

the first proposal. He said he is not in support of the motion.

Mayor Ball asked Mr. Morgan if it was 50% for the plan area or 50% for any development in the MPS.

Mr. Morgan said the strategy sets as a target for the whole plan area a housing stock ratio of 70% single unit dwellings to 30% higher density development which defined as semi detached, mobiles, apartments, townhouses, etc. He said it does say that because of the opportunity to have under a development agreement better control under this process, council can consider up to 50% of the units to be what is defined as higher density development.

Mayor Ball asked even if that 50% in that arrangement would offset that 70/30 split in the plan area.

Mr. Morgan said in a number of the planning strategy policies and objectives you have to balance certain objectives. That 70/30 target mix for the whole community is still there in effect and cannot be ignored. He said you also have polices that deal with the 50/50 mix. He said another important consideration is providing a housing mix that meets the needs of various income levels etc. He said this does achieve those objectives to some extent.

Mayor Ball asked if the entire plan area was subject to the possibility of a CDD development or is it restrictive in nature as to where those CDD's can take place.

Mr. Morgan said there are some limitations. You have to have a minimum of five acres and at least two accesses to a public road. He said there is a large track of land owned by North American Real Estate which is already zoned CDD and there are other properties as well that are prezoned CDD. He said any development on these lands is by contract. He said there is probably going to be an expectation, on behalf of the property owners, more than single dwellings on standard sized lots.

Mayor Ball asked if by right in that plan area you were going to go to single unit dwellings and you took the whole acreage that is in place and used the 5% parkland as an example how many units could be developed within that site as single unit dwellings.

Mr. Morgan said there has been a final plan submitted for a partial first phase and a tentative on the remaining lands. He said there would be 200 lots maximum in terms of single family dwellings.

Councillor Rankin said he would like to state that he is not anti housing nor is he anti affordable housing. He said there is a 52/48 density suggested here. In addition to those units there is a reduction of lots to 40. He said this would be

counterproductive to the intention in the MPS. He said it would also be inconsistent with the decision on Ashdale.

Councillor Hendsbee asked, with reference to Ashdale, did the developer buy into a plan that has already been zoned for R-1 with the subdivision plan approved and lot plans submitted.

Mr. Morgan said the Armoyan Group bought this parcel of land. A tentative plan had already been approved. The zoning was R-1. Once he had purchased it he requested zoning approval for eleven lots with 22 units. He said the decision of council to refuse it was initially appealed but the appeal was dropped.

Councillor Rankin requested for a recorded vote.

Mayor Ball	Against
Councillor Meade	Not present when vote taken
Councillor Rankin	For
Councillor Fralick	For
Councillor Deveaux	Against
Councillor Hendsbee	Against
Councillor Bayers	Against
Councillor Smiley	For
Councillor Reid	Against
Councillor Peters	Against
Councillor Barnet	Against
Councillor Harvey	Against
Councillor Sutherland	Against
Councillor Cooper	Against

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

'THAT COUNCIL APPROVE THE REZONING OF THE LANDS FROM R-1 TO CDD ZONING"

MOTION CARRIED

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

"THAT COUNCIL APPROVE THE CDD AGREEMENT AS AMENDED PER THE STAFF REPORT OF AUGUST 10, 1994"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Deveaux:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

AUGUST 22, 1994

THOSE PRESENT: Mayor Ball, Chairman
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Mitchell
Deputy Mayor Bates
Councillor Hendsbee
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Merrigan
Councillor Giffin
Councillor Barnet
Councillor Sutherland
Councillor Turner
Councillor McInroy
Councillor Cooper

ALSO PRESENT: Karen Fitzner, Municipal Solicitor
Nancy Dempsey Crossman, Municipal Clerk
Sandra Shute, Recording Secretary

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CALL TO ORDER

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

RE FILE NO. RA-PD5-05-94-05 - APPLICATION TO REZONE THE PROPERTY OF MIKLOS AND JUDITH HUSZAR AT 1300 OLD SAMBRO ROAD IN HARRIETSFIELD FROM R-2 (TWO UNIT DWELLING) ZONE TO R-2A (HOME OCCUPATION) ZONE.

The Staff Report was presented by Paul Morgan who advised that the property was illustrated on pages 2, 3 and 4 of the Staff Report dated June 20, 1994. He stated that the applicants were seeking a R-2A (Home Occupation) zone to allow their garage to be used for a small business - a tool making and repair business. He said this application might be familiar because earlier this year Council had amended the Policies and the definition of a home occupation to specifically allow for consideration of this use.

Mr. Morgan showed slides to illustrate.

Mr. Morgan stated that in terms of Policies within Planning District 5, the property was in a residential designation and zoned R-2 under the Land Use By-law, which allows by right a home business up to 300 sq. ft. within the dwelling. Provision was made

now for a larger home occupation zone of up to 750 sq. ft. which could be either in the dwelling or an accessory building. There were standards to the Home Occupation Zone appended to the By-law; the business has to be operated by a person residing on the property. There would be no outdoor storage or display and a sign would be permitted not to exceed two sq. ft. In terms of what Council was being asked to consider, most matters related to matters regarding compatability of neighbouring land uses and impacts of traffic.

Mr. Morgan stated that the slides indicated this was not an unreasonable location for application of this zone or to allow this type of business. In terms of traffic, the Old Sambro Road is a main highway leading to a number of communities. The impact of this business on traffic levels on the road would be insignificant.

QUESTIONS FROM COUNCIL

None

SPEAKER IN FAVOUR

None

SPEAKER IN OPPOSITION

None

DECISION BY COUNCIL

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

"THAT THE APPLICATION TO REZONE THE PROPERTY OF MIKLOS AND JUDITH HUSZAR AT 1300 OLD SAMBRO ROAD IN HARRIETSFIELD FROM R-2 (TWO UNIT DWELLING) ZONE TO R-2A (HOME OCCUPATION) ZONE BE APPROVED BY MUNICIPAL COUNCIL".

MOTION CARRIED.

RE RA-LM-14-94-08 - APPLICATION TO REZONE THE PROPERTY OF SHAWNA AND SPENCER HALL AT 216 CRANE HILL ROAD IN LAKE MAJOR

The Staff Report was presented by Jim Donovan who advised that this was an application by the Municipality to rezone property owned by Shawna and Spencer Hall from RA (Residential) Zone to RS (Rural Settlement) Zone under the Lake Major Planning Strategy. The property in question was 1.2 acres in size with a residence and a 2000 sq. ft. building which was used by the Halls for an antique and used furniture shop.

Mr. Donovan stated that in 1992 permits were issued for the construction of the accessory building up to 2000 sq. ft. but the

way the By-law was written at the time, the zoning that was applied to the property allowed for only 750 sq. ft. of the building to be used for commercial purposes, although it allowed a building of unlimited size to be constructed. During the time that permits were being applied for by the Halls, the Plan Review process for the Lake Major area was being undertaken and nearing completion. One of the aims was to straighten out the difficulty with respect to the RS Zone. As a result, in the new By-law, buildings up to 2000 sq. ft. may be constructed and used entirely on a property zoned RS. He said, unfortunately with respect to this property, lands along the Crane Hill Road were downzoned from Rural Settlement to residential and that was because most of the properties along the road were used for residential purposes other than the Grandview Golf Course which was zoned Recreational Open Space.

Mr. Donovan stated that as a result of the rezoning and Plan Review, the Halls were back in the same boat again with respect to being only able to use 750 sq. ft. of their building. As there appeared to be extenuating circumstances regarding this application because the Halls had applied for permits and had anticipated that the zoning would be changed to allow them to have full use of the building, staff initiated the application on behalf of the Halls.

Mr. Donovan showed slides to illustrate.

Mr. Donovan stated that with regard to policy criteria for the application, the land along Crane Hill Road was physically separated from the remainder of the Lake Major community which was predominately designated and zoned residential. He said that by "physically separated" he meant that it was separated by the Little Salmon River and the hill. He said the resource designation was applied to the area under the original planning process and basically maintained through Plan Review. He said, however, that under the resource designation policies for that designation, pockets of residential development could be zoned for residential purposes under Policy 8 of the Residential section. He said that was how properties along Crane Hill Road came to be zoned residential through Plan Review.

Mr. Donovan advised that the designation did not specifically provide for individual rezonings to permit commercial developments, i.e. going back to the Rural Settlement zone which was a mixed use zone that applies to East Preston and North Preston communities. The only zone that would permit this building to be used extensively for commercial purposes was the Rural Settlement zone which was applied to it in 1982. Policy 13, however, of the Implementation Section of the Planning Strategy stated that non-conforming uses which were unlikely to become conforming under their present zoning status may be rezoned to permit an existing use provided that such uses do not interfere with adjacent uses. He said, in analyzing the application, the sole criteria in terms

of evaluation would be whether or not the present use of the property would interfere with the use of adjacent properties. He said the slides indicated that the existing use did not appear to pose any problems.

Mr. Donovan stated that the Halls were in the process of selling the property and the prospective purchaser would only purchase it on the stipulation that the accessory building could be used to its full potential of 2000 sq. ft. The purchaser was considering putting in a printing shop, which would not be out of character in terms of the properties.

Mr. Donovan stated that staff was recommending that the application be approved and that the property be rezoned to RS (Rural Settlement) from RA (Residential).

QUESTIONS FROM COUNCIL

Councillor Sutherland asked if there had been an oversight on the part of the Municipality.

Mr. Donovan replied that through Plan Review the zoning should have been maintained. A permit was issued but it did not get reflected in the mapping. A windshield survey of the road would not indicate that the property was commercial.

SPEAKER IN FAVOUR

None

SPEAKER IN OPPOSITION

None

DECISION BY COUNCIL

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

"THAT THE APPLICATION BY THE MUNICIPALITY TO REZONE PROPERTY OF SHAWNA AND SPENCER HALL AT 216 CRANE HILL ROAD IN LAKE MAJOR, FROM RA (RESIDENTIAL) ZONE TO RS (RURAL SETTLEMENT) ZONE IN ORDER TO PERMIT AN EXISTING COMMERCIAL BUILDING BE APPROVED BY MUNICIPAL COUNCIL".

MOTION CARRIED.

RE DA-8&9-11-93-08 - APPLICATION TO ENTER INTO A DEVELOPMENT AGREEMENT TO PERMIT A COMMERCIAL DEVELOPMENT ON THE LANDS OF PATRICIA KEEPING IN LAKE ECHO

The Staff Report was presented by Paul Morgan who advised that Mrs. Keeping's property was illustrated in the Staff Report dated July

4, 1994 on pages 3 and 4. The property is on the east side of Highway No. 7 in the community of Lake Echo, near the lake. He said Mrs. Keeping had applied for a Development Agreement to allow for an 18,100 sq. ft. shopping centre. He noted that the opening paragraph of the Staff Report dated July 4, 1994 was wrong in referring to a 17,200 sq. ft. shopping centre.

Mr. Morgan referred to the site plan on page 5 of the Staff Report and the location of the building and parking areas and some of the other things related to the development. He said there were architectural plans shown on page 6, which were reproductions of the larger plans that would form schedules to the Development Agreement. Mrs. Keeping, or a subsequent developer of the property, would be committed to these plans under the Agreement. He said that when he referred to someone else, he meant that Mrs. Keeping was the owner of the property now but did not intend to develop the shopping centre herself. It was her intention to sell the rights to the Agreement to a subsequent developer. He stated that if the Development Agreement was approved by Council tonight, it would be registered at the Registry of Deeds and would be binding not only on the current owner but any subsequent owner of the property, until discharged by Council.

Mr. Morgan stated there was considerable history to the project. Mrs. Keeping first got a building permit application for a one-storey building in 1987 and, at the time, these lands were governed by zoning By-law No. 24 and commercial development of any magnitude was permitted provided the standards regarding parking, setbacks, etc. were met. Mrs. Keeping obtained the building permit and in 1988 the building permit was amended to add a second storey. In fact, it is the building being requested today; the architectural plans are the same. At the time, all provincial approvals were obtained from Department of Health and Department of Transportation. He said, however, that the rules were changed with the adoption of the 1989 Municipal Planning Strategy and Land Use By-law and, under the new Land Use By-law the property was zoned Local Business Zone which only allowed for commercial buildings up to 2,000 sq. ft. Staff renewed the original building permit several times, as there were provisions under the Planning Act to do so, but in 1991 further renewal of the permit was denied.

Mr. Morgan stated that subsequent to this, Council approved the amendments to the Planning Strategy to allow for consideration of this project by Development Agreement. He said that Policy 65A, which allowed for consideration, were not in place at the time the initial Planning Strategy was adopted but an amendment was specifically made in consideration of Mrs. Keeping's proposal.

Mr. Morgan showed slides to illustrate.

Mr. Morgan said that with regard to the Policies in the Districts 8 & 9 Plan area, the applicant's property and land surrounding it

were within the Lake Echo Community Designation. Priority was given to a low density residential environment and there were provisions to allow for a local commercial zone and there was actually a general business zone which puts no restriction on floor area but the application of this zone was only allowed in the vicinity of Minesville Road and Highway 107. He said, with the amendment to the Planning Strategy in 1993, consideration could be given under Policy 65A by Development Agreement. Council was being asked to consider matters such as location, access, site design, signage, hours of operation - matters all addressed in the Staff Report.

Mr. Morgan said, in the opinion of staff, it was not an unreasonable location for a business of this magnitude. It did have frontage and direct access on a collector highway, as required by the Planning Strategy. There would be no traffic introduced to local subdivision roads. There would be erosion and sedimentation control plans to be provided. The most directly affected property would be the mobile home directly beside the property and, under the Agreement, the building was 48' from the property line and the developer would be required to install a 6' high solid board fence along the common side lot line. With regard to the residents to the rear on Faber Court, he said there was no reason to believe that they would be affected by the development as the building would be at a considerably lower elevation and all the trees in the rear would have to be left in place. The only place the trees could be cleared was to allow for the disposal system.

Mr. Morgan pointed out that following the July 4, 1994 Staff Report, there was a Memorandum dated July 25, 1994 outlining several minor changes to the Agreement and also a Memorandum dated August 22, 1994. He said staff recommended approval of the original agreement incorporating the amendments outlined in the two Memoranda.

QUESTIONS FROM COUNCIL

Councillor Hendsbee referred to the August 22, 1994 Memorandum and asked for clarification regarding the fact that Mrs. Keeping no longer owned the abutting property to the northeast. He asked if that property was zoned C-1.

Mr. Morgan replied yes.

Councillor Hendsbee asked who the present owner of the property was.

Mayor Ball asked if it really mattered in terms of entering into a Development Agreement.

Councillor Hendsbee stated that the owner of that property might be the potential buyer of the property in question tonight if the Development Agreement was approved.

Mayor Ball stated that regardless of who the owner was, whether it was one and the same, there would have to be an easement agreement.

Mr. Morgan stated that the only purpose of the grant of easement would be to protect the Municipality so that the easement will have to be provided before a Development permit was issued.

Councillor Hendsbee said he had a concern about runoff affecting the adjacent property down the road and further towards the river. He said runoff problems were presently being experienced and it was compounded in the winter by freezing. He said he would hate to see the drainage problems compounded and he said that the problem would have to be resolved to make sure the storm sewer system is adequate. He said he had suggested at Planning Advisory Committee, that the developer may want to look at the possibility of establishing a sidewalk in front of the properties to enhance pedestrian safety.

Councillor Rankin asked if the size of the building had changed.

Mr. Morgan replied that the size of the building had not changed since 1988 when the second storey addition was included. In terms of negotiating this Development Agreement, the only thing that had changed was the parking lot layout. Under the old plan, there was going to be less parking in front of the building and a driveway going in behind. Because of the steepness of the hill, it would be up on the second level. He said it was the feeling of staff and Department of Transportation that parking to the rear of the building was not going to be visible and might pose a hazard; therefore, the site plan was modified to have all parking in the front. This was an improvement.

Councillor Hendsbee referred to the proposed on-site sewage disposal system. He asked if a clause could be included in the Development Agreement that if there was a possibility that the developer could enter into an off-site option - across the street.

Mr. Morgan said staff had to be assured that there was going to be an adequate on-site sewage disposal system. Mrs. Keeping had already had a professional engineer prepare the plans and there had been several reports to Department of Health which were scrutinized and given approval. Staff felt it was adequate and he said, in his opinion, the applicant would be reluctant to put in a clause when it would be uncertain what the obligations and costs would be.

Councillor Hendsbee said this was another option and, if it was cost effective to the development, then why not.

Mr. Morgan asked if Councillor Hendsbee was referring to a central sewage treatment plant.

Councillor Hendsbee replied yes.

Mr. Morgan said if this came about, it was possible that Council could establish a servicing boundary and require everyone to hook up.

Mayor Ball said that if there were central services installed sometime in the future, he was sure that all participants involved would be glad to hook up because it alleviated on-site maintenance. He said to suggest this option could hold up something that might not take effect for ten years.

Councillor Giffin stated that at five different meetings of Planning Advisory Committee, it had been pointed out that the system proposed was developed by engineers with the Department of Health and was supposedly a system that was as safe as possible. He said the applicant should not be subjected to having to agree to go to some other sort of setup.

SPEAKER IN FAVOUR

Mr. Lorne Ryan stated he was a property owner in the Lake Echo area and had been interested in the project since the last review. At that time, on a volunteer basis, he had taken around a survey to over 800 houses in the Lake Echo area and the majority of people at that time were in favour. He said he was in favour of the idea. He said the area in question was essentially the business area of Lake Echo and basically this was an addition. He said he saw no reason why the project should be opposed. He said it would provide a gathering point for the bus now running in the area and would provide a place for people in the community to find work and many of the resources that they now have to travel to town for. He said, judging by the architectural drawings he had seen, it would enhance the property values in the area.

QUESTIONS FROM COUNCIL

None

SPEAKER IN FAVOUR

Mr. Tom Swanson stated he was President of Alderney Consultants and was present on behalf of Mrs. Keeping and her application.

Mr. Swanson provided a plan and explained what the developer was proposing with respect to green areas, landscaping, parking access, fencing, protection for the neighbours.

Mr. Swanson stated that under the agreement, a sewage disposal system would be installed meeting Department of Health standards. Any builder on the site would be prepared to enter into a regional solution as opposed to an on-site solution if the cost of doing so allowed the development to proceed as intended. He said a regional system would be more economical from a maintenance point of view.

Mr. Swanson said that with regard to the adjoining land, he did not have the name of the landowner but Mrs. Keeping would be managing the property for the landowner, who was an out-of-country owner, and had power of attorney which would permit her to provide an easement necessary to the Municipality in accordance with the terms of the draft agreement.

Mr. Swanson said that with reference to the storm water situation and existing problems which were alluded to, perhaps it was the responsibility of Department of Transportation but the Development Agreement did require that storm drainage from the site should be done in a manner acceptable to Department of Transportation. He said, although his client was not wishing to volunteer to make any commitments to upgrade existing systems, if Department of Transportation was looking at their responsibility at the same time this development was proceeding, he expected that something could be worked out with regard to any necessary upgrades for storm drainage. He said, in any event, Department of Transportation approval would be required for drainage plans prior to the Municipality issuing a building permit.

Mr. Swanson pointed out that when this property was originally proposed for development by Mrs. Keeping, she spent significant amounts of money for architectural plans and engineering and acquiring a lot on Faber Court to allow additional land in order to provide adequate space for an on-site sewage disposal system. He said, under the rules that were in affect at the time, she actually had an Agreement of Purchase and Sale and the issuance of the building permit; however, due to the recession she was unable to get it through until after the old permit had expired. Since that time, she has been attempting to obtain permission to proceed with the project. He said he felt that Mrs. Keeping had made a heavy financial committment and he believed that approval by Council of the Development Agreement would permit her to recover from the situation. He asked that Council bear this in mind when making a decision.

QUESTIONS FROM COUNCIL

Councillor Hendsbee asked for clarification regarding the distribution trench.

Mr. Swanson outlined the distribution trench shown on the plan he had provided. He said there would be a contour drain system.

Councillor Hendsbee asked if any runoff to the wells was anticipated.

Mr. Swanson advised no, the proposed location exceeded the recommended space in the on-site sewage disposal guidelines published by Department of Health. The detailed plans have been approved.

Councillor Hendsbee asked if the neighbouring wells and the well on the property would be monitored from time to time.

Mayor Ball interjected that Council was now moving into Department of Health jurisdiction and Council did not have any control over it. If there were problems down the road, then Board of Health would have to deal with it.

SPEAKER IN OPPOSITION

None

DECISION BY COUNCIL

Mayor Ball read into the record a letter dated August 17, 1994 from Don and Brenda King, R. R. #1, Porters Lake objecting to the proposed development.

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

"THAT THE MUNICIPALITY ENTER INTO THE DEVELOPMENT AGREEMENT ATTACHED TO THE STAFF REPORT DATED JULY 4, 1994 TO ALLOW FOR A COMMERCIAL DEVELOPMENT ON THE LANDS OF PATRICIA KEEPING IN LAKE ECHO AND THAT THE AMENDMENTS OUTLINED IN THE MEMORANDA DATED JULY 25, 1994 AND AUGUST 22, 1994 BE PART OF THAT DEVELOPMENT AGREEMENT".

MOTION CARRIED.

ADJOURNMENT

Meeting adjourned at 6:55 p.m.

PUBLIC HEARING

AUGUST 29, 1994

THOSE PRESENT: Mayor Ball, Chairman
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Mitchell
Councillor Deveaux
Deputy Mayor Bates
Councillor Hendsbee
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Merrigan
Councillor Brill
Councillor Snow
Councillor Giffin
Councillor Barnet
Councillor Boutilier
Councillor Harvey
Councillor Cooper

ALSO PRESENT: F. Crooks, Municipal Solicitor
K. Meech, Chief Administrative Officer
T. Tam, A/Director of Engineering & Works
Nancy Dempsey Crossman, Municipal Clerk
S. Shute, Recording Secretary

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CALL TO ORDER

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

File No. PA-CHW-04-94/PA-EP/CB-04-94/PA-LM-04-94/SB-04-94 -
Amendments With Respect to the Establishment of Water Service
Districts within Cole Harbour/Westphal; Eastern Passage/Cow Bay;
and North Preston, Lake Major, Lake Loon/Cherry Brook and East
Preston.

The Staff Report was presented by Paul Morgan who advised that the purpose was to establish Water Service Districts in the communities identified. The rationale for this exercise was very similar to that which Council previously approved for Water Service Districts in Planning Districts 15, 18, 19, 14, 17, Sackville and District 5. He said Water Service Districts would encompass lands beyond the established full service boundaries for central sewer where the Municipality was prepared to allow for extension of central water services. He said, on the other side of the harbour, problems were being experienced by allowing for uncontrolled or unplanned

extension of central water services without defining boundaries as to how far the Municipality was prepared to commit to extending services and it was difficult to plan the infrastructure - which includes the distribution systems, the pipe sizes, possibly water storage tanks or pumps needed to provide an adequate level of service to the consumer.

Mr. Morgan stated that for this exercise, the same rationale was used on lands within Cole Harbour, Eastern Passage and the Lake Major Plan area and staff, as requested by Planning Advisory Committee, went through the exercise of identifying potential lands that could be included within the Water Service District. He said the criteria was similar to the past exercise - looking for areas where there was an identified problem with regard to on-site water supplies. Lands were also identified to allow for enhancement of the distribution system through looping of pipes. The third criteria would be certain lands where developers had submitted subdivision plans and there was a commitment or understanding that they would receive central water services.

Mr. Morgan stated that the exercise was done in part with the Engineering Department in conjunction with staff from Porter Dillon. In the original Staff Report dated April 19, 1994, he advised there were a series of maps identifying lands which would be considered suitable and there were tables providing estimated peak and average demands in term of millions of Imperial gallons per day.

Mr. Morgan stated there was a slight difference on the Cole Harbour side of the harbour in that the Municipality did not have as much control over where the extensions would go. For Lake Major, Eastern Passage, Cole Harbour, water service extensions were actually under the control of Dartmouth Water Utility. The proposed amendments were forwarded to the City of Dartmouth for their approval. No response has been received. If approved, what this would represent would be this Municipality's commitment as to where it would be prepared to allow for services. He said it could be that where the Municipality has shown lands to be included within a Water Service District, the City of Dartmouth may, in the future, refuse to extend services. If that is the case, it would be necessary to deal with this as the situation arises.

Mr. Morgan said that to implement these intentions, it would require amendments both to the Planning Strategies and Subdivision By-law. There was text which would be included in the Planning Strategies which would explain the rationale for putting a Water Service District within the Plan area and there would be policies that would identify matters which Council would consider for any future requests for extensions. This would include identifying what would be priority areas and matters which Council would want to consider such as infrastructure requirements and the means of financing. He said the policies were very similar to the ones

previously adopted and the package of amendments was presented in the May 2, 1994 Staff Report. There were additional small changes - one in Appendix "C" with regard to amendments for the Lake Major Plan area. He also referred to page 10 of the Staff Report with regard to changes to the Generalized Future Land Use Map, which is the policy designation and said that, due to an oversight, that work has not been done and, therefore, Council would not be able to approve that this evening. He said it had not been put in the Notice of Public Hearing but would not affect the ability to put these lands within a Water Service District and would not change the zoning on the property and what the property owners would be allowed to do.

Mr. Morgan stated that with regard to the Subdivision By-law, Appendix "D" of the amendment package referred to adding a Schedule "O" to the Subdivision By-law which would present a consolidation of the Water Service District boundaries for all three present Plan areas. To try to do them all on one map proved too difficult to do. Instead, the Water Service District boundaries for Eastern Passage would be shown on the current map within the By-law which illustrates the full Service District boundaries.

QUESTIONS FROM COUNCIL

Councillor Cooper asked if the City of Dartmouth had ever refused distribution of water to the Municipality.

Mr. Morgan said he was not aware of any refusals to this point; there were suggestions at one point in time that this was going to happen but it did not.

Councillor Cooper asked if the City of Dartmouth was charged by the Utility Board to supply water on the eastern side of the harbour.

Mr. Morgan stated they were; however, he was not sure if that included anyone who applied for an extension.

Councillor Cooper clarified that the Staff Report outlined the areas which the Municipality considered to be paramount in providing water services.

Mr. Morgan advised that there were maps prepared for the April 19, 1994 report and there were some minor adjustments along the way through the Public Participation process and as a result of a review by Community Council and the Planning Advisory Committee. Those changes requested were reflected in the boundaries that would be going to Municipal Affairs, assuming approval tonight. He said the one exception was the request by Nova Scotia Home for Colored Children who had requested a fairly extensive area near Ross Road/Broom Road and those lands have not been included as per the direction of Planning Advisory Committee and Council.

Councillor Cooper asked if there was any indication that the water supply out of the watershed system of Dartmouth was inadequate.

Mr. Morgan advised that Mr. Brothers and Mr. Richardson were in attendance to assist with technical questions. He said he understood that the supply from Lake Major could be pumped at a rate of 12 million gallons a day and it was being upgraded to 16 million gallons a day in the near future. A full yield from the lake at full capacity would be around 25 million gallons per day. He said part of the problem with supply would depend on upgrading their transmission and treatment facilities in future to get the full capacity.

Councillor Hendsbee referred to the City of Dartmouth's future capacity and referred to a submission made by Mrs. Rosemary Eaton of Bissett Road regarding dryness of Little Salmon River. He asked if there was going to be any concern expressed regarding the tributary that runs off Lake Major through to Cole Harbour Basin. If they dam off the river, which is presently dammed, and allow very little water flow except through a fish ladder, he asked would there be any requirement for a minimal flow to the brook. He said, if the capacity was increased, would it limit the potential growth to the water service districts and would the regional concept need to be evaluated.

Mr. Morgan said he understood that the upgrade from 12 to 16 million gallons a day has already been approved. Presumably, any government agency or individual who wants to extract water from the lakes would have had to receive permit approval from Department of Environment. He said he did not know how much assessment was done on the downstream impacts in terms of a minimum flow but it would have to be presumed that this matter was looked after.

Councillor Cooper referred to Mrs. Eaton's submission and stated that the first section has been addressed regarding the supply. With regard to the second section regarding the broader planning issue relating to runoff environmental application and the theory that sewers would all follow the water service, he said it seems highly unlikely that sewers would be built for many years in the future but, if it did, this Municipality would ensure that there would be nothing other than tertiary treatment to ensure the quality of water going into Cole Harbour, realizing the problems that arose the last time it was suggested that sewage would go into Cole Harbour. He said he was sure that everybody in the community would be equally up in arms if anything was done to try to change the quality of the water going into it.

SPEAKERS IN FAVOUR

None

SPEAKERS IN OPPOSITION

None

DECISION BY COUNCIL

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

"THAT THE AMENDMENT ATTACHED TO THE STAFF REPORT DATED MAY 2, 1994 AS APPENDIX "A" WITH RESPECT TO THE ESTABLISHMENT OF WATER SERVICE DISTRICTS WITHIN COLE HARBOUR/WESTPHAL BE APPROVED BY MUNICIPAL COUNCIL TOGETHER WITH THE RECOMMENDATIONS CONTAINED IN THE MEMORANDUM DATED MAY 12, 1994 FROM ENGINEERING AND WORKS DEPARTMENT REGARDING WATER SERVICE DISTRICT AMENDMENTS".

MOTION CARRIED.

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

"THAT THE AMENDMENT ATTACHED TO THE STAFF REPORT DATED MAY 2, 1994 AS APPENDIX "B" WITH RESPECT TO THE ESTABLISHMENT OF WATER SERVICE DISTRICTS WITHIN EASTERN PASSAGE/COW BAY BE APPROVED BY MUNICIPAL COUNCIL".

MOTION CARRIED.

It was moved by Deputy Mayor Bates, seconded by Councillor Snow:

"THAT THE AMENDMENT ATTACHED TO THE STAFF REPORT DATED MAY 2, 1994 AS APPENDIX "C" WITH RESPECT TO THE ESTABLISHMENT OF WATER SERVICE DISTRICTS FOR NORTH PRESTON, LAKE MAJOR, LAKE LOON/CHERRY BROOK AND EAST PRESTON BE APPROVED BY MUNICIPAL COUNCIL".

MOTION CARRIED.

It was moved by Deputy Mayor Bates, seconded by Councillor Deveaux:

"THAT THE AMENDMENT ATTACHED TO THE STAFF REPORT DATED MAY 2, 1994 AS APPENDIX "D" BE APPROVED BY MUNICIPAL COUNCIL".

MOTION CARRIED.

File Nos. PA-SA-05-88/PA-FEN-06-88/SB-06-93 - Amendments to the Municipal Planning Strategies for Sackville and Planning Districts 15, 18 and 19 and the Subdivision By-law regarding Service Boundary Expansion - Woodbine Mobile Home Park and Beaverbank.

The Staff Report was presented by Paul Morgan who advised that the proposal was to establish full serviceable boundaries over Woodbine

Mobile Home Park, located on Beaverbank Road just north of the Sackville Plan area and also to include portions of the community of Beaverbank which are just north of the mobile home park and located on both sides of Beaverbank Road where water service problems have emerged with on site sewage disposal systems.

Mr. Morgan said that with regard to Woodbine Mobile Home Park, most Councillors were aware that the County has entered into an agreement with the owner of the park to allow for the extension of services. He said right now the park is serviced by a private sewage treatment plant which is malfunctioning badly and polluting the environment. A Ministerial Order was received by the owner to either construct a new plant or hook into the disposal system which eventually ends up being treated at Mill Cove. With regard to the agreement, he advised that the owner has cost shared in the trunk main which would be extended up the Beaverbank Road and would also be required, within the park, to construct a pumping system and holding tank to allow for pumping during off peak pumping times to minimize the impact on the treatment plant which tends to suffer right now from hydraulic overloading during wet weather conditions.

Mr. Morgan noted that as far as the mobile home park was concerned, some questions arose during the Public Participation review process with Planning Advisory Committee as to, if the amendments are approved, could the park expand by right. He said the answer was no under the existing policies as any expansion of the park would be by Development Agreement. Under policies currently in place, one of the criteria is the adequacy of the existing sewage treatment plant to accommodate the new development. Under the amendments before Council tonight, the criteria would be changed to conformity with the agreement which was entered into by the Municipality in which the total flow from the park was limited on a per day basis.

Mr. Morgan stated that with regard to the community of Beaverbank, the Staff Report dated May 2, 1994 showed the boundaries of the proposed full service boundary as well as water service district boundaries which have already been applied. He said the water service district boundaries encompass undeveloped lands which would extend beyond the full service boundaries. Full service boundaries encompass mostly existing development but there might be some opportunities for limited infill but there would not be a lot of potential for further development of full services.

Mr. Morgan referred to the amendment package which Council was being asked to approve tonight, which was presented in the Memorandum dated August 2, 1994 which incorporated amendments to the Planning Strategy. The amendments with regard to Districts 15, 18 and 19 referred to adoption of a new Beaverbank servicing boundary but it was found it was easier to use the existing water service district boundary which was on Map 7 and show both

boundaries on the same map. The amendments going to the Minister of Municipal Affairs would essentially adopt a new Map 7.

Mr. Morgan stated that with regard to the Sackville Municipal Planning Strategy, the extension of the service boundary along Beaverbank Road to the Plan area boundary has actually already been adopted under the revised Planning Strategy for Sackville. The only amendment needs would be through the Subdivision By-law.

QUESTIONS FROM COUNCIL

Councillor Harvey referred to expanding the service boundary to the larger Beaverbank community and asked if this assumed the capacity has been allocated to the enlarged boundary.

Mr. Morgan responded it assumed that the expansion of the treatment plant would take place.

Councillor Harvey said that could be taken as a given. He asked if the service boundary was extended, part of that capacity would automatically be allocated by this process tonight, should it be favourable.

Mr. Morgan said the commitment was to extend the service boundary into this community, as opposed to some other direction. It does not assume that this will happen overnight. In terms of capital budgeting, the cost would be around \$19 million and he did not know when the costs for the pipes to go out that far would be approved.

Councillor Harvey asked if the greater Beaverbank area had been included as one possible area for expansion in the report that is now over two years old.

Mr. Morgan replied yes.

Councillor Harvey clarified that if Council gave favourable consideration tonight, then that aspect of the report would be decided.

Mr. Morgan stated that the report Councillor Harvey referred to provided a number of options as more treatment capacity became available. The report made it clear that there were a number of areas that could potentially be included within the serviceable area. Even with the second phase expansion completed there was not going to be enough capacity to accommodate all the areas that could potentially be serviced. By approval tonight, some other area could possibly be excluded.

Councillor Harvey asked, in the first phase expansion of Mill Cove, was there sufficient capacity to include the wide Beaverbank area.

Mr. Morgan replied, according to the report, the additional capacity that would be gained through the first phase of expansion would roughly be enough to meet the demands of additional loading which would be placed on the treatment plant once the full serviced area became developed. In discussions with Engineering Department, he said he understood that what they felt would be appropriate, or what Council could consider, would be allowing for extensions to the boundary on the understanding that the second phase would be approved at some point in time, with the idea of full development within the existing serviceable boundary would not occur all at once.

Councillor Harvey asked if Mr. Morgan was suggesting that the wider Beaverbank area would be in the second phase of expansion.

Mr. Morgan replied that if the amendments were approved to include Beaverbank within the serviceable boundary tonight, when it got serviced would depend on when the money was available to extend the mains.

Mayor Ball stated that if the serviceable boundary was approved, the decision Council would have to make at some time, in whatever area, would be whether or not to allocate funds for that servicing.

Councillor Boutilier said that the original request, by Ministerial Order, was to fix the problems with Woodbine Mobile Home Park because of the significant environmental and health risks. He said it was also known that there were subdivisions beyond Woodbine Mobile Home Park with sewage disposal problems. He outlined the areas of Sackville that required servicing and said he was concerned that, if approved, the area in question tonight would become part of the Sackville serviceable boundary. The indication would then be that there would be a right to make a claim to any excess capacity for development. He said he was concerned with extending the serviceable boundary when the people within the present serviceable area have not been satisfied.

Councillor Boutilier asked what was the specific capacity with the expansion that was going to be allotted to Sackville.

Mr. Morgan said he understood that the capacity of the plant was 5 million Imperial gallons per day. With the first phase, the capacity would increase to 7.5 million and the second phase would increase to 10 million. He said, even with the second phase of expansion, there would not be enough capacity for all the potential areas which are candidates within the serviceable boundary. There would have to be choices made in the future and the report did identify Beaverbank as one of the potential areas. If Beaverbank is included tonight, the commitment would be made that it would be one of the future extensions.

Councillor Boutilier clarified that even with the expanded capacity there would not be enough to satisfy the needs of Sackville proper. According to the Staff Report recommendation being considered tonight, if approved, Council would add on to Beaverbank which would further complicate the situation.

Mr. Morgan said that the Staff Report indicated that even with the first phase of expansion, if all the commitments were met within the existing service boundary - all the undeveloped lands with estimated flows - the first phase would roughly cover them. To allow for any extensions to the service boundary, an assumption would be made that at some point in the future, the second phase of the expansion would be approved.

Mayor Ball said that in the case of Beaverbank, Council needed to make a decision as to whether or not, over the next 5-15 years, it would make a commitment of \$19 million to build an infrastructure in order to deal with the community. With regard to Sackville, part of the infrastructure was already in existence and it would be a matter of tapping into it. Right now there was no infrastructure in Beaverbank.

Councillor Merrigan said he understood from the initial Staff Report in December, 1992 that allocation for Beaverbank was for existing and future. Existing development was 220 acres and future development was 335 acres. He said Beaverbank was not trying to be greedy and had asked for only the existing development area and some slight infilling so that the major problems in the community could be solved. He asked for clarification.

Mr. Morgan said that would be the justification for inclusion.

Councillor Brill referred to the fact that there were 720 acres of parkland that Sackville wanted and if these 720 acres were not serviced, then that service could be transferred to Beaverbank.

Councillor Barnet asked, if Council decided to approve this enlarged boundary and a developer happened to come forward with an application that would be inside the enlarged boundary and the existing boundary does not have the capacity to treat as indicated, what would be the position of the Municipality.

Mr. Meech stated that it would be his conclusion that if there was not adequate capacity at the treatment plant, even though there were serviceable boundaries, the County still had the right to make an analysis. In the case of Beaverbank and a private developer, one of the things that would obviously be necessary would be that someone would have to be prepared to assume the cost of the main trunk line along Beaverbank Road.

Councillor Barnet asked if there was currently the capability to service the existing service boundaries without the enlargement.

Mr. Morgan replied no; the plant was very close to capacity despite the fact there is considerable undeveloped land within the existing serviceable boundary.

Councillor Barnet asked, on the first expansion, would there be the capacity to service the existing and Beaverbank as well.

Mr. Morgan replied that based on the best estimates of the engineers, if the existing serviceable boundary became fully developed, the total flow going down to the treatment plant would actually slightly exceed the capacity that it would have with the first phase of expansion.

Councillor Barnet asked if the 1992 Staff Report had been used as the basis for areas such as Fall River and Waverley to be considered for inclusion in the serviceable boundary and was that document used for the basis of this application.

Mr. Morgan said that the May 2, 1994 Staff Report regarding Beaverbank referred to the fact that it was identified as a potential candidate for the extension of the serviceable boundary. Staff was requested to bring it forward at this time.

Councillor Barnet said that a month or so ago there had been Public Participation held by Municipal Planning Advisory Committee on the expansion of the Sackville serviceable boundary to include the Woodbine area. He asked if it was a necessity to advertise a Public Participation Session, including all the amendments prior to coming to Municipal Council.

Mr. Crooks advised that the Planning Act provides that the required notice that was statutory was prescribed as the one required for the Public Hearing, which is taking place tonight. Otherwise, Council and Planning Advisory Committee were obliged simply to follow the procedure prescribed by a Public Participation Resolution. There was no statutory requirement with respect to the form of notice for a Public Participation Session.

Councillor Barnet asked what was the reason behind a Public Participation Session if it was not necessary.

Mr. Crooks responded that presumably the concept was that public input was obtained in formulating the proposal which is ultimately the final proposal advertised to the public and to be heard by Council. There were various means identified leading up to the formal Public Hearing which was statutorily required to be advertised for obtaining public comment and which allows for some provisions along the way as opposed to the process that takes place here before Council.

Councillor Merrigan said he was hearing concern from Sackville about putting a little bit of Beaverbank in and using some of the

capacity. He asked if the serviceable boundary put in Sackville 20-25 years ago required expansion of Mill Cove to look after that area.

Mr. Ted Tam, Assistant Director of Engineering & Works, replied that was correct.

SPEAKERS IN FAVOUR

Mr. Allan Smith, 35 Frederick Lane, Beaverbank said he has been living in the Beaverbank community for eight years. When he bought his house, he was told the water was great and the sewer stayed underground. He said he found out very shortly that wasn't so and, with a little bit of inspection of the geological maps of the area and a well drilling report, he found out that the entire area was clay. Clay was practically impervious to water and water did not percolate through it very nicely. It did not make very good soil for septic fields and it was not very good for wells. He said he had had a lot of trouble and had to replace his septic field. He said the UMA Engineering report identified that the lot sizes for the age of his lot were not large enough to even consider repairing a septic field yet it was still necessary to repair them. He said he might repair his this year and in five to ten years it might have to be repaired again and that was because water was laying on top of the clay. He said he had seen his neighbours be embarrassed when yellow dye came leaking out onto their lawn. He said this condition should not be allowed to continue. He said that the representatives from Sackville were interested in future development but sometimes you have to look at the people in the existing areas and help them out first. He said, although it had not been identified in any reports, the water in his area was also a concern. The wells ran dry in the summer time. The drilled wells also have bad water or they run dry as well. He said he was currently running a cistern system as his drilled well had failed and his surface well did not supply enough water because it was in clay. He said, as nice an area as it was, housing prices were depressed and if you bought a house in the area at the wrong time, you could not sell it because you would lose too much money. He said he was in favour of extending the serviceable boundary for future development.

QUESTIONS FROM COUNCIL

None

SPEAKER IN FAVOUR

Mr. David Barrett, 2 Maplewood Court, Beaverbank stated he had been a proud citizen of the greater Sackville area all his life. He said that on a personal note, this would raise the taxes of the Barrett Lumber Company but there were a lot of neighbours with problems. The basic problem was that Councils back in the 1970's

approved 15,000 sq. ft. lots in clay soil and they cannot handle the on-site sewer and water. He said the problem was a serious one. He said everybody paid taxes on the general rate for Mill Cove. He pointed out that Council should bear in mind that no one wanted to divide Beaverbank and Sackville. It was a great community and there was a great school system. He recommended very strongly, because there was a serious problem in Beaverbank, that Council vote in favour of sewer and water for Beaverbank.

QUESTIONS FROM COUNCIL

None

SPEAKER IN FAVOUR

Mr. Robin Barrett, 20 Maplewood Court, Beaverbank said he was under the impression that the situation, over the past 20-25 years, has been that the serviceable boundary has exceeded the capacity. He asked if that was correct.

Mayor Ball replied that it was. He said that the Mill Cove Treatment Plant was at 95% capacity. The expansion would add to the current capacity.

Mr. Barrett said he understood that with regard to Beaverbank, it was intended to deal with emergency situations first and then possible expansion as the money became available. As to who would get the expansion, it would be up to Council to decide as there would have to be money forthcoming from the County.

Mayor Ball said that regardless of any decision made tonight, there has been no money allocated for any servicing to this point.

Mr. Barrett asked, out of the capacity projected for the total area proposed for Beaverbank, what would be the current percentage of capacity for Beaverbank.

Mr. Ted Tam responded it depended on how much you wanted to base the percentage on.

Mr. Barrett said that considering it would have to come back to Council for future expansion, the decision today would just put Beaverbank in the service boundary so it would be on the same footing that a substantial portion of Sackville already was. This was not asking for any special treatment but just to be able to address some of the major problems in the area.

Councillor Boutilier asked what was the percentage of the tax dollars that would go to fund the expansion of Mill Cove with respect to the general rate and the environmental rate.

Mr. Meech advised he did not have the figures before him in terms of the actual allocation. The County had been cost sharing these capital projects on the basis of 60:40 or 70:30 of which the larger proportion came out of the general rate. Whatever debt charges still outstanding for capital expenditures would be charged back as part of the surcharge on water bills. One thing that would be in need of examination would be the whole issue of whether or not the undeveloped lands were paying an equitable contribution for the future capacity.

QUESTIONS FROM COUNCIL

Councillor Barnet asked if Mr. Barrett presently resided within the proposed serviceable boundary.

Mr. Barrett said where he lived would not be included in the sewer and may or may not be included in the water service.

SPEAKER IN FAVOUR

Ms. Francene Stone, 390 Beaverbank Road referred to the present problems with the City of Dartmouth's water. She said most of the people in her area did not have to worry about the coliforms because they did not have any water. She said water was needed the most; sewer could wait until Mill Cove could handle it.

QUESTIONS FROM COUNCIL

Councillor Barnet said, as a point of clarification, that the water servicing boundary was already dealt with.

SPEAKER IN FAVOUR

Mr. Delphis Roy, 490 Beaverbank Road said he had lived in the Beaverbank area for approximately 38 years. He said when he first moved there, they had lots of water but the supply decreased as new subdivisions developed. He said two years ago they had run out of water on occasion. He said he was in favour of the water and sewer. He said he wanted to reassure the residents of Sackville that they were very good neighbours. He bought most of the things he needed in Sackville and participated in community endeavours. He said, however, that Beaverbank needed the support of the Sackville Councillors at this time.

QUESTIONS FROM COUNCIL

None

SPEAKER IN FAVOUR

Mr. Paul Doucette, 234 Tucker Lake Road said he had been a resident of Beaverbank for the last eight months and previously had lived in

Sackville. He said in the eight months he had been in Beaverbank, he came to realize how severe the water and sewer problem really was. He said he was in support of extending the water and sewer to Beaverbank.

QUESTIONS FROM COUNCIL

None

SPEAKER IN OPPOSITION

None

DECISION BY COUNCIL

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

"THAT APPENDIX "A" AS ATTACHED TO THE MEMORANDUM DATED AUGUST 2, 1994 BE APPROVED BY MUNICIPAL COUNCIL".

Councillor Merrigan said he understood it was quite clear from Mr. Meech's comments of April 19, 1994 that with expansion of Mill Cove, the greater community of Beaverbank serviceable boundary could be developed. He said he wanted to make it clear that the residents of Beaverbank had talked long and hard at public meetings and it had been indicated at those meetings that the residents did not want him to jump all over Sackville and try to create problems. He said in April he had asked Council to support the areas in which there were problems. He said there was very little land available within the present serviceable boundary applied for tonight that would allow for any major development within the community of Beaverbank. Sackville, therefore, could be assured that Beaverbank was not trying to take their capacity. He asked that Council appreciate the fact that there is a major problem in the community but they were not asking that the problem be fixed tomorrow but were asking to find a way to solve the problems. He said the people of Beaverbank needed Council's help.

Councillor Barnet asked if Appendix "A" only referred to the expansion that included Woodbine.

Mr. Morgan advised this was an amendment to the Municipal Planning Strategy for Sackville to include text explaining why the servicing boundary was going up to the plan area periphery. He noted that in the case of (a) and (b), it talked about amending the Servicing Boundary which was redundant as it had already been done through Plan Review.

Mayor Ball said that Appendix "A" not only amended the Planning Strategy for Sackville with regard to Woodbine but the expansion to the greater Beaverbank community.

Councillor Barnet stated that, in that event, he would have to speak against the motion. He said he understood the problems and the fact that he was not supporting the motion was not that he did not understand the needs of the people of Beaverbank. He said a substantial amount of his District was within the current serviceable boundary but not serviced by sewer and water. He said he understood the needs of the people of Beaverbank because he heard the concerns of the people in his own District. He said, however, that the capacity was not there to expand the services to the area inside the boundary today to service the people of his District. He said he agreed that somebody had set up the serviceable boundary for Sackville 20-30 years ago that was larger than the existing Mill Cove Treatment Plant could handle. He questioned why anyone would do that knowing they would not have the ability to achieve these goals. He said he was concerned that if another area was created with no way to get to it, it would mean having to increase taxes to try to achieve the servicing. He said he could support the motion if there was the expansion available to facilitate the capacity.

Councillor Barnet referred to a motion put forth to Municipal Council in 1992, which was moved by Councillor Merrigan and seconded by Councillor Fralick that pursuant to increasing the capacity of the Mill Cove Sewage Treatment Plant to 9,000,000 gallons per day, that the areas shown on map 1, 2, 3, 4 and 5 for inclusion within the expanded service boundary for Sackville. He said it was further recommended that the report be referred to Sackville Community Council with the District 15 Councillor invited to participate. He said, to his knowledge, there had never been any participation and he did not know why. He said the most important thing was that there was a motion of Council indicating these expansions and this capacity be allocated when the Sewage Treatment Plant went to 9,000,000 gallons.

Councillor Harvey referred to the December 15, 1992 report and advised that a meeting had been held on that report and Councillor Merrigan had been in attendance. He said that report had been referred by Municipal Council and had been tabled ever since pending the outcome of a couple of variables, one being the decision for going ahead with the expansion for Mill Cove. He said there was a Table 3 referring to 3(a) and 3(b) and he assumed those were the areas related to this motion - being Woodbine Mobile Home Park and Beaverbank.

Councillor Harvey stated that the intention of Council in early 1993 and the decision of Council was to deal with all the options at one time once some of the variables had been determined and confirmed. He said Community Council, earlier this month, directed staff to revise and update the December, 1992 report in view of the changes which had taken place. He said, for one thing, the 1992 report assumed a first phase expansion to 7,000,000 gallons but it was actually going to 7,500,000 gallons; therefore, there was a

little room to manoeuvre. Also, since that time, there was more information available with regard to what would happen with the Second Lake lands. He said he expected that about half of the acreage would be parkland and, therefore, not require inclusion for capacity.

Councillor Harvey said the 1992 Report, Table 3 included the recommended areas, which included 3(a) and 3(b) and, for the health reasons stated, he was favourably disposed to give that serious consideration when the time came to include it in the expanded service boundary. He said, however, that he did not believe tonight was that time. A commitment was made a year and half ago to all interested parties with the various options to move ahead at the same time to decide where the expansion of the serviceable boundary would be. Should the motions be passed tonight, Council would be selecting one of these options and making that decision ahead of the others. He said, for that reason, he had difficulty in supporting the motion. Sackville Community Council was committed to dealing with all the options at one time when the revised report was received.

Councillor Giffin said he was supporting the motion as he did not think the motion would encumber \$19 million. He said that the federal infrastructure program that was just approved dealt with jobs of this nature that were big jobs. If the Mill Cove expansion had not been on the books, the money would never had been obtained. He said if the infrastructure program went as well as they thought it was going to, there may be more money available. He said that the Beaverbank residents were concerned with existing problems.

Deputy Mayor Bates said he would be supporting the motion. It was his understanding that there was 4% of the total required to solve a major problem. He said there had been expansions of water in Cole Harbour/Westphal and they had always been fortunate in having the City of Dartmouth approve them and he looked at this as something similar of setting up the support service to be in a position at some point in time to be able to deliver the service. He said he could not see there was anything major being done in terms of taking away from someone else when talking about a 4% capacity.

Councillor Cooper stated he had listened over the years to the on-going discussion between the communities of Sackville and Beaverbank. He said the Municipality has strived to meet the needs of the residents, no matter what area. He said he would be supporting the motion as it would be an impetus to bring before Council the funding which would be necessary to ensure the extension of the treatment plant in Bedford.

Councillor Harvey stated that 3(a) and 3(b) were part of the report referred to Sackville Community Council for recommendation in 1992. Tonight Council was taking a piece of that report and making a

decision on it without the recommendation from Sackville Community Council. He said he had some concerns with that procedure and, when it came time to deal with the report, it would be in a different form if this motion passes.

Councillor Boutilier said that the residents of Beaverbank, if the motion was carried tonight, had to realize that there was nothing going to happen in the next few years. All it would do would be to put it in the serviceable boundary and he did not know if all residents were aware of this. He acknowledged that Woodbine would benefit but the other areas would probably continue for some time with the problems they now have.

Councillor Boutilier asked what was the best estimate of a time frame for the areas along Beaverbank Road.

Mr. Meech advised it would require a commitment by Council that it was prepared to allocate the financial resources to go ahead with the project which obviously may be conditional on the availability of funding from other levels of government or if the taxpayers were willing to pay a larger share of the cost. He said he did not have a specific answer with regard to a time frame.

Councillor Deveaux said he was going to support the motion but asked if Council, at some future time, would have to make a decision on what sewer projects would be approved. He said he had indicated to the people of Sackville the night of the Public Participation meeting that even though the expansion of the serviceable boundary was approved, it could be 5-15 years before the services would actually be expanded. Based on that, he said he saw nothing wrong with expanding the serviceable area as requested.

Councillor Brill said he knew what Sackville's position was but, on the other hand, he felt it was Council's prerogative to make the move tonight.

Mayor Ball responded that Council ultimately had the final decision on amending a Plan area. Sackville Community Council could make a recommendation.

Councillor Merrigan said he could appreciate the problem with allocation that Sackville had but he said he recalled being told by Council over and over that if you did not have a serviceable boundary there was nothing that could be done. Tonight was the first step.

Mayor Ball called for the question on the motion.

MOTION CARRIED.

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

"THAT APPENDIX "B" AS ATTACHED TO THE MEMORANDUM DATED AUGUST 2, 1994 BE APPROVED BY MUNICIPAL COUNCIL".

MOTION CARRIED.

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

"THAT APPENDIX "C" AS ATTACHED TO THE MEMORANDUM DATED AUGUST 2, 1994 BE APPROVED BY MUNICIPAL COUNCIL".

MOTION CARRIED.

ADJOURNMENT

Meeting adjourned at 7:45 p.m.