amendments be made. He said he has outlined in his memorandum to council that if they are prepared to accept this position these are the resolutions to approve the proposal.

Councillor Cooper asked if the distribution system design criteria has been dropped altogether as a requirement or concern of the municipality as originally called for under Schedule E.

Mr. Morgan said the developer is very much committed to building a centralized booster station on the water reservoir site. That is mandatory.

Councillor Cooper said the specifications which council has are strictly for the booster station and have nothing to do with the distribution system.

Mr. Morgan said the applicant would not be committed to expend any money to fix up problems within existing subdivisions.

Councillor Cooper asked if the municipality has dropped that requirement from the earlier report.

Mayor Ball said it is his understanding that what the municipality is saying is that the booster station, if it is put in place, the county has the option, in conjunction with the developer, to enhance that booster station in order to address water problems in other areas. The developer themselves must meet the requirements of servicing the subdivision they are applying for. He said if the municipality wants to enhance, in conjunction with that, it has to pay the fees.

Councillor Cooper said the fax refers to a telephone conversation of August 9th advising that the Armoyan Group is willing to accept all recommendations regarding the above. He asked which recommendations was being referred to.

Mr. Morgan said July 25th was the memorandum to Municipal PAC. He said the memorandum, today's date, has included four

recommendations.

Councillor Cooper said that reference is made to exemption with regards to the Topsoil By-law provided there is a plan submitted with the Department of the Environment. He asked if there was provision in there that if the Department of the Environment does not require this plan to be put in place then it goes back to the Topsoil or Lot Grading plans.

Mr. Morgan said one of the amendments would read such that if the Department of the Environment decides it is going to review lot grading requirements, the Municipality would require compliance with the Topsoil By-law. The reason for the exemption is that staff wanted to avoid duplication effort between two levels of government. It is the feeling of staff that the municipality's role would be more primarily in terms of drainage dealing with storm drainage. Making sure that you are not getting ponding on the property or nuisances or flooding basements, etc. Protecting the watercourse should be more the responsibility of the Provincial Department of the Environment. As long as the Department of the Environment was reviewing erosion and sedimentation control plans and prepared to take action in the event that there was pollution of the lakes there was no need for county engineering department to duplicate that effort.

Councillor Cooper asked if the plans have to be submitted before any development takes place on the lots and approval of such plans submitted to the municipality before any action is taken on this.

Mr. Morgan said the erosion and sedimentation plans won't be forwarded to the municipality but they will be reviewed by the Department of the Environment.

Councillor Cooper said his question is will they have to be reviewed and approved and this municipality notified of that situation before any development takes place on the land.

Mr. Morgan said notification will be required before final subdivision approval is granted. It is possible the applicant or developer can go in and start doing site preparation prior to granting final subdivision approval provided that approvals have been obtained both from Department of Transportation and the Department of Environment.

Councillor Cooper asked if council would be approving the funding in Mr. Wdowiaks report.

Mayor Ball said this is for the information of council to make them aware that this is something that council may have to look at down the road if council approves this tonight.

Mr. Wdowiak said he would like to make council aware that under the CDD agreement, as negotiated, specifically in terms of the water booster station, the availability of accessing that pumping station is there but the infrastructure would be required to make service improvements in areas outside of the CDD area under agreement. He said it is practical, it is possible, it is available; however, there would be an associated cost for the infrastructure within the subdivision which would remain with the developer. The improvements to the county system would have to be taken into consideration for funding by council in the future.

Councillor Cooper asked if there was presently, in this agreement, provisions for expenditures by the municipality with regards to the booster station.

Mr. Morgan said it is not binding on either party. He said section 5.8 states the developer at it's own discretion or upon request from the municipality must prepare a design for a pumping distribution system which would be capable of providing service to the lands comprising property as well as lands in the vicinity of the property which are not subject to the agreement. The municipality may consider cost sharing. It also states that nothing in this agreement shall obligate the developer to design an alternative system or the municipality to enter into a cost sharing agreement.

Mayor Ball said it leaves the municipality's options open but it does not commit the municipality to expending dollars unless it chooses to do so in the future.

Councillor Fralick said the school has expressed concerns about the adequacy of schools which will serve this development. It has also been noted that the main highway for this development is approaching capacity. He asked if there had been any further discussions.

Mr. Morgan said the policies do ask the municipality to consider the adequacies of school facilities, the traffic on the St. Margaret's Bay Road. He said there is going to be a judgement call on the part of the county. He said the school board is saying that they are getting close to capacity and come this fall the schools will be filled. Because of the strong growth in this community some of the kids from the elementary school will be sent to the high school. He said that the school board has said that if this rate of growth keeps up there will be some serious difficulties ahead. Funding for new school construction might not be available for another number of years. A traffic impact study done in conjunction with the master plan for Stan Havill's land shows that the highway is nearing capacity. There can be about another three hundred homes in this area before the road reaches the level of a category E which means there is a fair amount of inconvenience with stop and start traffic. He said

there may also be some associated safety problems. The more you have people turning off there more chance there will be for an accident. He said the municipality has made a substantial investment in infrastructure; namely, the sewage treatment plant. He said if council turns this down these lands could still be developed as of right under R-1 zoning as can a number of other properties.

Councillor Fralick asked if anything has been mentioned about exit 3 onto highway 3.

Councillor Rankin said he would like to respond to the letter from the Armoyan Group. He said the letters states that Mr. Armoyan would accept the recommendations conditional on no further amendments or requirements to the CDD receive approval. He said the letter should not influence council. He said concerns were brought forward with regards to a number of semi's, the amount of sidewalk, etc. He said the letter from Mr. Armoyan should not bias the council as to what he can accept or what he can't.

Mayor Ball said what is being said is that if council makes a decision and it is not in agreement with what Mr. Armoyan has expressed, he has the right not to accept that agreement. He said the County can't impose a contract on him. He can either accept the contract or reject it.

Mayor Ball said the four lots on James Street Extension is a private driveway and what is being said is on a private road we can develop four lots where there is going to be a shared driveway and the four people must live there cooperatively to ensure that the driveway is shovelled and plowed etc. He said he has difficulty with this because in essence it is a private road that does not even meet the proper road requirements of 66 feet in width.

Mr. Morgan said it is not a proper road but a shared driveway.

Mayor Ball said in the municipal plans he is familiar with there is a regulation there of 14.1 or 14.3 where you can develop one lot and another. Everywhere else in the municipality theoretically there are two lots available to you on most municipal development plans. If you want more than two you have to have what is called the paper road which is a private road with the ability to be upgraded to a public which is 66 feet. He asked if this road met any of those conditions.

Mr. Morgan said it does not. He said what is being said is that it is going to be very low traffic volume; four houses are going to share a driveway.

Mayor Ball said what would happen if someone came in from another

plan area and wanted to do the same will have to be told what the rules are.

Mr. Morgan said this lot frontage exemption normally applies within serviced areas. He said under a negotiated agreement the legislation of the planning act says standards can be varied as well as road width requirements, lot frontage requirements, and lot areas. He said at the present time there is no zone that permits forty foot lots and four thousand square foot area. This is an unusual piece of land and it is the feeling of staff that this did not seem unreasonable.

Mayor Ball said he understands what Mr. Morgan is saying but is trying to get a point across that he has known some situations where some other people have had unusual pieces of land but they are only developing four homes on that unusual eight acres because they are restricted because they can't met the road frontage requirement. He asked if the area outlined in green on the map had potential for development or was it parkland.

Mr. Morgan said there are parts of this land that are quite low and it would probably be desirable to leave them as such.

Mayor Ball said the land could become active with children playing there.

Mr. Morgan said to some extent staff wanted the community to decide how it wanted to develop it but there is potential. If the residents wanted to, in future, the grades could be altered to put in a baseball or soccer field etc.

Mayor Ball said it had also been suggested that it become a storm run off area for the rest of the subdivision and the feasibility down the road to address that might be to construct retention ponds before it eventually goes into the lake. He said, as a lay person, he sees a conflict between parkland and retention ponds.

Mr. Morgan said when he says construct retention ponds there may not be a lot of construction necessary. They may already be there with very little modification. He said if that happens, some of the land would be lost to the possibility of active recreation. He said he would suggest that there is enough land left.

Mayor Ball said what he is suggesting is that the storm drainage is going into the access where the people would be accessing at the same time.

Councillor Hendsbee asked if the chain link fence would also run along the back of the lots. Mr. Morgan said is along the common side lot lines to the rear lot lines.

Councillor Hendsbee asked if there was any separation of the lots with the parkland in behind. Mr. Morgan said there is no requirement to put a fence along the rear lot line.

SPEAKERS IN FAVOUR

Mr. Barry Zwicker spoke in favour of the application. He said in their opinion this project is not reasonably inconsistent with the planning strategy. He said in their opinion it is consistent with the planning strategy. He said over and above the memorandum that has been presented tonight indicating that the Armoian Group has agreed with the additional four requirements to be added in the contact there are already a significant number of engineering requirements, in particular, that are already built into that design that are significantly over and above the normal requirements to build within a single family subdivision or a subdivision presently contained within the subdivision regulations. He said the second issue has to do with parkland. He said parkland in this plan is now shown to be 35% of the area occupied by lots and there has been a suggestion that two things have changed: 1) that the frontage for the parkland should increase and 2) that the cash donation should be increased. He said council should be aware that that 35% equates to a normal requirement of 5%, so in essence there are seven times the amount of parkland that is legally required to be provided. He said it is a CDD and it is a negotiated deal and they are not saying they have a problem with putting the 35% but that is the comparison that should be used. He said the requirement for frontage is the same as is in the planning strategy. If the municipality was going out looking for a piece of parkland to be provided in these areas the strategy says a minimum of 100 feet. He said if there is something wrong with the standard he would strongly suggest that council reconsider what is in the strategy and, at some point in time, rethink the standard.

Frontage for parkland is a direct cost to the developer. Streets in Timberlea cost approximately \$425.00 per foot to build. He said if council is considering increasing the frontage he said he is sure the Armoian Group would be prepared to negotiate the sale of some of those lots that are fronting along there to enable the municipality to increase that frontage, if so desired, at some point in time. That offer can always be made available until there is a house on the lot.

He said at this point fencing is proposed on the two lots where the access is provided. There is clearly no intention to fence the back lot lines of all the properties that back on it. It was suggested that you might want to increase the frontage and security because you can't see through it. There are two ways of doing this: one is to increase the frontage and the other is that the area behind the lots can be reduced. He said if they are 14.7 acres and they are going to cause some concern with the

municipality then some of the lots can be extended back to the lake. It was discussed during the early discussions with recreation and planning that that size land in that configuration is something that would be of a useful nature to the municipality in this specific area and that is why it is being presented that way. If there was a real concern that the Armoyn Group was going to have to provide 200 feet of frontage they would have to recoup that in some other fashion.

A ratio of mix CDD 50/50 versus 70/30. He said it is true to say that the planning strategy in this area doesn't require or states as an objective a 70/30 mix. It says in the CDD area that you can consider up to a 50/50 mix. He said they have suggested a 52/48 mix slightly in favour of the overall family use. There are a couple of options with respect to use that are also available in that CDD. Townhousing and apartments could have also been proposed in this area which in essence would have driven up density. One of the things that should be compared is not just ratio of single family to two family but also cognisant of density. He said density drives up requirements for other facilities like water and sewer, parkland and schools. The density of this project is at 4.5 units per acre. In any standard that is a very low density. Four units per acre is the standard single family density that is available anywhere within a serviced community. He said this is dealing with a mix that has singles and semi's but the density is still only at 4.5 units per acres. Overall it is very small.

Water booster station was a major issue. It was an issue at one of the very first meetings. There is an existing water pressure problem in sections of Glengarry Estates now and there was a desire to look at some method of trying to improve that through provision of infrastructure within this project. He said they indicated the last time that there are two ways of increasing the water pressure. They can put in individual booster stations in each of the units and that will solve the problem for the 66 acres or approximately half of it that has a pressure problem. It does not do anything for the community. He said they have agreed to the terms of reference put forward by the engineering department to put in a central booster station. They have gone further and suggested that upgrading that can be made available to the county at marginal costs, not based on percentage of use, so that if it costs a certain amount of dollars to put the booster station in and there is a slight percentage increase to upgrade that then those are the costs that could be attributable to the municipality versus sharing it based on percentage of use within the booster station. He said there was never a suggestion that the municipality was giving up on having this developer upgrade infrastructure in the adjoining subdivision. He said he has been involved in the project for a year and a half and there has never been a suggestion, that he is aware of, where this developer was going to be upgrading infrastructure in Glengarry

Estates. It only ever dealt with ensuring that there would be some level of infrastructure within the 66 acres to allow the municipality the opportunity to upgrade an existing problem and hopefully solve it.

He said he has indicated that the developer has agreed with the four items put forward at the July 25th meeting with some reluctance. The issue of the estate lots and frontage has been proposed as a unique way to try and utilize an odd piece of land. It is a way that allows for four units to be built on eight thousand square foot plus lots sharing one driveway where there is really no cost to the municipality to maintain that. Sidewalk construction is being proposed down James Street from the entrance to the school down through to the intersection of Meadowdale and Darrell Court. Those are elements of the plan that are not normally required. There is also a consideration, based upon discussions with the Department of Transportation, for the rest of James Street that may see that entire road have sidewalks on it depending on negotiations with respect to right of way. Presently they are showing that at fifty feet and the Department of Transportation would like to see it at sixty six feet or some equivalent. The equivalent being some houses set back further and the provision of a sidewalk. He said they are in the negotiation stage with that particular one.

He said one of the other features is the creation of the supermailbox pad and a pull off area on the street which is over and above what would normally be required. He said it was felt in the early stages of the project that this would be an element that would help jell this community and provide a centralized safe location to access community mailbox systems. He said from their perspective the project that has been put forward as it presently stands and as the developer has agreed to have those clauses amended in the agreement is, in their opinion, consistent with the planning strategy for this area within the municipality. He said he would encourage council to adopt the development agreement as it is proposed to be amended.

QUESTIONS FROM COUNCIL

Mayor Ball said Mr. Zwicker had indicated that they had allocated 35% parkland which is seven times the norm. Mr. Zwicker said the provision of parkland is at 35% of the lot area which is 14.7 acres and that equates to seven time the norm which is 5%.

Mayor Ball asked if it would be fair to say that normally 5% would be allocated to any development. He asked if the lands in question may not be economically developable for the subdivision.

Mr. Zwicker said they can hold some of these remaining lands and consider for development in the future. He said it is in their opinion and the developers opinion not economically viable to

develop it at this point.

Councillor Rankin said in relation to the parkland dedication that represents some 22% and perhaps what Mr. Zwicker included was remaining lands into that 35%.

Mr. Zwicker said the total green of 14.7 acres is equal to 35% of the area covered by lots. The area covered by lots is 41.6 acres. He said that is the way parkland dedication is calculated within the municipality. Five percent would actually equate to two acres approximately.

Mr. Morgan said under normal subdivision what would be 5% of the area of the land excluding lands devoted to public roadways. It would be 5% of the lot areas.

Mayor Ball said that in this particular subdivision it would be the forty four acres that is being developed.

Mr. Morgan said the gross area of this is 66 acres but it wouldn't be 5% of 66 acres, it would be 5% of 66 minus the roadway dedications and mailbox site as well.

Mr. Zwicker said that is the area he has utilized.

Councillor Rankin said the report states that parkland dedication is now 22.3 %. He said he wanted it on record that it referred to the split between multiple and single. He said they are also asking for reduced lots to forty feet. That is also a concession to the developer with regards to the MPS.

Mr. Zwicker said one of the three areas that are actually being requested over and above the norm is to have an element of two family units, forty foot single wide units, and the four estate lots. From a land use point of view those are the total variations from the norm that is being requested.

Councillor Rankin said variation from the norm (forty foot lots) constitute 75/25 of the total units so that is a substantive deviation from the norm as there are zero forty foot lots in district 2.

Mayor Ball said the purpose of the CDD is to allow a degree of flexibility of change in lot frontages that would not normally be sixty feet. It allows that flexibility based on the kind of agreement or development that is being done. It doesn't have to strictly adhere to sixty feet.

Councillor Rankin said a CDD does not have to have a reference to frontage especially when you are talking about a 13 acre parkland.

Councillor Sutherland asked if James Street right of way was a consistent 50 foot right of way.

Mr. Zwicker said the existing built up portion is at 66 feet. The proposal within the plan is at 50 feet. Setbacks would be normal setbacks as per the land use by-law. He said what is being discussed with the Department of Transportation is pushing them back to 30 feet and the provision of a sidewalk on one side.

Councillor Sutherland asked if the right of way would remain at fifty. Mr. Zwicker confirmed this.

Councillor Deveaux asked if this compares to the Heritage Hills development in the Eastern Passage area.

Mr. Zwicker said it is similar in that it has a mix of 60 foot lots and 40 foot lots and semi detached lots. This development is at a lower density than the Heritage Hills project was proposed at. He said Heritage Hills has 616 units, this has 298.

SPEAKERS IN OPPOSITION

Mr. David Briers, 88 Forestglen Drive, spoke in opposition. He said the pictures that Mr. Morgan took do not justify what this area is like. He indicated an area on the map and informed the council that all the trees had been removed from that area. He said he lives near a drainage ditch area which has between the spring and the fall anywhere from three to four feet of water. He said the area where the four homes are proposed is presently a hill which may have to be completely dug out. He said with all the open area there is going to be some form of drainage problem. Mr. Morgan said there are contour elevations shown in the staff report of July 18, 1994. He referenced page 5 which shows them being on a hill with an elevation.

Mr. Briers asked if the land would have to be levelled before being developed. Mr. Morgan said it could be developed on the hill. He said the pictures do not give a good description of what the park area is like. He said it is swamp area with holes, pits and inlets. He said, in his opinion, it is fairly undevelopable land unless a lot of money is spent to develop that particular area. He said they are not at the meeting to dispute the Armoyan Group building homes but rather that they made requests for exceptions to building certain types of homes such as "0" lot frontages. He said what is being proposed is a large development with a school that will not handle it. He said there are problems with traffic existing at the present time. He said this development will require a large expenditure by the municipality in the near future. He said his main concern is with the fact of the number of semi detached homes being put into the area.

Councillor Cooper had Mr. Briers confirm, on the map, the area that is presently grubbed out.

Mayor Ball asked for clarification on what was meant by grubbed out. Mr. Briers said the land is clear cut.

Mr. Morgan said he had visited the site. The trees have been cut down but the soils have not been exposed at this time. He said no grubbing has taken place. He went on to explain that grubbing is when the roots are pulled out of the soil. He said there was some concern with trees being cut in the open spaced areas where the agreement says they are to be preserved in a natural state. He said surveys have been done to verify that the open space has not been encroached upon.

Mr. Briers said the trees on A6 and A5 are gone.

Councillor Hendsbee asked if the 60 foot lot frontages that are planned to be there are consistent with the area.

Mr. Briers said they were concerned with the drainage problem. He said there has been cutting going on and he showed an area where extensive cutting is taking place.

Councillor Cooper said one of the prime aspects of this development is the deferral to the Department of the Environment for the excavation sedimentation topsoil control. He asked if the staff of the municipality have talked to the Department of the Environment and found out whether or not they are going to require such a plan and when it must be submitted.

Mr. Morgan said staff from Planning, Engineering and the Department of the Environment met regarding soil and erosion control measures because they wanted to try, as much as possible, to avoid duplication in efforts. He said the erosion and sedimentation control plans would have to be prepared, viewed by the Department of the Environment and a permit to construct issued from the Department.

Councillor Cooper asked if the Department of the Environment said they are going to require such a plan.

Mr. Morgan said what they have advised staff is they will review the plans as part of their review process of the service systems. The Department also reviews the sewer systems etc. He said the department does not actually grant approval of but rather they review and if they see any perceived deficiencies will advise the proponent and ask for changes to the plans. If they are satisfied with the plans they don't grant approvals but they will expect them to be in place. If there are any unacceptable levels of runoff of sediments etc, into the lake, they will take action. Request cooperation or take action under the environmental

protection act.

Councillor Cooper said he feels there shouldn't be any development there until that erosion and sedimentation control plan is either indicated clearly by the province that they do have to have it and prove it or no development should take place if that is not required and the county has topsoil removal permits in place. He asked if there is going to be no development until either of those are in place.

Mayor Ball said it is his understanding that they can't get final approval for the subdivision until they get leave from the Department of Environment under those regulations.

Mr. Morgan confirmed this. He said the agreement does contemplate that site work might be done before subdivision approvals are received. Under 4.4 it says that approval has to be received from Department of Transportation to make sure they have approved the road alignment. The permit to construct from the Department of Environment in which case the erosion sedimentation plans will be reviewed.

Mr. Kenneth Jones, 9 Meadowdale Crescent, Glengarry Estates spoke in opposition to the application. He said they built in that area seven years ago because Meadowdale Crescent had 75 foot frontage on the lots. He said they were assured that the intent of that area at the end of Forestglen was to remain R-1 and to have large lots. He said they signed a covenant that required the minimum size house to be 1200 square feet. He said he feels that in the plan submitted here for Darrell Court the introduction of duplexes is not in keeping with the intent of that area as it was conveyed to him when he bought there.

Councillor Deveaux asked who conveyed that information to him. Mr. Jones said the real estate agent and the covenants that they signed when they bought the land. All the lots on Meadowdale Crescent were 75 feet initially. Several years ago the ones at the end of the street were downsized to 60 feet.

Councillor Deveaux asked if Mr. Jones was aware that with a CDD that whatever was planned the lots sizes can be changed. Mr. Jones said that is one reason why he was opposed.

Councillor Barnet asked if the developer who developed Mr. Jones property was the same one that was developing this proposal. Mr. Jones said it was not the same.

Jeannette Pelley, 85 Charles Street, spoke in opposition to the application. She said she has been a resident of Timberlea for the past 33 years. She said even though the housing increases the community does not seem to grow along with it. She said she is referring to schools, recreation facilities, roadways and

medical care and fire protection. She said they are not against new development but they do have concerns when it comes to sacrificing safety of lives and properties. She said they are presently being serviced by the Lakeside Volunteer Fire Department and this fire department has come a long way. She said the fire department also has concerns about the area growing. She said the Lakeside Fire Department has four full time paid men and also three part time paid men who relieve vacations. She outlined the shifts of the fire department for information of council. She said the department relies on approximately 35 volunteers.

She said in 1993 the fire department responded to 199 calls and to date there have 121. According to the county policy division the population of district 2 is 5904 people. She said the point she is trying to make is that the population is growing but the services are not growing with it. She said presently there is an eight to twelve minute wait for an ambulance to come from the city. There are no medical facilities in the community. She said the Bay Road Fire Department response time is quite long because they are comprised of volunteer only who have to be located if a situation arises. She said the records at the Lakeside Fire Department indicate that most of the calls come in during the day from noon to five p.m. and most of the volunteers are employed outside the community.

She said she has asked one of the officials at the Fire Department what would happen if a call comes in during the day and there are only two men on staff and they both had to go and there were no volunteers to man the phones. She said she was told the phones are put on call forwarding to the fire truck. She said what she is trying to stress is that they pay taxes and should not be put in positions like this. She said the schools are presently overcrowded and the business district consists of a grocery store, a drug store, a tavern, and a gas station. She said the roadways are almost to their maximum. She said the bus service has been changed and is almost useless unless you work in Bayers Lake. She said there are presently water pressure problems and they are told that it will take about three years before anything could be corrected.

She said she realizes that Mr. Armoyan has a right to develop his lands and it would be nice if something could be worked out so that everyone could be happy. She said they have to live there. She said she feels the county should look at the excessive overall development and exercise some control and maybe put some restrictions on this at least until the services in the community is balanced with the community.

Councillor Hendsbee asked where the nearest fire station was in relation to this development. She said it would be the Lakeside Volunteer and it is in Lakeside which is approximately five miles

from where they are. She said they are on the upper end of their district.

Councillor Hendsbee asked if it would be fair to say that any increased development in the area would bring a higher tax base which would bring extra revenues for the local department. He said also increased residents may also have a larger base for volunteers. He asked if there has been any discussion with the developer as to the possibility of the acquisition or enhancement of the local fire protection area as well as what is proposed use of the closed school on Charles and Richard Street.

Mrs. Pelley said as far as increased taxes and enhancing the fire department that would be nice.

Mayor Ball said the area rate that is paid by the fire protection goes directly to the local fire department and they can determine what level of service they require to utilize that money. He said as they have the money in their budget they make decisions as to what their needs are.

Mrs. Pelley said the school has been taken over by the Christian Academy and they have a five year lease. She said from discussions they have had they have discovered that the area being developed is phase III and apparently Mr. Armoyan is only allowed to develop 75 units per year. She said they have a concern with the water problem but they do not see this being alleviated until the last part of the development proposed is complete. She said as each home on Ashdale gets hooked up the water pressure seems to get lower.

Alfred Malley, Forestglen Drive, spoke in opposition to the application. He said he is not against development. He said most of the homes in Ashdale are sold out so there is obviously a demand for 60 x 100 foot lots with single family homes in this area. He said if this was R-1 and stayed R-1 you could put 130 single family units on these lands. He said he feels that is what should go there. He said he bought his property three years ago and at that time checked the zoning of all these areas and it was zoned R-1. He said he bought his house because of that zoning. He said he sees a lot of problems with this proposed plan. He said Mr. Armoyan has the R-1 lots but there is no booster station. He said he feels this should be rejected. It is an R-1 zone and he feels it should stay an R-1 zone. He said under 4.4 it states the developer shall not commence grubbing of vegetation, excavation, grading or any other site work on the property until the permission or authorization of the Department of Transportation has been obtained. He said he feels this developer is not that responsible. He said he would go in ahead of all legal requirements and do what he has to do. He said he does not feel the majority of people would want this type of development.

Councillor Deveaux asked if Mr. Malley was aware that schools were not built in advance of development. He said he was aware of this but there is serious overcrowding in the schools now. He said he does realize that this is a provincial responsibility.

Councillor Deveaux asked what the particular reason was why the speaker does not agree with the mix. Mr. Malley said in the R-2 zone there are hundreds of semi's. He said there is a strong market for semi's. He said he does not feel that the semi's being proposed are conducive of the housing stock that is already existing in the subdivision. He said Mr. Armoyn stood before council previously and said he wanted to serve the people.

Councillor Deveaux said there had been a similar development approved in his area this year which gives people an opportunity to purchase different size homes. Mr. Malley said there is plenty of housing like that in the area. He said one of these is Governors Glen. He said there is also a strong demand for single family homes.

Mayor Ball said that if someone owns a piece of property that contains trees those trees can be cut down without the owner obtaining a permit.

Mr. Roy Hurdle, 34 Greendale Court, spoke in opposition to the application. He said there is a serious water pressure problem throughout the overall Glengarry Estates Subdivision. He said Greendale Court is not exempt of that. He said they also have to time the flushing of toilets if someone is in the shower. He said he has noticed since the Ashdale development has come on line that on their street there has been a further reduction in water pressure. Greendale is one of the original streets that was developed within this subdivision. He said he does not know what size water pipes etc. were installed at that time. He said one of his concerns is that the memorandum outlining the possibility of county participation to improve pressure in other areas of the Glengarry subdivision does not specifically include Richard Street which is the connector between Charles and Greendale Court. He said larger pipes being put into the Ashdale area are probably going to drain the water pressure for those in the central Glengarry Estates area even further. He said he wondered if any consideration has been given to those areas of the subdivision. He said further development has created further water pressure problems. He said if the problem is addressed by the municipality will it also address Greendale, Richard and the central area of the original project.

Mr. Morgan said it is his understanding that this subdivision development would not adversely effect water pressures in any of the surrounding lands. He said with the centralized booster station being proposed there is an opportunity for the municipality to perhaps alleviate some of the problems. He said

in his discussions with the Engineering department it is his understanding that they are well aware of the fact that Mr. Hurdle's street also experiences pressure problems. He said it may not have been specifically mentioned but it is his understanding there is the opportunity to address on Mr. Hurdle's street as well.

Mr. Hurdle asked if it was acceptable under regulations that if a tap is running on the lowest level of a home that no water comes out of the tap of the upstairs bathroom. Mr. Wdowiak said that this is not normal. He said some of this may be due to the internal plumbing.

Mr. Hurdle said that he feels that the forty dollars he is paying on the base end of his water bill entitles him to the reasonable enjoyment of water from two taps simultaneously. He asked how the number of units compare to an area such as Clayton Park. He said it seems to him that the county is getting close to urban density in an area that is somewhere between suburban and rural. He said on that basis he endorses the idea of R-1 as opposed to the higher densities that are being proposed here.

Councillor Peters asked what the PSI is in the standard home. Mr. Wdowiak said 20 PSI.

Kathleen Blowser spoke in opposition to the application. She said the target ratio for Beechville/Lakeside and Timberlea has to be remembered. She said she does not know why these target ratios are set if they are going to be ignored and continually driven out of wack. She said for district 2 the level is currently at 55% single family dwellings. She said why should the county be entertaining adding more high density dwellings to an area that has a target ratio that is way out of whack. She said either the county gets rid of those target ratios or adhere to those ratios. She said the developer had indicated there was a huge market demand for the duplexes and all those lots have been sold in a quick time and most of these lots have been built on. She said most people moved to that area because they chose not to live in the centre of Halifax or another crowded area. She said they chose to live in that area because it is not crowded and there is more room. She said they do not want to see a lot more crowded development happen. She said they agree to development but this is changing the nature of their whole area. She said there is plenty of other available housing in Beechville/Lakeside/Timberlea on the other side. She said they do not feel there is a real necessity to increase the number of duplexes and the narrow lots that they want to build.

She said they find it hard to see what the benefits to the community are on this huge piece of parkland that is just simply of no use to the developer. She said there are some attractive parts to that land but there is a lot of very wet land. She

circulated pictures of the parkland for the information of council. She referenced section 4.4 and showed pictures of what has been cleared. She said it is her understanding that the proper authority has not been obtained to go ahead to do any of that work. She said she feels that the fact that the developer has gone ahead and started clearing when it is evident that the contract states that there is supposed to be no other site work done on that property. She said this shows very bad faith. She said why would they want to enter into a contract with a developer who is already showing no regard for the contract. She said that is just one section of the contract and they are wondering what else he is going to disregard or decide to go ahead and do without getting the proper approval. She said it does not make sense to her to enter into an agreement that has already been broken.

She said contract section 7.9 and 7.10 would allow the developer to dump rocks and soil and fill, from excavation, onto the parkland and the open areas on a temporary basis and she has concerns as to what kind of damage that will do to that land. She said it is her understanding that you cannot put more than three or four inches of soil on top of existing tree roots without doing serious damage to the trees. She said she has concerns about that. She said if it takes four or more years to develop the area it could render this piece of parkland even more unusable.

Councillor Reid said it was his understanding that the contractor has not violated the agreement yet every speaker is suggesting that he has. He said he feels it is basically a misunderstanding of what site work entails. He said it is his understanding is that the county Engineering Department has said that at this point in time the contractor has not violated the intent of the agreement. He said he feels this should be clarified at this point in time.

Mr. Morgan said after a community meeting had been held there was some indication that the trees were cut down in the open space areas. Under the terms of the agreement these areas were left in a undisturbed state. He said Mr. Skora had gone out on a site inspection and, without having accurate reference he thought the trees had been cut down in the open space area. He said by his own visual inspection he did not feel this had occurred. He said he does know that surveyors from Wallace Macdonald Liveley went out today and did a survey and by their own surveys discovered that no trees had been cut down in the open space areas. He said with regards to violations to the terms of the agreement you would have to look at section 4.4 which says the developer shall not commence grubbing of vegetation, excavation, grading or any other site work until certain things happen. He said cutting down the trees could be considered site work. He said it says nothing will happen until certain approvals are acquired. One of

these is approval from the Department of Transportation. He said the county did not want work being done before the road alignment received approval and trees being cut down where the road might not go. The road alignment in that first phase has received approval from the Department of Transportation. Erosion and sedimentation control plans should be in place because they didn't want soils exposed resulting in runoff into the lake. At the present time the site has not been grubbed. He said once the roots are pulled out you are going to get exposed soil and a danger of runoff into the lake. This has not occurred at this stage. He said there might be some violation but if so it would be fairly minor at best. He said depending on how the term and other site work is construed there may not be a violation.

Mrs. Blowser said if something is in the contract it must be important and why is it not being adhered to. She said why enter into an agreement with someone who is going against parts of the agreement that they asked the county to enter into.

Councillor Reid said site work to him does not mean cutting down trees. He said he wants to know whether or the not the intent of the agreement was violated at this point in time because most of the residents seem to believe that it has been. He said in his opinion he does not believe that it has; however, he would like a yes or no answer.

Mr. Morgan said the intent of the agreement has not been violated at this point.

Mr. Lloyd Wilcox, 31 Charles Road, spoke in opposition to the application. He said he has lived at this address for three years and the street used to be dead ended. He said he hopes council approves this development with a couple of exceptions. He said the duplex mix that is proposed in this plan tonight the neighbourhood is content with. He said when Ashdale came on line it was not inspected by any government agency until a phone call was made. He said 850 tons of asphalt was laid over a street that has been accepted as a subdivision. He said 850 tons of asphalt was laid over the existing street in Ashdale heights today which is Mr. Armoyans project in the past.

Mayor Ball said the roads were approved by the Department of Transportation. He said the laterals were put in for potential duplexes when there was no rezoning done. He said everything that was done was in concurrence with an R-1 development.

Mr. Morgan said part of the problem there was that services were being installed before the subdivision was approved. He said there was probably a violation of the subdivision by-law. Under the terms of agreement there is a part 14 - rights and remedies on default. If there are violations to the terms of the agreement there is a lot the municipality can do, including

cancelling the contract. He said staff was very aware of the public relations damage done because of what happened in Ashdale and the county made it very clear that if there are violations to the approval procedures council could cancel the contract.

Mr. Wilcox said the development is needed but do it correctly. He said the water pressure is so that if someone draws a glass of water the person taking a shower can be scalded. He said years ago when he hooked up to the water there was adequate pressure. A new development is adding to it. He said he had his pressure tested on an outside tap and the pressure was 22 pounds. He said a fire truck, under a working fire, needs 20 pounds of pressure. He said he is asking council to consider the water pressure to be a major factor in approving the new part of this subdivision. If the older part of the subdivisions can't be serviced why add to the problems. He said before a decision is made council should know if there is a working fire and the fire truck needs the water is there going to be a water supply for the truck. If council chooses to accept or reject he would ask council to consider the 70/30 mix as duplexes. He said Ashdale Heights had two appeals in which were rejected because of the mix.

Mr. Mike Wallace spoke in opposition. He said why have the 70/30 mix and be able to change it because it is a CDD. He said a 50/50 mix is pushing it to the limit. He said a forty foot frontage does not go with the flow of the subdivision because the majority of the homes in the subdivision are sixty feet wide. He said he would like staff to reconsider the 50/50 and use a 70/30 mix.

Donna Ernst Henry spoke in opposition. She said there is a problem with water drainage at the end of her street. She said the Department of Highways is aware of this. She said it is as a result of Halifax County redirecting a water source off of Greendale Court down onto her street. She said the ditch was filled in. She said there is a great deal of concern with many residents that this particular R-2 zoning only buffered by one R-1 zoning is not acceptable to the people. She outlined in the map some of the areas the residents were opposed to having either an R-1 or R-2 zoning. The water problems are of a great concern but she feels the county should also be concerned with the aesthetics of the neighbourhood.

REBUTTAL BY THE PROPONENT

Mr. Zwicker said one point he wanted to clarify with regards to the right of way on James Street. He said it is going to be fifty feet in the new portion of the development. It is actually 66 feet from its present end on James Street through to the Meadowdale Crescent intersection. It is proposed to be fifty feet from that point on.

He said the development agreement contains a clause that restricts the total number of units that can be built in any one year to 75 units a year which would address the question of the need for schools. He said if the province or the School Board is prepared to lease a school facility from Mr. Armoian, he is prepared to build it and he will lease it to them for whatever terms they feel is reasonable.

He said one of the things that was discussed during the development of this contract was the issue of clearing. He said that differentiates it from other development activities. He said that was specifically removed from the proposed draft agreement so there would be no confusion and it was stated throughout the process that there would be times when there would be tree cutting particularly as it relates to roads and areas that are proposed to be filled. As part of the process an application was made for single family dwelling on James Street, first phase coming down to Meadowdale. That road pattern was established and tree cutting was undertaken in there approximately a month ago. He said the issue that was raised that as a part of that tree cutting a portion of the parkland, that is proposed to be given for this development, has also been cut. Today they sent a survey crew out to identify the area of parkland particularly on those lots behind James Street. He said the area that has been cut is adjacent to the open space not the open space.

He said a mention was made to regulating of the size of houses. He said Mr. Armoian is prepared to put in his covenants for all his sixty foot wide single wide lots a minimum house size of 1200 square feet would be required and in the forty foot wide lots a minimum square footage of 1100 square feet. He said it was also mentioned that based on this road pattern if they were all developed as sixty foot wide single family homes there would be approximately 130 homes. He said if the calculation of adding the single family homes which are 75; take the 60 foot two families which are 72 and assume that they were singles; took the forty foot lots times 75 (which would give you the total street frontage) divide it by 60 that total comes to 200. He said the other number of approximately 130 to 140 is not correct based on that number. He said with that street pattern there would be a yield of 200 single family homes.

He said that the approval of any houses in this section of Glengarry Estates will not detrimentally affect the pressure that is being experienced now in homes. The only way they see improvements to pressure will be as a result of a centralized booster station that is sized properly to help improve the existing situation and that also requires some upgrading to the piping system. He said there are a number of reasons why pressure drops. He said interior plumbing is the single largest reducer of pressure that you can have is in your house. He said

some people have smaller than normal water laterals going into houses. The standard today is 1 inch and some people have 3/4 and 5/8 because they are older and that is what the standard was back then. He said those problems will be experienced until that is rectified.

He said the Ashdale application was never heard by the Board and hence never made a decision. He said he does not want council misinformed with respect to that.

Councillor Cooper asked if the company has been in contact with the Department of the Environment regarding this erosion and sedimentation control plan.

Mr. Zwicker said there was information submitted to the Department of Environment with respect to the areas that they applied for as of right application. He said council should be aware that the developer is not under an obligation today to undertake those steps. There is no agreement or contract until it is approved by council and executed by the two parties. He said there can't be a breaking of that contract because it does not exist. He said an overall erosion control plan for this site has not been done and has not been submitted to the Department of Environment.

Councillor Cooper asked what permits the company has at the present time.

Mr. Zwicker said it is his understanding that the only thing they actually have is the approval from the Department of Transportation with respect to the road alignment and because of a concern of simultaneously reviewing an as of right application at the same time they are looking at a development agreement that was also put on hold.

Councillor Cooper said erosion is going to be a great concern. He confirmed that at the moment there are actually no indications from the Department of Environment that it is going to require one of these plans.

Mr. Zwicker said the indication that they have received is that they are going to require the plan.

Councillor Cooper confirmed that at the moment there is no permit to construct. Mr. Zwicker stated that was correct.

Councillor Reid said it is his understanding of the subdivision by-law is that the county Engineering Department has regulations in relation to storm drainage that apply to all subdivisions. He said there was concern expressed about the storm runoff. He said because the regulations are there the responsibility in future will fall to the municipality and not to the developer.

Mr. Zwicker said every regulation that is presently in place within the municipality is going to be enforced on this development particularly with respect to things such as lot grading and storm water management issues. There will be a lot more attention put to this development than would normally have otherwise been the case in a straight as of right application.

Mayor Ball asked Mr. Sheppard, with regards to storm water runoff, if this was a problem that the Engineering Department has dealt with residents in that area. He asked if this was the same area that had been discussed previously that was responded to and there were several options given to residents.

Mr. Sheppard confirmed this.

Mayor Ball confirmed that it is not something that the municipality has ignored. There have been solutions offered. He said it is question of which route the residents want to take in that solution.

Councillor Reid said he knows it is not the present developers responsibility to correct the problems that are there before. He said he knows that this new subdivision application is going to be under fairly strict guidelines in relation to storm water drainage. Part of what is coming down Meadowdale crescent has to be addressed as a result of new development.

Councillor Rankin said he would like to explore the potential for movement on the development. He said he is bringing forward the concerns of the community. He asked if the developer was willing to consider converting the eleven semi's on Darrell Court to single sixty foot lots.

Mr. Zwicker said the answer to that is yes if the eleven semi's are able to be picked up elsewhere within the existing proposed sixty foot singles. He said he is not talking about the elimination but the transferring. He said if Councillor Rankin's question is specifically "Is the developer prepared to have the total number of semi's reduced by eleven and take them off of Darrell Court?" the answer is no. If the question is "Are they prepared to move them around such that singles end up on Darrell Court?" the answer is yes.

Councillor Rankin asked if the developer was prepared to increase the amount of levy for provision for improvements to the park from \$30.00 to \$60.00 per lot. Mr. Zwicker replied "no".

Councillor Rankin asked if the developer was prepared to extend the sidewalk on James Street to the opening of the park entrance. Mr. Zwicker said the answer is no because they are already considering extending it the full length of James Street.

Councillor Rankin asked if the developer was prepared to increase the amount of park entrance from 100 to 200 feet. Mr. Zwicker said the developer is not prepared to extend the width of the park. He is prepared to consider selling any of those lots to the municipality if they wish to extend it beyond their requirements.

Mayor Ball said he would like to suggest a couple of options. He said the options are that council could have a motion to accept or if there is the possibility of a motion of rejection he would suggest council defer a vote until September 6th. He said the planning act suggests that council must give reasons as to why it would reject a particular application.

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

'THAT COUNCIL DEFER THE VOTE ON THE APPLICATION UNTIL SEPTEMBER 6, 1994 COUNCIL SESSION'

MOTION DEFEATED

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

'THAT THE APPLICATION BE REJECTED'

Councillor Rankin said it is his understanding that there are two issues with the CDD and that is what is the appropriate balance between multiple and single and what is a reasonable package of amenities offered to the public in terms of parkland, the type and the amount. He said when this was first presented to council the developer said they contemplated only minor amendments to the original CDD package. He said that was not the case. He said that original CDD was a 70/30 and then they moved to single by right and then they moved to a substantially different CDD in terms of the mix. He said it was a proposed 42/58. He said he would ask council not to be dissuaded by the overall mix proposed here. He said they are trying to maximize within the maximum guidelines contained in the MPS. He said the guidelines state up to 50%. He said the governing document is the MPS and it has to mean something in particular the 70/30. He said Policy UR11 states that if a development provides for a mix of housing keeping with the general target for housing mixture it is not in keeping and does not detract from the general residential character of the community. He said district 2 consists of many different communities with different characteristics. He said they were prepared to consider a CDD having consideration for what was the ultimate mix offered and what was the ultimate package of amenities. He said he is satisfied that there is not sufficient movement based on the questions put to the developer. He said Darrell Court is an extension of the existing community.

He said there is already a CDD that the community has designated for future development. He said that does not go in the direction of improving the equation of 70/30. He said there are sufficient reasons in the context of the MPS allowing for discretion having regard to what was ultimately offered in terms of mix and the amenities. He said it does not sufficiently offer enough for the community to accept.

Councillor Sutherland said it appears to him that council is dealing with these CDD's as they are only partially complete. He said they come forward and council is asked to continue negotiating. He said it is his view that by the time it gets to this process the municipality should have exhausted all avenues of negotiation. He said it is starting to become a common thing of bringing it through and deferring it in order that negotiations continue and maybe bring it back. He said he is not opposed to what Councillor Rankin had to say but to the process of deferring it.

Councillor Deveaux asked why it was being rejected.

Mayor Ball said he felt, under the advice of the solicitor, that council, if looking at a rejection, give some reasons and if the decision was deferred it might give council some time to formulate those reasons. He said Councillor Rankin has put forward what he feels are the reasons for a rejection.

Councillor Deveaux said he feels there are more benefits than detriments in this proposal. It offers everyone an opportunity for various sizes of lots and housing. He said it is not always possible to have R-1. He said people should be allowed to build where they feel they would like to. He said there are a lot of extra controls put in the proposed subdivision which are not prevalent in many other subdivisions that were approved in the past. He said he cannot support the motion.

Councillor Hendsbee asked if this proposal was rejected and the developer tried to renegotiate certain terms would they have to start at the beginning.

Mayor Ball said they would probably be starting from square one of the process.

Mr. Carmichael said there is by no means any certainty that the developer would be interested in any further discussions for amending this proposal. He said how far back it would have to go depends on the developers position.

Mayor Ball said council would have to go through a public hearing process and through PAC. He said that would not be avoidable.

Councillor Hendsbee said this proposal is better in concept than